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HOUSE OF REPRESENTATIVES—*Thursday, September 8, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 8, 2005.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Fifteen years ago today, the world took notice and celebrated the reunification of Germany. This marked the end of coldness in Europe and a re-creation of relationships that have continued to flourish.

Lord of history and God of creation, strengthen in each nation of the world and in each person healthy, honest, and lasting relationships.

Certain moments in life exhort us to be more connected to others. The memory of 9/11 and now the enormous challenge facing us as a result of Hurricane Katrina stir within us all the importance of living beyond self and being connected to others.

Send Your sustaining and creative spirit upon this Chamber and the Nation. Lord God, may we find strength by reaching out to the weak, find blessing by opening our hands and our arms to the helpless, and find fulfillment by connecting ourselves to others. Help us, O Lord, to find allies who will fill the vacuum of evil.

This we ask now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 881

Mr. PITTS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 881.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches on each side.

STOP POINTING FINGERS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, soon after the country became aware of the devastation that Katrina caused on the Gulf Coast, the personal attacks on our Nation's leaders began. We have heard constant criticism of the Federal Government for the past week, and we need to get past pointing fingers.

The fact of the matter is that progress is being made. We know that. More than 45,000 lives have been saved, including over 23,000 saved by the U.S. Coast Guard alone. Over 273,000 citizens have been evacuated. Nearly 600 shelters have been established, housing 182,000 people, and more than 71,000 personnel are on the ground who have helped deliver more than 11 million meals and 18 million liters of water.

We are making progress, but the task is not over. Water is being pumped out of the city, and the evacuation of New Orleans is almost complete. Our personnel are working 20-hour days to ensure that every person is safe and sound.

The bottom line, Mr. Speaker, is that while some people choose to point fingers, America is doing what it does best: coming together for one another and helping each other during times of disaster.

EMPLOYING PEOPLE WHO WERE DISPLACED BY HURRICANE KATRINA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, for the people of the Gulf Coast region who were stricken by Hurricane Katrina, there is less to the emergency supplemental than meets the eye. I mean that exactly zero dollars of the $50 billion Congress will send today for emergency relief and temporary construction will be used for employing people displaced by Hurricane Katrina. However, the administration is not withholding anything from Halliburton. Halliburton received a no-bid contract immediately after the hurricane. Yet the CBO estimates 400,000 people were made unemployed by the hurricane with no hope in sight of regaining their former jobs because their workplaces were destroyed.

For the region, the economic devastation is on par with the effects of the Great Depression. At that time President Roosevelt asked for a National Industrial Recovery Act with which the government put millions of people back to work rebuilding the country's infrastructure. That is what the hurricane-demolished region needs today. The people of the region who have lost their livelihoods should be given a preference in hiring for the Federal dollars

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spent, and the Federal dollars should be conditioned on local hiring targets.

But this is not a New Deal administration. Instead of leveraging Federal tax money to put people back to work, this administration is content to send Halliburton billions of dollars in no-bid contracts.

SALUTING THE NATIONAL GUARD

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, I rise today to thank and salute those members of the National Guard for the tremendous efforts they put forth in Hurricane Katrina relief efforts. They have tirelessly devoted their time and energy working around the clock to support neighbors. Americans who have been affected by this unfortunate devastating event.

Altogether, there are over 45,000 National Guard personnel on the ground or aboard ships supporting the massive relief efforts that continue to take place. Members of the National Guard have provided widespread search and rescue, evacuation, medical support. They braved the dangers of flood waters and have been faced with unimaginable situations to evacuate over 50,000 people and rescue 11,000 from hotels, rooftops, and floating debris.

I want to specifically commend and thank the 155 members of the 8th Brigade of the Texas National Guard. Under the command of Colonel Donald Petrash, the 8th Brigade is stationed at 12 different shelters helping evacuees from Louisiana in southeast Texas.

Mr. Speaker, the National Guard and Reservists are vital to our communities especially during these times. This is just another reminder that we must never forget about our citizen soldiers.

THE RESPONSIBILITY OF CONGRESS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, today Congress will vote to borrow $51.8 billion as a down payment on the relief, rescue and recovery effort, a sum which could reach $200 billion.

It is the responsibility of this Congress to oversee the administration's disbursement of these funds and to make certain it goes to the victims and appropriate expenditures and not disaster profiteering. Likewise, Congress must safeguard against opportunists, some even in our own ranks, who would use the disaster for their own petty political ends.

In fact, in light of the huge costs, the big run-up in the deficit that we are about to see, some on the other side of the aisle are suggesting this makes the case for tax cuts for the wealthiest investors in America, those who earn more than $300,000, have estates worth more than $6 million. They say that those tax cuts will provide economic stimulus that will trickle down on the people of New Orleans and Mississippi.

They have been trickled on more than they can stand. We need an appropriate, compassionate, and cost-effective recovery effort, not more tax breaks for the most privileged among us who were not affected.

HURRICANE KATRINA

(Mr. FOLEY of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I would like us all to tone down the rhetoric and start thinking of the victims. I watched Cokie Roberts yesterday, a proud Democrat, from one of the legendary Democratic families of this Nation, on Fox News, not casting aspersions, not seeking to blame anybody. She had personal tragedy in that they had lost their homes. But she was calm and considerate and thoughtful and reasonable, asking us to come together as a Nation to help the victims of this hurricane.

We have other leaders going on TV calling the President dangerous. After 9/11, we joined hands and prayed. We were considerate, courteous, and, most important, we were Americans. We had four hurricanes in Florida, so I know what it is like to be damaged by a storm.

What is worse after this event is the damaging words of our colleagues disparaging the institution, disparaging the President, and bringing shame on this House. Our victims and our families deserve better.

AN ADMINISTRATION IN DENIAL

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, since Hurricane Katrina struck the Gulf Coast, the Nation has gotten used to hearing an administration in denial. Two nights ago, Congress got a firsthand view when six Cabinet members came before the House of Representatives and described a picture-perfect Federal response to Katrina. But as Americans have watched the tragedy unfold on their television screens, they learned to differentiate rhetoric from reality. The sad, yet unmistakable, truth is that the Federal Government failed the people of the Gulf Coast, both in the years before the hurricane and in the days after it. The American people get it; but, unfortunately the administration does not.

This is not a time for finger-pointing or political posturing. Neither is it a time to stick our heads in the sand and pretend that the government has performed admirably. It has not, and the administration should stop pretending otherwise.

The stakes are too high to continue heading along this road without asking how we got there. The President needs to explain to the American people why we can trust this same team to adequately deal with the crisis that continues to face millions and cost billions. Congress needs to establish an independent commission to ensure that the American people learn the truth. We simply cannot afford any more mistakes.

FUNDING TO REBUILD AFTER HURRICANE KATRINA

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Katrina breaks my heart. When I consider its tragic aftermath, the ancient parable comes to mind: "And the rains descended and the flood came and the winds blew and beat against the house and it fell with a great crash."

For most American families, when a tree falls on your house, you tend to the wounded, rebuild, and then figure out how you are going to pay for it. Later today Congress will continue funding the work of relief and recovery for Hurricane Katrina, and well we should, by speeding more than $50 billion to FEMA and other agencies.

But as we tend to the wounded, as we begin to rebuild, let us also do what every other American family would do in like circumstances and expects this Congress to do: let us figure out how we are going to pay for it.

Congress must ensure that a catastrophe of nature does not become a catastrophe of debt for our children and grandchildren.

HURRICANE KATRINA

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, last weekend I went to the floor of the Astrodome to work with some of the evacuees. I have never been so inspired by people of courage and grace and great dignity.

On the way home on the flight from Houston to DC, there were 10 evacuees headed for Florida. In the middle of the flight, a young man took out a razor blade and slashed his wrists in a suicide attempt.

The pilot made the appropriate judgment. There were two MTs on board. They saved his life. Actually, it probably was not life threatening. We diverted to Nashville. We made a flight change in response to a problem.

Now this administration has to make a change in the flight plan about who and how FEMA is being run. It is a disaster in itself. We need a flight change, and this is not a matter of accountability. There are more hurricanes on the way.

FEMA's job in this disaster is not done. We do not have confidence in the people and the organization in the FEMA cockpit. It could crash again. This President needs to change FEMA, and we should be doing it in this debate today.

□ 1015

VENEZUELA GASOLINE SHIPMENTS

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, I have been and continue to be gravely concerned with Venezuela President Hugo Chavez's march against freedom. But I appreciate that Hugo Chavez acted appropriately in a time of crisis when he recently offered to provide the U.S. Government with a supply of needed oil and gasoline in the wake of the devastation caused by Hurricane Katrina.

This morning's Washington Post includes a story which outlines that Chavez plans to ship 1 million barrels of gasoline in addition to its scheduled shipment of 1.2 million barrels to the United States in the coming month. While this may help alleviate consumers' concerns at the pump, we must all recognize that when we purchase Hugo Chavez's gasoline, we will be lining the pockets of a staunch enemy of freedom.

The United States welcomes efforts to help stem our temporary gasoline and oil shortage, but Hugo Chavez must understand that we will not yield an inch in our demand for freedom in Venezuela and around the world.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That it shall be in order at any time on the legislative day of Thursday, September 8, 2005, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 426 provides that suspensions will be in order at any time on the legislative day of Thursday, September 8, 2005. This resolution will allow the House to consider and debate legislation to address the needs of the hurricane-ravaged areas of the Gulf Coast in our country, such as increased borrowing authority for the National Flood Insurance program, the Student Grant Hurricane and Disaster Relief Act, the Temporary Assistance for Needy Families Emergency Response and Recovery Act, and a supplemental emergency appropriations bill.

Mr. Speaker, my community in South Florida was very fortunate that we did not have to bear the full brunt of this latest hurricane, Hurricane Katrina. Over a million of us in South Florida lost electricity. Many homes and businesses were flooded and some structural damage was caused to homes and businesses, but we did not bear the full brunt, the full fury of this latest hurricane, Katrina.

We in South Florida were very fortunate as well to receive generous aid from fellow Americans in the wake of Hurricane Andrew in 1992. As a Hurricane Andrew survivor, I have an idea of the trials and tribulations that face hurricane survivors. I am also very much aware that assistance from the Federal Government is essential for a comprehensive and robust recovery effort.

With that said, I wish to make clear to our friends in the Gulf Coast that we will continue to mobilize nationwide in response to this tragedy, we will remain steadfast in our commitment to the recovery effort, and we will not walk away from our obligations to our fellow Americans. Just as we did after Hurricane Andrew, Mr. Speaker, together it is that we will rebuild and together it is that we will recover.

In response to this terrible disaster, the majority leadership of this House has set out a plan to continue helping the victims of this terrible catastrophe. Last week, the House of Representatives passed emergency funding totaling $10.5 billion to provide urgently needed relief to the victims of Hurricane Katrina. Congress needs to do more for the victims of this catastrophe, and we will. We will consider, I am certain, other supplemental bills, and they will provide additional billions for recovery and rebuilding efforts in the Gulf Coast.

The American people have demonstrated their resiliency before and will do so again. We will continue to work to comfort those who suffer. Rescue workers are at this moment lined up across this great Nation to support the recovery effort that is under way, and volunteers from every corner of America are ready to support those efforts. Our prayers continue to go out to the victims, to their families and to all the valiant rescue workers. The spirit of community, of generosity and good will across the country gives me confidence that Louisiana, Mississippi and Alabama will recover from this tragedy, and they will be better than ever before.

House Resolution 426, Mr. Speaker, is a necessary rule for our efforts to assist the victims of Hurricane Katrina. I would like to say a special word of thanks to the Speaker, to the majority leader, to the chairman of the Appropriations Committee and to the minority leadership for their swift action on this issue as was begun to be demonstrated last week. I urge my colleagues, Mr. Speaker, to support both the rule and support the emergency legislation that is authorized under this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the vitally important bill before us today will help to begin the process of rebuilding one of our Nation's greatest regions and the lives of the people within it. It comes to us in the wake of what was last week nothing short of a catastrophic failure of responsible and competent governance. And not surprisingly, the way in which we are going about passing this bill is itself a tremendous failure, the most recent in a seemingly endless line.

It is a failure, Mr. Speaker, because almost no time has been provided for discussion of this bill and because no amendments have been permitted to be introduced. This body is about to spend more than $50 billion and all the minority wants is to spend it wisely. All we want is to give the Members a chance to know where the appropriations are going and to actually give Representatives from the affected States a chance to make suggestions to the legislation before it becomes law. We want to ensure that that this body will address as quickly as possible the tremendous errors which have been made by our Federal Government in its response to Hurricane Katrina.

Last night in the Rules Committee we implored the majority to allow even a mere 2 hours of debate and to allow Members to offer amendments which would make this a better, more effective bill. Their response? Sorry, America, we don't have time for that. We don't have time? After 5 weeks of recess in the Chamber, 40 minutes is all the time the United States Congress has to give? It took our government 5 days to even respond to the crisis, and we cannot give more than 40 minutes here today to craft a bill that will provide relief and help rebuild an entire region of our country? We tried to break through, but they simply would not hear us.

They would not hear us because they do not want to be challenged or blamed or to deal with alternative solutions. It simply wants us to accept its leadership, once again quietly and without comment. But what the American people want is reform. They want change. They want us to work hard here in the House and try to fix this mess. And so we will not keep quiet because our Nation is demanding that we speak out.

This government failed the people of Louisiana and Mississippi and Alabama. This government, one so willing to tell other nations and peoples how they should live their lives and organize their states, has revealed itself to be unable to save the lives of its own citizens and to protect its own States when they are in need. Indeed, that neglect has cost lives. It was unable to meet its most basic responsibility and the ultimate reason for its very existence, the defense of life within its own borders.

It is obvious that the current administration and departments in its care did not have a plan sufficient to handle the kind of crisis they were confronted with. Disturbingly, however, they were armed with a plan to shift blame away from themselves. And so a few days ago, Homeland Security Director Michael Chertoff tried to blame local government officials for what had happened. Such an argument is embarrassing and shameful because this Federal Government has not been adequately supporting those State and local officials in the years that led up to last week, and it did not give them what they needed after the hurricane struck. Instead, it neglected them and then kicked them when they were down.

This kind of situation is exactly why FEMA exists. That is why it is called Federal emergency management. That is exactly why it was part of the Homeland Security Department. The $90 billion that has been spent on the Homeland Security agency has left us more vulnerable than ever. If there is an American that feels safer after the expenditure of that $90 billion, I would like to meet them. Do they feel safer? Absolutely not.

There was a tremendous outpouring of help coming from locations around America and the world during the first days of this crisis, but FEMA and Homeland Security were unable to use it constructively. One thousand firefighters sent from Utah and nearby areas were asked to do community relations work, handing out leaflets, instead of putting out blazes and rescuing children. Aid and rescue technology offered by more than 90 countries has often been unable to penetrate FEMA's bureaucracy and has yet to be used. Wal-Mart sent three trailer trucks of water to New Orleans early last week but were turned back by FEMA officials. They said they did not need it. To people who had no water.

FEMA would not let a nearby Coast Guard ship distribute 1,000 gallons of fuel to people on land. And while that particular ship was able to take on patients and treat them and give them medical care, they were awaiting the orders that never came. FEMA cut the emergency communication lines that authorities in Jefferson Parish were using, for who knows what reason. The president of Jefferson Parish had the sheriff's department replace those lines and put them under armed guards to protect them from? FEMA.

Mr. Speaker, this is just the tip of the iceberg. The tales of failure go on and on and on. Failure before Katrina, failure during Katrina and failure after Katrina.

Ours is a government which has spent much of the last 4 years focused on national security. Ours is government which has spent tens of billions of dollars theoretically preparing our country for impending disasters. Ours is a government which has justified its hold on power by warning us that only this administration's leaders could keep America safe. But the administration was not up to the task. Nor was FEMA. Nor was the Department of Homeland Security. Our government failed. Until every aspect of our emergency response system is analyzed and reevaluated, this government will have a hard time finding its credibility in the debris.

I suggest that we should start trying to regain that credibility right here, today. This administration and this Congress and the agencies of this Federal bureaucracy concerned with emergencies like Katrina have a great debt to pay back to the American people. This Congress owes them more than a mere 40 minutes of consideration of the Nation's response to what is quickly becoming the worst national disaster in American history. We owe them more than to silence the voice of the American people on this floor. We owe America more than to intentionally prevent this body from crafting the very best hurricane recovery legislation that it can by refusing to allow any amendments to even be considered and by shutting out almost half of this House from any consideration of this bill.

☐ 1030

And because this leadership does not want to lose a vote or have their ideas challenged or suffer the indignity of disagreement in the people's House, we will not be able to do a thorough discussion today. It is the very mentality, the arrogance of this government, its unwillingness to allow accountability to be brought into the process which they have reduced to a game. They call it the blame game. It is not a game, Mr. Speaker; it is a tragedy. We cannot afford to go on like this, not even for one more day.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud to be bringing forth to the floor today a rule that will permit the consideration of various pieces of legislation to continue to provide very needed assistance to those who are suffering as we speak.

As I mentioned before in my prior remarks, Mr. Speaker, there are four pieces of legislation that this rule that we will be voting on this morning authorizes consideration of: the national flood insurance program, assistance for that program; the Student Grant Hurricane and Disaster Relief Act, assistance for that program; the Temporary Assistance For Needy Families Emergency Response and Recovery Act, assistance for that program; and an emergency supplemental. Those four pieces of legislation, the rule that we are debating on at this time, are authorized to be debated by this House.

I wish to commend the two Senators from the State of Louisiana who, I was just able to read some of their joint statements, I think are demonstrating great responsibility in a spirit of bipartisanship. For example, the two Senators from Louisiana have stated, they say there will be ample time, and I agree with them, for Congress to thoroughly investigate the event.

They say, as well, and I also agree with them, that the focus now needs to be on food, on housing, on employment, on education and on health care, not on investigations. There will be plenty of time for this Congress, in its constitutional duty of oversight, to investigate. But I agree, as I say, with the Senators from Louisiana.

The focus now, and our focus in bringing forth authorizing consideration of the four pieces of legislation this morning, is on food, housing, employment, education and health care, assistance to those and for those who are suffering.

I see the Senators from Louisiana also made another point. In a joint bipartisan statement they say, please do not make the citizens of Louisiana victims once again by allowing our immediate needs to be delayed by partisanship.

Now, we do not want to delay assistance by partisanship or any other reason, and that is why we are bringing forth this rule. We have brought forth this rule to authorize consideration of four measures to take assistance, to continue to make available assistance to those who are suffering at this time, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Rules Committee.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the ranking Democrat of the Rules Committee for the time.

Mr. Speaker, I rise today in support of the four bills which the House will consider today under suspension of the rules should this rule pass.

However, I also rise with great trepidation about the way in which the majority continues to run this body without regard for general order and procedure. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) said that he is proud to be bringing this rule under the suspension provisions. I would ask the gentleman whether or not in his conference all of the T's were crossed and the I's were dotted to bring a matter out, since in your conference and in our caucus we have a provision that as a general measure we will not bring a matter under suspension for more than $100 million.

Under suspension of the rules, Members are afforded limited time for debate with zero opportunity to amend the legislation. When this rule passes, that is exactly what we will get. That is just wrong, regardless of the urgency of the legislation.

Mr. Speaker, this administration that is in charge of this Nation's negligence in responding to Hurricane Katrina strongly resembles the incompetence that Florida saw in the Federal emergency management organization last year. The Bush administration's refusal to accept responsibility for its inaction mirrors the arrogance that we continue to deal with today in Florida as we recover from last year's disastrous hurricane season.

Certainly our first priority has to be the rescue of those who are still alive and to provide them with housing, medical attention, food and water. However, as the Gulf Coast turns to the recovery and rebuilding process, the billions that Congress will spend will not be enough to fix the problems that exist within FEMA.

Based on my own personal experience dealing with Under Secretary Brown directly over the last year, I warn the Members of this body that the problems you see today are just the tip of the iceberg, as the gentlewoman from New York (Ms. SLAUGHTER) just said. And it has nothing to do with the magnitude of this awesome disaster.

My colleague says that he is proud. I wonder if my colleague from Florida is proud of the fact that $1.5 billion from last year's hurricanes are still outstanding. I wonder if my colleague is proud of the fact that his county, Dade, and my county, Broward, were denied Federal assistance from FEMA this year with this same Hurricane Katrina. I wonder if my colleague is proud of that fact that there are blue roofs in Florida where people's roofs are still not covered, and it does not even rise to the magnitude of what is going on in the Gulf Coast; but last year's FEMA problems are not corrected.

Inconsistency in FEMA regulations, constant reinterpretations of the Stafford Act, Federal officials treating local emergency operation centers like revolving doors, lack of coordination and FEMA's fluid and unclear chain of command are just a few of the many significant and real problems that Floridians dealt with last year and are still dealing with today.

I have literally begged the committee of jurisdiction in this body to hold hearings on these shortcomings. I even introduced bipartisan legislation in March with the gentleman from Florida (Mr. SHAW) to address a slew of institutional problems within FEMA that we experienced firsthand last year. Yet, every time we take our concerns to the committees, we are told it is not big enough as a problem to consider on its own.

Well, Mr. Speaker, is the problem big enough now? How many people must die in a disaster before something becomes a big enough problem in this Congress?

The new mantra that I hear from my colleagues in the majority is that there will be time to investigate. It is almost as if we cannot chew gum and walk at the same time. We must do what we are doing for the Gulf Coast, but we also must do what we have to as a responsibility in Congress in the nature of oversight.

Later today I will introduce legislation establishing an independent commission to examine the failures of the Federal Government in responding to Katrina, as well as evaluate our current ability to respond to any type of large-scale disaster, natural or manmade.

The President and congressional Republicans argue that we should not play the blame game because they may be in part to blame. Congress placing FEMA in the Department of Homeland Security and allowing the agency to operate completely unchecked helped create the disaster that we are in today. We created the problem, and now we need to fix it.

I question, however, whether there are enough in this body who have the courage to do what is right and not only criticize the administration, not only criticize local and State officials, criticize this Congress as well for our incompetence and inaction. But actually doing something is what is required. Accountability is the only way to restore integrity in a broken system, and an independent commission is the first step in repairing our disaster response system which we all now know is woefully inadequate.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud of the fact that the rule that we have brought forth this morning, and I reiterate that I am so, authorizes consideration by this House today of four legislative measures, four, to continue to increase assistance to those who are suffering pursuant to the destruction caused by that extraordinary tragedy in the Gulf Coast.

Four pieces of legislation are being brought forth today, are being authorized to be brought forth today with the rule that we are considering this morning. Yes, I am very proud of that, Mr. Speaker.

Now, I have questions as well. I have questions as well with regard to a number of Federal agencies, State agencies, local agencies as well in the Gulf Coast.

My wife was reminding me last night that on the Friday before this horrible storm hit the Gulf Coast, she saw the director of the National Hurricane Center on national television with the Governor of Florida, by the way. We had the Governor of Florida and our local officials speaking to us continuously before and at the time and after the hurricane passed through us in south Florida before it went into the Gulf and then gathered all that strength that bore down with such horrible power on the Gulf Coast. And she was reminding me that the director of the National Hurricane Center, this is Friday before the hurricane hit late Sunday night, early Monday morning, the Gulf Coast, said it is headed to the Gulf. It is going to pick up strength and it could hit, it is going to land anywhere from the Florida Panhandle to New Orleans.

Now, as I was discussing with my wife last night, when we had the four hurricanes in Florida last year, and this one in south Florida this year, immediately our local officials, the mayor, the county commissioners, the mayors and the Governor, the State officials, they were speaking to the populace and instructing people to leave, evacuating people. Five times we have done so in 1 year.

So, yes, I have questions as to why that was not done in Louisiana, why it was not ordered by the mayors and by the county commissioners and by the Governors. I have questions. Of course I have questions, Mr. Speaker. We all have questions, and those questions need to be addressed. And they will be addressed as we proceed with our oversight function, which is legally required.

But today what we need to do is to get help to the people who need the help. and that is what we are doing, Mr. Speaker. That is why we have brought forth the legislation to authorize consideration of four measures to take assistance to those in need. That is what we are debating this morning.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee.

□ 1045

Mr. OBEY. Mr. Speaker, last week I returned to Washington along with about 20 other Members of the House in order to assure passage of the initial down payment of $10 billion for the victims of Hurricane Katrina.

Today we will be voting to provide $52 billion more in aid. I am all for it. We will all vote for it. Any suggestion in any way that the delivery of that money would be delayed is pure nonsense. That money will be voted today.

But the problem we have is that the bill is being brought to the floor in a manner which prevents Congress from exercising any independent judgment whatsoever about how best to use taxpayers' money. And the problem is that the agency that we are appropriating most of the money to has demonstrated with great clarity that it is spectacularly dysfunctional; and there are a number of reasons for that.

The problem we have with FEMA is that what was an efficient, professional and qualified agency under James Witt during the Clinton administration has now once again become a dumping ground for political cronies.

Three years ago this Congress in the wake of 9/11 merged FEMA into a huge, new, gargantuan agency, the Department of Homeland Security. Since that time the White House, the Congress, and the Department of Homeland Security all together have squeezed the resources available for FEMA. They have hollowed out that agency and they have cut more than 500 people out of that agency.

To top it off, the President appointed to run that agency a gentleman who before he joined FEMA had no previous disaster experience whatsoever, and whose only apparent connection to the disaster world was that he was the college roommate of the former director of FEMA. We have seen the disastrous results of that appointment.

I want to provide the $50 billion that the legislation is going to provide today, and I will vote for it and so will ever other sane Member of this House, I assume. But I deeply regret the fact that the manner in which this legislation is being brought to the floor today will prevent me or any other Member from taking an action which I think is essential to restore the professionalism of FEMA and to depoliticize that agency.

I wanted to offer an amendment to the bill which would have allowed the money to flow immediately, but which would have done five additional things. It would have restored FEMA status as an independent agency with no intervening bureaucracy between the White House and that agency, it would have reestablished the position of the FEMA director to one who reports directly to the President, it would have required the FEMA director to have extensive experience in emergency or disaster-related management, it would have made that directorship confirmable for a specific 5-year term to reduce the likelihood of the position being used as political patronage of any President by any party, and it would have established a deputy director with primary responsibility to assure that a direct connection is retained with the Department of Homeland Security so that in the process of dealing with domestic disasters, we do not neglect our responsibilities to also protect the country against terrorism.

Our friends on the majority side of the aisle declined to allow us to have that vote.

I do not object to the majority saying "We do not believe that that is the right solution." or "We do not believe that this is the right time to discuss this." That is a legitimate position. But what we are asking for is to at least have the ability to debate that issue, to discuss that issue, because every day that we delay professionalizing FEMA and depoliticizing it is another day that taxpayers' money is being spent by an agency which has been demonstrated under these circumstances to be incompetent.

The President has a responsibility, each and every Member of this Congress has a personal responsibility to see to it that if we are going to provide $50 billion today and another $50 billion down the road, as we most surely will, we have a responsibility to know that that money is going to be spent in the most efficient, the most effective way to save lives, to rebuild communities. We cannot have that confidence under the existing management of this agency. And so I think we have an obligation to move as quickly as possible to fix the problem.

The amendment I would have offered would have given us 120 days to make those changes. I regret deeply the fact that we will not be able to at least discuss that matter on the floor today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again with regard to what we have brought forth this morning, a rule for consideration of four pieces of legislation to provide assistance and to increase the aid that is going to those who are in desperate need in the Gulf Coast area now due to the great catastrophe that has just been suffered, that is what we are doing. We are authorizing consideration of four pieces of legislation to increase assistance to those in need.

Now, last night in the Committee on Rules, Mr. Speaker, our friends on the other side of the aisle, the minority party, brought forth one amendment to the rule that we are considering this morning and that amendment called for what is known as an open rule. In other words, that any Member of this House could bring forth any and all amendments that they may wish to do so, that they may have wished to do so with regard to any of the four pieces of legislation.

Now, I generally, Mr. Speaker, am for open rules. I think that is an appropriate goal and I think that we should, as much as possible, permit the free flow of debate on as many ideas as Members have. But if there has ever been a time when we could not, when we should not have an open rule which would permit, even if each of us only had one idea, and I think the Obey amendment is a very interesting one, he just explained it a few minutes ago, even if each of us had one idea in the form of an amendment like the one that was just explained by the gentleman from Wisconsin (Mr. OBEY), we would have 435 amendments, Mr. Speaker, to debate.

This is not the time to have 435 or 100 or 50 amendments. This is the time to bring forth legislation, a rule in this case to authorize consideration of four pieces of legislation to assist those in need.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I support the rule and the underlying bills. I would encourage FEMA to work with the Department of Education to utilize the Education for Homeless Children and Youth Program to meet the educational needs of all students displaced by this storm.

As we consider the rule and all of these bills, I think we have to remember the children. As part of the No Child Left Behind Act, the Education for Homeless Children and Youth Program requires that school districts immediately enroll homeless children. It provides children with much-needed stability and allows for the delivery of other critical services, including such things as health care and counseling.

The bill also addresses school transportation issues, assures that eligible children participate in Federal, State and local food programs, and allows for frequent moving as evacuated families find more permanent housing.

When we included this provision in No Child Left Behind we, frankly, never contemplated that it could be so useful and effective at this time of national crisis. We have happily discovered over recent days that this measure has provided a ready-made system of communication and contacts and information networks that could serve us well in this time of need.

The program also contains a funding structure that efficiently distributes Federal dollars to the local level. Utilizing the Education for Homeless Children and Youth Program would save time, money and allow more Federal dollars to flow more quickly to the areas in need. This program provides a tried and tested framework for States and school districts to meet the immediate educational and social service needs of homeless children displaced by Hurricane Katrina.

Encouraging FEMA and the Department of Education to utilize this program to coordinate relief efforts is a commonsense step that can quickly and dramatically improve assistance to displaced children.

I would urge support for the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security and a victim himself.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to this rule. Twenty minutes per side is not enough to argue a catastrophe of this size. The rule does not allow any amendments from our side. A number of Democratic districts have been affected, those of the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Alabama (Mr. DAVIS), and the gentleman from Louisiana (Mr. JEFFERSON), as well as myself. We do not have an opportunity for input into what relief opportunities we can give in our districts.

This is not right. If this is a democracy, we ought to have an opportunity to participate in providing for the relief of our particular districts.

The Republican side has taken a position that Democratic input is not needed. This is not the way to go. This is a democracy. We need a rule that allows for the maximum input from both sides.

I am sorry to say that even in this time of devastation, our Republican colleagues have decided that America should not pull together and work for the common good. Unfortunately, the people of Mississippi, Alabama and Louisiana are the ones who will suffer because of this lack of total input from Members of Congress.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important that we realize that in the same fashion in which last week's supplemental legislation was considered under a unanimous consent request, it is the hope and wish of the majority leadership that the next supplemental bill also be considered in that way under unanimous consent.

With regard to additional time for debate or other matters, that could be obviously worked into a unanimous consent agreement like the one that brought forth and permitted debate and permitted passage of the first supplemental.

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So what we are voting on today, the rule does not preclude that. On the contrary, as I say, it is the wish of the majority leadership to continue to engage in dialogue and hopefully have a unanimous consent agreement. I wanted to make that clear because sometimes I think the facts are important to be made clear.

Mr. Speaker, we reserve the balance of our time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this bill.

Mr. Speaker, I have come to the floor of this House repeatedly over recent years using this specific example of New Orleans as a call to arms to change how we do business. I cannot tell my colleagues how disappointed I am that we are having before us today a proposal that does not provide an opportunity for this Chamber to adequately discuss what is at stake and to deal with opportunities.

The devastation of Hurricane Katrina has presented us with an unprecedented opportunity to focus the spotlight of public attention and political concern on how to do not just the best job of helping the victims of this tragic storm but in making it less likely that others suffer needlessly in the future. Preventing future devastation is the best way to honor the memory of thousands who have died and respect the losses of hundreds of thousands or more who are living.

But we are not going to have the opportunity now to come forward with important issues that bear on over $50 billion. We need to be debating how the Federal Government can use taxpayer dollars to put people, places, and property back in harm's way. We should be working to make sure that citizens are directly engaged in the work of disaster recovery and mitigation, planning the future of their communities and putting them to work immediately, the same way I saw when I was in the tsunami region earlier this year. In just 1 week we were already putting tsunami victims to work on a cash-for-work program restoring their communities.

We need to clarify the role that the Federal Government is going to play in disaster prevention, mitigation, and relief because we are throwing billions of dollars at problems that we could have taken steps to minimize in the beginning. Congress should encourage and support State and local responsibility for disaster prevention, mitigation, and recovery; and we must employ natural solutions wherever possible.

We cannot do that today. There is no reason that we are not able to have a rational discussion. I hope this is the last time the Committee on Rules treats us this way.

Mr. LINCOLN DIAZ-BALART of Florida. Yielding myself such time as I may consume, Mr. Speaker, we will have time for any and all of the measures that are brought forth if this rule passes, under authorization of this rule, for rational and any other kind of debate. I can assure my colleagues of that, Mr. Speaker.

Mr. Speaker, we reserve the balance of our time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank my colleague from New York for yielding time.

Mr. Speaker, our most important task right now is to help our fellow Americans rebuild their lives. The task of this Congress and the task for this Nation is to restore communities, help people rebuild their lives and have a retrospection of what happened. We must pinpoint the errors made prior to the storm and flooding. Failing to respond in a time of need, when fellow Americans have lost their lives, their loved ones, their homes, failing to respond in a time of need is unacceptable.

Identifying failures is not pointing fingers. It is pointing the way to improve the system for the future. We cannot solve a problem if we do not think we had a problem. We can both help Americans, which is our primary task, rebuild their lives, reestablish their communities, but we must also for all Americans understand what happened here so as it comes to future crises, future natural disasters, we are able and capable of responding. Because saying everything worked well, acting Pollyannish is unacceptable, as much as trying to point fingers and trying to get political advantage in this situation.

We can do this right. The American people ask the Congress to do this right.

What does it mean to help people rebuild their lives? First, there should be universal health care for all children 0 to 18. Second, a $3,000 education voucher for people going to college, GED, continuing their education. A housing program to get people in the communities back to work building their homes, highways and rebuilding all the infrastructure. Lastly, making sure the recently enacted bankruptcy law does not affect people in that area, freezing their credit at that time so they do not go into bankruptcy.

These are the types of things that Congress needs to do to help those Americans, our fellow Americans, get their lives and their communities back together and also taking the time to look into what happened here so this never, ever, ever happens again.

The American people deserve better; and in a time of crisis, they look to their fellow countrymen and their government, and this Congress must rise to the task to do that. Today, the way this is handled is not the right way. We can do better as we seek ideas from all corners to help our fellow Americans restore their lives.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are considering today, or authorizing consideration, bringing forth today under this rule, the national flood insurance program, assistance for that program for those in need in the Gulf; the Student Grant Hurricane and Disaster Relief Act, assistance for the people in the Gulf with regard to student grants and disaster relief; the Temporary Assistance for Needy Families Emergency Response and Recovery Act, assistance for those in need under this act, under that law, with that program, through that program.

We are bringing those measures, those specific measures to the floor today, in addition to a significant and substantial supplemental appropriations bill to get aid immediately to those in need.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. BISHOP), my distinguished friend and colleague from the Committee on Rules.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate my good friend, the gentleman from Florida, for yielding such time right now.

This is obviously a time of great emotional sadness for all of us, as we are attempting to help fellow Americans who are in a special need, a special time of need. It is a trying time; and, hopefully, it is one where we can keep focus on the true issue, which is how to get emergency relief as quickly as possible to people who desperately need it.

The rule that is being proposed here, and sometimes in our rhetoric on these rules we kind of go far afield from what the issue is, the issue is still the rule, does not prevent any kind of unanimous consent for more time for more issues to be raised at such time in the future, but it does provide a backup to guarantee that the issue at the end of this day will be decided and that relief money can be moved on without any kind of impediments or Congress trying to add extraneous issues to the debate or discussion, unless there is unanimous consent, obviously, for that.

There is precedent for what we are doing. This is not unusual. It has been done before. It will be done again in the future. It does, though, try to state that there is a time and a place for everything that we do. There is a time to try and pass emergency relief and get that relief moving as quickly as possible, to really hit what is human suffering.

This particular request deals with temporary assistance. It deals with providing temporary housing, money for home repairs, medical, dental costs, repair work, cleanup, ensuring that the firemen get their pay. It is emergency equipment.

Much of the discussion we have heard this morning deals with long-range policy issues. I am not saying they are bad, because that policy discussion needs to take place. It should take place. We need to determine what the city of New Orleans did well and what it did poorly; what the State of Louisiana did well, what it did poorly; what the Federal Government did well. We even need to discuss what the United States Congress has done well and poorly in this particular issue.

But those need to be discussed with dispassion in some way so that when we make broad policy decisions, those broad policy decisions can be made with a clear conscience and clear focus on what the issue really is. That takes regular order, and for some who would like to bypass regular order to quickly pass some of these, we are doing a disservice to long-term policy discussions.

The senior member of the Committee on Appropriations from Wisconsin is someone I have enjoyed listening to. He oftentimes will say those things which ring true. What he wants to discuss is significant, but it needs to be done in the regular order, not on top of this emergency bill; and I am sure that will take place.

Mr. Speaker, I would also be remiss if I did not take this opportunity just to say a few things that are positive. Though I do not know what has been happening throughout the entire world, I do know what has been happening in my backyard of Utah where some of these evacuees are presently residing. I guess the State of Utah took the Jazz; we should also take some of the evacuees at the same time.

In addition to those evacuees who are in my State, the State of Utah is also stepping up. There are in the State of Utah 475 volunteers who have been working since Saturday with these evacuees. They have done everything from having a child care center on site, to providing 6,000 meals, to even having a volunteer life guard manning the pool at the base at which these evacuees are staying. $2 million since Saturday have been donated in Salt Lake City as well; 7,000 people have called asking what they can do. Some of them have been very creative in what they are trying to do.

A Ronna Guidera who lives in Salt Lake City, and actually in Draper, went down there and took trips from the military base where the evacuees are staying into Salt Lake City for sightseeing, for shopping trips.

Steve Gordon had the idea of actually providing as many tickets as he can get to go to the Utah-Utah State game. It may not be what they necessarily wanted to see that Saturday, but it is the best game in town that we have to offer.

People are stepping up from their hearts for this disaster. It is also time for Congress to step up with their hearts and provide the temporary relief, and then use our minds to go back and discuss the policy issues and policy initiatives, but go through the regular order so that we do not jump to conclusions, we do not make mistakes as we go through.

All of these discussions are important, they are there, but the rule at hand is to get emergency relief on the floor to help people right now, and we should not lose sight of that in our efforts to try to expand it into other areas, legitimate discussion areas, but other areas that do not pertain specifically to this point at hand as to how we get that $50 billion to help people right here right now.

With that, Mr. Speaker, I appreciate the gentleman's indulgence. I appreciate the time. I support this rule because it is the right thing to do to help people right now and put everything in its proper perspective.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, this Labor Day weekend I flew from Seattle to Houston to join thousands of Texans to volunteer in the Astrodome to help these evacuees, and there I met an incredible family with such courage and grace, trying to keep their family together on the floor of the Astrodome.

A woman named Penny told me that her mother named Alice was trapped at a specific address on Bell Street in New Orleans, and I pitched in to try to help to get her rescued. For 3 days, the most powerful Nation in the world was incapable of going to a specific address on Bell Street and rescuing this 80-year-old lady named Alice.

While that was going on, a lot of the lower level FEMA people were working hard to effectuate that, but they were handicapped by a lack of senior leadership, senior leadership who failed to anticipate the breaching of the levees; senior leadership who failed to call for help, who waited 5 hours to call for help after landfall of the hurricane; senior leadership that allowed FEMA's job to protect us from hurricanes to be totally overwhelmed by the responsibility regarding terrorism.

This senior leadership led me to conclude, and millions of Americans to conclude, that we cannot have confidence in senior leadership at FEMA today. This is not a matter of fingerpointing or accountability. It is a matter of whether we have confidence in dealing with the next hurricane that is getting ready in the Atlantic Ocean right now. This is the middle. I heard one person say this is the third inning of a nine inning game of the hurricane season. We have to get this problem fixed now.

After the debacle at Pearl Harbor, America did not wait until the end of World War II to fix the problem that led us to be caught with our pants down at Pearl Harbor with such fatality, and we have suffered probably more fatalities here than we did at Pearl Harbor.

We need, on a bipartisan basis, to fix this problem now; and we need to help the President do that because of his attitude of saying, Brownie, you did a great job, it just will not wash with the American people. It is a shame that this rule will not allow Americans to get what they deserve, a working FEMA.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule for a very obvious reason. It is absolutely essential that we do everything that we can at this moment to ensure that our fellow Americans who are in desperate need have that need met.

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What is it we hope to do under this suspension rule? We want to make sure we provide for flexibility when it comes to the flood insurance program. That seems to me to be a strong bipartisan priority that we have.

What else do we want to do? We want to ensure that education assistance for non-Pell grant recipients gets to them.

What else do we want to do? One of the very important programs, the TANF program, Temporary Assistance to Needy Families, we want to make sure we can expedite that aid to these people who have been victimized by this storm just as quickly as we possibly can.

Mr. Speaker, a vote against this rule is in fact a vote which would deny us the opportunity to move as quickly as possible to provide that kind of aid relief.

Now, I know there is a lot of discussion over what it is that we will see for the structure for debate during consideration of this large, multibillion dollar supplemental appropriations bill. Nothing in this rule whatsoever, nothing in this rule whatsoever, Mr. Speaker, will in any way impinge on the ability of the chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS), and the ranking minority member, the gentleman from Wisconsin (Mr. OBEY), from striking a unanimous consent agreement that would allow for an extension of debate as they consider that appropriations bill.

We all know how imperative it is that we act as quickly as we possibly can to not only address the three items that I mentioned, but to get the aid to those who need it on the dollar level. Why? Because we know it is quite possible that just this evening, as early as this evening, we could see the $10.5 billion that we, under a unanimous consent agreement appropriated at the end of last week, run out. And we do not want that to run out. We want to make sure that that continued flow of assistance can flow in as expeditiously as possible. The responsible thing is for us to come together in this time of crisis.

This Sunday marks the fourth anniversary of September 11. Tragically, 3,000 lives were lost in New York City, in Pennsylvania, and here in the metropolitan area. The projections are that as many as three times as many people, maybe even more than that, have lost their lives in this horrible crisis that we have seen take place in Louisiana and Mississippi. Now, Mr. Speaker, I believe that what we should do is just as we did following September 11 of 2001. We should come together, pass this rule with strong bipartisan support, move ahead with this appropriations bill, and, yes, work on a bipartisan unanimous consent agreement that will allow an extension of debate so that every Member who wants to have an opportunity to be heard on this can be heard. But do not vote "no" and impinge on our ability to meet this very important need.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to note that we would be happy to come together if the Republicans will just tell the Democrats where the meeting is.

Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I would suggest to the chairman of the Committee on Rules that more time for words would be great, but what would be better would be action by this Congress to fix a dysfunctional Federal Emergency Management Agency. Dysfunctional at the top, not at the bottom. People at the bottom want to get out there. The first responders want to be out there. They still do not have effective interoperable communications 4 years after 9/11.

Given the befuddled response at the top, I am not confident that this $51.8 billion we are going to borrow, indebting a generation of Americans of probably another $100 billion or $200 billion, will be well and effectively spent and get the relief and the rescue efforts and the rebuilding efforts to the people and the communities that are devastated.

We are not putting in place oversight and protection against crisis profiteering. We are not trying to improve the agency. It is the middle of a hurricane season. What if there is another tomorrow or next week? Will the terrorists wait until we are done with our natural disasters? No. We need to begin the review and oversight now. They say, Oh, you cannot do that in the middle of a crisis.

What is the greatest crisis this country has experienced in the last 100 years? I think it might have been World War II. In the middle of World War II, Harry Truman chaired a committee investigating war profiteering under FDR, the greatest President of the last century, and reforms were put in place. Congress did its job.

We need to improve FEMA. We need a better response. The first responders need better tools. The people that have been affected need effective relief, they need compassion, and they need assistance. Shoveling money at them and more words will not do it. We need to make some changes, and you are not going to allow any changes or any amendments here on this floor today, but you will allow us a few more words. We might get up to $1 billion a minute instead of $1.2 billion a minute.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

What we are doing today, Mr. Speaker, is not shoving words down anybody. We are authorizing consideration for this House to pass assistance for the National Flood Insurance program, the Student Grant Hurricane and Disaster Relief Act, the Temporary Assistance for Needy Families Emergency Response and Recovery Act, and an emergency supplemental bill to continue the assistance to those in dreadful need as we speak.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I will be asking Members to vote "no" on the previous question. If it is defeated, I will amend the rule to allow the House to consider an amendment by the gentleman from Wisconsin (Mr. OBEY) to the emergency supplemental bill to reestablish the Federal Emergency Management Agency as a freestanding independent agency.

An amendment would do a number of important things to fix the problems with FEMA. It will reestablish it as an independent agency, allow the director to report directly to the President, require the director to have emergency response experience, limit the director's term to 5 years, and establish a deputy director for disaster relief.

Mr. Speaker, I know all of us in the House were truly stunned and horrified by the terrible and heartbreaking scenes from New Orleans and the other Gulf Coast States that unfolded last week. And to make matters even worse was the failure on the part of the White House and the lead Federal agency on disaster relief to take immediate action that might have saved hundreds of lives and alleviated the immense and immeasurable suffering that was inflicted on so many of our fellow Americans.

Members should be aware that a "no" vote will not in any way prevent the House from considering and approving the desperately needed supplemental for the victims of Hurricane Katrina. We all agree hurricane relief must happen immediately and it will happen today, but a "no" vote will let us debate the serious and urgent matter regarding FEMA's future ability to respond immediately and responsibly to any disaster that occurs on our soil so that we may never see such a thing again as we have witnessed with FEMA's work.

I urge Members to vote "no" on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank all of our colleagues who have debated this important issue this morning.

I would like again to also thank the two Senators from Louisiana, Senators LANDRIEU and VITTER for their joint bipartisan statement where they say that Congress will have ample time to thoroughly investigate this event and that they plan, as many of us do, to play a major role in those important investigations, but they continue saying, please do not make the citizens of Louisiana a victim once again by allowing our immediate needs to be delayed by partisanship.

Now, we have heard a number of ideas today brought forth, really for sweeping policy changes. They definitely should be considered. And perhaps many of those ideas will become law. But today what we need to do is what we are doing. We are getting the assistance and we are increasing it to those who are in desperate need.

So, Mr. Speaker, I would urge my colleagues to support this rule that brings forth four pieces of assistance, legislation for assistance to those in desperate need, and would also urge, obviously, favorable consideration of the underlying pieces of legislation that we are authorizing being considered today.

Mr. LEVIN. Mr. Speaker, I rise in support of the emergency funding bill that the House will consider later today to continue relief and recovery operations in the aftermath of Hurricane Katrina. We need to approve this measure today with all deliberate speed. I do object to the procedure in which the House will take up this emergency measure, which provides just 40 minutes to debate a $51 billion appropriation, with no amendments allowed.

I urge the House to reject this procedure and allow Representative OBEY to offer an amendment to strengthen the Federal Emergency Management Agency and re-establish FEMA as a separate, independent agency whose Director reports directly to the President. The Obey amendment would also require that the Director of FEMA have extensive experience in emergency and disaster-related management. The amendment is very similar to the legislation introduced earlier this week by my colleague, Representative DINGELL, which was cosponsored by myself and 64 other members of the House. This is a proposal that should enjoy bipartisan support, since I note that Representative FOLEY and other Republican members have introduced similar legislation.

Let me speak candidly. The response of the federal government to Hurricane Katrina was woefully inadequate. Four years after 9–11, the federal government was not ready to respond to a national catastrophe that has left a major American city uninhabitable. In the weeks and months ahead, we need an investigation of why the federal government's response fell so far short of the mark, and we need accountability. One thing is already clear: the federal agency with lead responsibility for responding to national disasters—FEMA—has lost its way since it was transferred to the Department of Homeland Security. This is simply not the same agency that responded so effectively to the Oklahoma City bombing in 1995. Since being transferred to the Department of Homeland Security in 2001, FEMA's ability to respond to natural disasters has been eroded.

I believe we need to restore FEMA's status as an independent agency. In addition, the Director of FEMA should be an experienced professional in areas of emergency management, and not the former head of the International Arabian Horse Association with no previous background in disaster relief.

I urge my colleagues to vote to allow Representative OBEY the opportunity to offer his amendment. The next natural disaster could happen next week, and we need to restore FEMA's ability to respond to it. I also ask all my colleagues to join me in voting for the underlying bill.

The text of the amendment previously referred to by Ms. SLAUGHTER is as follows:

At the end of the resolution add the following new sections:

SEC. 2. The amendment specified in section 3 shall be in order at any time during the consideration of a motion to suspend the rules and pass H.R. 3673. Such amendment shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. All points of order against such amendment are waived.

SEC. 3. The amendment by Representative OBEY referred to in Section 2 is as follows:

AMENDMENT TO H.R.   , AS REPORTED

OFFERED BY MR. OBEY OF WISCONSIN

At the end of the bill, insert before the section containing the short title the following:

SEC.   . FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) INDEPENDENT ESTABLISHMENT.—The Federal Emergency Management Agency shall be an independent establishment in the executive branch.

(b) DIRECTOR.—

(1) IN GENERAL.—The Agency shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the President. The Director of the Federal Emergency Management Agency shall be compensated at the rate provided for at level I of the Executive Schedule under section 5312 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall be appointed from among persons who have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) TERM OF OFFICE.—The term of office of an individual appointed as the Director shall be 5 years.

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency one Deputy Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall be compensated at the rate provided for at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) QUALIFICATIONS.—The Deputy Director shall be appointed from among persons who have extensive background in disaster response and disaster preparedness.

(3) RESPONSIBILITIES.—Subject to the direction and control of the Director of the Federal Emergency Management Agency, the Deputy Director shall have primary responsibility within the Agency for natural disasters and non-natural disasters, including large-scale terrorist attacks.

(d) TRANSFER OF FUNCTIONS.—There shall be transferred to the Director of the Federal Emergency Management Agency—

(1) the functions (including the functions under paragraphs (3) and (8) of section 430(c) of the Homeland Security Act of 2002 (6 U.S.C. 238(c)), personnel, assets, and liabilities of the Department of Homeland Security relating to the Federal Emergency Management Agency; and

(2) the functions of the Department of Homeland Security under sections 502 (other than paragraph (2)) and 503(1) of the Homeland Security Act of 2002 (6 U.S.C. 312, 313), and the personnel, assets, and liabilities of the Department relating to such functions.

(e) TRANSITION PERIOD.—The transfers under this section shall be carried out as soon as practicable, but no later than the 120th day following the date of enactment of this section. During the transition period, the Secretary of Homeland Security shall provide to the Director of the Federal Emergency Management Agency such assistance, including the use of personnel and assets, as the Director may request in preparing for the transfer.

(f) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of

such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this section. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(g) DELEGATION AND ASSIGNMENT.—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this section and any function transferred or granted to such Director after the effective date of this section to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this section shall relieve such Director of responsibility for the administration of such functions.

(h) REORGANIZATION.—The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 201 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency, as may be necessary or appropriate.

(i) RULES.—The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

(j) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(k) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(l) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(m) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this section, and

(B) which are in effect at the time this section takes effect, or were final before the effective date of this section and are to become effective on or after the effective date of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this section may be continued by the Federal Emergency Management Agency with the same effect as if this section had not been enacted.

(n) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this section—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

(o) CONFORMING AMENDMENTS AND REPEALS.—

(1) HOMELAND SECURITY ACT OF 2002.—

(A) SECTION 504.—Section 504(a) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is amended by striking ", major disaster,".

(B) REPEALS.—The following provisions of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) are repealed:

(i) Section 2(11).

(ii) Section 503(1).

(iii) Section 507.

(iv) Section 508.

(2) TITLE 5, UNITED STATES CODE.—

(A) DIRECTOR.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

* * * * *

(B) DEPUTY DIRECTOR.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

* * * * *

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(B) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

(p) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the primary mission of the Department of Homeland Security set forth in subparagraphs (A), (B), (E), (F), (G), and (H) of section 101(b) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 193, not voting 19, as follows:

[Roll No. 458]

YEAS—221

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey
Wu
Wynn

NOT VOTING—19

Baker
Berkley
Brady (TX)
Butterfield
Buyer
Conaway
Cubin
Emerson
Hyde
Maloney
McCrery
Melancon
Oberstar
Olver
Sanchez, Loretta
Taylor (MS)
Weiner
Wexler
Young (AK)

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Messrs. BAIRD, KILDEE, VISCLOSKY, JEFFERSON, HINOJOSA, FATTAH, RUSH, Ms. KILPATRICK of Michigan and Ms. HARMAN changed their vote from "yea" to "nay."

Mr. GUTKNECHT changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 179, not voting 19, as follows:

[Roll No. 459]

AYES—235

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Crenshaw
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Eshoo
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.

Lynch
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
[illegible]
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)

Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
[illegible]
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays

Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
[illegible]
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOES—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gordon

Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)

Moran (VA)
Murtha
Nadler
Neal (MA)
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters

Watson
Watt

Waxman
Wexler

Woolsey
Wu

NOT VOTING—19

Baker
Berkley
Brady (TX)
Butterfield
Buyer
Conaway
Cubin

Emerson
Hyde
Maloney
McCrery
Melancon
Napolitano
Oberstar

Olver
Sanchez, Loretta
Taylor (MS)
Weiner
Young (AK)

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Mr. RAHALL and Ms. WASSERMAN SCHULTZ changed their vote from "aye" to "no."

Mr. LANGEVIN changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

NATIONAL FLOOD INSURANCE PROGRAM ENHANCED BORROWING AUTHORITY ACT OF 2005

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3669) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The Clerk read as follows:

H.R. 3669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Flood Insurance Program Enhanced Borrowing Authority Act of 2005".

SEC. 2. INCREASE IN BORROWING AUTHORITY.

The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by inserting before the period at the end the following: "; except that, through September 30, 2008, clause (2) of this sentence shall be applied by substituting '$3,500,000,000' for '$1,500,000,000' ".

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 3669, the National Flood Insurance Program Enhanced Borrowing Authority Act of 2005.

This is an important bill. This legislation increases FEMA's borrowing authority for flood insurance by $2 billion and will go a long way in helping the Department's flood insurance response. This bill will ensure the program has sufficient funding on a cash basis in the short term. It will also allow FEMA to continue payment of the initial claims resulting from Hurricane Katrina while the administration further evaluates the extent of the damage and find the most appropriate means to cover all potential claims.

☐ 1200

In the aftermath of Hurricane Katrina, the Federal and local governments now face the Herculean task of coordinating the relocation of thousands upon thousands of individuals and families whose lives have been torn apart by devastation and rising floodwaters.

There are more than 78,000 people now in shelters who will be requiring short-term and long-term-range housing solutions. In fact, today we had a roundtable with the gentleman from North Carolina (Mr. MILLER) and the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from California (Ms. WATERS), and this very issue was talked about and the magnitude of it and the importance of it and the urgency of it.

In addition, it has been estimated that up to 360,000 residential mortgages could be negatively affected by the damage caused by the hurricane across the gulf region. Conservative estimates on residential and commercial property damage are in the range of $20 billion.

Floods have been and continue to be one of the most destructive and most costly natural hazards to our Nation. During this past year alone, there have been three major floods in my area in Ohio. All three of these incidents qualified for Federal relief, granted by the President. Recent flooding in January this year resulted in historic levels in several local dams, and in Tuscarawas County, a community I represent, 7,000 people were displaced and forced to evacuate. So I have witnessed firsthand what floods can do. But I will tell my colleagues that, of course, the magnitude of what is going on down south is beyond belief.

Last Congress, the Committee on Financial Services spent considerable time and effort on legislation to reauthorize and reform the National Flood Insurance Program. On June 30, 2004, President Bush signed into law the Flood Insurance Reform Act. This legislation reauthorizes the National Flood Insurance Program, NFIP, through September 2008.

The major goal of the Flood Insurance Reform Act last Congress was to reauthorize and reform the program with an eye toward maintaining the financial viability of the NFIP. While some provisions were included to address administrative and procedural concerns regarding it, we did not focus on issues that were procedural in nature such as the filing of claims, the timeliness of response to the claims filing, policyholder education, and insurance agent sales and training. Consequently, the Subcommittee on Housing and Community Opportunity has continued to review the National Flood Insurance Program in an effort to determine what changes need to be made to address the program's shortcomings.

In addition to a request for a GAO study, our subcommittee has conducted three hearings this year on this important program, including a field hearing 2 weeks ago in rural Ohio. As the damage assessments and insurance claims begin to come in from the gulf coast region, we will be continuing our oversight of the NFIP and to look for possible legislative solutions that make this program as efficient and responsive as it can be.

The National Flood Insurance Program is a valuable tool in addressing the losses in[illegible] this country due [illegible] and families have access to affordable flood insurance that would not be available on the open market. Clearly, we need to continue our review of this program and to take steps to make sure it is meeting the needs of those for whom it was intended.

In times like these, it is more important than ever for Americans to stand united in helping our fellow citizens. The House of Representatives will continue to stand with the people of the gulf coast and our colleagues who represent those areas throughout this effort, and we encourage Americans who want to help to contact charitable organizations in their areas.

America has overcome challenges in the past. As Members of the House and, specifically, the Committee on Financial Services, we are prepared to roll up our sleeves and do the hard work to overcome this tragedy. Increasing FEMA's borrowing authority for the National Flood Insurance Program is just one step in the process of helping those who have been affected by Katrina's waters.

I would like to thank the gentleman from Ohio (Chairman OXLEY) for his expeditious work in sending this bill to the floor. I would also like to thank the gentleman from Louisiana (Chairman BAKER), the gentlewoman from California (Ms. WATERS), the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), the gentleman from Alabama (Mr. DAVIS), and especially thank the gentleman from Massachusetts (Mr. FRANK) for helping us to move this legislation.

I urge the adoption of this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, preliminarily, I yield myself 1 minute just to introduce as our first speaker the gentleman from Oregon (Mr. BLUMENAUER).

The gentleman from Ohio correctly noted that we made our committee and the Congress follow some very substantial improvements from the standpoint both of fiscal responsibility and environmental sensitivity to the flood insurance program. Now, we obviously did not have in mind at that point something of this particular disastrous consequence, but we did put into the law, for the first time really, some of the environmentally important issues that should be there. I am hoping that elsewhere, as we go through the appropriations process, that program will be fully funded, particularly in the proposals for mitigation.

But on our side, it was a genuinely bipartisan issue. The former Member, the gentleman from Nebraska (Mr. Bereuter), collaborated with the gentleman from Oregon (Mr. BLUMENAUER).

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), who was the [illegible] of that important reform in flood insurance.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak and allowing this to move forward. I appreciate his leadership and partnership with the gentleman from Ohio (Chairman OXLEY) and the gentleman from Ohio (Chairman NEY) for the follow-through on the important flood insurance reform that was, as he mentioned a moment ago, enacted this last year.

The committee has been focused on making sure that the promise of flood insurance reform is, in fact, realized. While our hearts go out to those who have suffered what has happened in the gulf region, I think the spotlight of this terrible catastrophe will help us follow through on the important work that we have started with the committee and in terms of dealing with the flood insurance program.

I acknowledge, that what we are doing here today is an important, necessary step. The additional $2 billion in borrowing authority is unprecedented, but the floods are unprecedented. I think we should acknowledge on the floor that this is just the down payment; that the $2 billion, by no stretch of the imagination, is likely to be enough. We are probably going to be back asking for another $2 billion or $4 billion before we are done, but it is important to allow FEMA to move forward at this point.

I hope that this will enable us to provide a platform for further reform. I hope, and I appreciate the prodding that the subcommittee did earlier with FEMA and its performance. It is appalling to me that FEMA never pushed forward requesting the mitigation funds that were authorized. Now we have the money in the House version of the appropriations bill, but we need to move forward to see to it that this Congress puts money in place that will move people out of harm's way.

I hope the committee will work with us to look at other adjustments that may be necessary in the flood insurance program. Certainly the notion that people who live protected by levees, and I use the term "levee protection" advisedly, may not need flood insurance. Well, I think we are seeing an example of where, in fact, they probably do need flood insurance.

I think there are other questions that we need to explore. I know the Committee on Financial Services is exploring other aspects; and I appreciate consultation with the gentleman from Massachusetts (Ranking Member FRANK), is about issues in terms of the viability of small financial institutions that have been wiped out. Well, I hope that with the same spirit of necessary reform and accommodation, we can look at how we finance the flood insur[illegible] afford to put $2 [illegible] as a result of addition[illegible] losses on the backs of 4 million policyholders? It seems to me from a distance that that would be both unfair and undesirable.

I hope that this is the first step to be able to move forward with these longer-term reforms. I appreciate the work that the committee is doing. I appreciate moving forward with this expeditiously, but our work has just begun, and I look forward to working with my colleagues on these next important steps.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I would like to engage in a colloquy with the gentleman from Ohio (Chairman NEY).

Is it the gentleman's understanding that Congress should and will continue to assess and address ongoing problems with the National Flood Insurance Program?

Mr. NEY. Mr. Speaker, if the gentlewoman will yield, yes, that is my understanding.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, as the gentleman knows, this legislation will allow FEMA to provide much-needed relief to the residents of the Gulf Coast as they rebuild their homes and their lives, as well it should.

However, many residents in my district are still struggling to rebuild following Hurricane Isabel which struck Virginia in 2003. Some are still living in FEMA trailers and many have been shattered to learn that the flood insurance will not cover their losses. I have spoken to many misled policyholders who have had their claims mismanaged by the National Flood Insurance Program.

I would like to work with the gentleman to see that my constituents are treated fairly and to fix the system so that victims of Katrina do not have the same problems that we have seen in my district and other districts across the country.

Mr. NEY. Mr. Speaker, I agree with the gentlewoman, and I also want to commend her for her work product and the time that she has put in on the Committee on Financial Services. She has definitely added to and benefited us to be able to work through these programs and to make these reforms, and we have appreciated all of that input from the gentlewoman. It has been invaluable. The gentlewoman's testimony earlier this year regarded the lingering effects of Hurricane Isabel and the numerous problems that her constituents had in processing claims and payments of the National Flood Insurance Program.

I share the gentlewoman's concerns that these problems will increase in the wake of this recent hurricane, no doubt; and I anticipate that we will need to conduct further oversight hearings on FEMA's administration of the program. The committee has already held three hearings on the NFIP this year and, as I mentioned, most recently one in my district in Ohio. We have heard numerous stories about inaccurate flood maps, delayed and inaccurate claim payments, and misunderstandings about the nature and extent of flood policy coverage. I know the gentlewoman has heard about that too and has done her level best to respond to her constituents, which I know they appreciate.

As a result, we have asked the GAO to conduct a study of the NFIP, and I pledge to continue to ensure that the program meets the needs of the people it was designed to assist. I really look forward to working with the gentlewoman to meet those ends to do what is right for your constituents and the Nation when it comes to continuing to reform and work with this program.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I thank the gentleman from Ohio, and I look forward to continuing to work with him on issues related to the National Flood Insurance Program.

Mr. NEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Obviously, there is a great degree of support in the Congress for getting the money out right away. We have people who were victims of this flood, and they have been victims in a number of ways. This is one small piece of the compensation that goes to them. There will be people who will be uncompensated, people who did not have flood insurance, people who are not able to make the kind of partial payment that is required, but the least we can do is to make this payment.

But as we vote quickly to send this money, we need to work in the next few weeks and months to deal with and resolve some broader questions.

I believe that the country has suffered over the past decade, and it is particularly suffering now, from a philosophy that has undervalued the need for us as a civilized people to come together and work together on some things. We are a society run, to a great extent, according to the principles of the free market of private capital. It is a wonderful system for generating wealth. The goods and services that are produced through the free market system benefit all of us, and that free market system leads to the best possible production.

The problem comes with people who are so enamored of that system that they value it not only for what it does, but for what it does not do, is not supposed to do, and should not be burdened with trying to do. That is, there are in this society a number of very important values that we have as civilized people with a moral commitment to each other's well-being that can only be done if we pool our resources.

Let us take the specific issue we are now talking about: insurance. The insurance industry is a private industry. It is an industry that provides important services to people, that provides jobs for people, that pools resources and provides investment capital. But even in the area of insurance, we have recognized historically, there are some gaps.

The very existence of the Federal Flood Insurance Program, which we are here today financing, is an acknowledgment that there are limits to the private system. Private insurance, we have decided as a society, cannot handle the flood question, so the government must step in. I say that because it has become fashionable to denounce government, to take credit for less government. Well, less government, what does that mean? Less FEMA, less flood insurance, less for the Corps of Engineers?

This is an example. We are here today to provide more government. We are here today to provide public resources, $2 billion. By the way, this $2 billion, we are authorizing the flood insurance program to borrow it. They are going to borrow it from the Treasury. They will be borrowing it from the Treasury which will, of course, in turn borrow it from the capital markets, from the American people, from China, and from everybody else who lends us money. That is the second point I want to make.

As we now acknowledge after this terrible disaster and an inadequate response to the disaster, partly caused by a failure to appreciate the importance of our coming together through government to perform important functions, we will be spending a great deal of additional money. We are adding this $2 billion, I assume, to the deficit, let us be clear.

□ 1215

We are not having any offsets. And this is a very small part of what we are doing. The time has come to recognize that we have over these past years left this Federal Government with too little in the way of resources to carry out our purposes. And we talk a lot about values and about the moral purposes we seek to achieve. I believe strongly that morality ought to be an element of public policy. I believe that we have not fulfilled our moral duty to the poorest people and working people and lower middle income people in New Orleans and elsewhere who have not been treated fairly as they were victimized.

That is a moral question. It is a moral question when people are left behind because they do not have the resources to leave and other people leave. It is a moral question when people are not rescued when they could be rescued. It is a moral question when we let people live now in conditions brought about by this flood that are not decent conditions for human beings.

And part of the answer, not all of the answer, but a necessary part of the answer is for the government to have the resources. And those who subscribe to the view that we must here in this House carry out our moral duty to each other should understand one of our moral duties right now is to go to people in need, to people who are frail, who are ill, who are young, who are old, who are in good health, but who have been reduced by physical forces to circumstances that no one of us would want to live in.

And only if we come together through this mechanism called government, and only if we give this mechanism called government resources, tax money, because that is where the money comes from, will we have the capacity to discharge our fundamental moral duty. We talk a lot about family values. Let us value the families that have been so badly battered by this hurricane and whose condition was exacerbated by an inadequate response by the rest of the country.

I cannot think of a better demonstration of family values than to go to the families living in Astrodomes and Superdomes and other places, hardly adequate for a family to live in. Let us go show our family values by doing whatever we can. We can never make people whole in the situation, but let us try to alleviate their misery.

Well, again, we are borrowing $2 billion today, and I am glad we are doing that because we need to get to their aid. But it is a very small part of what we need to do. But I hope that this $2 billion will not stay borrowed. This $2 billion, a very small piece of what we need to do, underlines the importance of our, let me put it this way.

We have, I think, a greater recognition of the value of government than we used to. I have not heard anybody today boast about how much they have reduced government. Indeed, I have heard virtually universal insistence that the government has got to do more in housing. We have got to do a better job with the Corps of Engineers, and we have got to do a better job with the EPA to deal with the terrible environmental problems that will result from this. We have to increase Medicaid funding at the Federal level for some of the States that are receiving people. We have to provide more funding for education. We are going to have to rebuild streets; we are going to have to pay police officers overtime.

There will be enormous demands on this government for money. And what does that mean? It means enormous demands that we recognize our moral obligation to each other and each other's families to alleviate the effects of the disaster. Let us not just borrow that money. Let us not just add it to the deficit. The time has come to say that we have left ourselves inadequately prepared to deal with this.

For anyone, an individual, a company, a nonprofit institution or a government to live deliberately and consciously on the edge is irresponsible, but that is what we have done to ourselves in this country. We have so reduced the resources available to this Federal Government that when this terrible disaster hit, we left ourselves inadequately prepared financially to deal with it. We did not do enough because of financial problems in the past.

But let us now say, okay, we now understand this. There is a war going on in Iraq. I opposed it, but the war is there, and it imposes costs on us. There is still an effort in Afghanistan which I supported. Now we have this disaster. The time has come to recognize that this government, the instrument of our collective moral capacity in this instance, and volunteers will be very helpful, and I salute the volunteers who have done this.

But no one thinks that individual volunteerism is going to resolve this crisis. There needs to be a common effort, coordinated and organized; and that means government. So for those who have joined in the insistence that we spend more, we have spent $50 billion in the supplemental, $2 billion here, and then we will do more in housing. And the gentleman from Ohio (Mr. NEY), who has been a great leader for us in the housing area, his committee. As we sit here today and stand here today, in another part of this complex a meeting is going on. The gentleman from Ohio, to his credit, convened all of the groups dealing with housing, low-income advocates, public officials, manufactured housing, homebuilders, people who finance housing. They are giving us an important set of ideas about how to respond.

Now, some of them can be done by cutting red tape and by giving flexibility. They do not all cost money. But some of them cost money. You cannot take people who have lost physical homes and house them decently without money. So we have in every area virtually where the Federal Government is involved a need to spend more money. The height of irresponsibility would be, it seems to me, to join in this insistence on spending more money and to refuse to address the revenue problems of the government.

How can you be in favor of spending hundreds of billions perhaps, certainly well over a hundred billion extra in addition to everything else we have been spending, but say, oh, and by the way let us cut some more revenue from the government. Let us leave the government less able to do this. And understand that people said, well, it will be a deficit and we can live with a deficit.

This absence of resources puts a constraint on spending. Of course spending should not be wasteful. But it is clear, if you look, I have been here, we have done these appropriations, and appropriations chairman after appropriations chairman has come up and said, you know, I agree, we do not have enough money here. I wish we had more money for housing. I wish we had more money for transportation. I wish we could have done more for medical research. I wish we could have done more for environmental cleanup. But given the budgets, that is all we could do.

In other words, the self-imposed restriction has hurt us. Previously, it was maybe a philosophical debate. Today, it is a moral necessity. It simply is not, it seems to me, morally acceptable, it is not in consonance with family values to continue to deprive ourselves of the resources we need to meet these needs. And so I support this two billion, and I will support many billions more, tens of billions more. But I will also support changing some of the policies of the past.

The wealthiest people in this country, people who make more than $500,000 a year in income, I think it is reasonable for us to say to them, you know, over the past few years, your taxes have been reduced and you have profited. The time has come for us to undo some of those tax breaks. Leave in place everything up to $500,000, if that is what you want to do. I would change it even further. But at the very least can we not say that people's incomes above $500,000 should no longer get the tax reduction they got? None of them will be hurting. None of them will be competing for space in the shelters. None of them will need any reconstruction of their homes. And if we do not do that, no matter how much we say, oh, we do not care, we will just add it to the deficit. We do not care. We will care because nobody is so irresponsible as to totally disregard that deficit impact.

And so if we are going to be true to what we have been saying we want to do, if we are true to our own moral profession, then we have two obligations, one, sensibly, thoughtfully, not wastefully, to spend the resources it is going to take to deal with this problem. And by the way, let us be clear. We do not want to alleviate this problem by exacerbating others. We do not want people from this area to go and take housing that is already scarce and knock other people out or knock other people's schools out or compete for scarce Medicaid dollars.

We need to increase what we are doing. We need to do a better job of preparing for this in the future. This will take, we all agree, a very large amount of money. It may be fun to spend the money, or at least it is popular. It would not be morally appropriate to spend all this money and to take credit for spending the money without going back and undoing some of the tax reductions so that some of the wealthiest people in this country who have enjoyed great prosperity lose a little of their tax breaks and contributed so at the very least this additional spending will not add to the deficit, will not be a burden for the future; and the fact that it is a deficit will not be a constraint on our willingness to spend what is necessary.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I want to thank the gentleman from Massachusetts (Mr. FRANK) for supporting this and the reforms that we have had. Let me also say something. The gentleman mentioned about what is going on in the rest of the complex. And we are hearing things and looking at a bigger picture in some long-term eyes, but also some short-term eyes. And I think as we go down this path, just to go off of this bill for a second because we are talking about money today and we are going to spend two billion more, but as we also go down this path in the near weeks to come, I think that the Congress is going to have to put its fingerprints, and we are going to work together, but it is going to have to put its fingerprints on some things.

You just take the current system and you throw some money into it and you say here is another X amount of billion dollars, and we do not consider the human need, basic need right now for housing, for transitional housing, to do something about the shelters, the gentlewoman from California (Ms. WATERS) mentioned that today in the meeting. But we are going to have to put our fingerprints on some of it.

We just cannot let it be up to the standard system of here is the money, and the government agency will then decide what it is going to do. Yes, there are certain monies they can do that. There is also going to be certain things that we are going to have to take a good look at and be able to think outside the box for a situation that is very dramatic for people, and it is going to have to be done soon.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I look forward to continuing to work with the gentleman from Ohio who has been one of the Members who has not been willing to give up our responsibility, and we will work together.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 3669, a bill that would temporarily increase the borrowing authority of the Federal Emergency Management Agency's National Flood Insurance Program.

This bill was introduced by my friend and colleague from Ohio, Mr. NEY, in response to the terrible destruction that has resulted from Hurricane Katrina. Communities across the Gulf Coast from Louisiana, Mississippi, and Alabama have been wiped out. Massive numbers of people are virtual refugees in their own country. And though it will take weeks to determine the full extent of this tragedy, it is likely that thousands of our fellow citizens lost their lives.

For those who survive, the task has turned towards recovery. One of the first things many will be thinking about is whether or not their homes and possessions will be covered by insurance.

Though standard homeowners insurance policies do not cover flood damage, many residents of the areas affected by Katrina were required to purchase flood insurance because their homes were located on a floodplain. As a result, FEMA's National Flood Insurance Program, NFIP, will soon begin the difficult task of assessing damages and paying claims.

Under the National Flood Insurance Act of 1968, FEMA has the authority to borrow up to $1.5 billion from the Treasury in order to pay flood claims. FEMA has exercised its borrowing privileges in the past and has always repaid the Treasury in full. This $1.5 billion will be used to ensure that the program has sufficient funding on a cash basis in the short term. Clearly, this will not be enough.

H.R. 3669 will allow the National Flood Insurance Program to borrow an additional $2 billion, if necessary, to make payments on initial claims while the full extent of the damage is assessed. This borrowing authority is temporary. Like all other such funds requested by the NFIP from Treasury, this money will be paid back in full once the NFIP has had time to recover from the hurricane.

In the meantime, the Financial Services Committee will continue our oversight of the NFIP and work to address any changes that may be necessary in light of Katrina. We in the Congress have put in a great deal of work over the past several years to ensure the viability of the program, culminating in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. This Act expanded the use of mitigation grants and requires homeowners to participate in flood mitigation programs to prevent frequent flood losses. We are now faced with a situation that will surely test the NFIP's ability to quickly verify policies, assess damages, and pay claims. I look forward to working with my colleagues on the Committee, particularly Mr. NEY and Mr. BAKER, to ensure that Americans continue to have access to affordable and effective flood insurance.

I urge my colleagues to join me in assisting Hurricane Katrina victims by supporting final passage of H.R. 3669.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 3669.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3669, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

STUDENT GRANT HURRICANE AND DISASTER RELIEF ACT

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3668) to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

The Clerk read as follows:

H.R. 3668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Grant Hurricane and Disaster Relief Act".

SEC. 2. WAIVERS OF STUDENT GRANT ASSISTANCE REPAYMENT BY STUDENTS AFFECTED BY DISASTERS.

Section 484B(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1091b(b)(2)) is amended by adding at the end the following new subparagraph:

"(E) WAIVERS OF GRANT ASSISTANCE REPAYMENT BY STUDENTS AFFECTED BY DISASTERS.—In addition to the waivers authorized by subparagraph (D), the Secretary may waive the amounts that students are required to return under this section with respect to any other grant assistance under this title if the withdrawals on which the returns are based are withdrawals by students—

"(i) who were residing in, employed in, or attending an institution of higher education that is located in an area in which the President has declared that a major disaster exists, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

"(ii) whose attendance was interrupted because of the impact of the disaster on the student or the institution; and

"(iii) whose withdrawal ended within the academic year during which the designation occurred or during the next succeeding academic year.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill to provide additional relief to students whose higher education plans have been put on hold as a result of the devastation caused by Hurricane Katrina.

Yesterday, the House unanimously approved a bill to ensure that students who were forced to withdraw from college because of a natural disaster are not forced to repay Pell grant aid. I think that bill will provide critical relief to students who are already facing tremendous hardships as a result of this tragedy.

I am pleased today to be taking the next critical step by providing this type of flexibility and protection for students receiving all types of grant aid under title IV of the Higher Education Act.

☐ 1230

We need to provide the Secretary of Education the utmost flexibility to meet the needs of students who have lost their homes and communities, and that is exactly what this bill will do.

Each year millions of American students gain access to higher education with the help of Federal student aid. The Federal Government is providing more than $73 billion in direct financial aid to students for fiscal year 2005 in order to ensure college access for students from all walks of life. I am proud of our tremendous investment in higher education.

Unfortunately, the tragic events of the scope like that which we are seeing on the Gulf Coast were not anticipated in the structure of the Federal student aid programs. The Department of Education lacks the flexibility to waive student aid repayment requirements for students who are forced to withdraw from higher education as a result of a natural disaster.

Waiver authority does exist within student loan programs, and yesterday we provided similar flexibility within the Pell grant program. Today, we are addressing the remaining discrepancy for other types of student financial aid that play a critical role in providing college access to low- and middle-income students.

The bill will protect students from being forced to repay other types of grant aid under title IV of the Higher Education Act. Some examples of the types of programs protected under this bill would be TRIO, GEAR UP, and the Supplemental Educational Opportunity grants.

Mr. Speaker, this bill is but one small step in what will be a comprehensive, long-term relief effort. However, for many students and families this bill will provide critical relief as they work to rebuild their homes and lives and, ultimately, as they do return to higher education in the future.

Mr. Speaker, I urge my colleagues to join me in support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday I supported the Keller bill to offer relief to Pell grant recipients affected by natural disasters. I rise today to support the Jindal bill to offer relief to those benefiting from other Title IV grant programs like TRIO, LEAP and HEP/CAMP.

It is vital that grant recipients affected by this tragedy be spared the further hardship of repaying a grant they were never able to benefit from. This bill represents a good first step and I am pleased to be a cosponsor.

There is no question that we need to reassess what students and families can actually pay for college after the disaster, since many have lost jobs, homes, resources and valuables. In addition, we must also address the needs of student borrowers stuck paying loans despite job loss, lost income, and other financial hardship.

The 100,000 low- and middle-income students who depend on loans will feel the financial crunch of Katrina. Furthermore, we must address the needs of students with parents in the affected area, but who are attending schools in other parts of the country. Thousands of affected students and graduates will be unable to make payments on their Stafford or Perkins loans.

Currently, Mr. Speaker, students in repayment who are suffering from economic hardship can seek deferment, but we must cut the red tape by allowing any student impacted by a natural disaster to receive an automatic deferment of both the accumulation of interest and the payments.

The Miller/Kildee Katrina College Relief Act does just that. This change would save the average borrower much over the life of their loan.

Graduates already struggling to dig themselves out of their student loan debt must not be penalized because of this tragedy. Enrolled students who are currently receiving Federal aid had their financial aid package calculated based on their expected family contributions, the so-called EFC, which includes parent contributions and contributions of working students. With hundreds of thousands unemployed, including the one in five undergraduates who were working more than 30 hours a week to support themselves, the calculated expected family contribution may no longer be realistic.

The Miller/Kildee Katrina College Relief Act allows these students to have their EFC student aid packages readjusted to reflect the financial changes the family may have suffered. Affected families have limited resources to aid their recovery.

The little that they do have needs to go toward rebuilding their homes and lives, Mr. Speaker, but this should not mean that their children should have to put their education on the back burner.

Mr. Speaker, I am pleased that the majority leadership has decided to take up the issue of college students impacted by this tragedy. Yet, comprehensive relief is necessary for all students with the financial hardship.

While I support these efforts and commend the majority for doing this, I hope Congress will soon consider a more comprehensive package like the Miller/Kildee Katrina College Relief Act. An extraordinary catastrophe, and this indeed is extraordinary, demands an extraordinary solution. With over 100,000 students from many institutions displaced, Congress must do more.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Ohio (Mr. BOEHNER) for allowing this bill to move so quickly and their time today.

An awful thing happened in my district and an awful thing happened in Louisiana, in Mississippi, and in Alabama. The people of my district, the people of my State, the people of the Gulf Coast have been hit not once but three different times. Many of them that survived the original Hurricane Katrina were then hit by the rising flood waters due to a levee that broke, a levee that is actually located within my district and just a few miles from my home.

Many people that survived the rising flood waters were then victimized a third time by the awful acts of a small number of looters, of people committing violence, and also a lack of basic food, shelter and medicines. We, as a body, owe it to these people to make sure they are not victimized yet again, a fourth time.

That is why I am so proud to be able to sponsor this legislation with so many co-sponsors. That is why I am so proud of my chairman, of the gentleman from Louisiana (Mr. BOUSTANY), and the others that have seen and understood the potentially devastating impact this hurricane might have on thousands of students and their families.

Many students attending colleges and universities when the hurricane hit have now found it necessary to withdraw from college due to the impact the storm has had on their homes, job, and families. Indeed, many universities in the city of New Orleans are still struggling to figure out how or whether they are going to resume classes in the fall. Not every institution has decided to offer fall classes. So not only are families displaced, not only are many families without their homes, their possessions, many universities and colleges have not yet figured out how they are going to resume or when they are going to resume their instructions.

Indeed, many of these institutions, many of these administrators have not been able to go back and inspect their buildings, inspect the damage, to even know what is left. The records, the buildings, the facilities, many of them are still unreachable and still inaccessible.

Under current law, the Higher Education Act and our Federal financial aid regulations require the schools determine whether students need to refund a portion of the Federal aid they receive in the case of a withdrawal. Our current regulations certainly did not anticipate I think this kind of catastrophe.

The rationale behind the bill we have crafted, my bill, was to do it narrowly and responsibly to protect low-income students who are forced to withdraw from school because of a federally declared natural disaster. My bill would grant the Secretary of Education the waiver authority for purposes of the return of title IV formula funds in the case of a natural disaster in case that natural disaster adversely impacts title IV grant and scholarship recipients and forces them to withdraw from their institution of higher education.

Yesterday, I was proud of this House for passing the Keller bill that grants similar waiver authority for the return of Pell grant funds also in the case of a natural disaster. This bill goes a step further. That is a great first step. This bill builds on that bill. This bill allows us to go a step further and provides waiver authority for additional scholarship and grant funds under title IV.

What do I mean by that? This includes funds like TRIO scholarships, GEAR UP money, Byrd Scholarships, LEAP funds. This bill, in essence, gives the Secretary of Education the ability to exercise the waiver authority in the event of a natural disaster declared by the President. It is the same authority that exists for the student loan program. This waiver authority also exists currently for institutions of higher education; similar waiver authority exists for institutions of higher education that are adversely impacted by natural disasters.

However, even though there is waiver authority for loans, even though there is waiver authority for the institutions, there is currently no authority for the Secretary of Education to work with the Nation's neediest students in times of catastrophe caused by natural disasters. This authority is important.

It allows the Secretary of Education to ensure that our Nation's neediest students are not put in a worse financial situation where they are forced to withdraw from a natural disaster.

In a previous position, I actually served as the President of the University of Louisiana, the University of Louisiana system. In that system was Delgado Community College. Delgado was located in one of the areas most severely impacted, quite literally in the heart of New Orleans, most severely impacted by the rising waters, by the hurricane.

Also in my system was the Southeastern University, Southeastern Louisiana University, another university located in a region that was hit fairly hard. To their credit, the faculty, the president, the staff have been focused on rescue and recovery efforts. Southeastern has opened up its dorms to house those that had nowhere else to go. They are working with students to welcome them back to campus, sometimes allowing them to bring their families who are otherwise homeless, allowing them to bend the rules to meet human needs.

I think we as a body have an obligation to do the same thing. Instead of just sticking to the red tape, sticking to the rules, we have an obligation to be flexible, to be responsive, to help these neediest students in their time of need.

I am proud of the chairman. I am proud of the different cosponsors. I certainly hope that this passes later today with a unanimous vote from this body to send a strong bipartisan message that we want to help students in need; we do not want them to be victims again. They have suffered through a hurricane. They have suffered through a flood. They have suffered enough. Let us not make them victims a fourth time.

Mr. KILDEE. Mr. Speaker, I commend the gentleman from Louisiana (Mr. JINDAL) for his bill and I look forward to working with him on even broader relief.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Michigan (Mr. KILDEE) for yielding me time. I also want to commend the gentleman from Louisiana (Mr. JINDAL) for his introduction of this bill, which allows the Secretary of Education to waive grant and scholarships awarded under title IV of the Higher Education Act for students forced to withdraw from classes due to a natural disaster.

By applying to title IV, the bill grants relief to students in the greatest need of financial support in assessing higher education. It also covers students receiving Pell grants, TRIO scholarships, Supplemental Educational Opportunities grants, GEAR UP grants, Byrd scholarships and LEAP funds.

Without action, these students would face incredible financial hardship because they would be responsible for repaying funds at a time of incredible economic and personal difficulty. Without action, we would be erecting barriers in their pursuit of their education.

We need to promote education in every way that we can. And I also support this bill as a first step to helping students overcome the barriers to education imposed by the horrific storm.

In addition, I strongly encourage my colleagues to take additional steps to ease the educational burdens of Katrina. The Miller/Kildee Katrina College Relief Act also grants, and I think it gives us an opportunity to go even further, 6-month deferments to students, and directs the Secretary to recalculate the expected family income that they could contribute to college in light of the catastrophe. These are excellent provisions that would greatly assist the hundreds of thousands of students and families struggling after Katrina.

Again, I want to commend the gentleman from Louisiana (Mr. BOUSTANY) for his introduction of this legislation. I also want to commend the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for the expeditious manner in which the Committee on Education and the Workforce has addressed the educational needs of students who have been affected by Katrina.

It is a good bill. I support it.

Mr. BOUSTANY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from Louisiana (Mr. BOUSTANY) for yielding me time.

I rise in strong support of this bill to provide additional relief to the victims of Hurricane Katrina who have been forced to withdraw from institutions of higher education as they work to rebuild their homes and their community.

The tragedy that has befallen the Gulf Coast region in the wake of Hurricane Katrina, the level of devastation and its impact on American families is truly staggering; and our prayers remain with the residents of that region as well as those who are working on relief and this recovery effort.

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We are working closely with the Department of Education to determine how we can best meet the needs of the children, families, teachers, and schools that have been impacted by this tragedy. We have identified an immediate need for action to assist students pursuing higher education who are forced to withdraw because of the devastation caused by the hurricane, and that is why we are taking action today.

I want to thank the gentleman from Louisiana (Mr. JINDAL) for introducing this bill to provide additional flexibility for students struggling to cope with this unprecedented natural disaster. The bill complements the measure offered yesterday by the gentleman from Florida (Mr. KELLER) to protect students forced to withdraw from higher education as a result of a natural disaster.

This bill will give the Secretary of Education a new flexibility to waive burdensome requirements on students impacted by this or other natural disasters. The bill would ensure students forced to withdraw from higher education because of natural disaster would not be forced to repay their Federal student grant aid, alleviating what could be a major burden for students already coping with this disaster.

This type of waiver authority that we granted yesterday and then again today already exists for the student loan programs and is being provided yesterday by the gentleman from Florida's (Mr. KELLER) bill for Pell grants and then today by the gentleman from Louisiana's (Mr. JINDAL) bill that would allow the Secretary waiver authority for those who may receive grant programs and scholarship programs such as GEAR UP, TRIO, and Supplemental Educational Opportunity Grants.

As we assess the damage in the weeks and months ahead, we will be working with our leadership and our colleagues across the aisle to provide additional resources and additional flexibility to the communities impacted by this tragedy to make sure that all the resources of the Federal Government are available to help each and every American that has been affected.

So, once again, I want to thank the gentleman from Louisiana (Mr. JINDAL), the bill's sponsor, for his work and urge my colleagues to support the bill today.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend from Michigan for the time.

As we look at repairs of levees and improving public health mechanisms and so forth, many Americans might not realize that there are other things we must tend to. I applaud the gentleman from Louisiana (Mr. JINDAL) for recognizing that we need to help those who are in the midst of their education. This legislation is a good first step on the floor.

I think that the legislation offered by the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. GEORGE MILLER) and others of us that deals with readjusting what families are expected to pay for college for the current term and making it more than optional for a university to recalculate families contributions and providing deferment of 6 months for student borrowers, those additional steps I think would be very important. I particularly commend to this body the legislation that is offered by the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. GEORGE MILLER) and others of us, and I hope that those provisions can be added.

I nevertheless want to strongly support what the gentleman from Louisiana (Mr. JINDAL) has done. It will help many students who are disrupted, whose education would otherwise be disrupted by these activities.

Mr. BOUSTANY. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Michigan for the time. I might want to take a moment just to say that I cannot thank the gentleman from Michigan (Mr. KILDEE) enough for his commitment to education.

I thank my good friend from Louisiana. It looks like we meet again, trying to improve the lives of so many that I know that you wish we in Texas were not housing, but we thank you so very much for sharing some of the very best people that we have ever had an opportunity to meet.

I want to say that particularly because this legislation is the kind of legislation that I believe should be on the floor every single day as we move toward Thanksgiving. Just imagine what life will be like for these survivors. Thanksgiving, the Christmas holiday, religious holidays that are coming, and literally the town of New Orleans, Biloxi, and places in Alabama have been obliterated by this horrific tragedy.

Many of us have spoken to the issues of an inquiry that we support to find out what happened and when. Many of us have spoken about issues dealing with first responders and why and when and how they could have performed. Many of us have discussed FEMA and discussed the idea of the impact of the military, but all of us are committed to the lives of the victims, those who live, those who have survived; and each step of the way we must move expeditiously to make them the focal point of this business of this Congress.

We may disagree and my colleagues will see us vigorously disagree on the performance of this government, whether or not it collapsed, whether or not we should apologize to the American people; but today, we are going to continue to stand here and unite around a solution.

The Katrina College Relief Act is that solution. It helps the very colleges that are impacted ultimately and the families. We know there are an array of universities in the region. I know of two in particular that impact my community, Dillard and Southern University in New Orleans. We are finding that my university, one of my universities, Texas Southern University, will be taking in students. The University of Houston will be taking in Tulane students, and others are finding their way across our cities and States across America.

So giving the Secretary of Education authority to waive the amounts of student grants such as Pell and TRIO will be vital in terms of students who have to withdraw from school. Directing the Secretary of Education to immediately readjust how much these families are expected to pay will be vital toward continuing a child's education. Providing student borrowers who live in the affected areas with 6 months of deferment is vital for the survival of these families.

Might I say that I hope we will come to the floor again dealing with the under-21 age group. We know that there are thousands of children in the Texas area, in the Houston area under the age of 15. We have visited in those respective shelters, late into the night, visiting with families, with babies as young as 1 month old, children who are 9 and 10, 13, 14, and 15, who are now living their lives in temporary housing and/or in shelters.

There has to be a focus, possibly of a one-time grant, for the enormous impact on the children of this region, on the children of America.

So this first step dealing with the Katrina College Relief Act, and I applaud the sponsors of this legislation, leaders of this legislation, is just one statement that we are focused on America's children and America's future and that, in fact, those located in Louisiana, Mississippi, and Alabama and the impact regions have our attention. We will not only address the questions of education but we will also fix the provisions that will allow us to directly pay those victims so they can get housing under FEMA and Housing and Urban Development.

This is a good start. It is a plus direction for us to take. It is a unifying direction for us to take; but Mr. Speaker, we have many miles to travel, and I would like to be able to offer ultimately legislation dealing with the children who have been impacted by Katrina.

Mr. BOUSTANY. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

First of all, I appreciate very much the very expeditious way in which the majority has approached this problem and look forward to working with them to seek an even more comprehensive way.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Michigan for his cooperation in this. This bill represents a small, but certain, step toward comprehensive recovery; and I urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. BOUSTANY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask to be added as a sponsor of this legislation, and I have to ask before the gentleman finally closes it out, as a cosponsor.

Mr. BOUSTANY. Yes.

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding.

Mrs. McCARTHY. Mr. Speaker, I support this bill.

Hurricane Katrina has devastated children, parents, teachers and schools from all over our country.

The school year has just started, and now thousands upon thousands of students have been displaced.

Those which are lucky enough to have been able to begin school in other locations are still dealing with the turmoil of being uprooted not only from their homes but also their community, friends, and classmates.

The instability of their situations must be incredibly difficult and painful to deal with.

Education is one of the most important things we can provide our students with, and it is so important to take care of our young people in this horrible time.

Yesterday we passed a bill which would provide a waiver for Pell Grants.

Today we are going to pass a bill which will waive other Title IV requirements to other programs such as TRIO, Academic Achievement Incentive Scholarship, Child Care Access Means Parents in School (CAMPIS), Supplemental Educational Opportunity Grants (SEOG), Leveraging Educational Assistance Partnership (LEAP/SLEAP), High School Equivalency Program (HEP), College Assistance Migrant Program (CAMP), and the Robert Byrd Scholarship Program.

These are good first starts, but in the coming days we need to do even more.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3668.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KILDEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3650. An act to follow United States courts to conduct business during emergency conditions, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1634. An act to allow United States courts to conduct business during emergency conditions, and for other purposes.

TANF EMERGENCY RESPONSE AND RECOVERY ACT OF 2005

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3672) to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families, as amended.

The Clerk read as follows:

H.R. 3672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TANF Emergency Response and Recovery Act of 2005".

SEC. 2. ADVANCE PAYMENT OF TANF BLOCK GRANTS FOR THE FIRST QUARTER OF FISCAL YEAR 2006.

(a) IN GENERAL.—Notwithstanding section 405 of the Social Security Act, the Secretary of Health and Human Services shall pay each grant payable under section 403 of such Act for the first quarter of fiscal year 2006, as soon as practicable after the date of the enactment of this Act.

(b) EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH DECEMBER 31, 2005.—

(1) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by section 1108(b) of such Act, shall continue through December 31, 2005, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the first quarter of fiscal year 2006 at the level provided for such activities through the first quarter of fiscal year 2005.

(2) CONFORMING AMENDMENTS.—

(A) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking "September 30" and inserting "December 31".

(B) CONTINGENCY FUND.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking "2005" and inserting "2006".

(C) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(i) in subparagraph (A), by striking "or 2006" and inserting "2006, or 2007"; and

(ii) in subparagraph (B)(ii), by striking "2005" and inserting "2006".

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH DECEMBER 31, 2005.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through December 31, 2005, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the first quarter of fiscal year 2006 at the level provided for such activities through the first quarter of fiscal year 2005.

SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES FROM OTHER STATES AFFECTED BY HURRICANE KATRINA.

(a) ELIGIBILITY FOR PAYMENTS FROM THE CONTINGENCY FUND.—Beginning with the date of the enactment of this Act and ending with August 31, 2006, a State shall be considered a needy State for purposes of section 403(b) of the Social Security Act if—

(1) cash benefits under the State program funded under part A of title IV of the Social Security Act have been provided on a short-term, nonrecurring basis, to a family which—

(A) has resided in another State that includes an area for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina; and

(B) has travelled (not necessarily directly) to the State from such other State as a result of the hurricane; and

(2) the State has determined that the family is not receiving cash benefits from any program funded under such part of any other State.

(b) LIMITATION ON FUNDING.—Subject to section 403(b)(3)(C)(i) of the Social Security Act, the total amount paid under section 403(b)(3)(A) of such Act to a State which is a needy State for purposes of section 403(b) of such Act by reason of subsection (a) of this section shall not exceed the total amount of cash benefits provided as described in subsection (a)(1) of this section, to the extent that the condition of subsection (a)(2) of this section has been met with respect to the families involved.

(c) NO STATE MATCH REQUIRED.—Sections 403(b)(6) and 409(a)(10) of the Social Security Act shall not apply with respect to a payment made to a State by reason of this section.

SEC. 4. AVAILABILITY OF ADDITIONAL TANF FUNDS FOR HURRICANE-DAMAGED STATES.

(a) CERTAIN STATES MADE ELIGIBLE FOR LOANS.—Beginning with the date of the enactment of this Act and ending with the end of fiscal year 2006:

(1) The States of Louisiana, Mississippi, and Alabama shall be considered loan-eligible States for purposes of section 406 of the Social Security Act.

(2) Notwithstanding section 406(d) of the Social Security Act, the cumulative dollar amount of all loans made to such a State under such section by reason of this section shall not exceed 20 percent of the State family assistance grant payable to the State under section 403 of such Act for fiscal year 2006.

(b) FORGIVENESS OF LOANS.—Notwithstanding section 406 of the Social Security Act, a penalty may not be imposed against any of the States of Louisiana, Mississippi, or Alabama for failure to—

(1) repay a loan made to the State under such section on or after the date of the enactment of this Act and before October 1, 2007; or

(2) make any interest payment on such a loan.

SEC. 5. AVAILABILITY OF UNSPENT TANF FUNDS TO PROVIDE BENEFITS AND SERVICES TO SUPPORT NEEDY FAMILIES AFFECTED BY HURRICANE KATRINA.

A State or tribe may use a grant made to the State or tribe under part A of title IV of the Social Security Act for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under such part to support needy families affected by Hurricane Katrina.

SEC. 6. WORK REQUIREMENTS AND TIME LIMITS UNDER TANF PROGRAM NOT TRIGGERED BY RECEIPT OF TEMPORARY TANF BENEFITS BY FAMILIES AFFECTED BY HURRICANE KATRINA.

Benefits provided on a short-term, nonrecurring basis under a State program funded under part A of title IV of the Social Security Act, during the period that begins with the date of the enactment of this Act and ends with the end of fiscal year 2006, to meet a subsistence need of a family resulting from Hurricane Katrina shall not be considered assistance for purposes of sections 407 and 408(a)(7) of the Social Security Act.

SEC. 7. WAIVER OF TANF PENALTIES IN HURRICANE-DAMAGED STATES.

The Secretary of Health and Human Services shall not impose a penalty on any of the States of Louisiana, Mississippi, or Alabama under any of paragraphs (2) through (6), or (8) through (14) of section 409(a) of the Social Security Act with respect to a failure to comply with a provision of part A of title IV of such Act during the period that begins with the date of the enactment of this Act and ends with the end of fiscal year 2006, if the Secretary determines that the failure resulted from Hurricane Katrina or reasonable conduct of the State in addressing needs of victims of Hurricane Katrina.

SEC. 8. EMERGENCY DESIGNATION.

Each amount provided in this Act (other than in section 2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Louisiana (Mr. JEFFERSON), the committee members of the Committee on Ways and Means who are obviously dealing with that very difficult situation in their districts, for their input on this emergency legislation.

This is the first response from the Committee on Ways and Means, and it is designed to deal with immediate relief. We will have additional pieces of legislation that we will work with our colleagues on the other side of the aisle dealing with recovery and reconstruction, and these will come in a timely fashion over the next several weeks.

The reason we want to move this legislation as quickly as we can is because it will provide immediate payment of TANF's funds. We have included the extension of TANF to the first quarter of 2006, which immediately frees up $4.2 billion in flexible funds to assist those families affected by the hurricane. In addition, it makes additional TANF funds available to the States devastated by the hurricane. We have a de facto contingency fund, and we have a loan fund. This turns the loan fund into, in essence, a contingency fund to provide even additional money.

Also, we do not want anyone worried about costs that are incurred as States adjacent to the disaster areas are providing assistance, and we are going to hold States harmless for costs incurred to immediately assist evacuees.

There are additional funds that are unused, and we make sure we maximize the flexibility available to States for providing assistance to families impacted by the hurricane.

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In addition to that, although there are specific rules for receiving the funds, we want to make sure that during this assistance period that those rules do not become a barrier and that we will waive program rules for hurricane victims receiving the short-term TANF assistance.

Especially, for those States who do provide various supports, we want to make sure that where there may have been penalties triggered by decisions made, those certainly would not be applicable either.

We believe that with expeditious movement by the Senate and not extended debate on what we do or do not do, this will free up literally billions of dollars available to assist those people directly affected by the hurricane and those States and others who are assisting them with funds otherwise unavailable to them.

As I said, this is the first step. We will look at the recovery and the reconstruction phases, which will entail a more detailed examination of the Tax Code and assistance in a timely fashion.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me set the stage of this discussion. When it comes to Hurricane Katrina, its impact and aftermath, especially on the poor, disadvantaged and the children, our most vulnerable population, let me sum it up. We do not know what we do not know.

Before us today is the TANF Emergency Response and Recovery Act. It is a marker, modest at best, meant to buy some time. I hope that is what it is.

We certainly stand with Representatives MCCRERY and JEFFERSON, two friends and colleagues who are at ground zero at this tragedy. We want to be as helpful as possible. I know that Mr. JEFFERSON is working on a comprehensive program for what is necessary in his district, and I think that will come forward as we go down the road a little bit.

It is going to be overwhelming, but in the process, we cannot act like we have done enough. The American people have had their fill of that kind of false rhetoric since this tragedy first roared on shore. As ranking member of the Human Resources Subcommittee, as a medical doctor and child psychiatrist, let me say we had better use the precious few months we are buying today to find out what we do not know and then address the real needs of real people. Band-Aids alone will not heal this wound.

We have more questions than answers, and we must act actively and aggressively to find out what we need to comfort the afflicted, heal the sick and mend the tattered bodies and minds.

First, we ought to add the word "temporary" to the title of this legislation. Here is why.

The legislation extends TANF, Temporary Aid for Needy Families, for 3 months. The 7th of December, it goes away. We are not sure we will even have a complete casualty count in the next 90 days.

This bill increases TANF funding for Louisiana, Mississippi and Alabama by 20 percent in the next fiscal year. The truth is, we do not know what the real cost will be, and 20 percent may well become the proverbial drop in the bucket.

This is a time when people and local governments expect leadership out of the Congress. Arbitrarily increasing funding by 20 percent had better be a sign of our initial commitment, not a cap on our already inadequate leadership.

We are going to completely reimburse neighboring States that provide short-term TANF assistance. Not only is that the least we can do, we should not tell States in this legislation that the meter is running and will run out in 3 months. What about Arkansas, all the people that went up there? There is no mention in here about them. We do not need any more confusion and missed opportunities than we already have.

This legislation waives some TANF requirements and penalties. Let me ask everyone something: Who in the world thinks this is the time to add more bureaucracy? We ought to be waiving every requirement and penalty for the indefinite future. We do not even know where the people are yet; this aid bill could end up hurting, not helping, people who need America more than ever.

We ought to add another word to this legislation, "incomplete."

There may be as many as 10,000 foster kids somewhere in the disaster region. Words like "displaced," "abandoned," and "alone" come to mind, and that ought to mobilize the conscience of the Nation. We do not know if these kids are safe, we do not know where they are, and we do not know if they are getting the services they need. We do know they have witnessed unspeakable horrors.

As a child psychiatrist, I know something about what these children are going through.

We ought to have a separate piece of legislation before us that focuses on these children. They will need grief counseling. They will need food, shelter, clothing and love. They will need guardians, and we do not even know today where they are.

The sad fact is that the current child welfare program dramatically limits services, including mental health, that these children can receive once they are located. Does anyone think we need another bureaucracy for that?

Early estimates from the Congressional Budget Office tell us that a half million workers will likely qualify for unemployment compensation as a result of the hurricane. The Federal program was short-sighted and underfunded before. What will we tell these people when their benefits run out, their communities have been washed away, what, go look for a job?

This is not a time to wash away the Federal response. Benefits should be there as long as they need to be, period. How long is that? The answer to that is how long it will take to raise and restore these communities. Within 6 weeks, something like 11,000 people are due to lose their unemployment benefits. Let us not compound last week's disastrous Federal response by ignoring another human disaster which we know is on the horizon. Those 11,000 people are out there right now getting their last check in the near future.

Mr. Speaker, we do not know what we do not know, but there is something we had better face up to. The poor, the disadvantaged, and children deserve an America of equal measure to the rest of the population.

For 10 years, the burden of care and compassion has been shifted away from the Federal Government by the Republican majority who wanted to create an ownership society by disowning those who needed us most. Programs like TANF and a host of other Federal programs that address human needs were cut, blocked, and shifted by Republicans who believed it was someone else's responsibility.

For 10 years, the burden of care and compassion has been shifted from the Federal Government by the Republican majority who wanted to create an ownership society by disowning those who need it most. And is owning something more valuable than going to work every day and playing by the rules?

For 10 years, we have aimed to shift the lifeline for all Americans on the local institutions. Therefore, today there are different TANF and unemployment and foster care programs in each one of the 50 States and they provide varying levels of support that are too often inadequate.

I heard from the gentleman from Arkansas (Mr. BERRY) that children brought from Louisiana wind up in Arkansas needing health care because they were in an institution down there, and Medicaid in Louisiana says we will not pay for them when they are in Arkansas. So a Congressman has to intercede on the basis that he has to move the bureaucracy in the middle of this mess. That is what you get when you get 50 programs, all different.

America's poor should be entitled to support no matter where they go in this country. They are an American. They are not a Mississippian or an Alabaman or a Louisianan. They are Americans, and we have got to get back to the principle that these should be national programs that reach the entire country.

We do not know where the next tragedy will be, but for us to stand here and figure we are going to make these little minor adjustments here today, and we are going to vote for it, we will all be for this, but there is a lot more work that needs to be done out there.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume, and I want to first of all take a deep breath before I begin addressing that diatribe.

The gentleman well knows that Medicaid is a program within the Committee on Energy and Commerce, that it is not within our jurisdiction, and we obviously are working with other committees.

The gentleman also knows that the program that he just denigrated was signed into law by President Clinton, and the vote in this House was more bipartisan than the vote on Medicare in 1965. In addition, we have an unemployment law that has been on the books since FDR that provides the 26 weeks.

Mr. Speaker, I said in my opening statement that this was the first, immediate response and we will have additional legislation addressing unemployment. And the extension of unemployment is obviously going to be in the next piece of legislation.

I do want to urge my colleague from Washington to join me at lunch so that he perhaps could have something other than sucking lemons for lunch prior to coming to the floor to address this House.

I will also respond to his comment about the fact that Arkansas is not mentioned. In the legislation on page 4, line 14, it says "a State," and it defines any State that responds to the needs. It does not name State by State. If in fact the circumstances are provided, given the facts, then that State receives the programmatic changes that we are offering in this legislation.

I do appreciate the gentleman's last sentence in which he said he plans to vote for the legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 3672. First, let me echo the sentiments of so many of my colleagues that have already been expressed here today to the victims of this terrible tragedy. Please know that our thoughts and prayers are with all of you. You will continue to be in our prayers as you work to recover from the devastation this hurricane has wrought and to rebuild your communities. We hope the steps we take here today will provide a measure of help in that incredibly trying process.

This legislation is designed to assist States provide for the immediate financial needs of thousands of families affected by Hurricane Katrina. I am honored to support this bipartisan bill introduced by my colleagues, the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Louisiana (Mr. JEFFERSON). Unfortunately, the gentleman from Louisiana (Mr. MCCRERY) cannot be with us here today since he is in Louisiana with the Vice President, helping coordinate the ongoing response to the hurricane.

The purpose of this legislation is simple: to clear any obstacles that stand in the way of quickly getting money into the hands of the hurricane victims. The legislation before us now addresses the needs of families who either have been on welfare or might need to go on welfare as a result of the hurricane. It ensures that States have the resources to help them, and it removes the bureaucratic obstacles that might otherwise stand in the way.

In terms of funding, this bill immediately makes available more than $4 billion in Federal welfare funds which States would otherwise have to wait until October to access. So States have that money to spend now when so many families are in need in the region.

It provides additional Federal funds for the hard-hit States of Louisiana, Mississippi, and Alabama, and it reimburses other States for the cost of providing emergency benefits to the many families that have left the States directly in the path of the hurricane.

To ensure families can focus on getting their lives back together and States can focus on providing immediate help, this legislation also waives program rules that might otherwise tie States' hands in providing for the immediate needs of affected families.

Mr. Speaker, these changes provide more State flexibility in meeting the needs of families, including for basic cash assistance right away. And as communities start to get back on their feet, this flexibility can and should be used to help parents find and keep new jobs to support their families.

Mr. Speaker, I urge the House to support this important legislation.

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Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Washington (Mr. MCDERMOTT) for yielding me this time.

Mr. Speaker, when you have underfunded programs that have too many mandates on the States to use the funds with too many restrictions, what ends up is that people who are vulnerable, who are at risk are the most likely to get hurt by these underfunded programs. Hurricane Katrina showed us in graphic detail the people who were victimized because we did not adequately fund programs and government.

I support this legislation, but much of what is in here should have been done prior to now. For example, this will be the 11th temporary extension of the TANF program. We should have reauthorized the TANF program well before this day. We talked about a 20 percent increase in funding in certain States. Well, just the cost-of-living changes since when this bill was first enacted in 1996 would have eaten up that amount. We should have adjusted the amounts well before this, not just for the affected States but for all the States in this Nation.

I am pleased to hear the chairman of the Committee on Ways and Means indicate that there will be other legislation, because I agree with the gentleman that the unemployment insurance issues, with 11,000 people running close to the exhaustion of benefits, need to be addressed; and I look forward to working with the chairman so we can deal with the unemployment insurance, which was not necessarily anticipated except by this storm.

Let me say in regard to the foster care children, which are also under the jurisdiction of our committee, foster children are our responsibility. They are now being scattered to many States around the Nation. We have a responsibility to make it easier for these foster children to be cared for during this period. I say to the chairman, I hope we will be able to work on a bill related to foster care.

Let me lastly mention child care, because there are not going to be enough funds available to our States to take care of the increased needs for child care in our communities. I hope our committee will also deal with that issue.

Mr. THOMAS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. SHAW), a senior member of the Committee on Ways and Means and the chairman of the Subcommittee on Trade.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to bring to the attention of the body an example that I think is citing a very fine example in my own congressional district. In the city of Palm Beach Gardens, they are putting out feelers in order to hire people out of these shelters, hire people out of the stricken areas, to bring into the city of Palm Beach Gardens, hire them and give them meaningful jobs. This is something that I think we should be looking at all across the country.

These poor people in the stricken areas of the hurricane are going to go home to find there are no jobs to go home to. There are going to be business failures, small businesses. People are going to be losing property to mortgages because of the loss of income.

So this is something where I think we can bring these stories back to our own hometowns all across this Nation, that there is a huge pool of talent out there which is just going to be idle. They are not going to have jobs, and I think that some recruiting going into this area would be very helpful, and it would certainly be in the great tradition of this country.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Washington for yielding me time.

Mr. Speaker, I am pleased to stand in support of this legislation for Temporary Assistance to Needy Families, indeed, the neediest families.

We are witnessing right now how the national principle in America plays out. If there is an earthquake in California, the rest of the American family comes to the assistance of those in need. If there is a hurricane in the gulf, the rest of the American family helps those in need. If there is a blizzard in New England, the rest of the American family comes to their assistance.

In fact, this legislation makes good initial progress in adjusting the TANF program to the needs of families affected by Hurricane Katrina. But it does not get us all the way there, and we know that. It does make a respectable first step.

It provides a 3-month extension of TANF funding for the entire country and allows States to receive advanced payments. It also includes a provision to increase fiscal year 2006 funds for Louisiana, Mississippi, and Alabama by 20 percent. It alleviates some of the strain on neighboring States. Let me say a good word about those citizens across the country who have reacted so favorably to those in need in other States. It also provides an opportunity to extend in the future a discussion at least about the whole notion of unemployment benefits. I think that is going to be terribly important as well.

More broadly, we are going to have to examine the safety net programs to make sure they are poised to catch the families before they fall even more, especially in the areas of unemployment benefits, child care assistance, and foster care. This bill, while silent on those issues, I know will be addressed in coming days and weeks.

Let me say something else as well. The reason we should have kept the surplus we had as a cushion was for three reasons: international conflict, in which we are engaged in two wars; a devastating natural disaster like this hurricane; and what is surely going to be the need in the near future to help those families who find themselves in a horrific situation through no fault of their own. That is the reason the surplus should have been maintained. That is the reason there should have been a cushion that was kept, rather than what we will do now by going off budget for many proposals down the road.

So we all stand in support of our friends and family members in this stricken area of the country. It does, as I indicated a moment ago, highlight the national principle that makes America special.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a senior member of the Committee on Ways and Means and the chairman of the Subcommittee on Health.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman for yielding me time. I want to congratulate the gentleman from California (Mr. THOMAS) of the Committee on Ways and Means and also the subcommittee chairman, the gentleman from California (Mr. HERGER) for bringing a very important bill to the floor very promptly.

In spite of the comments of my friend, the gentleman from Washington (Mr. MCDERMOTT), the ranking member of this subcommittee, TANF has reduced poverty among minority children in America more than any program ever adopted by Congress. It has been an enormous success in helping families get into the workforce, raise their incomes, and reduce the poverty level among children in our country.

So now to open TANF for those families devastated, devastated, by this natural disaster, is extremely important, because these are families now, like so many of our own children, living paycheck to paycheck, who have no paycheck and no assets. And that is today's problem. By bringing them immediately into TANF, they can get a paycheck. They can get cash assistance.

But, better than that, though nothing is better than that when you have no cash and you have a bunch of kids, but equally important is that it brings them into a system that is set up, that is structured, that is skilled, that is dedicated, that has people in it that know and understand it, who can help them with employment, who can help them with day care vouchers, who can give them transportation vouchers, who know what it takes to help a family get on its feet economically. And that is the challenge they face.

So this is a very important component of responding to the immediate needs of the families wiped out by this unprecedented, devastating hurricane.

Mr. Speaker, I am delighted that we are doing this right now. We are going to hold the States who open their TANF system to refugees harmless to the costs. We will be able to fund that from the contingency fund we have already put in place. We will be able to do this, meet immediate needs, and help those families to respond to opportunities like the gentleman from Florida (Mr. SHAW) just mentioned.

This is exactly what we need right now. We cannot see the whole problem yet; and it would be irresponsible to do anything but use the resources already at our disposal, resources that are experienced, savvy, and directly meet the needs for both cash assistance and opportunity for these families to rebuild their lives and receive the services they need.

Mr. Speaker, I thank the gentleman for this good piece of legislation, and I urge my colleagues to support it.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I want to express my sorrow for the tragedy that has struck the people of Louisiana, Mississippi, and Alabama; but I also want to express my sorrow that we are not learning from this tragedy. Have we not seen firsthand this week just how much help is needed for the most vulnerable people in our Nation? We are seeing it as they are victims of Katrina: the elderly, the disabled, the poor, particularly children. Of course, we must do everything we can to help overcome the challenges in the short term. But we must also address the long-term needs of the most vulnerable in this Nation.

This bill is short term. I will support it, but it leaves so very much undone. Of course, we need to give States immediate access to funds, funds that they otherwise would not have received until October 1. We need to provide emergency funds for Louisiana, Mississippi, and Alabama; and we need to reimburse other States for emergency cash assistance that they are providing for evacuees. This bill does those things.

But there are many things it does not do. For example, it does not address the pressing needs of children in foster care, the unemployed and parents who need child care, and it does not address child care needs that are even more critical than ever for parents of young children, parents who are trying to find jobs.

As I said, I will support this bill, but I am concerned that we are responding to Katrina with this bill, and others, both literally and figuratively, by helping the victims bail out the water, but not fixing the holes in the infrastructure that lets the water in. We need to do both, Mr. Speaker.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I want to thank the chairman for bringing to the floor so promptly this very important stop-gap legislation.

Mr. Speaker, I rise in strong support of the TANF Emergency Response and Recovery Act. This legislation provides immediate critical assistance to the families who have been gravely facing the overwhelming hardships in the aftermath of the worst natural disaster in our history. The States which have been affected under this bill would see a 20 percent boost in TANF funds through 2006. This is an increase of $83 million for Louisiana, Mississippi, and Alabama. As a Pennsylvanian, I think that is only fair.

In the last few days we have seen an outpouring of support from every region of the country. This legislation immediately releases $4.2 billion in TANF funds for payments to all States, funds which would not normally be available until the first quarter of fiscal year 2006.

The legislation waives current spending restrictions for all States when delegating unspent prior-year TANF funds. This means that the States affected by the hurricane and the States lending a helping hand will have the flexibility to spend their funds on what they need at this particular time. States will also have access to $2 billion in TANF contingency funds so that they can provide emergency cash assistance to evacuees.

We are also providing that the affected areas would be available to adapt by waiving the work requirements and time limits for hurricane victims receiving short-term TANF assistance. By waiving these program rules, families will be able to focus on rebuilding their lives.

We recognize that the number one priority for the families devastated by this hurricane is to make sure that their families are safe, that they have even the basic necessities of life. The number one priority for us in Congress is to provide the necessary relief to make this happen, and this legislation moves that process forward.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Orleans, Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me time, and I thank the chairman and the members of our committee who have brought this legislation forward.

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Louisiana and New Orleans, in particular, and the entire Gulf Coast region face a horrific set of challenges. They can all only be met by extraordinary action by this House and by its Members. The compassion that Members have shown, the prayers that have been extended, the helping hands across the country have been absolutely unheard of before; and the level of support that we are getting in New Orleans we are thankful for.

This TANF program is going to provide some flexibility that we need now to help reach the needs of our people for cash assistance and for other assistance, for the flexibility that we will need to take care of our evacuees and some of the areas and families that have been so devastated by the hurricane.

But as the President said, and as I think we all know, this effort, while it is good and while it is necessary and while it is timely, is a down payment of what we have to do here because the devastation has been so extensive.

So everything now that we do we must think outside of the ordinary. We must think outside of the usual set of issues we face in disasters, and we must think differently, more deeply, more broadly, more innovatively, and more compassionately than we ever have before to make these programs work for people who are living lives they never thought they would have to face, people displaced from home, having no connection to their home place at all. The psychological trauma, the mental stress that they are under, apart from the disconnection from families, all of these are matters which are deeply distressing and disturbing and unusual.

So I thank the Congress for taking the steps it is taking today. I thank Members on this side. I thank the Republicans on the other side. I thank all, without regard to party, for stepping up to work on this matter today. And I look forward to all of us remaining engaged on these issues so that we can find a way to really address the needs of people, many of whom were very disadvantaged starting out and of course are simply disadvantaged beyond all belief now.

So I thank them for what they are doing. We look forward to it, and I hope all will understand that we will have to come forward with a full recovery plan for our area that I hope this Congress will embrace.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH), member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, this morning's Arizona Republic carries encouraging news amidst the horrific challenges encountered by the colleague who preceded me on the floor and so many fellow Americans. It is the story of Doyle Smith and family. Doyle has six children, and yesterday he walked through and was given the keys to a five-bedroom home donated rent free to his family for the next 6 months. He says, "This is going to be the beginning of a beautiful start. It really is." And his 6-year-old daughter, Annalyce, walked from room to room saying, "I love it. I haven't been in a big house like this."

Mr. Speaker, America has never encountered a natural disaster as big as this, but what has been reaffirmed from coast to coast is that Americans have big hearts and Americans step up to help other Americans. That has been demonstrated by the people of the Fifth Congressional District of Arizona who have called me personally, who have called our district office, who have called our Washington office saying, How can I help? I want to step forward. And it happened also to an Arizona couple, Jeff and Marie Whiting, who had purchased a guest house, saw a need, and decided to donate this house rent free to the Smith family. This is what Marie says: "We are actually making a difference. If we reach across America and touch each other's hands, we can meet needs."

Mr. Speaker, as representatives of Americans here in the people's House, we stepped forward to meet the needs of those who are the neediest among us. This legislation, H.R. 3672, the TANF Emergency Response and Recovery Act of 2005, gives the States, States like my home State of Arizona, where we see people reaching out to their fellow citizens, the flexibility needed to get benefits into the hands of these who have suffered from the hurricane so that those needy families can get back on their feet without long delays because the State might fear it would not be reimbursed for the funds spent.

We have put in place, or we will put in place, with this legislation even greater flexibility so that we step forward on a greater magnitude to take the actions that the people of our Nation demand as a compassionate society. This legislation puts the funds forward, has the flexibility there, and the accountability necessary.

Is this an imperfect world? Yes. Has it been the goal of our Founders and now our generation to form a more perfect Union? Yes. Will this legislation help those who need the help? Yes.

Support this important legislation.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of this legislation, but I would beg our committee to also give flexibility to the States for people who are not victims of the hurricane. And let me tell them why.

I come from the State of Ohio where the city of Cleveland was deemed the city with the highest poverty rate in the Nation, and the State of Ohio has $1.14 billion left in their TANF fund as a surplus. There is something wrong here if we have the largest city with the highest poverty rate in a State with all this money. There is either something wrong with the administration by the Republican-led Governor's office or the stringencies of the requirements do not allow them to be flexible enough to take care of the poorest people in the State of Ohio.

I am for helping all the people who are victims of the hurricane, but this is a clear example of how poverty in the United States runs rampant and there is money there to help them, but somebody is not using it right.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a much needed piece of legislation; so let us pass this bill and then move on to the more pressing question of how to craft a long-term solution as part of a full recovery plan for all those affected in the gulf States. We need to do more to try to provide flexibility to the States so they can use these funds quickly, but at the same time we have to make sure that we are not hampering these States from doing what they believe is best for all of the victims that have suffered as a result of Hurricane Katrina.

I hope that we are able to work in a bipartisan fashion to move forward legislation which will address the needs of people who are unemployed today, they were unemployed before the hurricane, and now will suffer even more difficult times trying to find work, along with those who have now been displaced as a result of the hurricane.

I hope that we will deal with the fact that there are many legal immigrants in this country on their way to becoming citizens who, under the current law, would be constrained from being able to be assisted by these TANF dollars unless we provide the States with flexibility to do so.

Everyone is a victim regardless of their color, regardless of where they came from. If they were there, they are a victim. And I hope that this Congress can move quickly not just to do what is needed now but into the future.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank the Committee on Ways and Means and all of those who helped to move this bill to the floor. This is very important, but it is but a beginning by our government in an attempt to meet the needs of this awesome disaster. More must be done, and I am hopeful that everybody understands that we have got to keep working.

I have traveled to these shelters in Baton Rouge, Lafayette, Alexandria, Opelousas, and New Iberia; and I ran into many of these welfare recipients, who, of course, as the Members know, live day to day and did not have money at the end of the month oftentimes, and they are really frightened. They do not know what is going to happen to them. And this will help. This will help with some cash assistance.

But I want the Members to know there are a lot of other questions about what is going to happen to them, for example, those who would be rolling off welfare because they are at the fifth year. That is not addressed here. Some other things are not addressed.

Again, I am very grateful for this. I am going to support it. But I will certainly be here helping to provide another voice to say that there is more that must be done. Mr. Speaker, as we do this, let us all remember that they are in these shelters. Some people are living with 5,000 other people. We have got to get them out, welfare recipients and other people who are there. This work is awesome, but we can do it.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the chairman seems to think that if somebody is upset by this, they ate lemons for lunch. My belief is when we are dealing with the problems in the three States with the lowest unemployment insurance rates, the three lowest TANF rates, with a city that had 38 percent of the children living in poverty when this started, we are dealing with a problem which we should have dealt with long ago.

This Band-Aid today is nothing more than that. There should be a comprehensive dealing with this issue, and we should be all ashamed of the fact that that situation exists in this part of the country.

The next issue we are going to have to face, and I have not heard a single person mention it, is the cost of gasoline. If we can give food stamps to people in this country, we ought to begin a gas stamp program so that poor people who have to drive to work can afford to fill the tank and get there.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the bill we have under consideration.

The SPEAKER pro tempore (Mr. FORBES). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will say for the third time during this debate this is the first piece of legislation 2 days after we came back. We are responding with the maximum flexibility for money available on an immediate-relief basis. Clearly over the next several weeks as we examine the problems and are able to write legislation responsive to those problems, we will continue to bring legislation to the floor.

I would urge my colleagues, as they express their concern about what has not been done, that they should urge their colleagues on the other side of the Capitol not to engage in an exchange of legislation in which, on this initial humanitarian relief provision, they want to try to outdo each other. The most important thing is to get this out of here and make it available as soon as possible.

Over the next several weeks, we will be working with those Members and on this committee, principally the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Louisiana (Mr. JEFFERSON), who have already provided invaluable assistance and who are very supportive of this legislation, with additional legislation. I look forward to working with colleagues on the other side of the aisle who are willing to come forward in constructive ways in making adjustments.

I do want to underscore the fact that we are nearer to the beginning of the hurricane season than we are the end of the hurricane season.

☐ 1345

No one wishes another hurricane to touch the United States, but no one knows for certain that that will not happen, that as we are assisting those individuals who have had a very tragic occurrence, we are laying the groundwork for the possibility that we have to repeat this more than once.

I want to thank those colleagues who will help us move this expeditiously and in advance of the assistance on additional legislation dealing with more fundamental revisions in the Tax Code and extensions of various deadlines. I thank them for their cooperation, and I look forward to producing additional legislation that will be available for my colleagues' consideration.

Let me underscore, we need the other body to move immediately and not engage in attempts on this very first effort to expand and explore more fundamental changes in programs. So I plead with my colleagues here and on the other side of the Capitol, we have had enough talk, let us show some action.

Mr. BOEHNER. Mr. Speaker, I rise in support of this bill, which would provide assistance to the victims of Hurricane Katrina whose employment and training have been disrupted as a result of this tragedy.

The level of devastation we are witnessing in the Gulf Coast region is truly staggering. Our prayers are with the residents of the region, as well as all those working on the relief and recovery effort. All of our colleagues from the region—including two of my own on the Education & the Workforce Committee, Mr. JINDAL and Mr. BOUSTANY, as well as Mr. MCCRERY, the author of the legislation we are considering today—should know our thoughts are with them and their communities as well.

I commend the gentleman from Louisiana, Representative MCCRERY, for crafting this important legislation in short order. It will make a world of difference for many families in the region as they struggle to retain some sense of financial stability.

In order to deliver the quickest possible economic assistance to families in need across the country, the measure before us provides all States immediate access to their next quarter's Temporary Aid to Needy Families (or TANF) funds. That means $4.2 billion in flexible funds would be distributed to all States right away, rather than waiting precious weeks until the start of the next quarter. This legislation also would provide welcome relief for affected states in the form of a 20 percent TANF increase for the coming fiscal year.

This bill also takes the prudent step of waiving work requirements and time limits for residents in need of short-term TANF benefits as a result of the hurricane. Or primary concern right now is ensuring that families in that region can focus on putting their lives back together, as well as allowing States to focus on providing immediate assistance to those in need. Scores of families in the Gulf Coast region have endured enough pain and worry already, and this measure will provide them the peace of mind that these important benefits will be available when they need it most—and without added burdens when they need them least.

Mr. Speaker, we have made substantial progress over the past week, both in the recovery efforts in the South and in our own legislative efforts here in Washington. This bill marks another step in the long process that this Congress will undertake over the coming weeks and months to address the needs of all those impacted by the tragedy.

Once again, I thank Mr. MCCRERY for his work and I urge my colleagues to join me in support of this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of H.R. 3672, the TANF Emergency Response and Recovery Act. This bill is a modest first step towards assisting the states so severely effected by Hurricane Katrina and the many poor and underserved Americans who rely on the Temporary Assistance for Needy Families program.

This bill will extend TANF in a number of ways that will aid those in need along the Gulf Coast and those states who have taken in the evacuees from this disaster. It will extend TANF funding for the entire Nation for the next 3 months and allow States to receive advance payments. Additionally, it will increase TANF funding for Louisiana, Mississippi, and Alabama by 20 percent. It will also provide flexibility to neighboring states for reporting requirements and in using TANF contingency funds and unspent prior year TANF funding for assisting disaster evacuees. Finally, it waives work requirements and time limits for hurricane victims in need of short-term assistance.

While this legislation is a good first step, its focus is short-sighted and fails to consider the months and years that will be required to return the Gulf Coast to normalcy. It fails to address the need for child care assistance for evacuees trying to find some form of employment to support their families. There are likely to be thousands of children in need of foster care or family support services and this bill fails to address that need. It also does nothing for the roughly 11,000 jobless workers in the Gulf Coast region who are within 6 weeks of exhausting their regular unemployment benefits.

The haunting images we have seen on the news should be a wake up call to Congress that millions of Americans are still stuck in a cycle of poverty. Just last week, the Census Bureau released data that showed income for the typical American family fell by $1,670, 5.4 million more people slipped into poverty, and 6 million more joined the ranks of the uninsured. These are the issues that should be at the top of our priority list in Congress.

We are taking a positive step today to help the victims of Hurricane Katrina in the next few months. However, we need to think long term about the cost and efforts needed to lift up the people in the Gulf Coast. I hope to never see again the images of people too poor or too sick to evacuate their homes in times of an emergency. Nor do I wish to see a response so slow or inept that thousands lived in squalor for days. We should never forget those images and that memory should spur us to improve the TANF program to ensure that no American ever feels forgotten by the United States Government and the people it represents.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3672, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SINCERE GRATITUDE OF THE HOUSE OF REPRESENTATIVES TO FOREIGN ENTITIES THAT HAVE OFFERED ASSISTANCE AND SUPPORT TO THOSE AFFECTED BY HURRICANE KATRINA

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 428) expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina.

The Clerk read as follows:

H. RES. 428

Whereas Hurricane Katrina struck the Gulf Coast of the United States with devastating effect on August 29, 2005;

Whereas the United States has a long history of humanitarian response to other countries that have experienced disasters of similar magnitude;

Whereas soon after the scope of the destruction became evident, assistance was offered by foreign individuals, organizations, and governments; and

Whereas numerous messages of condolence and support for the people of the United States have been sent to the President and Congress and to government authorities in the affected area: Now, therefore, be it

Resolved, That the House of Representatives expresses its sincere gratitude to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina.

SEC. 2. The Clerk of the House of Representatives shall transmit enrolled copies of this resolution to the Secretary of State with a request that the Secretary transmit the copies to the foreign governments described in this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to express the gratitude of the American people for the tremendously generous offers of support and expressions of condolences that have poured in from around the world to those who have been affected by Hurricane Katrina.

Katrina will be remembered as one of the most catastrophic natural disasters to ever hit our shores. At this point, it would appear that thousands of victims, perhaps tens of thousands, have perished in our gulf coast region. Hundreds of thousands have been displaced without knowing where to go or how they will reestablish a permanent residence. Hundreds of thousands of jobs and businesses have been lost. Infrastructure has been destroyed. It will take years to rebuild these areas that were hit hardest by the hurricane.

However, in spite of the dark hours which we witnessed during the storm and its immediate aftermath, the spirit and will of the people most affected are beginning to shine through as a result of the support which they have received from the American people and from our friends and neighbors around the world. Nearly 100 countries have offered over $1 billion in monetary and other forms of tangible assistance. Even Sri Lanka, horribly victimized by the recent tsunami, has generously offered assistance. Such gestures will not be forgotten.

As Americans, we have a long record of providing humanitarian aid to many countries around the world that have suffered from natural and other disasters, but we have never found ourselves in this type of situation before. The compassionate offers of assistance from our global friends are welcome, and as reflected in this resolution, we accept them with heartfelt gratitude.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation, and I urge all of my colleagues to do so.

The United States is the largest provider of humanitarian assistance in this world. Whether in the aftermath of Hurricane Mitch or the devastation of the Asian tsunami, the United States and our military have been in the front lines of responding to the needs of starving and destitute victims of nature's fury. It is only fitting, therefore, Mr. Speaker, that when we face devastation from a deadly hurricane that overwhelmed our own disaster plans, countries around the globe should respond to our own needs with offers of assistance.

Let me join my colleagues on the other side of the aisle in expressing our gratitude for these offers.

I am not, however, satisfied with the reception of these offers by some branches of our own government. I want to commend Secretary Rice and the Department of State for making significant and successful efforts to catalog these offers from abroad, but we learned from press reports that the Federal Emergency Management Agency was unable to process them and to determine what would be of assistance and what would not. Let me give my colleagues an example.

The Swedish Government has offered water purification equipment. No item is more desperately needed in Louisiana than water purification equipment. They have also offered a cellular phone network which could have done much to ease the communications challenges on the gulf coast. As of yesterday, these offered items remain in Sweden.

It took a week for our government to accept the offer of four Canadian rescue vessels.

A German communications company was willing to provide an integrated satellite and cellular phone system that could handle 5,000 calls at once. The company waited for days for any response.

This area is just one more example of the failures of executive agencies tasked with disaster relief in responding to this, the greatest natural disaster ever to confront our Nation.

It is simply shameful that FEMA did not realize the scope of this disaster and failed to trigger its most significant response until the end of the day when the levees broke in New Orleans. It is simply shameful that there was not a way for FEMA to accept offers of assistance from our own military as well as citizen States across the Nation. It is simply shameful that the poor and the sick and the elderly were left without supplies and protection from the marauding gangs that seeped in and around New Orleans.

I am sure that there is plenty of blame to go around in unraveling the bureaucratic bungling that contributed to this unacceptable response, but one thing, Mr. Speaker, is clear: FEMA's leadership failed, and I call on its director to resign today.

Let us find a better way to accept offers of assistance from our friends abroad, from our fellow citizens, and from our own military.

In order to address all these shortcomings, I strongly urge the appointment of a truly independent bipartisan commission made up of public figures of distinction and integrity and experts on disaster relief to investigate the failures that have cost the lives of so many. An investigation launched by the administration or dominated by one party will never be able to get to the bottom of what went wrong. We cannot afford such a flawed investigation. We need to get this right.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of House Resolution 428, expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina. To date, I understand that some 95 countries have come forward with offers of assistance.

Bangladesh, one of the world's poorest nations, offered $1 million in aid.

Thailand—still mourning its 8,000 missing and dead people after the tsunami—offered 60 nurses and shipments of rice.

Israel, the largest recipient of U.S. foreign aid, is returning the favor by donating tents and first-aid kits.

Oil-wealthy nations, such as Kuwait, have offered over $500 million in oil and relief.

European nations, such as Spain, have focused on sending military and rescue gear.

Both Djibouti and Georgia, relatively smaller countries, have offered $50,000 each.

Sri Lanka, the small country off the coast of Africa and one that is about $600 million in debt, offered $25,000 in cash.

There has been some criticism that we have been slow to accept the offers pouring in. The fact is that our greatest challenge has been to match the generous offers with the needs of the American people. The last thing we need is for someone to offer us assistance that can't really be utilized. For example, Russia, made us offers and our State Department told the Russians what we needed most urgently were MREs, (Meals-Ready-to-Eat), so they sent us MREs. We did the same thing with Germany. We took the MREs.

The first aid we took, because, as the President said, it was the easiest to manage was cash. And the cash donations came in and quickly went out to Red Cross and others.

As Chairman of the Western Hemisphere Subcommittee, I would like to particularly acknowledge the outpouring of sympathy and solidarity we have witnessed from our friends and neighbors in Latin America. All the figures are still being compiled but I'd like to highlight a few examples, but by no means all examples of the support we have received from our friends in the Western Hemisphere.

Honduras has offered to send 135 flooding and sanitation experts.

Peru has offered to send a medical team of up to 100 members.

A Mexican ship loaded with supplies set sail Monday from the Gulf Coast port of Tampico.

Venezuela has offered 1 million barrels of gasoline, $5 million in cash and more than 50 tons of canned food and water.

Even Cuba has offered to send 1,100 doctors, and;

The Organization of American States approved the contribution of the maximum amount allowed under the statutes of the Inter-American Emergency Assistance Fund, and the establishment of a specific fund for the victims of Hurricane Katrina.

These are just a few examples of the aid being offered. What is most important to remember in this situation is not the actual amount of aid offered, who offered what, and who may have offered nothing; what is important to remember, is the willingness of other nations, big and small, to come and give while we are vulnerable. It is important to appreciate the principle behind the gift.

In closing, I want to offer my personal thanks to the entire international community for their help, their thoughts and their prayers for the people of the United States who have suffered and lost friends and loved ones in this terrible tragedy. The spirit of compassionate generosity and solidarity that we have witnessed from the international community is extremely comforting and gives me great hope for the future.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 428.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RELATING TO THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 427) relating to the terrorist attacks against the United States on September 11, 2001.

The Clerk read as follows:

H. RES. 427

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives;

Whereas four years later the country continues to, and shall forever, mourn the tragic loss of life at the hands of terrorist attackers;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

Whereas four years after September 11, 2001, the United States is fighting a Global War on Terrorism to protect America and her friends and allies;

Whereas recent deadly attacks in London, Madrid, and Sharm el-Sheik, Egypt, remind all Americans that the forces of evil that attacked the Nation four years ago remain committed to terrorist attacks against free peoples;

Whereas because of the skill and bravery of the members of the United States Armed Forces and due to the constant vigilance of our Nation's first responders, the United States homeland has not been successfully attacked by terrorist forces during the four years since September 11, 2001; and

Whereas while the passage of four years has not softened the memory of the American people, resolved their grief, or restored lost loved ones, it has shown that Americans will not bow to terrorists: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(2) honors the heroic actions and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the the Global War on Terrorism;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(5) discourages, in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith;

(6) reaffirms its commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely;

(7) vows that it will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities; and

(8) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our deliberations today have focused, and rightly so, on the catastrophe that has befallen the people of the gulf coast and our efforts and, indeed, the world's efforts, to ameliorate their situation. We should, however, pause and take note of a somber anniversary, the fourth anniversary of the attacks of September 11, 2001, which will occur this weekend.

I appreciate the fact that the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Ranking Member LANTOS) have worked out a text to recognize this anniversary which incorporated language from the gentleman from California (Mr. DOOLITTLE), and that the House leadership has encouraged us to bring it to the floor in a timely manner.

One year ago, we were involved in the middle stages of the efforts to pass the intelligence reform legislation recommended by the 9/11 Commission. Now we must oversee the implementation of that law and determine what additional improvements to our government's structures or substantive policies need to be made.

The resolution before us recalls the events of nearly 4 years ago, notes that the attacks were intended to assail our principles, values, and freedoms, and weaken our national resolve. It recalls our worldwide efforts against terrorism and notes that those who have attacked us in New York, at the Pentagon, and in the skies over Pennsylvania have continued their efforts in London, Madrid, and Sharm el-Sheik, although they have thus far been prevented from successfully again carrying their fight to our homeland.

It is time to again extend our sympathies to the families and the victims, to salute those who placed themselves in harm's way, often at the risk of their lives, and to honor those who are involved in the struggle against terror. We state that this struggle is not a struggle against any people or faith. We assert that we will continue to do whatever is necessary to identify, intercept, and disrupt terrorists and their activities, and that we will neither forget the sacrifices of September 11 nor ever yield to terrorists and their ideologies.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 4 years ago, as our Nation came to recognize the magnitude of the struggle we were starting in earnest against the enemies of tolerance and progress, we had the most sobering and moving debate that I witnessed on the floor of this Chamber in the quarter century I have had the privilege of serving as a Member. That debate resounds even today, as Congress continues to muster the resources and to rally our compatriots to carry on in the ongoing war on terrorism.

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With this fourth anniversary of the terrorist mass murder of September 11, we honor the victims, we honor the heroes, and we contemplate the lessons. We are still engaged in the global battle against terrorism. We have made progress, but we are a long way from victory.

Indeed, this point has been brought home to us and to civilized people everywhere yet again these past few months. On July 7, suicide bombers attacked the London subway and bus system, killing 52 people and injuring scores more. Two weeks later, another attempt on London's public transportation system created panic. And just 2 days after that, more than 80 people were killed in a series of terrorist attacks at the Egyptian resort town of Sharm al-Sheikh, not far from the Egyptian resort where over 30 people were killed a few months earlier in a similar terrorist bombing. And let us not forget that Israel, our only democratic ally in the Middle East, has been a longtime victim of terrorist attacks; and it continues to be the target of extremist Islamic violence.

Our hearts go out to the families of the victims who continue to be senselessly maimed and slaughtered in such vicious attacks of global terrorism.

And so the struggle goes on. We may differ about specific tactics, but I think all Americans agree on at least one broad goal: we must do all we can to assure that terrorists do not acquire weapons of mass destruction, particularly nuclear weapons. As we know from the events 4 years ago, they would not hesitate to use such horrendous weapons against us or against the innocent people of any other country on this globe.

To prevent that unthinkable atrocity, the United States must do all it can to prevent state sponsors of terrorism from acquiring weapons of mass destruction. We have achieved a remarkable success in convincing the Government of Libya to voluntarily abandon its pursuit of such weapons, but the threat that Iran and North Korea may acquire nuclear weapons is one of the most serious issues facing our Nation.

Teheran's ayatollahs have consistently supported terrorist groups that have shown no reluctance to use every weapon available to them in order to create mayhem in their fanatical zeal to destroy those standing in their way. Nuclear weapons in the hands of Iran could end up in the hands of terrorists.

At the same time, we must find innovative ways to carry on this global struggle against terrorism so that it becomes not a war in a conventional sense, but a united worldwide effort to eliminate the conditions that give rise to terrorism.

This is as much a battle of ideas as a battle against armies. The extremists and their protectors fear the freedom that we cherish. They seek to destroy it wherever it thrives. The war on terrorism is a common struggle among all democracies to preserve democracy itself, and we can only achieve true victory in this epic struggle when we bring democracy to all the corners of the globe. This means encouraging democracy and respect for human rights in places where they have not taken root, and where terrorists breed in the darkest corners of Egypt and Saudi Arabia, and many other places throughout the world.

Mr. Speaker, the struggle against terrorism goes on, 4 years after our Nation awakened to the urgency of this fight. But let us ensure that the soul searching and resilience that marked our deliberations in September 2001 do not merely echo in this Chamber today. Let the debate instead be amplified and our convictions deepened as we recommit to the fight against fanatical Islamic terrorists capable of perpetrating such an atrocity.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, on Friday, September 6 of 2002, before a commemorative joint meeting of Congress at Federal Hall in New York City, the then poet laureate of the United States, Billy Collins, dedicated the following poem to the victims and survivors of the September 11, 2001 terrorist attacks. The poem was called "The Names," and I would like to read it:

"I lay awake in the palm of the night. A soft rain stole in, unhelped by any breeze, and when I saw the silver glaze on the windows, I started with A, with Ackerman, as it happened, then Baxter and Calabro, Davis and Eberling, names falling into place as droplets fell through the dark. Names printed on the ceiling of the night. Names slipping around a watery bend. Twenty-six willows on the banks of a stream.

"In the morning, I walked barefoot among thousands of flowers, heavy with dew like the eyes of tears, and each had a name: Fiori inscribed on a yellow petal, then Gonzalez and Han, Ishikawa and Jenkins. Names written in the air and stitched into the cloth of the day. A name under a photograph taped to a mailbox. Monogram on a torn shirt, I see you spelled out on storefront windows and on the bright unfurled awnings of the city.

"I say the syllables as I turn a corner: Kelly and Lee, Medina, Nardella, and O'Connor. When I peer into the woods, I see a thick tangle where letters are hidden as in a puzzle concocted for children. Parker and Quigley in the twigs of an ash, Rizzo, Schubert, Torres and Upton, secrets in the boughs of an ancient maple. Names written in the pale sky. Names rising in the updraft amid buildings. Names silent in stone or cried out behind a door. Names blown over the Earth and out to sea.

"In the evening: weakening light, the last swallows. A boy on a lake lifts his oars. A woman by a window puts a match to a candle, and the names are outlined on the rose clouds: Vanacore and Wallace, let X stand, if it can, for the ones unfound. Then Young and Ziminsky, the final jolt of Z. Names etched on the head of a pin. One name spanning a bridge, another undergoing a tunnel. A blue name needled into the skin. Names of citizens, workers, mothers and fathers, the bright-eyed daughter, the quick son.

"Alphabet of names in a green field. Names in the small tracks of birds. Names lifted from a hat or balanced on the tip of the tongue. Names wheeled into the dim warehouse of memory. So many names, there is barely room on the walls of the heart."

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, it is appropriate that we remember 9/11, the victims, the aftermath of 9/11 and the policies which have been put in place as a result of that day of great tragedy. It is also appropriate that our remembering not be selective so as to preclude America from taking a path of truth and reconciliation.

Immediately after the attacks upon our Nation, all across the world people responded in solidarity with America, much as we are seeing at this moment in response to the unfortunate disaster of Hurricane Katrina. The world is always ready to embrace America and to share in our highest aspirations.

Unfortunately, sadly, decisions were made by some in the administration to use 9/11 as an opportunity to advance a longstanding ideological desire, with financial incentives to invade Iraq and overthrow its government.

Whenever we remember 9/11, and we should, we must also remember that some in the administration used 9/11 as an excuse to wage an illegal war against a nation that did not attack us, that had nothing to do with 9/11, that did not have the capability or the intention of attacking us, and that had no weapons of mass destruction.

9/11 could never be justified, nor should any attack upon this Nation ever be justified. But I think America lost a moment after 9/11 to come together as a national community in search of ways that we could take new directions to meet an emerging challenge of terrorism with new strategies, new initiatives, because we are learning the limitations of trying to solve our difficulties through armed force.

9/11 was a tragedy, and it was compounded by the war in and against Iraq. That war has separated us from many of our friends in the international community. It has drained our resources. It has cost us the lives of over 1,900 American servicemen, servicewomen, and has cost the lives of countless Iraqis who are innocent.

We need to heal our Nation. We need to come together as Americans so that we can assert our commonalities, our common interests in the general welfare of our countrymen and countrywomen. But in order to do that, we need to go back through that tunnel of 9/11, and the only way we can do that is to be guided by truth.

We still need to heal the Nation, but we will not be able to do it with arms. We can only do it by seeking the truth. And I contend that at this moment, when we stand united to pass this resolution, that we should also highly resolve that violence is not going to be the means that we use in the future to solve the differences that we have with nations.

Next week, Members of this House will come together to introduce legislation to create a Cabinet-level Department of Peace and Nonviolence, which recognizes that the path of peace can be active, can be firm, can have resolve, and can help us achieve a new world.

Ms. PELOSI. Mr. Speaker, 4 years ago, our Nation suffered the worst attack in our history, and Americans were forever transformed. What happened on September 11 was not simply an attack against America, it was an assault on our democracy. In the immediate aftermath, we saw Americans overcome grief and devastation to demonstrate that the values that unite us are greater and more enduring than anything that divides us.

That is what we do again today. This week, we come together in the spirit of unity and accord to memorialize the people lost and the families shattered on 9/11, in public ceremonies and private remembrances. I hope that it offers a small sense of comfort to those who lost loved ones and those who were injured in the attacks, that so many people in our country and throughout the world remember their loss and their suffering and continue to pray for them.

But the best memorial we can offer to the victims of 9/11 is not words, but deeds. We must bring a laser-like focus to our responsibility to make America safer. The threat that we did not recognize clearly enough 4 years ago confronts us still. The need to be prepared, as Hurricane Katrina so clearly showed, is one of our most critical responsibilities.

Four years after the attacks, Americans have to ask: has enough progress been made? The answer, sadly, is no. Security at our ports, on commercial airliners, on our transit systems, and along our borders has not been a priority. Our first responders still do not have the ability to communicate quickly and effectively.

September 11 is hallowed ground, and the actions of this Congress must be guided by that recognition. Our debates, our votes, our laws, must be worthy of the sacrifice that was made on that day. And so, in the name of the victims, we pledge again today: united as a country, we will seek to keep alive the indomitable American spirit that was displayed on September 11, and keep Americans safe from harm.

Mr. CARDIN. Mr. Speaker, the tragedy of September 11, 2001 has been seared in our Nation's consciousness forever. On this fourth anniversary of the attack on our Nation, I want to take this opportunity to remember the brave men and women who lost their lives at the World Trade Center, the Pentagon, and in a deserted field in the Pennsylvania countryside. That day, 3,000 Americans died at the hands of terrorists who would see our country destroyed. These fellow citizens were casualties in our Nation's continuing effort to maintain liberty, safety, and freedom for all Americans.

While we suffered a grievous loss that day, we must remember that we are a strong and determined Nation that will defeat those who would harm us. We join together to make it clear to the world that our Nation is united and resolved to defend our freedom against any enemy.

Today, we stop to remember those who perished on 9/11 and to remember their families with a special prayer. We also pause to reflect on the heroism of the firefighters, police officers and city officials who died in the line of duty trying to save others. Each of us is personally affected by September 11. While we might not know anyone personally who died, we still grieve for them. And we hold the members of their families close to our hearts.

Mr. STARK. Mr. Speaker, I rise today in opposition of H. Res. 427.

I cannot vote for a resolution supporting a "global war on terrorism" because there is no such thing. The only war the United States is engaged in is the misguided Iraq War. To support a resolution simply so President Bush can continue to carry out actions in the name of this false global war of terrorism only encourages this Administration to lead this country into additional unnecessary military actions.

Instead of honoring the victims of 9/11 and their families, this resolution only encourages the President to sacrifice more American lives for wars that have nothing to do with terrorism or the events of that tragic day.

When the House leadership presents a resolution that truly honors the victims of 9/11, I will vote for it. Until that happens, I urge my fellow Members of Congress to vote against this resolution and others that endorse President Bush's misguided foreign policies.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to mark the fourth anniversary of the September 11, 2001 terrorist attacks and to remember those who lost their lives that day, especially the residents of Connecticut and of my district.

As each year passes, it becomes even more important for us to remember the victims who died on September 11, 2001 and honor those who continue to serve as the Nation's first lines of defense against acts of terrorism and disaster. Their memory should keep us vigilant against threats and thankful for the many blessings we have as citizens of this Nation.

We thank the selfless firefighters, police officers, and emergency medical workers who confronted chaos and terror 4 years ago and lost their lives trying to save their fellow Americans in New York, Pennsylvania, and the Pentagon. This reminder is all too vivid in the wake of the recent tragedy on the Gulf Coast caused by Hurricane Katrina. Some of the very same first responders who assisted in the time following the terrorist attacks are down in Louisiana, Mississippi, and Alabama helping those families rebuild their lives. We owe them our eternal gratitude for their service and compassion.

However, as we have seen in the Gulf Coast states, we still have much work to do to respond to threats, both from terrorists and nature. We must focus our resources as a nation to ensure that first responders can act rapidly and communicate seemlessly with Federal, State, and local officials.

Terrorists still remain a threat to our Nation and other free and democratic societies. We were all shocked and saddened by the bombings in London on July 7, 2005. The images we saw in London that day were all too familiar to the images we will never forget from 4 years ago. Our deepest sympathies went out to our friends in Great Britain who have stood so strongly by the United States in our war on terror. These bombings and the memories of September 11 further strengthen our convictions to defeat terror throughout the world.

As Congress works to reauthorize the PATRIOT Act, our immediate response to the terrorist events that stunned our Nation, we must learn from the subsequent 4 years that have passed. To curtail the freedoms of Americans in the name of fighting our enemies would be a disservice to the memory of September 11 and every American who has given their life or put themselves in harm's way to defend this Nation and its people.

As we pause to reflect this September 11 and remember those whose lives were lost that day, let us also remember the things that make our Nation great: our freedom, our liberty and our democracy. These memories will give us the will to be better citizens and build a stronger nation.

Mr. MENENDEZ. Mr. Speaker, today we remember the victims of one tragedy as we work to help the survivors of another.

In my district and in the State of New Jersey, we know the experience of tragedy personally and the sympathy of those in New Jersey extends at the deepest level to those who lived through Hurricane Katrina.

Four years ago on September 11th, 700 of our friends and neighbors from my state of

New Jersey never returned home from work and never returned to their families. The smoking ruins of the Twin Towers were visible for my entire district to see and many of the police and emergency response people that responded so heroically to the attacks were from New Jersey.

I can't tell you how many memorial services I attended for people in my own district, nor describe in words the sympathy and sorrow I felt for family members who lost loved ones from all over the country.

That is why I committed that very day to taking every action to make sure that our Nation and her citizens never have to go through what we did on that terrible day four years ago. And since we know the enemy seeks to attack again, I have worked to ensure that our country is as prepared as we can be for a future attack and ready to respond once it does occur.

That is also why I support this resolution as an expression of my deepest sympathy to families and friends of the thousands of victims of that fateful day.

I support it as an expression of our Nation's gratitude and pride in our men and women in uniform who have performed with brilliance and valor in the war on terror and Operation Iraqi Freedom. To date, almost 1,900 Americans have made the ultimate sacrifice in support of our country, in Iraq, while many others have done so around the world in the fight against terror.

For me personally, I cannot walk outside into a crystal, clear, cloudless blue sky in September like we have today without remembering the very same sky on that tragic day in September. I cannot walk outside remembering the contrast between the beauty of that sky and the terror which came from it.

To those who survived and to the families who lost their loved ones, I know that four years has not taken away the pain.

To those who survived and to the families, I know that you will have to live with the consequences of that tragedy for the rest of your lives.

To those who survived and to the families, I say that we will never forget those innocent people who were murdered in cold blood and that we honor you for your courage, your will to survive, and for the strength you have shared with our Nation.

Mr. BISHOP of New York. Mr. Speaker, as our nation continues to deliver relief to the victims of Hurricane Katrina, we pause to remember the victims of an earlier American tragedy on the fourth anniversary of the terrorist attacks of September 11, 2001.

While grasping to comprehend the enormity of the natural disaster that has befallen the Gulf Coast region, Americans to this day still struggle to make sense of the terrorists' ruthlessness, their hatred of our core values of liberty, democracy and equality, as well as their capacity for the horrific atrocities they carried out against innocent men, women and children 4 years ago today.

As we remember our loss on September 11th, we are also reminded of the strength of the human spirit when other crises arrived. Since the terrorist attacks on the World Trade Center and the Pentagon, we have witnessed a world united in action and sharing a common goal of helping those most in need in the aftermath of tragedy, including the tsunami in Southern Asia, the terrorist attacks in Spain and England, and now in the wake of Hurricane Katrina.

Our Nation continues to heal from September 11, 2001, but with firm resolve, we have moved forward to rebuild—never bowing to terrorist demands or allowing an unwelcome sense of vulnerability to permeate our lives. With even greater respect and admiration for our first responders, medical professionals and other heroes across our Nation, we honor their valor and sacrifices as they ease mankind's suffering and elevate humanity to new heights.

On this day, Mr. Speaker, we will always remember and honor the Americans lost at the hands of terrorist attackers. This year, once again, we extend our deepest sympathies to their families, friends, and loved ones.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 427.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1415

REQUEST FOR GENERAL LEAVE ON H.R. 3673

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3673.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

SECOND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO MEET IMMEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRICANE KATRINA, 2005

Mr. LEWIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3673) making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

The Clerk read as follows:

H.R. 3673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, namely:

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,400,000,000 for emergency hurricane expenses, to support costs of evacuation, emergency repairs, deployment of personnel, and other costs resulting from immediate relief efforts, to remain available until September 30, 2006: *Provided*, That the Secretary of Defense may transfer these funds to appropriations for military personnel, operation and maintenance, procurement, family housing, Defense Health Program, and working capital funds: *Provided further*, That not to exceed $6,000,000 may be transferred to "Armed Forces Retirement Home" for emergency hurricane expenses: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not more than 5 days after making transfers from this appropriation, notify the Committees on Appropriations in writing of any such transfer: *Provided further*, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

DEPARTMENT OF DEFENSE-CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS-CIVIL

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" for emergency expenses for repair of storm damage to authorized projects in the Gulf states affected by Hurricane Katrina, $200,000,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than September 15, 2005: *Provided further*, That the amount provided herein is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Flood Control Act of August 16, 1941 (33 D.S.C. 701), for emergency expenses for repair of damage to flood control and hurricane shore protection projects in the Gulf states caused by Hurricane Katrina, $200,000,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than September 15, 2005: *Provided further*, That the amount provided herein is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

DEPARTMENT OF HOMELAND SECURITY

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Disaster Relief", $50,000,000,000, to remain available until expended: *Provided*, That up to $100,000,000 may be transferred to and merged with "Emergency Preparedness and Response—Public Health Programs" for the National Disaster Medical System to support medical care as authorized by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (42 U.S.C. 300hh–11): *Provided further*, That $15,000,000 shall be transferred to and merged with "Departmental Management and Operations—Office of Inspector General" for necessary expenses of the Office of Inspector General for audits and investigations as authorized by law for Hurricane Katrina response and recovery activities: *Provided further*, That the Secretary of Homeland Security shall provide, at a minimum, a weekly report to the Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than September 15, 2005: *Provided further*, That the amounts provided herein are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

GENERAL PROVISION

SEC. 101. For procurements of property or services determined by the head of an executive agency to be used in support of Hurricane Katrina rescue and relief operations—

(1) the emergency procurement authority in subsection 32A(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428a(c)) may be used; and

(2) the amount specified in subsections (c), (d) and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be $250,000.

This Act may be cited as the "Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was less than 1 week ago that Congress approved $10.5 billion in disaster aid to begin providing immediate assistance to the people of the gulf coast. That emergency supplemental bill was the first of what will likely be several supplementals addressing the urgent needs of our citizens affected by Hurricane Katrina.

I plan to be very brief in my remarks.

The human needs in the gulf region are all too apparent. The President has promised an unprecedented level of assistance and, once again, Congress is backing that promise with the funding and resources to keep the aid flowing.

This is a straightforward supplemental providing $51.8 billion for emergency response and recovery needs associated with this disaster. Our effort today will ensure that there is no disruption in funding for needed relief efforts. We fully expect to be approving still more assistance once we have an assessment of the full scope and costs of this disaster.

It is important for our Members to know that we are insisting on proper oversight for those appropriated dollars to ensure that funds are being spent wisely. Specifically, we have added a provision allowing the transfer of up to $15 million from FEMA's Disaster Relief Fund to the Homeland Security inspector general. Congress also will provide that every dollar needed is spent to rebuild, but we will require accountability for every dollar that is spent.

The destruction along the gulf coast will require months and even years of intense effort to recover and rebuild. Congress and the Bush administration are fully committed to the rebuilding process.

One final thought in closing. I recall vividly the scene of Republicans and Democrats standing on the steps of the Capitol singing "God Bless America" on the evening of September 11, 2001. We stood not as partisans or political opponents, but as American citizens united in our grief and resolve. We would all do well to follow that model of comity and civility. Our success in rebuilding in the wake of this natural disaster demands that we tone down our political rhetoric and weigh our words and actions carefully.

The lives and livelihoods of hundreds of thousands of people are at stake. The temptation to point fingers is great in the aftermath of a tragedy of this magnitude. Regardless of party affiliation, we must all resist this temptation to point fingers when our citizens are suffering and in need. There will be plenty of time to assess how and why this disaster occurred, but not today, not now. We must stand together as we did on 9/11, united as Americans, to assist our citizens in need.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, 19 times this year the majority party has asked me as the ranking member of the Committee on Appropriations to help them with procedural waivers of House rules so they could accelerate the passage of their appropriations bills, and we provided that cooperation.

Today, under consideration of this bill we on the minority side asked for three things. We asked, first of all, that since the last money that was provided to the hurricane region was provided with virtually no real debate, we asked that this bill be brought to the floor under an open rule so that Members could offer amendments trying to increase the efficiency of the money which is going to be delivered to the stricken area. The majority party said "no."

The majority party then insisted on bringing this bill up under suspension despite the fact that their own caucus rules indicate that no bill should be brought to the floor under suspension, which means no Member has a right to amend. Their own rules say that they should not be brought to the House floor unless the bill is under $100 million. This is a $50 billion bill.

Thirdly, because we had 17 Members who wanted to comment or ask questions about it, we asked if they were going to consider it under a closed rule that they give each side of House 1 hour to discuss the matter. We have been turned down.

Lastly, we asked the majority to provide for us an opportunity for at least one amendment so that we can correct the fact that right now FEMA has been used as a political dumping ground for patronage by the White House, and as a result we have a dysfunctional and chaotic agency. We were not even allowed to offer that amendment.

So I simply want to put the gentleman from California (Mr. LEWIS) on notice. He need not bother me asking me for any further procedural considerations for the rest of the session. If the gentleman wants to stick to the rules, we are going to stick to the rules.

I agree with the gentleman that it would be nice if we could follow on the model of 9/11 when we had bipartisan consideration of these matters. The reason we had bipartisanship is because the gentleman from Florida (Mr. YOUNG) and I worked together. We were consulted equally. We met in the Speaker's office and the minority had some opportunity for input in the product.

We have been given no such opportunity by the White House, by your leadership, or by you yourself under those circumstances. I think the gentleman needs to expect to receive the same kind of cooperation which he has extended.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I want to thank the gentleman for yielding me time.

Mr. Speaker, I want to personally thank all of the Members of the House for the help that they have given us, for their kindness, for their prayers for the State of Louisiana.

What I am going to ask of Members today is if Members cannot vote for this measure, find a reason other than the Governor of Louisiana. I served with the lady 20 years ago in the State legislature. She had some criticism for me when I changed parties last year, but I understand that. But she is a decent lady and does not deserve to have her name mentioned in the same column with the word "corruption."

I would appreciate it if Members would refrain from throwing stones at this particular time. We have some devastation down there and a lot of hurt people, but please, if Members would find another reason other than that.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we are now entering a new phase of this recovery effort. Although my Louisiana district did not suffer significant damage from the hurricane, we now face the enormous challenge of sheltering and supporting numerous evacuees now in southwest Louisiana.

In Lake Charles, Louisiana, a small community, we have an estimated 25,000 evacuees in need. In Lafayette, my hometown, there are an estimated 40,000 evacuees. We basically doubled our population. Funding appropriated in this installment today is critically needed to begin the transition from emergency shelter to a more permanent solution for housing of families of the gulf coast that are affected by this disaster.

The resources of local communities providing for these evacuees are being stretched ever so thinly now. The Cajundome in Lafayette, my hometown, continues to house nearly 5,000 individuals at a cost of nearly $60,000 per day. In a mere 30 days we will deplete the budget allocated for that facility for the entire year, so we need help.

Local community organizations are stepping up to help, but have limited resources. The recovery process will be long and expensive. The Federal Government must continue to step in and bring its full resources to the effort and Congress must provide proper oversight.

The visual images of all of this have been just horrific and the human stories are unbelievable to hear. And I have been frustrated with some of the delays, but we must get the job done.

This is not the time to point fingers. This is not the time to cast blame. This is the time to get to work. We have an enormous amount of work to do in front of us, and it has to be done in a bipartisan fashion. I ask Members on both sides to use restraint in the debate. Accountability will come as we move forward.

I know Congress will look into the disaster, and I urge my colleagues to rise above the vicious rhetoric that does not provide for the thousands of children in my district who need school supplies and uniforms.

Displaced small businesses with help to get back on their feet; opportunities for families to reunite; housing for those without, or, seniors with medical care and comfort.

This emergency supplemental is the next installment in the long road to establishing the industries and communities of the Gulf Coast. I would like to thank the House leadership and my colleagues for their continued support.

Mr. Speaker, I urge passage of the supplemental.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), a member of our committee.

Mr. KIRK. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this legislation. I also want to point out that the chairman and ranking minority member have quite wisely repeated a precedent that we set in previous large supplementals of enhancing the capabilities of the Inspector General's office with new resources and new investigators to make sure that the assistance reaches those who are in need.

This legislation that we are considering is three times larger than any previous domestic disaster assistance legislation that we have considered. We were advised last night by OMB that the Federal Government is spending at the rate of $2 billion a day, and that rate will likely continue for some time. In spending the taxpayers' resources that quickly, we want to make sure that we are still reaching those in need. We have seen in previous large supplementals, enhancing the Inspector General's Office creates a positive environment of making sure everybody knows that they are just in the office next door and if something uncareful is done, they could face consequences.

This legislation has that protection in it for the taxpayers.

□ 1430

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, we have talked a lot about making sure that we not overlook those who have been affected by this terrible tragedy. Today, Mr. Speaker, I rise to support this bill, but also just to say we should make sure that we do not overlook those significant numbers of people that have been traumatized by this terrible event.

The mental health impact of this horrifying event, it cannot be measured in dollars. If trauma can disable even those who are trained for battle, we have seen police officers commit suicide already because of what they have witnessed, who can begin to even calculate the fallout on those who are most vulnerable, those who suffered trauma in the past, those who deal with mental illness every single day?

In addition, there is an extreme need for those with mental illnesses who have become evacuees themselves. Untreated, their diseases can be debilitating or even fatal under extreme stress. I know that efforts are under way by SAMPHSA and FEMA and many private organizations to meet the mental health needs today and in the future, but I also know that there are never enough resources when it comes to mental health, even in the best of times.

So I look forward to working with the committee to make sure that these and other needs are met in this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BONNER).

Mr. BONNER. Mr. Speaker, the events we have witnessed during the past 2 weeks on the gulf coast have been nothing short of tragic. Never in my life could I have imagined the scale of devastation which has come to pass in Alabama, Mississippi and Louisiana as a result of Hurricane Katrina.

The endless stream of video on national television networks and cable stations has provided us with images that until recently we had only seen in devastated Third World countries in other parts of the world.

My district in south Alabama was severely impacted by this monstrous storm. In some areas, such as Bayou La Batre and Dauphin Island, entire neighborhoods and businesses have simply been washed away. As horrific as this impact has been on my constituents, it is only a small part of the overwhelming destruction covering 90,000 square miles along America's gulf coast.

Ninety thousand square miles. To put that in perspective, in the area commonly known as Ground Zero in New York City affected by the terrorists on September 11, it totaled just 16 acres.

As everyone in this Chamber is aware, particularly our friends in Louisiana and Mississippi, the recovery time facing us will be long and difficult. It will require determination, strength of mind, spirit and body; and it will require a sense of unity.

In the days since the storm, we have seen all of these qualities in great abundance, in the people doing such large things as providing housing, jobs and hot meals for displaced families, and those doing such small things as providing a hug to someone in need.

But this recovery will also require one other thing. It will require a tremendous amount of funding. The emergency supplemental measure under consideration here today will provide much-needed funding from local, State, and Federal agencies to continue the seemingly insurmountable task of rebuilding lives, communities, and States.

It is difficult to know what the final cost will be in rebuilding after Hurricane Katrina. However, the $10.5 billion in emergency funding approved by this body last week was a good start, and the $51.8 billion measure we are considering today will provide even more vital funding for the rebuilding of America's gulf coast.

I thank the gentleman from California (Mr. LEWIS) for his leadership in this very difficult, yet important, matter. On behalf of my home State of Alabama, I want to especially thank President Bush for his assistance to the impacted region and for his tremendous display of support to those affected by this storm. I am also most grateful to the leadership of this House for responding so rapidly to the great challenges that this emergency funding will help address.

Let me close by urging my colleagues to support this measure and, in so doing, show their support and compassion for the millions of women, men and children impacted in countless ways, both great and small, by this storm. Hope is something Americans should never lose. Let us, by both our words and actions, continue to provide that hope.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. SABO), the ranking member on the Subcommittee on Homeland Security.

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in strong support for this bill and this supplemental appropriation. The Congress clearly needs to pass it as quickly as we can, but let me make just a few random comments.

I think it is obvious to most of us, or at least to me and some others, that the Federal Government probably would have responded more quickly and in a more professional manner to this crisis if FEMA existed as it existed before the creation of the Department of Homeland Security, and I think that is an issue at some point we have to deal with.

Secondly, I think it is appropriate that we deal with this bill quickly and as a supplemental appropriation today and do it quickly so we can meet real urgent, current needs. However, at some point, as this need and the need for a supplemental grows, at some point we should follow regular order and have the administration respond to our committees and respond to questions and to build their case for what their plans are on what I expect will be a significantly larger amount of money that is being spent.

So while we proceed today, clearly we should plan. I would hope, the next time we face a bill, at least some committee hearings where Members can ask questions and the administration is required to provide some more detailed plans.

Thirdly, clearly the administration, we and everyone is guessing at what some of the needs are going to be, but one concern I have, what is lacking and that I have heard no discussion of, is we have dealt with kids in college, but we have thousands of kids in elementary and secondary education who have been uprooted from their homes, been uprooted from where they were planning to go to school a very short time ago and scattered throughout the country. They are going to have some very unique problems, and I have heard no discussion by the Department of Education of providing any additional funding for these kids in whatever school districts they end up around the country.

I think that clearly should be the responsibility of the Federal Government. I think they are going to have unique needs in terms of counseling, and it is going to put additional burdens for additional students on school districts; but if there are any plans for doing it, they have escaped me. So I would hope the administration, the Department of Education would move very quickly to develop some realistic plans on how we deal with kids who are going through great turmoil and are going to face the uncertainty of being in schools that they were not planning on.

So we need to pass this bill, but we have got lots more work to do.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Homeland Security.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the chairman for yielding time and, more importantly, for the work that he has been doing these past several days trying to come to the aid of colleagues in the South.

One year ago, this Congress responded to an unprecedented event, four hurricanes striking a State within 2 months in Florida. Little did we know that a year later this Nation would be tested beyond what we saw in Florida. Not quite 2 weeks ago now, we saw the fury and destruction that Mother Nature can unleash; and we all watched as not just homes and communities were destroyed but entire cities.

The images on television were horrific. I do not know a single heart in America that is not breaking as we watch hundreds of thousands of our fellow citizens become victims to the worst natural disaster in the Nation's history.

There has been much debate, finger-pointing in the press about who is to blame for problems with relief efforts, about who allowed such a human disaster to happen. This is an important question and one to which we must find answers, but at the appropriate time. Right now, it is time to finish the job of rescuing human beings from harm's way, to comfort those that have lost all of their possessions, and to help them find a sense of comfort and normalcy.

This bill will provide the beginnings to do just that. We do not know yet what the total disaster costs will be, but we want to assure the victims and the Nation that we will do everything in our power to help them recover.

Just an idea, Mr. Speaker, in World War I we had a thing called Liberty Bonds. I think it is time we thought about perhaps having Katrina Bonds. A lot of people are wanting to help across the Nation. This would be a way for every individual, if they chose, to find a way to help the victims of this great, horrible disaster. So I recommend that we think of that, establishment of K savings bonds.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. MELANCON). We have seen him in his efforts in his own district after this disaster.

Mr. MELANCON. Mr. Speaker, after a week and a half of difficult days, today is one of the toughest for me.

This morning I had to leave the devastation and overwhelming need of the people that were affected by Katrina to come to the House to do my duty as a Member of Congress, to see that they are taken care of in the near term and in the long term. I hope we can bring some real help to Louisiana and the gulf region.

First, we can make a difference in the form of today's supplemental appropriations to provide immediate relief for all that have suffered directly in this tragedy.

Second, we can commit today that the problems that plagued the Katrina response will never happen again in future disasters.

Beginning today, we can start a tough and honest assessment of our emergency response capability and how we deal with disasters like Katrina. With new legislation I have introduced, I am calling for creation of the Katrina Commission, an independent and bipartisan commission that will cut through the partisan finger-pointing and give us some real answers.

We all need answers, Mr. Speaker. Louisianans, and my district in particular, need answers to what went wrong; and the rest of America needs answers to how we are going to better be prepared in the future in the case disaster hits them.

We need to know why, when New Orleans was a nightmare, we sat and watched instead of helping the places we could help. I can tell my colleagues, because I have been there, that some of the hardest hit places were ignored and abandoned and even now are not getting the attention they need.

There is a sense in my district, in places like St. Bernard and Plaquemines Parishes, that the Federal Government, our government, Mr. Speaker, has completely failed them. It is this point I have a lot of trouble telling them that they are wrong.

As their Congressman, it is painfully ironic that the help I have been able to give them has not been from the Federal Government at all. I have had to work around the system, identifying needs and coordinating resources myself, much of it from private and unofficial sources.

The system was broken long before Katrina hit, and just because we can turn on the television today and no longer see thousands of people in immediate peril does not mean we have somehow fixed it.

As we move forward, we must remember that there are success stories in all of this, and there is much to be proud of. First responders, charitable groups, thousands of volunteers have given more than we could have ever asked.

Local officials like State Senator Walter Boasso of St. Bernard Parish and the Plaquemines Parish sheriff and parish president worked together as a team on the ground to deliver for their people and protect their property. Why on their own? Because for days there was no help coming from the Federal Government.

In the last week, Louisiana has had help and had support from all over the country. We have been grateful for law enforcement from New York, food and clothing donations from Phoenix, and so much more from everywhere else in this country.

□ 1445

We also owe a debt of gratitude to the States and cities that have opened their doors to hundreds of thousands of Louisiana citizens who have had to flee their homes. Your generosity is a testament to the strength of our American spirit, and your support has allowed us to continue on when we were not sure we could.

I thank America, and I particularly thank this body for the support that I have received from its Members through calls and shipments.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2¾ minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, hundreds of thousands of our fellow citizens in our gulf coast region have been devastated and displaced by the worst natural disaster in our Nation's history. The needs of the survivors and affected communities are great and our willingness to respond must match the challenge. This great Nation must respond in a manner that the American people expect and demand.

I have every expectation that every Member of this House will vote today for this emergency supplemental appropriation because our paramount concern must be to assist the victims of this catastrophe, our brothers and sisters in the gulf States. But it pains me to say, Mr. Speaker, that once again we have abrogated our obligation to conduct real, meaningful, effective legislative oversight of the executive branch. We want to help, but we have an obligation to assure ourselves that the help is going where it is needed.

Ten and one-half billion dollars by unanimous consent; I was for that. Fifty-two billion, plus; I am for that. No hearings, no oversight, no questions. No examination of when and how and where and who will spend the money and who will get it. As I understand it, neither the chairman nor the ranking member of the Committee on Appropriations was consulted in the drafting of this legislation.

The unfortunate truth is, Mr. Speaker, this compliant Congress has acted more like an adjunct to this administration than the co-equal branch that the Constitution demands we be.

Now, more than ever, the American people deserve honest answers to hard questions about the inadequate Federal response to this disaster. For example, why did Federal agencies and officials fail to appreciate the magnitude of this disaster, even as they were being warned by hurricane experts of the potential devastation? We all watched it on television being reported to us. Why was the Federal response too slow and initially too inadequate?

As the columnist David Broder wrote on Sunday, "The majority of Republicans see themselves first and foremost as Members of the Bush team and do not want to make trouble by asking hard questions."

I close, Mr. Speaker, by simply saying that, of course, we are going to support this, but, Mr. Speaker, I urge us to have oversight. Fifty-two billion dollars is a lot of money, and we are going to spend whatever is needed, but let us make sure we spend it right and let us make sure the right people get the money.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to mention, as I did in my opening statement, that we have changed this a bit by adding $15 million to make sure our inspector general is assisting us in making sure that every dollar that will be spent, and it is necessary to help those people who have been affected by this tragedy, that indeed it is our intention to ensure to the American public that every dollar is spent well.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1¾ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

My colleague from Minnesota (Mr. SABO) a moment ago cited the plight of elementary and secondary schoolchildren and the need to invest in education requirements to help them through this traumatic period. My area in our Committee on Transportation and Infrastructure is the highways, the bridges, the water and sewer systems, the port facilities, the Coast Guard and, indeed, FEMA itself. We should understand, as I said last Friday on passage of the first increment, that this is a down payment. That $10.5 billion was a down payment. This $52 billion is a down payment on the needs of the gulf, the need for restoration of the wetlands, the buffers that slow the advance of storms, that prevent the erosion of the coastline.

But there is also a need to restore the buoys in the harbor, to replot the sandbars and the channels in the harbor and the riverway. There is a need to invest more in the Corps of Engineers to reevaluate the levees and the protective systems, the riprap along the coast of the river banks of the Mississippi River and Lake Pontchartrain.

The causeway is under severe difficulty. The roadways throughout the Louisiana, Mississippi, and Alabama gulf areas are in serious difficulty. The storm surge has taken those out. We are going to need a huge investment in highways, bridges, water and sewer and sewage treatment facilities in the city of New Orleans and in other communities.

Our committee stands ready to address those issues, but we will need a comprehensive plan to address these issues, and I urge the Committee on Appropriations and the Office of Management and Budget to address that very issue of laying out a plan, so we think constructively into the future.

Parallel to the tragedy of human and physical disruption in the aftermath of Katrina, is the obvious disarray of the Federal Government's response. FEMA should have been in charge—but they didn't seem to be. For a long while, no Federal agency appeared to be in charge, coordinating the recovery efforts.

I predicted that this would happen when the Department of Homeland Security was created, with FEMA included in it. I argued against the inclusion of FEMA and offered an amendment to delete FEMA from the proposed new department during floor consideration of the DOHS bill.

I include at this point in the RECORD my remarks from the RECORD of July 25, 2002, in support of my amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the Brookings Institution studied this proposal for a Department of Homeland Security and reached the same conclusion as former FEMA Director James Lee With with this observation:

"There is very little day-to-day synergy between the preventive and protective functions of the border and transportation security entities in the Department and the emergency preparedness and response functions a consolidated FEMA contributes. There is, therefore, little to be gained in bringing these very different entities under the same organizational roof. And the costs are not insignificant.

"FEMA," the report says, "would likely become less effective in performing its current mission in case of natural disasters, as time, effort, and attention are inevitably diverted to other tasks within the larger organization."

Prior to the time when we enacted the Stafford Act which statutorily established FEMA in 1979, after we had shed its disaster, civil defense role, the Federal Government had had no coordinated or effective response to natural disasters, but FEMA became that response agency.

Now, if we move this really effective agency into a big bureaucracy, we know what happens. We all know in this Chamber what happens when a small agency gets into a big department and the big appetite for more money to be shuffled around with fungible dollars that can go from one agency to the next and suddenly, FEMA's will just dissipate and fritter away.

Mr. Chairman, I am in the enviable position of rising in support of the unanimous position of the Committee on Transportation and Infrastructure in reporting out our responsibilities toward homeland security, and that is the committee reported out recommendation to keep FEMA as an independent agency.

All right. This is July 2002. Let us fast forward to July 2003. The majority has prevailed. FEMA is a box in the mammoth bureaucracy of the Department of Homeland Security. Flood waters are swirling around your city. You call for help. You get the Department of Homeland Security. The switchboard sends your call to the Under Secretary's office which looks up "disaster" on their organizational chart and sends you to the Congressional Liaison Office, which then promises to get a message back to you in 24 hours. Eventually, they find FEMA, by which time you are stranded on the roof of your house waving a white handkerchief and screaming for help. FEMA, the word comes back, sorry, is looking for suspected terrorists some place in the hinterland of America and will get back to you as soon as we can.

This Department of Homeland Security is a bureaucracy in search of a mission. Do not give them FEMA's mission. It is too important to waste on this misguided department. There is that old barnyard saying, "if it ain't broke, don't fix it." FEMA ain't broke. Don't fix it by ruining it and sending it into the Department of Homeland Security. It is nimble, quick, lean, effective as an independent agency today. Keep it that way. Help your city, help your State, help yourself, help your firefighter by keeping FEMA as an independent. agency where it belongs and has been effective.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I rise in support of H.R. 3673, but as chairman of the Committee on Small Business I want to raise an issue of potential concern regarding one provision included in the bill that raises the micropurchase threshold from $2,500 to $250,000 for goods and services used in support of Hurricane Katrina rescue and relief.

We understand the need for giving relief and aid to the victims as quickly as possible. I also understand that was the reason the administration requested inclusion of this provision in the supplemental.

While the provision in the bill only deals with the immediate rescue and relief operations, I am concerned that, moving forward, we ensure that small businesses, particularly those in the impacted gulf areas, are able to play a significant role in the recovery.

I would ask the chairman if he would be willing to work with me and the administration to ensure that our small businesses are fully utilized and that we maintain appropriate controls over contracting.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I first want to say that I appreciate the gentleman bringing this to our attention, as chairman of the Committee on Small Business. Indeed, I will be happy to continue working with the gentleman over time regarding this matter, and I look forward to that effort.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we have all seen the damage done when FEMA is run by incompetence and when FEMA itself is a disabled agency. We must depoliticize and professionalize the leadership at FEMA, and I hope we will have an opportunity to do that very soon, because until we do, this money is being spent by a disabled agency.

One other point. The news media has talked often about those who were left behind in New Orleans. They are easy to see because the cameras are there and we can see the dead bodies floating in the water. But there are millions of other Americans in and outside of the region who are also being left behind in our schools. They are being left behind in health care. They are being left behind on Medicaid.

I would hope that this Congress would have the decency to set aside its plans to provide billions of dollars in additional tax cuts for the most wealthy and the most prosperous and comfortable among us while the needs of so many are so apparent and while so many Americans are indeed still being left behind in the affected area and in other regions of our country.

Mr. Speaker, I would also hope that we could come to an agreement that in a matter this serious, the most serious disaster that has ever affected this country, this Congress would find a way to deal with these issues in a bipartisan and consultive fashion. If you want cooperation, you need to extend cooperation. This is too important for this business to be handled any other way.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from California (Mr. LEWIS) for his fine gesture and for the work they have done on this appropriations matter.

We have all seen the devastation in the news of my home district and my State of Louisiana and the gulf coast, but that is only a pale reflection of the destruction my constituents have experienced. Hundreds of thousands of my constituents have been uprooted from their homes. More than 100,000 businesses have been shuttered. And hundreds, possibly thousands, of lives have been lost due to the ravages of Hurricane Katrina. So words do not describe the damage.

Just last week, this House convened in emergency session and appropriated $10.5 billion to begin the recovery from this natural disaster. And, remarkably, less than a week later, most of that has been spent or committed. Accordingly, we come together today for another $50 billion or so to continue what is a long, hard recovery throughout the gulf coast, but particularly in my hometown of New Orleans.

With the passage of this supplemental appropriation bill, we have committed almost $63 billion to the recovery and reconstruction efforts. But I want to sound the alarm today, lest the House become the victim of Hurricane recovery fatigue.

In normal circumstances, $63 billion would be a lot of money for recovery and reconstruction. But Hurricane Katrina was no normal hurricane, and her effects are unprecedented. So I want to make sure that this House and this Congress understand that these monies are just the beginning, what the President has called a down payment on the long-term commitment to the recovery and revival of the areas decimated by Hurricane Katrina.

Reliable economic estimates suggest that the total Federal cost of the reconstruction and recovery of the affected areas will be in the neighborhood of $225 billion, with $100 billion required to clean up, reconstruct, resettle and revive my hometown of New Orleans. In other words, the almost $52 billion we are allocating today, while needed and wonderful, and we are grateful that we are doing it, and I appreciate everything that is being done here, it is just a down payment.

I wanted to say one other thing today that concerns me, and I hope we can fix it up later. The bill, as it is presently set up, raises the cap on government emergency micropurchases from $15 million to $250 million. This may work to the detriment of small businesses and prevent them from participating in this program. This is something we cannot let happen, and I hope we will fix this up as the bill moves along.

But I am grateful to the House for its quick action on this matter. Our people need it.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH), a member of the committee.

Mr. FATTAH. Mr. Speaker, I rise to recognize the fact that Americans have, through their private contributions, given more in terms of responding to this disaster than any other disaster in the country's history, well over $500 million to date.

□ 1500

I recognize the sobering work of our committee in coming to grips with this supplemental and putting forth tens of billions of dollars to respond to this crisis. I agree with my colleague from Louisiana that there will be a need for us to do more, and I, for one, know that our committee is prepared to stand and to respond to this crisis.

It is unfortunate that our response was not as it should have been. As the President said, the results were inadequate. But I think it is appropriate that the Congress today take this action, and I want to thank the chairman and the ranking member for their ability to work together to bring this bill to the floor and to move it so expeditiously in this process.

Even though imperfect, I hope it will be made more perfect as we go forward.

Mr. LEWIS of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise today to express my serious concerns for the process, let me repeat, the process under which these supplemental appropriations are being considered.

First, I want to emphatically express my full support for aiding those lives and those cities devastated by Hurricane Katrina. Having been to Baton Rouge, having physically worked with the victims, there is no doubt in my mind that these people need our help.

However, Mr. Speaker, we should help them in a responsible and thoughtful manner. There is no question that time is of the essence, but we are not talking about pocket change. $50 billion is not pocket change, Mr. Speaker, and fellow members of this body, we have a Constitutional duty to spend the people's money very carefully and with deliberate consideration. Even in times of crisis, a blank check does not guarantee results and can often lead to wasteful spending. Wasteful spending will not save one life. Wasteful spending will not rebuild one destroyed house, will not clear one single road, and will not feed one starving child.

Furthermore, Mr. Speaker, I urge my colleagues in both this House and especially in the Senate to refrain from tacking on any pork. This supplemental should not be a gravy train for any special or individual interests.

Every member of this body should condition their support of this supplemental upon strict oversight and follow up with sound policy changes. We cannot just throw billions of dollars at this catastrophe or any catastrophe for that matter.

Mr. Speaker, we need to followup these dollars with thorough oversight and investigation to make sure that every penny, I repeat, every penny goes to help the victims. And, we need to cut down every unnecessary piece of red tape in the process, such as suspending the requirements of the Davis-Bacon Act to help the reconstruction of this devastated area. Let's untie the hands of those who are ready to help and rebuild. We have enough obstacles to overcome as it is. We don't need any kind of bureaucratic surcharge on saving lives.

Mr. Speaker, I want to again caution my colleagues. Let's get help to the people in need but let's do so in a responsible and sound manner. The American people expect no less of us, and we owe them no less.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Mr. Speaker, this is indeed a solemn occasion for Congress, when we come together to help people in our country who have suffered greatly in a way that will take a very long time to repair. What they expect of us is for us to perform our Federal role in a manner that would honor the social compact between the Federal Government and the people in need in our country.

I just heard on the news, and it is very sobering, that about 14 bodies were found at Memorial Hospital in New Orleans. Last night we heard that 30 bodies were found at the nursing home there as well. These, and many, many other deaths, are a sad tragedy for our country, for those people, of course, and for their families. So it would be my hope that we could send out the best possible message to the people of our country, that the Congress is coming together in the manner that we did after 9/11 to work in a nonpartisan way, a bipartisan way, to help meet their needs.

We had an opportunity to do that today. Sadly, it was a missed opportunity, because there was not a chance for amendment to the legislation that is on the floor now. The opportunity would have been there to subject FEMA to the scrutiny that it should be subjected to and to take action to correct the situation.

FEMA is the link between the Federal Government and the American people and the social compact. Unfortunately, this time it was a weak link. But there is something that can be done about it. It can be moved from the Department of Homeland Security to be an independent agency, as it was before; and it could have the proper leadership running FEMA.

I call upon the President to remove Michael Brown, the current director, and put in there a person of capability and credentials, perhaps someone from the military who knows organization and leadership, not someone who has absolutely no credentials for the job. This is important. It is not a question of criticizing, it is a question of changing the situation so that we can better meet the needs of the people who are suffering out there, and to do it before we have more unnecessary suffering.

I believe that we had two disasters: one, a natural one; the second one, a man-made disaster, a disaster made by the mistakes of FEMA following Hurricane Katrina.

This is something we can do immediately. This is something we can do immediately because here we are on the floor of Congress appropriating $50 billion to an agency which has a record of poor performance and a leadership without qualifications for the job. If you need any further evidence of the lack of performance, you need only look to last week.

So why could we not have had legislation come to the committee of jurisdiction, the committee of the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), where the considerable talent on both sides of the aisle could have subjected this request to scrutiny, how is this money being sent, what is the accountability of it?

This is $50 billion on top of $10.5 billion last week, which was brought to the floor with 5 minutes of debate on each side. That is all that was allowed before the bill was voted on. What are we afraid of? What are we afraid of? What is this Congress afraid of, that we will not allow our congressional committees to review the request, to establish accountability, to bring its expertise to bear on it?

So, obviously we are all going to vote for this. It is very, very important for people to understand that whatever our differences on how the money gets to them that those differences do not stand in the way of probably what will be a unanimous vote in this House. But it is a lot of money, and it is not the end. We will be having more requests from the administration, I am sure, and when we do, I hope that they will have the confidence in their request to send their request to the committee of jurisdiction, so that there can be appropriate congressional review, public comment and, again, the accountability and oversight that Congress has the responsibility to perform.

This is a democracy, the United States of America, the greatest democracy in the history of the world, and we are being governed by decree. The President decides on a figure, he sends it over, we do not even get a chance to look at it much before we are called upon to vote on it, again bypassing the committees of jurisdiction. I cannot imagine that is okay with the Committee on Appropriations. As a longtime member of the committee, I certainly hope it is not.

But the bigger issue, the bigger issue, is how we do the job for the American people. In order to do that job, there are so many people who are so much more important than Members of Congress in all of this: public employees, firefighters, police officers, health care professionals, public and private sector people out there, who are great heroes, great heroes. They saved lives, and some of them gave their lives to help others.

Responding to the Gospel of this past Sunday, the 23rd Sunday after Easter, the Gospel of Matthew about the commandment where Matthew says, "the greatest of these is love, to love thy neighbor as thyself." We will be tested on these as we go ahead to see if we are smart enough to help people in a way that enables them to take control of their lives as soon as possible.

We have proposals the Democrats would have liked to offer today to cut the red tape, to improve the performance of FEMA, for there to be job creation in the region, to stop price gouging at the pump for gasoline and to have qualified, qualified, leadership in the roles.

So this is all a question of our judgment. Is the performance that we saw last week up to standard for us? I do not think so, because it did not meet the needs of the American people.

When we are little, I think it was high school, but now it is probably grade school, that children are reading John Donne, "No Man is an Island," "For Whom the Bell Tolls." But I thought of it so much as we see these lasting impressions of Mississippi, just obliterated on its coastline, and New Orleans inundated and Alabama so affected, and even parts of Florida, and the incredible generosity of all of the States receiving evacuees as guests in their State.

I think the optimism, the goodness, the compassion of the American people is the greatest force for good in our country, and God bless them for their goodness.

But, again, for whom the bell tolls, as we look at the tragedy in the gulf coast States, it is clear that we are seeing a mirror of our country; and if ever there was an occasion where the bell was tolling and we would ask the question for whom the bell tolls, it does toll for each and every one of us, because every one of those deaths does diminish, as the poem goes, every one of us.

So I hope the families in America know that the staggering numbers are just appalling to us, but we think of them one family at a time and want to make decisions that address their needs one family at a time.

Mr. Speaker, with that, I will vote for this. I would hope, again, that future appropriations requests for Katrina will be presented in a timely fashion that will enable us to review them, to have some accountability from FEMA on how this money is spent, so that we can honor our oath of office that we take to protect and defend the Constitution, yes, but to provide for the safety of the American people.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I go about introducing my final speaker, I was very impressed by the gentlewoman's comments and her willingness to work in a bipartisan way regarding the challenge ahead of us.

I wanted to mention to her we have been looking very seriously at the problems in the region of the gulf for a long time. In the last 5 years, the Congress has appropriated some $1.9 billion for flood control in Louisiana. I might mention only $1.4 billion has been appropriated for all of California, seven times the population. So we have been truly focusing upon that region.

Just last Friday, as you know, we passed a $10.5 billion package for this immediate crisis, and today we have over a $50 billion package before us. So the Congress is attempting to focus upon this very real challenge.

I am very happy that the gentlewoman recognizes that we do need to work together in terms of finding the why of all of this, but right now it is most important to respond to the challenges and needs of the American people in danger.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DELAY), the majority leader of the House.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me time, and I appreciate him and the gentleman from Wisconsin working together on this package and bringing it to the floor. It is incredibly important to a lot of people that are suffering.

I have to begin my remarks by telling a little bit about myself and what I have been doing, to give you an idea that I know from what I speak. I was raised on the gulf coast. I have been through many hurricanes. I have watched responses to many hurricanes. I have watched the ability to respond to many hurricanes. I understand what the response is supposed to be.

I also in this particular case come from Houston, Texas, and I am incredibly proud of my fellow citizens in the Houston-Galveston region in opening their arms and their compassion and wallets and resources and homes to those that are in need, especially our brothers and sisters from Louisiana.

But we also consider that the third disaster. The first disaster was the hurricane, the second disaster was the floods in New Orleans, and the third disaster was what do you do with over 2 million people in a very short period of time? And in just days, Houston put together a virtual city for 60,000 people.

Then I went through the same frustrations that many of those on the ground in New Orleans and Mississippi and Louisiana and Alabama went through, because you are dealing with the same things; you are dealing with the same people. FEMA, the Federal Government, State government, city government, all governments, and you run into the same frustrations.

So, as is normal about me, I decided to do something about these frustrations, and I went to Baton Rouge where the control center was. I wanted to see the organization, the system, how was it working, what was going on on the ground.

☐ 1515

I get into Baton Rouge, and I quickly realize that Baton Rouge was the biggest brunt of the third disaster because Baton Rouge, which I think is a city of about 500,000 people, all of a sudden saw within one day their population double. Double. And yet they were able to handle it. Sure, there were problems. Sure, there was suffering. But Baton Rouge citizens opened their arms and brought these people in. That was the first place that people could come, coming out of New Orleans.

Then from there they went to Lafayette, and they received another big brunt of the third disaster, and they handled it. Sure, there were frustrations all over the place and there was, frankly, a breakdown in the system.

The system is designed, if it works properly, from the bottom up. The system depends on the local government, whether it be mayor or county, dealing with whatever disaster problem they have; and when they find out they cannot deal with it, they go to the next level of government, to the Governor and to the State to help them out. And then when neither the State nor the locals can deal with it, they come to the Federal Government.

That is how the system is supposed to work. That is how it is set up. And when that breaks down, everything breaks down because we have to realize that every hour is absolutely precious after a disaster. I have seen this my entire life. Every hour certain things have to happen. But when we have a situation where people will not make a decision, we have lost that hour and we are into the next hour, and then we have to circle around and come back into the first hour to clean up the mess while we are trying to handle and catch up to the other hours. And then when it really starts breaking down, entire chaos happens. And in this case, it was not entire chaos. I would describe it as organized chaos. It was pretty messy.

Now, you can look at this disaster two different ways. You can offer nothing constructive except blaming when people need services at the moment and you spend your time and your caring time pointing fingers or making assumptions or calling for complete changes in government, and you spend all your time and energy focused on that.

Or you can understand that there are problems when we have 2 million people or we have three States in dire need as if they were at war and deal with the problems and the frustrations at that time that we find them and find answers immediately and move forward and find ways to fix them and find ways to take care of these people, find them the clothes, the shoes, the diapers, the food, the water, find them the cots that they need, find them the health care system that they need, find them a military officer or a wonderful soldier to go down and pull them out of a house, find them the Coast Guard helicopter to go and pull them off the top of the house, find the wherewithal in just a day or so to plug up the levees. I mean, you can either point your finger or you can see what happened.

The mirror of America that I saw was the most incredible outpouring of America that I have seen in my lifetime. All over this country, all over this country, people immediately got trucks and filled them up and drove 2,000 miles. One of our own Members did that from Nevada. Two thousand miles. This happened all over the country. Bringing supplies, bringing their hearts, bringing themselves and putting themselves in harm's way, especially in the case of New Orleans. I mean, it was unbelievable.

Our first responders from all over the Nation are down in Mississippi and Louisiana and Alabama. People are opening their doors to the people that need it. Can the Members imagine, and I do not know exactly what the total population of the disaster is, but I would imagine it is around 4 million people, 4 or 5 million people, but this country absorbed 4 to 5 million people overnight. That is an incredible accomplishment. And we ought to be proud of that. And what are we doing in Washington? We are pointing fingers. We are talking about process. We are doing the things that, frankly, disgust people when they see it on television.

Now, we have chosen to push that all aside because there is plenty of time for that later. What is important right now, I mean we are not even out of the save-the-life phase. We still have people in New Orleans that we are finding and pulling out of these houses.

The next phase is called the recovery phase, and we are sort of in that in certain parts of the country, especially in Mississippi and in Alabama. We ought to be focused on that. These people are out in these shelters. Can the Members imagine, in the Astrodome. Look at your television. There are 10,000 people or more on the floor of the Astrodome living next to each other. That is unsustainable. We have to do something with these people. We have to give them hope for the rest of their lives. They are asking the question, What do I do tomorrow? And we have to give them that answer. What do I do next week? What do I do a month from now? How do I get my kids in school? Where do I find my wife? In some cases, where do I find my pet, my dog? What do I do tomorrow? I have no money. My bank is closed. This hit me at the end of the month, and I am out of money. What do I do?

We have got the answer because we are focused on answering those questions. We are focused on giving them the relief that they need. We have to give them the relief they need so that they can start planning their lives. One does not sit around after a disaster and not have some way of knowing how they are going to get back into a house, how they are going to be able to have a little privacy.

They are living on the floor of the Astrodome with 16,000 other people. There is no privacy on the floor of the Astrodome. They have got to have some way of knowing what is going to happen to them tomorrow. We have focused on that. And bringing this bill to the floor pays for a lot of it.

I know the American people, some of them, are worrying about all this money. Mr. Speaker, 5 million people, 5 million Americans, deserve our finding a way to make them whole. We are not even asking to make them whole. That was a misstatement. What we are asking is to give them a little hope over the next few weeks so that we can take care of their needs and get them back up and running again.

Now, some would say we need to take over their lives and dictate to them and tell them what to do and put them back. That is not what we are talking about here. We are talking about the very essentials that we need for the recovery process and the beginning of the rebuilding process. And it is expensive because there are a lot of people, and there was an incredible amount of damage.

We are not just writing a blank check. We have got some safeguards. We have got safeguards built into this bill, and we have got safeguards built into the law that already exists so that they can only spend money on things that should be spent on and not be frivolous about it and throw it away. Sure, there is going to be wasted money. We cannot deal with 5 million people and not waste some money. But the bulk of the money is going to go to the people and the process and the property that deserve it to get back on their feet.

This is incredibly important, and it is too important to play politics with. It is too important to point fingers at. It is too important to second-guess. It is easy to be a Monday morning quarterback, but you should have been in that control room where those people were making life and death decisions, people that stayed up and got no sleep and very little food for 5 to 6 days straight trying to make the right decisions to save people.

And what happens when we come up here? They point the finger. You did not make the right decision here. You did not take care of needs there. You did not do this; you did not do that. The point is if we look at the big picture, it is a phenomenal accomplishment by everybody involved. It is unbelievable. I am constantly struck by where we are today, just a little over a week from the worst catastrophe that this country has seen, I guess, certainly in recent history. We ought to be proud about that; and, most importantly, we should be proud of ourselves. We should be proud of our American brothers and sisters.

Mr. LEWIS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion offered by the gentleman from California (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3673.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on H.R. 3673 will be followed by 5-minute votes on H.R. 3669, H.R. 3668, H. Res. 428, and H. Res. 427, all by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 410, nays 11, not voting 12, as follows:

[Roll No. 460]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—11

Barton (TX)
Flake
Foxx
Garrett (NJ)
Hostettler
King (IA)
Otter
Paul
Sensenbrenner
Tancredo
Westmoreland

NOT VOTING—12

Baker
Berkley
Brady (TX)
Butterfield
Conaway
Everett
Maloney
McCrery
Olver
Sanchez, Loretta
Taylor (MS)
Young (AK)

□ 1547

Mr. NADLER and Mr. GILCHREST changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE PROGRAM ENHANCED BORROWING AUTHORITY ACT OF 2005

The SPEAKER pro tempore (Mr. THORNBERRY). The pending business is the question of suspending the rules and passing the bill, H.R. 3669.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 3669, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 461]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—17

Baker
Berkley
Bishop (GA)
Brady (TX)
Butterfield
Conaway
Everett
Filner
Issa
Kaptur
Maloney
McCrery
Meehan
Olver
Sanchez, Loretta
Taylor (MS)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1556

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 461, on H.R. 3669, I was in route to my Congressional District on official business. Had I been present, I would have voted "yea."

STUDENT GRANT HURRICANE AND DISASTER RELIEF ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3668.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3668, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 462]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—19

Baker
Berkley
Blumenauer
Brady (TX)
Butterfield
Conaway
Everett
Filner
Issa
Kaptur
Maloney
McCrery
Meehan
Olver
Pickering
Sanchez, Loretta
Taylor (MS)
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1605

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 462, on H.R. 3668, I was in route to my Congressional District on official business. Had I been present, I would have voted "yea."

EXPRESSING SINCERE GRATITUDE OF THE HOUSE OF REPRESENTATIVES TO FOREIGN ENTITIES THAT HAVE OFFERED ASSISTANCE AND SUPPORT TO THOSE AFFECTED BY HURRICANE KATRINA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 428.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 428, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 463]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—23

Baker
Barton (TX)
Berkley
Berman
Blumenauer
Brady (TX)
Butterfield
Conaway
Everett
Filner
Issa
Johnson, E. B.
Lynch
Maloney
McCrery
McKeon
Meehan
Miller, Gary
Olver
Sanchez, Loretta
Taylor (MS)
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1616

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 463, on H. Res. 428, I was in route to my Congressional District on official business. Had I been present, I would have voted "yea."

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 463, had I been present, I would have voted "yea."

MOMENT OF SILENCE COMMEMORATING THE 9/11 ATTACKS

The SPEAKER. In recognition of the approaching anniversary of September 11, 2001, the Chair would ask the Members of the House to stand and observe a moment of silence for the victims of the terrorist attacks that occurred on that date.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, proceedings will continue with a 5-minute vote.

There was no objection.

RELATING TO THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 427.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 427, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 6, not voting 26, as follows:

[Roll No. 464]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Beauprez
Becerra
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle

Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—6

Conyers
Lee
McDermott
McKinney
Stark
Woolsey

NOT VOTING—26

Baker
Barton (TX)
Bass
Berkley
Berman
Blumenauer
Brady (TX)
Butterfield
Conaway
DeGette
Everett
Filner
Gordon
Issa
Lynch
Maloney
McCrery
McKeon
Meehan
Miller, Gary
Ney
Olver
Sanchez, Loretta
Taylor (MS)
Towns
Young (AK)

□ 1626

Ms. McKINNEY changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 464, on H. Res. 427, I was in route to my Congressional District on official business. Had I been present, I would have voted "yea."

Mr. BASS. Mr. Speaker, on Thursday, September 8, 2005, I regrettably missed recorded vote No. 464, on H. Res. 427.

Had I been present, I would have voted "yea" on this measure.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority whip the schedule for the week to come. Oh, I am sorry. I was told that the leader was not going to be available, but the leader is available. So I am pleased to yield to the gentleman from Texas (Mr. DELAY), my friend, the leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding; and as the gentleman knows, once a whip, always a whip.

Mr. HOYER. Mr. Speaker, reclaiming my time, with all due respect, I hope that is not the case.

Mr. DELAY. Mr. Speaker, I understand. I appreciate the gentleman yielding.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to the Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We expect to consider additional legislation under suspension of the rules relating to the Hurricane Katrina relief. In addition, we plan to consider two bills under a rule, H.R. 889, Coast Guard and Maritime Transportation Act of 2005, and H.R. 3132, the Children's Safety Act of 2005.

Mr. HOYER. Mr. Speaker, I thank the leader for the information.

If I might start with perhaps a general question, I noted in the paper that the leader indicated that he thought we would probably be here through at least the week before Thanksgiving, which is what I related to my Members in the whip's meeting this morning; but I wonder perhaps if he could amplify that. The gentleman has had a few days to discuss it with the leadership and with the administration and perhaps the Senate leadership to have some better idea of where we might be going. Obviously, with Katrina and other challenges, I know it is very flexible, but I appreciate and I know the Members would appreciate getting my colleague's further thought on where he sees the possibilities for the balance of the session.

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding, and I appreciate the question because if we look at all the work that we need to do, we could probably get finished earlier.

□ 1630

As the gentleman knows, we are sort of at the mercy of the schedule of the Senate. Conversing with the Senate and looking at our schedules, particularly as the gentleman has mentioned, Katrina has risen to the top priority of this House. It has pushed other issues back a week or two.

We still have to get our appropriation process done. There is the entitlement reform process that needs to be done. There are some other issues we would like to get done. And, at the same time, there are not just short-term issues dealing with Hurricane Katrina, but there are intermediate issues we will have to be dealing with, major policy considerations, and who knows what else the hurricane may give us. And trying to put all that together and on a calendar, it is pretty obvious to me that we will be here until at least, at least, the Friday before Thanksgiving.

Mr. HOYER. Mr. Speaker, I thank the leader for those comments.

On a more immediate basis, next week we are scheduled obviously to come in on Tuesday at 12:30, and Friday is on the schedule. Is it the majority leader's expectation that we will probably be in on Friday or is Friday there if we need to be?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, I would say that it is difficult to predict at this point in time.

Clearly, if the only items of the House for the House to consider next week are the ones I just outlined, then we could complete our work by Thursday afternoon. However, if additional legislation relating to Katrina becomes necessary or a conference report becomes available, Members should be prepared to have votes on Friday.

Mr. HOYER. Mr. Speaker, I appreciate the leader's remarks. We have advised our Members to be available for Friday, and they will be, obviously, if we have a session.

In addition, the gentleman has indicated and just reiterated the possibility of doing further legislation as a result of Katrina and responses to Katrina. Can the majority leader give us an idea of what legislation might be possible in response to Katrina next week?

Mr. DELAY. I thank the gentleman for continuing to yield.

I cannot, obviously, give a list like that. I do not have a list with me. Lists are being worked on, and certainly the gentleman will be included, or his side will be included in discussion of these issues.

These are issues that are incredibly important that need to be addressed immediately so that we can do the recovery work that needs to be done for the victims of Katrina. It is a very expedited process, I might say, as to how we can take these simple bills and get everybody signed off on them and bring them to the floor.

So I do not have a list now, but by this afternoon, or tomorrow certainly, the gentleman and his side will be informed as to what we are thinking about. Any ideas that the gentleman and his side of the aisle might have, we would welcome and would consider those. We are working with both sides of the aisle trying to be as bipartisan as we possibly can in considering everybody's ideas.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the leader's observations and his comments. Again, we will certainly respond to that.

We have a lot of ideas on this side, as all the Members have, in trying to respond to this and trying to anticipate what the needs will be in this crisis situation. As the leader pointed out in his closing remarks on the supplemental, we have had literally millions of people whose lives have been adversely affected, displaced, moved, and some whose lives have been put at great disruption; so I am sure Members on all sides have ideas of how we can best respond. So we will do that.

Let me say, Mr. Leader, and I appreciate your remarks about working together on this, that there is not a person on this floor on either side of the aisle who does not want to work together to have an effective response so that we can help our brother and sister citizens who have been traumatized. I would hope that we would have an opportunity on whatever the legislation might be that we come up with over the next 48 hours, or by Monday, to have that perhaps reviewed. And because of the crisis and the need to move expeditiously and quickly, even if it is an hour or two notice to have a subcommittee or committee or, frankly, the bipartisan leadership look at a piece of legislation to discuss what is in it and what could be in it and what should be in it, I think that would be very helpful.

The gentleman observed that the American people want us to act together on this, and I agree with him. Not only do I agree with the gentleman, but we want to do that. So that would facilitate that, and I hope we can do that.

Let me ask something else, and I say to the leader that, unfortunately, there was not the kind of discussion that I think would have helped us on this. I agree with you, and every Member here I think agrees with you, that today or tomorrow or next Monday is not the time to look at what went wrong and how do we make it right. What we need to do is respond, rescue, and recover.

On the other hand, it is hurricane season. We still have threats, as the gentleman knows. There is a tropical storm off Florida right now that is forming, so we do need to ensure that we have the best opportunity to respond in an emergency manner.

The Speaker and Mr. FRIST met yesterday and announced a committee. We believe that perhaps a commission might be more appropriate, with both parties participating equally to respond to this and to see how we can do better. Can the gentleman tell me anything about the status of either the joint committee or commission that the gentleman's side might be thinking about?

Mr. DELAY. Mr. Speaker, I appreciate the gentleman continuing to yield, and as he knows and has said, the Speaker and the majority leader of the Senate announced a joint committee to look into the response before and after Hurricane Katrina. I am not privy. It is the responsibility of the Speaker to make those kinds of appointments for that committee and put together the resolution, if it requires one to create the committee. I do know that the Speaker and his staff are working hard to get that up and going as soon as possible.

The gentleman is right, we should not be bogging down those that are trying to make decisions that affect the lives of these victims. At the same time, and the gentleman understands this, the longer we wait around this place, the longer things take to happen, and it is incumbent upon us to get this joint committee up and running.

I might say to the gentleman that I know he has suggested a commission, but I feel very strongly that it is our responsibility as a Congress in a bipartisan way to look at these issues and have oversight of these issues. And in accepting and understanding that responsibility, and not being relieved by somebody else or some other commission of that responsibility, this was one of the best ways we knew to do this.

We looked back at precedent, even when the gentleman's side of the aisle was in the majority, and found a precedent for doing this in a bipartisan, bicameral way when the Democrats wanted to do it, and we thought it made sense and so that is exactly what we did.

So we feel strongly that we, in a bipartisan way, are responsible for looking at these issues, and I would imagine by next week we will address this by whatever means is necessary to get it up and going. And also next week, I would assume that the Speaker would make those appointments that are necessary to fill that joint committee.

Mr. HOYER. Mr. Speaker, I thank the leader, and reclaiming my time, I think I have suggested this before, but I believe it would be useful, perhaps at some point in time in the near term, that the Speaker convene the leadership of both sides of the aisle to discuss how we are going forward.

I understand there were precedents for the action that was taken, but it was not taken after discussions with this side of the aisle. And as the majority leaders know, both on the Senate side that was the case and on the House side it was the case.

Again, I agree with the gentleman's proposition that the public wants to see us move ahead together and respond to this crisis together because those who have suffered are our focus, not party politics or ideological differences, but helping those who are hurting and making sure that we protect those who may still yet be vulnerable. I think we can best do that by working together.

On another subject and moving on, can the majority leader tell me where we stand on reconciliation? Press reports indicate that there is a delay in the development of those bills, as called for in the budget resolution, at least for some period of time. Can the gentleman bring us up to date on what the present status of reconciliation is?

Mr. DELAY. I appreciate the gentleman continuing to yield.

Entitlement reform is still one of the highest priorities of the House this fall. However, due to the events of the last 10 days, it has been replaced as the number one priority. Therefore, we will likely postpone consideration of these very important reforms for a number of weeks.

We are still trying to decide when we might approach this issue, based upon all the issues that are flooding in from all Members of things that we need to do in light of the disaster of Katrina. So I just think it is probably a little early for us to give specific dates as to when we would go to markup and those kinds of things until we get a better handle on what we need to be doing to make sure that we are doing everything that we can to take care of those victims of Katrina.

Mr. HOYER. I appreciate the gentleman's comments, Mr. Speaker. I am sure the gentleman is familiar with the letter that the gentleman from South Carolina (Mr. SPRATT) and Mr. CONRAD and others have sent with reference to reconciliation. We are concerned, of course, because of Katrina and for the exact reason we have postponed reconciliation, we are very concerned that the needs are so large at this point in time that we need to be very careful about the issue of Medicaid and, frankly, the issue of additional tax cuts.

In light of the fact we have just spent $62 billion additional, which we did not anticipate and which will exacerbate, therefore, our budget deficit, and which absolutely had to be done, everybody, almost everybody supported that effort, including the majority leader and myself, but we hope that we can perhaps have discussions about that issue as well.

Lastly, Mr. Leader, I talked about the long term and Thanksgiving. October. We have a number of holidays in October. Could the gentleman perhaps amplify on what his expectation is of the first 2 weeks in October?

My understanding is the probability is that we will be in Wednesday, Thursday, and Friday of the first week of October, but the second week of October, can the gentleman give us some thoughts on what that might be in light of the Jewish holidays and the Christopher Columbus holiday?

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, I would note that the week of October 10, which is the second week of October, and due to the way that Columbus Day and Yom Kippur fall that week, there is only a very narrow window of time when we could be voting. And with the expectation that we could potentially be in session until the Friday before Thanksgiving, we would suggest that the House follow the Senate and adjourn for the entire week of October 10.

As for the week of October 3, Rosh Hashanah will make it very difficult for many Members to return to the Capitol prior to the evening of Wednesday, October 5, and at this point in time we anticipate having votes that week but not before Wednesday night.

We will watch as things unfold with regard to the needs of floor time and we will make further pronouncements as we get closer to that week.

Mr. HOYER. I thank the gentleman for that comment, Mr. Speaker, and presume, therefore, that we are reasonably safe in advising our Members that the second week of October we will probably not be in session; is that accurate, Mr. Leader?

Mr. DELAY. The gentleman is correct.

Mr. HOYER. Mr. Speaker, I thank the majority leader for his information.

□ 1645

ADJOURNMENT TO MONDAY, SEPTEMBER 12, 2005, AND HOUR OF MEETING ON TUESDAY, SEPTEMBER 13, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 13, 2005, for morning hour debates.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, SEPTEMBER 9, 2005, TO FILE A REPORT ON H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight on Friday, September 9, 2005, to file a report to accompany H.R. 3132.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT PROCESS FOR H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule for the consideration of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, which may require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on Transportation and Infrastructure ordered the bill reported on May 18 and filed its report with the House on July 28. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

AMENDMENT PROCESS FOR H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule for the consideration of H.R. 3132, the Children's Safety Act of 2005, which may require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on the Judiciary ordered the bill reported on July 27, 2005, and is expected to file its report with the House on Friday, September 9, 2005. Members should draft their amendments to the text of the bill as reported on July 27, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

JUDGE JOHN ROBERTS, A QUALIFIED NOMINEE FOR THE SUPREME COURT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, since President Bush nominated John Roberts to serve on the Supreme Court in July, we have heard countless stories confirming Mr. ROBERTS' character, leadership abilities, and commitment to justice. Throughout his career, he has achieved an accomplished record of government service and has demonstrated his dedication to protecting our rights. The more Americans learn about him, the more they like him.

On Sunday, President Bush nominated Judge Roberts to follow in the footsteps of Chief Justice William Rehnquist as our Nation's highest ranking judge. When the Senate begins its confirmation process next week. I am confident that they will continue to discover that Judge Roberts is well suited for this position. From serving as a law clerk for Chief Justice Rehnquist to arguing 39 cases before the Supreme Court, he possesses a unique wealth of knowledge and experience.

After losing Chief Justice Rehnquist, our judicial system needs a similar leader who will fairly and effectively guide our courts. I strongly believe our Nation has found such a person in John Roberts.

In conclusion, God bless our troops, and we will never forget September 11.

PROVIDING FAMILY ASSISTANCE IN THE WAKE OF HURRICANE KATRINA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we offer our sympathy and reflection today to the victims of 9/11; we stand here again looking at another horrific and unspeakable tragedy, Hurricane Katrina.

The numbers are clear that the greatest victims will be children. Some 400 children are homeless, and we know that between one-third and a quarter of them will have a traumatic experience after the end of their journey through Hurricane Katrina. We know that 35 percent of them that experienced this terrible tragedy will have a severe mental illness, and we also know that there are 800 missing children that are now lost or presumed dead through Hurricane Katrina.

I think it is important as we look toward more legislation bills and moving quickly to address the horribleness of this tragedy that we provide for a one-time grant assistance for the children who have been impacted by this hurricane and that legislation be drafted and passed by both bodies to secure their protection and that we provide a structure that will monitor these children through adulthood, through reaching the age of majority.

We have heard from psychiatrists that say that the most vulnerable victims of this tragedy who will suffer a horrific experience will be our children. We must rally around them. It is imperative that this Congress work together to provide them with the financial, social, psychiatric, and, of course, family assistance that is necessary.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A WEEKEND IN SEPTEMBER 1900

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the devastation of Hurricane Katrina is a vivid reminder to Texans of another hurricane that occurred 105 years ago, the weekend of September 8, 1900, in Galveston, Texas. That hurricane, known to many as "the storm," was the deadliest natural disaster to take place in American history.

In 1900, Galveston was the showplace of the Gulf of Mexico, referred to by many as the Jewel of Texas and the wealthiest city in the State of Texas. On that weekend in September, as 40,000 residents and vacationers were bidding farewell to summer, weather forecasters were watching closely an unnamed hurricane brewing in the Gulf of Mexico. Having very little of today's weather forecasting equipment, the trackers lost the location of the storm in the gulf after it passed the predicted landfall of Florida.

It began as a tropical storm on August 27, 1900, and no one could imagine what it would become. Twelve days later, in the darkness of the night on September 8, 105 years ago today, it started to rain in Galveston and the water silently and quickly began to rise. It crept and covered the low-lying island. The island was barely above sea level at 5 to 9 feet. There was no time for any evacuation.

The strong winds and rains ravaged the city. Houses were devastated and families were swept away. As the power and phones went out, people started wading through the murky mounting water. They sought shelter in downtown buildings and churches as the gale winds and incessant rain continued to increase.

Nuns in the local orphanage tied a roped around the waists of the children and unsuccessfully tried to lead them to higher ground. Of the 93 children and 10 Catholic nuns, only three boys survived.

No one was prepared or adequately warned for this Category 4 hurricane that hit the city of Galveston. The force of the 140-mile-an-hour winds caused a water surge that covered most of the 3 mile by 30 mile island in minutes.

The nameless hurricane destroyed 3,500 buildings, over half of the city. The loss of life was staggering. It reminds me of the scripture of old, that the rains came down, the waters rose, and the winds blew and beat against the houses. But when the rains stopped and the wind blew no more, over 8,000 people had died. Hundreds more were never accounted for. Nearly everyone on the island knew a friend or relative who had perished.

Isaac Cline, a Galveston forecaster, never believed that the hurricane could ravage this paradise island. After the calm came once more, Cline described the storm's aftermath as "the most horrible sight that was ever witnessed by a civilized people."

When the hurricane finally moved inland, and it did not end its winds until it got to Canada, the task of recovery was overwhelming. Prisoners of the State penitentiary were used in the cleanup to find the dead, buried at sea, only to resurface on the beaches. Bodies were still being found in February of the next year. Since it was not possible to bury the thousands that died, they were eventually cremated.

The story of Galveston's hurricane is a story of death and devastation and ultimate determination.

The survivors in Galveston were committed to protect their city in the future. They dredged the ship channel and the island was literally raised 17 feet by the dredging. It would be an engineering marvel even today. A massive sea wall was built to protect the city from future hurricanes. The economic loss, property loss, and loss of life had a serious impact on the coastal city.

Although the great storm in Galveston was extraordinary, those who survived and pitched in to help rebuild Galveston were just as extraordinary in their grit and character. Those brave Texans who survived faced the challenges head on, and eventually Galveston rose back from that murky mud.

Galveston has come a long way since that weekend in 1900. It is once again a thriving community, rich in history, opportunity; and the citizens are as resilient as they were 105 years ago today. Galveston did lose, however, its title of "wealthiest city" to another place up the bayou called Houston.

Today, as our Gulf Coast neighbors struggle to put their lives back together after the devastating blow they received from Hurricane Katrina, our thoughts and prayers go out to the victims and families. The devastation caused by this hurricane affects the entire Nation, and we must come together to provide for our friends, our relatives and our neighbors in Louisiana, Mississippi, and Alabama during this time.

On the anniversary of the "great storm," the Galveston storm, the people of southeast Texas are ready and showing their compassionate spirit to those devastated by Katrina. I commend them for their kindness in this time of need. Just as Galveston was rebuilt, we remain optimistic that this recent disaster will be overcome by collective efforts of all Americans. As Americans, we are all in this together, Mr. Speaker; and we need to be on the same page in the hymnal. That is just the way it is.

SMART SECURITY AND THE IRAQI CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tonight on the heels of Hurricane Katrina, I cannot help but ask how the victims would have been helped had our National Guard and our military and our Corps of Engineers equipment been made available here at home, not across the world, making trouble instead of fixing troubles here as we responded to Katrina.

Tonight I will discuss what is happening in Iraq since we were last in session 5 weeks ago. For the last 4 years, the Bush administration has often justified the war in Iraq by boasting of the new-found freedoms Iraqi women would supposedly enjoy thanks to our military intervention.

Many of us remember that staple of the President's stump speech, that the first voter in the Iraqi elections was a 19-year-old woman. In this very Chamber, an Iraqi woman sat with the First Lady during the State of the Union address and flashed the victory sign in celebration of the election that had just taken place.

Well, that was then, Mr. Speaker. That same woman, now Iraq's ambassador to Egypt, is one of several Iraqis now publicly criticizing their nation's draft constitution and its treatment of women's rights.

"When we came back from exile," she said, "we thought we were going to improve rights and the position of women. But look what has happened. We have lost all of the gains that we made over the last 30 years. It is a big disappointment."

In fact, the very second article of the Iraqi Constitution declares that Islam is "the official religion of the state," and that "no law may be enacted that contradicts its established provisions."

You do not have to be a theologian, Mr. Speaker, to know that adherence to strict Islamic tradition is incompatible with equal rights and dignity for women.

□ 1700

Most depressing of all, perhaps, is that this constitution may actually represent a weakening of women's rights from the previous regime. That is right. Women may have fewer legal protections in this new so-called democracy than they had under the rule of that famous feminist and egalitarian Saddam Hussein. Is this what nearly 1,900 American soldiers have died for, so that Iraq could slip into repressive theocracy? Perhaps this is the noble cause, the cause we have been hearing so much about: second-class citizenship for Iraqi women.

The weapons of mass destruction claim was discredited long ago. The Iraq-al Qaeda link is nonexistent. Now it even appears that the spreading-freedom-and-democracy rationale for this war is also a fraud.

Mr. Speaker, this is just one more reason that we must end this occupation and bring our troops home as soon as possible.

One week from Thursday, I will be holding a hearing here on Capitol Hill where we will hear from experts about how we might achieve military disengagement while still playing a constructive role in the rebuilding of Iraq. Bringing the troops home should be the beginning; it should not be the end of a reassessment of our national security policy. It is time to end the reflex impulse of using military force to solve world conflicts and erroneously planned actions based on citizens' fears. This has the appearance of strength; but as Iraq has shown, it often undermines our national security rather than enhancing it.

I have proposed a new approach. It is called SMART Security. SMART stands for Sensible, Multilateral American Response to Terrorism. SMART is based on the belief that war should be an absolute last resort, to be undertaken only under the most extreme circumstances.

But that does not mean that SMART is not serious and smart about protecting America. It is vigilant about fighting terrorism and weapons of mass destruction. But it does so with strong multilateral alliances, improved intelligence capabilities, vigorous inspection regimes, and aggressive diplomacy. SMART would reshuffle our national security budget. No more billions thrown at outdated Cold War weapons programs. That money would instead be invested in energy independence and other efforts that truly are relevant to the modern security threats we face.

SMART also includes an ambitious international development agenda, to help address the root causes of terrorism: Democracy-building that includes women as equals; education for women and girls; addressing resource scarcity—these are key ingredients to building stable societies in Iraq and elsewhere.

It is my hope and belief that the grievous mistakes we've made in Iraq will lead us to this new, smarter national security policy. SMART Security protects America by relying on the very best of American values—our capacity for global leadership, our dedication to peace and freedom, and our compassion for the people of the world, all people, women and men alike.

EXCHANGE OF SPECIAL ORDER TIME

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

HURRICANE KATRINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, America has really seen a lot, we have been through a lot, in the past week. We have watched Hurricane Katrina from start to finish. We have seen it form in the Atlantic, sweep across Florida, and enter the gulf. And we have watched in horror as it has devastated the southern portions of Louisiana and Mississippi and Alabama. We have seen some horrific images. We have seen government make some mistakes. We have seen government rescue some folks. And we have watched everyday people perform extraordinary feats.

Like most people, I have been impressed and sometimes sorely disappointed. For me there is a personal element. I grew up 60 miles inland from Gulfport, Mississippi. My family still lives there. I remember Hurricane Camille and the devastation that that storm caused. I was a senior in high school. I remember watching a lot of it play out, and I can tell the Members Hurricane Katrina is worse.

Last week my husband, my children, and I all traveled to Laurel, Mississippi from Tennessee's 7th Congressional District. We took our turns. We took supplies, and we helped with the cleanup. My parents have been long-time volunteers with the American Red Cross, and Laurel is an area where many coastal residents flee when they are trying to outrun the storm.

We knew that those volunteers could use the reinforcements, and absolutely they could. A lot them had no running water, no electricity, no gas, no gasoline available, no roof over their homes; but they were there at the shelter feeding those that were in need.

That is America, Madam Speaker. That is the America that I grew up in, and that is the country that still today exists.

As incredible as the damage is, what is more amazing to me was the way the local communities were all pulling together, the way Americans were traveling from all over, the way many of our colleagues in this Chamber were traveling from all over to get to the region and to lend a hand. And for all those who could not physically get there, we know they are home sending donations to charities, and they are aiding organizations. They might not be there physically; they are there in spirit.

There is no measuring the generosity and compassion of the American people when they see need. The hurricane has told us that. So I want to thank every town, city, and State for sending help.

As representative for Tennessee's 7th district, I want to take a moment and recognize the work of some of our Memphis and Shelby County organizations that have made it their mission to help any way that they possibly could.

Our Memphis Corps of Engineers is already working to help rebuild the New Orleans levees. We are also thankful that the Bellevue Baptist Church, the Cathedral of Faith Ministries, Christ United Methodist Church, Cornerstone Institutional Baptist Church, the Cummings Street Baptist Church, the Greater Harvest Church of God in Christ and the Greater Praise Church of God in Christ, the Independent Presbyterian Church Grove, the Memphis Union Mission, Mid-South Baptist Association Retreat Center, and the Baptist Children's Home are all working to provide shelter for some of the 15,000 evacuees that are in Shelby County; and that the Friendship Baptist Church, the Germantown Presbyterian Church, the Oakland First Baptist Church are providing shelter and meals; and that the Breath of Life Seventh Day Adventist, the Calvary Episcopal Church, Holy Rosary Catholic Church and School, the Hope Presbyterian Church, Hutchison School, and the Impact Ministries of Memphis are all providing meals.

Madam Speaker, I know there are other organizations that are out there working, and we will be talking about them as we help these evacuees find a place and rebuild their lives.

REHNQUIST, ROBERTS, AND RELATIONS WITH CONGRESS

The SPEAKER pro tempore (Miss McMORRIS). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, as we honor Chief Justice William Rehnquist's life, we pause to reflect on his service to our country, a record of service that was colored with honor, dignity, and distinction.

Many commentators are focused on his success ushering in a quiet, conservative revolution on the Court. Another remarkable facet of Rehnquist's legacy, however, is found in a much more understated role of the Chief Justice, that of the judiciary's chief advocate and ambassador. The hallmark of his style, no matter how volatile the issue or context, from abortion to impeachment, was one of respectful debate, a quality that garnered an enormous degree of loyalty and respect among his fellow Justices, litigants, and Court watchers.

But the Chief Justice not only worked to foster respect and collegiality within the walls of the Court; he did more. For the last 2 years of his tenure, Rehnquist turned his focus to a matter that has also been a source of growing concern for many, the deterioration in relations between the Congress and the courts. As the Chief Justice reported in his year-end analysis of the state of the judiciary, and again in his customarily understated way, "During the last year, it seems that the traditional interchange between the Congress and the Judiciary broke down."

This hostility long preceded congressional intervention in the tragic case of Terri Schiavo and has taken many forms beyond the most simple and pernicious, that of defunding the courts. It includes measures stripping the courts of jurisdiction to hear particular cases, condemning the courts for the citation of certain precedent, and splitting circuits out of a dislike for their jurisprudence.

One constitutional amendment would even change the Framers' design-of-life tenure for lower Federal courts and subject judges to costly campaigns and retention elections. If Members think political campaigning by elected officials and the growth of 527 organizations and other independent expenditure efforts are already out of control, just imagine adding negative attack ads in judicial races around the country: "Call Judge Jones and tell him to stop coddling criminals" or "Call Judge Smith and ask him why he denied relief to widows and orphans." One can just imagine what the judicial ads might look like.

Even though many of these legislative initiatives have yet to pass, we are already witnessing the direct consequences to our court system. In recent years there has been a marked decline in the level of interest and service on the bench among highly qualified attorneys. Judges are leaving the bench to return to private practice. Reckless talk in the House Committee on the Judiciary about the potential impeachment of judges not for unethical conduct but out of a disagreement with their decisions has only added to the chilling effect on the courts and people's willingness to serve.

Ultimately, this protracted war against the judicial branch will only denigrate both Congress and the courts. This is not the first time relations between the two branches have been at a dangerously low ebb, nor was Rehnquist the first Chief Justice to express alarm. Former Chief Justice Charles Evans Hughes admonished the Congress of his day that "in the great enterprise of making democracy workable, we are all partners. One member of our body politic cannot say to another 'I have no need of thee.'"

Increasingly, however, the Congress has been saying just that, and Rehnquist was among the first to spot the danger. When the gentlewoman from Illinois (Mrs. BIGGERT) and I formed a bipartisan caucus to improve relations with the courts, Justice Rehnquist was the first to sit down with us. We invited him to meet with our caucus. He came to the Hill, sat down with us, and it was a very important meeting and interchange. After presiding over the high Court for the last 2 decades, he was clearly disturbed at the turn of events in relations between the branches and the resulting attack upon the independence of the judiciary.

Why does it matter if the Congress and the courts are at war? Because if the separation of powers has eroded and an independent judiciary is impaired, decisions become increasingly politicized. Public confidence in the rule of law erodes and people begin taking law into their own hands: 174 years ago, Supreme Court Chief Justice John Marshall warned, "The greatest scourge an angry heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary."

During the confirmation hearings of John Roberts next week, there will be a great many important questions asked about Roberts' judicial philosophy, his views on individual rights and freedoms. But I hope that at least one Senator will ask whether Roberts, a prodigy of and potential successor to Rehnquist, will aspire to succeed not only his mentor's conservative revolution but his all too solitary work to repair the damage to the historic and vital comity between the Congress and the courts.

ORDER OF BUSINESS

Mr. HUNTER. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RELIEF EFFORTS FOR VICTIMS OF HURRICANE KATRINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Madam Speaker, I want to talk a little bit about the wonderful people of Rescue Task Force who are headquartered in San Diego, who have been operating in the disaster area in New Orleans, and use that discussion about them to reflect on all the great private efforts and public efforts to help the victims who have been created by this incredible disaster in New Orleans.

Rescue Task Force is a small group. It is headed up by Wendell Cutting, who is my chief of staff in San Diego and a guy who a couple of years ago was given only 3 months to live with terminal cancer and who has continued to survive and I think survive as an inspiration based on his continued drive and enthusiasm for helping people.

Wendell and Gary Becks have gone around the world in setting up medical clinics, providing food, providing medical services in Afghanistan and Iraq, in Albania, in Central America, and now are providing a helping hand in New Orleans.

A couple of days ago, they allowed me to go along on one of their missions. We went to Houma, Louisiana. I had with me Scott Turner, who is retiring this year after 10 years in the NFL, a wonderful cornerback who played for the Redskins and the Chargers and the Broncos. And along with Scott was Larry Nelson, the mayor of Yuma, Arizona; and Roy Tyler, who is a businessman from San Diego who now has Tyler's restaurants in Yuma, Arizona.

□ 1715

We brought along some help, but we also stopped in Houston.

When we landed in Houston, we had a lot of supplies there ready, and we trucked them into the affected area in Houma. We went to the civic center in Houma with the rescue task force personnel, and one of the things that they needed was beds because you have literally tens of thousands of people who are living in gymnasium settings; that is, where they go into a civic center or a gymnasium and they may have a blanket or two, but they do not have a bed, a mattress, between them and the ground.

So we had a need there, and rescue task force personnel managed to run down, working with some of the big stores, 1,000 beds for the folks there, and we got those paid for. I got a call yesterday that they, in fact, had been delivered.

Then we delivered lots of baby food and canned food to the various locations.

But I was really impressed when I was at the civic center there, this refugee center, or evacuee center. I was impressed with the people of Louisiana, because they had so many volunteers, they actually were having to turn them away, and they had mountains of clothes that had been donated to the point where they said, do not bring any more clothes.

They had a great medical system set up where people from the disaster were getting, in most cases, more checkups than they had had in years with the doctors and nurses available, and they were getting good, hot meals.

We went in the next day by air boat, into the streets and the communities that were under water in New Orleans, and I want to report that our military personnel, the National Guard folks, the active duty folks, and also lots of other folks from other agencies like ATF and reserve sheriffs' organizations are doing a wonderful job now in providing that very necessary security.

Now, I think it is a shame that we have to spend so much manpower on security and have active duty military forces come in that have to provide that security, but that is a fact of life, and they are doing a great job.

Madam Speaker, along those lines, I think that the real tragedy of this hurricane, aside from those individuals who lost their lives, is not the water and it is not the hurricane itself or the damage, the property damage, because all of that can and will be rebuilt. The real tragedy to me was that group of people, part of that generation of folks who live in New Orleans, which included people who shot at the rescue helicopters, who looted, and who committed crimes against their fellow citizens during this time of tragedy, during and shortly after the hurricane.

I think we need to put together a program or legislation to make sure that we do not reinstitute the projects, the location where people have lived for generations in a system that has not produced a high degree of moral compass and a high work ethic, and all of the other things you need to have for a solid community.

So let us work to rebuild not just New Orleans, but let us build a new generation of young people in New Orleans who will be outstanding citizens.

ADVOCATING FOR SUPPORTING THE VICTIMS OF HURRICANE KATRINA IN A FISCALLY RESPONSIBLE WAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Madam Speaker, I feel compelled to come to the Floor here and make some remarks with regard to Hurricane Katrina, what we have done here from Congress, and what we need to do in the future.

First, I want to say that as I look across the broad expanse of that disaster, the 90,000 square miles, roughly the size of Kansas, and I listen to the description that was delivered by Secretary of Homeland Security Michael Chertoff, that if you were going to do a military assault on a city, that storm did what a military assault would do. It went in on the wind and blew out the electricity and the communications, took the communications systems out, the power grid out, and then it cut off the transportation avenues in and out of the cities by taking out the bridges.

Then, once it had isolated the city, then it attacked, and that was the flood that went in and did such devastating damage, damage that we have not quantified to date and will not quantify for at least some months to come, if not years to come.

The work that was done down there, I know that the National Guard as early as a week ago Wednesday took chain saws and sawed their way into some of the communities. We have 70,000 military on the ground down there providing all of the assistance that they can. There were volunteers that came from everywhere, as the chairman of the Committee on Armed Services has said, so it is a huge human effort on the part of our people in this country. The donations have been flowing in. We have all reached out.

Now, having said that, Madam Speaker, I want to also qualify this statement by informing this body, Madam Speaker, that I am a flood victim. I lived through the floods of 1993 in Iowa, and I had a business at that time. Actually, it did survive the flood, barely, with four major contracts going on simultaneously that had been under water intermittently throughout all the spring; and by July 9, they were all under water simultaneously, and I was looking at whether I was going to be able to survive as a business or not.

I have gone through this pain. I walked away from my own business and let it sit and went and helped other people on the other side of the State. I am not a person without compassion. I am also not a person without fiscal responsibility.

So when we were requested to support a unanimous consent agreement last week that appropriated $10.5 billion, I asked some questions on that, and some of the answers that I got were, well, it was $500 million a day, now it is $750 million a day, so we need to get FEMA through until next week, and then we can take up this issue in a rational fashion.

Well, we took up this issue in a fashion today, but I do not think it can be defined as a "rational" fashion. The $750 million a day became $2 billion a day, and when I asked the director of the Office of Management and Budget for an itemization of how they calculated this, we got asked to vote for $51.8 billion, with only about three line items in it: $1.4 billion, and I have it here, for the military; there is a $15 million set-aside, thankfully, for an inspector general to help audit some of this, but basically, we are looking at $50 billion in one line item that says, Trust us, we know what we are doing.

Well, after I asked for the line items in this, I got a sheet at 5:34 this morning, no time to drill down through this data. One of the things that we questioned OMB about yesterday was their announcement to us that there were 200,000 trailer homes purchased as part of that first $10.5 billion, for a cost of $3.3 billion, $16,000 a unit, roughly. There are only 30,000 temporary home trailers available for purchase in the United States; the balance of those 200,000 would need to be constructed. Apparently, the Federal Government has signed a contract for the delivery of the 30,000 and the construction of 170,000 units for the price of $3.3 billion.

That is one of the ways that they are spending $2 billion a day, is to create trailer homes in a region where they may or may not be useful in the long term, approximately 100 miles north of New Orleans on the high ground, the dry ground, as I am told.

That is imprudent early spending of money; it is not disaster spending of money.

In addition, this appropriation that passed this House today has in it also a provision for $1.6 billion to go for another 100,000 trailer homes, none of which are built, and probably they are not contracted at this point. We do not have the oversight ability to be going in and spending $51.8 billion and doing so in an unchecked fashion.

I asked to slow down this appropriation process, do it a week at a time so we could evaluate where we are going. That is why I voted "no."

I am going to be part of this reconstruction effort. I am going to be part of standing with the victims of this flood, but in a fiscally responsible fashion.

THE SHARED SACRIFICES OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Madam Speaker, I would like to take this opportunity to read into the RECORD an insightful article by Dr. Uwe Reinhardt, one of the Nation's leading authorities on health care economics and a distinguished resident of central New Jersey. Dr. Reinhardt is known for his health care economics, but here he articulates the danger of what economists call the "moral hazard" we are currently facing with regard to Iraq.

Economists refer to moral hazard when people, insensitive to the costs of their actions, increase the costs to others. With regard to Iraq, we have a situation in which the vast majority of policymakers and the general public are utterly insulated from the human and financial costs of the war.

Dr. Reinhardt, as the father of a U.S. Marine, personally understands the angst that families feel every day about loved ones serving in harm's way. President Bush has taken to analogizing the war in Iraq to the American Revolution and, most recently, the Second World War. What follows is an opinion article written by Dr. Reinhardt that appeared in the Washington Post last month, in August, entitled "Who is Paying For Our Patriotism?" I will insert the entire article for the RECORD.

Dr. Reinhardt writes, "President Bush assures us that the ongoing twin wars in Iraq and Afghanistan are worth the sacrifices they entail: Editorialists around the Nation agree and say that a steadfast American public was willing to stay the course.

"Should anyone be surprised by this national resolve, given that these wars visit no sacrifice of any sort, neither blood nor angst nor taxes, on well over 95 percent of the American people? At most, 500,000 American troops are at risk of being deployed to these war theaters at some time. Assume that for each one of them, some 20 members of the wider family sweat with fear when they hear that a helicopter crashed in Afghanistan, or that X number of soldiers or Marines were killed or seriously wounded in Iraq. It implies that no more than 10 million Americans have any real emotional connection to these wars.

"The administration and Congress have gone to extraordinary lengths to insulate voters from the money costs of the wars to the point even of excluding outlays for them from the regular budget process. Furthermore, they financed the wars not with taxes, but by borrowing abroad."

Dr. Reinhardt continues, "The strategic shielding of most voters from any emotional or financial sacrifice for these wars cannot but trigger the analogue of what is called 'moral hazard' in the context of health insurance, a field in which," Dr. Reinhardt says, "I have done a lot of scholarly work. There, moral hazard refers to the tendency of well-insured patients to use health care with complete indifference to the costs they visit on others. It has prompted President Bush to advocate health insurance with very high deductibles. But if all but a handful of Americans are completely insulated against the emotional and financial cost of war, is it not natural to suspect moral hazard will be at work in that context as well?

"A policymaking elite whose families and purses are shielded from the sacrifices war entails may rush into it hastily and ill-prepared, as surely was the case of the Iraq war. Moral hazard in this context can explain why a nation that once built a Liberty ship every 2 weeks and thousands of newly designed airplanes in the span of a few years now takes years merely to properly arm and armor its troops with conventional equipment.

"Moral hazard can explain why, in wartime, the TV anchors of the morning and evening shows barely make time to report on the wars, lest the reports displace the silly banter with which they seek to humor their viewers. Do they ever wonder how military families with loved ones in the fray might feel after hearing ever so briefly of mayhem in Iraq and Afghanistan.

"Moral hazard," he says, "also can explain why the general public is also so noticeably indifferent to the plight of our troops and their families. To be sure, we paste cheap magnetic ribbons on our cars to proclaim our support for the troops."

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But at the same time we allow families of Reservists and National Guard members to slide into deep financial distress as their loved ones stand tall for us on lethal battle fields and the family is deprived of these troops' typically higher civilian salaries. We offer a pittance in disability pay to seriously wounded soldiers who have not served the full 20 years that entitles them to a regular pension. And our legislative representatives make a disgraceful spectacle of themselves bickering over a mere $1 billion or so in added health care spending by the Department of Veterans Affairs in a Nation with a $13 trillion economy.

When our son, says Dr. Reinhardt, then a Princeton graduate, decided to join the Marine Corps in 2001, I advised him, do what you must. But be advised that, flourishing rhetoric notwithstanding, this Nation will never truly honor your service, and it will condemn you to the bottom of the economic scrap heap should you ever get seriously wounded.

Madam Speaker, I ask unanimous consent that the full article of Dr. Uwe Reinhardt, "Who's Paying for Our Patriotism?" appear at this point in the RECORD.

President Bush assures us that the ongoing twin wars in Iraq and Afghanistan are worth the sacrifices they entail. Editorialists around the nation agree and say that a steadfast American public was willing to stay the course.

Should anyone be surprised by this national resolve, given that these wars visit no sacrifice of any sort—neither blood nor angst nor taxes—on well over 95 percent of the American people?

At most, 500,000 American troops are at risk of being deployed to these war theaters at some time. Assume that for each of them some 20 members of the wider family sweat with fear when they hear that a helicopter crashed in Afghanistan or that X number of soldiers or Marines were killed or seriously wounded in Iraq. It implies that no more than 10 million Americans have any real emotional connection to these wars.

The administration and Congress have gone to extraordinary lengths to insulate voters from the money cost of the wars—to the point even of excluding outlays for them from the regular budget process. Furthermore, they have financed the wars not with taxes but by borrowing abroad.

Dr. Reinhardt continues:

The strategic shielding of most voters from any emotional or financial sacrifice for these wars cannot but trigger the analogue of what is called "moral hazard" in the context of health insurance, a field in which I've done a lot of scholarly work. There, moral hazard refers to the tendency of well-insured patients to use health care with complete indifference to the cost they visit on others. It has prompted President Bush to advocate health insurance with very high deductibles. But if all but a handful of Americans are completely insulated against the emotional—and financial—cost of war, is it not natural to suspect moral hazard will be at work in that context as well?

A policymaking elite whose families and purses are shielded from the sacrifices war entails may rush into it hastily and ill prepared, as surely was the case of the Iraq war. Moral hazard in this context can explain why a nation that once built a Liberty Ship every two weeks and thousands of newly designed airplanes in the span of a few years now takes years merely to properly arm and armor its troops with conventional equipment. Moral hazard can explain why, in wartime, the TV anchors on the morning and evening shows barely make time to report on the wars, lest the reports displace the silly banter with which they seek to humor their viewers. Do they ever wonder how military families with loved ones in the fray might feel after hearing ever so briefly of mayhem in Iraq or Afghanistan?

Moral hazard also can explain why the general public is so noticeably indifferent to the plight of our troops and their families. To be sure, we paste cheap magnetic ribbons on our cars to proclaim our support for the troops. But at the same time, we allow families of reservists and National Guard members to slide into deep financial distress as their loved ones stand tall for us on lethal battlefields and the family is deprived of these troops' typically higher civilian salaries. We offer a pittance in disability pay to seriously wounded soldiers who have not served the full 20 years that entitles them to a regular pension. And our legislative representatives make a disgraceful spectacle of themselves bickering over a mere $1 billion or so in added health care spending by the Department of Veterans Affairs—in a nation with a $13 trillion economy!

Last year kind-hearted folks in New Jersey collected $12,000 at a pancake feed to help stock pantries for financially hard-pressed families of the National Guard. Food pantries for American military families? The state of Illinois now allows taxpayers to donate their tax refunds to such families. For the entire year 2004, slightly more than $400,000 was collected in this way, or 3 cents per capita. It is the equivalent of about 100,000 cups of Starbucks coffee. With a similar program Rhode Island collected about 1 cent per capita. Is this what we mean by "supporting our troops"?

When our son, then a recent Princeton graduate, decided to join the Marine Corps in 2001, I advised him thus: "Do what you must, but be advised that, flourishing rhetoric notwithstanding, this nation will never truly honor your service, and it will condemn you to the bottom of the economic scrap heap should you ever get seriously wounded." The intervening years have not changed my views; they have reaffirmed them.

Unlike the editors of the nation's newspapers, I am not at all impressed by people who resolve to have others stay the course in Iraq and in Afghanistan. At zero sacrifice, who would not have that resolve?

HURRICANE ASSISTANCE FOR FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to introduce legislation with all 25 Members from the State of Florida that would assist residents of Florida who were victims of Hurricane Katrina. But before I do, I would like to say that I am proud to have supported the two emergency relief supplemental that we have passed for victims of the hurricane in an overwhelmingly bipartisan fashion. The pain of those who have lost loved ones, their homes, their pets and now find themselves in temporary housing thousands of miles from home, their pain is palpable.

As a Member of Congress who represents south Florida, I can empathize with the victims of Hurricane Katrina in the gulf States because my home, south Florida, has been struck by numerous hurricanes and is threatened by them every year. Even now we have Hurricane Ophelia, which at 5 o'clock was declared a hurricane approaching the coast.

The scenes of the destruction throughout Alabama, Louisiana and Mississippi have reminded south Floridians of the devastation of Hurricane Andrew, a Category 5 hurricane which struck south Florida 13 years ago.

However, I rise tonight to call the Nation's attention to something that I think has been overlooked, understandably, by the Nation, and that is the plight of those residents in Florida who suffered damage because of Hurricane Katrina. I want to remind people that Hurricane Katrina first made landfall in Florida, striking Broward and Miami-Dade counties in the heart of my congressional district.

When it first hit Florida, Hurricane Katrina was not a large storm. In fact, when it made landfall in Florida, it was only a Category 1 hurricane which moved quickly over the State and moved out into the gulf before building strength and causing the devastation that has transfixed our Nation for the last 10 days.

While only a Category 1 hurricane at the time, the damage caused by Katrina in south Florida was extensive for many people.

In Broward and Miami-Dade counties, more than 350 homes were damaged or destroyed by Hurricane Katrina.

The South Florida Sun-Sentinel reports today that Craig Fugate, Florida's emergency management chief, told FEMA officials this week that the State expects the loss of over 2,000 farm-related jobs in Miami-Dade County alone. Okra, malanga, sweet potato, and cassava crops have been destroyed, he said, resulting in about a $492 million loss. In addition, State agriculture officials say avocado and tropical fruit crops were severely affected.

Many of the farmers and agricultural workers that grow and tend these crops will be out of jobs or will lose significant income this year as a result of this storm.

On Saturday, August 27, the front page of The Washington Post and many other media outlets throughout the country showed pictures of the flooding and damage in south Florida resulting from Hurricane Katrina.

That is why it came as a surprise to many homeowners when last week FEMA announced that they would not be providing individual assistance to residents of Florida who suffered damage or destruction as a result of Hurricane Katrina.

I want to make it very clear to you, Madam Speaker, what the effect of this decision means to the residents of south Florida who suffered damage from the hurricane. This here, this, is what FEMA refuses to pay for when Hurricane Katrina struck Florida.

This woman here, who has had the roof ripped off her house and most of her possessions water damaged, FEMA's response to her is, you are on your own. Good luck.

And how about this family here. This woman is standing in water that is above her knees. The water is inside her house and has damaged her cars. Her house is not a fancy beach house. It is an average American's house. Her car is a later model and clearly more than 10 years old.

What was FEMA's response to her family's request for help? The same as it was to the people in New Orleans who were dying in the first days after Katrina struck: you are on your own.

My question to FEMA is this: Storms do not know State boundaries, so why does FEMA?

Looking at this picture here of the woman standing in her destroyed home, I am reminded of a woman that I met last week when touring hurricane damage in my own congressional district. I was touring the damage at the Park City Estates mobile home community in Davie, when I met Dorothy Rothbauer, an 86-year-old resident whose mobile home was damaged in Hurricane Katrina.

Ms. Rothbauer's home is roughly 20 miles from the beach. Her mobile home is nice. It is not extravagant. It is cozy and it has been her home for 25 years. Ms. Rothbauer is not a woman who lives beyond her means. She lives modestly and saves her money and has gotten by all of these years.

But now she needs help. She needs her government's help. As she showed me the damage to her house, she began to cry. It was excruciating. Pieces of the exterior have fallen off. Water has leaked in and the extent of structural damage is unknown.

She looked into my eyes, knowing that FEMA had told her that they could not offer her assistance, and crying, asked me what she was supposed to do now.

As I visited the other homes in the neighborhood, I realized that Dorothy's house did not have even as extensive damage as the others.

Across the street and down the block, roofs were entirely ripped off of these houses.

Dorothy's neighborhood is just one of many communities affected by Hurricane Katrina throughout Broward and

Miami-Dade counties. And FEMA's answer to why they are not offering individual assistance to us in Florida is that for this storm FEMA has decided there is a State threshold of 800 homes that need to be damaged in Florida.

My State of Florida has been hit by six hurricanes, six in the past 2 years. Denying the people of Florida Federal assistance to rebuild their homes is wrong, and I urge my colleagues in the House to join the 25 Members from Florida in ensuring that FEMA will reimburse them for their damage.

The Census Bureau reports that in 2004, the percentage of people living in the Miami/FL area in poverty was 17 percent. The Federal poverty level is, just $12,334 for a family of two and only $19,307 for a family of four. Denying the people of this area Federal aid in rebuilding their lives is unconscionable.

It is for this reason, Mr. Speaker, that today I am proud to introduce legislation that is co-sponsored by every member of Florida's House of Representatives delegation. All twenty-five Republicans and Democrats.

My legislation would direct FEMA to cover valid claims for individual assistance resulting from Hurricane Katrina's impact on the State of Florida.

This legislation does not ask for something unusual, it only asks to right the wrong done to the people of Florida and it allows us as a Nation to answer the tear-filled question of what am I supposed to do now, posed to me by Dorothy Rothbauer last week.

I urge my colleagues to co-sponsor my legislation that would extend relief to the Florida victims of Hurricane Katrina.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

IDEAS FOR A BETTER AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Kansas (Mr. TIAHRT) is recognized for 60 minutes as the designee of the majority leader.

Mr. TIAHRT. Madam Speaker, I will spend some time this afternoon talking about how we can keep and create jobs in America. For almost two centuries the American economy has been the envy of the world. With its dynamic, hardworking, motivated workforce America has truly been the land of opportunity where innovation has thrived. But that status is changing.

We are now running a $670 billion annual deficit that is contributing to our Federal budget deficit, and it has slowed our economy over the past few years. This development is not a temporary blip on the radar screen. It is the culmination of a generation of increased regulations, unsound tax policies, languishing emphasis on math and science, education, unchecked health care costs, rampant lawsuit abuse, unfocused research and development funds, and a weak trade policy enforcement system.

In short, our government has made it difficult and less desirable to keep businesses in America. Over the past generation we have put up roadblocks to keeping and creating jobs in America. If these current trends continue, our economy will continue to lag and will no longer remain the most dynamic economy in the world.

Meanwhile, countries like China and other nations are preparing for the future. They are educating their students in math, science and technology and pumping out record numbers of engineers. They are reducing tax rates and other economic barriers to entice investments into their nations. These countries are pursuing aggressive trade policies to reduce America's economic dominance in world trade.

Some of the examples are Ireland. Ireland has shifted from a Third World nation of Western Europe to the envy of the European Union largely due to its tax policies. The Celtic tiger has lowered its corporate tax rate to 12½ percent, stimulating the economy and creating jobs.

India was languishing under a burden of a socialist government; but now through their concerted effort to reduce regulations, they have stimulated their economy.

China currently graduates more English-speaking electrical engineers than America does. Their focus on education, especially math and science and technology, is allowing China to build their own Silicon Valley and attract the world's technological business to their doors.

Brazil has achieved what some believe to be a pipe dream. They are projected to be completely energy self-sufficient in a couple of years. It took them years to develop renewable energy sources, but now they are the leaders in ethanol production, and their economy is not suffering from the current high crude oil prices.

Chile is becoming an economic leader in Latin America by breaking down the barriers and doing business in their nation. Their emphasis on signing free trade agreements has been very fruitful. Last year they signed free trade agreements with the United States and with South Korea. They are currently in negotiations with China, India, New Zealand, Singapore, Japan and Australia; and they will continue to thrive.

For these reasons, these nations and other world economies are poised to move ahead of the United States in the next decade. In fact, the 2005 Index of Economic Freedom by the Heritage Foundation ranks the United States 13th in the world. For the first time in 3 years we are not in the top 10 in the world in this measurement. This is due both to other nations' progress and economic competitiveness, as well as our own barriers to a thriving economy. Without attention to these matters, the United States is headed towards a third-rate economy, and 20 years from now we may no longer be the world's leader.

Congress needs to take these matters seriously. Last year the House began the competitiveness legislative agenda on the floor. Over a period of 8 weeks we discussed and voted on issues related to keeping and creating jobs in America.

Later this month, the Jobs Action Team is again bringing legislation to the House floor to combat this problem. But we need to take a long-term vision approach. For this reason, the House Economic Competitiveness Caucus has been created. The House Economic Competitiveness Caucus will be launched with offering opportunities to get Members involved in creating and keeping jobs in America by removing the barriers that Congress has created.

The House Economic Competitiveness Caucus will focus on ways to uncover and help the economic competitiveness in the global market as well. The caucus will provide and deepen the understanding and underlying problems that inhibit economic growth and will focus on long-term risks with current policies that make American businesses uncompetitive.

Our idea is to create and keep jobs in America. Of these jobs, the idea to keep jobs and create jobs, we have designated the problems into eight categories. These eight categories are going to be addressed, and I will go through them to tell you about what we need to do in each one; but these are the areas that Congress has created barriers to keeping and creating jobs, and we are going to help remove some of those barriers.

Health care security is the first issue. Costs related to health care are growing at a rate faster than inflation. The people who keep and create jobs here in America tell me that health care costs is their greatest challenge today. The CEO of Starbucks Coffee announced that his company spends more on health care than they do on coffee itself. Their raw materials are less than their health care costs. It is a huge problem that drives up the price of American products, and that forces jobs overseas. It is a complex problem whose policies are set through government policy primarily because of what is demanded in Medicare, Medicaid, and in lawsuit vulnerability. And this problem must be addressed in order to lower costs and improve our ability to compete.

The second area that we need to improve here in America is bureaucratic red tape. The Federal Government has become a creeping ivy of regulations. The total burden of the environmental economic impact at the workplace and through tax compliance, this regulatory burden mounts up and the total cost is $850 billion per year.

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Eight hundred fifty billion dollars a year to comply with regulation in the United States; that amount of money is greater than the gross domestic products of either Canada or Mexico. For any product manufactured in the United States, the cost to comply with regulations is 12 percent of the cost of that product. In other words, if it costs $1 to build that product, 12 cents of that dollar goes just to comply with the paperwork.

What if we applied some common sense to our regulations and streamlined the application? What if we could reduce them by half? We would be 6 percent more competitive in the world and that would help us create jobs.

Lifelong learning is another issue where we need to remove barriers. Job training and retraining are necessary parts of keeping up in today's economic environment. Our children must learn the fundamentals of math and science and they must become familiar with technology and be exposed to a math and science curriculum in order to be able to compete in a global economy. We must help all of our colleges and universities produce graduates who enter science and engineering careers.

The nation of India graduated 85,000 software engineers last year. As I told you earlier, China graduated more English-speaking electrical engineers than the United States. We have to encourage more young women and young men to pursue technical areas of our economy.

Energy is a tremendous issue today and it is a barrier to keeping and creating jobs. We have all seen the price of gas at the pumps. It costs me over $40 to fill up my minivan. Imagine those on fixed incomes, those who are retired or farmers and truckers or anyone else who uses transportation to create or keep their jobs? Our gas prices are too high. Even before Hurricane Katrina, gasoline was on the rise.

We have not built a new refinery in America since 1976. The limited growth in new production of crude oil has been a tremendous problem. We once again were defeated in trying to open up the Alaska National Wildlife Reserve, or ANWR. I have always been puzzled after living in Kansas, what is so precious about ANWR? Kansas has been producing oil for 100 years. We cleanly and efficiently drill and discover new sources of petroleum right in Kansas near metropolitan areas, near urban settings and in rural settings, and we do it without disturbing the environment or polluting the environment. Why can we not do that in the Alaska National Wildlife Reserve?

In the energy bill we were requesting only 1,800 acres to produce oil in an area of over 2.5 million acres. It just amazed me; the area is only about 3 square miles, and to produce the production that is all that would need to be utilized. And it is in an area in the North Slope of Alaska, which is the size of California.

We have to be able to develop new sources of production. Natural gas is also in limited supply with futures prices in the month of December peaking $12 per 1,000 cubic feet. What does that mean? It means higher electricity costs, but in comparison, that same unit of measure is only $4 in Europe and less than $1 in Russia.

Why is it so high in America? We have had environmental lawsuits and EPA regulations against developing new sources of producing electricity like clean coal production plants. We have had the inability to build a pipeline from the Canadian natural gas fields to the east coast of America. We can lower the energy costs by easing regulations and applying some common sense, by increasing the production of crude, by increasing the refinery capacity here in America, but we also need to improve conservation and increase alternative energy sources.

Today, in Kansas, we are building a windmill farm which will generate electricity and we are going to build four additional wind electricity generating farms in Kansas, and that is a good alternative source of energy. But we need to continue finding other alternative sources and new sources if we are going to be competitive in the future.

Innovation and investment is another area where we need to remove barriers. Technology is the engine of growth, yet America does not really have a comprehensive plan to encourage research and development. In Europe they have a different philosophy for research and development. Their money goes directly into product development and it is not available for other companies to expand. We have not seen it that way in America. We do not do things like they do with AirBus, for example. AirBus is subsidized by European nations, by their owner nations, and that research and development goes directly into a product that competes with products in America that are not subsidized, that are built by Boeing.

But in America we take our research and development dollars, like the ones that are spent at the National Institute of Aviation Research at Wichita State University, where we develop new manufacturing techniques for composite materials, research on their ability to withstand stresses, their ability to compare composites, and that research and development is made available to small businesses to develop new ideas and put them into practice and create jobs. It is available to Boeing, Beech. It is available to Cessna and LearJet and any small business. It is even available to AirBus, even though their research dollars are not made available to us. We need to be more focused and more protective of our research and development discoveries.

We also need to encourage international investment. Capital dollars, the dollars needed or dollars that are needed for investment, capital goes where it is welcome. With good intentions to protect investors in America, Congress has created regulations that make it difficult to attract capital into America.

Now, in South Carolina you can find a BMW plant. That is a place where we have attracted outside investment in America. We need to do more of that, but it is very difficult when we have these barriers that have been created.

Trade fairness is another area where we need to protect American exports, and it should be foremost in any trade agreement and any policy that Congress reviews and considers. The ultimate goal should be to put American businesses at the top of the global supply chain which benefits small businesses and creates jobs.

Now, trade fairness can be applied to any time we have a trade agreement. So it is important that we continue to have trade agreements like we just passed this summer called CAFTA, the Central America Free Trade Agreement. These free trade agreements give us a vehicle to allow free and fair trade. If you look at the way some policies have happened through trade, for example, China, they have manipulated their currency. They have targeted manufacturing areas like hand trucks and auto lifters.

In Wichita we have a company that makes hand trucks. Hand trucks are what moves boxes around for one individual to use. Those have been targeted by China, and they manufacture them and they sell them below the cost of manufacturing them through subsidies, trying to run American manufacturers out of business so they can have a corner on the market. We need to combat that through trade fairness.

The one thing that we have an oversurplus of in America that we need to export is lawsuits. And the way we can export lawsuits is through our trade agreements, by taking these countries to task when they unfairly target our businesses.

Another thing we need to do is tax relief and simplification. Our tax structure puts American businesses at a tremendous disadvantage in the world market. We must simplify and eliminate the punitive nature of our current Tax Code. Incentives such as bonus depreciation will encourage investment which moves production lines and increases revenues. But we need to look beyond that. We need to have broader changes as well.

There is a movement now in America to take our tax policy and put it into something like a value added tax or a national sales tax or a flat tax. These ideas can help us become more competitive. But the real objective ought to be to remove the cost of taxes from the bottom line. Right now through our income tax system, the way it is structured today, the costs end up on the bottom line. The cost of all the labor, the cost that gets buried into the products that are passed from one supplier to a manufacturer to a retailer or a wholesaler, gets buried into our products and it makes us less competitive in the world market. So we need to find a way to remove our taxes from the bottom line and still accumulate the amount of money that we need to run the Federal Government.

The last item I want to talk about in the steps to competitiveness is ending lawsuit abuse. We can return integrity to our legal system by curtailing frivolous lawsuits and returning the courts' attention to upholding the laws of our land rather than legislating from the bench. We have seen lawsuit abuse. We have seen activist judges create a situation where America has difficulty in our costs.

One of the things we are going through now is an asbestos settlement. The asbestos settlement is going to create a trust fund, and we must be very, very sure that only those that have been actually impacted by asbestos receive money from the trust fund and that it does not become a cash or a slush fund for anybody who gets to slide into the fund. But it is going to be huge. It is going to be $180 billion. That money comes out of the profit lines, and it means it is going to drive up the cost of products in America.

We have lawsuits where 40 percent of the money does not go to the victims. Sometimes it is 50 percent of the money that does not go to the victims. We have lawsuits where too many people get involved in the lawsuit and the cost of going through our system becomes extremely high. That ends up buried in the cost of our products and makes us less competitive. The other side of the equation is the activist judges that have been involved in our court system in the debate.

In Kansas, for example, one of our judges decided that the State was not spending enough money on education. Well, that is a good debate to have and those decisions should be made by our legislature. We have this concept in America of separation of powers. We have an executive branch, a legislative branch, and we have a judicial branch. There is a balance in those powers. But what we have been seeing in America is a crossing of lines, a blurring of lines where the courts have encroached on the activities of the legislature.

In Kansas they were deciding how much money we were going to be spending, where it is going to be spent on educational issues. And that is a travesty and it is costly, and it ends up complicating things in America. I think that that is difficult when it comes to doing business in America because we cannot plan for that.

We have a legislative system that has a job that they need to do and it should not be encroached upon by the court system.

Those eight issues are issues we are working on through the Economic Competitive Caucus: Health care security, bureaucratic red tape termination, lifelong learning, energy self-sufficiency and security, innovation and investment, trade fairness, tax relief and simplification, and ending lawsuit abuse and litigation management.

If we can get these legislative initiatives through, we will lower the cost of doing business in America. That will help us create new jobs. We will be able to keep the jobs that we have, and in doing that, we will we will be the dynamic economic force in the future that we are today.

We have a wonderful opportunity that came through a horrible tragedy, and I want to talk about what things could be done in rebuilding in the gulf area in the south following the damage that was caused by Katrina.

Katrina was a horrible incident with the loss of life, the loss of property. The South is never going to be the same. If you look at the area we are told that 100,000 square miles were affected by Hurricane Katrina. Now that is larger than the State of Kansas. It is hard to get our minds around the area and the amount of damage that has been caused in the South by Katrina.

When you look at the property damage, the houses that are blown away, you cannot really picture the heartache that is created by the loss of a loved one or even the loss of pictures, items that you have from people who preceded you in life, and photos and journals and just things that are taken from us when we have a tragedy like that. Whether it is a flood or high wind, it is gone and you will never be able to replace those items.

I know when we had water damage in my own home and lost items that were precious to me, I could not put a price tag on it. My wife lost the Bible that she had that she wrote comforting notes in on the day she lost her father. Those kinds of things cannot be replaced. But what we can do in the South is, we can rebuild that area. We can give the people who live there hope. We can create an economic engine down there that can be greater with new jobs and new ideas and new possibilities.

Now we can do that, set up an experiment down there in how we can streamline the process of regulation, provide more energy, rebuild the area in a safe fashion, and do it so we can get that area back on track and get those people back on their feet and allow them to start their lives over.

In the area of regulations, we have such regulations like the Jones Act that has been temporarily waived to allow for a clean up of the region.

□ 1800

Today, the President waived the Davis-Bacon Act to allow for lower costs in reconstruction. That will allow us to get more people involved in reconstruction, but I would like us to look at the banking regulations. That will help us reopen banks and access to accounts and mortgage processing.

We should expedite the EPA's siting and permitting process and the licensing process, especially when it comes in the area of small refineries. We should reduce the environmental impact statement requirements and streamline that process. That can hold up construction for months, if not years; and I believe that OSHA and other agencies that have a tendency and a propensity to be working in an adversarial mode or an adversarial relationship with employers should be encouraged on the site to work with employers through a process, and a good example of how that can work occurred in Wichita, Kansas.

A couple of years ago, OSHA decided to target three counties in Kansas. One of them was Cedric County where Wichita is located, and they targeted homebuilders. They went there and they showed up on job sites, and they started writing fines and assessing costs against employers for alleged violations of safety. They just struck a lot of fear in the whole home construction industry, and the result of that was that many areas just shut down.

If you think about it, a subcontractor, let us say a framing contractor, on a job site, if he has a job that it is a $100,000 house, the framing portion of it, his profit may be only a couple of thousand dollars. Well, if his fine is $5,000, it is cheaper for him, more economical for him, to stay at home and not do the job than to be at the job and have the potential of some kind of fine he did not even know about. Some of the alleged violations that were sited were a Styrofoam cup on the stairs, a cord that ran across the job site that was in the wrong location, a ladder improperly leaning against a wall. Anyway, the bottom line was that they shut down the homebuilding industry.

If we were going to get it started, we had to get OSHA together with the builders. So I was contacted by the Wichita Area Builders Association. I got in touch with OSHA. We got the two parties together, and they came up with a plan where they could work together, and it worked very simply. OSHA would show up and announced would walk around with the job superintendent or the contractor. They would make a list of any potential violations. They would discuss that list. OSHA gave it to the contractor, and then he said, I will be back in 6 weeks; I will tell you when I am coming and let us go through this list and see how you are doing.

We found out most of the problems that were created were caused because of a language barrier. Many of the workers were Hispanic, did not have good English skills, and they did not understand how you properly lean a ladder up against a wall. They did not understand you were not supposed to put your Styrofoam cup on the stairs, that it could be a trip hazard. Once that was effectively communicated, the environment became safe. It worked very well. The homebuilders went back to work. OSHA was satisfied because they created a safe work environment, and together they achieved a common goal of a safe working environment and getting the job done.

We could use that example down in Louisiana and Mississippi and Alabama as we rebuild down there where we have EPA, where we have OSHA, where we have other government agencies working with the private sector to get people back in their homes, to get them working and to get them back on their feet.

In energy, in order to immediately help the refinery capacity in the gulf region, as well as around the country, Congress needs to ease the roadblocks increasing the capacity to current refineries. Rather than the 3 to 5 years that it takes today to build a new refinery, current refineries could be increased in capacity in as short as 12 months, maybe as long as 18 months. In the long term, the government needs to be able to drill in ANWR, as I said earlier, and other locations to increase the supply of crude; but we need to start by streamlining the EPA process on permitting and reduce the time period involved.

We need to ease some EPA regulations, especially when it comes to some of the emissions and the Clean Air Act, and we need to take advantage of the natural growth and increasing capacity by expanding current sites as far as refineries are concerned.

But these are important to rebuild the refineries down there and increase the supply of gasoline, and that will have a general impact. Right now, we are all paying higher gas prices. By increasing the supply of gas, we will have lower gas prices. It is simple economics. We need to carry it out in the South, but look at other areas where we can streamline, getting a greater supply of fuel.

The infrastructure. In order to rebuild the area of highway, roads, bridges, train tracks and the ports, they all have to be restarted. The Department of Transportation and related agencies need to allow for the expedited planning and building, as well as expedited process for granting permits and waivers and licenses. The insurance community has to be involved.

There are many lessons to learn from Hurricane Katrina with relation to the flood insurance coverage and implementation and access to mandates for insurance in vulnerable areas and concerns about the definition of flood insurance versus the protection against high winds and a myriad of other provisions, but the government needs to make sure that the insurance claims are processed quickly for rebuilding.

There also needs to be an incentive in place for those to rebuild in high-risk areas and to purchase the proper insurance. Our government should consider a buyout of particular areas, especially those that are vulnerable for other flooding or vulnerable in polluted areas. If companies and people will not sell, then they are going to have be required to purchase insurance.

Liability can be a roadblock for the reconstruction. Lawsuit abuse needs to be prevented. We should probably look at a loser-pay or a blanket liability protection which needs to be instituted in the region. Otherwise, the economy could be completely strangled by junk lawsuits or liabilities that could plague the region for decades to come.

In health care, we have hundreds of thousands of displaced residents that need to be able to use their health care insurance wherever they are, even if they are temporarily relocated. The government needs to allow for health care portability. When we are in these regions to rebuild, we need to use programs like the associated health care plans and other ways for employers to afford and offer health care insurance, and it all should be implemented quickly.

The policies to allow for the purchase of insurance across State lines should be explored in order to encourage the growth of health care facilities and incentives for health care workers, and education training programs should be implemented.

Education portability is important. With dislocated families spread across the whole region and the Nation, education vouchers are needed to help pay for the cost of education for these kids who are temporarily in other areas and are able to go to school. School loan waivers, Pell grant extensions, and other higher education policies are needed to be implemented to allow students to continue their education during this time.

Job skills training, I think, is very important. Some of these jobs are not going to be re-created. We are going to have new industries down in that area. The government should work with the chambers of commerce and companies to set up public/private partnerships to train people for jobs that will be available in those areas and for jobs during the rebidding process.

I think there are a lot of skills that could be utilized and developed during that time, and tax incentives are probably a good thing that we need to discuss when it comes to rebuilding as well. Immediate tax incentives to encourage investment in the area should be implemented, including a deduction tax for companies and individuals who build in the affected region, and accelerated depreciation should be available for capital and equipment and software investments as well.

These ideas can be used to quickly help reconstruct the area in New Orleans and in Louisiana, Alabama, and Mississippi. It is a way that we can get people back on their feet again.

In summary, I just want to go over the things that I think we need to do in Congress to not only help the South get back on its feet again but also to help America stay number one into the future, that is, that we need to address the issues in health care. We need to limit the growth in regulations of bureaucratic red tape. We need to effectively focus our education system on the future economy.

We need to develop new energy sources and increase the supply of energy, as well as the conservation of the energy and alternate energy sources. We need to look at research and development through innovation and investment. We have fair trade policies. We have to improve our tax system so that we can have some tax relief and simplification, and we need to end lawsuit abuse and have litigation management for America.

With these individual ideas, I think we will be able to grow a stronger America and retain our number one status well into the future so that our children and grandchildren will have the same opportunities that we have had to build a strong country and make our dreams come true.

THE TREMENDOUS CHALLENGES THAT FACE OUR COUNTRY

The SPEAKER pro tempore (Miss McMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Georgia (Ms. McKINNEY) is recognized for 60 minutes as the designee of the minority leader.

Ms. McKINNEY. Madam Speaker, I have got a lot of papers and a lot of posters. One hour will in no way accommodate all that needs to be said tonight about the tremendous challenges that face our country today, including how we conduct ourselves in the aftermath of Hurricane Katrina.

While my remarks tonight in no way should be construed as encompassing all of my thoughts on the very important issues that I discuss tonight, just mark this down as a start.

First, let me say that I am especially proud of the way the people of my district and of this country have wrapped their arms around the victims of Hurricane Katrina. At this time, we have a healthy contingent of expert Georgians in the traumatized gulf States, and we have received thousands of Katrina's victims into our cities, churches, and homes.

I have come to this floor on many occasions. People around the world have commented on how shocked they are to see such poverty in America. While cities and localities pass anti-panhandling measures that criminalize begging tourists and visitors in downtown areas asking for help, Hurricane Katrina washed away America's veneer of populist opportunity, a country that has overcome its racist, slave-holding past, a country ready for world dominion because it has learned how to uplift the human spirit at home.

Katrina, in images as stark and undeniable as could be, has laid bare the Republican lie that its policies promote growth and prosperity for all Americans and leave no child behind, while Katrina put into our living rooms and the world's living rooms the cruel hoax that has been played on America and those who love America by the ruthless sybaritic power player elites who are as responsible for the conditions endured by too many Americans as they are for the embarrassing and breathtaking incompetencies we all witnessed just before Labor Day.

Almost 30,000 New Orleans households live on less than $10,000 per year. More babies and young kids are going hungry in our country. Eleven percent of our families experienced hunger in 2003. One million more Americans are living in poverty today than there were 1 year ago. Income distribution has become obscenely skewed toward the rich during the Bush years. In Manhattan, the poor make two cents for each dollar that the rich make. This places Manhattan on par with Namibia for income disparity.

Interestingly, in the financial capital of the world, New York City, the Bronx is the poorest urban county in the country, and New York State is being depleted of its middle class.

America is being depleted of its middle class. Over 50 percent of America's income goes to the top 20 percent of households. With even more tax cuts for the wealthy on the horizon, coupled with real budget cuts for the programs that are forced to take care of more and more Americans, the situation can only be expected to get worse, sadly.

Incomes for 95 percent of American households are flat or falling. Only the top 5 percent are experiencing the growth that we hear the Republicans talk about.

Now, I have got tons of documentation to offer for all of the statistics that we cite, but let me take a moment and reiterate where we are for all the people who are listening tonight.

□ 1815

Let me recall for just a moment the America they might not know but that more of us are coming all too well to know.

I will start with this poster, which depicts a black man hanging from a tree. The caption says "The body of Robert McNair is seen here as residents and schoolchildren in the Georgetown community saw it between about 7 a.m. and 9 a.m. last Thursday." This was on the front page of the Jackson, Mississippi, Advocate the week of October 23 to 29 when I was in Mississippi for a speaking engagement. This was what I saw.

Sadly, it is what the children in the neighborhood saw, a black man hanging from a tree. A lynching. That is 2003. I am not talking about 1903. This is 2003. Sadly, in 2005, we have two lynchings being investigated in the State of Georgia, my home State, and both of them are supposed to have been suicides. In this story it was reported that this poor Mr. Robert McNair committed suicide, hanging from a tree.

When I come to the floor and do these monthly talks, some way or other we get around to the state of black America because it is important for us to understand that there are many Americans, and some of those Americans we do not see and we do not know. But we need to know how all Americans live so that we can make sure that no American is left behind.

On some indices, even today, it is true that the racial disparities are worse today than they were at the time of the murder of Dr. Martin Luther King, Jr. People would say it is not true, but, alas, it is true. And, of course, the statistics document that sad truth. United for a Fair Economy gives us these statistics in its State of the Dream report on imprisonment. To close the racial gap, it will take 190 years just so that black people are imprisoned for the same crime at the same rate as white people are imprisoned.

What about poverty? We saw a lot of that. Overall poverty, the racial disparity, 150 years to close the gap. Why does that have to be? At the slow rate that the black-white poverty gap has been narrowing since 1968, it would take 150 years to close the gap.

What about child poverty? Two hundred ten years to close the gap. Almost one-third of black children live in poverty. The child poverty gap would take 210 years to disappear, not reaching parity until 2212.

I would like to thank the National Council for La Raza that provided us with these statistics, the proportion of children without health insurance in the United States, home ownership rates. Look and you can see the proportion of children without health insurance in the United States. Look at the Hispanic figures. Look at that. Twenty-five percent of young Latino children do not have health insurance in this country.

What about home ownership rates, because we hear a lot of talk about the growth economy, and the Republicans and the President talk about promoting home ownership, home ownership, the first tier toward building wealth, okay? Well, if you are lucky enough to be able to own a home, sadly black and Hispanic home ownership rates are low. How low? To close the home ownership gap, the disparity between white home ownership and black home ownership, the first tier toward wealth building, it will take 1,664 years to close the home ownership gap.

This is something that so many Americans take for granted. Yet so many Americans still have a dream for home ownership.

Now, what about income? It will take 581 years for us to close the per capita income gap. Since 1968, we have only been able to close the gap 2 cents. Black people make 55 cents for every dollar. That was in 1968. In 2001, it was 57 cents. Two cents, so 581 years to close the gap.

When some people start talking about how we want to build, rebuild, and provide for folks, that is what this Congress is supposed to do. We should build lives, we should build communities, build neighborhoods, and protect our people.

When it comes to the economic conditions that are prevailing for so many Americans, it is almost a joke. Here is a cartoon from the Washington Post. This is the sybaritic power player who is pulling the strings behind the scene, calling the shots, dictating politics and policy; and he is saying, "It is not trickle down economics. We got the plumbing fixed." Here is the poor little fella down here, little panhandler trying to wait to get some of the stuff that is trickling down, and it is not trickling down any more.

Poverty is up. Median income down. That is the result of the policies of the Bush administration since 2001.

What about all these tax cuts? New Orleans has got a lot of attention now because of what has happened, and we hear and we will hear some of our colleagues on the other side of the aisle suggesting that we need to do more tax cuts. Well, the faces of the people that came into our living rooms from Hurricane Katrina got this much from George Bush's tax cuts. But if you happened to make over $200,000 a year, you got this much from George Bush's tax cuts.

It is so clear that the administration wants to serve some of the people all of the time and fool the rest of us all of the time. The tax cuts, we should not hear another word uttered about the need for more of the kind of tax cuts that the Bush administration has given us thus far. This insensitive policymaking that ends up hurting real people leads to a kind of callousness within our society that we do not recognize sometimes, that we do not notice sometimes.

It is easy to pass an anti-panhandling ordinance in the city of Atlanta because we do not feel the pain of the people who do not eat at night. So it is also easy to demonize people. It is easy to demonize people that you do not know.

This made it around the Internet until Agence France-Presse pulled their photo off. But how is it that we can have a media in this country displaying one young man wading through that putrid water and the American press, the Associated Press, says that he is "looting." Then you have two people who are obviously not black and they are "finding." This young man, according to the Associated Press, walks through chest-deep floodwater after "looting" a grocery store. Two residents wade through chest-deep water after "finding" bread and soda.

This is the America of those statistics. This is the America that all Americans need to know and see. This is the America that too many of us have borne the brunt of generation after generation after generation after generation.

And then, they called them "refugees." Some bright light in the media came up with that one to further dehumanize poor black people in New Orleans. I had some New Orleans residents in my congressional office in Georgia who said that they had never, ever thought that they would be called refugees in their own country. Other insensitive language just shows how totally out of touch the leadership of this country is with the American people.

☐ 1830

While the city was still flooding, Speaker HASTERT suggested that New Orleans should not be rebuilt.

As the mostly black people were herded into what looked like concentration camps, Barbara Bush suggested that they were really better off now than they were before. Well, maybe she has got something there, because it took losing an entire city for the "compassionate conservatives" in Washington, D.C., to finally get some compassion in the laws they pass, in the policies they enact, in what they do around here.

And you can imagine my surprise to hear the very people who chose not to adequately fund education, health care, affordable housing, now saying we have got to have Pell grants, Section 8 vouchers, schooling for children. It is what some of us have been saying all along.

Now, you can just about bet your bottom dollar that the Karl Rove spin machine is working overtime to whitewash the Bush administration preparations for the response to Katrina. Let us remember as we go through this that the State and local responders were victims too. That is why it is critical that the feds act. But they did not act, notwithstanding anything that comes out of the spin machine.

Kathleen Blanco, the governor of Louisiana said, "We wanted soldiers, helicopters, food and water. They wanted to negotiate an organizational chart." This is from the New York Times. "Far from deferring to State or local officials, FEMA asserted its authority and made things worse," according to Mr. Broussard, and I will talk about him a little bit later, who complained on Meet the Press.

Mayor Nagin said, "The root of the breakdown was the failure of the Federal Government to deliver relief supplies and personnel quickly. They kept promising and saying things would happen. I was getting excited and telling people that. They kept making promises and promises."

MSNBC informs us that FEMA Director Michael Brown waited 5 hours after the storm's landfall to get agency assistance, to get agency aid from the Department of Homeland Security.

Now, another thing that we need to know about, there are so many things that our government does in our name with our tax dollars, on our behalf supposedly, that we do not know about. The Bush administration has opened up these biodefense labs all over the country. In about 20, 25 universities around the country we have got biodefense labs studying I do not know what.

I can remember the Tuskegee Study. I remember MK-Ultra as an African American. I remember Paul Robeson. But Tulane University is under water, and Tulane University houses one of these biodefense labs. We need to know what the heck was in that lab, what was going on in that biodefense lab.

Some of the headlines. Notwithstanding what you may hear from the other side of the aisle or coming out of the White House about how everyone has to share the blame, these are some of the headlines.

"FEMA won't accept Amtrak's help in evacuations."

"FEMA turns away experienced firefighters."

"FEMA turns back Wal-Mart supply trucks."

"FEMA prevents Coast Guard from delivering diesel fuel."

"Homeland Security won't let Red Cross deliver food."

"FEMA bars morticians from entering New Orleans."

"FEMA blocks 500-boat citizen flotilla from delivering aid."

"FEMA fails to utilize Navy ship with 600-bed hospital on board."

"FEMA to Chicago: Send just one truck."

"FEMA turns away generators."

"FEMA first responders urged not to respond."

Those are just a few of the headlines. I have got all of the documentation, of course.

There is also a story about three U.S. Customs Blackhawk helicopter crews that are absolutely livid because they had been directed not to provide full-time support for the hurricane relief effort in the Gulf.

"Navy ship nearby underused." This is from the Chicago Tribune. A craft with food, water, doctors. All it needed was the orders. It never got the orders.

"Federal agency slow to accept business help." This is from the Financial Times, "Federal agency slow to accept business help. From Wal-Mart's satellite-based communications system to FedEx's aircraft, U.S. business has in some cases managed to provide a swifter response to the initial impacts of Hurricane Katrina than the Federal and State authorities."

This is from the Salt Lake City Tribune: "Frustrated fire crews to hand out fliers for FEMA. Many of the firefighters assembled from Utah and throughout the United States by FEMA thought they were going to be deployed as emergency workers. Instead, they have learned they are going to be community relations officers for FEMA, shuffling throughout the gulf coast region to disseminate fliers and a phone number, 1-800-621-FEMA," which does not work most of the time.

Now, I know that American children can do better in geography, but you would think that at least our emergency management people would get their geography right. CNN.com says, Well, they were supposed to go to Charleston. My colleague from Charleston, we were in a meeting on Tuesday night, and he said they had the shelter all set up with supplies, cots, blankets and everything, and nobody came. Now we find out that this is why they did not come. They were supposed to be in Charleston, South Carolina. Guess where FEMA took them? Charleston, West Virginia. What incompetence. Right city, wrong State. CNN.com.

I cannot even imagine. No one should imagine. It is ridiculous. But they are going to tell you everything is all right.

The New York Times tells us, "Navy pilots who rescued victims are reprimanded." What? "Two Navy helicopter pilots and their crews returned from New Orleans on August 30 expecting to be greeted as lifesavers after ferrying more than 100 victims to safety. Instead, they were reprimanded."

Well, we are working on this, since I serve on the Committee on Armed Services. But the sad thing about it is, when we had our briefing on Tuesday evening, the Secretary of Defense, Secretary of Homeland Security, Secretary of Labor, Secretary of Treasury, Secretary of HUD were all there at the briefing, except that Defense kept going in and out, Homeland Security kept going in and out, could not stay long enough to brief the Members of Congress or to hear from the Members of Congress who are directly impacted by their failure, their incompetence.

Malik Rahin is a former Black Panther Party member. In a very compelling radio interview he said, "You want more morality from the poor than from the rich." But he rejected the idea that New Orleans was a city divided by race. He said, "Whites took their boats and went into black neighborhoods. But it was the feds who forced people to leave their possessions. Once they got rescued, they had to leave their possessions. They could only take one bag."

He says, "Over 70 percent of the people who were rescued were rescued by individuals." Then he went on to say something very interesting. He said, "$90 million of HOPE VI construction, but the people who needed it the most in New Orleans got no training, no community service."

Louisiana has the highest dropout rate in the country. He said, "Juvenile justice is a disgrace." He said, "The only equal opportunity employer here is drugs."

We heard a lot about shooting. He says, "White vigilante groups with shotguns and rifles rode around saying they were going to shoot the looters." They were unchecked. There could have been a riot. He says, "There was about to be a race riot."

He said, "Many whites took their own personal boats into the black community. Too many acts of heroism, sharing ice, sharing water."

Then he mentions Jefferson Parish had to secede from the United States of America. So I want to mention the Jefferson Parish president.

But before that I am going to mention what Mayor Nagin in a wonderfully compelling interview with WWL said when he had the opportunity to speak directly with President Bush. He said, "I told him we had an incredible crisis here and that his flying over in Air Force One does not do it justice, and that I have been all around this city, and I am very frustrated because we are not able to marshal resources and we are outmanned in just about every respect."

But in perhaps the most compelling of all of the interviews that we have seen, and these are all available on the Internet, is Aaron Broussard, president of Jefferson Parish, on Meet the Press. He said, "Sir, they were told, like me, every single day the cavalry is coming on the Federal level, the cavalry is coming, the cavalry is coming, the cavalry is coming. I have just begun to hear the hooves of the cavalry. The cavalry is still not out here yet, but I have begun to hear the hooves, and we are almost a week out."

Then he gives three quick examples, one of the Wal-Mart delivery trucks, three trucks of water. FEMA turned them back. They had 1,000 gallons of diesel fuel on a Coast Guard vessel. It was docked in Jefferson Parish. The Coast Guard said, "Come and get the fuel right away. When we got there with our trucks, they got the word. FEMA says, 'Don't give the fuel.' Yesterday, yesterday FEMA comes in and cuts all our communication lines." Why is FEMA cutting communications?

"The guy who runs the building I am in, Emergency Management," this is Aaron Broussard on Meet the Press, "he is responsible for everything. His mother was trapped in St. Bernard Nursing Home. and every day she called him and said, 'Are you coming, son? Is somebody coming?' He said, 'Yeah, mama, somebody is coming to get you.' 'Somebody is coming to get you on Tuesday.' 'Somebody is coming to get you on Wednesday.' 'Somebody is coming to get you on Thursday.' 'Somebody is coming to get you on Friday.' And she drowned Friday night."

□ 1845

And she drowned Friday night. "Nobody is coming to get us. Nobody is coming to get us. The Secretary has promised. Everybody has promised. They have had press conferences. I'm sick of the press conferences. For God's sake, just shut up and send us somebody." Aaron Broussard.

Want the facts? The FEMA chief waited 5 hours after Katrina made landfall on August 29. Five hours.

It is clear also that the administration would like to avoid a blame game. They want to do everything to not discuss the failures. What is Michael Brown's reaction to all of this? Michael Brown, FEMA director, says in a CNN interview: "Considering the dire circumstances that we have in New Orleans, virtually a city that has been destroyed, things are going relatively well." That is our FEMA director, Michael Brown. How out of touch could this man have been?

Those 9/11 activists know how critical it is to construct a timeline, because the timeline tells us who did what and when they did it. The timeline will tell us the truth. The timeline cuts through the spin. So, of course, I made a point to get in touch with the folks who were collecting the timelines, and there are a lot of timelines available on the Internet. Think Progress has a timeline, and WWL also has a timeline.

All the while this was going on, the news media reported that the Iraq war costs now exceed Vietnam's. But I think it is pretty clear that the Iraq war is costing us more than money. Let us just look at where some of those assets were. Mississippi has 40 percent of its National Guard forces in Iraq. Louisiana has 35 percent of its National Guard forces in Iraq. Florida has 26 percent. Alabama has 23 percent of its National Guard forces in Iraq.

On June 8, 2004, in the New Orleans Times-Picayune, Walter Maestri, who is emergency management chief for Jefferson Parish, said, "It appears that the money has been moved in the President's budget to handle homeland security and the war in Iraq. And I suppose that's the price we pay. Nobody locally is happy that the levees can't be finished, and we're doing everything we can to make the case that this is a security issue for us." Security, we are going to discuss that in a minute.

On April 24, 2004, the Times-Picayune said: "Less money is available to the Army Corps of Engineers to build levees and water projects in the Mississippi River Valley this year and next year." Nobody can say they did not know, were not warned, whatever it is that the spin machine might come up with.

National Geographic Magazine, October 2004, came up with an article that reported on a simulation. I will not call it a game, but a simulation of what would happen should a hurricane hit New Orleans: "As the whirling maelstrom approached the coast, more than a million people evacuated to higher ground. Some 200,000 remained, however. The carless, the homeless, the aged, the infirm, and those die-hard New Orleanians who look for any excuse to throw a party." It goes on to describe just exactly what happened during Hurricane Katrina, but that was in October 2004.

The Louisiana National Guard also knew that they were paying a price that was perhaps too high. On August 1 the Louisiana National Guard complained that they were taking critical equipment to Iraq that should have remained in Louisiana. But when the Bush administration does not like what one says, they just fire them. So there was a former Member of Congress that I had the pleasure to serve with, Mike Parker from Mississippi, who was with the Army Corps of Engineers. He complained that they were cutting the Army Corps of Engineers budget too much, and so he was forced out.

Now it turns out that Michael Brown was forced out too. He was forced out from the job he had before he became the FEMA assistant director and then director. Let me see if I can read this correctly. Michael Brown's previous employment was with the International Arabian Horse Association, and he was fired from that job too. They said that he was asked to resign. And so, of course, eminently qualified to serve in the Bush administration; he gets one of the most important jobs in the country with the lives of the American people in his hands.

We know that this is what they do, hurting people whom they disagree with, because there is the case of another Army Corps of Engineers employee by the name of Bunnatine

Greenhouse, who complained about the no-bid sweetheart deal private contracts going to Halliburton. Well, she was forced out of her job too because, even though Vice President DICK CHENEY still gets his deferred compensation checks from Halliburton Corporation, I guess the Bush administration is not finished with Halliburton, because they have been hired to do the storm cleanup. Is there no other corporation in America? Why is it that it always has to be Halliburton?

Well, the Times-Picayune calls for the firing of Michael Brown; and I have signed my name to many letters that are floating around here calling for his firing, his resignation. Chertoff's as well; and in a minute somebody on this House floor is going to mention impeachment.

But as if making sure that Halliburton got what they needed to get, I checked the FEMA Web site, and on the FEMA Web site it says: "Help the victims of Hurricane Katrina." First on the list is American Red Cross. We remember that during 9/11, there were many complaints from the victims of 9/11, and I remember seeing one report of the symphony orchestra getting some of the 9/11 contributions. But there is Operation Blessing. Operation Blessing was founded by Pat Robertson. That is the same Pat Robertson who called for the assassination of a duly elected president, Hugo Chavez, of Venezuela. How can FEMA recommend that someone who calls for the murder of somebody else get hard-earned money from the American people? It is on the FEMA Web site, and it is outrageous.

But there is more. Sadly, there is more. I agree with the Tom Hartman article: "You Can't Govern if You Don't Believe in Government." What we have witnessed here in utter stark relief is the culmination of all of that Republican ideology against government, against the people, against helping people who are in need. Ronald Reagan was elected President by saying: "The nine most terrifying words in the English language are, 'I'm from the government and I'm here to help.'" Newt Gingrich in 1995 told us what he thought about government. He was speaking about Medicare. He said: "Now, we don't want to get rid of it in round one because we don't think that's politically smart and we do not think that's the right way to go through a transition. But we believe it is going to wither on the vine because we think people are going to voluntarily leave it." Wither on the vine.

Grover Norquist in 2001 said this, and I think this encapsulates it all: "I don't want to abolish government. I simply want to reduce it to the size where I can drag it into the bathroom and drown it in the bathtub."

That is how these people feel about government. So I am not surprised that the Army Corps of Engineers budget is cut to the extent it is cut. I am not surprised.

Here, Bush's agenda is to cut government services to the bone and make people rely on the private sector for the things they need. So he sliced $71 million from the budget of the New Orleans Corps of Engineers, a 44 percent reduction. In addition, the President cut $30 million in flood control. And then Bush took to the airwaves on "Good Morning America" on September 1 and said, "I don't think anyone anticipated that breach of the levees."

□ 1900

"I don't think anyone anticipated that breach of the levees."

Now, in stark contrast to the way the Department of Homeland Security mobilized to secure the people of the gulf States, within 48 hours of the notification of the death of Chief Justice Rehnquist, Bush nominated Roberts to serve as Chief Justice. They are real fast at doing some things.

Now, at some point, we have to talk about values and priorities and how it has become that our values and our priorities are so twisted and mangled now. We are focusing on other things, and some of those things are important. I am not going to say that everything is not so important that has become a priority. We had a resolution today that six people voted against to give Bush another blank check in the war on terrorism. I was one of the six.

No more blank checks, Mr. President, not for war, not for war.

I went to the Committee on Homeland Security's Web site, and I just thought I would look and see which subcommittee has jurisdiction for natural disasters. Well, I could not believe it. I did not see any mention at all of natural disasters. So I went to one of our interns, whose eyes are a whole lot younger than mine, and I said, Would you please scour the entire website, because I have put in a search and it did not come up in a search; scour the entire website, and I want you to highlight the number of times you see the mention of the two words, "natural disaster."

It is not mentioned. It is not mentioned. On the entire Committee on Homeland Security Web site "natural disaster" is not mentioned.

Now, a young man had a script before him, and he was supposed to read the script, but he took the opportunity to deviate from the script and speak his mind. His name is Kanye West. He has been on the cover of all these national magazines talking about how he is the most brilliant new hip-hop, rap artist, Kanye West. And now, he is being vilified because he dared to take a detour from what some people wanted him to say and say what he wanted to say, which is, quite frankly, the origins of hip-hop anyway, young people who have something to say and have found the means to say it.

Kanye West said, "I hate the way they portray us in the media. You see a black family; it says they are 'looting.' You see a white family; it says they are 'looking for food.' And, you know, it has been 5 days, because most of the people are black, and even for me to complain about it, I would be a hypocrite, because I have tried to turn away from the TV because it is too hard to watch. I have even been shopping before even giving a donation.

"So now I am calling my business manager right now to see what is the biggest amount I can give," notice he said he is calling his business manager; I want you to pay attention to that. "And, just imagine if I was down there and those are my people down there. So anybody out there that wants to do anything that we can help with the way America is set up to help the poor, the black people, the less well off, as slow as possible."

Now, NBC censored that. NBC has decided that they can determine what we hear from the smartest young man in hip-hop.

He also said, "George Bush doesn't care about black people." NBC censored it. They deleted his remarks. And MSNBC President Rick Kaplan, who produced the telethon at Rockefeller Plaza in New York, had the cameras cut to actor Chris Tucker who was on a different part of the stage and who appeared to be looking off at something else in the camera. So it was the MSNBC president, who was also the producer, who said, Well, you know, maybe the American people do not need to hear the smartest young man in hip-hop's ideas about George Bush.

Thank goodness, I can come to the floor of the House and speak my piece. And as long as C–SPAN cameras are running, well, it will not be cut off, but I understand there is even an effort to try and limit C–SPAN's access to American households.

But I have to tell my colleagues something. As I saw the African Americans, mostly African American families ripped apart, I could only think about slavery, families ripped apart, herded into what looked like concentration camps. So I was reminded of a Miami Herald article written on July 5, the day after Freedom Day, 1987.

The title of the article was "Reagan Aides and the Secret Government," and here is a quote from that article: "A copy of the memo was obtained by the Herald. The scenario outlined in the Brinkerhoff memo resembles somewhat a paper Giufreda had written in 1970 at the Army War College in Carlyle, Pennsylvania, in which he advocated martial law in case of a national uprising by black militants." In which he advocated martial law in case of a national uprising by black militants. The paper also advocated the roundup and transfer of two "assembly centers or relocation camps of at least 21 million American Negroes."

Now, I did not write that; the U.S. Government wrote that. They were going to round up 21 million Negroes because they were afraid of freeing black people. A story of neglect? I am not surprised about any story of neglect of the people that comes from this body with this set of priorities, that passes these kinds of budgets on the backs of the American people, these kinds of tax cuts on the backs of the American people.

I want to commend my sister Congresswoman, the gentlewoman from California (Ms. LEE), who has said that it is time for us to get serious about poverty in this country. It is time for us to get serious. I am a proud cosponsor of legislation with the gentlewoman from California (Ms. LEE).

I will just conclude by saying that on the United States State Department Web site is "How to identify misinformation." Does the story fit the pattern of a conspiracy theory?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KING of Iowa). The Chair must remind the gentlewoman from Georgia that it is out of order in debate to ascribe unworthy motives to the President.

U.S. AGGRESSIVE INTERVENTIONISM POLICY IS MISGUIDED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, many reasons have been given for why we fight and our youth must die in Iraq. The reasons now given for why we must continue this war bear no resemblance to the reasons given to gain the support of the American people and the United States Congress prior to our invasion in March of 2003.

Before the war, we were told we faced an imminent threat to our national security from Saddam Hussein. This rationale, now proven grossly mistaken, has been changed. Now we are told we must honor the fallen by completing the mission. To do otherwise would demean the sacrifice of those who have died or been wounded.

Any lack of support for completing the mission is said by the promoters of the war to be unpatriotic, un-American, and detrimental to the troops. They insist the only way one can support the troops is to never waver on the policy of nation-building, no matter how ill-founded that policy may be. The obvious flaw in this argument is that the mission of which they so reverently speak has changed constantly from the very beginning.

Though most people think this war started in March of 2003, the seeds were sown many years before. The actual military conflict involving U.S. troops against Iraq began in January of 1991. The prelude to this actually goes back over 100 years when the value of Middle East oil was recognized by the industrialized West. Our use of troops to eject Saddam Hussein from Kuwait was the beginning of the current conflict with the Muslim fundamentalists who have been, for the last decade, determined to force the removal of American troops from all Muslim countries, especially the entire Arabian peninsula, which they consider holy. Though the strategic and historic reasons for our involvement in the Middle East are complex, the immediate reasons given in 2002 and 2003 for our invasion of Iraq were precise. The only problem is, they were not based on facts.

The desire by American policymakers to engineer regime change in Iraq had been smoldering since the first Persian Gulf conflict in 1991. This reflected a dramatic shift in our policy since, in the 1980s, we maintained a friendly alliance with Saddam Hussein as we assisted him in his war against our arch nemesis, the Iranian Ayatollah.

Most Americans ignore that we provided assistance to this ruthless dictator with biological and chemical weapon technologies. We heard no complaints in the 1980s about his treatment of the Kurds and the Shiites or the ruthless war he waged against Iran. Our policy toward Iraq played a major role in convincing Saddam Hussein he had free reign in the Middle East, and the results demonstrate the serious shortcomings of our foreign policy of interventionism that we have followed now for over 100 years.

In 1998, Congress capitulated to the desires of the previous administration and overwhelmingly passed the Iraq Liberation Act, which stated quite clearly that our policy was to get rid of Saddam Hussein. This act made it official, quote: "The policy of the United States is to support efforts to remove the regime headed by Saddam Hussein." This resolution has been cited on numerous occasions by neoconservatives as justification for the preemptive and deliberate invasion of Iraq.

When the resolution was debated, I saw it as a significant step toward a war that would bear no good fruit. No legitimate national security concerns were cited for this dramatic and serious shift in policy.

Shortly after the new administration took office in January 2001, this goal of eliminating Saddam Hussein quickly morphed into a policy of remaking the entire Middle East, starting with regime change in Iraq. This aggressive interventionist policy surprised some people, since the victorious 2000 campaign indicated we should pursue a foreign policy of humility, no nation-building, reduce deployment of troops overseas, and a rejection of the notion that we serve as the world's policeman.

☐ 1915

The 9/11 disaster proved a catalyst to push for invading Iraq and restructuring the entire Middle East. Though the plan had existed for years, it quickly was recognized that the fear engendered by the 9/11 attacks could be used to mobilize the American people and Congress to support this war.

Nevertheless, supposedly legitimate reasons had to be given for the already planned preemptive war; and as we now know, the intelligence had to be fixed to the policy.

Immediately after 9/11, the American people were led to believe that Saddam Hussein somehow was responsible for the attacks. The fact that Saddam Hussein and Osama bin Laden were enemies, not friends, was kept from the public by a compliant media and the lazy Congress. Even today many Americans still are convinced of an alliance between the two.

The truth is Saddam Hussein never permitted al Qaeda into Iraq out of fear that his secular government would be challenged. And yet, today, we find that al Qaeda is now very much present in Iraq and causing chaos there.

The administration repeatedly pumped out alarming propaganda that Saddam Hussein was a threat to us with his weapons of mass destruction, meaning nuclear, biological and chemical. Since we helped Saddam Hussein obtain biological and chemical weapons in the 1980s, we assumed that he had maintained a large supply, which, of course, turned out not to be true. The people being frightened by 9/11 easily accepted these fear-mongering charges.

Behind the scenes many were quite aware that Israel's influence on our foreign policy played a role. She had argued for years along with the neoconservatives for an Iraq regime change. This support was nicely coordinated with the Christian-Zionist enthusiasm for the war.

As these reasons for the war lost credibility and support, other reasons were found for why we had to fight. As the lone superpower, we were told we had a greater responsibility to settle the problems of the world lest someone else get involved.

Maintaining and expanding our empire is a key element of the neoconservative philosophy. This notion that we must fight to spread American goodness was well received by these neo-Jacobeans. They saw the war as a legitimate moral crusade, arguing that no one should be allowed to stand in our way. In their minds, using force to spread democracy is legitimate and necessary.

We also were told the war was necessary for national security purposes because of the threat Saddam Hussein presented, although the evidence was fabricated. Saddam Hussein's ability to attack us was nonexistent, but the American people were ripe for alarming predictions by those who wanted this war.

Of course, the routine canard for our need to fight, finance, and meddle around the world ever since the Korean War was repeated incessantly. U.N. resolutions had to be in forced lest the United Nations be discredited. The odd thing was that on this occasion the United Nations itself did everything possible to stop our preemptive attack. As it turned out, Saddam Hussein was a lot closer to compliance than anyone dreamed.

It was not long before concern for the threat of Saddam Hussein became near hysterical, drowning out any reasoned opposition to the planned war. The one argument that was not publicly used by those who propagandized for the war may well be the most important: oil. Though the administration in 1990 hinted briefly that we had to eject Saddam Hussein in Kuwait because of oil, the stated reasons for that conflict soon transformed into stopping a potential Hitler and enforcing U.N. resolutions.

Publicly, oil is not talked about very much. But behind the scenes, many acknowledge this is the real reason we fight. It is not only the politicians who say this. American consumers have always enjoyed cheap gasoline and want it kept that way. The real irony is that the war has reduced Iraqi oil production by ½ million barrels per day, and prices are soaring, demonstrating another unintended economic consequence of war.

Oil in the Middle East has been a big issue since the Industrial Revolution when it was realized that the black substance bubbling out of the ground in places like Iraq had great value. It is interesting to note that in the early 20th century, Germany, fully aware of oil's importance, allied itself with the Turkish Ottoman Empire and secured the earliest rights to drill Iraqi oil. They built the Anatalya railroad between Baghdad and Basra and obtained oil and mineral rights on 20 kilometers on each side of this right-of-way.

World War I changed all this, allowing the French and the British to divide the oil wealth of the entire Middle East. The Versailles Treaty created the artificial nation of Iraq, and it was not long before American oil companies were drilling and struggling to participate in the control of Middle East oil. But it was never smooth sailing for any occupying force in Iraq.

After World War I, the British generals, upon arriving to secure their oil, said, "Our armies do not come into your cities and lands as conquerors or enemies, but as liberators." Not long afterwards a jihad was declared against Britain and eventually they were forced to leave. The more things change, the more they stay the same. Too bad we are not better at studying history.

After World War II, the U.S. emerged as the number one world power and moved to assume what some believe was our responsibility to control Middle East oil in competition with the Soviets. This role prompted us to use our CIA, along with the help of the British, to oust democratically elected Mohammad Mosadek from power in Iran and install the Shah as a U.S. puppet.

We not only supported Saddam Hussein against Iran; we also supported Osama bin Laden in the 1980s, aggravating the situation in the Middle East and causing unintended consequences. With CIA assistance, we helped develop the educational program to radicalize Islamic youth in many Arab nations, especially in Saudi Arabia, to fight the Soviets. We even provided a nuclear reactor to Iran in 1967, which today leads us to threaten another war. All of this has come back to haunt us. Meddling in the affairs of others has consequences.

Finally, after years of plotting and maneuvering, the neoconservative plan to invade Iraq came before the U.S. House in October of 2002 to be rubber-stamped. Though the plan was hatched years before, and the official policy of the United States Government was to remove Saddam Hussein ever since 1998, various events delayed the vote until this time. By October, the vote was deemed urgent so as to embarrass anyone who opposed it by making them politically vulnerable in the November election.

The ploy worked. The resolution passed easily, and it served the interests of the proponents of war in the November election. The resolution, H.J. 114, explicitly cited the Iraqi Liberation Act of 1998 as one of the reasons we had to go to war. The authorization granted the President to use force against Iraq cited two precise reasons: number one, to defend the national security of the U.S. against the continuing threat posed by Iraq; and, number two, enforce all relevant United Nations council resolutions regarding Iraq.

Many other reasons were given to stir the emotions of the American public and the U.S. Congress, reasons that were grossly misleading and found not to be true. The pretense of a legal justification was a sham. The fact that Congress is not permitted under the Constitution to transfer the war power to a President was ignored. Only Congress can declare war, that is, if we were inclined to follow the rule of law.

To add insult to injury, the House joint resolution cited the United Nations resolution as justification for the war. Ignoring the Constitution while using the U.N. to justify the war showed callous disregard for the restraints carefully written in the Constitution. The authors deliberately wanted to make war difficult to enter without legislative debate, and they purposely kept the responsibility out of the hands of the executive branch. Surely they never dreamed that international government would have influence over our foreign policy or tell us when we should enter into armed conflict.

The legal maneuvering to permit this war was tragic to watch; but the notion that Saddam Hussein, a Third World punk, without an air force, navy and hardly an army, or any antiaircraft weaponry, was an outright threat to the United States 6,000 miles away tells you how hysterical fear can be used to pursue a policy of needless war for quite different reasons.

Today, though, all the old reasons for going to war have been discredited and are no longer used to justify continuing the war. Now we are told we must complete the mission, and yet no one seems to know exactly what the mission is or when it can be achieved.

By contrast, when war is properly declared against a country, we can expect an all-out effort until the country surrenders. Without a declaration of war, as the Constitution requires, it is left to the President to decide when to start the war and when the war is over. We had sad experiences with this process in Korea and especially in Vietnam.

Pursuing this war merely to save face or to claim it is a way to honor those who have already died or been wounded is hardly a reason that more people should die.

We are told that we cannot leave until we have a democratic Iraq. But what if Iraq votes to have a Shiite theocracy, which it looks like the majority wants as their form of government, and women, Christians and Sunnis are made second-class citizens?

It is a preposterous notion and points out the severe shortcomings of a democracy where a majority rules and minorities suffer. Thankfully, our Founding Fathers understood the great dangers of a democracy. They insisted on a constitutional Republic with a weak central government and an executive branch beholden to the legislative branch in foreign affairs.

The sooner we realize we cannot afford this war, the better. We have gotten ourselves into a civil war within the Islamic community. But could it be, as it had been for over a hundred years prior to our invasion, that oil really is the driving issue behind a foreign presence in the Middle East?

It is rather ironic that the consequence of our intervention has been sky-rocketing oil prices, with Iraqi oil production still significantly below pre-war levels. If democracy is not all it is cracked up to be, and a war for oil is blatantly immoral and unproductive, the question still remains, why do we fight? More precisely, why should we fight? When is enough killing enough? Why does man so casually accept war, which brings so much suffering to so many, when so little is achieved?

Why do those who suffer and die so willingly accept the excuses for the wars that need not be fought? Why do so many defer to those who are enthused about war and who claim it is a solution to a problem without asking them why they themselves do not fight? It is always other men and other men's children who must sacrifice life and limb for reasons that make no sense, reasons that are said to be our patriotic duty to fight and die for. How many useless wars have been fought for lies that deserved no hearing? When will it all end?

Since no logical answers can be given for why we fight, it might be better to fight about why we should not fight. A case can be made that if this war does not end soon it will spread and engulf the entire region. We have already been warned that war against Iran is an option that remains on the table for reasons no more reliable than those given for the preemptive strike against Iraq.

Let me give you a few reasons why this war in Iraq should not be fought. It is not in our national interest. On the contrary, pursuing this war endangers our security, increases the chances of a domestic terrorist attack, weakens our defenses, and motivates our enemies to join together in opposition to our domineering presence around the world. Does anyone believe that Russia, China, and Iran will give us free rein over the entire Middle East and its oil?

Tragically, we are setting the stage for a much bigger conflict. It is possible that this war could evolve into something much worse than Vietnam.

This war has never been declared. It is not a constitutional war; and without a proper beginning, there can be no proper ending. The vagueness instills doubts in all Americans, both supporters and nonsupporters, as to what will be accomplished. Supporters of the war want total victory, which is not achievable with a vague mission.

☐ 1930

Now, the majority of Americans are demanding an end to this dragged-out war that many fear will spread before it is over. It is virtually impossible to beat a determined guerilla resistance to a foreign-occupying force. After 30 years, the Vietnam guerillas, following the unbelievable suffering, succeeded in forcing all foreign troops from their homeland.

History shows that Iraqi Muslims have always been determined to resist any foreign power on their soil. We ignored that history and learned nothing from Vietnam. How many lives, theirs and ours, are worth losing to prove the tenacity of guerilla fighters supported by a large number of local citizens?

Those who argue it is legitimate to protect our oil some day must realize that it is not our oil, no matter how strong and sophisticated our military is. We know the war so far has played havoc with oil prices and the market continues to discount problems in the region for years to come. No end is in sight regarding the uncertainty of Middle East oil production caused by this conflict.

So far our policies inadvertently have encouraged the development of an Islamic state with Iranian allied Shiites in charge. This has led to Iranian support for the insurgents and placed Iran in the position of being the true victor in this war as its alliance with Iraq grows.

This could place Iran and its allies in the enviable position of becoming the oil powerhouse in the region, if not the world, once it has control over the oil fields near Basra. This unintended alliance with Iran plus the benefit to Osama bin Laden's recruiting efforts will in the end increase the danger to Israel by rallying the Arab and Muslim people against us.

One of the original stated justifications for the war has been accomplished. Since 1998, the stated policy of the United States Government was to bring regime change and get rid of Saddam Hussein. This has been done. But instead of peace and stability, we have sown the seeds of chaos. Nevertheless, the goal of removing Saddam Hussein has been achieved and is a reason to stop the fighting.

There were no weapons of mass destruction, no biological, chemical or nuclear weapons, so we can be assured the Iraqis pose no threat to anyone, certainly not to the United States.

No evidence existed to show an alliance between Iraq and al Qaeda before the war. And ironically, our presence there is now encouraging al Qaeda and Osama bin Laden to move in to fill the vacuum we created.

The only relationship between Iraq and 9/11 is that our policy in the Middle East continues to increase the likelihood of another terrorist attack on our homeland.

We should not fight because it is simply not worth it. What are we going to get for nearly 2,000 soldier deaths and 20,000 severe casualties? Was the $350 billion worth it? This is a cost that will be passed on to future generations through an expanded national debt. I will bet most Americans can think of a lot better ways to have spent this money.

Today's program of guns and butter will be more damaging to our economy than a similar program was in the 1960s which gave us the stagflation of the 1970s. The economic imbalances today are much greater than they were in those decades. Eventually we will come to realize that the Wilsonian idealism of using America's resources to promote democracy around the world through force is a seriously flawed policy. Wilson pretended to be spreading democracy worldwide, and yet women in the U.S. at that time were not even allowed to vote.

Democracy where the majority dictates the rules cannot protect minority and individual rights. In addition, using our force to impose our will on others almost always backfires. There is no reason that our efforts in the 21st century to impose a Western-styled government in Iraq would be any more successful than the British were after World War I. This especially cannot work if democracy is only an excuse for our occupation and the real reasons are left unrecognized.

It boils down to the fact that we do not really have any sound reasons for continuing this fight. The original reasons for the war never existed and the new reasons are not credibility. We hear only that we must carry on so those who have already suffered death and injury did not do so in vain.

If the original reasons for starting the war were false, simply continuing in the name of those fallen makes no sense. More loss of life can never justify earlier loss of life if they died for false reasons. This being the case, it is time to reassess the policies that have gotten us into this mess.

The mess we face in the Middle East and Afghanistan and the threat of terrorism within our own borders are not a result of the policies of this administration alone. Problems have been building for many years and have only gotten much worse with our most recent policy of forcibly imposing regime change in Iraq. We must recognize that the stalemate in Korea, the loss in Vietnam, and the quagmire in Iraq and Afghanistan all result from the same flawed foreign policy of interventionism that our government has pursued for over 100 years.

It would be overly simplistic to say that the current administration alone is responsible for the mess in Iraq. By rejecting the advice of the Founders and our early Presidents, our leaders have drifted away from the admonitions against entangling alliance and nation-building. Policing the world is not our calling or our mandate. Besides, the Constitution does not permit it. Undeclared wars have not enhanced our national security.

The consensus on foreign interventionism has been pervasive. Both major parties have come to accept our role as the world's policeman, despite periodic campaign rhetoric stating otherwise. The media in particular, especially in the early stages, propagandize in favor of war. It is only when the costs become prohibitive and the war loses popular support that the media criticize the effort.

It is not only our Presidents that deserve the blame when they overstep their authority and lead the country into inappropriate wars. Congress deserves equally severe criticism for acquiescing to the demands of the executive to go needlessly to war. It has been known throughout history that kings, dictators, and the executive branches of governments are always overly eager to go to war. This is precisely why our Founders tried desperately to keep decisions about going to war in the hands of the legislature. But this process has failed, failed, failed us for the last 65 years.

Congress routinely has rubber-stamped the plans of our Presidents and even the United Nations to enter into war through the back door. Congress at any time can prevent and stop all undue foreign entanglements pursued by the executive branch merely by refusing to finance them.

The current Iraq war now going on for 15 years spans the administration of three Presidents and many Congresses controlled by both parties. This makes Congress every bit as responsible for the current quagmire as the President. But the real problem is the acceptance by our country as a whole of the principle of meddling in the internal affairs of other nations when unrelated to our national security.

Intervention, no matter how well intended, inevitably boomerangs and comes back to haunt us. Minding our own business is not only economical, it is the only policy that serves our national security interests and the cause of peace.

The neoconservatives who want to remake the entire Middle East are not interested in the pertinent history of this region. Creating an artificial Iraq after World War I as a unified country is like mixing water and oil. It has only led to frustration, anger and hostilities with the resulting instability creating conditions ripe for dictatorship.

The occupying forces will not permit any of the three regions of Iraq to govern themselves. This is strictly motivated by a desire to exert control over the oil. Self-determination and independence for each region or even a true republican form of government with a minimalist central authority was never considered, yet it is the only answer to the difficult political problems that area faces.

The relative and accidental independence of the Kurds and Shiites in the 1990s served those regions well and no suicide terrorism existed during that decade. The claim that our immediate withdrawal from Iraq would cause chaos is not proven. It did not happen in Vietnam or even in Somalia. Even today the militias of the Kurds and Shiites may well be able to maintain order in their regions much better than we can currently. Certainly, the Sunnis can take care of themselves, and it might be in their best interests for all three groups not to fight each other when we leave.

One thing for sure, if we left, no more young Americans would have to die for an indefinable cause. Instead, we have been forcing on the people of Iraq a type of democracy that, if implemented, will mean an Islamic state under Sharia law.

Already we read stories of barbers no longer being safe shaving beards; Christians are threatened and forced to leave the country, and burkas are returning out of fear. Unemployment is over 50 percent and oil production is still significantly below prewar levels. These results are not worth fighting and dying for.

In this war, like all others, the propagandists and promoters themselves do not fight nor do their children. It is always worth the effort to wage war when others must suffer and die. Many of those who today pumped the Nation up with war fever were nowhere to be found when their numbers were called in the 1960s, when previous Presidents and Congresses thought so little about sending young men off to war. Then it was in their best interest to find more important things to do despite the so-called equalizing draft.

The inability of taxpayers to fund both guns and butter has not deterred those who smell the glory of war. Notoriously great nations fall once their appetite for foreign domination outstrips their citizens' ability or willingness to pay. We tried the guns and butter approach in the 1960s with bad results, and the same will happen again as a consequence of the current political decision not to cut back on any expenditure, domestic or foreign.

Veto nothing is the current policy. Tax, borrow and print to pay the bills is today's conventional wisdom. The problem is that all the bills eventually must be paid. There is no free lunch and there is no free war. The economic consequences of such a policy are well known and documented. Excessive spending leads to excessive deficits, higher taxes, more borrowing and inflation which spells economic problems that always clobber the middle class and the poor.

Already this suffering has begun. A lackluster recovery, low-paying jobs, outsourcing, and social unrest already are apparent. The economic price we pay along with the human suffering is an extravagant price for a war that was started with false information and now is prolonged for reasons unrelated to our national security. This policy has led to excessive spending overseas and neglect at home. It invites enemies to attack us and drain the resources needed to defend our homeland and care for our own people.

We are obligated to learn something from the tragedy of Katrina about the misallocation of funds away from our infrastructure to the rebuilding of Iraq after first destroying Iraq. If ever there was a time for us to reassess our policy of foreign intervention it is today. It is time to look inward and attend to the constitutional needs of our people and forget about the grandiose schemes to remake the world in our image through the use of force. These efforts not only are doomed to fail, as they have been for the past 100 years, but they invite economic and strategic military problems that are harmful to our national security interests.

We have been told that we must fight to protect our freedoms here at home. These reasons are given to make the sacrifices more tolerable and noble. Without an honorable cause, the suffering becomes intolerable. Hiding from the truth, though, in the end is no panacea for a war that promises no peace.

The most important misjudgment regarding Iraq that must be dealt with is the charge that Muslim terrorists attack us out of envy for our freedoms and our prosperity and our way of life. There is no evidence this is the case. On the contrary, those who have extensively researched this issue conclude that the number one reason suicide terrorists attack anywhere in the world is because their land is occupied by a foreign military power.

☐ 1945

Pretending otherwise and constantly expanding our military presence in more Arab and Muslim countries as we have since 1990 has only increased the danger of more attacks on our soil, as well as in those countries that have allied themselves with us. If we deny this truth, we do so at our own peril.

It is not unusual for the war crusaders to condemn those who speak the truth in an effort to end an unnecessary war. They claim those who want honest reasons for the enormous sacrifice are unpatriotic and un-American, but these charges only serve to exacerbate the social unrest. Any criticism of policy, no matter how flawed the policy is, is said to be motivated by a lack of support for the troops. Yet it is preposterous to suggest that a policy that would have spared the lives of 1,900 servicemen and -women lacks concern for the well-being of our troops. The absence of good reasoning to pursue this war prompts the supporters of the war to demonize the skeptics and the critics. They have no other defense.

Those who want to continue this war accuse those who lost loved ones in Iraq, and oppose the war, of using the dead for personal political gain. But what do the war proponents do when they claim the reason we must fight on is to honor the sacrifice of the military personnel we lost by completing the mission?

The big difference is that one group argues for saving lives, while the other justifies more killing, and by that logic, the additional deaths will require even more killing to make sure that they, too, have not died in vain. Therefore, the greater number who have died, the greater is the motivation to complete the mission. This defies logic. This argument to persevere has been used throughout history to continue wars that could and should have ended much sooner. This was especially true for World War I and Vietnam.

A sad realism struck me recently reading how our Marines in Afghanistan must now rely on donkey transportation in their efforts at Nation building and military occupation. Evidently, the Taliban is alive and well, as Osama bin Laden remains in this region. But does this not tell us something about our naive assumption that our economic advantages and our technical knowledge can subdue and control anybody?

We are traversing the Afghan mountains on donkeys and losing lives daily in Baghdad with homemade, primitive bombs. Our power and dominance clearly is limited by the determination of those who see us as occupiers, proving that just more money and sophisticated weapons will not bring us victory. Sophisticated weapons and the use of unlimited military power is no substitute for diplomacy designed to promote peace while reserving force only for defending our national interests.

Changing our policy of meddling in the affairs of others will not come easily or quickly, but a few signals to indicate a change in our attitude would go a long way to bringing peace to a troubled land.

First, we must soon, and Congress can do this through the budget process, stop the construction of all permanent bases in Iraq and any other Muslim country in the region. Think of how we would react if the Chinese had the military edge on us and laid claims to the Gulf of Mexico and building bases within the United States in order to promote their superior way of life. Is it not ironic that we close down bases here at home while building new ones overseas? Domestic bases might well promote security, while bases in Muslim Nations only elicit more hatred toward us.

Second, the plans for the biggest U.S. embassy in the world, costing nearly $1 billion, must be cancelled. This structure in Baghdad sends a message, like the military bases being built, that we expect to be in Iraq and running Iraq for a long time to come.

Third, all military forces in Iraq and on the Arabian peninsula must be moved offshore at the earliest time possible. All responsibility for security and control of the oil must be transferred to the Iraqis from the United States as soon as possible, within months, not years.

The time will come when our policies dealing with foreign affairs will change for the better, but that will be because we can no longer afford the extravagance of war. This will occur when the American people realize that war causes too much suffering here at home and the benefits of peace again become attractive to us all. Part of this recognition will involve a big drop in the value of the dollar, higher interest rates, and rampant price inflation.

Though these problems are serious and threaten our freedoms and way of life, there is every reason to work for the traditional constitutional foreign policy that promotes peace over war, while not being tempted to mold the world in our image through force. We should not forget that what we did not achieve by military force in Vietnam was essentially achieved with the peace that came from our military failure and withdrawal of our Armed Forces. Today, through trade and peace, U.S. investments and economic cooperation has Westernized Vietnam far more than our military efforts ever could have.

We must remember, initiating force to impose our will on others negates all the goodness for which we profess to stand. We cannot be fighting to secure our freedom if we impose laws like the PATRIOT Act and the national ID card on the American people.

Unfortunately, we have lost faith and confidence in the system of government with which we have been blessed. Today, too many Americans support, at least in the early stages, the use of force to spread our message of hope and freedom. They too often are confused by the rhetoric that our armies are needed to spread American goodness. Using force injudiciously, instead of spreading the worthy message of American freedom through peaceful means, antagonizes our enemies, alienates our allies and threatens personal liberties here at home while burdening our economy.

If confidence cannot be restored in our American traditions of peace and trade, our influence throughout the world would be enhanced just as it was once we rejected the military approach in Vietnam.

This change in policy can come easily once the people of this country decide that there is a better way to conduct ourselves throughout the world. Whenever the people turn against war as a tool to promote certain beliefs, the war ceases. That is what we need today. Then we can get down to the business of setting an example of how peace and freedom brings prosperity in an atmosphere that allows for excellence and virtue to thrive.

A powerful bureaucratic military state negates all efforts to preserve these conditions that have served America so well up until recent times. That is not what the American dream is all about. Without a change in attitude, the American dream dies. A simple change that restates the principles of liberty enshrined in our Constitution will serve us well in solving all the problems we face. The American people are up to the task. I hope the Congress is as well.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 13, 2005

The SPEAKER pro tempore (Mr. KING of Iowa) laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2005.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 13, 2005.

DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–54)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2005, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 8, 2005.*

SUSPENDING CERTAIN PROVISIONS OF UNITED STATES CODE IN RESPONSE TO NATIONAL EMERGENCY CAUSED BY HURRICANE KATRINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-55)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and the Workforce and ordered to be printed:

To the Congress of the United States:

I hereby report that I have exercised my statutory authority under section 3147 of title 40, United States Code, to suspend the provisions of 40 U.S.C. 3141–3148 in the event of a national emergency. I have found that the conditions caused by Hurricane Katrina constitute a "national emergency" within the meaning of section 3147. I have, therefore, suspended the provisions of 40 U.S.C. 3141–3148 in designated areas in the States of Alabama, Florida, Louisiana, and Mississippi.

This action is more fully set out in the enclosed proclamation that I have issued today.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2005.*

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3673. An Act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OLVER (at the request of Ms. PELOSI) for today on account of illness.

Mr. EVERETT (at the request of Mr. DELAY) for today after 2:00 p.m. on account of business in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. CARDIN, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mrs. BLACKBURN, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, September 15.

Mr. POE, for 5 minutes, September 13 and 14.

Mr. KING of Iowa, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3650. An act to allow United States courts to conduct business during emergency conditions, and for other purposes.

H.R. 3673. An act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

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ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, September 12, 2005, at noon.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, John R. "Randy" Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus

G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sanchez, Linda T. Sánchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, John J. H. "Joe" Schwarz, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3721. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3722. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3723. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3724. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency has existed in the state of Florida since August 24, 2005 and in states of Alabama, Louisiana, and Mississippi since August 29, 2005, pursuant to 42 U.S.C. 247d(a) Public Law 107–188, section 144(a); to the Committee on Energy and Commerce.

3725. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Board of the International Fund of Ireland is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland; and that disbursements from the International Fund will be distributed in accordance with principles of economic justice; and will address the needs of both communities in Northern Ireland and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment, pursuant to Public Law 99–415, section 5(c) (100 Stat. 948); to the Committee on International Relations.

3726. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of United States citizens by certain international organizations, pursuant to 22 U.S.C. 276c-4; to the Committee on International Relations.

3727. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

3728. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifty-third report on the extent and disposition of United States contributions to international organizations for fiscal year 2004, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

3729. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3730. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3731. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3732. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendments to the International Traffic in Arms Regulations: Port Directors, Definition, NATO Definition, Major Non-NATO Ally Definition, Recordkeeping Requirements, Supporting Documentation for Electronics License Applications, Disclosure of Registration Documents — received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3733. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

3734. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of the United Kingdom and Canada (Transmittal No. DDTC 097-04); to the Committee on International Relations.

3735. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services from the Governments of Russia, Ukraine and Norway (Transmittal No. DDTC 024-05); to the Committee on International Relations.

3736. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services from the Governments of Russia and Kazakhstan (Transmittal No. DDTC 025-05); to the Committee on International Relations.

3737. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination pursuant to Section 610 of the Foreign Assistance Act authorizing the use FY 2005 Supplemental Economic Support Funds to provide assistance to the Palestinian Authority; to the Committee on International Relations.

3738. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services (Transmittal No. DDTC 008-05); to the Committee on International Relations.

3739. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense equipment from the Government of Japan

(Transmittal No. DDTC 020-05); to the Committee on International Relations.

3740. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services from the Government of Iraq (Transmittal No. DDTC 035-05); to the Committee on International Relations.

3741. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of Japan (Transmittal No. DDTC 019-05); to the Committee on International Relations.

3742. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the transfer of defense equipment from the Government of Saudi Arabia to the Government of Mexico (Transmittal No. RSAT 03-05); to the Committee on International Relations.

3743. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-31, Waiving Prohibition on United States Military Assistance with Respect to Cambodia; to the Committee on International Relations.

3744. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a determination pursuant to section 451 of the Foreign Assistance Act of 1961, authorizing the use of FY 2005 funds authorized for the International Military Education and Training (IMET) and FY 2004 funds authorized for FREEDOM Support Act/Assistance to the Independent States (FSA/IS) to provide assistance to the United Nations Democracy Fund; to the Committee on International Relations.

3745. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Bay City International River Roar, Saginaw River, Bay City, MI [CGD09-05-028] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3746. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Elberta Solstice Festival Fireworks, Elberta, MI [CGD09-05-029] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3747. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Southside Summer Festival, St. Clair River, Port Huron, MI [CGD09-05-030] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3748. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Target Fireworks Display, Detroit River, Detroit, MI [CGD09-05-031] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3749. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Chicago [CGD09-05-004] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3750. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: GREAT LAKES ICE BREAKER Menominee River, Marinette, Wisconsin [CGD09-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3751. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New York State Recreation and Parks Annual Conference Fireworks at Ontario Beach Park, Rochester, NY [CGD09-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3752. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Hennepin, IL [CGD09-05-012] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3753. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cuyahoga River, Cleveland, Ohio [CGD09-05-013] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3754. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rockets for Schools Sheboygan, Wisconsin [CGD09-05-015] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3755. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL [COTP Mobile-05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3756. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Legal Seafood Fireworks Display, Boston, Massachusetts [CGD1-05-035] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3757. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Piping Rock Beach Club Firworks, Long Island Sound, Lattingtown, NY [CGD01-05-043] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3758. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Former Quincy Shipyard Gantry Crane Demolition, Quincy, Massachusetts [CGD01-05-059] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3759. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware River [CGD05-05-027] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3760. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Northwest Harbor, Baltimore, MD [CGD05-05-030] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3761. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Willoughby Bay, Norfolk, VA [CGD05-05-034] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3762. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Surprise Birthday Party Fireworks, Lake St. Clair, Gross Pointe, MI [CGD09-05-020] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3763. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Riversplash Fireworks display, Milwaukee River, Milwaukee, WI [CGD09-05-023] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3764. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Norfolk, VA [CGD05-05-0562] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3765. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Mathews, VA [CGD05-05-063] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3766. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Rappahannock River, Tappahannock, VA [CGD05-05-064] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3767. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hampton River, Hampton, VA [CGD05-05-065] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3768. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cherrystone Channel, Chesapeake Bay, VA [CGD05-05-068] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3769. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Celebrate America Fundraiser Fireworks Display, Lake St. Clair, Gross Pointe, MI [CGD09-05-024] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN of Ohio:

H.R. 3696. A bill to amend the Federal Food, Drug, and Cosmetic Act to require prior approval by the Food and Drug Administration of advertisements for prescription drugs and restricted medical devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. Watt, Ms. Jackson-Lee of Texas, Mr. Nadler, Mr. Taylor of Mississippi, Mr. Kucinich, Mr. Moran of Virginia, Mrs. Maloney, Ms. Wasserman Schultz, Ms. Lee, Ms. Linda T. Sánchez of California, Ms. Carson, Mrs. Davis of California, Ms. Zoe Lofgren of California, Mr. Crowley, Mr. Serrano, Mr. Scott of Virginia, Ms. Woolsey, Ms. McCollum of Minnesota, Mr. Rothman, Mr. Grijalva, Mr. Meehan, Mr. Blumenauer, Mr. Berman, Mr. Delahunt, Ms. Schakowsky, Mr. Emanuel, Mr. McDermott, Mr. Sanders, Mr. Udall of New Mexico, Ms. Watson, and Mrs. Capps):

H.R. 3697. A bill to amend title 11 of the United States Code to provide relief with respect to disaster-related debts incurred by victims of Hurricane Katrina and other natural disasters; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Jefferson, Mr. Davis of Alabama, Mr. Thompson of Mississippi, Ms. Pelosi, Mrs. Capps, Mr. Brown of Ohio, Mr. Waxman, Mr. Stark, Mr. Rangel, Mr. Gene Green of Texas, and Mr. Melancon):

H.R. 3698. A bill to provide temporary Medicaid disaster relief in response to Hurricane Katrina, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Ms. Norton, and Mr. Van Hollen):

H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 3700. A bill to reform immigration to serve the national interest; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. Lewis of Georgia, Mr. Holt, Mr. Pallone, Mr. Payne, and Mr. Pascrell):

H.R. 3701. A bill to assure that the American people have large areas of land in healthy natural condition throughout the country to provide wildland recreational opportunities for people, provide habitat protection for native wildlife and natural plant communities, and to contribute to a preservation of water for use by downstream metropolitan communities and other users, through the establishment of a National Forest Ecosystem Protection Program composed of lands within existing wilderness areas and adjacent primitive areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 3702. A bill to provide emergency assistance to agricultural producers who have suffered losses as a result of drought, Hurricane Katrina, and other natural disasters occurring during 2005, and for other purposes; to the Committee on Agriculture.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Boyd, Mr. Mica, Mr. Bilirakis, Mr. Shaw, Mr. Weldon of Florida, Mr. Foley, Mr. Davis of Florida, Ms. Ros-Lehtinen, Mr. Putnam, Mr. Feeney, Mr. Keller, Mr. Stearns, Mr. Miller of Florida, Mr. Mack, Mr. Mario Diaz-Balart of Florida, Ms. Corrine Brown of Florida, Ms. Harris, Mr. Wexler, Mr. Lincoln Diaz-Balart of Florida, Mr. Crenshaw, Mr. Young of Florida, Mr. Hastings of Florida, Mr. Meek of Florida, and Ms. Wasserman Schultz):

H.R. 3703. A bill to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building"; to the Committee on Government Reform.

By Mrs. DRAKE (for herself, Mr. Marchant, Mr. Mica, and Mr. Burgess):

H.R. 3704. A bill to provide for establishment of a Border Patrol Auxiliary; to the Committee on Homeland Security.

By Mr. GERLACH:

H.R. 3705. A bill to amend title 18, United States Code, to prohibit price gouging during national emergencies; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida (for himself, Mrs. Maloney, Mr. Kennedy of Rhode Island, Mr. Honda, Mr. Bishop of New York, Ms. McCollum of Minnesota, Mr. Reyes, Mr. Doggett, Mr. Grijalva, Mr. Wexler, Ms. Carson, Mr. Bishop of Georgia, Mr. McNulty, Mr. Inslee, Mr. Sherman, Mr. Nadler, Ms. Schwartz of Pennsylvania, Mr. Conyers, Mr. Evans, Mr. Price of North Carolina, Mr. Strickland, Mr. Moran of Virginia, Mr. Farr, Mrs. Tauscher, Mrs. Davis of California, Mr. Markey, and Mr. Davis of Florida):

H.R. 3706. A bill to establish a National Independent Inquiry Commission on Disaster Preparedness and Response; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY:

H.R. 3707. A bill to provide the President with authority to temporarily freeze the price of gasoline and other refined products; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3708. A bill to dedicate 10 percent of Hurricane Katrina disaster relief funds for mental health services to victims and first responders; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE:

H.R. 3709. A bill to amend title 10, United States Code, to remove the Peace Corps as an option for service under the National Call to Service military recruitment program; to the Committee on Armed Services.

By Mr. MARKEY:

H.R. 3710. A bill to require the Secretary of the Interior to suspend Federal oil and gas royalty relief for production of oil and natural gas occurring in any period with respect to which average oil and natural gas prices exceed certain amounts, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT:

H.R. 3711. A bill to ensure that foster children affected or displaced by Hurricane Katrina receive the critical assistance they need and deserve; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 3712. A bill to establish a program for gas stamps and to impose a windfall profits tax on crude oil, natural gas, and products thereof; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 3713. A bill to repeal the Bipartisan Trade Promotion Authority Act of 2002; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself, Mr. Jefferson, Mr. Jindal, Ms. Ginny Brown-Waite of Florida, Mr. Hinojosa, Mr. Davis of Florida, Mr. Davis of Tennessee, Mr. Rogers of Alabama, Mr. Bonner, and Mr. Wilson of South Carolina):

H.R. 3714. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain for-profit hospitals; to the Committee on Transportation and Infrastructure.

By Mr. RAMSTAD (for himself and Mr. Cardin):

H.R. 3715. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 3716. A bill to amend the Internal Revenue Code of 1986 to clarify the mortgage subsidy bond benefits for residences located in disaster areas; to the Committee on Ways and Means.

By Mr. REICHERT (for himself, Mr. GARY G. MILLER of California, Mr. MATHESON, Mr. DANIEL E. LUNGREN of California, and Mrs. KELLY):

H.R. 3717. A bill to provide construction contractors with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster; to the Committee on the Judiciary.

By Mr. ROSS:

H.R. 3718. A bill to amend the Energy Policy Act of 2005 to require the Federal Trade Commission to submit to Congress a report on gasoline prices by November 8, 2005; to the Committee on Energy and Commerce.

By Mr. RYAN of Ohio (for himself and Mr. MEEK of Florida):

H.R. 3719. A bill to amend the Servicemembers Civil Relief Act to require that the Department of Defense notify the creditors of persons in military service and persons entering military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHERMAN:

H.R. 3720. A bill to amend the Federal Reserve Act to permit members of the Board of Governors of the Federal Reserve System to be appointed to more than 1 term of office; to the Committee on Financial Services.

By Mr. SHERWOOD (for himself and Mr. KANJORSKI):

H.R. 3721. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area and to allow the National Park Service to continue to collect fees from those vehicles, and for other purposes; to the Committee on Resources.

By Ms. SLAUGHTER:

H.R. 3722. A bill to authorize and require the President of the United States to allocate crude oil, residual fuel oil, and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system, which jeopardize the national economy, and public health, safety, and welfare; to the Committee on Energy and Commerce.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. MICA, Mr. MEEK of Florida, Mr. SHAW, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. DAVIS of Florida, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, Ms. HARRIS, Mr. MACK, Mr. FOLEY, Mr. FEENEY, Mr. BILIRAKIS, Mr. CRENSHAW, Mr. PUTNAM, Mr. BOYD, Mr. STEARNS, Mr. YOUNG of Florida, and Mr. WELDON of Florida):

H.R. 3723. A bill to require the Director of the Federal Emergency Management Agency to provide certain individuals or households affected by Hurricane Katrina in Miami-Dade and Broward Counties, Florida, with financial assistance and direct services under the Robert T. Stafford Disaster and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. WICKER:

H.R. 3724. A bill to waive the individual and corporate income limitations for charitable contributions for the relief of victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. WEXLER, Mr. BROWN of Ohio, and Mr. ROHRABACHER):

H. Con. Res. 237. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD (for herself, Mr. LANTOS, Mr. RANGEL, Ms. WATSON, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, Mr. MEEHAN, Mr. EVANS, Mr. VAN HOLLEN, and Mr. MCNULTY):

H. Con. Res. 238. Concurrent resolution honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 239. Concurrent resolution recognizing the need for judges who hear causes of action brought by teenage victims of dating violence to be educated as to the specific needs of such victims; to the Committee on the Judiciary.

By Mr. LEACH:

H. Res. 432. A resolution creating a select committee to investigate the awarding and carrying out of contracts to rebuild communities devastated by Hurricane Katrina; to the Committee on Rules.

By Mr. MICHAUD:

H. Res. 433. A resolution expressing the sense of the House of Representatives that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. TOM DAVIS of Virginia, Mr. NADLER, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. BOUCHER, Mr. MENENDEZ, Mr. WOLF, Mr. MURTHA, and Ms. NORTON):

H. Res. 434. A resolution recognizing the importance of establishing a national memorial at the Pentagon Reservation to commemorate and mourn the terrorist attack against the Pentagon on September 11, 2001; to the Committee on Armed Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H. Res. 435. A resolution establishment of a select committee to investigate and oversee the awarding and execution of contracts for relief and reconstruction activities in areas affected by hurricane Katrina; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mrs. CAPITO.

H.R. 110: Mr. SAXTON.

H.R. 156: Mr. SPRATT and Mr. TERRY.

H.R. 282: Mr. STUPAK, Mr. FORTENBERRY, and Mr. WALDEN of Oregon.

H.R. 284: Mr. ROTHMAN, Mr. SIMMONS, and Mr. MARSHALL.

H.R. 303: Mr. KING of Iowa.

H.R. 363: Mr. SCHIFF.

H.R. 478: Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. WATSON, and Mr. PALLONE.

H.R. 517: Mr. GOODE and Mr. GOHMERT.

H.R. 551: Mr. LEWIS of Georgia, Mr. OLVER, Mr. DAVIS of Florida, and Mr. RANGEL.

H.R. 552: Ms. HART.

H.R. 562: Mr. RANGEL and Mr. LANTOS.

H.R. 582: Mr. KUHL of New York and Mr. MCNULTY.

H.R. 583: Ms. PRYCE of Ohio, Mr. RAMSTAD, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mrs. CAPITO, and Mr. PETERSON of Pennsylvania.

H.R. 588: Mr. TANCREDO.

H.R. 594: Mr. BOUCHER.

H.R. 669: Mr. REHBERG.

H.R. 699: Mr. GILLMOR and Mr. PETERSON of Minnesota.

H.R. 769: Ms. LINDA T. SÁNCHEZ of California.

H.R. 772: Mr. KOLBE.

H.R. 780: Mr. UDALL of Colorado.

H.R. 822: Ms. MOORE of Wisconsin and Ms. MCKINNEY.

H.R. 881: Mr. GONZALEZ and Mr. RYAN of Wisconsin.

H.R. 896: Mr. WALSH and Mr. HOLT.

H.R. 899: Mr. HONDA.

H.R. 908: Ms. NORTON.

H.R. 910: Mr. TOWNS, Mr. SANDERS, Mr. GENE GREEN of Texas, Mr. LANTOS, Ms. WOOLSEY, Ms. BALDWIN, and Ms. ESHOO.

H.R. 944: Mr. COOPER.

H.R. 949: Mr. CUMMINGS and Ms. KILPATRICK of Michigan.

H.R. 987: Mr. SIMMONS, Mr. MCCOTTER, and Ms. ZOE LOFGREN of California.

H.R. 994: Mr. RUSH, Mr. GALLEGLY, Mr. KINGSTON, Mr. CALVERT, Mr. DAVIS of Tennessee, Mr. RYAN of Wisconsin, Mr. DAVIS of Florida, Mr. MARSHALL, Mr. FRANK of Massachusetts, Mr. BEAUPREZ, Mr. BOUCHER, and Mr. LANTOS.

H.R. 997: Mr. HULSHOF.

H.R. 998: Mr. LAHOOD.

H.R. 1059: Ms. VELÁZQUEZ.

H.R. 1083: Mr. KUHL of New York.

H.R. 1100: Mr. HERGER.

H.R. 1103: Ms. MOORE of Wisconsin.

H.R. 1106: Mr. BISHOP of New York.

H.R. 1119: Mr. REHBERG.

H.R. 1124: Mr. BERMAN and Mr. MARKEY.

H.R. 1125: Mr. ROTHMAN and Mr. CUMMINGS.

H.R. 1157: Mr. ANDREWS.

H.R. 1182: Mr. GRIJALVA.

H.R. 1204: Mr. KIND and Mr. OWENS.

H.R. 1219: Mr. ISSA.

H.R. 1245: Mr. SOUDER, Mr. HIGGINS, Ms. MCKINNEY, Mr. PASCRELL, and Mr. RUPPERSBERGER.

H.R. 1264: Mr. ROTHMAN, Mr. MOLLOHAN, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. HOYER, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. LARSON of Connecticut, Mr. PLATTS, Mr. PETERSON of Minnesota, and Mr. JEFFERSON.

H.R. 1366: Mr. ABERCROMBIE.

H.R. 1390: Ms. MOORE of Wisconsin.

H.R. 1402: Mr. SHERMAN.

H.R. 1409: Ms. MCKINNEY, Mr. DAVIS of Florida, Mrs. TAUSCHER, Mr. TERRY, Mr. GERLACH, Mr. NADLER, and Mr. PALLONE.

H.R. 1426: Mr. GEORGE MILLER of California, Mr. FARR, and Mr. NEAL of Massachusetts.

H.R. 1440: Mr. ANDREWS.

H.R. 1446: Mr. BAIRD.

H.R. 1447: Mr. HONDA.

H.R. 1493: Mr. GRAVES.

H.R. 1518: Mr. Davis of Illinois and Mr. McCaul of Texas.

H.R. 1548: Mr. Bonilla, Mr. Hall, Mrs. Emerson, Mr. Akin, and Mr. Gillmor.

H.R. 1549: Mr. Hayes, Mr. Davis of Florida, Mr. Turner, Mr. Bartlett of Maryland, Mr. Rothman, Mr. Honda, Mr. Porter, Mr. Shadegg, and Mr. McIntyre.

H.R. 1591: Mr. Camp.

H.R. 1592: Ms. Slaughter and Mr. Camp.

H.R. 1607: Mr. Hoekstra, Mr. Linder, Mr. Cantor, and Mr. Beauprez.

H.R. 1608: Mr. Ross.

H.R. 1634: Mr. Rothman, Mr. McCotter, Mr. Ehlers, and Mr. Jefferson.

H.R. 1648: Ms. McCollum of Minnesota.

H.R. 1652: Mr. Pascrell.

H.R. 1664: Mr. Jenkins.

H.R. 1678: Mr. Fortenberry.

H.R. 1696: Mr. Schwarz of Michigan.

H.R. 1707: Mr. Inslee.

H.R. 1789: Mr. Wynn and Mr. Jefferson.

H.R. 1806: Mr. Payne, Mr. McDermott, Ms. Watson, Mr. McNulty, and Mr. Conyers.

H.R. 1898: Ms. Foxx.

H.R. 1989: Mr. Smith of Washington.

H.R. 2012: Mr. Kennedy of Minnesota.

H.R. 2014: Mr. Ramstad, Mr. Michaud, and Mr. Peterson of Minnesota.

H.R. 2037: Mr. Barrow.

H.R. 2089: Mrs. Northup.

H.R. 2103: Mr. Tiahrt.

H.R. 2121: Mr. Ryun of Kansas, Mr. Graves, Mr. Skelton, and Ms. Zoe Lofgren of California.

H.R. 2133: Mr. Tierney.

H.R. 2193: Mr. Tierney.

H.R. 2230: Mr. Bishop of New York.

H.R. 2231: Mr. Frank of Massachusetts and Mr. Abercrombie.

H.R. 2238: Mr. Osborne.

H.R. 2356: Mr. Carter, Mr. Bonner, Ms. McCollum of Minnesota, Mr. Kuhl of New York, Mr. Honda, Mr. Bradley of New Hampshire, Mr. Baca, Mr. King of Iowa, Mr. English of Pennsylvania, Mr. Peterson of Minnesota, and Mr. Holden.

H.R. 2357: Mr. Peterson of Pennsylvania.

H.R. 2533: Mr. Schiff, Mr. Allen, and Mr. Udall of New Mexico.

H.R. 2662: Mr. Bishop of New York.

H.R. 2669: Mr. Langevin, Mr. Engel, Ms. Lee, Mr. Shays, Mr. Rothman, Mr. Van Hollen, Ms. Eshoo, Mr. McNulty, Ms. McCollum of Minnesota, Mrs. Capps, Mr. Menendez, and Mr. Stark.

H.R. 2679: Mr. Goode.

H.R. 2694: Mr. Peterson of Minnesota, Mr. Frank of Massachusetts, Mrs. Lowey, and Mr. Ortiz.

H.R. 2721: Mr. Michaud.

H.R. 2792: Mr. Farr.

H.R. 2835: Mr. Schiff.

H.R. 2872: Mr. Pallone, Mr. Crowley, Mr. Simpson, Mr. Chandler, Mr. Hulshof, Mrs. Maloney, and Mr. Payne.

H.R. 2963: Mr. Cleaver and Ms. Ginny Brown-Waite of Florida.

H.R. 2971: Mr. Camp, Mrs. Blackburn, and Mr. McCotter.

H.R. 3046: Mr. Jefferson.

H.R. 3064: Mr. Conyers and Ms. McKinney.

H.R. 3080: Mr. Weldon of Florida, Mrs. Blackburn, and Mr. Aderholt.

H.R. 3095: Mr. Burgess and Mr. Issa.

H.R. 3096: Mr. Jefferson.

H.R. 3098: Mrs. Emerson, Mr. Watt, Mr. Fattah, Ms. Schwartz of Pennsylvania, Mr. Hayworth, Mr. Butterfield, Mr. Crenshaw, Mr. Cummings, Mr. Allen, and Mr. Pence.

H.R. 3132: Mr. Hastings of Washington, Ms. Zoe Lofgren of California, Mr. Calvert, Mr. Smith of Washington, and Mr. Sessions.

H.R. 3135: Mr. Sessions, Mr. Shuster, Mr. Kuhl of New York, and Mr. Sweeney.

H.R. 3137: Ms. Harris, Mr. Bilirakis, Mr. Beauprez, and Mr. Shuster.

H.R. 3139: Mr. Baird, Mr. Nadler, and Mr. Jefferson.

H.R. 3142: Mr. Price of North Carolina and Ms. DeLauro.

H.R. 3150: Ms. Hart.

H.R. 3165: Mr. Evans and Mr. Jefferson.

H.R. 3174: Mr. McGovern.

H.R. 3186: Mr. Conyers, Mr. Moran of Kansas, and Mr. Schwarz of Michigan.

H.R. 3248: Mr. Platts, Mrs. Capps, Mr. Walden of Oregon, Mr. Schwarz of Michigan, Ms. Berkley, and Ms. Slaughter.

H.R. 3267: Mrs. Davis of California, Ms. DeLauro, Mr. Meeks of New York, Mr. Brown of Ohio, Ms. Zoe Lofgren of California, and Mr. Andrews.

H.R. 3268: Mrs. Drake.

H.R. 3307: Mr. McDermott, Mr. Reyes, Mr. Honda, Mr. Filner, and Mr. Frank of Massachusetts.

H.R. 3317: Mr. Terry.

H.R. 3334: Mr. Lewis of Georgia, Mrs. Davis of California, Mrs. Tauscher, Ms. Millender-McDonald, Mr. Serrano, and Mrs. McCarthy.

H.R. 3358: Mr. Coble, Mr. Filner, Mr. Mica, and Mr. Simmons.

H.R. 3361: Mr. Bishop of New York.

H.R. 3369: Mr. Pascrell.

H.R. 3373: Ms. Moore of Wisconsin, Mr. Sessions, Mr. Rangel, Mr. Peterson of Pennsylvania, Mr. Davis of Illinois, Mr. Bachus, Mr. Otter, Mr. McGovern, Mr. Markey, Mr. Peterson of Minnesota, Mr. Owens, Mr. Rogers of Kentucky, Mr. Osborne, Mr. Miller of North Carolina, Mr. Weldon of Florida, Mr. Allen, Mr. Hall, Mr. Gonzalez, Mr. Beauprez, and Ms. Jackson-Lee of Texas.

H.R. 3405: Mr. Jenkins, Mr. Stupak, Mr. Holden, Mr. Etheridge, Mr. Boswell, Ms. Ros-Lehtinen, Mr. Hayworth, Mr. Rangel, Mr. Ford, Mr. Burton of Indiana, Mr. Cantor, Mr. Coble, Mr. Cole of Oklahoma, Mr. Deal of Georgia, Mr. Mario Diaz-Balart of Florida, Mr. Forbes, Mr. Hensarling, Mr. Sam Johnson of Texas, Mr. McCrery, Mr. Norwood, Mr. Rehberg, Mr. Rogers of Michigan, Mr. Ryan of Wisconsin, Mr. Shuster, and Mr. Tiahrt.

H.R. 3407: Mr. Visclosky and Mr. Jefferson.

H.R. 3420: Mr. Clay and Ms. Kaptur.

H.R. 3438: Ms. McKinney and Mr. Owens.

H.R. 3478: Mr. Tancredo and Mr. Burton of Indiana.

H.R. 3479: Mr. Price of North Carolina.

H.R. 3548: Mr. Towns.

H.R. 3559: Mr. Mollohan, Mrs. Emerson, Mr. McHugh, Mr. Gillmor, Mr. Frank of Massachusetts, Mr. Nussle, Mr. Price of North Carolina, Mr. Bradley of New Hampshire, Mr. Michaud, Mr. Olver, Mr. Tiberi, Mr. Ross, and Mr. Latham.

H.R. 3560: Mr. Waxman.

H.R. 3561: Mr. Gonzalez, Mr. Lantos, Ms. McCollum of Minnesota, Ms. Roybal-Allard, Mr. Conyers, and Mr. Ortiz.

H.R. 3568: Mr. Cardoza.

H.R. 3574: Mr. English of Pennsylvania.

H.R. 3601: Ms. Kilpatrick of Michigan.

H.R. 3639: Mr. Doyle, Mr. Sherman, and Mr. Miller of North Carolina.

H.R. 3656: Mrs. Jones of Ohio, Mr. Serrano, Mr. Evans, Mr. Peterson of Minnesota, and Mr. Allen.

H.R. 3659: Mr. Weiner, Mr. Filner, and Mr. Costello.

H.R. 3662: Mrs. Maloney, Mr. Strickland, Mr. Gutierrez, and Ms. Schakowsky.

H.R. 3665: Mr. Faleomavaega.

H.R. 3668: Mr. Owens, Mrs. McCarthy, Mr. George Miller of California, Mr. Kildee, and Ms. Jackson-Lee of Texas.

H.R. 3671: Mr. Reyes, Mr. Hinojosa, Mr. Poe, Mr. Culberson, Mr. McCaul of Texas, Mr. Doggett, Ms. Eddie Bernice Johnson of Texas, Mr. Ortiz, Mr. Cuellar, Mr. Salazar, Mr. Al Green of Texas, Mr. Holt, and Ms. Solis.

H.R. 3672: Mr. Alexander, Mr. Boustany, Mr. Herger, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. Wicker, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, and Ms. Waters.

H.R. 3681: Mr. Higgins, Ms. Harman, Mr. Berman, Mr. Pallone, Mr. Stark, Mr. Langevin, and Mr. Rothman.

H.R. 3685: Mrs. Jones of Ohio and Mr. Mack.

H.R. 3690: Ms. DeLauro, Mr. Owens, Mr. Inslee, Mr. Gene Green of Texas, Mr. Israel, Mr. Al Green of Texas, Mr. Gonzalez, Ms. Woolsey, Mr. Emanuel, Ms. Watson, Mr. Rothman, Mr. Weiner, Mr. Farr, and Mr. Capuano.

H.J. Res. 60: Mr. Weldon of Florida and Mr. Goode.

H.J. Res. 61: Mr. Young of Florida, Mr. Wolf, Mr. Shimkus, Mr. Filner, Mr. Gallegly, Mr. Boustany, and Mr. Matheson.

H. Con. Res. 90: Mr. Gene Green of Texas, Mr. Stupak, Ms. Moore of Wisconsin, Ms. Harris, Mr. Meeks of New York, and Mr. Larsen of Washington.

H. Con. Res. 210: Ms. Wasserman Schultz, Mrs. Lowey, Mr. Smith of Washington, Mr. McIntyre, Mr. Wexler, Mr. Holt, Mr. Honda, Mr. Norwood, Mr. Cummings, Mr. Sherman, Mr. Wynn, Mr. Ruppersberger, Mrs. Maloney, Mr. Cardin, Mr. Duncan, Mr. Van Hollen, Mr. McNulty, Mr. Grijalva, Mr. Saxton, Mr. Bishop of Georgia, Mr. Cooper, Mr. Jefferson, Mr. Jones of North Carolina, Ms. Lee, Mr. Weldon of Pennsylvania, Mr. LaHood, Ms. Ginny Brown-Waite of Florida, Mr. Leach, Mrs. Wilson of New Mexico, Mr. Pallone, and Ms. Herseth.

H. Con. Res. 219: Mr. Tancredo and Mr. Simmons.

H. Con. Res. 222: Mr. Oberstar and Mr. Platts.

H. Con. Res. 231: Mr. Ross, Mr. Doggett, Mr. Grijalva, Mr. Boren, Mr. Marshall, Ms. Harris; and Mr. Jefferson.

H. Con. Res. 234: Mr. Lewis of Georgia, Ms. McCollum of Minnesota, Mr. Brown of Ohio, Mr. Honda, Mr. Conyers, and Ms. Corrine Brown of Florida.

H. Res. 78: Mr. Visclosky.

H. Res. 116: Mr. Langevin.

H. Res. 247: Ms. Norton and Mr. Towns.

H. Res. 323: Mr. Mollohan, Ms. Wasserman Schultz, Mrs. Northup, Mr. Levin, Mr. Brown of Ohio, Mr. Platts, Mr. Cramer, Mr. Reynolds, and Mr. Pascrell.

H. Res. 375: Ms. McCollum of Minnesota and Mr. Abercrombie.

H. Res. 388: Mr. Kennedy of Minnesota, Mr. Terry, Mr. Dreier, Mr. Kingston, Mr. Barrett of South Carolina, Mr. Lantos, and Ms. Berkley.

H. Res. 409: Mr. McCotter.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 881: Mr. Pitts.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions.

Petition 2 by Mr. MARSHALL on House Resolution 270: Adam Smith.

SENATE—*Thursday, September 8, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, source of all wisdom, as Senators strive to make critical decisions, guide their hearts and minds. Give them such courage of conviction that they will ignore the siren calls to deviate from right. Help them to walk along ethical paths, even when they are demonized by insiders and outsiders.

Deliver them from those who impugn their motives and misrepresent their intentions. Remind them that You are the only constituent who ultimately matters, and that pleasing You must be their first priority. May they trust You to open doors that no one can shut and to shut doors that no one can open. Help each of us to say no to every voice that invites us to leave Your way.

Lord, empower us to hasten the day when the knowledge of You will cover the Earth as the waters cover the seas.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 8, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Mr. President, is the distinguished Senator from Hawaii here ready to give a speech?

Mr. AKAKA. Yes.

Mr. REID. Mr. President, I yield to him and reserve my leader time.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time to be controlled by the Democratic leader or his designee and the second half of the time to be controlled by the majority leader or his designee.

The Senator from Hawaii.

TRADITIONAL ROLE OF FEMA

Mr. AKAKA. Mr. President, my thoughts are with all of those from the Gulf Coast States affected by Hurricane Katrina as they mourn the loss of family and friends and neighbors. We wish them well.

I know there are no words that can provide the needed comfort. I believe there must be an extensive examination of what went wrong with the Government's response to this natural disaster.

As hundreds of thousands of Americans look toward rebuilding their lives, our first priority must be to ensure that all possible Federal resources are at their disposal. However, it is Congress's job to get to the bottom of what went wrong and to do whatever is necessary to ensure that it never happens again. I join those who say we must not engage in a blame game but, rather, we must come together to undertake responsible oversight.

I say this from an interesting vantage point because throughout the debate over the creation of the Department of Homeland Security in 2002, I repeatedly expressed my strong concern that nonhomeland security functions of the Federal Government would be diminished if included in the new Department. I said that eliminating the Federal Emergency Management Agency's status as an independent agency to join this proposed Department could seriously affect FEMA's traditional role of responding to natural disasters.

At Under Secretary Michael Brown's confirmation hearing to be Deputy Director of FEMA in June 2002, 5 months before the Homeland Security Act passed, I spoke about the perils of converting FEMA into a homeland security centric agency. At the time, I said:

> The President's proposal for a new Department of Homeland Security will include the Federal Emergency Management Agency. A key question is how will this new role for FEMA in homeland security affect its traditional mission?
>
> . . . Many of the agencies impacted by this proposal, including FEMA, have a number of core responsibilities unrelated to their homeland security missions. Most of what FEMA does every day, and what Americans expect from FEMA, does not fall under the category of homeland security.

Because of my strong belief that the nonhomeland security functions of FEMA, the Coast Guard, and other agencies that are now part of DHS would be diminished when merged into this massive agency, I successfully offered an amendment to the Governmental Affairs Committee's version of the Homeland Security Act, cosponsored by Senator CARPER, that required all nonhomeland security functions of each of the 22 legacy agencies to be identified, along with the resources needed to preserve these functions.

Unfortunately, the version of the bill passed by Congress failed to include my amendment, which is one of the reasons that I was one of eight Senators who voted against the creation of DHS.

In a further effort to ensure constancy of the nonhomeland security functions of DHS, I introduced in April 2003 legislation that would have required the Department to identify annually the resources, personnel, and capabilities devoted to nonhomeland security functions. My measure would have required DHS to include this information in its annual performance report, as well as required the Government Accountability Office to evaluate the Department's performance of essential nonhomeland security missions.

When introducing my bill, S. 910, the Nonhomeland Security Mission Performance Act of 2003, I said:

> The cost of creating a Department of Homeland Security should not come at the expense of these essential missions. Agencies should strike the proper balance between new homeland security responsibilities and their critical nonhomeland security missions. Enhancing traditional missions also enhances domestic security which depends on sound management strategies that ensure adequate resources and personnel.

S. 910 was reported favorably by the Governmental Affairs Committee but was, unfortunately, never considered by the full Senate.

I stand before my colleagues today to ask that we look at the disaster that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

has befallen the people of the gulf coast as a reminder that preventing terrorism is not the only business of the Department of Homeland Security. My colleagues and I must carefully reexamine whether critical nonhomeland security missions have been compromised by their decisions in DHS.

I ask unanimous consent that my statement from the Governmental Affairs Committee hearing for Michael Brown's confirmation to be Deputy Director of FEMA on June 19, 2002, and my statement on the introduction of S. 910, the Nonhomeland Security Mission Performance Act, on April 11, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

NOMINATION HEARING FOR MICHAEL BROWN TO BE DEPUTY DIRECTOR OF FEMA, JUNE 19, 2002

I wish to welcome our nominee to the Committee. Since you and I met a month ago, it seems that the nature of the position to which you have been nominated has changed dramatically.

The President's proposal for a new Department of Homeland Security will include Federal Emergency Management Agency (FEMA). A key question is how will this new role for FEMA in Homeland Security affect its traditional mission?

There is already a Federal Response Plan that does what the President says the new Department will do, that is, "the Homeland Security Department will integrate the Federal interagency emergency response plans into a single comprehensive, government-wide plan." Since 1992, a Federal Response Plan has managed the activities of 26 Federal agencies and the Red Cross during all phases of a disaster, including readiness, response, recovery, and mitigation. In 1999, FEMA published the second edition of the Federal Response Plan Terrorism Incident Annex.

When necessary, FEMA has made agreements with specific government agencies to address terrorism. In January 2001, FEMA and the Department of Justice released an Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN). FEMA is currently working with the Catastrophic Disaster Response Group (CDRG), made up of representatives of all federal agencies, to update the Federal Response Plan in light of the lessons learned from September 11th. These changes are to be integrated with the national strategy for homeland security, on which Governor Ridge has spent the past eight months working.

I hope the proposed department will build on all the different plans and agreements already in place. We do not need a brand new coordination plan. What we need is better communication and implementation of the plans we have.

The President and his staff compare this reorganization to the creation of the Department of Defense after World War II. However, there are many differences. The Departments of the Navy and the Army shared the primary mission of defending the United States. They were both military departments with similar cultures and management priorities.

In contrast, many of the agencies impacted by this proposal, including FEMA, have a number of core responsibilities unrelated to their homeland security missions. Most of what FEMA does every day, and what Americans expect from FEMA, does not fall under the description of homeland security.

Homeland security is strengthened through developing assets that are built day-by-day and community-by-community. These assets include well-trained firefighters and law-enforcement officers, well-equipped medical personnel, and well-exercised emergency response drills.

An example is when FEMA partnered with local and state agencies to help residents on the Island of Hawaii in the wake of tropical storms and flooding last year. It is the dedicated men and women who form the FEMA family who continue to build on these relationships and provide federal assistance to those most in need. Just this year, FEMA assisted flood victims in West Virginia, Kentucky, and Illinois and is working with communities devastated by wildfires in Colorado and New Mexico.

Every state in the Union, including Hawaii, works with FEMA to include disaster mitigation when rebuilding after an event. Cities and counties across the country are working with FEMA to lessen the impact of future natural disasters through mitigation programs.

These efforts are all-hazard and will help communities respond to floods and terrorist attacks. However, there are those in the Administration who have criticized mitigation efforts and have questioned their cost and benefit.

FEMA's pre-disaster mitigation program was eliminated in the President's 2002 budget because it was deemed ineffective by the Office of Management and Budget. Congress disagreed and saved the $25 million program only to see the Administration's FY03 budget proposal seek to eliminate FEMA's post-disaster mitigation program, which was also judged ineffective by OMB.

I believe that Mr. Brown and Director Allbaugh appreciate the importance of disaster mitigation. Unfortunately, traditional cost-benefit analysis is not appropriate for mitigation and prevention programs, and OMB has not given FEMA guidelines on what factors will be used in the future.

I am concerned that these same problems will haunt the new Homeland Security Department. What factors will OMB use to determine the effectiveness of different homeland security programs? I hope Governor Ridge will shed some light on this when he appears before us tomorrow.

The Deputy Director will be responsible to make sure that core functions are not neglected. Over the past decade, FEMA has regained the confidence of local and state emergency managers. Individuals and families rely on FEMA when their lives are torn apart by natural disasters. I believe confidence and trust are among America's most important assets in our struggle to make our communities safer and more secure.

FEMA has these assets because of it employees. The Deputy Director also will be responsible for ensuring that these dedicated federal workers have the resources, training, and support necessary to do their jobs. Likewise, FEMA's core missions are too important to take the best and most experienced staff away from traditional disaster response and mitigation to fill new homeland security activities.

Mr. Brown, thank you again for your dedication and willingness to serve your Nation. You have a tough road ahead. If we are to use the parallel between this reorganization and the creation of the Department of Defense in 1947, we must remember that it took years, even decades, to shape a truly integrated armed forces. Unfortunately, we do not have years to reshape how our country prepares for terrorism.

We can, and should, pass legislation to create a homeland security department. However, we must remember that the issue is not a new federal department, but what is most effective in protecting Americans.

NON-HOMELAND SECURITY MISSION PERFORMANCE ACT OF 2003, APRIL 11, 2003

Mr. President, I rise today to introduce legislation to preserve important non-homeland security missions in the Department of Homeland Security. I am pleased to be joined by the Senator from Delaware, Mr. Carper, and the Senator from New Jersey, Mr. Lautenberg, in this effort to guarantee the fulfillment of non-homeland security functions Americans rely on daily.

Many of these non-homeland security functions are especially important to the state of Hawaii. The Coast Guard provides essential search and rescue, fisheries enforcement, and protection of our coastline. The Animal and Plant Health Inspection Service protects the state's fragile ecosystem from invasive species. The Federal Emergency Management Agency assists municipalities in reducing the destructive effects of natural disasters, such as floods, hurricanes, and tidal waves.

To preserve these vital functions, the "Non-Homeland Security Mission Performance Act of 2003" would require the Department of Homeland Security to identify and report to Congress on the resources, personnel, and capabilities used to perform non-homeland security functions, as well as the management strategy needed to carry out these missions.

The measure would require the Department to include information on the performance of these functions in its annual performance report. Our legislation also calls for a General Accounting Office (GAO) evaluation of the performance of essential non-homeland-security missions.

The establishment of the Department of Homeland Security created additional management challenges and has fueled growing concerns that the performance of core, non-homeland security functions will slip through the cracks. Just last week, the GAO testified before the House Committee on Transportation and Infrastructure that the Coast Guard has experienced a substantial decline in the amount of time spent on core missions. Moreover, GAO found that the Coast Guard lacks the resources to reverse this trend. Coast Guard Commandant Thomas H. Collins is quoted as saying that his agency has more business than it has resources and is challenged like never before to do all that America wants it to do.

These same concerns extend to the entire Department of Homeland Security. The Department of Homeland Security's Bureau of Citizenship and Immigration services provides asylum for refugees and helps immigrants become American citizens. The Customs Service protects and monitors foreign trade so essential for a healthy American economy. And the Secret Service protects and monitors against identity theft, counterfeiting, and other financial crimes. In fact, the General Accounting Office has added the transformation of and implementation of the Department to the GAO High Risk list, partially as the result of existing management challenges to fulfill non-homeland security missions.

The cost of creating a Department of Homeland Security should not come at the expense of these essential missions. Agencies should strike the proper balance between new homeland security responsibilities and their critical non-homeland security missions. Enhancing traditional missions also enhances domestic security which depends on sound management strategies that ensure adequate resources and personnel.

I urge my colleagues to support the "Non-Homeland Security Mission Performance Act of 2003." Our bill takes important steps to ensure that Americans will not see a decline in non-homeland security services as a result of the creation of the Department of Homeland Security.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record following this statement.

Mr. AKAKA. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. The Democratic leader.

ORDER OF PROCEDURE

Mr. REID. Mr. President, this has been cleared with the majority. I ask unanimous consent that Senator LANDRIEU be recognized at 11:30 a.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GOVERNMENT'S RESPONSE TO HURRICANE KATRINA

Mr. REID. Mr. President, there are many things we do not yet know about the Government's response to Hurricane Katrina, but two things are very clear: The Federal Government's response was unacceptable, and the victims and all Americans deserve to know why.

Following 9/11, preparedness for national emergencies was supposed to be a priority for our Government. Americans were made to believe that the Government was doing everything it could to prepare for terrorist attacks, natural disasters, and national crises. Katrina makes it clear that we failed. We must find out why, and we need to do it soon, to make sure that devastation, such as caused by this hurricane, never happens again, whether natural disaster or act of terrorists.

When we faced a similar situation after 9/11, Democrats and Republicans came together and established an independent blue ribbon commission. I am sad to see the Republicans now want a different approach. We don't know the details of their approach. I have been talked to on a couple of occasions very lightly about having either chairmen, ranking members, and a few members from some of the committees to get together. It would be a joint task force of the House and the Senate.

I have great confidence in the Senate committee structure. The chairmen and the ranking members are where they are based on the rules of the Senate, something that is called seniority. Democrats do it a little differently than the Republicans, but it is still basically a seniority system. So that is why I have confidence in the HELP Committee, with MIKE ENZI from Wyoming, a fair man, and TED KENNEDY, the ranking member, a fair man; also, Homeland Security with SUSAN COLLINS and JOE LIEBERMAN.

I could go through the whole committee structure we have in the Senate. They do good work together, as indicated by what has been going on in the Judiciary Committee with the relationship developed with Senator SPECTER and Senator LEAHY. At a very difficult time in the history of our country, with two Supreme Court vacancies, they are working their way through this. I do not think it is the time to invent something new.

Yesterday, the Republicans unveiled very briefly their proposal to investigate the events of last week. They called it a bipartisan commission. I do not have the details of this—there are no details—but what little I do know raises serious concerns about whether their proposal will provide Americans the answers they deserve.

I went through how Senate leadership is picked with the committees. That is not how it works in the House anymore. I can remember being elected to the House of Representatives and meeting a wonderful man by the name of Cliff Young, who served in the House a number of terms, a Republican Congressman from Nevada. After leaving the House, he later served more than 20 years in the Nevada State Senate, became the chief justice to the Nevada Supreme Court, and served there for more than two decades. Cliff Young told me: Harry, when you come back to Washington in the House of Representatives, there are two things I want you to do. No. 1, use the gym. You need to keep your body strong. And No. 2, do not do anything to change the seniority system because in that large body of 435, stability is needed. The one thing that gives that body stability is seniority.

That has been thrown out the window. Now the leadership in the House on the committees wants whoever appears to be the nicest to the Speaker and to the majority leader. If they do anything wrong, boy, they are booted out. We have examples of that. They would not even let CHRIS SMITH from New Jersey have a subcommittee because he did not vote the way they wanted him to on a number of issues. He is gone. That is not what we need to be looking at after the disaster that took place in the Gulf Coast.

What has been proposed is not bipartisan. It is like a baseball player saying, we have a great deal here. The game is going to move more quickly and I think it will turn out pretty well. I am going to do the pitching and I am also going to call the balls and strikes. This is not the way we should do things. It may speed up the ball game, but one does not get the results that are fair.

We have a Republican President, a Republican House, and a Republican Senate. We should not have the pitcher calling the balls and strikes. The President has already said he is going to lead an investigation of what went wrong. On its face, that is flawed. It is flawed to try to change what we are doing in regular order. It is wrong. We have a role for committees. We have a committee structure in place to investigate.

I have had somebody ask, well, why should Secretary Chertoff have to appear at a committee in the House and then one in the Senate?

That is the way we do things around here. That is what oversight is all about. We have the ability to do things on a short-term basis under what we call regular order, have Congress itself, in its role in oversight, do what is done in the ordinary course. We have seen what happens when this administration investigates itself or any administration investigates itself. It simply does not work.

There are serious concerns about this so-called Republican approach. That is why Americans deserve answers independent of politics. That is why Democrats and Republicans preferred an independent commission for investigating 9/11. It took awhile before the President signed on to it, but when he finally did, we got great people such as Hamilton and Kean. They did a wonderful job as the chairmen of this 9/11 Commission. They came up with facts that have been supported. They spent a year with a staff that was adequate to come up with what went wrong on 9/11.

We are ultimately going to have an independent bipartisan commission to study what went wrong with the Government's response to Katrina. There is no question about that. So we should move that along and get it done as quickly as possible. In the meantime, have the committees of jurisdiction in the House and the Senate do what they are obligated to do by virtue of their role in history.

I would hope that on this issue we can move forward on a bipartisan basis. If we use the model of the 9/11 Commission, the majority still gets the edge because with 9/11 what happened is the President picked the chair. As it turned out, the Republicans had one more vote on the commission than did the Democrats, but it worked out OK. While that may not be perfect, it is certainly more perfect than this very awkward presentation that has been made in the last 24 hours about this so-called bipartisan commission. That is Orwellian. That is not bipartisan.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

OPENNESS IS BEST POLICY

Mr. DAYTON. Mr. President, I echo some of the remarks the Democratic leader made. I am about to leave this Chamber to go to a behind-closed-doors hearing of the Committee on Homeland Security and Governmental Affairs with the acting director of operations for FEMA and the Commandant of the Coast Guard. I am told that the chairman of the committee, the distinguished Senator from Maine, and the ranking member from Connecticut tried to get this hearing in public but that the administration officials would not appear in a public session. I think the public deserves to and would benefit from hearing these people with key roles in this recovery effort.

Similarly, on Tuesday evening, a majority of us in the Senate met with 10 members of the Cabinet, 10 Secretaries—all of them had important things to say—as well as the Chairman of the Joint Chiefs of Staff and the head of the Coast Guard. That briefing should have been in a public setting. There was not a single remark made by anyone that was not unclassified and should not have been available to all of the people of this country, certainly those who are most beleaguered, who are looking for answers to the questions that the Democratic leader and others on both sides of the aisle have raised.

We had a brief time for questions. We were not able to ask those questions of the administration officials in a public setting before the American people. Yet the President is coming forth now with a second request for funding, $51.8 billion on top of the $10.5 billion the Senate and the House passed last week. These matters are moving swiftly. We are told by FEMA that the burn rate—only in the Federal Government would the spending of taxpayer money of $2 billion a day be called a burn rate, but the FEMA director has said they are spending $2 billion a day. That is why we have to have a second supplemental before this body in less than 2 weeks.

I understand the need to move quickly, but I have been in this body all week. We could have come back last week. We have not had a single public hearing on any of these matters, I am told, because the administration officials will not appear in public before these committees to answer questions before us and before the American people. I find that to be unacceptable.

The administration has a responsibility to come before us in public hearings and public sessions and present their testimony but then answer our questions. Give us a chance to ask and for them to answer the questions that are on the minds of millions of Americans these days. We have a right to public hearings before we expend another $51.8 billion of public money.

The administration has that responsibility, I believe, and I ask that the distinguished majority leader of the Senate insist in his discussions with the administration—and I am quite confident that the Democratic leader and all of our caucus would support this—that these hearings and briefings be in public settings before the American people and not behind closed doors. If we are going to work together in a bipartisan way, let us do so. Let us begin that work now in public sessions. I challenge the administration officials to come before us in those settings.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is 14 minutes remaining in morning business under the control of the majority.

EMERGENCY FUNDING

Mr. GREGG. Mr. President, we will sometime later today be getting a supplemental request in the Senate to continue to fund the needs of the relief effort in Louisiana, Mississippi, and Alabama, which will be approximately $50 billion on top of the $10 billion that has already been spent. Obviously, it is essential that we get these dollars down there and put them to use aggressively in order to try to help the people who are in such dire straits, and to try to begin to bring some order and some relief to those who have suffered so much.

As we proceed in this effort, we should err on the side of making sure that we get the dollars there quickly in order to support these individuals who are in such dire straits, and to try to assist this part of the country that has been hit by this catastrophic event.

But in the process, I think it is important that we have some fiscal oversight that allows us to feel comfortable that the dollars that are being spent are going effectively, quickly, and aggressively to relief efforts which are legitimate and appropriate.

Thus, I congratulate the House of Representatives for putting in the supplemental and identifying within the supplemental $15 million which will be assigned to the Inspector General's Office to start to put in place the auditing process and the oversight process on how the money is being spent, which I believe is critical.

We have seen some issues which obviously, if they are pursued logically, make sense. But if they are pursued in a way that is not logical, they are going to cost us a lot of money and probably not get us a lot of relief.

For example, there was a report in my State paper which said that all the dealerships who sell Winnebagos in New Hampshire have been contacted and told to get ready to transfer their entire inventory over to the Federal Government because they are going to ship it all out. Maybe that is what we will end up doing, but we hope before we buy up all the Winnebagos in America and send them to the gulf coast, we would be thinking about the cost and how we are going to approach that and whether that is the best way to proceed.

There are a lot of ideas floating out there. I think it is important we have the structure in place that effectively monitors cost and how the money is being spent. So I congratulate the House.

In addition, I think the President's decision, along with the Vice President, to have the Vice President physically going there and being on the ground in that region is a very positive step in our efforts to get order in the process of delivering relief.

Anybody who knows the Vice President—and I have had the good fortune to serve with him in the House and fortunate to serve with him here while he has been Vice President—will note that he is a no-nonsense individual. He looks at an issue, decides how to get the best results for resolving the problem, and moves forward. He did that as Defense Secretary. He has done it, obviously, as Vice President. He will bring immediate coherence, intelligence, and aggressive action in solving the problem and will move forward with the complexities of this reconstruction and relief effort. I think it is an excellent decision to have the Vice President step into the middle of this effort and basically try to calm the waters, but more importantly execute efficiently what is going on in the area of the Federal relief effort. However, it does lead to the point I made earlier—and which I want to stress once again—which is that this is not an overnight, 2- or 3-month exercise. We all realize that rebuilding this region is going to take a significant amount of time and a tremendous amount of resources and a lot of thought and an intelligent process.

We need to set up, I believe as we move forward—obviously, not within the next few days but certainly within the next month—some type of structured commission along the lines I would suggest as was done after the horrific floods of 1926 when Herbert Hoover led the effort, where you basically have a central focal point with an individual of great ability and national recognition leading the effort, and basically manage the Federal dollars as they come in from all the various Federal agencies that will be impacted, and make sure those Federal dollars are effectively, efficiently, and quickly brought to bear on the problems in concert with the State and local governments.

I believe that is going to take a separate type of entity to be created. I think we should be thinking about how to structure that entity. I would certainly be looking to people such as Senator COCHRAN, Senator LOTT, Senator SHELBY, Senator SESSIONS, and the Senators from Louisiana, Ms. LANDRIEU and Mr. VITTER, for ideas about how we should set that up. We should be starting the process.

I wanted to come to the floor and say, as we move forward on this supplemental—obviously, it is totally outside of the budget. It is an emergency, and that is the way it should be done, but it is $50 billion—it is important that we retain this language—and I guess we will try to move this supplemental through the Senate without amendment—retain this language which makes sure that the Inspector General has the resources the office needs in order to effectively monitor how these funds are managed; to make sure we are getting the best return in the most prompt way for these tax dollars which are in such dire need down there in order to pursue the reconstruction and relief effort.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2862, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—DEPARTMENT OF JUSTICE

[GENERAL ADMINISTRATION

[SALARIES AND EXPENSES

[For expenses necessary for the administration of the Department of Justice, $126,956,000 (reduced by $2,500,000), of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: *Provided further*, That not to exceed 28 permanent positions, 23 full-time equivalent workyears and $3,980,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and $2,764,000 shall be expended for the Office of Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

[JUSTICE INFORMATION SHARING TECHNOLOGY

[For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $135,000,000, to remain available until expended.

[NARROWBAND COMMUNICATIONS/INTEGRATED WIRELESS NETWORK

[For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $110,000,000 (reduced by $39,126,000), to remain available until September 30, 2007: *Provided*, That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 605 of this Act.

[ADMINISTRATIVE REVIEW AND APPEALS

[For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $215,685,000.

[DETENTION TRUSTEE

[For necessary expenses of the Federal Detention Trustee, $1,222,000,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: *Provided further*, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General, $66,801,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

[UNITED STATES PAROLE COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the United States Parole Commission as authorized, $11,200,000.

[LEGAL ACTIVITIES

[SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

[For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $665,821,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

[SALARIES AND EXPENSES, ANTITRUST DIVISION

[For expenses necessary for the enforcement of antitrust and kindred laws, $144,451,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $28,451,000.

[SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

[For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,626,146,000: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $20,000,000 shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,465 positions and 10,451 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

[UNITED STATES TRUSTEE SYSTEM FUND

[For necessary expenses of the United States Trustee Program, as authorized, $214,402,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $214,402,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the Fund estimated at $0.

[SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

[For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,220,000.

[UNITED STATES MARSHALS SERVICE

[SALARIES AND EXPENSES

[For necessary expenses of the United States Marshals Service, $800,255,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which $20,000,000 for information technology systems, equipment, and the renovation of United States Marshals Service prisoner holding space in United States courthouses and Federal buildings shall remain available until expended: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,729 positions and 4,551 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

[FEES AND EXPENSES OF WITNESSES

[For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, such sums as are necessary, to remain available until expended: *Provided*, That not to exceed $8,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses: *Provided further*, That not to exceed $7,000,000 may be made available for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

[SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

[For necessary expenses of the Community Relations Service, $9,659,000: *Provided*, That notwithstanding section 105 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[ASSETS FORFEITURE FUND

[For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,468,000, to be derived from the Department of Justice Assets Forfeiture Fund.

[INTERAGENCY LAW ENFORCEMENT

[INTERAGENCY CRIME AND DRUG ENFORCEMENT

[For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $506,940,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

[FEDERAL BUREAU OF INVESTIGATION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,868 passenger motor vehicles, of which 3,039 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,741,132,000; of which not to exceed $150,000,000 shall remain available until expended; of which $2,288,897,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; and of which not to exceed $25,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, gang-related crime, cybercrime, and drug investigations: *Provided*, That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 31,668 positions and 30,525 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

[CONSTRUCTION

[For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $20,105,000, to remain available until expended: *Provided*, That $10,000,000 shall be available for equipment and associated costs for a permanent central records complex in Frederick County, Virginia.

[DRUG ENFORCEMENT ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,043 passenger motor vehicles, of which 937 will be for replacement only, for police-type use, $1,706,173,000 (increased by $10,000,000); of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,371 positions and 8,270 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

[BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

[SALARIES AND EXPENSES

[For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $923,613,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2006: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United

States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

[Federal Prison System

[SALARIES AND EXPENSES

[For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 768, of which 701 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,895,649,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2007: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of prerelease services, halfway houses or other custodial facilities.

[BUILDINGS AND FACILITIES

[For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $70,112,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

[FEDERAL PRISON INDUSTRIES, INCORPORATED

[The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

[LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

[Not to exceed $3,365,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

[Office on Violence Against Women

[VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

[For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $387,497,000 (increased by $2,000,000), including amounts for administrative costs, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed three percent of funds made available under this heading may be used for expenses related to evaluation, training and technical assistance: *Provided further*, That of the amount provided—

[(1) $11,897,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

[(2) $1,925,000 (increased by $2,000,000) for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

[(3) $983,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

[(4) $187,308,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

[(A) $5,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

[(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the 1974 Act; and

[(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

[(5) $63,491,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

[(6) $39,685,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295(a) of the 1994 Act;

[(7) $4,415,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

[(8) $2,950,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

[(9) $9,175,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

[(10) $39,740,000 for legal assistance for victims, as authorized by section 1201(c) of Public Law 106–386;

[(11) $4,600,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

[(12) $14,078,000 for the safe havens for children pilot program, as authorized by section 1301(a) of Public Law 106–386; and

[(13) $7,250,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of Public Law 106–386.

[Office of Justice Programs

[JUSTICE ASSISTANCE

[For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, $227,466,000, to remain available until expended.

[STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,001,296,000 (reduced by $4,000,000) (increased by $50,000,000) (increased by $21,947,600) (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account): *Provided*, That funding provided under this heading shall remain available until expended, as follows—

[(1) $348,466,000 (reduced by $4,000,000) (increased by $21,947,600) for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036 of the 108th Congress, as passed by the House of Representatives on March 30, 2004 (except that the special rules for Puerto Rico established pursuant to such amendments shall not apply for purposes of this Act), of which—

[(A) $10,000,000 is for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

[(B) $85,000,000 for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement, as authorized by section 401 of Public Law 104–294 (42 U.S.C. 13751 note);

[(2) $355,000,000 (increased by $50,000,000) for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act;

[(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for costs associated with the prosecution of criminal cases declined by local United States Attorneys offices;

[(4) $110,000,000 for discretionary grants authorized by subpart 2 of part E, of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act;

[(5) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

[(6) $871,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

[(7) $40,000,000 for Drug Courts, as authorized by Part EE of the 1968 Act;

[(8) $10,000,000 for a prescription drug monitoring program;

[(9) $40,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $2,175,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

[(10) $25,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

[(11) $10,359,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

[(12) $10,000,000 for a capital litigation improvement grant program; and

[(13) $11,600,000 for a cannabis eradication program to be administered by the Drug Enforcement Administration: *Provided*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

[WEED AND SEED PROGRAM FUND

[For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $50,000,000, to remain available until September 30, 2007, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent and gang-related crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act: *Provided further*, That of the funds appropriated for the Executive Office for Weed and Seed, not to exceed $2,000,000 shall be directed for comprehensive community development training and technical assistance.

[COMMUNITY ORIENTED POLICING SERVICES

[For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $520,057,000 (increased by $2,500,000) (increased by $10,000,000) (increased by $34,000,000), to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: *Provided further*, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): *Provided further*, That up to $29,000,000 of balances made available as a result of prior year deobligations may be obligated for program management and administration: *Provided further*, That any balances made available as a result of prior year deobligations in excess of $29,000,000 shall only be obligated in accordance with section 605 of this Act. Of the amounts provided—

[(1) $30,000,000 is for the matching grant program for law enforcement armor vests as authorized by section 2501 of part Y of the 1968 Act, of which not to exceed $3,000,000 shall be for the National Institute of Justice to test and evaluate vests;

[(2) $60,000,000 (increased by $34,000,000) is for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots";

[(3) $120,000,000 is for a law enforcement technologies and interoperable communications program;

[(4) $25,000,000 (increased by $2,500,000) is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

[(5) $10,000,000 is for an offender re-entry program;

[(6) $177,057,000 is for a DNA analysis and capacity enhancement program, and for other State, local and Federal forensic activities;

[(7) $38,000,000 is for law enforcement assistance to Indian tribes; and

[(8) $60,000,000 for a national program to reduce gang violence.

[JUVENILE JUSTICE PROGRAMS

[For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act"), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $333,712,000, to remain available until expended, as follows—

[(1) $712,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

[(2) $83,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

[(3) $70,000,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

[(4) $5,000,000 for juvenile mentoring programs;

[(5) $80,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

[(A) $10,000,000 shall be for the Tribal Youth Program;

[(B) $25,000,000 shall be for a gang resistance education and training program; and

[(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

[(6) $5,000,000 for Project Childsafe;

[(7) $15,000,000 for the Secure Our Schools Act as authorized by Public Law 106–386;

[(8) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

[(9) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by Public Law 107–273 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the Act.

[PUBLIC SAFETY OFFICERS BENEFITS

[To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and

$4,884,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $4,064,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

[GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

[SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

[SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

[SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

[SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

[SEC. 105. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

[SEC. 106. The Attorney General is authorized to extend through September 30, 2007, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

[SEC. 107. None of the funds made available in this Act may be used by the Drug Enforcement Administration to establish a procurement quota following the approval of a new drug application or an abbreviated new drug application for a controlled substance.

[SEC. 108. The limitation established in the preceding section shall not apply to any new drug application or abbreviated new drug application for which the Drug Enforcement Administration has reviewed and provided public comments on labeling, promotion, risk management plans, and any other documents.

[SEC. 109. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

[SEC. 110. Any funds provided in this Act under "Department of Justice" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[SEC. 111. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

[SEC. 112. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

[(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

[This title may be cited as the "Department of Justice Appropriations Act, 2006".

[TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

[TRADE AND INFRASTRUCTURE DEVELOPMENT

[RELATED AGENCIES

[OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $44,779,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c).

[INTERNATIONAL TRADE COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $62,752,000, to remain available until expended.

[DEPARTMENT OF COMMERCE

[INTERNATIONAL TRADE ADMINISTRATION

[OPERATIONS AND ADMINISTRATION

[For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $406,925,000, of which $13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $47,434,000 shall be for Manufacturing and Services; $39,815,000 shall be for Market Access and Compliance; $62,134,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $231,722,000 shall be for the United States and Foreign Commercial Service; and $25,820,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

[BUREAU OF INDUSTRY AND SECURITY

[OPERATIONS AND ADMINISTRATION

[For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $77,000,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

[ECONOMIC DEVELOPMENT ADMINISTRATION

[ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

[For grants for economic development assistance as provided by the Public Works and

Economic Development Act of 1965, and for trade adjustment assistance, $200,985,000, to remain available until expended.

[SALARIES AND EXPENSES

[For necessary expenses of administering the economic development assistance programs as provided for by law, $26,584,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

[MINORITY BUSINESS DEVELOPMENT AGENCY

[MINORITY BUSINESS DEVELOPMENT

[For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,024,000.

[ECONOMIC AND INFORMATION INFRASTRUCTURE

[ECONOMIC AND STATISTICAL ANALYSIS

[SALARIES AND EXPENSES

[For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $80,304,000, to remain available until September 30, 2007.

[BUREAU OF THE CENSUS

[SALARIES AND EXPENSES

[For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $208,029,000 (reduced by $10,000,000).

[PERIODIC CENSUSES AND PROGRAMS

[For necessary expenses related to the 2010 decennial census, $463,596,000 (reduced by $10,000,000), to remain available until September 30, 2007: *Provided*, That of the total amount available related to the 2010 decennial census, $213,849,000 (reduced by $10,000,000) is for the Re-engineered Design Process for the Short-Form Only Census, $169,948,000 is for the American Community Survey, and $79,799,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

[In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $160,612,000, to remain available until September 30, 2007, of which $72,928,000 is for economic statistics programs and $87,684,000 is for demographic statistics programs: *Provided*, That regarding construction of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center: *Provided further*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include "some other race" as a category.

[NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,716,000: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

[PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

[For the administration of the program as authorized by section 392 of the Communications Act of 1934, $2,000,000, to remain available until expended as authorized by section 391 of the Act.

[UNITED STATES PATENT AND TRADEMARK OFFICE

[SALARIES AND EXPENSES

[For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,703,300,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2006, so as to result in a fiscal year 2006 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2006, should the total amount of offsetting fee collections be less than $1,703,300,000, this amount shall be reduced accordingly: *Provided further*, That not less than 657 full-time equivalents, 690 positions and $85,017,000 shall be for the examination of trademark applications; and not less than 6,050 full-time equivalents, 6,304 positions and $926,356,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 265 full-time equivalents, 272 positions and $37,490,000 shall be for the Office of the General Counsel: *Provided further*, That not more than 82 full-time equivalents, 83 positions and $25,393,000 shall be for the Office of the Administrator for External Affairs: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2006 for official reception and representation expenses: *Provided further*, That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986: *Provided further*, That in fiscal year 2006, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

[SCIENCE AND TECHNOLOGY

[TECHNOLOGY ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses for the Under Secretary for Technology Office of Technology Policy, $6,460,000.

[NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

[SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

[For necessary expenses of the National Institute of Standards and Technology, $397,744,000, to remain available until expended, of which not to exceed $760,000 may be transferred to the "Working Capital Fund".

[MANUFACTURING EXTENSION PARTNERSHIPS

[For necessary expenses of Manufacturing Extension Partnerships of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

[CONSTRUCTION OF RESEARCH FACILITIES

[For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, $45,000,000, to remain available until expended.

[NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

[OPERATIONS, RESEARCH, AND FACILITIES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,444,000,000 (reduced by $50,000,000), to remain available until September 30, 2007: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $2,543,000,000 (reduced by $50,000,000) provided for in direct obligations under this heading $2,444,000,000 (reduced by $50,000,000) is appropriated from the General Fund, $80,000,000 is provided by transfer, and $19,000,000 is derived from deobligations from prior years: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $189,010,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $40,700,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act.

[In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

[PROCUREMENT, ACQUISITION AND CONSTRUCTION

[For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $936,000,000 to remain available until September 30, 2008: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

[PACIFIC COASTAL SALMON RECOVERY

[For necessary expenses associated with the restoration of Pacific salmon populations, $50,000,000: *Provided*, That this amount shall be available to fund grants to the States of Washington, Oregon, Idaho, California, and Alaska, and to the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least thirty-three percent of the Federal funds: *Provided further*, That, in order to fulfill the matching requirement in the previous proviso, non-Federal contributions of funds pursuant to the previous proviso must be used in direct support of this program.

[COASTAL ZONE MANAGEMENT FUND

[Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

[FISHERIES FINANCE PROGRAM ACCOUNT

[For the costs of direct loans, $60,000, as authorized by the Merchant Marine Act of 1936: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: *Provided further*, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $18,900,000 for fishing capacity reduction loans: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

[OTHER

[DEPARTMENTAL MANAGEMENT

[SALARIES AND EXPENSES

[For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $47,466,000: *Provided*, That not to exceed 12 full-time equivalents and $1,621,000 shall be expended for the legislative affairs function of the Department.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,758,000.

[GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

[SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

[SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

[SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act.

[SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[SEC. 205. Any funds provided in this Act under "Department of Commerce" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2006".

[TITLE III—SCIENCE

[OFFICE OF SCIENCE AND TECHNOLOGY POLICY

[For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,564,000.

[NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[SCIENCE, AERONAUTICS AND EXPLORATION

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,725,750,000, to remain available until

September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Exploration Capabilities" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[EXPLORATION CAPABILITIES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,712,900,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, Aeronautics and Exploration" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $32,400,000.

[ADMINISTRATIVE PROVISIONS

[Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics and Exploration", or "Exploration Capabilities" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

[Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics and Exploration", or "Exploration Capabilities" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2008.

[From amounts made available in this Act for these activities, subject to the operating plan procedures of the House and Senate Committees on Appropriations, the Administrator may transfer amounts between the "Science, Aeronautics, and Exploration" account and the "Exploration Capabilities" account during fiscal year 2006.

[Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

[Funding made available under the headings "Exploration Capabilities" and "Science, Aeronautics, and Exploration" in this Act shall be governed by the terms and conditions specified in the statement of managers accompanying the conference report for this Act.

[NATIONAL SCIENCE FOUNDATION

[RESEARCH AND RELATED ACTIVITIES

[For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $4,377,520,000 to remain available until September 30, 2007, of which not to exceed $425,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from amounts specified for Polar research and operations support, the National Science Foundation may reimburse the Coast Guard for such sums as determined by the Director of the National Science Foundation to be necessary to support the Foundation's mission requirements: *Provided further*, That any reimbursement pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That funds under this heading may be available for innovation inducement prizes.

[MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

[For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $193,350,000, to remain available until expended.

[EDUCATION AND HUMAN RESOURCES

[For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $807,000,000, to remain available until September 30, 2007.

[SALARIES AND EXPENSES

[For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $250,000,000: *Provided*, That contracts may be entered into under "Salaries and Expenses" in fiscal year 2006 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

[OFFICE OF THE NATIONAL SCIENCE BOARD

[For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,000,000: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $11,500,000, to remain available until September 30, 2007.

[This title may be cited as the "Science Appropriations Act, 2006".

[TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

[DEPARTMENT OF STATE

[ADMINISTRATION OF FOREIGN AFFAIRS

[DIPLOMATIC AND CONSULAR PROGRAMS

[For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,747,118,000: *Provided*, That not to exceed 71 permanent positions and $9,804,000 shall be for the Bureau of Legislative Affairs: *Provided further*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $340,000,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

[In addition, not to exceed $1,469,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

[In addition, for the costs of worldwide security upgrades, $689,523,000, to remain available until expended.

[CAPITAL INVESTMENT FUND

[For necessary expenses of the Capital Investment Fund, $128,263,000 (reduced by $59,142,000), to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General, $29,983,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

[EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

[For expenses of educational and cultural exchange programs, as authorized, $410,400,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

[REPRESENTATION ALLOWANCES

[For representation allowances as authorized, $8,281,000.

[PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

[For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,390,000, to remain available until September 30, 2007.

[EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

[For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $603,510,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

[In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $910,200,000, to remain available until expended.

[EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

[For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

[REPATRIATION LOANS PROGRAM ACCOUNT

[For the cost of direct loans, $712,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

[PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

[For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $19,751,000.

[PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

[For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $131,700,000.

[INTERNATIONAL ORGANIZATIONS

[CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

[For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,166,212,000 (reduced by $21,947,600): *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations of the Senate and of the House of Representatives the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006–2007 to exceed the revised United Nations budget level for the biennium 2004–2005 of $3,695,480,000: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

[CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

[For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,035,500,000, of which 15 percent shall remain available until September 30, 2007: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

[INTERNATIONAL COMMISSIONS

[For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

[INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

[For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

[SALARIES AND EXPENSES

[For salaries and expenses, not otherwise provided for, $27,000,000.

[CONSTRUCTION

[For detailed plan preparation and construction of authorized projects, $5,300,000, to remain available until expended, as authorized.

[AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

[For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,500,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

[INTERNATIONAL FISHERIES COMMISSIONS

[For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $22,000,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

[OTHER

[PAYMENT TO THE ASIA FOUNDATION

[For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $10,000,000, to remain available until expended, as authorized.

[EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

[For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2006, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

[ISRAELI ARAB SCHOLARSHIP PROGRAM

[For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2006, to remain available until expended.

[EAST-WEST CENTER

[To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $6,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

[NATIONAL ENDOWMENT FOR DEMOCRACY

[For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $50,000,000, to remain available until expended.

[RELATED AGENCY

[BROADCASTING BOARD OF GOVERNORS

[INTERNATIONAL BROADCASTING OPERATIONS

[For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, and improvement of facilities for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $620,000,000: *Provided*, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

[BROADCASTING CAPITAL IMPROVEMENTS

[For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $10,893,000, to remain available until expended, as authorized.

[GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

[SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

[SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

[SEC. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 406 of division B of Public Law 108–7 to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

[(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

[(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 406 of division B of Public Law 108–7.

[SEC. 405. Any funds provided in this Act under "Department of State" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[SEC. 406. (a) Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

[(1) by striking "(f) INELIGIBILITY.—An officer" and inserting the following:

["(f) INELIGIBILITY.—

["(1) IN GENERAL.—Except as provided in paragraph (2), an officer"; and

[(2) by adding at the end the following new paragraph:

["(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of a foreign government (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

["(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection.

["(B) Such payment may aid in furnishing further information described in such subsection.

["(C) Such payment is formally requested by such agency.".

[(b) Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting "or to an officer or employee of a foreign government in accordance with subsection (f)(2)" after "individual".

[This title may be cited as the "Department of State and Related Agency Appropriations Act, 2006".

[TITLE V—RELATED AGENCIES

[ANTITRUST MODERNIZATION COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $1,172,000, to remain available until expended.

[COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

[SALARIES AND EXPENSES

[For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

[COMMISSION ON CIVIL RIGHTS

[SALARIES AND EXPENSES

[For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

[COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

[SALARIES AND EXPENSES

[For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,200,000, to remain available until expended.

[COMMISSION ON SECURITY AND COOPERATION IN EUROPE

[SALARIES AND EXPENSES

[For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,030,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

[CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

[SALARIES AND EXPENSES

[For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,900,000, including not more than $3,000 for the purpose of official representation, to remain available until expended.

[EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $331,228,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

[FEDERAL COMMUNICATIONS COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $289,771,000: *Provided*, That $288,771,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at $1,000,000: *Provided further*, That any offsetting collections received in excess of $288,771,000 in fiscal year 2006 shall remain available until expended, but shall not be available for obligation until October 1, 2006: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[FEDERAL TRADE COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $211,000,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $72,000,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

[HELP COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the HELP Commission, $1,000,000, to remain available until expended.

[LEGAL SERVICES CORPORATION

[PAYMENT TO THE LEGAL SERVICES CORPORATION

[For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $330,803,000, of which $313,683,000 is for basic field programs and required independent audits; $2,539,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,826,000 is for management and administration; and $1,755,000 is for client self-help and information technology.

[ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

[None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively.

[MARINE MAMMAL COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $1,865,000.

[SECURITIES AND EXCHANGE COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $888,117,000, to remain available until expended: of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions: and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $863,117,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $25,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2006 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2006 appropriation from the general fund estimated at not more than $0.

[SMALL BUSINESS ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $318,029,000 (reduced by $13,441,000): *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That, of the funds made available under this heading, $1,000,000 shall be for the National Veterans Business Development Corporation: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,500,000.

[SURETY BOND GUARANTEES REVOLVING FUND

[For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $2,861,000, to remain available until expended.

[BUSINESS LOANS PROGRAM ACCOUNT

[For the cost of direct loans, $1,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2006 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $6,000,000,000: *Provided further*, That during fiscal year 2006 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $16,500,000,000: *Provided further*, That during fiscal year 2006 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2006 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000.

[In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $124,961,000 (increased by $79,132,000), which may be transferred to and merged with the appropriations for Salaries and Expenses.

[DISASTER LOANS PROGRAM ACCOUNT

[For the cost of direct loans authorized by section 7(b) of the Small Business Act, $79,538,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

[In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b), of the Small Business Act, $49,716,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $900,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $40,316,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, to remain available until expended; and of which $8,500,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $8,500,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

[Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[STATE JUSTICE INSTITUTE

[SALARIES AND EXPENSES

[For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572), $2,000,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

[UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $5,000 for the purpose of official representation, to remain available until expended.

[UNITED STATES INSTITUTE OF PEACE

[OPERATING EXPENSES

[For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $22,850,000, to remain available until expended.

[TITLE VI—GENERAL PROVISIONS

[SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

[SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

[SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

[SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes, programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

[SEC. 606. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

[SEC. 607. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

[SEC. 608. The Departments of Commerce, Justice, and State, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

[SEC. 609. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

[(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2006.

[SEC. 610. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[SEC. 611. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

[SEC. 612. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

[(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2006.

[SEC. 613. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

[(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

[(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

[SEC. 614. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $625,000,000 during fiscal year 2006 from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601).

[SEC. 615. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

[SEC. 616. None of the funds appropriated or otherwise made available to the Department of State shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the determination of the Secretary of State under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Secretary of Homeland Security has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

[SEC. 617. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

[SEC. 618. The Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities have increased over levels certified to the Committees on Appropriations for fiscal year 2005: *Provided*, That, of the total amounts appropriated to the Departments of Commerce, Justice, and State, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available to each only upon such certification: *Provided further*, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number and percentage of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall maintain a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

[SEC. 619. The National Aeronautics and Space Administration and the National Science Foundation shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities are made available to 100 percent of the eligible workforce: *Provided*, That, of the total amounts appropriated to the National Aeronautics and Space Administration and the National Science Foundation, $5,000,000 shall be available to each agency only upon such certification: *Provided further*, That both agencies shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That both agencies shall designate a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

[SEC. 620. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

[(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

[(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

[(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

[SEC. 621. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

[SEC. 622. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

[SEC. 623. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

[SEC. 624. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

[(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

[SEC. 625. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

[SEC. 626. Of the amounts made available in this Act, $393,616,321 from "Department of State"; $27,938,072 from "Department of Justice"; $14,107,754 from "Department of Commerce"; $426,314 from "United States Trade Representative"; $575,116 from "Broadcasting Board of Governors"; $291,855 from "National Aeronautics and Space Administration"; and $79,754 from "National Science Foundation" shall be available for the purposes of implementing the Capital Security Cost Sharing program.

[SEC. 627. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7631(e) and (f)).

[SEC. 628. None of the funds made available to NASA in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator of NASA has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

[SEC. 629. Notwithstanding 40 U.S.C. 524, 571, and 572, the Administrator of the National Aeronautics and Space Administration may sell the National Aeronautics and Space Administration-owned property on the Camp Parks Military Reservation, Alameda County, California, and credit the net proceeds of such sales as offsetting collections to its Exploration, science and aeronautics account. Such funds shall be available until expended; to be used to replace the facilities at Camp Parks that are still required, to improve other National Aeronautics and Space Administration-owned facilities, or both.

[SEC. 630. (a) IN GENERAL.—The President of the United States through his designee the Administrator of the National Aeronautics and Space Administration and in consultation with other Federal agencies shall develop a national aeronautics policy to guide the aeronautics programs of the Administration through 2020.

[(b) CONTENT.—At a minimum, the national aeronautics policy shall describe—

[(1) the priority areas of research for aeronautics through fiscal year 2011;

[(2) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

[(3) the facilities and personnel needed to carry out the program through fiscal year 2011; and

[(4) the budget assumptions on which the national aeronautics policy is based.

[(c) CONSIDERATIONS.—In developing the national aeronautics policy, the Administrator shall consider the following questions, which shall be discussed in the policy statement—

[(1) the extent to which NASA should focus on long-term, high-risk research or more incremental research or both and the expected impact on the U.S. aircraft and airline industries of those decisions;

[(2) the extent to which NASA should address military and commercial needs;

[(3) how NASA will coordinate its aeronautics program with other Federal agencies; and

[(4) the extent to which NASA will fund university research and the expected impact of that funding on the supply of U.S. workers for the aeronautics industry.

[(d) CONSULTATION.—In developing the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

[(e) SCHEDULE.—The Administrator shall submit the new national aeronautics policy to the House and Senate Committees on Appropriations and to the House Committee on Science and the Senate Committee on Commerce, Science, and Transportation no later than the date on which the President submits the proposed budget for the Federal government for fiscal year 2007 to the Congress. The Administrator shall make available to the Congress any study done by a non-governmental entity that was used in the development of the national aeronautics policy.

[SEC. 631. Any funds provided in this Act under "National Science Foundation" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

[SEC. 632. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

[(b) The foregoing exemption from obtaining an export license—

[(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

[(2) does not permit the export without a license of—

[(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada, or

[(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

[(C) articles for export from Canada to another foreign destination.

[(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

[(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

[SEC. 633. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR Sec. 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

[SEC. 634. None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

[(1) paragraph 2 of Article 16.7 of the United States-Singapore Free Trade Agreement;

[(2) paragraph 4 of Article 17.9 of the United States-Australia Free Trade Agreement; or

[(3) paragraph 4 of Article 15.9 of the United States-Morocco Free Trade Agreement.

[TITLE VII—RESCISSIONS

[DEPARTMENT OF JUSTICE

[LEGAL ACTIVITIES

[ASSETS FORFEITURE FUND

[(RESCISSION)

[Of the unobligated balances available under this heading, $62,000,000 are rescinded.

[OFFICE OF JUSTICE PROGRAMS

[STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[(RESCISSION)

[Of the unobligated balances available under this heading, $38,500,000 are rescinded.

[COMMUNITY ORIENTED POLICING SERVICES

[(RESCISSION)

[Of the unobligated balances available under this heading, $86,500,000 are rescinded.

[DEPARTMENT OF COMMERCE

[EMERGENCY STEEL GUARANTEED LOAN PROGRAM ACCOUNT

[(RESCISSION)

[Of the unobligated balances available under this heading from prior year appropriations, $35,000,000 are rescinded.

[RELATED AGENCIES

[UNITED STATES-CANADA ALASKA RAIL COMMISSION

[SALARIES AND EXPENSES

[(RESCISSION)

[Of the unobligated balances available under this heading from prior year appropriations, $2,000,000 are rescinded.

[TITLE VIII—ADDITIONAL GENERAL PROVISIONS

[SEC. 801. None of the funds made available in this Act may be used by the United Nations to develop or publicize any proposal concerning taxation or fees on any United States person in order to raise revenue for the United Nations or any of its specialized or affiliated agencies. None of the funds made available in this Act may be used by the United Nations to implement or impose any such taxation or fee on any United States person.

[SEC. 802. None of the funds made available by this Act may be used by the National Aeronautics and Space Administration to employ any individual under the title "artist in residence".

[SEC. 803. (a) For expenses necessary for enforcing subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), $1,000,000.

[(b) The amount otherwise provided in this Act for "DEPARTMENT OF JUSTICE—LEGAL ACTIVITIES—SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" is hereby reduced by $1,000,000.

[SEC. 804. None of the funds made available in this Act may be used to deny the production of safety reports regarding the NASA Space Shuttle program and the International Space Station.

[SEC. 805. None of the funds appropriated in this Act may be used to enforce the judgment of the United States District Court for the Southern District of Indiana in the case of Russelburg v. Gibson County, decided January 31, 2005.

[SEC. 806. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

[SEC. 807. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

[(1) Section 2340A of title 18, United States Code.

[(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

[This Act may be cited as the "Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $125,936,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and $11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: Provided further, That not to exceed 24 permanent positions, 19 full-time equivalent workyears and $2,980,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and $2,470,000 shall be expended for the Office of Public Affairs: Provided further, That the Offices of Legislative Affairs and Public Affairs may utilize, on a non-reimbursable basis details of career employees within the ceilings provided for the Office of Legislative Affairs and the Office of Public Affairs: Provided further, That not less than $500,000 shall be used to contract with an independent party to carry out a privacy assessment.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, $135,000,000, to remain available until expended: Provided, That, of the funds available $10,000,000 is for the unified financial management system to be administered by the United Financial Management System Executive Council: Provided further, That of the funds provided, $20,000,000 is unavailable for obligation until the Department Chief Information Officer submits the plan described in section 111 of this title.

NARROWBAND COMMUNICATIONS

For necessary expenses for the costs of conversion to narrowband communications, including the cost for operations and maintenance of Land Mobile Radio legacy systems, $90,000,000, to remain available until September 30, 2007: Provided, That the Attorney General shall transfer to the "Narrowband Communications" account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made into or out of this account shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $216,286,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,222,000,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to and merged with the appropriation under the heading "Detention Trustee" and shall be available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $70,431,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $11,000,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $648,245,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,333,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $144,451,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $28,451,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,572,654,000; of which not to exceed $2,500,000 shall be available until September 30, 2007, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $20,000,000 shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,465 positions and 10,451 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That of the funds made available under this heading, $1,500,000 shall only be available to continue "Operation Streetsweeper".

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $214,402,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $214,402,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,270,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $764,199,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which $4,000,000 for information technology systems shall remain available until expended; and of which not less than $13,130,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until September 30, 2007: Provided, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Attorney General shall include in the budget justification materials that the Attorney General submits to Congress in support of the Department of Justice budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each United States Marshals Service courthouse security project and an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: Provided further, That, in addition to reimbursable full-time *equivalent workyears available to the United States Marshals Service, not to exceed 4,657 positions and 4,515 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.*

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service in United States courthouses and Federal buildings, $12,000,000, to remain available until expended: Provided, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Attorney General shall include in the budget justification materials that the Attorney General submits to Congress in support of the Department of Justice budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each construction project of United States Marshals Service in United States courthouses and Federal buildings and an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, $168,000,000, to remain available until expended: Provided, That not to exceed $8,000,000 may be made available for construction of buildings for protected witness safesites: Provided further, That not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $7,000,000 may be made available for the purchase, installation, and maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For the necessary expenses of the Community Relations Service, $9,659,000: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $21,468,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $440,197,000, of which $50,000,000 shall remain available until expended: Provided, That all funds appropriated under this heading shall be managed and executed by the Administrator of the Drug Enforcement Administration and all employees of the Executive Office for the Organized Crime and Drug Enforcement Task Forces shall report directly to said Administrator within 60 days of enactment of this Act: Provided further, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall be available to the Administrator of the Drug Enforcement Administration for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 505 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,868 passenger motor vehicles, of which 3,039 will be for replacement only; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C, $5,295,513,000; of which not to exceed $150,000,000 shall remain available until expended; of which $1,600,000,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; and of which not to exceed $20,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, cybercrime, and drug investigations: Provided, That not to exceed $200,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $25,213,000, to remain available until expended: Provided, That $15,108,000 shall be available for the planning, design, and construction of a regional analytical training center in Redstone Arsenal: Provided further, That $5,000,000 shall be available for a chemical and biological evidence handling and storage facility to be co-located with comparable facilities in existence for sample, handling and receipt of hazardous material by the Department of the Army.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,043 passenger motor vehicles, of which 937 will be for replacement only, for police-type use, $1,649,142,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,371 positions and 8,270 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $923,700,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2006: Provided further, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): Provided further, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: Provided further, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: Provided further, That of the amount provided under this heading, $5,000,000, to remain available until expended, shall be for the expenses necessary for site selection, architectural design, site preparation and the development of a total cost estimate for the construction of a permanent site for the National Center for Explosives Training and Research: Provided further, That any funds remaining shall be applied to the construction of the Center: Provided further, That the Director of the ATF, when considering site selection shall consider a site collocated with other law enforcement and Federal government entities that provide similar training and research.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 768, of which 701 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $4,889,649,000: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $85,017,000 shall remain available for prison activations until September 30, 2007: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $222,112,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,365,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $362,997,000, to remain available until expended: Provided, That except as otherwise provided by law, not to exceed three percent of funds made available under this heading may be used for expenses related to evaluation, training and technical assistance: Provided further, That of the amounts provided—

(1) $187,308,000 for grants to combat violence against women as authorized by part T of the 1968 Act, of which:

(A) $5,200,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(B) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, as authorized by the Juvenile Justice and Delinquency Act of 1974 Act; and

(C) $15,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by Public Law 108–21;

(2) $62,660,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(3) $39,166,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295(a) of the 1994 Act;

(4) $9,054,000 to reduce violent crimes against women on campus, as authorized by section 1108(a) of Public Law 106–386;

(5) $39,220,000 for legal assistance for victims, as authorized by section 1201(c) of Public Law 106–386;

(6) $4,540,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act;

(7) $13,894,000 for the safe havens for children pilot program, as authorized by section 1301(a) of Public Law 106–386; and

(8) $7,155,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402(a) of Public Law 106–386.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, the Victims of Child Abuse Act of 1990 ("the 1990 Act"), the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and with the Victims of Crime Act of 1984, as amended, $221,000,000, to remain available until expended: Provided, That of the amount provided—

(1) $4,958,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(2) $986,000 for grants for televised testimony, as authorized by Part N of the 1968 Act;

(3) $2,962,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602(a) of the 1994 Act;

(4) $2,287,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(5) $11,846,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,078,350,000 (including amounts for administrative costs which shall be transferred to and merged with the "Justice Assistance," account): Provided, That funding provided under this heading shall remain available until expended: Provided further, That funds provided under this heading shall be distributed in the manner described in the following table:

Program	Amount
Justice Assistance Grants	$530,000,000
Boys and Girls Clubs	$85,000,000
National Institute of Justice	$10,000,000
Indian Assistance Programs	$15,000,000
State Criminal Alien Assistance Programs	$170,000,000
SW Border Prosecutors	$30,000,000
Byrne Grants (discretionary)	$177,000,000
Drug Courts	$25,000,000
Marketing Scams Against Senior Citizens	$1,000,000
Missing Alzheimer's Disease Patient Alert Program	$850,000

Program	Amount
Assistance for Victims of Trafficking	$2,000,000
Prison Rape Prevention	$1,500,000
State Prison Drug Treatment	$15,000,000
National Criminal Intelligence Sharing Plan	$6,000,000
Capital Litigation	$1,000,000
Justice For All	$4,000,000
State and Local Anti-Terrorism Training	$5,000,000:

Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $50,280,000, to remain available until September 30, 2007, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 505 of this Act: Provided further, That of the funds appropriated for the Executive Office for Weed and Seed, $2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (including administrative costs), $515,087,000, to remain available until expended: Provided, That funds that become available as a result of deobligations from prior year balances may not be obligated except in accordance with section 505 of this Act: Provided further, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: Provided further, That section 1703(b) and (c) of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act") shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That funds provided under this heading shall be distributed in the manner described in the following table:

Program	Amount
Hiring	$2,000,000
Training and Technical Assistance	$14,000,000
Bullet Proof Vests	$27,000,000
Tribal Law Enforcement	$20,000,000
Methamphetamine Hot Spots	$60,100,000
Police Corps	$10,000,000
Law Enforce Technologies (projects)	$137,000,000
Interoperable Communications	$37,500,000
Criminal Records Upgrade	$20,000,000
DNA Initiative	$89,500,000
Coverdell Forensics Science Improvements	$22,000,000
Crime Identification Technology	$30,000,000
Offender Reentry	$3,000,000
Safe Schools Initiative	$5,000,000
Police Integrity	$7,500,000
Management and Administration	$30,487,000.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the Act") and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $350,000,000, to remain available until expended: Provided, That funds provided under this heading shall be distributed in the manner described in the following table:

Program	Amount
Part A, Concentration of Federal Efforts	$1,000,000
Part B, Formula Grants	$82,000,000
Part C, Discretionary Grants	$5,000,000
Part D, Research, Evaluation, TA and Training	$8,000,000
Part E, Developing New Initiatives	$75,000,000
Part G, Juvenile Mentoring Program (JUMP)	$15,000,000
Title V, At Risk Children Programs	$20,000,000
Title V, Tribal Youth	$10,000,000
Title V, Gang Prevention	$25,000,000
Title V, Prevention of Underage Drinking	$25,000,000
Secure Our Schools Act	$15,000,000
Project Childsafe	$5,000,000
Juvenile Accountability Block Grants	$49,000,000
Victims of Child Abuse Act	$15,000,000.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339–4340); and $4,884,000, to remain available until expended for payments as authorized by section 1201(b) of said Act; and $4,064,000 for educational assistance, as authorized by section 1212 of the 1968 Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: Provided further, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 106. The Attorney General is authorized to make permanent the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 107. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 108. Funds appropriated by this Act for the Federal Prisons System shall be in the amounts and accounts specified in the report accompanying this Act: Provided, That within 30 days of enactment of this Act, the Bureau of Prisons will submit a comprehensive financial plan for the Federal Prison System to the Committees on Appropriations: Provided further, That no funds appropriated for the Federal Prison System in this or any other Appropriations Act for the construction of new facilities may be rescinded, cancelled, or used for any other purpose.

SEC. 109. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 110. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 111. Within the funds provided under "Justice Information Sharing Technology", the Attorney General shall establish an investment review board, which the Deputy Attorney General shall head: Provided, That within 90 days of enactment of this Act, the Department shall submit a plan that outlines the governance structure and membership of the board: Provided further, That the Department shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, within 90 days of enactment of this Act, the project criteria that will trigger the board's oversight, to include a listing of all projects to be reviewed during fiscal year 2006.

SEC. 112. Section 3151(b) of title 5, United States Code, is amended by—

(1) striking paragraph (2)(A) and (B);

(2) in paragraph (1) by striking "(1)"; and

(3) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

This title may be cited as the "Department of Justice Appropriations Act, 2006".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $40,997,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $124,000 shall be available for official reception and representation expenses: Provided further, That not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c): Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $62,752,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $409,625,000, to remain available until expended, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $48,134,000 shall be for Manufacturing and Services; $39,815,000 shall be for Market Access and Compliance; $64,134,000 shall be for the Import Administration; $231,722,000 shall be for Trade Promotion and the United States and Foreign Commercial Service; and $25,820,000 shall be for Executive Direction and Administration: Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: Provided further, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $77,000,000, to remain available until expended, of which $7,200,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $283,985,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,939,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,727,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $81,283,000, to remain available until September 30, 2006.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $183,029,000.

PERIODIC CENSUSES AND PROGRAMS

For nessary expenses related to the 2010 decennial census, $390,000,000, to remain available until September 30, 2006.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $154,356,000, to remain available until September 30, 2006.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $20,255,000, to remain available until September 30, 2007: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $22,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, $15,000,000, to remain available until expended as authorized by section 391 of the Act: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, health care, or public information: Provided further, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,703,300,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2006, so as to result in a fiscal year 2006 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2006, should the total amount of offsetting fee collections be less than $1,703,300,000, this amount shall be reduced accordingly: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2006 for official reception and representation expenses: Provided further, That of amounts made available under this heading, $500,000 is only for the National Intellectual Property Law Enforcement Coordinating Council: Provided further, That in fiscal year 2006 and hereafter, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and postretirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce and the Technology Administration provided for by law, including not to exceed $5,000 for official entertainment, $49,605,000: Provided, That not to exceed 9 full-time equivalents and $1,181,000 shall be expended for the legislative affairs function of the Department.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,758,000.

GENERAL PROVISIONS, DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 204. Funds made available for salaries and administrative expenses to administer the Emergency Steel Loan Guarantee Program in section 211(b) of Public Law 108–199 shall remain available until expended: Provided, That section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (Public Law 106–51; 15 U.S.C. 1841 note) is amended by striking "2005" and inserting "2007".

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act: Provided further, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2006".

TITLE III—SCIENCE

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $399,869,000, to remain available until expended, of which not to exceed $3,000,000 may be transferred to the "Working Capital Fund": Provided, That from amounts provided herein, not to exceed $5,000 shall be made available in fiscal year 2006 for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,000,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $140,000,000, to remain available until expended, of which $60,000,000 shall be expended for the award of new grants before September 30, 2006.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $198,631,000, to remain available until expended: Provided, That beginning in fiscal year 2007 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multiyear program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; relocation of facilities, $3,199,983,000, to remain available until September 30, 2007, except for funds provided for cooperative enforcement which shall remain available until September 30, 2008: Provided, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $62,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That fees and donations received for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal

Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year: Provided further, That if funds provided for "Coastal Zone Management Grants" exceed funds provided in the previous fiscal year, then no State shall receive more than 5 percent or less than 1 percent of the additional funds: Provided further, That, of the $3,264,983,000 provided for in direct obligations under this heading, $610,462,000 shall be for the National Ocean Service, $763,783,000 shall be for the National Marine Fisheries Service, $470,109,000 shall be for Oceanic and Atmospheric Research, $772,762,000 shall be for the National Weather Service, $180,412,000 shall be for the National Environmental Satellite, Data, and Information Service, and $402,455,000 shall be for Program Support: Provided further, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $40,693,000: Provided further, That the personnel management demonstration project established at the National Oceanic and Atmospheric Administration pursuant to 5 U.S.C. 4703 may be expanded by 3,500 full-time positions to include up to 6,925 full time positions and may be extended indefinitely: Provided further, That none of the funds in this Act may be used for the National Oceanic and Atmospheric Administration to implement the Department of Commerce's E-Government initiatives: Provided further, That, notwithstanding any other provision of law, the authorities provided to National Aeronautics and Space Administration pursuant to 42 U.S.C. 2473 shall be available to the National Oceanic and Atmospheric Administration in the furtherance of its oceanic, atmospheric and space mission and programs: Provided further, That the obligated balance of such sums shall remain available through September 30, 2012 for liquidating obligations made in fiscal years 2004 and 2005.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,195,017,000, to remain available until September 30, 2008, except funds provided for construction of facilities which shall remain available until expended: Provided, That funds provided under this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: Provided further, That beginning in fiscal year 2006 and for each fiscal year thereafter, the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, 10 United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition and construction program having a total multiyear program cost of more than $5,000,000 and an estimate of the budgetary requirements for each such program for each of the five subsequent fiscal years.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $90,000,000 to remain available under September 30, 2007.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936: Provided, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: Provided further, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $59,000,000 for traditional direct loans, of which $19,000,000 may be used for direct loans to the United States menhaden fishery: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS, AND EXPLORATION

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,761,000,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Exploration Capabilities" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: Provided, That within the amounts provided under this heading, $250,000,000 shall be for a Hubble servicing mission, $1,120,100,000 shall be for Constellation systems, and $132,930,000 shall be for other related exploration, science, and aeronautics activities.

EXPLORATION CAPABILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,603,000,000, to remain available until September 30, 2007, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to "Science, Aeronautics, and Exploration" in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $32,400,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Science, aeronautics, and exploration", or "Exploration capabilities" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for minor institutional revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Science, Aeronautics, and Exploration", or "Exploration capabilities" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2008.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

The unexpired balances of prior appropriations to National Aeronautics and Space Administration for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,345,213,000, of which at least $386,930,000 *shall remain available until expended for Polar research and operations support, of which up to $58,000,000 shall be used for the procurement of polar ice breaking services from the U.S. Coast Guard, and that in the event that the U.S. Coast Guard is unable to provide said ice breaking services, then the National Science Foundation shall procure such services from alternative sources, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2006: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.*

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $193,350,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $747,000,000, to remain available until September 30, 2006: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $229,896,000: Provided, That contracts may be entered into under "Salaries and expenses" in fiscal year 2006 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,000,000: Provided, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $11,500,000, to remain available until September 30, 2006.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,564,000.

GENERAL PROVISIONS—SCIENCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", $8,000,000 is for a cooperative agreement with the Medical University of South Carolina; $20,000,000 is for the National Formulation Science Laboratory at the University of Southern Mississippi; $20,000,000 is for the University of Mississippi Research Park; $5,000,000 is for the Alabama State University Science and Education Building; $8,000,000 is for Tuscaloosa, Alabama, revitalization; $20,000,000 is for the Biomedical Research Center at the University of Alabama at Birmingham; and $30,000,000 is for the University of Alabama for the design and construction of the Science and Engineering Center.

SEC. 302. Of the amount available from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", $10,000,000 shall be provided to the Alaska Fisheries Marketing Board. $5,000,000 shall be available to the Southern Shrimp Alliance for its "Wild American Shrimp Marketing Program".

SEC. 303. Of the amounts made available under the heading "Procurement, Acquisition and Construction, National Oceanic and Atmospheric Administration", $12,000,000 shall be transferred to the National Aeronautics and Space Administration for the planning, design, and construction of Building 3203, and for the planning and design of Buildings 3205 and 3216.

This title may be cited as the "Science Appropriations Act, 2006".

TITLE IV—RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $331,228,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 505 of this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $9,900,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $297,370,000: Provided, That $296,370,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at $1,000,000: Provided further, That any offsetting collections received in excess of $296,370,000 in fiscal year 2006 shall remain available until expended, but shall not be available for obligation until October 1, 2006: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2006: Provided further, That, in addition, not to exceed $20,000,000 may be transferred from the Universal Service Fund to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General: Provided further, That any sums that are transferred from such Fund for such purposes shall be subject to the reprogramming requirements set forth in section 505 of this Act.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $211,000,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed $116,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud *and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $72,000,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note): Provided further, That hereafter no funds appropriated in this or any other Act shall be expended to remove the Federal Trade Commission from its headquarters building, the Federal Trade Commission Building, located at 600 Pennsylvania Avenue, Northwest, Washington, DC; to render such building appropriate for occupation by another Federal agency or other organization or division thereof; or to locate any such agency, organization, or division in said building.*

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $324,527,000, of which $312,251,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,900,000 is for management and administration; $3,400,000 is for client self-help and information technology; and $2,849,000 is for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2005 and 2006, respectively, and except that section 501(a)(1) of Public Law 104-134 (110 Stat. 1321-51, et seq.) shall not apply to the use of the $1,775,000 to address loss of funding due to Census-based reallocations.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, $2,000,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, $2,000,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $888,117,000; of which not to exceed $13,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: Provided further, That not to exceed $863,117,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That $25,000,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2006 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2006 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 106–554, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $336,084,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $89,000,000 shall be available to fund grants for performance in fiscal year 2006 or fiscal year 2007 as authorized: Provided further, That the Small Business Administration is authorized to award grants under the Women's Business Center Sustainability Pilot Program established by section 4(a) of Public Law 106–165 (15 U.S.C. 656(l)): Provided further, That, of the amounts provided for Women's Business Centers, not less than 48 percent shall be available to continue Women's Business Centers in sustainability status.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $14,500,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $3,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $2,000,000, as authorized by 15 U.S.C. 631 note, to remain available until September 30, 2006: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2006 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed the levels established under 20(e)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2006 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed the levels established under 20(e)(1)(B)(i) of the Small Business Act: Provided further, That during fiscal year 2006 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $126,653,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $83,335,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $56,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $1,500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $46,100,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,000,000 is for indirect administrative expenses and may be transferred to and merged with funds in the Salaries and Expenses appropriations account: Provided, That any amount to be transferred to and merged with appropriations for Salaries and Expenses for any purpose shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572), $5,000,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission, and the Small Business Administration *shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were made available to any such agency in any previous appropriations Act.*

SEC. 502. *No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

SEC. 503. *The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.*

SEC. 504. *If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.*

SEC. 505. *(a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.*

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects (including construction projects), or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds: Provided, That transfers may not be made from "Buildings and Facilities, Federal Prison System" to any other Department of Justice account.

SEC. 506. *Hereafter, none of the funds made available in this Act or any other Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.*

SEC. 507. *If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.*

SEC. 508. *None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division of the Department of Justice on March 5, 2002.*

SEC. 509. *Section 704 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3234) shall not apply to any funds made available by this Act or an amendment made by this Act.*

SEC. 510. *Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.*

SEC. 511. *Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.*

SEC. 512. *None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.*

SEC. 513. *Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $625,000,000 shall not be available for obligation until the following fiscal year.*

SEC. 514. *Of the amounts made available under the heading "Small Business Administration, Salaries and Expenses", $50,000,000 shall be available for programs described in the statement accompanying this Act.*

SEC. 515. *None of the funds appropriated pursuant to this Act or any other provision of law may be used for—*

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 516. *All disaster loans issued in Alaska shall be administered by the Small Business Administration and shall not be sold during fiscal year 2006.*

SEC. 517. *None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.*

SEC. 518. *The Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: Provided, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.*

SEC. 519. *Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.*

SEC. 520. *UNIVERSAL SERVICE SUPPORT. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.*

SEC. 521. *(a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.*

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

TITLE VI—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

COUNTERTERRORISM FUND

(RESCISSION)

Of the unobligated balances available under this heading, $11,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $82,000,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $103,502,000 are rescinded: of which $30,000,000 shall be from funding for J. Edgar Hoover Federal Bureau of Investigation Building tours; and of which $73,502,000 shall be from funding for the Federal Bureau of Investigation's failed computer modernization program.

This Act may be cited as the "Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006".

Amend the title so as to read: "An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.".

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, on behalf of the distinguished chairman of the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Senate Appropriations Committee, Mr. SHELBY, I am pleased to present to the Senate the appropriations bill written by the subcommittee for fiscal year 2006.

Senators Shelby and Mikulski have done an outstanding job producing this bill at a time when discretionary dollars are scarce. The subcommittee chairman and ranking member have had to make many difficult decisions on issues that were presented during the writing of this bill.

The consideration of the bill also comes at a time when we have witnessed a terrible tragedy in the gulf coast region of our Nation. The entire region, including specifically Alabama, Louisiana, Mississippi, and other areas have suffered serious damages, the loss of lives and livelihoods.

This bill provides funding for many Government functions and programs that are important to hurricane prediction, response, and recovery. Small Business Administration disaster loans, Economic Development Administration public works grants, and State and local law enforcement assistance grants are a few examples of programs contained in the bill that can help disaster victims in the short run.

We do need immediate assistance available, and these funds will become available at the beginning of the fiscal year, starting October 1.

The National Oceanic and Atmospheric Administration is a major agency involved in researching, forecasting, monitoring, and warning of hurricanes. Funding for that agency is included in this bill.

But this bill also reflects a commitment to responsibility in holding down the level of spending at a time when we see the Federal Government building up deficits that some worry threaten the economic livelihood and growth potential of our economy. So this is a lean bill. Senator SHELBY and Senator MIKULSKI have had to refuse to include in the bill a lot of requested projects for funding. These are difficult decisions because the needs are real and many are very meritorious. But I think Senators will find this bill supports the functions and responsibilities of the agencies and the Departments that are funded in the bill. There are increases provided where those increases are necessary and important to include.

The bill is within the 302(b) allocation of the Budget Act, and the total amount recommended in the bill is $885 million above the fiscal year 2005 level. This is a 2-percent increase over last year's level of spending.

The bill includes an increase of over $1 billion above the President's budget request for the Department of Justice. This is primarily due to the restoration of the proposed cuts to State and local law enforcement grant programs. I am sure the funds will be helpful and important in the discharge of those responsibilities at the local level throughout the country.

The bill recommends nearly $7.2 billion for the Department of Commerce, including the National Oceanic and Atmospheric Administration and the National Institute of Standards Technology, which is an 8-percent increase over last year's level of funding. This part of the bill is particularly important because it provides funding for hurricane prediction and warning, including the National Data Buoy Center which provides data from the oceans to help assess the strength and speed of hurricanes.

The bill also provides funding for NASA, the National Aeronautics and Space Administration, to move forward with the exploration vision, while fully funding activities of the space shuttle and the International Space Station.

In the related agencies title of the bill, funding is included for the Securities and Exchange Commission and the Federal Communications Commission.

The bill also addresses very important needs that were brought to the attention of the committee during hearings by both the administration and other Senators. Overall, the subcommittee chairman and ranking member have crafted a bill that reflects the committee's and the Senate's priorities as well as those of the administration.

I hope Senators will support the bill. And we hope we can complete action on it today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

I come to the floor as the ranking member of this very brandnew subcommittee called Commerce, Justice, and Science. As the Presiding Officer knows, and our colleagues remember, the Appropriations Committee reorganized itself, and I had been the ranking member of a subcommittee called VA-HUD and Independent Agencies. It exists no more. But now we have Commerce, Justice, and Science, which we think is an outstanding subcommittee, funding the important agencies related to making us a safer, stronger, smarter, more innovative country.

Originally, I anticipated our bill would come up today with such enthusiasm and such joy in working with my colleague, Senator SHELBY, whom I served with in the House, that we would work together on a bipartisan basis to fashion the bill, but on its way to the floor a great national tragedy occurred with Hurricane Katrina.

I want to say here today on the floor to the distinguished Senator from Mississippi, who has just spoken, Mr. COCHRAN, the chairman of the Appropriations Committee, first of all, know that you can count on me for full support to move all appropriate legislation to help the people of our gulf coast. I know the distinguished Senator is from a wonderful State with a great heritage and is a great contributor to our economy. And we know his State has been hit hard. We watched him tour the hit zones.

This is a time we all do work together. I know all of our colleagues are so proud of the rescue workers who are going to continue to rescue people throughout the gulf coast region. Our hearts and prayers and thoughts go out to the families who have lost everything in this terrible tragedy.

At the same time, we acknowledge the tremendous role of scores of National Guard soldiers, our Coast Guard rescuers, those Navy guys who rescued 110 people—and they might have gotten a reprimand from their commander, but they would certainly get a hug and kiss from this Senator for what they did—and the doctors and nurses and the paramedics and all the first responders and law enforcement. Everybody who is out there working a 36-hour day, we thank you and we salute you.

As of Monday, there have been so many who have been rescued, shelters that have been opened, and hot meals being served. Also, under the doctrine of mutual assistance, other States have opened their doors—Texas, Arkansas. My own State of Maryland has sent tremendous help and support. So we all need to pull together now.

I am glad the press has stopped calling those people who have lost everything refugees. "Refugee" is an honorable title, but this is not "Hotel Rwanda." This is the United States of America. All those people are our citizens.

They have been evacuated, but they have a home to go back to. And they have another home called the United States of America, where every State, every city would have an open door toward them. They have not lost their home. They have not lost their homeland. And they cannot lose their way.

In my own home State, we have sent people down to rescue people—first responders. Governor Ehrlich sent our National Guard. We are so proud of the hospital ship, the USS *Comfort*, that is steaming down heading toward the coast of New Orleans. But whether it has been first responders, local law enforcement, charitable aid from the nonprofits and faith-based organizations, they all wanted to offer a contribution.

But we cannot do this on philanthropic activity alone. We cannot do this with just good will. And to be sure, eventually fatigue will set in. But the U.S. Federal Government must be tireless. It must be responsive. It is critical we approve the Commerce, Justice, Science appropriations bill quickly. The distinguished Senator from Mississippi has outlined this bill.

This bill provides a downpayment for the victims of Katrina to rebuild their lives and communities. We know a supplemental is coming, and we will work expeditiously on a bipartisan basis to also help. We will not play politics with the lives of our citizens and with all of those who are conducting the rescue and cleanup.

There are some important things in this bill that can be of specific and immediate help. One is the Small Business Administration's disaster loan program. It is not just for business, it is for families. SBA provides low-interest loans of up to $200,000 to repair damaged property to primary residences, and up to $40,000 for personal property.

SBA provides low-interest loans to businesses and nonprofits of up to $1.5 million to repair damage to their real estate, machinery, equipment, and inventory. So SBA will not only help businesses become businesses again, but it will help families be able to get their home going again. And for all those nonprofits that will be there when the TV cameras leave, this will also help them get on their feet.

Another area where we will be very helpful is in the area of the Economic Development Administration. This is in the Commerce Department. It provides grants to State and local governments for infrastructure repair and modernization. And, boy, do they do that. Roads need to be built, and not only the great Federal highways, but those blue highways that make our rural areas so great and provide a livelihood to those communities.

Economic development assistance money can help recover from sudden and severe dislocation. This bill includes $315 million for EDA, and we presume that in the supplemental this could be a very specific line item that would not get lost in big bureaucracy.

We want to provide assistance in the Department of Justice to our State and local police. They provide the safety and security of first choice so we want to make sure that they are supported. They themselves have lost police stations. They have lost their equipment. They have lost their homes. We need to be able to help them.

While we also are repairing the damage, we need to look ahead and be sure we can always give the best predictions possible so people can get out of harm's way. This bill funds the National Weather Service. It is a branch of NOAA, and it has already done a great job of predicting hurricanes, storms, flooding, and tornadoes. But we want to bring even more innovation to them and more resources so they can predict not only hurricanes but any other natural disaster coming to a community so that we can prevent loss of life and secure property. Those are some of the things that can be focused immediately on Katrina and future prevention. As we know, there are some hurricanes gathering with names like Ophelia off the coast now. That is what we can do.

At the same time, Senator SHELBY and I, taking our new charge very seriously, said we wanted to work together to build a safer, stronger, smarter America. So we concentrated on the Department of Justice to make this a safer country. What we then did was look at the agencies within our portfolio, the FBI, Drug Enforcement, the U.S. Marshals Service, as well as alcohol and firearms. We know that the Department of Justice protects us from terrorists and protects our neighborhoods and communities. They protect us against those who have a predatory intent against our country, the terrorists, but it also protects our children against sexual predators. We want to salute President Bush and Attorney General Gonzales for developing a specific watch list for the registration of sexual predators. It has given a wake-up call to all States. Predatory behavior doesn't go in our country.

The Department of Justice accounts for almost 50 percent of our entire bill. The FBI is the lead agency. It will receive $5.3 billion, a $100 million increase, so that they can continue to fight organized terrorism and organized crime as well. We have given the FBI a record amount to do that. We look forward to working with them to correct some of their problems in technology, and we know they are improving their management. At the same time, we thank them for focusing, No. 1, on protecting our children through the Missing and Exploited Children's Program, which, by the way, the Missing and Exploited Children's Program is now going to be used to help locate over 100 to 1,000 children, where their parents don't know where they are. We are going to find those children, and we are going to bring them back to their parents one way or another.

Working together with the Bureau of Alcohol, Tobacco, and Firearms, we want to make sure they have the resources to protect us against arson, street crime, and gangs that are now menacing our communities. We thank them for the outstanding job that the ATF arson laboratory did in Maryland. It identified the DC serial arsonist that burned down homes in Charles County. It also provided the ballistic laboratory that helped to solve the DC sniper case. Our law enforcement is on the job, and they are protecting us every day. We have tried to protect them in the Federal budget so that they can do their job.

At the same time, while we are doing law enforcement, we look at commerce and science. This is where we talk about building a stronger economy and a smarter America. We do all we can to fund the programs in the Commerce Department. One of our most important places, though, is where we protect our intellectual property. As we are working to protect our citizens, we have to protect what our citizens invent. We are the country of discovery, of innovation, of invention. If you invented it, we think you ought to be able to keep it. We, therefore, provided $1.7 billion for the Patent and Trademark Office. It is a record amount that should help them reduce their backlog of patent applications and help us make sure we secure those new ideas that are going to create the new jobs right here in the United States.

We are also supporting our great Federal laboratories that help come up with the new ideas and set the standards for products so they can go to the marketplace. That is the National Institute of Standards and Technology located in Maryland. It sets standards that are critical to successful commerce and, because of what they do, transfers technology to the American business community.

The bill fully funds the Advanced Tech Program and the Manufacturing Extension Program which are important to fostering competitiveness. In science, we have NOAA, which I have spoken about, which does fantastic work on weather prediction, saving lives, and saving communities through their predictions. But at the same time, they do fantastic research on our oceans, on our bays and so on. We know that we are going to face, because of Katrina, a real impact on oysters and clams and shrimp on the gulf coast. What are the ideas to be able to help out and restore the bays that produce those delicious morsels but that are so important to the economy and to little people who have names like watermen and fishermen and seafood? This is what we are challenging NOAA to do, continue their great research. But we need immediate and practical solutions to protect the seafood industry on the gulf coast.

Then there is NASA. Originally, we thought the only risky operation was going to be the Hubble telescope. Now we have human need pressing us, and we are going to meet that need. For NASA, we have provided $16.4 billion, a $200 million increase over last year. This does include the money for the Hubble servicing mission. We are going to provide full funding for the space shuttle, for the space station, and work with Dr. Griffin on the new Crew Exploration Vehicle.

Because of Katrina, we know two major NASA facilities were heavily damaged. One was the Michoud assembly facility in New Orleans. The other was the Stennis facility in Mississippi. This is everything from shipyards to spaceships, from Navy ships to spaceships. We know those facilities suffered tremendous damage, and 50 percent of the employees lost their homes. We expect the administration and the agencies to tell us what happened to those employees and how we can help them.

On the bright side, we are so happy about the successful mission of *Discovery* last month. Weren't we proud of Colonel Collins and that daring-do, can-do crew that got out there and did the kind of repair work that had never been done in space, showed our courage and our tenacity and our technological capability. We want to support them. We know they want to return to space. The shuttle tanks were to be prepared in New Orleans. We are going to have to make adjustments. But then again, everybody is making adjustments, and we are all going to work together. The National Science Foundation is also in here. Just think what the Committee on Science is—NIST, NOAA, NASA, the Science Foundation. These are the new ideas. It is going to help with funding for important research in new ideas in basic science like physics and also breakthrough things again for new jobs like biotech and nanotech.

One of the important things we did was preserve the funding for historically Black colleges and universities. This is also coming at a very important time. Louisiana, I believe the entire gulf, was the home of 28 colleges and universities that were affected by Katrina. Historically Black colleges all over America, such as Morgan State in my hometown, are accepting the young men and women from the historically Black colleges of the gulf coast. They are accepting them and not asking questions about tuition and other things. This is a way of also being of help. So we are all pitching in together.

One of the flashing yellow lights in the bill is the census. Because of staying within our 302(b) allocation, we funded the Census Bureau with $17 million below last year's level and $150 million below the President's request. The census is important. They don't just do something every 10 years where they knock on your door and give you a complicated form. It continually evaluates who we are and where we live and gives us important information so that communities and businesses can develop everything from transportation and education plans to business targeting the new demography in our country. We are proud of the civil servants that work in Maryland, and we look forward to looking at how we can restore funding. When we looked at our priorities, we thought Census could do without an increase and even a very modest $17 million cut. We hope to restore that in conference. But when we looked at all that we needed to do in Justice and all that we needed to do, particularly in agencies such as the FBI, we felt that these were our priorities. Now that Katrina has hit us, we will be reevaluating as we go along.

That is our bill. We are proud of our bill because we have tried to focus on where America is today and where America needs to go tomorrow. We tried to look at the day-to-day needs of our constituents and know that they needed to be protected in their local communities. That is why we looked at local law enforcement. We know that we face predatory assault from everything from organized crime to organized terrorists. We focused on our Justice Department, but also on our science and on our commerce for new ideas, for new products and invention, but also to fund those agencies that help them protect their intellectual property against often international predators and also come up with those new ideas.

Along the way, Katrina has happened. We are going to make sure this bill serves the needs now, the immediate needs of our neighbors in the gulf and those States that have been so kind and so generous and welcoming. We view this bill as a work in progress, but work it will be, and progress we will make. We are going to work together.

These are not refugees. They are evacuees, as our Senators are. We need to remember all of the people who have been affected. We are one nation, under God, and we are indivisible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am impressed with the comprehensive statement made by the distinguished Senator from Maryland, describing the provisions of this bill that have been prepared and are being presented today to the Senate by her subcommittee. Her comments and the tone that she has set reflects so well on the Senate. It also reflects a bipartisanship that is so important to the writing of this bill. This is not a Republican bill nor a Democratic bill. It is a bill that reflects a consensus of the members of the subcommittee and also respect for the requests being made by the administration for funding of these agencies and departments for the next fiscal year.

We have all had what some might say is a wake-up call about hurricane warnings, mobilization of State and local resources, and relocation of people who are threatened by the ravages of storms such as Katrina. This bill is designed to meet the challenge that is so fresh in our minds. It can be presented to Government officials, private individuals, and businesses as we seek to protect our families and our property and our lives from the threats hurricanes and other storms might pose. It also reflects, as the distinguished Senator pointed out, funding that provides the resources we need for law-and-order activities, crime prevention, and investigations to ensure we are doing what has to be done to protect the security of our country.

I know of no more important bill that will come before the Senate this year from our committee than the one being presented today by Senators SHELBY and MIKULSKI. They have done a wonderful job working together. They have set an example by which we could all profit.

We need to act expeditiously on the bill, consider any amendments that any Senator has to add money or delete funding that is contained in the bill. We assure everyone that we want to act in a thoughtful way and one that will reflect credit on the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for approximately 30 minutes, perhaps more.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, I rise today as the senior Senator from Louisiana. But I was not born a Senator. I was born a Louisianian. I am a daughter of the Crescent City, raised by a family of places whose names may seem strange and exotic to people in Washington, DC, and around the Nation—places like Plaquemines, Cocodrie, Kenner, Slidell, St. Tammany, St. Bernard and Bogalusa.

Most people refer to this region of the country—Mississippi, Louisiana and Alabama—as the energy coast the maritime coast, the gulf coast. The largest city in this area is the city of New Orleans, almost 500,000 people, my hometown. At one time or another every Member of this body has told me their own story about what they love about New Orleans and south Louisiana. For some, it is our music. For others it is Mardi Gras. And yet others, it is that special magic. Each one of you has come away from our State with a special memory, a singular moment that reflects the vibrant culture and personality of our State. And what all of my colleagues have mentioned to me over many years is the special, special spirit of the people.

Today, I stand before my colleagues, Democrats and Republicans, to report to the Senate that our people are hurting. Some are despairing and many are still crying. But our spirit is strong and it will be this spirit, along with the best work the Senate has ever done, that we will lift this region and rebuild it.

Thousands are dead, and only God knows how many. Hundreds and thousands are homeless, jobless, and without their businesses, large and small. But amidst water, death, destruction, anguish and anger, our spirit is strong.

And today, there are thousands of heroes. Those heroes may not be anybody in this Chamber, but I will tell you who the heroes are. They are the leaders of Plaquemines Parish and St. Bernard and Orleans and Jefferson and counties in Mississippi that kept their government functioning even as much of their parish laid under water. In St. Bernard and Plaquemines Parish, that water was 8 to 20 feet high in places. And in New Orleans, the water still stands 6 to 10 feet in some places on the east bank. The only thing out of the water the last time I left was Jackson Square, the Cathedral and the French Quarter. Because the people who settled the city were smart enough to put it on the highest ground they could find, and that high ground has been serving this Nation so well and so magnificently for over 300 years. And it is still there.

The heroes are the New Orleans sheriffs who secured and evacuated the city jail, not because they were trying to coddle the prisoners, but because there was a threatened jail break when the system failed and the electricity went off. So the deputies who had lost their own homes and had lost maybe members of their own family, swam through water to get the prisoners out of the prison, not to give them a warm meal but to secure them, so hardened rapists and murderers would not plague the city at its time of greatest distress.

Our local leaders never once flinched from their duty to protect their residents and save every man, woman or child, regardless of race or income.

It was so desperate that the law enforcement didn't have to triage. The people were triaging themselves. In other words, when the boat drove up, they would put the old people first in the boat. Then they would put the babies in the boat. And all the young, "healthy" people would just stay on the roof until the boat could come back. Sometimes it did and in some cases it was too late.

I flew back here after one plane that I got on had no fuel. I had to come back with the Commandant of the Coast Guard, and he told me himself yesterday the Coast Guard rescued 32,000 people either by boat or by helicopter. And that is not counting what Wildlife and Fisheries agents did in Louisiana, Mississippi, or Alabama. That is not counting what regular boat owners, once they could wade through water and turn their boats on went down and did themselves, of which the news media did not cover. Because the only thing the news media could focus on was the Convention Center and the Superdome because it made the best picture. We understand that as politicians. They need visuals. I am sorry I couldn't provide any more visuals for them, but there was a lot more going on than just at the Superdome and the Convention Center.

Across the State, perhaps the greatest heroes are those we don't know about the concerned and courageous friends who took care of elderly neighbors and ensured their safe evacuation. One brief story: An elderly African-American woman in a shelter came up to me. She was a retired teacher. Her feet were wrapped because she had cut up her feet in this episode. She said, "Ms. Landrieu, please go back and tell those people in Washington we were fine after the hurricane hit. It wasn't the hurricane that put us under. It was that water that came up from the levee. Don't they know anything up there about the 17th Street Canal? Don't they know anything about the Florida Street Canal?"

I said, "No, Ma'am, but we're going to tell them more about that."

She said, "I stood on my ladder for 2 days. I've never seen water like that. That water kept going up 6 inches and going down 6 inches." Do you know what she was experiencing with the water rising and receding? She was feeling the tide of Lake Ponchartrain. She said, "It kept going up to my nose and going down to my chest."

The Louisiana State flag depicts a pelican. The pelican takes from herself, her own breast to feed her young. Thousands of Louisianians this week brought that state symbol to life.

As brave and bold as my fellow Louisianians have been—and our heart goes out to the people in Mississippi and Alabama—we have been moved beyond measure by the generosity and selflessness of our fellow Americans. New York City itself sent 600 of its finest and bravest police officers and firefighters who were willing to run into a collapsing tower on September 11 knowing what we didn't know, knowing that the radios on their hips were not going to work. But they ran in the building anyway. Those police officers are on their way right now to help the city of New Orleans. And I want to thank the Senators from New York, the delegation from New York, for sending them.

Cities, suburbs, and States across the Nation have welcomed our citizens as their own. Senator LINCOLN told me yesterday on the phone, "Mary, send them north. As soon as they cross the borders, I've got them in my arms." I thank Senator Lincoln and thank all the Senators that have called.

And so, if it is possible that my heart is a little heavy today, I've seen more in the last 2 weeks than in my entire life, and I hope never to witness it again. But while my heart is heavy, my heart today is also lifted with gratitude for my fellow Americans.

Of course, already some in Washington are pointing fingers at State and local officials—officials who had little more than just the good sense that God gave them while trying to save everyone that they could, all amidst criticism that they have had to bear from other government officials.

In this Chamber alone, every one of you voted the other night to send billions of dollars of aid and assistance. As HARRY REID said earlier today, it will probably cost us a lot more. I am sorry I could not even report to you an accurate estimate of what that might be, but I predict it will be over $200 billion.

As I stand here today, Senator VITTER, my partner, remains in the State to continue assessing damage. He has been a steady voice through this, and I want to acknowledge him.

This unprecedented catastrophe will require unprecedented support. I am concerned today because our Nation, our national government failed in its greatest responsibility, and that is protecting the lives of Americans. I am not saying the military failed, or the Coast Guard failed and most certainly not the National Guard that was there before the storm hit and is still there.

Let me talk a minute about my National Guard. Eight thousand of them have already been to Iraq and back, not once but twice. Three thousand of them are scheduled to come home in September. The Governor and I and Senator VITTER were planning a homecoming for them. They are going to get quite a homecoming because many of them are from south Louisiana, and they don't have houses to come home to. I am here to tell you, that while they may not have houses, they do have a home. We will do the best we can, and General Landreneau is well aware of the situation with his men and women on their way back from Iraq to hold their families tight.

We must learn from this experience. If we do not, we will fail again.

I have learned more in 2 weeks than I could ever have hoped to learn. I am going to continue to learn, and I ask the Senators to open their hearts and minds and learn. We don't ever want this to happen to any other city or any other place in this country for as long as we are on this Earth.

It is not true that Louisiana was not prepared. Surely we could have done a better job in every case, but our evacuation plan—and I want to give credit to the Governor of Mississippi and the Governor of Louisiana—Haley Barbour and Kathleen Blanco, who have been planning since Hurricane Ivan struck a year ago where everyone got stuck on the interstates and the back roads, those two Governors worked out a plan because we share a highway. We don't have a Louisiana highway that goes north and a Mississippi highway. We share our highways, and those Governors made a plan to get everybody out, and it worked as well as something like that can work. We had 2 million people approximately to evacuate in about 2 days. We got a lot of people out.

But when the storm hit and the levees broke, our calls went unanswered. In years past, our bills have languished here on the calendar. Money we requested before has been postponed year after year, year after year. I don't even want to talk to my colleagues about coastal erosion. They have heard it from me so many times and from everybody in the Louisiana delegation. They can give that speech better than I can.

But I will tell you one thing about our Federal Government. Our Federal Government, whether it was FEMA or this administrator or former administration or us, gambled that the predictions that countless experts voiced time and time again were mere rhetoric. They gambled that no one would notice if Louisiana's critical and vital role in our national economy was threatened.

And Washington rolled the dice and Louisiana lost.

I cannot stand here today and tell you that if all the money we had asked for, if it would have kept the levees up, but I can tell you that it would have given us more protection than we had.

Nor can I say with certainty that full funding for restoring our coasts would have protected those who perished in St. Bernard or in Jefferson or Washington parish or the counties in Mississippi and Alabama. But I can assure you that we would have had at least had a fighting chance. And I intend to find out just how much of a fighting chance we would have had.

And I intend to find out why the Federal response, particularly the response of FEMA, was so incompetent and insulting to the people of our States.

Already some in Washington are pointing fingers that something is wrong with my state and local officials, and if they would have been a little smarter, a little tougher, a little braver maybe this could have been avoided. This hurricane was a category four. It was one of the worst storms we have seen in this century. The eye of the storm went right over Slidell, LA. Waveland, MS, I understand from Senators COCHRAN and LOTT, is gone. Biloxi is quite damaged, and that is where the storm came.

I am sorry we couldn't do anything about that, but I want you to know the people of our States have survived storms before. That was not what put us under. It was the levee systems that broke in New Orleans, a city that invented the gravity pump, a city that helped the Dutch secure the Netherlands and sent our engineering to Venice to keep that city floating. We invented those pumps in south Louisiana. We know about pumps. HARRY REID's seen them himself.

We know that the head of the National Hurricane Center said that he briefed the President of the United States on the threat of Katrina in a video conference call the day before she hit land.

We know the President said, quote, I don't think anybody anticipated the breach of the levees. Everybody anticipated the breach of the levee, including computer simulations in which this administration participated. Even the clay figurine, Mr. Bill, from "Saturday Night Live" anticipated the breach. His creator, a friend of mine, has used him in public service announcements for over 2 years, saying this will be the effect if this happens. How can it be that Mr. Bill was better informed than Mr. Bush?

We know the Secretary of Homeland Security pronounced himself, quote, extremely pleased with the response of every element of the Federal Government, even as the cable news networks were broadcasting images telling how he was so tragically wrong.

We know that FEMA was unaware that 20,000 Americans were stranded at the Convention Center without food, without water, without security, without clothes, without buses, without toilets and with no way out, and I had to stand there and listen to the news media say these people were lawless. These were mothers and fathers trying to find water for their kids. I might have been a little upset under the circumstances myself.

We know that someone has to be accountable. Let me be the first to take any blame that is to be assigned.

I will not allow my local officials to be made into scapegoats for others. I will not allow carping from those who were not there to diminish my Governor, my Lieutenant Governor, who happens to be my brother, who spent 3 days in a rescue boat, despite the pleas of his own wife, his sister, his mother and father not to go. He went anyway, and he lifted both the living and the dead out with his own hands.

Within 24 hours of the storm hitting the Gulf Coast, Senator FRIST called and Senator REID called. I appreciate so much that they were right there. I tried to reach THAD COCHRAN; he tried to reach me. I tried to reach TRENT LOTT. And DAVID VITTER and I were together the whole time, but we couldn't get through on our cell phones. I know they called, and I thank them very much.

The record for rebuilding costs will be staggering, but it will pale in comparison to the staggering incompetence of this national government which is responsible.

Black people suffered, White people suffered, poor people suffered, and rich people suffered. The whole city is under water on the east bank. The wealthy neighborhoods have 10 feet of water, and the poor neighborhoods have 10 feet of water. Water does not know boundaries. It doesn't know demographics. It doesn't know Democrat or Republican. It doesn't know to stop at rich neighborhoods. It doesn't know just to go to poor neighborhoods. It goes everywhere. And there are wealthy people who are desperate. They don't know how to restart their businesses and keep their employees paid. They have no idea where to put their businesses. Do they leave the state? Do they go to Atlanta? Do they come back? What do they do with their wife and children? Do they take them and put them to school in Atlanta, or do they set their businesses up on the highest ground they can find?

The poor people are very disoriented. They have a hard time normally and they are having a real hard time now.

I want to say a special word of thanks personally to Ted Koppel for the beautiful piece he did last night, because I haven't been able to watch much television myself, but I got to see his piece. And we need journalists like that. I kept thinking, where's Walter Cronkite, and all I had was Geraldo Rivera.

I want to personally thank my family, my parents, my children, who evacuated with me that morning.

And the final word is this to the President: Mr. President, we need you. We need your help. The last time I shook the President's hand he looked at me and he said, "Senator, I appreciate your passion."

And I said, "Thank you, Mr. President, because passion is what we need."

He said, "I'm sorry you lost your childhood home. I know that's upsetting to you." I want to be clear for the record in that piece that you all saw with me with George Stephanopoulos. I was not crying in anguish because the home that I walked out of with my children was gone. I knew it would be gone when I left. It was an anguished cry, a plea to the only one that I thought could hear, and that was God himself, and I know he has heard, because the people of my state have cried out to him for now over a week and a half. But as he gives us the grace and the wisdom to do our job, I hope we can do it well because there are hundreds of thousands of families who are depending on us to do our best work.

Today we are going to rebuild New Orleans and the coasts of Mississippi and Alabama because America needs New Orleans right where it is, as well as the parishes of St. Bernard, St. Tammany, Orleans, Jefferson, and Plaquemines, and Hancock, Harrison and Jackson counties in Mississippi; and Baldwin and Mobile counties in Alabama.

The gulf coast region of our Nation is simply too important to be left for dead. One of the founding geniuses of our freedom, Thomas Jefferson, understood that. Two hundred years ago he purchased Louisiana—then it stretched from the Mississippi to the Rocky Mountains. And that purchase put us on the road to greatness, from sea to shining sea.

It is an energy coast. It was put there for a reason. We did not go there to sunbathe. We went there to set up the Mississippi River, to tame that river, to create channels for this country to grow and prosper. The Higgins boats that saved us from World War II were built in New Orleans. Forty-three thousand people built those boats and headed them out to Normandy. We are going to rebuild our shipping industry, we are going to rebuild our maritime industry, and we are going to rebuild this great gulf coast of the United States.

I ask unanimous consent have printed in the RECORD a letter dated September 7, 2005.

There being no objection, the material was orderd to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 7, 2005.

Hon. BILL FRIST,
U.S. Senate Majority Leader,
Washington, DC.
Hon. HARRY REID,
U.S. Senate Minority Leader,
Washington, DC.

DEAR LEADERS: As the U.S. Senate begins work on further Hurricane Katrina relief and rebuilding legislation, we write to implore both of you to do everything in your power to ensure it is done in a spirit and through a process that is fully bipartisan.

Now, just nine days after this devastating storm hit, we have already detected some troubling signs in Washington and in the Senate. There are signs that some might try to maneuver in the debate on relief legislation specifically for partisan gain. We view any such attempt as abhorrent and injurious to the already suffering victims of the hurricane.

We implore both of you to lead in a completely different direction. This must be done not only through words and symbols but by developing all relief legislation in a fully bipartisan way.

The Senate has always acted this way in the past in developing disaster relief legislation, whether to address 9/11, Hurricane Andrew, or a myriad of other challenges. The need for this method of action and leadership is even greater now.

There is no question that there were mistakes made and lessons learned from this tragic experience. The Senate will have ample time to thoroughly investigate this event, and we plan to play a major role in these investigations. Now, all of our resources and efforts should be dedicated to the rescuing of victims, providing food, shelter, employment, education and healthcare to the victims of Hurricane Katrina. We must also begin laying the groundwork for the long-term recovery and re-building of our great state. Please do not make the citizens of Louisiana a victim once again by allowing our immediate needs to be delayed by partisanship.

In these past situations, committee chairmen and ranking members always developed legislation together and it passed with near unanimity.

Thank you for your leadership and your attention to this vital plea.

Sincerely,
MARY LANDRIEU,
U.S. Senate.
DAVID VITTER,
U.S. Senate.

Mr. LEAHY. Mr. President, as ranking member of the Subcommittee on Research, Nutrition, and General Legislation of the Agriculture, Nutrition and Forestry Committee I am today introducing a bill with Senator HARKIN, the ranking member on that committee, to provide additional emergency food assistance in response to the devastation caused by Hurricane Katrina, and the flooding in the aftermath of that massive storm. It is very similar to the efforts of Senator LANDRIEU and Leader REID but it just focuses on food assistance.

This legislation will provide USDA with additional funding and authorities to provide a strong and continuous response to the food needs of thousands of families adversely affected by Hurricane Katrina.

While thousands may have perished in America's largest natural disaster, we must turn to the living to do what we can to help. I am especially troubled by the horror stories I have heard about the treatment of the elderly. It was almost impossible to watch the images on television.

Another terrifying image was of children separated from their parents, trying to survive on their own. The most gruesome was the bodies floating in black water.

In the Federal response to this national catastrophe there is a bright spot.

The U.S. Department of Agriculture has done a good job. FEMA gets an "F." in contrast. In fact, I heard today on NPR that the Navy was not given the go-ahead by FEMA to send ships with hospital facilities down to New Orleans and that senior naval officers were very frustrated that they could not help earlier.

In contrast, USDA has quietly and efficiently assisted thousands of displaced persons. Secretary Johanns, Deputy Secretary Conner and Under Secretary Bost have done a great job within the limitations of their authority. They responded immediately.

I also appreciate the work of the Food and Nutrition Service within USDA. I thank them.

This bill provides USDA with additional funding to continue its efforts and gives USDA some additional authorities regarding the food stamp program and child nutrition programs. Our effort on this legislation should be taken as a supplement to what they are already doing, and an enhancement of their authority.

USDA is not only helping in areas which will need to be rebuilt, but they are helping those families who have been displaced and been forced to move.

There has been a huge outpouring of sympathy from every corner of every county in my home State of Vermont. In addition to the assistance already provided, Vermont stands ready to help the displaced families, the unemployed workers, the distraught children, and the destroyed communities.

This bill was written to be referred to the Agriculture, Nutrition and Forestry Committee where nutrition bills have always been handled in a bipartisan fashion.

I look forward to working with all the Senators on that committee.

Chairman CHAMBLISS has tackled every issue the committee has faced this year in a direct and effective fashion and I look forward to working with him, and all members of the committee, on an emergency food assistance package that goes to the White House for signature.

I know that he and his staff have been coordinating with USDA and that Senators on the Committee will, of course, work with Senators from all of the affected States on any advice or changes that are appropriate. Some of the provisions in the bill are modeled after ideas that worked well in responding to Hurricane Andrew where, once again, USDA was commended for handling the emergency very well.

This bill is a starting point, not an end point. I know that, but I wanted to get the ball rolling to have language to run by my colleagues who represent areas demolished in this disaster. I want to thank Senator REID and Senator LANDRIEU for coordinating with Senator HARKIN and me on this matter.

All the Senators in the affected areas have been working day and night on trying to get aid to those in need, whether from local, State, charitable, non-profit or Federal Government sources. I will continue to work with all of them.

I ask unanimous consent that a summary of Hurricane response to food stamps and food assistance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF HURRICANE RESPONSE FOOD STAMP AND FOOD ASSISTANCE RESPONSE

THE FOOD STAMP PROGRAM

This proposal would provide USDA with additional funding and authorities to provide a strong and continuous response to the food needs of thousands of families adversely affected by Hurricane Katrina. It would improve the Food Stamp Program's response to Hurricane Katrina. It generally would expire no later than the end of federal fiscal year 2006. The President would have the authority to terminate its provisions earlier if conditions improved. The proposal would target three groups of low-income households: those living in areas Katrina hit, those that lost jobs in the disaster area, and those relocated from the disaster area to other parts of the country.

The proposal would incorporate the terms of USDA's Hurricane Katrina disaster relief policy for the period specified above:

States must act within seven days on all food stamp applications from affected households.

Households doubled up with friends or relatives could apply for food stamps on their own.

Work requirements and the three-month time limit on childless adults regarding finding a job would be suspended for disaster victims.

The legislation would expand food stamp assistance to disaster victims:

To account for higher food costs for people in disaster areas and people displaced by Hurricane Katrina, the maximum benefit provided through the food Stamp Program is increased by 10 percent.

The gross income limit for disaster victims would increase from 130 percent of the poverty line to 150 percent. This would help disaster survivors that suddenly incur high shelter costs when, for example, they temporarily live in a motel. (The net income limit would remain at 100 percent of the poverty line to ensure that only low-income people receive food stamps.)

All vehicles of disaster survivors, both those that they have with them and those they left behind, would be excluded from determining the household's resources.

For one year, all vehicles and bank accounts would be exempt from the $2,000 resource limit in recognition that households are facing many extraordinary expenses and should not be required to spend down to $2,000 when their savings may have to last them until they can find new jobs. In addition, disaster relief aid from federal, state, or local governments, charities, insurance settlements, and other sources would not count as resources.

Assets owned by a household, but which are currently inaccessible to the household due to the emergency, will not be counted for purposes of determining food stamp eligibility, for example, a family should not be rendered ineligible because of a house or car the family had to leave behind in the disaster area.

Food stamp benefits would not be prorated for the month based on the date the household applies. Under disaster conditions, families' applications may be postponed through no fault of their own. During this time, the families are forced to spend their scarce funds on food and remain just as needy as families that were able to get a ride to the food stamp office sooner.

The legislation also would streamline procedures for aiding affected households by:

Having the federal government assume 100 percent (rather than the usual 50 percent) of the administrative costs of serving disaster victims. State expenses to address the range of issues presented by these disaster victims are rising constantly and this change will assist states in their time of need.

Encouraging states to work aggressively to serve affected households by excluding any errors in applying disaster procedures from error rate calculations.

Waiving any claims for inaccurate issuances to affected households except in cases of fraud.

Requiring USDA to work with states to eliminate duplication between households initially certified for food stamps in their home state that are then relocated to a different state. Except where someone deliberately lies to get double benefits, displaced persons would not be required to keep track of which food stamps they received from which state while this overlap is being resolved. Recipients should be encouraged to spend food stamp benefits to feed their families even when they are uncertain about the status of their cases. This is particularly true since overburdened state food stamp agencies may be ill-equipped to answer their questions.

THE EMERGENCY FOOD ASSISTANCE PROGRAM AND COMMODITY DISTRIBUTION

In terms of immediate emergency relief, food stamp receipt may, in some cases, not be the most timely form of assistance that a family may access. Emergency commodities may be a faster and more efficient manner by which to provide immediate food assistance through food banks, food pantries, and congregate meal sites. In order to provide USDA with sufficient funding by which to provide emergency funding, this food assistance emergency package includes;

$200 million for The Emergency Food Assistance Program (TEFAP), to be spent either on commodities or for transportation, processing, and administrative costs.

$200 million for USDA to procure bulk commodities using Section 32 authority.

$20 million for USDA to replenish Commodity Supplemental Food Program commodity stocks destroyed by Hurricane Katrina.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

To allow for unexpected increases in WIC caseload as well as the possibility of rising food costs in the WIC program, this package provides $200 million dollars (available October 1) for the WIC program.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO ALLOW UNITED STATES COURTS TO CONDUCT BUSINESS DURING EMERGENCY CONDITIONS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1634 and H.R. 3650, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills en bloc.

The assistant legislative clerk read as follows:

A bill (S. 1634) to allow United States courts to conduct business during emergency conditions, and for other purposes.

A bill (H.R. 3650) to allow United States courts to conduct business during emergency conditions, and for other purposes.

There being no objection, the Senate proceeded to consider the bills.

Mr. SPECTER. Mr. President, I seek recognition to support legislation that is urgently needed in light of the devastation caused by Hurricane Katrina. This legislation would authorize Federal circuit, district, and bankruptcy courts to conduct special sessions outside their respective boundaries in times of emergency. Currently there is no authority in the law for Federal courts to hold session beyond their geographical districts.

The need for such authority initially became apparent following the terrorist attacks of September 11, 2001. Those attacks seriously impaired Federal court operations in New York City at the time. Court facilities available in nearby districts, such as New Jersey, could have alleviated the disruption in court services, but the authority provided in this legislation did not exist.

The recent impact of Hurricane Katrina on the Federal courts in Louisiana, Alabama, and Mississippi has heightened the urgency of congressional action on this proposal. When emergencies, whether they be natural disasters or terrorist attacks, make shifting court operations to other court facilities within the affected district impossible, a Federal court facility in an adjoining district or circuit might be more readily and safely available to court personnel, litigants, jurors, and the public.

The widespread flooding and vast destruction caused by Hurricane Katrina has created precisely this scenario. All of the Federal court facilities in the Eastern District of Louisiana are severely damaged and will not be available for a significant period of time. Courthouses have roof and window damage, extensive water infiltration, and no electrical power. Senior court management are meeting in Lafayette to discuss finding viable and possibly long-term alternative sites for court operations for that entire district, but such alternative sites most certainly must be outside the geographical boundaries of that district.

Federal courts in the Middle and Western Districts of Louisiana are expected to remain open for business and possibly could provide temporary courtroom facilities, and the judiciary will be exploring these and other possibilities if given the authority proposed in this bill.

In the Southern District of Alabama, seawater has flooded the basement of the Mobile, AL, courthouse, and debris is scattered throughout the grounds. The court does not know when that facility will become operational again, and this court too, may have to be temporarily relocated outside of the district. Similarly, in the Southern District of Mississippi, seawater has flooded the Gulfport facility, and communications and electrical power are down. Court operations in the Gulfport area have been shifted within that district to the court facility in Jackson, MS.

The Fifth Circuit operations in New Orleans are completely closed and will remain so for the foreseeable future. In the meantime, the judiciary has undertaken efforts to determine how much of the Fifth Circuit operations in New Orleans can be shifted within the circuit to Houston; and for what period of time.

The Federal courts in these areas devastated by Hurricane Katrina simply must be able to shift court proceedings temporarily into a neighboring district. Without this legislation, the Federal criminal justice system risks grounding to a protracted halt throughout the gulf region at a time when it is needed most. This legislation is needed now to avoid undue delay in bringing criminals to swift justice and resolving civil matters important to private citizens, especially bankruptcy proceedings in anticipation of an increase in bankruptcy filings in Hurricane Katrina's wake.

The need for this bill was brought to my attention by Judge Edward Becker of the Third Circuit and his colleagues at the Administrative Office of the Federal Courts and it enjoys their strong support. This bill is supported by my Democratic colleague, Senator LEAHY, as well as Senators from the States ravaged by Hurricane Katrina. Since this bill is noncontroversial and clearly urgent, it is my hope that it can be passed by unanimous consent before the end of business today.

Mr. LEAHY. Mr. President, the devastation wrought by the Hurricane Katrina to New Orleans and the gulf coast is not yet fully known. As the fate of thousands of our fellow Americans remains uncertain and the lives of many have been uprooted and the livelihood of many others affected, we must do all we can to assist those still suffering.

During this time of crisis, one thing we can do is ensure that the Federal courts in these afflicted regions continue to function. I worked with Senators LANDRIEU, VITTER, and Chairman SPECTER, Chairman SENSENBRENNER and Congressman CONYERS to respond to a request from the Judicial Conference for additional authority to conduct court business outside the traditional territorial jurisdiction of a court. I thank them for including in this bill important reporting and accountability requirements.

In implementing this legislation, I want to be sure that we work with the court, the Judicial Conference, and the Justice Department—but also with the local bar and others who will be most directly affected by the invocation of the authority this legislation would grant.

Mr. FRIST. Mr. President, I ask unanimous consent the bills be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3650) was read the third time and passed.

The bill (S. 1634) was read the third time and passed, as follows:

S. 1634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Judiciary Emergency Special Sessions Act of 2005".

SEC. 2. EMERGENCY AUTHORITY TO CONDUCT COURT PROCEEDINGS OUTSIDE THE TERRITORIAL JURISDICTION OF THE COURT.

(a) CIRCUIT COURTS.—Section 48 of title 28, United States Code, is amended by adding at the end the following:

"(e) Each court of appeals may hold special sessions at any place within the United States outside the circuit as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court of appeals (or, if the chief judge is unavailable, the most senior available active judge of the court of appeals) or the judicial council of the circuit that, because of emergency conditions, no location within the circuit is reasonably available where such special sessions could be held. The court may transact any business at a special session outside the circuit which it might transact at a regular session.

"(f) If a court of appeals issues an order exercising its authority under subsection (e), the court—

"(1) through the Administrative Office of the United States Courts, shall—

"(A) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

"(B) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

"(i) the reasons for the issuance of such order;

"(ii) the duration of such order;

"(iii) the impact of such order on litigants; and

"(iv) the costs to the judiciary resulting from such order; and

"(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.".

(b) DISTRICT COURTS.—Section 141 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before "Special";

(2) by inserting "(2)" before "Any"; and

(3) by adding at the end the following:

"(b)(1) Special sessions of the district court may be held at such places within the United States outside the district as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held.

"(2) Pursuant to this subsection, any business which may be transacted at a regular session of a district court may be transacted at a special session conducted outside the district, except that a criminal trial may not be conducted at a special session outside of the State in which the crime has been committed unless the defendant consents to such a criminal trial.

"(3) Notwithstanding any other provision of law, in any case in which a special session is conducted pursuant to this subsection, the district court may summon jurors—

"(A) in civil proceedings, from any part of the district in which the court ordinarily conducts business or the district in which the court is holding a special session; and

"(B) in criminal trials, from any part of the district in which the crime has been committed and, if a defendant so consents, from any district in which the court is conducting business pursuant to this subsection.

"(4) If a district court issues an order exercising its authority under paragraph (1), the court—

"(A) through the Administrative Office of the United States Courts, shall—

"(i) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

"(ii) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

"(I) the reasons for the issuance of such order;

"(II) the duration of such order;

"(III) the impact of such order on litigants; and

"(IV) the costs to the judiciary resulting from such order; and

"(B) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.".

(c) BANKRUPTCY COURTS.—Section 152(c) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(c)";

(2) by adding at the end the following:

"(2)(A) Bankruptcy judges may hold court at such places within the United States outside the judicial district as the nature of the business of the court may require, and upon such notice as the court orders, upon a finding by either the chief judge of the bankruptcy court (or, if the chief judge is unavailable, the most senior available bankruptcy judge) or by the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where the bankruptcy judges could hold court.

"(B) Bankruptcy judges may transact any business at special sessions of court held outside the district pursuant to this paragraph that might be transacted at a regular session.

"(C) If a bankruptcy court issues an order exercising its authority under subparagraph (A), the court—

"(i) through the Administrative Office of the United States Courts, shall—

"(I) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

"(II) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

"(aa) the reasons for the issuance of such order;

"(bb) the duration of such order;

"(cc) the impact of such order on litigants; and

"(dd) the costs to the judiciary resulting from such order; and

"(ii) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.".

(d) UNITED STATES MAGISTRATE JUDGES.—Section 636 of title 28, United States Code, is amended in subsection (a) by striking "territorial jurisdiction prescribed by his appointment—" and inserting "district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law—".

Mr. FRIST. Mr. President, for the information of colleagues, the bills, as stated, S. 1634 and H.R. 3650, are to address the issue of responding to the emergency of the national disaster which has occurred and in some ways is ongoing in the Gulf States. This allows our Federal court system to continue its operation. This legislation requires it to do so. This likely will be among a series of bills we will address over the coming days and weeks that respond to the disaster itself and to service the victims of that disaster, the people who are still in that coastal area of Louisiana and Mississippi and Alabama, to the victims who have been displaced, and to help volunteers and those people who are pitching in around the country, both government and private sector, as we come together to respond to this disaster that may well be the largest natural disaster we have seen in the last 100 years.

The pending legislation is the Commerce, Science, and Justice appropriations bill. In this bill, as has been discussed, are a number of provisions related to Katrina and our response to Katrina, things such as the small business disaster loans.

We will be, in fact, on that bill shortly, and the chairman will be here. I encourage Members to come over and talk to the chairman and ranking member. We want to move expeditiously with this appropriations bill, in part, because it does have Katrina-related issues in it. I would love to be able to finish this bill this week, if at all possible.

Second, just for the information of our colleagues, the House will pass, at some point today or this afternoon, our second supplemental request to respond to this disaster. We have passed a $10.5 billion bill in an urgent emergency session last Thursday night. The Senate addressed it. This will be a second supplemental. As most know, it is more than $50 billion, a very large sum, but that is the appropriate sum, as a second phase, as determined by our appropriate personnel and staff.

The House will pass that later today. Once they pass that, it will come to the Senate either this afternoon or this evening. I want to make sure our members know we will have rollcall votes today. It may well be tonight, but we need to pass the supplemental as soon as we possibly can.

Ms. MIKULSKI. Mr. President, this side of the aisle concurred when the majority leader offered the unanimous consent allowing the Federal court to do their business outside of their jurisdiction. It is the people's business. How fitting we have the wheels of justice providing that flexibility. I am sure there will be other legislation; we hope it all goes as smoothly.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

Ms. MIKULSKI. For the Commerce, State, Justice appropriations, we are now waiting for the chairman to give his statement. We will correct some technical amendments. We are urging colleagues to come and offer amendments. We know of six on our side of the aisle. We are doing our best. We would like to be able to finish this bill today, but if we start offering amendments at sundown—sundown is a great cocktail party, but that is not a great way to do appropriations. So we really want to do this bill because it funds the FBI, it funds the Justice Department, it funds important help to the FEMA victims. We would like to move it along.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I first compliment my colleagues, Senator MIKULSKI and Senator SHELBY, for doing such a fine job and for the hard work they have done on a very important issue. I compliment my colleague and neighbor from Tennessee, Senator FRIST, for working so diligently to get the supplemental emergency appropriations bill over here so we can help our neighbors in the delta region, in the Midsouth, lower Midsouth region. And I again compliment my colleagues from the States of Mississippi and Alabama and Louisiana for their incredible passion and concern, as well as their hard work and their diligent efforts in responding to the needs of their constituency.

Sitting here on the Senate floor listening to my colleague from Louisiana, Senator LANDRIEU, I thought so desperately about some lessons I had learned growing up along the Mississippi River. My father was very emphatic about how important it is to not only have good neighbors but to be a good neighbor, how critically important it is that you have good neighbors that can help you raise your children, educate them, to help out with a cup of sugar or other needs you might have at the end of the month if you do not have enough, to make sure if you are trying to harvest your crops—as many of our farmers are right now—and you find out that to diligently get those crops out of the field you may not have enough hands or equipment to do that, that you can look to your neighbor to help you do that and others things.

I think during times like these, as we look to our neighbors from Louisiana and Mississippi and Alabama and the needs they have, it is important for us—as we have been the recipient of their generosity and their camaraderie and fellowship—to understand how important it is for us, as neighbors, to be the good neighbor they have been to us and welcoming their constituency into our homes in Arkansas, to help provide them not only the necessities of life—the water, the food, the rest, the shelter, the clothes—they might need right now in such a difficult time but also to provide them the hug, the love, the comfort, the stability, the idea that we will be there with them, we will be there for them, as long as they need us.

That is why I come to the floor of the Senate today. As Senator FRIST has mentioned, bringing an emergency supplemental appropriations bill over is really critical. But as many of us know who have worked diligently on so many of the components of our Government—that provides assistance and aid as well as just everyday services to the people we represent—it is very important to enable these agencies, these providers of services the language and the ability to use these dollars as efficiently, as effectively, and as quickly as they possibly can be used in reaching the needs of our fellow Americans whose lives have been shattered.

AMENDMENT NO. 1652

(Purpose: To provide for temporary medicaid disaster relief for survivors of Hurricane Katrina, and for other purposes)

Mr. President, I wanted to wait until the Senator from Alabama had come to offer an amendment, but I do rise today to offer an amendment to respond to the dire health care crisis that has been created by Hurricane Katrina.

Hurricane Katrina has created a crisis of epic proportions for our Nation but particularly in the Midsouth region. It is a humanitarian crisis for the people of Louisiana, Mississippi, and Alabama. It is a capacity crisis for hospitals, for clinics, and community health centers, for physicians and nursing homes that are bursting at the seams with a surge in demand for care, mostly emergency care, mostly dire care, that has been evidenced by not only those who have been victimized by the dangerous natural elements but also by those who have been removed at a moment's notice from their homes where they have left their insulin, perhaps, or their high blood pressure medicine or other things that allow them a quality of life and a sustainability of life on a day-to-day basis.

It is a fiscal crisis for the States directly affected as well as those which have welcomed the displaced survivors, including Arkansas, Florida, Oklahoma, Texas, and so many other States. When New York City faced a similar set of crises after 9/11, the city turned to Medicaid, the Federal-State partnership of health care for the poor, to provide temporary coverage for victims of the tragedy. Our Nation's health care safety net met the needs of millions of New York families, ensuring them access to comprehensive health care services.

Current law restrictions on Medicaid eligibility impede our efforts to let Medicaid provide a safety net for Katrina's victims. Under current law, low-income individuals must be residents of a State in order to qualify for Medicaid coverage in that State. Once the individual is determined eligible and enrolled in Medicaid, Federal and State Governments share in the cost of purchasing medically necessary services from hospitals, clinics, and other providers. The amount the State pays varies from State to State—from 29 percent in Louisiana to 39 percent in Texas to 50 percent in the State of Virginia.

Katrina has displaced tens and perhaps hundreds of thousands of citizens of Louisiana, Mississippi, and Alabama who have lost everything and who will not be able to return to their homes until their communities are rebuilt. We are looking here to put into place some commonsense directives, some flexibility to allow these individuals to be able to access the kind of health care we in this Nation know they need and as Americans we want to provide.

These citizens cannot return to their homes and may not return to their homes for months, but under current Medicaid law, they are only eligible for benefits as residents of their home State. Under current law, Medicaid services can only be provided if the State puts up its own money for the match for the survivors, but the States directly affected by Katrina and those hosting the survivors will not be able to put up their match payments due to the fiscal crisis Katrina has created. This could put Medicaid coverage for our Nation's neediest individuals in jeopardy.

We want to prevent that from happening. We want to assure our providers and those in the communities who are there to wrap their arms around their fellow Americans—their neighbors, many of them to the south or to the east or wherever their neighbors from Louisiana, Alabama, and Mississippi have come from—that the Federal Government has the common sense and the wisdom to be able to provide these services with the flexibility and without the redtape that in many instances would cause providers to turn them away.

In the face of the public health, and State budget crises Katrina has created, current law is not plausible. If normal application procedures apply, the displaced survivors will face delays in establishing their eligibility for Medicaid. The providers serving them during these delays will not be reimbursed until after eligibility is established and may not receive reimbursement for their services at all. And for many of us from States that already have a disproportionate share of low-income individuals who depend on Medicaid services, this could be detrimental to not just those who are surviving Katrina but those who are hosting those victims and those survivors as well. The host States could incur large, unexpected increases in their Medicaid costs at the same time their revenues are reduced by the economic dislocation caused by Katrina.

What we are looking for here is something very similar to what we did in New York—to try to provide that flexibility that is needed, streamlining those services, and, more importantly, making sure the paperwork is not the mountain of paperwork that so many are used to but that they are simplistic and something that can expedite getting the needs of these individuals met.

This is a critical issue that has to be addressed immediately. Our States and our fellow Americans deserve it. To address these crises, I have proposed the temporary disaster relief Medicaid amendment.

The amendment, just briefly, is as follows:

It would provide the Katrina survivors with health coverage through Medicaid wherever they find refuge. A simplified eligibility and enrollment process would be created for people from Federal disaster counties in Mississippi and Alabama and Federal disaster parishes in Louisiana. It would be extended to those who live in those States and who have lost their jobs since the Hurricane Katrina crisis has happened. This, again, is something very similar to what we did in New York after 9/11. Using what we have learned there, we want to expedite these services for the victims today.

We want to make it easy for health providers to care for Katrina survivors. Once enrolled, Katrina survivors who are in other States would receive Medicaid as though they were Medicaid enrollees in that very State. Medicaid would also temporarily finance people's private insurance if they have access to it. This means no new systems or rules for health care providers so they can again rest assured that they are providing these services and will still be able to maintain their wholeness in providing services to their own communities.

It would guarantee Federal funding for health care for Katrina survivors. The Federal Government would fully finance the cost of providing Medicaid to Katrina survivors in any State in which they are enrolled. Additionally, the scheduled decline in some States' Medicaid matching rate for fiscal year 2006 would be canceled.

Mr. President, you may be certainly well aware, as many of us are here in the Senate, that the Federal matching rate was due to change as of October 1 of this year. We want to make sure we extend, for those who are affected, the current Federal matching rate in order to be able to maintain their wholeness and for those to be able to continue to offer their services, as a good neighbor wants to, to those victims of this crisis. This would continue for 6 months, with a possible extension for another 6 months if the need exists and continues.

It would also ensure a smooth transition to the Medicare drug benefit for Katrina survivors. In addition, parts of the implementation of the drug benefit would be delayed in States directly affected by the hurricane, along with their neighbors. Specifically, the transition of "dual eligibles" from Medicaid to Medicare—as well as the "clawback" payments, which we discussed at great length when we did the Medicare reform package—would be temporarily suspended to prevent survivors from losing their drug coverage. We have tried—and I know I have in my own home State, having supported the Medicare reform package—to make sure the information is out there for the elderly and the disabled and those who use Medicare as to what their opportunities and options are through

Medicare, particularly the new Part D Medicare drug component.

For the low-income, there is an incredibly good component of the Medicare drug piece in the Medicare reform package. All of these are available, but they do have deadlines. They do have deadlines. The enrollment begins on November 15 of this year. Those who do not enroll in a drug plan by May 15, 2006, this coming spring, will see a premium penalty. Many of us have learned, as we have delved into Medicare over the years, that those others receive premium penalties if they don't sign up for Medicare on time. We want to make sure those kinds of penalties don't exist for victims who find themselves not only displaced from their families, their homes, their regular medical providers, but also all of their information, their documents, the kind of information and certainly the normalcy of life that allows one to go through that kind of paperwork and try to make the best decisions possible.

The requirement of proof of assets for the low-income drug benefit would be delayed. As we know, many of these individuals have no idea if their old job will be there; will there be a new job; how long it will take for these businesses to rebuild, to replenish, to be back in action. There are so many who are dealing with so much unknown. It is certainly our responsibility, not only as legislators but as fellow Americans, to recognize they need time. They need time and flexibility to work through these issues and to access the programs that we have very carefully designed to fit their needs.

The penalties for not immediately enrolling in Medicare and its drug program would also be temporarily suspended. Providing this assistance—certainly the dollars Senator FRIST spoke of, the ability to make sure that the victims, our fellow Americans who have gone through such atrocities, and the health care providers in the communities who want to be there to serve them, making sure of the technical parts of this recovery—is our responsibility. I hope the managers of the bill will understand how important it is for us to move quickly to ensure that those who are providing the relief and those who are receiving it can take it with great comfort levels that they won't have to deal with the bureaucracy but that they will be dealing with a compassionate Federal Government that understands the necessity of making this process more streamlined and more accessible.

It is not only the right thing to do; it is what we must do to ensure that our Nation's safety net does not unravel in the face of this growing national emergency. We still have the precautions in here. We still have the fraud and abuse precautions that exist in our current law. We just want to make sure that our fellow man, our fellow Americans, in a time of dire need, as has been described eloquently by Senators from those States who have been there with these individuals, for those of us who are from States where they are coming, seeing these individuals coming in—we had a group come in through Fort Chaffee, AR, almost 10,000 evacuees processed in about a 12-hour period, all of whom came with what they had left in a plastic sack, perhaps, who had been sitting on buses for almost 2 days while people figured out where they should go, what they should do, where they should be sent, who should be taking care of them. We don't want that to happen in their medical care and in their access to the kind of things that we know they are going to need now and they are going to need in the coming weeks and months.

I hope we will do our homework quickly. I urge my colleagues to support this amendment to create temporary disaster relief Medicaid today. I ask them all to think about how they would feel, many of whom have experienced it. Senators from Alabama and Mississippi and Louisiana who have lost their homes and have found their family members displaced can understand how heavy the hearts are of our fellow Americans who have been victimized by this incredible storm. We, in our way, can help in bringing down the wall of bureaucracy and redtape to allow them the helping hand that we can provide.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1652.

Mrs. LINCOLN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. LINCOLN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased to present to the Senate the Commerce, Justice, Science, and Related Agencies appropriations bill for fiscal year 2006. Since August 25, our Nation has been gripped by the devastation and destruction left in the wake of Hurricane Katrina. We have all watched in horror as this category 4 hurricane ravaged an entire region, and each of us share in the sorrow of those who have lost their lives and their livelihoods. I am confident that the strength of the American spirit will rise to this challenge and, just as we have many times before, that we can and will recover.

The bill before us today provides funding for many U.S. Government functions that are critical to hurricane prediction, response, and recovery. The Small Business Administration provides low-interest loans to disaster victims to rebuild their homes and businesses. The Economic Development Administration, under the Department of Commerce, can make funds available to distressed communities to help repair their physical infrastructure. Under the Department of Justice, State and local law enforcement assistance grants can help provide relief to gulf coast law enforcement agencies. Finally, the National Oceanic and Atmospheric Administration is one of three lead agencies responsible for researching, forecasting, monitoring, and warning of hurricanes.

It is timely that this bill is being considered on the Senate floor, and I commend the leader for recognizing how important it is to send this bill to the President.

This afternoon, I want to take a moment to provide some general background about the bill before us and the programs it funds. The reorganization of the Appropriations Committee earlier this year significantly changed the jurisdiction of the subcommittee. The newly formed subcommittee has jurisdiction over the Departments of Justice and Commerce, as well as the National Aeronautics and Space Administration, the National Science Foundation, and a number of independent agencies such as the Securities and Exchange Commission, the Federal Trade Commission, the Federal Communications Commission, and the Small Business Administration. The major areas of jurisdiction of the CJS bill are counterterrorism, Federal, State, and local law enforcement, our Nation's economy, regulation of the banking and telecommunications sectors, scientific research, including programs to study the oceans and atmosphere, and our Nation's space program.

In a year when domestic discretionary dollars are scarce, it has been our goal to ensure that the priorities of our Nation and our States are met while remaining within our allocation. I believe we have accomplished those savings wherever possible and that we have allocated limited resources to meet the highest priority programs. These priorities include bolstering our capabilities for fighting terrorism, assisting with law enforcement activities at the State and local level, measuring and strengthening our Nation's economy, furthering scientific research, and reforming and reenergizing our Nation's space program. In the wake of three successive hurricanes last year and now Hurricane Katrina, we have also taken steps to ensure our Nation's ability to predict and monitor hurricanes. And we have done what we reasonably could within our purview to improve our response and recovery capabilities.

The total amount recommended is $885 million above the fiscal year 2005 level at this point in the debate, which is a 2-percent increase. These numbers might suggest that the bill is well below the budget request. However, the bill does not include the proposed Strengthening America's Communities Initiative. The President's budget request for the Department of Commerce included $3.7 billion to implement this new program. The bill before us does not reflect the President's proposal to transfer and significantly reduce these programs.

Another noteworthy aspect of the bill is that it includes an increase of over $1 billion above the budget request for the Department of Justice. This is mainly due to the restoration of the proposed cuts to State and local law enforcement grants. I know the Presiding Officer is very involved in that. The bill also recommends nearly $7.2 billion for the Department of Commerce, including NOAA and NIST, which is an 8-percent increase over last year's funding level. Many Department of Commerce programs were proposed for termination in the President's budget for 2006. Rather than terminating these programs, the bill before us includes funding for the Economic Development Administration, which is so important to every State, the public telecommunications facilities, planning and construction grants, and the Technology Opportunities Program.

In the science title of the bill, we have restored the 8-percent reduction from last year's enacted level that was proposed by NOAA. There is continued frustration among many of my Senate colleagues about the Department's repeated request to reduce NOAA funding. NOAA provides many critical functions to hurricane prediction and warning. Further, our oceans and atmosphere constitute one of our most precious natural resources, and I believe we can all appreciate the importance of both to human subsistence. I believe we should be increasing NOAA's budget, as the bill does, not cutting it.

In addition, this bill provides funding for NASA to move forward with the exploration vision while fully funding the ongoing activities of the space shuttle and the International Space Station. The recommendation fully funds constellation systems and provides NASA with funds to prepare a servicing mission to the Hubble space telescope. Many of NASA's facilities in the gulf region sustained significant damage from Hurricane Katrina, and we have not addressed those issues in this bill. We expect to address them in the next supplemental spending measure that will be considered.

Finally, in the related agencies title of the bill, we include full funding for the Securities and Exchange Commission, for the Federal Communications Commission. The recommendation rejects a number of proposed program eliminations within the Small Business Administration.

This, overall, is a pretty lean bill. We had to work with our allocation. We had to make tough decisions to get here. I think my colleagues will find that this bill does support core functions and even provides increases where critical. The bill addresses the most pressing needs that were brought to our attention both by the administration and by my colleagues on both sides of the aisle. Overall we believe we have crafted a bill that reflects the priorities of this committee, as well as of the entire Senate.

I take this opportunity to thank Senator MIKULSKI, my friend and colleague, who is the ranking member on the committee. We have worked together this year, as we have in many years, to produce a bill that is fair and forward looking under intense time and budget constraints. I look forward to continuing to work with Senator MIKULSKI on the Senate floor and in the future.

I also reiterate the leader's position, which is that we must act on this bill expeditiously. I urge my colleagues to come to the floor and offer their amendments. I will try to work with them, but let's act in a timely manner. Time is of the essence now.

AMENDMENTS NOS. 1655 THROUGH 1658, EN BLOC

Mr. President, I now send a series of amendments to the desk. I ask that the amendments be considered read and agreed to, the motions to reconsider be laid upon the table, and that any statements relating to these amendments be printed in the RECORD, with all of the above occurring en bloc. These amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1655

On page 144, line 10, strike "$409,625,000" and insert "404,625,000".

On page 152, between line 20 and 21, insert the following: "United States Travel and Tourism Promotion

For necessary expenses of the United States Travel and Tourism Promotion Program, as authorized by section 210 of Public Law 108-7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, $5,000,000, to remain available until September 30, 2007.".

AMENDMENT NO. 1656

(Purpose: To provide funding and personnel for the National Hurricane Center)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Notwithstanding any other provision of this Act, of the amounts made available in this title under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and under the subheading "OPERATIONS, RESEARCH, AND FACILITIES", not less than $5,800,000 shall be made available for the National Hurricane Center and that such amount may be used to employ individuals in 43 full-time equivalent positions at the National Hurricane Center.

AMENDMENT NO. 1657

On page 173, beginning in line 2, strike ": *Provided further*," and all that follows through "this Act" in line 10.

AMENDMENT NO. 1658

(Purpose: To expand the disaster loans that shall not be sold by the Small Business Administration)

On page 188, line 10, after "Alaska" insert "or North Dakota".

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Iowa.

Mr. HARKIN. Mr. President, I have an amendment to this bill that I will be offering shortly along with Senator SMITH of Oregon, my cosponsor, and cosponsored by Senators BINGAMAN, WYDEN, FEINGOLD, and KENNEDY.

This amendment will increase the amount of money going to legal aid programs across the country from $324.5 million to $358.5 million.

Again, this amendment will throw a lifeline of legal services assistance to people in need.

I point out that this is $4 million less than what the Legal Services Corporation requested in their budget earlier this year. The reason it is slightly less is because we had to do that to get the proper offset for the amendment. Forty-five Members of the Senate, on a strong bipartisan basis, sent a letter to the chairman and ranking member earlier this year seeking the full funding for legal services, which was $362.5 million. As I said, this amendment is $4 million less than what 45 Members of the Senate, on a bipartisan basis, requested earlier this year.

I also point out that 25 percent of the increase goes specifically to those programs providing assistance to victims of Hurricane Katrina.

Even before the devastation and displacement of Katrina, this increase was sorely needed. That is because today, as I stand here, 50 percent of the people eligible for legal services in America are being turned away because the programs simply are underfunded.

Keep in mind, to even be eligible for legal services, one must be below 125 percent poverty. That means for a family of four, you have to have less than a $23,000-per-year income to even qualify for legal services. Again, we are now turning away half of the families in America who need civil legal help who make less than $23,000 a year. That is not justice.

Furthermore, the clients served by legal services are overwhelmingly female. Seventy-two percent of the clients served by legal services are women, most of whom are seeking help with domestic abuse issues, including custody, retraining orders, and safe housing.

Legal services is also the only assistance most low-income women have in getting and keeping safe, habitable housing. It is critical in reducing homelessness among women and children.

In the last 2 years, cuts to legal services programs have resulted in the loss of funding for 200 attorney positions. Every single one of those attorney positions means at least 385 people a year not able to get the legal help they need.

To sum it up, last year, legal services was forced to serve 77,000 fewer people than they did the year before.

The Senate bill before us today, instead of taking a small step to fix this injustice, imposes an additional $6 million in cuts to legal services programs. This is simply unacceptable.

I don't want anyone here to think this amendment we are offering is a drastic fix to the problem. All this amendment does is restore funding for legal services to the fiscal year 2003 level adjusted for inflation. This amendment restores legal services funding to the 2003 level.

If we were serious about providing equal justice under law for all of our citizens and providing the resources that legal services really needs, we would restore legal services to the 1995 funding level of over $500 million a year.

Think about it this way: Since 1995, we have cut legal services, the only civil legal help poor people have in this country, by a third. And need I remind anyone what has happened to poverty since 1995? Has it gone down by a third? No; it has gone up. So poverty has gone up, and we have cut legal services by a third since 1995. Unconscionable.

This, of course, is the picture legal services was facing before Hurricane Katrina. Legal services always plays a critical role in a national disaster, but this disaster will impose more burdens and more challenges than ever before. That is why this amendment devotes $8 million or, as I said, 25 percent of the increase goes to programs directly helping victims of Hurricane Katrina. Again, is that enough? Hardly. This will be a small downpayment on the funding that will be needed, and I hope will be provided, in some of the supplemental funding bills coming down the road.

I heard the majority leader today saying there is going to be a supplemental on the floor today. I don't know what is in it, but there better be something in it to help legal services serve the people displaced. We have to have immediate assistance to these programs to help assist people in the largest displacement in this country since the Civil War. Think about it: The largest displacement of people since the Civil War.

One might say people need food, water, they need clothing, they need shelter, they need schooling. Yes, they need all those immediate needs. But here is why they are going to need legal services immediately, not a year from now.

Let me share with you an e-mail from the State director of the Alabama program, one of the hardest hit States, describing what they will be doing in the next few weeks:

> . . . legal services programs are traditionally a critical partner in long-term disaster response. We will be doing everything from trying to clear title for FEMA award purposes (many low-income folks land in houses passed from generation to generation without any formal conveyance . . .); to contractor fraud; to handling credit problems for folks who are trying to get SBA or other loans with which to rebuild their lives. Not only will we be helping victims of Hurricane Katrina [in this State], but there are over 35,000 evacuees from Louisiana and Mississippi in the State. Every one of our offices in the State will be serving Hurricane Katrina victims with already scarce resources.

So it is not something they are going to need a year or two from now, they need it now because, in the initial stages, legal services will be responsible for helping hundreds of thousands of people navigate the system for obtaining disaster-related food stamps, unemployment compensation, and housing assistance. They will be on the frontlines representing people with the agencies to get the needed relief.

Legal services will be the best on-the-ground arbiters of whether deadlines need to be extended to reach the hundreds of thousands eligible for assistance.

I have a little experience in this from both standpoints: One, I was a legal services attorney before I came to Congress. That was my job. So I know a little bit about how legal services work and who they serve. Second, our State of Iowa in 1993 was hit by a devastating flood. Every single one of our counties—99 counties—was declared a disaster area. Some of our small towns were totally wiped out.

So I have a great deal of sympathy and empathy for what is going on in New Orleans. We saw whole towns in our State underwater. Some of them were never rebuilt. We had to move people to other places.

That was 1993. Legal aid lawyers represented thousands of clients in the State of Iowa in landlord-tenant disputes about the ability to terminate leases of uninhabitable property. They assisted people in Iowa with a whole range of issues.

In one example, there was a certain FEMA determination that a woman was not entitled to compensation because the property was in the name of an ex-spouse. It turned out it was not an ex-spouse: it was her spouse who had died, and only legal services could help clear this up for this poor woman. She didn't have enough money to hire an attorney. As I said, to be qualified, one has to have an income of less than 25 percent of the poverty level.

Another example of what they did in Iowa: FEMA determinations that massive property damages were, in fact, preexisting conditions; determinations of SBA loan eligibility.

This all happened in Iowa in 1993, so I know what it means to go through a devastating flood such as this and to have people who are homeless, without housing, with no place to go and needing the help of legal services to navigate, to find out what they can get, to know for what they are eligible.

In the situation we are now facing, much bigger than the flood of Iowa, legal services lawyers will be trying to represent clients who have no access to their homes, many who are temporarily living out of State. At least that did not happen in Iowa, at least not to any great extent. There are evacuees in Texas, in Arkansas, some in Washington, DC. Providing legal help to those most in need is critical in this instance.

Beyond the immediate need of helping the victims of Hurricane Katrina, legal services is critical to reducing violence in this country. When people cannot get results through the legal system, they resort to extralegal means. We have seen that in all areas of the country. We have seen that sometimes in disaster areas in the last week, and we should expect to see more if we cannot quickly get legal help to the people displaced.

It is not true because of Hurricane Katrina; it is true in everyday disputes. Having access to quality legal help reduces tensions, focuses people on compromise, negotiations. Legal services reduces the burdens on our courts. They help to ensure that those people with disabilities get the benefits to which they are entitled.

That is why the Legal Services Program has the complete support of the American Bar Association and every State bar in the United States. I point out that the American Bar Association supports the amendment we are offering.

Let me add that this amendment is fully offset, as it stands now.

I want to also add Senator OBAMA as a cosponsor to this amendment.

I urge my colleagues to support this amendment. As I said, 45 Senators signed a letter earlier this year seeking this level of funding; $4 million actually more than what we are asking for in this amendment.

So I hope and trust that we will hold this in conference. We cannot continue to say we are a nation of equal justice under law when the poverty rate keeps going up and the amount of money we are giving the Legal Services keeps going down. Poor people are being excluded from our civil justice system. That is wrong. It should not happen in this country.

So this year, next year, the year after, I will be here, and I am sure along with many others on both sides of the aisle, saying we have to get this funding back up. Our courts are plugged with people sometimes with crimes that have to do with property.

How many of those might have been forestalled if they had had Legal Services help—or courts plugged because someone is there because of domestic violence. It could have been forestalled if people had had Legal Services.

So that is why we need to get the Legal Services Corporation back up to the level it was at least in the mid-1990s, and actually it probably should be more than that because of the huge increase in poverty in this country.

So if my colleagues believe in equal justice under law, if they believe an ounce of prevention is worth a pound of cure, if they believe by a little bit of money upfront helping people solve their legal problems, domestic violence problems, and things like that it will help keep people out of court, which we have proven is true, then we ask for support for this amendment, and hopefully we can hold this amount when we go to conference.

AMENDMENT NO. 1659

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. SMITH, Mr. BINGAMAN, Mr. WYDEN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. OBAMA, proposes an amendment numbered 1659.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina)

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $358,527,000, of which $346,251,000 is for basic field programs and required independent audits (of which $8,000,000 is for basic field programs providing legal assistance to victims of Hurricane Katrina)

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by $37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level;

Mr. HARKIN. I yield the floor.

Mr. DURBIN. Mr. President, I am pleased to speak in support of Senator HARKIN's amendment to add $38.2 million to the reported funding level for the Legal Services Corporation, and am proud to join him as a cosponsor. I was one of 47 colleagues joining in a bipartisan letter in June urging the subcommittee to support the Legal Service Corporation quest for $363.8 million.

Liberty and justice for all is one of America's most cherished principles, and a fundamental part of the very fabric of our Nation. Our Founding Fathers fought a revolution for it. Thousands of brave men and women since then—from Abraham Lincoln to Susan B. Anthony to Martin Luther King and all who fought with them—risked their lives to ensure that the principle of justice for all truly applied to all Americans. And today, thousands of men and women of our armed forces are fighting and sacrificing their own lives to secure these freedoms for the people of Afghanistan and Iraq.

Justice for all knows no political exclusivity. It is not a Democrat or Republican value, but an American value. At the opening of each and every session of this Senate, we stand together and pledge our allegiance to this founding principle. Millions of schoolchildren pledge their allegiance every day to this fundamental tenet of our country.

Yet today in Illinois and throughout the United States, we are falling far short of fulfilling our Nation's promise of "justice for all."

A recently released study, "The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans," found that over the course of a year, tens of thousands of less fortunate Illinois residents were unable to obtain legal assistance that was often critical to their safety and independence. Hundreds of thousands more attempted to solve often complex legal problems on their own.

Studies in other parts of the country have reached similar conclusions. Millions of Americans are being shut out of our civil justice system, with grave consequences for themselves personally and for our country as a whole when legal assistance is not available to them. We are a long way from fulfilling our Nation's promise of equal justice for all.

This widespread lack of access to justice can only be described as a crisis for our country, and with increases in the poverty rate compounded by the vast devastation to so many of our fellow citizens caused by Hurricane Katrina, it will only get worse if we do not act.

Those being left behind by the alarming gap in access to our justice system are our friends, relatives and neighbors. They are children, families and the elderly of diverse creeds and backgrounds, and they often are the men and women fighting for our country and their families.

The story of a young man in our armed forces from Galesburg, a small city in the western part of Illinois, is a prime illustration. Before being deployed to Iraq, he visited Prairie State Legal Services, an organization funded by the Legal Services Corporation that serves residents in 36 mostly rural counties in northern Illinois, to seek help in getting a power of attorney and will prepared so that if something happened to him his family would know what to do.

Other examples of the Americans who are helped every day by legal aid groups funded by the Legal Services Corporation—and for too many of whom help is not available—include a woman and her children victimized by domestic violence seeking an order of protection and child support to give them a fair chance to start a new life, a senior couple facing foreclosure of the only home they have ever lived in after being victimized by consumer fraud, a World War II veteran who served his country so well but now is being denied the benefits we have promised him, and numerous other less fortunate residents facing legal matters critical to their safety and independence as they try to pursue the American dream.

The legal aid system in Illinois is able to address only a small fraction of the civil legal problems encountered by low-income Illinoisans. The "safety net" is inadequate and fraying. Low-income Illinoisans faced over 1.3 million civil legal problems in 2003—from child custody disputes to mortgage foreclosure to physical and financial elder abuse. Low-income Illinoisans had the assistance of an attorney for only one of every six legal problems they encountered. Illinois's legal aid system is facing critical shortage of resources, with layoffs and hiring freezes becoming widespread at programs throughout the State.

The Legal Services Corporation has historically been grossly underfunded. In 1996, Congress reduced funding by 33 percent—from $415 million to $278 million, resulting in closure of more than 100 legal aid offices across the country. By fiscal year 2003, the appropriation had been increased to $338.8 million, but levels have steadily declined as a result of Government-wide reductions.

The Legal Services Corporation has already had to absorb $9 million in cuts over the last 2 years. That translates to almost 200 attorney positions across the country who are no longer helping those in need of legal assistance. Just in the last 2 years, the number of people that were able to receive needed services declined from 978,000 to 901,000. Three States are experiencing layoffs and many other States have a hiring freeze in place that has led to as many as one third of the staffing positions being vacant.

While it is not the Federal Government's responsibility to be the sole source of legal aid funding, the Federal Government has a significant role to play in partnership with State and local governments, the legal community and other public and private sources.

The need and the cost effectiveness of increased funding for civil legal aid have been amply demonstrated. The excuse that there is not enough money is no longer acceptable. We are failing to protect the legal rights of too many of our most vulnerable residents.

But if Congress adopts the Harkin amendment reflecting the bipartisan Legal Services Corporation Board's funding request, it would mean almost $1 million in additional funding for Illinois programs over last year's appropriation and thereby ensure services for thousands of lower-income Illinois residents.

By contrast, if the appropriation remains at the $324 million level in the underlying bill we are considering, it will result in additional cuts of more than $200,000 for Illinois programs. Attorneys throughout Illinois already contribute more than $5 million annually to civil legal aid, as well as providing hundreds of thousands of hours of pro bono services. While members of the legal community must continue to be leaders in this effort, they cannot do it alone. Congress must step up to the plate.

Access to and availability of legal services will be even more acute in the coming months as thousands of victims of the devastation in the wake of Hurricane Katrina grapple with housing, unemployment, and other complicated assistance programs. Prior to Hurricane Katrina, there was already a critical need for an increase in the budget for legal services programs. Between March and May of 2005, legal service programs across the country were forced to turn away 50 percent of people eligible for assistance. An additional 20 percent were forced to make due with less legal help than necessary.

By adopting this very modest amendment offered by Senator HARKIN, we can ensure that tens of thousands more Americans like those I described have access to critical legal services that will enable them to continue to be independent and productive members of our communities.

Senator HARKIN's amendment would merely restore Legal Services Corporation funding to its level from 2 years ago when adjusted for inflation. It is only a modest increase from last year's $335 million pre-rescission funding level, yet it would help ensure services for tens of thousands of Americans are protected. It will help give them access to reliable web-based legal information and resources, legal aid hotlines, and extended representation by legal aid attorneys in more complex matters.

I hope we will all join in full support of Senator HARKIN's reasonable amendment. Let's demonstrate that "justice for all" is a meaningful commitment—and never becomes a meaningless cliche.

Mr. OBAMA. Mr. President, I rise in strong support of the amendment offered by Senator HARKIN to increase funding for the Legal Services Corporation. I am proud to be a cosponsor of the amendment.

The Legal Services Corporation provides vital legal assistance to the poor around the country. It was created in 1974 with bipartisan congressional sponsorship and the support of the Nixon administration.

In Chicago, the Legal Services Corporation funds make it possible for the Legal Assistance Foundation to help my constituents navigate the foster care system and receive compensation after violent crimes. In Galesburg and Peoria, these funds make it possible for the Prairie State Legal Services organization to help people dealing with domestic violence issues and elder abuse.

In the aftermath of Hurricane Katrina, you can bet that Legal Services Corporation will be in Louisiana, Alabama, Mississippi, and the many States where hurricane victims are being relocated helping newly impoverished citizens obtain food and shelter assistance, health care and insurance benefits, unemployment insurance, Social Security benefits, and FEMA assistance.

This program makes a real difference in people's lives. Take the story of Irene and her family for example, who live in Section 8 housing and needed help. They visited the Prairie State Legal Services office in Illinois. Every day, Irene had to get two wheelchair-bound grandchildren up the stairs and into a second floor apartment. Both her grandchildren have cerebral palsy and are confined to wheelchairs. The oldest is now 14 and weighs 160 lbs. And after 11 years, as I am sure you can imagine, Irene was having a hard time getting her grandchildren up those stairs. But when she tried to make this difficult situation better, it only got worse.

Irene applied for and received a transfer certificate from Section 8 to allow her to move to a new apartment. But she could not find a first-floor apartment to transfer to within the 60 days that the transfer allowed. Irene tried calling the Section 8 offices to let them know of the delay, but she was forced to leave messages. When she finally sent a letter asking for a response to her messages, she was informed that she was too late—not only was the Public Housing Agency terminating her transfer, it was also terminating the Section 8 subsidy for her current apartment.

But that is when Prairie State and Legal Services Corporation intervened. A staff attorney represented Irene in an administrative appeal, and pointed out that under the Fair Housing Act and the Americans with Disabilities Act, Irene had not been provided the support needed to assist her in finding an apartment. As a result of her attorney's efforts, Irene's subsidy was reinstated, she was given a new transfer certificate and was provided with active assistance in helping her find a new apartment.

Legal Services Corporation helps folks like Irene all across the country, from South Carolina to South Dakota, Illinois to Iowa. And when someone displaced by Hurricane Katrina cannot afford a lawyer but is having trouble getting her unemployment insurance or Social Security benefits, or getting her utilities turned back on, Legal Services Corporation will be right there. Legal Services Corporation-funded organizations have won dozens of awards, and groups ranging from AARP to the American Bar Association have voiced their strong support of LSC. We should do the same.

Over the last decade, the LSC budget has suffered $196 million in cuts. The Appropriations Committee proposed this year to cut $6 million more. I do not think this is the time to deny legal services to those who need them most. I believe that in light of the pressing crises confronting individuals in the gulf coast, we should be increasing funding for the Legal Services Corporation, not decreasing it. So I strongly support Senator HARKIN's amendment, and I urge my colleagues to do the same.

Mr. WYDEN. Mr. President, I rise today in support of the amendment introduced by my colleague, Senator HARKIN, from Iowa, which would increase funding for the Legal Services Corporation by $38.2 million to $363 million.

If there was ever a time to provide adequate funding for legal services for the poor, that time is now.

In the wake of Hurricane Katrina, there will be thousands and thousands of Americans in desperate need of legal advice who lack the resources to hire their own attorneys or the skills necessary to meet the legal challenges they must confront.

These are the same folks that didn't have the means to get out of harm's way when the hurricane struck.

These are the same folks that waited for days on their rooftops, at the New Orleans Convention Center, the Superdome, and so many other places down on the Gulf Coast to be rescued.

These are the same folks that now must rebuild their lives—often times from scratch.

They will need legal assistance. Congress needs to step in and help make this a reality. And Congress needs to step and increase funding so that the thousands of other Americans—in addition to the victims of Katrina—who are unable to afford legal advice get the access to justice that they deserve.

How can it be, in a country where we teach our children from an early age the Pledge of Allegiance and its closing words—"with liberty and justice for all"—so many children and their families cannot obtain equal access to justice?

How can it be, in a country that saw an historic economic boom in the last decade, that 80 percent of low-income Americans still lack access to a lawyer when they're in serious legal situations?

How can it be, in a country as strong and rich as this one, that tens of thousands of Americans who need legal representation are turned away every year because their Government won't support the very program designed to help them?

This year, the House has appropriated only $324.5 million in funding for Legal Services. The current version of the Senate CJS Appropriations bill funds the program at about the same level.

This is less than Legal Services received in FY 2005. It's almost $40 million less than the FY 2006 budget request made by the bipartisan Legal Services Corporation Board of Directors. In fact, the current level of funding is not much more than it was in 1981—in real dollars.

The issues that Legal Aid works to address are not esoteric legal questions. They are issues of life and death and food and shelter.

When folks who are already hurting can't get the legal representation they need, all too often it gets harder to put food on the table and harder to pay the rent and harder to get the medicine for the kids or for Grandma.

In the State of Oregon, the need for legal aid is clear, and the choice to fund it should be obvious. Oregon's Legal Aid programs are the primary source of representation available to more than 500,000 low-income folks in my State, and they assist 20,000 of those low-income Oregonians every year.

But because of Legal Aid funding shortfalls in recent years, the Oregon programs have had to layoff staff, cut salaries for remaining staff, slash their medical benefits, freeze vacancies, and close the Klamath Falls office. Less than 20 percent of low income Oregonians have access to an attorney who could make a critical difference in helping them deal with a legal issue—from a getting restraining order from an abusive boyfriend to helping a predatory lending victim.

The idea that Legal Aid is the practice of political law is preposterous.

It's simply making sure that legal services are available for the very people who need them most.

Make no mistake—State, local and private resources are providing the vast majority of Legal Aid funding in Oregon and elsewhere. In 1980, Federal funding accounted for 80 percent of the total legal aid money in Oregon. In 2005, Federal funding accounts for 28 percent. Everyone else is doing their part to provide these folks with equal access to justice—it's time that the Federal Government did its part too.

I am determined that the victims of Hurricane Katrina and poor Americans throughout the United States, who, as children, stood in their classrooms with their hands over their hearts and recited the Pledge of Allegiance and the words "with liberty and justice for all" will not find out those words were a lie.

I am determined that the victims of Hurricane Katrina living in the Houston Astrodome will have legal help they need when applying for food stamps and other forms of assistance available to them.

I am determined that the victims of Hurricane Katrina relocated to San Antonio will get legal help they need to deal with their insurance companies.

I am determined that the victims of Hurricane Katrina spread all across the country will get the legal assistance they need to rebuild their homes—and their lives.

With Federal, State and local partners working together, we can ensure equal access to the law for all Americans, including the thousands and thousands of victims of Hurricane Katrina.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I congratulate the Senator from Iowa for offering this amendment. I know he has been a passionate supporter of Legal Services and quite frankly so have I over the years, having used it when I was a social worker in Baltimore and a child abuse worker, I might add, when many of these children had very little protection, the kind of protection we have now.

Legal Services will perform services at multiple levels. One is the traditional services in all 50 States. No. 2, though, they will be very important now to people with Katrina, particularly those who are unfamiliar with paperwork and bureaucracy and applying and all of those things and will need someone to help them navigate.

One might ask, why would they need a lawyer? Legal Services offers more than lawyers, and they will be there. I think the Senator's amendment is excellent. I think what we need to be able to do is find both the will and the wallet to fully support Legal Services.

When I think back on what Legal Services has meant, it often helped people get their lives together. I know in my own case as a social worker, it helped a welfare mother get a divorce from an abusive husband. It helped her be able to clear up all of her credit issues so that she could begin a new life. She got a GED so she could move off of welfare and establish herself. The credit card mess was due to the abusive husband. So Legal Services, really, in many instances helps families get their lives together.

So we look forward to supporting this amendment and working with him on other advocacy issues.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1652

Mr. SALAZAR. Mr. President, I rise in strong support of the amendment offered by Senator LINCOLN to ensure that victims of this terrible hurricane have access to the health care their situation demands today. This is the least we can do, and I urge Senators to support her amendment.

I was moved to hear the words of Senator LANDRIEU this morning. She has been a tireless warrior for her State throughout her career, and I commend her for her work and her efforts over the last tragic days she has been through in Louisiana. To her and to my other colleagues, to Senator LOTT, Senator COCHRAN, Senator VITTER, Senator SESSIONS, and Senator SHELBY, I simply say we should do everything in our power as a Senate to help the victims of this terrible storm and to help rebuild their States, cities, and communities.

Let me say, too, that I am proud of Coloradans and their response to this disaster. In the 10 days since the devastating storm hit the shores off the gulf coast, people of our State have stepped up to help the victims.

Experts from the national Centers for Disease Control and Prevention laboratory in Fort Collins will be dispatched to the region soon. Disease trackers from Fort Collins likely will be sent to the gulf coast to help contain the spread of the West Nile virus and the spread of other mosquito-borne illnesses in the aftermath of Hurricane Katrina. The U.S. Northern Command at Peterson Air Force Base, which is charged with defending against military attacks within our borders, is now charged with mobilizing military resources for the Hurricane Katrina disaster. The U.S. Joint Operations Center in Colorado Springs has nearly 1,000 people on 24-hour duty to facilitate Federal Emergency Management Agency requests.

I am proud of the men and women in uniform who today are helping our country within our borders.

Nearly 800 Colorado National Guard men and women are deployed to that region today. Churches in Denver and throughout the State of Colorado are mobilizing to help with relief efforts, whether that means collecting donations, physically traveling to the devastated communities, or taking in displaced refugees. The University of Colorado has started a streamlined admissions process for students temporarily displaced by Hurricane Katrina. Colorado State University has taken similar steps.

The American Red Cross Mile High Chapter, which houses the Nation's second largest disaster response phone operation and which for a time was handling one-third of the calls pouring into the Red Cross national headquarters in Washington, DC, has done a tremendous job, and in the immediate aftermath of the storm more than 800 Coloradans volunteered to receive training and field phone calls and take donations for the Red Cross. My wife Hope and my daughter Melinda and I visited the Denver operation last week and helped man the phones. I could not have been more proud of our State and its people. I am sure the experience of Colorado is an experience that has gone across all of our 50 States of our great Nation.

I remember Sunday, August 28, very well. The country held its collective breath as we awaited landfall of Hurricane Katrina. In my faith, we celebrate Feast Days of Saints, symbols of the kinds of lives Catholics aspire to lead. Sunday, August 28, was the Feast Day of Saint Augustine, an intellectual giant in our church who became so only after battling great personal challenges in his own personal life. Augustine had an important piece of advice for all of us that is applicable today. He said:

> Pray, as though everything depended on God. Work as though everything depended on you.

One look at the devastation in the gulf coast—the destruction wrought in Biloxi, MS, the obliteration of towns all along the Mississippi coast, and the suffering in New Orleans and across Louisiana—and none of us could have imagined that kind of devastation could ever occur here in our homeland. We cannot help but feel that the reconstruction of this wonderful part of our country will depend not only on our human powers but also on the supernatural powers that will guide us.

But seeing the suffering on the faces of our fellow countrymen, women, and children, you cannot feel anything but to be ready to work as if the end of their suffering depends on our work. In point of fact, those suffering people depend on us to end their suffering, and we owe it to them to work as though everything depends on us. I submit that a basic function of the Federal Government is to respond to a national disaster such as Katrina which has devastated 90,000 square miles of America.

We can and we must do everything we can. I submit we should take on our challenge in three critical ways. First, we must provide immediate humanitarian assistance. Second, the President should lead a Marshall-like plan to reconstruct the gulf coast region. Third, we must learn the lessons from the Katrina disaster so we can prevent these kinds of disasters from happening elsewhere in our great Nation.

Let me review each of those points. First, by providing immediate humanitarian aid and assistance to the victims of this terrible disaster, we should be doing what is our duty as a nation. Last week, Congress provide FEMA $10.5 billion in emergency funding. Today, we anticipate we will provide another $51.8 billion for this national disaster. Passing these appropriations will help the victims of Hurricane Katrina, and it is the right thing to do. I am proud we are taking these steps.

At the same time, the Federal Government can and should do more. That is why I commend Senators REID and LANDRIEU for introducing the Katrina Emergency Relief Plan earlier today. I am proud to cosponsor that legislation, and I urge my colleagues to join us in immediately passing this much needed relief for the victims.

We can take that first step now by passing Senator LINCOLN's proposed amendment. The people of our great Nation have the right to expect and deserve the best emergency and disaster response services in the world. It is the responsibility of the Federal Government to protect its citizens, and in the aftermath of Hurricane Katrina much more needs to be done to live up to that responsibility.

The Katrina Emergency Relief Plan is the right first step. I also will continue to press for additional immediate relief, including: first, an emergency appropriation for CDC, for disease surveillance and mitigation; second, immediate assistance to States for those universities and school districts, such as those in Colorado, that take on displaced students from Katrina-affected elementary, middle, high schools, and university settings; third, an expansion of the cap on the amount of charitable donations that can be claimed for tax purposes when those donations are given for Hurricane Katrina responses; fourth, a fix in the Tax Code to permit the expenses associated with the provision of room and board to victims of Hurricane Katrina to be tax deductible; and, finally, exempting the victims of Hurricane Katrina from the means test under the new bankruptcy law due to take effect on October 17 of this year.

Second, we must respond to this disaster by creating a Marshall plan for reconstruction of the gulf coast. From jazz to William Faulkner, these affected States have given much to our country and to our history. As such, I cannot imagine that anyone would not consider investing the resources necessary to rebuild this vital part of our great country. We owe it to our fellow countrymen and people on the gulf coast.

This will require a recovery and reconstruction effort on the scale of the Marshall plan that rebuilt Europe after World War II. Not unlike post-World War II Europe, the Gulf States are now facing unprecedented damages which require immediate action. Entire towns in Mississippi were destroyed and it will take months to make New Orleans and other communities in Louisiana habitable again.

Such a plan should include the creation of a small and effective Cabinet member-chaired task force—that the President would appoint—with State and local participation, and that task force would have a singular focus on this challenge. The task force should develop a plan for reconstruction, identify the costs associated with that plan, and oversee its successful implementation.

In addition, I recommend getting our hands around the pain at the pump created by the record high gas prices, and the impact they are having on our country, including consumers, farmers, ranchers, and businesses. A first step in that effort is for the Department of Justice to provide assistance, both technical and financial, to State attorneys general to fight price gouging and contractor fraud, and freeze any requirements for small businesses and farmers affected by Katrina to service Small Business Administration and USDA loans or any other Federal Government-provided loans until the affected areas can be reconstructed.

If we are to have a Marshall plan, we also will need to have a leader of the caliber of General George C. Marshall. That is why I repeat today my request to the President that he seek the resignation of Michael Brown, the FEMA Director, and replace him with a leader who has the experience and expertise to meet the challenges of the greatest natural disaster in our country's history.

Thirdly, we must expeditiously determine what happened in response to this disaster and how we should reform FEMA and our Federal agencies to ensure that this slow response does not happen again.

I have already joined my colleagues in calling for an independent commission to investigate the Federal response to Hurricane Katrina and how we can be better prepared for future cataclysmic events. This effort can be helpful, and, as was the case in the wake of the terrible 9/11 terrorist attacks, we can, in fact, do something to learn the lessons we must learn.

But what we do not need is a partisan investigation that produces predetermined results. Remember the history of the 9/11 Commission, the most bipartisan and successful commission in a long time. It was only against the backdrop of opposition from the White House and after months of calls from the families of the victims of 9/11 that the commission was created, and, once created, that commission did its job.

I hope we can avoid the partisan wrangling this time around and get a commission that gets right to work on this very important effort.

I will also propose legislation to improve training for evacuation and relocation in reaction to natural or manmade disasters. We often cannot predict when natural disasters will strike, but we must begin preparation for future incidents without further delay.

I hope, too, that the conferees on the Homeland Security will keep in that conference report my amendment to require a national survey of first responders. I recently conducted such a survey of Colorado's first responders and was appalled at the result which demonstrated how unprepared our first responders are in dealing with these kinds of disasters. Given what we have seen in the last 10 days—where the Federal Government's response has without question failed—we need to hear directly from the police, firefighters, and others how we can improve our response.

In closing, I am reminded of another saying by Saint Augustine. He asked:

> What does love look like? It has the hands to help others. It has the feet to hasten to the poor and the needy. It has eyes to see misery and want. It has the ears to hear the sighs and sorrows of men. That is what love looks like.

The victims of this terrible tragedy love this country, but this country has let them down. It is now time for this Senate, this Congress, and this President, who runs the executive branch, to get to work to rectify that letdown.

We are this great country's hands, and we can do more to help those victims. We are this great country's feet, and we can do more to carry assistance to those victims. We are this great country's eyes, and we must see what they are suffering through. We are this great country's ears, and we cannot turn a deaf ear to the pleas from the gulf coast.

We can do better, and I look forward to working with all of my colleagues to ensure that we do.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1654

Mr. DAYTON. Mr. President, I ask unanimous consent to set aside the pending amendments and call up amendment numbered 1654.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, and Mr. CHAMBLISS, Mr. OBAMA, Mr. KERRY, and Mr. HARKIN, proposes an amendment numbered 1654.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The amendment (No. 1654) is as follows:

(Purpose: To increase funding for Justice Assistance Grants)

On page 133, line 24, strike "$1,078,350,000" and insert "$1,353,350,000 of which in addition to amounts provided by the following table $275,000,000 shall be available for Justice Assistance Grants to be offset by reducing appropriations in this title by a total of $275,000,000 to come from activities as follows: $43,000,000 from travel and transportation of persons; $3,000,000 from transportation of things; $27,000,000 from communications, utilities, and miscellaneous charges; $6,000,000 from printing and reproduction; and $196,000,000 from other services".

Mr. DAYTON. I thank the distinguished ranking member for assistance in putting this together. I thank my distinguished cosponsor of this amendment, Senator CHAMBLISS of Georgia, for his leadership and involvement in the Byrne Grants, along with Senator LIEBERMAN whose long-time involvement in the grants has been recognized nationally.

It is my understanding the amendment is further cosponsored by Senator OBAMA, Senator KERRY, and Senator HARKIN, and I ask unanimous consent Senators HAGEL, CLINTON, CANTWELL, and SALAZAR be added as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, this amendment increases the funding for the Juvenile Assistance Grants by $275 million, with particular focus on adding that funding to what are called the Byrne Grants, which are local law enforcement grants vital in my State of Minnesota for fighting the scourge of meth that has ravaged communities, that has been so destructive to schoolchildren of all ages, I am sorry to say, particularly teenagers and young adults.

The illegal meth used in production in Minnesota has increased in a skyrocketing fashion. I understand that is true in many other States as well. These Byrne Grants have been essential to Minnesota and other law enforcement efforts to provide the funds necessary to combat the scourge. The funds go to local law enforcement block grants.

The Byrne Formula Grants consolidated into the Justice Assistance Grant have been reduced in the last couple of years. This restores badly needed funding for those purposes. I commend the chairman of the subcommittee and the ranking member for providing $625 million of funding that is well above what the House of Representatives has provided, $348 million.

This money is desperately needed and will be well used. My amendment is fully offset by various reductions in administrative expenses. I can detail those if Members desire, but it will be fully offset, and has been determined as such by the Congressional Budget Office.

I ask unanimous consent, at the conclusion of my remarks, the following letters of endorsement from the national organizations be added: The National Association of Police Officers, the International Association of Chiefs of Police, the Minnesota Sheriff's Association, the Minnesota Police and Peace Officers Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. DAYTON. I ask my colleagues to support this bipartisan effort. I believe they will find, as I have, this has almost unanimous support of local law enforcement officials in their States, as it does in mine. The funding is desperately needed, and it will be well used and go to our communities, to our counties, to our States in ways that will be directly involved in reducing juvenile crime as well as other forms of crime.

EXHIBIT 1

THE NATIONAL ASSOCIATION
OF POLICE OFFICERS,
September 8, 2005.

Re Dayton Amendment re JAG funding.

Office of SENATOR DAYTON,
Washington, DC.

NAPO supports Senator Dayton's amendment to increase JAG funding by $275 million. The Justice Assistance Grants have provided beneficial support for local law enforcement, fostered community initiatives against crime and facilitated improvements to State criminal justice systems. We thank the Senator for his continued work to ensure that local law enforcement is afforded the ability to receive the effective and user-friendly funds it Deeds the most.

Please keep me posted on how the amendment fares today.

Thank you.

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE,
September 6, 2005.

Hon. MARK DAYTON,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR DAYTON: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our support for your amendment to restore funding to the Justice Accountability Grant (JAG) program. As you know, the IACP is the world's oldest and largest association of law enforcement executives with more than 20,000 members in 100 countries.

The JAG program, which was formed by consolidating the Edward Byrne Memorial Grant program and the Local Law Enforcement Block Grant program, is one of the primary federal assistance programs for state, tribal and local law enforcement agencies. For more than a decade, the resources provided under the JAG program have allowed law enforcement agencies to expand their capabilities and make great strides in reducing the incidence of crime in communities across the nation. The JAG program provides crucial funding to assist states, tribes and local governments in controlling and preventing drug abuse, crime and violence, and in improving the functioning of the criminal justice system.

However, this vital program has seen significant cuts in recent years. H.R. 2862 as currently drafted in the Senate would provide $625 million, a cut of $275 million or 30 percent, from FY 2003 levels. Cuts of this magnitude will certainly have a significant and negative impact on the ability of state, tribal and local law enforcement agencies to maintain the many critical anti-crime programs that are currently supported by funds received under the JAG program.

It is vital that Congress act to ensure that state, tribal and local law enforcement agencies continue to receive the resources necessary to fulfill their mission of protecting the public and the communities they serve. For these reasons, the IACP urges all Members of Congress to support your efforts to restore funding to the JAG program to FY 2003 levels.

Thank you for your efforts on behalf of law enforcement.

Sincerely,

GENE R. VOEGTLIN,
Legislative Counsel.

MINNESOTA SHERIFFS ASSOCIATION,
September 7, 2005.

DEAR SENATOR MARK DAYTON: The Sheriffs of Minnesota are asking for your support and leadership in restoring funding for the Justice Assistance Grant (JAG) program, including the Byrne Grant Program and LLEBG. It is my understanding you are considering an amendment that would add $275M to JAG which would increase funding to 2003 level of funding.

Under the Administration's current proposal funding for several of these crime fighting programs are significantly decreased or eliminated altogether. The Minnesota Sheriffs Association is requesting your support in restoring funding for the Byrne Memorial Justice Assistance Grant and COPS programs. In Minnesota the Byrne Grant program is critical to the success of our Gang and Drug Task Force operations. During our Minnesota 2005 Legislative session, our legislature appropriated local funds to match the Byrne Grant funds. The coordination of these funds will give our law enforcement officers the resources and necessary support as they battle both increased gang activity and massive increase in meth addiction and use within our state. Example: in a recent sample survey at several of our county jails it was revealed over 53% of our prisoners are in jail due to meth/drug related charges. Without the Byrne Grant funding, local crime fighting resources will have to be reduced.

Please do what you can to restore the Byrne Grant funding. This is a very important source of federal funding for our Sheriffs and local units of government. Thank you for your consideration.

Sincerely,

JAMES D. FRANKLIN,
Executive Director.

MINNESOTA POLICE AND
PEACE OFFICERS ASSOCIATION,
September 8, 2005.

Hon. Senator MARK DAYTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DAYTON: I write today to thank you and commend your efforts to ensure continued and critically needed funding for the Byrne Justice Assistance Program. I wish to express the strong support of police officers across the state and the 7,500 members of the Minnesota Police and Peace Officers Association (MPPOA), for the Dayton-Chambliss amendment to the FY 2006 Commerce, Justice, Science Appropriations Bill (H.R. 2862) to enhance funds provided for this critically important program.

In Minnesota and other states across the country, the Byrne Justice Assistance Program is a significant source of support for education, treatment, and law enforcement initiatives combating the scourge of methamphetamine. As you know, methamphetamine is a serious and still growing problem in Minnesota, and it continues to spread throughout the nation. Exposure to methamphetamme and the waste and byproducts from its production poses significant risks and has devastating consequences—for individuals, children, communities, and emergency services personnel. Indeed, nearly every day a tragic story is reported in the Minnesota news media telling of the devastating effect of methamphetamine on our residents, our families, and our communities.

As President of Minnesota Police and Peace Officers Association (MPPOA), I have witnessed first hand the benefits of the Byrne Program in protecting our communities and families from the growing problem of methamphetamine. In Minnesota, the Byrne Justice Assistance Program funds local drug education treatment, and law enforcement programs, including 21 multi-jurisdictional drug task forces that are tasked with combating the epidemic of methamphetamine trafficking and production in our communities. Without the support of the Byrne Justice Assistance Program funding, these drug task forces face reductions that will decrease their abilities and effectiveness. Should this occur, Minnesota's ability to fight the war on drugs would undoubtedly be diminished, with potentially disastrous consequences. I have attached a recent article from the Fergus Falls (MN) Daily Herald which illustrates the importance of the drug task forces and the potential consequences of reductions in available resources.

The concerns of Minnesota law enforcement officers are not limited to the borders of the state—methamphetamine "cooks" often obtain the necessary ingredients in surrounding states and manufacture the drug locally. In addition, the international and interstate trafficking of methamphetamine is increasing as the drug task forces succeed in their efforts to identify, arrest, and prosecute domestic clandestine methamphetamine laboratory operators. These challenges exhibit the need for a strong federal response to methamphetamine, an effort that, in many areas, depends on the support of the Byrne Justice Assistance Grant Program.

Once again Senator Dayton, thank you for your continued support of Minnesota's law enforcement community and your efforts to ensure adequate resources in the national fight against methamphetamine.

Sincerely,

BOB BUSHMAN,
President.

Mr. DAYTON. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I rise in support of Senator DAYTON and Senator CHAMBLISS's amendment. In the wake of the devastation of Hurricane Katrina and the massive displacement of hundreds of thousands of people, the country has once again relied on the strong efforts of the Nation's first responders to provide aid during a time of national tragedy.

Although the Federal response to this disaster may have been too slow, there can be no doubt that the men and women on the nation's front lines have valiantly come to the aid of their fellow citizens.

Police officers from New York City, NY, to Alton, IL, have answered the call of duty and volunteered to go to New Orleans to assist in rescue, recovery, and reconstruction efforts. These brave men and women are the Nation's heroes, and this body should do all it can to provide them with the resources they need to do their jobs.

Unfortunately, at a time when we are relying on the Nation's first responders—our law enforcement, our fire fighters, our emergency technicians—to protect us against terrorism, to respond to natural disasters, to protect us from the normal everyday ravages of crime and drug use that do not abate just because the Nation is at war—it is shocking to me that Washington is contemplating major cuts to important law enforcement assistance programs.

That is why I am proud to be joining Senators DAYTON and CHAMBLISS in cosponsoring an amendment to the Commerce, Justice, Science appropriations bill to increase funding for the Edward Byrne Memorial Justice Assistance Grant Program.

The Edward Byrne Memorial Justice Assistance Grant Program, provides an important source of funding for state and local law enforcement to make communities safer and improve criminal justice.

In Illinois, these dollars are put to good use. They help fight the scourge of methamphetamine, which has traveled from the West Coast to the Midwest and is ruining rural communities across the country.

The meth problem has grown exponentially in the last few years. Police in Illinois encountered 971 meth labs in 2003—more than double the number seen in the year 2000. The quantity of meth seized by the Illinois State Police increased nearly ten-fold between 1997 and 2003.

The meth problem is taking over communities—depleting already limited resources, taxing the police, the judicial system, social services, and the schools. Every aspect of the local communities are touched and harmed by meth.

Luckily, one program has proven helpful in Illinois' battle against meth—the Byrne Justice Assistance Grant Program.

In 2004 alone, Byrne Justice Assistance Grant dollars helped make 1,267 methamphetamine drug arrests in Illinois. That same year, Byrne Justice Assistance Grant dollars helped seize 348,923 grams of methamphetamine.

For rural Illinois, Justice Assistance Grant dollars have provided a much-needed life raft, funding important multi-jurisdictional programs that have allowed various counties and communities to join together, combine resources and work to stop the onslaught of meth.

The Southern Illinois Enforcement Group—a coalition of three Southern, predominantly rural Illinois counties, is one of these task forces. The unit has responded to 84 meth labs so far this year, more than 40 percent of all meth labs in the greater Southern Illinois 33-county region for 2005.

When I visited with law enforcement from the Metropolitan Enforcement Group of Southwestern Illinois, another one of these task forces, this August, they shared with me how important these dollars are to their efforts. They fear that any cuts will mean a reduction in the number of officers, or even worse, the loss of the task force, either of which will mean that they will have to battle a growing meth problem with fewer resources. Now, this body is proposing to flatfund the Byrne Grant Program at $625 million.

While this is much better than the alternative proposed by the President—who wanted to eliminate the program—and it is better than the House option, which has voted to fund the Justice Assistance Grant Program at $366.4 million—this is woefully short of the funding provided this program only 3 years ago.

The amendment I cosponsor today would fund the Justice Assistance Grant program at $900 million, the same amount provided the Byrne Formula Grants and the Local Law Enforcement Block Grants, which comprise the Justice Assistance Grant program in fiscal year 2003.

I hope my colleagues will join me and Senators DAYTON and CHAMBLISS in supporting our Nation's law enforcement—and giving them the resources they need to do their jobs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent to be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

USA PATRIOT ACT

Mr. BOND. Mr. President, we are all very busily working on appropriations bills, and we are working in committees as individuals and leaders on the terrible tragedy of Hurricane Katrina, and our hearts and our thoughts and prayers go out to all the victims. We know a tremendous amount of work needs to be done, and we are just beginning to see how big it is and how difficult it is going to be. Certainly, the distinguished manager of the bill knows in his own State how terrible this crisis is.

But I believe it is important to issue a cautionary message that as we approach the anniversary of 9/11, we cannot lose sight of the fact that we are still at war and under attack by those who want to end our way of life and destroy our civilization and terrorize our citizens.

I have been asking myself: Are we safe from another terrorist attack on the scale of 9/11? Is the Government doing everything it can to protect us? What can we do better? We have heard recently some very ominous warnings from leaders of al-Qaida that they are preparing another terrorist attack. Obviously, we have to maintain the appropriate means of defense, and we have done a good job of making it more difficult for terrorists to strike commercial airlines, but we also know, from having seen the attacks in London in July, that terrorists are looking for soft targets.

It is not enough to protect what we know they have attacked in the past. We have to do a better job. I think President Bush was right in saying the best way we can keep our country safe is to carry the war on terror to those countries that harbor terrorists.

I heard some discussion recently about whether we should have gone into Iraq. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Christopher Hitchens in last week's Weekly Standard that lays out in detail, for anybody who is interested, why we had to go into Iraq, why it is the right war. I would incorporate that by reference because that article does a good job of outlining my own beliefs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Weekly Standard, Sept. 5-12, 2005]

A WAR TO BE PROUD OF: THE CASE FOR OVERTHROWING SADDAM WAS UNIMPEACHABLE. WHY, THEN, IS THE ADMINISTRATION TONGUE-TIED?

(By Christopher Hitchens)

Let me begin with a simple sentence that, even as I write it, appears less than Swiftian in the modesty of its proposal: "Prison conditions at Abu Ghraib have improved markedly and dramatically since the arrival of Coalition troops in Baghdad."

I could undertake to defend that statement against any member of Human Rights Watch or Amnesty International, and I know in advance that none of them could challenge it, let alone negate it. Before March 2003, Abu Ghraib was an abattoir, a torture chamber, and a concentration camp. Now, and not without reason, it is an international byword for Yankee imperialism and sadism. Yet the improvement is still, unarguably, the difference between night and day. How is it possible that the advocates of a post Saddam Iraq have been placed on the defensive in this manner? And where should one begin?

I once tried to calculate how long the post-Cold War liberal Utopia had actually lasted. Whether you chose to date its inception from the fall of the Berlin Wall in November 1989, or the death of Nicolae Ceausescu in late December of the same year, or the release of Nelson Mandela from prison, or the referendum defeat suffered by Augusto Pinochet (or indeed from the publication of Francis Fukuyama's book about the "end of history" and the unarguable triumph of market liberal pluralism), it was an epoch that in retrospect was over before it began. By the middle of 1990, Saddam Hussein had abolished Kuwait and Slobodan Milosevic was attempting to erase the identity and the existence of Bosnia. It turned out that we had not by any means escaped the reach of atavistic, aggressive, expansionist, and totalitarian ideology. Proving the same point in another way, and within approximately the same period, the theocratic dictator of Iran had publicly claimed the right to offer money in his own name for the suborning of the murder of a novelist living in London, and the génocidaire faction in Rwanda had decided that it could probably get away with putting its long-fantasized plan of mass murder into operation.

One is not mentioning these apparently discrepant crimes and nightmares as a random or unsorted list.

Khomeini, for example, was attempting to compensate for the humiliation of the peace agreement he had been compelled to sign with Saddam Hussein. And Saddam Hussein needed to make up the loss, of prestige and income, that he had himself suffered in the very same war. Milosevic (anticipating Putin, as it now seems to me, and perhaps Beijing also) was riding a mutation of socialist nationalism into national socialism. It was to be noticed in all cases that the aggressors, whether they were killing Muslims, or exalting Islam, or just killing their neighbors, shared a deep and abiding hatred of the United States.

The balance sheet of the Iraq war, if it is to be seriously drawn up, must also involve a confrontation with at least this much of recent history. Was the Bush administration right to leave—actually to confirm—Saddam Hussein in power after his eviction from Kuwait in 1991? Was James Baker correct to say, in his delightfully folksy manner, that the United States did not "have a dog in the fight" that involved ethnic cleansing for the mad dream of a Greater Serbia? Was the

Clinton administration prudent in its retreat from Somalia, or wise in its opposition to the U.N. resolution that called for a preemptive strengthening of the U.N. forces in Rwanda?

I know hardly anybody who comes out of this examination with complete credit. There were neoconservatives who jeered at Rushdie in 1989 and who couldn't see the point when Sarajevo faced obliteration in 1992. There were leftist humanitarians and radicals who rallied to Rushdie and called for solidarity with Bosnia, but who—perhaps because of a bad conscience about Palestine—couldn't face a confrontation with Saddam Hussein even when he annexed a neighbor state that was a full member of the Arab League and of the U.N. (I suppose I have to admit that I was for a time a member of that second group.) But there were consistencies, too. French statecraft, for example, was uniformly hostile to any resistance to any aggression, and Paris even sent troops to rescue its filthy clientele in Rwanda. And some on the hard left and the brute right were also opposed to any exercise, for any reason, of American military force.

The only speech by any statesman that can bear reprinting from that low, dishonest decade came from Tony Blair when he spoke in Chicago in 1999. Welcoming the defeat and overthrow of Milosevic after the Kosovo intervention, he warned against any self-satisfaction and drew attention to an inescapable confrontation that was coming with Saddam Hussein. So far from being an American "poodle," as his taunting and ignorant foes like to sneer, Blair had in fact leaned on Clinton over Kosovo and was insisting on the importance of Iraq while George Bush was still an isolationist governor of Texas.

Notwithstanding this prescience and principle on his part, one still cannot read the journals of the 2000/2001 millennium without the feeling that one is revisiting a hopelessly somnambulist relative in a neglected home. I am one of those who believe, uncynically, that Osama bin Laden did us all a service (and holy war a great disservice) by his mad decision to assault the American homeland four years ago. Had he not made this world-historical mistake, we would have been able to add a Talibanized and nuclear-armed Pakistan to our list of the threats we failed to recognize in time. (This threat still exists, but it is no longer so casually overlooked.)

The subsequent liberation of Pakistan's theocratic colony in Afghanistan, and the so-far decisive eviction and defeat of its bin Ladenist guests, was only a reprisal. It took care of the last attack. But what about the next one? For anyone with eyes to see, there was only one other state that combined the latent and the blatant definitions of both "rogue" and "failed." This state—Saddam's ruined and tortured and collapsing Iraq—had also met all the conditions under which a country may be deemed to have sacrificed its own legal sovereignty. To recapitulate: It had invaded its neighbors, committed genocide on its own soil, harbored and nurtured international thugs and killers, and flouted every provision of the Non-Proliferation Treaty. The United Nations, in this crisis, faced with regular insult to its own resolutions and its own character, had managed to set up a system of sanctions-based mutual corruption. In May 2003, had things gone on as they had been going, Saddam Hussein would have been due to fill Iraq's slot as chair of the U.N. Conference on Disarmament. Meanwhile, every species of gangster from the hero of the Achille Lauro hijacking to Abu Musab al Zarqawi was finding hospitality under Saddam's crumbling roof.

One might have thought, therefore, that Bush and Blair's decision to put an end at last to this intolerable state of affairs would be hailed, not just as a belated vindication of long-ignored U.N. resolutions but as some corrective to the decade of shame and inaction that had just passed in Bosnia and Rwanda. But such is not the case. An apparent consensus exists, among millions of people in Europe and America, that the whole operation for the demilitarization of Iraq, and the salvage of its traumatized society, was at best a false pretense and at worst an unprovoked aggression. How can this possibly be?

There is, first, the problem of humorless and pseudo-legalistic literalism. In Saki's short story The Lumber Room, the naughty but clever child Nicholas, who has actually placed a frog in his morning bread-and-milk, rejoices in his triumph over the adults who don't credit this excuse for not eating his healthful dish:

"You said there couldn't possibly be a frog in my bread-and-milk; there was a frog in my bread-and-milk," he repeated, with the insistence of a skilled tactician who does not intend to shift from favorable ground.

Childishness is one thing—those of us who grew up on this wonderful Edwardian author were always happy to see the grown-ups and governesses discomfited. But puerility in adults is quite another thing, and considerably less charming. "You said there were WMDs in Iraq and that Saddam had friends in al Qaeda. . . . Blah, blah, pants on fire." I have had many opportunities to tire of this mantra. It takes ten seconds to intone the said mantra. It would take me, on my most eloquent C-SPAN day, at the very least five minutes to say that Abdul Rahman Yasin, who mixed the chemicals for the World Trade Center attack in 1993, subsequently sought and found refuge in Baghdad; that Dr. Mahdi Obeidi, Saddam's senior physicist, was able to lead American soldiers to nuclear centrifuge parts and a blueprint for a complete centrifuge (the crown jewel of nuclear physics) buried on the orders of Qusay Hussein; that Saddam's agents were in Damascus as late as February 2003, negotiating to purchase missiles off the shelf from North Korea; or that Rolf Ekeus, the great Swedish socialist who founded the inspection process in Iraq after 1991, has told me for the record that he was offered a $2 million bribe in a face-to face meeting with Tariq Aziz. And these eye-catching examples would by no means exhaust my repertoire, or empty my quiver. Yes, it must be admitted that Bush and Blair made a hash of a good case, largely because they preferred to scare people rather than enlighten them or reason with them. Still, the only real strategy of deception has come from those who believe, or pretend, that Saddam Hussein was no problem.

I have a ready answer to those who accuse me of being an agent and tool of the Bush-Cheney administration (which is the nicest thing that my enemies can find to say). Attempting a little levity, I respond that I could stay at home if the authorities could bother to make their own case, but that I meanwhile am a prisoner of what I actually do know about the permanent hell, and the permanent threat, of the Saddam regime. However, having debated almost all of the spokespeople for the antiwar faction, both the sane and the deranged, I was recently asked a question that I was temporarily unable to answer. "If what you claim is true," the honest citizen at this meeting politely asked me, "how come the White House hasn't told us?"

I do in fact know the answer to this question. So deep and bitter is the split within official Washington, most especially between the Defense Department and the CIA, that any claim made by the former has been undermined by leaks from the latter. (The latter being those who maintained, with a combination of dogmatism and cowardice not seen since Lincoln had to fire General McClellan, that Saddam Hussein was both a "secular" actor and—this is the really rich bit—a rational and calculating one.)

There's no cure for that illusion, but the resulting bureaucratic chaos and unease has cornered the president into his current fall-back upon platitude and hollowness. It has also induced him to give hostages to fortune. The claim that if we fight fundamentalism "over there" we won't have to confront it "over here" is not just a standing invitation for disproof by the next suicide-maniac in London or Chicago, but a coded appeal to provincial and isolationist opinion in the United States. Surely the elementary lesson of the grim anniversary that will shortly be upon us is that American civilians are as near to the front line as American soldiers.

It is exactly this point that makes nonsense of the sob-sister tripe pumped out by the Cindy Sheehan circus and its surrogates. But in reply, why bother to call a struggle "global" if you then try to localize it? Just say plainly that we shall fight them everywhere they show themselves, and fight them on principle as well as in practice, and get ready to warn people that Nigeria is very probably the next target of the jihadists. The peaceniks love to ask: When and where will it all end? The answer is easy: It will end with the surrender or defeat of one of the contending parties. Should I add that I am certain which party that ought to be? Defeat is just about imaginable, though the mathematics and the algebra tell heavily against the holy warriors. Surrender to such a foe, after only four years of combat, is not even worthy of consideration.

Antaeus was able to draw strength from the earth every time an antagonist wrestled him to the ground. A reverse mythology has been permitted to take hold in the present case, where bad news is deemed to be bad news only for regime-change. Anyone with the smallest knowledge of Iraq knows that its society and infrastructure and institutions have been appallingly maimed and beggared by three decades of war and fascism (and the "divide-and-rule" tactics by which Saddam maintained his own tribal minority of the Sunni minority in power). In logic and morality, one must therefore compare the current state of the country with the likely or probable state of it had Saddam and his sons been allowed to go on ruling.

At once, one sees that all the alternatives would have been infinitely worse, and would most likely have led to an implosion—as well as opportunistic invasions from Iran and Turkey and Saudi Arabia, on behalf of their respective interests or confessional clienteles. This would in turn have necessitated a more costly and bloody intervention by some kind of coalition, much too late and on even worse terms and conditions. This is the lesson of Bosnia and Rwanda yesterday, and of Darfur today. When I have made this point in public, I have never had anyone offer an answer to it. A broken Iraq was in our future no matter what, and was a responsibility (somewhat conditioned by our past blunders) that no decent person could shirk. The only unthinkable policy was one of abstention.

Two pieces of good fortune still attend those of us who go out on the road for this urgent and worthy cause. The first is contingent: There are an astounding number of plain frauds and charlatans (to phrase it at is highest) in charge of the propaganda of the other side. Just to tell off the names is to frighten children more than Saki ever could: Michael Moore, George Galloway, Jacques Chirac, Tim Robbins, Richard Clarke, Joseph Wilson . . . a roster of gargoyles that would send Ripley himself into early retirement. Some of these characters are flippant, and make heavy jokes about Halliburton, and some disdain to conceal their sympathy for the opposite side. So that's easy enough.

The second bit of luck is a certain fiber displayed by a huge number of anonymous Americans. Faced with a constant drizzle of bad news and purposely demoralizing commentary, millions of people stick out their jaws and hang tight. I am no fan of populism, but I surmise that these citizens are clear on the main point: It is out of the question—plainly and absolutely out of the question—that we should surrender the keystone state of the Middle East to a rotten, murderous alliance between Baathists and bin Ladenists. When they hear the fatuous insinuation that this alliance has only been created by the resistance to it, voters know in their intestines that those who say so are soft on crime and soft on fascism. The more temperate anti-warriors, such as Mark Danner and Harold Meyerson, like to employ the term "a war of choice." One should have no problem in accepting this concept. As they cannot and do not deny, there was going to be another round with Saddam Hussein no matter what. To whom, then, should the "choice" of time and place have fallen? The clear implication of the antichoice faction—if I may so dub them—is that this decision should have been left up to Saddam Hussein. As so often before.

Does the President deserve the benefit of the reserve of fortitude that I just mentioned? Only just, if at all. We need not argue about the failures and the mistakes and even the crimes, because these in some ways argue themselves. But a positive accounting could be offered without braggartry, and would include:

(1) The overthrow of Talibanism and Baathism, and the exposure of many highly suggestive links between the two elements of this Hitler-Stalin pact. Abu Musab al Zarqawi, who moved from Afghanistan to Iraq before the coalition intervention, has even gone to the trouble of naming his organization al Qaeda in Mesopotamia.

(2) The subsequent capitulation of Qaddafi's Libya in point of weapons of mass destruction—a capitulation that was offered not to Kofi Annan or the E.U. but to Blair and Bush.

(3) The consequent unmasking of the A.Q. Khan network for the illicit transfer of nuclear technology to Libya, Iran, and North Korea.

(4) The agreement by the United Nations that its own reform is necessary and overdue, and the unmasking of a quasi-criminal network within its elite.

(5) The craven admission by President Chirac and Chancellor Schröder, when confronted with irrefutable evidence of cheating and concealment, respecting solemn treaties, on the part of Iran, that not even this will alter their commitment to neutralism. (One had already suspected as much in the Iraqi case.)

(6) The ability to certify Iraq as actually disarmed, rather than accept the word of a psychopathic autocrat.

(7) The immense gains made by the largest stateless minority in the region—the Kurds—and the spread of this example to other states.

(8) The related encouragement of democratic and civil society movements in Egypt, Syria, and most notably Lebanon, which has regained a version of its autonomy.

(9) The violent and ignominious death of thousands of bin Ladenist infiltrators into Iraq and Afghanistan, and the real prospect of greatly enlarging this number.

(10) The training and hardening of many thousands of American servicemen and women in a battle against the forces of nihilism and absolutism, which training and hardening will surely be of great use in future combat.

It would be admirable if the president could manage to make such a presentation. It would also be welcome if he and his deputies adopted a clear attitude toward the war within the war: in other words, stated plainly, that the secular and pluralist forces within Afghan and Iraqi society, while they are not our clients, can in no circumstance be allowed to wonder which outcome we favor.

The great point about Blair's 1999 speech was that it asserted the obvious. Coexistence with aggressive regimes or expansionist, theocratic, and totalitarian ideologies is not in fact possible. One should welcome this conclusion for the additional reason that such coexistence is not desirable, either. If the great effort to remake Iraq as a demilitarized federal and secular democracy should fail or be defeated, I shall lose sleep for the rest of my life in reproaching myself for doing too little. But at least I shall have the comfort of not having offered, so far as I can recall, any word or deed that contributed to a defeat.

Mr. BOND. But more important, we cannot just play defense against the terrorists. We have to collect more and better information. We have to get information on the location and activities of the next attack that is being planned. Unless we do a good job of that, we cannot have a good chance of stopping the next major terrorist attack on the United States.

I believe one part of that vital solution is found in a robust USA PATRIOT Act that would continue to provide national security investigators with the tools needed to continue to keep our country safe.

The PATRIOT Act has been the subject of national controversy and has undergone many unsubstantiated attacks by its opponents. But the fact is that the PATRIOT Act saved lives, and its original content must be preserved. We need to continue to focus on making sure we have the intelligence and the investigative resources necessary to protect against further attacks. We not only need to make permanent the provisions that are already in law, but we also must modify the current House version to include expanded authorities needed by national security investigators.

The men and women who are fighting the war on terror every day here at home say that without the PATRIOT Act, many of our Nation's most important successes would not have been possible. It addressed critical vulnerabilities in the pre-9/11 homeland defense posture. For example, it allowed national security investigators, pending a court's approval, to obtain and use a multiple wiretap to track a suspect's phone communications, even when a terrorist switches, changes, or abandons phones to avoid detection, a common terrorist tactic.

Specifically, according to senior law enforcement officials, during the summer of 2002, the act allowed our Nation's law enforcement intelligence communities to break up the Portland Seven terrorist cell. Members of that cell had traveled to Afghanistan in 2001 and 2002 to join the Taliban and al-Qaida against the United States.

In 2004, the act was used to protect the El Paso Islamic Center. When Jared Bjarnason sent an e-mail threatening to burn the center to the ground if hostages in Iraq were not freed, the FBI used provisions of the PATRIOT Act to identify him as the source of the threat. Without the provisions in that act, it would have taken 30 days to obtain a string of needed search warrants, while the threat of attack was only 3 days away.

Why is it that we need to make permanent several of the acts's provisions? Why do we need to modify proposed legislation to enhance further the ability of our Nation's law enforcement authorities? Some may argue: If it ain't broke, then don't fix it. But I am a show-me Missourian, and I can tell you that making permanent these provisions is very important.

Terrorism is the operative challenge we face. Over the last 4 years since 9/11, we have seen terrorism and specifically violent Sunni extremists waging war against us and our allies, led and inspired by Osama bin Laden and his lieutenant Ayman Al-Zawahiri. They are not a static, monolithic, or predictable enemy. They do not have a country. They are not identifiable as a nation or a state. They are a combination of stateless hierarchical and formalistic structures, equally lethal and fragmented. Because of the traits in the cultural and religious complexities, they are not predictable, quantifiable, or vulnerable to penetration. We have seen this in the Intelligence Committee, and we know that there is a great danger out there that we must continue to work to avoid.

These groups are highly organized and disciplined. They are inspired by bin Laden and Ayman Al-Zawahiri. They have been led, trained, and funded by graduates of al-Qaida training centers. Our enemy is determined to win. It is committed to victory. We cannot afford just to be hopeful.

As CIA Director James Woolsey once said: It is as if we were fighting with the dragon for some 45 years, slew the dragon, and then found ourselves in a jungle of poisonous snakes. The snakes are a lot harder to keep track of than the dragon ever was.

The PATRIOT Act is designed to be preventive. We know that the terrorists want to bleed us. Unfortunately, we have seen the blasphemy of Osama bin Laden taking the God of Abraham and claiming:

> Allah willing, and nothing is too great for Allah.

This videotape was just released. And more recently his deputy, Ayman Al-Zawahiri, released a message saying:

> The land and interests of the countries which took part in the aggression against Palestine, Iraq, and Afghanistan are targets for us. If you continue your politics against Muslims, you will see, God willing, such horror that you will forget the horrors of Vietnam.

This is the same kind of challenge and the same kind of threat we saw before 9/11. This, I am saying, requires us to be even more attuned and prepared for a potential terrorist attack.

I also note that in the recent BRAC proposals, we have gotten rid of many of the Air National Guard's air national defense missions. On 9/11, the Air National Guard flew 90 percent of the first 400 combat air patrols after the first 24 hours of the attack. We need to rethink our dismemberment of those critical assets.

Mr. President, I thank my colleagues for their indulgence. We are still facing a danger that we cannot overlook as we deal with the very real and certain tragedies of Katrina. I hope we will be able to continue our efforts to make sure that our law enforcement and intelligence agencies have the kind of resources they need to root out, to ferret out, to discover and, we hope, to defend against future terrorist attacks.

I thank the Chair and my colleagues, the managers of the bill. I yield the floor.

The PRESIDING OFFICER. The Republican whip.

SENATE RESPONSE TO HURRICANE KATRINA

Mr. McCONNELL. Mr. President, in times of catastrophe, when destruction, suffering, and death are so overwhelming that it breaks your heart and almost leaves you numb, it is comforting to find that an outpouring of generosity, kindness, and help from our fellow man restores our faith and strengthens our souls.

With all the destruction wrought by Hurricane Katrina, we see more and more acts of extraordinary generosity and kindness. In Louisville, Kentucky, my hometown, we are preparing right now to receive over 500 evacuees who have lost their homes due to Katrina. With all their worldly possessions gone, they are reliant on the kindness and generosity of their fellow Americans, and we are finding all across the country that kindness and generosity is certainly not lacking.

Red Cross volunteers in Louisville are working around the clock to turn the city's fairgrounds into a temporary shelter. At home, over 300 families turned out to shower donations on a local Salvation Army center. One man alone brought over 6,000 diapers. Others are bringing basic necessities such as soap, toothpaste, and towels.

This spirit of generosity for our fellow man is by no means limited to the Commonwealth of Kentucky. Across America, we have all seen pictures or heard stories over the last several days of millions of total strangers reaching out to help their fellow citizens who have been displaced by the tragic events on the Gulf Coast. We see Girl Scouts filling old backpacks with clothes, blankets and, yes, a stuffed animal for children who have lost everything. We hear of Boy Scouts collecting food and clothes, as well as raising funds for the Red Cross, the Salvation Army, and other aid organizations. Businesses small and large have opened their hearts, wallets, and warehouses to provide cash as well as in-kind aid. Churches of all denominations have taken up the cause of their brother's keeper.

Thanks to the support of so many Americans, the thousands of people from Louisiana, Mississippi, and Alabama affected by Katrina will have a chance to build new lives. Of course, local, State, and Federal Government has the major role to play at this point. I am pleased we were able to act quickly last week and pass a $10.5 billion appropriation for emergency response and recovery efforts. We are going to pass later today, hopefully, another $51.8 billion in assistance, and more will be on the way if and when that is needed.

Our thoughts and prayers are with our fellow Americans who have tragically lost loved ones and with many others who have lost their homes and all of their worldly possessions. The Senate must focus on the immediate task before us of providing support for the relief, recovery, and rebuilding of the Gulf Coast region.

While we have much important work to do in the days and weeks ahead, we can take some comfort that, once again, in the midst of a tragedy, the worst of times seems to bring out the best in our people. So let us appreciate the people of Louisville, of Atlanta, Houston, Baton Rouge, and all over the country who are reaching out to help Katrina's victims all across the Gulf States. While one person alone may make little difference in comparison to the magnitude of this disaster, millions of individual acts of compassion taking place all over our country will go a long way to alleviate the suffering.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, are we still in morning business?

The PRESIDING OFFICER. The Senate is considering the appropriations bill for Commerce-Justice-Science.

AMENDMENT NO. 1661

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendments be laid aside so that I may send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 1661.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency funding for victims of Hurricane Katrina)

At the end of the bill, insert the following:

TITLE VII—EMERGENCY RELIEF FOR VICTIMS OF HURRICANE KATRINA

In addition to amounts otherwise provided for in this Act, the following amounts are appropriated for fiscal year 2006 and designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

(1) ENHANCING STATE AND LOCAL LAW ENFORCEMENT.—$1,000,000,000 to the Community Oriented Policing Services function in the following amounts:

(A) $700,000,000 added to the Hiring section.

(B) $300,000,000 to the Interoperable Communications Technology section.

(2) ASSISTING CHILDREN IMPACTED BY HURRICANE KATRINA.—Under the Missing Children Program, $10,000,000 to the National Center for Missing and Exploited Children to find, unite, and transport children impacted by Hurricane Katrina to their parents, legal guardian, or next of kin.

(3) ASSISTING VICTIMS OF SEXUAL ABUSE AND DOMESTIC VIOLENCE.—Under the Violence Against Women Act function, $8,000,000 for the Office of Violence Against Women to assist victims of domestic violence and sexual abuse in the areas impacted by Hurricane Katrina in the following amounts:

(A) $2,000,000 for the Rape Abuse and Incest National Network (RAINN) to rebuild crises centers, provide emergency counseling services in shelters, provide emergency counseling services in shelters, provide adequate services in communities with evacuees, and provide adequate short- and long-term support for displaced persons across the country.

(B) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims within the State to be used to assist victims of sexual assault affected by Hurricane Katrina as determined by the assessment of statewide coalitions.

(C) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs within the State to be used to assist victims of domestic violence affected by Hurricane Katrina as determined by the assessment of the statewide coalitions, and that the statewide coalitions can assess those needs.

Mr. BIDEN. Mr. President, I have a number of points to make today. The bottom line of what I am proposing is an amendment to the Commerce-Justice-Science appropriations bill relating to law enforcement and COPS. The bottom line is—and I will explain this briefly—No. 1. I propose adding $1.019 billion to assist local law enforcement, support victims of domestic violence and sexual assault, and deal with some aspects of the impact of the hurricane on local law enforcement.

No. 2, this amendment contains $1 billion for the Office of Community Oriented Policing Services, the so-called COPS Program. It provides $700 million for hiring local officers, and it provides $300 million for interoperable communications equipment for local agencies. If you ever need any evidence of the fact that we need that equipment and need more of it, I think Katrina has demonstrated that, unfortunately, fairly well.

It also contains $10 million for the National Center for Missing and Exploited Children to help find and reunite children displaced by Hurricane Katrina, and it has $9 million to support victims of domestic violence and sexual assault impacted by what happened during this crisis.

It sounds like a lot of money—and it is a lot of money—but we have made a serious mistake relating to our domestic security, our homeland security, and our need to deal with the looming threats that flow from not only national disasters we are facing now—and I hope we don't face another like this—but the terrors spoken about by my friend from Missouri.

In 2002, we were aiding local law enforcement collectively by $2.4 billion a year. Although there has been some correction made, this administration proposed cutting that direct aid to local law enforcement down to $168 million. I find that mind-boggling. I find that as misplaced and misunderstood a representation as I do cutting money for levees and cutting money for the Corps of Engineers, as we have done the last 4 years. This is an attempt to not restore all but restore part of the assistance we provided for local law enforcement in the past.

The devastation caused by Hurricane Katrina has revealed the best and the worst about our great Nation. It has revealed a great economic divide that exists among our citizens, while it demonstrated as well the capacity of the majority of our citizens to be compassionate and even heroic during times of great need. It also exposed the demons of some who will use any opportunity to prey on the weak.

The hurricane also demonstrated the best and the worst in our Government. It is clear by all accounts that the Federal response was insufficient, and we will be discussing that in the coming days, weeks, and months to hopefully address the concerns so that, God forbid, faced with this or an attack, we would not go through the same degree of incompetence that seems to have been spread across the governmental front.

It also demonstrates clearly to me we have to do more to support State and local law enforcement officials. These men and women, in my opinion, demonstrated the best the Government had to offer, as opposed to the sudden incompetence we have seen. The men and women in Biloxi, New Orleans, and other police departments in the region have been working 24 hours a day. Many of them have lost their homes, and their families have been displaced. They have been working with limited food and water.

Many of them do not even have the facilities to take a shower and use a restroom. Lieutenant Bennelli of the New Orleans Police Department stated:

> I spent a year in Vietnam. The ordeal that these officials have gone through has been as trying as the time I spent in Vietnam.

For everyone who argues that—and I hear this a lot around here these days—local law enforcement is a local problem, they should take a look at what is happening in the Gulf States. I know many of my colleagues—and I respect my colleagues who have this view, but they are into this devolution of Government stuff, the new paradigm they like to talk about. They talk about the new paradigm in foreign policy. They talk about a new paradigm in local law enforcement in terms of devolution of Government. Translated, that means the only thing the Federal Government should do is those things which no State can do. Or put another way, if the State can do any of what is required to meet the needs of their citizens, only the State should do it.

From men and women on this floor who are equally as adamant about fighting crime as I have been in my years, they are saying they support eliminating the COPS Program. Why? They say it is not the business of the Federal Government. The Federal Government should not be involved in local law enforcement.

Well, I like to point out that 60 percent of all the crimes committed in America relate to drugs, abuse of drugs, the sale of drugs, illicit drugs. Is that a State responsibility or does not that stuff come across the border? Does not that stuff come from the Andes? Does not that stuff come from Afghanistan? Does not that stuff come from abroad? We can have the best police department, the most significant—and I think we have the best law enforcement agencies in the Nation in the State of Delaware, and you cannot stop the drugs coming down from Aramingo Avenue in Philadelphia. They cross State lines. So I respectfully suggest to the devolution-of-Government guys that Federal responsibility exists as it relates to local crime and local law enforcement.

I would like to point out another thing. God forbid we have an attack. Let us assume—and it was not, but let us assume some divers were planting explosives to blow up the levees along the Mississippi as opposed to Lake Pontchartrain, which by the way is a lot higher. Who is going to find them? Is it going to be some brave special forces officer in night vision goggles watching this happen and they are going to capture them or is it going to be my son who is now in the National Guard down in Gulfport, MS, patrolling the streets? Is he the one going to be doing that? No, it is going to be a local cop.

Who is going to find the guy or the woman or the terrorist who is going to try to put sarin gas into the Houston Astrodome or a giant shopping mall? It is going to be some cop coming from Dunkin' Donuts riding behind the facility catching someone in a dumpster.

I do not know what we are thinking about here. Cutting local law enforcement moneys? Forget Katrina, which only makes the point more starkly, but forget it for a moment. What are we doing? We had a great President named Reagan who said, if it ain't broke, don't fix it.

Guess what. Nobody has argued the COPS Program has not succeeded. No one has argued it has failed. A former Attorney General said, when it was time to eliminate it, I think the word he used was miraculous, it has been a miraculous program.

Let us cut it? Let us eliminate it?

I would make the suggestion that law enforcement is not purely a local problem. Look at what is happening in the Gulf States right now. Law enforcement is a national concern and requires a national response and a national commitment. Local communities need robust police departments. They need superior communication technology and equipment. I know my friends in the Commerce Committee know more about the spectrum fight, which I will not get into now, than most do, but the idea that there is not sufficient spectrum available to our first responders because the broadcast industry is unwilling to commit to the deal they made is beyond me.

Local communities are the ones that not only affect the overall security of the country but the day-to-day lives of their citizens by reducing crime. This also helps local governments be better at responding in periods of crisis. What could be more important to the national priority than the safety of our citizens?

We simply have not been doing right by our States and local government partners over the past few years. Throughout the 1990s we allocated billions of dollars to hire local law enforcement, provided them with the technology they needed. We all know the story. Reduce crime each year for 8 consecutive years and we are still reaping the benefits of those successes as crime rates still go down.

I would like to point out one other simple fact. Having chaired the Judiciary Committee or been its ranking member for I think 17 years and being on that committee for 30 years, to the best of my knowledge, there is no other time in American history when the cadre of those in their crime-committing years, meaning young people between the ages of 14 and 25, have increased and violent crime has gone down. This program has worked because the States have made it work. We reduced crime, as I said, 8 years in a row. But we did more than reduce crime by this legislation we have cut so drastically. We also demonstrated a commitment to local agencies. We increased their capacity to respond to any situations of the local communities.

In this year's budget, we have allocated only $2 million to hire police officers. This amount will hire approximately 25 officers throughout the Nation, hardly a ringing endorsement of our local agencies. Right now, the COPS office has pending applications to hire 8,000 local officers left unfilled due to lack of funds. The amendment I am offering today would provide $700 million to immediately fill these needs with special emphasis on filling the needs of those agencies in the devastated regions. The New Orleans Police Department in particular will need special assistance. If this funding is allocated to the COPS office, it should work with those agencies first.

We also know that network capabilities of agencies in the area have been destroyed. We need to help them get those networks back on line so they can continue to do their job. My amendment would add $300 million to the current allocation of $37 million, which is all that has been allocated. It would add $300 million to help agencies in the gulf coast get up and running again. The COPS office has had an overtime program to help local agencies pay overtime. We all understand the need to assist local agencies that have been working around the clock, but based on conversations with the Louisiana Association of Chiefs of Police and the National Sheriffs Association, it is my understanding that the Federal Emergency Management Agency will be reimbursing local agencies for those costs. Because of this understanding, we have not included additional assistance for overtime in this amendment.

Finally, we include $19 million for children who have been displaced and to support the domestic violence shelters that have been destroyed. The National Center for Missing and Exploited Children has reported that over 1,000 children have been displaced by this storm—that means they are not with their parents or guardians—and in this amendment we provide $10 million for that effort.

We also provide $9 million to support domestic violence victims impacted by the storms. We all heard of the reports of sexual assaults in the aftermath of Hurricane Katrina, and we will support those victims who have not been moved to new shelters.

In addition, this funding will support the shelters in Louisiana, Mississippi, and Alabama that have been impacted and will help support shelters in adjoining States that have been called upon to do much more in the coming months.

I think all of my colleagues have heard me say that I believe there is not a more important responsibility in Government than the safety of its citizens. It comes before their health, before their education, before everything. There are no civil liberties, there are no opportunities if one is not able to be safe on the street. Without safety and security, nothing else matters. Our local law enforcement agencies are there every day fighting crime and responding to emergencies. Hurricane Katrina demonstrated quite starkly the way we rely on them. The Federal support for these officers has been on a steady decline, as I said at the outset, the past few years. We need to reverse that trend. This amendment will help us get back on track.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Could I ask what the parliamentary situation is?

The PRESIDING OFFICER. The Commerce, Justice, Science appropriations bill is pending.

Mr. SARBANES. I ask unanimous consent that the pending amendment be set aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1662

Mr. SARBANES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 1662.

Mr. SARBANES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To assist the victims of Hurricane Katrina with finding new housing, and for other purposes)

On page 190, after line 14, insert the following:

SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) SHORT TITLE.—This section may be cited as the "Helping to House the Victims of Hurricane Katrina Act of 2005".

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

"(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

"(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

"(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

"(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

"(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

"(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

"(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

"(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

"(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

"(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

"(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

"(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

"(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

"(vi) subsection (r)(1)(B), relating to restrictions on portability.

"(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

"(i) shall be made available by the Secretary to individuals to cover the cost of—

"(I) rent;

"(II) security and utility deposits;

"(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

"(IV) such additional expenses as the Secretary determines necessary; and "(ii) shall be used by the Secretary—

"(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

"(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

"(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

"(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

"(I) TERMINATION OF ASSISTANCE.—Assistance provided under this paragraph shall—

"(i) terminate 6 months after the date on which such assistance was received; and

"(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

"(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

"(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

"(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

"(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

"(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

"(i) the additional cost of rent and utilities;

"(ii) security and utility deposits;

"(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

"(iv) such additional expenses as the Secretary determines necessary.

"(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

"(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

"(E) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this paragraph shall—

"(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

"(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

"(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

"(A) directly administer any voucher program described in paragraphs (1) through (20); and

"(B) perform the functions assigned to a public housing agency by this subsection.".

(c) REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

(d) APPROPRIATION OF FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated and are appropriated $3,500,000,000 to provide assistance under this Act.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. SARBANES. Mr. President, I am pleased to join the leadership of Senator REID and Senator LANDRIEU who have announced a package of proposals to be of assistance to the Hurricane Katrina victims so that the millions of people affected by the devastation along the gulf coast can begin to rebuild their lives.

The amendment which I have sent to the desk is only part of that broader proposal and deals with the housing situation which now confronts the victims of this tragic storm. Before going into the details of the proposal, I want to extend my deepest sympathies to those in Louisiana, Alabama, and Mississippi who have lost loved ones or who are still searching for family members, neighbors, and friends. They need to know that the thoughts and prayers of the country are with them during these very difficult and trying times. We know that hundreds and hundreds of thousands of Americans have lost their houses, their jobs, their belongings, indeed, their communities.

An effort is now underway in the Congress to come to their assistance. We know the road to recovery will not be easy and it will not be short, but we need to undertake these efforts immediately.

It was earlier estimated this week by FEMA officials and told to the President that 500,000 to a million people were rendered homeless by Hurricane Katrina and the deadly floods that followed the hurricane. In fact, yesterday's New York Times reported that as many as a million people are without housing. While the first job was to evacuate people, to get them food and water and to address their medical needs, in other words, to in effect save the lives of those who have been so heavily impacted, I think it is fair to say that the next job confronting us would be to find adequate housing for the survivors of Katrina.

The Americans displaced by the hurricane are scattered throughout the country now. I want to underscore the comments made by some of my colleagues earlier about the opening up of the arms of Americans across the country to take people in in this time of emergency and the great need. Families coming out of the gulf coast are in effect living wherever they can find a roof over their heads, with relatives, with friends, with caring strangers who have volunteered to take them in, in shelters—for example, Houston opened up the Astrodome—on cruise ships or in tents. It is fair to say if one stops and thinks about this for a moment it is, at best, a temporary housing situation.

The hundreds of thousands of displaced families need to have access to stable housing so they can send their kids to school, start pulling their lives back together again, which is, of course, a pressing challenge, seek employment and chart out a future for themselves.

This amendment, recognizing the overwhelming need for stable housing, proposes an emergency housing voucher program of $3.5 billion, which would provide temporary rental assistance to more than 350,000 displaced families. It eliminates—I should say more accurately suspends for a limited period of time—many of the requirements and the restrictions that ordinarily apply to the housing voucher program. For example, any person or family displaced as a result of Hurricane Katrina would be eligible to receive this much needed assistance; they could get a temporary housing voucher. This is without regard to their income situation. It recognizes the storm hit rich and poor alike and this is an effort to give them some immediate, short-term help so they can move out of the situation in which they find themselves.

The temporary rental vouchers would quickly and efficiently move families into stable housing across the country in the communities to which they have relocated. So it would give them an opportunity, with the voucher that would come to them, to find housing for themselves and their families. They could move out of the shelters. They could move out of temporary facilities. They could cease to live with relatives, friends or, indeed, strangers.

The rental assistance will be flexible and it will be easy to use. It will have payments sufficient so they can find suitable housing. The funds provided could be used anywhere in the country by those who have been impacted by the hurricane whose situation was created by the hurricane to pay for rent, security deposits, relocation expenses and moving expenses back to the affected areas at the appropriate time. So, if and when the time comes, they could return to their homes if that was the choice.

The assistance would be available for an initial period of 6 months. It is limited. A further 6 months is available, an extension, unless the Secretary of the U.S. Department of Housing and Urban Development finds that the assistance is no longer needed. But the maximum extent of these temporary housing vouchers would be 1 year. It would be 6 months, with a possibility of an extension.

The emergency program would be administered by HUD, which could operate the vouchers directly or provide the vouchers to local housing agencies, State and local governments or other entities, so long as the vouchers get out quickly to those in need.

We have a complicated problem here because the public housing authorities, of course, are locally based. The ones in areas where the people have been displaced are, in effect, out of business. There is no housing there by definition, since people have had to evacuate and leave. These people have now been moved to different parts of the country. We need to be able to get these vouchers to them and get them to them quickly.

We know people want to return to their neighborhoods, but it will probably be months before that is at all possible. Ordinarily, FEMA provides trailers and other housing after a disaster. That is how ordinarily it works. But the magnitude and scope of this disaster is unprecedented. FEMA has never had to deal with something of this magnitude, and it was the judgment, in putting this amendment together, that HUD had an expertise with respect to these rental vouchers. The emergency is a new dimension for HUD, but we thought that they have trained staff and could take over this responsibility and move it forward quickly.

I might note that the Secretary of Housing and Urban Development, Secretary Jackson, earlier in his career, has had very extensive experience directing public housing authorities—in Washington, DC; St. Louis, MO, and in Dallas, TX. So he has had a lot of experience actually on the ground with respect to housing. We think he could marshal the Department and its staff to respond in this situation.

This only begins to deal with the problem. I do not begin to assert that this represents a total or comprehensive solution to the housing challenge. But it enables us to get underway. Any family displaced by the hurricane would be eligible to receive a temporary voucher to pay for renting safe and decent housing, pay for rent, security, utility deposits, relocation expenses, and then eventually, we hope, moving expenses back to their permanent homes. These vouchers could be used anywhere across the country. It would not require a certification of income initially in order to get the voucher, and the families would be relieved of paying the rent, their portion of the rent which is required under the regular voucher program, until family members return to work. Once they return to work, the tenants would have to pay rental payments, as they do in the regular housing voucher program.

We are trying to cover all the bases here. We are trying to be very sensitive to the problem. We are trying to look at the problem through the eyes of those who have been struck by the hurricane, in terms of how they see it.

These people are now there. All kinds of makeshift housing is being found for them. But that, even on a temporary basis, does not represent an appropriate response. So we want to move them a little further down the path toward having a more normal living situation. We ease up a little bit about the amount of rent they can pay. We allow it to go a bit above the median instead of having to be below the median because we know finding rental units will be a difficult job.

As I said, this gives authorities to HUD they do not now have to directly administer the program so they can reach out to these former residents of the gulf coast who are now scattered out across the country. They can work with the housing agencies, State and local governments, and other entities. As I noted, it has a limited time provision. So it would enable us to, in effect, provide all of these people who have had to leave their homes an opportunity to put some stability into their lives. So they could then go on and deal with the other problems that are confronting them—the problems of getting their kids back in school, the problems of employment, the problems of meeting all of the other pressures that have come before us. But we have moved these people out. Some are being held in shelters. Others are being dispersed. But what is the next step for them? We think this represents the next step.

It is a targeted approach. The authorities it gives are temporary. The limitations and restrictions it eases and removes are done on a temporary basis, so it is not permanent in its eventual impact. But it does provide, for the next 6 to 12 months, a degree of stability and a degree of permanence which I think is very important in enabling the people who have been struck by this tragedy to help put their lives back together again. I very much hope, when the appropriate time comes, my colleagues will support this proposal.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I wish to comment on the amendment that has been offered by the senior Senator from Maryland, the ranking member on Housing on the housing voucher program. I want very much to support his amendment because I think it is absolutely crucial that we do this.

There are people who are living under three basic circumstances. No. 1, some are shelters, which is emergency housing. God bless all of the communities, the Red Cross, the people of Texas, and everywhere that have provided shelter housing. But shelter housing is for an emergency situation, and people do need to move to stable housing.

Then there are those people who did evacuate. They might be of modest means, they might be of middle-class means, but they have been living in hotels and motels along the way. They have been living off of their credit cards. They are now out of money, they are out of gas, and they wonder what to do next. They need to be able to move into housing. Also, in order to be able to get a job, you need an address. In order to get a benefit, you need an address.

Then there is the third group of people who have been embraced by churches, who are living maybe with strangers or even living with relatives. But for many people, their relatives are also on a tight budget, living on a shoestring or a small pocketbook. We have had generosity of spirit, generosity of heart, and even generosity of wallet. But that is limited until people can move into other types of housing.

In this case, as someone who once was an appropriator for HUD, we need so-called housing vouchers, known as Section 8, for either the poor or the elderly. Because of what has happened, everyone is poor and stretched to the limit, with no income. They need help. I believe this program offers both the reimbursement—the voucher—and also enough constraints so that it is not a lavish giveaway program.

The point I also want to make is that housing is really limited, even temporary housing. My colleague, Senator

SARBANES, has spoken about FEMA and its trailers. We know about FEMA and its trailers because we were hit by Hurricane Isabel. We were absolutely grateful for them. But when I heard the FEMA trailers were coming to the Eastern Shore or Bailey's Quarters or to Miller Island, I thought they were trailers—almost a version of a manufactured home. When I went to see them and meet with the people in them, they were campers. So when we hear that the trailers are coming, these are not trailers the way we see in a trailer park. These are kind of campers you see for an overnight and they are very limited and they are also very expensive to heat or to air condition. But, thank God when they come.

Yesterday I spoke to one of the leading private-sector people who has a substantial number, whose corporation has a substantial number of employees in both Louisiana and Mississippi.

They tried to rent trailers and RVs to take out to their employees. They were going to get hold of them and lease them—or almost rent free—to their employees so the employees would have a place to work. They would know where those employees were, and begin to put them back to work.

Guess what. They couldn't find any. Practically every trailer and every RV in America is on its way down to the gulf. They have already been purchased or leased. We think that is great. This is a private sector corporation with deep pockets which is trying to jump in to help.

We have a sense of the magnitude of the crisis. These vouchers will add an "R" to what we need when we talk about emergency management response. I helped to form FEMA. I will not talk about that today. We have a reformed FEMA that went over to the Department called Homeland Security.

I believe when it did that, it lost its focus. But we had three "R's" we practiced: readiness, response and recovery. I am going to add a fourth "R"—reimbursement. We have to reimburse these communities that are taking in people.

Look at Texas and other communities. I know your community, Mr. President, has been very generous. Again, we salute you. But we can end up in compassion fatigue and we need to have a government safety net.

I think this voucher will do a lot. I think it will also do a lot for mental health. If you have your own kitchen, your own stove, your own address, and your children can go to school, not at a shelter—though God bless the shelters—I think it will do a lot to begin to restore people's sense of stability.

I think this is a very good idea. It is temporary. It is time limited, both in terms of the flexibility of the rent, and so on. I think it will go a long way to using the private marketplace and the private sector and also be able to reimburse other nonprofits that are already also finding housing.

I salute my colleagues and the leadership for doing this, and I look forward to supporting it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to take some time to review the situation we have seen in front of us for the last week. It was a terrible week for our country. One only had to listen to the eloquent remarks given by the Senator from Louisiana, Ms. LANDRIEU. She described in very moving words and tones what kinds of things she personally witnessed and that went on in the State of Louisiana, particularly New Orleans. We all have to learn from that experience. We have to be ready for any eventuality.

The American people watched in horror and disbelief as this incredible tragedy played out on live television in Louisiana, Mississippi, and Alabama. For most of us, it was from the safety of our homes or businesses that we watched with horror our fellow Americans suffering unbelievable loss and pain.

The worst part is, as we watched this tragedy evolve, with thousands being displaced from their homes and families, without a significant response, why did they suffer so long before appropriate action was put into place? That is because the Federal Government was not prepared. How could the administration not have been prepared for this? We had advance warning that a major disaster was looming. We see this picture. It tells you what is happening. Sunday, August 28, the swirl of the wind and the ferocity of the action is almost enough to frighten you just looking at this picture.

August 28, Sunday, Katrina became a massive hurricane, a category 5. It was in the Gulf of Mexico headed right for a large American city—a city with tradition and history that all of us relate to. Actually, however, this city sat below sea level—New Orleans. The mayor of New Orleans on that Sunday ordered a mandatory evacuation of the city. This wasn't news, friends. No. This was obvious. You were going to get a punch in the face like you never had before, and your opponent was standing full fist in front of you.

Massive flooding was predicted before the storm hit. At 6 a.m. Monday morning, Hurricane Katrina and its storm surge hit greater New Orleans and the Mississippi coast. About 80 percent of the city's residents were able to flee. Others, especially the elderly, the infirm, and the poor were left behind.

Also, on Monday, the 17th Street levee in New Orleans broke, and water flooded the city.

One only needs to ask our junior Senator from Mississippi about the wave of water that destroyed his house. He told me it was 26 feet high. That is more than two stories. Levees gave way, and floodwaters quickly overtook homes. Residents scrambled for their lives, seeking refuge on rooftops. We all saw the vivid pictures of the heroic Coast Guard rescue putting people in baskets, or hanging onto them, around their necks, to get them out of the way of the oncoming flood. More than 30 elderly residents of a nursing home died in that rapidly rising tide.

On Monday, August 29—remember, the first picture was Sunday. That was the warning we saw going on. On Monday, August 29, many in New Orleans were evacuating their homes in rushing waters trying to keep themselves and their families from drowning.

Here is a photo taken about midday that Monday. I would appreciate it if those who see this would keep this time in mind.

That terrible image—look at it. People were standing in water up to their waists. Some are up to their necks, and obviously holding children, and at the same time holding bundles on their heads to keep them dry.

By Tuesday, we saw conditions deteriorating at the Louisiana Superdome where people had already sought refuge. They suddenly needed to move again.

A reporter at the scene told grim stories of no food, no air conditioning, no usable water, overflowing toilets in the Superdome, and of tens of thousands of human beings who were stranded in these inhumane conditions.

While media members were spread across New Orleans, the Federal Government seemed to have no presence whatsoever. I remember personally watching Jean Meserve reporting for CNN, almost being blown over by the ferocity of the winds, with tears in her eyes, in a quivering voice. She was crying as she gave her report about the horror she was witnessing. She was barely able to hold herself in position.

These desperate people trudged up elevated highways and overpasses. I am sure they assumed that help would soon come. But even though they waited in plain sight on an elevated highway, no help arrived. So they baked in the heat, and they looked desperately toward the skies for any hint of help. But there was little sign from the Federal Government: no sign of help other than the courageous Coast Guard rescue teams pulling people off of rooftops.

On Tuesday, as this devastation was being unleashed on New Orleans, where was President Bush? He flew to California, in the opposite direction of the crisis as tens of thousands of Americans were fighting for their lives, many of them dying. The President was in California. It was an important moment. He gave a speech commemorating VJ Day. I remember VJ very clearly. I was on a ship going from Europe where I served during the war back to America to go on to Japan. It was an important moment. But was it important enough for the President to leave his post, to leave his command, when people were trying to stay alive? This is a picture taken on Tuesday, August 30, 2005. It was 2:56 eastern time, which made it about 2 hours difference in central time, New Orleans. The President was enjoying the day. He was strumming a guitar. I don't deny him the pleasures of office. But people were drowning. They were trying to save their lives, save their homes, and save their kids at the same time. The President was not in touch with the country. It was one of the worst failures of leadership in our Nation's history. It was like an Army preparing for battle only to find out that the top general has gone AWOL.

Millions of Americans asked: How could this happen in the 21st century in America?

Our hearts were broken—all of us, anybody who saw it. I remember conversations with family and friends, and how horrified they were to see people struggling. They heard tales of children being swept from parents' arms, of the woman who sat with her husband as he pleaded for needed medication. And he died in her presence.

Senator LANDRIEU told us the story about the man who was sent to protect the mayor of New Orleans. He stayed with the mayor 3 days. When he went to his home, he found that his wife and children had died. He was so overcome he took a pistol and blew his head off. He committed suicide. How terrible.

What many people do not understand is the incompetence of the leadership in their country. It seems to be almost an indifference. What many Americans concluded last week is that the Bush administration cannot protect us. When faced with a real crisis, the White House displayed a lack of involvement, a failure of leadership.

To make matters worse, our President refuses to accept responsibility. President Truman—who sat at this very desk; his name is written here—said: The buck stops here.

That is not what we saw from the White House those terrible days. Now the President has an idea about how to determine what went wrong. He wants to begin an investigation, headed by himself. An investigation of self is not the best way to get the facts.

The hurricane that struck New Orleans on August 29 was a force of nature. But the damage and the disaster that followed was compounded by a failure of leadership.

Since the President and the President's team have already mishandled much of this tragedy, I urge my colleagues to roll up our sleeves and follow the lead of Senator LANDRIEU, with Senator VITTER, Senator LOTT, Senator COCHRAN, as we craft a plan for recovery for these devastated communities. We have a moral obligation to rebuild not just these businesses and landmarks but homes and communities, schools in every community, regardless of class or color.

One of our Republican colleagues said something this past weekend, in talking about the people who were suffering so much in the gulf area:

> You have people who don't heed those warnings and they put people at risk as a result of not heeding those warnings.

He further said there is a need to look at tougher penalties on those who decide to risk it and understand there are consequences for not leaving; to administer more punishment to these people who did not heed the warning, who did not want to leave their homes, who did not want to leave their familiar territory, who did not want to leave a relative, perhaps; to put more punishment on them, suggesting that losing a child, losing a home, losing momentos, or losing a history is not enough. We should punish them further? A Senator suggested that. What an outrage. Yes, he yielded later and said he might have been misunderstood. Read that Senator's words.

We have to learn from this terrible tragedy. The country certainly is alert to the risks we face from terror, from human-initiated attack. In the State of New Jersey we lost 700 people; New York, almost 2,000. We learned a lot. We learned we have to protect ourselves. It appears the number of dead in Louisiana and Mississippi is going to exceed the number, as terrible as it was, of September 11. So we have to prepare ourselves in some way to deal with that problem just as ardently, just as thoroughly, as we fight terrorism.

We need to pass legislation as soon as possible. I hope we will not be delayed in doing that by recriminations from those who would pass the buck elsewhere, away from the place the responsibility belongs.

We need to tell the gulf coast community that we believe in them, that the road to recovery is being built, and that we will then proceed to examine the history of what got us there. People understood in many quarters the levees were weak. The question arises about what we did to shore them up. I hope that examination will take place in the immediate future.

We salute those people who have endured the most unimaginable tragedy—to have loved ones swept away by flood waters, to have memories taken away. In lots of places it was not just the housing but the memorabilia, the trinkets of childhood, childbearing, raising kids, and seeing it disappear. We have to be stronger. We have to be more leaderly. We cannot be AWOL when trouble strikes. I hope we will work together on a bipartisan basis, as they say, and do the right thing.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator GRAHAM, and Senator STABENOW.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself, Mr. GRAHAM, and Ms. STABENOW, proposes an amendment numbered 1665.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit weakening any law that provides safeguards from unfair foreign trade practices)

On page 190, between lines 14 and 15, insert the following:

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including (1) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.); (2) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337); (3) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.); (4) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or (5) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

Mr. DORGAN. Mr. President, this is an amendment that is relatively simple. It would prohibit funding in this bill for our trade negotiators to enter into any agreement that would weaken U.S. trade laws, such as antidumping laws and countervailing duty laws. Let me describe why these are important.

We have provisions in our law that establish some level of protection for American industries if some foreign company or foreign country decides to dump products into our country at artificially low prices in order to capture a market or destroy an industry. These are the antidumping laws. We also have laws that provide for the opportunity to apply countervailing duties on products that come into this country that are unfairly subsidized and attempt to undercut American businesses.

Why do I offer this amendment? Because we have U.S. negotiators who are engaged in WTO negotiations who are saying that everything is on the table; we are willing to negotiate away the protections that exist for fair trade for American businesses, American jobs, and American industries.

We have the highest trade deficit in the history of this country. We have massive numbers of American jobs moving overseas every single day. American companies are closing their businesses, and American jobs are moving overseas.

I have told the story repeatedly—and I will not tell it in great depth again—about Huffy bicycles. They used to be an American company. No longer. Huffy bikes are now made in China. Those proud workers in America made $11 an hour plus benefits. They all got fired. Were they bad workers? No. That company makes Huffy bicycles in China now and pays 33 cents an hour, working workers 7 days a week, 12 to 14 hours a day, and then they ship the Huffy bicycles back to this country to be sold.

Interestingly enough, since they moved to China, Huffy has declared bankruptcy. It has now been purchased by a Chinese company, and they say they still want this to be one of the leading brands in America. Notice that I said "brands." They don't want to make them here. It is too expensive to pay $11 to American workers to produce bicycles in this country; they just want the right to sell them here.

I have given long speeches about the fact that Levi's doesn't make a single pair of Levi's anymore. That great American brand is now produced offshore. They are made by contract production in Haiti, Sri Lanka, Indonesia, Bangladesh, India, and China.

I have given speeches about the fact that if you wear your Tony Lama cowboy boots, they may not be American; they may be Chinese.

I have given speeches talking about the fact that if you like Mexican food, you can eat Fig Newton cookies, because Fig Newton moved to Monterey, Mexico. So if you want Mexican food, go buy Fig Newtons.

I have given speeches at length about jobs leaving this country. We have the biggest trade deficit in this country. It is dangerous. The question is, When will this country have the nerve, the backbone, and the will to stand up for the economic interests of this country?

I am not suggesting putting walls up around this country; I am just suggesting demanding fair trade. We had people die on the streets of this country for the right of workers to organize. In the last century, we decided issues about minimum wage, about child labor laws, about rules that say you cannot dump chemicals into the air and the water from your production plant.

We had people work very hard over a century to achieve these rules and regulations, which establish decent conditions of production. One can now escape all that by pole-vaulting over it. Move the plant to China, move the plant to Bangladesh, move the plant to Honduras and hire workers who will work for pennies on the dollar. Hire workers who will work for 33 cents an hour. Hire 12-year-olds and pay them 12 cents an hour and work them 12 hours a day and then ship the product to Los Angeles, Detroit, Fargo, or Mobile. Meanwhile, who is going to buy these products when American jobs have been lost. American workers are told they are no longer affordable, their jobs are gone?

Little Red Wagon Radio Flyer, we all rode in that Little Red Wagon when we were kids. For 100 years that company produced in this country, and now it is all gone. So it can be produced more cheaply, less expensively by hiring workers who will work for pennies an hour.

As we engage in new trade negotiations, which threaten to once again pull the rug out from under American workers and American businesses, this amendment says something very simple: We will not allow the funding we have approved in this appropriations bill to be used to weaken our trade laws.

The United States-China Commission, a bipartisan commission established by Congress, sent us a letter August 1, 2005, that warned that the proposals that our trade negotiators are discussing with respect to antidumping and countervailing duties "could severely limit our ability to protect our economic interests." That is from the United States-China Commission, a bipartisan commission.

The Commission reiterated the proposals put on the table by foreign negotiators "could have substantial impact on our nation's ability to utilize our trade laws and ensure that American farmers, workers, and businesses have the tools they need to respond to unfair and predatory foreign trade practices."

So the question for us is, Are we going to do anything about that? I hope the answer is, yes. I hope the answer is to say to our trade negotiators that we understand that foreign negotiators are proposing to weaken our trade laws. Our trade negotiators must have the backbone and the will to stand up for our economic interests, something they have not been willing to do for a long time.

I offer this amendment, which is a prohibition on funding. It is germane, and I hope to have a vote on it when we have had a proper amount of time to discuss it.

One final point. I intend to offer another amendment which I cannot offer at this moment. It is an amendment that I will offer to other appropriations bills as well if it is not acceptable here, and that is to establish a Truman-type committee to investigate the waste, fraud, and abuse in contracting that is going on in the Middle East, particularly in Iraq. I have described the conditions of Halliburton and other companies that have been given billions of dollars, have wasted a substantial amount of money, are now under criminal investigation, and are given a slap on the wrist and a pat on the back and more money and nobody seems to care. I believe there ought to be a Truman-type committee of the type Harry Truman headed long ago when there was a Democrat in the White House and a Democratic Senator said: We must investigate this kind of spending and profligate waste and abuse.

I will ask that the Senate at some point decide that there ought to be oversight on what is happening to the taxpayers' money. I will offer that amendment tomorrow. I have offered this amendment today for its consideration, and I hope that as we go along that we will be able to get a vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, is it appropriate to speak on hurricane matters at this time?

The PRESIDING OFFICER. The Senator may speak on any matter he wishes at this time.

Mr. SESSIONS. Mr. President, Hurricane Katrina was a colossal natural disaster. Every hurricane is different. They bring different stresses and different damages. My home is in the city of Mobile, Alabama, right on the gulf coast. We were without power for 3 days. Trees and houses were damaged. Portions of the city were flooded that have not been flooded before. We experienced the highest surge of water up Mobile Bay driven by this storm that we have seen in anybody's lifetime there.

The surge in the fishing communities of Bayou La Batre and Coden were unlike anything they have seen before—my best estimate is 5 feet deeper than we have ever seen before. I spent 3 days in that community working with and talking to the people. Many of them lived in small framed houses, some in mobile homes and things of that nature, that they have lived in for quite a long time in areas that had never flooded before but flooded this time.

I will share a story of heroism that is symbolic of what happened, I am sure, throughout the gulf coast. It is regarding a young State trooper a corporal, Spencer Collier, also an Alabama State legislator, a wonderful young man, my wife and I have come to admire him so much whose house flooded, as did most of the leaders of the town of Bayou La Batre. The town began to receive 911 calls at the height of the storm. He and a marine resource officer and others, got in a vehicle and drove down to where the water was rising with 100-mile-per-hour winds blowing. They put their boat out and, before they could cast off, the water had risen so fast that the entire vehicle was flooded. They went out and they made the first trip to rescue stranded individuals. They went out in this storm, traveling almost a mile to an area where water had never reached before in this town. They rescued people and brought them back.

Unfortunately, the first boat sank. Mayor Stan Wright had a flat-bottom boat and they put it to work. He said it was a good boat. It worked quite well, but the bottom was thin and they were worried about it. They went out in these waves and in this storm under great live oak trees that were blowing, houses had been completely demolished towards the beach as well as inland. The water was littered with trash and debris, and they made six trips and brought people out. One lady had several children. So they left one of their group there holding two of the children. They took the boat back, came back again and got the children, and they had to leave the guy because they did not have room in the boat.

All the time his house was being flooded, and he spent days, as did the other members of the city government, working for the people of that community, even though their own homes were flooded. So that is the kind of thing we are talking about.

I talked to people remaining in town the next day. The storm ended Monday night. We still had strong winds at 5, 6, 7, even 8 at night. It began to calm down after going all day long. I talked to those people Tuesday afternoon. Many of them were in food lines provided by the good old Salvation Army. They were the first ones there serving hot meals, with a tub of ice and bottled water. People were lined up. They had not had a meal. The electricity was all off. The phones were off. Most of the cell phones did not work. Cell phone batteries quickly go down. They could not make phone calls. They lined up there. Several in that first line I talked to said: Senator, this is all we have. We lost everything we had. These clothes on my back are all we have. We had to get out of our house. The water flooded everything. I don't know what we are going to do.

I met a young lady who asked me that night what about her grandfather's Social Security check? They were from New Orleans. They left the New Orleans area. They had come up here. They were expecting to go back. I knew what she was saying. She was saying they did not have any money. I called Wallace Davis of the Volunteers of America, a great organization in the Mobile area, and he really came through. I asked him to do what he could, and he immediately went into action. He brought some of his own money.

He said: I have money. I am telling you I have seen hurricanes before, and some people just need a little cash.

They gave them a little cash, and I saw her the next morning and she was a new person. That would allow them to get to other relatives and maybe stay with them and get gasoline or food in that fashion.

So I want to say this: Many of the homes there are lost. On the east end of Dauphin Island, which is a sizable barrier island with a great many beachfront homes on it, one-third of the homes are completely gone, one-third badly damaged, and one-third somewhat damaged on the island. On the west end, the percentage of homes lost was even greater. The homes that were for many years on beautiful Mobile Bay around Point Clear and the Grand Hotel, homes that had not flooded before, flooded because of this surge of water. Homes that were built up high in recent years under hurricane restrictions did not flood, but many of those old homes suffered a good deal of damage.

I just say that to point out that, without a doubt, we are going to have to spend more on this hurricane than we have ever spent before. People need us now. Many of these people I have talked with and I met were working class American citizens not living on the beach. People on the beaches, for the most part, have a second home. They have insurance. Maybe they can get by, although they are going to take a big hit. But these people were hurting, and hurting badly. We are going to need to step it up.

When I see the damage from the incredible force of this hurricane on the Mississippi coast, our neighbors, and then in New Orleans with this incredible levee break and the floods there, I know we are in for a big job.

I served as a U.S. attorney for 12 years. I had the responsibility, even as an assistant U.S. attorney in the 1970s after Camille, to survey the aftermath. I had to prosecute people for fraud, theft, and abuse in hurricane cleanups. When this much money gets put out this fast, there is a real danger of mischief.

I have been in the Senate long enough to get a feel for things. I believe that the Senate is now in a bit of a hurricane mode; that all of Congress is—maybe even the White House—and that mode is that we do not need to be too careful. We need to get money out fast, and we need to pour it in there, and if we need 50,000 troops, let us send 70,000 to make sure.

Now we are seeing figures that it is going to cost $200 billion to complete this reconstruction. All of us know there is no money to pay for this. It is not coming out of our regular budget. That is not the plan. It will come in an emergency supplemental appropriations bill, and that means it will be added straight to the national debt, and our children and grandchildren will pay it, plus the interest that accumulates on it.

So I think this Congress is doing the right thing in moving forward rapidly, but I think our majority leader, our appropriations leaders, our House leadership, and the President also need to be thinking about how to spend the money responsibly. Trust me, there will be abuses. People think we can just send our military to the region, but the Department of Defense is going to charge the disaster fund for the money they spend. These expenses will be allocated to the disaster. All the other responding Federal agencies are going to bill the fund for the disaster-related expenditures they incur as well.

We are so pleased to see that States are just doing whatever it takes to bring schoolchildren in from these areas and do extra things for them, but we are already hearing—as we did this morning—they want to be paid for it by somebody. They ought to be paid for some of that.

Governor Riley, in Alabama, has said that we will take any schoolchild who is in our State but cannot go home. We will take them. We will put them in a school somewhere in Alabama. Our community colleges have said that, no matter what, we will take you. If you don't have tuition right now, we will still take you anyway.

While this is happening, people are making contributions and I think that is important. But $1 billion is a lot of money. We probably have less than 5,000 homes seriously damaged in our area. Maybe it is 4,000 in the Bayou La Batre area, or maybe less. If you gave me $1 billion, I could build 10,000 new houses worth $100,000 each. One billion dollars is a lot of money. A billion dollars is a thousand million.

But, now we are going to be in a big rush. FEMA is going to pay people who did not have flood insurance. Most of them should have gotten it. They should have, but they will still qualify under the grant program and can receive up to a maximum—all of them wouldn't get this much—up to a maximum of $26,000. I asked FEMA's Mr. Burns today if he discussed with the Senators how much it would be, and he said the maximum would be up to $26,000. That will include, I think, the $2,000 that some received today. So it would be $24,000, maybe, for someone who already received the money.

I said, when do you pay it? Apparently, we are already beginning to pay it. It is like flood insurance, I guess. If you have insurance and your house is destroyed and the adjuster comes out and admits your house is destroyed, they write you a check, sometimes on the spot.

So this money is going to run out quickly. If this money is being allocated this quickly—before somebody has come up with a plan about which neighborhoods should be rebuilt—in Alabama, Mississippi, or even in New Orleans—we could end up with that money being unwisely spent and maybe not having enough money to help people construct the kind of houses they would like.

Senator SHELBY, I, and Congressman Jo BONNER talked with Secretary Alphonso Jackson of HUD when he was in Mobile, AL, last week. We discussed with him the possibility of using the FEMA money—whatever they get—plus some of the loans HUD already has for people of low income, to help buy a home. What if we use a small portion of these millions of dollars that are coming from charitable organizations? Maybe we could get some real estate people and some architects to help us redesign some of these communities and make them both beautiful and habitable—and safe so this wouldn't happen again.

Do you see what I am saying? There are so many things happening right now, so fast. Some of this, almost by law, is required to be done in this fashion.

We need somebody, I believe, to be a manager for the President. I am offering a sense-of-the-Senate resolution to call on the President to choose a person of his liking to be his representative with regard to spending, fraud, management, and reconstruction. I believe that the President should do that. It would be a person of his choice, in the mode of a Mit Romney or Peter Uberhoff who were put in charge of Olympic Games and billions of dollars in finances at stake there. We need someone with real experience who doesn't have a political agenda, someone who would come in and report to the President on a daily basis, report to the Director of the Office of Management and Budget, and who could call on the Cabinet to help coordinate the relief. You might say he will not have any power. Listen, I spent a long time in the Federal Government. I know who has power in the Federal Government. The person who has power in the Federal Government is the person the President says has power. If he chooses this person and he tells his Cabinet: I selected him and I want you to work with him. If he asks you to do something, I hope you will do it. If you can't do it, I want him to tell me, and you can come explain to me why you didn't do it. That is all it takes. Things will start work better.

Anyway, I am hoping something like that will happen because this is so massive and the potential for fraud and abuse is so great we are going to have to watch it.

We have towns and communities that are badly hurt. They have lost sales tax revenues and now they are going to be fighting for every dime they can get. They are going to be pushing the rules and regulations to the breaking point and beyond. We are going to have Congressmen and Senators browbeating us in here with stories that say: Forget the rules, send out the money. We all know that is going to happen. But I don't think the people of my State want us to waste any money.

The people of my state want to help people in need. They want to be generous. They expect this Government to respond, and respond quickly, to take care of people whose lives are at risk.

The people of my state know that this is bigger than we have ever seen before. They know that anyone can make mistakes and that you cannot anticipate certain things. They want the government to constantly get better and improve our response.

But they don't want us wasting money. They don't want us throwing money at a problem that we have not thought through carefully. They want us to be careful with their money.

In fact, if we are careful, we can get a lot more good done for a lot more communities. At this point I am not at liberty to explain to you what I think ought to be done. I am not able to. I don't know what ought to be done and how, precisely, the money should be spent at this time. But I have been there in the aftermath of hurricane cleanups, and I am telling you, it is a difficult thing to keep control of. The government will spend your money before you know what happened to it.

That has happened before when there was a far smaller area of devastation than we have today. FEMA is going to be stretched from Louisiana to the Florida line. We have more people involved here than almost any hurricane ever, and the extent of the disaster is larger than ever. It is going to be even more difficult to monitor this recovery carefully. Some things are not going to be able to be done as fast as we would like to see them done. But if we do it right, I think we can meet the needs of our people, be generous to the American people, and also maintain the rule of law as we go forward.

There are some special things that are going to be needed to be done. I talked to Senator LOTT, and he is correct. Normally, when a hurricane hits and a person has trees down in their yard and shingles off their roof, that person takes all that to the street. They are responsible for it. They cut up the limbs, bring them out to the road, and FEMA pays for someone to come by and pick it up. It is a marvelous thing, I am telling you. If everyone had trees down in their yard and if everybody had to hire a tree surgeon to come haul them away, it would be an incredible cost. Volunteers come in with power saws and help people do it, and neighbors help neighbors, and you get that done. But if your house is blown away, the streets do not just have trees gathered up. There are whole chunks of houses, debris, foundations, nails, lumber, glass, and that kind of thing. It is more than the widow lady or the elderly can do to get that out there to the street.

We are going to have to create some rules, particularly in these areas that are hardest hit. We must allow the Federal Government to help compensate, and it must be allowed go onto the private property and help get some of this debris away. Many of the people will have lost their jobs and don't have an income. They will not be able to have that done on their own.

Those are some of my thoughts. I salute the majority leader and the Democratic leadership for moving the $10 billion supplemental promptly. That was a good thing last week.

Under the Anti-Deficiency Act, FEMA cannot expend a dime that has not been authorized by Congress. FEMA has already used up all of that money. It is a crime for them to violate the law that says you can't spend money Congress has not appropriated. The result is that we must come back and do it again quickly. We are running out of money again quicker than we thought, and we had to respond.

I salute the majority leader for bringing us up to date and doing it fast, but I say we are moving awfully fast now. It is time for our leadership, both in the Congress and in the White House, to ask how can we make sure we have integrity, wisdom, and good sense in handling this disaster.

If we do so, we can make some of these communities bloom again. We can make some of these towns and areas as beautiful as they were before. It has happened before. We have had disasters and we bounced back before, and we will bounce back again. It is the right approach.

I thank everybody in this country—faith-based groups, volunteers, civic groups—for the resources they provided to our people in Alabama. We got a call from the national group that makes modular housing and they were sending five office trailers down. They agreed to send one to Mobile. I talked to them. A group from Indiana sent in two 53-foot trailers. A businessman in north Alabama sent $100,000.

The mayor of Ozark sent down two trucks and himself and a whole team to help. He adopted the city of Bayou La Batre. The mayor of Gadsden in north Alabama adopted the town of Bon Secour. Steve Means, the mayor of Gadsden, came down and was of great help and assistance. That kind of thing was helping, spontaneously, with resources all across the country.

We are hopeful, pleased, and thankful. And that is the most common feeling I have observed, as did my wife, who served in the food lines in Bayou

La Batre and talked to people. People are thankful. It is amazing. You begin to count your blessings and recognize what is important in life when that occurs.

Also, people are not whining, not the people I have talked to. They know this was a storm that nobody caused. They know it is a difficult time. They are thankful for the assistance they have received from their neighbors, and they are not complaining about the situation. It has made me proud to represent them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1669

Mr. SUNUNU. Mr. President, I ask unanimous consent the pending amendments be set aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I ask for consideration of an amendment that I had earlier sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] PROPOSES AN AMENDMENT NUMBERED 1669.

Mr. SUNUNU. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence)

On page 131, line 14, strike "$15,000,000" and insert "$30,000,000".

On page 134, between lines 4 and 5, strike "$170,000,000" and insert "$230,582,000".

On page 134, between lines 4 and 5, strike "$30,000,000" and insert "$48,418,000".

On page 156, strike lines 3 through 7 and insert the following:

In addition, for necessary expenses for existing grant projects of the Advanced Technology Program of the National Institute of Standards and Technology, $46,000,000, to remain available until expended.

Mr. SUNUNU. Mr. President, I offer an amendment today to make some changes in the funding allocations that are found in this bill. I very much appreciate the work of the subcommittee chairman and the ranking member and know, having served on the Appropriations Committee in the House, that theirs is not an easy task. You are asked to set a lot of priorities, and to make a lot of decisions about a good deal of money.

It is not an easy task, but the purpose of bringing the bill to the floor is to give us an opportunity to try to adjust those priorities. I attempt to do so in this amendment in several ways.

In this amendment I increase the funding in two general areas: first, in the area of border security and prosecution of illegal aliens who have committed crimes; an area that I think many people would say is in crisis right now, the problem with securing our borders, the problem with illegal aliens, and specifically the problem of dealing with the costs associated with illegal aliens who are committing crimes, violent crimes and otherwise. In this amendment I increase funding for the Criminal Alien Assistance Program by $60 million. It is still well short of the funding that has been provided in the companion bill in the House, but it is an increase which I believe will be well used. It deals in the area of illegal immigration and criminal alien assistance that I think most everyone agrees is in a crisis situation now with the state of emergency having been declared in parts of the Southwest to deal with this type of problem.

Similarly, this amendment increases funding by $18 million for the Southwest Border Initiative that deals with prosecution, helping our Southwestern States deal with the costs associated with prosecuting aliens that have committed crimes. It brings funding up to the President's level, and I think the President's request in this particular area was well warranted, given how much attention has been given to the problem of illegal aliens in recent years. This increases funding in this critical area by $18 million.

My amendment also provides additional funding of $15 million to transitional housing for women who have been exposed to domestic violence. This is a relatively new program. It is authorized at $30 million per year. The bill appropriates only $15 million. I would increase that to $30 million for this transitional housing program, which is part of the programs authorized under the Violence Against Women Act.

Transitional housing is critical. It meets the needs of those who require emergency shelter services or crisis intervention. There is no other program funded by the Federal Government that provides transitional housing solely for victims of domestic violence and sexual assault. This is not typically the case in the Federal Government. There are no other sources of funding, and we ought to provide funding at the authorized level. In the State of New Hampshire, there are 12 emergency shelters for battered women. The average length of stay is about 27 nights. Therein lies the immediate need for transitional housing. I think this is probably a story that is repeated in State after State after State.

I think it is not only a worthwhile area but an area in need of funds, but an area where there are no other programs at the Federal Government level for meeting this need.

The funds that I allocate to deal with criminal alien prosecution and transitional housing for those affected by domestic violence will come from the Advanced Technology Program, APT. This is a program that has long been targeted for elimination. The funds over the last several years have been phased down. Last year, funding was provided only for existing contracts—for no new contracts, and I think it makes sense to at lease hold the line at that level. I have scaled back funding to a level that is appropriate to cover all the existing contracts so anyone who has an obligation under ATP will have that obligation met. We simply would not provide funds for new contracts, which I believe is the right policy. This program should be phased down and eliminated for a few fundamental reasons.

First and foremost, it duplicates what already exists in the private sector. The ATP program gives funding to private companies that are developing new programs. That is why we have a venture capital system. That is why we have a private banking system. That is why we have private equity funding—to support companies that are competing in the marketplace and developing new products every day.

I used to work for a technology firm, and we made investments to develop new products. We certainly didn't look to the Federal Government to fund new product development. It distorts the marketplace because inevitably you will have a bureaucrat in Washington deciding which new product ideas get funding and which do not. That is not a good idea, not a good use of public resources—to try to pick winners and losers in the product development marketplace.

Finally, these are funds, resources, public funding that are going to private companies, many of which are very profitable and very successful, and we shouldn't have an industrial policy at the Federal level that provides unnecessary subsidies to private corporations.

I think we can do better. We can find better areas in which to allocate these resources—dealing with illegal immigration, crimes committed by illegal aliens, and transitional housing for those affected by domestic violence are certainly priorities, that are much more significant, much more valuable, much more appropriate than a project that subsidizes private companies.

The final point about the Advanced Technology Program: It has been allocated at over $100 million per year, $150 million to even $200 million per year, depending on how far back in time we look.

I simply ask my colleagues to consider, if they were at a company that was developing microprocessors, and one of their competitors was being given a subsidy by the Federal Government to do the same thing, would you think that was fair? If you were developing heating equipment and one of your competitors was being given a product development subsidy by the Federal Government, would you think that was fair?

This distorts the marketplace. It is simply not a good use of taxpayer money, but we can only scale it back to the extent that all current obligations continue to be met.

I think that's fair. It's the right thing to do, and I ask my colleagues to support the amendment.

I yield the floor.

NOTICE OF INTENT

Mrs. CLINTON. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

S.A. 1660

At the appropriate place, insert the following:

TITLE ___—KATRINA COMMISSION

SEC. 01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the "Commission").

SEC. 02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

SEC. 04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Federal assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. 05. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. ___06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 10.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. ___07. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. ___09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 10. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. ___11. FUNDING.

(a) EMERGENCY APPROPRIATION OF FUNDS.—There are authorized to be appropriated $3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

NOTICE OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 2862 the following amendment:

S.A. 1670

At the appropriate place, insert the following:

TITLE ___—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. 01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. 02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the "Special Committee").

SEC. ___03. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. ___04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. ___05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. ___06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. ___07. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section ___03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section ___03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 08. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. 10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE KATRINA

Mr. REED. Mr. President, I want to join my colleagues and all Americans in offering my condolences and my prayers to the residents of the gulf region. These families have suffered grievously. They have lost all of their possessions. They are without homes, without employment. We owe them a great deal of support and consideration, and, indeed, as I say again, all our prayers.

As news reports show, there are heroes throughout the gulf—those who helped neighbors survive the hurricane and those who continue to work in the region to help reunite families and restore order.

Americans throughout the Nation are opening their homes to hurricane survivors and volunteering their time and resources to meet the needs of evacuees. But while this disaster shows the best that America can offer, it also shows the worst. It shows that the Federal bureaucracy is ill prepared to respond to a natural catastrophe that we knew was possible. It shows the Federal bureaucracy ill prepared to respond to future potential disasters.

It shows a government so tied up in red tape that it is not serving its people at their time of need.

In the days, weeks, and months ahead, we will be investigating what went wrong, and there will be plenty of blame to pass around, but we cannot blame the victims of this tragedy as some have chosen to do. Many families in the gulf region did not have the resources or means to leave before Hurricane Katrina struck because this administration's economic policy favored tax cuts for the wealthy over programs that provide economic opportunities for all Americans. Over the last 3 years, poverty has risen in America and the real median income of workers stagnated. We must be willing to look honestly at how budget decisions and tax policy at Federal, State, and local level left New Orleans residents and other communities vulnerable to this tragedy. We must look honestly at how these policies continue to leave millions of Americans vulnerable across the Nation.

Hurricane Katrina demonstrated the economic, social, and racial divides that exists in America. As a Nation we must step back and evaluate our priorities. In my judgment, now is not the time to cut funding for social programs such as Medicaid, food stamps, and community development block grants while the administration pushes to repeal the estate tax. Now is not the time to continue to provide corporate tax breaks, while we must help rebuild a region in the midst of massive deficits as a result of the administration's policies. The damage to the national economy wrought by Hurricane Katrina, the expense to rebuild, and the need to provide for low-income and working families in light of this disaster will add to our growing debt. We must prioritize and deal with the needs of the most vulnerable among us.

For decades, we have known that New Orleans is in harm's way. Senator LANDRIEU has often spoken passionately about the Federal Government's duty to help protect wetlands in order to safeguard coastal states. Yet, we continued to allow coastal wetlands to degrade and cut funding to vital programs to protect these natural buffers as well as man-made levees to protect New Orleans. The flood waters from the city of New Orleans must be drained in an expedient fashion. However, we must not ignore the environmental impact that these heavily contaminated waters will have on the long-term public and environmental health of the city.

The stagnant waters engulfing New Orleans for the past week contain a myriad of contaminants, including human waste, oil, and even dead bodies. This toxic mixing bowl is rife with disease and harmful chemicals. We are facing a potential ecological disaster as these flood waters continue to be dumped into the surrounding area, and I am greatly concerned that the impact will be seen for years to come. New Orleans is surrounded by Lake Pontchartrain, the Mississippi River, and many precious wetlands. All of these bodies of water drain directly into the Gulf of Mexico.

Now is the time not only to evaluate, but also to act to prevent further ecological damage in the region. More must be done to ensure that while we are clearing the city of New Orleans from this devastating flood, we are also working toward its future rejuvenation.

Our primary focus must be on getting rid of the red tape and getting aid and assistance to those displaced by Hurricane Katrina. But we must also begin to ask how did this happen. The only way to do that effectively and apolitically is to have an independent commission to investigate the long-term impact of Hurricane Katrina on the people of the gulf region and on our Federal Government's response to this disaster as well as our ability to respond to future events. The bicameral commission announced yesterday by the Majority Leader and the Speaker is not the answer. Having the President head up a task force to investigate his Administration's response is not sufficient. The only way the people of the gulf region and the people of America will get the answers that they deserve is through an independent commission.

I also support efforts to restore the Federal Emergency Management Agency, FEMA, to an independent, cabinet-level agency to ensure its effectiveness in preparing for and responding to these types of events. FEMA's director must have the qualifications and abilities to plan for, respond to, and assist in the recovery after such an emergency. We must do better.

As the recovery efforts for the victims of Hurricane Katrina continue, we must stand beside the survivors to provide relief and assistance for their immediate needs now. For this reason, I am cosponsoring Senator REID's Katrina Emergency Relief Act, which will help get these families by providing medical coverage, housing the homeless, educating children, and offering financial assistance.

Hurricane Katrina upset the lives of millions, displacing families from their homes and inflicting severe economic damage. Neighborhoods that were once called home are now wastelands, and people are concerned their lives may never be the same. The economic impacts are being felt by low-income and working American families throughout the nation. Indeed, there is an imminent emergency confronting millions of low-income Americans caused by soaring energy cost and diminishing affordability of home heating fuel as winter approaches. The administration cannot ignore this looming crisis. The administration must request emergency funding for the Low Income Home Energy Assistance Program so that these families can remain safe this winter. I also encourage the administration, and my colleagues, to support greater investment in energy conservation programs such as the Weatherization Assistance Program and the State Energy Program to help families.

In one way, Hurricane Katrina holds parallels to other situations. We could have anticipated this phenomenon. The reports of the class V hurricane were available to all Federal officials, State officials, and local officials. We knew the levees in New Orleans were not designed to withstand anything more than a class III. Yet we were not ready. This administration ignored what should have been obvious. We had to be ready for a severe hurricane with devastating consequences in New Orleans. This administration was not.

This also speaks to what may happen in the future. This should give Americans pause if they think about another natural disaster and, God forbid, perhaps an intentional mass-casualty effect in the United States. If we bring this same level of expertise and skill and insight, then we surely will see another major disaster on our hands. I hope we do not. That is why it is important to look carefully and closely at what transpired and to do so through an independent commission. I hope we learn from this and apply it to the future, but most particularly, I hope we give real, immediate, and effective support to hundreds of thousands, perhaps even a million Americans who tonight still endure the devastation of Hurricane Katrina.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to engage in a colloquy with the chairman and ranking member of the Subcommittee on Commerce, Justice and Science on funding for SCAAP, the State Criminal Alien Assistance Program. I also understand my colleague from Texas, Senator HUTCHISON, would also like to discuss the importance of this program to her State.

I begin by thanking the chairman, Chairman SHELBY, and the ranking member, Senator MIKULSKI, for including $200 million in funding for this program, with a carve-out of $30 million for the Southwest Border Prosecution Program. That is good. The problem is, it is not enough. With the rising costs associated with criminal alien incarceration, I had hoped the Senate would see fit to increase the funding for this program over last year's allocation of $305 million. Instead, it is down to $200 million, with $30 million reserved for the prosecutor's program.

Immigration policy and control of our borders is an exclusively Federal responsibility. We all know this. Yet in our State prisons and our county jails, there is an incurrence of very heavy costs in incarcerating undocumented criminal aliens. Taxpayers should not have to foot the bill for incarcerating illegal aliens convicted of criminal offenses who are in State and local jails.

There is a growing belief among many in this country that the immigration situation is out of control. This year, the Pew Hispanic Center released a study which shows that between 2000 and 2004, approximately 3.1 million individuals entered the country without proper authorization. That is approximately 700,000 a year. Compare that to the fact that in 2003, Border Patrol agents apprehended somewhat over 1 million individuals seeking to enter the country illegally. It is said that for every one individual caught, three more enter illegally. If that is the case, nearly 3 million seek to enter the country illegally in a given year.

These costs are borne by our local educators, our hospitals, and our law enforcement officials. Let me use California as an example. This is based on a comprehensive study conducted by the Department of Finance. They estimate—and this goes back to costs in 1994–1995—$400 million for corrections for 23,000 individuals; $400 million for 390,000 patients; and $1.7 billion for K–12 education. That is a total of $2.5 billion.

Mr. REID. Will the Senator yield?

Mrs. FEINSTEIN. Certainly.

Mr. REID. We have a unanimous consent request to be offered on the emergency supplemental. We will return as soon as this is offered.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 3673

Mr. FRIST. We will be very brief. I appreciate the consideration of the distinguished Senator from California.

Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3673, the supplemental appropriations bill from the House, with 90 minutes of debate equally divided, with 30 minutes from the majority side under the control of Senator COBURN, with no amendments being in order. I further ask consent that following the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage without any intervening action or debate.

Let me modify this. We will proceed to the immediate consideration of H.R. 3673 immediately following the statement by the Senator from California and the Senator from Texas.

Mr. REID. Reserving the right to object, I am wondering if the two distinguished Senators from California and Texas could give us an indication—there are Members wanting to know when we will vote—as to how much time they will require.

Mrs. FEINSTEIN. I have a very short time. We will wrap this up in 10 minutes.

Mrs. HUTCHISON. I am happy for you to start the time running right now and give us the first 5 minutes to finish this colloquy.

Mr. REID. Mr. President, if I could, on the Democratic side the time will be divided in the following manner: Senator BYRD, 15 minutes; Senator REID of Nevada, 10 minutes; Senator KENNEDY, 5 minutes; Senator DURBIN, 5 minutes; and Senator CLINTON, 10 minutes. That uses our 45 minutes.

Mr. FRIST. Mr. President, I ask the unanimous consent request as propounded follow the completion of the statement by the Senator from California and the Senator from Texas.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the majority leader and the Democratic leader.

To give a couple of recent statistics, the General Accountability Office conducted a study of those criminal aliens incarcerated in Federal, State, and local prisons. They found the following regarding State jails: In fiscal year 2003, 47 States received reimbursement for incarcerating 74,000 criminal aliens. Four States alone spent a total of $1.6 billion in fiscal years 2002 and 2003 to incarcerate criminal aliens. Yet they were only reimbursed $233 million through this program. That is only 15 percent of the total spent by these States. So the Federal Government is only reimbursing States 15 percent of what they actually spend on incarceration costs. That is local costs, that is State costs.

I can go on, but I want my colleagues to understand that the diversion of dollars from agencies such as the Los Angeles County Sheriff's Department to house criminal aliens has real operational impact on their law enforcement activities—fighting drugs, street gangs, and other pressing law enforcement operations.

On March 17 of this year, the Senate agreed to a sense-of-the-Senate amendment to the budget resolution that SCAAP should be appropriated at a level of $750 million. While I recognize we cannot reach that number, the House bill does provide $405 million for this program. As this bill moves forward, I hope we will agree to the House funding level in conference. I ask the chairman and the ranking member to work with us on this issue.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my good friend and colleague from California, Senator FEINSTEIN, for bringing this issue forward again. She has been dedicated to SCAAP funding.

I want to also mention Senator JON KYL from Arizona who has always stepped in when we had an appropriations bill to make sure our States got some reimbursement for their costs of incarcerating illegal aliens. Unfortunately, as Senator FEINSTEIN has said, we have more and more illegal aliens coming into our country and, unfortunately, committing crimes.

This is a Federal responsibility. The counties along the border States should not have to fund what is a Federal responsibility. Incarcerating illegal aliens for criminal activities is absolutely a Federal responsibility. So I join my colleague, Senator FEINSTEIN, in urging the chairman and ranking member of this subcommittee to accept the House position when we go to conference. Mr. President, $200 million does not cover a 10th of the cost to the border States in reimbursing them for the incarceration of criminal aliens. And $400 million goes a much longer way. I think it is a minimum.

All of us realize that illegal immigration must be stopped in our country. We must know who is in our country for security purposes, and we must be able to deport or incarcerate people who are here illegally and commit crimes in our country.

I hope the committee chairman and ranking member will work with us to increase the number from the Senate position of $200 million to the House position of $400 million, at a minimum. I thank the Senator from California for bringing this forward once again.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas. I also acknowledge as well Senator KYL's work in this area. It seems to me those of us from the Southwest or whose borders are in the Southwest have been beating this drum year after year. Sometimes we make a little bit of progress, but very often we do not. This is a very bad year in terms of the amount and the need.

So I thank the distinguished chairman of the Military Construction Subcommittee. I always appreciate working with her, and this is one more instance of that.

Mr. President, I yield the floor.

MAKING FURTHER EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will consider H.R. 3673, which the clerk will report by title.

The legislative clerk read as follows:

> A bill (H.R. 3673) making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I yield myself time as necessary for my statement.

Mr. President, we do turn to the second supplemental—the second supplemental in a week and a half—to address the natural disaster we have watched unfold, and that has literally unfolded in several ways, which is continuing now with both continued recovery and people settling around this country.

Yesterday, Speaker HASTERT and I announced the formation of a bicameral and bipartisan committee to analyze and conduct a real top-to-bottom investigation of the emergency preparation and response to Hurricane Katrina. The committee will be made up of senior Members. They will report their findings no later than February 15.

The review will look at the emergency plans that were in place at the local, State, and Federal levels, and they will assess how the local, State, and Federal governments actually responded.

It is clear that in some places the response was simply unacceptable at all levels of breakdown in systems. I saw it this weekend firsthand as a medical volunteer: too little command-and-control structure, too little communication. America deserves better. America deserves answers. The Senate must do all it can—and we are doing all we can right now—to provide immediate relief for the hundreds of thousands of people stranded and shattered by last week's events.

We urgently need to pass a second disaster relief supplemental, and we will do that tonight, with no amendments, no delay. It is absolutely critical.

Last Thursday's $10.5 billion emergency package has been drained—totally drained. As of midnight tonight, all of the money will have been spent. And it is good. It shows a positive, rapid, quick response on behalf of our Federal Government. But it means we must act; thus this supplemental bill we will be voting on here in about 90 minutes.

If we were to fail to act, every relief that is going on right this very moment, every search-and-rescue operation, all of the emergency food that is being delivered, and the shelter that is being provided, and the medical care that is being extended, will be without money when the sun rises tomorrow.

The administration has requested $51.8 billion in this supplemental. That breaks down to $50 billion for FEMA, $1.4 billion for the Defense Department, and $400 million for the Army Corps of Engineers.

We need to pass this bill and get it to the President for his signature tonight. Tens of thousands of volunteers, relief workers, law enforcement and military personnel are working right now, this very minute, to provide aid, rescue, and recovery.

National guardsmen are going block by submerged block to carry out their rescues.

The Army Corps of Engineers is hard at work pumping the floodwaters out of New Orleans. The water level, happily, has already gone down by 40 percent. They estimate it will take another 2½ months to completely drain the city.

Right now, 60,000 U.S. military forces are on the ground in Alabama, Louisiana, and Mississippi, aiding the recovery. They are providing extensive search and rescue, evacuation, and medical support.

Twenty-seven Navy and Coast Guard ships are stationed off the gulf coast providing supplies and medical treatment.

FEMA is working around the clock to find temporary homes for the thousands of displaced families. They are exhausting every option, including military bases, cruise ships, emergency trailers, vacant properties, and motels.

All of these efforts are underway, and they must continue. The lives of hundreds of thousands of people are at stake.

Meanwhile, there is still a lot of work to do, and we are working around the clock to do it here in the Senate.

Today, we began consideration of the Commerce, Justice, Science appropriations bill, which includes critical support for recovery and rebuilding efforts. It provides funding for the disaster loan program administered by the Small Business Administration. It provides grants to State and local authorities, including law enforcement, for critical equipment such as satellite phones, which are especially critical right now where communication is spotty and, in places, where sometimes communication is even nonexistent.

The Commerce bill also supports the National Oceanic and Atmospheric Administration, NOAA. NOAA is responsible, as we all know, for researching, forecasting, monitoring, and warning the public of hurricanes such as Hurricane Katrina.

Clearly, we need to pass this bill. We also need to cut the redtape and bureaucracy that gets in the way of helping people, the redtape and bureaucracy we have heard again and again slowing the response at every level.

In the coming days and weeks we will take up legislation that streamlines the system and gets help to the people who need it on time, efficiently and quickly.

As we have seen over the past 12 days, America is a compassionate, generous Nation. People from all over have poured out their hearts, time, and resources to help their neighbors on the gulf coast. Private citizens and businesses have donated hundreds of millions of dollars. Relief organizations and faith-based organizations are on the front lines every day working valiantly to provide material and spiritual assistance.

Here in the Senate, we cleared a resolution last night allowing noncash Katrina assistance to be solicited and donated among our Senate employees.

Americans from all across this country and in all walks of life are offering hope and love and compassion. It is a testament to our Nation's strength and to our historic bond as citizens, as Americans.

Hurricane Katrina now stands as the worst natural disaster in our Nation's history. It is a tragedy of epic proportions. But there is hope and there is determination.

The gulf coast will recover and rebuild and emerge more modern and more prosperous than ever. It is going to be a massive effort. It will take all of our strength and all of our determination. But this is America, and in America no challenge is too great. We rebuilt Chicago. We rebuilt San Francisco. New Orleans, Biloxi, Mobile, and the entire coast will rise again bigger, stronger, and better than ever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, Senators are aware that the bill that has come over from the House carries additional appropriations for the Department of Homeland Security for disaster relief in the amount of $50 billion; and for the Department of Defense, $1.4 billion; and for the U.S. Army Corps of Engineers, $400 million.

The House has adopted this measure, and now we are hopeful the Senate will act tonight so these funds will be made available immediately to the agencies that are carrying out the disaster relief efforts in the States affected by Hurricane Katrina.

This is a destructive force of monumental proportions, the most widespread destruction in my State from any natural disaster in history. So the relief being provided now by the Federal Government agencies is very meaningful and deeply appreciated. So are the voluntary contributions that are being made by Americans who are freely, and in a heartfelt way, giving what they can to help those who are less fortunate.

Senators are volunteering personal assistance. The Senator from Illinois, BARACK OBAMA, is organizing a team of doctors to come to Mississippi to provide emergency medical care for those who are still in need of that care. Medicines are being brought with those physicians to be administered to those who need them. That is one example. There are many others.

Members of Congress are raising money on their own volition and then turning it over to the fund that has been started by Governor Haley Barbour in our State, to collect donations from people who want to help victims, to be used in humanitarian ways, to help people who are in a desperate situation, with no housing, no clothing, no food, many of whom are very poor.

So it is heartwarming to witness this. I express personally my appreciation for all of those who have acted so generously on behalf of the victims of this hurricane.

We have other Senators who have asked for time to speak on this measure tonight. I know the distinguished Senator from West Virginia has time reserved under the order and the understanding for proceeding on this bill. I am happy to yield the floor to him for any comments he would like to make at this time, if he chooses to speak.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, Hurricane Katrina dealt this country an unspeakable blow. Tens of thousands of homes have been destroyed. Families have lost everything. Entire cities have been washed away. And, most tragically, hundreds, perhaps thousands of lives have been lost. Our Gulf States are in crisis. People have been scattered to cities and homes across the country, as the Army Corps of Engineers continues to pump the water out of the flood zones. It will take weeks, if not months, for the waters to recede.

The Congress has responded. Last week, the Congress approved $10.5 billion in emergency supplemental funding. And now we are poised to provide another $51.8 billion. This funding is likely just a down payment.

The bill that is before the Senate provides $50 billion for FEMA Disaster Relief. This funding will provide food, water, housing and cash assistance to the victims of Hurricane Katrina. It also will be used to reimburse the many Federal agencies that are in the region providing health care, rebuilding roads, providing security and removing debris. The bill also includes $1.4 billion for the Department of Defense for the deployment of military personnel to provide relief supplies, health care, and security, and for repairing facilities. Finally, the bill includes $400 million for the Corps of Engineers for emergency repairs to levees and pump stations, and for draining flooded areas. The White House expects that there will be a need for more funding in early October.

Congress responded to the President's first supplemental request in one day because FEMA was about to run out of disaster relief funds. Congress approved the President's $10.5 billion request without amendment. Yesterday afternoon, we received the President's second supplemental request, for $51.8 billion, once again because FEMA is expected to need more money. Today, because of the urgency, we are approving his second request. I understand that the President intends to send a third request, which will be more comprehensive. Yet, the administration has not made any commitment to send that request to the Congress quickly. The White House should not, once again, send that request one day before FEMA runs out of money and expect the Congress to rubber stamp the request. I hope the majority leader will work with the White House to make sure that the request is sent quickly so that Congress can debate the matter. As Senator REID, Senator LANDRIEU, and others have pointed out, there are many issues about the Federal response to Hurricane Katrina that should be examined.

As we move forward, we must ask serious questions about the Government's failure to help the people of the Gulf States on a timely basis. We want answers—we all want answers—as to why it took so long for rescue teams to get on the ground. There is no excuse for the days of delay and the inexplicable lack of coordination in the response effort. The anger and frustration in our country are justified.

Was the slow response because our resources were committed overseas? Were lives lost because the Government took its eyes away from the danger? Or because it failed to recognize a danger at all? That's one of the issues that most concerns me. We all watched the weather radar and saw this storm. Its footprint covered the entire Gulf of Mexico. We knew the storm was coming. We knew the danger was coming. Yet, the Government failed to respond. Lives were lost because the Government failed to do its job.

What would have happened if this had been a terrorist attack that we did not see coming? What if a surprise attack breached the levees around Lake Pontchartrain? How slow would our response have been then, to a danger that the Government did not see coming?

The Government clearly was not ready to evacuate large numbers of low-income, disabled and elderly people. Not all people in this country have jets, helicopters and fleets of SUVs to move them around. If there were a terrorist attack, would our Government, once again, leave behind the many people in this Nation who do not have the resources to be mobile?

It's time that we put America first. It's time that we refocus our energies and our resources into protecting this Nation here at home. Reinforce our critical infrastructure. Train and coordinate response and rescue efforts. Close the gaps. Fix the problems.

The Government's actions in the days following the tragedy were slow and misguided at best, and inept at worst. The Federal response effort was unacceptable, and the Government must do better. Let us pray that this funding will help to save lives and ease the suffering.

I urge Senators to support this supplemental appropriations bill. Hurricane Katrina is a national disaster. It is a national tragedy. And it will take a national effort to help our fellow citizens rebuild their homes, their cities, and their lives.

I thank my distinguished colleague, chairman of the Appropriations Committee, Mr. COCHRAN, for his contribution. May I say to him, I have personally been concerned about him, his people in Mississippi, his people and Senator LOTT's people. I called him and told him that I wanted to be of assistance, if I could be, and that any appropriations bill that we might appropriate, might send from our committee would have my support. We did this promptly. We are going to continue to do what we can. I commiserate with him as to the tragedy which has befallen his State, his people, our country, our people.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am deeply grateful to the distinguished Senator from West Virginia for his kind remarks and his cooperation and presentation of this bill and support of the first supplemental appropriations bill, as well as providing funding to try to help the disaster victims in my State and the other coastal States that were affected by this terrible tragedy.

I have admired my friend from West Virginia from the moment I came to the Senate. I respect his dedication to the Senate and his conscientious efforts to effectively represent the State of West Virginia in the U.S. Senate. I have learned a lot from him, and I continue to do so as time goes on.

One of the things that has not been as widely noted, I think, as should have been is the leadership provided in the gulf coast areas by the local elected leaders. The Governor of my State, Haley Barbour, has shown an enormous amount of skill, compassion, and determination to use all of the available resources of our State Government to aid the disaster victims, to get them to safety, to provide for them, to help in the debris removal, getting businesses started again and the schools going. It has been a challenge of enormous proportions.

I was able to visit with him and his team that he had assembled at the Mississippi Emergency Management Offices on Riverside Drive in Jackson, MS, on my first visit to the State after the hurricane, and I was very impressed by the dedication, the willingness to work, the voluntarism that was apparent on that occasion and to see the results that are being produced by the local leaders in my State to ensure the recovery from this disaster. So they are to be commended. We are going to continue to support them from the Federal level to the fullest extent of our capability and understanding of the needs and how we can best do it.

There are safeguards in this bill, Senators should know, to help protect against abuse. There are provisions in the bill requiring the Corps of Engineers, the Federal Emergency Management Agency to make weekly reports on the obligations of their funds. These can be monitored to ensure that they are consistent with the law and the needs of the people who have been affected by this disaster.

The Department of Defense is required to report within 5 days of any transfers of funds in this relief effort.

In the Federal Emergency Management Agency title, there is $50 billion; $15 million is for the inspector general to conduct audits, as authorized by law, to ensure that the funds are being disbursed as authorized by law and in accordance with the understanding of the needs of the people who are affected by this disaster.

We do not want waste. We do not want abuse of these programs. We want them to be administered with integrity and an adherence to the principles of law.

I want Senators to understand we are not taking this money and pouring it out on the ground. We are trying to devise ways to see that it gets to the people who need it, who are entitled to it under the provisions of the disaster legislation that we passed in earlier disasters.

Mr. President, I know other Senators have asked for recognition. I see my colleague on the floor, Senator LOTT, who personally has suffered tremendous damage and loss of his home on the gulf coast, who has worked tirelessly—I have observed it—on the phones, traveling back and forth from the State, interacting with Members of the House to help shape this legislation so it provides meaningful relief not only for the victims in our State but throughout the gulf coast region.

I commend him and salute him and want him to know we are standing with him and trying to provide all the support and assistance we know how to provide to help overcome the ravages of this hurricane.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I inquire of my distinguished colleague, the senior Senator from Mississippi, has he made other commitments at this time or would it be appropriate for me to make my remarks?

Mr. COCHRAN. Mr. President, it is appropriate for the Senator from Mississippi to speak. It is appropriate to yield to other Senators, but they are not here at this time.

Mr. LOTT. Mr. President, I wish to say what a pleasure it is to work with my partner, the senior Senator from Mississippi, Mr. COCHRAN. He is always a gentleman and very thorough and capable and competent in his leadership as a legislator and as chairman of the Appropriations Committee.

I must say, I am quite pleased the chairman of the Appropriations Committee hails from my State. I thank him for his generosity personally and his comments and all he does to offer comfort on a personal basis.

I thank him for leading in this particular effort and moving this supplemental forward. We are both here, but our hearts are in Mississippi now. We are here because we want to make sure these funds are available and that they will get to the people and we will not have the important agencies that are involved run out of money in a day or two, or three.

I thank Senator BYRD for calling me last week to check on me. I called him back and talked with him yesterday. He was very kind and very generous. I want people to know we do check on each other and check on each other's wives. He has been very generous with that. I thank these two men for their leadership, and I thank the Senate for their personal concerns.

A lot of Senators are not just offering concerns, they are offering help. They are sending truckloads of help. They are making personal contributions to charities. It is very heartwarming on both sides of the aisle.

I was pleased to see the House take this matter up promptly and pass it overwhelmingly. Over 400 House Members voted for it; 11 voted nay. Now we have it, and we have an agreement with the leadership on the Democratic side that we would have a time limit and that we were not going to have a long amendment process because this money is needed.

I want to emphasize to my colleague that we want to make sure this money gets to the right place, the right people, and in the right way. We will be very careful to make sure these contracts are done properly.

I was speaking to the Governor of our State a few minutes ago. They are going to be monitoring this very carefully. We have the best quality of elected officials in my State we ever had, Democrat and Republican. I believe that. We have leaders up and down the line in the State offices, and we have young, dynamic mayors who had their towns wiped out. We have old experienced mayors who can pull all the communities together, and they are doing a wonderful job. Supervisors are doing a great job too.

We will monitor this very closely. We are not asking for a handout, but we do need help. We need a "handup." We want to get our people where they at least are safe and secure. Right now health concerns, for instance, are bothering me very greatly. My wife is digging through the rubble now. I said: Please don't get cut accidentally, and watch out for snakes. One of the many things that comes with hurricanes, people do not realize, is the snakes blow in, and when the water goes out, they stay. I am nervous with her digging around in our neighborhood looking for some of our things that are left.

We are going to need help from HHS to make sure we have medical attention, personnel, equipment, chemicals, and drugs to help from the Mississippi gulf coast right into New Orleans. Of course, they will have a distinctly different problem in New Orleans.

A massive effort is underway. I have had people say to me: $1 billion a day, how could that be? You ought to see what is going on and you ought to see the need.

The Coast Guard has been fantastic. They have saved lives, and they are working today. The Corps of Engineers has been working to clear the channels. The Navy has ships in the area. The *Iwo Jima* is in New Orleans. The *Bataan* and the *Truman* are off the coast of Mississippi. The USNS *Comfort* is pulling into the area so we can house personnel, people who need help if the hospitals can't help them, and to give people a place to spend a night inside and get a good meal. This has never been done before, so there is a massive effort.

Senator COCHRAN and I flew from Biloxi, MS, over to New Orleans, and then I came back on a helicopter last Friday. It was similar to being in a war zone. Honestly—fires burning, water rising, helicopters bringing in injured people. There were helicopters all over the place. I was very nervous, quite frankly.

The point I am trying to make is, there is a huge effort underway, a big push of supplies, equipment, people who are working to save people's lives to this very day and to give us a chance to get back up so we can help people go back to work.

It is the worst I have ever seen. For 37 years, I have dealt with hurricanes, tornadoes, floods, ice storms, everything but locusts, and I am expecting them to arrive very soon. But this beats all I have ever seen, and it is going to be so hard to deal with the magnitude of the debris, let alone the human tragedies with which we are going to be dealing.

We need this help. We need this money. Some people are saying it is not going perfectly well. It never does. I have been through this every time. Every time we have trouble getting temporary housing into the area. We have trouble moving them from Georgia, pre-positioned in Mississippi, so we can get them to the people. We are having that problem now. The size and the magnitude of this disaster is so big that things are not going to happen fast enough, and there are going to be problems and slip-ups.

I do not think we should take time to be damning mistakes made last week. I want to know what the problems are today, what is the solution, and what actions we are going to take. I am very proud of that.

I want to also say, yesterday I put a list in the CONGRESSIONAL RECORD of private companies and organizations that have just gone beyond the call of duty—money, supplies. There are also hundreds of heroic acts, humanitarian acts where people went beyond the call of duty to save lives to help other people—veterans who were rescued from the Gulfport VA Hospital, nurses who went without water themselves for 3 days to look after their patients.

I am going to put in the RECORD a whole list of these stories of great human efforts to help other people, sacrifices that people made, people who loaded up vans and showed up. A woman minister from Illinois loaded up a van, hitched to a pickup truck, drove herself to Mississippi, went to a church parking lot without any prearrangement and started distributing supplies. That story will be told a hundred and thousands of times over.

I want to make the point that this is a lot of money, I know it, and I am sorry we have to spend it the way we do. I prefer we not have this problem, but it is there, it is real. This is America. Americans have proven over and over again how charitable we are and how we will come to the rescue of people when they are in need and when they are hurt.

Let me say, too, about my State, I am proud of my State. We have been working and pushing. We are getting the job done. We will come back bigger, better, stronger, and we will continue to be an important part of this great country and a part of our economy.

Mr. President, I know I have used too much time of all other time that has to be yielded, but I thank my colleagues, one and all, for this opportunity to express my feelings. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, every single one of us in this body is going to support this supplemental appropriation for those who have suffered so much in Mississippi, Alabama, and Louisiana. We will do everything we can to help them. I know we will have another supplemental in the near future. I want to make sure that everyone realizes that there are now States that have taken the evacuees and done it with open hearts and open arms. We want to do everything to make them comfortable. That includes educating children. It includes medical care and Medicaid reimbursements that will be necessary.

It is my hope that the next supplemental will include help for the school districts that are taking large numbers of these students and are not able to absorb all of those costs in a way that would assure that these children, as well as the children who are already in the school district, have the quality education we are all striving to have.

As chairman of the Veterans' Affairs Subcommittee of Appropriations, I have just seen pictures today of the facilities that have been damaged in Biloxi, MS, and in New Orleans. I know we are going to need supplemental appropriations to begin the process of planning how we will rebuild facilities to serve patients in these areas. I will certainly vote in support of this with total commitment. But I do hope that the next supplemental that goes through will have some of these issues that will help the people rather than just the three States that have the infrastructure as well as the people problems. Let us give the services that all of us want to give to them as well.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, in a few days, on Sunday, we will mark the fourth anniversary of September 11. I remember very well the extraordinary support, the kindness, the solidarity, the friendship shown by our colleagues toward my State. The Federal response, the congressional actions, matched by the extraordinary generosity of the American people made what was the worst manmade disaster in our Nation's history somewhat bearable because we knew that despite what the terrorists had done, America stood with us.

We are now confronting the worst natural disaster in our Nation's history. On behalf of the people of New York, I publicly express our solidarity, our support, and our friendship. I am very familiar with the gulf coast. I went to Biloxi, MS, and the Mississippi gulf coast as a teenager. I have had a lot of opportunities to travel through Mississippi when I lived all those wonderful years in Arkansas. We also spent a lot of time in Louisiana. We had friends in Baton Rouge and Lafayette and lots of friends in New Orleans and surrounding parishes. Of course, I have been in Mobile. I have been along the gulf coast of Alabama. So I can personally see in my mind's eye what Senators are speaking of.

Senator LOTT spoke about what happened to Mississippi, and Senator COCHRAN spoke about the devastation being greater than anything he had ever seen or experienced. Senator LANDRIEU and Senator VITTER try to describe what it is like for everything one knows and everything that is familiar to be gone.

I imagine those days and nights of friendship and good times that I had the privilege of spending in such a wonderful part of our country. So I am very proud of how America is responding once again. The generosity of countless Americans—even people far beyond our shores want to contribute to try to help put lives and communities back together. It is entirely fitting that our Federal Government, that this Congress would be acting to pass in an expeditious manner this important supplemental so that the work of cleanup, recovery, even hopefully of rebuilding, can begin. I believe that when we vote, as we will, this evening, it will send a very tangible message that the Congress understands and that on behalf of the American people we will be with the people of the gulf coast until they, too, can recover and rebuild.

Just as we did after 9/11, there are many questions we should be answering. When I was in Houston this past Monday with my husband, President and Mrs. Bush, and Senator OBAMA, hundreds of people surrounded us asking questions to which we do not yet know the answers. There is a lot of false information, misinformation about what happened, should have happened, did not happen. People are grabbing at whatever they hear, trying to make sense of a devastating experience that has totally transformed their lives and their futures.

I respect the fact that our leaders in the Senate and the House have commenced hearings in the Governmental Affairs Committee and that there was an announcement yesterday about a bicameral effort to try to look into what did happen. But I would respectfully suggest that just as with 9/11, we need an independent commission that will look in depth and will bring to that inquiry independent expertise, people who are not elected officials, people who can look with a very cold and calm eye at the facts and the evidence so that we in the Congress, in the executive branch and State and local governments and, most importantly, the American public, can have some sense that we understand, so far as it is humanly possible, what was done and what could have been done.

The reason for the independent commission is not only because I believe we need to replicate the 9/11 Commission to send a clear message that we are open to looking anywhere and everywhere to find the answers that the people are demanding but also because we do not have the luxury of having officials in the executive and congressional branch diverting their attention to this inquiry, beginning the process of compiling evidence, of interviewing witnesses, of holding hearings. We are now required to focus on the future on behalf of not only the people of the gulf coast but on behalf of our constituents as well. We are spending a lot of money and we will be spending a lot more to ensure that we treat fairly, equitably, and with accountability the needs people have right now and in the months and years ahead.

Therefore, I would hope that we will come to a bipartisan agreement to establish such a commission, exactly as the 9/11 Commission functioned, with 10 members, the President appointing the chair, the other members being appointed by the Democratic and Republican leaders of the House and the Senate, that they will be people of independence and integrity, and that they will, in a sense, be the surrogates for all Americans as they try to make sense of how could this have happened.

I chanced upon a television program the other night that was recounting responses from people around the world—places that know their fair share of disaster—who were asking: How could this happen in the United States of America? It did not make sense to them. They would not have been surprised if it had happened in some poor country, some country without an elaborate bureaucracy intended to deal with disasters, but they were shocked. They were asking questions. Perhaps the most important reason for us to convene this commission and get it working immediately is because we need these answers to ensure that whatever happens in the future will be better handled.

There are lessons for all levels of government, and there are probably lessons for those of us in the Congress. We have no idea what Mother Nature has in store for us. We are not even at the peak of hurricane season yet.

I remember going to Homestead, FL, in 1992 to see the impact of Hurricane Andrew. It was late August, early September, and we were only on the A's. Hurricane Andrew was an A. We are already to K, and we have M and others forming out in the ocean and the gulf. We need these answers to protect ourselves. We need to clear away all of the confusion, the natural tendency of human beings to say: It was not me, it was somebody else; oh no, wait, it was somebody else indeed. We need to just calmly, dispassionately conduct this investigation as quickly as possible to get the answers we need.

I do not think there is any doubt any longer that the Department of Homeland Security, for understandable reasons that I certainly, as a Senator from New York, understand and appreciate, turned much of its attention to the war against terrorism. People drilled, people met, people worried about a bioterrorist attack, a chemical attack, a radiological or, heaven forbid, a nuclear attack. But in the meantime, we have to worry about natural disasters, too, which we have just seen. There were thousands—millions—of people who had to be evacuated. People lost everything. Businesses are gone. It is certainly fair to say that it will have a devastating effect on the gulf coast, but it will ripple through the economy as well.

So I would hope that I would find support in the days to come for the bill I have introduced, the Katrina Commission bill. I have also offered it as an amendment to Commerce-Justice-State, but that we could come to a nonpartisan agreement to do this piece of the people's business, to answer the questions and to make sure this never happens again.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged to all parties.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, under the order, there was 30 minutes reserved for the distinguished Senator from Oklahoma. All of the time on our side on this bill has been used. His is the only time available on our side.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe under the agreement that I have been allocated 5 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I thank the Chair.

First, I wish to mention to our Senate colleagues that of the $51 billion we are considering on the supplemental, there is no funding for education. Under the leadership of Senator ENZI, our committee has had 2 days of hearings with leaders from Louisiana and from the gulf area about what is happening in the education system and the important need to give help and assistance to local communities, not only in those areas but also that have taken students across this country.

I talked to the Secretary of Education this afternoon, and she indicated that she had submitted to the President a series of recommendations that she hopes we can act on in the next very few days, and I hope that will be the case. Otherwise, I think we are missing an extremely important opportunity to try to provide help and assistance in an area of enormous importance to families. There are—85,000 students in the public schools in New Orleans who have lost their education, 35,000 or 40,000 in private schools, and the list goes on.

The second point is I heard that the President had now waived the Davis-Bacon provisions in terms of construction. I am not going to spend a great deal of time on the Davis-Bacon provisions, but I believe it is a great mistake. What we have seen time in and time out when we have debated this issue, this is about quality and the deliverance on time to meet construction requirements.

I am deeply disappointed that President Bush has decided to suspend wage protections in the wake of Hurricane Katrina. Many people harmed by Hurricane Katrina were already struggling to make ends meet, and the jobs and businesses they relied on have disappeared. Experts have said that as many as 1 million workers may become unemployed as a result of the hurricane, with the unemployment rate reaching 25 percent or higher in the gulf region. Many affected workers will be unemployed for 9 months or longer.

One of the major opportunities for work will be in the recovery and rebuilding of the area. We need to be sure that these new jobs pay decent wages. This is all that Davis-Bacon does: it simply ensures that workers on Federal Government projects earn a typical wage. The whole purpose of this law is to ensure that Federal funds do not undermine local labor markets by driving down wages.

Workers who take these jobs will already face special hazards. We heard just yesterday that according to this administration, the floodwaters in New Orleans contain e.coli that is ten-times higher than acceptable safety limits. We cannot allow Federal funds to undercut these workers' condition even further by lowering wage rates. But the President apparently believes that workers in Louisiana, Mississippi, and Alabama don't even deserve to earn a decent wage for a day's work.

Opponents of Davis-Bacon would have you believe that its wages are exorbitant. Nothing could be further from the truth. Indeed, in areas affected by Katrina, some typical wages include:

$9.16 per hour for sheet metal workers in Pearl River County, MS;

$10 per hour for laborers in Livingston Parish, LA;

$8.54 hour for truckdrivers in Mobile County, AL

Haven't these workers and their families suffered enough? We are providing tens of billions of dollars in relief, and we should be sure that it goes toward decent wages for workers as they work to rebuild the vital infrastructure that is so desperately needed. We have had those protections so we have had quality. One of the things the American people are very concerned about is shabby work. That is certainly true about the people whose family houses are going to be rebuilt and buildings going to be restored. They deserve the best. One of the best ways is to make sure we are going to have the skilled personnel to be able to do it. I regret the President's decision.

On a final point, we find now that we have appropriated some $10.5 billion previously and now $51.5 billion this evening. Those funds will go through existing institutions, through FEMA, through Homeland Security. It ought to be understood by the American people that those agencies have extremely important functions to provide for our country. Homeland Security has to look after the challenges for all of our Nation. They have to protect from the dangers of terrorism in our ports in Seattle, WA, and Boston, MA, and Los Angeles. They have other challenges across this nation. They cannot spend the time, the effort, the energy, the focus just on rebuilding the gulf area.

FEMA has 35 different challenges this year that they are going to have to address. They cannot be expected to devote their time, effort, and energy just on the gulf development.

I think the best way to do that is to follow a past tradition, a tradition that goes back to the time of President Coolidge. When we had flooding of the Mississippi in the 1920s, what did he do? He selected Herbert Hoover to coordinate all of the efforts, to be above the discord, so to speak; to coordinate efforts to make sure we were going to have focus and attention and we were going to bring all the parties to the table; to make sure we were going to do this while ensuring the grants, the development, and the investments that were going to be made were going to meet the highest criteria of integrity and would be done in the most comprehensive and complete way.

This is not only from a construction point of view, an environmental point of view, but also for the restoration of the lives of the people in those areas and to ensure, as we are going to rebuild those areas, we are going to make this available to the people in that area so they are going to be part of the reconstruction of their lives.

This is going to be enormously important. There are going to be training programs available to them, so they will feel part of this whole reconstruction, which is a key thing to the American family.

We are one country. We have one destiny. To make sure we are going to have one country and one destiny and one future, we have to make sure we have the opportunity to have a commission of integrity, made up of the very best of our society, one that ensures the integrity of those investments and makes sure those people whose lives are so affected, who are uprooted, are going to get the very best. I hope that would be an area where we could come together, Republican and Democrat alike, and eventually gain support. I know our leader has talked about it, as has Senator LANDRIEU. I have had the opportunity to talk to other Senators about it. Hopefully, we can develop that opportunity to ensure the kind of reconstruction that all Americans want to see.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

Mr. DURBIN. Mr. President, I was led to believe that I had 5 minutes. I don't know if time is controlled?

The PRESIDING OFFICER. The Senator has 4 minutes 50 seconds.

Mr. DURBIN. Close enough.

Mr. President, we estimate the cost of Hurricane Katrina could reach $150 billion. Some Senators speculate even more. We are passing a second supplemental appropriations bill which I assume will pass unanimously: $51.8 billion on top of $10.5 billion last week and no end in sight. This is an enormous responsibility, a responsibility that challenges us in terms of our Nation's budget priorities.

Hurricane Katrina has redrawn the map of the gulf coast. It has also redrawn the budget in Washington. When we reached an agreement earlier this year on a budget, it was a much different environment. We did not anticipate the staggering expenses of Hurricane Katrina. Some did not anticipate the continuing costs of the war in Iraq and Afghanistan, which should never be forgotten. We included in that budget resolution a proposal for $70 billion in tax cuts, the first time in the history of the United States of America we suggested we would make tax cuts in the midst of a war. Usually, a President calls on the Nation to sacrifice during a war, to understand that we each have to give a little to help our troops overseas. This administration suggested the opposite. For the most well off in America, we proposed cutting their taxes in the midst of a war and in the face of the largest deficits in the history of the United States of America.

That was before hurricane Katrina. The world has changed. The deficit for this year has been estimated to be $331 billion. Can we add $70 billion to that in tax cuts for the wealthiest people in America? Even worse, the estimated cumulative deficit over the next 10 years has been estimated by the Congressional Budget Office to be $2.1 trillion. This is before Katrina—before the tax cuts. Can we afford to add $70 billion in tax cuts, primarily for the wealthiest people in America, to that astounding historic deficit? We cannot. I think most right-thinking people on both sides of the aisle now realize that.

Let's be clear. The wrong way to attempt to shrink this deficit would be to cut $35 billion in domestic spending, including $10 billion in cuts in Medicaid, the health insurance program for those who are homeless now because of Katrina and the most disadvantaged in America.

At a time when Louisiana, Mississippi, Alabama, and other Gulf States are struggling to help these people in need, and other States such as my own State of Illinois and so many others are reaching out to help them; at a time when public health challenges are reaching epidemic proportions; at a time when States are struggling on their own to meet their budget responsibility, we cannot cut $10 billion in Medicaid payments to the States.

Thousands of people who did not evacuate New Orleans before the storm couldn't leave the city simply because they couldn't afford to leave. As my colleague, Senator OBAMA, said so often, they couldn't fill up the SUV with $100 of gas, put in the bottled water and head out with a credit card to a hotel in some other State to wait it out. That was impossible.

They faced the reality of poverty and the reality of disaster. We have to face the reality of our budget. Our budget tells us that we cannot cut in Homeland Security, we cannot cut in FEMA, we certainly can't cut the safety net that so many Americans rely on.

The Homeland Security Department needs more resources than ever, particularly for FEMA, and to restore the confidence in America that this agency is truly prepared for the next disaster, whatever it happens to be—whether it is a natural disaster, God forbid, or a terrorist disaster. Our confidence has been shaken in the Department of Homeland Security. We believed that we were safe, and in a few hours we learned, with the disaster on the Gulf Coast, that in many ways we are not.

We couldn't keep the flood waters out of New Orleans once that hurricane had turned. But can we tell America that we are prepared to keep the next flood, the next hurricane, the next disaster from creating what is a shameful situation now facing us across America?

This storm should compel us to reexamine our priorities. A budget document represents a set of moral choices not just fiscal choices. For the past 5 years, we have chosen wealthy persons over working Americans, pharmaceutical companies over seniors, oil companies over the environment, and defense contractors over veterans. It is time to change those priorities.

I will vote for this money. I believe all Senators will probably vote for this money to help our victims. But let us be honest about the realities, the budget challenges we face. Let us understand that a tax holiday for the wealthiest people in America is not appropriate—not this week, not next week, and not any time this year, as we face the reality of a war in Iraq, which continues to claim lives every single day, and this catastrophe of Katrina, which is going to test our moral fiber.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the leadership for giving me an opportunity to talk this evening and to express some views. We heard a very good talk about the budget. The points I was going to make have to do with the disasters we face. It is "disasters"—it is not one, it is two. One is slowly creeping upon us, and the other is right in front of us.

The tragedy that we see on the gulf coast is something to which we have to attend, something for which we have to supply the funds. It is important that we offer aid, that we come to the aid of those people. One of the most disheartening things I have seen in the last week-and-a-half has been finger pointing by politicians at all levels of our country that benefits no one, accomplishes nothing except to prove to the American people partisanship tends to trump any issue. It is disheartening that we as a body would fall into that, when such great responsibilities are in front of us.

I said "disasters" because the other disaster we are not looking at is the Federal budget that the Senator from Illinois discussed. I take a very different view. I am disappointed in our President for not bringing forward with this bill recommended spending cuts that would easily be achieved in the discretionary budget of this country to pay for the disaster assistance. We heard Senator LOTT talk about the sacrifices of the people, both those who are involved and those who have contributed to help in this tragedy. It is no sacrifice on the part of Congress to steal $51.2 billion from our grandchildren to supply the need now without doing the hard work that Americans would expect of us to make sure our priorities are right. It is a time for leadership in this country.

Our budget deficit, after we pass this bill, will be $670 billion this year. That is the real deficit. That comes to over $2,000 per man, woman, and child in this country this year alone. So we have two disasters. One is that we have chosen political expediency over the future of our country. The heritage that our country leaves us and has been given to us is one of sacrifice to preserve the opportunities for the next generation.

We are going to do what is right for the people on the gulf coast, I have no doubt. But we are not doing what is right for the generations that are beyond us, for our children and our grandchildren. It takes courage to stand up and say we can do better. We have heard that. But we have not ever talked about how we can do better. We have talked about how agencies can do better. The way we do better is by finally starting to make the hard choices on priorities for our country.

The President, in his budget proposal this year, recommend 99 programs to be eliminated that did not meet an assessment rating program that was developed by OMB. That program was many times agreed to by many people in this body. That was $19.6 billion. There is not the courage coming from the executive branch to offer those, to say we are not going to spend another $19.6 billion of our grandchildren's money. Yet we are going to do the easy thing. We should pay for this. We should pass this bill, but we should not pass it on the backs of our children and our grandchildren.

I have a message for Americans out there. We have seen so many great efforts at contribution. Oklahoma has 3,800 people from Louisiana now, and we are going to love them and care for them and do everything we can to help those individuals in our State. But everybody else in this country can make a sacrifice, too. There is no charity without sacrifice. If it doesn't cost you anything, it is not worth much.

What we have to do is look at every level of the Government, every operation of the Government, and say: Where can we do better? I have talked to hundreds and hundreds of Federal employees who know where the waste is in their departments and in their agencies. Now is the time to come forward. The doctors in this country, you can save Medicare a ton. The hospitals in this country, you can save Medicare a ton. This year alone, trim your bills, cut back 4 or 5 percent. Do what is hard for you but gives benefit to the future. We need to set a standard that we are going to do what is right, both in this generation and in the generations that follow us.

We have an oath to uphold the Constitution, but we have a higher oath, and that higher oath is to keep the obligations that our forefathers put forward to create the best, brightest, the country providing the most opportunity of any in the world.

We will borrow internationally this year $1.4 trillion. How many years do you think the international financial community will continue to allow us to borrow that money without some cost coming home?

I believe we should have made the effort to pay for part of this supplemental spending.

I believe it is easy for us not to make that effort. I think it is very hard if we choose to make the effort. I believe if we do not step up to the responsibilities given to us by not attempting to make us better, by not attempting to make us more efficient, by not attempting to root out the waste—examples: Last year, 2004, the Federal Government overpaid $41.5 billion for things it bought or handed out. That would almost pay for this bill, if we would eliminate that. We can eliminate it. We choose not to do the oversight that is necessary to find the problems to make us more efficient, to accomplish the very goals to create the opportunity in the future for the next generation.

I will vote for this bill. But I am noticing our Members that we should do better; we should do what is expected of us; we should make the hard choices people expect us to make rather than to go to an unending piggy bank of debt and defer those choices to our grandchildren.

What does that mean? It means our grandchildren are going to have a far lower standard of living as we try to continue to load this debt on them. That is not opportunity. That is not a heritage I want to be involved with. I want to follow the heritage of our forefathers and the great generation of World War II where sacrifice was made.

I believe it is incumbent upon us to do better. I challenge every Member of this body to start doing the oversight.

to find the areas where we can be better, where we can spend less money now—not because it may not be a great project—where we don't spend $26.5 billion in earmarks on a highway bill, the New York Times today listed ways we could help pay by eliminating earmarks and pork.

I find it ironic that I am agreeing with editorials in the New York Times. But they are right. The American people should demand of us now to make the very hard choices of ordering our priorities. Not doing that is below what every individual Member of this body is about.

I challenge Members as we look forward to the next supplemental which we consider if there is an area in the Federal Government that isn't working well where we could save money. The assumption on other side of that is the Federal Government is 100-percent efficient. If there is not any place where we can find money to trim to pay for that, that means the Federal Government is working perfectly. There is not a person in this country who believes that.

I know this talk about finding the money falls on deaf ears to many Members of this body. I am not partisan in any way except I am partisan for the future of our country. We cannot continue to live beyond our means.

The individuals out there who sent $20 to the American Red Cross didn't go freely to get $20 to buy the next ice cream cone or go to the next Starbucks. They gave up something to give that money. We need to be doing the same, and hardship is required. We need to stand up—Democrats, Republicans, individuals—and lead on the issue of efficiency and accuracy and the ordering of priorities; it is most important.

Is it important right now to spend $200 million on a bridge to 50 people in Alaska? Is that important? Should we be doing that when we could spend $200 million helping people in New Orleans or Mississippi? There isn't going to be anybody except 50 people and two Senators and one Congressman who thinks that is a good priority. We ought to be adjusting what we have done to pay for this.

The other final point I would make, it was suggested to the administration and it was rejected, but we need a controller for this money under the Office of the President to make sure it is spent properly. If we have the legislation that is already authorizing that, it is available, it should be put forward. I am going to offer that legislation next week to make sure it is spent right. The President has authorized in good will an inspector general increase to look at it, but they won't be controlling the money. What they do is see how it is spent after the fact. We need somebody in charge of spending before it is spent to make sure it is a priority before it goes down there, as we should be doing here.

I thank the body for the time and the effort. I believe it is incumbent on us to secure the future of this country. We can be critical of FEMA, but if we are not critical of our own positions in how we have spent our children's and our grandchildren's future, we have no right to be critical of any other agency of this Federal Government.

I yield the floor.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I extend my appreciation to President Bush for making this request that is now before the Senate. It contains important money for the victims of Katrina, and I will support it. However, before we vote, my colleagues should know that this bill is seriously flawed in several ways.

First, all the money for the relief effort—most of the money in the bill—goes to FEMA. After what we have witnessed these past 10 days, is there anyone in America who feels we should continue to rely exclusively on FEMA to head the Federal Government's response? I think not.

Second, the President's request fails to make the substantive changes in law necessary to address many of the critical needs of our survivors—notably health care, housing, education, and financial relief. Victims need this assistance, and they need it now. But this legislation before the Senate tonight makes no such changes. It only spends more money.

Again, let me be clear. Despite these flaws, my Democratic colleagues and I will support this supplemental. We simply must do everything we can for the victims of Katrina.

That said, I would like to remind the Senate we cannot rest with the passage of this supplemental. There is much more work we need to do, and there are dozens of steps the Senate should take quickly to get the victims the relief they need.

Along with Senator LANDRIEU and many of my colleagues today, I introduced legislation called the Katrina Emergency Relief Act that makes the changes in law we need to give survivors the relief they need right now.

For example, health care. The survivors of Katrina need health coverage. Some of them were already uninsured. Others may have had insurance but they have been relocated miles from home and lost their insurance when they lost their jobs.

Here is how the Senate could help. We can ease enrollment into Medicaid so that survivors get Medicaid benefits without regard to assets and income. These people do not have the necessary documents to prove their residency or their needs. But we can make all that irrelevant by easing enrollment. We can also assure States that the Federal Government will pick up the tab for any health services they provide survivors.

Regarding housing, FEMA has estimated that up to 1 million people may be left homeless by Katrina and require housing assistance. Many will lack the standard paperwork to apply for Government assistance and will face steep rents as affordable housing is already limited for many. Yet FEMA is ill-equipped to handle the housing needs of Katrina's victims, many of whom are scattered around the country and will need housing for an extended period.

Regarding this housing, here is how the Senate can help. We could very easily direct legislatively the Department of Housing and Urban Development to provide housing vouchers that survivors can use anywhere to get out of shelters and into a home. We have all seen the images of families sleeping in the convention center or in the Astrodome, at the Superdome or at our armory here in Washington, DC or in universities in Nevada or in States all across this country. The Senator from Arkansas has indicated that 60,000 people who are victims of the gulf disaster are now in Arkansas. We must help them get off the cots and into real homes.

About education, the Katrina disaster struck as school was set to begin. Thousands of kids have lost their classrooms. They have lost their teachers. They have nowhere to go. No student should miss a single day. Here is how the Senate could help. Again, it is pretty simple. We can give school districts $2,500 for each displaced student they enroll. It will help offset their costs, and it will encourage some of them to open their doors. We have a lot of school districts that are suffering financially. We can help school districts get other resources. For example, they need to deal with bigger classes—help with teachers, textbooks, material, and counselors who are badly needed.

What about financial assistance? Senator LIEBERMAN has legislation, which is his part of our package, that shows not only have hundreds of thousands of Americans lost their homes but they have lost their jobs and their livelihood for now and any time in the near future. It will take time for Americans to get back on their feet. And here is how the Senate can help. We can temporarily forgive victims of their financial obligations for the Federal Government—things such as student loans and Small Business loans. We can help people so they don't lose their homes because they lost their jobs to Katrina and can't make the payments. We can extend unemployment insurance for these victims who have lost their jobs through no fault of their own. The joblessness rate is expected to increase to 25 percent or higher in the region, and we need to make sure unemployment benefits are available.

We can make it easier for victims to use their own savings to get back on their feet. Some may have Individual Retirement Accounts which they could draw from at this time, and we can make it easy for them to access money by suspending taxes on such withdrawals.

All of these are steps we could have taken today. A number of these amendments have been presented on the Commerce, State, Justice bill. But there are points of order raised against it because the rules of the Senate are such that you can't have legislation on an appropriations bill.

We had hoped the Senate would act on these items promptly, and that is why we introduced four amendments this afternoon to the Commerce, Justice, Science appropriations bill that I have described in some detail. But rather than voting on our efforts, as I have said, the majority plans to raise procedural objections. It is unfortunate. Victims of Katrina don't care about the Senate procedures. They just know they need health care, housing, and school for their children—not more Federal redtape.

My colleagues and I will continue to fight for these items in the days ahead. People who have lost their jobs and everything they have ever worked for don't care if they get Democratic relief or Republican relief. They want relief, and they want it now.

In the days ahead, victims of Katrina and the American people will want something in addition to short-term relief. I think it is important that we begin to address this. Survivors and the American people will want at least two things—a long-term plan to rebuild the gulf coast and answers about why the Government failed them.

To rebuild the gulf coast, we need to think about a Marshall plan.

I have something I have worked on for a number of years that was moving along very strongly prior to September 11, the American Marshall Plan. Remember, for every $1 billion we spend on developing our infrastructure, we create 47,500 jobs. We need a Marshall Plan to reconstruct the gulf region, a plan on par with the one we used to rebuild Europe after World War II. This is a region rich in culture and steeped in our history. It must be rebuilt, and we need a grand plan to rebuild it.

While we rebuild the gulf coast, we make sure we do not do it on the backs of American workers. I have been told the President has decided to suspend Davis-Bacon, a bill on the books for 60-plus years. It works because it creates an even playing field for workers. I will object if the President decides to do this. This is a time to work together and restore lives, not to play partisan politics.

We also need to find out why the Federal Government failed the people of the gulf coast when they needed their Government the most. Following September 11, preparedness for national emergencies was supposed to be a priority for this Government. Americans were made to believe the Government was doing everything it could to prepare for terrorist attacks, natural disasters, and other natural crises. Katrina makes it clear that we aren't ready.

When we faced a similar situation after September 11, Democrats and Republicans came together and established an independent blue ribbon commission. We now want to do this. We must do this. It will happen. It is only a question of when it will happen.

I have been told the majority in the Senate and in the House wants a different approach. They unveiled, very loosely, a proposal to investigate the events of last week. They call it a bicameral committee. Please. We have down at 16th and Pennsylvania Avenue an announcement by the President that he is going to be the leader of the investigation. We certainly do not need the same thing in the Senate. We have committees of jurisdiction that can do the work, and we must have, as Senator CLINTON has proposed, this bipartisan commission. It is very important. I support this commission. The victims deserve an answer independent of politics—the kind of answers only an independent commission can deliver.

I appreciate the patience of my colleagues.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Very briefly, Mr. President, this supplemental will be the last vote of the evening and for the week. We will be here tomorrow to continue business on Commerce-Justice-Science. Amendments can be offered either tonight or tomorrow. There will be no rollcall votes tomorrow. We will be voting on Monday. Instead of 5:30, it will be a little later than that. We will announce that specific time on Monday.

We will finish Commerce-Justice-Science early next week. Senators should not wait to offer amendments. Either offer them tonight or tomorrow. We will wrap this bill up in the very early part of next week.

The PRESIDING OFFICER (Mr. ALLEN). The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Alaska (Mr. STEVENS) and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NOT VOTING—3

Inouye
Stevens
Vitter

The bill (H.R. 3673) was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from West Virginia for his cooperation in the development and presentation of this bill to the Senate. I also especially thank the Congressman from California, JERRY LEWIS, chairman of the House Appropriations Committee, and his colleagues on that committee, both Democrat and Republican, who helped get that bill passed today in the House of Representatives. We appreciate the prompt action on the President's request. We thank all Senators for their cooperation in agreeing to the expedited procedure for consideration of the bill today and passing the bill. This will get needed relief to the disaster victims in coastal States of Mississippi, Louisiana, Alabama, the Gulf Coast, and others who have been injured and victimized by this disaster. We thank the leadership for scheduling the bill and for supporting our efforts to get the bill done today.

The PRESIDING OFFICER. The Senator from New Mexico.

POSTDISASTER RESPONSE

Mr. DOMENICI. Mr. President, I rise to discuss, for a moment on the record, what I have been telling some Senators individually and in groups about the management of postdisaster activities in the Gulf Coast area. Let me begin by saying that I am not going to add to the various discussions being had about who should decide what persons, if any, made mistakes in terms of controlling this disaster, the scourge of this hurricane. Did somebody not do what they were supposed to do or did somebody do it too late? If so, who was it, when did the mistake occur, and why did the person act as they did? That is, who was at fault in responding to this natural disaster, if anyone. I am not talking about that. I hear the rancor and the partisanship in the discussion about who should do that.

I am talking about the fact that we have now the most difficult situation that America on its homeland has ever had to manage. We have never had anything as difficult as this to manage—the confusion, disrepair, individual suffering, displacement, hardship, property destruction, pollution. All of those things affected literally hundreds of thousands of people in three-plus States. We are currently in the immediate aftermath of the force that brought all those things upon us as a nation.

How many people have been displaced—sometimes called refugees, but they will not be referred to as such by me—how many men, women, and children? I understand that the numbers displaced due to a natural disaster before this did not exceed 30,000. It was something under 30,000. For this one disaster, there were over 450,000 people displaced. Anybody who thinks that what we have in place to manage a crisis of this magnitude is fine doesn't understand the proportions of this event. We don't have in place the tools, the wherewithal, the ability to manage this problem—not from the time of its arrival and not now, as we work to gradually make the situation better for everybody, to a point in time that we can take a deep breath and say: We have done as much as we can for as many as we can, and as far as our country and its people and its businesses and its charities are concerned, we have completed the task of responding to this emergency.

We don't have any way of doing that. Anybody who is sitting around here contemplating the work of its committee, be it a chairman of a committee or the chairman of a subcommittee, and thinking they know how to do that, let me tell you, they don't. I regret to say it. In all deference, I am one of those chairmen. I have a standing committee and a subcommittee. They are both involved in this event. One is Energy and Natural Resources. The other is Appropriations for Energy and Water, which is literally all the energy around there, pipelines and the like, and the Corps of Engineers. So I could be saying I will do my share. I will start having hearings. But I submit that this work that I would do and that any other committee of the Congress would do is as apt to be meaningless or wrong or moving in the wrong direction, when looked at a year from now, as it is to be appropriate.

It isn't that we are doing anything wrong; it is that we don't know what our goal is. We don't know where we are going. We know people need checks. We know people need money. We know people need accelerated Social Security and Medicaid benefits. We also know people need housing. But does that mean we should hold a hearing in the housing Appropriations Committee and decide: Here is a new program. We are going to fund the program. It will be grants and loans. 100,000 new houses for these people? Of course it doesn't mean that at all.

We need somebody to put the plan together and decide what the housing situation is going to be like for these people. Do we need interim help? Will that be vouchers? And who will start putting that together? I could go on. This is not because anybody has not done their job. Forget about that. Whatever the job that was to be done, right or wrong, is finished. What you have to do now is rehabilitate, replan, and put in place what must be done within the laws of America, with the dollars of our taxpayers.

I came here in 1972, believe it or not. I was 39 years old. I don't know how I got here or why I was here. I got a great big assignment, one committee, Public Works. You new Senators who worry about your committee assignments these days, I only had one. I got a very auspicious job, too. I was ranking committee member on a subcommittee on disaster relief. I thought: Well, I will never have a hearing, but when I have been here long enough, I will go to another committee.

But lo and behold, Agnes hit. Agnes was a giant hurricane that caused a Northeastern flood, all the way through Pennsylvania. Sure enough, I went to work. I learned about disasters.

But what I also learned was that through the good wisdom of a Senator, who, as I now understand it, was Hugh Scott, the minority leader from Pennsylvania—he used to sit over here when we had very few seats on this side of the Aisle—he talked Richard Nixon into appointing a man to be in charge of the Agnes recovery named Frank Carlucci. You've all heard his name of late. However they found him, I don't know. They must have been clairvoyant; they must have known he was something super. He was President's Nixon's on the ground representative for Agnes for 3 or 4 years, and we came out of that. Today his job would be comparable to having all involved computers run out of one office by people in the executive branch of Government, as if the OMB moved over there to handle things. Everything ran according to plans that came out of Carlucci's office of recovery. Nixon did not use a Marshall plan. He put somebody in charge of telling us what resources we ought to use and what our options were.

From that, he went on to other areas of success, so they must have picked the right guy. He held two Cabinet positions. He was a great success in business. That has nothing to do with what I am talking about, but he was apparently a very talented man. Now this President ought to pick a very talented leader, someone who is not in the Government, for a similar task. I mean no offense to the current establishment working in the Gulf Coast. They are there because we had an emergency—a disaster. But they are not there to handle what is going to be about a 10-year recovery program.

I think the occupant of the Chair knows this. This recovery plan will go on long beyond the next 2 or 3 years. We better have our recovery efforts, and oversight of those efforts, occur in an orderly manner or can you imagine how many hearings we are going to have? Can you imagine how many committees are going to be involved in saying they are solving this problem? Can you imagine the number of press releases that will be issued by subcommittees that are holding hearings about fixing this thing? Can you imagine the laws they are going to bring down here to the floor to pass saying, we are solving Katrina? All those things ought to come out of somebody who is on the ground analyzing the situation.

I urge the President to act. Give the position whatever name you like. I hate to use the word "czar". It doesn't sound right to say "commander." It doesn't sound right to say "general." But they ought to put somebody in charge by executive order and give them the OMB type of office experts to help them analyze this situation and present to the Congress, through the President, the information we need for us to make the decisions about what policies we want.

Far be it from me to know much about managing things because I don't manage much except in my office, and I am not sure sometimes if a Senate office is even manageable. Whatever I have to manage, it probably has not been managed very well. Once I thought it was so important to manage that I hired somebody to see if they could write a manual on how you manage a Senate office. He was the greatest manager I had ever seen in New Mexico. He spent a year and a half working. He wrote a manual. When he was finished, he said: I guess I have tell you, you have to make this current about every week because things are so changeable here. So I don't know how to manage things.

But what I know is that what we have now cries out for a manager or we are going to have disorder following disaster. We are going to have money following money and then people asking: What wasn't done that should have been done? The sooner a manager is put in place, the better. I hope the President will act.

I thank the Senate for listening. I thank the Presiding Officer, because he is the only one who has to stay around here before we finish, and Senator ALEXANDER for being a gentleman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I had an opportunity to hear the Senator from New Mexico, who has a lot of wisdom on a lot of subjects. One of the most important things he reminded us of was to try to get in concrete terms the immensity of this disaster. We see it on television. We know there is more to be done than has been done. We know it is going to last a long time. I heard the same facts he did today, that the most displaced families that FEMA has ever had in one of its disasters was 22,000. This is 400,000 or 450,000 or 500,000. In other words, this is 20 times the scale of the worst disaster we have ever had in terms of displaced Americans. And so we are all scrambling. I think it is important for the Senator from New Mexico to have brought that up.

He also heard, as I heard, that one of the last great hurricanes we had was Harvey, I believe. FEMA is just finishing the work on Harvey now 10 years later because it takes a long time to help communities and people get back on their feet. So this is a massive challenge. All of us want to help.

There is one other thing I am prompted to say before I say a word or two about higher education and the bill that was reported today by the HELP Committee. I have talked a lot in the past about the idea of a citizen legislature. The Senator from New Mexico has as well. Senator Howard Baker, who used to be the majority leader, used to talk about the citizen legislature and how valuable it was for our country if those of us who serve here spend a lot of time in our home states, that we spend time at the diner instead of dinner with a lobbyist, that we spend time at the church instead of up here at a ball game, that we keep our feet on the ground, and that is very important.

I believe that is probably more important today than it has ever been before. I will give an example. I was about to come back up here after our 5-week break. The morning paper reported that an airplane had arrived from Louisiana with 80 people on it who were in dire straits. Al Gore, the former Vice President of the United States from Tennessee, gave no interview to anybody, and had nothing to say. It has come out since then that he apparently arranged for the plane and may have paid for it. In other words, he brought them up from New Orleans.

I did what other people, I guess, did in our country. Before I came back to Washington, I sent a contribution over to the American Red Cross in Blount County, my home county. These 80 people were brought to the Christian church on Highway 321, where the Red Cross began to try to help them in various ways.

It never once occurred to me that I might be giving some advantage to a prominent Democrat by supporting something he was doing to help people. It never occurred to me. I doubt it ever occurred to Vice President Gore that he was bringing those 80 displaced persons to one of the most Republican counties in the United States. We have not had an elected Democrat in Congress from our area since the Civil War.

So in Maryville, TN, and I am sure in the Commonwealth of Virginia and everywhere in this country, the people who sent us here know what to do. They are opening their hearts, they are opening their doors, they are opening their churches, and they are opening their pocketbooks. The furthest thing from their minds is political advantage. I suspect that is exactly how they would like for us to conduct ourselves here.

It seems to me impossible in this body to avoid partisanship. Sometimes I think we have a playpen over here and a playpen over here, and a few Senators and House Members are always angling for partisan advantage. But this is no time for it. So when those impulses or outbursts occur, my suggestion would be that we go home.

In my case, it will be Maryville, TN. Most of us go home on the weekend or we go home for periods of time. We go down to a shelter, we go down to a church, and we see how the people who sent us here are conducting themselves in dealing with this tragedy. And we remind ourselves of that, and we take a lesson from them. When we come back up here Monday through Friday, then hopefully we would conduct ourselves as well as they are conducting themselves. They would expect that from us, and we will do a lot better job of helping deal with this immense tragedy, 20 times as large as anything we have seen before.

FEDERAL SUPPORT FOR COLLEGES AND UNIVERSITIES

Mr. ALEXANDER. Mr. President, I wish to say a word about something important that happened this afternoon that is good news for the men and women in this country who go to college.

We have the best system of colleges and universities in the world. I can remember Senator KAY BAILEY HUTCHISON from Texas and Senator FRIST arranged for a group of us to meet with the former President of Brazil, Mr. Cardoso, who had been at the Library of Congress for a while and was going back to Brazil. Senator HUTCHISON said: Mr. Cardoso, what will you take back to your country about your stay in the United States? He did not hesitate for a moment. He said: Senator HUTCHISON, the excellence of the American University. He said: There is nothing in the world like it. It is one of the greatest strengths of your country.

There are many reasons for this. I believe it is because we have created an environment in which we can bring out the best. We have 6,000 autonomous for-profit, nonprofit, State-supported, not-State-supported institutions, and we have generous Federal funding that follows students to the college or university of their choice. That market environment has permitted us to surpass the world. We do not just have some of the best colleges and universities in the world, we have most of them, and several of those are in the home State of the Presiding Officer, in Virginia, and some of those are in my State as well.

Today the committee upon which the Presiding Officer and I serve, the Health, Education, Labor and Pensions Committee, reported out legislation that has to do with Federal support for colleges and universities for the next 4 or 5 years. The importance of that is this: 60 percent of the students in our country attending universities, community colleges, technical institutes, or for-profit institutions do so with the support of Federal grants or Federal loans. Sixty percent of the college students are affected by this legislation.

While the details of this legislation will come out over the next few weeks, it is important to say two things about it. One is the remarkably effective job by the Senator from Wyoming and the Senator from Massachusetts, Senator ENZI and Senator KENNEDY. This is a complex bill. There are lots of opinions on it. There are more than 20 of us on the committee. At a time of great difficulty around here, they produced legislation that we unanimously supported and agreed upon and will bring to the Senate floor. It is almost certain it will go to conference with the House of Representatives and result in a final bill that we will then send to the President. It was a first-class job of leadership by Senator ENZI and Senator KENNEDY, and I salute them for it, and I am glad to have been part of their committee.

The second thing to say is the bill is good for students. For students, it increases the amount of Pell Grants from $4,050 to $4,500 over 5 years. The bill gives students who want to use their Pell Grant during the summer the opportunity to do so for the first time, making Pell Grants available year round.

We have a lot of working people who go to colleges and universities today. They may want to go four straight semesters. Right now they cannot do that if they are eligible for Federal support. Now they can under this bill when it passes. In addition, Pell Grants will be larger for students who are majoring in math, sciences, or critical foreign languages, thereby encouraging students to pursue these fields.

Someone told me in Tennessee last week that we only had one new physics teacher who graduated and came into our classes. They are going somewhere else. We need more homegrown scientists in the United States, and this is one step to help with that.

The bill is also good for universities as well as students because it begins to relieve the oppressive paperwork burden the Federal Government places on colleges and universities, freeing up scarce dollars to spend on improving quality teaching, research, and public service rather than paperwork.

For example, this legislation creates an expert panel to review, evaluate, and streamline the 7,000 Federal regulations that govern grants and loans to college students. I made a speech on the floor of the Senate a few months ago, and I stacked up in several boxes the 7,000 regulations that every single one of the 6,000 colleges and universities has to go through before they can admit students with a Federal grant or a Federal loan. That is ridiculous. The President of Stanford said they were spending 7 percent of their tuition on complying with Federal grants and Federal loans. Universities should be able to focus more on teaching and research, and less on complying with reporting requirements.

In addition, for the first time, the Federal Government will be required to develop a compliance calendar, making it easier for our 6,000 colleges and universities to comply with Federal rules and helping them with institutional planning and avoiding inadvertent errors in meeting these requirements. In other words, we are saying to the U.S. Department of Education, if you are going to have 7,000 regulations—and we in Congress are guilty of causing that to happen, let me admit that—at least somebody in the Department of Education is going to have to put on a single calendar all of the deadlines when someone at George Mason University or Vanderbilt University or some small college in Iowa has to comply with each particular regulation. That will make it easier for the colleges, and it might discourage the number of new regulations.

Finally, universities doing a good job of keeping down the rate of loan defaults will be given more flexibility in how they use Federal dollars in grants and loans to students.

I am especially delighted the bill includes Teach for America legislation that I introduced with the Democratic leader, HARRY REID. Expanding Teach for America will not only build a corps of young college graduates who spend 2 years teaching in schools in lower income areas, but a corps of expanding influential alumni who support quality public education. I actually believe that corps of expanding influential alumni of these tremendously talented young people who graduate from the finest colleges and universities and go into the inner city and teach for 2 years will produce for us a corps of thousands of Americans who know what they are talking about when the issue of quality public education comes up. We have the best colleges and universities in the world, but they need to continue to be the best in order to maintain our standard of living.

The Federal Government is doing its part. Over the last 5 years, Federal spending on higher education has increased 71.8 percent. At the same time, State funding for higher education has increased on average by only 6.8 percent, partly because of the big increase in Medicaid costs to States, which have increased over the same time by 35.6 percent. This lower amount of State funding has meant that college tuition at public 4-year institutions has increased 38.2 nationally.

In Tennessee, the situation is equally pronounced. As I stated, Federal spending on higher education has increased 71.8 percent over the past 5 years. In Tennessee, spending on higher education has increased about 10 percent while Medicaid spending has increased by 71 percent. That is why during the same period the tuition at the University of Tennessee has increased by 33.4 percent.

I raise this because I hope in our discussion of the higher education bill that we will come to an understanding that one of the principal reasons for the big increases in tuition is the out-of-control State spending for Medicaid. Governors—and the Presiding Officer and I were both Governors—constantly have to fight to keep Medicaid spending under control so we will have enough money left for quality education. And if we do not have quality colleges and universities over the next 10 years, we will not be able to keep our standard of living as we compete with Japan, China, Germany, India, and Great Britain—all who recognize the superiority of American higher education, and are taking significant steps to keep their brightest students home and to improve their institutions.

I am delighted to be able to salute Senator ENZI and Senator KENNEDY. I know they each will have longer statements to make about the bill and all of its parts. But it is a good piece of legislation for students, it is a good piece of legislation for colleges and universities, and it is an excellent piece of legislation for our country.

I yield the floor.

HURRICANE KATRINA

Mrs. FEINSTEIN. Mr. President, I come to the floor today—heart-sick—to speak about the absolute devastation wrought by Hurricane Katrina. This tragedy represents the worst natural disaster in our Nation's history.

This hurricane spared nothing. Estimates of damage now run as high as $200 billion. The cost, in human lives and suffering, is just staggering.

Tragically, it will take weeks and weeks to ascertain the true loss of life. As the recovery proceeds, I pledge to do all in my power to help those in need to rebuild cities, communities, and shattered lives and families across the Gulf Coast.

My home State of California knows well the destruction possible from natural disasters. So many times the people of California have been saved by the generosity of the American people.

I have no doubt that the people of my State will now rally to the aid of those in Louisiana, Mississippi, and Alabama. Many already have.

In addition to monetary contributions from residents throughout the State, over 1,500 California first responders are on the scene, as well as over 700 California National Guard personnel, 116 California Highway Patrol officers, eight swiftwater rescue teams, eight urban search and rescue task forces, and six disaster medical assistance teams.

On Tuesday, Gov. Arnold Schwarzenegger announced that California had accepted a request from FEMA to provide housing and assistance for 1,000 storm victims left homeless by the hurricane. San Diego has made 600 beds available, San Francisco 300, and San Jose 100. And if FEMA asks for more, the State will be ready. Los Angeles has planned accommodations for 2,000 evacuees and Sacramento County is preparing for 300.

Campuses of the University of California and California State University systems, as well as private colleges and universities from across the State, have opened their doors to college students who were displaced or had their educational plans interrupted by the hurricane. Hundreds of students have already taken advantage of these opportunities and will be starting classes this fall.

My heart goes out to all those suffering from this catastrophe. I have seen the destruction caused by massive mudslides, major earthquakes, and torrential rains. I have seen the fear and hopelessness that comes when families lose everything except the shirts on their backs. My thoughts and prayers are with those Americans in the pitch dark with no electricity, in shelters with their homes swept away, and with a future that seems without hope.

I commend all those who have worked literally around the clock in response to the disaster. The emergency responders—from the National Guard and Coast Guard to hospital workers to the local police and fire departments—have been nothing short of heroic. They are risking their lives and deserve our deep gratitude.

The American Red Cross, the Salvation Army, and many other charitable organizations and religious groups have mobilized thousands of volunteer workers to bring aid and shelter to victims of the devastation.

The American people are already demonstrating their tremendous compassion and magnanimity—contributions exceed $500 million, with surely much more to come. Nations from around the world have also offered to help. I thank them as well.

But despite the effort and concern of all these individuals, I am shocked at what has gone terribly wrong in preparation for Hurricane Katrina. What we saw in the days following the storm has been a massive failure of government on all levels to anticipate, prepare, and respond. Days before the storm FEMA knew it was coming. It was announced well in advance that Katrina had become a lethal category 5 storm as it made its way through the Gulf of Mexico.

To see the horrific images of the dead lying in the street unattended, bodies floating aimlessly facedown in the water, and Americans with no choice but to relieve themselves on the field of the Superdome—it boggles the mind that such depraved conditions descended on one of America's great cities.

It was a flat embarrassment to the country. Those who have lost loved ones deserved much better than these appalling conditions.

Senators COLLINS and LIEBERMAN have launched a Governmental Affairs Committee oversight investigation to ensure that the requisite support and resources go to those in need. They will also be examining the inadequate preparation and response to this disaster.

Senator CLINTON and others have called on President Bush to appoint an independent national commission to review Hurricane Katrina relief efforts modeled after the 9/11 Commission.

I completely support these efforts, and would like to go on record with a few of the serious concerns that I have regarding what has taken place. These are all problems that we must grapple with if we are to truly protect our homeland from disasters of all kinds.

Two days before the storm, a mandatory evacuation order went out for the residents of New Orleans. But didn't Federal, State, and local authorities know that tens of thousands of city residents lacked the funds and means to depart and, more fundamentally, had nowhere to go?

As a result, the poor stayed put: stranded throughout the city and away from any safe and secure shelter. Clearly there is not an adequate mechanism for removing Americans out of harm's way in the face of a crisis.

Warning systems and evacuation plans, prepositioning of transportation assets and emergency communications facilities, are all in dire need of an overhaul.

As always in these situations, the first priority is to save lives. Once the storm had passed, emergency responders went to dramatic lengths to save those stranded in houses, in apartments, and on rooftops throughout the region. Through their tireless efforts, thousands have been saved.

But what should have been an immediate and massive delivery of food, water, and medical supplies to evacuees came much too late. Thousands of hurricane victims went for days without anything to eat or drink. Babies went without formula. Diabetics went without insulin. People took refuge on freeways only to bake in the heat without relief or water and nowhere to go.

I realize the unprecedented magnitude of this disaster. But the delay in response was simply inexcusable. It pains me to admit that people died because aid did not arrive fast enough to those in need.

Downtown, New Orleans' Charity Hospital went unevacuated for days with no food, clean water, or basic medical supplies. These represent the sickest and neediest of the storm victims, and all efforts should have been made for their immediate evacuation—by boat to reach the hospital or at least helicopter airlifts from the roof if possible. Vigilant doctors, nurses, and other hospital workers performed courageously but did not have the support they needed.

There seemed to be no plan in place for providing shelter once the storm was over. Ad hoc decisions appeared to cause widespread confusion as desperate evacuees did not know where to find basic needs. Rumors swirled of food here and fuel there, forcing victims to scavenge in search of the basic necessities of life.

As regional evacuation centers filled there was no effective plan for long or even short-term shelter and care of displaced residents. With nowhere for storm victims to go, evacuation centers turned to squalor. Serious reports of abuse and assault have come out of these shelters.

Other cities graciously volunteered to open facilities to evacuees. For that I offer them my sincere gratitude. But now even they have reached capacity—the Houston Astrodome, for example. We were just not prepared to handle an evacuation of this magnitude.

We were quickly and brutally reminded that an effective response to this type of tragedy cannot happen until a reasonably safe situation exists on the ground. This is nothing new. It is a given in these types of situations.

Yet days passed before adequate National Guard troops arrived. Meanwhile, thugs, miscreants, and ruthless pillagers terrorized the streets and thwarted rescue and aid.

Command and control breakdowns have been rampant. Throughout the region, complaints abound that no one seems to be in charge. This is a recipe for chaos, which only works to hamper relief efforts and put innocent people in serious danger. Again, this points to the fact that we do not have adequate plans and mechanisms for dealing with serious disasters.

Regrettably, I could go on, but the time for dealing with the faults in preparation and response has not yet come. Right now, the victims of Hurricane Katrina need our help. Entire communities have been destroyed. Families have been torn apart. Many are still missing. Tens of thousands remain homeless. We must find a way to help bring some stability and hope back into their lives.

Congress has made a start by keeping FEMA operations running through an immediate $10.5 billion appropriation last week. And the President has asked for $51.8 billion more, which Congress will surely approve soon. But even this will not be enough—we have just begun the effort to rebuild these cities and communities.

This is a process that will take years to accomplish and require a great deal of commitment on our part. I call on all Americans to do what they can to assist in the recovery efforts. There are countless opportunities and help is vitally needed.

As we move forward together as a nation, we also need to focus on concrete solutions for improving our preparedness for calamities that engulf any part of the country.

In close cooperation with State and Federal emergency agencies, each city in this country absolutely must have an effective emergency plan in place.

These plans need to include professional and skilled emergency operations directors, clear lines of authority, practical evacuation strategies, and previously determined command centers that can be up and running on a moment's notice with satellite connections and powered by their own generators. Key department heads should carry two-way radios with extra battery packs at all times.

The plans also must have mechanisms to immediately call for and facilitate the delivery of food, water, and medical supplies to areas in need.

But it is not enough to just have a plan in place. These plans must be rehearsed and drilled until they become second nature for the public agencies, emergency responders, and communities involved. When disaster strikes, there can be no confusion as to what must happen.

Unfortunately, even when effective and rehearsed plans exist, large-scale catastrophic events, such as Hurricane Katrina, can quickly overwhelm local jurisdictions.

In these cases, we need a system in place that allows the Federal Government to come in immediately with the full force of its resources and assume primary responsibility for response and relief.

The U.S. Conference of Mayors should convene a national intercity effort to share information and assist in emergency preparation efforts.

In emergency situations such as this, communications capabilities are essential. Emergency responders must have the equipment that will allow essential communications efforts to continue in case of the major damage to infrastructure we have seen in New Orleans.

Clearly, the Federal Emergency Management Agency needs to change. We need to look at whether the tasks charged to FEMA are too large to be included with 21 other agencies under the Department of Homeland Security.

Let us seriously consider professionalizing FEMA from top to bottom—some have called for the resignation of the current Director, Michael Brown, whose credentials as an emergency manager have been widely questioned.

FEMA needs to be devoid of political appointees and employ only the highest trained professionals with expertise in transportation, emergency medical aid, communications, and providing Federal disaster assistance.

Funds Congress appropriates for FEMA from this point forward ought to be prioritized for disaster preparation, and we need to intensively review programmatic appropriations for the Department of Homeland Security which, some critics point out, has received funds diverted from the levee project in New Orleans.

We have a Strategic Petroleum Reserve, but shouldn't we have a strategic food and water reserve too, that can, within hours, be airlifted into directly and brutally hit areas such as New Orleans?

We need preplanned, carefully thought out means for moving National Guardsmen and other military forces and particularly assets, such as high-water vehicles and Chinook transport helicopters, swiftly into place to prevent urban areas from sinking into anarchy—as was so painfully evident at the convention center in New Orleans and throughout the city.

The Army Corps of Engineers, the administration and Congress knew for years about New Orleans' vulnerable topography and the inherent weaknesses of the 350-mile city levee system but limited funding for flood control work nonetheless—why?

The administration and Congress need to conduct a nationwide assessment to determine the other most vulnerable areas and have Federal disaster assistance resources pre-positioned if possible so no time is lost in the aftermath of another future tragedy.

These are just a few ideas to consider. President Bush was conveniently understating the case last Thursday when he said that federal efforts were "not acceptable".

Americans have an obligation to come together, now, with their resources, money, and can do spirit to save New Orleanians, their great city, and all those suffering down the Gulf Coast.

Nothing less is acceptable.

Mr. VOINOVICH. Mr. President, I rise today to address the national crisis we are facing in the wake of Hurricane Katrina. It is hard to even begin estimating the extent to which this natural disaster will affect all of us and, most particularly, our fellow Americans along the gulf coast. I extend my deepest sympathies to the victims and loved ones of this unprecedented disaster. My thoughts and prayers are with all those in need.

Katrina is likely the largest natural disaster this nation has ever faced. The storm's impact is unfathomable, and an entire region has been irrevocably affected. I cannot conceive of a perfect evacuation or mitigation effort for a circumstance of this magnitude. I urge people to refrain from allocation of blame. Finger pointing will only make matters worse. For now we must show our strength as Americans: we must do the best that we can with what we have.

Our first priority must remain search and rescue. We are working to save as many lives as we can, and to send aid to those victims who at this time are without adequate shelter, food, and water. We need to bring relief to those who are living this nightmare, beginning with the most vulnerable—children, elderly, those in need of medical attention—and moving outward to encompass all those who can be reached. Once we have ensured the basic health and safety of those in need, our next priority will be to begin restoring some quality of life. Many have lost everything. Until the region is stabilized, they will need somewhere to go, somewhere to work, somewhere to be with their families, somewhere to begin rebuilding their lives.

Last Friday, the Senate acted and passed a $10.5 billion emergency funding package for New Orleans; however, we will need to give more Federal money for disaster relief. I recognize that this will be costly, and although I am an advocate for fiscal responsibility, this is a time for the Federal Government to act.

We also need to reach into our own pockets and be as generous as we can be. I encourage my fellow members, my fellow Ohioans, and my fellow Americans to contribute to this relief effort by calling the Red Cross at 1-800-HELP-NOW, or visiting their website at www.RedCross.org. The Department of Homeland Security website, www.dhs.gov, also has valuable information for those wishing to make a monetary donation or to offer other services such as housing, and many local communities and faith-based groups have set up collection agencies. Opportunities to give are readily available, and the need is great.

I would like to thank all those who have already opened their hearts and homes, and have given whatever is in their power to give. The response of this Nation, as well as many foreign countries, has been remarkable. Individuals, businesses, and governments—all have answered this call to meet human needs, and this effort will demand that all levels of government work together to ensure that what needs to get done, gets done.

I would like to take a moment to recognize the dedication of those who have offered tireless assistance to the victims of Katrina. In the last eight days, the Coast Guard alone has saved over 30,000 people, more than the cumulative number of its search and rescue operations for the last 10 years combined. Their relief effort has been simply incredible. I am proud of the Coast Guard men and women who have truly exhibited semper paratus.

Katrina also reminds us of how important our National Guard troops are in a time of crisis. From across the United States, there are some 41,500 National Guard troops that are on duty along the Gulf Coast. I am very proud of Ohio's National Guard, which have deployed a total of 1,500 soldiers and airmen to support Operation Buckeye, Ohio's hurricane response operation. This includes the 437th Military Police Battalion, the 1-148th Infantry Battalion and the 73rd TC-Task Force

Command from Columbus: the 371st Corps Support Group from Kettering: and the 269th Combat Communications Squadron from Springfield. As we review the many policy concerns that have emerged in response to Katrina, it will be important to look at the issues facing our National Guard and to work to support them.

I have only mentioned the Coast Guard and the National Guard, but approximately 100,000 people are now involved in relief efforts. These people have chosen service over self and demonstrated their dedication to their fellow Americans. I am inspired by their efforts and I thank them for their service. We owe them all our gratitude and respect.

In addition, words cannot express my gratitude for the 20 States that have welcomed some 235,000 survivors from the gulf region. I would also note the contributions that my home state is making to the recovery effort, in addition to the contributions of the Ohio National Guard. The Ohio Department of Natural Resources deployed 24 officers with 10 boats and 10 vehicle-trailer combinations to Louisiana. In addition, hundreds of Ohio police officers and firefighters have gone or are on call to go to Louisiana and Mississippi to assist with the recovery effort. I am pleased that Ohio has opened its arms and stands ready to receive over 1,000 victims. In preparation, the State Emergency Management Agency, in conjunction with their local partners, is already locating housing, schools, and support services for families who have been displaced. As a former Mayor of Cleveland and Governor of Ohio, I am extremely proud of the Buckeye State's response.

However, Mr. President, in my current capacity as Chairman of the Subcommittee on Oversight of Government Management of the Homeland Security and Governmental Affairs Committee, I have many questions about the timely response to this catastrophe which have yet to be answered. In my position, I will work to make sure these questions are answered because we need to understand what went right and what went wrong in order to better prepare for natural disasters. At this juncture, it is too early to prejudge the overall successes and failures of each level of government during this disaster, or answer questions such as, "Should FEMA be part of DHS?" Those answers should be provided only after a careful and thorough assessment of the entire situation. I would like to recognize the leadership of Senator COLLINS and Senator LIEBERMAN, the chair and ranking member of the Homeland Security and Governmental Affairs Committee, and I look forward to working with them as we examine the response of all levels of government. However, right now, our responders have a job to do on the gulf coast, and our first objective should be to offer whatever assistance it is within our power to give.

Even though we are just beginning to wrap our arms around the magnitude of this event, I would offer some initial thoughts as to how we might mitigate the damage from future natural disasters like Katrina.

The responsibility of planning for, and responding to, natural disasters is shared by all levels of government. But as a former Mayor of Cleveland and Governor of Ohio, I know firsthand the paramount importance of State and local first responders. Therefore, I implore every State and local emergency preparedness organization to review their action plans to ensure that they have the proper procedures and contingencies in place to deal with a catastrophic event. The emergency planning and response capabilities must be reviewed and, if necessary, rewritten to address every possible incident for a given geographic location. The safety of our citizens and communities depends on it.

Prior to Hurricane Katrina, I began working with the State of Ohio's Emergency Management Agency in efforts to assess the ability of the State to prevent, protect, respond to and recover from any disaster, whether natural or otherwise. The State of Ohio is currently conducting a thorough top to bottom review of their strategic and emergency operations plans. It is my hope that these reviews will be conducted by every State.

I would also highlight a Federal program that can help prepare State and local first responders. Earlier this year I offered an amendment to the Homeland Security Appropriations bill to increase funds for the Emergency Management Performance Grant program. The EMPG program is the only source of Federal assistance that provides vital emergency management, coordination and planning support to State and local governments and first responders for all hazards. I believe that by investing in a program with a proven track record, recovery from events like Katrina will be more effective, and the EMPG should receive even higher levels of funding. I will continue in my efforts to ensure that the Federal Government stresses preparation for all hazards: we must be prepared for both terrorism and all of the blows that nature can deal.

Hurricane Katrina also shows that we have serious needs for the repair and improvement of our Nation's aging infrastructure and waterway systems. The desperate conditions these systems are currently in are impacting our economy, the environment, and the welfare of the American people. The backlog of unfunded Army Corps of Engineers operation and maintenance projects mandated by Congress is $1.2 billion. This is up from $250 million when I arrived in the Senate in 1999.

It has been 5 years since Congress passed a water resources and development reauthorization bill. The passage of another WRDA bill cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

The economic benefits of infrastructure projects speak for themselves. The national return on investment for the Mississippi Valley and Tributary system—the system affected by Hurricane Katrina—is $24 for each dollar spent, according to the National Waterways Conference. The Corps of Engineers flood damage reduction program saves lives and prevents almost $8 in damages for each dollar spent.

Right now our infrastructure is collapsing due to insufficient funding. We desperately need to provide increased funding for the Army Corps of Engineers. Currently, the Corps is able to function only at 50 percent capacity at the rate of funding proposed by the Office of Management and Budget. With proper investment from Congress, our waterways and ports have the potential to help strengthen our economy, help ease our Nation's growing congestion problem, and provide a better quality of life.

This devastating hurricane also served to underscore the fragile nature of our national and economic security when the energy spigot went from a full flow to merely a drip. I praise my colleague and Chairman of the Energy Committee, Senator DOMENICI, for his Herculean task of shepherding an energy bill through this body. That bill is a tremendous step toward a much larger goal, which is our Nation's energy independence. However, in the aftermath of the energy bill's passage, we should not assume those efforts will suffice.

Rather, the effects of this hurricane on our Nation's energy supply and the ripple effects sent through the economy should only heighten the clarion call for our country. Much like our Nation committed itself when the Russians launched Sputnik and we entered the race to space, I believe we should have a national commitment to becoming energy independent.

We should open additional domestic resources in the near term to help wean us from foreign oil. My colleagues from Alaska have long sought to open the Arctic National Wildlife Refuge an idea I support. We should also invest in clean coal technologies that will help utilize one of our Nation's cheapest and most abundant resources.

However, we should also look ahead. For instance, a great deal of research has been done in my State on hydrogen fuel cells. I have heard that within a decade, commercial applications for these fuel cells will be a real possibility. But I would ask, why 10 years?

Why not five? I truly believe there is too much at stake to ignore or merely feign interest in becoming energy independent.

I do not think it hyperbole to say that one of the main factors that will determine the next great superpower will be the nation that is able to become energy independent. The commitment we make today will determine the safety and quality of life future generations will have. I pray that we heed this warning.

Finally, I would like to address an issue related to Hurricane Katrina, and that is the soaring gasoline prices across the Nation. In the wake of the horrible tragedy caused by Hurricane Katrina, it now appears that some individuals may be profiting off the misfortune of others. This is unconscionable. It is unfortunate that there are no Federal laws in place to address and stop the price gouging of gasoline. In fact, less than half of our States have laws on the books to protect consumers from price gouging. Therefore, I am considering legislation to provide the Federal Government with the requisite authority to investigate cases of gasoline price gouging during an emergency. This proposed legislation would resolve this issue by providing a Federal framework for protecting consumers against this unjustifiable business practice. I would note that I have been actively involved in this issue for several years. I participated in hearings in 2000, 2002, and 2004 in two different committees, and I have asked Senator COLLINS to explore this issue in the Homeland Security and Governmental Affairs Committee.

Mr. President, these are but a handful of the issues that must be addressed in the weeks and months ahead. Let us roll up our sleeves and get to work. Let us learn from this horrible tragedy that has befallen the gulf coast, and forge better laws and procedures for the future. In closing, my heart goes out to the victims of this disaster, and I ask that all Americans do what they can to assist them.

Mr. KENNEDY. Mr. President, in the wake of Hurricane Katrina, we have seen images we thought we would never see in America. We have been reminded that we are all part of the American family. And we have a responsibility to help members of that family when they are in need.

We in Congress have a responsibility to do all we can in many ways. Let's make sure children don't lose a year of their lives. Let's help them return to as much of a normal environment as possible. We need to act quickly to provide the help they and their parents need to cope with this strategy, and rebuild their future.

We all remember Hurricane Andrew, the category-5 hurricane that left over $40 billion in damage in 1992. It tore through south Florida, and the Army, Navy, and National Guard pitched in to help schools repair classrooms and reopen the school doors in about 2 weeks.

Last year, Hurricane Charley tore through central Florida and left $15 billion in damage. Schools closed, but within a month, they returned to normal and students were back on track in their classrooms.

But Hurricane Katrina is a different type of storm, and the magnitude of its damage is vastly more extensive.

In Mississippi alone, 271 schools have been damaged or destroyed. Schools are closed in the three gulf coast cities in the State hit hardest by Katrina Gulfport, Biloxi, and Pascagoula. Those districts enroll 20,000 students.

In North Gulfport, the walls of the Harrison Central 9th Grade School collapsed. In Pascagoula, the roof of St. Martin High blew off. The State superintendent has already requested help from Washington to find portable classrooms. Officials are considering converting an abandoned Kmart into a temporary school.

Vastly more damage has occurred in Louisiana. At least 135,000 students in public schools have been displaced. 100,000 college students have been displaced for the fall semester at Tulane, the University of New Orleans, Xavier University, and Loyola University.

Fortunately, America has begun to respond.

The Houston school district has pledged to accommodate 30,000 displaced students in their schools. The Dallas Public Schools has created a hotline to streamline enrollment for displaced students. St. Paul, MN is willing to accept 5,000 in its schools.

In Massachusetts, more than 30 colleges and universities have offered to enroll students, and provide housing and tuition assistance.

People have opened their homes and communities have opened their schools. We owe a great debt of gratitude to the principals, the superintendents, and the university presidents and deans who have pledged their help.

But they need help from Congress as they struggle to accommodate these students. We need a response that is as caring and as generous as the American spirit.

We must do all we can to assist schools and colleges as they attempt to meet the incredible challenge of incorporating hundreds or thousands of new students into their systems.

We must provide funds to help ease the transition of students into new school districts, support basic instruction, and purchase books and materials. We must help schools temporarily expand facilities and avoid overcrowding.

We must help college students find temporary help so they don't lose a semester or a year of college, and give them the financial assistance they need to continue.

We must also help former students who are paying off past loans, by offering every affected borrower a 6 month grace period when no further interest will accrue so they can avoid any increased cost or damage to their credit while they get their lives back on track.

Thousands of young children affected by Katrina need temporary space in safe and healthy settings. We must provide them with quality early childhood programs and facilities, until the children and their families can return to their homes and communities.

And in weeks and months ahead, we must focus on rebuilding and reconstructing the schools devastated by the tragedy so that, as soon as possible, children can return to schools fully stocked with the resources they need.

This morning, Senator ENZI and I heard moving testimony in the HELP Committee from Dr. Diane Roussel, Superintendent of Schools in Jefferson Parish in Louisiana. The parish has 85 schools, 51,000 students and 3,600 teachers. It lies just south of New Orleans, and was directly in the path of Katrina.

The local tax base provides a third of the district's resources for education to help students who have been displaced. Now, they're left with nothing to rebuild their schools.

In Dr. Roussel's words:

> Money isn't always the answer to solving the ills in our public schools, but when we're talking about equipment; supplies, rebuilding, and maintaining our teaching workforce, money is the answer.

We're reminded in this disaster that schools are the heart of local communities across America. When schools open, people return. When schools open, business returns, and life begins to return to normal.

In the coming days and weeks, we must act expeditiously to provide the help that the entire gulf coast community needs to re-open its schools. If they get what they need, I am confident they will come back, stronger than ever before. Let's get it done.

Mr. LEAHY. Mr. President, I want to take a moment, on behalf of myself, my fellow Vermonters and Americans across this country, to express our heartfelt gratitude for the outpouring of generosity by more than 90 countries and international organizations that have offered assistance to the recovery efforts after Hurricane Katrina.

The United States is coping with devastation and destruction on a scale not seen in our lifetimes. It has been shocking and sobering to see how woefully unprepared our Government was to help the victims of this disaster. The chaotic response has also raised serious concerns about the adequacy of our preparedness to respond to terrorist attacks, despite the many billions of dollars the Department of Homeland Security has spent since 9/11.

Yet if there is a silver lining in such a disaster it is that it unites Americans and it unites the world in the common cause of alleviating suffering. A massive relief effort is underway, albeit belatedly, involving everyone from the Coast Guard to the Red Cross to private citizens who are rescuing people who were stranded and caring for those who lost their homes and possessions. Organizations such as the United Nations Office for the Coordination of Humanitarian Affairs, the World Food Program, World Health Organization, UNICEF and the U.N. High Commissioner for Refugees have all contributed personnel and resources to help in the recovery. Canadian search and rescue teams from as far away as British Colombia were on the ground in some Louisiana communities as early as August 31, even before FEMA had mobilized American relief workers.

It is not often that we, the world's only superpower, find ourselves on the receiving end of foreign aid. It is almost always the other way around, when Americans respond, as we do continuously, to the needs of people suffering from famine, conflict and natural disasters overseas. It is notable that our own disaster relief specialists in USAID's Office of Foreign Disaster Assistance are assisting in this domestic recovery effort.

The outpouring of sympathy and the hundreds of millions of dollars in contributions by Americans to the victims of the South Asian tsunami earlier this year are today being reciprocated by some of those same countries, and by scores of others.

From the wealthiest European countries and Japan, to the poorest, such as Bangladesh and Sri Lanka, generous offers of cash, water purification and communications equipment, and emergency and medical personnel have been extraordinarily gratifying.

But while no offers have been expressly rejected by the U.S. Government, few have been accepted and received. It is regrettable that our Government's abysmal coordination in the early days of the recovery effort has prevented critical international aid from being delivered to our stricken citizens and communities in the affected Gulf states.

One of many examples is Canada's offer to send three warships and a Coast Guard vessel. They were delayed for a week due to bureaucratic inertia.

I know that in any major humanitarian crisis when unsolicited offers of aid pour in it is difficult to coordinate and use it immediately. Some is simply not usable, such as electric generators that require a voltage not readily available in this country. There are also problems of limited access to airfields and ground transportation, and the necessary personnel to handle and distribute it. But these obstacles should have been anticipated. Bureaucratic backlogs and bungling have kept foreign relief planes grounded for days, medical personnel on standby, and tons of supplies waiting to be delivered to the desperate people of Louisiana and Mississippi.

The sluggish response has left foreign governments frustrated and baffled. I think it needs to be emphasized how much we welcome and appreciate their generous offers of help. It is unfortunate that our government was so unprepared to receive this aid in a timely manner, when lives could have been saved and suffering alleviated. Let us hope that the bottlenecks are being removed so the State Department, the Department of Homeland Security, and particularly FEMA, can speed the delivery of aid from our friends around the world without further delay.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 27, 2004, James Maestas and Joshua Stockham received extensive physical injuries by a group of men after a confrontation at a restaurant in Santa Fe, NM. The apparent motivation for the beating was that they were a gay couple. Maestas, who spent more than a week in intensive care, had to undergo extensive physical and speech therapy, according to the district attorney.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BROAD SUPPORT FOR RESPONSIBLE GUN STORAGE

Mr. LEVIN. Mr. President, according to a report last year by the Brady Campaign to Prevent Gun Violence, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die each year. Further, about 1,500 children age 14 and under are treated in hospital emergency rooms for unintentional firearm injuries per year. About 38 percent of them have injuries severe enough to require hospitalization. We can do more to reduce the number of these tragedies, the vast majority of which could be prevented if safe gun storage techniques were more widely practiced.

A study released Tuesday by researchers from the Center for Disease Control and Prevention, reportedly the largest of its kind ever carried out, analyzed the prevalence of firearms in homes and the storage practices of gun owners. Researchers analyzed survey results from more than 240,000 randomly selected households in all 50 States and the District of Colombia.

While the rates of gun ownership and the storage practices vary widely from State to State, the CDC researchers found that nearly a third of households in the U.S. have firearms. According to the study, in 18 different States more than 10 percent of households contain loaded firearms. In one State, the number is higher than 19 percent. In addition, in 23 different States more than 5 percent of households keep firearms unlocked and loaded. The most startling statistic revealed by researchers is that 1.69 million children in the U.S. live in households where firearms are kept unlocked and loaded.

Statistics like these should give us pause, especially when we consider the impact that safe gun storage practices can have on preventing accidental shootings and suicides by kids using guns. A study published recently in the Journal of the American Medical Association found that the risk of unintentional shooting or suicide by minors using a gun is reduced by as much as 61 percent when ammunition in the home is locked up. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

Recently, I joined with 69 of my colleagues in voting for an amendment offered by Senator KOHL that would require licensed dealers, manufacturers, and importers to include a safe gun storage or gun safety device with every handgun they sell. Hopefully Senator KOHL's amendment will become law.

We can do more to help stop accidents involving children and guns. I urge my colleagues to join me in supporting commonsense gun storage requirements so that fewer families will have to endure the pain of losing a child or loved one because of a preventable tragedy involving a firearm.

THE WINDFALL PROFITS REBATE ACT OF 2005

Mr. DORGAN. Mr. President, yesterday I introduced legislation called the Windfall Profits Rebate Act of 2005 that attempts to address the spiraling cost of oil and gasoline. Let me explain why I introduced this measure.

I come from a State of 642,000 citizens spread out in a landmass 10 times the size of Massachusetts.

As a result of being a large Northern Great Plains State with a small population and being a predominately agricultural State, we use a substantial amount of energy, specifically gasoline.

In fact, North Dakota uses twice as much gasoline per capita than New York does. Though these price spikes hurt all Americans, they are especially devastating to citizens who live in rural States.

Let me say first that the tragedy that we are witnessing on the Gulf Coast is devastating. The effects of Hurricane Katrina will be felt by the people of Louisiana, Mississippi and Alabama for a long time to come and my prayers go out to them in this time of need. The people in the gulf region have lost so much.

It is also the case that the hurricane has affected America's energy supply in the short term. A number of refineries were shut down. A couple of major pipelines were unable to operate and there has been and will be an impact on our energy supply and marketing as a result of this hurricane.

But it important to understand that the price spikes we have seen with the price of oil and gasoline cannot be blamed exclusively on this hurricane.

We were headed down this road long before Hurricane Katrina hit.

In fact, since the beginning of 2004, we have seen the price of oil double from $35 a barrel to nearly $70 a barrel and that has resulted in consumers having to pay more than $3 a gallon for gasoline in many parts of the country.

It is important to point out that at $35 a barrel, the energy industry was making record profits. Now the oil industry claims that these higher prices are a result of supply-and-demand issues and that they need these additional profits for exploration.

However, I believe that the extra $30 per barrel that is tacked on to a barrel of oil these days represents a windfall or excess profit to the major integrated oil companies, and I propose that we recapture part of that with an excise tax and rebate it to consumers who are paying these inflated gas prices.

Here are some numbers to remember: We use 21 million barrels of oil a day in this country. Forty percent of that comes from domestically produced oil. The major integrated oil companies are larger and have more economic clout than they have had previously. They are experiencing the $30-a-barrel increased price above the $35 price that existed in January 2004, and that means they are reaping $7 billion a month in windfall or excess profits. That is $80 billion a year in excess or windfall profits. That is being paid by consumers who drive up to the service station and now receive the sticker shock of paying an arm and a leg for a tank full of gas.

A friend of mine gassed up his car and his son's car with 15 gallons in each car the other day and paid $103.00 at the gas pump.

In addition to the windfall profits being gathered by the major integrated oil companies in our country, it is also the case that 60 percent of that which we use comes from off our shore. That has become a type of forced revenue sharing from American consumers to the Saudis, Kuwaitis, and others. There is not much we can do about that in the short term except to implement policies that try to wean us away from the addiction we have to foreign oil.

However, with respect to domestic companies and domestic production and domestic pricing, we can do something.

My legislation calls for a 50-percent excise tax on crude oil profits over $40 a barrel when those prices are earned by the largest oil companies with the most ability to control the overall price. These are companies that, in many cases, move oil from the ground to gas pumps and control all of the processes in between. The revenue that would be collected from this excise tax would be used to provide a rebate to American consumers to help them offset the burden of higher energy costs that they are now forced to pay.

But my legislation also has a very important exemption. If the oil company is using the revenue from the extra $30 a barrel they are receiving to increase exploration, or make investments to search for additional sources of energy, or to increase refining capacity, or to pursue investments in other renewable forms of energy, then that money would be exempt from this windfall profits tax.

In other words, these large companies would decide themselves whether they pay this tax. If they are buying back their stock or hoarding cash with which to engage in mergers and acquisitions, then they would be paying the excise tax and the consumers would be receiving the benefit of that excise tax.

I am not trying to hurt the oil companies or put them out of business. I want additional robust domestic exploration that would be exempt from the windfall profits tax.

However, American consumers should not pay these inflated prices just to fatten the corporate treasury of the major integrated oil companies.

The substantial rise in the price of oil and gas has produced both pain and gain. The pain is for American consumers and the gain has been for the major integrated oil companies and OPEC countries, and I think Congress ought to weigh in on behalf of American consumers. That is what my bill attempts to do.

And with its exemption for investment in exploration, it does not attempt to help consumers by punishing oil companies.

I hope Congress will immediately consider adopting this measure and provide some help to American consumers at a time when gasoline prices are providing sticker shock every single day.

INQUIRY ON GASOLINE PRICES

Mr. NELSON of Nebraska. Mr. President, I appreciate this opportunity to speak about S. 1610, a bill requiring the Federal Trade Commission to conduct an inquiry into the retail price of gasoline. I thank my colleagues, Senators FRIST and HARRY REID, for their leadership and Senators LANDRIEU and VITTER and so many others for their efforts in working through this time of unprecedented destruction and human suffering.

I am here today to lend my support for giving U.S. gasoline consumers a more thorough understanding of the pricing mechanisms that are at play at the pump. The legislation I propose calls for the Federal Trade Commission to conduct an immediate study into whether rising gas prices are the result of a struggling market or whether market manipulation or a form of gouging is taking place during this time of tragedy.

Even before Hurricane Katrina, the Consumer Federation of America cited several reasons for the dramatic increase in gasoline prices, including tight crude oil inventories, inadequate oil refinery capacity, lack of competition and the oil industry's increasing market power. These are all plausible reasons for price spikes, but they are not enough to stop the questions of people concerned with their tighter budgets.

Between Nebraska and Iowa, more than 500 complaints have been made to State officials about high prices. Officials in both States indicate they have seen no evidence of market manipulation by retailers. Retailers are not singled out as the focus of this bill.

My bill calls for a 2-week study on the root of rising gasoline prices, including both regular gasoline and ethanol-blended gasoline. The report would then be forwarded to Congress for further action. If the report determines no market manipulation is occurring, the FTC would notify the U.S. Secretary of Energy, who would use the information to determine whether the Federal petroleum reserve would need to be tapped for additional oil.

But if manipulation is found, we will have the opportunity to act quickly. The FTC would work with the attorneys general of various affected States to take appropriate action.

I am aware that inquiries as these have been conducted in the past, particularly around this time of year. Price surges around the time of the Labor Day holiday are common. As the prices fall, interest in determining why they reached record level diminishes. I hope this can be different. Even if prices begin to fall, which it appears they may, we still need to know what happened and why it happened.

Oil, as we all know, is the most widely used source of energy in the world. Facts indicate that world production of oil will start to decline. However, demand will not. At what point the production of oil will fall below demand cannot be accurately determined, but I believe that recent events that have disrupted normal supply and demand behavior is an illustration of what consumers can expect once that day arrives.

This is why, after years of delay, it was so important that we were able to pass an energy bill, allowing for the development of more energy sources. I am hopeful that these energy sources, particularly renewable fuels made from farm commodities, will be developed quickly enough to prevent price surges at times the oil supply or refinery capacity is disrupted.

According to the American Petroleum Institute, Nebraska has the distinct honor of being the only State west of Arkansas to see prices jump more than 50 cents per gallon since August 30. Why Nebraska? Let's find out.

In many cases, we saw pump price increases of 20, 30, 40 cents and even higher in a single day. Why such a dramatic increase? Let's find out.

We know there exists a very healthy competition between gasoline retailers, yet the price range for the same grade of gasoline yesterday was $3.19 in Lincoln, Nebraska and $2.99 in nearby Fremont. Why the difference? Let's find out.

What role do speculators play in establishing price? Let's find out.

These questions, and others, are important. Every part of our Nation's economy is impacted by these increases.

For example, the extraordinary prices of gasoline, diesel fuel, natural gas and petroleum derived input products such as fertilizer, chemicals and propane add another economic burden, particularly in rural areas and for farmers and ranchers who count on a ready and accessible energy supply for the production and harvest of their crops and livestock.

We need stable and reasonable gasoline, diesel, and natural gas prices to operate farm machinery, dry grain, and transport commodities to market, especially during the coming harvest season. The extreme volatility of world crude oil and petroleum product prices, according to USDA, has already impacted net farm income by over $2 billion.

When we take a hard look at the facts, we will better understand the forces affecting prices at the pump. We'll understand why in Nebraska we pay prices that range from $2.89 to $3.61 and higher. We'll understand reports of $6.00 gasoline in Atlanta and even higher prices at home and abroad. This legislation is nothing but beneficial for American gasoline consumers.

Now, I ask my colleagues to join me in promoting legislation that will provide valuable information on our Nation and the world's transportation fuels.

NATIONAL ASSISTED LIVING WEEK

Mr. WYDEN. Mr. President, today I want to draw attention to the 11th annual National Assisted Living Week, which begins on September 11 and continues through September 17. Created in 1995 by the National Center for Assisted Living, and being celebrated for the second time in conjunction with the American Association of Homes and Services for the Aging and Assisted Living Federation of America, National Assisted Living Week emphasizes the importance of assisted living services to the more than 1 million seniors and persons with disabilities who rely on them every day.

The theme for this week is "A Fair to Remember." The theme encourages assisted living facilities to create their own "Fair" environment for the residents, families, staff, volunteers and local community and to celebrate their time together and share the fun with family and friends.

Assisted living continues to grow in importance as our society's demographics change and as we live longer. Seniors and their families want a homelike setting and are seeking alternatives to nursing homes. Because assisted living has been able to develop to meet community needs, it can be very different in different States. However, the goal is the same: to provide quality care for those who need some help in caring for themselves but are not in need of the care provided by a nursing home.

My home State of Oregon pioneered the concept of assisted living, and I am proud of my State's ability to continue to evolve the concept so that it meets the changing needs of seniors. All of us want to be in a safe environment and as independent as possible for as long as possible. Assisted living provides care while maintaining the dignity of the individuals they serve. Our Nation must continue to support those long-term care options that allow consumers the care setting that is appropriate for their needs.

IN HONOR OF LIEUTENANT COMMANDER LUKE CLYBURN

Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to an exceptional educator and steward of the Great Lakes, LCDR Luke Clyburn. Commander Clyburn is captain of the ship "Pride of Michigan" and president of the Noble Odyssey Foundation. He is an innovative, committed leader who has worked for more than 32 years to educate young people about the importance of the Great Lakes and other fresh water lakes through the Naval Sea Cadets training program. We are grateful for his long and distinguished service.

The U.S. Naval Sea Cadet Corps was incorporated by an act of Congress in 1962, and a Great Lakes Division was added in 1973. The mission of the Corps is to "encourage and aid American youth to develop, train them in seagoing skills, and to teach them patriotism, courage, self-reliance and kindred virtues." For more than 32 years, Commander Clyburn has accepted that charge.

Under Commander Clyburn's able leadership, the Sea Cadet program acquired a retired naval vessel, the "Noble Odyssey," in 1977. On it, Sea Cadets from Michigan learned to man a ship from bow to stern, and they took part in invigorating scientific missions. With the cadets as crew, Commander Clyburn put together a series of Great Lakes research projects with professional scientists.

In 1989, it was my honor to help Commander Clyburn replace the "Noble Odyssey" with a larger ship, another retired naval vessel, the "Pride of Michigan." On the "Pride of Michigan," Luke has continued the same great work with the same great results. The scientific work has included significant research on invasive zebra mussels, which are harming the Great Lakes, and an investigation of an ancient drowned forest 2 miles off of Lexington, MI. These projects have been filmed and produced into documentaries, including the educational videos "Fresh Water Invaders," "Angels of the Sea," "Emperor," "The Underwater Forest," and "The Norwood Project."

In 2002, the Noble Odyssey Foundation was established as a nonprofit organization to raise money for the Sea Cadet Corps. With Luke as its president, the foundation has ensured the future of the Naval Sea Cadet Program, Great Lakes Division.

Commander Clyburn has dedicated himself to teaching young people about the importance of fresh water and how to protect these resources for future generations. He has been an inspiration and a gift to so many youth, and, along the way, he has made great contributions to scientific discovery. I know that my colleagues join me in thanking and praising Commander Clyburn for his distinguished service to our country.

ADDITIONAL STATEMENTS

HONORING JON KRAHULIK

• Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of a great man, Jon Krahulik, who died this week after a courageous struggle with cancer. He was a good friend, devoted family man, and faithful public servant. I will miss him dearly, and I know that sentiment is shared by countless others across Indiana.

I had the honor of appointing Jon to the Indiana Supreme Court more than 15 years ago. While on the court, he served Indiana with distinction, garnering the admiration of all those whom he encountered. During his time on the bench, he authored nearly 120 opinions, shaping the laws of our State and influencing policymakers across the country.

Whether it was teaching law, serving as a trial lawyer, working to reform State government or recommending changes to Indiana's criminal justice system, Jon brought to bear his remarkable talents and his belief in the potential of humanity. He always sought justice while forging collective solutions. His record of service to the legal profession was matched only by his service and dedication to the community.

Jon went to law school in Indianapolis and stayed on to practice law for nearly two decades at Bingham Summers Welsh & Spilman. He resigned from the Indiana Supreme Court to become president at Chemed Corp., in Cincinnati. A true family man who possessed a deep love for the law, Jon later returned to Indianapolis to start a law firm with his two sons.

His personal accomplishments are as impressive as his professional ones. A man of incredible physical strength, Jon ran in several marathons and competed in an Iron Man Triathlon in Hawaii.

Indiana lost a great man when cancer took Jon away from us. It is my sad honor to enter the name of Jon Krahulik in the RECORD of the United States Senate for his service to Indiana and for his profound contributions to the field of law.●

TRIBUTE TO ELLIOTT BALBERT

● Mr. HARKIN. Mr. President, more than 10 years ago I was proud to work shoulder to shoulder with Senator ORRIN HATCH to pass the Dietary Supplement Health Education Act, DSHEA, to give consumers access to dietary supplements and truthful information about these products. That is one of the reasons it is my great pleasure to pay special tribute to Elliott Balbert, upon his retirement as the president of the Dietary Supplement Education Alliance.

Elliott Balbert recognized the need to get the word out about the growing body of scientific support for dietary supplement use. So, 5 years ago, he created a unique industry alliance of companies to focus on providing meaningful information about the health benefits and responsible use of dietary supplements.

Starting a brandnew nonprofit organization is not easy. There were volunteers to recruit, a board to create, paperwork to file, and money to raise. But even though Elliott was still a full-time CEO of a large public company, he managed to build a solid foundation on which the Dietary Supplement Education Alliance can continue to grow.

Elliott Balbert served as president of the board of trustees for the Dietary Supplement Education Alliance for more than 4 years. He planted the seeds, nurtured them, and watched them blossom into a thriving organization.

I admire the fact that Elliott isn't afraid to put his money where his mouth is. He has provided ongoing philanthropic support to a number of health-related charities, including the Vitamin Angels, the Healthy Foundation, and other initiatives that provide health benefits to the underprivileged.

As Elliott moves on to dedicate more time to his business, I want to take this opportunity to express my gratitude for the outstanding job he has done for the Dietary Supplement Education Alliance. We wish Elliott and his family all the best, and we salute his leadership in working toward a healthier America.●

JOSEPH P. "SONNY" FOSTER

● Mr. NELSON of Nebraska. Mr. President, I am here today to speak about my cherished friend, long time aide, and trusted confidante, Sonny Foster, who died unexpectedly on August 25.

I first met Sonny in 1973 when he and I served together on the Urban League Board. Sonny was still a student at Creighton and I was counsel to an insurance company. Sonny loved to tell the story of my first Urban League meeting at the old Logan Fontenelle Center. When the meeting ended and I went to drive home, I found, to my dismay, that someone had helped themselves to my battery. Sonny retold the story the week before he died. With his unique high-pitched laugh he said "We never expected to see him again!" But I came back and a friendship began that lasted for more than 30 years!

In 1989, when I was planning to run for Governor, some 16 years later, we teamed up. No one ever expected us to win, and we never expected to lose. And we didn't. It was his first time to manage a statewide campaign and my first time as a candidate for office. Of this victory, the Omaha World-Herald said in its August 27, 2005 editorial "Foster put his stamp on the political map of Nebraska by the start of the 21st Century—not only because of his assistance in planting BEN NELSON firmly in the political firmament, but also in his steadfast efforts to make the Democratic Party a force in his North Omaha base."

Much has been made of Sonny's firsts. He was the first African American elected to be student body president at Creighton University in 1973. He was the first African American elected to the Omaha Board of Education by district. He was also the first African American to run a statewide campaign in Nebraska. Sonny had a long and distinguished career in public service including serving as a legislative aide for Congressman John Cavanaugh and as deputy labor commissioner for Governor Bob Kerrey. When I was Governor, he served in multiple positions in my administration.

These are indeed significant accomplishments. And it is indeed appropriate that we celebrate them. But you know what Sonny treasured most was breaking the ground for others to follow—much more than anything he did on his own. In a very real sense, Sonny lived his life so others could enjoy their own success. Sonny lit the torch and passed it on. We must commit to never let that torch go out because of apathy or inaction. He set the standard—it is for others, for us, to now uphold.

I had a lot of time to think about what to say about Sonny in the eulogy I delivered at his memorial service hoping to do justice to a most remarkable life cut short by some divine plan which we must reluctantly accept. I started by listing his many qualities: Sonny was brilliant and perceptive. He was loyal, honest, trustworthy, dependable, responsible, competent, caring, passionate and compassionate.

He was totally trustworthy. Sonny was honest. He would tell you what you needed to know, not what he thought you wanted to hear. This was one of his most endearing qualities.

One time I teased him by saying I preferred to be told that my idea was unlikely to work rather than be asked "who came up with that crazy idea?"

Sonny was focused on getting things done. No task was ever too big or important or too small for him. Stories abound about his tackling impossible immigration cases and solving them. He met my plane when he could have assigned it to someone else. Those 20 minute trips gave us uninterrupted time to talk, to catch up, and to tease one another about one thing or another.

Then there is Sonny's passion. Everyone has a story about how strongly Sonny Foster felt about each and every cause. He didn't suffer foolishness. He possessed the ability to sort things out. Not bashful, he told you what he thought and sometimes in colorful terms. Most of those terms cannot be repeated here. Some thought Sonny lacked patience. I see it the other way around. His dedication, his devotion to his work, his dogged perseverance manifested itself in bold and bombastic ways. When he cared, you knew it!

Underneath the bombast and the passion was a deep well of compassion. Sonny had a soft, caring side. I think today of all those constituents who benefited from his good work in our office. How he cared about their problems! He left an indelible impression.

An e-mail from a young TV reporter who has left Omaha for another market wrote, "A few years ago, Sonny took time out of his schedule to talk with me about working in politics. I walked away from that evening knowing Sonny loved his job meeting and working for all Nebraskans and representing Gov./Sen. NELSON. I'll never forget his guidance, career advice and passion for his job."

What was an everyday meeting for Sonny made a lasting impression on this young man. Sonny had that affect on people.

I will be the first to admit that I wouldn't be standing here today after 15 years in elective office without Sonny. He had a political sense unmatched in Nebraska. He heard the rumblings long before the storms. He didn't need to poll anyone to determine the mood of the people. He just knew. His instincts were right on. And that's why people sought his opinion and listened when he spoke.

Mrs. Foster described the last time she was with Sonny as being "jolly." Have I mentioned that laugh? Sonny filled the room with his presence and his persona. It overflowed when he laughed that unique, infectious belly laugh. No one enjoyed a practical joke more than Sonny, except maybe me! I think Mrs. Foster will forever keep that wonderful memory of Sonny and by sharing it with all of us has given us a gift we should cherish.

Thank you Sonny, for all you did for me, for my family, and most important, for the State of Nebraska. The "good life" will not quite be the same without you.•

CELEBRATING THE OPENING OF THE UNIVERSITY OF CALIFORNIA, MERCED CAMPUS

• Mrs. BOXER. Mr. President, I rise to recognize the opening of the University of California, Merced, the first new University of California campus in 40 years.

The University of California, Merced is the 10th campus in the University of California system, widely renowned as one of the finest public university systems in the world. Merced, located in the heart of the San Joaquin Valley in Central California, was selected as the site of the new campus in 1995 after a thorough and competitive screening process that took 7 years and involved more than 80 different locations.

The 1,000 students in the inaugural 2005 class are a shining example of the diversity that is a great strength of California. Students from Del Norte to San Diego, and from the Pacific Coast to the Sierra Nevada, make up the diverse student body population. A significant number of the students are the first in their families to attend college and come from underrepresented ethnic or racial minority groups in the Central Valley.

The University of California, Merced will grow steadily in the coming years. Initially, the university will offer major degrees in nine different majors from three disciplines: engineering, natural sciences, and social sciences, arts and humanities. Graduate degrees in the three major disciplines will also be available. Total enrollment is expected to reach 5,000 in 5 years and reach 25,000 in 2035. The number of academic programs and degree offerings will increase accordingly as the university grows.

The students, faculty, and staff of the inaugural UC Merced class deserve special praise for their vision as they take on the responsibility of building and expanding the 10th University of California to one that will some day be steep in tradition, history, and excellence. In due time, the students, faculty, and the staff of the first UC Merced class will be rightfully seen as pioneers to those who will follow in their path in the years and decades to come.

The opening of the University of California, Merced is made possible by the tireless work and dedication of scores of committed public officials, hard-working professionals, and determined citizens. Every person who has lent a helping hand to the UC Merced campus can take great pride in knowing that their hard work has resulted in greater opportunities for future generations of California students.

I congratulate the University of California, Merced on its opening, and wish its faculty, students and the community a bright future as they help make the Central Valley and California an even better place to live.•

CHARLES CITY, IOWA, REVITALIZATION

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That's why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways

For example, the citizens of Charles City, IA, are revitalizing their downtown and inspiring new interest in fine arts. Charles City received a Main Street Challenge Grant to construct an elevator addition to the Charles City arts center, which is housed in a historic, city-owned building that was originally a Carnegie Library. This elevator installation is the first phase of a project called "Expanding Accessibility to the Arts," which aims to increase the number of people who can experience the programs and services offered by the arts center. The next steps in the plan are to refurbish the building's workshop and classroom areas to provide wheelchair access and eliminate sources of allergic reaction, and to expand the arts center exhibits and programs to meet the needs of the entire community.

This Carnegie Library building has been the cultural center of the Charles City community since it was opened to the public in 1904. When much of the downtown was devastated by a tornado in 1968, the Carnegie building was miraculously spared. In 2004, the Carnegie Library celebrated its centennial anniversary.

The addition of an elevator, plus other changes to improve access for people with disabilities, will help to equip the Carnegie Library building for its next 100 years. As the principal author of the Americans with Disabilities Act, I am heartened to see more and more of our old, historic buildings being retrofitted to improve access for citizens with disabilities.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Iowa Department of economic development provides technical assistance, but, as we have seen in Charles City, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is demonstrates how renovations of old buildings can serve to jumpstart broader civic improvements. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate the citizens of Charles City for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate the city's historic downtown and improve access for people with disabilities are setting a terrific example for other small towns across America—and for that, I salute them.•

ADEL, IOWA, REINVIGORATION

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That's why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, Aubrey Dunbar and the citizens of Adel, IA are taking strides to improve commerce and aesthetics in their downtown area. Adel's Main Street revitalization efforts received a $45,000 Main Street Challenge Grant in 2004 to be used toward the purchase and installation of an elevator in Aubrey Dunbar's Grandeur on the Square, a three story effort containing shops and a restaurant. Mr. Dunbar kept the historic charm of the older buildings by refurbishing rather than replacing the tin ceilings, and even maintained the old Masonic symbol on one of the buildings.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Adel, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

Projects like the restoration of the Grandeur on the Square in Adel leverage the spirit and morale of people in our small towns and local communities. Grandeur on the Square has drawn affluent shoppers into Adel and has benefited downtown businesses. An average of 200 people now go through downtown Adel daily as a result of the shopping and dining opportunities created by Mr. Dunbar. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

I congratulate Aubrey Dunbar and the citizens of Adel for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reclaim their heritage and reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

BEDFORD, IOWA, RECLAIMING HISTORY

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That's why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my state—is in a class by itself. It's smart. It's effective. It has a powerful multiplier effect. And it touches communities and people in very concrete ways.

For example, the citizens of Bedford, IA, have shown tremendous initiative in rescuing and restoring an important piece of their heritage, the Garland Hotel, formerly known as the Bedford House. This building and business has been a centerpiece in their downtown since 1857. The Garland Hotel was placed on the National Register of Historic Places by the National Park Service in 1977, but it fell into disrepair and closed in 1997.

The citizens of Bedford are now determined to restore the Garland Hotel its former glory, and they are doing so with the help of a Main Street Challenge Grant. The $40,000 Main Street grant is not only helping the Garland Hotel, it's serving as a catalyst to mobilize the community and leverage additional funding. $260.000 has been invested by private citizens and companies to see the project through its completion. The Main Street grant itself will be used to reinstall the hotel's historic columns, second floor balcony, and the original signage on the hotel's façade.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Bedford, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

Projects like the restoration of the Garland Hotel in Bedford leverage the spirit and morale of people in our small towns and local communities. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It sets a positive example. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

I congratulate the citizens of Bedford for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reclaim their heritage and reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

WATERLOO, IOWA, REVITALIZATION

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It is smart. It is effective, and it touches communities and people in very concrete ways.

For example, the citizens of Waterloo are in the process of reinvigorating their downtown district. With the support of a HUD challenge grant, National Trust for Historic Preservation, the city of Waterloo, and the local Main Street program, the Fowler Project in Waterloo will play a significant role in the revitalization of its central business district. Upon its completion, the project will encourage and inspire additional participation in the downtown effort, and serve as a progressive economic engine of culture, arts, and entertainment. This will support the synergy of young professionals, increase members of the creative class in the Cedar Valley, and provide an alternative commercial enterprise for the city. The Fowler

Project will be an integral tool in remaking downtown Waterloo into a thriving cultural, civic, and commercial crossroads of the Midwest.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Waterloo, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate the citizens of Waterloo for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other towns across America, and for that, I salute them.•

VALLEY JUNCTION, IOWA, INNOVATIVE EXPANSION

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in communities all across my State. That is why we need to be as generous as possible and creative as possible in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Valley Junction, IA, have been working hard to make their area a true destination in central Iowa and a more vibrant community. With the help of a Main Street Iowa Challenge Grant, the Lagniappe in Valley Junction, a trendy boutique offering art, jewelry, gifts, accessories, and clothing with an emphasis on local artists is now expanding. The retail area will be expanded by approximately 1,000 square feet and will offer garden art, fountains, planters, wind chimes, and other outdoor accessories. The new addition will also add a social flare to the specialty shop with an outdoor seating area for 50 people. The second floor remodeling will allow expanded selection of wine and gourmet foods. The addition of a coffee/wine bar, featuring a beautifully preserved oak and marble bar, will provide an elegant conversation area with access to a rooftop garden. This New Orleans-style atmosphere is quite fitting for this boutique, named for the Creole term for "a little something extra."

This expansion project is mainly the brainchild of Caren Sturm, the owner of the Lagniappe. Her creative and innovative thinking serves as an inspiration to the rest of Valley Junction, and the project itself will allow for expanded business hours, special events, private parties, and jazz music on a regular basis. This upwards expansion is an innovative solution to the lack of commercial space present in the Valley Junction area. It is a model for other proprietors to emulate, as demand for retail space far exceeds the availability of property. I salute Caren Sturm and the rest of Valley Junction for their hard work to maintain the status of their town as one of the best retail and downtown areas in Iowa.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from local creativity. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Valley Junction, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate Caren Sturm and the citizens of Valley Junction for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other shopping districts across America, and for that, I salute them.•

STORY CITY, IOWA, DOWNTOWN INVESTMENT

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program providing challenge grants to revitalize downtown buildings across my State is in a class by itself. It is smart. It is effective. And it touches communities and people in very concrete ways.

For example, the citizens of Story City, IA, and the editor of the Story City Herald, Eloise Thorson are making efforts to improve their downtown and spur investment in the area. Eloise and the Story City Herald received a Main Street Challenge Grant in 2003 to reclaim their old downtown location. In 1987, the building that had housed the Story City Herald was deemed unsafe for occupancy and demolished. Receipt of the $25,000 Main Street Challenge Grant was the true catalyst to the reestablishment of the Story City Herald in its original location.

This positive change is causing more positive change, as vacancies in Story City's downtown are being filled and more building owners are taking interest in improving the look of their downtown. Community pride in the downtown is returning. Since becoming a Main Street Iowa Community in November of 2004, Story City's downtown has seen over $4 million in private investment, as well as a net gain of 16 businesses and 46 jobs.

Eloise Thorson and the Main Street Challenge Grant gave a great deal back to the community by replacing a long vacant building lot with a magnificent piece of architecture, gracing Story City's "main" street. The community pride in this project is evident as pedestrians walk along Broad Street and stop to show off this new construction to visitors and tourists. Residents are proud to have this century-old business located back in the downtown district, renewing faith in the future of Story City.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Story City, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate Eloise Thorson and the citizens of Story City for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.•

SIGOURNEY, IOWA, IMPROVEMENTS

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Sigourney, IA, have been working hard to improve the image and opportunities offered by their downtown. Forty thousand dollars was awarded to the Sigourney Main Street-Chamber in the form of a Main Street Challenge Grant. The money was used to renovate the building that now houses the Copper Lantern, a restaurant, and Van's Lofts. Each property is on a prominent corner in Sigourney's downtown. Van's Lofts will provide high quality residential living with four new rental units, and the Copper Lantern now offers another dining option.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Sigourney, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes. Both of these projects are cornerstones of community development, and serve as an inspiration to other property owners in the area.

I congratulate the citizens of Sigourney for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.•

JEWELL, IOWA, DOWNTOWN REINVIGORATION

• Mr. HARKIN. Mr. President, one of the greatest challenges we face not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms and on Main Street in small communities all across my State. That is why we need to be as generous as possible and creative as possible in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program providing challenge grants to revitalize downtown buildings across my state is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the town of Jewell, IA is taking great strides to renovate and reinvigorate their downtown area. With the assistance of a Main Street Challenge grant, Jewell is taking great strides to restore the vitality and beauty of their Main Street. One such project is at 632 Main Street, a building that has housed a bank, a millinery, a newspaper office, and a senior citizen center. Although the building has been vacant for a number of years, the Jewell Area Development Enterprise plans to return the building to its former grandeur thanks in part to a Main Street HUD Challenge Grant. The hopes and dreams of the original builders will once again be seen in Jewell's future through the renovated building that will hold prosperous businesses on the main floor and an apartment on the upper story. The city received $40,000 through the Main Street Challenge program, and citizens have called that grant a catalyst for the renovation of 632 Main.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Iowa Department of economic development provides technical assistance, but, as we have seen in Jewell, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes. This project serves as an impetus for further downtown renovation projects, and the interest to continue in the beautification and restoration of downtown Jewell was clear when I visited it in August.

I congratulate the citizens of Jewell for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.•

GREENFIELD, IOWA, REVITALIZATION

• Mr. HARKIN. Mr. President, one of the greatest challenges we face not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It is smart. It is effective. And it touches communities and people in very concrete ways.

For example, the citizens of Greenfield, IA, have been working hard to improve their downtown and their cultural opportunities. Main Street Greenfield was awarded a $30,000 Main Street Challenge Grant for the E.E. Warren Opera House Association to install an elevator. The $150,000 project was completed in July of this year.

Other investments in the building have included weather proofing, outside façade improvements, and interior rehabilitation including theater restoration, installation of restrooms, mechanical and electrical systems, remodeling, and decorating. The Opera House, which is listed on the National Register of Historic Places, offers both historic and sentimental value to the Greenfield community. The physical size of the building and its architectural significance enhance the aesthetics of their public square. The Opera House itself serves as a social center for the arts, and as a site for community dances, theater performances, and meetings providing education in rural—folk—cultural, and fine arts. It also serves to draw business to Greenfield by increasing activity on the town square.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Greenfield, success itself comes from local leadership, local teamwork, and homegrown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchors of Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

The addition of an elevator will improve access for people with disabilities and will equip the Opera House for its next 100 years. As the principal author of the Americans with Disabilities Act, I am heartened to see more and more of our old, historic buildings being retrofitted to improve access for citizens with disabilities.

So I congratulate the citizens of Greenfield for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.•

ELKADER, IOWA, RESTORATION

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our small towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in small communities all across my State. That's why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my state—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Elkader restored and reopened one of the cornerstones of their town, the Elkader Cinema. The Elkader Cinema, formerly known as the "Circle Theatre," was repaired with the assistance of a Main Street Challenge Grant. The faded, broken marquee and dilapidated building were sad focal points in Elkader's downtown, and the entire building was on the verge of demolition when the citizens of Elkader formed a special committee to spearhead the reopening the theatre. The committee was awarded a Main Street Challenge Grant of nearly $50,000. Without the grant from Main Street Iowa, the private party who purchased and renovated the theatre building most likely would not have undertaken the project, as it would have been too risky.

The theatre is now a thriving business. It is open seven days a week, and attendance has proven the seven-day-a-week schedule to be worthwhile. The theatre has had a very positive impact on other downtown businesses as well, bringing customers from all over Clayton County into Elkader. This project has been a tremendous success for Elkader, Clayton County and Main Street Iowa.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Elkader, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

I congratulate the citizens of Elkader for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.•

DUBUQUE, IOWA, DOWNTOWN REVITALIZATION

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Dubuque, IA are showing much initiative in restoring and renovating their downtown area. Dubuque actually received two Main Street Challenge Grants for their downtown: one to restore a six-building, 30-residential unit, 13-storefront neighborhood, and one to revive a landmark building downtown.

The Upper Main Revitalization project started as a two-building rehab, and has since expanded to six buildings. Marking an important gateway into Dubuque's downtown district, Upper Main, arguably the neediest district in the city center, will be taken from one of the most blighted blocks remaining in downtown Dubuque to one of the most refreshed, vibrant stretches of street in the district. This project will put the second and third floors of these buildings back into residential use for the first time in more than 30 years. Momentum is already growing in this district as a result of this project.

The second grant will be used to renovate and restore the Old German Bank, whose most recent incarnation was as the Silver Dollar Cantina. This building is an extremely significant structure in the oldest Historic District in Dubuque. The building suffered a double hit 3 1/2 years ago when the sandy soil in the Main Street area settled, causing cracks in the building. This halted business for several months. Then a few months after it reopened, a fire totaled the building. The Silver Dollar Cantina was popular long before the Old Main district was considered to be trendy, so it was a considerable loss to the downtown area when it was forced to close. With the use of their Main Street Grant, the Silver Dollar will open again, filling the niche of a popular lunchtime spot and even more popular nightclub. This grant is serving to preserve a true anchor of the community.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Dubuque, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see the anchors on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate the citizens of Dubuque for putting together winning Main Street proposals. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.•

CENTRAL CITY, IOWA, DOWNTOWN REVITALIZATION

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms and on Main Street in communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my state—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

For example, the citizens of Central City, IA, are making efforts to improve their downtown areas. Central City received a $50,000 Main Street Challenge Grant in 2002, and has since put that money to use renovating 4 different buildings.

This first project was built in 1914 as a bank, but housed taverns and bars for more than 60 years. It was vacant for 15 years before renovation, and is now in use as an art and gift center. It was the winner of a 2004 Main Street Iowa Award for best total rehabilitation of a small building.

The next project allowed an international shipping and marketing service company, to repair and re-paint the façade of their building, improving the roof, decking, masonry, and parapets.

The third project, the McShane Annex, has been empty since 1989 when a fire destroyed the interior of the building. Using the Main Street Grant, the building's renovation included a new rubber roof, removal of warped plywood covering on the windows, an installation of energy efficient windows, and a restoration of the historic storefront of the two-story, brick Victorian commercial building. The building is now the home of Timeless Treasures, an Americana retail store.

The final project is the renovation of the former Mills Hardware building, another two story, brick Victorian commercial structure. This building was vacant for 10 years. Rear windows were broken and the upstairs had become the home for nesting birds, but with the help of the Main Street grant, the building quickly turned into the home of Aragon Mortgage and Aragon Medical Equipment. Improvements and renovations to the building included the installation of a new roof, repair of the masonry, a paint job for the wood trim, the decorative metal window cornices, and the roof parapet, the addition of an ADA-compliant entrance, the creation of a new housing for the freight elevator, and the installation of more than 20 energy-efficient windows.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our small towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Central City, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

These projects are a shining example of new construction and a catalyst for future projects. When people see the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes and future development.

I congratulate the citizens of Central City for putting together winning proposals to secure Main Street Challenge Grants. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.•

CEDAR FALLS, IOWA

• Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms and on Main Street in communities all across my State. That is why we need to be as generous as possible and creative as possible in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I'm involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my state—is in a class by itself. It's smart. It's effective. And it touches communities and people in very concrete ways.

An example of this effect can be found in the efforts of the citizens of Cedar Falls to restore and reinvigorate their downtown area. Downtown Cedar Falls pursued the Challenge Grant opportunity from Main Street Iowa on behalf of two projects: The Black Hawk Hotel, which is the oldest continuously running hotel in the state of Iowa; and the Jiva Salon spa building. Both buildings received dramatic façade improvements that restored the buildings to their intended looks, and as a result contributed to the success of the businesses that occupy them. The hotel also renovated its interior, adding a barber shop, an evening lounge, 24 luxury suites, a deli, and a sushi bar, and the salon now houses a first class spa that attracts a regional audience.

Downtown Cedar Falls is a newly recognized Cultural District by the Iowa Department of Cultural Affairs, and that designation resulted in part from the impact of these two projects along with the other investments encouraged through their initiative. The beauty of the Main Street Iowa program is that the ideas and initiatives come from our towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Cedar Falls, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

I congratulate the citizens of Cedar Falls for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to revitalize their historic downtown are setting a terrific example for other towns across America, and for that, I salute them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3169. An act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3650. An act to allow United States courts to conduct business during emergency conditions, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 422. Resolution expressing the profound sorrow of the House of Representatives on the death of the Honorable William H. Rehnquist, Chief Justice of the United States.

The message further announced that the House has passed the following joint resolution without amendment and with an amendment to the preamble:

S.J. Res. 19. Joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 52. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the Rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William H. Rehnquist, Chief Justice of the United States.

At 5: 18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3668. An act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3669. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

H.R. 3672. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to states for temporary assistance for needy families.

H.R. 3673. An act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 3650. An act to allow United States courts to conduct business during emergency conditions, and for other purposes.

The enrolled bill was signed subsequently by the Acting President pro tempore (Mr. SUNUNU).

At 8:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3673. An act making further emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

Under authority of the order of September 8, 2005, the enrolled bill was signed on today, September 8, 2005, by the Majority Leader (Mr. FRIST).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3600. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (331)" ((RIN2120-AA65)(2005-0021)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation. .

EC-3601. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (81)" ((RIN2120-AA65)(2005-0020)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3602. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (117)" ((RIN2120-AA65)(2005-0022)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3603. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (16)" ((RIN2120-AA63)(2005-0004)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3604. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (62)" ((RIN2120-AA63)(2005-0005)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3605. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change of Controlling Agency for Restricted Area R-2531: Tracy, CA" ((RIN2120-AA66)(2005-0180)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3606. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Compulsory Reporting Point; MT" ((RIN2120-AA66)(2005-0187)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3607. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Revocation of Federal Airways; AK; CORRECTION" ((RIN2120-AA66)(2005-0188)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3608. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Stage 4 Aircraft Noise Standards: Docket No. FAA-2003-16523: CORRECTION" ((RIN2120-AH99)(2005-0002)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3609. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization of Noise Certification Standards for Propeller-Driven Small Airplanes" (RIN2120-AI25) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3610. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Second-in-Command Pilot Type Rating" (RIN2120-AI38) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of the Class E Airspace; Columbia Regional Airport, MO" ((RIN2120-AA66)(2005-0166)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Topeka, Forbes Field, KS" ((RIN2120–AA66)(2005–0177)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Salina Municipal Airport, KS" ((RIN2120–AA66)(2005–0185)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Revocation of Federal Airways; AK: CORRECTION" ((RIN2120–AA66)(2005–0178)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class C and Class E Airspace; Lincoln, NE" ((RIN2120–AA66)(2005–0186)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3616. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Routes; AK; CORRECTION" ((RIN2120–AA66)(2005–0174)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3617. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Storm Lake, IA" ((RIN2120–AA66)(2005–0181)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3618. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace, Pascagoula, MS" ((RIN2120–AA66)(2005–0191)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3619. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Front Range Airport, Denver, CO" ((RIN2120–AA66)(2005–0189)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3620. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Aspen, CO" ((RIN2120–AA66)(2005–0170)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3621. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Mariposa, CA" ((RIN2120–AA66)(2005–0169)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3622. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Chalkyitsik, AK; CORRECTION" ((RIN2120–AA66)(2005–0173)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Restricted Area R–7104; Vieques Island, PR" ((RIN2120–AA66)(2005–0190)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of VOR Federal Airway V–537" ((RIN2120–AA66)(2005–0176)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of VOR Federal Airways V–9, V–50, V–67, V–69, V–129, V–173, and V–233; and Jet Routes J–35, J–80, J–101, and J–137; Springfield, IL" ((RIN2120–AA66)(2005–0192)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Emmonak, AK" ((RIN2120–AA66)(2005–0172)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Blairstown, NJ" ((RIN2120–AA66)(2005–0168)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Brunswick, ME; CORRECTION" ((RIN2120–AA66)(2005–0179)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mead Municipal Airport, KS" ((RIN2120–AA66)(2005–0171)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Newton City-County Airport, KS" ((RIN2120–AA66)(2005–0167)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Washington, MO" ((RIN2120–AA66)(2005–0175)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dodge City Regional Airport, KS" ((RIN2120–AA66)(2005–0184)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Norfolk, NE" ((RIN2120–AA66)(2005–0183)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Abilene Municipal Airport, KS" ((RIN2120–AA66)(2005–0182)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL–600–1A11 (CL–600), Model CL–600–2A12 (CL–601), and Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Airplanes" ((RIN2120–AA64)(2005–0375)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211–524 Series Turbofan Engines" ((RIN2120–AA64)(2005–0374)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, MD–10–30F, MD–11 and MD–11F Airplanes" ((RIN2120–AA64)(2005–0373)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320–111 Airplanes and Model A320–200 Series Airplanes" ((RIN2120–AA64)(2005–0372)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, -145EP Airplanes" ((RIN2120-AA64)(2005-0371)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L-1011-385 Series Airplanes" ((RIN2120-AA64)(2005-0370)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes)" ((RIN2120-AA64)(2005-0369)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-200C and 747-200F Series Airplanes" ((RIN2120-AA64)(2005-0368)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727, 727C, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes" ((RIN2120-AA64)(2005-0382)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, DC-8-43, DC-8F-54, and DC-8F-55 Airplanes; and DC-8-50, DC-8-60, DC-8-60F, DC-8-70 and DC-8-70F Series Airplanes" ((RIN2120-AA64)(2005-0383)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

REPORT ON THE SUSPENSION OF SUBCHAPTER IV OF CHAPTER 31 OF TITLE 40, UNITED STATES CODE, WITHIN A LIMITED GEOGRAPHIC AREA IN RESPONSE TO THE NATIONAL EMERGENCY CAUSED BY HURRICANE KATRINA—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions:

To the Congress of the United States:

I hereby report that I have exercised my statutory authority under section 3147 of title 40, United States Code, to suspend the provisions of 40 U.S.C. 3141-3148 in the event of a national emergency. I have found that the conditions caused by Hurricane Katrina constitute a "national emergency" within the meaning of section 3147. I have, therefore, suspended the provisions of 40 U.S.C. 3141-3148 in designated areas in the States of Alabama, Florida, Louisiana, and Mississippi.

This action is more fully set out in the enclosed proclamation that I have issued today.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2005.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORIST ATTACKS—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2005, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 8, 2005.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT, from the Committee on Rules and Administration:

Special Report entitled "Review of Legislative Activity During the 108th Congress" (Rept. No. 109-135).

The following reports are for nominees discharged from the Committee on Foreign Relations and confirmed on Friday, July 29, 2005:

William Robert Timken, Jr., of Ohio, to be Ambassador to the Federal Republic of Germany.

Nominee: William R. Timken, Jr.

Post: Ambassador to Germany.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributor: Self (William R. Timken, Jr.)—

Contributions to non-federal "exempt from limits" committees: Amount, date, donee: $900, 1/24/01, RNC—Republican Nat. State Elections Committee; $4,122, 1/24/01, RNC—Republican Nat. State Elections Committee; $30,000, 4/26/01, RNC—Republican Nat. State Elections Committee; $40,000, 10/10/02, RNC—Republican Nat. State Elections Committee; $5,000, 4/25/01, Nat. Republican Congressional Comm.—Non-Fed. #2.

Contributions to Federal political committees: Amount, date, donee: $1,000, 11/6/01, Elizabeth Dole Committee, Inc.; $1,000, 10/11/02, Elizabeth Dole Committee, Inc.; $2,499, 6/30/01, Timken Company Good Government Fund; $3,745, Year 2002, Timken Company Good Government Fund; $5,000, 4/10/01, Ohio's 17 Star PAC; $5,000, 4/22/02, Ohio's 17 Star PAC; $5,000, 8/18/03, Ohio's 17 Star PAC; $1,000, 3/11/03, Mike DeWine for U.S. Senate; $1,000, 3/4/04, Mike DeWine for U.S. Senate; $2,000, 3/4/04, Mike DeWine for U.S. Senate; $1,000, 8/16/01, Voinovich for Senate Committee; $1,000, 8/16/01, Voinovich for Senate Committee; $1,000, 6/21/03, Voinovich for Senate Committee; $1,000, 6/21/03, Voinovich for Senate Committee; $1,000, 11/9/01, Collins for Senate; $1,000, 9/6/02, Turner for Congress; $8,500, 6/9/03, National Republican Senatorial Committee; $8,500, 6/20/03, National Republican Congressional Committee; $1,000, 8/27/03, Bill McCollum for U.S. Senate; $2,000, 6/2/03, Bush-Cheney '04 (primary); $5,000, 12/31/03, Care Political Action Committee; $1,500, 1/25/01, Stark County Republican Party; $1,500, 2/21/02, Stark County Republican Party; $2,000, 2/20/03, Stark County Republican Party; $1,500, 10/24/03, Stark County Republican Party; $20,000, 12/19/01, Republican National Committee; $20,000, 12/22/03, Republican National Committee; $1,000, 2/22/02, Rely on Your Belief Fund, $1,000, 6/12/02, Ohio's Republican Salute.

Contributor: Spouse (Sue S. Timken)—

Contributions to Federal political committees: Amount, date, donee: $1,000, 12/28/01, Elizabeth Dole Committee; $1,000, 12/27/01, Voinovich for Senate Committee; $1,000, 12/27/01, Voinovich for Senate Committee; $1,000, 6/21/03, Voinovich for Senate Committee; $1,000, 6/21/03, Voinovich for Senate Committee; $2,000, 6/2/03, Bush-Cheney '04 (primary); $5,000, 12/31/03, Care Political Action Committee; $1500, 1/26/01, Stark County Republican Party; $20,000, 12/22/03, Republican National Committee; $1,000, 3/11/03, Mike DeWine for U.S. Senate; $1,000, 3/4/04, Mike DeWine for U.S. Senate; $25,000, 7/26/04, Northern Ohio Victory Committee; $30,000, 7/28/04, 2004 Joint Candidate Committee; $7,000, 7/28/04, 2004 Joint State Victory Committee; $2,000, 9/17/04, Bush-Cheney '04 Compliance Committee.

Children and Spouses: Kristen C. Timken—none.

Contributor: H.H. Timken, II (son)—

Contributions to Federal political committees: Amount, date, donee: $1,000, 11/1/01, Elizabeth Dole Committee; $5,000, 3/18/04, Care Political Action Committee; $2,000, 6/30/03, Bush-Cheney '04 (primary).

Contributor: William R. Timken, III (son)—

Contributions to Federal political committees: Amount, date, donee: $500, 8/16/04, Republican National Committee; $2,000, 9/30/04, Voinovich for Senate Committee.

Contributor: Mark P. Timken (son)—

Contributions to Federal political committees: Amount, date, donee: $500, 6/30/04, John Kerry for President.

Spouses: Lydia Timken—none; Heather Timken—none.

Contributor: Brice W. Karsh (stepson)—

Contributions to Federal political committees: Amount, date, donee: $2,000, 6/23/03, Bush-Cheney '04 (primary).

Contributor: Frances M. Karsh (stepdaughter)—

Contributions to Federal political committees: Amount, date, donee: $2,000, 10/29/03, Bush-Cheney '04 (primary).

Contributor: Catherine Boisvert (stepdaughter-in-law)—

Contributions to Federal political committees: Amount, date, donee: $2,000, 5/12/04, Bush-Cheney '04 (primary).

Parents: William R. Timken—deceased 1995—none.

Contributor: Mary J. Timken (mother)—deceased 2004—

Contributions to non-Federal "exempt from limits" committees: Amount, date, donee: $10,000, 4/25/01, Nat. Republican Congressional Comm.—Non-Fed. #2; $20,000, 12/19/01, RNC—Republican Nat. State Elections Committee; $40,000, 10/10/02, RNC—Republican Nat. State Elections Committee.

Contributions to Federal political committees: Amount, date, donee: $1000, 11/6/01, Elizabeth Bole Committee; $1000, 10/11/02, Elizabeth Dole Committee; $2000, 3/4/04, Mike DeWine for U.S. Senate; $2000, 3/4/04, Mike DeWine for U.S. Senate; $1000, 11/9/01, Collins for Senate; $1000, 8/16/01, Voinovich for Senate Committee; $1000, 8/16/01, Voinovich for Senate Committee; $1000, 6/21/03, Voinovich for Senate Committee; $1000, 6/21/03, Voinovich for Senate Committee; $2000, 6/2/03, Bush-Cheney '04 (primary); $9000, 6/9/03, National Republican Senatorial Committee; $9000, 6/20/03, National Republican Congressional Committee; $5000, 9/30/03, Care Political Action Committee; $5000, 4/30/04, Care Political Action Committee; $2000, 1/25/01, Stark County Republican Party; $2000, 2/21/02, Stark County Republican Party; $2000, 2/20/03, Stark County Republican Party; $1500, 10/24/03, Stark County Republican Party; $20,000, 4/27/01, Republican National Committee; $10,000, 12/22/03, Republican National Committee; $10,000, 9/24/03, Ohio State Central & Executive Committee.

Grandparents: H.H. Timken—(deceased 1940)—none; Edith K. Timken—(deceased 1948)—none; Ward B. Jackson—(deceased 1930)—none; Maude B. Jackson—(deceased 1943)—none.

Contributor: Ward J. Timken (brother)—

Contributions to Federal political committees: Amount, date, donee: $5,000, 12/31/03, Care Political Action Committee; $1,000, 10/22/01, Elizabeth Dole Committee; $1,000, 10/11/02, Elizabeth Dole Committee; $2,000, 2/19/04, Mike DeWine for U.S. Senate; $1,000, 8/16/01, Voinovich for Senate Committee; $1,000, 6/25/03, Voinovich for Senate Committee; $1,000, 6/25/03, Voinovich for Senate Committee; $250, 12/10/02, Regula for Congress; $1,000, 11/9/01, Collins for Senator; $2,000, 6/6/03, Bush-Cheney '04 (primary); $1,500, 3/9/01, Stark County Republican Party; $1,000, 9/17/03, Stark County Republican Party; $1,500, 10/24/03, Stark County Republican Party; $1,800, 6/30/01, Timken Company Good Government Fund; $2,700, Year 2002, Timken Company Good Government Fund; $1,800, 12/31/03, Timken Company Good Government Fund; $25,000, 7/26/04, Northern Ohio Victory Committee; $23,000, 8/2/04, 2004 Joint State Victory Committee; $24,000, 8/2/04, 2004 Joint State Candidate Committee.

Contributor: Joy A. Timken (sister-in-law)—

Contributions to Federal political committees: Amount, date, donee: $1,000, 12/28/01, Elizabeth Dole Committee; $250, 9/30/04, Care Political Action Committee; $1,000, 12/27/01, Voinovich for Senate Committee; $1,000, 12/27/01, Voinovich for Senate Committee; $1,000, 9/30/04, Voinovich for Senate Committee; $2,000, 6/6/03, Bush-Cheney '04 (primary); $1,500, 4/6/01, Stark County Republican Party; $4,500, 10/11/04, Stark County Republican Party; $25,000, 7/29/04, Northern Ohio Victory Committee.

Sister and Spouse: Edith M. Timken (Wilkins)—none; Anthony Wilkins—none.

William J. Burns, of the District of Columbia, to be Ambassador to the Russian Federation.

Nominee: William J. Burns.

Post: Ambassador to Russia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: William J. Burns—none.
2. Spouse: Lisa A. Carty—none.
3. Children and Spouses: Elizabeth Burns—none; Sarah Burns—none.
4. Parents: William F. Burns—none; Margaret C. Burns—none.
5. Grandparents: William H. Burns (deceased); Eleanor Burns (deceased); John Cassady (deceased); Mary Cassady (deceased).
6. Brothers and Spouses: John R. Burns—none; Ann Davis Burns—none; Mark E. Burns—none; Jennifer Burns—none; Robert P. Burns—none; Vicki Burns—none.

Richard Henry Jones, of Nebraska, to be Ambassador to Israel.

Nominee: Richard Henry Jones.

Post: Ambassador to Israel.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Joseph A.W. Jones—none; Vera E.W. Jones—none; R. Benjamin W. Jones—none; M. Hope W. Jones—none.
4. Parents: Dailey M. Jones (deceased); Sara N. Jones (deceased).
5. Grandparents: Mr. and Mrs. B.O. Jones (both deceased); Mr. and Mrs. J.A. Nall (both deceased).
6. Sisters and Spouses: Dailey M. Jones II—$100, August 2004 George W. Bush; (spouse) Irene Jones—none; Joseph N. Jones—(deceased).

Francis Joseph Ricciardone, Jr., of New Hampshire, to be Ambassador to the Arab Republic of Egypt.

Nominee: Francis Joseph Ricciardone, Jr.

Post: U.S. Embassy, Cairo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: 0.
2. Spouse: 0.
3. Children and Spouses: Marie Dunn Ricciardone, Francesca Mara Ricciardone, Chiara Teresa Ricciardone—0.
4. Parents: Francis J. Ricciardone (mother, deceased)—0.
5. Grandparents: (deceased)—0.
6. Brothers and Spouses: Michael and Elizabeth Ricciardone; James and Lisa Ricciardone; David and Beverly Ricciardone—0.
7. Sisters and Spouses: Dr. Marguerite Ricciardone Stone and Dr. David R. Stone; Theresa Ricciardone Thayer and Peter Thayer—0.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH:

S. 1632. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance for certain property acquired during the 3-year period beginning August 29, 2005; to the Committee on Finance.

By Mr. TALENT (for himself and Mr. Bond):

S. 1633. A bill to allow law enforcement officers to represent themselves as minors on the Internet to better protect America's children from sexual predators; to the Committee on the Judiciary.

By Mr. FRIST (for Mr. Vitter (for himself, Ms. Landrieu, Mr. Specter, Mr. Leahy, Mr. Cochran, Mr. Cornyn, Mr. Hatch, Mr. Lott, Mr. Sessions, Mr. Grassley, and Mr. Kyl)):

S. 1634. A bill to allow United States courts to conduct business during emergency conditions, and for other purposes; considered and passed.

By Mr. LAUTENBERG (for himself, Mr. Martinez, and Mr. Lieberman):

S. 1635. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. Talent, Mr. Obama, and Mr. Bond):

S. 1636. A bill to provide agricultural disaster assistance to producers on a farm that incurred qualifying crop or quality losses for the 2005 crop due to damaging weather or related condition, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself, Ms. Landrieu, Mr. Obama, Ms. Mikulski, Mr. KENNEDY, Mr. LIEBERMAN, Mr. ROCKEFELLER, Ms. STABENOW, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEVIN, Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. CORZINE, Mr. BAUCUS, Mr. SALAZAR, Mrs. FEINSTEIN, Mrs. BOXER, Mr. DORGAN, and Mr. BIDEN):

S. 1637. A bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes; to the Committee on Finance.

By Mr. OBAMA:

S. 1638. A bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. BAUCUS, Mr. INOUYE, Mr. GRASSLEY, Mr. THOMAS, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. DOMENICI, Mr. COCHRAN, and Mrs. FEINSTEIN):

S. 1639. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida:

S. 1640. A bill to prohibit price gouging relating to certain goods and services in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1641. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damage attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

By Mr. CORNYN:

S. 1642. A bill to prohibit narco-terrorists from aiding and supporting terrorists and terrorist organizations; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1643. A bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER:

S. 1644. A bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER:

S. 1645. A bill to establish a first responder interoperable communications grant program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mr. REID, and Mrs. MURRAY):

S. 1646. A bill to provide for the care of veterans affected by Hurricane Katrina; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself, Ms. LANDRIEU, Mr. LEAHY, Mr. DURBIN, Mr. LIEBERMAN, Mr. BAYH, Mrs. CLINTON, Ms. CANTWELL, Mr. AKAKA, Mr. OBAMA, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Mr. SALAZAR, Mr. CORZINE, and Mrs. FEINSTEIN):

S. 1647. A bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 183

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 604

At the request of Mr. CRAIG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 649

At the request of Mr. ALLARD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 649, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 911

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 927

At the request of Mr. CORZINE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 927, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 967

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 967, a bill to amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, and for other purposes.

S. 1002

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1014

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from

Hawaii (Mr. AKAKA) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1137

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1137, a bill to include dehydroepiandrosterone as an anabolic steroid.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1339

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 1339, a bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

S. 1367

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1388

At the request of Ms. SNOWE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1388, a bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

S. 1440

At the request of Mr. CRAPO, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1488

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1488, a bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes.

S. 1496

At the request of Mr. CRAPO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1523

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1523, a bill to amend the Internal Revenue Code of 1986 to make permanent increased expensing for small businesses.

S. 1622

At the request of Mrs. CLINTON, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1628

At the request of Mr. MARTINEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1628, a bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal Pell Grants and are adversely affected by a natural disaster.

S. 1630

At the request of Mr. OBAMA, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

S. RES. 184

At the request of Mr. SANTORUM, the names of the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 225

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 225, a resolution designating the month of November 2005 as the "Month of Global Health".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. MARTINEZ, and Mr. LIEBERMAN):

S. 1635. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. President, I rise today to introduce, with my colleague Senator MARTINEZ, a bill that will balance the needs of fishermen with the needs of some of our most precious and vulnerable ocean resources: deep sea corals and sponges. Fishing and fishing communities are an important part of our culture, our history, and our economy. Deep sea corals and sponges are an important suite of species with wide economic potential extreme valuable ecologically. It is imperative that we protect the needs of both.

Deep sea corals are similar to tropical shallow-water corals, but are found in the deep cold waters near seamounts, ridges, undersea canyons, and the margins of the continental shelf. Like shallow-water corals, deep sea corals and sponges can form deepreefs and gardens that are essential to numerous marine species. For example, more than 1,300 species live among the Lophelia coral reefs in the northeastern Atlantic Ocean. These animals rely on complex coral and sponge habitats for spawning, food, and shelter from predation.

Deep sea corals and sponges are also important to humans. They provide habitat that commercially and recreationally important fish can use, and many are under study as sources of new biomedical compounds to fight various diseases.

Scientists around the world believe that these newly discovered deep sea corals and sponges are as important as, if not more important than, their tropical cousins. The U.S. Commission on Ocean Policy suggested that the biodiversity of deep sea coral communities may rival that of shallow-water coral reefs. The National Oceanic and Atmospheric Administration stated in 2002 that deep sea coral ecosystems are "much more extensive and of more widespread economic importance than tropical coral reefs."

Unfortunately, some types of fishing gear are detrimental to deep sea coral and sponge habitat. Today there is a serious risk that these precious deep sea corals, sponges, and their complex habitats will be inadvertently destroyed before they can be properly assessed by the scientific community. A single pass with a bottom trawl can wipe out a swath of this habitat that, because these species are extremely slow-growing, can remain bare for decades if not centuries. The U.S. Commission on Ocean Policy's 2004 report emphasizes that deep sea corals need action for protection. Five of the eight Regional Fisheries Management Councils agree, and have recently set aside many of their coral habitat areas as no-bottom-trawling zones.

The Bottom Trawl and Deep Sea Coral Habitat Act builds on actions of these Councils, providing protection for deep sea corals and sponges while also preserving fishermen's access to areas that have traditionally been trawled. The bill establishes three types of zones. Areas that are known to contain deep sea corals and sponges are set aside as Coral Habitat Zones, granting these species immediate protection. Areas that have been trawled at any time in the past seven years are established as Bottom Trawling Zones, where bottom trawling is permitted. Areas that fit neither category are defined Undesignated Zones, available at any time to be assigned as either Coral Habitat or Bottom Trawling Zones with results of research activities. Fishermen play a large role, through the Regional Councils, in defining how large these zones will be, and other types of fishing that do not use bottom gear are not impacted.

The process of zone designation is designed not to shrink the area of existing bottom trawling but to limit the opening of new grounds to bottom trawling until after scientists discover the extent of deep sea corals and sponges. The intent is to preserve access to all areas that do not contain deep sea coral and sponge and that have been part of the fishing community's traditional grounds. These are not small areas. Traditional bottom trawl grounds include a large proportion of the U.S. Exclusive Economic Zone: 10 percent according to National Research Council data. In some regions, 75 percent of the shelf within 50 miles of shore in is trawled with bottom gear.

We must act quickly, and our legislation provides a balanced approach to protection of fishing and protection of the environment. I call on my colleagues on the Commerce Committee, and the Senate leadership to take up, consider, and pass this bill as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bottom Trawl and Deep Sea Coral Habitat Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Ocean resources are a vital component of the United States economy, as noted by the United States Commission on Ocean Policy.

(2) A proper balance of use and protection of ocean resources is necessary to ensure the sustainability of such resources.

(3) Deep ocean habitats provide fishery resources and sites for deep sea corals and deep sea sponges.

(4) Many fishermen of the United States derive their livelihoods from fishing in deep ocean areas.

(5) It is important that fishermen continue to be permitted to use areas that have traditionally been fished, as long as conservation considerations allow.

(6) According to the National Research Council, approximately 10 percent of the United States Exclusive Economic Zone, an area of a total of 3,400,000 square nautical miles, is used each year by fishermen who employ bottom trawls and, in the area that is 50 miles or less from shore, this percentage is higher than 75 percent in some regions.

(7) Vessel monitoring systems are increasingly used in the fishing industry. For example, coverage of such systems for bottom trawl vessels in the Pacific and North Pacific is 100 percent.

(8) Deep sea corals and deep sea sponges host biological diversity that, according to the United States Commission on Ocean Policy, "may rival that of coral communities in warmer, shallower waters". For example, more than 1,300 species live among Lophelia coral reefs in the northeastern Atlantic Ocean.

(9) Complex seafloor habitats created by structure-forming organisms, such as deep sea corals and deep sea sponges, provide spawning habitat, food, and shelter to numerous fishes and other associated species, including commercially and recreationally targeted species.

(10) Deep sea corals and deep sea sponges typically exhibit slow growth, extreme longevity, and highly patchy distribution, predominately along continental margins, seamounts, undersea canyons, and ridges.

(11) Deep sea corals and deep sea sponges have not been fully studied for their benefit to society or for their ecological importance to other associated species.

(12) Deep sea corals, deep sea sponges, and their associated invertebrates are a potential source of compounds with biomedical properties, some of which are currently in clinical trials to study their anti-cancer, anti-tumor, and anti-inflammatory properties.

(13) The United States Commission on Ocean Policy found that deep sea corals, along with their shallow-water counterparts, are declining at a "disturbing pace," and that certain types of fishing gear damage deep sea coral ecosystems.

(14) The National Research Council, in a 2002 report to Congress on the effects of trawling and dredging on seafloor habitats, found that deep sea corals warrant protection, based on evidence of the destruction of structured habitats caused by bottom trawls and dredges.

(15) The President's Ocean Action Plan of 2004 "encourages all regional fishery management councils to take action, where appropriate, to protect deep-sea corals when developing and implementing regional fishery management plans" and includes provisions to "research, survey, and protect deep-sea coral communities".

(16) In 2005, the North Pacific Fishery Management Council proposed measures that will be adopted pending approval by the Secretary of Commerce to confine use of bottom trawls in the Aleutian Islands exclusive economic zone to specified historically productive fishing areas, to disallow use of bottom trawls in historically unfished areas of Aleutian Islands waters where deep sea corals have been undisturbed, to designate as no-trawling zones those areas where coral ecosystems are known to exist, and to develop a comprehensive plan for research and monitoring.

SEC. 3. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to permit fishermen to use bottom trawls in areas that, traditionally, have been fished using bottom trawls and that do not contain deep sea coral and sponge ecosystems;

(2) to provide long-term protection for deep sea coral and sponge ecosystems, particularly in areas that have not traditionally been fished with bottom trawls; and

(3) to identify, map, and assess deep sea coral and sponge ecosystems to create a balanced policy for maintenance of fishing and protection of deep sea ecosystems.

(b) PROCESS.—The Secretary shall use a process that achieves an outcome similar to the outcome achieved by the North Pacific Regional Fishery Management Council—

(1) to protect the habitat of deep sea corals or deep sea sponges to carry out the purposes of this Act; and

(2) to identify areas that are open to the use of bottom trawls and areas closed to such use where deep sea coral and sponge ecosystems are present and protected.

SEC. 4. DEFINITIONS.

In this Act:

(1) BOTTOM TRAWL.—The term "bottom trawl" means any trawl or dredge fishing gear that contacts the seafloor while in use, including pelagic trawls that contact the seafloor while in use, otter trawls, and scallop dredges.

(2) BOTTOM TRAWL ZONE.—The term "Bottom Trawl Zone" means any area designated under section 7 or section 10 as a Bottom Trawl Zone.

(3) CORAL HABITAT CONSERVATION ZONE.—The term "Coral Habitat Conservation Zone" means any area designated under section 8 or section 11 as a Coral Habitat Conservation Zone.

(4) COUNCIL.—The term "Council" means any Regional Fishery Management Council established by section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).

(5) DEEP SEA CORAL AND SPONGE ECOSYSTEM.—The term "deep sea coral and sponge ecosystem" means an ecosystem that meets the criteria established by the Secretary pursuant to section 5(d) of this Act composed of living deep sea corals or deep sea sponges, the benthic and demersal species associated with them, and the biological, physical, chemical, and geologic components that constitute habitat for corals or sponges.

(6) DEEP SEA CORALS.—The term "deep sea corals" means the species that—

(A) occur at a depth of greater than 50 meters;

(B) do not contain symbiotic algae; and

(C) are in the phylum Cnidaria, in the order—

(i) Antipatharia (black corals);

(ii) Scleractinia (stony corals);

(iii) Gorgonacea (horny corals);

(iv) Alcyonacea (soft corals);

(v) Pennatulacea (sea pens), in the class Anthozoa; or

(vi) Hydrocorallina (hydrocorals), in the class Hydrozoa.

(7) DEEP SEA SPONGES.—The term "deep sea sponges" means species of the phylum Porifera that occur at a depth of greater than 50 meters.

(8) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" has the meaning given that term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(9) SECRETARY.—The term "Secretary" means the Secretary of Commerce or the Secretary's designee.

(10) VESSEL MONITORING SYSTEM.—The term "Vessel Monitoring System" means a type of mobile transceiver unit that—

(A) is approved by the Office of Law Enforcement of the National Marine Fisheries Service; and

(B) automatically determines the vessel's position and transmits that information to a communications service provider that is approved by such Office for transmission and relay to such Office.

SEC. 5. MAPPING AND RESEARCH.

(a) REQUIREMENT FOR MAPPING AND RESEARCH.—The Secretary shall direct the Under Secretary for Oceans and Atmosphere to prepare and carry out a comprehensive program to explore, identify, research, and map the locations of deep sea corals and deep sea sponges.

(b) DESCRIPTION OF MAPPING AND RESEARCH.—The program described in subsection (a) shall include—

(1) creating maps of the locations of deep sea coral and sponge ecosystems; and

(2) conducting research related to deep sea corals and deep sea sponges, including research related to—

(A) the natural history of such species;

(B) the taxonomic classification of such species;

(C) the ecological roles of such species;

(D) the growth rates of such species;

(E) the anthropogenic, ecological, and other benefits of such species and the habitats of such species; and

(F) the correlation of deep sea corals and deep sea sponges with various types of geologic formations, physical features, and other predictors of presence.

(c) COOPERATIVE RESEARCH PROGRAM.—The Secretary, in consultation with the Councils, shall develop a cooperative research program to identify—

(1) the ideal areas for the use of bottom trawls; and

(2) the locations of deep sea corals and deep sea sponges.

(d) THRESHOLDS OF DEEP SEA CORAL AND SPONGE PRESENCE.—

(1) IN GENERAL.—The Secretary, in consultation with the Councils and expert scientists, shall determine the thresholds above which the abundances of various deep sea corals or deep sea sponges shall be considered to constitute an ecosystem. In determining such thresholds, the Secretary shall consider the life histories and growth rates of deep sea corals and deep sea sponges and the criteria set out in paragraph (2).

(2) CRITERIA.—In determining the thresholds under paragraph (1), the Secretary shall consider the following criteria:

(A) Bycatch per unit effort of deep sea corals or deep sea sponges in fishery trawls.

(B) Presence of deep sea corals or deep sea sponges in research surveys.

(C) Predictions of the presence of deep sea corals or deep sea sponges based on correlations with geologic or physical features.

(D) Other methods indicating ecologically meaningful presence of these species in an area.

SEC. 6. USE OF BEST AVAILABLE DATA.

(a) REQUIREMENT.—The Secretary shall use the best available data to determine if an area shall be designated as a Bottom Trawl Zone or as a Coral Habitat Conservation Zone.

(b) CONSIDERATIONS.—In delineating the boundary and determining the size of an area to be designated as a Bottom Trawl Zone or a Coral Habitat Conservation Zone, the relevant council and the Secretary shall consider—

(1) the precision and accuracy of the available trawl location data considered in making such determination;

(2) the precision and accuracy of deep sea coral and deep sea sponge presence data considered in making such determination;

(3) the economic cost of such designation to industry and the ecological costs and benefits of such designation to deep sea corals and deep sea sponges in the area; and

(4) the ease of enforcement of such designation.

(c) CORAL HABITAT CONSERVATION ZONES.—Notwithstanding the considerations in subsection (b), in delineating the boundary and determining the size of an area to be designated as a Coral Habitat Conservation Zone, the relevant Council and the Secretary—

(1) shall ensure that each area that is determined to contain a deep sea coral and sponge ecosystem is designated as a Coral Habitat Conservation Zone; and

(2) may include a buffer area around deep sea corals or deep sea sponges present in such Zone to ensure the complete protection of potential deep sea corals or deep sea sponges in the area or to facilitate the enforcement of any appropriate prohibitions, rules, or regulations within such Zone.

SEC. 7. INITIAL DESIGNATION OF BOTTOM TRAWL ZONES.

(a) RECOMMENDATION BY A COUNCIL.—Not later than 24 months after the date of enactment of this Act, each Council, after notice and an opportunity for public comment, shall submit to the Secretary and the Secretary shall publish in the Federal Register—

(1) a list of all areas for which the Council has responsibilities that were fished using bottom trawls during the 7-year period ending on December 31, 2004; and

(2) recommendations on which portions of the areas identified in paragraph (1) should be designated as Bottom Trawl Zones.

(b) STANDARDS FOR INITIAL DESIGNATION.—An area may not be designated as a Bottom Trawl Zone if there is evidence that a deep sea coral and sponge ecosystem is present in such area.

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—Not later than 9 months after the date of the publication of a Council's recommendations in the Federal Register pursuant to subsection (a)(2), the Secretary shall publish in the Federal Register a proposed rule to designate each area or the portion of such area that does not contain a deep sea coral and sponge ecosystem as a Bottom Trawl Zone.

(2) FAILURE TO RECOMMEND.—If a Council fails to submit recommendations to the Secretary under subsection (a), not later than 33 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of areas located in the area for which such Council has responsibility that the Secretary proposes to designate as Bottom Trawl Zones.

(3) COMMENT PERIOD.—The Secretary shall accept comments on a proposal published under paragraph (1) or (2) for 60 days after the date of such publication.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (3), the Secretary shall designate an area included in a proposal published under paragraph (1) or (2) as a Bottom Trawl Zone if such area meets the standards for such designation set out in subsection (b).

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A).

(d) ACTIVITIES WITHIN BOTTOM TRAWL ZONES.—After the date that is 30 days after the date of the end of the comment period described in subsection (c)(3), bottom trawls may not be used in an area that is not designated as a Bottom Trawl Zone.

SEC. 8. INITIAL DESIGNATION OF CORAL HABITAT CONSERVATION ZONES.

(a) DESIGNATION BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall designate as a Coral Habitat Conservation Zone each area—

(A) that a Council, prior to the date of enactment of this Act, has designated as an area in which the use of bottom trawls is prohibited for the protection of seafloor habitat; or

(B) for which a map of the presence of deep sea corals or deep sea sponges has been developed and for which the best available data confirm the presence of deep sea corals or deep sea sponges.

(2) PUBLICATION AND EFFECTIVE DATE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register each area designated as a Coral Habitat Conservation Zone under paragraph (1) and such designation shall become effective on the date of such publication.

(b) RECOMMENDATION BY A COUNCIL.—

(1) SUBMISSION TO THE SECRETARY.—Not later than 24 months after the date of enactment of this Act, each Council, after notice and an opportunity for public comment, shall submit to the Secretary a list of all areas known to contain deep sea corals or deep sea sponges.

(2) INCLUDED AREAS.—A list submitted by a Council under paragraph (1) shall include each area that was considered for designation as a Bottom Trawl Zone under section 7(a) if such area that was determined by the Council or the Secretary to contain a deep sea coral and sponge ecosystem.

(3) PUBLICATION.—The Secretary shall publish in the Federal Register a list submitted by a Council under paragraph (1).

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—Not later than 9 months after the date of the publication of a Council's recommendations pursuant to subsection (b)(3), the Secretary shall publish in the Federal Register a proposed rule to designate each area identified in such publication as a Coral Habitat Conservation Zone.

(2) FAILURE TO RECOMMEND.—If a Council fails to submit recommendations to the Secretary under subsection (b)(1), not later than 33 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of areas located in the area for which such Council has responsibility that the Secretary proposes to designate as Coral Habitat Conservation Zones.

(3) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) or (2) for 60 days after the date of such publication.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (3), the Secretary shall—

(i) designate each area, or portion of such area, included in a proposed rule published under paragraph (1) as a Coral Habitat Conservation Zone, if there is rational basis for such designation; or

(ii) if the Secretary fails to make a designation under clause (i) for an area, provide a justification for such failure.

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A)(i) or justification required under subparagraph (A)(ii).

(C) INACTION.—If the Secretary does not publish the designation of an area under subparagraph (A)(i) or the justification required under paragraph (A)(ii) for such area within 30 days of the date of the end of the comment period described in paragraph (3), such area shall be deemed to be a Coral Habitat Conservation Zone as if so designated by the Secretary.

SEC. 9. UNDESIGNATED AREAS.

An area not initially designated as a Bottom Trawl Zone under section 7 or as a Coral Habitat Conservation Zone under section 8 shall be available for subsequent designation as a Bottom Trawl Zone under section 10 or as a Coral Habitat Conservation Zone under section 11.

SEC. 10. SUBSEQUENT DESIGNATION OF BOTTOM TRAWL ZONES.

(a) STANDARDS FOR SUBSEQUENT DESIGNATION.—After the initial designations of Bottom Trawl Zones made under section 7, the Secretary, in consultation with the relevant Council, shall designate an area as a Bottom Trawl Zone if—

(1) the area has been surveyed for the presence of deep sea corals and deep sea sponges; and

(2) there is no deep sea coral and sponge ecosystem present in the area.

(b) RECOMMENDATION BY A COUNCIL.—Upon the recommendation of the appropriate Council, the Secretary may consider any previously undesignated area for designation as a Bottom Trawl Zone. The Secretary may designate such area as a Bottom Trawl Zone under this section only if such area meets the designation standards set out in paragraphs (1) and (2) of subsection (a).

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—The Secretary shall publish in the Federal Register a proposed rule to designate an area that is not a Bottom Trawl Zone or a Coral Habitat Conservation Zone and that meets the standards set out in paragraphs (1) and (2) of subsection (a) as a Bottom Trawl Zone whether identified by the Secretary or by a Council pursuant to subsection (b).

(2) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) for 60 days after the date of the publication of such proposed rule.

(3) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (2), the Secretary shall designate as a Bottom Trawl Area each area, or part of such area, included in a proposed rule published under paragraph (1) if the area meets the requirements of paragraphs (1) and (2) of subsection (a).

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A).

SEC. 11. SUBSEQUENT DESIGNATION OF CORAL HABITAT CONSERVATION ZONES.

(a) STANDARDS FOR SUBSEQUENT DESIGNATION.—The Secretary, in consultation with the Councils, shall designate an area as a Coral Habitat Conservation Zone if the best available data indicate the presence of a deep sea coral and sponge ecosystem in such area.

(b) SUBSEQUENT DESIGNATION THROUGH BYCATCH RECORDS, RESEARCH, OR MAPPING.—

(1) REVIEW OF DATA.—The Secretary shall continually collect and review, for the purpose of making a determination on the presence of deep sea coral and sponge ecosystems in an area, the following data:

(A) Bycatch records.

(B) Data and analysis that results from the mapping and research conducted pursuant to section 5.

(C) Any other research, mapping, or survey data that the Secretary determines is appropriate.

(2) DESIGNATIONS BASED ON THE REVIEW OF DATA.—If the Secretary, in consultation with the relevant Council, determines that data reviewed under paragraph (1) indicates the presence of a deep sea coral and sponge ecosystem, the Secretary, in consultation with the Council, shall designate the area as a Coral Habitat Conservation Zone and, if appropriate, terminate the designation of the area as a Bottom Trawl Zone.

(c) RECOMMENDATION BY A COUNCIL.—Upon the recommendation of the appropriate Council, the Secretary may consider any area for designation as a Coral Habitat Conservation Zone.

(d) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—The Secretary shall publish in the Federal Register a proposed rule to designate an area identified by the Secretary, in consultation with the appropriate Councils, under subsection (a) or (b) or by a Council under subsection (c) as a Coral Habitat Conservation Zone if data indicate the presence of a deep sea coral and sponge ecosystem in such area.

(2) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) for 60 days after the date of the publication of such proposed rule.

(3) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (2), the Secretary shall—

(i) designate as a Coral Habitat Conservation Zone each area, or part of such area, included in a proposed rule published under paragraph (1) if data indicate the presence of a deep sea coral and sponge ecosystem in such area; or

(ii) if the Secretary fails to make a designation under clause (i) for an area, provide a justification that explains the reasons that the best available data do not indicate the presence of a deep sea coral and sponge ecosystem in such area.

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A)(i) or justification required under subparagraph (A)(ii).

(C) INACTION.—If the Secretary does not publish the designation of an area under subparagraph (A)(i) or the justification required under subparagraph (A)(ii) for such area within 30 days of the date of the end of the comment period described in paragraph (2), such area shall be deemed to be a Coral Habitat Conservation Zone as if so designated by the Secretary.

SEC. 12. STRICTER REGULATION PERMITTED AND SAVINGS CLAUSE.

(a) IN GENERAL.—Nothing in this Act shall restrict the authority provided to the Secretary by any other provision of law to promulgate, with or without the advice of the appropriate Council, fishery or habitat protection measures for any purpose that are more restrictive than the measures set out in this Act.

(b) SAVINGS CLAUSE.—All rules and regulations issued by the Secretary under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) pertaining to the conservation, management, or protection of deep sea corals or deep sea sponges shall continue in full force and effect after the date of enactment of this Act until modified or rescinded by the Secretary, in exercise of the authority provided to the Secretary under any provision of law.

SEC. 13. USE OF VESSEL MONITORING SYSTEMS.

Not later than 24 months after the date of enactment of this Act, a vessel that uses a bottom trawl in waters deeper than 50 meters shall use a Vessel Monitoring System capable of accurately detecting and reporting the position of the vessel whenever the vessel leaves port with a bottom trawl on board.

SEC. 14. PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES.—Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated the prohibition set out in section 7(d) is liable to the United States for a civil penalty under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) as if such person had committed an act prohibited by section 307 of such Act (16 U.S.C. 1857).

(b) CRIMINAL OFFENSES.—

(1) OFFENSES.—A person is guilty of an offense if the person commits an act prohibited by subparagraph (D), (E), (F), (H), (I), or (L) of section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) in an area designated as a Coral Habitat Conservation Zone.

(2) PUNISHMENT.—An offense referred to in paragraph (1) is punishable by the punishments set out in section 309(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859(b)).

(c) CIVIL FORFEITURES.—Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of a violation of the prohibition set out in section 7(d) (other than such a violation for which the issuance of a citation is sufficient sanction) shall be subject to the civil forfeiture provisions set out in section 310 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1860).

(d) ENFORCEMENT.—The provisions of this Act shall be enforced by the officers responsible for the enforcement of the Magnuson-Stevens Fishery Conservation and Management Act as provided for in subsection (a) of section 311 of such Act (16 U.S.C. 1861). Such officers shall have the powers and authorities to enforce this Act as are provided in such section.

SEC. 15. INTERNATIONAL PROTECTIONS FOR DEEP SEA CORALS AND DEEP SEA SPONGES.

The President is authorized to permit the Secretary, in consultation with the Secretary of State, to work with appropriate international organizations and foreign nations to develop the data necessary to identify areas located in international waters that contain deep sea corals or deep sea sponges and to protect such deep sea corals or deep sea sponges.

SEC. 16. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not more than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary shall publish and submit to Congress a report on the activities undertaken to carry out the provisions of this Act.

(b) CONTENT.—Each report required by subsection (a) shall include—

(1) a description of the activities carried out to protect and define areas in which the use of bottom trawls has traditionally been permitted;

(2) a description of the activities carried out to protect and monitor deep sea corals or deep sea sponges;

(3) a description of any area designated either as a Bottom Trawl Zone or a Coral Habitat Conservation Zone;

(4) a summary of the research strategy created pursuant to section 5;

(5) a summary of any bycatch or other data that indicates the presence of a deep sea coral and sponge ecosystem in an area; and

(6) a summary of geologic structures that indicate the presence of deep sea coral and sponge ecosystems in an area, as determined by research activities described in section 5.

(c) PUBLICATION.—Notice of the availability of each report required by this section shall be published in the Federal Register.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $15,000,000 to carry out this Act.

By Mr. REID (for himself, Ms. LANDRIEU, Mr. OBAMA, Ms. MIKULSKI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. ROCKEFELLER, Ms. STABENOW, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEVIN, Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. CORZINE, Mr. BAUCUS, Mr. SALAZAR, Mrs. FEINSTEIN, Mrs. BOXER, Mr. DORGAN, and Mr. BIDEN):

S. 1637. A bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of S. 1637, the Katrina Emergency Relief Act of 2005, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Katrina Emergency Relief Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TEMPORARY MEDICAID DISASTER RELIEF

Sec. 101. Short title; purpose.
Sec. 102. Disaster relief period.
Sec. 103. Temporary Medicaid coverage for Katrina Survivors.
Sec. 104. Temporary disaster relief for States under Medicaid.
Sec. 105. Accommodation of special needs of Katrina Survivors under Medicare program.

TITLE II—EDUCATION

Subtitle A—Support for Elementary and Secondary Schools

Sec. 201. Support for elementary and secondary schools.

Subtitle B—Fund for Early Childhood Care and Education

Sec. 211. Fund for early childhood care and education.

Subtitle C—Support for Students in Higher Education

Sec. 221. Support for students in higher education.

TITLE III—EMERGENCY HOUSING ASSISTANCE

Sec. 301. Short title.
Sec. 302. Hurricane Katrina Emergency Assistance Vouchers.
Sec. 303. Report on inventory of availability of temporary housing.
Sec. 304. Appropriation of funding.

TITLE IV—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Moratorium on payments.

Subtitle B—Individual and Household Assistance

Sec. 411. Individual and household assistance.

Subtitle C—Unemployment Assistance

Sec. 421. Unemployment assistance.

Subtitle D—Tax Relief

Sec. 431. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.
Sec. 432. Penalty free withdrawals from retirement plans for victims of Hurricane Katrina.

Subtitle E—Hurricane Katrina Food Assistance Relief

Sec. 441. Short title.
Sec. 442. Definition of Secretary.
Sec. 443. Food Stamp Program disaster authority.
Sec. 444. Emergency Food Assistance Program and Section 32 Assistance.
Sec. 445. WIC Funding.
Sec. 446. Report.
Sec. 447. Regulations.

Subtitle F—Bankruptcy Relief

Sec. 451. Bankruptcy Relief for Victims of Hurricane Katrina.

TITLE V—ADMINISTRATIVE MATTERS

Sec. 501. Period of availability of benefits.
Sec. 502. Nondiscrimination.

TITLE I—TEMPORARY MEDICAID DISASTER RELIEF

SEC. 101. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Temporary Medicaid Disaster Relief Act of 2005".

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

SEC. 102. DISASTER RELIEF PERIOD.

(a) IN GENERAL.—For purposes of this title, the term "disaster relief period" means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section 103 and paragraphs (1) and (2) of section 104(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to "February 28, 2006" in subsection (a) shall be considered to be a reference to "September 30, 2006".

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

SEC. 103. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term "Katrina Survivor" means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) CONSTRUCTION.—A Katrina Survivor shall be treated as being "from" the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) TREATMENT OF HOMELESS PERSONS.—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual's "residence" shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) DIRECT IMPACT STATE.—The term "direct impact State" means the State of Louisiana, Alabama, and Mississippi.

(b) RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.—

During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) UNIFORM ELIGIBILITY RULES.—

(A) NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) STREAMLINED ELIGIBILITY PROCEDURES.—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iv) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(v) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(vi) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State's eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(A) IN GENERAL.—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) PENALTY FOR FRAUDULENT APPLICATIONS.—

(A) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State's administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section 104(a)(2).

(5) EXEMPTION FROM ERROR RATE PENALTIES.—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. 104. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) INCREASE IN FEDERAL MATCHING RATE.—

(1) 100 PERCENT FMAP FOR MEDICAL ASSISTANCE.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) 100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section 103 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section 103(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) TEMPORARY SUSPENSION OF MEDICARE "CLAWBACK" AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.—

(1) SUSPENSION IN APPLICATION OF "CLAWBACK".—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u–5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.—Section 1935(d)(1) of such Act shall also not apply, subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) TERMINATION OF APPLICATION OF SUBSECTION.—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) DEFINITION.—For purposes of this subsection, the term "State that experiences a significant influx of Katrina Survivors" means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. 105. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM.

(a) EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) PART D.—

(1) EXTENSION OF INITIAL ENROLLMENT PERIOD.—In the case of a Katrina Survivor, the initial enrollment period under section 1860D–1(b)(2) of the Social Security Act (42 U.S.C. 1395w–101(b)(2)) shall in no case end before May 15, 2007.

(2) FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.—For purposes of carrying

out section 1860D-14 of the Social Security Act (42 U.S.C. 1395w–114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

TITLE II—EDUCATION

Subtitle A—Support for Elementary and Secondary Schools

SEC. 201. SUPPORT FOR ELEMENTARY AND SECONDARY SCHOOLS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to eligible local educational agencies experiencing large increases in student enrollment due to Hurricane Katrina;

(2) to facilitate the enrollment of students impacted by Hurricane Katrina into elementary schools and secondary schools served by such agencies; and

(3) to provide high quality instruction to such students.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education shall award grants to eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) CHILD COUNT.—Each State that has a large influx of displaced students due to Hurricane Katrina, as determined by the Secretary of Education, shall set a child count date for local educational agencies in the State that have a large influx of such students, as determined by the State, for the purpose of determining the total number of such students in each such agency.

(B) DEFINITION.—In this section, the term "eligible local educational agency" means a local educational agency—

(i) that serves, as determined in accordance with the child count described in subparagraph (A), not less than 50 displaced students due to Hurricane Katrina; or

(ii) that serves an elementary school or secondary school in which not less than 3 percent of the students enrolled at the school are displaced students due to Hurricane Katrina, as determined in accordance with the child count described in subparagraph (A).

(3) GRANT AMOUNT.—An eligible local educational agency that receives a grant under this section shall receive a grant amount that is equal to $2,500 multiplied by the number of students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina.

(c) APPLICATION.—Each eligible local educational agency desiring a grant under this section shall prepare and submit an application to the Secretary of Education that contains—

(1) an assurance that the educational programs, services, and activities proposed under this section will be administered by or under the supervision of the agency;

(2) an assurance that the agency will coordinate the use of funds received under this section with other funds received by the agency under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and with programs described under such Act;

(3) an assurance that funds will be used—

(A) to improve instruction to students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina; and

(B) to facilitate such students' transition into schools served by the agency; and

(4) such other information and assurances as the Secretary may reasonably require.

(d) USE OF FUNDS.—Each eligible local educational agency that receives a grant under this section shall use the grant funds to enhance instructional opportunities for students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina, which may include—

(1) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(2) salaries of personnel, including teacher aides, to provide instructional services to such students;

(3) identification and acquisition of curricular material, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such instructional services for such students;

(4) health services (including mental health services), meals, and clothing; and

(5) such other activities, related to the purpose of this section, as the Secretary of Education may authorize.

Subtitle B—Fund for Early Childhood Care and Education

SEC. 211. FUND FOR EARLY CHILDHOOD CARE AND EDUCATION.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to local communities experiencing large influxes of preschool-aged children displaced by Hurricane Katrina; and

(2) to facilitate placement of such children in early childhood education programs.

(b) EARLY CHILDHOOD EDUCATION PROGRAMS.—In this section, the term "early childhood education program" means a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a State licensed or regulated child care program or school, or a State prekindergarten program that serves children from birth through kindergarten.

(c) GRANTS AND SUBGRANTS AUTHORIZED.—

(1) GRANTS.—The Secretary of Health and Human Services shall award grants to States demonstrating large influxes of children and families displaced due to Hurricane Katrina.

(2) SUBGRANTS.—

(A) IN GENERAL.—A State receiving a grant under paragraph (1) shall award subgrants to affected local communities in the State to facilitate placement of displaced children in existing early childhood education programs.

(B) AFFECTED LOCAL COMMUNITIES.—In this paragraph, the term "affected local community" means a local community in a State described in subparagraph (A) in which—

(i) there are not less than 200 pre-school aged children who are displaced due to Hurricane Katrina; or

(ii) there is a significant percentage of the total number of children participating in early childhood education programs in the community who are children who are in the community because the children are displaced due to Hurricane Katrina, as determined by the Secretary of Health and Human Services.

(d) APPLICATIONS.—Each State that desires to receive a grant under this section shall prepare and submit an application to the Secretary of Health and Human Services that contains—

(1) a description of the collaborative planning process between the State agency responsible for pre-kindergarten, State child care administrator, and Head Start Collaboration Director to facilitate the placement of children who are displaced due to Hurricane Katrina in early childhood education programs;

(2) assurances that funds received under this section will be used for the purpose described in subsection (a);

(3) a plan to coordinate funds received under this section with existing resources available to the early childhood education programs for similar purposes; and

(4) such other information and assurances as the Secretary of Health and Human Services may reasonably require.

(e) USE OF SUBGRANT FUNDS.—

(1) IN GENERAL.—Each affected local community receiving a subgrant under this section shall use the subgrant funds only for—

(A) costs associated with accommodating the influx of displaced children, including acquisition or rental of space;

(B) costs associated with providing services to displaced children, including related services such as nutrition and acquisition of related materials; and

(C) costs associated with hiring additional personnel, including teacher aides or personnel working with families of children.

(2) INCOME AND DOCUMENTATION WAIVER.—The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children displaced by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded by subgrants awarded pursuant to this section.

Subtitle C—Support for Students in Higher Education

SEC. 221. SUPPORT FOR STUDENTS IN HIGHER EDUCATION.

(a) STUDENTS IN SCHOOL.—

(1) NO QUESTIONS ASKED POLICY.—The Secretary of Education shall authorize an institution of higher education to waive Federal financial aid requirements, as determined appropriate by the Secretary of Education, with respect to a student at such institution who enrolls in such institution because such student was impacted by Hurricane Katrina.

(2) CAMPUS-BASED AID.—

(A) SEOG.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated pursuant to subclause (II), the Secretary of Education shall carry out a program of making payments to institutions of higher education to enable such institutions to award Federal supplemental educational opportunity grants under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) to students enrolled at such institutions who are eligible to receive a grant under such subpart and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subclause (I) such sums as may be necessary.

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.), the Federal share of awards made pursuant to this subparagraph shall be equal to 100 percent.

(B) WORK-STUDY PROGRAMS.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated pursuant to subclause (II), the Secretary of Education shall carry out a program of awarding grants to institutions of higher education to enable such institutions to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.) for students enrolled at such institutions who are eligible to participate in work-study programs under such part and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subclause (I) such sums as may be necessary.

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.), the Federal share of the compensation of students made pursuant to this subparagraph shall be equal to 100 percent.

(b) HELP FOR INDIVIDUALS WITH STUDENT LOANS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE BORROWER.—The term "eligible borrower" means an individual who has lost the individual's job due to the impact of Hurricane Katrina, as determined by the Secretary of Education.

(B) ELIGIBLE LOAN.—In this subsection, the term "eligible loan" means a student loan of an eligible borrower made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(2) GRACE PERIOD.—The Secretary of Education shall carry out a program in which the Secretary enters into an agreement with the holder of an eligible loan in which, for a 6 month period, periodic installments of principal are not paid but interest shall accrue and be paid by the Secretary on such loan.

(3) PERIOD NOT TO COUNT AGAINST ECONOMIC HARDSHIP PERIODS PROVIDED IN HIGHER EDUCATION ACT OF 1965.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the 6-month grace period provided in paragraph (2) for an eligible borrower shall not count as part of the 3-year economic hardship periods provided in sections 427(a)(2)(C)(iii), 428(b)(1)(M)(iii), 455(f)(2)(C), and 464(c)(2)(A)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii), 1078(b)(1)(M)(iii), 1087e(f)(2)(C), and 1087dd(c)(2)(A)(iii)).

TITLE III—EMERGENCY HOUSING ASSISTANCE

SEC. 301. SHORT TITLE.

This title may be cited as the "Helping to House the Victims of Hurricane Katrina Act of 2005".

SEC. 302. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

"(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

"(A) IN GENERAL.—Subject to section 501 of the Katrina Emergency Relief Act of 2005, during the 6-month period beginning on the date of enactment of the Katrina Emergency Relief Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

"(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

"(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

"(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Katrina Emergency Relief Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

"(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

"(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

"(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

"(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

"(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

"(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

"(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

"(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

"(vi) subsection (r)(1)(B), relating to restrictions on portability.

"(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

"(i) shall be made available by the Secretary to individuals to cover the cost of—

"(I) rent;

"(II) security and utility deposits;

"(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

"(IV) such additional expenses as the Secretary determines necessary; and

"(ii) shall be used by the Secretary—

"(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

"(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

"(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

"(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

"(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

"(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

"(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

"(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

"(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

"(i) the additional cost of rent and utilities;

"(ii) security and utility deposits;

"(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

"(iv) such additional expenses as the Secretary determines necessary.

"(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

"(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

"(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

"(A) directly administer any voucher program described in paragraphs (1) through (20); and

"(B) perform the functions assigned to a public housing agency by this subsection.".

SEC. 303. REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.

Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

SEC. 304. APPROPRIATION OF FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated and are appropriated $3,500,000,000 to provide assistance under this title.

(b) EMERGENCY DESIGNATION.—The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

TITLE IV—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Hurricane Emergency Limitation on Payments (HELP) Act of 2005".

SEC. 402. DEFINITIONS.

In this subtitle:

(1) DISASTER.—The term "Disaster" means the major disasters declared by the President on August 29, 2005, relating to damage caused by Hurricane Katrina.

(2) INJURED PERSON.—The term "injured person" means any individual or entity that suffers harm resulting from the Disaster that makes the individual or entity eligible to receive, and the individual or entity submits an application in good faith to receive—

(A) housing assistance under section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b));

(B) financial assistance to address other needs under section 408(e) of that Act (42 U.S.C. 5174(e));

(C) unemployment assistance under section 410 of that Act (42 U.S.C. 5177) (as amended by subtitle C);

(D) a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); or

(E) an emergency loan made under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. 403. MORATORIUM ON PAYMENTS.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, no injured person shall be subject to a penalty or a requirement to pay interest for a failure of the injured person, as a result of the Disaster, to make timely payment of a financial obligation for any loan made, subsidized, or guaranteed by the United States.

(b) APPLICABILITY TO LOANS.—The moratorium under subsection (a) shall not apply to any loan made to or assumed by an injured person on or after August 29, 2005.

(c) PERIOD OF EFFECTIVENESS.—The moratorium under subsection (a) shall apply in accordance with section 501 to the failure of an injured person to make timely payments.

(d) ELIGIBILITY.—If a Federal agency responsible for administering a benefit program referred to in section 402(b) determines that an individual or entity that has applied to receive a benefit under the program is not eligible to receive the benefit, the individual or entity, for purposes of the moratorium under subsection (a), shall cease to be considered an injured person as of the date on which the individual or entity receives notice of the determination of the Federal agency.

(e) FEDERAL RESPONSIBILITY.—In the case of a moratorium on payments on a loan subsidized or guaranteed by the United States, nothing in this section excuses the United States from any liability of the United States to the lender under the terms of the agreement between the United States and the lender.

(f) EFFECT OF OTHER LAW.—The moratorium under subsection (a) shall apply to an injured person only if, and to the extent that, the injured person is not excused from, or eligible to be excused from, the obligation under other applicable law.

Subtitle B—Individual and Household Assistance

SEC. 411. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.

(a) MAXIMUM AMOUNTS.—Notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), in providing assistance to individuals and households affected by Hurricane Katrina, the President may waive the limitation on total assistance under subsection (h) of that section.

(b) MORTGAGE AND RENTAL ASSISTANCE.—

(1) IN GENERAL.—During the 18-month period beginning on the date of enactment of this Act, the President may provide assistance in the form of mortgage or rental payments for persons described in paragraph (2).

(2) ELIGIBLE PERSONS.—Assistance under paragraph (1) may be provided to any individual or household that—

(A) resided on August 29, 2005, in an area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

(B) as a result of financial hardship caused by a major disaster described in subparagraph (A), is subject to dispossession or eviction from a residence due to foreclosure of a mortgage or lien or termination of a lease entered into before the date on which the major disaster is declared.

(c) TYPES OF HOUSING ASSISTANCE.—No limitation relating to the maximum amount of assistance under paragraph (2) or (3) of section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) shall apply with respect to major disaster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mississippi, or FEMA-1605-DR-Alabama.

(d) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), in the case of financial assistance provided under subsection (e) of that section to any individual or household in response to a major disaster referred to in subsection (c), the Federal share shall be 100 percent.

Subtitle C—Unemployment Assistance

SEC. 421. UNEMPLOYMENT ASSISTANCE.

Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) is amended by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

"SEC. 410. UNEMPLOYMENT ASSISTANCE.

"(a) PROVISION OF UNEMPLOYMENT ASSISTANCE.—

"(1) ASSISTANCE.—

"(A) IN GENERAL.—The President shall provide to any individual unemployed as a result of a major disaster such benefit assistance as the President determines to be appropriate.

"(B) LOCATION OF EMPLOYMENT.—An individual that is unemployed as a result of a major disaster as determined under subparagraph (A) may receive assistance under this subsection regardless of whether the individual was employed at a location within the declared disaster area.

"(C) REASON FOR UNEMPLOYMENT.—For purposes of this subsection, an individual who is unemployed because a loss of business resulting from a major disaster contributed importantly to the employer's decision to reduce or terminate employment shall be considered to be an individual unemployed as a result of a major disaster.

"(D) ELIGIBILITY.—An individual shall be eligible to receive assistance under this subsection regardless of whether the individual is eligible to receive, or has exhausted eligibility for, State unemployment compensation.

"(2) AVAILABILITY.—Assistance provided to an unemployed individual under paragraph (1) shall be available as long as the unemployment of the individual caused by the major disaster continues, or until the individual is reemployed in at least a comparable position, but not longer than 52 weeks after the date on which the unemployed individual first receives assistance.

"(3) MAXIMUM AND MINIMUM WEEKLY AMOUNTS.—The amount of assistance provided to an unemployed individual under this subsection for each week of unemployment shall be—

"(A) unless the amount is less than the amount described in subparagraph (B), not more than the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred; and

"(B) not less than the national average weekly unemployment benefit provided to an individual as of the date of the major disaster for which unemployment assistance is provided.

"(4) PERIOD FOR APPLICATION.—The President shall accept applications for assistance under this subsection for—

"(A) the 90-day period beginning on the date on which the applicable major disaster is declared; or

"(B) such longer period as may be established by the President.

"(5) COOPERATION WITH STATES.—The President shall provide assistance under this subsection through agreements with States that, in the judgment of the President, have an adequate system for administering the assistance through existing State agencies.".

Subtitle D—Tax Relief

SEC. 431. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code.

SEC. 432. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.

(a) EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAID.—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

"(x) REPAYABLE DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, gross income shall not include any qualified distribution.

"(2) REPAYMENT REQUIREMENT.—

"(A) ADDITION TO TAX.—If the required recontributions made by the taxpayer during the repayment period are less than the qualified distribution, the tax imposed by this chapter for the last taxable year in the repayment period shall be increased by the amount determined under subparagraph (B).

"(B) Determination of amount.—The amount determined under this subparagraph shall be an amount which bears the same ratio to the tax benefit amount as—

"(i) the excess (if any) of the qualified distribution over required recontributions made during the repayment period, bears to

"(ii) the qualified distribution.

"(C) Repayment period.—For purposes of this subsection, the term 'repayment period' means, with respect to any qualified distribution, the 5-taxable year period beginning after the taxable year in which such distribution is received.

"(D) Tax benefit amount.—For purposes of this subsection, the term 'tax benefit amount' means, with respect to any qualified distribution, the aggregate reduction in the tax imposed by this chapter for the taxable year in which such distribution is received by reason of the exclusion under paragraph (1).

"(3) Qualified distribution.—For purposes of this subsection, the term 'qualified distribution' means any distribution to an individual who has a principal place of abode within the area designated as a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina—

"(A) if such distribution is made during the 6-month period beginning on the date such declaration is made, and

"(B) to the extent such distribution does not exceed the excess of—

"(i) the amount of expenses incurred as a result of such disaster, over

"(ii) the amount of such expenses which are compensated for by insurance or otherwise.

"(4) Recontribution of qualified distributions.—

"(A) In general.—If an individual received a qualified distribution, such individual shall make required recontributions in the manner provided in this paragraph to an individual retirement plan maintained for the benefit of such individual.

"(B) Method of making recontribution.—Any required recontribution—

"(i) shall be made during the repayment period for the qualified distribution,

"(ii) shall not exceed the qualified distribution reduced by any prior recontribution under this paragraph with respect to such distribution, and

"(iii) shall be made by making a payment in cash to the qualified retirement plan from which the qualified distribution was made.

An individual making a required recontribution under this paragraph shall designate (in the manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

"(C) Treatment of contribution.—For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

"(5) Other special rules.—

"(A) Basis rules not affected.—The tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

"(B) Aggregation rule.—For purposes of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.".

(b) Effective Date.—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle E—Hurricane Katrina Food Assistance Relief

SEC. 441. SHORT TITLE.

This subtitle may be cited as the "Hurricane Katrina Food Assistance Relief Act of 2005".

SEC. 442. DEFINITION OF SECRETARY.

In this subtitle, the term "Secretary" means the Secretary of Agriculture.

SEC. 443. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) In General.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

"(4) Response to hurricane katrina.—

"(A) Definitions.—In this paragraph:

"(i) Affected area.—

"(I) In general.—The term 'affected area' means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

"(II) Inclusion.—The term 'affected area' includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

"(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

"(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(ii) Affected household.—

"(I) In general.—The term 'affected household' means a household—

"(aa) in an affected area;

"(bb) in which a member worked immediately prior to August 29, 2005, in an affected area; or

"(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State.

"(II) Inclusion.—The term 'affected household' includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

"(iii) Disaster recovery period.—

"(I) In general.—The term 'disaster recovery period' means the period of 180 days beginning on the date of enactment of this paragraph.

"(II) Extension.—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

"(B) Disaster recovery period.—During the disaster recovery period—

"(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6, and section 8(c)(1) shall not apply to affected households;

"(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

"(iii) at the option of the State agency, the State agency may increase the value to the affected household of the thrifty food plan determined under section 3(o) by 6 percent when calculating the value of the allotment for an affected household under section 8(a), in lieu of making the adjustment otherwise required by clause (iv);

"(iv) except in the case of a household to which clause (iii) applies, the State agency shall calculate the income of an affected household using a standard deduction of $323 in lieu of the deduction provided under subsection (e)(1);

"(v) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

"(vi) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

"(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

"(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

"(C) Duplicate participation.—

"(i) In general.—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

"(ii) No action taken.—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

"(D) Claims relating to benefits.—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

"(E) Payment error rate.—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

"(F) Savings clause.—This paragraph shall not apply in any area of a State to the extent that there is in effect in the area an emergency food stamp plan approved by the Secretary that is more generous than the assistance provided under this paragraph.".

(b) Program Information Activities.—

(1) In general.—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than $5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to provide affected households (as defined in section 5(h)(4)(A)(i) of the Food Stamp Act of 1977 (as added by subsection (a)) with information about and assistance in completing the application process for any food assistance programs for which the Secretary provides funds or commodities.

(2) Expediting provisions.—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 444. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) Definition of Eligible Recipient.—In this section, the term "eligible recipient" means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) Assistance.—

(1) In general.—In addition to funds already obligated to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), the Secretary, in consultation with the Secretary of Homeland Security, shall use not more than $200,000,000 of funds made available under that Act to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) Use of funds.—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(c) Section 32 Funding.—In addition to funds obligated for fiscal years 2005 and 2006 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not more than $200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 445. WIC FUNDING.

(a) In General.—In addition to other funds made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated $200,000,000, to remain available until September 30, 2007.

(b) Emergency Designation.—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) Allocation of Funds.—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 446. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section _03(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 447. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) Procedure.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle F—Bankruptcy Relief

SEC. 451. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) In General.—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) Eligibility.—A case described in this subsection is a case commenced during the 180-day period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), or during an extension of a period for the availability of benefits or assistance in accordance with section 501(b), by or on behalf of a debtor who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina.

TITLE V—ADMINISTRATIVE MATTERS

SEC. 501. PERIOD OF AVAILABILITY OF BENEFITS.

(a) In General.—Except as otherwise provided by this Act or an amendment made by this Act, a benefit or assistance provided by any provision of this Act or an amendment made by this Act shall be available through the date that is 180 days after the date of enactment of this Act.

(b) Automatic Extension.—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this Act (or any earlier date on which such period expires under a provision of this Act or an amendment made by this Act), unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals and households affected by Hurricane Katrina or a related condition.

(c) Report.—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SEC. 502. NONDISCRIMINATION.

Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin; age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

By Mr. OBAMA:

S. 1638. A bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, earlier this week I traveled with former Presidents Bush and Clinton to Houston and met countless hurricane survivors who shared heart-wrenching stories about their experiences. Too many of the hurricane survivors have lost their jobs, their homes, and for some, beloved friends and family members.

Hurricane Katrina served as another important reminder of man's inability to control the wrath of Mother Nature. Yet, our response to such calamitous events is completely within our control. Hurricane Katrina was the first disaster, the Nation's emergency response to Hurricane Katrina was the second disaster.

We have all watched TV reports of residents stranded, abandoned really, without food or water and medical care, while those charged with emergency response delayed and fumbled their duties. Many of the sick and elderly were left behind at the makeshift hospital inside the New Orleans airport, and others faced uncertainties regarding their own medical care while staying at temporary shelters in Houston.

The Nation's generous outpouring of support for the survivors of Hurricane Katrina is heart-warming. Yet, many of those who would volunteer their services have been thwarted by bureaucratic red tape from antiquated laws and regulations. My own office has received numerous complaints from constituents whose offers of service were refused. In particular, medical professionals, which are still so desperately needed in affected areas, were turned away from FEMA and not informed about alternative mechanisms for volunteering. These doctors also expressed concerns relating to licensure, liability, and their ability to take leaves of absence from their jobs.

The Federal Government should be doing everything possible to streamline the process by which trained medical personnel around the country can volunteer their services in Louisiana, Mississippi, Alabama, and any of the States where evacuees have been relocated. I have introduced legislation today, entitled the Hurricane Katrina Emergency Health Workforce Act of 2005, that will start this process.

There are five components to this bill. It would create a national emergency health professional volunteer corps, so that we will have a ready pool of volunteer doctors and nurses who are willing, trained, and certified to serve in times of disaster. My bill would provide liability protections to qualified health professionals and provide the same job protections that many Federal employees and members of the National Guard already have. Requirements for State licensure would be lifted for licensed doctors who travel to disaster stricken areas outside of their home States. In addition, the CDC would establish a national and easily accessible database with the names and contact information of doctors and nurses, as well as their specialties and licensures, around the Nation. Finally, recognizing that emergencies are often unpredictable, this legislation would grant the Secretary broad authority to suspend rules and regulations in order to get health professionals where they are needed and when they are needed.

Although we live in a changing and uncertain world, one constant remains—whether it be earthquakes, hurricanes, tornadoes, or sadly even terrorist attacks, the nation will surely face future devastating and cataclysmic events. We know now that the Nation's preparedness for such events in no way matches our ability to respond and mitigate human suffering and economic collapse. We must do better. I urge each of my colleagues to join me in passing this legislation.

By Mr. NELSON of Florida:

S. 1640. A bill to prohibit price gouging relating to certain goods and services in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the "Protection from Price Gouging Against Disaster Victims Act of 2005" and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection From Price Gouging Against Disaster Victims Act of 2005".

SEC. 2. FINDINGS AND GOALS.

(a) FINDINGS.—Congress finds that—

(1) the United States experiences tremendous generosity and goodwill in the wake of natural disasters;

(2) unfortunately, some unscrupulous individuals take advantage of those disasters in an attempt to gain financially;

(3) the Federal Trade Commission is charged with preventing unfair methods of competition and unfair and deceptive acts or practices under section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(4) the Federal Trade Commission has extensive experience analyzing markets and competitive issues in order to determine whether market participants are engaging in actions that may have anticompetitive effects; and

(5) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives are charged by their respective Houses with consumer protection.

(b) GOALS.—The goals of this Act are—

(1) to decrease the occurrence of persons charging unconscionably excessive prices for consumer goods and services following natural disasters;

(2) to require the Federal Trade Commission to conduct ongoing investigations of actions intended to disadvantage consumers following natural disasters; and

(3) to ensure that sufficient enforcement authority is available to the Commission to carry out the responsibilities of the Commission under this Act and the amendments made by this Act.

SEC. 3. PRICE GOUGING PROHIBITION FOLLOWING MAJOR DISASTERS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating sections 25 and 26 as sections 26 and 27, respectively; and

(2) by inserting after section 24 the following:

"SEC. 25. PROTECTION FROM PRICE GOUGING FOLLOWING MAJOR DISASTERS.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED AREA.—The term 'affected area' means an area affected by a major disaster declared by the President under Federal law in existence on the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005.

"(2) CONSUMER GOOD OR SERVICE.—

"(A) IN GENERAL.—The term 'consumer good or service' means a good, piece of equipment, or service provided primarily for personal, family, or household purposes, including food, water, ice, a chemical, a building supply, a tool, a petroleum product, a residential construction, reconstruction, or repair service, or a service for the removal of debris (including a damaged tree) or garbage.

"(B) INCLUSION.—The term 'consumer good or service' includes a property or a facility rented to a consumer for use as a residence or storage facility.

"(3) PRICE GOUGING.—The term 'price gouging' means the charging of an unconscionably excessive price by a supplier in an affected area.

"(4) SUPPLIER.—The term 'supplier' includes a seller, reseller, wholesaler, distributor, retailer, lessor, provider, or licensed or unlicensed contractor, subcontractor, or laborer engaged in the provision or distribution of a consumer good or service.

"(5) UNCONSCIONABLY EXCESSIVE PRICE.—The term 'unconscionably excessive price' means a price charged in an affected area for a consumer good or service that—

"(A) represents a gross disparity, as determined by the Commission in accordance with subsection (e), between the price charged for the good or service and the average price of the good or service charged by suppliers in the affected area during the 30-day period immediately before the President declares the existence of a major disaster; and

"(B) is not attributable to increased wholesale or operational costs incurred by the supplier in connection with the provision of the consumer good or service.

"(b) DETERMINATION OF THE COMMISSION.—Following the declaration of a major disaster by the President, the Commission shall—

"(1) consult with the Attorney General of the United States, the United States Attorney for the district in which the disaster occurred, and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for any consumer good or service provided in the affected area; and

"(2) establish within the Commission—

"(A) a toll-free hotline that a consumer may call to report an incidence of price gouging in the affected area; and

"(B) a program to develop and distribute to the public informational materials in English and Spanish to assist residents of the affected area in detecting and avoiding price gouging.

"(c) PRICE GOUGING INVOLVING DISASTER VICTIMS.—

"(1) OFFENSE.—During the 180-day period after the date on which a major disaster is declared by the President, no supplier shall provide, or offer to provide, any consumer good or service in an affected area at an unconscionably excessive price.

"(2) ACTION BY COMMISSION.—

"(A) IN GENERAL.—During the period described in paragraph (1), the Commission shall conduct investigations to determine whether any supplier in an affected area is in violation of paragraph (1).

"(B) POSITIVE DETERMINATION.—If the Commission determines under subparagraph (A) that a supplier is in violation of paragraph (1), the Commission shall take any action the Commission determines to be appropriate to remedy the violation.

"(3) CIVIL PENALTIES.—A supplier that commits an offense described in paragraph (1) may, in a civil action brought in a court of competent jurisdiction, be subject to—

"(A) a civil penalty not more than $500,000;

"(B) an order to pay special and punitive damages;

"(C) an order to pay reasonable attorney's fees;

"(D) an order to pay costs of litigation relating to the offense;

"(E) an order for disgorgement of profits earned as a result of a violation of paragraph (1); and

"(F) any other relief determined by the court to be appropriate.

"(4) CRIMINAL PENALTY.—A supplier that knowingly commits an offense described in paragraph (1) shall be imprisoned not more than 1 year.

"(5) ACTION BY VICTIMS.—A person, Federal agency, State, or local government that suffers loss or damage as a result of a violation of paragraph (1) may bring a civil action against a supplier in any court of competent jurisdiction for disgorgement, special or punitive damages, injunctive relief, reasonable attorney's fees, costs of the litigation, and any other appropriate legal or equitable relief.

"(6) ACTION BY STATE ATTORNEYS GENERAL.—An attorney general of a State, or other authorized State official, may bring a civil action in the name of the State, on behalf of persons residing in the State, in any court of competent jurisdiction for disgorgement, special or punitive damages, reasonable attorney's fees, costs of litigation, and any other appropriate legal or equitable relief.

"(7) NO PREEMPTION.—Nothing in this section preempts any State law.

"(d) REPORT.—Not later than 1 year after the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005, and annually thereafter, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

"(1) the number of price gouging complaints received by the Commission for each major disaster declared by the President during the preceding year;

"(2) the number of price gouging investigations of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

"(3) the number of enforcement actions of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

"(4) an evaluation of the effectiveness of the toll-free hotline and program established under subsection (b)(2); and

"(5) recommendations for any additional action with respect to the implementation or effectiveness of this section.

"(e) DEFINITION OF GROSS DISPARITY.—Not later than 180 days after the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005, the Commission shall promulgate regulations to define the term 'gross disparity' for purposes of this section.".

SEC. 4. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act, affects any authority of the Federal Trade Commission in existence on the date of enactment of this Act with respect to price gouging actions.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1641. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damage attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to introduce a bill for the City of Saco, ME that concerns the town's ability to allow the mooring of boats on the Saco River. The bill changes the turning basin into an anchorage while managing a 50-foot channel within the anchorage. The town was not aware that it was in violation because of 21 moorings located in the Saco River Federal Navigational Project. In an effort to eliminate this encroachment, city officials have requested a modification or deauthorization of the Federal Navigational Project to resolve the issue.

The U.S. Army Corps of Engineers has suggested language that re-designates the maneuvering basin into an anchorage area that will meet the needs of the community. The language, which I hope will be included in the Water Resources Development Act in this Congress, will allow for the legal moorage of boats, the fairway for which would be maintained by the City of Saco as is customary for towns with Federal anchorages. It is my understanding that the two mayors of the cities involved along with the Saco Yacht Club have agreed to the Corps' language.

By Mr. CORNYN:

S 1642. A bill to prohibit narco-terrorists from aiding and supporting terrorists and terrorist organizations; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce the Narco-Terrorism Prevention Act of 2005. This bill confronts the new reality and very real danger of the deadly mix of drug trafficking and terrorism.

Many of the State Department's designated Foreign Terrorist Organizations are involved in the trafficking of illegal drugs—that is, illegal drugs that end up on the streets of cities throughout our country and other countries and poison the fabric of our society, our children, our families, and our neighbors. Terrorists, like the old organized crime syndicates from the past, have recognized that illegal drug trafficking is a valuable source of financing and another way to threaten our country.

The evidence linking these two criminal activities is overwhelming: terrorists in Afghanistan have been infiltrating and controlling the cultivation of poppies, and ultimately heroin; media reports indicate that the deadly Spain bombings were financed by drug money; the Hezbollah has been linked to drug trafficking; and of course, the Revolutionary Armed Forces of Colombia, or the FARC, has long-standing drug trafficking operations which fund their deadly activities.

Narco-terrorism takes many forms, all of which are deadly. Before September 11, the term called to mind Pablo Escobar, the classic cocaine trafficker who used terrorist tactics against citizens and officials to protect his drug trade. Post 9/11, governments now find themselves combating classic terrorist groups that participate in, or otherwise receive funds from, drug trafficking in order to further their agenda. But whether narco-terrorists are actual drug traffickers who use terrorism against civilians to advance their agenda, or are principally terrorists who out of convenience or necessity use drug money to further their cause, the label of narco-terrorist may be equally applicable to both groups, and the full force of U.S. law should be brought to bear on these organizations.

My State is experiencing the collateral effects of a drug war being carried out by modern day narco-terrorists in Nuevo Laredo, Mexico. News reports have described an ongoing battle between rival drug cartels over drug smuggling routes from Mexico into the United States. These organizations assassinate police officers and other government officials in a clear attempt to force the local government in Nuevo Laredo to allow these organizations to carry on their illegal activity, unimpeded. Our government needs every available tool at its disposal to combat this activity.

The legislation I introduce today creates a new Federal crime designed to punish the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any one else planning a terrorist attack. It also carries a stiff, mandatory-minimum penalty of 20 years for anyone convicted. Importantly, the Narco-Terrorism Prevention Act provides for extraterritorial jurisdiction which allows law enforcement to reach beyond our borders to arrest and deter those who intend to carry out a crime of this nature.

This bill says that whether you are a member of or assisting a drug cartel along the border that employs terrorist tactics to protect its drug trade, or you are assisting international terrorists with the proceeds from drug transactions, this bill targets you. This bill puts you on notice that our government has the authority to arrest you and, when apprehended, you will face a lengthy, and perhaps permanent, stay in prison.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1643. A bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, for milions of people in the Gulf Coast, Hurricane Katrina has shredded the very fabric of everyday life. As my colleagues from Louisiana, Mississippi, and Alabama have already described, the needs are immeasurable. For many people, it will be years before their lives return to normal. And untold others have paid with their lives. We hold the citizens of Louisiana, Mississippi, and Alabama in our thoughts and in our prayers.

This storm calls on each of us to respond in the best way that we can. And people around the United States are opening their homes and their hearts to the victims of Hurricane Katrina.

Among the most immediate and pressing needs of many who have been hit by hurricane Katrina is a fundamental one—food. Displaced individuals with no ready source of income must, among all of their daily worries, still struggle with the basic task of feeding their families. This situation is exacerbated by the simple fact that retail food outlets have ceased to operate throughout the Gulf Coast. The Department of Agriculture has estimated that food stamp program caseloads alone are likely to increase by 1.4 million people because of Katrina. Furthermore, the Department says that this is a "very conservative" estimate and that the real need may be considerably greater than this.

In Louisiana alone, over 400,000 people are already receiving food stamps through the Emergency Food Stamp Program. In Texas, over 100,000 people have received emergency food stamps. These numbers are rising rapidly with every passing day and are certain to continue to do so.

No American should live in the shadow of hunger and food insecurity, least of all those displaced and devastated by natural disasters. Fortunately, the Federal Government has long provided food assistance to help individuals and families in need. The Department of Agriculture is already working hard to get commodities and emergency food stamps to the victims of Hurricane Katrina. And while there has been much criticism of the disaster efforts generally, I have yet to hear of complaints about the response from the Department of Agriculture. Even so, we can and must do more.

That is why today, with my colleague Senator LEAHY, I am introducing the Hurricane Katrina Food Assistance Relief Act of 2005. I am hopeful that my colleagues will join us in working to pass this legislation expeditiously to enhance our Federal response to the needs of hungry Americans devastated by Hurricane Katrina.

This proposal would provide USDA with additional funding and authorities to provide a strong and continuous response to the food needs of thousands of families adversely affected by Hurricane Katrina. The legislation builds upon the capacities of several Federal programs to assist our citizens in need. The legislation targets three groups of households: Those living in areas hit by Katrina, those who have lost jobs in the disaster areas, and those who have relocated from the disaster area to other parts of the country.

This bill provides additional funds to allow for unanticipated caseload increases in the Special Supplemental Nutrition Program for Women, Infants, and Children.

It also gives the Department of Agriculture additional funds to purchase bulk commodities and to provide emergency food through food banks and local food pantries.

The legislation especially strengthens the ability of the Food Stamp Program to respond to this tremendous disaster by increasing benefit amounts, expanding eligibility, and streamlining the application process and the delivery of benefits. It also provides additional Federal funds to State food stamp agencies that are likely to be overwhelmed by the workload associated with helping all those who seek aid.

I ask that my colleagues on both sides of the aisle join with Senator LEAHY and me in continuing to shape an appropriate response to the food needs of the victims of Hurricane Katrina. The legislation that we are introducing today is a good faith effort and is, I believe, a generous and appropriate starting point. But I have no doubt that it may be improved. I welcome the advice and suggestions of my colleagues on both sides of the aisle and look forward to doing all that we can with all necessary haste to bring relief to the victims of Hurricane Katrina.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Katrina Food Assistance Relief Act of 2005".

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Agriculture.

SEC. 3. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) IN GENERAL.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

"(4) RESPONSE TO HURRICANE KATRINA.—

"(A) DEFINITIONS.—In this paragraph:

"(i) AFFECTED AREA.—

"(I) IN GENERAL.—The term 'affected area' means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

"(II) INCLUSION.—The term 'affected area' includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

"(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

"(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(ii) AFFECTED HOUSEHOLD.—

"(I) IN GENERAL.—The term 'affected household' means a household—

"(aa) in an affected area;

"(bb) in which a member worked immediately prior to August 29, 2005, in an affected area;

"(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State; or

"(dd) that the Secretary determines should receive relief under this paragraph as a result of Hurricane Katrina or a related condition.

"(II) INCLUSION.—The term 'affected household' includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

"(iii) DISASTER RECOVERY PERIOD.—

"(I) IN GENERAL.—The term 'disaster recovery period' means the period of 180 days beginning on the date of enactment of this paragraph.

"(II) EXTENSION.—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

"(B) DISASTER RECOVERY PERIOD.—During the disaster recovery period—

"(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6, and section 8(c)(1) shall not apply to affected households;

"(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

"(iii) the State agency shall increase the value to the affected household of the thrifty food plan determined under section 3(o) by 10 percent when calculating the value of the allotment for an affected household under section 8(a);

"(iv) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

"(v) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

"(vi) any resource to which the household lost access because of Hurricane Katrina or a related condition shall not be considered a financial resource under subsection (g);

"(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

"(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

"(C) DUPLICATE PARTICIPATION.—

"(i) IN GENERAL.—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

"(ii) NO ACTION TAKEN.—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

"(D) CLAIMS RELATING TO BENEFITS.—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

"(E) PAYMENT ERROR RATE.—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

"(F) EFFECT OF MORE GENEROUS DISASTER PLANS.—This paragraph shall not supersede any provision of a plan approved under paragraph (1) that—

"(i) provides more complete or expeditious relief to affected households; or

"(ii) provides assistance to more individuals.".

(b) PROGRAM INFORMATION ACTIVITIES.—

(1) IN GENERAL.—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than $5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to support household and community efforts to address the food assistance and related needs resulting from Hurricane Katrina or a related condition.

(2) EXPEDITING PROVISIONS.—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 4. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term "eligible recipient" means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) ASSISTANCE.—

(1) IN GENERAL.—In addition to funds otherwise made available for fiscal year 2005 or 2006 to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture $200,000,000 to remain available until expended to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(c) SECTION 32 FUNDING.—In addition to funds otherwise made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not less than $200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 5. WIC FUNDING.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, in addition to other funds otherwise made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out that program $200,000,000, to remain available until September 30, 2007.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

(c) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(d) ALLOCATION OF FUNDS.—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 6. COMMODITY SUPPLEMENTAL FOOD PROGRAM FUNDING.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, in addition to other funds otherwise made available to the Secretary for fiscal year 2005 or 2006 to carry out the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86), the Secretary of the Treasury shall transfer to the Secretary of Agriculture $20,000,000 to carry out that program.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

(c) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(d) ALLOCATION OF FUNDS.—The Secretary shall use funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to individuals who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 7. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section 3(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mrs. BOXER:

S. 1644. A bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, we have all watched in horror as the Gulf Coast has been struck by what could be the worst natural disaster in U.S. history, leaving unimaginable suffering in its wake. It is difficult to put into words how heartbroken we are for the Americans affected by Hurricane Katrina.

Brave souls everywhere are still searching for some family members, while trying to keep others alive and hopeful. We have seen the inspiring courage of the survivors and dedicated men and women working around the clock to help them.

Thousands of people have lost their lives. Far more have lost life as they know it—their families, their homes, their communities, and their jobs.

There has already been an increase in people filing for unemployment benefits due to Hurricane Katrina. And, the jobs that have been lost will be gone for a long time.

To help people who have lost their jobs because of this crisis, I am introducing the "Hurricane Katrina Reconstruction and Displaced Worker Assistance Act of 2005."

This legislation would give priority in awarding Federal contracts for the rebuilding efforts to those companies where workers displaced by Hurricane Katrina comprise at least 25 percent of the workforce fulfilling the contract. This will help provide jobs to those who have been severely affected by the hurricane.

We must show those who have suffered so much that their government will help them rebuild their lives. I urge my colleagues to support the bill.

By Mrs. BOXER:

S. 1645. A bill to establish a first responder interoperable communications grant program; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, today I am reintroducing a bill to provide help to State and local first responders in purchasing interoperable communications systems—so that everyone can talk to one another during an emergency.

This need has been glaringly apparent for over a decade now, but especially since the 2001 terrorist attacks. It was all the more evident in the aftermath of Hurricane Katrina.

The 9/11 Commission described the inability to communicate as "a critical element" at the World Trade Center and at the crash sites, where multiple agencies and multiple jurisdictions responded in September 2001. And yet four years after that attack, our first responders still cannot talk to each other.

Let me mention just one example from the areas affected by Hurricane Katrina.

National Guard members have compared communications capabilities in New Orleans unfavorably with those in Iraq. Ground commanders for New Orleans have been functioning without the ability to track the location of some units reporting to them. This is unacceptable.

Almost every community I visit in California—from big to small—mentions the need for interoperable communications for first responders and the need for assistance from the federal government. California suffered from a lack of interoperable communications in the fall of 2003, when communities could not communicate with each other to convey what was happening with fires that were sweeping through the State, greatly complicating the response.

We need to provide funding so that State and local first responders can purchase the technology that makes interoperability possible. We need to do our job at the national level and provide our first responders with the resources to protect our communities in the case of a terrorist attack, natural disaster, or other emergency.

I have tried to get funds for interoperable communication systems as part of the Intelligence Bill, the Rail Security Bill, and the Homeland Security Appropriations Bill. The time to act is past. We need to get this done before the next disaster strikes, which is why I am reintroducing this bill.

My bill would authorize $300 million for each of the next 5 years to help State and local agencies improve existing communications systems or purchase new systems. This funding would help local agencies purchase equipment for real-time interoperable communication between first responders.

Guaranteeing that first responders will have the communications equipment necessary to respond to a future attack is exactly the kind of preemptive action we should have taken after 9/11 and should be taking now.

A report on the needs of first responders by Warren Rudman and Richard Clarke found that fixing this problem would cost $6.8 billion. My bill does not fund this all, but we need to do something.

This bill is an important step in fulfilling our federal responsibility to protect our citizens during emergencies. I urge my colleagues to support it.

By Mr. AKAKA (for himself, Mr. REID, and Mrs. MURRAY):

S. 1646. A bill to provide for the care of veterans affected by Hurricane Katrina; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation that would provide continuous care to those veterans that have been affected by Hurricane Katrina, one of the worst natural disasters that our country has ever experienced. The Department of Veterans Affairs, VA has played an integral role in the disaster relief efforts of Hurricane Katrina, beginning with the successful evacuation of patients, staff and family members, and now in the recovery stage of the aftermath.

Earlier today, I attended a briefing given by VA Secretary Nicholson and other VA officials on VA's response to the hurricane. VA truly stepped up in the midst of this crisis, and successfully evacuated all of their patients and staff without any loss of life. I commend VA for their coordination and execution of their relief effort. The Department should serve as a model for other government agencies in dealing with disasters.

There is one area, however, where I believe even more can be done to help veterans in Louisiana and Mississippi who have been affected by this tragedy. The legislation I'm introducing will extend a humanitarian hand to those middle-income veterans in the region who do not have access to VA health care because of a decision made by this administration in 2003. The bill extends hospital care and medical services to the Priority 8 veterans affected by Hurricane Katrina, who have previously been denied access to the system.

Veterans residing in areas of New Orleans, LA; Biloxi, MS, or Gulfport, MS, during the hurricane—who have most likely lost everything in this disaster—will be able to find solace in knowing that VA will continue to be there for them even after the media attention fades. It would simply be wrong to exclude these men and women who have served our country from VA services, especially now in their time of need. This bill also serves to relieve some of the financial burden placed on the veterans by waiving copayments for care and medications.

VA's mission is to take care of veterans and also to provide support to other Federal agencies during times of disaster. VA has upheld that mission by establishing a legacy of first rate health care for veterans and now through the response efforts to Hurricane Katrina. We can do more for these veterans by allowing VA to serve as a beacon of hope in their time of recovery.

I would like to thank the countless VA volunteers that have answered the call of duty to our Nation, just as our veterans once did. These volunteers have left their duty stations to support efforts at the surrounding VA hospitals that have taken on the evacuated patients, as well as manning the mobile clinics currently touring the affected areas to provide care. These men and women are true heroes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HEALTH CARE AND SERVICES FOR VETERANS AFFECTED BY HURRICANE KATRINA.

(a) REQUIREMENT FOR HOSPITAL CARE AND MEDICAL SERVICES FOR PRIORITY 8 VETERANS AFFECTED BY HURRICANE KATRINA.—

(1) REQUIREMENT.—The Secretary of Veterans Affairs shall furnish hospital care and medical services which the Secretary determines to be needed to each priority 8 veteran affected by Hurricane Katrina as if such veteran were a veteran described by section 1710(a)(2) of title 38, United States Code.

(2) ENHANCED ENROLLMENT PRIORITY.—For purposes of furnishing hospital care and medical services under paragraph (1), the Secretary shall deem each priority 8 veteran affected by Hurricane Katrina, upon the date of presentation of such veteran to the Department of Veterans Affairs for such care and services, to have enrolled in the system of annual patient enrollment of the Department under section 1705(a) of title 38, United States Code, on the first day of the current year of such system in which such date falls.

(b) PROHIBITION ON COLLECTION OF COPAYMENTS FOR VETERANS AFFECTED BY HURRICANE KATRINA.—In furnishing hospital care and medical services to any veteran affected by Hurricane Katrina, the Secretary shall not collect from or with respect to such veteran any payment for such care and services otherwise required under any provision of law, including any copayment for medications otherwise required under section 1722A of title 38, United States Code.

(c) DEFINITIONS.—In this section:

(1) The term "veteran affected by Hurricane Katrina" means any veteran who, as of August 29, 2005, resided in the catchment region of the Department of Veterans Affairs medical center in New Orleans, Louisiana, Biloxi, Mississippi, or Gulfport, Mississippi.

(2) The term "priority 8 veteran affected by Hurricane Katrina" means any veteran affected by Hurricane Katrina who, as of August 29, 2005, would have been treated as a

veteran covered by paragraph (8) of section 1705(a) of title 38, United States Code, for purposes of enrollment in the system of annual patient enrollment of the Department of Veterans Affairs under such section.

By Mr. FEINGOLD (for himself, Ms. LANDRIEU, Mr. LEAHY, Mr. DURBIN, Mr. LIEBERMAN, Mr. BAYH, Mrs. CLINTON, Ms. CANTWELL, Mr. AKAKA, Mr. OBAMA, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Mr. SALAZAR, Mr. CORZINE, and Mrs. FEINSTEIN):

S. 1647. A bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, in the wake of Hurricane Katrina, the Senate is faced with a daunting but absolutely crucial task. How can Congress best respond to the horrific damage caused by this disaster? I want to express my full support to the people from all of the affected regions in Louisiana, Mississippi, and Alabama and their congressional delegations. In this time of desperate need, we all must pull together and do everything we can to help.

We can see the devastating effects of the hurricane and flooding on our television screens every night. It will take years to rebuild the affected areas. In the meantime, the residents and small businesses in those areas have suffered catastrophic losses. Some will undoubtedly, through no fault of their own, have to file for bankruptcy sometime in the future. The bankruptcy system is an important safety net for people who suffer this kind of devastation. In this country, we do not sentence people who have been through a disaster of this type to a lifetime of financial servitude. Bankruptcy lets them get a fresh start. And a fresh start is what so many of the relief efforts going on are all about.

As my colleagues are aware, Congress earlier this year enacted major changes to the Bankruptcy Code. The Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA") was the first major overhaul of the bankruptcy system in more than 25 years. Most provisions of the new law will become effective on October 17, 2005, six months after enactment. Any bankruptcy case filed before that date is still subject to current law.

We do not yet know how many families affected by this disaster will end up filing for bankruptcy. A study just released a few days ago by Professor Bob Lawless, a law professor at the University of Nevada, indicates that bankruptcy filings increase significantly in areas where natural disasters occur. Professor Lawless looked at 18 hurricanes and tropical storms since 1980 and the rate of bankruptcy filings in the States where the storms made landfall compared to the surrounding States and the rest of the country. He looked at the effects in the first, second and third year after the event.

According to this study, bankruptcy filings climbed in landfall States at more than 1½ times the pace of unaffected States and remained stuck at that rate even three years later. Given the enormous impact of this storm, we can expect a similar if not greater, increase in filings. And this new influx of filings will occur just as the new law is going into effect. Katrina victims will in essence be guinea pigs, testing the new provisions with the most desperate of circumstances.

The new bankruptcy law makes it significantly more difficult and complicated to file for bankruptcy. No one disputes that. It was intended to weed out abusers of the system. It contains new documentation requirements and the so-called "means test" which is a fairly rigid formula designed to identify debtors who really can continue to pay their debts and shouldn't get a discharge.

Everyone in the Senate knows that I strongly opposed the BAPCPA and tried very hard to amend it to make it less onerous for good faith debtors. But my goal now is not to try to undermine or reopen the new law, but simply to make sure that it doesn't compound the hardship faced by victims of Hurricane Katrina and other natural disasters. That is what the bill I will introduce today, the Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, aims to do.

This bill first deals directly with the fact that the new law is scheduled to take effect only a month and a half from now, when the victims of Katrina will still be in the initial stages of putting their lives back together. I believe the best way to handle this extraordinary situation is to give Katrina victims a grace period during which the old bankruptcy law, which has essentially been in effect for 27 years, will still apply to their cases. The bill provides that cases filed within one year of the effective date of the new law by people who lived in the natural disaster area declared by the President will be handled under the law in effect on August 29, 2005, the date of the hurricane. This provision will mean that all the complicated work to apply and interpret the new law that will take place in the first year after it becomes effective will not affect the cases of the victims of Hurricane Katrina.

I understand that some may argue that the new law contains adequate safeguards and judicial discretion to deal with the concerns I have raised. But we can't know that for sure at this point. At the very least, there will be litigation and disagreement over how some provisions will be interpreted. Those issues will be settled by the courts all across the country, and that process will not be affected by this bill. But Katrina's victims should not be the test cases. Giving them a year to proceed under the old law seems entirely reasonable.

Providing this added grace period also addresses the fact that some of the hurricane victims might have filed their petitions before October 17 were it not for the hurricane. These people have been deprived of that right, which Congress provided in the new law itself, by a natural disaster. Given all they are now going through, we should give them adequate time to take care of their most immediate needs before closing the door on their ability to file for bankruptcy under the old law. A one year grace period should be sufficient, and seems fair.

Professor Lawless's study indicates that the financial effects of a disaster like Katrina last for more than a year. And of course, there will be future disasters, perhaps some as grave as this one. I believe we need to take a close look at the new bankruptcy law and make sure that disaster victims are treated fairly. There is simply no justification for applying provisions designed to stop abuse of the system to people who have been through this kind of disaster. Therefore, the bill makes a number of other amendments to the new law that will apply not only to Katrina victims who file for bankruptcy after the one year grace period is over but to victims of other natural disasters. Let me describe some of those provisions.

First, the bill builds on an exemption to the means test that applies to disabled veterans and simply adds victims of natural disasters to that exemption. No person driven to bankruptcy by a natural disaster should have a case dismissed or converted to a Chapter 13 filing under the means test.

The bill also exempts from the definition of income any payments from FEMA, the Red Cross, or other disaster relief funds. Whatever money people receive to help them survive the aftermath of a disaster should not be included in the calculation of how much they have available to satisfy their creditors. Generous citizens around the country are making contributions to make sure disaster victims are fed and clothed and their homes rebuilt, not to give more money to the credit card companies.

The bill contains a provision to make clear that expenses incurred as a result of a disaster are considered reasonable expenses for purposes of the means test. The rigid IRS standards obviously don't include money to replace things that were lost in a hurricane, or pay for a hotel stay while a home is rebuilt.

Another provision of the new law that seems unfair to apply to victims of natural disasters requires that debtors seek credit counseling before they file for bankruptcy. The new law already includes a provision to exempt debtors who are on active duty military service overseas or who are incompetent or disabled if that status makes them unable to complete the requirement. Victims of natural disasters deserve a similar exemption. If they can't complete credit counseling because they live in a shelter with no access to the Internet or because they have no records for the credit counselor to evaluate, they shouldn't be prevented from filing for bankruptcy.

One of the most tragic effects of a natural disaster is homelessness. Millions of homes were destroyed by Katrina. People who lived in these homes will be in temporary shelters for months, but may eventually find apartments to live in in a new location. If they end up having to file for bankruptcy, that filing puts in place an automatic stay of any legal proceedings against them, including eviction proceedings for nonpayment of rent. The automatic stay allows debtors to get their affairs in order and catch up on their rent payments, but the new law makes it much easier for landlords to have the stay lifted. The prospect of a natural disaster victim being put out on the street during a bankruptcy proceeding should be chilling to all Americans. This bill will simply require landlords of natural disaster victims to seek a lifting of the stay without the expedited procedures and special treatment that the new law provides.

Another provision of the bill gives some extra relief to natural disaster victims from the fairly rigid deadlines that are established for filing certain paperwork in connection with a bankruptcy filing. This is a very reasonable step that simply recognizes that obtaining or filing the necessary tax returns, identity documents, documentation of income and other items may be significantly more difficult, or even impossible for a period of time, for natural disaster victims than it is for other debtors.

Finally, the bill also provides relief for small businesses that are put in dire financial condition by a natural disaster. The new law includes some very tight and unmovable deadlines for small businesses seeking to reorganize under Chapter 11. If we want to help as many businesses hit by disasters to survive as possible, we need to give the courts flexibility to extend those deadlines.

I know that many people in this body worked very hard over a period of many years to pass the BAPCPA. As much as we disagreed about the merits of that bill, I respect their hard work. But I truly hope that my colleagues will not let pride of authorship or the fact that they supported that bill stand in the way of providing desperately needed help to the victims of Hurricane Katrina and other natural disasters. The changes in this bill are modest and will apply to a relatively small number of people. I suppose some may argue that they are not absolutely necessary, but I believe, at the least, that a very good argument can be made that they are. Shouldn't we err on the side of helping people whose lives have been ripped apart? Shouldn't we take every precaution to make sure that the horror of a natural disaster is not compounded by a bankruptcy law that is too rigid or too harsh? I believe that is the least we can do in these circumstances.

I hope my colleagues will join me in supporting these modest but important changes to the law. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005".

SEC. 2. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) ELIGIBILITY.—A case described in this subsection is a case commenced during the 12-month period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), by or on behalf of a debtor—

(1) who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in connection with Hurricane Katrina; and

(2) whose financial condition is materially adversely affected by the major disaster.

SEC. 3. DEFINITIONS; WHO MAY BE A DEBTOR.

(a) CURRENT MONTHLY INCOME.—Section 101(10A)(B) of title 11, United States Code, is amended—

(1) by striking "and payments" and inserting "payments"; and

(2) by inserting before the period at the end ", and payments to victims of a natural disaster, on account of their status as victims of a natural disaster".

(b) NATURAL DISASTER; NATURAL DISASTER ZONE.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (40A) and (40B) as paragraphs (40C) and (40D), respectively; and

(2) by inserting after paragraph (40) the following:

"(40A) The term 'natural disaster' means—

"(A) a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

"(B) a situation similar to such a major disaster (as so defined), with respect to which a determination is made in accordance with State law that such situation exists.

"(40B) The term 'natural disaster zone' means the geographical area included in the determination of a natural disaster.".

(c) VICTIM OF NATURAL DISASTER.—Section 101 of title 11, United States Code, is amended by adding at the end the following:

"(56) The term 'victim of a natural disaster' means a person—

"(A) whose financial condition is materially adversely affected by a natural disaster; and

"(B) whose domicile, residence, or principal place of business in the United States, or whose principal assets in the United States, were located in a natural disaster zone immediately preceding the event that caused the natural disaster.".

(d) WHO MAY BE A DEBTOR.—Section 109(h)(4) of title 11, United States Code, is amended by inserting "natural disaster," after "disability,".

SEC. 4. AMENDMENTS TO CHAPTER 3.

Section 362(b)(22) of title 11, United States Code, is amended by inserting "(excluding a debtor who is a victim of a natural disaster)" after "debtor" the first place that term appears.

SEC. 5. AMENDMENTS TO CHAPTER 5.

Section 521 of title 11, United States Code, is amended by adding at the end the following:

"(k) The Court may extend any time period specified in this section as may be necessary if—

"(1) the debtor is a victim of a natural disaster; and

"(2) the debtor's status as a victim of a natural disaster necessitates such extension of time.".

SEC. 6. AMENDMENTS TO CHAPTER 7.

(a) DEBTOR'S MONTHLY EXPENSES.—Section 707(b)(2)(A)(ii) of title 11, United States Code, is amended by adding at the end the following:

"(IV) In addition, the debtor's monthly expenses may include the actual reasonably necessary expenses incurred as a result of being a victim of a natural disaster.".

(b) LIMITATION ON CONVERSION OF CASE.—Section 707(b)(2) of title 11, United States Code, is amended by adding at the end the following:

"(E) Subparagraphs (A), (B), and (C) shall not apply, and the court may not dismiss or convert a case under this subsection, if the debtor is a victim of a natural disaster.".

SEC. 7. AMENDMENTS TO CHAPTER 11.

(a) CONVERSION OF CASE.—Section 1112(b) of title 11, United States Code, is amended—

(1) in paragraph (2)(B)(i), by inserting ", including a natural disaster" before the semicolon; and

(2) in paragraph (3), by inserting "(including a natural disaster)" after "circumstances".

(b) WHO MAY FILE A PLAN.—Section 1121(e)(3) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting "(i)" after "(A)";

(2) in subparagraph (C), by striking the period at the end and inserting "; or";

(3) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively; and

(4) by adding at the end the following:

"(B) the debtor is unable to meet the deadline because of a natural disaster.".

(c) EXTENSION OF TIME FOR SMALL BUSINESSES.—Chapter 11 of title 11, United States Code, is amended—

(1) in the table of sections, by adding at the end the following:

"§1117 Extension of time for small businesses"; and

(2) in subchapter I, by adding at the end the following:

"§1117. Extension of time for small businesses

"Notwithstanding any other provision of this title, in a small business case, the court may extend any deadline specified in this chapter if the court finds that such extension is—

"(1) necessary to protect the best interests of the creditors and the estate; or

"(2) warranted by a natural disaster.".

SEC. 8. AMENDMENTS TO CHAPTER 13.

(a) CONVERSION OR DISMISSAL.—Section 1307(e) of title 11, United States Code, is amended by adding at the end the following: "The Court may extend any time period specified in this subsection as may be necessary if—

"(1) the debtor is a victim of a natural disaster; and

"(2) the debtor's status as a victim of a natural disaster necessitates such extension of time.".

(b) FILING OF PREPETITION TAX RETURNS.—Section 1308 of title 11, United States Code, is amended by adding at the end the following:

"(d) The Court may extend any time period specified in this subsection as may be necessary if—

"(1) the debtor is a victim of a natural disaster; and

"(2) the debtor's status as a victim of a natural disaster necessitates such extension of time.".

SEC. 9. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

Section 1408 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Except", and

(2) by adding at the end the following:

"(b) If a case under title 11 cannot be commenced in a district court described in subsection (a) because a person is the victim of a natural disaster (as defined in section 101 of title 11), then a case under title 11 may be commenced by such person in the district court for the district in which such person resides.".

SEC. 10. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on October 18, 2005.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code on and after October 17, 2005.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1648. Mr. COBURN (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1649. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1650. Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1651. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1652. Mrs. LINCOLN (for herself, Mr. REID, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2862, supra.

SA 1653. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1654. Mr. DAYTON (for himself, Mr. CHAMBLISS, Mr. OBAMA, Mr. KERRY, Mr. HARKIN, Mr. HAGEL, Mrs. CLINTON, Ms. CANTWELL, Mr. SALAZAR, Mr. DURBIN, Mr. BAUCUS, Mr. BIDEN, and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra.

SA 1655. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1656. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1657. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1658. Mr. SHELBY (for Mr. DORGAN) proposed an amendment to the bill H.R. 2862, supra.

SA 1659. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mr. WYDEN, Mr. FEINGOLD, Mr. KENNEDY, Mr. OBAMA, Mr. CORZINE, and Mr. DURBIN) proposed an amendment to the bill H.R. 2862, supra.

SA 1660. Mrs. CLINTON (for herself, Ms. STABENOW, Mr. CORZINE, Mr. REED, Mr. SALAZAR, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. SCHUMER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1661. Mr. BIDEN (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, and Mr. REED) proposed an amendment to the bill H.R. 2862, supra.

SA 1662. Mr. SARBANES proposed an amendment to the bill H.R. 2862, supra.

SA 1663. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1664. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1665. Mr. DORGAN (for himself, Mr. GRAHAM, and Ms. STABENOW) proposed an amendment to the bill H.R. 2862, supra.

SA 1666. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1667. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1668. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1669. Mr. SUNUNU proposed an amendment to the bill H.R. 2862, supra.

SA 1670. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1671. Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862 supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1648. Mr. COBURN (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304.(a) Notwithstanding the provisions in title III under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" and under the subheading "INDUSTRIAL TECHNOLOGY SERVICES", none of the funds appropriated in this Act may be made available for the Advanced Technology Program of the National Institute of Standards and Technology.

(b) Notwithstanding any other provision of this Act, the amount made available in title III under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and under the subheading "OPERATIONS, RESEARCH, AND FACILITIES" for the National Weather Service is increased by $4,900,000 and, of the total amount made available for such purpose under such subheading, $3,950,000 shall be made available for the Coastal and Inland Hurricane Monitoring and Prediction Program and $3,950,000 shall be made available for the Hurricane and Tornado Broadcast Campaign.

(c) Notwithstanding any other provision of this Act, the amount made appropriated in title I under the heading "OFFICE OF JUSTICE PROGRAMS" and under the subheading "COMMUNITY ORIENTED POLICING SERVICES" is increased by $72,000,000 and, of the total amount made available under such subheading, not less than $132,100,000 shall be made available for the Methamphetamine Hot Spots program.

(d) Notwithstanding any other provisions of this Act, the amount made appropriated in title I under the heading "OFFICE OF JUSTICE PROGRAMS" and under the subheading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is increased by $48,000,000 and, of the total amount made available under such subheading, not less than $578,000,000 shall be made available for the Justice Assistance Grants program.

SA 1649. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 3, insert the following:

SEC.   . Within the funds provided for the Drug Enforcement Agency, the Attorney General shall establish a Methamphetamine Task Force within the Drug Enforcement Agency which shall be responsible for improving and targeting the Federal Government's policies with respect to the production and trafficking of methamphetamine: *Provided*, That within 90 days of enactment of this Act, the Drug Enforcement Agency shall submit a plan that outlines the governance structure and membership of the task force: *Provided further*, That within 120 days the Drug Enforcement Agency shall establish the task force and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the membership of the task force and powers established for the task force.

SA 1650. Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Of the funds made available under this title for the National Oceanic and Atmospheric Administration, $5,000,000 shall be made available to the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia for the development of the scientific assessment of hypoxia in United States coastal waters, including the Great Lakes, required by section 603(g) of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SA 1651. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. (a) Notwithstanding the provisions in title III under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" and under the subheading "INDUSTRIAL TECHNOLOGY SERVICES", none of the funds appropriated in this Act may be made available for the Advanced Technology Program of the National Institute of Standards and Technology.

(b) Notwithstanding any other provision of this Act, the amount made available in title III under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and under the subheading "OPERATIONS, RESEARCH, AND FACILITIES" for the National Weather Service is increased by $4,900,000.

(c) Notwithstanding any other provision of this Act, the amount made appropriated in title I under the heading "OFFICE OF JUSTICE PROGRAMS" and under the subheading "COMMUNITY ORIENTED POLICING SERVICES" is increased by $72,000,000 and, of the total amount made available under such subheading, not less than $132,100,000 shall be made available for the Methamphetamine Hot Spots program.

(d) Notwithstanding any other provisions of this Act, the amount made appropriated in title I under the heading "OFFICE OF JUSTICE PROGRAMS" and under the subheading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is increased by $48,000,000 and, of the total amount made available under such subheading, not less than $578,000,000 shall be made available for the Justice Assistance Grants program.

SA 1652. Mrs. LINCOLN (for herself, Mr. REID, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE   TEMPORARY MEDICAID DISASTER RELIEF

SEC. 01. SHORT TITLE OF TITLE; PURPOSE.

(a) SHORT TITLE OF TITLE.—This title may be cited as the "Temporary Medicaid Disaster Relief Act of 2005".

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

SEC. ___02. DISASTER RELIEF PERIOD.

(a) IN GENERAL.—For purposes of this title, the term "disaster relief period" means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section ___03 and paragraphs (1) and (2) of section 04(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to "February 28, 2006" in subsection (a) shall be considered to be a reference to "September 30, 2006".

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

SEC. 03. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term "Katrina Survivor" means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) CONSTRUCTION.—A Katrina Survivor shall be treated as being "from" the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) TREATMENT OF HOMELESS PERSONS.—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual's "residence" shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) DIRECT IMPACT STATE.—The term "direct impact State" means the State of Louisiana, Alabama, and Mississippi.

(b) RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) UNIFORM ELIGIBILITY RULES.—

(A) NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) STREAMLINED ELIGIBILITY PROCEDURES.—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iii) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(iv) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a

Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(v) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State's eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(A) IN GENERAL.—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) PENALTY FOR FRAUDULENT APPLICATIONS.—

(A) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State's administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section ____04(a)(2).

(5) EXEMPTION FROM ERROR RATE PENALTIES.—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. 04. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) INCREASE IN FEDERAL MATCHING RATE.—

(1) 100 PERCENT FMAP FOR MEDICAL ASSISTANCE.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) 100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section ____03 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section ____03(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) TEMPORARY SUSPENSION OF MEDICARE "CLAWBACK" AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.—

(1) SUSPENSION IN APPLICATION OF "CLAWBACK".—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u–5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.—Section 1935(d)(1) of such Act shall also not apply, subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) TERMINATION OF APPLICATION OF SUBSECTION.—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) DEFINITION.—For purposes of this subsection, the term "State that experiences a significant influx of Katrina Survivors" means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. 05. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM..

(a) EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) PART D.—

(1) EXTENSION OF INITIAL ENROLLMENT PERIOD.—In the case of a Katrina Survivor, the initial enrollment period under section 1860D–1(b)(2) of the Social Security Act (42 U.S.C. 1395w–101(b)(2)) shall in no case end before May 15, 2007.

(2) FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.—For purposes of carrying out section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

SA 1653. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, line 11, strike "$2,287,000" and insert "$5,287,000".

SA 1654. Mr. DAYTON (for himself, Mr. CHAMBLISS, Mr. OBAMA, Mr. KERRY, Mr. HARKIN, Mr. HAGEL, Mrs. CLINTON, Ms. CANTWELL, Mr. SALAZAR, Mr. DURBIN, Mr. BAUCUS, Mr. BIDEN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes: as follows:

On page 133, line 24, strike "$1,078,350,000" and insert "$1,353,350,000 of which in addition to amounts provided by the following table $275,000,000 shall be available for Justice Assistance Grants to be offset by reducing appropriations in this title by a total of $275,000,000 to come from activities as follows: $43,000,000 from travel and transportation of persons; $3,000,000 from transportation of things; $27,000,000 from communications, utilities, and miscellaneous charges; $6,000,000 from printing and reproduction; and $196,000,000 from other services".

SA 1655. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 144, line 10, strike "$409,625,000" and insert "404,625,000".

On page 152, between line 20 and 21, insert the following: "United States Travel and Tourism Promotion

For necessary expenses of the United States Travel and Tourism Promotion Program, as authorized by section 210 of Public Law 108–7, for programs promoting travel to the United States including grants, contracts, cooperative agreements and related costs, $5,000,000, to remain available until September 30, 2007.".

SA 1656. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Notwithstanding any other provision of this Act, of the amounts made available in this title under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and under the subheading "OPERATIONS, RESEARCH, AND FACILITIES", not less than $5,800,000 shall be made available for the National Hurricane Center and that such amount may be used to employ individuals in 43 full-time equivalent positions at the National Hurricane Center.

SA 1657. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, beginning in line 2, strike ": *Provided further*," and all that follows through "this Act" in line 10.

SA 1658. Mr. SHELBY (for Mr. DORGAN) submitted an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 188, line 10, after "Alaska" insert "or North Dakota".

SA 1659. Mr. HARKIN (for himself, Mr. SMITH, Mr. BINGAMAN, Mr. WYDEN, Mr. FEINGOLD, Mr. KENNEDY, Mr. OBAMA, Mr. CORZINE, and Mr. DURBIN) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $358,527,000, of which $346,251,000 is for basic field programs and required independent audits (of which $8,000,000 is for basic field programs providing legal assistance to victims of Hurricane Katrina).

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by $37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level;

SA 1660. Mrs. CLINTON (for herself, Ms. STABENOW, Mr. CORZINE, Mr. REED, Mr. SALAZAR, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. SCHUMER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —KATRINA COMMISSION

SEC. ___01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the "Commission").

SEC. 02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. ___03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

SEC. 04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Federal assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. 05. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. ___06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 10.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 07. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title..

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. ___10. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 11. FUNDING.

(a) EMERGENCY APPROPRIATION OF FUNDS.—There are authorized to be appropriated $3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 1661. Mr. BIDEN (for himself, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, and Mr. REED) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE VII—EMERGENCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In addition to amounts otherwise provided for in this Act, the following amounts are appropriated for fiscal year 2006 and designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

(1) ENHANCING STATE AND LOCAL LAW ENFORCEMENT.—$1,000,000,000 to the Community Oriented Policing Services function in the following amounts:

(A) $700,000,000 added to the Hiring section.

(B) $300,000,000 to the Interoperable Communications Technology section.

(2) ASSISTING CHILDREN IMPACTED BY HURRICANE KATRINA.—Under the Missing Children Program, $10,000,000 to the National Center for Missing and Exploited Children to find, unite, and transport children impacted by Hurricane Katrina to their parents, legal guardian, or next of kin.

(3) ASSISTING VICTIMS OF SEXUAL ABUSE AND DOMESTIC VIOLENCE.—Under the Violence Against Women Act function, $8,000,000 for the Office of Violence Against Women to assist victims of domestic violence and sexual abuse in the areas impacted by Hurricane Katrina in the following amounts:

(A) $2,000,000 for the Rape Abuse and Incest National Network (RAINN) to rebuild crises centers, provide emergency counseling services in shelters, provide emergency counseling services in shelters, provide adequate services in communities with evacuees, and provide adequate short- and long-term support for displaced persons across the country.

(B) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims within the State to be used to assist victims of sexual assault affected by Hurricane Katrina as determined by the assessment of statewide coalitions.

(C) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs within the State to be used to assist victims of domestic violence affected by Hurricane Katrina as determined by the assessment of the statewide coalitions, and that the statewide coalitions can assess those needs.

SA 1662. Mr. SARBANES proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, after line 14, insert the following:

SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) SHORT TITLE.—This section may be cited as the "Helping to House the Victims of Hurricane Katrina Act of 2005".

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

"(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

"(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

"(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

"(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

"(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

"(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

"(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

"(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

"(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

"(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

"(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

"(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

"(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

"(vi) subsection (r)(1)(B), relating to restrictions on portability.

"(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

"(i) shall be made available by the Secretary to individuals to cover the cost of—

"(I) rent;

"(II) security and utility deposits;

"(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

"(IV) such additional expenses as the Secretary determines necessary; and

"(ii) shall be used by the Secretary—

"(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

"(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

"(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

"(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

"(I) TERMINATION OF ASSISTANCE.—Assistance provided under this paragraph shall—

"(i) terminate 6 months after the date on which such assistance was received; and

"(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

"(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

"(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

"(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and “(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

“(i) the additional cost of rent and utilities;

“(ii) security and utility deposits;

“(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(iv) such additional expenses as the Secretary determines necessary.

“(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

“(E) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this paragraph shall—

“(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

“(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

“(A) directly administer any voucher program described in paragraphs (1) through (20); and

“(B) perform the functions assigned to a public housing agency by this subsection.”.

(c) REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

(d) APPROPRIATION OF FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated and are appropriated $3,500,000,000 to provide assistance under this Act.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1663. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Of the amounts made available in this title under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” and under the subheading “OPERATIONS, RESEARCH, AND FACILITIES” for the National Marine Fisheries Service—

(1) not more than $104,107,000 may be expended for headquarters programs, including corporate management and leadership and Silver Spring programs;

(2) $5,000,000 shall be for Southeastern shrimp product quality and marketing;

(3) $3,000,000 shall be for Gulf of Mexico oyster restoration;

(4) $3,000,000 shall be for Alaska near shore fisheries;

(5) $3,000,000 shall be for Pacific Coastal Fisheries Information Network catch effort data;

(6) $2,000,000 shall be for recreational fishing catch and release mortality research;

(7) $1,000,000 shall be for the Hawaii stock enhancement program;

(8) $1,000,000 shall be for bluefish and striped bass research and management;

(9) $1,000,000 shall be for Great Lakes restoration programs; and

(10) $1,000,000 shall be for New England stock depletion programs.

SA 1664. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Of the amounts made available in this title under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” and under the subheading “OPERATIONS, RESEARCH, AND FACILITIES” for the National Marine Fisheries Service—

(1) not more than $116,107,000 may be expended for headquarters programs, including corporate management and leadership and Silver Spring programs;

(2) $5,000,000 shall be for Southeastern shrimp product quality and marketing; and

(3) $3,000,000 shall be for Gulf of Mexico oyster restoration.

SA 1665. Mr. DORGAN (for himself, Mr. GRAHAM, and Ms. STABENOW) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including (1) imposition of countervailing and antidumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.); (2) protection from unfair methods of competition and unfair acts in the importation of articles (section 337 of the Tariff Act of 1930; 19 U.S.C. 1337); (3) relief from injury caused by import competition (title II of the Trade Act of 1974; 19 U.S.C. 2251 et seq.); (4) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or (5) national security import restrictions (section 232 of the Trade Expansion Act of 1962; 19 U.S.C. 1862).

SA 1666. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) make available the data and information services of such Administration, including forecasts and warnings of the National Weather Service, in a timely, open, and unrestricted manner using widely accepted information standards, including the Internet; and

(2) cooperate closely with public safety agencies and other entities, including private sector entities and the media, to achieve the widest possible understanding of information critical to the protection of life and property and the enhancement of the economy of the United States.

SA 1667. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 25, strike “$515,087,000” and insert “$534,987,000, of which $19,900,000 shall be offset by reducing appropriations in this title for other expenses by a total of $19,900,000,”.

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike “$60,100,000” and insert “$80,000,000”.

SA 1668. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 137, line 3, strike “$350,000,000” and insert “$352,000,000 of which $2,000,000 shall be for grants for methamphetamine prevention education programs in elementary and secondary schools to be offset by a reduction of $2,000,000 in the Drug Enforcement Agency salaries and expenses in this Act”.

SA 1669. Mr. SUNUNU proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, line 14, strike "$15,000,000" and insert "$30,000,000".

On page 134, between lines 4 and 5, strike "$170,000,000" and insert "$230,582,000".

On page 134, between lines 4 and 5, strike "$30,000,000" and insert "$48,418,000".

On page 156, strike lines 3 through 7 and insert the following:

In addition, for necessary expenses for existing grant projects of the Advanced Technology Program of the National Institute of Standards and Technology, $46,000,000, to remain available until expended.

SA 1670. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING

SEC. ___01. FINDINGS.

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

SEC. ___02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the "Special Committee").

SEC. ___03. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

SEC. ___04. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. ___05. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. ___06. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. ___07. REPORTS.

(a) Initial Report.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 03 not later than 270 days after the appointment of the Special Committee members.

(b) Updated Report.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) Additional Reports.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) Findings and Recommendations.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 03.

(e) Disposition of Reports.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. ___08. ADMINISTRATIVE PROVISIONS.

(a) Staff.—

(1) In general.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) Appointment of staff.—

(A) In general.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) Majority staff.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) Minority staff.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) Nondesignated staff.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) Compensation.—

(1) Majority staff.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) Minority staff.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) Nondesignated staff.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) Reimbursement of Expenses.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) Payment of Expenses.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 09. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SEC. 10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

SA 1671. Mr. DeWINE (for himself, Mr. Voinovich, Mr. Allen, Mr. Warner, and Mrs. Murray) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

Sec. 304. Of the amounts appropriated or otherwise made available by this title under the heading "National Aeronautics and Space Administration", $906,200,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 8, 2005, at 10 a.m., to conduct a hearing on "Examining the Commodity Futures Modernization Act of 2000 and recent market."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 8, 2005, at 2 p.m., to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, September 8, 2005 at 10 a.m., in SD–106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Thursday, September 8, 2005 at 3 p.m. in SD–106.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 8, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Kenneth L. Wainstein to be United States Attorney for the District of Columbia.

II. Bills: S. 1088—Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch; S. 1197—Violence Against Women Act of 2005, Biden, Hatch, Specter, Leahy, DeWine, Kohl, Grassley, Kennedy, Schumer, Durbin, Feinstein; S. ___, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feingold; S. 751—Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1326—Notification of Risk to Personal Data Act, Sessions; S. 155—Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 1086—A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer; S. 596—Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the following staff members be granted the privilege of the floor during the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill: Jill Shapiro Long, Allen Cutler, and Gabrielle Batkin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I also ask unanimous consent that Art Cameron, who is detailed to our Appropriations Committee staff from the Treasury Department, and Kate Fitzpatrick be granted the privilege of the floor during the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Lindsay Jones of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2862

Mr. FRIST. Mr. President, I ask unanimous consent that other than the pending amendments, the only remaining first-degree amendments to H.R. 2862, the Commerce-Science-Justice appropriations bill, be the following list that I send to the desk; provided further, that they be subject to second-degree amendments which are relevant to the first-degree amendment to which they are offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of amendments is as follows:

Baucus—EDA, Baucus—EDA, Baucus—EDA, Bingaman—Methamphetamine education, Boxer—Katrina, Boxer—Katrina, Boxer—Relevant, Boxer—Relevant, Bunning—Relevant, Byrd—Relevant, Byrd—Relevant, Byrd—Relevant to list, Cantwell—Ice breakers, Cantwell—Methamphetamines, Cantwell—Methamphetamines, Clinton—Katrina Commission, Clinton—FEMA Reform, Conrad—Relevant, Conrad—Relevant, Conrad—JAG formula change.

DeWine—NASA, Dodd—First responders, Dorgan—Military contracting abuses, Durbin—Relevant, Durbin—Relevant, Ensign—NSF Funding, Feingold—Relevant, Feinstein—Methamphetamines, Frist—Relevant, Frist—Relevant, Frist—Relevant to any C/A 208 onlist, Frist—Relevant to any on list, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Grassley—Strike Authorizing Language, Inouye—USF ADA violations.

Kennedy—Red tide, Kerry—Small Business, Kyl—Internet Gambling, Kyl—Document Fraud Investigation, Kyl—SCAAP, Landrieu—Relevant, Landrieu—Relevant, Leahy—Relevant, Leahy—Relevant, Leahy—Relevant, Lieberman—Disaster financial relief, Lott—Natl. Marine Fisheries Service, Managers' Amendment, Martinez—Relevant, McCain—SOS, Mikulski—Managers' Amdt., Mikulski—Relevant, Mikulski—Relevant, Mikulski—Relevant to list, Nelson (FL)—NWS office consolidation.

Nelson (NE)—Bankruptcy trustee, Obama—Justice assistance grants 900M, Pryor—FTC Gas prices, Reid—Relevant, Reid—Relevant, Reid—Relevant to any on list, Reid—Relevant to any on list, Reid—Domestic violence, Roberts—FBI Funding, Salazar—Science Education funding, Salazar—Methamphetamines/DEA, Salazar—Katrina, Schumer—Cell Phone privacy, Schumer—Tax deduction for Katrina victims, Schumer—Relevant, Schumer—Relevant, Schumer—Relevant, Snowe—SBA, Snowe—SBA, Snowe—SBA, Stabenow—Interoperable communications, Sununu—Eminent Domain/Economic Development, Talent—Relevant, Talent—Relevant, Talent—Relevant, Wyden—NASA NSF Title 9.

AUTHORITY TO SIGN ENROLLED BILLS

Mr. FRIST. Mr. President, I ask unanimous consent that on Thursday, September 8, 2005, the majority leader be authorized to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 20

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, September 12, at 5:30 p.m., the Senate proceed to a period for morning business for 1 hour with the time equally divided between Senator INHOFE or his designee and Senator REID or his designee, and that following the use or yielding back of time, the Senate proceed to a vote on the motion to proceed to Calendar No. 167, S.J. Res. 20. I further ask consent that if the motion to proceed is agreed to, the statutory time limit be reduced to 2 hours equally divided, and that following the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to a vote on passage of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE NATIONAL FLOOD INSURANCE ACT OF 1968

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, H.R. 804.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 804) to exclude from consideration as income certain payments under the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 804) was read the third time and passed.

AUTHORITY TO SUBMIT TRIBUTES TO CHIEF JUSTICE REHNQUIST

Mr. FRIST. Mr. President, I ask unanimous consent that Senators be permitted to submit tributes to Chief Justice Rehnquist for the RECORD until September 30, 2005, and that all tributes be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, SEPTEMBER 9, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Friday, September 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of H.R. 2862, the Science-Commerce-Justice appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, the Senate will resume consideration of a very important bill, the Commerce-Justice-Science appropriations bill, a large bill and a bill on which we have a number of amendments to be considered and a bill that does have a direct application to our disaster response to Katrina.

Although there will be no rollcall votes tomorrow, the managers will be here ready to continue with the amendment process and expedite consideration of the bill. We now have a limited number of first-degree amendments in order, and I encourage Senators to come to the floor tomorrow, as well as Monday, so that we can complete action on this bill early next week.

Monday evening, we will have an hour of debate followed by a vote on the motion to proceed to S.J. Res. 20, a resolution of disapproval. That vote will occur at 6:30 p.m., and additional votes are possible into the evening.

Mr. President, in closing, this has been a challenging week for the entire country and, indeed, for the Senate as we have responded in an expeditious way to this natural disaster that the Nation has witnessed unfolding. We approached our response in the Senate at three different levels or three different phases or three different elements.

The first is this immediate action for relief and recovery, immediate response, quick action, considering legislation brought to the floor and setting other business aside to address that important immediate response.

We will continue to do that over the course of the next week and the week after that to make sure we address the needs that must be addressed at the Federal level through this body to facilitate the response to the disaster, focusing, of course, first and foremost on the safety and welfare of the victims.

Other immediate action was the $10.5 billion that we passed last Thursday night and then the $51.8 billion that we passed tonight, which will be signed here shortly and signed by the President within the next hour or so.

Another example is the Federal courts relief bill that we passed so that Louisiana Federal courts could be up and running with appropriate sites.

The second phase that is ongoing is the consideration of rebuilding, reconstruction, and this involves consideration of a whole range of issues through not all but most of our committees, in terms of redevelopment with strong economic incentives to capture the dynamism and the power of the private sector in partnership with the public sector.

It is going to take the strength of the public and the private sector working together to accomplish that successful rebuilding and reconstruction of a part of the country that can return and will return with a much more modern and revitalized future, a future that is actually very exciting as we look to the rebuilding and reconstruction, something to which the Governor, local officials, and the Federal Government are committed.

The third phase is analyzing very carefully what went right but probably even more importantly what went wrong in our response—meaning our generic response, everyone's response—to this natural disaster. Things did not go as well as anyone would like. Americans deserve answers, and we will get to the bottom of that.

We have established a bicameral, bipartisan committee with the House and the Senate working together to carry out that analysis. In addition, we have designated in this body the Homeland Security and Governmental Affairs Committee as the lead committee in oversight.

I mention these three elements because with so much activity, it is important for both our colleagues and the American people to know that we are working on each of these three elements with immediate action which requires expeditious consideration on the floor of the Senate; secondly, rebuilding and reconstruction to an even more modern and revitalized and very exciting future for the Gulf States; and thirdly, to investigate and analyze what went wrong.

We will continue with all of that over the course of the evening and tomorrow and through the weekend, and everybody will keep pulling together and acting in the best interest of the American people, with our thoughts and prayers going out to those people who have been so dramatically affected, along with the States, and who are now spread all over the United States of America.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:12 p.m., adjourned until Friday, September 9, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 2005:

DEPARTMENT OF AGRICULTURE

CHARLES R. CHRISTOPHERSON, JR., OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE, VICE EDWARD R. MCPHERSON, RESIGNED.

DEPARTMENT OF ENERGY

EDWARD F. SPROAT III, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY, VICE MARGARET S. Y. CHU, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DALE W. MEYERROSE, OF INDIANA, TO BE CHIEF INFORMATION OFFICER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. WILLIAM D. BAUMGARTNER, 0425
CAPT. MANSON K. BROWN, 6734
CAPT. JOHN S. BURHOE, 4205
CAPT. WAYNE E. JUSTICE, 8632
CAPT. DANIEL B. LLOYD, 2035
CAPT. ROBERT C. PARKER, 1236
CAPT. BRIAN M. SALERNO, 5789

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 276:

To be captain

KATHLEEN M. DONOHOE, 7822

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVES UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID K. ALMOND, 0954
JEFFREY S. BAUER, 1015
ROBERT H. CARMACK, 3616
SUSAN F. DAIGNAULT, 1965
DONALD M. HUGHES, 5410
CHARLES R. MARQUIS, 7438
BERNARD T. MORELAND, 3005
JAMES B. PENNEWELL, 2275
JEFFREY SAINE, 9704

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MERRICK E. KRAUSE, 5033

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ANTHONY E. BARBARISI, 4318

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

WESLEY A.* ARDT, 9664
MARK T.* ORLOWSKI, 6750
STERETT R. PREVOST IV, 9505
RUSSELL F.* ZAKOLSKI, 3334

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JOHN M. ALLEN, 2809
JEFFREY R. BUDDENDECK, 6467
ROBERT D. BUZZONE, 1326
JOSEPH H. DONOHOE, 9272
MICHAEL J. LITTLEFIELD, 1539
STEVEN L. REYNOLDS, 2185
JOHN W. WELKER, 1445
WALLACE M. YOVETICH, 3128

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

SEAN D. MCCLUNG, 1612

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 1552:

To be colonel

DENNIS J. WING, 6968

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KELVIN L. GEORGE, 9613
GERALD W. KETCHUM, 3340
TIMOTHY L. LAKE, 7772
MARK J. MICHIE, 3913
DEBORAH A. ROBERTS, 5177

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JANICE E. BRUNO, 7407
JEFFERSON S. BURTON, 9812
RANDELL M. CASEY, 6491
MICHAEL K. DUNN, 0981
CECILIA I. FLORES, 5705
JOHN C. HARRIS, JR., 4591
STEPHEN F. LOGAN, 8152
RAYMOND C. MEYER, 0854
DAVID P. SHERIDAN, 1861

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM C. DICKEY, 9446

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LAURA T. WELLS, 9349

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES R. WARIS, 4901

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD T. OSTERMEYER, 0559

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEANENE L. TORRANCE, 2462

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES M. CARRASCO, 4035
ERIC M. GARDNER, 8027
SAMUEL Y. HANAKI, 5977
LISA M. SULLIVAN, 9377

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARLIE C. BILES, 6952
CRAIG A. BUIST, 6635
DANIEL FELICIANO, 3471
KENNETH T. FRIEDMAN, 6120
MICHAEL J. GIRGENTI, 9836
FRANCIS S. GRIAK, 3732
BERNETT P. JEFFERS, 0192
TERRY L. JOHNSON, 1136
RICKY A. MCGLADE, 0540
ROSCOE C. PORTER, JR., 1232
WILLIAM G. WILLIS, 5837

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEVEN R. BARSTOW, 4065
LAURA J. BENDER, 8587
JOSEPH L. COFFEY, 6954
DENIS N. COX, 8391
STEVEN L. DUNDAS, 1014
ROBERT J. ETHERIDGE, 4033
WILLIS E. EVERETT, 5907
CLIFFORD A. FORD, 9282
MICHAEL A. GREEN, 0472
PERRY D. HAAGEN, 8825
LEILA HAVADTOY, 2284
PHILIP D. KING, 1465
JEFFREY LOGAN, 7992

JUDY T. MALANA, 0405
MICHAEL P. MORENO, 2260
DANNY B. PURVIS, 1085
SCOTT L. RADETSKI, 1435
ABUHENA M. SAIFULISLAM, 0910
MATTHEW T. STEVENS, 5710
CARL E. TROST, 0517
DOUGLAS J. VRIELAND, 6794
BRIAN K. WAITE, 9531
MARK S. WINWARD, 3787

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ROBERT P. ANSELM, 2875
THOMAS T. COOK, 2630
SHANE D. COOPER, 3788
JULIA W. CRISFIELD, 9577
DAVID D. FURRY, 1771
JENNIE L. GOLDSMITH, 8546
JAMES E. GOLLADAY II, 6559
DAVID M. GONZALEZ, 0394
JOHN A. GUARINO, 5388
MELISSA A. HARVISON, 0969
BRETT W. JOHNSON, 2399
WILLIAM C. KUEBLER, 8319
ZOE S. KUGEARES, 9656
IRVE C. LEMOYNE, JR., 7667
SUSAN M. MCGARVEY, 3323
JOHN W. MCHENRY III, 8965
KEVIN W. MESSER, 2191
STEVEN E. MILEWSKI, 9940
JAMES T. MILLS, 1109
JOHN A. MILLS, 5000
ROBERT P. MONAHAN, JR., 0790
JOSHUA P. NAUMAN, 1121
ELYSIA G. H. NGBAUMHACKL, 9532
ERIC J. OSTERHUES, 7742
ANDREA K. PICONE, 7091
MELISSA POWERS, 5281
MARK P. TILFORD, 7939
RYAN C. TORGRIMSON, 7743
ANN M. VALLANDINGHAM, 2217
RANDALL J. VAVRA, 0749
IAN S. WEXLER, 5489
ANDREW T. WILKES, 3230

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ARTURO A. ASEO, 0979
CHRISTOPHER F. BEAUBIEN, 5728
KEITH K. BENSON, 2066
MARC E. BERNATH, 6513
STEVEN G. BLANTON, 6149
MICHAEL J. BRADY, 0791
WILLIAM L. BRECKINRIDGE, 7973
ERIK K. BREITENBACH, 5383
AMANDA J. BROOKS, 9062
DANIEL W. COOK, 9554
MICHAEL D. CRAFTS, 4046
JORGE R. CUADROSIBARRA, 1121
KARL R. CUPP, 1822
MARIO M. FORTE, 0144
GORDON J. GLOVER, 5689
ERIC C. HAUN, 3983
KENT R. HENDRICKS, 9542
ALEXANDER M. KOHNEN, 6747
JEFFREY D. LENGKEEK, 4786
MICHAEL P. LEONARD, 7570
JOSHUA B. MALKIN, 5086
GORDON E. MEEK III, 4833
GREGORY C. MILLER, 1416
ALEXANDER M. MOORE, 0142
TUAN NGUYEN, 2332
JASON M. PICARD, 4527
STEPHEN H. PITMAN, 8481
MARIO R. PORTILLO, 1351
JEFFREY S. POWELL, 0327
NATHANAEL B. PRICE, 1463
RUSSELL C. RANG, 1021
MATTHEW C. RIETHMILLER, 5690
THOMAS F. ROBBINS, 7920
MARC L. ROULEAU, 2502
LAURIE SCOTT, 3153
JOHN O. SIMPSON, 9086
DANIEL S. SPICER, 1035
NATHANIEL R. STRAUB, 1255
JEFFREY D. THOMAS, 1177

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOEL D. BASHORE, 2941
MATTHEW J. BEHIL, 3124
STEVEN M. BELKNAP, 8296
FLINT M. BLASER, 3043
BRYAN L. BLYTHE, 0799
ALFRED H. BRANSDORFER, 5094
GABRIEL N. BROWN, 7671
TYSON J. BRUNSTETTER, 2771
JAMES R. CAMPBELL III, 7319
ERIC B. CARLSON, 5653
JOEL W. COOTS, 9731
LLOYD V. DAVIS, 3991
KATHLEEN E. DITTO, 2819
JUSTUS K. EHLERS, JR., 2442
RICHARD V. FOLGA, 8270
JOHN P. GAZE, 9095
GREGG W. GELLMAN, 2958
HECTOR GONZALEZ, 6934
MONIQUE C. GOURDINE, 6637
PAUL G. HAUERSTEIN, 7307
WILLIAM A. HILL, 4697
TIMOTHY A. JIRUS, 8456
MICHAEL T. KELLEY, 0366
JOHN A. KIRK, 7029
PAUL E. KLIMKOWSKI, 3169
JULIE K. LANDECKER, 3991
MANUEL D. LEAL, 9490
JAMES R. LINDERMAN, 4091
CHAD E. MCKENZIE, 5207
DEVIN J. MORRISON, 3914
CARLSON D. MOSS, 9691
KEITH B. NEWTON, 3986
JENNIFER E. NUSSBAUM, 2270
DOUGLAS K. PARRISH, 3474
RON PERRY, 2048
GUILLERMO PIMENTEL, 9917
SPRING L. PLIHCIK, 6644
JOHN P. PORTER, 4379
HEIKE K. RENTMEISTER-BRYANT, 9543
DAVID M. ROCKABRAND, 4702
JENNIFER E. RUHLMAN, 0886
FREDERICK J. SATKOWIAK, 6890
TARA N. SMITH, 9627
FREDERICK M. STELL, 0424
SONJA L. STEVENSON, 2935
FRANCISCO B. TACLIAD, 2461
ROGER L. TALBOT, SR., 4465
ROGER A. TALOB, JR., 8818
TAMARA R. WALKER, 4649
CHRISTIAN T. WALLIS, 0861
CHRISTOPHER A. WEAVER, 9583
GLENN A. WRIGHT, 1566
MEREDITH L. YEAGER, 2982

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSEPH H. BECHT, 2112
MICHAEL L. BLANSCET, 3233
MICHAEL S. BOOTH, 4250
TONI A. BOWDEN, 8370
JAMES K. BURNHAM, 4025
RAMON A. CABUNGCAL, 6439
CYNTHIA A. CARDENAS, 0400
CLAYTON CHEUNG, 1472
CYNTHIA CHINH, 0726
CAMERON H. CONKIN, 9060
CHRISTOPHER E. CRECELIUS, 8900
DONALD C. DELISI, 0117
FREDERICK M. DILLARD, 3743
SCOTT E. DISTEFANO, 1576
DEBRA S. EDSON, 7117
JAMES R. FARRAR, 0171
ERIK A. FEIDER, 5635
GEORGE A. GINER, 5808
TUANH C. HALQUIST, 4208
JON J. HAVENSTRITE, 4378
THOMAS B. HINES, JR., 8514
ANDREW B. HOCKLEY, 9587
DANNY J. HOLTZCLAW, 2277
JANEEN M. HUGHES, 8867
MOLLY A. JENKINS, 8372
DAVID W. JONES, 1758
CHRISTOPHER S. KAPLAFKA, 5324
KENNETH MANGANO, 0989
MICHAEL J. METZ, 7047
TIMOTHY B. MEYERS, 6006
THOMAS W. MULLEN, 2695
TRAVIS D. NASH, 3049
VINH P. NGUYEN, 0763
REBECCA M. ORTENZIO, 1822
NANCY M. OSBORNE, 5250
MATTHEW M. PARKER, 2502
BETANCOURT J. H. PARRA, 1987
JOHVIN PERRY, 8367
ANTON PETRICH, 0493
ANGELA E. PINKERTON, 1060
SEPEHR RAJAEI, 8593
CHADWICK M. SARGENT, 1482
ERIC F. SCHOENEBECK, 0440
RODNEY V. SCOTT, 1235
DET R. SMITH, 3663
JACK D. SMITH, 7423
STEVE L. STALLINGS, 6394
STEPHEN J. STERLITZ, 8296
GLENN A. STOCKMAN, 1533
PETER A. VELLIS, 2565
WILLIAM O. WILSON, JR., 5289
ADAM K. WYATT, 5124
STEPHEN S. YUNE, 0883
CALVIN ZHAO, 3946

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MARIA C. ALBERTO, 7974
ANDRE K. ALLEN, 4247
JOHANNES M. BAILEY, 2639
MARK E. BAKER, 3678
ANTHONY G. BALDWINVOEKS, 5100
MELISSA A. BARNETT, 0393
HARVEY S. BECKMAN, 7683
RONALD J. BOYD, 5725
RICHARD D. BOYER, 5272
TIMOTHY E. BRODERICK, 1586
RAUL J. CARRILLO, 7021
ROSEANNA A. CHANDLER, 8837
DARREN J. COUTURE, 9769
WILLIAM D. COVILL, 0663
CRAIG A. CUNNINGHAM, 8795
ROGER D. DAVIS, JR., 2727
LAURA D. DEATON, 3869
WILBER C. DELORME, 4971
EVA S. DOMOTORFFY, 5217
IGNACIO P. DONEZ, 9202
JOYCE M. DOYLE, 4934
REID T. M. DUNBAR, 9985
JUNIUS E. DURAL, JR., 4352
TERESITA S. Y. ELSTER, 2132
MELISSA A. FARINO, 0097
JEAN F. FISAK, 0554
DIANE G. FRANKLIN, 9710
JOHN P. HAMILTON, 4101
ANGELA A. HARBER, 2014
GAYLE L. HARRIS, 8642
RONDA L. HARTZEL, 6075
JEREMY J. HAWKER, 4100
GREGORY M. HEMELT, 4004
EILENE R. F. HERRERA, 6180
BECKY J. HIGGINSON, 0126
RHONDA O. HINDS, 9844
DIANE K. HITE, 4862
SUZETTE INZERILLO, 3840
JOEL A. JOCO, 7873
GREGORY S. JONES, 1038
DAVID A. KEATING, 6606
TERESA L. KEATING, 6328
MARIA KELCHNER, 7244
ROGER C. LANKHEET, JR., 4800
CLINT A. LEMAIRE, 2776
DRU A. MACPHERSON, 8638
DELTHENIA T. MAHONE, 7057
SUSAN E. MALIONEK, 1018
CLYDE D. MARTIN, JR., 1825
ALISON H. MARTZ, 7953
DAVID A. MELVIN, 3968
DANIEL N. MEYERHUBER, 1403
DEBRA M. G. MURRAY, 4030
DANIEL S. NEAL, 8738
ELIZABETH A. NEPTUNE, 4036
KENDRA K. NOWAK, 0048
JEFFREY J. POOL, 5650
ELIZABETH L. A. PORTER, 0091
MARK A. REYES, 3004
MATTHEW L. RIVERA, 6628
JAIME J. SALAZAR, 5949
ROBERT C. SANDERS, 1235
ROBERTO SANJUAN, 3953
VIRGINIA L. SCHMIED, 0558
ANNA M. SCHWARZ, 6043
MITCHELL J. SEAL, 5790
JOHN M. SHARRETTS, 9569
CHRISTINE SNOWDEN, 9059
PAULINE M. STAJNER, 5746
ANDY S. STECZO, 9590
SARAH L. STEVICK, 5619
DAVID J. STEWART, 6281
DONALD T. SYLVESTER, 3634
CHARLES S. TROTTER, 7691
GABRIELE E. B. TSUNG, 6493
TAMERA K. TUTTLE, 4492
LANA L. VANVOORHEES, 2384
JOHN E. VOLK, 9529
GAYLE L. WALKER, 4436
LADAWN J. WHITE, 1920

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOMINGO B. ALINIO, 5048
MATTHEW W. AREL, 5945
KATHY Y. ARTHURS, 5878
DEANGELO ASHBY, 8110
HEATHER E. BALDWIN, 9436
TIMOTHY G. BELLOTT, 7262
ROBERT J. BOLDIN, 5967
WILLIAM E. BOUCEK, 2805
JOHN S. BRAMBLETT, 7913
SYNEEDA P. BREWER, 9640
WRAY W. BRIDGER, 1143
SYLVESTER BROWN, JR., 6612
TIMOTHY A. BROWN, 4059
NOEL J. CABRAL III, 5297
TROY D. CARR, 9569
NICOLE L. CHAMBERS, 0129
TOBIAS CHAPPELL, 1942
ERIC J. CHOWNING, 4752
VICTOR J. CINTRONNATAL, 6762
WILLIAM CLARK, 3078
DOYNE D. CLEM, 4288
LOUIS A. COSTA, 3022
STUART M. DAY, 5671
CHARLES F. DETWILER, 4339
ALTHEA C. DEWAR, 0571
SHANE C. DIETRICH, 8660
RICHARD J. DIXON, JR., 3898
BRIAN K. DODSON, 0257
WALTER B. EGGE IV, 7850
BRIE GALLAGHER, 7980
ROY M. GARRISON, 4953
JONATHAN GRAY, 3191

TIMOTHY R. GRIFFIN, 1235
JEFFREY S. HEDRICK, 9766
DAMON B. HEEMSTRA, 9454
FREDERICK D. HIGGS, 4010
ALBERT L. HORNYAK, 4242
BRIAN T. JETER, 8480
JASON M. JOHNSON, 3005
MICHAEL C. JOHNSON, 7178
WESLEY P. JOHNSON, 0222
WILLIAM R. JORDAN III, 2139
BRUCE KONG, 6091
DAVID E. KUNSELMAN, JR., 3448
MARK C. KUTIS, 2936
EDDIE D. LEE, 4200
SCOTT D. LOGAN, 4024
MANUEL X. LUGO, 2045
BRYAN C. LUNDGREN, 8480
CHRISTIAN M. MAHLER, 4829
RONALDO M. MANALANG, 8912
BOBBY J. MARTINEZ, 8271
ROBERT S. MAZZARELLA, 9797
MICHAEL C. MCCORMACK, 6573
DEIRDRE M. MCGOVERN, 7235
JOSHUA H. MCKAY, 7002
DAVID A. MCNUTT, 5157
ROBERT L. MERRITT, 6707
JASON T. MORRIS, 9179
LISA M. MORRIS, 1760
TROY C. MORSE, 9113
JAMES H. MURPHY, 6717
TODD A. NELMS, 8840
MARK J. PEACE, 6712
JOEL P. PITEL, 8884
MARCUS L. POPE, 7484
MICHAEL W. POWELL, 2797
FRANKIE RIOS, 9915
DAVID L. RODDY, 8684
MICHAEL R. RODMAN, 7414
KENNETH W. RYKER III, 3817
LLOYD W. SAUNDERS, 0690
CORY D. SCHEMM, 3498
ROBERT S. SCOTT, 5872
MARK SHEFFIELD, 4805
LAMAL D. SHEPPARD, 0195
ROBERT M. SIMMS, 8861
DANA L. K. SMITH, 1795
TISHA D. SMITH, 2161
JAMES C. STATLER, 7934
SHANE P. STROHL, 6423
SALEEM K. TAFISH, 7557
SHIKINA M. TELLIS, 8856
JOHNETTA C. THOMAS, 2255
STEVEN M. THORN, 0988
ANGELA S. S. TORRES, 5703
RONNIE D. TRAHAN, JR., 6238
KADIATOU F. TRAORE, 5401
SCOTT E. VANVOORHEES, 1710
CHRISTOPHER A. WALDRON, 3886
STEPHEN M. WILSON, 9924
JAMES Y. WONG, 1688
LAGENA K. G. YARBROUGH, 2723
CHRISTOPHER R. ZEGLEY, 9516

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MIGUEL A. AGUILERA, JR., 4404
JOEL A. AHLGRIM, 7979
PETER S. AIREL, 8145
MARIE E. ALDEN, 6498
CHRISTOPHER A. ALFONZO, 0612
JAY E. ALLARD, 9329
NATHANIEL B. ALMOND, 8665
ERIC L. ANDERSON, 6783
MICHELLE G. ARNOLD, 5656
ALEX L. AUBIN, 5442
ERIN K. BALOG, 6560
MICHAEL R. BAYDARIAN, 7857
ESTHER R. BEALLANDIS, 4747
DARREN S. BEASLEY, 4199
ROBERT M. BETTIS, 6931
ANTHONY C. BIASCAN, 5539
JOHN K. BINI, 7582
NISKA A. BLEVINS, 7797
THOMAS M. BRAXTON, JR., 7680
MATTHEW T. BRIGGER, 7065
CHRISTOPHER D. BROGA, 1232
CHRISTIN M. BROWN, 0898
MATTHEW W. BROWN, 2484
GARY W. BRUNETTE, 2839
CYNTHIA M. BRYANT, 1970
ROBERT J. CARPENTER III, 0311
WILLIAM K. CARSON, 0400
JOHN B. CASON, 5214
MICHAEL R. CATHEY, 4065
WILLIAM K. CHIN, 2835
BELINDA T. CLANOR, 9911
BRADLEY J. CLARKE, 8200
DEBRA A. CLARKE, 3379
MICHAEL G. CLARKE, 3932
LOUIS T. COHEN, 4059
DANIEL E. COOPER, 8250
ERICA V. COOPER, 8176
MARK D. CORRIERE, 2366
JUAN C. DAPENA, 8204
DERIK L. DAVIS, 7570
KONRAD L. DAVIS, 0665
GRAY N. DAWSON, 5534
MARIA L. DELIMA, 4630
MICHAEL L. DEVAN, 1205
JOHN J. DEVLIN, 7650
RANDOLF D. DIPP, 6577
ERIN A. DONOVAN, 0662
BRENDON G. DREW, 0253
MARK E. EATON, 1536
JILL E. EMERICK, 3901
DAVID K. EPSTEIN, 1441
JACQUELINE EUBANY, 9223
MARTHA E. FAGAN, 7450
JONATHAN A. FORSBERG, 7269
STEPHEN L. FOSTER, 8549
CHRISTEN P. FRAGALA, 2553
MALCOLM B. FRANKLIN, 5061
KELLY K. FRIEDMAN, 0646
LEE E. FRIEDMAN, 1315
TRACY A. FRITZ, 8690
DIANA C. FU, 3016
DAVID M. FURLONG, 1652
CURTIS W. GABALL, 4335
DANIEL W. GABIER, 5186
ROBERT J. GAINES, JR., 3499
KENNETH J. GALECKAS, 1529
TODD A. GARDNER, 8429
ANGELA L. GODEJOHN, 7973
ERINNE A. GRAHAM, 5109
ADOLFO GRANADOS, JR., 7659
THOMAS R. GRANT, 7211
JUSTIN S. GREEN, 3147
LAURA K. GRUBB, 5637
SHERRY A. GUARDIANO, 7960
TODD A. GUTH, 0857
CATHERINE E. HAGAN, 1569
JENIFER D. HAGUE, 8003
STEPHAN K. HANSES, 8685
DANIEL B. HAWLEY, 6443
JUSTIN W. HEIL, 1222
ELISE R. HOFF, 5354
EWELL M. HOLLIS, 8723
CARINA C. HOPEN, 4544
CHADLEY R. HUEBNER, 9390
NATHAN C. JOHNSON, 8285
JACQUELINE R. JONES, 0831
SEON JONES, 1229
JULIANNA P. L. KECK, 4700
JEFFREY J. KEYTE, 0439
MIN K. KIM, 6640
AARON A. KING, 3169
BRIAN S. KING, 7198
JULIE S. KING, 6816
ANA C. KRAKUSIN, 4252
ELAINE B. KREJCI, 6934
JULIE A. KRUMREICH, 1777
KEVIN M. KUHN, 2270
MARK E. LAMBERT, 6886
ROBERT J. LANGENFELD, 0378
DUANE M. LAWRENCE, 7730
KRISTEN M. LEWIS, 5011
JANIE C. LIAO, 4598
ANDREW H. LIN, 9294
VICTOR S. LIN, 4171
ROBIN W. LINDSAY, 6171
WILFRED A. LUMBANG, 2828
ERIK J. LUNDQUIST, 6789
TODD J. LUYBER, 7629
COREY J. LYON, 5834
WILLIAM M. LYTKOWSKI, 4961
ANTOINETTE M. MARENGO, 7659
ROBERT G. MARIETTA, 1637
JAMES C. MARSH, 1116
GERALD A. MASTAW, JR., 9566
CARTER J. MAURER, 6003
MITCHELL S. MCCLURE, 1938
BRIAN P. MCCOY, 5475
SHANNON M. MCDONNELL, 6248
MICHAEL P. MCDOWELL, 6631
JOEL T. MCFARLAND, 8011
PETER C. MCGOWAN, 9410
SEAN F. MCGRATH, 2762
TIMOTHY P. MCGRATH, 7517
JOEL R. METZGER, 2721
DOUGLAS C. MILLER, 1747
ALLISON H. MINARCIK, 7254
JOHN R. MINARCIK, 1271
AMIR MIODOVNIK, 5098
ARASH MOHTASHAMIAN, 3379
STACEY M. MONACO, 2389
MICHELE P. MORRISON, 3230
DAVID L. MOULTON, 9455
JAMES J. MUCCIARONE, 9659
FRANK E. MULLENS, 3465
MATTHEW S. MULLER, 9132
ANDREW D. MULLINS, 5947
DANIEL D. MUNN, 4230
GUILLERMO A. NAVARRO, 7327
MATTHEW W. NEWMAN, 4542
HUONG D. NGUYEN, 0134
MICHAEL W. NIELSEN, 6876
TRACY A. NOVOSEL, 5464
TODD J. OCHSNER, 4682
TIMOTHY R. OELTMANN, 1904
RODNEY OMRON, 4075
SUGAT K. PATEL, 1890
AARON A. PATTERSON, 1424
MATTHEW B. PATTERSON, 3456
UDAY K. PAUL, 2238
WILLIAM D. PEFFLEY, 7600
SCOTT D. PENNINGTON, 2680
WINNIE M. J. POLEN, 5641
JUSTIN R. RACHT, 2950
ANN E. RADFORD, 2291
ROBERT L. RICCA, 5312
GLENN R. RICHARD, 8332
JOHN R. RINGQUIST, 1895
MICHAEL E. RUDISILE, 7348
NATHANIEL J. RUTTIG, 3398
PATCHO N. SANTIAGO, 8395
ADAM K. SAPERSTEIN, 5530
BETTINA M. SAUTER, 3103
WILLIAM M. SAUVE, 5158
ROLF K. SCHMIDT, 4970
TRENT A. SCHUENEMAN, 4602
PATRICK J. SCHUETTE, 6773
CYNTHIA M. SCHULTZ, 4625
RUTH E. SCRANO, 1043
SCOTT D. SEGAL, 8625
MICHAEL P. SHUSKO, 4640
KURT M. SNYDER, 6331
KENNETH Y. SON, 0628
TRACEY L. STEFANON, 9173
KRISTIN R. STEUERLE, 3929
ERIK J. STORLIE, 2076
ALAN L. STRICOFF, 6955
BRIAN P. STRUYK, 9205
BRIAN J. STUART, 9574
JASON D. SWEET, 4403
HATTIE M. TAPPS, 1494
CHRISTOPHER M. TEPERA, 4138
MATTHEW M. THOMAS, 7799
STEPHEN C. THOMAS, 8689
KAY A. THOMPSON, 0142
VALERIE A. TOKARZ, 8232
BRENDAN T. TRIBBLE, 6363
TRICIA E. VANWAGNER, 8773
HEATHER J. VENTURA, 8732
JOHN W. VINCENT, 4189
GINA R. VIRGILIO, 4235
MATTHEW E. VOGT, 3798
BRADFORD S. VOLK, 8792
ERRIKA M. WALKER, 5652
DAVID A. WEIS, 3438
NATALIE Y. WELLS, 9685
TIMOTHY M. WIMMER, 9318
DOUGLAS A. WINSTANLEY, 6822
JAMES B. WITKOWSKI, 1918
DARYL S. WONG, 6565
DAVID A. WYCKOFF, 4255
BARRY K. YOUNG, 2214
GORDON J. ZUBROD, 3416

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES W. ADKISSON III, 3409
AMY R. ALCORN, 5248
ROBERT C. ALLMON, 6980
ROBERT J. ALLSHOUSE, 5414
MICHAEL W. ALTISER, 7544
KENNETH J. ARMAND, 2760
MATTHEW E. ARNOLD, 6490
DANIEL A. AROS, 8571
BURT H. ARRIGONI, 8577
MARLON A. AUSTIN, 6620
EDUARDO AYALA, JR., 8552
ROBERT B. BAILEY, 9041
RONALD C. BAKER, 0778
MICHAEL W. BAKKER, 7836
BARRY W. BARROWS, 8262
LAWRENCE F. BEALS, 4873
TOMMY L. BEALS, 5971
RICKY A. BEATTY, 5446
TODD D. BECKER, 9925
ROBERT A. BEEBE, 6023
STEPHANIE C. BELCHER, 1462
WILLIAM D. BELFOUR, 3350
WILLIAM R. BELL, 6423
BRIAN R. BERTHIAUME, 1024
MARLENE A. BEST, 7081
MARK F. BIBEAU, 6563
DANIEL R. BILLIG, 5449
KEVIN E. BISSEL, 3307
BRYAN D. BLANKENSHIP, 3438
RANDY G. BOLLMAN, 7501
GERALD E. BOYD, 9671
MICHAEL A. BOYTER, 6519
KENNETH BRONOKOWSKI, 3030
BRENT J. BROWN, 7383
JIMMY BROWN, 5520
MICHAEL D. BRUCE, 6966
RICHARD M. BUCK, 6873
RAYMOND W. BURKHARD, 8977
ALICIA K. BURSAE, 7940
EDWARD L. CALLAHAN, 2722
CHUCK D. CAMPBELL, 3754
CYNTHIA F. CAMPBELL, 5287
JOSEPH F. CAMPBELL, 4470
MICHAEL J. CAMPBELL, 1817
JOHN D. CAPWELL, 6683
BRIAN J. CEBRIAN, 5712
MICHAEL E. CHAPMAN, 5267
JAMES CHASTAIN, 0290
MICHAEL T. CHERRY, 4287
ALAN M. CHUDERSKI, 6094
CHARLES M. CLANAHAN, 7821
GREGORY D. CLECKLER, 8972
SEAN T. CLEVENGER, 0237
JAMES M. COLEMAN, 2735
PATRICK CONROY, 6371
REY S. CORPUZ, 1233
CHARLES S. CORYELL, 5796
ROBERT D. COSBY, 4190
EARL K. COWAN, JR., 6035
FREDERICK L. COX, 9771

RAY D. COX, JR., 7027
REGINA M. COX, 9772
KENNETH J. CREGAR, JR., 6194
STEVEN D. CUMBER, 6160
DAVID A. CVITANOVICH, 8314
ROBERT G. DALTON, 5163
SCOTT R. DANCER, 5267
ALAN D. DAVIS, 7729
GLENN W. DEAL, 9334
RICARDO DELBREY, 4552
KENNETH L. DEMICK, JR., 3515
GINO F. DINVERNO, 2406
JAMES P. DOOLEY, 4248
KEVIN V. DOWD, 4644
ARNEL M. DUARTE, 5824
ERIC E. DUNN, 0303
MICHAEL N. DUNN, 5203
DAVID DWYER, 4879
JAMES S. DYE, 5660
MICHAEL A. DYER, 8049
THOMAS W. EASON, 4358
GARY E. EDGAR, 0268
KEITH S. FARRAR, 2086
DEWEY K. FELLERS, 4871
STANLEY G. FERGUSON, 0219
KEVIN R. FORBES, 0253
DARRELL FOSTER, 2674
MARK R. FOURNIER, 3569
SYLVESTER FREDERICK, 7876
WAYNE T. FULLER, 4232
GARY L. FUSELIER, 7848
ROWLAND V. GILBERT, JR., 5987
MARC J. GLORIOSO, 3381
JOHN J. GOFF, 5833
CURTIS L. GOSHEN, 6787
BUNN F. GRAY, 9680
RICHARD V. GREEN, 8305
JEFFREY D. GRISHAM, 6096
MITCHELL P. GROSS, 9403
JAY P. GULLEY, 9977
CHRISTOPHER D. HADEN, 5201
BART D. HALL, 4827
JAMES O. HAMMOND, 3629
DAVID W. HANSELMAN, 1725
GEORGE R. HAW, 7898
HARRY E. HAYES, 8944
CHRISTOPHER J. HEALY, 8496
ALTON J. HENAULT, 7563
BILLY W. HENDRIX, 4230
ROBERT A. HENLEY, 8247
STEVEN HERNANDEZ, 0324
WILLIAM C. HESTER, JR., 2314
WILLIAM J. HEWITT, 4578
TRACY L. HINES, 4847
YVONNE A. HOBSON, 4042
DAVID W. HODGE, 3418
RONNIE D. HOLLADAY, 3575
CLYDE A. HOLMES, 0120
DARRELL L. HOOD, 5588
WILLIAM F. HOWELL, 9627
SCOT M. HUSA, 7562
ALFRED L. IANNACONE, SR., 1828
DAVID L. JACOBS, 6062
ELLEN M. JARVIS, 8209
WESLEY T. JOHNSON, 7368
PRISCILLA M. JUSTINIANO, 1186
TODD C. KEELING, 2533
ELMER A. KIEL III, 0236
ANTHONY R. KING, 2917
MATTHEW J. KLEVA, 5652
JOHN L. KLINE, 1465
ROBERT D. KOKRDA, 6842
GREG A. KUNTZ, 5013
PERRY A. LAFOE, 1993
HIRAM K. LAMB, 6067
SCOTT R. LANGMYER, 6441
JOHN J. LANZONE, 9689
GARY D. LAROCHELLE, 0709
BRYAN L. LEATHERMAN, 7280
MICHAEL L. LEONARD, 9715
WESLEY C. LEOW, 5478
SIM Z. LEVEY, 1644
THOMAS E. LIPSCOMB, 9946
BRENT R. LITTON, 7887
ANN M. LONGBOY, 3569
ROBERT N. LOPEZ, 0184
MARCIA R. LOVE, 7863
JAMES W. LYONS, 9787
EDGAR MARTINEZ, 7831
MICHAEL P. MCCARTHY, 0042
MICHAEL L. MCDONALD, 5330
JOEL M. MCELHANNON, 7455
JOHNNY D. MCGRAW, 7986
BRIAN K. MCINTYRE, 5976
ANTOINETTE L. MCMILLEN, 2771
JANE E. MCNEELY, 0773
EARL F. MCNEIL, JR., 4226
EDGAR W. MCNULTY, 2989
DONALD L. MEDLEY, 7874
RICHARD L. MENARD, 1270
LAREAVA S. MESCHINO, 4280
MICHAEL P. MILLER, 1154
BRIAN A. MINARD, 7404
JEFFREY S. MOORE, 7598
ROGER E. MORRIS, 4168
PETER R. MOSS, 7224
JOHN J. MOTT, 1060
DAVID J. MURRAY, 3745
RICHARD K. MURTLAND, 6019
EDGARDO R. NARANJO, 4335
JEREMY P. NEWMAN, 5290
TIMOTHY M. NICHOLSON, 4767
ROBERT J. NICOLOSI, 7908
KEVIN B. OBRIEN, 5062
MICHAEL J. ONEILL, 8072
ERNEST W. OSBORN, 9236
CHERYL A. OUTLAW, 8369
MORRIS OXENDINE, 0410
JAMES J. PARENTE, 0101
FRANCISCO PARRA, 2928
WILLIAM L. PARTINGTON, 7680
JAMES A. PATTERSON, 1575
YOUNZETTA O. PAULK, 8704
DAVID A. PEARSON, 0206
TODD S. PERRY, 3690
ROBERT C. PETERSEN, 0264
THOMAS A. PHILLIPS, 0505
ANITA L. PIERCE, 8552
ALLEN PINKERTON, 9544
ROBERT M. PITKIN, 6432
CALVIN E. PONTON, 3889
RICHARD J. POOL, 3320
JOHN W. POPHAM, 9205
DWAYNE A. RASH, 9420
JAMES E. RAULSOME, 5519
THOMAS S. REA, 8319
DANIEL F. REESE, 4866
L. J. REGELBRUGGE III, 5702
DAVID J. REILLY, 4349
JOE S. RENELLA, 6784
MICHAEL P. RILEY, 6210
ROCKY A. RILEY, 8824
EUGENE R. ROBERTS, 9278
TERRY A. ROBINSON, 7000
JUAN B. RODRIGUEZ, 1372
MICHAEL ROSENBERRY, 0421
MICHAEL J. ROTH, 1842
CURNESS P. RUSSELL, 0502
MARKIEST D. SANDERS, 2492
JEFFRY A. SANDIN, 8660
STACEY J. SCHLOSSER, 4971
SCOTT B. SCHNEEWEIS, 8965
ANDREA L. SCHREIBER, 1480
FRANK M. SEGUIN, 0066
FREDERICK J. SEIGER, 2365
MARK S. SHANNON, 1446
ROBERT P. SHAW, 8470
JOHN F. SHEEHAN, 9714
MICHAEL SHELLENBARGER, 9867
KEITH E. SHIPMAN, 9618
HAROLD E. SHUCK, JR., 6731
MELANIE C. SIGAFOOSE, 9880
DONALD A. SIGLEY, 8030
JOHN S. SILVA, 1809
JEFFREY J. SIMONS, 9200
JOHNNIE L. SIMPSON, 9160
RICKY D. SMALL, 0016
GARY C. SMITH, 2340
CHRISTOPHER K. SNOWDON, 0770
RONALD W. SPAULDING, 1149
TIMOTHY L. SPAULDING, 7354
LARRY R. SPRADLIN, 9978
DAVID A. SPURLOCK, 5529
GEOFFREY L. STAHRE, 2673
ROBERT L. STEVENS, 7588
BARRY O. STOWELL, 7897
LUIS O. SUAREZ, 5947
ALLEN C. SUMMERALL, 2191
ANTHONY C. TARANTO, JR., 3482
DAVID L. TARWATER, 5480
MICHAEL S. TAYLOR, 8671
DOUGLAS J. THORNTON, 5709
ARTHUR C. TOEHLKE, 6127
MICHAEL G. TOPPING, 3872
LEONARD TREADWAY, 4764
CRAIG L. TRENT, 8773
STEPHEN J. TRZCINSKI, 5191
RENAN J. TULABUT, 3233
TIMOTHY S. TURK, 6419
JEFFREY L. WADELL, 0798
ALLEN W. WALLACE, 9794
TERRY L. WALTON, 8457
AARON T. WASHINGTON, JR., 6839
LARRY W. WATSON, 6127
STEPHEN D. WHISLER, 5098
DAVID J. WHITE, 6481
THOMAS N. WHITEHEAD, 9152
JOHN J. WHYTE, JR., 9950
MARK R. WILSEY, 6306
SCOTT J. WOLFE, 3981
DAVID J. WUESTEWALD, 6747
DALE E. YAGER, 1667
RONALD D. YARBER, 5905
KENNETH H. YOUNG, 4612
GREGORY C. ZACH, 2330
MICHAEL S. ZARTMAN, 7572
MICHAEL A. ZURICH, 7525

EXTENSIONS OF REMARKS

CONGRATULATIONS TO ERIK C. LEMONS RECIPIENT OF THE PRESIDENTIAL FREEDOM SCHOLARSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior academic performance of Erik C. Lemons, a recipient of this year's Presidential Freedom Scholarship. Thirteen students in the 26th Congressional District are receiving this special recognition.

This award recognizes outstanding service and citizenship initiatives by the students, who were nominated, and provides an opportunity to acknowledge their leadership. Administered by Learn and Serve America, the scholarship provides $500 in Federal funds, matched with $500 from a community organization or business obtained for the student by their high school or Boys and Girls Club. Winners must have completed at least 100 hours of community service, either through a school-based service-learning program or independently through service at a nonprofit or faith-based organization.

Erik is a member of the Boys and Girls Club of Cooke County Teen Center. The organization matched Federal funds of $500 in for the scholarship.

Over 38,000 students to date have received this award and I extend my sincere congratulations to Erik C. Lemons for being one of them. This student's contribution and services should serve as inspiration to those who wish to make a positive difference in the lives of others.

A PROCLAMATION IN MEMORY OF SERGEANT BRADLEY JARED HARPER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of Sergeant Bradley Jared Harper upon the death of this outstanding soldier.

Sergeant Harper was a member of Company A, 4th Amphibious Assault Battalion, 4th Marine Division, Norfolk, Virginia serving his great nation in the country of Iraq. He was a leader in his unit and a loving husband to his wife. Sergeant Harper was an active citizen in his community and did his best to make his country a better place to live.

Sergeant Harper will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous soldier, I offer this token of profound sympathy to the family, friends, and colleagues of Sergeant Bradley Jared Harper.

IN RECOGNITION OF CONGRESSMAN DANNY DAVIS FOR HIS WORK WITH THE SAAM INITIATIVE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. RANGEL. Mr. Speaker, I rise today to recognize and commend Congressman Danny Davis for his leadership in launching the State of the African American Male Initiative (SAAM). This is a much needed initiative to improve the conditions of Black men and boys who continue to be marginalized in communities throughout the U.S. Their condition in this country is currently in a state of emergency and requires governmental, community, and corporate solutions to this crisis.

The SAAM initiative facilitates dialogue between individuals and organizations addressing the issues significantly affecting African Americans males. These issues center around health, education, economic empowerment, criminal justice and civic participation. The initiative will have regional meetings and conferences in New York, NY; Houston, TX; Chicago, IL; Miami, FL; Memphis, TN; Detroit, MI; Atlanta, GA; Los Angeles, CA; and Oakland, CA. In addition it seeks to ensure a national impact through its website and the creation and utilization of partnerships with Members of Congress, grassroots organizations, and individuals throughout the country.

Young Black males in contemporary American society face major challenges to their development and well-being. I applaud the efforts of my colleague in taking an active role in reaching back to other Black men and boys to address the issues most affecting them.

Black males in this country are facing a state of emergency and the social and economic indicators of Black male development provide profiles of individuals whose quality of life is in serious jeopardy. Essentially Black males are becoming an endangered species and more must be done to ensure the survival of future generations.

The SAAM initiative is a good start. It is a positive way for we as lawmakers to take a hands on approach in making our communities better and safer places. As an African American male this initiative is particularly special to me. I know how important it is to have strong Black leaders, fathers, activists, and mentors to guide, develop, and structure the community and its future generations. I think it is incredibly important to equip African American males with the tools they need to affect positive change in world events.

The tireless efforts of Congressman Danny Davis and his staff for organizing this effort are to be commended. The SAAM initiative is a positive step in moving our country closer to the day when African American males will no longer be the first to drop out of school, last to become employed, first to get arrested, last to get a quality lawyer, first to die, last to see a doctor, first to be homeless, and last to get a house.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Tuesday, September 6, 2005, I was unavoidably absent due to a previously scheduled engagement.

I request that the Congressional Record reflect that had I been present and voting, I would have voted as follows: on rollcall No. 455, on S.J. Res. 19, calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act, "yes"; on rollcall No. 454, on H. Res. 360, commemorating the 60th anniversary of V–J Day and the end of World War II in the Pacific, "yes".

HONORING THE WILKES-BARRE SALVATION ARMY AND FRANK AND DOROTHY HENRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Salvation Army in Wilkes-Barre, Pennsylvania, as well as Frank and Dorothy Henry who have been associated with the leadership of the Salvation Army for more than four decades.

As we are well aware, the Salvation Army plays a vital role in American society, a fact brought home to us most recently by their work in the flood-ravaged Gulf Coast where, as of Sept. 6, they had distributed more than 100,000 articles of clothing and served over 400,000 meals to flood victims described by one Salvation Army officer as "emotionally devastated."

In Wilkes-Barre, the Salvation Army's work began on Jan. 12, 1885 under the leadership

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of then Capt. Faith Jeffries. The Salvationists were met with a mixed welcome. After their first day of warfare in Wilkes-Barre, they had rescued 24 souls "from the devil's grasp," according to an account in their newsletter, "The War Cry." However, Capt. Jeffries was arrested for playing the tambourine in the street on Sunday.

During World War II, Salvationists served coffee and doughnuts at USOs around the nation and at Union Station in Washington to young men who were called to the colors. In Wilkes-Barre, the Salvation Army will forever be remembered for its work providing food, clothing and emergency shelter to flood victims during the 1936 and 1972 floods.

Mr. Henry, for the past 44 years, has diligently served on the Salvation Army's board of directors, providing leadership and wise counsel. Today, the Salvation Army in Wilkes-Barre serves more than 44,000 individuals per year.

Mr. Speaker, please join me in congratulating the Salvation Army and Mr. and Mrs. Henry for their contributions to the greater Wilkes-Barre area. The quality of life in that region has been greatly improved by the presence of the Salvation Army and community leaders like the Henrys.

HONORING THE MEMORY OF MR. CHARLES T. BROWDER, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BONNER. Mr. Speaker, Clarke County and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Charles T. Browder, Sr., was a devoted family man and dedicated community leader throughout his life. A native of Monroe County, Alabama, Mr. Browder, for many years worked with his brother in Montgomery. In 1987, he and his family moved to the City of Thomasville, where he founded Browder and Son Veneer, a company which became an anchor of the area's business community and has grown to employ more than 80 men and women.

A popular figure in his community, Mr. Browder developed a strong reputation for his generosity and philanthropy, and was always available to help his friends and neighbors in any way possible. He was active in the congregation of Thomasville United Methodist Church, and was a member of both the Abba Shrine Temple and Oliver Lodge No. 334 F & AM.

Mr. Speaker, I ask my Colleagues to join me in remembering a dedicated community leader and friend to many throughout South Alabama. Mr. Browder will be deeply missed by his family—his wife Annyce L. Browder; his children, Charles T. "Tom" Browder and Allen L. Browder; his sister, Gloria B. Lovinggood; his six grandchildren; and his seven great-grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING LARRY ERNST ON BEING NAMED AN IBM FELLOW

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Larry Ernst, of Boulder, Colorado, for his recent nomination as an IBM Fellow, the company's highest and most prestigious technical honor.

IBM Fellows are selected for sustained and distinguished technical achievements in engineering, programming and technology. There have only been 185 Fellows in the past 42 years of the company's existence, and currently there are only 58 active employees who share this distinction out of an astounding 325,000 employees worldwide.

IBM Fellows provide innovative solutions not only valuable for the future of this massive company, but also for the entire world. Fellows such as Mr. Ernst have developed some of the most useful products and applied technologies the industry and computer users have ever seen.

Larry Ernst has led the strategic definition and implementation of critical technologies for the Printing Systems Division, and his work in the area of print and image quality has been the foundation for many new products. Already, Mr. Ernst holds nine issued patents, serves as the patent coordinator for the division, and has been named an IBM Master Inventor for his works.

Larry Ernst joins two other distinguished Boulder residents, Ernest Booch and Joan Mitchell, as IBM Fellows. I am proud to have three out of the 58 active IBM Fellows in Colorado's Second Congressional District. It is quite a compliment to the men and women of Colorado.

Mr. Speaker, I ask my colleagues to join me in honoring Larry Ernst and in wishing him continued success in all future endeavors as an IBM Fellow.

CONGRATULATIONS TO SHANNON J. WILSON, RECIPIENT OF THE PRESIDENTIAL FREEDOM SCHOLARSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior academic performance of Shannon J. Wilson, a recipient of this year's Presidential Freedom Scholarship. Thirteen students in the 26th Congressional District are receiving this special recognition.

This award recognizes outstanding service and citizenship initiatives by the students who were nominated, and provides an opportunity to acknowledge their leadership. Administered by Learn and Serve America, the scholarship provides $500 in Federal funds, matched with $500 from a community organization or business obtained for the student by their high school or Boys and Girls Club. Winners must have completed at least 100 hours of community service, either through a school-based service-learning program or independently through service at a nonprofit or faith-based organization.

Shannon is a member of the Technology Center Boys and Girls Club. This organization contributed matching funds of $500.

Over 38,000 students to date have received this award and I extend my sincere congratulations to Shannon J. Wilson for being one of them. This student's contribution and services should serve as inspiration to those who wish to make a positive difference in the lives of others.

A PROCLAMATION IN MEMORY OF NATHANIEL ROCK

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of Nathaniel Rock upon the death of this outstanding Marine.

Nathaniel Rock was a member of the United States Marine Corps serving his great nation in the country of Iraq. He was a loving son to his parents, and a caring brother to Jared Rock with whom he served with as a Martins Ferry police officer. Nathaniel Rock was an active citizen in his community and did his best to make his country a better place to live.

Nathaniel Rock will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous Marine, I offer this token of profound sympathy to the family, friends, and colleagues of Nathaniel Rock. Your service has made us proud.

REMEMBERING JOHN H. JOHNSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. RANGEL. Mr. Speaker, I rise today to recognize and honor the life and legacy of the publishing mogul, Mr. John H. Johnson, who died on August 8, 2005 at the age of 87. Mr. Johnson rose from extreme poverty to become founder and chairman of Johnson's Publishing Company, the world's largest African-American owned publishing Company. Mr. Johnson is one of America's most distinguished entrepreneurs, whose publications have helped to change the landscape of American history.

Mr. Johnson was born on January 19, 1918, in Arkansas City during southern segregation, which played an integral role in shaping his successful future. Another element that helped shape his path was his mother. When Mr. Johnson was 8 years of age, his mother moved the family up to Chicago with the belief that the Jim Crow south was no place to nurture and raise a Black child from whom she expected greatness. Like so many other blacks from the South, his mother believed that the North provided better economic and social opportunities for African Americans. Therefore, Johnson's family took part in The Great Migration of the early 1900's and moved north.

During his high school years, Mr. Johnson worked part time for the Supreme Liberty Life Insurance Company (he would later become chairman of the board). Part of his duties was to prepare a digest for the company president of Black or Black-oriented stories in the American press. This gave inspiration to the establishment of his first magazine the "Negro Digest". After being refused business loans from banks and other financial institutions, Mr. Johnson used his mother's furniture as collateral for a $500 loan. In 1942, Negro Digest was first published and became an instant success. This became the first of his many future capital ventures. Subsequently, in 1945 Mr. Johnson launched his most successful magazine Ebony, which sold 25,000, making it the largest circulated Black magazine of the time. Today, with its 60 year history, Ebony is still a success with a circulation of 1.6 million.

In 1951, 10 years after the start of Ebony, Mr. Johnson started Jet magazine, which became the number one Black newsweekly. Subsequently, he invested in book publishing and Fashion Fair Cosmetics, which was designed to fit the needs of African American women by offering a complete line of high-quality beauty and skin care products for a wide variety of skin tones. Moreover, he has invested in several radio stations, and has majority ownership in the company that inspired it all, Supreme Liberty Life Insurance.

The success of his magazines and other business endeavors were supported by Johnson's objective to show "not only to the Negroes, but also white people that Negroes got married, had beauty contests, gave parties, ran successful businesses, and do all the other normal things of life." His publications became a vehicle for his civil rights activism. Mr. Johnson purposefully presented positive imagery of blacks as professionals, movie stars, activists, and more, to combat the many negative stereotypes that permeated throughout the collective conscience of this country, which was overwhelmingly manifested through mainstream media. Ebony magazine highlighted the success and achievements of African Americans, taking a more glamorized prospective of Black America, while Jet magazine focused on the politics, entertainment business, and sports. President Clinton, observed that Mr. Johnson "gave African-Americans a voice and a face, in his words, 'a new sense of somebody-ness,' of who they were and what they could do, at a time when they were virtually invisible in mainstream American culture."

John Johnson made history when he published the unedited and notorious 1955 pictures of the mutilated body of 14 year old murder victim Emmett Till, who was slain in Mississippi for allegedly whistling at a white girl. Johnson published the pictures to show the world the cruel reality of Jim Crow, and the violent results of legal segregation. As a result, the images of Emmett Till became the catalyst that sparked the flame that fueled the Civil Rights Movement. It was the pictures that Mr. Johnson published that inspired Rosa Parks to refuse to acquiesce and relinquish her seat to a white man, which in turn led to the kindling of the Civil Rights Movement.

As a result of Johnson's success, both in his publishing and activism, he has received many accolades and awards. In 1982 he was the first African American ever to be on Forbes Magazine's 400 Richest Americans. He was a member of the Publishing Hall of Fame, the National Business Hall of Fame, the Advertising Hall of Fame and the Arkansas Business Hall of Fame. He also received the Spingarn Medal, the highest honor from the National Association for the Advancement of Colored People. In addition, he received the Salute to Greatness Award, the highest award for the Martin Luther King Jr. center for Nonviolent Social Change. In 1972 he was named Publisher of the Year by the Magazine Publishers Association. Lastly in 1995 he was awarded America's highest civilian honor, the Presidential Medal of Freedom from President Clinton.

As a visionary, entrepreneur, philanthropist, and civil rights activist, Mr. Johnson's life has become one of the greatest "American dream" success stories of all time. Through his publications and other media ventures, Johnson has managed to transform the mainstream image and self-image of African Americans throughout the world. The legacy Mr. Johnson leaves is one of constant challenge. Throughout his life he has challenged and overcome the validity of old norms and has presented new ones that have helped to change both the face of African-Americans, as well as the face of our Nation.

HONORING THE BLOOMSBURG HOSPITAL IN COLUMBIA COUNTY, PENNSYLVANIA, AS IT CELEBRATES ITS 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Bloomsburg Hospital in Columbia County, Pennsylvania, which is celebrating its 100th anniversary of serving citizens in that region of the Nation. I also ask that you join me in recognizing Regis P. Cabonor, CEO of Bloomsburg Hospital, and Dr. John A. Scerbo, Chairman of the Board of Directors.

The first and only locally owned and operated hospital in the area, Bloomsburg Hospital's highly trained staff of physicians and technologists offer state of the art diagnostic services, and an array of women's health and psychiatric services.

Known as "The Baby Hospital," the facility has been delivering about 600 infants annually for the past several years. Special birthing suites and knowledgeable nurses ensure that families receive a warm and caring experience at this special time in their lives.

Accredited by the American College of Radiology, the United States Nuclear Regulatory Commission, the American Association of Blood Banks, the College of American Pathologists, the hospital is licensed by the Pennsylvania Department of Health.

Its mission is to "promote, restore and maintain health" through fully integrated health care systems and services including in-patient care, in-patient and out-patient rehabilitation and out-patient surgery.

Mr. Speaker, please join me in congratulating Bloomsburg Hospital on the occasion of this milestone event. The quality of life in the Bloomsburg area is clearly better because of the fine and caring work performed by the dedicated professionals at this institution.

HONORING THE MEMORY OF MR. EMORY BUSH "E.B." PEEBLES, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BONNER. Mr. Speaker, Mobile County and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Emory Bush "E.B." Peebles, Jr., was a devoted family man and dedicated community leader throughout his life.

A graduate of Murphy High School in Mobile, Alabama, Mr. Peebles received his diploma from the Military College of South Carolina (The Citadel) in 1939. Following his graduation, he joined the United States Army Reserve with the rank of second lieutenant, and was employed by the Southern Industries Corporation. In June, 1941, he was called to active duty as a member of the United States Army and served with distinction during World War II as a member of the 31st Infantry ("Dixie") Division of the Pacific Theater. For his service, he was awarded both the Purple Heart and the Bronze Star, and he was promoted to the rank of major prior to his discharge in December, 1945.

Following his discharge, he was employed by Ryan Stevedoring in Mobile, and continued to work with that corporation for the next four decades. He retired from the new Ryan-Walsh Stevedoring Company in 1985 as chairman of the business.

In the midst of his intense professional schedule, Mr. Peebles also found time to serve in many community organizations and on several boards of directors. He served on the boards of several area businesses and financial institutions, including the Mobile Gas Service Corporation and the Alabama Dry Dock and Shipbuilding Company. During the mid–1960s, he served as president of the America's Junior Miss Pageant, and in 1969 served as the president of the Mobile Carnival Association. He also helped to make Mobile's Senior Bowl college football all-star game one of the preeminent events in all of college athletics, and served as president of that organization. He was also actively involved in the Mobile Touchdown Club and the Mobile Area Arts and Sports Association, and served as president of the University of South Alabama's Jaguar Club. In 1996, he was named "Mobilian of the Year."

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout South Alabama. Mr. Peebles will be deeply missed by his family—his lovely wife, Barbara Cowen Peebles; his children, E.B. Peebles, III, Laura P. Rutherford, and John D. Peebles; his stepchildren, Alley C. Butler and Douglas L. Ford; and by his seven grandchildren and great-grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

RECOGNIZING LEXMARK'S CONTRIBUTIONS TO ENVIRONMENTAL PROTECTION IN BOULDER

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. UDALL of Colorado. Mr. Speaker, as you know, I am very proud of my constituents in Boulder, Colorado, for their unsurpassed commitment to a clean environment. Indeed, Boulder's exceptionally clean air and water make the Second District of Colorado a very special place.

When a company can provide jobs and be a real contributor to the economy of Boulder, and it can do so in way that shows the utmost respect for the environment, the citizens of my district are doubly fortunate. Lexmark International, Inc. is just such a company.

One of the world's largest manufacturers of printers and developers of printing solutions, Lexmark has a large facility in Boulder that has recently achieved ISO (International Standardization Organization) 14001 certification for its environmental management system. ISO 14001 is the world's most recognized environmental management system framework, helping organizations better manage their impact on the environment and continually improve their environmental performance.

Lexmark employees worked for years to achieve this important certification. Such certifications do not come easily, and Lexmark's employees in Boulder are to be commended for their commitment to pollution prevention and for the overall environmental ethic that enabled them to achieve this important milestone.

This achievement is only the most recent environmental award received by the Lexmark facility in Boulder. In 2003, the city of Boulder awarded its PACE (Partners for a Clean Environment) Pioneer Award to Lexmark. This award is given annually to the business best exemplifying the goals of the PACE program.

For almost a decade beginning in 1993, Lexmark participated in the Colorado Governor's Pollution Prevention Challenge, and the plant also received the U.S. EPA's 33/50 award for toxic chemical use reduction in the early-to-mid 1990s.

In all, the record this facility has established for well over a decade is remarkable. My hat is off to the employees at the Lexmark facility in Boulder who share such an obviously genuine and profound commitment to environmental protection.

I ask my colleagues in the House of Representatives to join me in commending Lexmark for this notable achievement.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Wednesday, September 7, 2005, I was unavoidably absent due to a previously scheduled engagement.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows:

(1) Rollcall No. 457. On H.R. 3169, to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster: "yes."

(2) Rollcall No. 456. On H.R. 3650, to allow United States Courts to conduct business during emergency conditions, and for other purposes: "yes."

CONGRATULATIONS TO KAMALA S. FARQUHARS, RECIPIENT OF THE PRESIDENTIAL FREEDOM SCHOLARSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior academic performance of Kamala S. Farquhars, a recipient of this year's Presidential Freedom Scholarship. Thirteen students in the 26th Congressional District are receiving this special recognition.

This award recognizes outstanding service and citizenship initiatives by the students, who were nominated, and provides an opportunity to acknowledge their leadership. Administered by Learn and Serve America, the scholarship provides $500 in Federal funds, matched with $500 from a community organization or business obtained for the student by their high school or Boys and Girls Club. Winners must have completed at least 100 hours of community service, either through a school-based service-learning program or independently through service at a nonprofit or faith-based organization.

Kamala is a member of the North Fort Worth Boys and Girls Club. The organization matched the $500 federal fund scholarship.

Over 38,000 students to date have received this award and I extend my sincere congratulations to Kamala S. Farquhars for being one of them. This student's contribution and services should serve as inspiration to those who wish to make a positive difference in the lives of others.

A PROCLAMATION IN MEMORY OF LANCE CPL. AARON H. REED

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of Lance Cpl. Aaron H. Reed upon the death of this outstanding Marine who served with the 3rd Battalion, 25th Marine Regiment, Fourth Division, Lima Company.

Lance Cpl. Aaron H. Reed was an active member of the Richmond Dale Church of God where his devotion to the Lord was fostered though his commitment to the Youth Group. He was an active citizen in his community and did his best to make his country a better place to live.

Lance Cpl. Aaron H. Reed will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous Marine, I offer this token of profound sympathy to the family, friends, and colleagues of Lance Cpl. Aaron H. Reed.

CONGRATULATING THE TRACY NATIONAL LITTLE LEAGUE ALL-STAR TEAM

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. POMBO. Mr. Speaker, I rise today to congratulate the Tracy National Little League All-star team, from my hometown in Tracy, California. This group of 12-year-olds rose up through the ranks, first becoming District 67 champs, then Section 3 champs, then Northern California champs, and finally Western Region Runner-ups.

Players Casey Anklam, Brock Blades, Jeramee Campbell, Dominic D'souze, Alex Flores, Michael Hager, Jacob Lopez, Kyle Moses, Tyler Sanfilippo, Tyler Trew, Jacob Valdez, Joshua Wesley and Casey Wichman showed great talent and teamwork. Their hard work and dedication really paid off, taking them nearly all the way to the Little League World Series. Manager Emmett Lee and Coaches John Moses and Rob Wichman provide great leadership for the boys, and were instrumental in their success.

As many of you know, I am a big baseball fan. My son Richie plays on his high school team, and each year I look forward to playing in the Congressional Baseball Game. I am very proud of these kids from Tracy, and know that the skills they learn on the diamond—teamwork, competition, dedication—will serve them well throughout their lives. I look forward to following their progress again next season and know they will be even better.

IN HONOR OF THE WARD'S 75TH WEDDING ANNIVERSARY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to a special couple from Caraway, AR, Ode and Beatrice Ward, who will celebrate their 75th wedding anniversary on September 20, 2005. This is a significant milestone and one that only a very few are fortunate enough to celebrate in their lifetime.

Ode and Beatrice Ward met in Leachville, AR, and decided to marry in the fall of 1930. The couple made their home in northeast Arkansas and spent the next 42 years growing cotton, soybeans, and milo. Throughout the years, the Wards were blessed with three children, James E. Ward, Vondella W. Davis, and Lois M. Meadows, and now have the pleasure of spending time with six grandchildren and nine great-grandchildren.

Their love for each other and their family extends to their neighbors as well, where they continue to stay involved in their community. They remain active members in the political process and are often seen participating in local activities and events. Their energy is truly remarkable and perhaps the secret to a long and fulfilling life.

A 75th wedding anniversary reminds us that marriage is not an instant achievement but a covenant that requires love, patience, and respect. Ode and Beatrice Ward have perfected this commitment to each other and are truly blessed to have a strong marriage, their family, and a lifetime of memories. As they live each day by their wedding vows, they continue to inspire all who are fortunate to know them.

On September 20, 2005, Ode and Beatrice Ward will join many of their family and friends at a celebration to honor their 75 years of marriage. I ask my colleagues to join me in congratulating them on this joyous occasion and sending our best wishes for many more years of love and happiness.

TRIBUTE TO MARTHA BOGLE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to one who was an extraordinary force behind the recent designation of the Congaree Swamp National Monument as a National Park. When Martha Bogle came to this 22,200-acre National Parks Service site near Columbia, SC, in 1995, about 50,000 people each year visited the old-growth bottomland hardwood forest that was designated a national monument. Today that figure has tripled and it is due in large measure to the hard work and dedication of Ms. Bogle.

Upon her arrival, Ms. Bogle realized the majesty of the towering pines and giant hardwoods, but access to the facility was so poor that few visitors were enjoying these amazing vistas. As the new superintendent, Ms. Bogle looked for a cost-effective way the community could join in making this hidden jewel more accessible. Her tenacity paid off when she convinced the South Carolina National Guard to partner with the Parks Service in building a new entrance road and visitors center. The result was an award-winning, 12,000 square foot visitors center with wonderful educational tools and roads and parking lots that could better accommodate visitors. This was quite an aaccomplishment for Ms. Bogle's first foray as a park superintendent.

Still her vision for the site was not complete. With improved facilities and access, Ms. Bogle embarked upon a campaign to turn the Congaree Swamp National Monument into a national park. This was an even greater undertaking because only 52 of the National Parks Service's 388 sites were designated as national parks. Yet Ms. Bogle found allies in my former colleague, Senator Fritz Hollings, and myself, and we joined her and the many "Friends of the Congaree" in the fight to secure the designation. After some difficult days and lots of hard work on the part of Ms. Bogle and many others, on November 10, 2003, the President signed legislation that officially changed the Congaree Swamp National Monument into the Congaree National Park. In addition, we were able to include in the legislation, at Ms. Bogle's request, a 4,600-acre expansion of the site. As she departs, Ms. Bogle is working to acquire the additional property from willing sellers.

Ms. Bogle's love of nature began in her childhood in a small Tennessee town. Upon her graduation from the University of Tennessee in Knoxville with a Bachelor's in Botany, Ms. Bogle wasted no time in securing a position with the National Parks Service. Her 26-year career has taken her to nine National Parks Service sites and one national wildlife refuge.

Mr. Speaker, I ask you, and my colleagues to join me today in thanking Martha Bogle for her tremendous contributions to the Congaree National Park, and wish her well as she leaves South Carolina to become assistant superintendent of the Blue Ridge Parkway. No matter where she serves in the National Park Service, Ms. Bogle brings an infectious joy in her surroundings and a commitment that will insure our Nation's natural treasures are preserved and protected for many generations to come.

CONGRATULATIONS TO CHAVONTREAL ALLEN, RECIPIENT OF THE PRESIDENTIAL FREEDOM SCHOLARSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior academic performance of Chavontreal Allen, a recipient of this year's Presidential Freedom Scholarship. Thirteen students in the 26th Congressional District are receiving this special recognition.

This award recognizes outstanding service and citizenship initiatives by the students who were nominated, and provides an opportunity to acknowledge their leadership. Administered by Learn and Serve America, the scholarship provides $500 in Federal funds, matched with $500 from a community organization or business obtained for the student by their high school or Boys and Girls Club. Winners must have completed at least 100 hours of community service, either through a school-based service-learning program or independently through service at a nonprofit or faith-based organization.

Chavontreal is a member of the Frisco Boys and Girls Clubs of Collins County. This organization contributed matching funds of $500.

Over 38,000 students to date have received this award and I extend my sincere congratulations to Chavontreal Allen for being one of them. This student's contribution and services should serve as inspiration to those who wish to make a positive difference in the lives of others.

TAIWAN'S AGRICULTURAL TRADE GOODWILL MISSION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. SESSIONS. Mr. Speaker, it has come to my attention that the Republic of China, Taiwan, has sent an Agricultural Trade Goodwill Mission to Capitol Hill and there will be a signing ceremony between the Mission and its American grain suppliers on Wednesday, September 14, 2005, at 9 a.m. in the Mansfield Room of the Capitol Building.

It is also my understanding that Taiwan's Goodwill Mission will sign letters of intent to purchase 14.5 million metric tons, equivalent to 559 million bushels, of U.S. wheat, soybeans and corn in 2006 and 2007. The mission's tannery group will also sign a statement with American suppliers to buy up to 6 million pieces of "wet salted hide" and "wet blue hide" for years 2006 and 2007. The total value of all the purchases will amount to $3.1 billion.

I welcome Taiwan's Agricultural Trade Goodwill Mission to Capitol Hill. Two years ago, the same Agricultural Trade Goodwill Mission came to the Hill and signed letters of intent agreeing to purchase $2.87 billion for the years 2004 and 2005. The last mission planned to buy 15.1 metric tons, approximately 581 bushels, of wheat, soybeans and corns and 4 million pieces of hide. As of June 2005, Taiwan had already purchased 10.5 metric tons, equivalent to 404 million bushels, of U.S. grain. And in 2004, Taiwan purchased an additional 3 million pieces of U.S. hide in 2004. Given Taiwan's long history as an excellent customer for U.S. agricultural products, it is reasonable to expect Taiwan to fulfill all its agreed-upon commitments and more.

Taiwan has had a very strong trade relations with our Nation. Year after year, Taiwan has imported U.S. cattle hides, U.S. hog skins, soybean, corn and wheat and other agricultural products, amounting to billions of dollars for American producers. We hope this trend will continue in the future as our agricultural exports to Taiwan greatly benefit our grain exporters and farmers.

I join my colleagues in welcoming members of Taiwan's Agricultural Trade Goodwill to Capitol Hill and I wish Dr. Chen Hsi-Huang, Mr. Kuo Hsin-Hong and Mr. Wang Tsong-ming, heads of The Soybean and Corn Delegation, The Wheat Delegation and The Hide Delegation, and members of the delegation a pleasant journey as they travel to Iowa, Ohio, Missouri, Montana, Idaho, North Dakota, Kansas, and Texas to meet with state and local officials and suppliers.

We also hope they will return to Capitol Hill again next year.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mrs. MALONEY. Mr. Speaker, on September 7, 2005, I was unavoidably detained and missed rollcall votes numbered 456 and 457. Rollcall vote 456 was on the motion to suspend the rules and agree to H.R. 3650, a bill to allow United States Courts to conduct business during emergency conditions, and for other purposes. Rollcall vote 457 was on the motion to suspend the rules and agree to H.R. 3169, a bill to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

Had I been present I would have voted "yea" on rollcall votes 456 and 457.

RETIREMENT OF CHIEF JOHN WALSH

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. SIMMONS. Mr. Speaker, I rise today to recognize the achievements and service of Willimantic Fire Department Chief John Walsh, who has served the Connecticut community of Willimantic for more than two decades. He has served as a firefighter for more than 50 years.

Chief Walsh began his career as a volunteer firefighter in 1954. In January 1960 he joined the Hartford Fire Department where he demonstrated a high degree of professionalism and ability. In 1968 he was promoted to Lieutenant and in 1980 he achieved the rank of Captain. In December 1983 he became Chief of the Willimantic Fire Department.

His work on behalf of his fellow firefighters extended beyond the community. In 1988 and 1989 he was President of the Connecticut Fire Chiefs and he is a member of the New England Fire Chiefs and the National Fire Protection Association.

Firefighters are on call seven days a week, 12 months a year. There are no holidays for firefighters. Tragedy never takes a holiday and when it strikes a community, firefighters are among the first to respond.

Individuals are not recognized for what they have taken but for what they have given. Chief John Walsh's family, colleagues and friends honor him for what he has given to his community. I am proud to add my voice to theirs. Through his commitment and character he has made Willimantic a better place in which to live, work and raise a family.

Thank you, Chief Walsh, for your service.

TRIBUTE TO TRINITAS HOSPITAL'S COMPREHENSIVE CANCER CENTER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. PAYNE. Mr. Speaker, I rise today to recognize the contribution of Trinitas Hospital to my home State of New Jersey. Their commitment to the health and health care of all New Jerseyans is laudable, and most worthy of our recognition in this chamber here today.

On Tuesday, September 13, 2005, they will dedicate their brand new, $28 million, five-story Trinitas Comprehensive Cancer Center, which will house the Hospital's state-of-the-art Medical and Radiation Oncology programs, including technology that will be the first of its kind in the State, giving their staff the resources they need to ensure that cancer care in New Jersey is the best in the Nation.

Trinitas Hospital is a full service healthcare facility and a Catholic teaching hospital sponsored by the Sisters of Charity of Saint Elizabeth. They care for and serve many of my friends and neighbors in my district.

The hospital already serves our community by offering the greatest of cancer care, providing services from diagnostics to chemotherapy treatment to patient and family counseling, as well as everything in between. In addition, the Hospital conducts a large number of outreach programs for the community to screen for breast, prostate, cervical, and colon cancers, and to educate community members about cancer detection and prevention. In a State like ours, where New Jersey residents have a 16 percent higher incidence of cancer that the national average, education and prevention are the keys to overcoming the battle against this insidious disease, and Trinitas Hospital is, and continues to be, a leader in this all-important fight.

I would also like to commend them for their efforts to raise awareness about minority health disparities in New Jersey, and to offer services to fill the gap in health care quality for our minority citizens. Their concern about the higher incidence of cancer among minorities led to the establishment of the Breast Health Outreach program, which provides crucial information on cancer prevention to thousands of minority women each year.

Mr. Speaker, I ask you to join me as I recognize Trinitas Hospital and the men and women there who are dedicated to making our community a better place; and I encourage my colleagues to join me in sending our congratulatory best wishes as they dedicate their new Comprehensive Cancer Center facility.

CONGRATULATIONS TO JORDAN ELLIOT, RECIPIENT OF THE PRESIDENTIAL FREEDOM SCHOLARSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior academic performance of Jordan Elliot, a recipient of this year's Presidential Freedom Scholarship. Thirteen students in the 26th Congressional District are receiving this special recognition.

This award recognizes outstanding service and citizenship initiatives by the students, who were nominated, and provides an opportunity to acknowledge their leadership. Administered by Learn and Serve America, the scholarship provides $500 in Federal funds, matched with $500 from a community organization or business obtained for the student by their high school or Boys and Girls Club. Winners must have completed at least 100 hours of community service, either through a school-based service-learning program or independently through service at a nonprofit or faith-based organization.

Jordan is a recent graduate at Lewisville High School and the organization matching her $500 in Federal funds is the Tau Rho Omega Chapter.

Over 38,000 students to date have received this award and I extend my sincere congratulations to Jordan Elliot for being one of them. This student's contribution and services should serve as inspiration to those who wish to make a positive difference in the lives of others.

PERSONAL EXPLANATION

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. INSLEE. Mr. Speaker, over the Labor Day weekend, I volunteered at the Houston Astrodome to assist in relieving the victims of Hurricane Katrina. On Tuesday, September 6, 2005, en route to Washington, DC, from Houston, a passenger on my aircraft attempted to commit suicide and the flight was temporarily rerouted to Nashville, TN. As a result, my flight was significantly delayed in landing at Dulles airport, causing me to miss votes for both H. Res. 360, commemorating the 60th anniversary of V–J Day and the end of World War II in the Pacific, and S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

Had I been present in the House of Representatives, I would have voted in support of both resolutions, H. Res. 360 and S.J. Res. 19.

TRIBUTE TO DR. BILL NASSER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. PENCE. Mr. Speaker, the State of Indiana lost a giant of the medical community last week. On Friday, September 2, Dr. William Nasser passed away at St. Vincent Indianapolis Hospital, where he started a cardiology program 32 years earlier.

Bill Nasser's own battle with heart problems led him to launch a cardiology network in Indiana so that Hoosiers would no longer have to travel hundreds of miles just to receive basic care.

As Bill graduated from the Indiana University School of Medicine in 1961, a bacterial infection made him an open-heart surgery patient at a time when the procedure was performed at great risk with low survival rates. His heart valve was replaced three times over the next 18 years.

Bill's condition undoubtedly connected him with the very patients he served at the Care Group, a partnership with St. Vincent Hospital that runs the Heart Center of Indiana.

Mr. Speaker, on behalf of the State of Indiana, I extend heartfelt sympathies to the family of Dr. Bill Nasser, specifically his wife Wanda; his sons Thomas and Tony Nasser; his daughter Teresa Carlock; his sisters Beverly Radez and Dolores Polifroni; and his five beloved grandchildren.

Bill Nasser embodied the allegiance to a community that every town in America wishes of its citizens. The State of Indiana was fortunate to call him one of its own. Indiana will miss Dr. William Nasser.

RECOGNIZING THE RANCHO BUENA VISTA LITTLE LEAGUE ALL STAR TEAM AND THEIR COACHES

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. ISSA. Mr. Speaker, I rise today in recognition of the Rancho Buena Vista Little League all star team and their coaches. I want to congratulate them on an outstanding performance at the recent Little League World Series in Williamsport, Pennsylvania.

I want to recognize Manager Marty Miller and Coaches Joe Pimentel and Randy Reznicek, whose years of service to the community through Little League Baseball at Rancho Buena Vista have inspired many young athletes throughout our community. It is through the dedication, strength of character, and devotion of men like Marty, Joe and Randy that these young men have flourished, not only in athletic skill but in character.

The Rancho Buena Vista Little League team won 25 of the 26 games they played last season and made it to the United States Championship game. They displayed exemplary sportsmanship throughout both the regular season and during the Little League World Series. From the first pitch of the season to the Little League World Series finals, they played the game with dignity and won our respect in the process.

Unquestionably, the players on the Rancho Buena Vista Little League team are not only exceptional athletes but also exceptional young men. They played with resolve and focus in the face of spirited competition and I am proud to be their Representative, and to stand in their honor today, Mr. Speaker. Their accomplishments serve as an example of the positive impact that Little League baseball has on its young participants.

Once again I would like to congratulate the players on the Rancho Buena Vista Little League Team—Royce Copeland, Daniel Gibney, Danny Vivier, Johnny Lee, Josh Gomez, Aaron Kim, Kalen Pimentel, Austin White, Dylan de Meyer, Ryan Gura, Nathan Lewis, Reed Reznicek and their coaches—on their remarkable achievement. I call upon my colleagues to join me in applauding these young men for their exceptional accomplishments and continued success.

HONORING THE JACKSON SYMPHONY ORCHESTRA ASSOCIATION FOR 55 YEARS OF EXCELLENCE IN THE PERFORMING ARTS AND DEDICATION TO THE JACKSON COMMUNITY

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to recognize the Jackson Symphony Orchestra Association for 55 years of beautiful music and a commitment to community service in Jackson County. I commend the Jackson Symphony Orchestra for both its high quality performing arts programs and its outreach to the community through concerts, music education, and partnerships with area educators and community service providers.

For more than five decades, the Jackson Symphony Orchestra has brought outstanding artists and a wide variety of music venues to Jackson audiences. Over the years, there have been numerous world premieres; performances in ballet, opera, and jazz; and an emphasis on works by 20th century composers.

The Jackson Symphony Orchestra Association champions the arts through music education. It operates a community music school that provides private instruction on all orchestral instruments, early childhood music classes, home school orchestras, a string academy, and after-school string instruction for children at risk. The Jackson Symphony Orchestra educational programming directly reaches over 1,500 young people each year and reaches an additional 4,000 families each year through family concerts, in-school performances, and special events.

Beyond the concert stage, the Jackson Symphony Orchestra, through its presence in the community, has created an environment that has contributed to the development of many local arts organizations. These include the Jackson Chorale, the Michigan Shakespeare Festival, and the Jackson Youth Symphony. The presence of the Jackson Symphony Orchestra is also regularly credited as a factor in attracting new business and key employees into the community.

On behalf of the United States Congress, I am proud to honor the Jackson Symphony Orchestra for its 55 years of dedication in the performing arts, as well as to the community. I commend their use of innovative programs which has provided musical education for the Jackson community. I expect the Jackson Symphony Orchestra to continue their path of excellence for years into the future.

CONGRATULATIONS TO CHRISTOPHER V. SEXTON, RECIPIENT OF THE PRESIDENTIAL FREEDOM SCHOLARSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior academic performance of Christopher V. Sexton, a recipient of this year's Presidential Freedom Scholarship. Thirteen students in the 26th Congressional District are receiving this special recognition.

This award recognizes outstanding service and citizenship initiatives by the students, who were nominated, and provides an opportunity to acknowledge their leadership. Administered by Learn and Serve America, the scholarship provides $500 in Federal funds, matched with $500 from a community organization or business obtained for the student by their high school or Boys and Girls Club. Winners must have completed at least 100 hours of community service, either through a school-based service-learning program or independently through service at a nonprofit or faith-based organization.

Christopher is a member of the Boys and Girls Club of Greater Fort Worth—Panther Branch. The organization graciously matched the federally funding with a $500 contribution.

Over 38,000 students to date have received this award and I extend my sincere congratulations to Christopher V. Sexton for being one of them. This student's contribution and services should serve as inspiration to those who wish to make a positive difference in the lives of others.

FREEDOM FOR JULIO CÉSAR LÓPEZ RODRÍGUEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Julio César López Rodríguez, a political prisoner in totalitarian Cuba.

Mr. López Rodríguez is an independent librarian and pro-democracy activist in totalitarian Cuba. According to Human Rights First, Mr. López Rodríguez is Vice President of the Frente Línea Dura movement and Director of its independent library. He is a longtime activist for democratic change.

Independent librarians in Cuba, such as Mr. López Rodríguez, provide the indispensable service of circulating truth at a time when the tyrannical regime provides only propaganda. These heroic librarians circulate important works, including literature written by authors such as George Orwell, Václav Havel, and Dr. Martin Luther King, whose works are among the classics of anti-totalitarian literature.

As part of the tyrant's heinous July 2005 crackdown on peaceful pro-democracy opponents, on 22 July, Mr. López Rodríguez was arrested as he tried to participate in a peaceful demonstration outside the French Embassy in Havana, demanding the release of political prisoners in Cuba. As part of this vicious crackdown, approximately 30 brave opponents were arrested at home, on their way to the demonstration or on the sidelines of the gathering.

Mr. López Rodríguez is currently languishing in an abhorrent, inhuman cell in the totalitarian gulag. The State Department reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners, including those convicted of political crimes. It is a crime of the highest order that people who work for freedom are imprisoned in these nightmarish conditions.

Despite the regime's constant gangster style repression, freedom and democracy are on the march in Cuba. Courageous leaders like Mr. López Rodríguez defy the dictator's machinery of repression and, despite every threat and obstacle, demand liberty for the people of Cuba. Through their bravery, through their actions, and because of their unwavering commitment, and the works of thousands of other Cuban patriots, Cuba will be free again.

Mr. Speaker, it is completely unacceptable that, while the world stands by in silence, Mr. López Rodríguez languishes in the gulag because of his belief in freedom, democracy, human rights and the rule of law. My colleagues, we must demand the immediate and unconditional release of Julio César López Rodríguez and every political prisoner in totalitarian Cuba.

A TRIBUTE TO REVEREND RALPH E. BLANKS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Reverend Ralph E. Blanks for his installation to the Superintendence of the Central District. An inspirational member of our community and roll model to all, Reverend Blanks has served as the Senior Pastor of Janes Memorial United Methodist Church since July of 2001. Prior, Reverend Blanks served for more than 15 years as the Pastor of Mother African Zoar United Methodist Church—the Mother Church for African Americans in the United Methodism.

Beyond his church ministry, Reverend Blanks also serves in leadership positions in several prestigious faith-based organizations. He is currently Chair of the United Methodist Metro Ministries of Eastern Pennsylvania Conference and Chair of the Resource Development Committee of the African American Interdenominational Ministries, Inc.

His religious involvement in the community is not the only extent to which Reverend Blanks gives so generously to others. He is also a current Mayoral appointee to the School District of Philadelphia Board and Chair of the City of Philadelphia's Fair Housing Commission. Among other honors, he serves as the Vice Chair of the North Philadelphia Health System, Chair of the Patient Services Committee of St. Joseph's Hospital and several community boards including the Korean Community Development Service Center and Greater Philadelphia Health Action, Inc.

Among the many awards given to Reverend Blanks, the Community Spirit Award from the African American Interdenominational Ministries; the Presidents award from the Black Clergy of Philadelphia and Vicinity; the Human Rights Award from the Philadelphia Commission on Human Relations; the Preacher of the Year Award by the Black United Methodist Preachers; the Outstanding Service to Community and Church Award from the City Council of Philadelphia; and the Liberty Bell Award from the City of Philadelphia.

I ask that you and my distinguished colleagues join me in congratulating Reverend Ralph E. Blanks, for his lifetime of service and dedicated commitment to the community, on his installation to the Superintendence of the Central District.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mrs. EMERSON. Mr. Speaker, earlier this week I accompanied constituents of mine from West Plains, Missouri, as they delivered supplies to the people that have been affected by Hurricane Katrina. As a result I missed rollcall votes Nos. 454, 455, 456, 457, 458, and 459 on September 6, 7, and 8, 2005. Had I been present, I would have voted "yes" on all of the aforementioned rollcall votes.

TAIWAN PRESIDENT CHEN SHUI-BIAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BURTON of Indiana. Mr. Speaker, today I rise to pay tribute to Taiwan President Chen Shui-bian. In late September he will be making a brief stop in Miami en route to Central America and later staying overnight in San Francisco on his way back to Taiwan. During his stopovers in Miami and San Francisco, I am hopeful that a few of my colleagues will have a chance to visit with him, and—more importantly—exchange views on Taiwan's future, Taiwan's relations with China and the United States, and Taiwan's bid to re-enter the United Nations.

In the last five years, President Chen has shown strong leadership in guiding his people through turbulent times. Despite worldwide financial challenges, Taiwan's economy has continued to grow and despite pressures from Taiwan's opposition leaders, Taiwan has been faithful to its route of constitutional reform and full democratization. Today, Taiwan continues to be a beacon of prosperity and freedom throughout Asia. Taiwan's 23 million people enjoy high standards of living and full rights of freedom and liberty.

President Chen has been deft in handling cross-strait relations. Despite China's passage of the anti-secession law last spring, China's positioning of 700 missiles along Taiwan's coast and China's many other unfriendly acts toward Taiwan, President Chen has insisted on a peaceful solution to the Taiwan issue and an early resumption of talks between himself and other Chinese leaders. President Chen fully understands that peace and stability within the Taiwan Strait are in global community's best interest.

As for Taiwan's relations with the United States, we have strong trade and cultural relations with Taiwan. Taiwan is one of our largest trading partners and cultural exchanges between our two countries are vibrant. Moreover, we are committed to defending Taiwan under the framework of the Taiwan Relations Act, and we are fully committed to a peaceful solution of the Taiwan issue—no military conflict should ever occur in the Taiwan Strait. Moreover, we appreciate Taiwan's full cooperation with us in combating terrorism, its monetary contributions to the Twin Towers Fund, Pentagon Memorial Fund and its offer of humanitarian assistance to victims of Hurricane Katrina.

It is regrettable that Taiwan has been excluded from many world organizations such as the World Health Organization and the United Nations. It has been a gross injustice to deny Taiwan's 23 million people their proper voice in the world. The United States should take more active steps in helping Taiwan re-enter the World Health Organization and the United Nations.

It is my hope that President Chen and the people of Taiwan will receive both proper and greater international attention as President Chen travels to Central America and hopefully to the Asia-Pacific Economic Cooperation (APEC) forum in Busan, Korea, this November. The story of Taiwan, in the person of President Chen, needs to be told and heard around the world.

IN RECOGNITION OF THE TASK FORCE ON MENTORING OF MONTGOMERY COUNTY ON THE OCCASION OF ITS FOURTEENTH ANNUAL CONFERENCE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to congratulate The Task Force on Mentoring

(TFM) of Montgomery County on the occasion of its fourteenth annual conference entitled "Saving Our Children—Compassionate Mentoring", which will be held on the Rockville campus of Johns Hopkins University on Thursday, October 6, 2005.

For more than fifteen years, the TFM has been a mainstay of support for at-risk youth in Montgomery County. It has been repeatedly recognized for the high quality mentoring programs it has implemented in partnership with many of our community's schools, civic organizations and, more recently, correctional facilities. Moreover, as if to underscore the spirit guiding its work, the TFM offers all of its recruitment assistance, training expertise and technical support free of charge.

Because of the Task Force on Mentoring of Montgomery County—and its legions of trained and dedicated volunteers—more and more of our youth are growing up to become active, positive participants in our community. They are making great plans to lead great lives.

Mr. Speaker, on the occasion of its fourteenth annual conference, I ask all of my colleagues to join me in saluting the Task Force on Mentoring of Montgomery County and in thanking the TFM for its consistent commitment to the children and youth of Montgomery County, Maryland.

A TRIBUTE TO JAMES EDWIN KUHN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor and pay tribute to the life and memory of a good friend and a great American, Mr. James Edwin Kuhn of El Centro, California. Jim died shortly after midnight on Monday, August 29, 2005, when his sports utility vehicle overturned on Evan Hewes Highway.

Those of us who knew Jim best remember a family man and an agricultural innovator who shared his passion for the outdoors. He is from a family of farmers that settled in Imperial Valley in the early years of the 20th century and helped build one of the strongest agricultural sectors in the country.

Jim was born April 21, 1964, spending much of his early childhood working on the family farm. In high school, he shined as a wrestler and a football player, demonstrating himself as a leader and making obvious his desire for success. Jim's father reinforced the importance of receiving a well-rounded college education, but also advised him to learn as much as he could about Imperial Valley, business, and agriculture. When he graduated high school, Jim left for Stanford University and graduated in 1986 with a degree in Slavic languages and literature. He immediately returned to Imperial Valley and continued the Kuhn farming tradition started by Jim's grandfather.

Jim immediately began looking and thinking of ways to improve and expand the family business. He took his father's idea of exporting compressed hay to dairies in Japan and before long, Kuhn farms grew into a large, vertically-integrated farming, processing, and exporting company with more than 300 employees. Jim received much admiration and respect from his workers and their families, and just like Jim, they took great pride in the word done at Kuhn farms.

While maintaining a reputation as an innovator in the transport and international sale of hay and forage products, Jim also founded KF Dairy in 1992 and, in conjunction with Gossner Foods of Utah, established Imperial Valley Cheese—a local cheese production facility. He is also credited for introducing Klein Grass to Imperial Valley, where it has become a significant crop.

Jim also created the Salton Sea International Bird Festival in an effort to share with the community his passion for photographing birdlife and desert scenery. He recognized the value and beauty of Imperial Valley, and wanted nothing more than to show everyone living, visiting, or traveling through his community that agriculture and wildlife can coexist. The Bird Festival has become an annual event bringing people from all over the world to Imperial Valley.

Mr. Speaker, I know Jim's loving wife, Heidi, and his two children, Vienna and Fritz, will continue to share with family and friends his passion for adventure and the outdoors.

I ask my colleagues to join me in honoring and paying tribute to the life and memory of James Edwin Kuhn.

HONORING THE EAST BRANDYWINE FIRE COMPANY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the East Brandywine Fire Company, Station 49, on the occasion of their 50th anniversary.

The East Brandywine Fire Company has a long and distinguished history of improving the quality of life within its community by providing the highest quality of emergency fire and medical service. Located in Guthriesville, Pennsylvania, the East Brandywine Fire Company proudly serves both East and West Brandywine Townships and a portion of Upper Uwchlan Township. The Company was formed out of necessity in 1955 when two devastating fires broke out and the existing fire companies didn't respond in a timely manner. Residents were upset by the slow response and decided to take matters into their own hands and form a fire company of their own. On April 12, 1956, a charter was drawn and the East Brandywine Fire Company had its first monthly meeting.

Today, the Company consists of 20 plus active members who are always on call. The members meet weekly for training and update themselves regularly on new fire training and rescue techniques so they can be prepared for any emergency situation they may be presented with. In total, the Company serves 26 square miles and approximately 14,000 people. Over the past 50 years, literally hundreds of men and women made significant contributions of time and effort to the Company.

An important asset of the East Brandywine Fire Company is the Ladies Auxiliary—an organization that has played multiple roles throughout the Company's history. The Auxiliary has brought in thousands of dollars by catering banquets, selling antiques, and hosting chicken barbeques in the community. Today, there are 90 members, 15 of which are active.

Mr. Speaker, I ask that my colleagues join me today in honoring the East Brandywine Fire Company, Station 49, for their invaluable service and contributions they have made to their community over the past 50 years.

HONORING THE LIFE AND BIRTHDAY OF JACK DANIEL

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, travel to almost any country in the world, tell folks you're from Tennessee, and they're likely to respond with a smile and the name of someone they know from my 4th Congressional District—Jack Daniel.

I'm proud to represent the people who craft one of America's best-known and most-beloved products. Every drop of the 7 million cases of Jack Daniel's Tennessee Whiskey wetting the whistles of folks in more than 140 countries is made and mellowed, drop by drop, in Lynchburg, Tennessee. That's quite an accomplishment for a town with just one traffic light and whose population is advertised as just 361.

Now, to tell you the truth, Lynchburg's population is a bit larger than that. As one of my Moore County constituents has confided, "Why does it say population 361 on the bottle? There is probably five or six hundred people living in Lynchburg. They just want us to look small."

Small or not, as the home to the Jack Daniel's Tennessee Whiskey and America's oldest registered distillery, Lynchburg and Moore County have made sizeable contributions to the American way of life. In fact, the little town of Lynchburg may be the largest per capita tax contributor in the country when it comes to federal revenues generated by the fruits of their labors. Each gallon of whiskey in Jack Daniel's warehouses will generate about $13.50 in federal taxes. Multiply by the more than a million gallons resting in each warehouse, then multiply it again by the 74 warehouses dotting the hillsides, and it adds up to right at a billion dollars. And that's not just a one-time contribution. The whiskey made by the people of Moore County and the Jack Daniel Distillery generates more than $115 million a year in federal, state and local taxes across the country.

But as significant as these taxes revenues are, Jack Daniel's contributions to American culture are far greater. Through the years, Jack Daniel's virtues have been heralded by presidents, movie stars and musicians.

U.S. Vice President John Nance "Cactus Jack" Garner, in office during the repeal of

Prohibition, was said to have invited friends to his office right here in the Capitol to "strike a blow for liberty" with the help of Jack Daniel's.

It's been reported that Winston Churchill approved of the whiskey to the point his appreciation provoked extraordinary discomfort among his country's Scotch-makers.

Jack Daniel's association with the Rat Pack and its Chairman of the Board, Frank Sinatra, is legendary. During his lifetime, he was said to have always traveled with a supply of Jack Daniel's just in case his favorite libation was unavailable. That may also be the case with his final journey. A small bottle of Jack is reported to have been buried with Mr. Sinatra.

With this rich heritage, the legend of Jack Daniel's lives on stronger than ever today. The Rolling Stone, has named Jack Daniel's an American Icon while Stephan Jenkins of Third Eye Blind—a popular rock band, so I am told—has said to the people of Lynchburg, "Ya'll should be proud of yourselves because Rock 'n' Roll would not have been invented without your product."

And, finally, no less than the great American writer and Noble Prize-winning author William Faulkner once sized up Jack Daniel's real appeal when he said "It's a good thing that in a changing world there are some things you can count on, like the quality of Jack Daniel's."

As in the best of American stories, Jack Daniel rose to its heralded place from humble beginnings. It all started with Jasper Newton Daniel born in Lynchburg sometime in September, sometime around 1850. Then as now, Jasper Newtown's friends just called him Jack. And a fortunate thing, since I can't imagine a glass of Jasper would have captured the America's fancy as completely. Jack was just five-foot-two-inches tall and left home before he'd reached the age of ten. He took up with and learned the art of making whiskey from a local Lutheran preacher named Dan Call and his African American still hand, Nearest Green. Jack later bought the minister's distilling operation when Call's congregation forced their spiritual advisor to choose between making spirits and saving them.

About the time Jack set out on his own, the American Civil War broke out. The land around Lynchburg was taken and retaken by Union troops seven times, and the foraging armies of the North and South made corn and grain for whiskey-making hard to come by. Through it all, Jack held fast to his simple philosophy—"Every day that we make it, we'll make it the best that we can."

Making it Mr. Jack's way meant adding an extra step to the traditional whiskey-making process. Jack mellowed his whiskey drop by drop through 10 feet of sugar maple charcoal before putting it up to mature in white oak barrels. This extra blessing added time and expense to making his whiskey, but a taste of what emerged from the barrels had most folks agreeing it was worth the wait. During its 150-some-year history, Jack Daniel's Old No. 7 has been awarded seven international gold medals, beginning with the first it won at the 1904 World's Fair in St. Louis. The 1904 World's Fair helped usher in the American Century, which the little man from Tennessee and his whiskey was destined to be a growing part of.

In 1911, the distillery was left to Jack Daniel's nephew Lem Motlow, who watched over the distillery through 29 years of state and national prohibition. One of the ways Mr. Lem occupied himself during those long dry years was to engage in one of the grandest of diversions—politics. Straightforward to a fault, Lem ran for the state legislature on the campaign promise—"Elect me and I'll do something for myself! But I'll also do something for you!" And that's exactly what he did. Lem eventually helped change the law in Tennessee so that he could return to making whiskey and his friends could go back to enjoying it.

Major General George S. Patton and his Second Armored Division trained in Camp Forrest, a military base near Lynchburg, in 1941. Along with learning the tactics that would ultimately free Europe, the men who trained there acquired a taste for Jack Daniel's—a taste they would eventually take home with them, spreading the word about this smooth Tennessee spirit. Sales of Jack Daniel's rocketed from 150,000 cases in the early 1950s to more than 1 million cases by 1970. To support this rapid growth and to make sure friends of Jack Daniel's Old No. 7 wouldn't have to go without, Lem's four sons entrusted the care of their Uncle Jack's distillery to another American whiskey family—the Browns of Louisville, Kentucky.

Brown-Forman Corporation purchased the Jack Daniel's Distillery in 1956 and wisely left untouched the whiskey-making and mellowing methods faithfully practiced by the distillery for more than a century. Under the watchful care of Brown-Forman, Jack Daniel's Old Tennessee Whiskey has continued to make new friends, satisfying people of different tastes by bringing along side its venerable Old No. 7 brand new family members like Jack Daniel's Single Barrel, Gentleman Jack Rare Tennessee Whiskey and Jack Daniel's Country Cocktails.

Jack Daniel's and Brown-Forman have long been industry leaders in promoting responsible drinking. These are good folks. They want their products enjoyed but never abused. Each year, they invest millions of dollars in The Century Council's award winning educational programs to combat drunk driving and underage drinking. Their brand advertising, repleat with images of the beautiful landscape and good people of Moore County, is highly responsible. And most recently, Jack Daniel's has carried this message to millions of Americans through a NASCAR sponsorship promoting the use of designated drivers and—literally and figurateively—driving home the message emblazoned on the aptly numbered 07 car—"Pace Yourself. Drink Responsibly."

This care for the whiskey, the consumers who enjoy it and the special people and special place where it is made are the things that add up to the global legend of Jack Daniel's today. Under the watchful care of Brown-Forman Corporation Chairman Owsley Brown, President and Chief Executive Officer Paul Varga, Master Distiller Jimmy Bedford and the good people of Moore County and Lynchburg, Tennessee, I'm proud to inform the House that Jack Daniel's Old No. 7 become this year the No. 1 selling whiskey in the world. Congratulations, Moore County, and Mr. Jack.

Finally, in honor of Jack Daniel's and the people of Moore County, their status in the world as ambassadors of American culture, hard work, and timeless truths; and in this the month in which we celebrate the birth of Mr. Jack Daniel, I would ask my colleagues to join me in saying—Here's to the spirit of America, Mr. Jack of Lynchburg, Moore County, Tennessee, 155 years old, and still out on the town—responsibly—every night.

IN HONOR AND LOVING MEMORY OF NICO TRUJILLO

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. PASTOR. Mr. Speaker, I rise today in loving tribute and memory of Nico Trujillo, who passed away at the age of 94 on September 1, 2005.

The second oldest of nine brothers and sisters, Nico was born and raised in St. Johns, Arizona. Her commitment to public service was evident even as a young woman, when she advocated for equal rights for women and minorities in her community. She ran for a seat in the Arizona House of Representatives in 1954, but withdrew her candidacy due to pregnancy complications. In 1956, Nico was a delegate to the Democratic National Convention in Chicago, and again in 1960 during John F. Kennedy's nomination by the Democratic Party. Nico remained politically active throughout her life, campaigning for Governor Paul Fannin, Eddie Basha, Governor Hull, and Governor Napolitano.

On December 24, 1933, Nico married the love of her life, Lugarno Trujillo, and they were blessed with six children: Wallace, Gladys, Dennis, Richard, Jerri, and Gail. The loving couple also helped raise children of their extended family who tragically lost their parents at an early age. Nico was the beloved grandmother of sixteen grandchildren and twelve great grandchildren. As a proud mother, grandmother, and great grandmother, she instilled in her family the values of education, faith in God, and responsibility to one's family and community.

Mr. Speaker and colleagues, please join me in honoring Nico's strong sense of service to her community, love of family, and deep faith that defined her life. Her passing marks a great loss for her family and friends, and also for her community. Nico lived her life with compassion, energy, and an unwavering commitment to the public good. She will be greatly missed by her family and many friends, and her legacy will forever live on in the memories and hearts of those who knew and loved her well.

HONORING WESTWOOD FIRE COMPANY EMS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Westwood Fire Company EMS in recognition of their dedicated service to the citizens of Chester County, Pennsylvania.

The Westwood Fire Company EMS was recently awarded the 2005 Pennsylvania State Ambulance Service of the Year Award. This prestigious award is given each year to an ambulance service that provides outstanding service to the residents and continued training and development for its community volunteers.

Founded in 1947, the Westwood Fire Company EMS provides fire, rescue, and EMS services to their local surrounding areas with competence and expertise. In the beginning, the Company had 13 original members. Today, they have expanded their numbers significantly with over 35 active firefighters, EMS personnel, and Fire Police officers.

The Westwood Fire Company EMT provides primary service to the Township of Valley and portions of East Fallowfield and Highland Townships. In these areas, the Company operates two pumpers, a pumper rescue, a brush unit, a traffic control unit, and a BLS ambulance. The Company responds to approximately 700 EMS calls per year and 350-fire/rescue calls. Moreover, the Company further contributes to its community by providing automated external defibrillators at discounted prices for schools and community organizations. Additionally, in an effort to educate the community and keep themselves up to date on the latest rescue techniques, the Company frequently provides weekly training drills.

The services provided by the Westwood Fire Company EMS are free of charge and the Company depends solely on the countless volunteers who spend time away from their families so that they can help others in their community. In turn, the community frequently gives back to the Company by providing them with financial assistance that is used to help purchase supplies, apparatus, and essential equipment. This selfless attitude has helped the Company grow and prosper over the past 50 years.

Mr. Speaker, I ask that my colleagues join me in honoring the Westwood Fire Company EMS for its recognition as the 2005 Pennsylvania Ambulance Service of the Year and for the invaluable service they provide to their fellow citizens of Chester County, Pennsylvania.

MAC COLMENERO: WINNER OF THE 2005 JOHNS FELLOWSHIP AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. FILNER. Mr. Speaker, today I acknowledge a great friend of labor—Macario Colmenero.

"Mac" was born just south of downtown San Diego in Barrio Logan, formerly known as Logan Heights, to Ben and Guadalupe Colmenero. As a child, he helped out in his father's meat and grocery store at the corner of National and Sigsbee Streets. He also sold newspapers for the Tribune Sun and later delivered other newspapers in town.

Mac attended Our Lady of Guadalupe School and was a graduate of their first class in June of 1950. He attended high school at Saint Augustine but left before graduating to join the Navy in 1952.

After his tour of duty, he found a job at Harbor Box Company which manufactured wooden boxes and crates for tomatoes grown in Chula Vista. His starting wage was a $1.25 an hour with no benefits.

In 1956, he worked for T. Claude Ryan and Rohr Aircraft Co. In 1957, he enrolled in the Cement Finisher Apprenticeship Program with Cement Masons Local #744 at the old Craftsmen Hall on Centre Street. Construction work was slow in San Diego, so he went to work for a Custom Auto repair shop for a short time. In August 1959, Mac went to work for Benton Roofing Co. as a roofer loader, then as a roofer for Veteran's Roof Co. He then advanced to journeyman, foreman and superintendent with Witherow Roofing Co.

In 1978, he was elected as a delegate to the Roofers International Convention in Miami. In December of that year, he was elected to the office of Business Agent of Roofers Local #45 where he served also as the Apprentice Coordinator and Secretary of the JATC. He held this office for three terms, a total of nine years. In 1986, due to the finances of the local, the position of business agent was eliminated and he was voted in as president, a non-paying position.

In 1987, he obtained a C–39 Roofing Contractor's license and signed an agreement with Local #45. In 1993, he was unanimously voted to the office of Business Manager, where he also serves as the Financial Secretary-Treasurer, Agent, Organizer, Apprentice Coordinator, Chairman of the Apprenticeship JATC, and Apprentice classroom instructor.

Mac also serves as a trustee to the Roofers Trust and is one of the directors at the National City Parks Apartments. Mac re-joined the "Johns" in 1993 and plans to be a lifetime member. After serving 12 years in Roofers Local #45 as Business Manager, Mac plans to retire in December of this year, but will continue to assist with the Apprenticeship Program.

Mac has been married to his wife Karen for 31 years and they have lived in North Park since 1974.

I am proud to salute Mac Colmenero on his recognition with the Johns Fellowship Award!

HONORING MARGARET DAVIES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to an outstanding individual, Ms. Margaret Davies. On September 11, 2005, family and friends will gather to honor Margaret, as she celebrates her 90th birthday.

Margaret Rowe was born on September 13, 1915 in Little Rock, Arkansas, where she attended Little Rock Public Schools. She later moved to my hometown of Flint, MI, where she married Jay B. Davies in 1946. Margaret and her husband Jay had two children, Jimmy Davies, currently of Durham, NC, and Kim Smith of Indianapolis, IN. Mr. and Mrs. Davies were also blessed with three grandchildren and one great-grandchild. The two enjoyed a marriage of 33 years, until Jay's passing in 1979.

Margaret has been a longtime resident of Genesee County. She worked for many years at the YMCA until retiring in 1983, and was an active member of Holbrook Avenue Church of God. Today she can often be found reading her Bible or sending e-mails to her loved ones.

Mr. Speaker, as the Member of Congress representing Genesee County, I ask my colleagues in the 109th Congress to please join me in not only recognizing Margaret Davies for her outstanding life, but to wish her a very happy 90th birthday.

ON CONSIDERATION OF EMERGENCY SUPPLEMENTAL

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. BISHOP of Georgia. Mr. Speaker, let me say at the outset that my thoughts, prayers, and condolences continue to go out to all of the victims and citizens whose lives have been ravaged by Hurricane Katrina and its aftermath.

And I must also commend the efforts of communities across this great Nation, for opening their hearts and homes to the victims of this tragedy.

In my district, the Beattie Road Church of Christ, Mt. Zion Baptist Church, the Albany Marine Corps Logistics Base, Fort Benning, Norman Park Assembly, the Southwest Georgia Chapter of the American Red Cross and the many others who are too numerous to mention, but who have opened their hearts, homes and wallets to help the nearly 800 victims of Katrina who are now foster residents of the Second Congressional District of Georgia, should be recognized as well.

Two weeks ago, I do not think any of us could have imagined using the word "diaspora" to describe the lives of American citizens. But that is the situation that we are now faced with.

We are all too familiar with the horrific images coming from the Gulf Coast: images of our own people suffering, images that I know will always haunt me as I am sure that they will haunt you.

I also know that we are all too familiar with the accusations and mistakes that have been made at FEMA and at other levels of government. These are legitimate accusations that deserve an investigation.

In the end, however, it is what we do now that matters. That is why I am standing here today because I believe that we are still mismanaging this crisis, particularly the resources and assistance being provided evacuees as they disperse throughout the United States.

Just yesterday, my staff received several calls from the families of evacuees who have been relocated to the State of Georgia, whose needs are not being fully addressed by FEMA.

We have been told of several cases where evacuees, who are lucky enough to get a FEMA debit card, quickly learn that it has yet to be activated or simply doesn't work.

We continue to hear that it is very difficult and almost impossible to reach FEMA by phone, despite FEMA's ongoing and specific request that evacuees contact the agency by phone or e-mail. I question where these evacuees are going to get computer access, just as I know their access to telephones is limited.

But even more horrific are the stories of evacuees, panhandling, without clothes, without shoes, without any place to turn.

Mr. Speaker, this is not the America I know. FEMA and the Department of Homeland Security must be held accountable and, they must be held accountable today, not tomorrow, not next week, not next month, but today and each and every day in the future, until the victims of the Katrina Diaspora are allowed to return home or are appropriately resettled in a community of their choosing.

Just as all persons of Jewish decent have a right to return to their homeland in Israel, we must ensure that all victims of the Katrina Diaspora be given the right and opportunity to return to their homes.

Finally, I applaud the leadership on both sides of the aisle for taking this matter up today.

I do not care about sound bites or political advantage here. Those concerns do not help the millions of Americans who have been robbed of everything.

What I am concerned with and what all of us across the Nation should be concerned with, is how we move forward in an effective and responsive fashion.

Are we correcting our administrative mistakes and missteps on a daily basis?

Are we taking care of our citizens?

This is the time to pull together, not apart. This is the time to work together, to share ideas and to use our collective wisdom and energy to get the job done. Even if this means admitting that we have made mistakes.

We must be clear that this is just a down payment on meeting the costs of this disaster. There is a long road ahead. And it is my hope that what we are doing here today provides the short term relief that is so desperately needed by the victims of Katrina.

Only time will tell if we are adequately meeting the needs of the victims of this awful tragedy.

SECOND KATRINA SUPPLEMENTAL APPROPRIATIONS BILL

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 3673, the second emergency supplemental bill for the victims of Hurricane Katrina. We, in North Carolina, are very familiar with the destructive power of hurricanes, and Congress has a solemn responsibility to assist the efforts for relief, recovery and reconstruction.

Congress also has a serious responsibility to assure accountability in the use of taxpayer money, and the legislative branch must not fail in its constitutional duty to oversee the operations of the executive branch. There can be no doubt that the Federal agencies charged with responding to this disaster were too slow, too confused and too ineffectual in discharging their duties in the critical early hours and days of Hurricane Katrina. Congress must take effective action to ensure that the funds appropriated today will assist those who have suffered so egregiously through no fault of their own.

This tragedy has raised urgent questions about the performance of disaster preparedness and emergency response agencies. Congress must work in bipartisan cooperation to correct these deficiencies. As the U.S. Department of Homeland Security continues to work to protect our country during the war against terrorism and in the midst of a very active hurricane season, America cannot afford a failure by Congress to fix the problems Hurricane Katrina has exposed.

H.R. 3673—SECOND EMERGENCY SUPPLEMENTAL APPROPRIATIONS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to express my great concern with the situation still being faced by families devastated by Hurricane Katrina.

As needed relief is finally making its way down to the affected region, our thoughts go out to all the victims and their families. Late last week, this body passed a $10.5 billion aid package that will provide initial funding for immediate and long-term responses. Today, we are passing an additional $51.8 billion. This funding will cover only a sliver of the final financial toll taken on communities throughout the Gulf Coast and what will be needed for families to re-start their lives. Yet this monetary cost pales in comparison to the immense emotional and human cost that continues to grow.

At the end of the day, the United States government is constitutionally obligated to "insure domestic tranquility, provide for the common defense, [and] promote the general welfare" for all citizens. Particularly during a time of crisis, it is absolutely necessary that these obligations be fulfilled. In that regard, the federal government has failed. In the wake of Hurricane Katrina last week, thousands of families, stranded, injured, homeless, and without basic necessities of water and food waited and waited and waited for emergency relief. For four days, the President, Congress, and the Federal Emergency Management Agency (FEMA) minimized to themselves and to the public the immensity of what was occurring. The very institutions established to serve and protect the American people instead watched and waited as the tragedy grew.

The response of the government to the needs of these communities was demonstrably and woefully inadequate. I am pleased that an investigation has been launched to discover why the government agencies entrusted with providing emergency aid failed to respond in any meaningful way to the grave situation. Ultimately, we must determine what changes need to be made in order to ensure that future relief efforts are not hindered by incompetent management or bureaucratic obstructions, as they were last week. However, we will only find true accountability with a bipartisan, independent commission to investigate what went wrong.

Natural disasters such as Hurricane Katrina can never be prevented, no matter how well prepared we may be. However, shifting natural conditions on the planet indicate that we may soon be seeing an increase in such events. In early August 2005, the National Oceanic and Atmospheric Association (NOAA) released a report stating that environmental conditions guaranteed an increase in destructive and powerful hurricanes along the Gulf Coast. Already this year we have seen an increase in hurricanes along the Gulf Coast. Such a warning has been voiced for some time, and we are now seeing the results if we continue to ignore such information. Additionally, the New Orleans Times-Picayune predicted this very disaster as recently as 2002. President Bush's assertion that "no one could have predicted" this disaster is clearly, and tragically, wrong.

Through the generosity of millions of Americans, those families affected by the hurricane are receiving some of the help they need, and I have absolutely no doubt that they will prevail in rebuilding their lives and their community. We must pledge to do all we can to help.

As we proceed with the long-term solutions, we need to make sure we do the right thing here in Congress. It is our job to make choices and these choices reflect our priorities. I hope the majority will acknowledge that many of the choices made in recent years were ill-advised. Together, we need to put the financial resources to work to improve the lives of survivors. It is not the time for business-as-usual, cut-taxes-at-all-costs, short-change-the-working-poor proposals we have come to expect from the majority. We can do better, and we must.

H.R. 3673—SUPPLEMENTAL APPROPRIATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. PETRI. Mr. Speaker, in less than a week, we will have passed supplementals providing over $60 billion in emergency aid to respond to the devastation caused by Hurricane Katrina. We have been told we are spending about $2 billion a day in hurricane response efforts. We all want to care for those who have suffered damaged homes and those who have been left homeless, many with literally only the shirts on their backs, by this terrible storm. I realize many face an uncertain future with unemployment gone and only questions remaining.

At the same time, $60 billion spent over 6 weeks creates an opportunity for waste and unwise spending decisions. I want the funds to go to those who need it and those who have and continue to suffer. But we also owe it to our constituents—and indeed perhaps even more to Katrina's victims—that these funds be spent based on careful consideration of what is needed and what is the best and most effective—and cost effective—method for achieving our goals.

Chairman LEWIS has stressed the accountability provisions included in the bill. The Inspector General of the Homeland Security Department will be monitoring the expenditure of these funds. The Appropriations Committee will receive weekly reports on how the funds are allocated.

We all want to respond to this disaster in the most compassionate way possible. But we also have an obligation as elected officials to ensure that funds we spend are carefully considered, used for true critical and emergency functions, and spent wisely.

Once all are out of harms way with immediate needs met, I hope that we will slow down and move forward in a deliberative way as we consider continued response and, most importantly, long-term plans for rebuilding the Gulf Coast. We will be held accountable, as we should be, for the investment of the funds. While the American people want us to be generous, there are many hard decisions ahead. It is incumbent on all of us in the Congress to ensure that we invest our taxpayer dollars in the most responsible way.

SECOND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR HURRICANE KATRINA RESPONSE

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mrs. DAVIS of California. Mr. Speaker, my thoughts and prayers go out to the people of the Gulf Coast and their loved ones who have been so profoundly affected by Hurricane Katrina. My deepest gratitude goes out to all those engaged in relief efforts.

Our nation is grieving. The images and stories broadcast from flooded streets and makeshift shelters will be forever engraved in our minds and hearts. Hurricane Katrina has collectively wounded us. But, out of this anguish, an intense commitment has emerged—to stand alongside the brave survivors during this time of recovery.

While Katrina' s historic rampage of the Gulf Coast can be measured in hours, recovery will likely be recorded in terms of years and billions of dollars. Last week, Congress provided a "down payment" of $10.5 billion. We are here today to approve a $51.8 billion disaster relief package to aid further recovery efforts. All support—given recent events—carry grave concerns about how money will flow to those suffering from this natural and man-made disaster.

Like many, I am alarmed over apparent delays, and lack of communication and coordination. But, these frustrations cannot distract us from the work ahead of us. Our priorities are clear: Focus on Katrina's survivors, first.

Many of the survivors have lost loved ones, are homeless, and face the terrifying prospect of starting their lives over. Nevertheless, they have demonstrated a remarkable resiliency in a desire to move forward and need support to do so.

Families have been separated, and must be reunited.

The injured and sick need care and treatment, including a wide array of mental health services.

My office has been in direct contact with local disaster response officials to ensure that San Diego's available resources are aiding those suffering in Louisiana and Mississippi.

Members of San Diego's Urban Search-and-Rescue Taskforce have left for the Gulf Coast to provide assistance, as well as a variety of first responders and military personnel.

After we have seen to the needs of those hurt by Katrina, let's look at the broader picture. There must be a thorough and independent review of the response effort in the coming days. We need to answer the serious questions and concerns Hurricane Katrina raised about emergency planning. Namely, we need to address the care and evacuation for the vulnerable in our communities when emergencies arise.

On a personal note—based on my volunteer experience with the Red Cross after Katrina's landfall—we need to develop an efficient method of tracking missing family members and reuniting them with their loved ones. I spoke to people who were desperate to learn the whereabouts of their loved ones. The pain in their voices was evident and made worse by the scarcity of available information. A number of websites, registries and other electronic bulletins have sprung up in response. CNN and other cable channels have taken on this challenge. Children are going before the cameras seeking relatives. What is the federal responsibility to ensure a comprehensive emergency database for such catastrophes?

We need to reevaluate existing emergency management practices and policies. What are the skill sets needed to assure those in charge are able to properly and aggressively manage a widespread emergency? How much can we realistically rely on the military? Can and should those capabilities be developed to a greater extent in the civilian population? Do we overextend and over depend on local responders who—by virtue of being personally affected by a cataclysmic event—are unable to provide their talents when needed?

We can, we must, and we will do everything possible to make sure our lack of preparedness and slow response to this catastrophic on-going tragedy never happens again.

REGARDING THE $10.5 BILLION AID PACKAGE FOR THE VICTIMS OF HURRICANE KATRINA

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. MEEKS of New York. Mr. Speaker, "Four years ago this month, the City I represent fell victim to a major disaster now infamously known as 9/11. When that happened we received the world's sympathy and we expected and received the support of the federal government to help us rebuild. Last December, the world came to the aid of Southeast Asian nations when the Indian Ocean leapt upon the shores of Indonesia, Sri Lanka and other coastal nations. The world responded and the U.S. Federal government stepped up to the plate.

Once again, disaster has struck, this time in the form of hurricane Katrina. Again, thousands of people will have lost their lives and ten times that have lost their homes and livelihood. The world is offering its sympathy and support and Congress is meeting its responsibility by providing the Federal Government with $10.5 billion in initial emergency aid. Certainly more will be needed, and more will be provided.

Additionally, I urge my fellow members of Congress to work with their local communities on neighborhood efforts to provide support for the relief efforts. As Americans we have many differences amongst us. Differences in race, religion and political ideologies to name a few. However, we have two commonalities that supercede those differences—we are all Americans and we are all human beings. As it was four years ago in my City of New York, it is today in our Gulf region. Let us respond today as we did then with overwhelming compassion and support for fellow members of our American-human family".

SECOND KATRINA SUPPLEMENTAL APPROPRIATIONS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Ms. DELAURO. Mr. Speaker, as we speak, rescue personnel from across the country are continuing the relief effort while ordinary citizens in cities throughout America are volunteering and giving. They are taking in those who have lost everything. Heroism is winning out. And the funding in this underlying bill will help ensure that it continues to.

But as we work to get this relief effort right, Congress should recognize how we got to this point. That starts with understanding what this Administration has done to FEMA.

Last year, former director of FEMA James Lee Witt told us, and I quote—"Scientists tell us that we are going to be seeing more catastrophic natural disaster events in the 21st Century then we've ever seen. . . And yet we have destroyed the one agency that not only responds to those events, but also works with state and local governments to do pre-disaster mitigation prevention before that risk could ever happen, to minimize that risk."

As long as our nation gazes upon the devastation in this once-vibrant city of New Orleans, it will remain a symbol of this Administration's misplaced priorities—its misplaced values. The Obey Amendment would have gone a long way toward restoring FEMA to the efficient, non-political agency it was during emergencies like the Oklahoma City bombings in the 1990's. In doing so, we would ensure that never again in the face of a national disaster will the Federal government and the agency responsible for emergency relief fail to act or fail to lead. We owe the victims of Katrina and the heroes of this rescue effort nothing less.

BEATRICE AVINA: WINNER OF THE 2005 JOHNS RETIREE OF THE YEAR AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. FILNER. Mr. Speaker, by the time Bea began her career in 1984 with the AFL–CIO Community Services Department with United Way of San Diego County, she had already learned that families have special needs due to unexpected events and circumstances. Those things she learned while she was a member of UFIWU and Seafarers International.

Addressing those special needs gave her an advantage when chairing the Federal Emergency Mortgage Assistance Program, Catholic Charities' SDG&E Utilities Program, and working in cooperation with the San Diego Food Bank. Under her leadership, the Adopt a Family Program and the Toy & Holiday Food Drive were developed and still continue to be a success.

Bea Avina has always been dedicated to bringing her fellow brothers and sisters social and economic justice. She is a prime example of a person who always puts her neighbor's needs first.

Since retiring in December 2003, Bea has not sat idle. She currently volunteers approximately four to six days a month as a Retired Senior Volunteer Patrol (RSVP) for the San Diego Police Department and remains energetic in church and family activities.

I am proud to salute Bea Avina on her recognition as the Johns Retiree of the Year.

HONORING MASTER SERGEANT TROY A. STEWART

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. KILDEE. Mr. Speaker, I am happy to rise before you today to recognize the accomplishments of an American hero, Master Sergeant Troy A. Stewart of Essexville, MI, which is in my district. On September 10, the United States Marine Corps will join family and friends to pay tribute to Master Sergeant Stewart, as he retires from active service after 20 dedicated years.

Troy Stewart was born August 29, 1966, in my hometown of Flint, MI. He enlisted in the Marine Corps on June 27, 1985, and was assigned to 29 Palms CA for Communications Center School, where he graduated as the Academic Honor Graduate. By August 1986, Private First Class Stewart was promoted to Lance Corporal, and reported to Marine Wing Communications Squadron-28, Marine Air Control Group-28, 2nd Marine Air Wing in Cherry Point, NC, where he worked as a Field Message Center Operator. Two years later, Corporal Stewart reported for duty as the Divisions Enlisted Assignments Non-Commissioned Officer at Headquarters and Service Battalion, 3rd Marine Division, in Okinawa, Japan.

In 1989, Corporal Stewart returned to the United States, stationed first at Camp Lejeune, NC, and later back at Cherry Point, where he also attended Non-Commissioned Officers School. Corporal Stewart graduated a few days before the rest of his class, due to his deployment as a Top Secret Courier with the 4th Marine Expeditionary Brigade in support of Operation Ahaus Tara in Honduras. Corporal Stewart returned again after that mission, and served as SORTS Non-Commissioned Officer, Platoon Sergeant, and the Squadron's Training Non-Commissioned Officer.

From 1990 through 1993, Sergeant Stewart attended Communications Systems Chief School as well as Drill Instructors School. In July 1995, he received a Meritorious Promotion to Staff Sergeant. Following his Drill Instructor duty, he reported to Quantico, VA, where he completed Air Crew School and operated as a Marine One Communicator. In January 2002, Master Sergeant Stewart assumed the duties as the Staff Non-Commissioned Officer in charge of the Recruiting Sub-Station in Saginaw, MI, the position he holds to this day.

I would also like to acknowledge Master Sergeant Stewart's wonderful family: his wife, Corporal Kimberly Stewart, and their daughters, Desireé and Tory.

Mr. Speaker, I am honored to acknowledge the life and career of Master Sergeant Troy Stewart. He has served his country with dignity and honor, and has been recognized many times with personnel awards including Navy and Marine Corps Commendations Medals, three Navy and Marine Corps Achievement Medals, the Presidential Service Badge, and six Marine Corps Good Conduct Medals. For 20 years, he has helped make our country a safer place in which to live. I ask my colleagues in the 109th Congress to join me in congratulating him, and wishing him well in his retirement as well as all his future endeavors.

HURRICANE KATRINA

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise to extend my deepest condolences to the victims of Hurricane Katrina, who lost their lives, their homes, their communities, and their livelihoods. My thoughts and prayers are with them and their families.

I have been very disappointed in what appears to have been a slow federal response to this disaster. In addition, many appeared to have ignored warnings over the years about the potential vulnerabilities and the steps that could be taken to prepare for this situation.

It is my hope that we can come together on a bipartisan basis and work to review and assess the adequacy of the early federal, state, and local preparedness. We must also continue to focus on providing immediate assistance to those in need. I am pleased that the Congress convened on an emergency basis to provide more than 10 billion dollars for disaster relief efforts and trust we are providing an additional $52 billion today. In addition, I have been working with federal, state, and local officials to ensure that Maryland does everything it can to support the relief efforts. The State of Maryland has dispatched members of its National Guard and Montgomery County has dispatched search and rescue squad personnel. Other local governments are actively exploring ways that they can help. I am especially proud of the people throughout our community and country's outpouring of support for those whose lives have been shattered by Hurricane Katrina. They have opened their arms, their homes, and their pocketbooks.

Mr. Speaker, while the enormity of this tragedy is overwhelming, I am confident that a spirit of determination and generosity will ensure that we will rebuild and endure. Our strength as a nation will be evident in the days to come as communities throughout our country unite to provide assistance to those in need.

ON PASSAGE OF H.R. 3673

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. PLATTS. Mr. Speaker, as Chairman of the Government Reform Subcommittee on Management, Finance, and Accountability, I rise today to express my concern for the victims and to emphasize the importance of ensuring that every dollar allocated to this relief effort gets to its intended recipient. As we pass this important relief measure, let me assure all Americans that we stand ready, willing, and able to assist the victims of Hurricane Katrina. As we prepare to provide the appropriate and necessary assistance to ensure our citizens can rebuild their lives, we must administer these Disaster Assistance funds responsibly.

Over the past two years, my Subcommittee has held three hearings on management at the Department of Homeland Security. While not always the most exciting topic, it is strong, sound management that will enable us to get through a crisis of this magnitude. Last year, in the aftermath of the Florida hurricanes, FEMA administered grants through the Individuals and Households Program. Just as we seek to do today, these grants were intended to provide emergency relief to those most impacted. Unfortunately, according to a report by the Department of Homeland Security Office of Inspector General (Audit of FEMA's Individuals and Households Program in Miami-Dade County, Florida, for Hurricane Frances, OIG–05–20), there were numerous documented instances of improper payments.

The assistance that we are providing to the victims of Hurricane Katrina is too important to be misspent. The Federal government has a responsibility to ensure the proper and effective distribution of aid. Any dollar lost to fraud or mismanagement is a dollar that does not make it to someone who is in need.

With the passage of the Stafford Act (Public Law 93–288) and its subsequent amendments, the Congress put in place specific requirements for the effective allocation of disaster funds. This statutory framework is designed to protect these resources from those who would seek to gain at the expense of the victims of disasters such as Hurricane Katrina. With sound management, appropriate controls and accountability, we will have the means to continue to provide resources to those who are truly in need of assistance.

SUPPLEMENTAL APPROPRIATIONS FOR HURRICANE KATRINA

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. CROWLEY. Mr. Speaker, I rise in support of these supplemental appropriations for the victims of Hurricane Katrina.

As someone who helped rebuild my city, New York City, after the terror attacks of 9/11 and as someone who lost over 110 constituents, countless friends and my first cousin to the horrors of the World Trade Center, I know the pain and suffering the people of the Gulf Coast are feeling and their despair.

When America hurts, America helps.

The damage of Hurricane Katrina is much greater than the physical destruction that was left in its wake. And it is much more than the psychological trauma that has affected these survivors who are now displaced. The damage is so great, and the lack of response from our Federal Government in the immediate days after this storm was so small, that it begs for this Congress to demand answers.

Why was the agency that is responsible for our emergency response, FEMA, so woefully under-prepared and under-funded?

Why did the director of FEMA have no emergency management experience?

Why was funding for the Army Corps of Engineers designated to protect the City of New Orleans from a dangerous flood of this level, diverted to pay for tax cuts for the wealthiest 1 percent of Americans?

These questions demand answers.

Last week we saw many shocking images of poverty and economic disparities among us. Like many parts of many cities in this country, the tourist trodden French Quarter with fancy hotels and restaurants are worlds away from the reality for the people who work in them. One third of the city of New Orleans lived below the poverty line, and these people, mostly African American, where the ones who were most impacted by this storm and the mismanagement of the Federal response.

We also saw positive images of Americans helping Americans in need. We saw a young six year old boy; lead his siblings to safety and to be re-united with his family. We saw neighbors help out other neighbors to get them to safety, and we saw the National Guard many fresh off duty in Iraq, put on their boots and wade into the water to save lives.

This money today will provide an immediate infusion of cash to provide healthcare for displaced people, emergency housing vouchers for people without a home, emergency unemployment insurance for people now without a job, and money for debris removal and systems to provide clean water to the city of New Orleans.

This money partners with the amazing response of the American people and the world community to the victims of Hurricane Katrina. Constituents throughout my district have volunteered their time, contributions and money to help the people of the Gulf remembering how these same people helped us after 9/11. When America hurts, America helps and the remarkable sacrifice and contributions of so many people who have opened up their wallets and homes to these victims is what makes our country so great.

Today's support is a strong step, but it not the last step. The last time this many people were displaced was during the Civil War. This Congress must get back to work in a bi-partisan manner, and address the needs both immediate and future, of the victims of Hurricane Katrina. And we should not adjourn or recess until we do so. Tax-cuts, estate tax repeal, plans to privatize Social Security, should all take a back burner, while these people suffer.

We must work to bring the full Federal resources of this government to help these people get back into their homes and quickly as possible, and to rebuild their lives.

We must use this tragedy as an opportunity to improve the quality of life for these residents of New Orleans and the Gulf Coast. For one-third of the people of the city of New Orleans to be living in poverty, sub-standard housing with poor healthcare, is in-excusable in this the richest country in the world. We must raise living standards through job training, better schools and stronger neighborhoods and eradicate the hopeless conditions so many Americans live in not only in the Gulf region but throughout our Nation. Let us use this terrible storm to learn a lesson and commit us to a new war on poverty that will truly bring Americans who are living in 19th Century poverty into the 21st Century through better housing, healthcare and education.

And we must use this as an opportunity to find out what went wrong, how our government whose responsibility is protecting its citizens, failed so miserably in the Gulf Region and how we can prevent this tragedy again. I call for an independent Commission, bi-partisan with the full authority of the 9/11 Commission to get to the bottom of this, and recommend to the Congress the changes that will be necessary to protect American lives in the future.

STATEMENT IN SUPPORT OF THE HURRICANE KATRINA SUPPLEMENTAL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mrs. LOWEY. I rise today in support of this legislation, a down payment toward fulfilling our obligation to help the citizens and cities ravaged by Hurricane Katrina.

The tragedy of Katrina has exposed some difficult truths of American life. That the richest Nation on earth is just as vulnerable to the laws of nature as the poorest. That the have-nots are not only poorer than the haves—they are also less safe.

The tragedy has also brought into sharp focus the debate about the role of government in citizens' lives. It has exposed the fallacy advanced by the leadership of this Congress and the administration that government is the problem, and it can't ever be the solution.

I believe that government should work with the private sector to help people help themselves to achieve their goals. Government should be a partner in making the lives of Americans better.

Unfortunately, too often, on the floor of this chamber, we've heard from Members who bemoan the size of the government and blast programs to help vulnerable populations, even as they tout legislation providing billions in Federal resources to the most powerful and connected companies and individuals in this country. They have been allowed to snip away at the web of structures put in place to help the American people.

Katrina was the deluge that exposed what we have warned of all along—when you starve the government, it fails those who need it most.

In times of crisis and in times of need, the people expect—and should expect—that their government will stand with them. American taxpayers deserve strong, competent leaders who jump into action, rather than ignore crisis and delay response. Who take responsibility, not rush to point fingers. Who understand that government is necessary and can be a force for good.

Last week, the U.S. Government failed its people. This legislation is merely one step toward repairing this breach of basic trust, and I urge my colleagues to support it.

STATEMENT ON THE SECOND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR HURRICANE KATRINA RESPONSE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. MEEK of Florida. Mr. Speaker, in this time of national tragedy, the merits of this bill are obvious. The American people are generous and insist that we offer aid and assistance to Hurricane Katrina's survivors.

The confidence of our nation was shaken by the slowness and shortcomings of the federal government's response to this massive human tragedy.

While this Second Emergency Supplemental Appropriations for Hurricane Katrina Response provides an additional $51.8 billion for hurricane relief, much more will need to be done.

Congress must ensure that the victims, and the state, local, federal and private agencies that are trying to care for them, have the resources they need.

However, it is not enough to just vote for large funding bills. Americans also want accountability on the over $60 billion we have appropriated so far for Hurricane Katrina relief.

We have to make sure that the relief money we are appropriating today and in the future actually gets to the victims, and is not used on unscrupulous contractors or spent on projects that boost the profits of companies seeking to profit at the expense of the hurricane victims and the taxpayers. This was the case in Iraq, where hundreds of millions of dollars were either "lost" or improperly paid to contractors like Halliburton.

To make sure that the $2 billion that FEMA is now spending every day is properly used, I believe that, even as we appropriate billions for hurricane relief, we also provide additional resources to the Office of the Inspector General of the Department of Homeland Security to help ensure that the additional tens of billions of dollars that will be necessary to care for our fellow Americans and rebuild the South are not wasted through fraud, abuse, overpayments or ineffective government management.

We have many good reasons for concern about wasteful spending. In the 3 years since the Department of Homeland Security, the umbrella department that houses FEMA, was created, numerous reports by the Congress, the Department's Inspector General and the Government Accountability Office have detailed instance after instance of contracting deficiencies, fraud, wasteful or lavish spending, lax oversight and management, procurement shortcomings, blurred lines of responsibility and lack of accountability.

I believe that this Congress must make sure, to the greatest extent possible, that the funds that we are appropriating today and in the coming months to help the Hurricane Katrina victims are directed squarely at helping the victims and not those who seek to profit at the expense of the victims who desperately need the help. This is more than just a business opportunity for the Administration's friends. It is an opportunity to do the right thing and help those who are suffering, and it is our obligation.

I also want to express my disappointment in the bicameral review committee created by the Republican Majority to examine the federal government's response to Hurricane Katrina. This committee, simply put, will be toothless.

HURRICANE KATRINA

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. AL GREEN of Texas. Mr. Speaker, I want to join with persons across this great nation and this world to express my condolences for those who have suffered as a result of Hurricane Katrina. I also want to commend all those people who have worked hard to lift up their fellow man during this time of crisis.

This disaster is one unlike anything we've ever seen before. At one point 80 percent of the city of New Orleans was under water. Up to 1 million families have been displaced. There are estimates that 400,000 to 500,000 people could lose their jobs because of the hurricane. And despite the magnitude of these numbers, they still don't do justice to the human suffering we have seen on television and in person.

But out of every tragedy comes the opportunity for each and every person to show his or her humanity through acts of compassion. That is why I am so proud of my fellow Texans and my fellow Houstonians. From Governor Rick Perry, Mayor Bill White, and Judge Robert Eckels on down, everyone has come together to make sure that we do everything in our power to help the quarter of a million evacuees we have taken in. In the Houston area alone, we have taken in over 100,000 of our neighbors to the east, 15,000 of which were sheltered in the Astrodome, which is in my Congressional District.

Several organizations in the Houston area are leading the disaster relief effort. Some of the help is coming from volunteers with Operation Compassion, a massive relief effort led by Interfaith Ministries for Greater Houston and spearheaded by the Second Baptist Church. The thousands of volunteers from 131 local congregations have assumed primary responsibility for feeding the masses of storm victims who have taken refuge there. I commend them and others for extending their good will towards others.

As we in Congress look towards our next steps, we must ensure that our top priority remains caring for those who have lost loved ones, lost their homes, and lost their means of providing for their families. They have, through no fault of their own, become the least, the last, and the lost of our society. It is our responsibility to help them back on their feet. To do so they will need food stamp assistance and access to Medicaid. They will need temporary emergency housing and the federal assistance to help them rebuild their homes and their lives.

We have taken important first steps by passing a $10.5 billion disaster relief bill last Friday, followed by an additional $51.8 billion for the Departments of Defense and Homeland Security today. But these are only the first in a long series of actions that we will need to try to repair the physical damage caused by Hurricane Katrina as well as the lives of those affected by the hurricane. I ask that all of my distinguished colleagues and the people of this nation join in the effort to help rebuild and sustain the lives of the Hurricane Katrina victims.

CONCERNING THE DEVASTATION AND FEDERAL RESPONSE TO HURRICANE KATRINA

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. CUMMINGS. Mr. Speaker, I ask that we consider four realities about our nation's response to Hurricane Katrina.

Allow me first to commend all of the Americans who have responded so nobly. They have demonstrated the best of our shared humanity.

That brings me to a second, less-praiseworthy reality. Poverty, age and skin color—in that order—have been major factors in this life-or-death equation for the vast majority of the victims. That is a fact, not an opinion—a fact that we must address as a nation.

As Americans, we are all in this life together—especially during times of imminent danger and emergency. And the policies and actions of our Federal Government should reflect this reality.

Third, as we respond to this disaster—and as we prepare for the dangers that the future will surely bring to our country—we cannot eliminate the reality of widespread (and growing) poverty on the Gulf Coast and throughout this country. And we must not act as if what we do here in Washington has no impact upon that deprivation. The Census Bureau just reported that for the fourth straight year, the number of Americans falling into poverty has increased. Thirty-seven million Americans now live in poverty, including 13 million children.

Not surprisingly, those who were already most vulnerable were the largest group of Americans left stranded, unable to escape the storm or the flood that followed.

The poor, the sick, the weak, the vulnerable—so often after-thoughts in today's Federal budget decisions—were left behind again. We must care for them and help those who survived to reclaim their lives.

That means, in the first instance, that we must not further penalize those who have suffered so much.

For those who were living in the Gulf Coast disaster area, we should: (1) Stop the clock on Federal time limits for all income related benefits (including those related to TANF, food stamps, and Federal Unemployment Insurance benefits); (2) Suspend the work requirements for TANF and the requirement that those who receive unemployment insurance continue to look for work; (3) We should extend Medicaid eligibility to CHIP parents for 12 months; and (4) The Federal Government should cover all the costs for these programs, relieving the hard-hit states of this burden.

In addition, we should do everything within our power to employ the people who have lost their jobs and homes as a result of this disaster in the rebuilding of New Orleans and the Gulf Coast. Government and the private sector should begin immediately to retrain and hire these Americans to participate in the rebuilding of their communities.

We should make sure they are mentally ready to begin rebuilding by offering counseling services, similar to those offered after 9–11. With skills, job and counseling where necessary, they will be able to become home owners and re-establish the foundation of their communities.

Finally, we also must face and overcome another reality. Federal budget choices (misguided choices, in my view) have seriously weakened the Federal Emergency Management Agency, the federal agency that is supposed to be our safety net of last resort when disaster strikes.

The media has been accurate in reporting how decisions by the Administration and the leaders of this Congress to cut funding to the Army Corps of Engineers and the FEMA disaster prevention programs have weakened our ability to respond effectively.

Choices made in Washington have resulted in deaths in New Orleans. The President and this Congress must account for the shortcomings in the Federal disaster effort for which we are responsible—and work together to do a better job in the future.

As I close, allow me to say that I remain optimistic. I am optimistic that we will find a way to organize FEMA in a way that allows it to respond effectively—maximizing the saving of lives.

I am optimistic that this Congress will come up with a viable plan to try to make these victims and evacuees whole again—partisanship aside.

I believe that the American people are up to this test—that we truly can rise to overcome almost any hardship that is thrust upon us.

Any of us—and our families—could well be facing the same hardships, the same pain, the same loss of home and job and dignity that the survivors of Hurricane Katrina must now overcome.

These are our people, my friends, and this is our country. We have it within our power to rise from the hesitancy and failure of past days and rebuild. We shall rebuild New Orleans. We shall rebuild the Gulf Coast. And we shall rebuild our self-confidence as a great Nation and a great people.

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COMMEMORATING THE SESQUICENTENNIAL CELEBRATION OF ARCADIA, WISCONSIN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. KIND. Mr. Speaker, I rise to commemorate Sesquicentennial celebration of Arcadia, one of Wisconsin's many treasures. Named after the Arkadhia Mountains in Greece, Arcadia boasts an historic downtown in the midst of some of the most beautiful farmland and countryside in western Wisconsin.

It is fitting that I join with the 2,400 residents of Arcadia to celebrate the town's founding, because this truly is a town that has not forgotten where it came from. Perhaps Arcadia's most storied attraction is its Memorial Park. The park's 54 acres display monuments and tributes to the town's history, our nation's wars and conflicts, and those men and women who fought and died in them. The walkway through the park is measured so that each meter represents one year, so visitors complete their own guided tour of history. Joining the statues, plaques, and monuments are some of the real instruments of war: a tank, a Howitzer artillery gun, and an F–16 fighter jet. The dedication shown in procuring these artifacts and the endless care that go into maintaining the grounds demonstrate that the spirit of America runs through Arcadia.

Apart from Memorial Park, Arcadia exemplifies the quality of life available to those who call rural America home. The Trempeleau River, which flows to the Mississippi, offers opportunities for fishing and canoeing, eagle-watching is popular year-round, and stock car races are held every Friday in the warmer months at the Fox Ridge Speedway. The town also hosts the Arcadia Broiler Dairy Days celebration over Memorial Day Weekend, which includes the 62-mile Memorial Bike Tour. This vibrant community truly is a model for rural areas across the state of Wisconsin and America, proving that a city doesn't have to be big to be creative, exciting, and fun.

A giant corn maze in town already announces the sesquicentennial celebration, which will be held this Saturday, September 10, 2005. Arcadia will mark its first 150 years with such events as the dedication of a local firefighters memorial, a classic car rally, and the entombing of a time capsule to remind future generations of this great milestone. I congratulate the residents of Arcadia on their sesquicentennial, and I thank them for all they have contributed to the character and economy of western Wisconsin. I wish them continued happiness and prosperity in the next 150 years.

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STATEMENT OF INTRODUCTION OF THE HURRICANE KATRINA BANKRUPTCY RELIEF AND COMMUNITY PROTECTION ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. CONYERS. Mr. Speaker, today Rep. MEL WATT, Rep. JERROLD NADLER, Rep. SHEILA JACKSON-LEE and twenty four additional original co-sponsors have joined me in introducing the "Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005", to protect the thousands of families and small businesses financially devastated by Hurricane Katrina from being penalized by anti-debtor provisions contained in a new bankruptcy law scheduled to take effect on October 17, 2005.

We are concerned that, just as survivors of Hurricane Katrina are beginning to rebuild their lives, the new bankruptcy law, effective October 17, 2005, will result in a further and unintended financial whammy.

Unfortunately, the new bankruptcy law will have the consequence of preventing thousands of devastated families from being able to obtain relief from the massive and unexpected financial obligations they are incurring. The inflexible bankruptcy law will force victims of Hurricane Katrina to repay debt with income they no longer have, file paper work with documents that no longer exist, and travel to courts that are possibly hundreds of miles away. It is simply absurd to place these obstacles between survivors and financial security.

When the Judiciary Committee considered the Bankruptcy Abuse and Consumer Protection Act earlier this year, Ms. JACKSON-LEE offered an amendment to protect the victims of natural disaster like those now devastated by Hurricane Katrina. While the amendment was defeated on a party line vote without any debate, we hope that in light of recent events our colleagues will recognize the importance of protecting our most financially vulnerable Americans.

This bill will prevent new bankruptcy provisions from having adverse and unintended consequences for the hundreds of thousands now facing financial catastrophe by providing needed flexibility for victims of natural disasters in bankruptcy proceedings.

This common sense bill will insure that we do not compound a natural disaster with a man made financial disaster. I hope there will be bipartisan support for expedited consideration of this critical legislation.

HONORING THE MALAKOFF ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Malakoff Rotary Club for their 66 years of service to Henderson County. Throughout its history, the Malakoff Rotary Club has achieved great success in carrying out the mission of Rotary International.

In past years, the Malakoff Rotary Club has raised money to provide scholarships for local students and sponsored programs to improve area literacy. In addition, they have sponsored numerous activities with Court Appointed Special Advocates (CASA) programs, Eustace Children's Home and the Henderson County Crisis Center.

Through these initiatives, the Malakoff Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today on the floor of the United States House of Representatives.

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ART CANTU: 2005 LABOR LEADER OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. FILNER. Mr. Speaker, today I acknowledge a great friend of labor, Art Cantu—named the 2005 Labor Leader of the Year. Art is currently the Secretary-Treasurer and Principal Executive Officer of the International Brotherhood of Teamsters Local 36, which represents Building Material, Construction, Industrial, Professional and Technical Employees.

Art is a native San Diegan and graduated from Chula Vista High School in 1975. Art also attended San Diego City College where he completed the Business and Labor Studies Program.

Art began his career working at Nabisco Company for Teamsters Local 316 in Syracuse, New York in May of 1976. In December 1977, he transferred to Local 36 and began driving for Oberg Construction and later at Bechtel Power Corporation at the San Onofre Nuclear Generating Station and then moved to

Hubbard Construction Company. In January 1990, Art began working at Teamsters Local 36 as an Organizer and Business Agent, and in May of 1995 was elected as the Recording Secretary on the Executive Board of Teamsters Local 36. In August of 2000, Art was appointed Secretary-Treasurer. He has since been re-elected twice.

Art serves as co-chair for San Diego County Teamsters Construction Trust for Health and Welfare, Pension, Vacation and Training Trusts, as well as Alternate Trustee of the San Diego County Teamsters Employers-Insurance Trust Fund. Art currently serves on the Advisory Committee of the Industrial Relations Research Association (IRRA), and the Executive Board of the San Diego-Imperial Counties Labor Council as well as being the Treasurer and Executive Board member of The San Diego County Building and Construction Trades Council. His newest position is with the San Diego County Chamber of Commerce Transportation Sub-committee.

Art also serves as the Recording Secretary of the California Teamsters Hispanic Caucus and the Executive Director of the National Teamsters Hispanic Caucus. Art is extremely proud of organizing the Annual Teamsters Hispanic Golf Tournament held at Torrey Pines every year. The event has raised over $300,000 in scholarships for the sons and daughters of Teamsters. Since 2000, Art and Kris Hartnett have co-chaired the John S. Lyons Memorial Banquet which has raised over $1.2 million.

Art currently resides in Carmel Mountain Ranch in San Diego. Art has 2 sons, Art Jr., 26, and Wesley, 24. Art Jr. currently works in Seattle, Washington and is a software engineer for Marchex Corporation. Wes works for the City of Santa Monica in the Engineering Department. Art's proudest moment was seeing Art Jr. graduate from Berkeley and Stanford and Wes from the University of California at Santa Barbara. Art enjoys golf, tennis and traveling.

I am proud to salute Art Cantu—Labor Leader of the Year.

CONGRATULATING RABBI AMIEL WOHL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mrs. LOWEY. Mr. Speaker, I rise today to recognize Rabbi Amiel Wohl of New Rochelle for being honored with the 2005 Yitzhak Rabin Peacemaker Award.

The Yitzhak Rabin Peacemaker Award is given annually to an individual who has sought to bring better understanding and harmonious relationships between various religious and ethnic groups. Rabbi Wohl has carried out this mission time and time again, including efforts to aid Christians suffering in Lebanon through his organization, People for Relief in Lebanon.

Rabbi Wohl has been committed to interfaith communication since his arrival at Temple Israel of New Rochelle in 1973. Almost immediately, he coordinated the Interreligious Council, which brought together Catholic, Protestant and Jewish houses of worship and religions organizations. He has also been instrumental in other groups dedicated to interfaith communication, including the Westchester Jewish Conference, which has sought to cross both denominational and municipal lines.

Rabbi Wohl has exemplified the ideals we seek in individuals of faith. From creating the Coalition for Mutual Respect in 1979 to traveling as far as Sacramento, California, to participate in inter-faith efforts, Rabbi Wohl has worked tirelessly to sustain the dialogue necessary to address conflicts among the different faiths in our country.

Mr. Speaker, I ask my colleagues to join me in honoring Rabbi Amiel Wohl on his accomplishments and in congratulating him on receiving this award.

BUSH POLICIES CONTRIBUTE TO HURRICANE CATASTROPHE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. RANGEL. Mr. Speaker, I rise today to outline how President Bush's policies contribute to the Hurricane Katrina catastrophe that took place in the Gulf Coast area of our nation. Just as in Iraq, the President's policies and unbelievable mismanagement on the domestic front have brought pain and suffering to American people.

Thousands of people may have been killed by Hurricane Katrina and many more could die in its aftermath because of the President's refusal to heed the calls of the governors for help in repairing the infrastructure in their states. In Louisiana, everybody knew that the levees that hold back flood waters were in disrepair. But instead of listening to the governors, the President cut funding for this purpose. Again and again vital domestic priorities have been sacrificed in order to pay for the occupation and rebuilding of Iraq, and these choices are now being revealed as harmful to our nation and people.

In addition to depriving the affecting areas of the funding that would have enabled them to prepare for Hurricane Katrina. The President's commitment to Iraq has impaired the response to the crisis. It is this commitment that has contributed to the slow response of federal troops who should have been on alert before the hurricane struck. Now, as bedlam reigns in New Orleans, 35 percent of Louisiana's and 37 percent of Mississippi's National Guard troops are in Iraq. The hurricane is clear evidence of how the war directly affects the domestic security of our country.

The President is destroying the fabric of America with a combined policy of war, tax cuts for the wealthy, and reductions in spending for domestic needs. These policies are supported by the Republican-dominated Congress. Even so, it was shocking to read reports that DENNIS HASTERT, the Speaker of the House, said that rebuilding New Orleans made no sense to him.

The President's policies have not only made us less secure, they have widened the chasm between the well-to-do and the poor. The people who couldn't get out of New Orleans to escape the storm were predominantly Black and poor. They stayed behind not because they wanted to risk the danger of the hurricane, but because they don't have cars or any other means of escape. No one is even talking about the poor in more rural areas—Blacks and Whites—who have not even been reached by rescue teams.

President Bush has tried to turn this tragedy into a political victory by flying in on a helicopter to examine the damage. But he is in store for more genuine outrage resulting from his failed policy in Iraq and the anger of the U.S. governors whose constituents are paying the price for the domestic policies of the "war president".

Please find below my letter to President Bush about the Federal Government's response to Hurricane Katrina.

SEPTEMBER 2, 2005.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: I am writing to strongly urge you to use your power and leadership to provide the most aggressive possible response to the humanitarian crisis taking place in Louisiana, Mississippi and Alabama. The response so far has been unsatisfactory.

Food, water, medicine and emergency housing is in critical need. In addition, with the crisis seemingly affecting poor people most, arrangements should be made for emergency short term grants and loans to individuals, particularly those who head families and are taking care of children and the elderly.

Further, while we are all dismayed by television pictures of looters, we must not allow the focus of our humanitarian efforts to be diminished in any way by those actions. While criminal activity that threatens lives should not be tolerated, we must use maximum discretion in the use of force against individuals who may be motivated by poverty and hunger.

I have received many calls from constituents as well as Americans across the country, who believe that the victims of this catastrophe are receiving a lesser government response than would be provided for people of means. True or not, this perception will be aggravated if in coming days Americans do not see a more forceful and creative response to this crisis, whether it means using large military planes to bring in supplies, including temporary housing and the use of hotels or even cruise ships.

Mr. President, we must raise the level of response to this crisis, the greatest natural disaster in the nation's history, and it must be done immediately.

Thanks for your consideration.

Sincerely,

CHARLES B. RANGEL,
Member of Congress.

HONORING STEVE PALMER, OWNER OF PALMER PLACE RESTAURANT ON WINNING THE RESTAURANT NEIGHBOR AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Steve Palmer, owner of Palmer Place Restaurant and winner of the National Restaurant Association Restaurant Neighbor Award.

The Restaurant Neighbor Award is a component of the Association's Cornerstone initiative, a comprehensive effort to advance and promote the restaurant industry's role as the cornerstone of community involvement, the cornerstone of career and employment opportunities and the cornerstone of economy.

This year's small business winner is Palmer Place. Creating a foundation sounds like a daunting task only achieved by huge corporations with lots of money to give away. But Small Business Winner Palmer Place Restaurant and its H Foundation is living proof that smaller restaurants can achieve big things in community outreach.

After a close friend and colleague died of cancer, Palmer Place owner Steve Palmer wanted to organize a fundraiser to raise money for cancer research. Palmer teamed up with local business owners John Rot and David Rizner to create the H Foundation where 100 percent of the money raised would go toward finding a cure for cancer.

The H Foundation aims to support innovative, forward-thinking cancer research. In 2003, the foundation donated $170,000 to the Lurie center, from which researchers generated $1.5 million in grants. Additionally part of the $200,000 the H Foundation donated was used to create a program called Families After Cancer.

It is my honor to recognize Steve Palmer of Palmer Place Restaurant for his many achievements both within and outside of the business community, fostering the growth of a community as well as helping to create change and promote progress in cancer research.

TRIBUTE TO ARMY SPECIALIST TOCCARA RENEE GREEN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to Army Specialist Toccara Renee Green.

Toccara Green served in the Army's 57th Transportation Company, 584th Corps Support Battalion, headquartered at Fort Drum, NY. A talented and dedicated soldier, Specialist Green began her commitment to the U.S. Armed Forces at an early age. While a student at Forest Park Senior High School, Specialist Green spent four years in the Reserve Officers' Training Corps, where she was promoted to executive officer.

After her first year at Norfolk State University, Specialist Green decided to expedite her dream of serving in the Armed forces and enlisted in the Army. She served for nine months in Kuwait before beginning her first tour of Iraq as a motor and transport operator. Specialist Green was four months from completion of her second tour of Iraq when she was killed by a roadside bomb that detonated near her convoy in Al Asad on August 14, 2005.

Through her honor and service, Specialist Green dedicated her life to fighting for liberty so that others might taste the freedom that democracy brings. It is these ideals that America most cherishes, and that Specialist Green herself advanced.

Specialist Green's determination, enthusiasm, and ability to inspire others will be remembered by all who were privileged to know her. Mr. Speaker, I ask that my colleagues join me in honoring Specialist Green and the incredible sacrifice she made for her country.

SECOND KATRINA SUPPLEMENTAL APPROPRIATIONS BILL

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Ms. DEGETTE. Mr. Speaker, I rise to support the bills today to be taken up under suspension of the rules. However, I strongly oppose taking up H.R. 3673, the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, which includes $51.8 billion for the relief effort, including $50 billion for the Federal Emergency Management Agency (FEMA), under suspension. Doing so limits the opportunity for debate and amendments at a time when many legitimate questions are being raised about FEMA. We surely can spend some time debating these issues and offering amendments to make sure that FEMA spends this money properly.

Based on the performance so far, I have no confidence that either FEMA, or its director, Mr. Michael Brown, can manage the funds Congress is appropriating. Mr. Brown had no experience in disaster management prior to being appointed director of FEMA, and that lack of experience has shown all too clearly. Mr. Brown waited for hours after Hurricane Katrina hit the United States to issue a department-wide call for help from the Department of Homeland Security. According to Jefferson Parish President Aaron Broussard, FEMA also prevented the Coast Guard from providing fuel to local emergency personnel and turned back trucks filled with drinking water for victims. Neither FEMA nor any other federal agency appeared to be in charge as lawlessness broke out in New Orleans. Three days later, on Thursday, September 1, Director Brown said that federal officials had just learned that people had taken refuge in the New Orleans Convention Center. This was despite numerous previous news reports showing Americans gathering there. These are just a few examples of the delayed and badly conceived response to this disaster.

Many of these problems stem from the incompetence of FEMA management or perhaps its position in the enormous Department of Homeland Security, which is the amalgamation of 22 federal agencies. FEMA is no longer a cabinet-level agency, reporting directly to the President, as it was under President Clinton. People have raised questions whether this change, and FEMA's move into the Department of Homeland Security with a focus on dealing with terrorist events, have made it less able to help Americans deal with and recover from natural disasters. With the situation ongoing and FEMA to be heavily involved for months to come as the Gulf region recovers, we need to get the answers to these questions now. We cannot do that when the majority shuts off debate and prevents amendments.

Furthermore, I am concerned about providing FEMA more money, $50 billion, at a time when many Americans, including myself, have lost confidence in its ability to manage this crisis. How can we have faith that this money will not be wasted, based on FEMA's performance to date? Particularly now, with a budget deficit of over $300 billion, we cannot afford to waste any of our resources. In this time of need, we must come together as Americans and spend whatever is necessary to help our citizens rebuild. But, quickly appropriating money without accountability will not solve the problems of the Gulf region, if that money is not going to be well-spent. Instead of ramming this money through without discussion, we should be talking about how we can ensure FEMA uses this money in the best way possible to help the citizens affected by Hurricane Katrina without unnecessarily blowing an even bigger hole in the budget deficit.

INTRODUCING A BILL ESTABLISHING A NATIONAL INDEPENDENT INQUIRY COMMISSION ON DISASTER PREPAREDNESS AND RESPONSE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation establishing a National Independent Inquiry Commission on Disaster Preparedness and Response (NIICDPR) to examine and evaluate the Federal Government's response to Hurricane Katrina and assess our ability to respond to future large-scale disasters.

While the long-term impact of Hurricane Katrina will be felt for years, our evaluation of the Federal Government's response to, and preparation for, this and other major disasters—natural and man-made—must begin immediately.

Mirrored after the 9–11 Commission, the NIICDPR will consist of 10 members with no more than 5 being from either the Republican or Democratic parties, thus ensuring an independent and diverse make-up of commission members. The NIICDPR will be afforded the same powers which the 9–11 Commission enjoyed and will be tasked at finding the answers to the critical questions that we all have. These include but are not limited to:

Were we adequately prepared to respond to a disaster of this magnitude? Are we any more prepared today than we were before Katrina?

What plans were in place before Katrina made landfall to meet power, utility, and telecommunications needs following the storm? What plans are in place for future disasters?

What was the availability of adequate resources to meet the needs of displaced individuals and families, including temporary housing, medical services and facilities, transportation, and food and water supplies?

Did our federal disaster response plans consider the needs of all communities? What plans existed to ensure that underserved communities reached safety before and after Katrina?

How effective was the Federal Government in its rescue and other life-saving techniques?

Was the federal response to Hurricane Katrina efficiently coordinated with State and local governments? Was it adequate and appropriate in size and scope?

What improvements do the Executive and Legislative Branches need to make to increase the efficiency and effectiveness of our disaster response programs?

Mr. Speaker, my Congressional District received the brunt of three major hurricanes last year. As I said earlier today, certainly our first priority has to be to rescue those who are still alive and provide them with housing, medical attention, food, and water. However, as the Gulf Coast turns to the recovery and rebuilding processes, the billions that Congress will spend will not be enough to fix the problems that exist within FEMA.

Based on my own personal experience dealing with FEMA and its director over the last year, I warn the Members of this body that the problems you see today are just the tip of the iceberg—and it has nothing to do with the magnitude of the disaster.

Inconsistency in FEMA regulations, constant reinterpretations of the Stafford Act, federal officials treating local emergency operations centers like revolving doors, lack of coordination, and FEMA's fluid and unclear chain of command are just a few of the many significant and real problems that Floridians dealt with last year and are still dealing with today.

I have literally begged the committees of jurisdiction in this body to hold hearings on these shortcomings. I even introduced bipartisan legislation in March with our colleague, CLAY SHAW, to address a slew of institutional problems within FEMA that we experienced first-hand last year.

Yet every time we take our concerns to the committees, we're told, "It's not a big enough problem to consider on its own." Well, Mr. Speaker, is the problem big enough now? How many people must die in a disaster before something becomes a "big enough problem" in this Congress?

Accountability is the only way to restore integrity in a broken system. An independent commission is the first step in repairing our disaster response system, which we all now know is woefully inadequate.

I ask for my colleagues support for this legislation, and I urge the House Leadership to bring it swiftly before the House for its consideration.

EXPRESSING CONDOLENCES OF NATION TO VICTIMS OF HURRICANE KATRINA

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to share my thoughts on perhaps the worst natural catastrophe to occur in America in my lifetime. Hurricane Katrina wreaked devastation beyond any we've seen and we will feel its wrath for years to come. As a Nation, we will continue to grapple with the destruction and the task of rebuilding.

In the days and weeks to come, we will keep the survivors and victims in our thoughts and prayers while we begin the arduous process of surveying the damage. As of yet, we still do not know how many lost their lives during the onslaught of the storm or in the aftermath. The early estimates place the lives lost in the thousands, and the coming days may push that tally higher.

We will also pray for the survivors many of whom have been evacuated to the surrounding states. I am proud that San Antonio, my hometown, is opening its doors for thousands of Americans who have nowhere else to go. In some ways, this is America's finest hour as strangers have opened their homes and communities to people who departed from New Orleans on buses or planes often with just the clothes on their backs.

Of course, we cannot praise enough the brave men and women of the Gulf region's police departments, rescue teams, the National Guard, and the Armed Services. Time and again, they risked their lives to rescue the thousands of stranded people in Mississippi, Alabama, and Louisiana. When their Nation called, they answered. This week, we will fill the CONGRESSIONAL RECORD recounting their bravery and selflessness in the face of horrors and danger rarely seen in this country. They did better than could be expected with the resources and supplies they had.

Inexcusably, the administration failed both these heroes and those in need of aid. In the days after the hurricane had passed, the slow and inadequate response created another crisis that compounded the initial damage. Who was not angered and frustrated as the images from New Orleans washed over us like the floodwaters that engulfed the city after the levees were breached? How is it possible that we could not transport food, water, and medicine to the thousands trapped in the city? How could the conditions in the Superdome and the Convention center grow so dire?

We could assemble one of the world's most formidable military forces to invade Iraq which is halfway across the globe, yet we could not transport the essentials to a major American city. This simply boggles the mind and moves the conscience to anger and shame. Because the various governmental agencies lacked direction, thousands may have died days after the storm subsided. Will the administration continue to blame the State and local governments for being unable to coordinate a relief effort too big for any one entity save the Federal government? This is unacceptable, and clearly Congress will need to investigate and remedy the shameful shortcomings of the current Federal emergency management system.

Some of my colleagues say that the race and the poverty of the victims dictated the speed of the relief effort. Some would also condemn the fiscal priorities of an administration that has pursued reckless tax cuts during a time of war and while our national infrastructure literally crumbles. Early reports indicate the administration cut funding for the Army Corps of Engineers to maintain the levee system in New Orleans. Yet, until all the facts are in, I urge my colleagues to reserve judgment, yet failing to fully investigate this calamity no matter how painful or embarrassing it may prove would breach our duty to the American people. We owe this to those the administration failed.

H.R. 3673, THE SECOND SUPPLEMENTAL FOR HURRICANE KATRINA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. HONDA. Mr. Speaker, I rise in strong support for H.R. 3673, the Second Emergency Supplemental Appropriations for Hurricane Katrina Response. This measure provides an additional $51.8 billion for hurricane relief, with $50 billion of that for relief and cleanup activities by the Federal Emergency Management Agency, FEMA, $1.4 billion for hurricane-related activities by the military, and $400 million for the Army Corps of Engineers for restoration work on navigation locks and for channel dredging.

We have all been moved by the devastation wrought by Hurricane Katrina, and we must now all pull together to help those who are facing the greatest challenges in their attempts to recover and respond to Katrina's wake. In times of hardship, Americans come together to help each other. Time is of the essence, and each of us must do what we can to respond to this natural catastrophe.

Once the deadly threat posed by Hurricane Katrina became apparent, Democratic Leader NANCY PELOSI publicly called for a special session of Congress to get to work and send relief to the victims struggling in the Gulf Coast. I was pleased that Republican leadership finally answered Leader PELOSI's call and convened the U.S. Congress to pass a $10.5 billion emergency supplemental spending bill for the people suffering in Louisiana, Mississippi, and Alabama.

Today we will pass an additional $51.8 billion in the Second Emergency Supplemental for Hurricane Katrina. While these funds are much needed they are coming before us today on the suspension calendar which does not allow us adequate time for debate or an opportunity to add important amendments. Hurricane Katrina is clearly the worst natural disaster in U.S. history, and we are missing the opportunity to address some critical issues, such as creating a commission to investigate the federal response to this disaster and making FEMA an independent agency.

Mr. Speaker, the Congress must provide leadership in helping those displaced by the hurricane to rebuild their lives and communities out of the wreckage left in Katrina's wake. In the weeks and months ahead, Congress will consider additional spending measures to aid victims of the hurricane. As Americans, we have pulled together through tragedies in the past, and I know that we will demonstrate that same unity in overcoming the devastating effects of Hurricane Katrina.

PERSONAL EXPLANATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. DREIER. Mr. Speaker, as you know, on the afternoon of September 7th, I was in New York at the United Nations formally thanking the international delegates on behalf of the House of Representatives for their support and assistance in the wake of Hurricane Katrina. Over 90 countries have offered to help us recover from this natural disaster, and I was privileged to have the opportunity to thank the international community on your behalf.

As a result of my presentation in New York, I was unfortunately unable to be present for two recorded votes that day. Had I been present, I would like the record to reflect that I would have voted "aye" on H.R. 3169, to provide the Secretary of Education with waiver authority for students who are eligible for Pell grants who are adversely affected by a natural disaster. I likewise would have voted "aye" on H.R. 3650, to allow United States courts to conduct business during emergency conditions.

THE NEW ORLEANS CRIME VICTIMS DESERVE COMPENSATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. OWENS. Mr. Speaker, I rise in support of those who demand a more detailed legislative effort. Official criminal neglect is the crime of New Orleans. First response neglect is the immediate and short-term crime. Our government should've responded faster with more. Long-term crime caused by partisan politics, the greed of powerful selfish legislators who lack compassion, the looting of billions from the Federal treasury for the wrong reasons, the institutionalized prejudices against big cities; all of these evils have festered over the years to produce the highly visible, horrifying gangrene of the New Orleans disaster.

Congress and the President deserve high praise for the emergency appropriations. But this allotment is for the weeks and months ahead. On day one of this disaster the U.S. already had all of the resources necessary to achieve the safer, faster and more thorough rescue of the desperate population of New Orleans. Criminal incompetence and some contempt for the stranded population blocked the perceptions of how to speedily mobilize resources. In 1940 at Dunkirk, under heavy fire from German forces, more than 300,000 British troops were rescued and ferried back to England. Success was achieved because Winston Churchill immediately understood the gravity of the situation and called for the mobilization of every vehicle that could float. The crime and the pity is that all of the helicopter and naval craft marvels of our military were not immediately ordered to blanket the flooded neighborhoods of New Orleans.

Decades of debate and refusals to seriously address an obviously dangerous set of circumstances facing one of America's great cities is the long-term crime at the heart of this involuntary manslaughter. For decades Washington refused to finance state of the art technology to lessen the dangers of flooding in New Orleans. In recent years the Bush administration has compounded the problem by cutting already inadequate budgets.

Since we refused to shield this crime victim from the life-threatening assault that has now been perpetrated, the bleeding New Orleans deserves maximum compensation. The Hurricane Katrina emergency appropriation is a promising beginning. To accomplish its purpose the provisions of the legislation must be expanded to include the following:

The establishment of a Right of Resettlement for all who want to return.

The immediate establishment of an Emergency Free Communications Network with cell phones for all refugee families.

The establishment of a Job Corps for able bodied refugees which mandates their priority hiring for jobs related to the cleanup and rebuilding.

The establishment of Faith and Community Based Family Resettlement Projects to assist in the relocation of refugee families.

The establishment of Family Resettlement Accounts for families who wish to relocate to some other part of the country.

The establishment of an Emergency College Student Temporary Resettlement Program utilizing Colleges that volunteer to receive students, faculty and administrators.

The provision of Impact School Aid for school districts where large numbers of refugee families are located.

A mandatory review and revamping of the Corps of Army Engineers Master Plan for New Orleans.

A federally funded initiative to establish "Fail Safe" Committees in local communities.

In summary, Congress must act immediately to specify how the Hurricane Katrina appropriation will be spent. There is a clear and present danger that billions will be contracted out to Haliburton type corporations and refugees will receive only a very meager benefit. We members of Congress must remain vigilant to guarantee that no more official crimes will be perpetrated against New Orleans.

INTRODUCTION OF THE PENTAGON 9/11 MEMORIAL RESOLUTION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. MORAN of Virginia. Mr. Speaker, today I am pleased to be joined by my colleagues from Virginia, Maryland, D.C., Pennsylvania, New York and New Jersey to introduce legislation recognizing the importance of a national memorial at the Pentagon to commemorate and mourn the terrorist attack against the Pentagon on September 11, 2001.

This legislation is modeled after a resolution (H. Res. 175) my friend and colleague from New York introduced earlier this year in support of efforts to create a September 11, 2001 memorial at the site of World Trade Center.

Mr. Speaker, as we approach the 4th anniversary of the terrorist attacks of September 11, 2001, it is appropriate that we establish memorials at the sites of these attacks to honor the victims.

On that fateful day four years ago, the 59 victims of American Airlines Flight 77 and 125 military personnel and Defense Department employees at the Pentagon died and scores more were injured in a dastardly and unprovoked attack against the American people.

The terrorist attacks of September 11, 2001, have joined the pantheon of national tragedies and become a defining moment in United States history.

These attacks of September 11, 2001 affected all Americans, not only for the tragic loss of life, but also for its emotional toll on our public conscience. Two-thirds of Americans report that the attacks had a great emotional impact on them, and virtually all Americans can recall precisely where they were and what they were doing when they learned of the attacks.

And while all of us were beset by the tragic loss of life and untold suffering, we found solace in the inspiring and heroic actions taken by the crew and passengers of Flight 93 and by the firefighters, police officers, rescue workers, military personnel and ordinary citizens who raced to the scene of these attacks and saved lives, keeping the attacks from taking an even greater toll.

It was a tragic day, but a defining moment in our nation's history.

I applaud the efforts of those who have worked to build the memorials to honor and commemorate the fallen and to acknowledge the impact the horrific attacks have had on all of us.

I encourage my colleagues and those listening to support these memorials and urge my colleagues to support this resolution.

TRIBUTE TO THE YWCA PASADENA-FOOTHILL VALLEY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor the YWCA Pasadena-Foothill Valley upon its 100th anniversary.

In 1905, a group of prominent Pasadena women formed a branch of the National Consumers League in an effort to hold local employers accountable to statewide labor laws for young working women. As affordable housing for these young women became a concern, this same group formed the Young

Women's League and provided rental housing for working women. This was the start of what was to become, in 1909, the Pasadena Young Women's Christian Association, YWCA. In 1910, they purchased a property in Pasadena and in the 1920s, hired Julia Morgan, California's first woman architect, to design the landmark building on that same land.

During the First World War, the YWCA offered Red Cross training and classes in the arts to young working women, while actively rallying for women's suffrage and better working conditions for California's migrant workers. In the 1920s, the YWCA made special outreach efforts to include African-American and Japanese-American girls.

During the Great Depression, the YWCA offered loans and free room and board to women in need, and opened new clubs for Mexican-American and African-American girls. Ahead of its time, the YWCA Board agreed that "the use of facilities be based on general fitness without reference to race, religion, or nationality."

In 1940 a Japanese Girls Reserve was formed. When the war ended, the YWCA assisted in facilitating the interned Japanese-Americans' return to the community. During these years, the Pasadena YWCA, with its active social conscience, led the community on issues such as juvenile delinquency, housing, childcare and discrimination.

In the 1940s and 50s, programs that targeted delinquent teens and a childcare nursery were developed. The 1960s saw the Back Yard Mothers Project, the Mexican Bi-Cultural Club, the Pasadena Free Clinic, and in 1966, the Federal Government selected the Pasadena YWCA as the site for its Job Corps girls program.

The 1970s and 80s brought a Rape Advocacy Program, a program to train women for non-traditional jobs that paved the way for the Women at Work program, and Hestia House, a shelter for women and their children in crisis. In 1996, the YWCA Board sold the historic Julia Morgan building, moved into administrative offices, but continued to meet the needs of girls and women, never forgetting its mission to work for the empowerment of women and the elimination of racism.

Today, programs like Just for Girls meet on school campuses and offer assistance to at-risk youth and the sports program brings together girls from varied economic and ethnic backgrounds. The YWCA hosts the annual Week Without Violence and an annual Racial Justice Committee Breakfast.

I am proud to recognize the YWCA Pasadena-Foothill Valley for its 100 years of offering a diverse place of acceptance to the women of the San Gabriel Valley and I ask all Members to join me in congratulating the YWCA for their remarkable achievements.

STATEMENT ON HURRICANE KATRINA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to offer my heartfelt sympathy to the people in the Gulf Coast area who have been so profoundly affected by Hurricane Katrina. The loss of lives, property, and livelihoods is a shocking tragedy, the full extent of which is only starting to be known.

The number one priority now must be safeguarding and improving the lives of the hundreds of thousands of people who have been evacuated from their homes, or whose homes have been damaged or destroyed. We must ensure that all people affected by this disaster have food, water, shelter, clothing, and healthcare. To achieve this, the government must commit to fast tracking needed public services like unemployment insurance and compensation, food stamps and Medicaid. In addition, we must be prepared to provide ongoing support through housing loans, job information networks, and aid to school districts that will enroll evacuated students. These measures are critical in helping people as they start to put their lives back together.

The tragedy of Hurricane Katrina was compounded by a sluggish response by the Federal Government that trapped people in harm's way, and failed to provide them with the basic necessities of food and water. I believe that the Department of Homeland Security and the President must ultimately account for the failure in preparing for this disaster in an efficient and comprehensive manner. As a member of the Committee on Homeland Security, I am dedicated to finding solutions to the systemic problems in DHS, as evidenced by its weak initial relief efforts in response to the devastation wrought by Hurricane Katrina.

Despite the substantial problems that plagued the relief effort, the rescuers on the ground performed 47,300 life-saving rescues, and managed to find shelter for 235,200 people whose homes were damaged or destroyed. As the first responders continue working in the Gulf Coast, our thoughts and good wishes, and those of the entire Nation are with them. In Orange County, CA, I am proud to say our communities are doing their part. There are numerous efforts to assist the people affected by this disaster. Mr. Frank Garcia of the La Casa Garcia of Anaheim and volunteers from Orange County, CA, are traveling right now to Texas to set up a kitchen to help feed the evacuees. I am confident that the generosity of the American people will continue and grow. We have all been touched by the pain and shock of this disaster. And I hope that this outpouring of support and solidarity will help the people of the Gulf Coast to rebuild their lives and give them hope for a better future.

STATEMENT ON H.R. 3673, MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR 2005

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. PAUL. Mr. Speaker, I rise in opposition to this ill-considered $51.8 billion disaster relief appropriation. Many have come to the floor today to discuss how we must help the victims of this terrible disaster and its aftermath. But why do they think that the best way to do so is simply to write a huge check to the very government agency that failed so spectacularly? This does not make sense. We have all seen the numerous articles detailing the seemingly inexcusable mistakes FEMA made—before and after the hurricane. Yet, in typical fashion, Congress seems to think that the best way to fix the mess is to throw money at the very government agency that failed.

Mr. Speaker, considering the demonstrated ineptitude of government on both the Federal and State level in this disaster, the people affected by the hurricane and subsequent flood would no doubt be better off if relief money was simply sent directly to them or to community organizations dedicated to clean-up and reconstruction. Indeed, we have seen numerous examples of private organizations and individuals attempting to help their fellow Americans in so many ways over the last 10 days, only to be turned back by FEMA or held up for days by government red tape. We have seen in previous disasters how individuals and nongovernmental organizations were often among the first to pitch in and help their neighbors and fellow citizens. Now, FEMA is sending these good Samaritans a troubling message: stay away, let us handle it.

In several disasters that have befallen my Gulf Coast district, my constituents have over and over again told me that they prefer to rebuild and recover without the "help" of Federal agencies like FEMA, which so often impose their own bureaucratic solutions on the owners of private property.

Mr. Speaker, we see here once again the Federal Government attempting to impose a topdown solution to the disaster. No one is questioning from where this $52 billion will come. The answer, of course, is that the Federal Government is going to simply print the money up. There are no reductions in Federal spending elsewhere to free up this disaster aid. Rather, the money will come from a printing press. The economic devastation created by such a reckless approach may well be even more wide-reaching than the disaster this bill is meant to repair.

I ask my colleagues to consider more constructive ways to help New Orleans and the other affected areas recover from this tragedy. There are numerous approaches, such as the creation of no-tax enterprise zones, that would attract private enterprise and capital to the area and would result in a much quicker and more responsive recovery. The citizens of the affected area and the rest of the country deserve a more sustainable and financially rational approach than simply printing and spending money.

HURRICANE KATRINA

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. CRENSHAW. Mr. Speaker, I rise today to express my appreciation for the thousands of emergency personnel who continue to work tirelessly to help the hundreds of thousands of people affected by Hurricane Katrina. The devastation caused by this hurricane is epic and we are only beginning to learn of the total destruction it caused. Yet, in the face of enormous adversity, thousands of Americans put their own lives on the line to help their fellow Americans in need.

These individuals worked themselves into exhaustion both mentally and physically. Without their sacrifice, thousands more Americans would have lost their lives from this devastating storm. Mirroring September 11, 2001, local first responders were once again on the front lines.

None of us shall soon forget the images of our brave men and women who serve in the United States Coast Guard. This disaster brought a new meaning to the term "search and rescue." Petty Officer Eric Sciubba arrived in New Orleans Monday and said crewmembers found themselves trying rescue techniques never before attempted. Replacing Scuba gear with axes, Americas' "Coasties" found themselves chopping through roof tops to reach trapped victims.

At one particular house, Petty Officer Sciubba found an invalid woman in even more peril than most in New Orleans. Her feeding tube had stopped working, and Sciubba found her in bed on her home's first floor, with her head barley sticking above water. The helicopter couldn't reach the stranded couple through the back yard, and with the front door locked, Sciubba knew that time was their number one enemy. Finally, the man inside the house was able to get the door unlocked and both individuals were brought to safety. This couple was among the 109 people Petty Officer Sciubba's crew pulled from disaster to safety before returning to Ellington Field on Thursday.

And that is just one of the hundreds of incredible rescues made by the Coast Guard.

We certainly will not forget the sacrifice made by the tens of thousands of National Guard, many of whom recently returned or are soon being deployed to Iraq, who sacrificed their precious time with family and loved ones to help those in need and return order to a city in chaos.

America has faced many challenges in its history and Hurricane Katrina will be written as one of its greatest. Yet once again, this great country will meet and overcome this latest challenge and will triumph in the face of adversity. This great Nation of ours will once again show the world its courage, conviction and will to overcome.

EVERGREEN TROOP 361

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to recognize Evergreen Troop 361 of the Mission Amigos District from the San Gabriel Valley Council, Boy Scouts of America. On October 22nd, Troop 361 will celebrate its 50th anniversary.

Troop 361 was founded with twelve boys in 1955 by members of the Evergreen Baptist Church in Los Angeles. Since 1955, Troop 361 has enjoyed the excellent sponsorship of the Evergreen Baptist Church. The Church, and Troop 361, subsequently moved to the City of Rosemead, and the Troop transferred to the Mission Amigos District of the San Gabriel Valley Council. With its beautiful mountains and proximity to the ocean, the San Gabriel Valley is the ideal place for boys to learn the scouting ways, as one of the mainstays of the Boy Scouts program is participation in a wide array of outdoor activities.

Over the years, Troop 361 has grown and thrived. Hundreds of scouts have passed through the ranks of Troop 361, and it is a further testament to the strong leadership and high caliber of young men that over 80 scouts in this troop have earned the most prestigious rank of Eagle Scout. Today, Troop 361 is proud to have 55 outstanding scouts under the leadership of Ted Sakamoto, a Scoutmaster who has dedicated thousands of hours to ensuring that Troop 361 remains strong and successful.

Troop 361 is an integral part of the proud tradition of the Boy Scouts of America. The Boy Scouts of America develop and nurture in our youth a strong sense of character, leadership, and respect. Boy Scouts are well-rounded, resourceful, and responsible, and Troop 361 exemplifies all of these qualities.

I am proud to congratulate Troop 361 on the occasion of its 50th anniversary, and I ask all Members of Congress to join me in honoring this Troop for its dedication to scouting and for helping boys become upstanding young men.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Wednesday, September 7, 2005, I was unavoidably absent due to a previously scheduled engagement.

Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 464. On H. Res. 427, relating to the terrorist attacks against the United States on September 11, 2001, "yes."

(2) Rollcall No. 463. On H. Res. 428, expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina, "yes."

(3) Rollcall No. 462. On H.R. 3668, the Student Grant Hurricane and Disaster Relief Act, "yes."

(4) Rollcall No. 461. On H.R. 3669, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program, "yes."

(5) Rollcall No. 460. On H.R. 3673, further Emergency Supplemental Appropriations, Hurricane Katrina, 2005, "yes."

(6) Rollcall No. 459. On H. RES. 426, providing for consideration of motions to suspend the rules, "no."

(7) Rollcall No. 458. On H. RES. 426, providing for consideration of motions to suspend the rules, "no."

RECOGNIZING REVEREND C. DALE EDWARDS OF THE O'FALLON ASSEMBLY OF GOD, ON THE OCCASION OF HIS 50TH ANNIVERSARY OF PASTORAL SERVICE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Reverend C. Dale Edwards, of the O'Fallon Assembly of God, in O'Fallon, Illinois, on the occasion of his 50th Anniversary of pastoral service.

C. Dale Edwards was born in New City, Illinois, a community just southeast of the State Capitol of Springfield. During his early years on the farm and later, when the family moved to the nearby town of Edinburg, his mother always made sure the family faithfully attended the Gospel Tabernacle in Edinburg. During those early days at the Gospel Tabernacle, Reverend Edwards first realized his calling when, as a teenager, he was invited by Pastor Best to preach on occasion.

An accident in an elevator shaft left Reverend Edwards with a badly damaged foot that looked as if it was going to require amputation. Through the intervention of a family friend, Reverend Edwards attended a revival meeting where his foot was healed. This experience, coupled with his preaching at the Gospel Tabernacle, spurred Reverend Edwards to apply to North Central Bible College in Minneapolis, Minnesota.

While at NCBC, Reverend Edwards became youth pastor in Hopkins, Minnesota in 1955, thus beginning the 50 years of pastoral ministry that we commemorate today.

After building congregations in Minnesota, South Dakota and Rock Island, Illinois, Reverend Edwards became the Senior Pastor of First Assembly of God in Granite City, Illinois where he served from 1974 through 1991. For the next six years, Reverend Edwards served as the Executive Secretary/Treasurer of the Illinois District Assemblies of God, where he oversaw the credentialing of all Assembly of God ministers in Illinois. In this capacity, he also served as chairman of the Illinois District 75th Anniversary Celebration.

Reverend Edwards and his wife, Dottie, currently reside in O'Fallon, Illinois where they serve as Senior Pastors at O'Fallon Assembly of God. Reverend Edwards and Dottie have four children, all serving the Lord.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Reverend Edwards for his 50 years of dedicated ministry and to wish him the very best in the future.

AMERICAN SOCIETY OF INTERVENTIONAL PAIN PHYSICIANS (ASIPP)

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. PALLONE. Mr. Speaker, earlier this summer the National All Schedules Prescription Electronic Reporting (NASPER) Act of 2005 was approved by both houses of Congress and signed into law by President Bush. I rise today to recognize the important contributions of Dr. Laxmaiah Manchikanti and the American Society of Interventional Pain Physicians (ASIPP) in accomplishing this important achievement.

Dr. Manchikanti is a physician of Indian origin who has practiced medicine in Paducah, Kentucky for the last 25 years. He is a well-known and well-respected physician with interests in many aspects of medicine, both in patient care, as well as academics.

Dr. Manchikanti is a recognized leader in the circles of interventional pain management. Apart from his interest in the clinical practice of anesthesiology and interventional pain management, he is also proficient in administrative medicine, patient advocacy, the economics of healthcare, medical ethics and various other aspects of the profession. He is an avid clinical researcher with numerous publications in peer-reviewed journals with original contributions.

Dr. Manchikanti currently serves as Chief Executive Officer of the American Society of Interventional Pain Physicians. With over 3,400 members, ASIPP is the largest organization in the country that represents physicians involved in trying to alleviate the intractable pain experienced by millions of Americans. Because of their professional involvement with pain medicine many ASIPP members have a vested interest in solving the problem of prescription drug abuse and diversion.

Mr. Speaker, one of the fastest growing areas of drug abuse in our nation today is the diversion of prescription drugs. According to the National Institute of Health—National Institute on Drug Abuse, approximately 9 million Americans are misusers of prescription drugs. Furthermore, in 2001 the National Household Survey on Drug Abuse, found statistically significant increases between 2000 and 2001 in the use of multiple drugs including non-medical use of pain relievers and tranquilizers.

Prescription drug abuse is an issue that transcends societal boundaries, and affects all areas of our nation and all income levels. In an effort to prevent prescription drug abuse the NASPER Act establishes a federal system for electronic prescription databanks, which a doctor could access to determine what, if any, medication their patient should be given.

From the very beginning, Dr. Manchikanti and his colleagues at ASIPP have played a crucial role in the development of the NASPER Act. Thanks to their active involvement and insightful guidance, we were able to craft a thoughtful policy that will give physicians, pharmacists, and law enforcement agents the tools necessary to curb prescription drug abuse.

Mr. Speaker, next week ASIPP will hold its 7th annual legislative session in Washington. I would like to welcome ASIPP to our nation's capital, and offer my gratitude for all of their efforts over the past several years. Thanks to the hard work of Dr. Manchikanti and all of his colleagues the NASPER Act has finally become law and we can begin to address this very serious public health concern.

I must emphasize that this is only the beginning. There is still a lot of important work left to be done in terms of implementing and enforcing this new law. I am looking forward carrying my partnership with Dr. Manchikanti and ASIPP forward, as we continue to work together to help eliminate prescription drug abuse.

REGARDING H.R. 3673, MAKING FURTHER EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO MEET IMMEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRICANE KATRINA

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill because of the grave and immediate need that exists. As a representative of Houston, Texas, where over 150,000 Katrina evacuees were received, I can say from first hand knowledge that this is truly only a first step toward what is necessary and emergent. This measure is an initial investment—a down payment—for a long-term relief package—that unfortunately has not yet been codified.

Here we are, nine days after Hurricane Katrina devastated parts of Louisiana, Mississippi and Alabama. I want to thank Congressmen JEFFERSON and THOMPSON, who have displayed great courage and resolve to help their constituents through the aftermath of this natural disaster. In my Congressional District in Houston tens of thousands of evacuees are being sheltered and fed. In fact, Americans throughout this country are stepping up to help those affected by this disaster. It demonstrates that once again in our darkest hour that we have united as a Nation to help our brothers and sisters who now seek to rebuild their lives.

Dollars spent through the Department of Defense must be re-channeled directly to the affected regions and people in order to provide relief in a timely manner.

Furthermore, we must find steps to move forward immediately to help those affected by this disaster and to try to prevent such an ineffective response from taking place again. I plan to introduce a number of legislative measures that will seek to alleviate the suffering of the survivors of the most devastating natural disaster in modern American history.

Hurricane Katrina has traumatized children on a frightening scale. According to the United Nations, as many as 400,000 children have been left homeless. The United Nations Children's Fund (UNICEF) estimated that the greatest impact of the tragedy would be upon the young and that children make up between a third and a quarter of those affected by the catastrophe.

Of an estimated 1.32 million people made homeless, there are around 300,000 to 400,000 children—most of whom will remain so for weeks or months! This is the impetus behind legislation I plan to introduce that would provide a one-time grant for relief programs that would serve these children.

I along with my Judiciary colleagues led by Ranking Member CONYERS will introduce legislation to protect the hundreds of thousands of families and small businesses financially devastated by Hurricane Katrina from being penalized by debtor provisions contained in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, scheduled to take effect on October 17, 2005. This legislation is based in part on an amendment I offered at the markup of the Bankruptcy bill. We expect a Senate counterpart to be introduced this week as well.

We are concerned that just as survivors of Hurricane Katrina are beginning to rebuild their lives, the new bankruptcy law will result in a further and unintended financial whammy. Unfortunately, the new law is likely to have the consequence of preventing devastated families from being able to obtain relief from massive and unexpected new financial obligations they are incurring by forcing them to repay their debt with income they no longer have, but which is counted by the law.

Our bill makes several important adjustments. First, it would specify that individuals who are victims of natural disasters, and who incurred a substantial portion of their debt as a result of that disaster, are not subject to the "means test" and therefore cannot be forced into burdensome repayment plans. Although the current law includes an exception to the means test if the debtor can demonstrate "special circumstances," qualifying for such an exemption will be quite costly and burdensome, and require numerous detailed filings and legal certifications. This is the last thing a hurricane victim should need to worry about. Since the current bankruptcy law counts all income earned in the six months prior to the bankruptcy as part of future income, this means that hurricane victims who have lost their jobs will be considered high income debtors who are presumed to be abusing the bankruptcy system. This is obviously absurd; so our bill gives the hurricane victims an automatic carve out, as we already do for certain categories of veterans.

The legislation we plan to introduce will prevent new bankruptcy provisions from having adverse and unintended consequences for the hundreds of thousands of individuals now facing financial ruin by providing needed flexibility for victims of natural disasters in bankruptcy proceedings.

I also plan to introduce a bill that will provide tax breaks for individuals who take in evacuees into their home. These people are stepping up to provide shelter and relief to their fellow Americans, and I believe it is certainly proper to encourage this behavior through the implementation of tax breaks.

In addition, I propose legislation that will grant a minimum of 20,000 two-year tenant-based housing assistance vouchers for

Katrina's victims, together with transportation and relocation assistance to be used where necessary. These vouchers should be administered by local housing agencies presently administering HUD-funded Section 8 Housing Choice Voucher assistance, which are located in or near the areas hardest hit by Katrina. These agencies are already position to provide housing assistance and can play an extremely helpful role meeting the immediate housing needs of Katrina's victims. This legislation would also allow the Secretary of Housing and Urban Development to issue a wide range of statutory and regulatory waivers in order to most effectively and flexibly utilize HUD resources to meet the needs of victims.

Finally, I am calling for the establishment of a Commission to study the genesis of the devastation caused by the hurricane. We need a 9/11 style commission to know everything that took place. In addition, I am calling for the establishment of a position of an ombudsman for FEMA in order to provide proper oversight. Without a proper investigation, we cannot get all the answers and without the answers we can not provide the necessary legislation and oversight needed to try to prevent this kind of human suffering from happening again in the future.

Mr. Chairman, the harm that has been incurred by the people of the many regions affected by the disaster—most of which could have been mitigated, will require many phases of rehabilitation. I support this legislation as an initial step.

ON THE CONTRIBUTION OF THE PRESS TO THE CIVIL RIGHTS MOVEMENT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. LEWIS of Georgia. Mr. Speaker, as the nation celebrates the 40th anniversary of Bloody Sunday and the conflict on the Edmund Pettus bridge, the 40th anniversary of the signing of Voting Rights Act, and the 50th anniversary of the Montgomery Bus Boycott this year, I think it is fitting and appropriate that we take a moment to acknowledge the vital role that the press played in the success of the Civil Rights Movement.

I have often said that without the media the Civil Rights Movement would have been a bird without wings. I am not certain where we would be today as a nation, if the American public had not been made to acknowledge the struggles we faced in the American South. The non-violent protests of the sixties used peaceful means to demonstrate the senseless injustice of *de facto* and *de jure* segregation, the inhumanity and indignity of the Jim Crow South, and the extraordinary persecution American citizens suffered trying to exercise their constitutional rights. Without the media's willingness to stand in harm's way and starkly portray events of the Movement as they saw them unfold, Americans may never have understood or even believed the horrors that African Americans faced in the Deep South.

That commitment to publish the truth took courage. It was incredibly dangerous to be seen with a pad, a pen, or a camera in Mississippi, Alabama or Georgia where the heart of the struggle took place. There was a violent desperation among local and State officials and the citizens to maintain the traditional order. People wanted to keep their injustice a secret. They wanted to hide from the critical eye of a disapproving world. They wanted to flee from the convictions of their own conscience. And they wanted to destroy the ugly reflection that nonviolent protestors and camera images so graphically displayed. So when the Freedom Riders climbed off the bus in Alabama in 1961, for example, there were reporters who were beaten and bloodied before any of us were.

And as they were attacked, I saw in them a resolve grow within them that was similar to what those of us in the Movement experienced. I have often said that the first time I was jailed, I felt so free. This Nation had dealt me its worst blow, and I had survived. I knew then that I was committed to the struggle for the long-haul. There were many reporters who felt that same curious strengthening when they too were attacked and beaten. Instead of scaring them away, those injustices created the opposite effect. It bonded them to the Movement, and it steeled their commitment to publish all that they saw.

There are so many moments poignantly depicted for posterity by television and newspaper camera men. It is easy to recall many of these now legendary images—Rosa Parks sitting on a bus in Montgomery in 1955; the bombing of the Greyhound bus outside Anniston, Alabama during the Freedom Rides in 1961; Gov. Ross Barnett of Mississippi and Gov. George Wallace in Alabama denying the entrance of black students to state universities in 1963 and 1964; the speeches on the steps of the Lincoln Memorial during the March on Washington in 1964; and the seminal speech President Lyndon Johnson made before a joint session of Congress encouraging the passage of the Voting Rights Act in 1965.

There are so many historic moments that were covered by the press, but there are two, which I count as turning points for me. The first is often heralded as the official beginning of the modern-day Civil Rights Movement, that is the photograph of a mutilated 14-year-old boy named Emmett Till who was killed in Money, Mississippi during a summer vacation. Till's mother Mamie Till Mobley decided not to have a closed casket funeral, but she wanted to leave the casket open and let people see the horrifying injustice that had been done. Jet magazine carried photographs of Till's body and Look magazine published an interview with Roy Bryant and J.W. Milam who admitted to the murder.

I will never forget the way that image affected me. Something changed inside of me and inside of many people across America when we saw the body of Emmett Till. I was only a teenager at the time, but I knew that somehow, someway the injustice of segregation had to come to an end.

Within a year of the Till murder, when I was 15 years old and the son of a sharecropper in rural Alabama, I heard the words of Martin Luther King, Jr. broadcast on an old radio. He was talking about the Montgomery Bus Boycott, and I felt somehow that he was speaking directly to me. That radio broadcast changed my life because that day I knew it was possible to strike a blow at racial segregation and discrimination in America. Those moments captured by the media changed my destiny.

The Civil Rights Movement is deeply indebted to the courage, the strength, the integrity, and the talent of print and broadcast journalists who overcame their fear and decided to tell the American story. America is deeply indebted to these moment-by-moment, modern-day griots who hold up a mirror image of our society for us to see. Without a free press, this Nation would not be, could not be a beacon of justice and equality that has inspired men, women, and children worldwide to try to build a better world.

A TRIBUTE TO THE MIJARES FAMILY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 8, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Mijares Family, of Pasadena, who are celebrating the 85th Anniversary of Mijares Mexican Restaurant, their family business.

Jesucita Mijares immigrated to California in the early 1900s with her second husband, Juan, and infant son, Joe. The family settled in Pasadena where Jesucita gave birth to two more children and cared for her growing family. The young Jesucita began her legendary tortilla-making business in 1920 to provide for her family after the devastating loss of her second husband.

Mijares Mexican Restaurant began as a family and community operated business that supplied hand-made tortillas to local grocery stores and restaurants. Mrs. Mijares took in boarders to supplement her income, and soon, tables were spread throughout her home to accommodate the growing number of residents and guests. Slowly, her tortilla business expanded and she provided meals for guests, with traditional Mexican dishes such as tamales and menudo served daily.

In 1940, as the business continued to flourish, Jesucita moved the production out of her home to a location on Palmetto Drive in Pasadena to be used as a delicatessen and small tortilla business. What happened, however, was that tables were added, rooms were built and patios were poured to accommodate hundreds of guests daily at the restaurant.

During the late 1970s the Mijares family suffered a devastating loss when the family restaurant was destroyed by fire. Determined to continue what her mother had started, her daughter, Alice Mijares Recendez worked hard to rebuild the restaurant, which was completed in 1984. During the time of rebuilding, to help her employees, many of whom were out of work, Alice opened a second restaurant on Washington Blvd. in Pasadena which exists to this day.

In 1988, Jesucita Mijares died and Alice became the family matriarch. Today, Alice and her daughter R-lene Mijares de Lang are the owners of Mijares. Alice oversees the gardens and patios at Mijares, cultivating the same love of plants and flowers as her mother Jesucita. R-lene taught in San Diego for 12 years before returning to run her family business. Also contributing to the family business are R-lene's brother, Tom Recendez, who manages the restaurant on Washington Blvd., and her sister, Tina Jimenez, who supports the administration of the catering and restaurant business. The Mijares family warmly welcomes its guests and works hard at providing friendly, quality service.

The Mijares family has made Mijares Mexican Restaurant both an enjoyable dining establishment and a business that gives back to the community. The family actively contributes to a number of charities which include Women at Work, Child Care Information Services, P.E.O. Chapters, the Pasadena Tournament of Roses Association, Villa Esperanza, NOW, Pasadena Polytechnic School, El Centro de Accion Social, the Los Angeles Children's Chorus, Hospice of Pasadena, and the Girl Scouts of America.

I am proud to recognize the Mijares Family on the 85th anniversary of Mijares Mexican Restaurant and I ask all Members of Congress to join me in honoring this family for their 85 years of service to our community.

SENATE—*Friday, September 9, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, the source of power and might. You are a stronghold in times of trouble, so today, we pray for Your strength.

Strengthen our faith so that we will trust You in our seasons of joy and sadness. Strengthen our will so that we will choose the harder right and resist the easy wrong. Strengthen our decisions so that we will not vacillate when commitment is needed. Strengthen our affection so that we will learn to love You as You have first loved us. Strengthen our Senators for today's challenges and opportunities. Keep them in good health and give them patience and cheerful endurance. Strengthen us all to believe that Your purposes will ultimately prevail.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Lincoln amendment No. 1652, to provide for temporary Medicaid disaster relief for survivors of Hurricane Katrina.

Harkin amendment No. 1659, to increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Biden amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are resuming consideration of the Commerce-Science-Justice appropriations bill. Last night, we reached agreement to limit amendments to that bill. That agreement will allow us to finish this appropriations bill early next week. We are here today to give Senators the opportunity to offer amendments from that list. They will also have that opportunity on Monday. We will not vote on amendments during today's session, but we are prepared to debate additional amendments and schedule those votes for next week.

Last night, we scheduled our first vote on Monday, and that will occur at 6:30 Monday evening. It will be on the motion to proceed to the resolution of disapproval regarding the regulations relating to mercury.

As everyone is aware, the Judiciary Committee will begin its hearings on the nomination of Judge Roberts. I will be working with the Democratic leader to schedule floor votes around those hearings to provide the least amount of disruption of those proceedings. That means most of the voting will occur at the lunch hour or around midday and then later in the evening.

Throughout this time, we will continue to focus our efforts on legislation related to the effects of Katrina. Yesterday, as my colleagues know, we acted very quickly on emergency court legislation so that those Federal courts could continue operations appropriately. As I have stated again and again, we will remain committed to respond and act expeditiously on any matter that can be cleared and that will assist in our recovery efforts in those affected States.

HURRICANE RELIEF EFFORTS

Mr. FRIST. Mr. President, I am pleased to report that last night, the Senate moved very quickly and passed a supplemental emergency aid package, a $51.8 billion bill that was signed and then about 2 hours later was signed by the President of the United States. It is a bill that aims directly at the critical rescue and relief efforts of the victims of Hurricane Katrina. Last night's action reflects the solemn commitment of the Congress and the President to the people devastated by the extreme disaster which has struck the Gulf Coast. I thank my colleagues for their hard work and determination to get this bill passed expeditiously. The clock was ticking.

As of yesterday, the $10.5 billion we allocated during last Thursday's urgent session was nearly tabbed out. We knew at the time we passed this initial funding that more aid would be needed. What we did not know was the sheer magnitude of the catastrophe and how it would outstrip those relief dollars so quickly.

By pulling together and responding in an efficient and quick manner, focusing on that essential task, at 7:30 last night we did pass that $51.8 billion bill. As a result of that, thousands of volunteers and responders will continue to do what they are doing so well right now along the Gulf Coast, and that is saving lives and providing aid. As I speak, over 65,000 Active-Duty and National Guard personnel are in the Gulf region conducting search, rescue, and voluntary evacuation operations. They are helping to restore washed-out roads, build bridges, and clear millions of gallons of toxic floodwater. They are providing critical health care, medical care, food, water, shelter, and security. Our thanks go out to them. Our gratitude goes out to each and every one of them. Many of those rescue workers, in fact, are putting their lives on the line as they deal day in and day out with an environment of destruction, of toxic chemicals, of toxic waters. We thank them for their dedication.

When I was in New Orleans last Saturday and Sunday, just outside the terminal of the New Orleans airport, I had the opportunity to meet face to face with so many wonderful guard units. The 118th Airlift Wing, the Tennessee Guard based out of Nashville, was there in force. The 118th had been ferrying supplies and people in and out of that region over the course of the week, around the clock for days. Right now, the 118th AeroMed units are transporting the sick and the injured evacuees to locations all around the country. Again, I thank them in particular because they are from my home region of middle Tennessee, but I thank all of those Guard units and Active military that are contributing with untiring dedication and commitment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

FEMA continues to aggressively provide support and sustenance for the hundreds of thousands of families whose lives have simply been shattered by this disaster. In 1 week, over a quarter of a million people have been evacuated and placed in over 200 shelters across 17 States. Each one of those shelters has affiliated with it many shelters, but it gives some feeling of the magnitude that there are some formal shelters in 17 States.

Countless citizens all across the country are pitching in and giving money and donating their services and giving hope to those displaced individuals and families. Huge efforts are underway to locate those missing persons, people who have been separated from their friends and from their families. From the very beginning, we have seen a great outpouring of the American spirit, compassion, and care from private citizens, church groups, college groups, doctors, nurses, grandparents, moms, and dads—all being on the front lines helping neighbors in distress.

Several of my colleagues have heard me tell the story of last Saturday and Sunday at the New Orleans airport where triage was underway, thousands of people were being brought in the door of that terminal. One out of four had some special need, some health care need, some medical emergency. To see the operation of four college students from the University of Texas helping carry people up to the triage unit side by side with our Guard units maintaining security the best they possibly could, coupled with the DMAT units, disaster medical assistance units, that have come from Florida, Pennsylvania, and really from all over the country—it was an amazing outpouring of people working together under the most trying circumstances, circumstances that minute by minute got worse and worse and worse. But everybody was pulling together, helping people in distress.

A vivid image I think of throughout the day is two people on stretchers side by side on the floor in that very dark terminal in the midst of all that chaos in so many ways with so many people coming in, and those two people not knowing each other but taking care of each other's needs, helping each get a little bit of water, a little bit of food, or stopping somebody, the assistance one patient would give another patient, somebody they had never seen before. Again, there was this outpouring of compassion, love, and volunteer spirit.

Today in the private sector, individuals and businesses have spontaneously donated well over $300 million to this effort. It is growing by hundreds of thousands of dollars every day—again, a representation of the outpouring of generosity, concern from individuals, corporations, and businesses. It is this outpouring of compassion and support that is a testament to our national character, the character of being an American.

Here in the Senate, we have worked around the clock, as people have seen, with the emergency session last Thursday, and it continues today. We convened the emergency session Thursday and passed an emergency supplemental of $10.5 billion, and then the $51.8 billion last night. The committee chairmen have all been charged and are working very hard crafting legislation to meet the urgent and long-term needs of the hurricane survivors.

This week, Speaker HASTERT and I announced the formation of a bicameral—that is, House and Senate—bipartisan committee to conduct a top-to-bottom investigation, analysis, review of the emergency preparation and response to Hurricane Katrina. The committee will be made up of senior Members. It will report back to this body no later than February 15. They are going to review the emergency plans that were in place at the local level, at the State level, and at the Federal level, and how they interacted with each other, what went wrong and what went right. They will assess how local, State, and Federal governments actually responded, and when things went wrong, we will find it and we will correct it as we prepare for the future. Our committees will have legislative authority and will work with that joint committee based on those findings to legislate accordingly.

The Energy Committee this week held hearings on the surge in gas prices and what can be done to bring them down. We passed legislation to get the Federal court system in the affected areas up and running.

There are a lot of moving parts. We will continue to focus on legislation that answers the immediate response and relief, moving other business aside. Thousands of people need our help, and the three States need to recover and rebuild.

Yes, all of this is a massive undertaking. It is an undertaking that is going to force us to think out of the box, to think innovatively, to think creatively, to think in ways that we just simply have not thought before. In many ways it is inexcusable to have a response which is not seamless, which is not efficient, which is not focused on seamless communication. We are going to fix what is broken and we are going to do it aggressively, thinking creatively, innovatively, and out of the box.

As the Senate moves forward, helping the victims of the hurricane is our No. 1 priority. We are working through essentially three phases. And when I say phases, I think chronologically, but it is simultaneous phases. First is that immediate response to the victims who are in need, to the displaced persons, to continue that search and rescue. Whatever it takes, this body will make that an ongoing priority.

The second element is the longer term rebuilding and reconstruction and revitalization of that entire Gulf State region. That is a major focus. It is a focus that has already begun, but it is also a much longer focus. It will take weeks and months and years. And that focus is something that needs to be a part of our agenda, is a part of our agenda, and each of our committees is looking at that.

The third element is an analysis of what went wrong and what went right. We will be doing that through our committee structure as well as the joint committee that has been established by the Speaker and me.

We need to cut the redtape and bureaucracy that is getting in the way. We hear it again and again and again. I have asked each of the committee chairmen to expedite proposals, suggestions to leadership, so we can consider those in this Chamber.

In closing, the Senate and the American people are committed to helping the Gulf Coast rise again in a bigger way, a better way, and a more prosperous way than ever. It will require us to think innovatively and creatively. In this hour of need, in this hour of tragedy and unrest, we can also find great opportunity and great reason for hope. We stand shoulder to shoulder with our neighbors from the Gulf today, tomorrow, and in the months ahead.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I am pleased today to return to the consideration of H.R. 2826, the Commerce, Justice, Science and Related Agencies Appropriations for the fiscal year ending September 30, 2006. I thought we had a very productive opening day yesterday. We heard from many of our colleagues. We will continue to do that. We have several amendments that we are in the process of reviewing on both sides of the aisle here, and we are doing our best to consider the views and concerns of all Members.

Again, I would like to reiterate this morning how important it is that Members let me and Senator MIKULSKI and our staffs know of any amendments they plan to offer. I urge those Senators with amendments to come to the floor. This is a very important bill. This funds a lot of very important agencies, and the quicker we can realize what we have to do and how we are going to go about it, the better off we are and we will expedite this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL KEVIN S. SMITH

Mr. DEWINE. Mr. President, I rise this morning to honor a fellow Ohioan, a young man from Springfield. Twenty-year-old LCPL Kevin S. Smith was killed on March 21, 2005, when a suicide bomber detonated an explosive-filled car against Smith's Humvee. Lance Corporal Smith was conducting stabilization operations in Al Anbar Province, protecting Iraqi civilians he had been among for less than a month.

Kevin Smith had a profound sense of duty. Before he had even graduated from high school, he knew he wanted to be a marine. At a very young age he had the resolve to defend his country abroad, and as Kevin grew he developed the thoroughness, the competence, and the compassion that helped him serve with distinction.

Kevin Smith was born on September 24, 1984, in Springfield to proud parents Ronald and Kathy Smith. Growing up, Kevin enjoyed baseball and playing his guitar. He attended Kenton Ridge High School where he was a member of the Spanish National Honor Society. Marsha Stoner, head of the society, taught Kevin for 3 years. She recalls immediately noticing him in her class, and at the ceremony in Kevin's honor described her former student as "genuine, kind, and gentle."

Principal Chuck Foss remembers Smith as the kind of person who "just did things the way they were supposed to be done." He continues: "I would take a whole school of kids like him."

Indeed, our whole country could use more men such as Kevin Smith.

School was not the only place Kevin showed his reliability and personal strength. As those who own older cars know well, sometimes your own automobile becomes your greatest challenge. Kevin owned a decaying 1993 Toyota Celica that he lovingly named "Doughnut."

With spare parts and elbow grease, Kevin kept the Celica in working condition long after this "doughnut" should have sputtered its last sputter.

Kevin had the drive it took to keep that aging car running. He saw a job that needed doing, and made sure it got done right. Also, while working on the car, Kevin developed the ingenuity he would later apply in the Marines. Lance Corporal Smith could disassemble a medium machine gun—twice—in a minute and forty-eight seconds.

Kevin met his fiancée, Kristi Leider, at Kenton Ridge. They planned to marry. Kevin looked forward to becoming a husband and becoming a policeman so he could protect his family and his community. But first, there was something he had to do. He had to protect his Nation as a Marine.

After graduating from Kenton Ridge in 2003, Kevin departed to serve. In Iraq, he was a member of the 3rd Battalion, 2nd Marine Regiment, known to marines as the three-two. Kevin Smith was a natural leader, always the last to bed after checking on every member of his team. Sergeant Clive S. Chinatomby, Kevin's squad leader, had the following to say about Lance Corporal Smith:

> He was a team leader and was the first one to jump up and volunteer for anything. Anytime I'd go to him with something, it would get done.

Kevin Smith would get it done—and he would get it done right.

Lance Corporal Smith was more than just able and dedicated. He was compassionate. Smith would joke with his team, telling them clever one-liners as they patrolled. He not only did his best to protect the Marines around him from the physical perils of war, he shielded them from the stress and tension of being under constant threat. At a memorial service following Kevin's death, Sergeant Chinatomby attested to Kevin's infectious good humor:

> He kept me on my toes. Everything in life had a smart comment. He always had a come back for you, and he taught me not to take life that [seriously], because there is always a lighter side to things. He made situations a lot less stressful.

Tragically, on March 21, 2005, Kevin's squad lost a friend, his parents lost a son, and the United States lost a brave and dedicated Marine.

Kevin's Company First Sergeant, J.W. Rovnak wrote this message to the Smith family as a tribute to the kindness and service Kevin gave the men of the three-two:

> It is difficult to express the loss the men and I share here in Iraq. We bite back tears and mourn quietly in dark corners as we focus on the task at hand. We live for the day that we can grieve with you and try to give back to you all that Kevin has blessed us with. He lives in us, and our lives are forever touched and changed because of him. I am honored to have known him. Semper Fi.

Nathan Heironimus, Kevin's childhood friend, remember his kindness, good humor, and dedication. He wrote Kevin the following message in tribute:

> Kevin—We had some good times these past fifteen years or so—playing backyard sports and videogames as kids, [playing] music, and cruising around in [old doughnut]. It seems like we did it all. You'll always be remembered by me as an easy-going comedian who just knew how to take it easy and enjoy life to the fullest. Easy to talk to and determined, I know you were a great leader for your team like you always were. We're all proud of what you've done for our country!! I know you're up there smiling down on us all now.

Kevin was as good a soldier as this country could ask for. He got the job done, he was trusted and loved by his fellow Marines, and he was dedicated to the protection of democracy—be it abroad or at home.

Lance Corporal Smith offered us his blood, sweat, and tears. He left an indelible mark on this world. He will never be forgotten. His family and friends honor the sacrifice he made, the Marines of the three-two honor the sacrifice he made, and today, I honor that sacrifice.

My wife, Fran, and I continue to keep Kevin's fiancée, his parents, and his sister in our thoughts and in our prayers.

SERGEANT MICHAEL FINKE, JR.

Mr. President, I rise today to pay tribute to Marine Sergeant Michael Finke, Jr. who was one of 31 servicemembers killed when their helicopter crashed near Rutba, Iraq, on January 26, 2005. After securing Fallujah for the upcoming elections, 28 year-old Michael and his unit were being transported north for another security mission.

Born in Scottsdale, AZ, on October 31, 1976, Michael moved to Medina, OH, when he was 6. Michael was a quiet boy—polite and considerate. His father, Michael Sr., remembers his son "[making] friends everywhere he went. He was a practical joker. He didn't smile very much, but boy, when he did—when he laughed—everybody knew they should be doing it, too."

Michael always dreamed of becoming a Marine. His mother, Sally Rapp, remembers that ever "since [Michael] was a little guy, he always talked about being a Marine." He not only talked about it, he tried to do something about it. When Michael was 15, he sent the Marines a postcard, lying about his age and informing them he would like to enlist. When this attempt failed, Michael tried again the following year. This time he received a letter in return, telling him to get into shape. When he turned 17, Michael was finally able to realize his dream of being one of the few and the proud. With the signed consent of his father, he enlisted in the United States Marines Corps.

Before he became a Marine, Michael was a student at Medina High School and then at Huron High School. Michael played football and baseball. He was the catcher on the 1995 Huron high school baseball team that won the Sandusky Bay Conference Championship. It was the first time Huron had won the conference since 1987. Michael's coaches remember him as a nice young man and a team player. One of his baseball coaches, Don Wood, said that Michael was "a kid [who] worked hard and did his best every day he came out."

Michael also sang in a mixed choir during his senior year of high school. His choral director remembers Michael as " . . . a quiet guy, even in choir. He was a good student for me. The quiet ones tend to be good students."

While Michael enjoyed the benefits of high school life—playing on a championship baseball team, singing in the choir, hanging out with his friends—he was very much looking forward to life as a Marine. You see, Michael came from an honorable line of military men. His grandfather was a Marine and his father was a member of the 101st Airborne, serving as a helicopter door gunner during the Vietnam War—service for which he earned the Bronze Star.

With such a military tradition in his family, it is easy to see why Michael was so interested in becoming a Marine. Long after he had joined the service, Michael's mother found an old briefcase that Michael had used to store his Marines memorabilia. It was stuffed with brochures and information packets. As his mother says, "I think he spent half his life at that recruiting office!"

Michael's younger brother, Tim, was always skeptical of Michael's desire to become a Marine. But, when Michael came home wearing his dress uniform for the first time, Tim was convinced that it was the right thing. He said: "[Michael] was only 5 foot 6 inches tall, but [in that uniform] he looked 8 feet tall. He was bigger than life. I understood why he wanted to be a Marine."

Indeed, the Marine uniform—representing bravery, sacrifice, and honor—was a perfect fit for Michael Finke.

After boot camp, Michael was assigned to Camp Pendleton, California. It was there that he met his soul mate, Heather Dohrman. The two married on October 11, 2002, in Las Vegas. Because of Michael's duty assignments and Heather's education commitments, the two were only able to spend a limited amount of time together. But they made every moment count. They were deeply in love and had planned to start a family once Michael returned from Iraq.

Michael almost wasn't deployed to Iraq. He was serving on the USS *Essex* and when the roster of Marines aboard who were being deployed to Iraq was posted, and—to his dismay—Michael's name was not on the list. He lobbied his superiors, begging to go with his men—his friends his brothers. Upon hearing that her son was actively seeking a tour in Iraq, his mother asked Michael, "Are you crazy?!" His response rings true to the core beliefs of all Marines. "That's my family," Michael said. "I have to be with my family."

Michael found Iraq to be a dangerous, yet inspiring place. He was privy to the daily death and destruction that defined the city of Fallujah, as he and his unit helped to provide security for the city. But, he was also deeply involved with the children of Iraq. According to his grandmother, Donna Thompson, "[Michael] said the kids were absolutely wonderful children. He just adored them." He also told his mother, Sally: "Mom, I just love the kids. I just look in their eyes, and I know the future of Iraq is in the children." Michael truly believed in his mission—that he was helping protect the freedom and futures of Iraqis, as well as Americans through his service.

Michael Finke was a great Marine. Sergeant Major Ramona Cook recalls serving with Michael. In an email posted to an Internet tribute to Michael, she wrote:

> The news of Sergeant Finke's death was numbing, and it hurt. I had the pleasure of serving with Sergeant Finke as his 1st Sergeant at Camp Pendleton. His caring attitude and calm demeanor set him apart, and he was truly a leader of Marines. I hope his family finds some solace in knowing that Michael died a hero, and will forever be remembered and missed.

Michael Finke, Jr., was an exceptional human being, who was loved by his wife, his family, his friends, his fellow Marines, the children of Iraq, and anyone else who came into contact with him. He was a living, breathing exemplar of the Marine Corps' values: honor, courage, commitment. Michael grew up desperately wanting to become a Marine and upon achieving that goal, he served with dedication and distinction.

One of the people Michael admired was General George S. Patton. In regard to how we honor our fallen servicemen and women General Patton once said this:

> It is foolish and wrong to mourn the men who died. Rather, we should thank God that such men lived.

We are indeed thankful to God that Michael Finke, Jr., lived. He was a good person—a loving, selfless, passionate man. This earth is a better place because of him and because he lived.

My wife Fran and I continue to keep Michael and his wife, parents, and siblings in our thoughts and prayers.

CORPORAL TIMOTHY KNIGHT

Mr. President, I rise today on the floor of the Senate to honor the life of 22-year-old Marine Corporal Timothy Knight. On January 26, 2005, Timothy, from Brooklyn, OH, and 30 fellow servicemembers were killed when the helicopter they were riding in crashed near Rutba, Iraq. Timothy, or "Timmy" to those who know him, was a member of the 1st Battalion, 3rd Marine Regiment, 3rd Marine Division.

Timmy's mother, Jeannie, remembers her son growing up as a "normal Brooklyn kid." He was interested in sports and the outdoors. He was outgoing and likable—respectful and easygoing. Timmy was well-liked in the community and at school.

He attended Brooklyn High School, where he played football and ran track. Teachers from Brooklyn remember him as a good student, who was always roaming the hallways with a confident gait—a confidence that came from knowing he would someday become a U.S. Marine.

That is what he wanted to do. Ever since he was eight years-old, Timmy knew he wanted to serve in the Marine Corps. He was fascinated by the discipline and the sharp uniforms. And, after watching war movies with his father, he would spend hours dreaming of the heroic adventures he would eventually embark upon.

Before joining the Marines, however, Timmy pursued another career interest—and that was law enforcement. He decided to attend the Polaris Career Center while in high school and take law enforcement classes. Upon completion of his service in the Marines, Timmy hoped to become a State Trooper or a U.S. Marshall. He came one step closer to this goal when he graduated from Brooklyn High School and Polaris Career Center in May 2001.

Going all the way back to the 3rd Grade, Timmy had his eye on yet another goal—someday marrying a girl named Gina Delligatti. Now, this took a few years of convincing on Timmy's part. Let's just say that the two didn't get off on the right foot. According to Gina, Timmy was constantly teasing her. This "teasing" continued from grade school into high school, when Timmy was no longer interested in making fun of Gina, but rather just interested in her. This teasing-turned-flirting eventually caught Gina's attention, and she remembers Timmy, little by little, "growing on [her]."

The 8th of May 2000 was a serendipitous day for Timothy Knight. He was mourning for his beloved dog, which had just passed away. Gina came over to console him and seeing how upset he was, tried to lift his spirits. She agreed to start dating Timmy. After nearly a decade of teasing and flirting, Timmy and Gina finally became a couple. And, they never once looked back.

Timmy and Gina were two people made for each other. Their senior class voted them "Most Popular Couple." Two years after graduating, in November 2003, Timmy and Gina were married. Those attending the ceremony may have noticed that Gina was not wearing any shoes. The reason was that Timmy was about 5 foot 6, and Gina was a little bit taller. Timmy, in fact, frequently used the nickname "Big Bird" when referring to Gina. So, in deference to Timmy not wanting to "look really short" next to a high-heeled bride, Gina went shoeless for the ceremony.

Such compromises were common for Timmy and Gina. She remembers Timmy as her best friend. She said that "he was a great husband, who cleaned the car every Sunday and cooked. He really only cooked two dishes that I had taught him, but he cooked! Not everyone can say that about their husband!"

When people who knew Timmy describe him, the first thing that usually comes to mind is his sense of humor.

His mother remembers his laughter and ability to make people feel at ease. Gina remembers Timmy being something of the "class clown" in high school. And, from what she has heard from the other Marines in Timmy's unit, he could always be counted on to lighten the mood when things got bad. Gina and others remember Timmy's smile:

> It was a grin that made you laugh. And, you laughed despite him having done something to make you mad. So, even though you wanted to wring his neck, you grinned back at him, because you had to. He just had that way about him.

While Timmy was deployed in Iraq, Gina gave birth to a daughter named Chloe. Timmy never got to meet his daughter, but Gina believes he would have been a fantastic father. I have no doubt that would be the case.

Timothy Knight's life was cut tragically short on that January day when his helicopter went down. Thirty-one sets of parents lost their children on that fateful day. One parent, Sally Rapp from Westlake, OH, and the mother of Army Sergeant Michael Finke, understands the pain that Timmy's mother Jeannie experienced when her son was killed. She, too, lost her son that day. Sally wrote the following wrote in an email message posted on an Internet tribute after Timmy's death:

> My son, Sergeant Michael Finke, was on the helicopter with Tim. My condolences to the family, as I share in the pain of losing one so loved. We are forever united through the sacrifices that our young men were willing to make. Thank you and God Bless.

While there are no words that can ever ease the pain of losing a child, we may take solace in knowing that both Timothy Knight and Michael Finke made use of every moment they lived. As Adlai Stevenson once said, "It is not the years in your life, but the life in your years that counts."

Indeed, Timothy Knight lived a lot of life in those 22 short years. Timothy Knight lived his life to its fullest as an easy-going kid from Brooklyn, OH, who loved his wife, his family, and his new daughter, Chloe. We honor him today on the floor of the U.S. Senate, because he put his love for his country, his love for our freedom and the freedom of others, first—above all else. He gave his life in the hope that Chloe's generation would see a safer, more stable world.

We will always honor his life and never forget his sacrifice.

PRIVATE FIRST CLASS JASON SPARKS

Mr. President, on September 16, 2004, more than 1,000 people gathered in the Monroeville, OH, high school gymnasium to say goodbye to one of their own—Army Private First Class Jason Sparks, who died while bravely serving in Operation Iraqi Freedom. Those who gathered could not help but think that this brave young man was very much alive just 14 months ago in that same gymnasium—receiving his high school diploma.

Members of the high school football team, clad in their black and gold uniforms, escorted the body of 19-year-old Jason out of the high school for the last time.

Jason Sparks was a well-adjusted young man, who could make anyone smile. In his all-too-brief 19 years on this earth, he made a lasting impression on all those who knew him.

Jason was born to loving parents—Scott and Lisa Sparks. Even as a young boy, Jason was outgoing. His dad remembers his young son as a "child who loved everyone he came into contact with" and who "didn't have a shy bone in his body." He remembers Jason asking him for hugs by saying, "Big hug! Big hug!"

At Monroeville High School, classmates and teachers remember Jason as the outgoing kid who was always smiling. Not only did students love to be around him, so did the teachers. Principal, David Stubblebine, describes Jason as "the kind of kid who would walk into the office, plop down, and say, 'How ya' doing?' " Janet Gerber, a counselor at the school, remembered Jason as honest and straightforward—and always helpful around the office.

Jason was also very athletic. He pitched and played first base on the baseball team and played special teams, tackle, and guard on the football team. Ben Paul, the school's athletic director, remembers Jason as "the kind of athlete who put team goals ahead of individual goals. He was an integral part of that team's success. He was a hard-working kid and a good athlete."

Outside of school, Jason loved playing on his Xbox video game system and hanging out with friends. He also worked at two fast food restaurants in nearby Norwalk, OH. It was there that he met the love of his life, Jennifer Smith.

Jennifer remembers meeting Jason while the two worked together. In the beginning, she wasn't interested, but Jason persisted and the two became friends. The friendship slowly evolved into something more and Jason eventually proposed and they got engaged.

After graduating from high school in 2003, Jason was looking for a way to prepare for college and, eventually, dentistry school. He decided to join the Army, as did his fiancé Jennifer. Jason trained with the 1st Battalion, 503rd Infantry, 2nd Infantry Division at Camp Casey, Korea, before heading to Kuwait. While there, the military newspaper, Stars and Stripes, asked him how soldiers deal with training in the intense Kuwaiti heat. Jason replied that after South Korea, it didn't bother him too much, and he would advise drinking a lot of water. Jason excitedly called his family to tell them that he was featured in the article.

Jason made sure to call his family often—especially his 6-year-old sister, Sarah. Scott Sparks noted that despite their age difference, Jason and Sarah were very close. His mom Lisa loved to hear from her son, whom she called, "a hugger, not a fighter."

In early September 2004, Jason was sent to Iraq, and tragically—less than a week after his arrival—he was killed when insurgents fired on his patrol.

In an email posted on an Internet tribute following Jason's death, fellow soldier Private First Class Anthony P. Herber of Norwalk, OH—who, at the time of writing his message was stationed in Mosul, Iraq—wrote the following:

> Jason—you were my best friend, and I will never forget that you are the reason that I am still here today. You were a caring person, and nobody will ever forget that. I miss you man, and as I sit here in Iraq, I just hope I can be the hero you are to all of us.

The tight-knit community in Monroeville also deeply felt Jason's loss. The flag hung at half-staff at the high school, and those gathered for the football game on a September night heard a tribute to their fallen classmate. Dick Winslow, commander of American Legion Post 547 in Monroeville said that "Jason sacrificed his life in Iraq for the cause of freedom. Jason rubbed shoulders with us. He was one of us."

On September 16, 2004, hundreds of mourners lined the funeral procession route to show their support for the Sparks family. In response to this outpouring, Scott Sparks remarked that "[Jason] touched a lot more people's lives than we ever knew."

Indeed, Jason Sparks touched countless lives around the world through his service to America and his support of the Iraqi people. I'd like to conclude my remarks with the heartfelt words of Deanna Morgan Mack, a friend of Jason's from Monroeville on whom Jason had a strong, lasting impact. Deanna wrote the following:

> Jason . . . you were such an amazing friend. . . . I do not know of anyone who didn't love you. I'll never forget the times seeing you at church or at the high school. . . . I know that we never really talked that much but whenever I'd see that smile of yours that could brighten up a room, I couldn't help it and had to smile, too.
>
> I'll never forget when [my brother] was sick one day and mom sent me in to get his Homework and I saw you standing there. I was in the worst mood possible and had tears running down my face. You bent down so we were eye to eye, and as you wiped the tears away with that million watt smile, you asked me what was wrong and if there was anything that would make it better. I was between the ages of 10 and 11 and as a little kid the only thing I thought would make it better was an ice cream. I told you that, and you said, "Well I don't know if I can give you that, but I can tell you this—whatever your problem, God will help you solve it." And then, you just smiled again as you eased your way upwards. I thought about your words, and it wasn't until a couple years ago that I actually understood what they meant.

> But, I'll always remember how I walked out of that office with the biggest grin on my face. Thank you for being like an older brother to me, Jason. I'll always look up to you in Heaven above. And, when I have a problem, I think that before I ask God, I'll ask you, and I'll picture that smile and know that everything will be okay again. I love you and miss you with all my heart Jason Lee Sparks. May God rest your soul.

SPECIALIST GAVIN COLBURN

Mr. President, I rise today to honor a fellow Ohioan and brave soldier. Army SPC Gavin Colburn, from Frankfort, served with the 542nd Transportation Company in Iraq. Specialist Colburn lost his life on April 22, 2005, when a roadside bomb detonated alongside his convoy. He was 20 years old.

Gavin Colburn sacrificed his life for the safety of the American people, the survival of a new Iraqi freedom, and for the men and women serving alongside him. He continued to give of himself even during the last moments of his life. When the roadside bomb exploded near his vehicle, Specialist Colburn threw his body over fellow soldier Michelle Pfister, shielding her from the blast. Specialist Colburn had promised Michelle's father that he would watch out for her. He kept his promise.

Gavin was born on January 24, 1985, in Washington Court House, OH. He attended Adena High School in Frankfort, where he was a member of the basketball and track teams. His basketball coach, Mike Patrick, described him as a "consummate teammate," with a great physical energy—a sentiment shared by Gavin's close friend, Andrew West. "We'd all complain that we had to run so far," said West. "Gavin never complained." Whether as a member of the track team or as a member of an Army company, Gavin was the ultimate teammate.

In eighth grade, Gavin befriended Andrew. Gavin treated Andrew, who was younger, like a brother, teaching him the simple truths that help boys become good men. Andrew remembers Gavin as endlessly patient and misses the time they spent together wandering their neighborhood, playing football and basketball.

After high school, Gavin met Sarah Kern while working at McDonalds. Gavin was so taken with Sarah that he worked up the courage to hand her his phone number—right in front of her mother. They spent more and more time together, and eventually made plans to marry as soon as Gavin left the service.

Gavin looked forward to his life with Sarah and wanted to provide for his future family. He joined the Army Reserves in 2003 to help pay for a college education and eventually a law degree. Tony Colburn, Gavin's father, offered to pay his son's tuition—an offer that Gavin refused. He wanted to do it himself. He didn't want to burden his family. This decision was yet another example of Gavin Colburn's willingness to sacrifice for the sake of others—a creed that defined his all too brief life.

In the service, Gavin quickly impressed his superiors with his bravery and quiet competence. Brigadier General Michael Beasley remembers him as the "go to guy" of the 542nd. Colburn quickly rose to the rank of Specialist. "He would have been a Sergeant in a matter of months," said General Beasley. In the Army, Gavin conducted himself with the same sacrifice and dedication coach Patrick recognized years before. Indeed, Gavin was a "consummate teammate."

Specialist Colburn posthumously received a Purple Heart and Bronze Star for saving the life of his fellow soldier. Though ribbons and medals do not define his service, they are a fitting honor for a young man who gave his life so that another might live.

Gavin would have liked to know that his friends and loved ones—his neighbors and teachers—understand why he gave his life and are grateful for his service to them, to Frankfort, to our Nation. In a written memorial created by Gavin's friends, those who knew him well remember his sacrifice. Michelle Pfister, the soldier whose life he saved, wrote this:

> Gavin was a very special person to me. I was in the truck with him on that night, and if he [had not] used his life to save mine, I would not be here today. Gavin—I love you and miss you so much. Thank you so much for keeping your promise to my family. You will always be my big brother.

Gavin left an indelible mark on this world, in the lives he protected and the friends he inspired. Andrew, his friend from childhood, wrote him the following message:

> I will think about you daily and the sacrifices you made not only for your country, but the ones you made for your hometown, for your friends, and fiancé and your parents. We'll miss you buddy.

In May, Andrew carried on Gavin's mission to protect by enlisting in the U.S. Army. It is through acts like these that the memory of Gavin Colburn lives on.

We must remember the honor he earned, but it is equally important to remember the life Gavin lived—how he spent his time, how he treated others. Gavin's cousin, Stacey, wrote this to him:

> Gavin, there [are] not any words to describe how proud I am of you. You have always been great at everything you have done in your lifetime. You will always be my little cousin, and I will always remember you and all of our memories we had while growing up. We will never forget you. I love you, and hope to see you again one day in Heaven but until then, [rest in peace] my hero.

Gavin Colburn lived bravely, selflessly, and with tireless energy. He held nothing back from his community, or from his mission to protect freedom. Gavin has inspired greatness in so many others. His friends, his family, and his Nation are proud of his service, and we owe him our eternal gratitude.

My wife Fran and I continue to keep Gavin's family in our thoughts and in our prayers.

Mr. President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERGEANT DARRIN KEITH POTTER

Mr. McCONNELL. Mr. President, I ask the Senate to pause for a moment today in loving memory and honor of Sergeant Darrin Keith Potter.

Sergeant Potter of Louisville, KY, served with the 223rd Military Police Company in the Kentucky Army National Guard. On September 29, 2003, he gave his life in defense of our country in the vicinity of Baghdad, Iraq.

On that day in September, nearly 2 years ago, Sergeant Potter and two of his fellow soldiers were responding to reports of lethal bombing attacks by terrorists near a prison facility. His MP team tried to drive around a tight corner in a Humvee, but overturned into a canal.

Although his teammates escaped the vehicle safely, sadly, Sergeant Potter did not, and drowned. He had faithfully served his nation as a citizen-soldier for 5 years. He was 24 years old.

For his valorous service, Sergeant Potter was awarded the Bronze Star Medal and the Purple Heart. He was awarded the Kentucky Distinguished Service Medal, which is the second highest honor that the Commonwealth of Kentucky can bestow. He had also received both the Army Reserve Component Achievement Medal and the Army Achievement Medal numerous times in his years of service.

Sergeant Potter's aspiration to defend others dates back to his formative years, when he dreamed of one day becoming a police officer. While a student at Butler High School, in Louisville, he joined the Jefferson County Police Explorers, a program for boys and girls interested in a law enforcement career.

There he experienced all of the inner workings of law enforcement, and learned what the phrase "protect and serve" truly meant. He served as Captain of his Explorer Post and was named Male Explorer of the Year in 1998.

Darrin decided to enlist in the Kentucky National Guard and join the military police before he graduated high school in order to help him achieve his life-long goal of joining the Jefferson County Police Department. He wanted to gain invaluable experience with law enforcement and serve his community and his country.

Shortly before his 21st birthday, Sergeant Potter was deployed to Bosnia for a peacekeeping mission. He served with honor for 7 months. Captain Adrian Wheeler, Darrin's company commander in Iraq who also served with him in Bosnia, says that Darrin "could be trusted with an important decision. He was physically tough, he was mentally tough."

In late 2001, near the end of his deployment in Bosnia, Sergeant Potter realized his dream and was accepted to the Jefferson County Police Academy. The session was to start 2 weeks before he was due back from Bosnia. Undeterred, Darrin arranged with his commanders and the academy to leave Bosnia one week early and start at the academy one week late. Nothing would deflect him from his goal, and on February 1, 2002, he was sworn in as a Jefferson County police officer. His mother, Lynn Romans, called it "the happiest day of his life."

The rest of Sergeant Potter's unit returned from Bosnia on September 10, 2001. The next day was to be their welcome-home party. Instead, September 11 will be remembered as the day when America's mission in the world, and the mission of our armed forces, forever changed.

Sergeant Potter was deployed in Iraq in February 2003. Darrin and his unit were charged with guarding prisoners and escorting the many convoys which traveled in and out of Baghdad. It was a mission which suited Darrin's experience with law enforcement well. He served nobly and with great valor, and made everyone in our Commonwealth proud.

Since childhood, it was clear Darrin Potter had a strong, energetic spirit. Born in Flemingsburg, he grew up as a bright young boy who enjoyed sports, playing in Little League and in countless games of wiffleball, baseball and softball after school. As a child he lived in Pleasureville, Frankfort, Maysville, and finally Louisville, making friends wherever he went.

At age 5, it was not unusual for boys ten years older than Darrin to show up at his door, asking if he could come out and play. Perhaps it is because Darrin's dad, David, had lots of softball equipment. But all those who knew him would say that his endearing, fun-loving personality played no small part in his popularity.

Darrin grew up rooting for the University of Louisville Cardinals and the Cincinnati Reds. He loved Corvettes, and as a young man bought a red Corvette, which he treasured and protected. His father was his best friend, and the two often played softball together on the weekends. He was a good student, but he sometimes got into trouble for talking too much. You see, Darrin genuinely liked people.

One of the very first things Darrin did upon arriving in Iraq was to build a volleyball court. In the middle of the desert, Darrin took out his tape measure and set up a perfect court for the soldiers to have volleyball tournaments.

Captain Wheeler, Darrin's company commander in Iraq, has said of Darrin, "he was just a regular guy, but a pretty extraordinary regular guy."

I would suspect that Sergeant Potter would have humbly considered himself a pretty ordinary guy. But the very fact that he and so many other ordinary Americans make such heroic choices—to guard others from danger by confronting it head on—is what makes them extraordinary, and makes America a truly extraordinary country.

We thank Darrin's parents, David Potter and Lynn Romans, and his sister, Anita Potter, for sharing Darrin's life story with us, and for being here today.

We are profoundly indebted to Sergeant Potter for his service and his sacrifice. Our sadness is tempered with the knowledge that his mission was to protect the freedoms we enjoy here in America, and to spread those freedoms throughout the world.

I ask my colleagues to keep the family of Sergeant Darrin Potter in their thoughts and prayers as we continue to pursue a path forward for our country. I know they will be in mine.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

INDEPENDENT COMMISSION

Mr. SCHUMER. Mr. President, I wish to speak for a few minutes on the proposal for an independent commission to look into what has happened in the Gulf States. This issue has been spoken about, worked on so hard and so carefully by Senator REID, Leader PELOSI, my colleague, Senator CLINTON, and many others.

I speak from the experience of the devastation that occurred in New York after the terrorist attack almost 4 years ago. It will be 4 years this Sunday, and many of us will be at Ground Zero commemorating that.

I think of that every day to this moment, the people I knew who were lost—a guy I played basketball with in high school, a businessman who helped me on the way up, a firefighter from the community in which I was raised. I wear this flag. I put it on September 12, and I wear it every day and, God willing, will every day for the rest of my life in memory of those who were lost.

One of the main desires of the families of those who were killed in 9/11 was to get to the bottom of it. I believe it was a selfless desire, a desire to figure out what went wrong so it would not happen again.

Now we face a tragedy of similar consequence although of different origin, and that is the hurricane in the Gulf and the lack of an excellent response to it. Obviously, our first concern has to be rescuing those who are still in need of help, making immediate provision for the hundreds of thousands of individuals who were displaced and trying to deal with the immediate aftermath. Then we will have a longer term job of restoring the city of New Orleans.

I have talked with Senator LANDRIEU and Congressman JEFFERSON about what we learned in New York about bringing people back to an area that had become temporarily abandoned. That is what happened to downtown on 9/11. But another thing we are going to have to do is figure out what went wrong with the same positive motivation that motivated us after 9/11, and that is so we might reduce the chances of loss of life, loss of property in the aftermath of it happening again.

We learned one thing. We learned very simply that the best way to get to the bottom of this is have an impartial, nonpartisan commission not composed of politicians. The best way to get to the bottom of this, frankly, is to repeat the experience of the 9/11 Commission and have a group of people—many experts in different fields, some citizens with motivation to find out what went wrong—and give them the authority they need, the resources they need, the time they need, and let them get to the bottom of it.

Frankly, there has been a lot of discussion of how we should do this in the House and Senate. From what I understand, the majority leader is now considering simply having joint hearings with the Homeland Security and Governmental Affairs Committee, joined with the House. I have no objection to that, but I will say this: When elected officials, when politicians are on a commission, generally it does not work out. Republicans will have a natural view to defend the administration. Democrats will have a natural view to attack the administration. Both are legitimate roles. But to assure the public that the truth will actually be found, a nonpartisan commission, not composed of elected officials, is the best way to go.

The calls for doing things in the House and Senate with our particular needs—appropriations, oversight of various Government agencies—is not a bad one, but only if it is not a substitute for an independent commission.

I hope my colleagues will rise to the call in the next few weeks and months. We do not have to constitute this commission immediately, but we should do it soon enough because, again, the only way to assure the public that we are getting to the bottom of this is to have a commission that is nonpartisan and not populated by politicians, each of whom has a legitimate ax to grind—a legitimate ax to grind, but it is an ax to grind nonetheless.

I wish to make one other point before I yield the floor. The initial calls for an independent commission after 9/11 were resisted. They were resisted by the administration, and they were resisted by many in the House and Senate. But it was the fortitude of the families of the victims, the survivors—Kristen Breitweiser and her colleagues from New Jersey, so many of the families I know from New York—who forced the Commission to occur.

My guess, my prediction is this: If we do not form that commission ourselves, on our own volition quickly, at some point the citizens of the Gulf States will demand that we do so in any case as we move past the tragedy and hopefully begin to rebuild for those who have been caught in this Gulf catastrophe. Those who lost loved ones, at least some of them will do what was done in New York. They will band together and try to do everything they can to help a community they love. And they will urge us and importune us, just as the families in New York did, to form such a commission. That is my guess. It is just how things are. And it is the right thing to do. So let us do it now. Again, it does not have to be done next week. It probably should not be done next week. Our main goal should be to focus on helping those who need help. But within the next month or two, without question, if we really want to get to the bottom of what went wrong to prevent it from happening again, we should form an independent commission, not composed of elected officials with an ax to grind but nonpartisan citizens of various expertise to figure out what went wrong and to give us guidance as to how to avoid it in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask I be allowed to proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, it is essential that we turn promptly to consideration of the Defense authorization bill. Our troops are fighting in Iraq and Afghanistan and providing law and order and saving lives in the aftermath of Hurricane Katrina. The Defense authorization bill contains numerous provisions to improve their compensation and enhance the quality of their lives and their families' lives. Passing the Defense authorization bill sends an unmistakable message that we care about them and that as a nation we appreciate their sacrifices.

More than 64,000 Active-Duty and National Guard troops have been sent to the Gulf Coast where they are assisting in the recovery from Hurricane Katrina. These troops are playing a critical role in conducting search and rescue missions; evacuating displaced persons; providing security in impacted areas; delivering essential food, water, and medicine; and rebuilding damaged infrastructure throughout the region. I saw firsthand last Sunday in Battle Creek, in my home State of Michigan, just how effective and professional the Michigan National Guard is in preparing for the needs of hundreds of evacuees of Katrina.

And, of course, about 138,000 American soldiers, sailors, airmen, and marines are engaged in taking on aggressive insurgency in Iraq, and 17,000 remain in harm's way in Afghanistan. Tens of thousands more are supporting the war effort through deployment thousands of miles from home. Our Armed Forces also continue to bear the brunt of the continuing effort to stabilize and rebuild Afghanistan, keep the peace in Bosnia, Kosovo, and other hot spots, while remaining prepared to execute other missions in support of the national military strategy.

Some of these troops deployed overseas are from the Gulf Coast area. Some of them will soon return home to find that Katrina has damaged or destroyed their homes. Some will have nothing left. Taking up and passing the national Defense bill will improve their quality of life while they remain on active duty and when serving in hurricane recovery duty. Passage of the Defense bill will send an important message to them that we as a nation understand their loss and appreciate their service.

At a time when members of our Armed Forces are performing heroically both at home and overseas to make our country safer and stronger, it would be unconscionable to give the Defense authorization bill anything less than top legislative priority. Our military both needs and deserves the support that Congress can provide in the Defense authorization bill.

First and foremost, the Defense authorization bill would support our troops by improving compensation and quality of life for our service men and women and their families as they face hardships imposed by continuing military operations within the United States and around the world. For example, the bill would provide funding for a 3.1-percent across-the-board pay raise for military personnel. The bill contains a $70 million increase in childcare and family assistance services for military families and $50 million in supplemental educational aid to school districts affected by the assignment or location of military families. The bill would provide increases in housing allowances and payment of over 20 types of bonuses and special pay for our service men and women.

The bill will increase the death gratuity paid to survivors of our military personnel who die while on duty. It would increase their life insurance to $400,000. And that total death benefit of $500,000 is a small price for a nation to pay to a family of a soldier or sailor, an airmen or marine who has made the ultimate sacrifice of giving his or her life in service to our Nation.

If the Defense authorization bill is not enacted, the military's authority to pay bonuses and special pay to our men and women in uniform will expire, exacerbating an already troublesome problem that we face in recruitment and retention. If this bill is not enacted, the enhanced death gratuity of $100,000 and the increased life insurance benefit that we enacted for servicemembers earlier this year will lapse and substantially lower benefits will be reinstated. If this bill is not enacted, more than $6 billion in military construction and family housing projects to improve the conditions in which our servicemembers work and live will be unable to proceed.

The Senate obviously has a lengthy list of legislation that it wants to consider and needs to consider over the next few months, but surely if we truly value the contribution that our Armed Forces have made and continue to make every day, each and every minute at home and abroad, taking up and passing the Defense authorization bill before the end of this month will reflect that sentiment. It is essential we do so. We have many things to take up, but I can't think of anything more important, other than our response directly to Katrina to help the victims and their families, than taking up and passing the Defense authorization bill.

I thank the Chair and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1619, 1659, 1668, 1673, 1674, 1675, AND 1676, EN BLOC

Mr. SHELBY. Mr. President, I now send a series of amendments to the desk, and I ask unanimous consent that the amendments be considered read and agreed to, the motion to reconsider be laid upon the table, and that any statements relating to these amendments be printed in the RECORD, with all the above occurring en bloc. I would note that these amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1649

(Purpose: To establish a task force to improve and target the Federal Government's policies with respect to the production and trafficking of methamphetamine)

On page 142, after line 3, insert the following:

SEC. ____. Within the funds provided for the Drug Enforcement Agency, the Attorney General shall establish a Methamphetamine Task Force within the Drug Enforcement Agency which shall be responsible for improving and targeting the Federal Government's policies with respect to the production and trafficking of methamphetamine: *Provided*, That within 90 days of enactment of this Act, the Drug Enforcement Agency shall submit a plan that outlines the governance structure and membership of the task force: *Provided further*, That within 120 days the Drug Enforcement Agency shall establish the task force and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives the membership of the task force and powers established for the task force.

AMENDMENT NO. 1659

(Purpose: To increase the appropriation for nationwide legal services field programs and to provide additional funds to programs providing legal services to the victims of Hurricane Katrina)

On page 175, strike lines 6 through 9 and insert the following:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $358,527,000, of which $346,251,000 is for basic field programs and required independent audits (of which $8,000,000 is for basic field programs providing legal assistance to victims of Hurricane Katrina).

Notwithstanding any other provisions in the Act, the sums appropriated for the Department of Justice are reduced by $37 million. This reduction is to be taken by the Attorney General from accounts receiving an increase in travel and transportation of persons as specified in the President's Fiscal Year 2006 Budget Submittal to Congress pursuant to 31 U.S.C. section 1105 and which are in excess of the fiscal year 2005 level;

AMENDMENT NO. 1668

(Purpose: To provide funding for methamphetamine prevention education programs in elementary and secondary schools)

On page 137, line 3, strike "$350,000,000" and insert "$352,000,000 of which $2,000,000 shall be for grants for methamphetamine prevention education programs in elementary and secondary schools to be offset by a reduction of $2,000,000 in the Drug Enforcement Agency salaries and expenses in this Act".

AMENDMENT NO. 1673

On page 121, line 19, after "curity;" insert the following: "of which $152,546,000 shall be for national security infrastructure;".

AMENDMENT NO. 1674

Page 162, line 23, after the word "mission," add the following "$371,600,000 for the Webb Space Telescope to be launched no later than 2013."

AMENDMENT NO. 1675

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of this Act, no funds appropriated under this act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place"."

AMENDMENT NO. 1676

(Purpose: To prohibit the use of funds relating to certain rulemakings)

On page 190, between lines 14 and 15, insert the following:

SEC. 5_____.(a) For the period beginning on October 1, 2005, and ending on April 1, 2006, none of the funds made available by this or any other Act may be used to pay the salaries or expenses of any employee of any agency or office to implement any change to part 302, 303, 306, or 318 of title 13, Code of Federal Regulations (as in effect on December 14, 1999), pursuant to the interim final rule published August 11, 2005 (70 Fed. Reg. 47002; relating to the implementation of, and regulatory revision under, the Economic Development Reauthorization Act (Public Law 108-373; 118 Stat. 1756)).

(b) Notwithstanding the interim final rule described in subsection (a), the public comment period with respect to parts 302, 303, 306, and 318 of title 13, Code of Federal Regulations, shall be not less than 30 days.

AMENDMENT NO. 1668

Mr. BINGAMAN. Mr. President, I rise today to speak on behalf of my amendment that would allocate $2 million for methamphetamine education programs in our Nation's schools. I am very pleased that this measure has been included in the underlying bill, and I would like to take a moment to explain why this amendment is so important.

Over the August recess I traveled throughout New Mexico to discuss the challenges local communities are facing in confronting problems associated with meth. I met with law enforcement, health officials, prosecutors, citizens, and State and local representatives. At each place I visited—Moriarty, Roswell, Farmington, Belen, Santa Fe, Taos, and Albuquerque—the message was clear: methamphetamine is the most serious drug threat that we are facing and we must do more to fight the spread of this epidemic.

Indeed, the National Association of Counties recently released a report that found that 58 percent of counties surveyed viewed meth as their largest drug problem, and 70 percent of law enforcement reported that robberies and burglaries have substantially increased due to meth use in their communities. And according to the DEA, there were some 16,000 meth lab seizures last year, up from 912 in 1995. In New Mexico, the number of labs seized increased fivefold from 1998 to 2003. The drug is particularly harmful because of its impact on the user, the likelihood of exposure to chemicals during the drug production process, and the high cleanup costs associated with dismantling labs.

We must address this issue in a comprehensive manner by reducing domestic production, providing law enforcement with the tools they need to fight the meth epidemic, disrupting the importation of meth or its precursor chemicals into the United States, and by developing effective education and treatment programs.

With regard to limiting domestic production, I am proud to be a cosponsor of the Combat Meth Act, which was introduced by Senators TALENT and FEINSTEIN, and included in the CJS appropriations bill. The bill would curb production by moving pseudoephedrine, the primary ingredient in meth and a common ingredient in cold medicines, behind the pharmacy counter. After Oklahoma enacted a similar law meth production dropped by over 80 percent in 1 year. The bill also provides additional funding for law enforcement and creates a research and training center aimed at developing effective treatments for meth users.

I am also pleased that the CJS appropriations bill provides funding for the COPS meth program to assist local law enforcement obtain the equipment they need to safely and effectively clean up meth labs. I was very disappointed that the President proposed cutting the total COPS program by 96 percent and the meth portion of the program by 62 percent. Fortunately, the Appropriations Committee rejected the administration's proposal and included over $60 million for the COPS meth program, which is about $5 million more than last year. Since 1994, New Mexico has received over $68 million in COPS grants and more than $860,000 specifically under the COPS meth program. The administration also proposed cutting the HIDTA program by more than 50 percent, from $226 million to $100 million. These cuts, if enacted, would have significantly impacted our ability to fight the importation of meth from countries such as Mexico. Thankfully the Senate rejected this proposal as well.

However, I believe that we should also be focusing more on prevention by educating youth on the dangers of using meth. Along with enhanced law enforcement, prevention and education are key to combating meth. My amendment would provide funding for grants to law enforcement and health and school officials to carry out meth education prevention efforts in schools across the country. This funding could be used by local officials to tailor curriculum to the needs of their local comminutes and purchase the materials they need to educate youth on the dangers of meth.

According to ONDCP, there is a 95-percent chance that a first-time meth user will become addicted. Once kids get addicted there aren't a lot of treatment options and they often face tough criminal sanctions for using the drug. We need to emphasize education prevention efforts so we can stop people from going down a hard-to-reverse path riddled with crime and devastating health effects.

Because the consequences of meth use are so visibly evident, such as rotting teeth and open sores, students will likely be more receptive to such information than with other drugs, such as marijuana, that are normally the target of drug education prevention efforts in schools. The ingredients used in the production of meth, such as battery acid, antifreeze, kitty litter, lithium batteries, also create an opportunity to make children understand the dangerous nature of this drug.

According to a report issued this month by the Substance Abuse and Metal Health Services Administratior. SAMHSA, there were 583,000 current users of meth in 2004 and 1.4 million persons ages 12 and older have used meth in the past year. By providing additional resources for prevention and education, I believe that we can make considerable headway in fighting this terrible epidemic, and I am glad that the Senate has acted on this important measure.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I want to speak for a few minutes on one of the amendments the Senate just adopted by unanimous consent. That amendment contained the Combat Meth Act that Senator FEINSTEIN, my good friend and distinguished colleague from California, and I have cosponsored along with 40 other Senators. It is the most comprehensive methamphetamine legislation ever introduced, much less passed by this body, and I want to begin my brief remarks by thanking the Senator from Alabama and his staff for working with us, and the Senator from Kentucky for his good work. I know my friend from California feels the same way. We are very grateful for their efforts in including this amendment in this bill. It was very important to do.

It is amazing, since we introduced this bill, the response that we have had within this body and from the law enforcement and the social services community around the country. Senators and America are aware of the fact that methamphetamine is the single most deadly drug threat we have confronted certainly in my time in public life in the 20 years that I have been in legislative bodies. As bad as the other drugs are, it is worse than the other drugs. It is almost immediately addictive.

Let us send a message out right now: You cannot use methamphetamine casually. If you take it, you are going to get addicted to it. It changes the physical structure of the brain. It causes people to be more aggressive. It can turn some people into maniacs. Law enforcement will tell you other drugs are not as dangerous because they are passive. Methamphetamine causes people to become more aggressive. It changes the physical structure of the brain. It causes people to become more aggressive. It is almost instantly addictive and there is no known medical model for getting people off it. There is no methadone for methamphetamine.

I talked to a substance abuse counsellor from Marriville, MO, about this one time. He had been in his line, in his profession, for 16 years, and he said: When I counsel somebody in trying to get somebody off methamphetamine, I just use the 12-step program and I rely heavily on the first step. There is a higher power who can help you because that is what it takes to get off methamphetamine. And there are some people who do. It is heroic and miraculous. But we have no known effective treatment. It is the perfect storm of drugs because in addition to all that, methamphetamine, unlike other drugs, is not just sold and consumed in our neighborhoods, which would be bad enough, it is made in our neighborhoods. And the process by which it is made, which is it is concocted in labs, presents by itself a huge set of problems and causes a huge number of social pathologies which our local authorities have been fighting heroically for years and years.

Methamphetamine labs are toxic. The process by which the drug is made and then used is toxic. There are all kinds of toxic chemicals that are being used. So when these meth cooks operate a lab in a home or a van, they create a toxic waste dump. It costs $10,000 to clean it up. Our law enforcement officers have to be trained, not only as law enforcement officers but as environmental experts, because as they take down these meth labs they have to break them down, and it costs a lot of money, not even counting the training costs. Then the chemicals have to be disposed of in an environmentally safe way. That costs a lot of money. Because these labs are out there operating, it presents a whole host of additional dangers to our children, even beyond the fact that their parents or caregivers may be using a seriously deadly drug, because these kids are growing up in homes that are toxic.

I have had social service workers in Missouri tell me that when they pull children out of these environments, they have to decontaminate them, sometimes two or three times, because the residue of these toxins is all over their bodies. It is tragic and terrible. I have had law enforcement officers tell me they will go in and the air is so bad they have to wear breathing filters or moon suits, and there are little children running around within a few feet. They have seen cradles next to methamphetamine labs. All of this is a problem with methamphetamine that does not exist with other drugs, as dangerous and as terrible as other drugs may be.

Methamphetamine is epidemic. The fact that it is relatively easy to make the drug and the information about it is all over the Internet means that there are, in my State alone, law enforcement tells me, hundreds, perhaps thousands of labs operating in isolated areas, and often in not so isolated areas. The home next door may be making methamphetamine. They make it in cars and vans. I have fire protection district chiefs in urban and suburban areas tell me half the vehicle fires they are fighting are meth related, because this is a dangerous process in which this drug is made, even resulting in fires or explosions—and these are chemical fires they have to fight.

I said in urban or suburban areas, because it is not just a rural problem anymore. It started there, but it spread to our urban and suburban areas. The consciousness of this moved many Members of this body to support this bill when Senator FEINSTEIN and I sponsored it, and to support it passionately. I was moved and pleased by the number of Senators who came, at our initial press conference, and spoke movingly because, of course, we get around in our States. We talk to people. We see the devastation and we have heard law enforcement, and the Senate has acted by adding the Combat Meth Act to this legislation.

I am very pleased about it. We have a chance now to send this over to the House. If the Senate approves the bill, which I am confident it will, I hope early next week, then we can get this bill passed and sent to the President's desk.

I promised to be brief. I was not, although I am sure listeners understand that brevity in the Senate means something different than it may mean in other places. But the bill contains a number of important provisions. Probably the centerpiece of it is a provision that would take cold medicines that contain pseudoephedrine and put them behind pharmacy counters around the country. This has been done in a number of States. Missouri is a leader in this. Oklahoma is a leader. Iowa is a leader. I thank Senator COBURN for his efforts in helping us, and Senator GRASSLEY for his efforts, helping us. They know what methamphetamine is, coming from the States from which they come. This would put these precursor drugs behind pharmacy counters. It means consumers will still have access but meth cooks will not. Because they have to assemble 20 or 30 or 40 packages of cold medicines in order to make methamphetamine, they will not be able to do it anymore. They will not be able to steal it or buy it because it is going to be behind pharmacy counters.

Then, in addition, there are a number of targeted grant programs designed to assist our law enforcement and social service workers stopping this drug and dealing with the terrible fallout from it.

I am grateful to all those involved. We need to move now to the next step. We need to keep working in other ways, above and beyond this bill, in which we can stop this deadly drug.

I am grateful to all those who helped make this day possible, and I know I speak for Senator FEINSTEIN saying we are very pleased the Senate has adopted this and added it to this measure and that now we are in a position to send it to the House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, before the Senator from Missouri leaves the floor, I want to extend on behalf of every Member of the Senate our thanks to him for his leadership in fighting the scourge of methamphetamine. The Senator from Missouri has become the leader in the Senate in combating this scourge. On behalf of all Members of the Senate, I thank him for his extraordinarily effective work in this most important area.

Mr. TALENT. Will the Senator yield for a minute?

Mr. McCONNELL. I yield the floor.

Mr. TALENT. Mr. President, the Senator has yielded the floor so I can add, for a moment, that I very much appreciate his kind words. I did not in my remarks talk at great length about Senator FEINSTEIN's efforts. I will have the opportunity to do it. I have done that in the past and I will have the opportunity to do that again.

The remarks of the Senator are very fine, but let me say Senator FEINSTEIN has been on this issue since at least the 1990s. She saw it coming. We have not completed anything yet. We still have to get this over to the House and pass it. There are other things we have to do. The remarks of the Senator are very kind, but Senator FEINSTEIN is the outstanding leader. It has been a great pleasure to work with her to this point and I look forward to continuing to work with her and other Senators from both sides of the aisle, getting this done completely, including the Senator from Kentucky. I know what a problem this is in Kentucky. He and I talked about this. I am grateful for his assistance.

I yield the floor.

MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. COLEMAN. Mr. President, on behalf of the people of Minnesota I have taken the floor today to express our condolences to Rehnquist family for their loss and gratitude and admiration for his extraordinary life of service.

The Midwest, where William Rehnquist was born, does not have the high mountains or the pounding ocean surf of other parts of the country. We learn from our geography the value of moderation and dependability. William Rehnquist was a solid human being whose consistency and resolve as a member of the Supreme Court benefited the whole country in turbulent times.

The historian Whitehead has written that the essence of leadership is maintaining order in the midst of change, and change in the midst of order. William Rehnquist lived out the principle that both change and order are necessary in the law and he knew when we needed each.

Chief Justice William H. Rehnquist served America with great distinction on the Supreme Court for 33 years. His profound respect for the Constitution and his collegial relationships throughout the judiciary will be a standard for future justices. He knew that his role was more than deciding cases: it was to raise the knowledge of and respect for the rule of law.

Mr. Rehnquist took his seat as an associate Supreme Court justice in 1972 after being appointed by President Richard Nixon, and became Chief Justice in 1986, during the Reagan administration.

His opinions reflected a staunch adherence to the constitutional principle of State's rights. He also displayed an untiring willingness to work with his colleagues to find a compromise without minimizing his position. Chief Justice Rehnquist will be remembered as one of our most influential chief justices in history.

As the Court's most junior justice, Rehnquist made state sovereignty his central principle of American constitutional law. At times, especially in those early years in 1973, he stood alone in his support of State sovereignty but continued this fight to the end of his time on the bench.

Chief Justice Rehnquist succeeded in shifting the balance of power between States and the Federal government. The control and limitation of Federal control will always be a legacy of Chief Justice Rehnquist. He protected the Constitution in his application of the law and took great pride in his protection of civil liberties and the importance of freedom and the democratic spirit in our Constitution.

As Chief Justice, Mr. Rehnquist made his mark on the Court with grace in an environment where justices of varying opinions could express themselves free from personal attacks and or ideological stalemates. His was a Court of strong personalities who operated in profound respect for each other and the country gained from their wisdom and discourse. He was a great leader and effective administrator of the Supreme Court.

I was personally touched by Chief Justice Rehnquist's determination and heroic passion to serve while battling cancer. As we often hear, we are a government of law and not men and women, and that is true. But our constitutional principles are not self enforcing. We depend on men and women of good hearts and sharp minds to steer us through difficult moments when the issues of the day collide with our Constitution of over 200 years of age.

He was to the end a midwesterner: strong, reliable and devoted to the idea of leaving things better than he found them. The whole Nation, and future generations of Americans should be deeply grateful for the legacy he has left.

SMALL BUSINESS CONTRACTING PROVISIONS IN H.R. 3673

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I rise today to bring to the attention of the Senate a proposal which was included in the hurricane supplemental bill at the request of the Office of Management and Budget and the Department of Defense. I wholeheartedly supported the supplemental bill and the funding it would provide to the individuals, families, and small businesses that experienced so much suffering in this terrible tragedy. Their plight should not be prolonged by delays in delivery of much-needed assistance funding. However, I believe that this particular provision would seriously harm small businesses in the Gulf Coast region and all across America—by excluding them from Government contracts and subcontracts for the relief and rescue projects. While I appreciate the need to get supplies and services quickly in order to save lives, the provision at issue is not tailored to lifesaving, and we need to exercise caution in working around laws aimed at helping small business, in the rush to pass emergency appropriations.

The OMB's proposal extends to hurricane relief and rescue operations that the emergency procurement authority previously approved by Congress for military contingency operations in cases of attack by the weapons of mass destruction, war, or national emergency. Most importantly, the proposal raises the so-called "micro-purchase threshold" to $250,000. These measures would abolish Small Business Act set-asides for U.S. small businesses and the Buy American Act preferences for U.S. manufacturers on all rescue and relief contracts for years to come, potentially undermine the Stafford Act preference for local business, individuals, and organizations in contracts for recovery from major disasters contained in the Stafford Act, and encourage waste, fraud, and abuse in Federal contracts and in the reconstruction efforts by drastically increasing the ability of low-level Government officials to make credit card charges.

The micro-purchase threshold was created in the 1990s to enable Government officials to quickly make limited purchases with Government credit cards and without regards to competition, small business, or other preference requirements. Congress strictly limited the current micro-purchase threshold amounts to $2,500 for all acquisitions, except to $2,000 for certain construction projects and to $15,000 for U.S.-based military contingency operations and WMD response and recovery efforts.

This increase in the micro-purchase threshold was carefully adopted by Congress just 2 years ago, in November 2003, in response to the 9/11 and the global war on terror. The 2003 increase was implemented subject to strict limitations to ensure that contracting accountability and small business requirements are not supplanted—limitations which are absent from the language in this bill.

The OMB plan in this bill increases the micro-purchase threshold to $250,000, a hundredfold increase. Without appropriate protections, such a massive increase distorts Congressional intent for the micro-purchases and opens doors to greater credit card contracting abuse. Government purchase card abuse has been the subject of investigative and legislative actions by the Senate Homeland Security and Governmental Affairs Committee and by the Senate Finance Committee. Indeed, the leadership of these Committees, including Chairmen GRASSLEY and COLLINS as well as ranking member LIEBERMAN, already made known their opposition to the OMB proposal. The Government Accountability Office estimates that the Federal Government could have saved $300 million a year by imposing greater accountability on the use of Government purchase cards. These losses stand to balloon along with the huge increases in credit card spending called for in this proposal. A massive expansion of the micro-purchase threshold could overwhelm the fragile accountability mechanisms for this program.

Most importantly, in addition to the high potential for waste and abuse, raising the micro-purchase threshold from its current levels to $250,000 obliterates small business contracting set-asides for contracts that by law and by tradition have been going to small firms. The statutory "small business reserve" in the Small Business Act sets aside for small business concerns all Federal contracts in the amounts below $100,000 and above the micro-purchase threshold, typically, $2,500. Contracts at $100,000 or less are uniquely suitable for performance by small firms. Excluding them now makes no sense.

Further, the DoD/OMB proposal for extension of the emergency procurement authority to Hurricane Katrina improperly expands the scope of this authority to future "relief" contracts and to contracts with only distant relevance to Hurricane Katrina. As I already mentioned, the emergency procurement authority established a micro-purchase threshold increase to $15,000, provided the purchases are "directly related" to military contingency operations or WMD recovery. Extension of this authority would take contracts ranging from $15,000 to $2,500 out of the statutory "small business reserve" under the Small Business Act. In addition, this authority would also allow large firms to exclude small businesses from subcontracts by treating all Katrina-related contracts as purchases of commercial items. Taking work away from small businesses as part of disaster relief is not the message we want to send.

Federal small business contracts are a vital source of business and jobs creation for small firms. Prior to Katrina, small business in disaster-affected States used to received a significant boost from Federal contracts. Retaining, renewing, and enhancing these small business contracts will be critical for successful reconstruction of the Gulf Coast region. For example, in Fiscal Year 2003, Alabama small businesses received $2.05 billion in Federal contracts, including $191 million in construction contracts. Small businesses in the State of Mississippi received $419 million in Federal contracts, with over a quarter of that amount, $134 million, in construction contracts. Finally, Louisiana received $712 million in small business contracts, including $242 million in construction. Small business men and women in these States have the experience and the wherewithal to join hands in the relief and reconstruction of their communities. What they need is a chance to work and rebuild their businesses.

We have an obligation to help the small business sector of the Gulf Coast. I am very concerned about the import of the OMB contracting provision, and I will work to ensure that this provision is limited and modified in future legislation to ensure that it provides the right balance between speed and fairness in Government contracts.

HURRICANE KATRINA

Mr. PRYOR. Mr. President, I join my Senate colleagues in voicing my unwavering support to help Gulf Coast residents recover and rebuild their communities in the aftermath of Hurricane Katrina. The $60.5 billion in funding we have passed is a start toward restoring basic infrastructure and the economy, but we have a long way to go. This recovery will require much more of our time, resources and a comprehensive plan; I stand ready to work with my colleagues to do just that.

In the last 2 weeks, I have witnessed many good and bad things involving Hurricane Katrina. The generosity and compassion shown by families all over the Nation have redefined the meaning of good neighbor. In Arkansas, I have watched as countless charities, individuals from the private and public sector and the faith-based community joined together to welcome their neighbors with unmatched Southern hospitality.

I am very proud of the Arkansas National Guard. Many of these Guard members have spent months in Iraq away from their families this year, but they were eager to join the military operation to help rescue Hurricane victims, secure the streets of New Orleans, and maintain order in many of our shelters. I am also pleased that these Guard members have been mobilized under title 32 so that their time counts for purposes of retirement, health care and other benefits enjoyed by their Active-Duty counterparts.

After the initial devastation of Hurricane Katrina, I called my Gulf Coast colleagues to ask how I could help and support their constituents in their time of need. I am working to honor their requests by coordinating logistics for evacuees and helping evacuees in Arkansas resolve problems involving Social Security checks, postal services, and FEMA forms. My office is also working to find housing for evacuees, transport them, reunite families, and assist with translation. As 60,000 or more of their constituents have traveled to Arkansas, I am working to serve their constituents as well as Arkansans. Evacuees should know that as they get their lives back together, they have a home in Arkansas.

While the American people were stepping up to the plate, the Government struck out. Our emergency plans failed to meet expectations. I want to focus on helping distressed families now, but in the not too distant future, we need to take a hard look at the failures that occurred in responding to this disaster.

Under Senate rules, Senators COLLINS and LIEBERMAN are tasked with leading Government oversight as the ranking members of the Homeland Security and Governmental Affairs Committee. As a member of this committee, I can attest to their strong, bipartisan, and tested leadership. The intelligence restructuring bill drafted in this committee, passed by this body, and signed into law by President Bush last year is a fitting example. This same committee ought to pursue its oversight responsibilities on the Government's slow rescue and response efforts. I believe very adamantly that part of any investigation, and subsequent legislation, must begin with fixing the chain-of-command and bureaucratic breakdowns that occurred before and after the hurricane. If the Homeland Security and Governmental Affairs Committee is not tapped for this undertaking, then I believe the families of the Gulf Coast, and the rest of the Nation, deserve a thorough review of the mistakes that occurred by an independent body in a setting where politics will not play a role.

A primary reason for the creation of the Department of Homeland Security, following 9/11, was to allow for a smooth and immediate rescue and recovery operation when disaster strikes—whether naturally occurring or manmade. But instead of a smooth operation, States and Federal agencies again ran into redtape and confusion. A terrorist attack and a hurricane are, of course, two completely different disasters, but the response efforts are just as critical and necessary, and they translate into saving lives.

We have put enormous resources into a national emergency preparedness and response system nearly 4 years after 9/11, and I am concerned and dismayed that our response to a significant disaster has not been improved exponentially. The Government's failure to respond effectively shows weaknesses in our emergency preparedness not just to Americans but also to terrorists who seek havoc in our country.

We must find and fix the discrepancies in the system, look for accountability, and make sure these mistakes are never repeated in the United States again. We owe this to the victims of Hurricane Katrina and, quite frankly, we owe it to the victims of 9/11.

I believe the problems that occurred before, during and after the hurricane have unveiled something else about America. They have opened up eyes in Washington, DC, and across the country about the abject poverty some families live in. Those left stranded on their rooftops or in the Superdome painted a very vivid picture about the inequities that exist in our country today, and they speak volumes about the transportation, housing and health care available in this country.

If anything at all comes from this tragedy, I hope it will be a new focus on our priorities in this body. Before the hurricane hit, the Senate was expected to return from its August recess to vote on repealing the estate tax for wealthiest 2 percent of Americans, and cutting health care services for our poorest Americans. Hurricane Katrina showed that we, as a Nation, are failing to take care of our poor, our sick, and our elderly. Government must do better, and that leadership must start with the President, the Senate, and the House of Representatives.

We can start with a number of proposals that have been put forth by both Republicans and Democrats to help the South recover from Hurricane Katrina. These initiatives range from financial assistance to host States for evacuee care; tax incentives for employers to hire evacuees; and health care, housing, and nutritional assistance for evacuees. I stand ready to help and lead in these efforts.

Senator LANDRIEU delivered an impassioned speech on the floor yesterday, and I end with her words, "We must learn from this experience. If we do not, we will fail again."

REMOVAL OF COSPONSOR TO S. 1014

Ms. SNOWE. Mr. President, I rise to make a statement explaining the removal of the Senator from Tennessee, Majority Leader BILL FRIST, as a cosponsor of S. 1014, Supporting Our Patriotic Business Act of 2005. It was an inadvertent error my staff made when adding additional cosponsors to this bill. I apologize to Senator FRIST for any confusion and inconvenience this may have caused and want the record to reflect that it was an error on my part.

VOTE EXPLANATION

Mr. VITTER. Mr. President, due to the circumstances surrounding the Katrina disaster, I was in my home State of Louisiana yesterday and unable to vote for final passage of H.R. 3673, the emergency supplemental appropriations bill. Had I been present, I would have voted in favor of H.R. 3673.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 31, 2005, Jenifer Royer was punched by a man outside a Fayetteville, AR restaurant. The apparent motivation for the attack was over Royer's sexual orientation. Royer suffered both a black eye and a broken nose during the incident, according to police.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO JERRY WALDOR

• Mr. LAUTENBERG. Mr. President, today I wish to offer a tribute to a valued friend, Jerry Waldor of South Orange, NJ. He passed away last week at the age of 77.

Jerry ran his own successful insurance agency New Jersey for more than 45 years. Jerry was justifiably proud of his success in business, but that was only one aspect of his life. He was devoted to his family, his community, and his country.

Jerry and his wife Rita were blessed with three sons and eight grandchildren. He would talk glowingly about his family given the slightest opportunity to do so.

Jerry Waldor was president of the United Jewish Federation of MetroWest, an umbrella social organization that provided services to thousands in northern New Jersey. He was a beloved community leader who took a serious role in so many areas of importance to communities in our area of New Jersey. As is well known in these days of serious philanthropy, it is not an uncommon practice to delay or even avoid meetings or discussions with friends who volunteer to solicit funds no matter how good and important the organization's agenda. Jerry Waldor would phone me every year to solicit my contribution to the local Jewish Federation, and I welcomed his call because his manner was so pleasant and his own giving so generous. He also served as national vice chairman of the United Jewish Appeal and a director of the Council of Jewish Federations. He served on the boards of the American Jewish Committee and the New Jersey YMHA camps. He also served as a director of the National Conference of Community and Justice and a trustee of Cerebral Palsy of North Jersey.

Jerry also had a distinguished record of military service. He entered the U.S. Military Academy at West Point in 1946 and graduated as a second lieutenant in the Air Force.

During 5 years in the Air Force, he rose to the rank of captain, and worked as a deputy assistant for logistics in the Pentagon. After completing his active duty, he entered the Air Force Reserve, where he served until 1983. He retired as a major general. During his military career, Jerry received the Distinguished Service Medal and the Legion of Merit with Oak Leaf Cluster.

Jerry touched many lives during his time on Earth, and his deeds and memory will live on. I am proud to call him my friend. He will be missed by all who knew him. I hope his family will take comfort in the recall of their good fortune to have had him as husband, father, and grandfather in these dark days.•

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 1648. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR:

S. 1649. A bill to require the Secretary of Energy to submit to Congress a report describing the method by which existing reporting systems within the Department of Energy can be coordinated to provide timely reporting of significant supply interruptions in the transmission of petroleum and petroleum-related products; to the Committee on Energy and Natural Resources.

By Mr. COBURN (for himself, Mr. GRASSLEY, Mr. GRAHAM, Mr. LEVIN, Ms. SNOWE, Mr. LAUTENBERG, Mr. ISAKSON, Mr. SANTORUM, Mr. THOMAS, Mrs. DOLE, Mr. THUNE, Mr. HAGEL, and Mr. LUGAR):

S.J. Res. 23. A joint resolution supporting the goals and ideals of Gold Star Mothers Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Tennessee (Mr. FRIST) was withdrawn as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1615

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 1622

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1637

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1637, a bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes.

S. CON. RES. 48

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

AMENDMENT NO. 1659

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 1659 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1660 intended to be proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1648. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automobile Fuel Efficiency Improvements Act of 2005".

SEC. 2. PHASED INCREASES IN FUEL ECONOMY STANDARDS.

(a) PASSENGER AUTOMOBILES.—

(1) MINIMUM STANDARDS.—Section 32902(b) of title 49, United States Code, is amended to read as follows:

"(b) PASSENGER AUTOMOBILES.—Except as otherwise provided under this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year—

"(1) after model year 1984 and before model year 2008 shall be 25 miles per gallon;

"(2) after model year 2007 and before model year 2011 shall be 28 miles per gallon;

"(3) after model year 2010 and before model year 2014 shall be 32 miles per gallon;

"(4) after model year 2013 and before model year 2017 shall be 36 miles per gallon; and

"(5) after model year 2016 shall be 40 miles per gallon.".

(2) HIGHER STANDARDS SET BY REGULATION.—Section 32902(c) of title 49, United States Code, is amended—

(A) by striking paragraph (2); and

(B) in paragraph (1)—

(i) by striking "Subject to paragraph (2) of this subsection, the" and inserting "The"; and

(ii) by striking "amending the standard" and inserting "increasing the standard otherwise applicable";

(iii) by striking "Section 553" and inserting the following:

"(2) Section 553".

(b) NON-PASSENGER AUTOMOBILES.—Section 32902(a) of title 49, United States Code, is amended—

(1) by striking "At least 18 months before each model year," and inserting the following:

"(1) The average fuel economy standard applicable for automobiles (except passenger automobiles) manufactured by a manufacturer in a model year—

"(A) after model year 1984 and before model year 2008 shall be 17 miles per gallon;

"(B) after model year 2007 and before model year 2011 shall be 19 miles per gallon;

"(C) after model year 2010 and before model year 2014 shall be 21.5 miles per gallon;

"(D) after model year 2013 and before model year 2017 shall be 24.5 miles per gallon; and

"(E) after model year 2016 shall be 27.5 miles per gallon, except as provided under paragraph (2).

"(2) At least 18 months before the beginning of each model year after model year 2017,"; and

(2) by adding at the end the following:

"(3) If the Secretary does not increase the average fuel economy standard applicable under paragraph (1)(E) or (2), or applicable to any class under paragraph (2), within 24 months after the latest increase in the standard applicable under paragraph (1)(E) or (2), the Secretary, not later than 90 days after the expiration of the 24-month period, shall submit to Congress a report containing an explanation of the reasons for not increasing the standard.".

SEC. 3. INCREASED INCLUSIVENESS OF DEFINITIONS OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) Automobile.—

(1) In general.—Section 32901(a)(3) of title 49, United States Code, is amended—

(A) by striking "6,000 pounds" each place it appears and inserting "12,000 pounds"; and

(B) in subparagraph (B)—

(i) by striking "10,000 pounds" and inserting "14,000 pounds"; and

(ii) in clause (ii), by striking "an average fuel economy standard" and all that follows through "conservation or".

(2) Special rule.—Section 32908(a)(1) of such title is amended by striking "8,500 pounds" and inserting "14,000 pounds".

(b) Passenger Automobile.—Section 32901(a)(16) of title 49, United States Code, is amended to read as follows:

"(16) 'passenger automobile'—

"(A) means, except as provided in subparagraph (B), an automobile having a gross vehicle weight of 12,000 pounds or less that is designed to be used principally for the transportation of persons; but

"(B) does not include—

"(i) a vehicle that has a primary load carrying device or container attached;

"(ii) a vehicle that has a seating capacity of more than 12 persons;

"(iii) a vehicle that has a seating capacity of more than 9 persons behind the driver's seat; or

"(iv) a vehicle that is equipped with a cargo area of at least 6 feet in interior length that does not extend beyond the frame of the vehicle and is an open area or is designed for use as an open area but is enclosed by a cap and is not readily accessible directly from the passenger compartment.".

(c) Applicability.—The amendments made by this section shall apply with respect to automobiles manufactured for model years beginning after the date of enactment of this Act.

SEC. 4. CIVIL PENALTIES.

(a) Increased Penalty for Violations of Fuel Economy Standards.—Section 32912(b) of title 49, United States Code, is amended—

(1) by inserting "(1)" before "Except as provided";

(2) by striking "$5" and inserting "the dollar amount applicable under paragraph (2)";

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(4) by adding at the end the following:

"(2)(A) The dollar amount referred to in paragraph (1) is $10, as increased from time to time under subparagraph (B).

"(B) Effective on October 1 of each year, the dollar amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the price index for July of such year exceeds the price index for July of the preceding year. The amount calculated under the preceding sentence shall be rounded to the nearest $0.10.

"(C) In this paragraph, the term 'price index' means the Consumer Price Index for all-urban consumers published monthly by the Department of Labor.".

(b) Conforming Amendment.—Section 32912(c)(1) of title 49, United States Code, is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) Applicability.—The amendments made by subsection (a) shall apply with respect to automobiles manufactured for model years beginning after the date of enactment of this Act.

SEC. 5. ACCURATE FUEL ECONOMY TESTING.

(a) Biennial Report on Testing Quality.—

(1) Requirement for report.—

(A) In general.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

"§ 32920. Biennial report on testing quality

"(a) Requirement for Report.—Not later than October 1 of each odd-numbered year, the Secretary of Transportation shall submit to Congress a report on the quality of the testing for determining automobile fuel economy under this chapter for all currently available technologies for automobiles.

"(b) Content of Report.—The report shall include the following information:

"(1) An assessment of the accuracy of the fuel economy determined for automobiles in relation to actual highway and road vehicle fuel economy.

"(2) A discussion of changes in testing methodology that are planned to be made, together with an assessment of the effects that such changes are expected to have on the accuracy of the measures of automobile fuel economy resulting from the use of the testing methodology as changed.

"(c) Consultation Requirement.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall consult on the preparation of the biennial report under this section.".

(B) Clerical amendment.—The table of sections at the beginning of chapter 329 of title 49, United States Code, is amended by adding at the end the following new item:

"32920. Biennial report on testing quality".

(2) First report.—The first report under section 32920 of title 49, United States Code, as added by paragraph (1), shall be submitted to Congress in 2007.

(b) Improvement of Process for Measuring Fuel Economy.—

(1) Study.—

(A) Requirement for study.—The Secretary of Transportation shall provide for the John A. Volpe National Transportation Systems Center to carry out a study—

(i) to determine what practicable automobile fuel economy testing process provides the most accurate measures of actual automobile fuel economy in highway use, in urban use, and in combined highway and in urban use; and

(ii) to compare the average automobile fuel economy ratings calculated under the testing process determined under clause (i) for each category of automobile use described in that clause with the corresponding automobile fuel economy ratings calculated under the testing process in use under chapter 329 of title 49, United States Code, on the date of enactment of this Act.

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under subparagraph (A), which shall include—

(i) the determination and comparisons made under subparagraph (A); and

(ii) an estimate of the average adjustment to automobile fuel economy ratings calculated under the testing process used for the purposes of chapter 329 of title 49, United States Code, as of the date of enactment of this Act that is needed to conform those ratings closely to the automobile fuel economy ratings calculated under the testing process determined most accurate under subparagraph (A)(i).

(2) Testing procedure revision.—

(A) Requirement for revised procedure.—Not later than 180 days after the date on which the report required under paragraph (1)(B) is submitted to Congress, the Secretary of Transportation shall prescribe, by regulation—

(i) a revised testing procedure for accurately measuring the actual automobile fuel economy of each model of automobile; and

(ii) a requirement that the revised testing procedure be applied for the purposes of chapter 329 of title 49, United States Code, to determine the average fuel economy of the automobiles manufactured in model years after model year 2008.

(B) Model for revised procedure.—The testing procedure prescribed under subparagraph (A) shall be based on the testing process identified in the report required under paragraph (1)(B) as providing the most accurate measures of actual automobile fuel economy.

(3) Comparable adjustment in average fuel economy standards.—

(A) Requirement for adjustment.—For automobiles manufactured in model years after model year 2008, the Secretary of Transportation shall amend each average fuel economy standard prescribed under section 32902 of title 49, United States Code, to take into account improved accuracy in the calculation of automobile fuel economy that results from use of the revised testing procedure applied as required under paragraph (2).

(B) Condition.—The Secretary shall ensure that each average fuel economy standard applied as amended under subparagraph (A) is at least as stringent as the corresponding average fuel economy standard that the Secretary would have applied under section 32902 of title 49, United States Code, if the fuel economy testing procedure had not been revised as required under paragraph (2).

SEC. 6. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) The President shall prescribe regulations that require automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year to achieve—

"(A) in the case of non-passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under section 32902(a) of this title for the model year that includes January 1 of that fiscal year; and

"(B) in the case of passenger automobiles, a fleet average fuel economy for that year of at least the average fuel economy standard applicable under subsection (b) or (c) of section 32902 of this title for such model year.";

(B) in paragraph (2)—

(i) by striking "Fleet average fuel economy is—" and inserting "For the purposes of paragraph (1), the fleet average fuel economy of non-passenger or passenger automobiles in a fiscal year is—";

(ii) in subparagraph (A), by striking "passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a" and inserting "the non-passenger automobiles or passenger automobiles, respectively, that are leased for at least 60 consecutive days or bought by executive agencies in such"; and

(iii) in subparagraph (B), by inserting "such" after "the number of"; and

(2) by adding at the end the following:

"(c) Minimum Number of Exceptionally Fuel-Efficient Vehicles.—The President shall prescribe regulations that require that—

"(1) at least 20 percent of the passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year have a vehicle fuel economy rating that is at least 5 miles per gallon higher than the average fuel economy standard applicable to the automobile under subsection (b) or (c) of section 32902 of this title for the model year that includes January 1 of that fiscal year; and

"(2) beginning in fiscal year 2011, at least 10,000 vehicles in the fleet of automobiles used by executive agencies in a fiscal year have a vehicle fuel economy that is at least 5 miles per gallon higher than the average fuel economy standards applicable to such automobiles under section 32902 of this title for the model year that includes January 1 of that fiscal year.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1672. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1673. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra.

SA 1674. Mr. SHELBY (for Ms. Mikulski) proposed an amendment to the bill H.R. 2862, supra.

SA 1675. Mr. SHELBY (for Mr. Burns) proposed an amendment to the bill H.R. 2862, supra.

SA 1676. Mr. SHELBY (for himself and Mr. Baucus) proposed an amendment to the bill H.R. 2862, supra.

SA 1677. Mr. SHELBY (for Mr. Talent (for himself, Mrs. Feinstein, and Mr. Frist)) proposed an amendment to the bill H.R. 2862, supra.

SA 1678. Mr. LIEBERMAN proposed an amendment to the bill H.R 2862, supra.

SA 1679. Mr. KERRY (for himself and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1680. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1681. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1682. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1683. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1685. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1686. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1672. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) In General.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.), regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date of enactment of this Act.

(b) Eligible Health Professional.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (c), and not be affirmatively barred from practicing in that State; and

(3) have applied for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) States Described.—The States described in this subsection are those States covered by the declarations of the President, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, on August 24, 2005 (Florida), on August 29, 2005 (Alabama, Louisiana, and Mississippi), and on September 2, 2005 (Texas), all due to Hurricane Katrina.

(d) Rule of Construction.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

SA 1673. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, as follows:

On page 121, line 19, after "curity," insert the following;

"of which $152,546,000 shall be for national security infrastructure;".

SA 1674. Mr. SHELBY (for Ms. Mikulski) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Page 162, line 23, after the word "mission," add the following "$371,600,000 for the Webb Space Telescope to be launched no later than 2013."

SA 1675. Mr. SHELBY (for Mr. Burns) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of this Act, no funds appropriated under this act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place"."

SA 1676. Mr. SHELBY (for himself and Mr. Baucus) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, between lines 14 and 15, insert the following:

Sec. 5 ___. (a) For the period beginning on October 1, 2005, and ending on April 1, 2006, none of the funds made available by this or any other Act may be used to pay the salaries or expenses of any employee of any agency or office to implement any change to part 302, 303, 306, or 318 of title 13, Code of Federal Regulations (as in effect on December 14, 1999), pursuant to the interim final rule published August 11, 2005 (70 Fed. Reg. 47002; relating to the implementation of, and regulatory revision under, the Economic Development Reauthorization Act (Public Law 108-373; 118 Stat. 1756)).

(b) Notwithstanding the interim final rule described in subsection (a), the public comment period with respect to parts 302, 303, 306, and 318 of title 13, Code of Federal Regulations, shall be not less than 30 days.

SA 1677. Mr. SHELBY (for Mr. Talent (for himself, Mrs. Feinstein, and Mr. Frist)) proposed an amendment to the bill H.R. 2862, making appropriations for Sceince, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE VII—METHAMPHETAMINES

SECTION 701. SHORT TITLE.

This title may be cited as the "Combat Meth Act of 2005".

Subtitle A—Amendments to Controlled Substances Act

SEC. 710. PSEUDOEPHEDRINE AND EPHEDRINE AMENDMENTS TO CONTROLLED SUBSTANCES ACT.

(a) Addition of Pseudoephedrine and Ephedrine to Schedule V.—The matter under schedule V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

“(6) Any detectable quantity of pseudoephedrine or ephedrine, their salts or optical isomers, or salts of optical isomers.”.

(b) PRESCRIPTIONS.—Section 309(c) of the Controlled Substances Act (21 U.S.C. 829(c)) is amended—

(1) by striking “No controlled substance” and inserting the following:

“(1) IN GENERAL.—No controlled substance”; and

(2) by adding at the end the following:

“(2) RETAIL DISTRIBUTORS AND PHARMACIES.—If a controlled substance described in paragraph (6) of schedule V is dispensed or sold at retail by a retail distributor or a pharmacy, the retail distributor or pharmacy shall ensure the following:

“(A) QUALIFICATIONS OF DISPENSER.—The substance shall be dispensed or sold at retail only by practitioner, pharmacist, or an individual under the supervision of a pharmacist as permitted by the State.

“(B) REQUIREMENTS FOR PURCHASER.—Any person purchasing, receiving, or otherwise acquiring any such substance shall, prior to taking possession—

“(i) provide an approved Federal or State-issued photo identification or an alternative form of identification authorized by the Attorney General; and

“(ii) sign or make an entry in a written or electronic log that conforms with the regulations under paragraph (4) documenting—

“(I) the date of the transaction;

“(II) the name of the person; and

“(III) the name and the amount of the controlled substance described in paragraph (6) of schedule V purchased, received, or otherwise acquired.

“(C) LIMITATION ON AMOUNT OF PURCHASE.—No person shall purchase, receive, or otherwise acquire more than 7.5 grams of a controlled substance described in paragraph (6) of schedule V within any 30-day period.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—The Attorney General, by rule, may exempt a product from paragraph (6) of schedule V if the Attorney General determines that the product cannot be used in the illegal manufacture of methamphetamine or any other controlled dangerous substance.

“(B) DIFFERENT FORMULATION.—

“(i) IN GENERAL.—The Attorney General, upon the application of a manufacturer of a drug product, may exempt a product from paragraph (6) of schedule V if the Attorney General determines that the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

“(ii) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Health and Human Services should consider a product under clause (i) to be subject to the performance goals established by the Commissioner of Food and Drugs for priority drugs.

“(C) SPECIAL EXCEPTIONS.—The Attorney General, by rule, may authorize the sale of a controlled substance described in paragraph (6) of schedule V by persons other than a practitioner, and at a location other than a pharmacy if—

“(i) the Attorney General—

“(I) determines that the retail facility is located within a commercial service airport, and sells the substance packaged in liquid and liquid filled gelcaps only, each single sales package containing not more than 360 mg, per person, in a 24 hour period; or

“(II) has issued an alternate place of sale license to the retail location and has issued an alternate dispenser license to the person authorized to make the sale under subsections (i) and (j) of section 303, respectively;

“(ii) the person dispensing the controlled substance described in paragraph (6) of schedule V follows the procedures set forth in this Act; and

“(iii) the person authorized under section 303(i) dispensing the controlled substance described in paragraph (6) of schedule V provides notification, in writing, of the intention to dispense such substance pursuant to a special exception under this subparagraph to each State and local law enforcement authority with jurisdiction to investigate crimes involving controlled substances at such location.

“(D) PRESCRIPTIONS.—The limit described in paragraph (2)(C) shall not apply to any quantity of such substance dispensed under a valid prescription.

“(4) REGULATIONS.—

“(A) RULES FOR LOGS.—

“(i) IN GENERAL.—The Attorney General shall promulgate rules and regulations—

“(I) prescribing the content and format of the log required in paragraph (2)(B)(ii);

“(II) establishing the manner in which the information in the log required in paragraph (2)(B)(ii) shall be reported to law enforcement authorities; and

“(III) prohibiting accessing, using, or sharing the information in the log for any purpose other than to ensure compliance with this Act or to facilitate a product recall necessary to protect public health and safety.

“(ii) MISREPRESENTATION, WARNING.—The rules and regulations under clause (i) shall require that the log explain the potential consequences of false statements or misrepresentations, including requiring that the following statement is prominently presented: ‘NOTE: PENALTY FOR MISREPRESENTATION—Any misrepresentation (by omission or concealment, or by misleading, false, or partial answers may result in prosecution pursuant to section 1001 of title 18, United States Code, which makes it a criminal offense, punishable by a maximum of 5 years imprisonment, $10,000 fine, or both, knowingly and willfully to make a false statement or representation to any Department or Agency of the United States as to any matter within the jurisdiction of any Department or Agency of the United States.’

“(B) ALTERNATE IDENTIFICATION.—The Attorney General shall promulgate rules and regulations authorizing the acceptance of an alternate form of identification under paragraph (2)(B)(i) to be used electronically.

“(5) GOOD FAITH PROTECTION.—A retailer who in good faith releases information maintained under this subsection for purposes of compliance with this Act to a law enforcement or regulatory authority established pursuant to Federal or State law is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.”.

(c) ALTERNATE PLACE OF SALES AND DISPENSERS.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

“(i) ALTERNATE PLACE OF SALES LICENSES.—

“(1) IN GENERAL.—The Attorney General shall register an applicant to dispense a controlled substance described in paragraph (6) of schedule V at a location other than a pharmacy if the Attorney General determines that such registration is consistent with the public interest.

“(2) CONSIDERATIONS.—In determining the public interest, the Attorney General shall consider—

“(A) the applicant's maintenance of effective controls against diversion of the controlled substance described in paragraph (6) of schedule V into other than legitimate channels equivalent to that of a pharmacy;

“(B) the applicant's compliance with applicable State and local law, including holding a valid license issued by an appropriate State authority evidencing compliance with subparagraph (A);

“(C) the applicant's prior conviction record under Federal and State laws; and

“(D) such other factors as may be relevant to and consistent with the public health and safety, including accessibility to rural consumers.

“(3) STATE LICENSES.—If an applicant under paragraph (1) does not have a valid State license as described in paragraph (2)(B), the Attorney General shall not register the applicant for a license under this subsection.

“(j) ALTERNATE DISPENSER LICENSES.—

“(1) IN GENERAL.—The Attorney General shall register an applicant, other than a practitioner, to dispense a controlled substance described in paragraph (6) of schedule V at a location other than a pharmacy if the Attorney General determines that such registration is consistent with the public interest.

“(2) CONSIDERATIONS.—In determining the public interest, the Attorney General shall consider—

“(A) the applicant's compliance with applicable State and local law, including holding a license issued by an appropriate State authority evidencing a degree of suitability to dispense the controlled substance described in paragraph (6) of schedule V equivalent to that of a practitioner;

“(B) the applicant's prior conviction record under Federal and State laws; and

“(C) such other factors as may be relevant to and consistent with the public health and safety, including accessibility to rural consumers.

“(3) STATE LICENSES.—If an applicant under paragraph (1) does not have a valid State license as described in paragraph (2)(B), the Attorney General shall not register the applicant for a license under this subsection.”.

(d) THEFT PREVENTION.—Notwithstanding paragraph (6) of schedule V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as added by subsection (a), persons registered with the Drug Enforcement Administration to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the meet the storage, reporting, recordkeeping, or physical security control requirements (such as a cage or vault) for controlled substances in schedule V containing pseudoephedrine or ephedrine.

(e) STATE PENALTIES AND PEDIATRIC PRODUCTS.—Nothing in this Act shall be construed to—

(1) prevent a State or political subdivision of a State from adopting and enforcing penalties that are different from, in addition to, or otherwise not identical with, the penalties that apply under the Controlled Substances Act (28 U.S.C. 801 et seq.); or

(2) prevent a State or political subdivision of a State from permitting the sale of pediatric products containing pseudoephedrine or ephedrine, their salts or optical isomers, or salts of optical isomers where the pediatric product—

(A) is primarily intended for administration, according to label instructions, to children under 12 years of age and either—

(i) in solid dosage form, individual dosage units do not exceed 15 milligrams of ephedrine or pseudoephedrine; or

(ii) in liquid form, recommended dosage units, according to label instructions, do not exceed 15 milligrams of ephedrine or pseudoephedrine per 5 milliliters of liquid product; or

(B) is in liquid form—

(i) primarily intended for administration to children under 2 years of age;

(ii) the recommended dosage of which does not exceed 2 milliliters; and

(iii) the total package content is not more than 1 fluid ounce.

(f) Effective Dates.—

(1) Only active ingredient.—This section and the amendments made by this section shall take effect with regard to any substance in which ephedrine or pseudoephedrine is the only active ingredient 90 days after the date of enactment of this Act.

(2) Other products.—This section and the amendments made by this section shall take effect with regard to any substance other than a substance described in paragraph (1) on January 1, 2007.

SEC. 711. EMPLOYER SCREENING OF EMPLOYEES WORKING WITH CONTROLLED SUBSTANCES.

Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following:

"APPLICANTS AND EMPLOYEES

"Sec. 311. Persons registered with the Drug Enforcement Administration to manufacture, deliver, distribute, or dispense controlled substances shall take reasonable steps to guard against hiring persons who may, as a result of their employment, have access to and become involved in the theft and diversion of controlled substances, including, notwithstanding State law, asking applicants for employment whether they have been convicted of any crime involving or related to controlled substances.".

Subtitle B—Education, Prevention, and Treatment

SEC. 721. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

Section 519 of the Public Health Service Act (42 U.S.C. 290bb–25) is amended—

(1) in subsection (b), by inserting after paragraph (8) the following:

"(9) Development of drug endangered children rapid response teams that will intervene on behalf of children exposed to methamphetamine as a result of residing or being present in a home-based clandestine drug laboratory."; and

(2) in subsection (o)—

(A) by striking "For the purpose" and inserting the following:

"(1) In general.—For the purpose"; and

(B) by adding at the end the following:

"(2) Drug endangered children rapid response teams.—There are authorized to be appropriated $2,500,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of subsection (b)(9).".

SEC. 722. LOCAL GRANTS FOR TREATMENT OF METHAMPHETAMINE ABUSE AND RELATED CONDITIONS.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended—

(1) by redesignating section 514 that relates to methamphetamine and appears after section 514A as section 514B;

(2) in section 514B, as redesignated—

(A) by amending subsection (a)(1) to read as follows:

"(1) Grants authorized.—The Secretary may award grants to States, political subdivisions of States, American Indian Tribes, and private, nonprofit entities to provide treatment for methamphetamine abuse.";

(B) by amending subsection (b) to read as follows:

"(b) Priority for High Need States.—In awarding grants under subsection (a), the Secretary shall give priority to entities that will serve rural or urban areas experiencing an increase in methamphetamine abuse in States with addiction rates in excess of the national rate."; and

(C) in subsection (d)(1), by striking "2000" and all that follows and inserting "2005 and such sums as may be necessary for each of fiscal years 2006 through 2009"; and

(3) by inserting after section 514B, as redesignated, the following:

"SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTER.

"(a) Program Authorized.—The Secretary, acting through the Administrator, and in consultation with the Director of the National Institutes of Health, shall award grants to, or enter into contracts with, public or private, nonprofit entities to establish a research, training, and technical assistance center to carry out the activities described in subsection (d).

"(b) Application.—A public or private, nonprofit entity seeking a grant or contract under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) Condition.—In awarding grants or entering into contracts under subsection (a), the Secretary shall ensure that not less than 1 of the centers will focus on methamphetamine abuse in rural areas.

"(d) Authorized Activities.—Each center established under this section shall—

"(1) engage in research and evaluation of the effectiveness of treatment modalities for the treatment of methamphetamine abuse;

"(2) disseminate information to public and private entities on effective treatments for methamphetamine abuse;

"(3) provide direct technical assistance to States, political subdivisions of States, and private entities on how to improve the treatment of methamphetamine abuse; and

"(4) provide training on the effects of methamphetamine use and on effective ways of treating methamphetamine abuse to substance abuse treatment professionals and community leaders.

"(e) Reports.—Each grantee or contractor under this section shall annually submit a report to the Administrator that contains—

"(1) a description of the previous year's activities of the center established under this section;

"(2) effective treatment modalities undertaken by the center; and

"(3) evidence to demonstrate that such treatment modalities were successful.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 and 2008.".

SEC. 723. METHAMPHETAMINE PRECURSOR MONITORING GRANTS.

(a) Grants Authorized.—The Attorney General, acting through the Bureau of Justice Assistance, may award grants to States to establish methamphetamine precursor monitoring programs.

(b) Purpose.—The purpose of the grant program established under this section is to—

(1) prevent the sale of methamphetamine precursors, such as pseudoephedrine and ephedrine, to individuals in quantities so large that the only reasonable purpose of the purchase would be to manufacture methamphetamine;

(2) educate businesses that legally sell methamphetamine precursors of the need to balance the legitimate need for lawful access to medication with the risk that those substances may be used to manufacture methamphetamine; and

(3) recalibrate existing prescription drug monitoring programs designed to track the sale of controlled substances to also track the sale of pseudoephedrine or ephedrine in any amount greater than 6 grams.

(c) Use of Grant Funds.—Grant funds awarded to States under this section may be used to—

(1) implement a methamphetamine precursor monitoring program, including hiring personnel and purchasing computer hardware and software designed to monitor methamphetamine precursor purchases;

(2) expand existing methamphetamine precursor or prescription drug monitoring programs to accomplish the purposes described in subsection (b);

(3) pay for training and technical assistance for law enforcement personnel and employees of businesses that lawfully sell substances, which may be used as methamphetamine precursors;

(4) improve information sharing between adjacent States through enhanced connectivity; or

(5) make grants to subdivisions of the State to implement methamphetamine precursor monitoring programs.

(d) Application.—Any State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(e) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section.

SEC. 724. AUTHORIZATION OF APPROPRIATIONS RELATING TO COPS GRANTS.

(a) In General.—In addition to any other funds authorized to be appropriated for fiscal year 2006 for grants under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), commonly known as the COPS program, there are authorized to be appropriated $15,000,000 for such purpose to provide training to State and local prosecutors and law enforcement agents for the investigation and prosecution of methamphetamine offenses.

(b) Rural Set-Aside.—Of amounts made available under subsection (a), $3,000,000 shall be available only for prosecutors and law enforcement agents for rural communities.

SEC. 725. EXPANSION OF METHAMPHETAMINE HOT SPOTS PROGRAM TO INCLUDE PERSONNEL AND EQUIPMENT FOR ENFORCEMENT, PROSECUTION, AND CLEANUP.

Section 1701(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (11) by striking "and" at the end;

(2) in paragraph (12) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(13) hire personnel and purchase equipment to assist in the enforcement and prosecution of methamphetamine offenses and the cleanup of methamphetamine-affected areas.".

SEC. 726. SPECIAL UNITED STATES ATTORNEYS' PROGRAM.

(a) IN GENERAL.—The Attorney General shall allocate any amounts appropriated pursuant to the authorization under subsection (c) for the hiring and training of special assistant United States attorneys.

(b) USE OF FUNDS.—The funds allocated under subsection (a) shall be used to—

(1) train local prosecutors in techniques used to prosecute methamphetamine cases, including the presentation of evidence related to the manufacture of methamphetamine;

(2) train local prosecutors in Federal and State laws involving methamphetamine manufacture or distribution;

(3) cross-designate local prosecutors as special assistant United States attorneys; and

(4) hire additional local prosecutors who—

(A) with the approval of the United States attorney, shall be cross-designated to prosecute both Federal and State methamphetamine cases;

(B) shall be assigned a caseload, whether in State court or Federal court, that gives the highest priority to cases in which—

(i) charges related to methamphetamine manufacture or distribution are submitted by law enforcement for consideration; and

(ii) the defendant has been previously convicted of a crime related to methamphetamine manufacture or distribution.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section.

SA 1678. Mr. LIEBERMAN proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending september 30, 2006, and for other purposes; as follows:

On page 191, between lines 9 and 10, insert the following:

TITLE VII—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Hurricane Emergency Limitation on Payments (HELP) Act of 2005".

SEC. 702. DEFINITIONS.

In this subtitle:

(1) DISASTER.—The term "Disaster" means the major disasters declared by the President on August 29, 2005, relating to damage caused by Hurricane Katrina.

(2) INJURED PERSON.—The term "injured person" means any individual or entity that suffers harm resulting from the Disaster that makes the individual or entity eligible to receive, and the individual or entity submits an application in good faith to receive—

(A) housing assistance under section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b));

(B) financial assistance to address other needs under section 408(e) of that Act (42 U.S.C. 5174(e));

(C) unemployment assistance under section 410 of that Act (42 U.S.C. 5177) (as amended by subtitle C);

(D) a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); or

(E) an emergency loan made under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. 703. MORATORIUM ON PAYMENTS.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, no injured person shall be subject to a penalty or a requirement to pay interest for a failure of the injured person, as a result of the Disaster, to make timely payment of a financial obligation for any loan made, subsidized, or guaranteed by the United States.

(b) APPLICABILITY TO LOANS.—The moratorium under subsection (a) shall not apply to any loan made to or assumed by an injured person on or after August 29, 2005.

(c) PERIOD OF EFFECTIVENESS.—The moratorium under subsection (a) shall apply in accordance with section 761 to the failure of an injured person to make timely payments.

(d) ELIGIBILITY.—If a Federal agency responsible for administering a benefit program referred to in section 702(2) determines that an individual or entity that has applied to receive a benefit under the program is not eligible to receive the benefit, the individual or entity, for purposes of the moratorium under subsection (a), shall cease to be considered an injured person as of the date on which the individual or entity receives notice of the determination of the Federal agency.

(e) FEDERAL RESPONSIBILITY.—In the case of a moratorium on payments on a loan subsidized or guaranteed by the United States, nothing in this section excuses the United States from any liability of the United States to the lender under the terms of the agreement between the United States and the lender.

(f) EFFECT OF OTHER LAW.—The moratorium under subsection (a) shall apply to an injured person only if, and to the extent that, the injured person is not excused from, or eligible to be excused from, the obligation under other applicable law.

Subtitle B—Individual and Household Assistance

SEC. 711. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.

(a) MAXIMUM AMOUNTS.—Notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), in providing assistance to individuals and households affected by Hurricane Katrina, the President may waive the limitation on total assistance under subsection (h) of that section.

(b) MORTGAGE AND RENTAL ASSISTANCE.—

(1) IN GENERAL.—During the 18-month period beginning on the date of enactment of this Act, the President may provide assistance in the form of mortgage or rental payments for persons described in paragraph (2).

(2) ELIGIBLE PERSONS.—Assistance under paragraph (1) may be provided to any individual or household that—

(A) resided on August 29, 2005, in an area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

(B) as a result of financial hardship caused by a major disaster described in subparagraph (A), is subject to dispossession or eviction from a residence due to foreclosure of a mortgage or lien or termination of a lease entered into before the date on which the major disaster is declared.

(c) TYPES OF HOUSING ASSISTANCE.—No limitation relating to the maximum amount of assistance under paragraph (2) or (3) of section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) shall apply with respect to major disaster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mississippi, or FEMA-1605-DR-Alabama.

(d) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), in the case of financial assistance provided under subsection (e) of that section to any individual or household in response to a major disaster referred to in subsection (c), the Federal share shall be 100 percent.

Subtitle C—Unemployment Assistance

SEC. 721. UNEMPLOYMENT ASSISTANCE.

Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) is amended by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

"SEC. 410. UNEMPLOYMENT ASSISTANCE.

"(a) PROVISION OF UNEMPLOYMENT ASSISTANCE.—

"(1) ASSISTANCE.—

"(A) IN GENERAL.—The President shall provide to any individual unemployed as a result of a major disaster such benefit assistance as the President determines to be appropriate.

"(B) LOCATION OF EMPLOYMENT.—An individual that is unemployed as a result of a major disaster as determined under subparagraph (A) may receive assistance under this subsection regardless of whether the individual was employed at a location within the declared disaster area.

"(C) REASON FOR UNEMPLOYMENT.—For purposes of this subsection, an individual who is unemployed because a loss of business resulting from a major disaster contributed importantly to the employer's decision to reduce or terminate employment shall be considered to be an individual unemployed as a result of a major disaster.

"(D) ELIGIBILITY.—An individual shall be eligible to receive assistance under this subsection regardless of whether the individual is eligible to receive, or has exhausted eligibility for, State unemployment compensation.

"(2) AVAILABILITY.—Assistance provided to an unemployed individual under paragraph (1) shall be available as long as the unemployment of the individual caused by the major disaster continues, or until the individual is reemployed in at least a comparable position, but not longer than 52 weeks after the date on which the unemployed individual first receives assistance.

"(3) MAXIMUM AND MINIMUM WEEKLY AMOUNTS.—The amount of assistance provided to an unemployed individual under this subsection for each week of unemployment shall be—

"(A) unless the amount is less than the amount described in subparagraph (B), not more than the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred; and

"(B) not less than the national average weekly unemployment benefit provided to an individual as of the date of the major disaster for which unemployment assistance is provided.

"(4) PERIOD FOR APPLICATION.—The President shall accept applications for assistance under this subsection for—

"(A) the 90-day period beginning on the date on which the applicable major disaster is declared; or

"(B) such longer period as may be established by the President.

"(5) COOPERATION WITH STATES.—The President shall provide assistance under this subsection through agreements with States that, in the judgment of the President, have an adequate system for administering the assistance through existing State agencies.".

Subtitle D—Tax Relief

SEC. 731. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code and amounts described in paragraph (2) of section 7508A(a) of such Code relating to any employment tax liability of the taxpayer.

SEC. 732. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.

(a) EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAID.—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

"(x) REPAYABLE DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, gross income shall not include any qualified distribution.

"(2) REPAYMENT REQUIREMENT.—

"(A) ADDITION TO TAX.—If the required recontributions made by the taxpayer during the repayment period are less than the qualified distribution, the tax imposed by this chapter for the last taxable year in the repayment period shall be increased by the amount determined under subparagraph (B).

"(B) DETERMINATION OF AMOUNT.—The amount determined under this subparagraph shall be an amount which bears the same ratio to the tax benefit amount as—

"(i) the excess (if any) of the qualified distribution over required recontributions made during the repayment period, bears to

"(ii) the qualified distribution.

"(C) REPAYMENT PERIOD.—For purposes of this subsection, the term 'repayment period' means, with respect to any qualified distribution, the 5-taxable year period beginning after the taxable year in which such distribution is received.

"(D) TAX BENEFIT AMOUNT.—For purposes of this subsection, the term 'tax benefit amount' means, with respect to any qualified distribution, the aggregate reduction in the tax imposed by this chapter for the taxable year in which such distribution is received by reason of the exclusion under paragraph (1).

"(3) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term 'qualified distribution' means any distribution to an individual who has a principal place of abode within the area designated as a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina—

"(A) if such distribution is made during the 6-month period beginning on the date such declaration is made, and

"(B) to the extent such distribution does not exceed the excess of—

"(i) the amount of expenses incurred as a result of such disaster, over

"(ii) the amount of such expenses which are compensated for by insurance or otherwise.

"(4) RECONTRIBUTION OF QUALIFIED DISTRIBUTIONS.—

"(A) IN GENERAL.—If an individual received a qualified distribution, such individual shall make required recontributions in the manner provided in this paragraph to an individual retirement plan maintained for the benefit of such individual.

"(B) METHOD OF MAKING RECONTRIBUTION.—Any required recontribution—

"(i) shall be made during the repayment period for the qualified distribution,

"(ii) shall not exceed the qualified distribution reduced by any prior recontribution under this paragraph with respect to such distribution, and

"(iii) shall be made by making a payment in cash to the qualified retirement plan from which the qualified distribution was made.

An individual making a required recontribution under this paragraph shall designate (in the manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

"(C) TREATMENT OF CONTRIBUTION.—For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

"(5) OTHER SPECIAL RULES.—

"(A) BASIS RULES NOT AFFECTED.—The tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

"(B) AGGREGATION RULE.—For purposes of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle D—Hurricane Katrina Food Assistance Relief

SEC. 741. SHORT TITLE.

This subtitle may be cited as the "Hurricane Katrina Food Assistance Relief Act of 2005".

SEC. 742. DEFINITION OF SECRETARY.

In this subtitle, the term "Secretary" means the Secretary of Agriculture.

SEC. 743. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) IN GENERAL.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

"(4) RESPONSE TO HURRICANE KATRINA.—

"(A) DEFINITIONS.—In this paragraph:

"(i) AFFECTED AREA.—

"(I) IN GENERAL.—The term 'affected area' means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

"(II) INCLUSION.—The term 'affected area' includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

"(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

"(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(ii) AFFECTED HOUSEHOLD.—

"(I) IN GENERAL.—The term 'affected household' means a household—

"(aa) in an affected area;

"(bb) in which a member worked immediately prior to August 29, 2005, in an affected area; or

"(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State.

"(II) INCLUSION.—The term 'affected household' includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

"(iii) DISASTER RECOVERY PERIOD.—

"(I) IN GENERAL.—The term 'disaster recovery period' means the period of 180 days beginning on the date of enactment of this paragraph.

"(II) EXTENSION.—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

"(B) DISASTER RECOVERY PERIOD.—During the disaster recovery period—

"(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6, and section 8(c)(1) shall not apply to affected households;

"(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

"(iii) at the option of the State agency, the State agency may increase the value to the affected household of the thrifty food plan determined under section 3(o) by 6 percent when calculating the value of the allotment for an affected household under section 8(a), in lieu of making the adjustment otherwise required by clause (iv);

"(iv) except in the case of a household to which clause (iii) applies, the State agency shall calculate the income of an affected household using a standard deduction of $323 in lieu of the deduction provided under subsection (e)(1);

"(v) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

"(vi) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

"(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

"(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

"(C) DUPLICATE PARTICIPATION.—

"(i) IN GENERAL.—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

"(ii) NO ACTION TAKEN.—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

"(D) CLAIMS RELATING TO BENEFITS.—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

"(E) PAYMENT ERROR RATE.—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

"(F) SAVINGS CLAUSE.—This paragraph shall not apply in any area of a State to the extent that there is in effect in the area an emergency food stamp plan approved by the Secretary that is more generous than the assistance provided under this paragraph.".

(b) PROGRAM INFORMATION ACTIVITIES.—

(1) IN GENERAL.—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than $5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to provide affected households (as defined in section 5(h)(4)(A)(i) of the Food Stamp Act of 1977 (as added by subsection (a)) with information about and assistance in completing the application process for any food assistance programs for which the Secretary provides funds or commodities.

(2) EXPEDITING PROVISIONS.—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 744. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term "eligible recipient" means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) ASSISTANCE.—

(1) IN GENERAL.—In addition to funds already obligated to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), the Secretary, in consultation with the Secretary of Homeland Security, shall use not more than $200,000,000 of funds made available under that Act to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(c) SECTION 32 FUNDING.—In addition to funds obligated for fiscal years 2005 and 2006 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not more than $200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 745. WIC FUNDING.

(a) IN GENERAL.—In addition to other funds made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated $200,000,000, to remain available until September 30, 2007.

(b) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) ALLOCATION OF FUNDS.—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 746. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section 743(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 747. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle E—Bankruptcy Relief

SEC. 751. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) ELIGIBILITY.—A case described in this subsection is a case commenced during the 12-month period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), by or on behalf of a debtor—

(1) who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in connection with Hurricane Katrina; and

(2) whose financial condition is materially adversely affected by the major disaster.

Subtitle F—Administrative Matters

SEC. 761. PERIOD OF AVAILABILITY OF BENEFITS.

(a) IN GENERAL.—Except as otherwise provided by this title or an amendment made by this title, a benefit or assistance provided by any provision of this title or an amendment made by this title shall be available through the date that is 180 days after the date of enactment of this Act.

(b) AUTOMATIC EXTENSION.—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this Act (or any earlier date on which such period expires under a provision of this title or an amendment made by this title), unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals and households affected by Hurricane Katrina or a related condition.

(c) REPORT.—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SEC. 762. NONDISCRIMINATION.

Each recipient of Federal funds made available pursuant to this title or an amendment made by this title, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SA 1679. Mr. KERRY (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5 . SMALL BUSINESS EMERGENCY RELIEF.

(a) DEFINITIONS.—As used in this section—

(1) the term "covered loan" means a loan or loan guarantee by the Administration—

(A) under section 7(a) of the Small Business Act or section 503 of the Small Business Investment Act of 1958; and

(B) to a small business concern that—

(i) is located in a disaster area; and

(ii) has been adversely affected by Hurricane Katrina;

(2) the term "disaster area" means an area declared as a disaster area as a result of Hurricane Katrina of August 2005;

(3) the term "small business concern" has the same meaning as in section 3 of the Small Business Act; and

(4) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

(b) TEMPORARY DEFERMENT OF PRINCIPAL AND INTEREST ON DISASTER LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, during the 2-year period following the date of issuance of a loan issued under section 7(b) of the Small Business Act related to Hurricane Katrina of August 2005, defer payments of principal and interest on the loan (and no interest shall accrue thereon during such period).

(2) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the 2-year period described in paragraph (1), the payment of periodic installments of principal and interest shall be required with respect to a loan issued under section 7(b) of the Small Business Act, in the same manner and subject to the same terms and conditions as would otherwise be applicable to such loan.

(c) DISASTER LOANS FOLLOWING HURRICANE KATRINA.—

(1) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

"(4) DISASTER LOANS AFTER HURRICANE KATRINA.—

"(A) REFINANCING DISASTER LOANS.—

"(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the 'disaster area') and that is adversely affected by Hurricane Katrina, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

"(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

"(B) REFINANCING BUSINESS DEBT.—

"(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located (or was located on August 24, 2005) in a disaster area and was adversely affected by Hurricane Katrina. With respect to a refinancing under this clause, payments of principal may be deferred, and interest may accrue, during the 1-year period following the date of refinancing.

"(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest on a refinancing under clause (i) shall be required with respect to such refinancing, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

"(C) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

"(5) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower under this subsection may not exceed $10,000,000, with respect to a small business concern that is located in an area designated as a disaster area following Hurricane Katrina of August 2005, and that has been adversely affected by Hurricane Katrina.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under subparagraph (A).

"(6) EXTENDED APPLICATION PERIOD FOR HURRICANE KATRINA ASSISTANCE.—Notwithstanding any other provision of law, the Administrator shall accept applications for a loan under this subsection by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina and that has been adversely affected by Hurricane Katrina, until 1 year after the date on which the area was designated as a disaster area.".

(2) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

(d) ASSUMPTION OF PAYMENTS FOR EXISTING SBA LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Administration shall, in the case of a covered loan issued before the date of enactment of this Act, make all periodic payments, including interest, with respect to such covered loan on behalf of the borrower.

(2) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the 2-year period described in paragraph (1), no further payments shall be made on behalf of the borrower with respect to a covered loan.

(e) SUPPLEMENTAL EMERGENCY LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) SUPPLEMENTAL EMERGENCY LOANS AFTER HURRICANE KATRINA.—

"(A) LOAN AUTHORITY.—In addition to any other loan authorized by this subsection, the Administrator may make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina of August 2005.

"(B) FEES.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this subsection to qualified borrowers for a period of 2 years after the date of enactment of this paragraph.

"(ii) GUARANTEE FEES.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 2 years after the date of enactment of this subparagraph shall be as follows:

"(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than $150,000.

"(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

"(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.".

(f) LOWERING OF FEES.—

(1) APPROPRIATED AMOUNT.—There is authorized to be appropriated to the Administration $79,000,000, to remain available until expended, to carry out section 7(a)(23) of the Small Business Act, as amended by this subsection.

(2) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

"(C) LOWERING OF FEES.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

"(I) the Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) and (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

"(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

"(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.".

(g) BRIDGE LOANS.—There is authorized to be appropriated $400,000,000 to provide, through appropriate government agencies in affected States, bridge grants and loans to make necessary loans or grants to assist small business concerns that are located in a disaster area and that are adversely affected by Hurricane Katrina, until such business concerns are able to obtain loans through Administration assistance programs or other sources.

(h) CONTRACTING PROTECTION AND ASSISTANCE.—

(1) HUBZONES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a small business concern that is located in a disaster area and that has been adversely affected by Hurricane Katrina shall be treated as being located in a HUBZone for purposes of the program under section 31 of the Small Business Act (15 U.S.C. 658).

(B) TERMINATION.—Subparagraph (A) is repealed effective on the date that is 1 day after the date on which the declaration of the disaster area in response to Hurricane Katrina is lifted.

(2) SMALL BUSINESS PARTICIPATION.—

(A) IN GENERAL.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Secretary of Homeland Security (in this paragraph referred to as the "Secretary") shall—

(i) afford small business concerns the maximum practicable opportunity to participate in the performance of such contract; and

(ii) ensure that such contract complies with the subcontracting goals for small business concerns in the Small Business Act and the Federal Acquisition Regulations.

(B) LOCAL PRESENCE.—The Secretary shall make a determination on the advisability of requiring a local presence for small business concerns selected as subcontractors under contracts described in subparagraph (A).

(C) GOAL.—The Secretary shall set a goal of awarding not less than 30 percent of the funds awarded under contracts described in subparagraph (A) to small business concerns.

(3) BONDING THRESHOLDS.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Administrator—

(A) may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any contract up to $5,000,000; and

(B) shall ensure such guarantee complies with subsection (a)(4) and subsections (b) through (e) of section 411 of the Small Business Investment Act (15 U.S.C. 694b).

(4) DEFINITION.—In this subsection, the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(i) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING HURRICANE KATRINA.—

(A) FISCAL YEAR 2006.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended, for fiscal year 2006—

(i) $21,000,000, to be used for activities of small business development center pursuant to section 21 of the Small Business Act, $15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns affected by Hurricane Katrina;

(ii) $2,000,000, to be used for SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, $1,000,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina;

(iii) $4,500,000, to be used for activities of women's business center authorized by section 29(b)(4) of the Small Business Act, $2,500,000 of which shall be non-matching funds used to aid and assist small business concerns affected by Hurricane Katrina; and

(iv) $1,250,000, to be used for activities of the office of veteran's business development pursuant to section 32 of the Small Business Act, $750,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina.

(B) OTHER FISCAL YEARS.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended, for fiscal year 2006 and each fiscal year thereafter, such sums as may be necessary to carry out this section and the amendments made by this section, including necessary loan capital and funds for administrative expenses related to making and servicing loans authorized by this section and the amendments made by this section.

(2) BUSINESS LOAN PROGRAMS.—Section 20(e)(1)(B) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking "$17,000,000" and inserting "$20,000,000,000"; and

(B) by striking "$7,500,000,000" and inserting "$10,000,000,000".

(j) DISASTER LOAN ADDITIONAL AMOUNTS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated to the Administration $60,000,000, to make loans to make covered loans under section 7(b) of the Small Business Act.

(k) DEVELOPMENT CENTERS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated to the Administration $15,000,000 to assist small business development centers under section 21 of the Small Business Act located in a disaster area, and in other States or areas that have sent resources or personnel to directly assist with disaster relief in such disaster areas.

(l) SMALL BUSINESS AND FARM ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) SMALL BUSINESS DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (6), as added by this section, the following:

"(7)(A) For purposes of this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

"(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

"(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

"(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

"(E) For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy; wind energy, or fuel cells.".

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ", significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene" after "civil disorders"; and

(B) by inserting "other" before "economic".

(3) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (n)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(7) of the Small Business Act, as added by this subsection, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(7) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(7), if any.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (n), or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(7) of the Small Business Act, as added by this subsection.

(m) FARM ENERGY EMERGENCY RELIEF.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking "operations have" and inserting "operations (i) have"; and

(ii) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary";

(B) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(C) in the fourth sentence—

(i) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(ii) by inserting "or declaration" after "emergency designation".

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(3) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (n)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (n), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(n) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out subsections (l) and (m), and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(7)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)), as added by subsection (l).

(o) EMERGENCY SPENDING.—Appropriations under this section are emergency spending, as provided under section 402 of H. Con. Res. 95 (108th Congress).

SA 1680. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, beginning on line 24, strike "duties:" and insert the following: "duties: *Provided further*, That not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination as to whether the distribution of funds pursuant to section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) is inconsistent with the obligations of the United States as a Member of the World Trade Organization and report that determination to Congress, and if the determination of the United States Trade Representative is that the distribution of funds pursuant to such section 754 is inconsistent with the obligations of the United States as a Member of the World Trade Organization, the United States Trade Representative shall continue to monitor and assess whether the distribution of such funds is inconsistent with such obligations and if at any time, the United States Trade Representative determines that there has been a change in circumstances, and as a result of such changed circumstances, the distribution of funds pursuant to such section 754 is not inconsistent with the obligations of the United States as a Member of the World Trade Organization, the United States Trade Representative shall, within 30 days of that determination, report the determination to Congress: *Provided further*, That notwithstanding any other provision of law, no funds may be made available, obligated, or distributed pursuant to such section 754 until the date that is 30 days after the date on which the United States Trade Representative reports a determination to Congress pursuant to the preceding proviso that the distribution of funds pursuant to such section 754 is not inconsistent with the obligations of the United States as a Member of the World Trade Organization:" .

SA 1681. Mr. GRASSLEY submitted an amendmeht intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, beginning on line 20, strike the following: "Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties:".

SA 1682. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, beginning on line 12, strike "Provided further," and all that follows through line 15.

SA 1683. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 154, strike lines 7 through 13.

SA 1684. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, beginning on line 18, strike "Provided further, that not less than $2,000,000 provided under this heading shall be for expenses authorized by 19 U.S.C. 2451 and 1677b(c):".

SA 1685. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, beginning on line 21, strike the following: "Provided further, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties:".

SA 1686. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, beginning on line 25, strike the following: "Provided further, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.".

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—CONTINUED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that we return to the pending matter and that the pending amendments be set aside so I may introduce another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1678

(Purpose: To provide financial relief for individuals and entities affected by Hurricane Katrina)

Mr. LIEBERMAN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 1678.

Mr. LIEBERMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LIEBERMAN. Mr. President, this amendment is an attempt to make sure, to the best of our ability, that people, families, individuals already devastated personally, psychologically, and physically by Hurricane Katrina are not lastingly devastated financially as well.

Where hundreds of thousands of people were forced out of their homes, forced out of their neighborhoods, forced out of their communities, forced out of work, our Government, it seems to me, must do everything it can to help them rebuild their lives from whatever they can salvage from this enormously powerful and destructive storm.

This amendment that I propose this morning is based on title IV of the Katrina Emergency Relief Act of 2005, which has been introduced by my colleagues Senator REID of Nevada and Senator LANDRIEU of Louisiana.

This amendment has seven main provisions, all of which are aimed at enabling the Federal Government to extend a hand—not a handout—to the people who have been so shaken from their normal lives by this storm and give them the help to rebuild those lives in the best tradition of American community responsibility for one another, and individual opportunities.

There are seven parts. Let me quickly enumerate them.

First, this amendment will waive the caps and cost sharing under the Stanford Act, Individuals and Household Program, that provides aid to those whose needs cannot be met through insurance or other assistance. Presently, these grants may not exceed $26,200 per individual or household. This provision would waive those caps on home repair, rent, temporary housing, or home replacement.

"Other Needs" assistance under this IHP, so-called Individuals and Households Program, also addresses medical, dental, and even funeral expenses. The States are required to provide 25 percent of the amount provided for some of these grants. Given the overwhelming nature of this episode and the terrible financial impact on the States, this provision would also waive the State contribution.

This is an opportunity to take care of some basic human needs, get some help for dental, medical, funeral, and household needs.

Second, this amendment will temporarily reinstate the Mortgage and Rental Payments Program, or coverage for rental or mortgage payments for those in danger of defaulting on their mortgage and losing their homes resulting from the financial hardship resulting from the disaster. The program had been eliminated in the Disaster Mitigation Act of 2000 because FEMA said the program was difficult to administer. But it was revived after September 11, with good cause, and it should be revived again with, unfortunately, a similarly good cause in the wake of Katrina.

Three, the amendment calls for a 6-month moratorium on the imposition of any penalties or additional accrued interest for people whose lives have been shaken by Hurricane Katrina and who fail to make timely payments for student loans, Small Business loans, or other loans made, subsidized, or guaranteed by the Federal Government. This will allow a breather for these people whose lives have been totally altered, removed from their homes, from their workplaces, their neighborhoods, and it will give them a 6-month breather on any penalties or accrued interest if they can't make payments for that period of time. This amendment also authorizes the President to extend that moratorium for an additional 6 months.

Four, this amendment eases bankruptcy provisions that otherwise are scheduled to take effect about a month and a half from now. History shows that bankruptcies often double in the wake of a disaster. This easing will go simply to people affected by Hurricane Katrina in the three Gulf States that were hit. Without this provision, many families hurt by this hurricane could wind up without access—not just hurt but devastated financially—to the bankruptcy laws under the new law.

Fifth, this amendment would extend and expand benefits under the Disaster Unemployment Assistance Program. It would extend the application period from 30 to 90 days. I know the Department of Labor and State officials are trying very hard to tell people they have a right to apply for this special form of unemployment assistance, to get some money coming in to support their families. There is a 30-day period because everybody is spread so far apart. Normally in a disaster, the disaster occurs and people go back basically to where they were. Now they are spread all over the country. This would extend the application period from 30 to 90 days.

In addition, it would expand the program to include individuals eligible for State unemployment insurance and those who suffer from the secondary economic effects of the disaster.

Finally, it would extend the duration of benefits for victims who otherwise qualify from 26 to 52 weeks and create an enhanced minium benefit level.

We have been reading stories that an amazing number of the people who were dislocated by Hurricane Katrina and now are in other States are already out looking for work and finding it. This is for the people who haven't been able to find it, and it will give them some assistance for their families.

Estimates suggest that as many as a half million workers will be left jobless by Hurricane Katrina, and that unemployment may soar to 25 percent or more in some of the regions affected as a result. The families, therefore, will desperately need this extended lifeline this amendment will provide.

Six, the amendment would suspend the tax and penalties on withdrawals from qualified retirement plans so that those who have suffered losses as a result of Hurricane Katrina can use money that otherwise would be in their retirement plans and for which they would be penalized for early withdrawal. They can now rebuild their lives and not suffer adverse tax consequences. Individuals who access funds in these accounts would have 5 years to repay the money to the account.

In addition, the amendment calls on the Secretary of the Treasury to suspend tax payment, return filing, and other time-limited actions required of taxpayers for a period of not less than 6 months. In other words, it would give these people not a free pass but a little bit of space before they have to go back to fulfilling all the obligations required, without diminishing those obligations.

I know by administrative action the Treasury Secretary has already said for people in these areas who would be paying estimated tax payments—I believe on September 15—they will not have to pay until the end of October.

Seven, we must feed the victims. It is as elemental as that.

We all saw the devastation this hurricane wreaked in terms of displaced families, destroyed livelihoods, and flooded homes. We also know how it affected the fundamental need for water and food. Across Connecticut and across America, I am sure the power of this act of nature was stunning. Of course, loss of life filled us with grief. But what really angered and in some sense embarrassed a lot of people across this country was to see our fellow human beings and fellow Americans trapped by this disaster without adequate access to food or water.

This amendment provides additional funding to purchase and distribute food and temporarily suspend food stamp requirements that, frankly, don't make sense in the wake of this disaster. I am thinking of a requirement that says a victim has to show proof that his or her car was worth less than $4,600. It is probably hard for a lot of people who would otherwise qualify for food stamps to be able to make that showing. We ought to suspend it.

Those are the seven parts of this proposal in this amendment. When all is said and done, the first step in rebuilding for most of these people will be to get back on a firm financial footing again. That is exactly the intent of this proposal. It is to give these people a breather, to give them a little temporary help. It is our Nation's way and our Federal Government's way of doing what neighbors and individuals are doing all over America, which is to reach out. I think it is the most generous expression of caring for one another I have ever seen in the history of this country, and it is our Government's way of trying to do the same so that people, once back on their feet, can begin to walk and then run to a better life.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

FETAL ALCOHOL SPECTRUM AWARENESS DAY

Ms. MURKOWSKI. Mr. President, so many Members of this Chamber have stood on the floor this past week to speak about the victims of the disaster, the catastrophe down in the gulf region, to speak of the victims of Hurricane Katrina. This morning I would like to spend a few brief moments to talk about some other victims, some very young victims, victims of a disease that is absolutely entirely preventable. This morning I speak very briefly about those young children who are born with a fetal alcohol disorder.

The ninth hour of the ninth day of the ninth month having arrived today, I ask unanimous consent that the Senate observe a very brief moment of reflection to remind women who are pregnant or those who may soon become pregnant that no amount of alcohol—none at all—is safe to consume during the 9 months of pregnancy.

If we may have a brief moment of reflection.

The PRESIDING OFFICER. Without objection, it is so ordered.

(moment of silence.)

Ms. MURKOWSKI. Mr. President, thank you.

By raising awareness one moment, one person at a time, we can minimize the harm that drinking during pregnancy causes to our most vulnerable population, and that is our children.

In February of 1999, there was a small group of parents who were raising children afflicted with fetal alcohol spectrum disorders. These parents set out to change the world. That small group started an online support group which quickly became a worldwide grassroots movement to observe September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day. Former Senate Minority Leader Tom Daschle was instrumental in having the Senate take notice of this important issue. He has worked very hard on this issue, and continues so today. We thank him for his efforts.

This year, for the seventh consecutive year, communities across the Nation are pausing at the hour of 9:09 a.m. to acknowledge this day.

Events are occurring in cities and towns not just across the country but around the world—from Chilliwack, British Columbia, to Cape Town, South Africa, to Madagascar. Families are joining today to raise awareness of Fetal Alcohol Syndrome Disorder, or FASD.

In Alaska, Alaskans will observe this day in solemn events in Anchorage, Juneau, Kenai, Fairbanks, and other communities.

FASD is an umbrella term that describes a range of physical and mental birth defects that can occur in a fetus when a pregnant woman consumes alcohol. It is a leading cause of nonhereditary mental retardation in the United States. Many children affected by maternal drinking during pregnancy have irreversible conditions, including severe brain damage. It is causing permanent lifelong disability. We have to keep this in perspective.

FASD is 100 percent preventable. Prevention merely requires a woman to abstain from alcohol during pregnancy. Knowing that it is entirely preventable, it is amazing to me to think that every year in this country an estimated 1 in every 100 babies are born with FASD. That is about 40,000 infants annually. FASD affects more children than Down's syndrome, cerebral palsy, spina bifida, and muscular dystrophy combined.

The cost of FASD is huge: More than $3 billion each year in direct health care costs and many times that amount in lost human potential. Lifetime health costs for an individual living with FASD can average $860,000.

The indirect financial and social costs to the Nation are even greater, including specialized health care, education, foster care, job training, cost of incarceration, general support services.

All in all, the direct and indirect economic costs of FASD in the United States are estimated to be $5.4 billion. FASD is found in every community in America, in Native, non-Native, rich, poor. It does not discriminate.

That is why, last February, the U.S. Surgeon General, Richard Carmona, again issued another advisory, to protect women, to completely abstain from alcohol use.

In Alaska, we have very troubling statistics as they relate to FASD. We have the highest rate of FASD in the Nation. Approximately 163 Alaskan babies are born each year affected by maternal alcohol use during pregnancy. Among our Native communities, the statistics are even worse. The rate of FASD is 15 times higher than non-Native areas in our State.

This is a disease syndrome that is 100 percent preventable. We can save so many children, so many families, so much heartache simply by increasing people's awareness of what FASD is and how we can prevent it.

In fact, prevention of FASD is seven times more cost effective than treating the disorder. That is why Senator JOHNSON and I and several other Senators from both sides of the aisle will soon introduce legislation to direct more resources toward this terrible problem. The legislation we are introducing is called the Advancing FASD Research, Prevention and Services Act. It is designed to develop and implement targeted State and community-based outreach programs to improve coordination among Federal agencies involved in FASD treatment and research by establishing stronger communication with these programs and also to improve support services for families and strengthening educational outreach efforts to doctors, teachers, judges, and others whose work puts them in contact with those with FASD.

Mr. President, 40,000 American children a year are born with FASD. Our investment today in prevention, treatment, and research will save countless and future health care costs of this devastating, but entirely preventable, disorder.

I ask my colleagues to join with Senator JOHNSON and I in supporting the advancing FASD Research, Prevention and Services Act.

Today, on Fetal Alcohol Awareness Day, let us remember all innocent babies afflicted with this disorder and let us imagine the potential they could have but for this damage from alcohol. I hope we continue to recognize, to pause in the ninth hour of the ninth day of each September until fetal alcohol syndrome disorders are eradicated.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREAT APE CONSERVATION ACT OF 2000

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 194, S. 1250.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1250) to reauthorize the Great Ape Conservation Act of 2000.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREAT APE CONSERVATION ASSISTANCE.

Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended—

(1) in subsection (d)—

(A) in paragraph (4)(C), by striking "or" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(6) address root causes of threats to great apes in range states, including illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters."; and

(2) in subsection (i)—

(A) by striking "Every" and inserting the following:

"(1) IN GENERAL.—Every";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "shall" and inserting "may"; and

(C) by adding at the end the following:

"(2) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).".

SEC. 2. GREAT APE CONSERVATION FUND.

Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended—

(1) by striking "expand" and inserting "expend"; and

(2) by striking "$80,000" and inserting "$150,000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

The Great Ape Conservation Act of 2000 is amended by striking section 6 (16 U.S.C. 6305) and inserting the following:

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Fund—

"(1) $5,000,000 for each of fiscal years 2006 and 2007; *and*

"(2) $7,000,000 for [fiscal year 2008; and] *each of fiscal years 2008 through 2010.".*

["(3) $10,000,000 for each of fiscal years 2009 and 2010.".]

Mr. FRIST. I ask unanimous consent the committee-reported amendments be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1250), as amended, was read the third time and passed, as follows:

S. 1250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREAT APE CONSERVATION ASSISTANCE.

Section 4 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6303) is amended—

(1) in subsection (d)—

(A) in paragraph (4)(C), by striking "or" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(6) address root causes of threats to great apes in range states, including illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters."; and

(2) in subsection (i)—

(A) by striking "Every" and inserting the following:

"(1) IN GENERAL.—Every";

(B) in paragraph (1) (as designated by subparagraph (A)), by striking "shall" and inserting "may"; and

(C) by adding at the end the following:

"(2) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).".

SEC. 2. GREAT APE CONSERVATION FUND.

Section 5(b)(2) of the Great Ape Conservation Act of 2000 (16 U.S.C. 6304(b)(2)) is amended—

(1) by striking "expand" and inserting "expend"; and

(2) by striking "$80,000" and inserting "$150,000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

The Great Ape Conservation Act of 2000 is amended by striking section 6 (16 U.S.C. 6305) and inserting the following:

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Fund—

"(1) $5,000,000 for each of fiscal years 2006 and 2007; and

"(2) $7,000,000 for each of fiscal years 2008 through 2010.".

JUNIOR DUCK STAMP REAUTHORIZATION ACT OF 2005

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 195, S. 1339.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1339) to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1339) was read the third time and passed, as follows:

S. 1339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Junior Duck Stamp Reauthorization Act of 2005".

SEC. 2. REAUTHORIZATION.

The Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719 et seq.) is amended—

(1) by redesignating the first section 6 (16 U.S.C. 719c), relating to authorization of appropriations, as section 7 and moving the section so as to appear at the end of the Act; and

(2) in section 7 (as redesignated by paragraph (1)) by striking "2001 through 2005" and inserting "2006 through 2010".

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AMENDMENTS

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of calendar 196, S. 1340.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1340) to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1340) was read the third time and passed, as follows:

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF SURPLUS FUNDS IN WILDLIFE RESTORATION FUND.

Section 3(b)(2)(C) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(b)(2)(C) is amended by striking "2006" and inserting "2016".

CAPTIVE WILDLIFE SAFETY TECHNICAL AMENDMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 197, S. 1415.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1415) to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(Strike the parts shown in black brackets and insert the parts shown in italic.)

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Wildlife Safety Technical Amendment Act of 2005".

SEC. 2. CAPTIVE WILDLIFE AMENDMENTS.

(a) Prohibited Acts.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting "or" after the [semi-colon] *semicolon*;

(ii) in subparagraph (B), by striking "; or" and inserting a [semi-colon] *semicolon*; and

(iii) by striking subparagraph (C); and

(B) in paragraph (4), by inserting "or subsection (e)" before the period; and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively;

(B) by striking "(e)" and all that follows through "Subsection (a)(2)(C)" in paragraph (1) and inserting the following:

"(e) Captive Wildlife Offense.—

"(1) In general.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

"(2) Nonapplicability.—This subsection";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking "a" before "prohibited" and inserting "any";

(ii) by striking "(3)" and inserting "(4)"; and

(iii) by striking "(2)" and inserting "(3)";

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking "animals listed in section 2(g)" each place it appears and inserting "prohibited wildlife species"; and

(II) in clause (iv), by striking "animals" and inserting "prohibited wildlife species"; and

(ii) in [suparagraph] *subparagraph* (D), by striking "animal" each place it appears and inserting "prohibited wildlife species";

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking "(2)" and inserting "(3)";

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking "subsection (a)(2)(C)" and inserting "this subsection"; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

"(7) Application.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.".

(b) Criminal Penalties.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by striking "subsection 3(b)" each place it appears and inserting "subsections (b), (d), and (e) of section 3"; and

(2) in paragraph (3), by striking "section 3(d)" and inserting "subsections (d) and (e) of section 3".

SEC. 3. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108–191) is amended—

(1) in subsection (a), by striking "(a) In General.—Section 3" and inserting "Section 3"; and

(2) by striking subsection (b).

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1415), as amended, was read the third time and passed, as follows:

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Wildlife Safety Technical Amendment Act of 2005".

SEC. 2. CAPTIVE WILDLIFE AMENDMENTS.

(a) Prohibited Acts.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting "or" after the semicolon;

(ii) in subparagraph (B), by striking "; or" and inserting a semicolon; and

(iii) by striking subparagraph (C); and

(B) in paragraph (4), by inserting "or subsection (e)" before the period; and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively;

(B) by striking "(e)" and all that follows through "Subsection (a)(2)(C)" in paragraph (1) and inserting the following:

"(e) Captive Wildlife Offense.—

"(1) In general.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

"(2) Nonapplicability.—This subsection";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking "a" before "prohibited" and inserting "any";

(ii) by striking "(3)" and inserting "(4)"; and

(iii) by striking "(2)" and inserting "(3)";

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking "animals listed in section 2(g)" each place it appears and inserting "prohibited wildlife species"; and

(II) in clause (iv), by striking "animals" and inserting "prohibited wildlife species"; and

(ii) in subparagraph (D), by striking "animal" each place it appears and inserting "prohibited wildlife species";

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking "(2)" and inserting "(3)";

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking "subsection (a)(2)(C)" and inserting "this subsection"; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

"(7) Application.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.".

(b) Criminal Penalties.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by striking "subsection 3(b)" each place it appears and inserting "subsections (b), (d), and (e) of section 3"; and

(2) in paragraph (3), by striking "section 3(d)" and inserting "subsections (d) and (e) of section 3".

SEC. 3. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108–191) is amended—

(1) in subsection (a), by striking "(a) In General.—Section 3" and inserting "Section 3"; and

(2) by striking subsection (b).

ORDERS FOR MONDAY, SEPTEMBER 12, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 12. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business, with the time equally divided until 3 p.m. I further ask consent that at 3 p.m., the Senate resume consideration of H.R. 2862, the Commerce, Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will resume consideration of the Commerce-Justice-Science appropriations bill. There are a number of amendments pending or in order to the bill, and I encourage Members to offer and debate those amendments on Monday afternoon so we can schedule votes for Monday night and Tuesday.

On Monday evening, at 5:30, we will have an hour of debate followed by a vote on the motion to proceed to S.J. Res. 20, a resolution of disapproval relating to mercury. That vote will occur at 6:30 p.m., and additional votes are possible into the evening.

Early next week, we expect to finish the Commerce-Justice-Science appropriations bill, and we will continue with other appropriations measures over the course of that week. Many of these appropriations bills do have disaster-related language, language that is important to our response to Katrina; therefore, we want to expedite their consideration.

We have been working to pass several freestanding measures in response to Katrina, and we will continue to do so as they become available. As I pointed out earlier this morning and yesterday, last night, we are working very aggressively to make sure all legislation which is of benefit to the victims of this hurricane are handled expeditiously on the floor of the Senate in their consideration and passage.

We have considered two emergency supplemental bills: the $51.8 billion we passed last night and the $10.5 billion we passed on Thursday of a week ago. We have considered bills regarding emergency court jurisdiction in response to Katrina and the courts' ability to continue their operations along the southern coast. We considered a resolution allowing for Senate offices to assist with noncash contributions with regard to relief in response to the hurricane.

We are currently working on a whole range of additional matters relating to flood insurance and TANF, which is the Temporary Assistance to Needy Families Program. Our committees, through their various jurisdictions, are working to see how and when we can take action to give that appropriate relief and make progress in helping all of those affected by this natural disaster. We will continue those efforts over the weekend and into next week.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Georgia, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

ADJOURNMENT UNTIL 2 P.M. MONDAY, SEPTEMBER 12, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, September 12, 2005.

Thereupon, the Senate, at 12:50 p.m., adjourned until Monday, September 12, 2005, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Monday, September 12, 2005*

The House met at noon and was called to order by the Speaker pro tempore (Mr. COLE of Oklahoma).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 12, 2005.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, truly eternal and beyond our ability to imagine or measure, difficult times bring us to our knees and invite us to be one in prayer with our sisters and brothers who are suffering the most during bad days. With loving affection and active charity, we raise up to You all the victims of war, terrorism, natural disaster, and injustice. As we pray for the grace and determination to set things right, by Your holiness, free us from any self-righteous judgment of others.

Lord, You challenge both the secure and the deprived, both the successful and the indigent. All are called to a conversion of heart. Whether we are exhorted by circumstances to move beyond the paralysis of complacency or helplessness or the self-centeredness of contentment or anger, all of us are called to be holy as You alone are holy.

In these difficult times, help us to be grateful, gracious to one another, self-giving and creative as well as practical in our desire to be one and at peace now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 9, 2005, at 10:00 am:

That the Senate passed without amendment H.R. 804.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 9, 2005, at 2:00 p.m.:

That the Senate passed S. 1250.
That the Senate passed S. 1339.
That the Senate passed S. 1340.
That the Senate passed S. 1415.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE HONORABLE MICHAEL M. HONDA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MICHAEL M. HONDA, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 17, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena for documents issued by the U.S. Department of Justice.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MICHAEL M. HONDA,
Member of Congress.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from James M. Eagen III, Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 22, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Circuit Court for Montgomery County, Maryland, for documents and testimony in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House, and the Office of the General Counsel has moved to vacate the subpoena.

Sincerely,

JAMES M. EAGEN III,
Chief Administrative Officer.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1250. An act to reauthorize the Great Ape Conservation Act of 2000; to the Committee on Resources.

S. 1339. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Resources.

S. 1415. An act to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections; to the Committee on Resources.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 5 minutes p.m.), under its previous order, the

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House adjourned until tomorrow, Tuesday, September 13, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3770. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

3771. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending June 30, 2005, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3772. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities for Fiscal Year 2004, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

3773. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting certified materials supplied to the Commission, pursuant to Public Law 101-510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

3774. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's "Major" final rule—Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification [DFARS Case 2004-D011] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3775. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3776. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3777. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101–510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3778. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General John P. Jumper, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3779. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2004, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.

3780. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Navy's proposed lease of defense articles to the Government of India (Transmittal No. 04-05); to the Committee on International Relations.

3781. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA) as amended, Transmittal No. 0B-05, relating to enchancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA,as amended certification 02-33 on 25 July 2002; to the Committee on International Relations.

3782. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-29, concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

3783. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-21, concerning the Department of the Navy's proposed Letter(s)of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on International Relations.

3784. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act of 1961 for the use of funds for counterdrug and police programs in Haiti; to the Committee on International Relations.

3785. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense equipment to the Government of South Korea (Transmittal No. DDTC 029-05); to the Committee on International Relations.

3786. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3787. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3788. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3789. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3790. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3791. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3792. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3793. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3794. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Assawoman Bay, Ocean City, MD [CGD05-05-071] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3795. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Nansemond River, Suffolk, Virginia [CGD05-05-038] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3796. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: East River, Mathews, VA [CGD05-05-042] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3797. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Chesapeake Bay, James River, Williamsburg, VA [CGD05-05-045] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3798. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Atlantic Ocean, Norfolk, VA [CGD05-05-053] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3799. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Biloxi Ship Channel, Biloxi, MS [COTP Mobile-05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3800. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St Andrews Bay, Panama City, FL [COTP Mobile-05-009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3801. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM60 to GICW MM90, Longbeach, MS to Biloxi, MS [COTP Mobile-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3802. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM90 to GICW MM120, Pascagoula, MS to Bayou La Batre, AL [COTP Mobile-05-012] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3803. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM120 to GICW MM155, Mobile, AL to Gulf Shores, AL [COTP Mobile-05-013] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3804. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM155 to GICW MM225 Orange Beach, AL to Santa Rosa Island, FL [COTP Mobile-05-014] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3805. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; GICW MM225 to GICW MM350 Santa Rosa Beach, FL to Aucilla River, FL [COTP Mobile-05-015] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3806. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Terrebonne Floodgate, Montegut, LA [COTP Morgan City-05-032] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3807. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf-Intracoastal Waterway mile 57 to mile 58, West of Harvey Locks, Houma, LA [COTP Morgan City-05-074] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3808. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 150.0 to Mile Marker 152.0, extending the entire width of the river, Belmont, LA [COTP New Orleans-05-018] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3809. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: International Line Builders Inc. Over Water Cable Operations, Columbia River [CGD13-05-010] (RIN: 2115-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3810. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Hydroplane Races, Columbia Park, Kennewick, Washington [CGD13-05-014] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3811. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Supplemental In-River Investigation of Groundwater and Sediment, Willamette River, Portland, Oregon [CGD13-05-019] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3812. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Charleston, SC [COTP Charleston 05-065] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3813. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lake Michigan, Whiting, IN [CGD09-05-025] (RIN: 1625-AA00) received August 25.2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3814. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Illinois River Mile Marker 87.0 to Mile Marker 89.5, Beardstown, IL [COTP St. Louis-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3815. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Intracoastal Waterway Marker 65, Corpus Christi, TX [COTP Corpus Christi-05-002] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3816. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Corpus Christi Ship Channel, Intracoastal Waterway, Corpus Christi, TX [COTP Corpus Christi-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3817. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Intracoastal Waterway Marker 65, Corpus Christi, TX [COTP Corpus Christi-05-004] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3818. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intracoastal Waterway, Mile 357.3 Galveston, TX [COTP Houston-Galveston-05-0007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on September 9, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3132. A bill to make improvements to the national sex offender registration program, and for other purposes; with an amendment (Rept. 109–218 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on September 9, 2005]

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 3132 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ABERCROMBIE:

H.R. 3725. A bill to prohibit the Secretary of Transportation from issuing and enforcing certain requirements relating to commercial motor vehicle drivers; to the Committee on Transportation and Infrastructure.

By Mr. PENCE:

H.R. 3726. A bill to enhance prosecution of child pornography and obscenity by strengthening section 2257 of title 18, United States Code, to ensure that children are not exploited in the production of pornography, prohibiting distribution of child pornography used as evidence in prosecutions, authorizing assets forfeiture in child pornography and obscenity cases, expanding administrative subpoena power to cover obscenity cases, and prohibiting the production of obscenity, as well as its transportation, distribution, and sale, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 475: Mr. McDERMOTT, Mr. ANDREWS, and Mr. MORAN of Virginia.

H.R. 565: Mr. WEINER.

H.R. 566: Mr. WEINER.

H.R. 887: Mr. McGOVERN.

H.R. 923: Mr. TANCREDO.

H.R. 1137: Mr. ROSS.

H.R. 1424: Mr. FITZPATRICK of Pennsylvania, Ms. DEGETTE, and Mr. BRADY of Pennsylvania.

H.R. 1498: Miss McMORRIS, Mr. McNULTY, and Ms. SLAUGHTER.

H.R. 1671: Mr. SHUSTER.

H.R. 2017: Ms. SCHAKOWSKY.

H.R. 2122: Mr. VAN HOLLEN.

H.R. 2822: Mr. McCOTTER.

H.R. 2823: Mr. BISHOP of Georgia.

H.R. 2874: Mr. ANDREWS and Mr. LYNCH.

H.R. 2962: Mr. BARROW, Mr. CLAY, Ms. KAPTUR, Mr. McCOTTER, Mr. CUMMINGS, Mr. HONDA, Ms. GINNY BROWN-WAITE of Florida, and Mr. OBERSTAR.

H.R. 3268: Mr. BARTLETT of Maryland.

H.R. 3382: Mr. GREEN of Wisconsin.

H.R. 3706: Mr. WEINER, Mr. PAYNE, Mr. STUPAK, Mr. GONZALEZ, Mr. OWENS, Mr. HOLT, and Mr. CROWLEY.

SENATE—*Monday, September 12, 2005*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our help in ages past, our hope for years to come, on yesterday millions remembered our kinship of loss because of September 11, 2001, and we paused to acknowledge Your authority over our lives.

Without You, we cannot function as a people or Nation. Without Your shield of protection, our efforts to defend ourselves will fail. Unless You bless our Nation, we labor in vain.

Keep us from the arrogance that places its confidence in weapons made by human hands. Infuse us with a national awareness that righteousness exalts a Nation and sin brings shame.

Today, as Senators work for freedom, give them an awareness of Your abiding presence and steadfast love. Help them to remember that those who love You are never alone.

And, Lord, in these challenging times, bless our military people who routinely give their tomorrows for our todays. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 3 p.m., with the time equally divided.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will begin today's session with a period for morning business that will extend for an hour, until 3. At 3, we will resume consideration of the Commerce-Science-Justice appropriations bill. We are prepared for Members to come forward to offer their amendments to the bill so that we can complete action early this week.

We reached an agreement to limit amendments to the bill, and now is the time for Senators to come and debate their amendments. There is a vote scheduled for this evening. At 5:30, we will begin a 1-hour period of debate prior to a vote at 6:30 on the motion to proceed to the resolution of disapproval on regulations relating to mercury. If that motion is not agreed to, we would return to the Commerce appropriations bill. If the motion is agreed to, then we would begin 2 hours of debate on the pending resolution.

Having said that, we will be continuing the appropriations process this week, with many of these bills having disaster-related language. It is important that we continue to expedite our efforts on all fronts, and therefore we will be voting throughout the week.

In addition to our floor business today, Chairman SPECTER opened the hearings on the nomination of Judge Roberts at noon, now 2 hours ago. We will make every effort to not interrupt those hearings as we continue our work on the floor, and therefore we will be looking to stack votes around lunchtime each day or later in the evening throughout the week.

CLEANUP PROGRESS SINCE HURRICANE KATRINA

Mr. FRIST. Mr. President, I am pleased to report that hour by hour, day by day, we are making steady progress in the rescue and recovery efforts in response to the natural disaster witnessed now a week and a half ago. As I speak, there are 20,000 Active military personnel on the ground, along with 50,800 National Guard, 4,000 Coast Guard, and 8,900 FEMA responders. There are over 1,000 uniformed commissioned public health personnel on the ground as we speak.

Law and order in New Orleans has been completely restored. Power is back for most of the city's central business district. City hall has running water and electricity. The Army Corps of Engineers reports that the city will be completely drained by early October. Hundreds of city engineers have been working around the clock, even sleeping on the floors of their pumping stations, to drain the toxic flood waters out of the city.

Aaron Broussard, president of Jefferson Parish, is seeing continual progress. In his words, we are feeding more people, we are recovering more people, the infrastructure is more improved, we are clearing more roads, we have more power—every day more victories.

Meanwhile, the Federal Government remains committed to helping shoulder the burden. To date, Congress has allocated more than $62 billion in aid for rescue relief and recovery efforts. President Bush has granted the hurricane survivors special evacuee status which will make it easier for the storm victims to collect Federal benefits such as food stamps, childcare, and Medicaid wherever they are in America.

FEMA has begun distributing $2,000 per household so that the survivors can start to get back on their feet and meet their immediate needs. This week, Congress will continue to clear measures to cut redtape and bureaucratic tangles to help hurricane victims get the assistance they need. I expect the Senate over the week to clear legislation making it easier for evacuees to receive welfare benefits and student aid.

We also intend to boost FEMA's borrowing authority from $1.5 billion to $3.5 billion. The national flood insurance program administered by FEMA is facing its greatest losses in history. We need to make sure they have the resources they need so that victims receive appropriate, proper, and timely payment.

We are also working on ways to spur private investment in this overall rebuilding effort. Katrina is estimated to have swept away over 400,000 jobs. People need these jobs, and the Gulf Coast needs to be rebuilt bigger, more modern, and more prosperous so that it can provide economic opportunity. We will continue to press forward with the joint hearings announced last week on the preparations for hurricanes and that immediate disaster response. We need to find out what went wrong, what went right, what worked, and what did not.

It is clear that things did not turn out as we would like for them to at a response level, at the Federal level, at the State level, or at the local level. There have been problems at all levels of government, and we will get to the bottom of those problems.

Through it all, America will emerge smarter, stronger, and more effective in how we respond to disaster, natural and manmade. Nature has dealt a painful blow, but America does stand unified, and in the past 2 weeks her citizens have shown tremendous courage, generosity, and outpouring of spirit. Countless people are pouring out their hearts, time, and resources, and literally opening their homes to shelter and comfort the survivors. There are over 1.1 million people displaced. About half of those, or about 500,000, have been displaced to other States than those three most affected States. Private donations to hurricane relief funds have soared to nearly $700 million. The American Red Cross alone has received $500 million in gifts and pledges. Thirty-six thousand Red Cross volunteers are serving in over 675 shelters in 23 States.

The Salvation Army has received over $65 million. America's Second Harvest has raised nearly $12 million and delivered 16 million pounds of food. The list goes on. These are but a few examples.

Americans from all across the country and all walks of life are asking what they can do to help. The past 2 weeks stand as a testament to the depth and strength of our national character and civic bonds. Millions of citizens, millions of Americans, are committed to the care, nurture and well-being of one another. The rescue and recovery will continue. The cities and towns all across that Gulf Coast will be rebuilt. They will reemerge more modern and more prosperous than ever before. The Senate will continue moving forward on behalf of our fellow citizens and on behalf of future generations who will call the gulf coast home.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

NOMINATION OF JOHN ROBERTS TO BE CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT

Mr. DAYTON. Mr. President, today the Senate Judiciary Committee began its hearings on President Bush's nomination of Judge John Roberts to be the next Chief Justice of the U.S. Supreme Court. I remain undecided and open minded, as I believe virtually all of my colleagues have also stated themselves to be, about the nominee. I will remain so until those hearings are complete. Nevertheless, I commend President Bush for acting swiftly and responsibly to nominate the successor to the very distinguished and dedicated former Chief Justice William Rehnquist. His tragic death, along with the announced resignation of Justice Sandra Day O'Connor, has created a second vacancy on the Supreme Court, a vacancy for which the President has not yet nominated a replacement but may do so any time in the future.

So it is not surprising that even while Judge Roberts confirmation hearings are just beginning, many Americans are already looking ahead and are attempting to influence the President's decision on this second Supreme Court nominee.

While President Bush unquestionably has the right to nominate the man or woman—I personally hope it is the woman—of his own choosing, and in fact the President has earned that right by his reelection last November, I believe he has the responsibility to select someone who would be the choice of the vast majority of all Americans, for this woman or man will be a Supreme Court Justice for all Americans living today and likely for all Americans yet to come for many years ahead. If confirmed, she or he will take an oath of office, as each of us has done, to uphold the Constitution of this great country, a 216-year-old document which still lives today to guarantee and protect the rights, the freedoms, and the responsibilities of all 290 million American citizens—not just the majority or the minority, not just Republicans or Democrats, not just conservatives or liberals, not just Christians, Muslims, or Jews, not just some but all Americans.

That responsibility—of the President, of this Senate, and of each Supreme Court Justice—to all Americans is why I found so disturbing an article in last Saturday's Washington Post. The front page lead-in said:

> In defense of Alberto Gonzales, supporters counter the idea that the Attorney General is too moderate for the High Court.

Alberto Gonzales, as we all know, is the Attorney General of the United States and is widely considered to be one of the President's most likely considered nominees to fill this second Supreme Court vacancy. The Washington Post story's headline reads: "Gonzales is Defended as Suitable for the Court."

The article begins:

> Supporters of Attorney General Alberto Gonzales have launched a campaign to rebut criticism that he is not reliably conservative enough to serve on the Supreme Court.

I find those words bizarre. Accurate, I have no doubt, in portraying a bizarre situation caused by the bizarre behavior of some bizarre people who are—and this is where it becomes frighteningly bizarre—seriously trying to determine who the President of the United States will or will not nominate to the U.S. Supreme Court.

It shall not be, they decree, someone too moderate to be suitable for the Supreme Court. Too moderate to be suitable to serve on the U.S. Supreme Court? What terrible acts of moderation has Attorney General Gonzales committed to make himself unsuitable, unfit or unqualified?

According to the article, as a justice on the Texas supreme court 5 years ago, then-Judge Gonzales sided with the court's majority in upholding the constitutionality of a Texas State law that provided a judicial bypass to allow a State judge, in exceptional circumstances, to allow a minor woman to obtain an abortion without her parents' notification. According to the article, Judge Gonzales:

> . . . wrote that he felt a duty to follow the law without imposing my moral view, even if the ramifications may be personally troubling to me as a parent.

In other words, he did what a State or Federal Supreme Court Justice is sworn to do, to decide upon the constitutionality of legislation that State legislatures or the Congress passes and that Governors or Presidents sign into law, based upon the written State and U.S. Constitutions, regardless of their personal views. If that is considered too moderate to be suitable for the Supreme Court, then this country is headed for the extreme deep end.

On the other side, to prove that the Attorney General is not too moderate to be suitable for the Supreme Court, his supporters reportedly note that, as President Bush's White House counsel, he successfully excluded the American Bar Association from the judicial selection process. That proves he is suitable? As I said, this political psychodrama has taken the bizarre twist of Alice in Wonderland, where black is white and up is down; where suitable is unsuitable and unsuitable becomes suitable, except that this is no play, and these people are not playing around. The stakes couldn't be higher, and these people are playing for them all. The stakes are the future of the country and all the people, all of the people who live in this great United States of America.

One conservative activist is quoted in the Post story:

> You finally get a Republican President a real Republican majority in the Senate and then you don't move the country to the right? It would be totally demoralizing to the President's supporters.

First of all, this notion that the U.S. Supreme Court is some liberal bastion is itself bizarre and wrong. Seven of the nine Justices on the current Court were named by Republican Presidents. Chief Justice Rehnquist and three Associate Justices were nominated by President Reagan, two by former President George W. Bush, one by President Ford and two by a Democratic President, President Clinton. But that composition of the Court, 7 of 9 nominees by Republican Presidents, that is not enough for the activist zealots. They believe that some of those Republican judicial nominees had become too moderate, once they were safely confirmed and placed on the Supreme Court.

Too moderate for them is a judge who has independent views. Too moderate is a judge who has sworn to uphold the Constitution and not to impose his or her views on that process of legislation and enactment into law as prescribed by the U.S. Constitution. Too moderate for them means refraining from judicial activism, which they profess to oppose but in fact oppose only when they disagree with the Court's findings.

Government is not a Burger King. You are not supposed to all "have it your way." People who think getting their own way all the time, especially from the U.S. Supreme Court, is somehow a measure of Presidential greatness are seriously wrong. People who are demoralized if they do not get it all their own way, especially from the U.S. Supreme Court, are dangerously misguided. I implore President Bush to rise above his base, as it is described in the article. If it is not to be Attorney General Gonzales, then someone else who is moderate and who is therefore suitable, who is therefore qualified to serve in this highest Court of the land. It may not serve the perceived interests of some of his misguided supporters, but it will serve the best interests of all of his supporters, who are all of us—all of the American people. He is the President of all of us. He was elected through our process to represent all of us, to be supported when we can, and ultimately, in the office he serves, by all Americans. It is the process for him to nominate and for this body to confirm a U.S. Supreme Court Associate Justice who will also serve, look out for and serve all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

NOMINATION OF JOHN ROBERTS

Mr. REID. Mr. President, the Senate Judiciary Committee, as we know, has started hearings on the nomination of John Roberts to be the Chief Justice of the United States. I am confident that Chairman SPECTER, Ranking Member LEAHY, and the other committee members will do a good job exploring the nominee's qualifications for the job and thoroughly explore his judicial philosophy.

There is much at stake in these hearings. If confirmed, Judge Roberts will serve as Chief Justice for the next several decades. He will be the head of the third branch of the Federal Government and the most prominent judge in the world.

The Senate's duty to render advice and consent, with respect to his nomination, is one of the most critical tasks we will face in this Congress. I am very happy that no Democrat has prejudged the Roberts nomination. Not a single Democratic Senator has stated how they will vote on this nomination. Some may be leaning toward supporting him; others may be leaning against him. But every Democrat knows that we need to wait for these hearings, the questions and answers, the statements by Mr. Roberts and the independent witnesses before making a final decision. That is the responsible way to approach a nomination such as this.

I look forward to hearings, hearings that I know will be respectful, dignified, and thorough. I, personally, have encouraged Judge Roberts to answer questions fully and forthrightly. I, for one, am enormously impressed with Judge Roberts career and his obvious legal skills. I met him in my office right across the hall.

I said: How many trials have you had, Judge?

He said: None.

This man is an appellate advocate. He has argued nearly two score cases before the U.S. Supreme Court and many others at various appellate levels. I enjoyed meeting with him. It was soon after he was nominated. I saw him last week at the funeral for Justice Rehnquist. The only thing that I am troubled about, and I am troubled, is some of the memos he wrote during the Reagan administration regarding women's rights and other civil rights issues. In more recent years, he appears to have been a thoughtful, mainstream judge on the DC Circuit. I want to give Judge Roberts an opportunity to convince the Senate, the American people and myself that, as a Supreme Court Justice, he could continue to be a fair, evenhanded judge and not revert to his ideological roots that we saw during the Reagan years. If he can meet that test, I can support him. If he doesn't, if he is not persuasive on that point, I cannot support him. The burden is on John Roberts.

The Supreme Court hearings are likely to dominate the news today, but let's all remember, these hearings are about whether one man is qualified to fill one job. While we carefully weigh that important decision, I remind all my colleagues that, as we speak, there are hundreds of thousands of Americans without jobs, without homes, and they are losing hope as a result of our inaction. These are the people in the Gulf Coast region. We must get our priorities in line. It has been nearly 2 weeks since flood waters poured into Louisiana, Mississippi, and Alabama, and the terrible windstorms hit them. That is 2 weeks. Thousands of families have gone without shelter, schools for their kids, health care for their injuries and the resources they need to pick up and move on with their lives.

In the Senate, we passed two supplemental appropriations bills. That is good. It is a start, but it is not nearly enough. Along with Senator LANDRIEU, my colleagues and I introduced the Katrina Emergency Relief Act last week. The act would make changes in law that we need to give survivors health care, housing, education, and personal financial relief. We are trying to add these provisions to the Commerce, Justice, and Science appropriations bill. We had hoped the Senate would act on these items promptly, but it appears the majority will use procedural devices to prevent them from passing or even allowing votes on them. That is unfortunate. Thousands of survivors still are living on cots in the Astrodome and other places, makeshift shelters all across the country. These victims do not care about Senate procedures. They know that they need help now, not more redtape.

I believe America can do better, and we Democrats will continue to press for action on these items in the days ahead. The Government turned its backs on Katrina's victims once. We can't let it happen again.

In addition to votes on the four amendments to the Commerce appropriations bill that we want, we should help victims and help our troops by bringing to this floor the Defense authorization bill. Unlike the Commerce bill, the Defense bill is an amendable vehicle. Through this bill, the Senate would be able to get legislation here now and act on it. The Katrina relief emergency matter could be brought before the Senate and we could vote on it to help Katrina victims now.

But just as importantly, we need to act on the Defense authorization bill so we can get to our troops serving in Iraq and Afghanistan and their families the resources and support they deserve. The Defense bill delivers a better quality of life, state-of-the-art equipment, new housing for our troops, and relief for their families. This bill provides critical health care benefits for guardsmen and veterans. It also increases the end strength of the reservists, Army and Marine Corps, so we can begin to take steps to relieve the stress of these overstretched Active military personnel.

This bill should be at the top of our Senate agenda, but I am sorry to say it is not. It is hard to comprehend that since May this bill has been literally languishing. It was reported out of the Armed Services Committee in May. We worked for a couple of days on it here on the floor. The Senate was not permitted to complete action on this important measure. We were working on this bill for a short time in July before the leader decided to set it aside in favor of the gun liability legislation. The gun liability legislation is the law. It has been signed by the President. The Defense authorization bill should be the law so our troops who are on the ground in Iraq and Afghanistan can get the help they need and give the families of the approximately 2,000 men and women who have been killed in Iraq the knowledge that we are doing something to help the people on the ground and to help the hundreds of thousands of veterans who have been spawned as a result of this war. This doesn't take into consideration the tens of thousands who have been injured and wounded in this war. Those fighting in Iraq deserve it. Those fighting in Afghanistan deserve it. Our veterans deserve it.

Americans can do better than this. The Defense bill should be taken off the back burner and placed on the front burner right now.

Our troops—I repeat—and the victims of Katrina are literally crying for our help. In the days ahead, we will owe the victims of Katrina and all the American people something in addition to relief. We will owe them answers. Four years after 9/11, the Government was supposed to be prepared for a crisis such as Katrina. Yet, as we all saw, the Federal Government was not, and we owe it to the American people to find out why.

Today on public radio, they had a number of pieces on Katrina, but the one that stands out in my mind was the story of St. Bernard Parish President Henry "Junior" Rodriquez who told of how it took 5 days before anybody came to help his parish of some 80,000 people. And the fifth day, did we see FEMA coming to help them, or American troops? No. His first sign of help was the Royal Canadian Mounted Police. "Junior" Rodriguez deserves to know why it took so long to get his parish help. All Americans should know.

Americans can do better. When we searched for answers following 9/11, Democrats and Republicans came together and established an independent blue ribbon commission that was a great success. Too bad we didn't follow all the recommendations. But Democrats, Republicans and, most importantly, the American people embraced its answers. Senator CLINTON has proposed that we need another independent commission, and we need it now.

I close by reminding everyone that times have changed. Times are different today than they were 2 weeks ago. We now have different priorities after Katrina, and our actions in the weeks ahead should reflect these new priorities. It is not business as usual for the families along the Gulf, and it should not be business as usual for us here.

Nowhere is this more clear than in the budget that is before this body. I spoke about that budget the night it came before us. I read a letter written to me by the mainline Protestant churches in America. They said please tell everyone this budget which you are about to pass is immoral. This is certainly worse than it was then.

I point out to everyone the results of the recent Census Bureau report which show that poverty rose for the fourth year in a row. Incomes dropped again, and more Americans are going without health care than the year before—almost a million more than the past year without health care.

Combine these facts and figures with the images of Katrina—images of the poorest and neediest among us bearing the brunt of a national tragedy—and ask yourself this question: Should we proceed with this budget that was immoral the night it was passed and even more so now, that cuts taxes for the rich and cuts Medicaid by $10 billion, cuts food stamps, student loans, and other programs for the neediest among us? The answer, of course, is no. We must revisit these priorities in the budget resolution.

America can do better. We can't change the past, but we can change the future. We can put the Senate's priorities in line with the American people, and there is no excuse not to do that.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business. The previous order provided morning business between 2 and 3 equally between the majority and minority. The minority has consumed 30 minutes in morning business. So the Senator, if he wishes to speak, would have to ask unanimous consent to be allowed to speak on the majority's time.

Mr. DORGAN. Mr. President, I ask consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR STRIKE PLAN

Mr. DORGAN. Mr. President, I read an item on the front page of the Washington Post yesterday which was both surprising to me and also extraordinarily disappointing: "Pentagon Revises Nuclear Strike Plan." The strategy includes preemptive use of nuclear weapons. Let me read a portion of this and describe why I am so dismayed.

> The Pentagon has drafted a revised doctrine for the use of nuclear weapons that envisions commanders requesting presidential approval to use them to preempt an attack by a nation or a terrorist group using weapons of mass destruction. The draft also includes the option of using nuclear arms to destroy known enemy stockpiles of nuclear, biological or chemical weapons.

The draft Pentagon document is titled "Doctrine for Joint Nuclear Operations." It is written under the direction of Air Force GEN Richard Myers, Chairman of the Joint Chiefs of Staff. According to the article in the Post, the document is currently available on the Pentagon Web site. It describes new circumstances might call for preemptive use of nuclear weapons by this country.

We saw what has happened with respect to a natural disaster in the Gulf Coast of this country. We saw the devastation of that. Yet that would perhaps be a fraction of the devastation if we have a nuclear device go off in one of America's cities, a terrorist acquiring a nuclear weapon and detonating it in one of America's cities. This country has a responsibility to stop the spread of nuclear weapons, to preach to the world that nuclear weapons must never again be used. Yet this country is now developing policies and putting them on the Web that say here is a new approach in which we might use a preemptive strike of a nuclear weapon.

If we get the Defense authorization bill back in the Senate soon, we will have a debate about the development of a new kind of nuclear weapon, a bunker buster nuclear weapon, an Earth-penetrating bunker buster nuclear weapon. Why? Because this Administration thinks we need a new designer nuclear weapon to bust bunkers.

We ought not be building nuclear weapons. We ought not build new nuclear weapons. We have stockpiles of thousands of nuclear weapons, the detonation of one of which by a terrorist group would kill thousands, perhaps hundreds of thousands, maybe millions of people.

The role for this country is to provide world leadership to stop the spread of nuclear weapons, not to be talking to the world about conditions under which we might use nuclear weapons preemptively. It is stark raving nuts to be doing this. I cannot understand what they can possibly be thinking about.

The fact is we have American soldiers fighting in the country of Iraq. This Senate authorized the President to initiate hostile actions against Iraq based on a substantial body of intelligence given to us by our intelligence organization, most of which turns out to have been absolutely wrong. Dead wrong. Yet we are talking about preemptive strikes with nuclear weapons. I don't understand it.

If I might, by consent, I will show something from my desk. Mr. President, I ask I be permitted to show this. It is a portion of a wing strut from a Soviet Backfire bomber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Why do I have this in my desk? We did not shoot this bomber down. We sawed the wing off this bomber, paid for with American taxpayers' money. Does anyone know why? Because of arms control agreements by which we reduced the number of nuclear weapons and the number of nuclear delivery systems—and that includes missiles, bombers and submarines. So I have in the Senate a piece of a wing from a Soviet bomber that used to carry nuclear weapons that would threaten this country.

How did that happen? Because Senators Nunn and LUGAR and others, along with President Clinton, working on arms control agreements, had the foresight to put together a program by which we reached agreements by which we reduce the number of nuclear weapons and reduce the number of carriers of those nuclear weapons. So I have part of a wing strut from a Backfire bomber.

I also have ground-up copper wire from a Soviet submarine that used to carry nuclear tipped missiles aimed at this country.

That is our job. Our job is to reduce the nuclear threat. Not use the threat of nuclear weapons against other countries or talk about conditions under which we would use the nuclear weapons in a preemptive strike. This is nuts.

We will start debating this once again in the Senate. We have these folks, and we have plenty of them here, who want to build new nuclear weapons. They want to start testing the ones we have. We do not need to test nuclear weapons. We know they work. And they want to build new nuclear weapons. Earth-penetrator bunker busters. It is exactly the wrong thing for this country to do.

HURRICANE KATRINA

Mr. DORGAN. Mr. President, over the past few days, as we have talked about the heartbreak of the devastation wrought by Hurricane Katrina, I have noticed that certain firms have been hired now to go in and provide assistance. One of the firms is the Halliburton Corporation. I have held hearings in the policy committee about this company, because there have been numerous serious allegations of fraud, waste, and abuse involving it, and yet none of the Senate's authorizing committees will investigate it.

Every time you talk about Halliburton someone says, you are criticizing the Vice President because he used to be president of Halliburton.

Well, this has nothing to do with the Vice President. It has to do with the American taxpayers getting bilked by a company that is overbilling. I will not go through the whole list of scandals. We have had hearing after hearing to explore them, because the authorizing committees will not. But this is a company that was paid to feed 42,000 soldiers in Iraq; yet they were only feeding 14,000. That means they are overbilling by 28,000 meals a day. And that is just the tip of the iceberg. It is unbelievable the amount of waste, fraud, and abuse that is going on.

And now, when it comes to dealing with Katrina, no-bid contracts, once again, win Katrina work. And we hear that Halliburton is now getting millions of dollars to do hurricane related work. I wonder who is minding the store? And when will someone start to care?

Incidentally, a woman by the name of Bunnatine Greenhouse was demoted last week in the Pentagon. She was the highest ranking civilian ever in the Corps of Engineers. She rose to that position, getting outstanding reviews all along the way. And then she spoke up. In the good old boy network, when they wanted to award no-bid contracts to Halliburton in Iraq, she spoke up. All of a sudden she gets demoted. She spoke up because she said what was going on was scandalous. The American taxpayer takes a bath as a result of all of this.

Let me tell you what she has told the Congress. Bunnatine Greenhouse, the highest ranking civilian employee in the Corps of Engineers, who refused to sign the no-bid contracts that went under a buddy system to Halliburton in Iraq, says:

> I can unequivocally state that the abuse related to the contracts awarded to KBR [Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

For blowing the whistle, she gets demoted. This is a woman who has had outstanding reviews by everyone along the way.

We have heard from people who worked for Halliburton who testified that the managers of this company said, When U.S. Government auditors come, do not dare speak to them. If you do, one of two things will happen. You will be fired or we will send you to the hot spots where there is active fighting in Iraq.

These are people who testified that they are providing food service to American soldiers and routinely serve food, the date stamp of which is expired, and they are told by Halliburton managers, feed it to them anyway.

I hope some day, some way, the people in Congress who have the capability to issue subpoenas and hold oversight hearings will finally start doing their job. We ought not go back to the same well for the reconstruction with respect to the devastation wrought by Hurricane Katrina. The victims of that hurricane need help. They need good help. The American taxpayer shouldn't be taking a bath while that help is given.

I yield the floor.

Ms. LANDRIEU. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator is expired.

Ms. LANDRIEU. I ask unanimous consent for 2 minutes for the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. If the Senator will yield, I caught the tail end of the Senator's comments about Halliburton. Of course, we have people who work in Louisiana for Halliburton, but I most certainly understand the Senator's concern if there are these accusations against Halliburton in Iraq. We want to be very careful with our reconstruction dollars right here at home, that companies we ask to do work are doing good work, being accountable to the taxpayers.

As the Senator knows, while it may be hard to track some of this across the ocean, it will be easier when it is in the United States. I don't know if the Senator would have any suggestions. Are there other companies that can do some work along the lines of reconstruction other than this one company? Does the Senator know?

Mr. DORGAN. In response to the Senator from Louisiana, I understand in circumstances such as this, we will not go out and get bids and ask for 30 days. We want people in the field working quickly. But the fact is we have a lot of great companies out there in this country with a great ability to mobilize and move quickly. My only point is, I want the victims of this hurricane to receive help now, immediately. I want the American taxpayer to find that help was delivered effectively and efficiently. I don't want it running through people's hands into people's pockets where it shouldn't go.

Ms. LANDRIEU. I hope, Mr. President, as we lay out the rebuilding efforts for the Gulf Coast region and the aftermath of Hurricane Katrina, we can do better than what the Senator has spoken about.

On that subject, just for the record, I think maybe the Senator from Louisiana, Mr. VITTER, and I would like to submit for the RECORD a list of Louisiana-Mississippi-based contractors that can do great work in the rebuilding of the Gulf Coast region. We understand that Halliburton is a Texas company. We are happy for our Texas counterparts. As I said, many people in Louisiana work for Halliburton. I think we have several thousand people who do. But I want this Senate to know—Senators on both sides of the aisle—we have a lot of Louisiana and Mississippi contractors who can build houses, et cetera.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired as of 3 o'clock. The Senator from Louisiana would need to get unanimous consent if she wishes to speak in morning business.

Ms. LANDRIEU. Mr. President, I see the Senator from Mississippi is in the Chamber. I do not want to interrupt any scheduled business. I was scheduled to speak in morning business. I can take 5 minutes later, after the Senator from Mississippi is finished, if he would like to proceed. I do not mind waiting.

Mr. COCHRAN. Mr. President, if the Senator will yield.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding the Senate was to return to the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill at 3 o'clock.

The PRESIDING OFFICER. That is the previous order. It would require unanimous consent to allow morning business to continue beyond 3 o'clock.

Mr. COCHRAN. Mr. President, I do not want to object to the Senator proceeding to discuss whatever she wants to discuss. I am happy for her to take whatever time she needs to talk about this issue that is of great concern to me, as well as to her.

Ms. LANDRIEU. Mr. President, I thank the Senator from Mississippi. I ask unanimous consent for 5 minutes, and then we could proceed to the bill.

Mr. COCHRAN. Mr. President, I have no objection to the Senator having 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes in morning business.

Ms. LANDRIEU. I thank the Presiding Officer.

HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, today is day 15 of Hurricane Katrina, which has devastated the southeastern part of Louisiana and parts of Mississippi and some parts of Alabama and other States. I have come to the floor, just for a few minutes, to give a few brief remarks—some on a positive note as to some positive things that are taking place, and then some which are descriptive detail as Senators, both Republicans and Democrats, begin to build ideas for the rebuilding of this great region.

First, let me say how pleased I am that a group of Senators will be coming down to the region on Friday. Details of that trip will be announced, but Senators from Mississippi and Louisiana have suggested that some of our colleagues come down and see firsthand the devastation. Not wanting to use assets that were being required for search and rescue, now that phase is almost completed, and it is appropriate for Senators to come down. I understand Senator REID and Senator FRIST are organizing that trip with some of the Senators here. Senator VITTER and I and others look forward to getting them down on the ground to show them the breadth of the devastation.

One point on that: This is a picture of New Orleans that was done by the New York Times. I thought it was extremely helpful, and I would like to take a moment of my short time on the floor to show this picture in a larger view.

We understand the city of New Orleans has been particularly hard hit, not only by the hurricane but the subsequent breaches of the levees that put most of the city under 10 feet of water for 5 days, 6 days. Even going into actually today, the 15th day of this disaster, there is still water in the city, which is being pumped out now that the levees have been fixed. But the water is still not completely gone.

In addition, in the picture you can see Jefferson Parish. I am going to try to provide an update of that tomorrow. Over here is St. Bernard Parish. Again, I am going to try to provide an update. On this side of the lake is St. Tammany Parish, and I will try to get to that in another day or so.

But as Senators come down to view this whole region—not just New Orleans but an area of 90,000 square miles, the size of Great Britain, stretching from the Gulf Coast halfway through Louisiana—one thing to note about New Orleans that is still not quite understood is this river ridge was the high part of the original city. As you know, before we had concrete highways, the highways we built this Nation on were our rivers. So this city, being one of the oldest in the Nation, was built on this river.

Amazingly and thankfully, the areas close to the river are not underwater, which is this whole ridge. The French Quarter has stayed pretty much high and dry, even the Lower Garden District. Some of the poorer areas along Tchoupitoulas Street are, thank God, out of the water all along the river ridge. The west bank has been spared where we want to build our Federal city complex. We now know it is a good place because it is a highland area and a good place to build.

But this entire city—eastern New Orleans, which is a middle-income neighborhood of White and Black citizens, as well as some poor, very poor; and the Lower Ninth Ward—this is where the Lower Ninth Ward is—Gentilly, which is a middle-income neighborhood of Black and White citizens; the Bywater neighborhood; Mid-City; Lakeview, which is predominantly White but very integrated in some parts and very high income—is completely underwater. Then, of course, there is the midpart of the city, which is low.

So as our Senators come in, they will literally see what looks like Noah's Ark, looks like something of Biblical proportions. Maybe the water will have gone down by Friday. They are pumping it out quite fast. But just to get some sense, the entire city—poor areas and wealthy areas—is underwater, as well as the east bank of Jefferson. St. Bernard was still completely underwater the last time I flew over as well.

So our work is complicated by having banks and schools not functioning. Shown in this picture, in each one of these blocks—I know I only have 1 minute left—these are schools, these green dots. All of these schools have 10 feet of water in them, every single green dot, except for the ones along the ridge. These are our courts. Most of our courts are not able to function, city or Federal courts.

Our police stations are underwater, which is why some of our police were not able to function as well as they would under normal circumstances. But I am pleased to report, after hearing from Chief Compass today, not one commander of the New Orleans police force left his post, even though 80 percent of them have lost their homes. Some of them have lost their families. As the President said himself, first responders have been victims themselves.

So I thought I would present that today, to say thank you to the Senators for organizing the trip. I know the Finance Committee is going to announce in just a few minutes some tax relief opportunities that Senator GRASSLEY and Senator BAUCUS have worked out. I have worked with them. Senator VITTER and others have worked to put that together. We are very pleased more help is on the way.

Mr. President, I appreciate Senator COCHRAN giving me the opportunity to speak for a few minutes about those points. I will try to get to the floor sometime tomorrow for the same reason.

Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. THUNE). Morning business is closed.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Lincoln amendment No. 1652, to provide for temporary Medicaid disaster relief for survivors of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Biden amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased the Senate is now able to return to the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

This is the third day of consideration of this important bill. Subcommittee Chairman SHELBY and the distinguished Senator from Maryland, Ms. MIKULSKI, have made good progress in the handling of this bill. The bill reported by the committee will assure the funding of many programs and activities of the Federal Government that are under the jurisdiction of this subcommittee.

The allocation we made to this subcommittee enabled us to restore funding for State and local law enforcement grants, as well as have increased funding for programs of the National Oceanic and Atmospheric Administration. Because this bill is now at the upper limit of the subcommittee's allocation, any amendments adopted to the bill will require reductions below the level of funding in other programs.

Now is the time for Senators to come to the floor to discuss the bill or offer amendments. It is my understanding from the leader that any amendments requiring a rollcall vote will be voted on tomorrow. It is my hope we can complete action on this bill tomorrow. The end of the fiscal year is near. We have the responsibility to send this bill to conference as soon as we can.

To remind Senators of the importance of completing action on this bill, this committee is one of those committees that was newly created after the reorganization of the Appropriations Committee that was begun in the House of Representatives. We created this committee to manage the funding for the Departments of Commerce, Justice, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, the National Science Foundation, and a number of independent agencies and commissions, including the Office of the U.S. Trade Representative, the Securities and Exchange Commission, the Small Business Administration, the Federal Trade Commission, and the Federal Communications Commission.

So all of the activities and programs and work of those agencies and departments are contained in this subcommittee's bill. It touches a wide range of interests and concerns, and it is very important for us to complete this bill as soon as we can so these agencies and departments can make their plans for activities that will be funded in this bill at the beginning of the next fiscal year. That next fiscal year starts October 1.

In September of every year, a lot of pressure is put on the appropriations process. In order for us to discharge our responsibility with the administration, sharing with the administration decisions about the emphasis that ought to be placed on programs and activities, we have an obligation to do our work and to do it in a timely fashion. That is why I come to the floor today with a sense of some urgency. I hope to communicate that to all of our colleagues in the Senate.

The House has completed action on most of its bills, and they are awaiting conference with the Senate to work out any differences or disagreements that we may have with the House on the appropriate levels of funding or the categories of interest in terms of their priorities over others in the Federal Government.

This is a day when any votes that are going to occur will occur late in the day. I understand we have a vote in the Senate at 6:30 this evening. So I hope Senators will undertake to come and present us with any suggestions they may have about changes in this bill or any disagreements in the policy reflected in the appropriations process in this bill so we can debate them and discuss them and make changes, if that is the will of the Senate, and then have an opportunity to negotiate those changes on behalf of the Senate with our colleagues from the other body.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1671

Mr. DEWINE. Mr. President, I call up amendment No. 1671 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY proposes an amendment numbered 1671.

Mr. DEWINE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available, from amounts otherwise available for the National Aeronautics and Space Administration, $906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Of the amounts appropriated or otherwise made available by this title under the heading "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION", $906,200,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration.

Mr. DEWINE. Mr. President, I rise today to join with Senators ALLEN, MURRAY, WARNER, and VOINOVICH in an effort to maintain our Nation's commitment to vital aeronautics research. We are offering this amendment to restore the aeronautics research & development program to last year's level of $906 million.

For decades, NASA has conducted a wide array of aeronautics research programs that have helped ensure our economic and military security and revolutionize the way we travel. NASA's work in aeronautics has captured the spirit of the Wright Brothers, spawning generation after generation of progress. The amendment before us will help make certain that progress continues in the coming fiscal year.

The impact of NASA's work is widespread. The U.S. aviation industry supports over 11 million jobs and contributes $1 trillion in economic activity. Our airlines carry 750 million passengers per year, with that number expected to grow to a billion within 15 years. We ship 52 percent of our exports by air, and in fact, the aviation industry contributes more to the U.S. balance of trade than any other domestic manufacturing industry.

Yet unfortunately, we are at grave risk of losing the staff, facilities, and expertise necessary to continue NASA's aeronautics programs. We are at risk of essentially allowing the first "A" in NASA—the one that stands for aeronautics—to die over the next several years. We are at risk and we better pay attention.

The bill we have before us now is a good bill, and I want to congratulate Chairman SHELBY and Ranking Member MIKULSKI on their hard work in meeting so many needs with a very tough and tight budget allocation. One thing the bill does not include, however, is a specific reference to aeronautics funding.

Nonetheless, we know of NASA's plans for aeronautics from its fiscal year 2006 budget request. We know that the agency intends to reduce overall aeronautics funding by $54 million from the previous year, a cut of over $200 million from 2004. In fact, the 2006 Budget shows aeronautics programs facing a nearly one-third cut in the next 5 years for aeronautics. That is simply not acceptable.

What will the practical consequences of these cuts be? The cuts mean that subsonic and hypersonic research will be terminated. This is the research that focuses on designing stronger airframes and better engines, technologies that with just a little work can be taken from the lab and applied directly to aircraft, whether commercial or military. As a result, U.S. aerospace producers will lack access to solid precompetitive research, while competitors abroad benefit from well financed efforts, such as the European Union's "Vision 2020" program.

Second, many of the facilities necessary to design and test new aeronautics technologies will be closed as a result of budget shortfalls. Wind tunnels and propulsion test facilities are used by Government, academia, and industry—often on a pay-for-use basis—and require minimal funding to maintain.

A recent RAND National Defense Research Institute study determined that over 84 percent of these NASA facilities serve strategic national needs, and that the success of the U.S. aerospace industry relies on NASA's workforce and test facility infrastructure.

So, these proposed aeronautics cuts are a double threat to the U.S. aviation industry: On the one hand, they get NASA out of the business of key aeronautics research areas, and on the other, they will lead to the closure of the very facilities industry and academia would need to replace that research. The cuts undermine our national defense by decimating cross-cutting technologies used by the Department of Defense. The cuts will force massive layoffs among NASA's best and brightest engineers, and will also impact the scores of Americans working for private sector aerospace companies. These cuts are simply unacceptable.

We need to step back and re-evaluate where we are with aeronautics research, where we want to be in 5, 10, 15 years, and make a commitment to do what it takes to get us there. A National Institute of Aerospace, NIA, study commissioned by Congress and unveiled earlier this year shows a need for vastly increased investment within NASA aeronautics programs. Our amendment does not reach the levels recommended by the NIA report, but it does move us in the right direction, the same direction that the House of Representatives has taken in its version of this bill.

Our amendment follows directly from budget language adopted by the Senate this year calling for an adequate aeronautics investment. We do not cut space exploration programs to make this increase. This is a clean, deficit-neutral amendment that will help ensure our national competitiveness in civil and military aerospace, and it deserves the Senate's support.

I will be back on the floor later to talk more about this amendment, as my other colleagues will, but at this point I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. I ask unanimous consent the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1660

(Purpose: To establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future)

Mrs. CLINTON. Mr. President, I call up Senate amendment No. 1660, an amendment establishing an independent Katrina commission.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Ms. STABENOW, Mr. CORZINE, Mr. REED, Mr. SALAZAR, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. SCHUMER, and Ms. MIKULSKI, proposes an amendment numbered 1660.

Mrs. CLINTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Thursday, September 8, 2005 under "Text of Amendments.")

Mrs. CLINTON. Mr. President, I hope we will be able to address this important matter. I believe it is essential for the people who have been directly affected along the Gulf Coast, and really for all Americans, that we have an independent commission consisting of people who have no direct involvement in either the administration or congressional activities, similar to what we had with the 9/11 Commission that I believe discharged its responsibility to the American people with such a high degree of civic-mindedness and public citizenship.

When I was in Houston last Monday a week ago, I met with a number of the people who had been evacuated out of New Orleans and the surrounding parishes. They kept asking me questions I certainly could not answer: What happened to the buses that were supposed to pick them up and take them out? Why wasn't there adequate security at the Superdome or the convention center? How come helicopters were flying overhead and never coming to pick them up?

This morning I heard on the radio an interview with a gentleman who is the president of one of the parishes surrounding New Orleans. I believe his name is "Junior" Rodriguez. Mr. Rodriguez said he couldn't get any help at all. He kept trying to get help and he kept waiting for help and nothing happened.

This, as we know now, was a catastrophe of almost Biblical proportions for the people who suffered it: people who lost their homes; people who were driven from their homes; the people who, most tragically, lost loved ones. Many are still searching for members of their family whom they have not been able to find since they got on a bus or left a home and waded through water.

I hope we will address this. I believe it is a matter that needs to be taken out of politics as usual. I personally don't want members of the administration whose primary obligation is to the people who have been directly affected, who need to be directing and managing the relief efforts beginning the rebuilding process, being diverted from doing so. I respectfully suggest the President's idea of investigating himself is not an adequate recommendation.

Similarly, I do not believe Congress should be diverted. We have committees already established and their job is to assess and make recommendations with respect to all of the matters pertaining to homeland security, not only the potential of terrorist attacks but also natural disasters. Therefore, I do believe in an investigation modeled on the 9/11 Commission where the President—as in my legislation—appoints the Chair. He can appoint whomever he wishes. He certainly made an excellent choice when he appointed former Governor of New Jersey Tom Kean. Then the Democratic and Republican leaders appoint the other members, to have a 10-member Commission with the President and his party obviously having an advantage, as is appropriate under the circumstances, but appointing people for whom there is universal respect and people who can set aside everything, people who are willing to delve into this and ask the hard questions about what happened at all levels of government, so we can get answers.

I think the people who have been evacuated, the people who have lost loved ones, the people who suffered deserve answers. But it is not just an exercise in looking backward. I think it is essential that we look forward. What the 9/11 Commission did was help focus our attention on what we should be doing, how we should be proceeding to be ready, prepared in the face of the ongoing threats from the terrorists.

Today we heard about an al-Qaida operative—we think it is some disaffected American who has gone off and joined al-Qaida—who issued the threat that specifically named Los Angeles. We need to be sure we are totally prepared. We have learned some things, but you can't learn enough unless you are honest enough and out of denial in order to conduct a thorough investigation and let the chips fall where they may. Let's find answers. I hope we will have an opportunity to vote on this amendment. I invite my friends and colleagues from the other side of the aisle to join with us to support this independent Katrina commission and to let us get about the business, on a very short timetable, of getting answers we can all then implement.

I marked the fourth commemoration of what happened to New York on 9/11. I spent yesterday, as I have in past years, with the victims, with the survivors, with family members, with members of the police and fire departments and emergency workers. I could not be more proud to represent such extraordinary, heroic people. But, in speaking especially to our first responder community, they were shaken by this. We needed Federal help. We did a heck of a job. We had the greatest police force and fire department—I would say in the world, with not just pride but with a factual basis. We did a great job, but we needed help and we got help. But now, 4 years later, we are wondering whether that help would be there if something were to happen to us. No city, no State should wonder that.

I think it is a boost of confidence for people to know we are moving as best we can to understand it, but we are unafraid to face whatever the facts might be. That is why we need an independent commission constituted as soon as possible, given the resources to do its work, and asked to report in as short a timeframe as possible.

I appreciate the opportunity to call up this amendment and I hope there will be an opportunity to address it and that we will have a strong vote on both sides of the aisle to proceed with this independent commission as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the pending business is the Commerce, Justice, Science appropriations. As the Presiding Officer knows, I am the ranking member. So our colleagues know, there are about 20 outstanding amendments. We are busy clearing those—Senator SHELBY is on his way to the Senate—that Senator SHELBY and I could agree to, so when we do rollcall votes, we hope to have those reduced to a minimum, or at least a reasonable number. We will also be awaiting direction from the leadership, Senator FRIST and Senator REID, as to how we will proceed tomorrow on rollcall votes. We believe we have some that will be ready tomorrow to move this very important bill expeditiously.

For those who might not know, this new subcommittee handles all the Commerce funding, it handles the funding for agencies such as NOAA, which was so great in telling Americans about the hurricane. It also has a variety of provisions that would be very helpful to Katrina victims, including small business disaster loans that are available not only to business but particularly small business, as well as residential homeowners, up to $200,000, EDA money, to help local communities rebuild, particularly infrastructure.

While we are mesmerized by the tragedy in New Orleans, we cannot forget Mississippi and Alabama and their needs for roads and other infrastructure projects, including water supply.

The chairman of the subcommittee, Senator SHELBY, of course, of Alabama, and I want to move the bill. We understand our leadership, Senator FRIST, is not going to have rollcall votes during the important Roberts hearings, so we will work with him to see how to do it. One of the ways we will work with him is in how to reduce the number of amendments. We are now waiting for our distinguished Senator from Oklahoma, Senator COBURN, to join us. We know he has something to say on the bill.

This is a new subcommittee that has been constituted. I used to be the ranking member of a subcommittee that has been dissolved, VA/HUD and Independent Agencies. Under the "independent agencies," was the important agency of FEMA. Now I understand the leadership of FEMA, Mr. Brown, has resigned. We look to the President to give us a topnotch person. We know the vice admiral of the Coast Guard is now in the Gulf. We look at leadership, such as the wonderful person running Red Cross, RADM Marty Evans, whom I knew when she was at the Naval Academy, one of the first women in this country to make admiral rank. Then she went on to a distinguished career running nonprofits and is now with the Red Cross, very much in the spirit and competency of our colleague from North Carolina, Senator ELIZABETH DOLE. We look forward to that leadership.

We need to focus now on two things: Recovery and reform. In moving our bill, we want to work on a bipartisan basis on recovery. There are three Rs to emergency management: Readiness and preparedness; and then response, which needs to be swift and effective; third is recovery.

Recovery is tough. In my home State of Maryland, we have had tornadoes, we have been hit by Hurricane Isabel, when it looked like Baghdad on the Chesapeake Bay. In no way is this akin to what has happened to our friends in the Gulf. But, still, when it is your house and your neighborhood, whether it is 3 blocks or 3,000 acres, we want to work with recovery and do it on a bipartisan basis.

It will take a lot, No. 1, of rebuilding infrastructure so business and people can come back. Things such as water supplies have been damaged or contaminated. Roads and bridges need repair in order for commerce to pass through.

What comes back? Business, such as the supermarket, or do they wait for the people to come back? We have to be able to help rebuild those communities. We cannot do it without the help of the private sector.

I hope those running Homeland Security, as well as the President's good office, would bring to bear the best of what we know from our home building and construction agency on what we can do to marshal the forces for rebuilding homes and those neighborhoods, particularly the small business—everyone knows what I am talking about, the dry cleaner, the pharmacist, as well as the supermarkets, et cetera, that are lifeblood. We also will have to rebuild schools for our children, as well as coming back with their mom and dad into the safety of a new home.

We also worry that while we are rebuilding the Gulf, and rebuild the Gulf we must, we do not want to create shortages in other parts of other country. Lumber is already in short supply, along with other building materials, even the talent, the electricians, plumbers, contractors. That is why we need a national effort.

We hope those who are leading Homeland Security will now look at the recovery phase while we go through the grim task of recovering bodies. We have to recover ourselves. What we do not need to recover, though, because we have never lost it, is the spirit of working together and the spirit that we will be able to do this.

It is September 12. I remember where we were 4 years ago on September 11. Yesterday morning, when I got up to go to church, I had this eerie feeling that the weather was exactly the way it was on September 11. When I went to church, I wore the jacket that I had on that day. I saved that jacket so I would never ever forget what I wore and what I experienced that day.

For all of the fear and all of the grief, I remember on the Capitol steps we sang "God Bless America." I stood shoulder to shoulder with Senator LOTT that day, then as the Republican leader, and stand with him today in terms of recovery of his own community. We have to get back to that spirit where we thought we could work together in this institution, in the House, and with the people.

On September 12, we want to honor, again, pay our respects to those who were killed on September 11, to our wonderful first responders who risked life and limb to save people. Now we are at it once again. For our first responders and our responders in the Gulf now, going through that mercury-contaminated water, they each have their own risk.

They are counting on us to be able to work together, bring in the national resources and marshal the private sector resources, as well as the nonprofit resources, so that by the time we get to Thanksgiving we will have been well on our way. So we look to be able to do that. We in Commerce, Justice, and Science look forward to doing our part, carrying our heavy lifting. There is no lifting too heavy to help people in our own country that have been so devastated.

For everyone working on this out there in the field, the tremendous number of volunteers, the generosity of spirit of the people and, I might add, the private sector that is marshaling, we say thank you. We have a big job to do. One of the big jobs we have to do is here, working on a bipartisan basis, to be collegial, to be civil, and to get the job done.

Let's ask of ourselves exactly what we ask the people working down in the Gulf. Let's not have a slow, sluggish response from the Congress. Let's be effective in targeting our resources.

I have a long-range idea I would like to share on the idea of reform. When I was the chairman of VA/HUD, before the 1994 Republican Gingrich revolution, I found that FEMA was a dated agency. It was focused on the Cold War. It was worrying about where to send the Coast Guard if we had a nuclear attack. It was riddled with staff at Federal and State levels, with cronies and hacks and people with no experience in emergency management.

When Hurricane Andrew hit Florida with such enormous devastation, we found Andrew people were doubly victimized. They were victimized by the hurricane, and then they were victimized by the inept approach of FEMA.

I went to work on reform. I worked with President Bush's dad—I call him President Bush 1—and Andy Card, who is now the President's Chief of Staff, to reform FEMA. We did. Let me tell you we totally reformed FEMA. When President Clinton came in, he took that early work that we had begun with President Bush 1.

What did we do? First, we said goodbye to the Cold War. The Cold War was over, except for the Federal bureaucracy. We said goodbye to the Cold War. We said that FEMA now had to be a professional agency; that it needed to be headed by someone who had either emergency management experience, and actually responded to emergencies, or comparable experience in the military or in private sector with crisis management. President Clinton gave us James Lee Witt.

Second, we encouraged Governors to do the same thing at the State level. The more they did, the more we could help.

Third, we said that FEMA had to become an all-hazards agency, it had to be ready for a hurricane or tornado. But in becoming "all hazards," it had to go to the risk-based strategy. We analyzed what Americans were most likely to have, particularly in terms of natural disasters. It was tornadoes and hurricanes, followed of course by earthquakes, though less frequent, severe, and devastating. We then encouraged the States to have real plans for evacuation; that they had to be ready, they had to have things pre-positioned where things were most likely to happen. If you were worried about hurricanes and "northeasters," you did not pre-position in Maryland from Allegany County, where we are subjected more to floods.

So, readiness and then recovery. Readiness, response, and recovery. It worked very well.

After September 11, and our desire to be effective and supportive in fighting the global war against terrorism, FEMA was moved to Homeland Security. I supported that. I felt again that was the home of the first responders. That was the home where the local fire departments could apply for protective gear that firefighters needed.

I now have second thoughts because when FEMA moved to Homeland Security, it lost its focus, it lost its way, and it definitely lost its leadership. I believe the President will focus now on giving us the right leadership.

We have to get a new focus, and this is why I would like to see the Federal Emergency Management Agency again become an independent agency that is an all-hazards agency, goes to the risks facing the American people. There are natural disasters and there are terrorists. We cannot forget there are those who have a predatory intent against the United States of America and its communities. So we have to be ready to respond if they get through the fabulous intelligence network that we have to protect us. We want to be ready for that.

Quite frankly, there are those who say: Well, Senator MIKULSKI, are you saying we are going to worry more about tornadoes than terrorists? Absolutely not. We have to be ready. But if you look at our cities and our larger communities, which are often the greatest targets of these international predators, these international thugs, these international terrorists, we have to be ready.

Just think, New Orleans could have been hit by a dirty bomb. New Orleans could have been hit by a chemical or biological attack. New Orleans could have been hit by bin Laden or Zarqawi or whomever, by blowing up the levees. So the consequences to the city—whether it is New Orleans or Baltimore or a city in California or any city—would be the same. We would have to be ready to respond, and to respond swiftly. Then, of course, we would have the recovery.

So if we have to evacuate the Capital region, it is the same whether we are hit by some natural disaster or predatory attack. If we have to evacuate San Francisco or LA in California, it is the same. So the reform comes after the recovery. Right now, we have to be swift and sure in responding to the people who need us the most.

Mr. President, I note the Senator from Oklahoma has come to the floor. I ask the Senator if he is prepared to speak?

Mr. President, I will yield the floor. Again, I reiterate my pledge for bipartisan support on our recovery efforts. And I look forward to working on a reform package with equal bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1648

Mr. COBURN. Mr. President, I call up amendment No. 1648 on the CJS appropriations bill.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment No. 1648.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing service, and State and local law enforcement assistance)

On page 170, between lines 9 and 10, insert the following:

SEC. 304.(a) Notwithstanding the provisions in title III under the heading "NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY" and under the subheading "INDUSTRIAL TECHNOLOGY SERVICES", none of the funds appropriated in this Act may be made available for the Advanced Technology Program of the National Institute of Standards and Technology.

(b) Notwithstanding any other provision of this Act, the amount made available in title III under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and under the subheading "OPERATIONS, RESEARCH, AND FACILITIES" for the National Weather Service is increased by $4,900,000 and, of the total amount made available for such purpose under such subheading, $3,950,000 shall be made available for the Coastal and Inland Hurricane Monitoring and Prediction Program and $3,950,000 shall be made available for the Hurricane and Tornado Broadcast Campaign.

(c) Notwithstanding any other provision of this Act, the amount made appropriated in title I under the heading "OFFICE OF JUSTICE PROGRAMS" and under the subheading "COMMUNITY ORIENTED POLICING SERVICES" is increased by $72,000,000 and, of the total amount made available under such subheading, not less than $132,100,000 shall be made available for the Methamphetamine Hot Spots program.

(d) Notwithstanding any other provisions of this Act, the amount made appropriated in title I under the heading "OFFICE OF JUSTICE PROGRAMS" and under the subheading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is increased by $48,000,000 and, of the total amount made available under such subheading, not less than $578,000,000 shall be made available for the Justice Assistance Grants program.

Mr. COBURN. Mr. President, this is an amendment to start us down the way of reprioritizing our spending in this country.

With the events of the last 2 weeks, the tremendous deficit we face already, and the significant problems we face in this country, especially in terms of methamphetamine, the Weather Service, and the Byrne Justice Assistance Grants, this is an amendment that will eliminate the Advanced Technology Program.

There is no question that the ATP has done some good in its history. It has $140 million in budget authority and has, this year, $22.4 million in outlays. But there has come a time when we need to make decisions. One of the things I have been consistent on in terms of my time in the Senate is insisting that we start reprioritizing the things that work and the things that do not work.

The Advanced Technology Program was scrutinized at a hearing of the Federal Financial Management Subcommittee of the Homeland Security and Governmental Affairs Committee this year and had good testimony. I will not demean some of the positive things that have come from this program. There is no question certain positive things have come from it.

However, GAO and the Comptroller General noted that 63 percent of the requests for grants through ATP never sought funds anywhere else. ATP is supposed to be the source of last resort on technology.

I have put up a chart to show the American people who has actually been getting the funding. It has not been small businessmen. It has not been new ideas, innovation coming from small entrepreneurs. What it has been for is the major corporations in this country that have billions and billions and billions of dollars worth of sales every year, and billions in profits. Yet we are now asking the American taxpayer to take 30 to 40 percent of this ATP money and fund the likes of General Electric, IBM, Motorola, and 3M, just to name four.

The fact is, good ideas will usually get funded. There is venture capital all across this country looking for good ideas, private capital that will fund great ideas. In this time of fiscal constraint, it is time we reprioritize what we do with this money.

This amendment is intended to take the savings from ATP and put it in three different programs. One of the programs is the Byrne Justice Assistance Grants Program, which is markedly needed today in terms of drug courts, in terms of drug busts, in terms of helping the district attorneys and State attorneys general accomplish the very laws we put on the books in front of them.

It transfers funding to the COPS Methamphetamine Hot Spots Program. There has never been a more devastating drug to our society than methamphetamine. It is growing like wildfire. As a matter of fact, attached to this bill is a methamphetamine bill that limits and restricts the sale of pseudoephedrine throughout this country. It is a compromise worked out by many of us on the Judiciary Committee, along with Senator TALENT and Senator FEINSTEIN, to put the brakes on the accessibility of pseudoephedrine in the manufacturing of methamphetamine.

It also helps fund the National Weather Service for two hurricane and tornado monitoring and broadcast programs. Goodness knows, we need that. Different outlay rates for the different programs result in only $124.9 million of the original $140 million being transferred.

In March, during debate over the budget resolution, Senator LEVIN offered an amendment supporting ATP. One of the reasons for that is last year Michigan got $31 million out of the $140 million. I can understand his desire to support that. But I would also note that methamphetamine is a growing epidemic in Michigan. Law enforcement and the Hot Spots Program to fund the breaking down, the taking of children out of areas that have been exposed to this tremendously derelict drug that is infecting and ruining the lives of hundreds of thousands of Americans is important.

It is interesting to note that for every State in the United States, the average funding from ATP has been less than funding for the Byrne JAG Program. The results of this will place $48 million additional into the Byrne Justice Assistance Grants Program, $72 million into the COPS Methamphetamine Hot Spots Program, and $4.9 million into the National Weather Service.

It is interesting to note, also, that many of those who oppose this bill are the ones who seek and have received the most in terms of the grants from the ATP program. If you look at California, where Senator FEINSTEIN will be supporting this CJS bill, California actually received $31 million as an average from 1990 to 2004. However, with the Byrne JAG Program being reduced, their average of $58 million for that program will be reduced.

ATP was created by Congress in 1988 to improve the global competitive position of high-tech industries in the United States. Very few of the things that came out of that ATP program accounted for the tremendous resurgence in the economic activities of the 1990s. Very few of the things have come out of the ATP program, although there have been some. One in Oklahoma in particular. Pure Protein, a company in my home State, had an ATP program. But they also have venture capital funding that would have funded that research anyway.

Many of the program's most vocal supporters believe without Federal funding provided by ATP, countless research projects would receive no money at all, and that ATP exists to remedy the failure of the market to fund research and development. There is no evidence, however, that would support those claims.

Time after time, ATP has been shown to fund initiatives that have already been undertaken by the private sector. Year after year, multibillion-dollar corporations, as noted here, receive millions of dollars from ATP.

Regarding the claim that ATP primarily funds research that does not already exist in the private sector, the U.S. Government Accountability Office found in a 2000 report ATP-funded research on handwriting recognition that began in the private sector in 1950. GAO found that inherent factors within ATP made it unlikely that ATP—and this is a quote—"can avoid funding research already being pursued by the private sector in the same time period."

A 2002 report from the Federal Reserve Bank of Atlanta found that ATP launched major efforts to fund Internet tools companies during periods when venture funding was markedly increasing its flow to these sectors. Furthermore, according to a program assessment and rating tool used by the Office of Management and Budget, ATP does not address a specific need and is not designed to make a unique contribution.

The Byrne Justice Assistance Grants, through the Edward Byrne Memorial Justice Assistance Grants, the Bureau of Justice Assistance provides leadership and guidance on crime control and violence prevention and works in partnership with State and local governments to make communities safe and improve the criminal justice system. The JAG Program was created in 2004 through the merger of two Federal grant programs, the Edward Byrne Memorial Drug Control and System Improvement Grant Program and the Local Law Enforcement Block Grant Program. The JAG Program allows States and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

The program focuses specifically on six separate purpose areas: law enforcement programs; prosecution and court programs; prevention and educational programs; correction and community correction programs; drug treatment programs; planning, evaluation, and technology improvement.

I want to tell you, as a physician, incarceration does not solve drug addiction. It makes it worse. Drug treatment programs solve drug addictions. If we are going to cut the money going to drug treatment programs, we are making a vital mistake, a mistake we will pay additional dollars for in the years to come.

The procedure for allocating JAG funds is a formula based on population and crime statistics in combination with the minimum allocation to ensure that each State and territory receives an appropriate share.

Traditionally, under the Byrne formula and LLEBG Program, funds were distributed 60–40 between State and local recipients. This distribution continues under the JAG Program.

The community-oriented policing services' Methamphetamine Hot Spots Program address a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine trafficking in heavily affected areas of the country. This is the largest growing area of drug abuse in our country. It has a tremendous impact not only on the drug user but on their families because of the danger associated with it. We have seen a marked increase of infants who are delivered whose mothers are addicted to methamphetamine with tremendous negative consequences.

Earlier this year, 53 State attorneys general, including American Samoa and North Mariana Islands and District of Columbia, signed a letter to congressional leadership asking us not to reduce the funding for the Byrne JAG and COPS Programs. The letter asked Congress to restore the reductions in these law enforcement programs to a level that allows the States to build on the results of the past, law enforcement partnerships represented by the Byrne JAG and COPS Programs. I will not go into the National Weather Service.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet on Ohio, an article by the Cleveland Plain Dealer on the meth epidemic striking Ohio, a fact sheet on Virginia, and a fact sheet on Minnesota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Ohio Fact Sheet—Coburn Amendment #1648 to H.R. 2862

This amendment eliminates funding for the Advanced Technology Program (ATP) and shifts the funding to three separate programs: Byrne Justice Assistance Grants (JAG), Community Oriented Policing Services (COPS), and the National Weather Service (NWS).

Specifically, funding for ATP is reduced by $140 million, funding for JAG is increased by $48 million, funding for COPS/Methamphetamine Hot Spots is increased by $72 million, and funding for NWS is increased by $4.9 million.

Since 1990, ATP has funneled more than $700 million to Fortune 500 companies that do not require government assistance. For example, GE (revenues of $152 billion in 2004) has received $91 million from ATP, IBM (revenues of $96 billion in 2004) has received $126 million from ATP, and Motorola (revenues of $31 billion in 2004) has received $44 million from ATP since 1990.

Since 1990, Ohio has received an average of $6.1 million from ATP each year. In fiscal year 2005, Ohio received $15.5 million from Byrne JAG funding alone.

Even though ATP was created to fund research that cannot attract private financing, a Government Accountability Office study found that 63 percent of ATP grant recipients never even sought private financing. Quite simply, ATP funnels taxpayer money to billion dollar corporations that do not need government subsidies for research and development.

The National Association of Attorneys General, National District Attorneys Association, National Narcotics Officers Association Coalition, and National Sheriffs Association have all expressed support for the Coburn amendment.

Earlier this year, Jim Pero, the Attorney General of Ohio, co-signed a letter to Congressional leadership stating that funding cuts for law enforcement grants "will devastate state law enforcement efforts—especially drug enforcement—if they are not restored." In the absence of this amendment, Byrne JAG funding will be cut by $6.5 million relative to 2005 levels.

An August 2005 news article in The Plain Dealer, a newspaper in Cleveland, states, "A scourge on the West Coast for nearly two decades, methamphetamine has established a destructive toehold in Ohio, infecting rural outposts, big cities and middle-class suburbs and consuming thousands of lives."

A July 2005 survey of law enforcement agencies conducted by the National Association of Counties found that "Meth is the leading drug-related local law enforcement problem in the country."

According to the same survey, 70 percent of responding officials stated that other crimes, including robberies and burglaries, had increased because of methamphetamine use.

The Methamphetamine Hot Spots program, part of COPS, addresses a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine use and trafficking, trains law enforcement officials, collects intelligence, and works to discover, interdict, and dismantle clandestine drug laboratories. This amendment would ensure that this program receives the funding it needs to tackle the serious problems associated with methamphetamine use and distribution.

This amendment also increases funding for the National Weather Service, and directs the additional funding towards the Inland and Coastal Hurricane Monitoring and Prediction program and the Hurricane and Tornado Broadcast Campaign.

[From the Plain Dealer, Aug. 7, 2005]

Meth Epidemic Strikes Ohio

(By Mark Gillispie)

A scourge on the West Coast for nearly two decades, methamphetamine has established a destructive toehold in Ohio, infecting rural outposts, big cities and middle-class suburbs and consuming thousands of lives.

Like moonshine, but far more addictive, methamphetamine is a home-cooked concoction that can be brewed in kitchens, hotel rooms, back yards and trunks of cars.

And its destructive surge eastward—reinvigorated by Mexican drug cartels—has been driven largely by waves of hometown cooks, who pass the finished drug and their favorite recipes to family, friends and customers. In Summit County, a now-entrenched culture of meth-cooking has been traced to one woman—Debra Oviatt—who has spent the last eight years in prison but is still known today as Akron's "Mother of Meth."

"There's no doubt in my mind that Debbie got the whole thing started," said Larry Limbert, a retired narcotics detective with the Summit County Sheriff's Office.

Summit County has since become Ohio's meth capital. Narcotics officers dismantled 104 labs there last year—far more than in any other county—and are on pace to exceed that total this year. Common wisdom in law enforcement holds that for every one lab busted, 10 remain undiscovered.

Nationally, the number of labs and other meth sites found last year topped 17,000, according to federal statistics, up from just 327 a decade ago.

As authorities in dozens of states try to shut down local cooks, evidence is mounting that "ice," a more potent form of meth, is being shipped in from Mexico and California to fill entrenched demand. In Summit County, meanwhile, officials say the Department of Children Services has removed dozens of children from homes where parents cooked and used meth in recent years. One-third of juveniles enrolled in a Summit County drug-court program reported having tried the drug, also commonly known as "crank," "crystal," "speed" and "tweek."

The number of methamphetamine users who sought help at 'Oriana House, a drug-treatment organization in Summit County, jumped from 30 in 2001 to 386 last year.

"There's definitely something going on out there," said Oriana executive vice president Bernie Rochford.

Police and narcotics agents in Lake County have found 15 labs since September but only a handful before then. Portage County has dismantled at least five labs since April.

Police in Ashtabula County have been finding nearly one lab a week. The Children's Services agency there has had to close an adolescent group home and shift resources to pay for the care of children removed from parents who cook and abuse meth.

Methamphetamine use also is rising in Cleveland and its suburbs, where the drug had been confined mostly to gay bars, bath houses and strip clubs, says Lt. Michael

Jackson of the Cuyahoga County Sheriff's Office. Experts predict the problem will get worse before it gets better.

"You've heard about crack, you've heard about heroin," said Akron police Lt. Mike Caprez. "I've seen all those things take their course, and this has them both beat." Like crack in some ways, meth is more dangerous.

Like crack in some ways, meth is more dangerous.

Comparing meth to crack cocaine is apt on a number of levels.

Both are stimulants. Both are highly addictive.

While methamphetamine can be snorted, injected or eaten, more than half of those who sought treatment for meth addiction in 2003 said they smoked the drug—which is how crack is ingested.

Smoking meth produces the same strong, instantaneous "rush" that crack smokers achieve.

Methamphetamine floods the pleasure centers of the brain with large amounts of the neurotransmitter dopamine. It also affects other body chemicals that govern sleep, thirst, hunger and sex drive, making a person feel energetic, wakeful and hypersexual.

But meth remains in the body 10 times longer than crack, which can make meth cheaper to use. And while crack is obviously dangerous, methamphetamine causes even more physical harm.

A strong neurotoxin, methamphetamine damages the brain and other vital organs in a way that crack does not. And recovery, while possible, can be more difficult and take longer.

It can take several years of abstinence before meth addicts' body chemistry straightens out and they can feel "normal" again. Early studies show some of the brain damage is reversible.

The drug also rots teeth, a condition known as "meth mouth." Users develop ugly sores caused by incessant picking and scratching at phantom "crank bugs" they feel under their skin.

And when the dopamine "buzz" wears off, meth users are left wide awake for hours on end feeling angry and depressed.

The quick fix is more meth, which can trigger a vicious cycle of addiction. Hardcore meth users, known as "tweekers," sometimes go days, even weeks, without sleep.

That's when they become especially dangerous to themselves and others. Meth-driven psychosis—chiefly paranoia and hallucinations—combined with severe sleep deprivation can result in bizarre and violent behavior. James Trimble's attorney has claimed in court filings that his client was in the throes of methinduced psychosis when he killed three people in Portage County's Brimfield Township in January.

Because it is cheaper to use than crack, and because some start using it for reasons other than getting high, meth has also had a broader appeal among potential abusers.

Women, who abuse meth at about the same rate as men, often report that they began using the drug to lose weight.

Blue-collar and construction workers use methamphetamine for an energy boost to get them through long days of hard labor.

An epidemiologist recently reported that in North Carolina, hunters and fishermen are using meth to stay awake.

Gay men everywhere use meth for its ability to enhance sex. Stepped-up meth use is being blamed for dramatic recent increases in infection rates for HIV and other sexually transmitted diseases.

"There isn't a specific demographic that I associate with meth," said Dr. Alex Stalcup, a drug treatment specialist in San Francisco. "It's essentially a universal drug." Three abusers: three different stories.

Three abusers: Three different stories.

Margaret, 27, of Summit County, felt self-conscious about her weight after giving birth to her second child. Her boyfriend coaxed her into trying meth two years ago as she did the laundry at their apartment in Mogadore.

"I remember I felt like my eyeballs were going to come out of my head, it burned so bad," Margaret said. "But then, I had all of this energy. So much energy I didn't know what to do."

She said she stayed up for five days straight, calling off work, scouring and scrubbing virtually every inch of her apartment.

"I loved to clean when I was on it," she said.

She did indeed lose weight. But then she lost her job, and, because of bad luck, a vengeful boyfriend and the bag of meth police found in her purse, she lost custody of her two children, too.

Margaret is now in a community-based corrections facility in Akron working to put her life back together.

"I can't believe I let this happen to me," she said.

Chad, a 20-year-old recovering addict, said he became instantly addicted to meth after someone gave him a few lines to snort at the Streetsboro manufacturing plant where he worked. He said many of his coworkers used meth to endure the grind of 12-hour days on the factory floor.

"That was my excuse, to get through the shift," Chad said.

Max, 34, of Cleveland, said he and numerous gay men he had sex with in West Side bath houses would use meth. Most preferred not to use condoms, he said, and few asked him about his HIV status. He is positive.

Max said he has been drug-free since April, when he and other members of a group calling itself the "Gay Mafia" were arrested in a sweeping methamphetamine bust. Federal authorities say the group sold meth brought here from Phoenix.

"Had I not gotten busted, I would still be doing it," Max acknowledged. "I don't think there's anything wrong with it."

While crack use increased rapidly, peaked in the late 1980s and then fell off as people became wary of its effects, meth use has been rising steadily.

From 1993 to 2003, the number of people seeking treatment for meth addiction jumped five-fold.

Also in 2003, 14 states reported that more people entered treatment for methamphetamine than for cocaine and heroin combined. A survey that year estimated that more than 600,000 people recently used meth, about the same number as used crack. But experts now believe that meth use has exceeded crack.

Unlike crack, methamphetamine—often referred to as "poor man's cocaine"—has swept through rural communities across the country, including in southern Ohio.

But it has long been popular in big cities as well, especially out west, where places like San Diego, Phoenix and Portland, Ore., report high rates of meth addiction.

Police in Los Angeles say meth has become that city's No. 1 drug.

And police in other western states say methamphetamine is not only their top drug concern, it's their top crime problem as well.

Walt Myers, the recently retired police chief in Salem, Ore., said meth use drives at least 85 percent of the crime in that city. Police in Tucson, Ariz., attribute dramatic recent jumps in thefts and burglaries to a worsening methamphetamine problem.

And identity theft is emerging in many communities as a crime of choice among meth addicts.

Bob Brown of the Colorado Bureau of Criminal Investigation said his agency has investigated numerous rings of meth users producing high-quality counterfeit checks and identification cards.

"They don't sleep and they're high," Brown said of the meth-driven counterfeiters. "They're staying up late at night when the rest of us are sleeping, and they're cranking this stuff out."

Nearly 60 percent of county sheriffs said in a recent national survey that the meth epidemic is their worst drug problem—three times the number mentioning cocaine.

"It's not like the crack epidemic," said Richard Rawson, a drug treatment expert at UCLA. "It's not a flare-up and flame-out. It's a gradual infestation and it stays there. That's not a very positive perspective on the future."

THE MAKING OF SUMMIT'S MOTHER OF METH

The infestation in Akron can be traced to when Debra Oviatt returned to Ohio a second time from California, bringing along her favorite recipe for home-cooked meth.

Oviatt, 52, grew up in Wadsworth but moved as a young adult to California, where she was arrested numerous times for auto theft and was sentenced twice to prison.

She returned to Ohio after being paroled in 1986 and apparently brought a meth habit with her.

Postal inspectors arrested her in 1991 after a package containing methamphetamine was mailed from California to her brother-in-law's home in Richfield. Oviatt received six months in state prison.

She fled to California three years later when one of her customers was arrested after a 3-ounce package of meth was sent to his home.

When she came back to the Akron area in 1996, Oviatt brought with her a deadly legacy: the ability to make her own meth and a willingness to pass on the recipe.

Methamphetamine is manufactured using a witch's brew of solvents and chemicals to change the molecular structure of pseudoephedrine, the active ingredient in popular over-the-counter cold remedies such as Sudafed and Actifed.

Meth labs are typically lowtech affairs. The tools of the trade—glass jars, plastic soda bottles, coffee filters and aquarium hoses—can fit inside a typical suitcase. The flammable and combustible nature of the ingredients makes the process potentially dangerous, but not difficult to learn.

"There's definitely a science in making it, but it's not rocket science," said Michael Fox, a drug counselor with the Community Health Center of Akron. "With a little bit of training, anybody can make it."

Meth cooks typically attract a small coterie of friends and addicts who gather ingredients, such as cold pills, in exchange for a share of the finished product.

When those friends and addicts learn the recipe themselves, they often form their own co-operatives, which leads to more cooking, more drugs and more addiction.

That's essentially what happened with Oviatt, authorities say. And the result was a dramatic increase in meth abuse in southern Summit County.

How many people she eventually taught to make the drug is in dispute.

Although she declined twice to be interviewed, Oviatt claimed in a letter to have taught only two. Police think it's many more.

Among her students, they say, was Oviatt's son, Christopher Shrake, who is serving a second prison sentence for meth manufacturing.

LEGENDARY COOK UNDAUNTED BY CHARGES

It was Shrake's carelessness that led to the discovery of Summit County's first known methamphetamine lab nearly 10 years ago.

About 7:30 a.m. on May 5, 1996, the Green Fire Department got a call about a fire at a home on East Turkeyfoot Road. Shrake apparently started the fire while mishandling some of the ingredients.

The home sustained extensive damage. Firefighters' initial suspicions were confirmed when members of a Summit County drug unit arrived and revealed that they had been investigating reports of a meth lab in the home.

A Summit County grand jury indicted Oviatt and Shrake. But that didn't slow Oviatt down.

Police say that after a friend made and sold enough meth to post her bail, Oviatt set up a shifting string of labs in people's homes and in hotels along Interstate 77.

Detectives said Oviatt sometimes enlisted the help of her 6-year-old daughter to scrape methamphetamine residue from filters, telling her it was bird seed.

Oviatt initially was selective about whom she taught, sometimes sharing only a portion of the recipe in exchange for cash or meth-making ingredients, a former student said. That changed when it was clear she was headed to prison.

"Debbie wanted to teach anybody and everybody so this town would be flooded and nobody would make any money," the student said.

Before she could settle the charges from the Green incident, Oviatt was arrested in August 1996 at a hotel in Wadsworth.

Police, who had been called because of a fight between Shrake and his girlfriend, found methlab components in Oviatt's room.

Oviatt agreed to a plea deal on charges from both arrests. But before sentencing, she fled in February 1997 with the 6-year-old and a pregnant 16-year-old daughter.

Detectives spent five months chasing her around Ohio, West Virginia and Pennsylvania.

"She bounced from apartment house to apartment house, hotel to hotel," said Limbert, the retired detective. "They would make enough dope in those places that they would be OK."

Oviatt's meth-cooking career ended on June 22, 1997. That's when her younger daughter called 9-1-1 from a hotel in Springfield Township and asked to speak with Limbert and Detective Bruce Berlin. Oviatt, who had left the hotel, was arrested later that evening.

She pleaded guilty to various charges, including racketeering and kidnapping, and received a 2-year sentence.

Police believe that by the time she went to prison, dozens of others had learned how to make methamphetamine, either directly from Oviatt or from one of her students.

SOUTH AKRON IS HOTBED FOR METH

Oviatt and her proteges helped make mostly white, blue-collar Akron neighborhoods like Kenmore and Firestone Park—along with nearby Barberton and Springfield Township—the epicenter of meth making in Summit County.

It's in that general area that most of Summit County's meth labs have been found, including a would-be meth school operated by Brian Matheny, who police believe learned and improved on Oviatt's recipe.

A nurse by training, Matheny set up a lab in the basement of his Kenmore home, selling meth to support a substantial heroin habit.

Using a camera he had received for Christmas, he made an instructional video on meth manufacturing.

Police found the tape during a search of the basement in September 1997.

It shows Matheny coughing and exhaling hydrochloric gas, which is used in one step of the cooking process.

Penny Bishop, 43, got hooked on meth about the same time, and in the same general neighborhood, and eventually learned to cook as well—out of economic necessity.

Bishop says a friend introduced her to the drug in 1997, and she liked it immediately. In about two months, her habit grew from $100 a week to $400 as she switched from eating meth to smoking it.

"I had to have it just to get out of bed," Bishop said. "If I didn't have it, I wasn't moving."

Bishop depended on the drug to allow her to work long hours managing a gasoline station. But when her habit quickly exceeded her salary, the friend who first sold her meth began giving her money to buy cold pills.

She started shoplifting the pills so she could keep the cash and, as many meth addicts do, learned to make the drug herself.

Bishop, a high school dropout, said she caught on quickly.

"It was amazing I could take all these chemicals and make a drug, but I can't grasp simple things to get my GED," Bishop said.

By the late 1990s, many stores had begun limiting how many boxes of cold pills a person could buy at one time. (It takes about 1,100 standard-strength pills to make a 1-ounce batch of meth, roughly 280 doses.)

Meth cooks have generally sidestepped such measures by sending out groups of people to buy cold pills from as many stores as necessary to acquire the amount needed for the next batch.

Laws cripple cooks, but meth keeps coming. But in the last two years, authorities have gotten more aggressive in trying to squeeze the cooks.

About 40 states have passed laws to restrict the sale of pseudoephedrine products or are considering them.

In Ohio, legislators are considering a bill that would restrict sales of pseudoephedrine products.

The Oregon legislature agreed last month to make it a prescription drug. And Congress is considering a bill that would follow Oklahoma's lead by requiring buyers of the pills to show identification and sign a log book.

A number of national retailers have voluntarily moved cold tablets to more-secure areas of their stores. And drug manufacturers are gearing up production of cold pills that contain phenylephrine—which cannot easily be converted into meth—instead of pseudoephedrine.

Since Oklahoma's pioneering law took effect last year, methlab seizures there have plummeted.

But not all the news is good. Narcotics detectives say there is more meth than ever in Oklahoma. And the quality is better.

With local cooks being shut down, the state's entrenched meth demand is now being met by Mexican narcotraficantes who have stepped up production, mostly south of the border, to supply a growing U.S. market.

Seizures of "ice"—the nearly pure form of meth churned out in Mexican super labs—have jumped nearly five fold in Oklahoma since its pseudoephedrine law took effect in April 2004.

Ice, which resembles shards of glass, "is like meth on rocket fuel," said Mark Woodward, a spokesman for the Oklahoma Bureau of Narcotics and Dangerous Drugs.

Because of its purity and strength, he said, it's more addictive and more dangerous than the home-cooked meth it's replacing.

As long as the demand for meth highs persists, the future does not look bright. There are no signs that meth use is dropping in the West, Midwest or Southeast—areas of the country where meth use has become entrenched.

More Californians were treated for methamphetamine addiction than alcoholism in 2003. And meth has started to make inroads into Pennsylvania, Maryland and rural communities of New York—the outskirts of the Northeast Corridor, which is home to 60 million people, one-fifth of the U.S. population.

Vermont and Maine have been bracing for an upswing in meth use and manufacturing. Two labs were recently found in Connecticut.

"Their numbers [of meth users] are going to go up," said Special Agent Michael Heald, a methamphetamine expert with the U.S. Drug Enforcement Administration.

Heald acknowledged that law enforcement's ability to stop the eastward surge of meth is limited. Prevention and treatment, he said, are the best weapons in this particular battle in the war on drugs.

"Until we teach people that drugs are absolutely destructive to ourselves and society, we can arrest all the people we can" and still not win, Heald said.

"We can't do this alone."

VIRGINIA FACT SHEET—COBURN AMENDMENT #1648 TO H.R. 2862

This amendment eliminates funding for the Advanced Technology Program (ATP) and shifts the funding to three separate programs: Byrne Justice Assistance Grants (JAG), Community Oriented Policing Services (COPS), and the National Weather Service (NWS).

Specifically, funding for ATP is reduced by $140 million, funding for JAG is increased by $48 million, funding for COPS/Methamphetamine Hot Spots is increased by $72 million, and funding for NWS is increased by $4.9 million.

Since 1990, ATP has funneled more than $700 million to Fortune 500 companies that do not require government assistance. For example, GE (revenues of $152 billion in 2004) has received $91 million from ATP, IBM (revenues of $96 billion in 2004) has received $126 million from ATP, and Motorola (revenues of $31 billion in 2004) has received $44 million from ATP since 1990.

Since 1990, Virginia has received an average of $3.4 million from ATP each year. In fiscal year 2005, Virginia received $9.7 million from Byrne JAG funding alone.

Even though ATP was created to fund research that cannot attract private financing, a Government Accountability Office study found that 63 percent of ATP grant recipients never even sought private financing. Quite simply, ATP funnels taxpayer money to billion dollar corporations that do not need government subsidies for research and development.

The National Association of Attorneys General, National District Attorneys Association, National Narcotics Officers Association Coalition, and National Sheriffs Association have all expressed support for the Coburn amendment.

Earlier this year, Judith Williams Jagdmann, the Attorney General of Virginia, co-signed a letter to Congressional leadership. The letter stated that funding cuts for law enforcement grants "will devastate state law enforcement efforts—especially drug enforcement—if they are not restored." In the absence of this amendment, Byrne JAG funding will be cut by $6.5 million relative to 2005 levels.

In Virginia, at least 7 percent of high school students have admitted to using methamphetamines at least once. A July 2005 survey of law enforcement agencies conducted by the National Association of Counties found that "Meth is the leading drug-related local law enforcement problem in the country."

According to the same survey, 70 percent of responding officials stated that other crimes, including robberies and burglaries, had increased because of methamphetamine use.

The Methamphetamine Hot Spots program, part of COPS, addresses a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine use and trafficking, trains law enforcement officials, collects intelligence, and works to discover, interdict, and dismantle clandestine drug laboratories. This amendment would ensure that this program receives the funding it needs to tackle the serious problems associated with methamphetamine use and distribution.

This amendment also increases funding for the National Weather Service, and directs the additional funding towards the Inland and Coastal Hurricane Monitoring and Prediction program and the Hurricane and Tornado Broadcast Campaign.

MINNESOTA FACT SHEET—COBURN AMENDMENT #1648 TO H.R. 2862

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Since 1990, ATP has funneled more than $700 million to Fortune 500 companies that do not require government assistance. For example, GE (revenues of $152 billion in 2004) has received $91 million from ATP, IBM (revenues of $96 billion in 2004) has received $126 million from ATP, and Motorola (revenues of $31 billion in 2004) has received $44 million from ATP since 1990.

Since 1990, Minnesota has received an average of $4.6 million from ATP each year. In fiscal year 2005, Minnesota received $6.9 million from Byrne JAG funding alone.

Even though ATP was created to fund research that cannot attract private financing, a Government Accountability Office study found that 63 percent of ATP grant recipients never even sought private financing. Quite simply, ATP funnels taxpayer money to billion dollar corporations that do not need government subsidies for research and development.

The National Association of Attorneys General, National District Attorneys Association, National Narcotics Officers Association Coalition, and National Sheriffs Association have all expressed support for the Coburn amendment.

Earlier this year, Mike Hatch, the Attorney General of Minnesota, co-signed a letter to Congressional leadership. The letter stated that funding cuts for law enforcement grants "will devastate state law enforcement efforts—especially drug enforcement—if they are not restored." In the absence of this amendment, Byrne JAG funding will be cut by $6.5 million relative to 2005 levels.

In Minnesota, at least 5 percent of high school students have admitted to using methamphetamines at least once. A July 2005 survey of law enforcement agencies conducted by the National Association of Counties found that "Meth is the leading drug-related local law enforcement problem in the country."

According to the same survey, 70 percent of responding officials stated that other crimes, including robberies and burglaries, had increased because of methamphetamine use.

The Methamphetamine Hot Spots program, part of COPS, addresses a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine use and trafficking, trains law enforcement officials, collects intelligence, and works to discover, interdict, and dismantle clandestine drug laboratories. This amendment would ensure that this program receives the funding it needs to tackle the serious problems associated with methamphetamine use and distribution.

This amendment also increases funding for the National Weather Service, and directs the additional funding towards the Inland and Coastal Hurricane Monitoring and Prediction program and the Hurricane and Tornado Broadcast Campaign.

Senator Norm Coleman of Minnesota is a co-sponsor of this amendment.

Mr. COBURN. This is an area where there will be some controversy. I don't know if we will win the vote on this amendment. If we start looking at the human faces of what we, as Government, can do versus what business on its own can do and venture capital on its own can do, what we will see is that our parochialism needs to stop in terms of benefits to limited numbers, and we need to increase benefits to the masses. What I am asking by this grant is to eliminate a program that is marginal at best and put the money where it is going to make a tremendous difference in people's lives, born and unborn. It is my hope the Senate will concur with the amendment and that we can have a bipartisan vote to do it. It is also my hope that this is the first of many amendments, as we continue the appropriations process, where we will start making the hard choices—not easy, not black and white, but gray—that are necessary for us to meet the growing needs of the Federal Government in this time of tremendous tragedy along our gulf coast and in a time of tragedy for our budget.

It is my hope we won't vote this based on what we feel our own State gets but what is best for the country and how we move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

ORDER OF PROCEDURE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the time from 5 o'clock to 5:30 today be a period of morning business and that that time be under my control or, in my absence, the control of the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Ms. MIKULSKI. Mr. President, I will put on a different hat. I was talking about appropriations. Now I will talk about a drama that is unfolding in the Senate which is the confirmation hearings on Judge John Roberts to go to the Supreme Court and to be the Chief Justice. I rise today to talk about this nomination because this is a decision of enormous consequence. One of the most significant and far-reaching votes a Senator can make relates to the Supreme Court. Why? Because it is irrevocable. When you vote for a Supreme Court Justice, that Justice has a lifetime appointment. Unless there is an impeachment, which is rare, it is forever.

The hearings are incredibly important, they provide the Senate and the American public with the opportunity to know more about where the nominee stands on core constitutional principles. I urge Judge Roberts to answer the questions that the Committee asks of him.

But equally important is completing the picture. The Senate should have access to the full record of the nominee who is going into the hearings. We need to know more about Judge Roberts. We have all met him. We find him personable. We find him smart. We find him capable. But we wonder, what is his judicial philosophy. What will he be like, not only as a member of Court but now as the Chief Justice. Look back to the record, not only the resume but to the record.

This is why I am joining with a group of other Senators to urge the White House to release documents on 16 cases argued by the Solicitor General when Judge Roberts was the Principal Deputy Solicitor General. You might ask: Why do you need to know this? This is when then Mr. Roberts played a very important role in shaping strategy, recommending policy, and it is one of the best insights we have into his judicial philosophy, his views, his legal reasoning. We want to know: Where does he stand on an issue such as the implicit right of privacy, on issues related to civil rights, on religious expression, on title IX, on affirmative action, and voting rights. And we want to know because the record before us now raises serious questions about his commitment to women's and civil rights. Prior to any vote, the American people need to know where he stands on these issues. We, the Senators, need to know, too, so we can make an informed, rational decision.

The administration has refused to release these documents, even though they did so before. They did it when Mr. Bork was nominated, and they did it when William Rehnquist was nominated. This is particularly compelling since now the Roberts nomination has gone from a replacement of Justice Sandra Day O'Connor to replacing the Chief Justice. These documents matter because they represent the views from later in his career when he held his highest political appointment and was responsible for making policy recommendations. These documents will illuminate his beliefs and his approach to the law, and they will help this Senator and others to know where he stands on the important issues.

It is the constitutional duty of the Senate to conduct a thorough examination of the nominee, and we can only do it if we hear from the nominee himself through the confirmation processes, and have a complete record before us. We have his resume, he has received his rating from the American Bar Association, but we now need the documents on these 16 cases in order for us to do our homework and to do our due diligence. This is probably one of the most important votes I will ever take, along with my 99 colleagues. We need to know:

What type of Justice will John Roberts be?

Before the Senate left for its August break, I joined with six of my Democratic women colleagues to launch a website allowing Americans to have a voice in the confirmation process. The American people have a right to be part of the process and let the Senate know what they want Judge Roberts to answer. And we want them at the table. We want them to feel included and have the chance to participate. The Democratic women launched a Web site to allow them that opportunity. We remember how we were shut out during the judicial proceedings on Clarence Thomas. There were no women on the Judiciary Committee. Now there are. But we know what it is like not to have a seat at the table. We know what it is like not to be able to raise our questions. So we established this Web site so the public could ask about issues that impact them every day.

Guess what. Over the past month alone, 25,000 Americans responded to this Web site—with over 40,000 questions. They wanted to know where Judge Roberts stands on Roe v. Wade, privacy rights in light of national security challenges, the right to privacy, such as under the PATRIOT Act, what about so-called religious expression in schools, protecting our environment, protecting our civil rights, protecting our voting rights. And I am standing with them, because the record before us shows that Judge Roberts has argued against established constitutional protections against sex discrimination. He has argued that disparate treatment of men and women is reasonable when you don't have the resources to provide for both. He supported a very narrow interpretation of title IX. All arguments which the Supreme Court has squarely rejected.

Clearly, there are reasons people are troubled. Questions that Americans sent us were on the deepest and most heartfelt concerns of their families. A woman in Ohio wanted to ask Judge Roberts where he stands on women's equality. She said not just on choice and reproductive rights, but on wage equality, childcare options, glass ceilings. Where is he in the enforcement of equal opportunity and nondiscrimination.

A man from my home State of Maryland wanted to know did Judge Roberts support title IX. His niece played sports in high school and wanted to be sure that college sports teams would have resources and access to scholarships, as the guy teams do. A mother from Indiana wrote us. A single mom. In the 1950s, she was earning 60 cents for every dollar a man earned. She wanted to know where the judge stands on pay equity. These were the kinds of things they wanted to know. Quite frankly, I would like to know too. How Judge Roberts chooses to respond is his business. But whether we support the nominee based on those responses is our business and how the administration responds to our requests for documents is also our business.

That is why the White House must release those documents to the Senate. We want to have access to the documents relating to those 16 very important cases that were argued by the Solicitor General before the Supreme Court. These documents will help us evaluate the nominee and will enable us to make the kind of decision the American people want us to make.

As Judge Roberts begins his testimony and is asked about his past decisions, judicial philosophy and legal background, Americans will be watching. I urge the nominee to be forthcoming. He should not conceal his views on issues that the majority of Americans care about like reproductive choice, civil rights, congressional power, the environment and separation of church and state.

I also urge the White House to be forthcoming. They should not conceal documents that may illuminate those views. Judge Roberts' past career causes concern about his commitment to core constitutional principles and we need to have, and the American people deserve, a complete picture.

Mr. GREGG. Will the Senator yield for a question?

Ms. MIKULSKI. Yes.

Mr. GREGG. I ask if the Senator would allow me to propound a unanimous consent request so that I might speak at the conclusion of the speakers she has on her side.

Ms. MIKULSKI. First, in terms of senatorial courtesy, I have no reason to object. But as I understand it, the order of the day is that at 5:30, we must go into consideration of the mercury rule for 1 hour. I ask the Presiding Officer, what is the order?

The PRESIDING OFFICER. The order is that at 5:30, the Senate will be in morning business for 1 hour with the time controlled by Senator INHOFE of Oklahoma or his designee, and the Senator from Nevada, Mr. REID, or his designee.

Ms. MIKULSKI. May I ask the Presiding Officer, at 5:30 the Senate will go into morning business?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Who controls that morning business?

The PRESIDING OFFICER. The time is equally divided and controlled by Senator INHOFE of Oklahoma or his designee and the Senator from Nevada, Mr. REID, or his designee.

Ms. MIKULSKI. I misunderstood. I thought there was a mandate at 5:30 to go to the mercury rule. I have no objection to the Senator's request.

Mr. GREGG. I ask unanimous consent that I be allowed at 5:30 to proceed for 10 minutes in morning business and that I be recognized at that time.

Mrs. BOXER. Reserving the right to object——

Mr. GREGG. Assuming the speakers on the other side have completed their statements.

Mrs. BOXER. I have absolutely no problem with this. I know Senator CLINTON is trying to make it from an airplane to get to the floor. So as I understand it, Senator MIKULSKI has the time until 5:30; is that correct?

Ms. MIKULSKI. Yes.

Mrs. BOXER. Hopefully, she will make it. If I could cover us and say 5:35, and then it would go to Senator GREGG, would that be OK?

Mr. GREGG. I amend my request so that I be recognized at 5:35 for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I thank the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I have now concluded my remarks and yield to the Senator from California, Senator BOXER, such time as she may consume.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Maryland for her leadership in reaching out to the people of this country, asking them to send in their questions for Judge Roberts. As she noted, 25,000 individuals wrote in questions and we received a total of 40,000 questions. It shows the American people have a lot at stake. This is a serious time for our country, and a very important nomination. We certainly know that.

Most Americans understand that the Court plays a huge role in defending our rights and freedoms, and now Judge Roberts has been nominated to be the Chief Justice of the United States. Although some will say it makes no difference, it makes a big difference. The Chief Justice runs the Court, sets its tone, assigns responsibility for writing its decisions, has a certain amount of cachet to speak for the Court, and so on.

The Judiciary Committee began its hearings today on Judge Roberts. This is a vital part of the advice and consent role of the Senate. Before we vote, it is every Senator's duty to find out if Judge Roberts will uphold or undermine our fundamental freedoms, the freedoms that essentially define us as Americans. It is our duty to find out if Judge Roberts will fulfill the promise etched above the Court itself: Equal justice under the law—not justice only for the powerful, but equal justice for all. And when I say we have a duty, I am talking about our responsibility as Senators to act on behalf of we the American people.

That is why the Democratic women, under Senator MIKULSKI's leadership, created the AskRoberts Web site. Americans submitted 40,000 questions about a broad range of issues, including privacy, reproductive health, civil rights, women's rights, and the environment. One individual posed this question to Judge Roberts: In your opinion, why would the White House refuse to turn over public records from your time as Deputy Solicitor General? What is there to hide?

What is there to hide? It is a very important question. Senators on both sides of the aisle should be asking that question. Before we confirm Judge Roberts to a lifetime appointment as Chief Justice, we need to know everything possible about his views and philosophy. This isn't because it is interesting, because I am sure it would be interesting. Judge Roberts is a very bright and interesting man. But it is because every American's rights and freedoms hang in the balance. Judge Roberts has a very thin record on the bench. Therefore, his writings and statements, when he worked for the Reagan administration and the first Bush administration, become very important.

We know that in his position working for Kenneth Starr, Mr. ROBERTS played a very important role. He was a top decisionmaker in the Solicitor General's Office. He appeared before the Supreme Court and, by his own admission, made the final determination of which cases to appeal in hundreds of circumstances. It is not as if we haven't gotten information like this before. We did so during the confirmation hearings for Judge Bork and Justice Rehnquist.

That is why Democrats on the Judiciary Committee, under the leadership of Senator LEAHY, and the Democratic leadership, under the leadership of Senator REID, and the Democratic women, under the leadership of Senator MIKULSKI, and the entire Democratic caucus have written letter after letter to Attorney General Gonzales demanding these documents be released.

We are talking about a very narrow request—only 16 cases—not a broad request for all records. What are these cases we are asking about? They include three about reproductive health, five about discrimination and civil rights, and three about the environment. These are the very issues Americans told us they wanted Roberts to answer questions about when they wrote to our Web site.

In poll after poll, the American people are saying that Judge Roberts has to tell us what he believes, and we deserve to have this information. Everyone agrees that Judge Roberts is extremely qualified and very personable. But we need to know about his views and philosophy because; if confirmed, the cases he would decide will impact the daily lives of all Americans.

I believe the American people want transparency and openness in this process. This should not be some hide-and-seek, catch-me-if-you-can deal. This is about someone who could sit on the Court for 30 years, or more. This is someone who is going to influence the lives of our grandchildren and perhaps even our great grandchildren.

In addition to getting the information on these cases, Judge Roberts also must answer questions, and I hope he is going to do that. I know a couple of my colleagues on the other side of the aisle today seemed to be counseling him not to answer questions. One of them cited Judge Ginsburg, and said she drew the line by refusing to answer questions.

Let me tell you what Judge Ginsburg said at her hearing when she was asked about Roe v. Wade and a woman's reproduction freedom. She said:

> It's a decision she must make for herself.

And when Government controls that decision for her, she is being treated as less than a fully adult human.

That is a quote from Ruth Bader Ginsburg. And it is certainly at odds with all that Senator HATCH and others are saying about how Ruth Bader Ginsburg didn't answer questions about key legal issues. No. 1, her writings on this and other topics were extensive. Then at the hearing, she said clearly that when the Government takes control—I am going to read it again:

> When Government controls that decision, a woman is being treated as less than a fully adult human.

I want to know whether Judge Roberts agrees with that. He will have a chance to express that view and also his view about the role of Congress in protecting our families and communities. Take, for example, the violence against women. Part of that act, written by JOE BIDEN and ORRIN HATCH—and I worked with Senator BIDEN for years on that—part of that law was thrown out. We want to know how Judge Roberts feels about whether we in the Senate can protect the women of our country, can protect the families of our country, can protect those who perhaps cannot speak for themselves.

We need to know if Judge Roberts thinks the right to privacy is a fundamental right. We know he wrote about it as the so-called right of privacy.

If I referred to your spouse as your "so-called spouse," that would be an insult, wouldn't it? If I referred to your right to vote as your "so-called right to vote," my constituency would be very upset with me because the right to vote is not a so-called right. So when you say something is a so-called right, it raises a lot of questions about how you feel about it.

We also need to know why Judge Roberts argued before the Supreme Court and on national TV that our Federal courts and marshals had no role in stopping clinic violence when women were being threatened and intimidated at family planning clinics all over the country.

It is time for Judge Roberts to say what he really thinks—on privacy, on gender discrimination, on civil rights, on the environment. On the appellate court, he wrote an opinion that raises questions about whether he would find the endangered species act constitutional. Does he think it is our right in the Congress to pass environmental laws that protect all Americans?

As Senator MIKULSKI said, the role of the women Senators is very important. Women across America are counting on us to stand up, to ask the questions, and to get the answers. When we vote on this nomination, it must be an informed vote either yes because we believe he will protect our rights and freedoms or no because we have not been convinced.

I thank the Chair. I yield back my time to Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield the floor to the senior Senator from the State of Washington, Mrs. MURRAY, for such time as she may consume.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Maryland for organizing the AskRoberts.com in which we are all participating to allow people across this country to be a part of this very important process that is occurring in the Senate today.

Today, our country faces many challenges. We look at the suffering along the gulf coast, we face ongoing military operations in Iraq and in Afghanistan, and we face the solemn and significant task of not only filling two Court vacancies but confirming a new Chief Justice. While the confirmation of a new Justice may not be the topic of dinner table conversations across the country tonight, the actions of the next Supreme Court Justice will impact the lives of every American family for generations to come.

Last week, this Chamber mourned the passing of Chief Justice Rehnquist who served on our Nation's highest Court for over three decades. The great range of issues on which the Supreme Court ruled during Justice Rehnquist's tenure—from Roe v. Wade to capital punishment to Miranda rights to the conclusion of a Presidential election—shows the American public just how closely the Court touches each of our daily lives. My home State of Washington is 3,000 miles away from the Nation's Capital, but the issues the Supreme Court takes up, whether it be title IX or eminent domain or a woman's right to choose, hits home for them as well.

Back in 1991, when I was a State Senator and a former school board member and a mother, I watched the Clarence Thomas confirmation hearings that came before the Senate Judiciary Committee. For days and days, I sat in frustration at home. I simply could not believe that this nominee was not asked about the issues about which I cared. I did not believe the Senators in that room were representing me or asking the questions I wanted answered. So I did something about it: I ran for the U.S. Senate. Now, thankfully, I am here and I can get my questions answered. But I remain very concerned for the women and the men in my State and around the country. Certainly they have issues that are important to them that will come before the Supreme Court. Certainly they have questions they want answered. Not everyone is going to be able to run for the Senate, but everyone should be able to have their voice heard.

This is a process in which the American public deserves to be involved. Judge Roberts is being considered for a lifetime appointment, and the American people deserve to know where he stands on a number of issues that affect our Nation's future. That desire to give Americans around the country a voice in this process is what inspired me and my colleagues from California and Maryland to set up a Web site: AskRoberts.com. Through our Web site, we have collected tens of thousands of questions over the past several months that have now been delivered to the Senate Judiciary Committee in hopes that they will be asked of Judge Roberts during his confirmation hearing.

This is not an inside-the-beltway debate. Judge Roberts has been nominated to a lifetime appointment on the highest Court in the land, and he will influence our path on issues ranging across the spectrum.

Many Americans must be wondering what this all means to them, how it will affect them. Let me make it clear: This debate we are now having is about whether we want to protect essential rights and liberties, including the right to privacy about which the Senator from California talked. This debate is about whether we want free and open government. This debate is about whether we want a clean, healthy environment and the ability to enforce laws to protect it fairly. And this debate is about preserving equal protection under the law.

Judge Roberts has an obligation—not to the Senate but to the American people—to make his views known on these basic values. Only then can we make a reasoned judgment on his nomination. That is why I have joined with a number of my colleagues in calling on the Attorney General to fulfill the request that was made by our colleagues on the Judiciary Committee for documents related to 16 key cases on which Judge Roberts played a leadership role during his service as Solicitor General. Not only is there precedent for the disclosure of those documents—similar information was provided to the Senate when it considered the nomination of Justice Rehnquist—but there is also clear imperative. If we are going to fulfill our constitutional duty to provide meaningful advice and consent on this nomination, that consent must be informed and this process must be opened, not only to the Members of this body but to the American people.

With the questions and concerns of Americans from coast to coast in mind, I will work with my colleagues to ensure that the President's nominee to fill this position will be fair and impartial, evenhanded in administering justice, and will protect the rights and liberties of all Americans.

Mr. President, I yield back my remaining time.

Mrs. BOXER. Mr. President, as I understand it, we have 5 minutes before Senator GREGG has the floor; is that correct?

The PRESIDING OFFICER. The Senator from California is correct.

Mrs. BOXER. Mr. President, I thank Senator MURRAY because she has a way of putting things quite succinctly and clearly and I appreciate her coming to the floor.

There is a very interesting editorial today in USA Today, and I want to quote from it. The first part says there is no question that the President has chosen someone with similar views to Judge Rehnquist. This is what they say:

> But, if the men are similar, the nation is different now from what it was when Rehnquist joined the Court 33 years ago, and that difference raises provocative questions for Roberts as Senate confirmation hearings begin today.

This is how they say it has changed since Judge Rehnquist's hearings:

> In particular, the United States has become a far more tolerant society. In 1972, racial segregation was still being dismantled. Women, like African-Americans, were routinely deprived of equal opportunity. The notion that Americans possess a right to privacy, established by the landmark 1965 Supreme Court case that overturned state laws against birth control, was still taking root.

This editorial goes on to ask if Roberts would make it difficult for Congress to extend those gains or even turn back the clock, concluding:

> His record leaves plenty of room for doubt.

Now, this is USA Today. It is not considered a liberal newspaper. It is a pretty mainstream paper and it raises the issue of privacy, writing:

> In memos written when he was in the Reagan administration, Roberts disparaged the notion that there is a constitutional right to privacy that prevents the government from criminalizing contraception, abortion and gay sex.

And then it talks about race:

> Roberts has belittled affirmative action as "recruiting of inadequately prepared candidates" and has argued for standards that would make it easier for school districts to evade desegregation orders.

On women's rights, it is also troubling:

> Roberts ridiculed the concept that women are subject to workplace discrimination, and he argued for narrowing the government's ability to enforce the ban on gender discrimination in education.

They close by saying:

> His record bears close scrutiny and his answers should go a long way toward determining whether he should be confirmed for a lifetime appointment as the Nation's most powerful jurist, deciding issues barely imaginable today and influencing the lives of generations to come.

As I say, this editorial is quite mainstream. It raises legitimate concerns about Judge Roberts. It basically says to the Senate, it is your job to find out how he is going to rule on cases we cannot even envision at this time.

I think that the committee is off to a good start. I received a briefing while I was on a plane today about the Senators' comments on both sides of the aisle. It clearly seems to be a confirmation that both sides are taking extremely seriously.

I say to those friends and colleagues on the other side who are counseling Judge Roberts that he does not have to answer questions, that would be a big mistake. The American people in poll after poll are saying to us, we have a right to know. We want to have answers to very important questions that will shed light on if Judge Roberts is going to make sure this Congress and this Federal Government can protect them; that we can protect the environment; equal rights for women and for minorities; that we have the ability to make life better for the American people; and that we, in fact, will be able to respect the dignity of our people by making sure there is not a "so-called" right to privacy but a fundamental right to privacy that has been articulated by the Court and that we hope Judge Roberts will uphold.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

BUDGET RECONCILIATION

Mr. GREGG. Mr. President, I rise to speak a little bit about the schedule of the reconciliation bill which this Congress was supposed to actually take up this week. As we all know, reconciliation is one of the key procedures by which the Congress addresses spending, specifically spending in mandatory programs and tax policy. In the budget which we passed about 5 months ago, we included reconciliation instructions which essentially say to committees within the Senate and within the House that they are to change the entitlement programs they have jurisdiction over in order to slow the rate of growth of a number of those programs or in order to generate revenues from those programs which might not otherwise be coming in in order to reduce the size of the deficit and in order to make the Government more affordable.

This reconciliation proposal which came forward requested approximately $34 billion in savings on the entitlement side, $70 billion in tax policy changes. It was to be executed on or preceded with this week with a reconciliation bill on the spending side of the ledger. In consultation with the leadership, who obviously makes the final decisions, and with the House, we have decided to move the date of reconciliation so the Budget Committee will report a reconciliation bill on October 26. This will essentially allow committees, especially the authorizing committees, which are now heavily engaged in the issue of trying to address the catastrophe brought on by Katrina, the opportunity to have time to order their reconciliation changes so they can bring forward effective bills which will accomplish the instructions as proposed.

Some have asked, why go forward with reconciliation at all in light of the Katrina situation? I think it is important to recognize what reconciliation is in relationship to a disaster, a catastrophe of the size of Katrina. Obviously, the impact on the Gulf States has been enormous and we have to do whatever we can to help the people of the Gulf States rebuild and reestablish their lives in some semblance of order and give them some opportunity for hope. And we are doing that as a Congress. The administration is trying to do that and obviously the States and local governments are trying to pursue that activity.

We will get past the Katrina problem. The people of the Gulf States are energetic, enthusiastic, and productive people, as are all Americans, and America has come to their aid as a nation, which we should. Obviously it is going to take time, but this is a one-time event—hopefully never will happen again, and has never happened before—of this magnitude, and we should be able as a nation to manage and correct the situation and give relief to the people of that region and do the reconstruction that is necessary. That is a one-time spending event.

What the reconciliation instructions address are the long-term implications especially of entitlement spending. We know that over the next 10, 20, 30, 40 years we are looking at massive increases in spending on mandatory programs, especially the health programs of the Federal Government, primarily because of the aging of the baby boom generation. As a nation, we need to set policies in place today which will allow us to be able to afford the costs which this huge generation is going to incur in order to maintain its health and also its retirement.

Reconciliation is a very small step down that road of trying to improve the policy so we can better deliver services to seniors who get Medicaid and other people who get Medicaid—obviously children—and at the same time make it affordable. The reconciliation instructions cover 5 years. In fact, the Medicaid instruction, which has been the most contentious, anticipates no savings in the next year. So clearly it has no impact on the Katrina event, most of which money for that restoration will occur within the next year.

Over the next 5 years, what we proposed is slowing the rate of growth of Medicaid under the reconciliation instructions from 41 percent back to 40 percent. I had hoped we would go from 41 percent to 39 percent. I thought 39 percent was a pretty good rate of growth, but that was not acceptable so we are going to a 40-percent rate of growth over the next 5 years, on a $1.1 trillion spending program. That is what Medicaid will be over the next 5 years. We are suggesting that we will save $10 billion—$34 billion over the whole reconciliation instruction—on a $1.1 trillion spending program over 5 years, with none of it occurring next year.

How can we do that? We can actually do it by delivering more services to more people. If we give Governors greater flexibility with their Medicaid funds, Governors have told us with more flexibility they can cover more people and do it at lower cost. That is called good management. It does not take a lot of good management to shave 1 percent off the rate of growth, which will be around 40 percent. So it is a very doable event, and we need to proceed with it.

There are other committees that have received reconciliation instructions that actually want those instructions, that want to be able to proceed forward because they see opportunities to improve Government and to generate a better return for taxpayers. One, of course, is the Commerce Committee. Another is the HELP Committee which has reported out an incredibly strong higher education bill where they are basically going to expand rather significantly the dollars available to people who go to college through Pell programs and other programs, under the leadership of Chairman ENZI. That bill has been reported out, has saved about $7 billion, but has also generated about $6.5 billion which will go back into student loans. It has done it without impacting student loans but actually expanded student loans by taking action in the area of lenders accounts. Chairman ENZI deserves lot of credit for it and we should proceed with that.

Chairman ENZI also reported out a bill, along with the Finance Committee, to address the pension reform issue. We need to address pension reform. We are not going to be able to do it unless we do it in reconciliation. We know we have major bankruptcies coming at us. Regrettably some of them are in the airline industry, maybe even this week. There are rumors about that. We know when people go into bankruptcy, their pension funds go into the PBGC. We know the PBGC has somewhere between a $30 billion and $50 billion projected unfunded liability or deficit. If we are going to be able to maintain those accounts so that people who have been planning all their life to receive pensions, if they are in a company that goes bankrupt, still receive some percentage of their pensions rather than get completely wiped out, we have to have a solvent PBGC. So Chairman ENZI and Chairman GRASSLEY have both reported out bills to try to accomplish that and they are using reconciliation to proceed in that direction, and that is very possible. So we need the reconciliation bill to put in place policies which do not address the immediate problem of today, which is obviously the Katrina issue, or the problem even of next year or the year after.

These policies under reconciliation will address 5 years, 10 years, 15 years down the road and address them in a positive way. They are small steps, but they are important steps, and that is why we need to go forward with reconciliation. That is why we have set this date and moved it a month but only a month.

KATRINA RELIEF EFFORT

On another issue, and that is the issue of Katrina and how we are funding Katrina and the relief effort, we have now passed two supplementals totaling about $61 billion. We know we are going to get another supplemental probably within 3 or 4 weeks for another $50 billion. We also know that moving through the Congress is a whole series of initiatives relative to trying to give relief to the people in the Gulf States, which is the goal of all of us. We recognize that things such as tax packages, such as WERDA, such as the COPS program, we have on this bill—in fact, I think there is an amendment for the COPS program of $1 billion. There is an amendment dealing with Medicaid which will cost $4 billion to $6 billion. There are flood insurance issues. The simple fact is that the cost of this disaster, catastrophe, is going to be huge. The problem we have, as I see it right now—and we are willing to pay that price, by the way. I am perfectly willing to pay whatever is the appropriate price to make sure we give these people an opportunity to rebuild and restore their region in a logical manner. I have suggested that we set up a commission with a single leader along the lines of the Hoover activities in the post-1927 flood where there would be a focal point where all the Federal programs would come together and the money would be distributed in an orderly and planned manner working with the States and the local region. Then we can set up such an authority and put a person on the ground who has a national reputation and knows what he or she is doing and can manage this in a way that is orderly and has a reasonable audit function and reasonable management function so we make sure we get value for the dollars so they are not wasted. We have seen some proposals that would not work and would have wasted money already.

What we are not seeing is that sort of cooperation in the Senate or Congress. We have ideas come from all different sides. We have ideas coming from every committee—we have creative people on every committee—and we have ideas coming from the administration, but there does not appear to be any focal point for management of these ideas so we are prioritizing what we need, how we need it, and where it should come from and where it should go.

We have ideas coming out of one committee that are for flood insurance, or amendments on the floor that already represent $4 billion to $10 billion of new spending, or we have ideas coming out of the tax committees or ideas coming out of the appropriating committees. Since everybody wants to respond and respond effectively, there ought to be a management process in the Congress—and in the White House, by the way—that says this is what we prioritize as needed. This is what we want the Congress to move on quickly. Let's take a hard look at what will work and what will not work.

I am sorry we have not seen that yet. As chairman of the Budget Committee, I have been extremely concerned about this because I think we are going to wake up 6 months from now or 3 months from now and realize that a haphazard approach has not been effective either in resolving the problems in the gulf coast or in managing the taxpayers' money effectively.

I am hopeful we will see a little more order in this process. I implore our leadership to give us such order.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for 1 hour with the time equally divided between the Senator from Oklahoma, Mr. INHOFE or his designee and the Senator from Nevada, Mr. REID or his designee.

Who yields time? The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, it is my understanding we are going to have 1-hour debate on the motion to proceed and Senator LEAHY and myself are controlling that time. It is acceptable to me, if Senator JEFFORDS would like to be heard at this time, that he be recognized.

The PRESIDING OFFICER. Who yields time to the Senator from Vermont?

Mr. LEAHY. The Senator from Vermont is seeking time? The Senator from Vermont yields such time to the Senator from Vermont as the Senator from Vermont might need.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

DISAPPROVAL OF EPA RULE PROMULGATION

Mr. JEFFORDS. Mr. President, I am pleased to join with my colleague from Vermont, the Senators from Maine, and many other Senators in a bipartisan effort to oppose the administration's mishandling of the Clean Air Act. That is what our resolution of disapproval is about.

We are here because the Bush administration's mercury rule violates the Clean Air Act. This rule is plainly illegal, it is unwise, and it is definitely unhealthy for Americans living downwind of coal-fired powerplants, especially mothers and their soon-to-be-born children.

The administration, with a simple wave of its hands, has used the rules to delay compliance with the mercury control requirements for a decade or longer than the law allows. Our resolution of disapproval is simple enough for even the biggest energy company, and the administration even, to understand. We reject this abuse of the Clean Air Act, and we demand they follow the rules of the land.

The law says: Each and every powerplant unit that emits mercury and other toxic air pollutants must take action to reduce these emissions by using maximum available control technology, or MACT.

The administration could have gone through the appropriate statutory process to delist and exempt their powerplants from regulation, but that is not what they did. Instead, they made up a whole new deregulatory scheme to help out the big energy companies. But the act does not provide them with that authority. They do not have the luxury of ignoring the laws that regular Americans must follow and that Congress wrote to protect the public's health and the environment. This administration is not above the law.

The EPA is allowed to set the MACT standard after considering costs and any nonair quality health and environmental impact and energy requirements. That they could have done. But, instead, the administration chose to violate a settlement agreement. They shut down an advisory commission because they did not like getting scientifically credible answers on mercury controls and costs. The process used to create this rule was flawed and was intended to delay and obstruct any mercury control requirements whatsoever.

In the end, the administration almost wholly adopted the utility industry's proposal on how to regulate mercury emissions. If this is not the proverbial "fox watching the chicken coop," what is? This is not the way the law is supposed to work in America, nor does work in America.

I urge my colleagues, and everyone listening, to support our resolution of disapproval and to support this motion to proceed. We deserve a fair up-or-down vote on the administration's rule that illegally exempts big energy companies from having to reduce toxic air pollution wherever it is emitted.

I yield the floor.

Mr. INHOFE. I ask that we yield 3 minutes to Senator THOMAS.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. THOMAS. Mr. President, I think we deal today with a very interesting and important issue, as a matter of fact. All of us want to do something about mercury and the emissions of mercury. We also want to have electricity, and we want to have it at a reasonable cost. Of course, our efforts now, in terms of energy, are to try to move toward using more and more coal for production because that is the biggest fossil fuel resource we have.

What we have, of course, is a proposal by the administration over a period of time to reduce mercury from this kind of production by as much as 71 percent in the country and to be able to do that in a way which will allow us to continue to use coal and to allow us to continue to do it at the reasonable price that we now have.

What we have done is developed a program to accomplish those important things. We have a regulation, 15 years in the making, which has been designed to allow for the continuation of production, to allow for the reduction over 70 percent in a period of 9 years, and to allow those who have trouble to have some offset sales so the result is a reduction in mercury, which we all want to do, while we continue to produce, which we all want to do.

I think it is a big mistake, after all these efforts that have been made to accomplish all the things we want to accomplish, to say we want to reject that and establish something that is likely to be unworkable over a period of time, plus extremely expensive.

I urge we do not repeal this effort. The opportunity has been there for Congress to work on it. We certainly will. There will be an opportunity to vote on it, if we proceed here as we should, and to be able to say, yes, we want to reduce mercury; yes, we want to continue the production of electricity produced by coal, and we want to be able to do that over a period of time with a reasonable program. That is what we have.

EPA estimates the cost of this at about $2 billion over this period of time, when what is being proposed is to do a very different thing that costs about $300 billion.

At any rate, I certainly urge we do not approve this idea of removing this regulation, this program.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. LEAHY. I yield the Senator from Maine 8 minutes.

Ms. COLLINS. Mr. President, I rise today in support of the resolution that would disapprove of the EPA's improperly crafted rule on mercury emissions, a rule that both the Agency's own inspector general, as well as the Government Accountability Office, have criticized.

In the wrong form, mercury is an acutely dangerous toxin that can cause serious neurodevelopmental harm, especially to children and pregnant women. Recent studies indicate that at least one in six women of childbearing age is carrying enough accumulated mercury in her body to pose risk of adverse health effects to her children, should she become pregnant.

Tragically, EPA's own scientists found that some 630,000 infants were born in the United States in the 12-month period from 1999 to 2000 with blood mercury levels higher than what are considered safe. In addition, a new study released last week by the Mount Sinai School of Medicine found that more than 1,500 children are born in the United States every year with mental retardation as a result of mercury exposure.

To see just how toxic mercury is, one does not have to look any farther than my home State of Maine. Every freshwater river, lake, and stream in my State is subject to a mercury advisory warning pregnant women and young children to limit consumption of fish caught in these waters. While this advisory is bad enough for the many anglers who love to fish in Maine's beautiful waters, it is especially difficult for indigenous people, like those of the Penobscot Nation, for whom subsistence fishing is an important part of their culture.

Mercury is dangerous not only to people—and particularly children—but also to wildlife. Let me cite one study conducted by researchers in my own State. The Biodiversity Research Institute in Falmouth, ME, found that mercury concentration in loon eggs increased from Western to Eastern United States. They found that mercury concentration in loon eggs in Maine was dangerously—nearly four times—higher than those found in Alaska where there is not the exposure to mercury from powerplants that we experience in Maine due to the prevailing winds.

Despite the overwhelming hazards of mercury pollution and the fact that coal-fired powerplants are the single largest source of mercury emissions in our country, the EPA inexplicably decided to remove powerplants from the list of mercury sources that must be regulated under the strictest provisions of the Clean Air Act. Instead, the EPA rule would regulate mercury emissions under a much weaker cap-and-trade program and would give the industry an extra decade to meet even this weaker emissions level. If this rule is allowed to go into effect, powerplants will be free to continue spewing unlimited amounts of toxic mercury into our air until the year 2018.

Both the EPA inspector general and the GAO have severely criticized the EPA rule. The IG found that the EPA conducted analyses in order to justify a predetermined conclusion, did not adequately analyze the impact of this rule on the health of our children, and the EPA was found by the inspector general not to have conducted the appropriate cost-benefit analysis of regulatory alternatives. The GAO found that their cost-effective mercury controls would make it possible to achieve far greater mercury emissions reductions than the EPA rule calls for.

I call on our colleagues to join me—Senator LEAHY, Senator JEFFORDS, Senator SNOWE, and many others—in sending this flawed rule back to the drawing board. EPA's mercury rule is not based on sound science. It does not employ the proper cost-benefit analysis. It will harm human health and the health of our environment, and it simply should not be allowed to go into effect. Our resolution, the Leahy-Collins resolution, would give the EPA the chance to fix these flaws and come back with a rule that would better protect the American people and our Nation's streams, rivers, lakes, air, and wildlife.

I yield the remainder of my time to the Senator from Vermont.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Maine, my friend and neighbor, for her statement.

I see the other Senator from Maine on the floor. I believe she sought 4 minutes. I yield 4 minutes to the Senator from Maine.

Ms. SNOWE. Mr. President, I thank Senator LEAHY for his leadership, as well as Senator COLLINS and Senator JEFFORDS and so many others in bringing forward this resolution of disapproval.

I am here because I happen to believe that the air in Maine, or any part of this country, should not be for sale to the lowest bidder when it comes to our air. Given that the EPA spent over a decade developing the scientific and technological basis for regulating major sources of mercury—dangerous mercury—I am confounded by the failure of its rule to meet either the letter or the intent of the law.

The proposed EPA rule represents a missed opportunity to incorporate the recent research into the health effects of mercury or the recent technological innovations that significantly reduce the levels of mercury emissions. If enacted, the resolution will suspend the first EPA rule that overturns its own 2000 decision and allows powerplants to be delisted as a source of mercury pollution.

Since 2000, research has determined that mercury pollution is more widespread, its effect more pronounced, and methods to reduce it improved. However, the EPA proposal fails to reflect the severity of the situation and allows a weak cap-and-trade system. Under this cap-and-trade rule, many plants will never have to install controls if they choose to simply buy their way out by purchasing allowances from other plants.

The issue of mercury toxins is beyond dollars and cents. Mercury, contained in coal emitted through smokestacks into the atmosphere as the coal is burned, is transported to the air and carried downward for hundreds and hundreds of miles. It is carried by snow and rain back down to Earth into our communities, onto our streets, and around our schools. Inevitably, these toxins pollute our lakes, rivers, and streams. The mercury is then ingested by the fish and, in turn, consumers who eat fish harvested from these freshwater sources. The growing concentration of the amount of mercury has caused a significant problem, not only for Maine's seafood industry but our Nation's.

The EPA issued an advisory about mercury and seafood sales in our country, and since March 2004 sales of tuna, for example, in America have declined by 10 percent. This has resulted in the revenue loss of more than $150 million to the industry. However, we cannot fault the consumers but, rather, our own failed Government policy.

If EPA had followed the Clean Air Act and retained its 2000 decision, each utility unit would have been required to reduce mercury pollutants by 70 to 90 percent in 2008. I should point out that powerplants are the largest remaining unregulated source of mercury pollution in the United States—accounting for the 90,000 pounds of airborne mercury a year.

EPA's own considerable research on the sources and effects of manmade mercury pollution confirms that mercury emissions are getting worse. To my dismay, the less stringent EPA approach will inevitably fail to protect either the health of our children or Maine's natural resources and the economies that depend on them.

The EPA proposal, at its fundamental level, clearly is delinquent in protecting all Americans equally from the hazards of mercury pollution. Under these guidelines, a powerplant can buy its way out of mercury restrictions and continue to plague the surrounding population. Our commitment to our communities in America should be uniform, and thus our restriction of this neurotoxin should be consistent.

We know for a fact that human ingestion of mercury causes grave neurological damage to young children, infants, and the unborn. Methylmercury is a known neurotoxin and development inhibitor in unborn babies. Children and fetuses are most susceptible because mercury can have a damaging effect on developing brains. Reports tell us that nearly 4.9 million women of childbearing age have elevated levels of mercury and that approximately 630,000 children born each year are at risk from mercury-related learning and developmental problems. I find these figures unacceptable. In fact, we all should.

Neurotoxins are not commodities; neurotoxins are poison. I believe that these pollutants and poisons should not be traded in our society but, rather, should be significantly restricted and reduced. It is our duty to enact such a rule.

I hope we will adopt the mercury resolution of disapproval.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to yield 8 minutes to probably the Senator who knows more about air quality and the Clean Air Act than any of the rest of us, the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise in strong opposition to this resolution. This represents a continuing saga that started out in 2001 by those of us from the midwestern part of the United States of America with our respected friends from the northeastern part of the United States. I believe everyone should put what we are doing tonight in context; that is, to be effective, this resolution must be passed by the Senate and House and signed by the President.

While the act provides for expedited and privileged procedures in the Senate, there is no such rule in the House. The House will not consider this. The President announced today, if the resolution is passed, that he would veto it. That is where we are.

On March 15, the EPA finalized the Clean Air Mercury Rule and made the United States the first nation in the world to regulate mercury emissions from existing coal-fired powerplants—the first in the world. Through two phases in a "cap-and-trade" program, mercury emissions will be reduced by 70 percent. This is modeled after the Nation's most successful clean air program, the Acid Rain Program. Modeling by the Electric Power Research Institute, an independent nonprofit research organization, shows that the rule will reduce mercury in every State. This is quite amazing, given the nature of mercury.

It is important for my colleagues to understand that all the mercury that is being deposited in the United States doesn't come from the United States. Only 1 percent of the mercury in the world comes from our powerplants in this country. Mercury pollution is a global issue because it travels hundreds of thousands of miles. About 5 percent of worldwide mercury emissions comes from natural sources, such as oceans and volcanoes. From 1990 to 1999, EPA estimates that U.S. emissions of mercury were reduced by nearly a half, which has been completely offset by increases in emissions from Asia.

The fact is that U.S. powerplants account for a small percentage of worldwide emissions, and most of the mercury deposited in our Nation comes from outside the country and natural sources. Still, the administration has decided to lead with the first-ever Federal regulation of powerplant mercury emissions in the world.

By using the Congressional Review Act, the Senator from Vermont and the resolution's supporters are seeking to topple this regulation that has been nearly 15 years in the making—starting in the Clinton administration—and represents one of the most extensive rulemakings ever conducted for a clean air regulation.

The broader intent of the resolution seems to force EPA to impose a very costly and potentially devastating regulation. Several of the sponsors of Senate Joint Resolution 20 have expressed support for maximum available control technology—called a MACT standard—to reduce mercury emissions from every powerplant by 90 percent within 3 years. Proponents of this approach claim that each powerplant should be able to reduce mercury emissions by at least 90 percent. However, this level of reduction is not currently achievable, and no controlled technology vendor can guarantee the performance of mercury removal technology at this or any other specific level in the future.

According to the independent Energy Information Administration, a MACT standard would have a devastating impact on our Nation because coal plants unable to attain it would be forced to fuel-switch away from coal, which is our most abundant and least costly energy source, to natural gas.

Increased reliance on natural gas for electricity generation will add to the already obscene increase in natural gas costs that our businesses and families are exposed to, including those people who live in the northeastern part of the United States. We have the highest natural gas prices in the developed world, and increased costs have diminished our businesses' competitive position in the global marketplace. We don't live in a cocoon; we live in a global marketplace. The chemical industry's eight-decade run as a major exporter ended in 2003 with a $19 billion trade surplus in 1997 becoming a $9.6 billion deficit. These are real jobs.

The impact of a MACT standard has led many groups to express opposition to this resolution, including the American Chemistry Council, American Farm Bureau Federation, Edison Electric Institute, National Mining Association, National Association of Manufacturers, and United Mine Workers of America. It just can't be justified from a cost-benefit point of view.

This is very important. While EPA estimates the cost of its cap-and-trade rule at about $2 billion, EIA has projected costs as high as $358 billion for a 90-percent MACT standard.

The public's return for such a regulation is an average increase in national electricity and natural gas prices by 20 percent and additional reduction in U.S. mercury disposition of 2 percent, an almost immeasurable decline in people's exposure to mercury.

I don't understand why people in this country are so bent on doing the "perfect," when you have something that is good and makes sense from a cost-benefit point of view. Given the state of technology and cost of various proposals, the best way to reduce emissions now is by reducing sulphur dioxide and nitrous oxides and getting cost-benefit reductions. Obtaining reductions cost effectively is very important; otherwise, companies may not be able to move forward with other pollution benefits such as integrated gasification combined cycle.

We are moving ahead with the Energy bill and by reducing SO_X and NO_X we will do more to reduce mercury than any other proposal out there. I hope my colleagues understand what we are talking about tonight. Whatever happens tonight, it is going nowhere because the President has said he will veto this resolution if it passes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I suppose there are Members who think we are in great shape, the air is clean, no problems whatsoever. The fact is, of course, we have significant mercury in the air that is created in the United States. It tends to occur disproportionately in one part of the United States, the Northeast, making the waters, fish, and air unsafe for children and for pregnant mothers. I will speak more on that as we go along. If this rule would actually help, I would be all for it.

Let's be serious. If we ever wondered what a mercury pollution rule written by the polluters would look like, now we know. This is pretty much it. Some of this rule was copied verbatim, we now find out from some very brave people. It was copied verbatim from the sheets given by the companies most involved in the pollution.

Most Americans have a great deal of trust in the Environmental Protection Agency since it was created during President Nixon's administration. It is very sad, very appalling to see how they have been captured by special interests. It is regrettable the American people and many of their representatives in Congress have been forced to the conclusion that mercury rules have been so mishandled and so co-opted by special interests that this rare effort to override is necessary.

We have a simple choice on mercury pollution. Do we follow the administration and the well-funded special interests who are creating most of the mercury pollution and take several steps backward and thus force the American people to wait at least another decade before cleaning up the toxic mercury spewing out of old powerplants across this country? Do we allow this new rule to allow toxic mercury? So everyone understands what we are talking about, this does not just make the skies darker. This is a substance so harmful that it causes birth defects, IQ loss, and mental retardation. Do we continue to let it poison children and pregnant women, while costing taxpayers billions in health care costs?

Shouldn't we heed the proliferation of warnings our States and the Federal Government have had to give to anglers and women, to the general public, about the consumption of fish—fish caught not from outside our country but in streams and lakes and rivers all across America? Shouldn't that be enough to shame our Government into action?

Should we allow this rule to move forward, the Bush administration's own inspector general says it does not comply with EPA Executive order requirements. Their own inspector general says it does not comply. The Government Accountability Office has said there are major shortcomings in the economic analysis. Or should we uphold the bipartisan work of Republicans and Democrats alike that produced the Clean Air Act, thus protecting the health of pregnant women and children?

The Clean Air Act requires EPA to control each powerplant emission by 2008 at the latest. That is the law of the land. Anything less is more pollution. Instead, the administration has turned the Clean Air Act on its head. And this notwithstanding the two previous administrations, Republican and Democrat, that sought to enforce it.

Now they have revoked an earlier EPA finding that is necessary and appropriate to require these powerplants apply technology to reduce mercury emissions. By revoking the earlier EPA finding and deciding instead to coddle the biggest mercury polluters, the administration is saying it is no longer necessary or appropriate to adequately control mercury emissions. It is an audacious disregard for the health of the American people.

Let's do the rule over. Let's get it right. Look what we have. EPA rules are in orange on the chart and do not meet the clean air requirements. The Clean Air Act is in blue on the chart. That shows how badly they miss it.

This rule is going to allow more mercury into our environment than even the current law. If we leave the current law alone, there would be less mercury in our environment. Instead, the rule gives more pollution for longer than the Clean Air Act allows.

The rule is all the more shameful because of the health damage. EPA's own estimate of the number of newborns at risk of elevated mercury exposure has doubled to 630,000. They also found that one in six pregnant women has mercury levels in her blood above the EPA-safe threshold. I love to have people stand up and say we are family friendly around here. Family friendly with 630,000 newborns at risk? One in six pregnant women at risk, that is family friendly?

Also, mercury emissions contaminate 10 million acres of lakes and 400,000 miles of streams, which triggers advisories in 45 States warning America's 41 million recreational anglers the fish they catch may not be safe to eat.

One reason the administration has such a lack of candor is the fact we discovered this rule has the polluting industries' fingerprints all over it. Their first proposal for these rules lifted exact text provided by the utility industry lobbyists. Of course, when the lobbyists are shut in and the public is shut out, when the scientific and economic analysis was manipulated and where the public's health was ignored, we get a rule like this.

The Bush administration's own inspector general and the Government Accountability Office criticized almost every aspect of how EPA drafted this rule. Their recommendations to improve it were ignored. So were more than 680,000 public comments, a record for EPA. They produce a rule that will do nothing for at least a decade.

They punted, and in the meantime, the grandfathered powerplants keep putting mercury into our water, into our fish, putting a generation of women at risk. We tell them their health is not important. We are told it is not a family value to put another generation of young kids at risk of learning disabilities. That is what the mercury rules do.

People in the United States will watch what we do in the Senate, how we vote. Will we side with the American people or the big polluters?

The administration's mercury rule is a danger to America's women and children. It is time to do it over and do it right. Listen to the Bush administration's own inspector general. Do it right. I hope we do go with the motion to proceed.

The distinguished Senator from New Jersey is in the Senate and was seeking 2 minutes. I yield 2 minutes to the distinguished Senator from New Jersey.

I am sorry, I withhold.

Mr. INHOFE. Let him go ahead.

Mr. LEAHY. I yield 2 minutes to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the time is short but certainly the alarm is real.

As I look at this, I am bewildered. I have three daughters. I have been fortunate enough to have 10 grandchildren. I have one son. The most precious assets I have in this world are these 10 little kids. I cannot believe that any Member here, in a face-to-face discussion, would say, We have to protect the ability of the coal powerplant to continue to emit more mercury into the atmosphere. I cannot believe anyone would take that as a fair exchange. Would you rather make sure our coal-fired powerplants have the right to increase the emissions of mercury or would you rather know that this child who may be in utero has a lesser chance of being affected by the scourge of mercury?

Stated in a publication put out by the National Education Association, small doses of mercury can impair the brain and the developing nervous system. Infants who appear normal during the first few months of life may later display subtle effects, shorter attention span, poorer motor skills, slow language development, problems with visual-spatial ability such as drawing and memory. These children will likely need extra help to keep up in school, possibly remedial classes or special education.

I hope all of our colleagues, who I know feel as strongly about the protection of our people as I do, but for goodness sake, do not ignore those protections by saying we have to make sure that the powerplants do not have to do their part and reduce the emission of more mercury.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I yield 5 minutes to the Senator from Missouri, Senator BOND.

Mr. BOND. Mr. President, I thank the chairman of our committee.

I rise to ask my colleagues in the Senate to think about raising energy costs on American families and workers when we are suffering a significant energy problem. The American people already are struggling with high gasoline prices. The natural gas prices are going to go even higher. Winter is approaching, with heating bills regrettably expected to go through the roof.

This, in my view, is no time to hit our families with even more energy price hikes. To borrow a slogan from the other side, those are not family friendly.

Supporters of using the Congressional Review Act to overturn EPA's new mercury regulation will not mention the higher energy costs they will bring. The problem is, voting for this motion requires an impossible solution. The technology does not exist to accomplish what proponents want. They want to reduce mercury from coal emissions by 90 percent. The administration wants to reduce it by 70 percent. If I had a magic wand, I would be happy to wave it and support a 90-percent reduction. But I don't. And the hard-working workers and vulnerable families in Missouri and all the other States represented here would not be able to take the higher costs that would come with this.

Sponsors claim the technology exists and is used in Europe. But they might not mention the technology is used on municipal waste. The last time I checked, orange peels and coffee grinds were a little different from coal. Sponsors may say the technology is starting to be pilot tested in the United States. What they are testing it on is Eastern coal, Appalachian coal, not Western coal, which is a different chemical makeup. It may still seem like coal to you and me, but it makes extracting tiny amounts of mercury very difficult. Western coal is used overwhelmingly in Missouri, and many of our Western States do not respond to the same technologies pursued by the motion's sponsors.

Therefore, generators serving my State of Missouri and many other Western coal States would be forced to shut down their coal plants and switch to natural gas to make electricity.

Natural gas prices are three times what they were just a few years ago. Using it to make electricity, one Nobel laureate scientist said, is like burning your antique furniture in your fireplace to heat your home.

Manufacturers and employers who depend upon natural gas for a raw material are outsourcing their operations to China and other low-cost natural gas areas. That means Missouri workers and workers in States of my colleagues who make plastics, automobiles, chemicals, and metals will be losing jobs. Do we want to see even more workers hurt?

Farmers everywhere are already facing high prices for natural-gas-dependent fertilizer. Terrible drought has struck the Midwest's corn and soybean crops. On top of this, the Midwestern barge traffic is crippled by Hurricane Katrina. Do we want to put more burden on the agricultural sector?

Fixed-income seniors have little room in their monthly expenses for higher air-conditioning, power, and heating bills. Do we want to hurt these seniors even more?

Our low-income breadwinners must drive long distances from rural or urban low-cost housing to get to their good-paying jobs. Their gasoline bills have imposed a heavy tax. Do we want to hurt these vulnerable families more?

We all deserve clean air. We need waters free from contamination. We must have food safety. That is why this President imposed the first mercury emissions cuts in our Nation's history. The last administration had to be sued to take action on mercury. Now President Bush is requiring mercury cuts—70 percent cuts for acid-rain-causing sulfur dioxide, 70 percent for smog-causing nitrogen oxides, and 70 percent for mercury.

Under the President's Clear Skies plan imposed by regulation, nearly every American city will return to clean and healthy air. They will achieve Federal air quality standards without having to impose their own State or local regulations, killing jobs and hassling citizens.

We all care about the environment. Together, by defeating this motion, we can protect the environment, protect family budgets, and protect workers' jobs.

I urge my colleagues to vote no on the underlying resolution. We do not need to disapprove this regulation that would move our environmental cause significantly forward.

I yield the floor.

Mr. FEINGOLD. Mr. President, mercury contamination is a critical environmental health issue. This is why I could not be more disappointed about the Environmental Protection Agency's so-called "Utility Mercury Reductions Rule" which was finalized in March of this year. The rule jeopardizes the health of our citizens, which is why I have cosponsored Senate Joint Resolution 20, a resolution that disapproves of the Administration's fatally flawed mercury rule. I will include for the RECORD a letter signed by 15 States, including Wisconsin, which urges passage of S.J. Res. 20.

The need for stringent mercury controls has never been more urgent. We know that mercury is a neurotoxin and that mercury exposure can cause a wide range of neurological problems and developmental delays. EPA's own scientists have discovered that twice as many American children are born at risk from mercury exposure than previously thought and the EPA has reported that 1 out of every 6 women of child-bearing age has so much mercury in her blood that it poses a risk to a developing fetus. These risks should not be overlooked. We are talking about the increased potential for developmental delays, lowered IQ, and attention and memory problems, as well as learning disabilities. In addition to the obvious and enormous emotional and psychological toll of such problems, a recently released peer-reviewed Mount Sinai School of Medicine study found that mercury-related brain development problems in children cost the United States more than $2 billion annually. Despite the well-documented health risks posed by mercury emissions, especially to women and children, the administration has moved forward with this flawed rule.

Thirteen million acres of lakes and 760,000 miles of rivers across the country have been contaminated by mercury emissions. In fact, in an attempt to protect their citizens, 45 States across the country have issued fish consumption advisories related to mercury. Anglers are warned against eating the very fish they catch because of widespread mercury contamination. Sadly, every one of the 15,057 lakes in my home State of Wisconsin is under a mercury-related warning, so I understand this problem all too well. And even if Wisconsinites didn't eat the fish they caught inside our State, many of them would still be at risk, according to EPA and Food and Drug Administration warnings, if they decided to consume saltwater species like tuna, shellfish, or swordfish. Given the situation in Wisconsin, I was not surprised when the State joined nine other States earlier this year in a lawsuit to force the administration to scrap the mercury emissions rule. And still, even in the face of widespread mercury contamination of our streams, rivers, lakes, and even oceans, and outcry from many States, the administration refused to reconsider.

Unless Congress acts to disapprove the administration's rule, reduction in the amount of mercury emitted will be substantially delayed. Under the Clean Air Act, utilities are required to use the maximum available control technology to reduce mercury emissions by 2008. The rule we debate today—and that I hope we void—would turn that clock back by 10 years to 2018 and then wouldn't even achieve a target reduction of 70 percent. A 70 percent reduction would not be met until 12 years later. Clean air and water are critical to every individual's health and we cannot put off meeting our original deadline. Cost effective pollution control technology exists to limit mercury emissions and companies are already moving forward on installing such equipment. We should encourage this innovation and move forward to quickly reduce the health risks we know to be associated with this neurotoxin.

The administration's final mercury rule, with its cap and trade emissions proposal, also falls far short of what the Clean Air Act requires to protect people all across the country. This is in part because, as noted by a National Academy of Sciences study, "hot spots" of mercury are the inevitable result of such a cap and trade program. Companies wouldn't be required to control emissions at their source and could instead simply buy their way out of compliance. Although trading programs may work with other pollutants, it will not work with mercury. This flawed approach will lead to highly toxic areas peppered throughout each state instead of across-the-board emissions reduction at each site.

I am not only disturbed by the substance of the EPA's mercury rule but also by investigations that have determined that the process by which the rule was drafted was badly flawed and by the failure of EPA to consider all available data. First, in conducting its investigation of the mercury rule making process and prior to finalization of the rule, the EPA's Inspector General reported the rule's development was "compromised and, therefore, may not represent the lowest emissions level that could be achieved." Second, and before the rule was finalized, the Governmental Accountability Office issued a report that severely criticized the EPA's rulemaking process, finding that it violated the Agency's own policy, as well as OMB guidance and presidential executive orders. Finally, the EPA chose to ignore a Harvard study, which had been commissioned by the EPA, that demonstrated substantial public health benefits to a more stringent mercury rule. Taken together, the three process problems are unacceptable and cause for serious concern. Discouragingly, even in the face of these reports and data, the administration forged ahead with its flawed rule.

Senate Joint Resolution 20 is the first step in protecting our citizens and the environment from the harm we know follows from mercury emissions. I am saddened that we must take this step, but I hope that we can quickly reverse the administration's rule. Swift action by this body and the House will reassure Americans that we are acting with their well-being in mind, and I urge all of my colleagues to support this important resolution.

I ask unanimous consent to print the letter to which I referred in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ATTORNEYS GENERAL AND CHIEF ENVIRONMENTAL OFFICERS FOR THE STATES OF NEW JERSEY, CALIFORNIA, CONNECTICUT, DELAWARE, ILLINOIS, MAINE, MASSACHUSETTS, MINNESOTA, NEW HAMPSHIRE, NEW MEXICO, NEW YORK, PENNSYLVANIA, RHODE ISLAND, VERMONT, WISCONSIN,

September 8, 2005.

DEAR SENATOR: As chief legal and/or environmental enforcement officers for our states, we are writing to express our grave concerns about the Environmental Protection Agency ("EPA") rulemaking regarding mercury emissions from power plants. We urge you to support a bi-partisan joint resolution sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), disapproving EPA's attempt to exempt power plants from the stringent control requirements of the hazardous air pollutants section of the Clean Air Act.

In our view, the mercury rules fail to adequately protect the public from harmful mercury emissions from coal-fired power plants, which threaten the health of our nation's children. Significantly, the rules fail to meet the minimum requirements of the Clean Air Act at a time when the threat posed by mercury to public health and the environment is clear. Mercury pollution in our waterways has forced states to issue fish advisories covering more than 13 million acres of our lakes, and 760,000 miles of our rivers. The scope of mercury exposure has led scientists to estimate that up to 600,000 children may be born annually in the United States with neurological problems. These problems require swift and effective regulatory action to limit mercury emissions in the United States.

Section 112 of the Clean Air Act provides the framework for such regulatory action by requiring the maximum achievable level of pollution control on the sources of hazardous air pollutants such as mercury in an expeditious time frame. Unfortunately, EPA's recent rules regulating mercury seek to exempt the single largest U.S. source of mercury, coal-fired power plants from the requirements of section 112. Instead, EPA has promulgated rules that will allow many power plants to avoid any reductions in their mercury emissions, and will prolong the problem of "hot spots" of mercury contamination throughout our nation. The new rules would do little to reduce mercury emissions for decades leaving our most vulnerable citizens, our children, at risk.

The Leahy-Collins resolution is an opportunity for Congress to protect our children and environment by rejecting EPA's attempt to exempt power plants, and their estimated 48 tons of annual mercury emissions, from the clear requirements of the Clean Air Act. EPA's failure to address the threat of mercury as required by the Clean Air Act has forced our states to challenge the new rules in court. In light of the mounting impacts of mercury emissions on public health and the environment, EPA's failure also compels us to request immediate Congressional action on this critical issue. We strongly urge you to vote in support of the Leahy-Collins resolution to require EPA to establish clean air standards that comply with the law and protect public health.

Respectfully submitted,

Peter C. Harvey, Attorney General, for the State of New Jersey, and on behalf of the State of California: Bill Lockyer, Attorney General; the State of Connecticut: Richard Blumenthal, Attorney General; the State of Delaware: M. Jane Brady, Attorney General; the State of Illinois: Lisa Madigan, Attorney General; the State of Maine: G. Steven Rowe, Attorney General; the Commonwealth of Massachusetts: Thomas F. Reilly, Attorney General; the State of Minnesota: Mike Hatch, Attorney General; the State of New Hampshire: Kelly A. Ayotte, Attorney General; the State of New Mexico: Patricia A. Madrid, Attorney General; the State of New York: Eliot Spitzer, Attorney General; the Commonwealth of Pennsylvania: Department of Environmental Protection, Susan Shinkman, Chief Counsel; the State of Rhode Island: Patrick Lynch, Attorney General; the State of Vermont: William H. Sorrell, Attorney General; the State of Wisconsin: Peggy A. Lautenschlager, Attorney General.

Mr. CORZINE. Mr. President, I rise today to express my outrage that my colleagues and I have to fend off yet another attack on the environment by the Bush administration. I am appalled that instead of taking steps toward improving air quality by implementing stricter CAFE standards, reducing greenhouse gas emissions, and other positive measures, the Bush rule takes a giant step backward.

Indeed, the mercury rule put forth by the Bush administration takes American environmental policy back at least 5 years. In 2000, the Environmental Protection Agency determined that powerplants must be regulated under the Clean Air Act because they are the largest remaining sources of mercury pollution and are, therefore, a public health risk. Up until the spring of 2003, EPA was working toward finalizing an effective regulatory policy to reduce mercury emissions from powerplants by over 90 percent beginning in 2008. But in 2003, the Bush administration reversed course by developing this new rule that exempts powerplants from any regulation under the Clean Air Act. Bowing to industry pressure, the Bush rule will do nothing to reduce emissions for at least a decade and once implemented, will only reduce mercury emissions to approximately one-third of what the Clean Air Act requires. This decision is irresponsible in light of all of the evidence about the dangers of mercury emissions. Mr. President, mercury emissions are continuing to grow and are endangering the health of American families across the country.

I am proud to say that my State, New Jersey, has taken the helm on reducing its own instate emissions. Last year, New Jersey adopted stringent rules on mercury emissions from coal-fired powerplants, iron and steel melters, and municipal solid waste incinerators. New Jersey's rules set the goal of reducing emissions from instate coal-fired plants by 90 percent by the year 2007. By taking this hard line on mercury, my State will reduce its mercury emissions by over 1,500 pounds of mercury each year.

While New Jersey has implemented this aggressive strategy in the fight to protect the public from mercury exposure, the new Bush administration rule undermines these efforts. More than one-third of mercury deposition in New Jersey comes from out-of-state sources. Instead of allowing more mercury emissions from coal-fired plants, shouldn't the Federal Government be strengthening its laws by requiring States to adopt strict rules similar to New Jersey's? Instead, it is removing powerplants from the list of pollution sources subject to stringent pollution controls under the Federal Clean Air Act. Why does the administration want to undercut States, such as New Jersey, that are making the right decision?

Thankfully, New Jersey has not backed down, and stands by its goal to reduce mercury emissions. In fact, New Jersey spearheaded a multistate lawsuit challenging the EPA's rule delisting powerplants as a source of mercury pollution. Fourteen States have joined New Jersey's challenge to this rule because it violates the Clean Air Act and fails to protect the public adequately from the harmful mercury emissions from coal-fired powerplants.

The health effects of mercury are no secret. Mercury is a known neurotoxin that can cause severe neurological and developmental problems. Developing fetuses and children are the most vulnerable to the effects of mercury contamination. The threat is so severe that the National Academy of Sciences recommends that pregnant and nursing mothers not eat more than 6 ounces of fish per month. Even by EPA's own estimates, more than 600,000 infants are born each year with blood mercury levels higher than 5.8 parts per billion, the EPA level of concern. That is 600,000 children who are at risk of harmful impacts on cognitive thinking, memory, attention, language, and fine motor and visual spatial skills. Some studies indicate that mercury could even be linked to the skyrocketing number of autism cases across the country.

The numbers continue to astonish. Fish from waters in 45 of our 50 States have been declared unsafe to eat as a result of poisoning from mercury. In New Jersey alone, there are mercury consumption advisories for at least one species of fish in almost every body of water in the State.

Knowing these health risks, we cannot be complacent about this new rule. How can we sit back and let powerplants, the Nation's worst mercury polluters, reduce their mercury emissions by such a drastically different rate than what the Clean Air Act requires? This is morally repugnant, irresponsible and just plain wrong.

We have the technology to control mercury emissions—that is not the problem. The problem is that industry does not want to be accountable for the costs of polluting, and the Bush administration is letting them get away with that. Instead, the public will incur the health costs of not reducing emissions. Once again, it is clear that the administration has no problem letting big industry off the hook at the expense of the public's health.

The science is behind us and the technology available to reduce human exposure to mercury. We cannot retreat; we must move forward and protect our Nation's children. I urge my colleagues to support the resolution.

Mrs. BOXER. Mr. President, just over 5 short months ago, the Bush administration finalized a rule that weakens and delays required controls on emissions of mercury from coal- and oil-fired powerplants. We should overturn this rule today.

This vote presents a clear choice: does the United States Senate support protecting the health of millions of children in our nation, or does it support protecting the profits of industries that emit mercury, which poisons our children and environment?

The Bush administration supports the interests of polluting industries. The administration's rule saves the electric industry money, but at a severe cost to public health. The administration has—once again—used the Federal Environmental Protection Agency to protect polluters.

Mercury is a potent poison. Studies show that it may damage the human cardiovascular, endocrine, immune, and respiratory systems. It also harms the nervous systems of developing fetuses. Low levels of mercury exposure in utero can damage a fetus's brain and create long-term injuries, including learning disabilities, poor academic performance, and reduced capacity to do everyday activities like drawing and learning to speak.

Up to 637,000 children are born each year having already been exposed to levels of mercury associated with brain damage.

Just last week, on Sept. 8, 2005, the Center for Children's Health and the Environment, located at Mount Sinai Medical Center, found that more than 1,500 babies suffer from metal retardation due to mercury exposure in utero. In addition to the life-long personal impacts, the study found that the nation loses $2 billion annually from such injuries.

Forty-five States warn people to reduce or avoid consumption of fish from waterbodies that contain mercury due to the risk associated with eating these fish. Mercury levels become concentrated in some fish, reaching more than one million times the level of mercury in the water.

Where does this mercury come from? Powerplants are the single largest source of U.S. emissions of mercury, accounting for 44 percent of all such emissions. These powerplants emit 30 percent of the mercury that currently pollutes U.S. waters. Fish contaminated with mercury is the main source of exposure for people in our nation.

The Clean Air Act requires reductions in mercury emissions that are crucial to protect public health. But, the Bush administration has decided to ignore the law.

EPA's rule on coal- and oil-fired powerplants implements slower and weaker requirements than under the Clean Air Act. This ill-advised rule delays reductions for 10 years and allows higher emissions of mercury, compared to the Clean Air Act's requirements. EPA's projected reductions in emissions under the rule do not meet the reductions required by the Clean Air Act. And, in fact, this chart shows the reductions do not even meet what the rule itself calls for.

Why did the EPA get it so wrong?

Well, for starters, EPA used language from utility-industry lawyers—almost word for word—to create the rule.

On September 22, 2004, the Washington Posted reported that:

> For the third time, environmental advocates discovered passages in the Bush administration's proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing coal-fired power plants. . . . The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics [the law firm] used in their memo . . .

Let me repeat the last part. The industry memo and the rule that EPA proposed even used the same italics.

What else did EPA do wrong?

The EPA's own inspector general found that senior EPA officials told career EPA staff to produce a rule that allowed 34 tons of annual mercury emissions, rather than to produce a rule that complied with the law.

Let me quote from a 2005 EPA inspector general report that examined EPA's mercury rule:

> Evidence indicates that EPA senior management instructed EPA staff to develop a Maximum Achievable Control Technology (MACT) standard for mercury that would result in national emissions of 34 tons annually, instead of basing the standard on an unbiased determination of what the top performing units were achieving in practice.

Again, this bears repeating: Senior EPA officials rigged the rulemaking to allow the power industry to emit a heavy metal that can poison children.

But, it doesn't end there.

Both EPA's inspector general and Congress's Government Accountability Office found that EPA failed to assess all of the public health benefits of reducing mercury. EPA ignored demands from its own Children's Health Protection Advisory Committee and other public health groups to asses such injuries.

Let me quote from a January 4, 2005 letter that the Advisory Committee wrote to the EPA:

> While we are pleased to see that EPA is considering additional external analyses, we note that EPA has not conducted the analysis recommended by [the Children's Health Protection Advisory Committee] . . . Specially, we asked the Agency to develop 'an integrated analysis with respect to whether emissions reductions under either of these proposals are the most child-protective, timely, and cost-effective,' using existing available data. . . . The [Children's Health Protection Advisory Committee] notes that none of the [EPA's] Principle questions for consideration [of the rule] addresses the importance of healthy child development in assessing a country's economic competitiveness.

The Advisory Committee wrote four letters admonishing the EPA to conduct the needed analysis and increase protections for children.

Did EPA listen? No. EPA unlawfully allowed industry to emit poison, and then turned a blind eye to the injuries suffered by the children who will be hurt most from this decision.

In this rule, EPA chose not to require coal and oil-fired powerplants to make the same types of reductions that medical and municipal waste incinerators have made. These facilities, which emit mercury, have reduced their emissions by 90 percent using the maximum achievable control technologies.

EPA got it wrong by cooking the books, using industry-supplied language, willfully ignoring the most severe public health impacts, and simply refusing to make powerful industries comply with the same rules as other entities.

We must reject EPA's rule to delist these facilities as emitters of hazardous air pollutants. The Senate must join with the religious community, public health advocates, fishermen and hunters, environmental groups and more than a dozen states in opposing this rule.

We must vote to protect public health, not the profits of the power industry.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mr. KERRY. Mr. President, I regret having to miss the vote on the Collins-Leahy mercury resolution on the floor today; however, I am in Louisiana delivering supplies to the victims of Hurricane Katrina. It is my understanding that my absence will not affect the outcome of this vote.

The scientific evidence regarding the role that mercury contamination plays in public health and the environment speaks to the importance of this issue. Mercury is a potent neurotoxin harmful to fetuses' and infants' nervous systems. Frighteningly, one in six women of childbearing age in the United States carries enough accumulated mercury in her body to pose risks of adverse health effects to her children should she become pregnant. But it doesn't end there. A recent study found links between mercury and childhood developmental disabilities such as autism. Forty-five States have fish advisories for mercury warning pregnant women and children to limit their consumption of many fish caught in freshwater. And researchers have warned that mercury is associated with cardiovascular disease in adult men.

Facing this threat to the environment and our public health, the Bush EPA has failed. Whether through effort or error, it has repeatedly taken its lead from regulated industries, overlooked sound science, and put the demands of the special interest ahead of the public interest. EPA has indefensibly purported to overturn its obligation under the Clean Air Act to adopt far more protective mercury regulations by 2008. Simultaneously the Agency has substituted far weaker measures that do not require any specific mercury reductions before 2018, and even then delay the ultimate reductions for an additional decade.

As Members of the Senate, we have a unique opportunity under the Congressional Review Act to send the mercury powerplant rule back to the EPA for a thorough review. Only through a new rulemaking can we hope to develop a scientifically sound proposal that will protect the public health, protect the economy and give the public any confidence in the regulatory process.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will use leader time, not to use the remaining time Senator LEAHY has.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, we do not have a lot of rivers in Nevada. We have very few. The little river we love a great deal is called the Carson River. It is a wonderful place to fly fish. But there are signs posted in various places on the Carson River warning of the danger of mercury.

Mercury in Nevada is a problem, as it is in 44 other States. Forty-four States, including Nevada, have warnings urging residents to avoid eating mercury-laden fish caught in lakes, rivers, and streams.

I first want to thank Senators LEAHY and COLLINS for bringing the mercury pollution rule resolution of disapproval to the floor today.

Mercury is a potent neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk, and even low-level exposure to mercury can cause learning disabilities, developmental delays, and other problems.

Mercury's impact on public health has been well documented. EPA scientists estimate that one in six pregnant women in the United States has enough mercury in her body to put her child at risk. That is too bad.

The Food and Drug Administration has recommended that children and women of childbearing age eat no more than two meals of fish per week and to avoid eating certain fish altogether.

Powerplants are the largest emitter of mercury in the United States, emitting over 40 percent of the total mercury emissions.

On March 29, 2005, the Bush administration issued the final rules that give powerplants a pass on mercury emissions for years, delaying modest reductions until the year 2018.

Every time I hear the Clear Skies Initiative, it reminds me of the book "1984." That is Orwellian. That legislation does everything except clean the air. The American people want air they can breathe that is safe. They want water they can drink. Delaying these reductions until 2018 does not do that.

Earlier this year, the EPA Inspector General and the Government Accountability Office found that the EPA failed to analyze the health impact and ignored scientific evidence to establish a predetermined and less protective mercury rule favored by the Bush administration political appointees.

This is not some partisan harangue. This is from the Inspector General of the Environmental Protection Agency and the Government Accountability Office, the watchdog of this body, the Congress.

Ten States have filed lawsuits against the EPA saying the rules certainly do not go far enough. In addition, thousands of sportsmen's groups—thousands of sportsmen's groups—public health groups, environmental groups, and religious organizations oppose the Bush administration mercury rule.

EPA rules that allow mercury emissions to continue are a danger to public health. This great Nation cannot compromise health simply to protect the financial interests of utilities. That is why we should reject the administration's mercury rules and send the EPA back to the drawing board to write a rule that complies with the law and protects our health.

So I strongly urge my colleagues to vote for the Leahy-Collins mercury rule disapproval resolution. Forty-four States have warnings urging residents to avoid eating mercury-laden fish caught in their rivers, lakes, and streams. Mr. President, that says it all.

The PRESIDING OFFICER. The Senator yields back.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I see the Senator from Delaware is in the Chamber. If he would like to go ahead, it would be acceptable.

Mr. LEAHY. Mr. President, how much time is still available to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 3 minutes. The Senator from Oklahoma has 15 minutes.

Mr. LEAHY. Mr. President, I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank my colleague.

Mr. President, others have spoken this evening of the health threat that is posed to our young, the unborn, and to pregnant women. I am not going to belabor those points. They have been well made.

Senator REID mentioned there is a river in his State where you can't eat the fish because of the mercury content. Ironically, last Friday, I was on a river that literally flows through Wilmington, DE. If you ever come up I-95, through Wilmington, up on the train through Wilmington in the Northeast Corridor, you go right by the Christina River. I was out on the Christina River this last weekend with one of our former Governors, Russell Peterson. You can't eat the fish, or at least you shouldn't eat the fish in the Christina River. There are several other rivers in my State which have a similar ban in effect. One of the problems with the fish is they have mercury in them.

One of the problems with the rule the President has suggested, a strict cap-and-trade approach with respect to mercury—the problem I have, the concern I have is, let's say you have a high mercury-emitting powerplant here, and you have a lower one here. If the folks who have the higher emitting plant want to continue to emit a lot of mercury, they can do that under the strict cap-and-trade approach. They can say: We will find a way in another part of the country to reduce mercury emissions and use that to trade off the high-emitting utility.

The problem, for me at least, with a strict cap-and-trade approach is mercury hot spots. Cap and trade is fine, but I think we would be much smarter to have an approach that almost every utility—which is burning whatever fuel it is, coal or some other, to create electricity—that almost everybody would have to reduce to some extent their mercury emissions.

Is it technically feasible? As it turns out, it is. We had in our committee about 2 years ago testimony from companies such as WL Gore that they have the ability to reduce mercury emissions by 40, 50, 60, 70 percent. I just learned from my staff there is an outfit, a Colorado-based company, ADA Environmental, that has been awarded contracts to install new mercury-control technologies in two powerplants being built in the Midwest. I think they are looking for mercury emission reductions by as much as 80 percent.

This is not something we will only be able to do in 2018 or 2017 or 2016. These are emission reductions that are achievable in the next couple of years. It is all well and good we want to reduce emissions in 2018 by 70 percent. We can do better than that. We ought to do better than that.

There is a balance that is achievable. The balance involves reducing the level of mercury emissions and at the same time not causing further spikes in the price of natural gas. We can do both, and we need to do both.

The rule this administration submitted to us and has promulgated does not do both. We can do better than that. My hope is in our committee we will be able to do that before long.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

First, let me advise everyone where we are right now. We will be having a vote at the conclusion of my remarks on the motion to proceed. Tomorrow there will be actually a vote on the resolution. And tomorrow is the significant vote. There has been a lot of talk about today's motion, but tomorrow's is very significant.

I have to say it appears to me this is highly politically charged, that we would be talking about this at this time. Of course, we have the confirmation of a Supreme Court Justice, as the Senator from Vermont knows. He is very diligently involved in that confirmation process. We have the catastrophe down in Alabama and Mississippi and Louisiana. Yet we are taking time to do this.

I have to ask the question, Is there anyone in this Chamber who believes the President would sign legislation to repeal his own administration's rule? As the Senator from Ohio pointed out, the President has already announced he is going to veto this resolution in the event it passes. So we are not really accomplishing anything.

I have to say, this is hardly the time to discuss overturning an existing clean air regulation that relies on an approach that is proven to be effective. There were sceptics back when acid rain came along as to the cap-and-trade procedure. It has worked; we know that.

Let's look at the economics for a minute. No one has talked about that.

This resolution is intended to force the Environmental Protection Agency to impose a very costly and potentially devastating regulation in place of the existing Clean Air Mercury Rule, which relies on an already well-proven market-based approach, as I just mentioned. The current EPA approach will cut mercury emissions by 70 percent—70 percent—at an estimated cost of $2 billion. Supporters of this resolution prefer a maximum achievable control technology—MACT—standard which is not nearly as cost effective.

Supporters also want the MACT standard to cut mercury by 90 percent. The independent Energy Information Administration has found that the implementation of a 90-percent MACT standard within 3 years would cost up to $358 billion. I did not say "million," I said "billion."

The additional $356 billion of the MACT—which is much more than the current rule will cost—is projected to only reduce mercury deposition in the United States by about 2 percent more than the current regulation. As we can see from the chart that is behind us, 22-percent higher electricity prices and costs would be $358 billion.

A 90-percent MACT would have devastating consequences on natural gas supplies which are already in a crisis. According to the EIA, the Energy Information Administration, it could increase by 10 percent the natural gas used by utilities that are forced to fuel switch. The Senator from Ohio talked about the fact they would have to switch from coal to natural gas. I think everyone understands that would happen.

This would also cripple industries that rely on natural gas, such as the chemical industry, which has already lost 90,000 jobs since the year 2000 due in large part to the rising cost of natural gas. We have talked about that on the Senate floor. We discussed that in our committee, the EPW Committee.

This last weekend I was in Lawton, Altus, and Frederick, OK. That is in the far southwestern part of the State. The farmers down there have received through their organizations what would be the increased cost of fertilizer. One of the main components of fertilizer is natural gas. They really cannot take any more hits. So it goes far beyond just the chemical industry.

The most effective, most flexible, and least burdensome way to achieve mercury reduction is to build on the most successful part of the Clean Air Act, the acid rain program. Many Senators resisted the acid rain program, saying there would be hot spots and compliance problems, yet there have been no hot spots and, unlike with most of the

Clean Air Act, virtually no enforcement problems. As the senior Senator from Vermont said in 1999:

> When we were debating controls for acid rain, we heard a lot about the enormous cost of eliminating sulfur dioxide. But what we learned from the acid rain program is that when you give industry a financial incentive to clean up its act, they will find the cheapest way of doing it.

I think he was correct. That is exactly what the current rule under which we are operating does, the cap and trade, similar to the successful program that was used in acid rain. Moreover, supporters of the resolution that is under consideration assume the cap and trade mercury rule would be replaced with a 90-percent MACT rule. When the EPA first proposed the cap and trade approach last year, it also proposed a MACT approach. The MACT it proposed as complying with the law would only cut mercury emissions by 29 percent—not 90 percent, 29 percent. Yet here we have a rule that cuts mercury by 70 percent, and it costs less because it uses cap and trade. Why would the sponsors of this resolution want to get only a 29-percent reduction in mercury?

Actual deposition and its variety of sources are rarely discussed. Mercury emissions are not exclusive to powerplants. In fact, U.S. powerplants contribute but 1 percent of the global total, according to Josef Pacyna of the Norwegian Institute of Air Research, as well as the U.S. Environmental Protection Agency. An enormous amount originates in Asia. More than half of mercury emissions are nationally occurring. Given that statistic, mercury will be present in the human bloodstream regardless of whether powerplants are regulated by a cap and trade emissions reduction program or the more costly but less effective MACT standard—or, for that matter, even if all powerplants and manufacturing facilities in the country were to be shut down altogether.

EPA data shows that eliminating U.S. powerplants from the mercury deposition equation would have virtually no effect on reducing actual deposition. Throughout New England, for example, the range of deposition levels would be unchanged. With or without powerplants, deposition levels are between 10 and 15 micrograms per square meter in the overwhelming majority of the area. Where there is a reduction, the amount is negligible.

These four charts created by the EPA using state-of-the-art computer modeling tell the story. As you can see in chart No. 5, throughout the country mercury deposition from all sources ranges from as low as 5 to 10 micrograms, up to more than 20 micrograms per square meter. The next chart, in contrast, shows that powerplants contribute less than 1 microgram per square meter for most of the country, including virtually the entire United States. Nonetheless, it is true that in most of the East, powerplants are responsible for 1 to 10 micrograms per square meter of the deposition. In a small region of the country, they cause as much as 10 to 20 micrograms. That is why the EPA has issued its regulation.

The next chart, however, is revealing. With the EPA's rule, powerplants will contribute less than 1 microgram in the vast majority of the country and less than 5 micrograms anywhere else. Clearly, the EPA rule is effective. Yet despite the effectiveness of the EPA rule, some are advocating overturning a 70-percent emission reduction in the hopes of eking out a slightly greater reduction of 90 percent.

This last chart, No. 8, completes the story. Even if all powerplants in the country were shut down, mercury deposition would be at least 5 to 10 micrograms; that is, if we shut down all powerplants. All we are addressing now is powerplants, and a lot of people are deceived into thinking that powerplants is where you get your problem with mercury. That is not it. One percent of the total is in powerplants. Even if all powerplants in the country were shut down, mercury deposition would be at least 5 to 10 micrograms. In half the country, it is 10 to 15 micrograms. In a significant portion of the country, it ranges from 15 to more than 20 micrograms.

Look at this chart. Now go back to chart 3. It is incredible that some Senators are willing to roll back EPA's current rule when deposition from powerplants will be negligible compared to other sources. EPA believes we should act now to reduce emissions of mercury from the powerplants so we can achieve the progress you see in chart No. 7. Repealing the section 111 rule would be a step backward in our efforts to regulate mercury emissions from powerplants. It would create enormous uncertainty for the States. Keep in mind that prior to 6 months ago, when the President came out with a cap and trade restriction on mercury, we had no restriction on mercury in powerplants. It was nonexistent. In the absence of the mercury rule, there will be no Federal regulation of mercury from existing powerplants, at least in the foreseeable future. Repealing EPA's rule would roll back the 70-percent reductions required by the agency and eliminate incentives for the development of new mercury-specific control technologies.

It is not appropriate for Congress to address this issue. The very people who claim that EPA acted improperly have asked the DC Circuit Court of Appeals to review the EPA's action to determine if their actions were proper or improper. The court would thoroughly review the legal and factual basis for the EPA's determination. There is no reason for Congress to interfere with this process. Congress can take affirmative action on mercury emissions by passing the Clear Skies legislation.

We went through this. We have been working for 2 years to get the President's Clear Skies legislation passed. Clear Skies legislation mandates a 70-percent reduction in SO_X, NO_X, and in mercury. And for some reason those individuals who claim to be concerned about the environment would rather have no mandated reduction at all. We have the opportunity now to do that. Clear Skies cuts mercury emissions from the power section by 70 percent. The President's Clear Skies legislation is a more effective, long-term mechanism to achieve large scale national reductions of not only mercury but sulfur dioxide and nitrogen oxides. Clear Skies legislation applies nationwide and is modeled on the highly successful acid rain program, a program many people have said was not going to work, was not going to be effective. Yet we all now realize it was effective.

We are not talking about just mercury. We are talking about sulfur dioxide, nitrogen oxide. I believe it would be totally irresponsible to somehow roll back the first attempt that we have to regulate mercury in powerplants. Keep in mind, prior to 6 months ago, it was not regulated at all. That is what this is all about.

Tonight is a vote on the motion to proceed. I don't care about the motion to proceed. Let's go ahead and vote in favor of that. Tomorrow is the main vote. That is a significant vote. I think we need to proceed to that vote tomorrow.

I yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time having been yielded back, morning business is closed.

DISAPPROVING A RULE PROMULGATED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY—MOTION TO PROCEED

Mr. INHOFE. Mr. President, I move that the Senate proceed to the consideration of S.J. Res. 20.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the motion to proceed to S.J. Res. 20 which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 20) disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to proceed. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—8

Burns
Chambliss
DeMint
Inouye
Kerry
Martinez
Roberts
Rockefeller

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR MERCURY RULE

Mr. VOINOVICH. Mr. President, I rise this evening to express opposition to the resolution that we are going to be voting on tomorrow morning. First, for the benefit of my colleagues, I would like to explain that to be effective the resolution must be passed by the Senate and the House and signed by the President. While the act provides for expedited and privileged procedures in the Senate, there are not such rules in the House. I have every reason to believe this resolution will not be considered by the House, and even if it is considered by the House and passed, the President has announced today that he would veto this legislation. So it is clear where this is going.

What are we talking about? On March 15 of this year, EPA finalized the clean air mercury rule and made the United States the first nation in the world to regulate mercury emissions from existing coal-fired powerplants. That is the first in the world. We know we have coal-fired powerplants all over the world—China, India, all over. Through two phases in a program called cap and trade, mercury emissions will be reduced by 70 percent. The program is modeled after the Nation's most successful clean air program, the Acid Rain Program. There were not any lawsuits filed, and it went through and made a big difference in terms of reducing acid rain.

Modeling by the Electric Power Research Institute, an independent nonprofit research organization, shows that the rule is going to reduce mercury in every State. This is quite amazing given the nature of mercury.

Let us talk about mercury and where it comes from because the debate earlier this evening gave the impression that all of the mercury that people are experiencing today in the United States comes from the United States. Not so. Mercury travels hundreds and thousands of miles. About 55 percent of worldwide mercury emissions come from natural sources such as oceans and volcanoes. So it is already in the environment. Only 1 percent of worldwide emissions come from U.S. powerplants, which is what we are talking about today.

From 1990 to 1999, the Environmental Protection Agency estimates that U.S. emissions of mercury were reduced by nearly half. So we have been doing some real good, and that has been completely offset by increases in emissions from Asia.

As many of my colleagues know, throughout my career I have focused a lot of my time and energy on the Great Lakes. In a report published after a workshop sponsored by the International Air Quality Advisory Board of the International Joint Commission—the International Joint Commission is made up of U.S. and Canadian representatives and the Commission for Environmental Cooperation—I learned that as much as 45 percent of the mercury disposition in the Great Lakes is believed to come from Asia.

We have had some discussion today about mercury control technology. I would like to share with my colleagues that the testing performed by the Department of Energy, EPA, and the electric utility industry has demonstrated that existing control equipment for sulfur dioxide, nitrogen oxide, and particulate matter can reduce mercury emissions by approximately 40 percent. In other words, if we do a better job of reducing NO_X and SO_X, we will have a real impact on the reduction of mercury in the United States.

According to the DOE's national environmental technology laboratory, the ability of these existing pollution controls to reduce mercury can vary from zero levels approaching 90 percent. In fact, some combinations of control technologies for reasons unexplained show an increase in mercury emissions.

So the status of the technology is really fuzzy. If mercury technology is so settled, as my colleagues would lead many to believe, then why is the Department of Energy supporting 36 mercury control projects located in 12 States—California, Washington, Alabama, Pennsylvania, Virginia, Ohio, West Virginia, Colorado, North Dakota, North Carolina, and Iowa.

Additionally, Green Wire published an article, by the way, that was referenced by the Senator from Delaware, where the first sentence reads: A leading technology for removing mercury from the coal combustion process will be fully applied for the first time to a commercial scale powerplant. So this is proven technology of one or two out of more than a thousand coal-fired units are going to install it.

In other words, we have a couple of plants that they are talking about doing something in terms of this mercury technology. The vendor that is going to install this technology on two plants in the Midwest has said their target is 80 percent.

Those who are promoting the resolution want a 90-percent reduction within 3 years. Now, here is somebody who is out there in front on technology, and they are talking about their target being 80 percent. The President's regulation, EPA regulation, is a reduction of 70 percent.

So let us look at this. Two plants out of more than 1,000 coal-fired plants. I am not sure that one could argue with a straight face that the technology is out there to do what the sponsors of this resolution would say that they could do.

According to the DOE, currently no single technology exists that can uniformly control mercury from all powerplant gas emissions. For that reason, the EPA concluded that mercury-specific control technologies are not yet commercially available and does not believe widely applicable technologies can be developed and broadly applied over the next 5 years.

The sponsors of this resolution, as I mentioned, are for something called the Maximum Available Control Technology. They want a 90-percent reduction in 3 to 4 years. First of all, the technology is not there, but let's say what would happen if it were there. EPA's cap-and-trade program, the one that is reflected in the regulation that EPA promoted on mercury, is going to cost $2 billion, while the regulation of the sponsors of this regulation would cost $358 billion. That is not million; we are talking about $2 billion versus $358 billion.

Utilities will be forced to increase their use of natural gas by almost 30 percent because natural gas is the only means available at the present time to achieve significant mercury reductions within such a short timeframe. Natural gas prices will increase by over 20 percent. National average electricity prices will increase by 20 percent. Some regions of the United States, especially those that rely on coal, are projected to experience electricity price increases as much as 45 percent.

I have to say that I come from the State of Ohio. I live in Cleveland, OH. We have seen our natural gas prices increase almost 100 percent since 2001. In fact, I believe that is when the recession started in my State. This is impacting dramatically on those people who are the least able to pay. It is impacting dramatically on the businesses in my State and, frankly, throughout the United States of America. I suspect it is also impacting on those people in the Northeastern part of the United States, the home of many of those who are sponsoring this resolution to overturn the EPA rule on mercury.

Let's talk about natural gas prices. According to the independent Energy Information Administration, a maximum standard would have a devastating impact on our Nation because coal plants, unable to attain it, would be forced to fuel switch away from coal, which is our most abundant and least costly energy source, to natural gas.

One of the things my colleagues need to understand is that we are the Saudi Arabia of coal. We have 250 years' worth of coal here in the United States. There are some people, frankly, who would like to see coal put out of business. In fact, the lawyer for the Sierra Club indicated about a year ago that it is their goal to make sure that we no longer have any coal-fired facilities, energy plants in the United States.

Increased reliance on natural gas for electricity generation will add to the cost, as we have already seen. We have the highest natural gas prices in the developed world today. Increased costs have diminished our businesses' competitive position in the global marketplace.

I was saying earlier today, some of my colleagues are living in a cocoon. The biggest threat to the United States, and we don't recognize it, is that we have the most fierce competition this country has ever confronted in my memory today, and we still go about dealing with our problems the way we did 25 or 15 years ago. We have to understand that decisions we make not only impact on the people in our Nation, but they also impact on the competitive position of the United States in the global marketplace.

The Energy Information Agency, which is part of the Department of Energy, estimates that natural gas prices may go up as much as 71 percent in some parts this fall. Did you hear me? That is 71 percent. Talk to the people in Cleveland or in Columbus or other parts of the United States who have had it up to here with their natural gas costs. It will place a burden on the poor and elderly and on American businesses both large and small. EIA finds that the use of natural gas for electricity generation may increase up to 10 percent by 2025, with nationwide electricity prices expected to rise by as much as 22 percent.

The repercussions of high natural gas prices do not end with higher energy prices for individuals and businesses. What we forget about is natural gas—this is something I think the American people have to understand—is a vital feedstock for many industries in the United States. Since 1999, 21 nitrogen fertilizer production facilities have closed, 16 of them permanently. As a result, farmers are paying up to 70 percent more for nitrogen fertilizer materials than they did before, and that is reflected of course in the price we pay for corn and for other crops that use fertilizer.

The chemical industry had an eight-decade run as a major exporter; that is, we exported chemical products all over the world. That ended in 2003. With a $19 billion trade surplus in 1997—that is $19 billion we are selling—it went to a $9.6 billion deficit. That means today we are importing chemical products into the United States. More than 90,000 U.S. chemical industry jobs have been lost since 2000. Of the 125 large-scale chemical production plants under construction worldwide, 50 are in China, while only 1 is in the United States.

This is another example, because of our policy, of jobs shifting out of this country to other countries.

Perhaps the most frustrating aspect of this resolution for me is that it completely circumvents the Environment and Public Works Committee and the subcommittee I chair. That subcommittee is the Clean Air Subcommittee of the Environment and Public Works Committee Climate Control and the Nuclear Regulatory Commission. Disregarding our committee's jurisdiction and extensive work on this matter, with a total of 24 hearings held on emissions issues since 1998, S.J. Res. 20 was discharged from the EPA Commission by a petition, not by a vote of its members. In fact, the committee worked hard during the first few months of this year to pass the Clear Skies Act to reduce emissions of mercury, NOx and sulfur dioxide. Unfortunately, several of my colleagues simply did not want a bill and were unable to compromise so we would be able to move the bill out of committee.

It is astounding that many of the Members who are now supporters of this resolution on which we will vote tomorrow—if Members want to reduce emissions sooner or even through a different mechanism, then let's work together and pass a multi-emissions bill that deals with SO_X, NO_X, and mercury, as proposed in the President's Clear Skies Initiative on which we agreed to compromise and now we are dealing with one part of it.

Instead, proponents of this resolution are taking a step backward. At the least, passage of this resolution means that the Clean Air Mercury Rule would be repealed and there would be years of delay before a new regulation would be developed, proposed, finalized, and then implemented after resolving the inevitable litigation.

I want to point out the beginning of this rule—in other words coming up with a mercury rule—started in the Clinton administration 15 years ago.

Some arguments have also been advanced that the resolution would eliminate any legal requirement that EPA even promulgate a regulation to control mercury emissions from powerplants. This resolution is not the right way to get actual reductions. EPW Committee Chairman Jim Inhofe and I showed earlier this year that we are willing, as I mentioned, to sit down at the table and work through a multi-emissions bill. We made changes in the committee to address every concern raised and we are willing to do more, but frankly no member of the opposing side told us what is wrong with our proposal and what would be needed for them to support our bill. We got nowhere.

Our managers' amendment to Clear Skies is stronger on mercury than the Rule. We move up the second phase from 2018 to 2016, and create a hotspot program to address concerns that people have with our cap-and-trade program.

The last thing I would like to get at is there are being represented all kinds of statistics on how mercury is impacting the population of the United States, particularly women of childbearing age.

I want to point out the major sponsors of this resolution live up in this area of the United States. The disposition of mercury in micrograms per square meter is less than 1 in this area, where they are complaining about all the mercury and how it is impacting on their lakes and streams and on their population. The people who have the problem are in Pennsylvania and Ohio—this blue area on the map. They are the ones who have the mercury problem. As I mentioned before, a lot of it has to do with mercury that is coming from other places in the world. The Clear Skies legislation that we put together was going to deal with this problem. But, oh, no, it is our way or no way; we have to have something that is perfect.

The thing we do here so often in the Senate is we allow the perfect to get in the way of the good. We better realize we are going to need more compromising if we are going to do the things we want to do, to reduce emissions in the air and at the same time stay competitive in the global marketplace.

I am going to finish with a little information on the risks of mercury. We have heard all of the gloom and doom and how terrible it is and we can't eat the fish and we can't do this and we can't do that.

EPA's reference dose for methylmercury is the basis for regulating mercury because methylmercury poses the greatest risks of exposure to people, including women of childbearing age. Understand that. EPA's reference dose for methylmercury is very conservative. It is more than twice as stringent as that of the World Health Organization; twice as stringent as Health Canada; three times more stringent than the Agency for Toxic Substances and Disease Registry.

In other words, the rule that we have is more stringent. First of all, it is the first real rule we have in terms of the world dealing with mercury. But compared to the one some of these other organizations have stated, it is so much better than what they have put out as being the goal. The National Academy of Sciences concluded that EPA's reference dose is "scientifically justifiable level for the protection of public health." EPA's analysis concluded that, as a result—we are talking about the Environmental Protection Agency. We keep hearing that the inspector general of the EPA does not like this. The agency the inspector general works for disagrees with the inspector general.

As I said, the National Academy of Science scientists concluded that EPA's reference dose is "a scientifically justifiable level for the protection of public health." EPA's analysis concluded that as a result of the cap-and-trade program:

> . . . the overwhelming majority of the general public and those who consume large quantities of fish—

And I consume large quantities of fish because Lake Erie is one of the best fisheries in the United States of America. We eat a lot of perch in the Voinovich household—

> are not expected to be exposed above the methylmercury reference dose.

Additionally, while several of my colleagues and groups claim that there is an urgent need to dramatically reduce mercury emissions because many are at serious risk, this is simply not the case. Two months ago, the Centers for Disease Control and Prevention released their "Third National Report on Human Exposure to Environmental Chemicals," stating that all women of childbearing age—16 to 49 years of age—had blood mercury levels below that associated with the neuro-developmental effects in the fetus.

We have been hearing lots of information and statistics about this issue. The fact of the matter is that the EPA rule on mercury is reasonable. It will cost $2 billion, versus $385 billion.

It has been shown, if we went with what the sponsors of this resolution want to do—that is, overturn the mercury rule of EPA—if they got everything they wanted, we would have a 2-percent reduction below what we are going to get with this 70 percent rule that has been promulgated by the EPA.

I hope my colleagues spend a little time looking at this situation and its impact and tomorrow vote no on the proposed resolution to overturn the EPA's mercury rule.

I yield the floor, and I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CRAIG WILLIAMS AND THE CHEMICAL WEAPONS WORKING GROUP

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a great Kentuckian and the fine organization he represents—Mr. Craig Williams and the Chemical Weapons Working Group, CWWG, based in Madison County, KY.

For almost 20 years, Craig and the CWWG have been invaluable in their efforts to ensure that the millions of pounds of chemical weapons stored at Kentucky's Blue Grass Army Depot are destroyed as safely and expeditiously as possible. In large part due to their efforts, we are closer than we have ever been to taking tangible steps towards chemical weapons disposal.

One of our biggest challenges has been to keep those in charge of weapons disposal at the Department of Defense, DOD, accountable to the citizens of Kentucky. It hasn't been easy. Without the efforts and diligence of Craig and his organization, it would have been close to impossible to hold DOD to the commitments it has made to the local community. This is because, with respect to chemical demilitarization, DOD has long operated in a less than transparent manner. Craig has been another set of eyes and ears for the Kentucky delegation, keeping us abreast of what is going on—or not going on—at the depot. In this regard, Craig has been at the vanguard of a unique public/private partnership between the citizens of Madison County and its elected representatives, including my colleague and friend from Kentucky, Senator BUNNING.

But for the efforts of Craig and the CWWG, our Nation's obligations under the Chemical Weapons Convention would be in more jeopardy than they already are. More importantly, but for Craig and the CWWG, hundreds of thousands of Americans would continue living indefinitely with the specter of an aging and increasingly unstable chemical weapons stockpile looming in their midst.

All of us in the Commonwealth of Kentucky owe Craig and the CWWG a substantial debt of gratitude for their tireless work to protect the health and safety of the public, the depot workers, and the local environment.

I ask my fellow Senators to join me in paying tribute to the CWWG and to my friend, Craig Williams.

REMEMBERING SEPTEMBER 11, 2001

Mr. SANTORUM. Mr. President, yesterday marked the 4-year anniversary of the tragedies that took place on September 11, 2001. Out of the destruction of that terrible day emerged a renewal of the American spirit and a rejuvenated commitment to fight the scourge of terrorism both at home and abroad.

Yesterday, I was honored to attend a memorial service along with Governor Ed Rendell of Pennsylvania, former Pennsylvania Governor and Homeland Security Secretary Tom Ridge, Attorney General Alberto Gonzales, and other public officials to pay tribute to the brave passengers and crew aboard flight 93. We now know with near certainty that the terrorists aboard that flight had plans of causing severe destruction to either the White House or the Capitol Building. Thanks to the heroic actions of the men and women aboard that flight, thousands of lives were spared, and one of the greatest symbols of America's freedom and democracy still stands.

The individuals who tried to break our fortitude will never succeed. They failed because as Americans we are all living, breathing examples of freedom and democracy, of strength and character. No act of terrorism can ever take that away from us.

I continue to believe that the individuals, States, and countries that have supported terrorism should be brought to justice. On October 7, 2001, President Bush announced Operation Enduring Freedom to dismantle the Taliban regime in Afghanistan, which was harboring al-Qaida. Thanks to the brave men and women in our armed forces and the support of other nations, we have captured countless members of al-Qaida.

As Americans, we have been blessed with a country that endorses freedom and equality. Sadly, the Afghani people were not as fortunate, living under the oppressive regime of the Taliban. We and other democratic nations have finally given them the chance to live in a free society. They have made considerable progress in establishing a democracy, noted by their landmark election on October 9, 2004, in which millions of Afghanis came out to vote.

The terrorists are relentless; they will continue to target America unless we take a firm stand against them. While we have made significant progress, we must remain vigilant in bringing al-Qaida to justice. Winning the war on terror is essential for the safety of America and other nations around the world. America has a unique opportunity to lead this fight and act as a symbol of freedom for all people. I feel honored to represent the people of Pennsylvania in the United States Senate, and I hope that we will all continue to work toward creating a safer world for our future generations.

Mr. FEINGOLD. Mr. President, this past Sunday, Americans from all parts of the country and all walks of life joined together in solemnly marking the painful anniversary of the terrible attacks of September 11, 2001.

Of course, Americans remember 9/11 every day. It has become a part of how we understand the world around us; it has been seared into our national consciousness. But we do not remember only the terrorist attacks themselves. We remember the lives, contributions, and aspirations of nearly three thousand innocent men, women and children who were killed that day. We remember the courage and heroism of our first responders. And we remember the outpouring of support and assistance and solidarity that came from every community in this great country and from so many around the world in the days following the attacks.

All of these memories unite us as Americans. Every day, those memories strengthen our unshakable resolve to defeat the terrorist networks that wish to do us harm, and to preserve the freedoms that generations of Americans have fought to protect.

As our country confronts the devastation left in the wake of hurricane Katrina, we can see some of that same national strength, that same American solidarity and resolve, emerging again. It is by nurturing and reinforcing that national strength and compassion that we pay tribute to those we lost on September 11, 2001.

Mr. PRYOR. Mr. President, on this fourth anniversary of the tragedy of September 11, 2001, we pause to remember the victims and families impacted by the horrific terrorist attacks on our Nation. We also honor the bravery and sacrifice of our first responders and the generosity of millions of Americans who united to support one another.

The wounds from that dreadful day will never completely heal. Families and friends of those killed in New York City, the Pentagon, and on flight 93 over Pennsylvania still grieve for the senseless loss of their loved ones. We will never forget their sacrifices.

This year, as we simultaneously recover from the aftermath of Hurricane Katrina and honor those that lost their lives on September 11, we must continue to bolster our Nation's readiness for disasters of all sorts. Congress must fulfill its responsibility to the victims of terrorism by supporting the efforts of our military and law enforcement as they continue to pursue those who seek to do our Nation harm. Likewise, Hurricane Katrina has reestablished what September 11 proved 4 years ago, that we still have work to do in preparing our Nation to respond to a large scale disaster. The best way to honor the victims of 9/11 and our most recent disaster is to act to correct the mistakes of the past. We must continue to learn and evolve so that our Government can be as responsive as possible to the security needs of its citizens now, to honor the memory of those we have lost and as a promise to generations to come.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 4, 2005, Carl Zablonthy was punched in the face and knocked unconscious by two men in South Beach, FL. The apparent motivation for the attack was Zablonthy's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REMEMBERING OFFICERS MICHAEL KING AND RICHARD SMITH

Mr. BINGAMAN. Mr. President, on Friday, September 9th the Nation honored two of our fallen heroes with the unveiling of their names at the National Law Enforcement Officers Memorial here in Washington, DC. Officers Michael King and Richard Smith of the Albuquerque Police Department were killed in the line of duty on August 19, 2005, a day that has become known as "The Saddest Day" to the residents of Albuquerque. The officers were in the process of taking into custody a mentally unstable man who had allegedly murdered 3 other people. Their actions on that fateful day saved the lives of countless others and were exemplary of the way these two fine officers lived their lives.

I speak today to honor Officer King and Officer Smith not for the way they died but for the way they lived—examples of honesty, dedication, commitment, and caring to the countless lives that they touched through their work and in their private lives. The residents of Albuquerque and New Mexico have taken these officers and their families to their heart. Now the Nation has the opportunity to honor these fine men.

Officer Michael King joined the Albuquerque Police Department in 1980 and spend 11 years in the traffic unit until he retired. But King missed the camaraderie of the force and his fellow officers and he returned to work in the traffic unit. Often referred to as a "gentle giant," Michael would often stop to help stranded motorists fix their cars. Mr. King worked with and trained many of New Mexico's top law enforcement officers and left a lasting impression with them all. Officer King leaves behind a wife and two sons.

Like his good friend Officer King, Officer Richard Smith didn't need to be working that August day. He had retired from APD but he couldn't stay away and returned to service to protect the people of Albuquerque. Officer Smith is remembered as a man who was committed to his family, faith, and public service. He was always ready with a broad smile and a wave. He spent most of his career as a traffic cop and was buried 25 years to the day he graduated from the police academy. Officer Smith leaves behind a wife and a 13-year-old daughter.

These two officers are examples of the best our Nation has to offer. It is right that we honor these men and all the officers who have given their lives to protect their fellow citizens.

FETAL ALCOHOL SPECTRUM AWARENESS DAY

Ms. MURKOWSKI. Mr. President, by raising awareness one moment at a time, we can minimize the harm that drinking during pregnancy causes our most vulnerable population—our children.

In February of 1999, a small group of parents, raising children afflicted with fetal alcohol spectrum disorders, set out to change the world. That small group started an "online support group" which quickly became a worldwide grassroots movement to observe September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day. Former Senate Minority Leader Tom Daschle was instrumental in having the Senate take notice of this important issue.

This year for the seventh consecutive year, communities across the Nation are pausing at the hour of 9:09 a.m. to acknowledge this day.

Events are occurring in cities and towns not just across the country, but around the world—from Chilliwack, British Columbia to Cape Town, South Africa to Madagascar—families are joining together today to raise awareness of fetal alcohol syndrome disorders or FASD.

My State of Alaska will observe this day with solemn events in Anchorage, Juneau, Kenai, and Fairbanks.

FASD is an umbrella term that describes a range of physical and mental birth defects that can occur in a fetus when a pregnant woman drinks alcohol. It is a leading cause of nonhereditary mental retardation in the U.S. Many children affected by maternal drinking during pregnancy have irreversible conditions—including severe brain damage—that cause permanent, lifelong disability.

FASD is 100 percent preventable. Prevention merely requires a woman to abstain from alcohol during pregnancy.

Yet every year in America, an estimated one in every 100 babies born are born with FASD—that's 40,000 infants. FASD affects more children than Down syndrome, cerebral palsy, spina bifida and muscular dystrophy combined.

The cost of FASD is high—more than $3 billion each year in direct health care costs, and many times that amount in lost human potential. Lifetime health costs for an individual living with FASD averages $860,000.

The indirect financial and social costs to the Nation are even greater—including the cost of incarceration, specialized health care, education, foster care, job training and general support services.

All in all, the direct and indirect economic costs of FASD in the U.S. are estimated to be $5.4 billion.

You can find FASD in every community in America—native, non-native, rich, poor—it doesn't discriminate. That is why, last February, the U.S. Surgeon General Richard. Carmona again issued another advisory to pregnant women, or women who plan to become pregnant, to completely abstain from all alcohol use.

In Alaska, I am troubled to report that we have the highest rate of FASD in the Nation. Approximately 163 Alaskan babies are born each year affected by maternal alcohol use during pregnancy. Among our native communities, the rate of FASD is 15 times higher than non-Native areas in the state.

And again, FASD is 100 percent preventable. We can save so many children and families so much heartache simply by increasing people's awareness of what FASD is and how we can prevent it. In fact, prevention of FASD is seven times more cost effective than treating the disorder.

That is why Senator TIM JOHNSON and I—and several others from both sides of the aisle—will soon be introducing legislation to direct more resources toward this terrible problem. The "Advancing FASD Research, Prevention, and Services Act" will—develop and implement targeted state and community-based outreach programs; improve coordination among Federal agencies involved in FASD treatment and research by establishing stronger communication with these programs, and improve support services for families and strengthen educational outreach efforts to doctors, teachers, judges and others whose work puts them in contact with people with FASD.

Forty-thousand American children a year are born with FASD. Our investment today in prevention, treatment and research will save countless in future health costs of this devastating but completely preventable disorder. I ask my colleagues to support the Advancing FASD, Research, Prevention and Services Act.

On Fetal Alcohol Awareness Day, we remember all innocent babies inflicted with this disorder and imagine the potential that they could have been but for the damage done by alcohol.

I hope that we will continue to pause in the ninth hour of the ninth day each September until fetal alcohol spectrum disorders are eradicated.

2005 DAVIDSON FELLOWS

Mr. GRASSLEY. Mr. President, I would like to take a few moments to recognize some of the most brilliant and hardest working young adults in our Nation and in the world today. These seventeen outstanding scholars have recently been named 2005 Davidson Fellows and are being rewarded for their cutting-edge and distinguished work. The Davidson Institute Fellowships promote and reward under-18 year olds who have undertaken invaluable projects and studies for the greater good of our country and the world. The Davidson Institute awards scholarships to each of the Fellows to assist them in furthering their education. I don't believe the Davidson Institute could have found a more distinguished or more deserving group of young scholars. I would like to detail their accomplishments for a moment.

Karsten Gimre was just 11 years old when he became a Davidson Fellow based on his project entitled "Conversation Without Words." This young pianist from Banks, Oregon has performed with several professional orchestras and has been winning awards for his exceptional abilities since the age of 6 when he earned first place at the International Young Artists Concert here in Washington, D.C. At the age of 12 he is now studying math and physics at the Pacific University while continuing his musical instruction.

As a young writer from Canton, MI, Heidi Kaloustian's unique talent and creative genius allowed her to explore complex relationships and personal identity in her portfolio entitled "The Roots of All Things" while still allowing the reader to emotionally connect with the work and characters. Heidi plans to continue creative writing at the University of Michigan-Ann Arbor and I have no doubt that she will be very successful as a professor and as a writer.

Tiffany Ko, a 16 year old from Terre Haute, IN, put herself on the cutting edge of technology and science when she used electric field sensing to design a new type of computerized security system. Her project is a significant advancement from current security systems and could be used to make people and businesses safer than ever before.

At the age of 17 years old, Milana Zaurova from Fresh Meadows, NY has begun developing a new way to treat the most deadly form of brain cancer, malignant glioma. She combined chemotherapy and gene-therapy to develop a creative new method that has the potential to save many lives.

As a 12-year old from Chapel Hill, NC, Maia Cabeza has already developed an extensive resume as a violinist. She has earned praise in the United States and abroad for her technical proficiency and musicality. Maia has the noble goal of using her music to breach cultural and language barriers, and I wish her the best of luck and success.

When Brett Harrison was just 16 years old he was able to develop a mathematical proof that actually improved upon a conjecture developed by a Princeton University professor. This Dix Hills, NY native's work is applicable to numerous fields such as communications, structural design, and computer networking systems.

Tudor Dominik Maican is a gifted and talented 16-year-old composer from Bethesda, MD. He has already been commissioned by the Dumbarton Musical Society for a piano solo and has been the recipient of numerous awards for his imaginative and wide-ranging compositions.

Justin Solomon, from Oakton, VA, designed an algorithm to recognize an object based on its three dimensional features. Most recognition programs only use two dimensions, so Justin's new algorithm increases a program's accuracy and can potentially be used in the fields of security, robotics, and artificial intelligence.

John Zhou of Northville, MI took an interest in biomedicine because of its scientific and humanitarian aspects, and has now studied the DNA replication process with the goal of understanding and ultimately halting mutations and cancer development. John is also accomplished in many other fields including mathematics, physics, and Spanish.

Kadir Annamalai's project focused around building nanowires, or wires only about two molecules thick that could be used in devices like power generators and circuit boards. In addition to this extremely technical work, Kadir, who is from Saratoga, CA, is also an Eagle Scout and is the recipient of numerous Future Business Leaders of America awards.

Motivated by a strong desire to help those affected with Alzheimer's disease, Stephanie Hon, from Fort Myers, FL, investigated a creative method that her study suggests could possibly reverse some of the effects of Alzheimer's. Stephanie is considering continuing her Alzheimer's research at Harvard University this fall and we all wish her continued success.

Benedict Shan Yuan Huang's project, Changed Particle Production in High Energy Nuclear Collisions, is as technical and advanced as it sounds. He has created a new technique that promises to achieve quicker and more accurate results when studying the structure of matter. Benedict, who is from Coram, NY, will attend Harvard University in the fall and will most likely study science as well as the piano.

At the age of 16 Lucas Moller from Moscow, ID has already worked with NASA, the European Space Agency, and the Jet Propulsion Laboratory. His study on Martian dust and its effect on Martian lander missions has been incorporated on the Mars Surveyor lander and the Mars Express/Beagle 2 mission.

Nimish Ramanlal from Winter Springs, FL was able to advance the field of quantum computing by creating a new framework for quantum computing that overcomes the limitations on the effectiveness of quantum computers. His work could help a new form of computing to emerge with profound implications in nanotechnology, medical research, and advanced physics.

With the internet growing every day, Tony Wu of Irvine, CA created a new internet search method that could be highly useful in the information society of the 21st century. He has competed successfully in numerous science competitions and plans to study computer science or electronics engineering in college.

Fan Yang, a 17-year-old young woman from Davis, CA, developed a method of preventing eye infections by using three compounds that prevent bacteria from forming and growing on the contact or intraocular lenses. This is a promising line of research that demonstrates the combination of Fan Yang's love of science and desire to help people.

At the age of 6 years old, Marc Yu, who is from Monterey Park, CA, has already won numerous awards and competitions for both his piano and cello performances including both first place for the cello and second place for the piano at the Southwest Youth Music Festival.

Mr. President, despite their relatively young age, these seventeen outstanding young men and women have all achieved remarkable things and fully deserve the awards that they have earned. Their past is overshadowed, however, by their even brighter futures and careers made easier by becoming 2005 Davidson Fellows. I would like to thank these young scientists, mathematicians, writers, and musicians for their accomplishments, past, present, and future, that will no doubt improve the lives of a great many people in this country and abroad.

NATIONAL SCHOOL BACKPACK AWARENESS DAY

Ms. COLLINS. Mr. President, on September 21, 2005, the American Occupational Therapy Association and more than 700 occupational therapy practitioners nationwide and around the world will be celebrating National School Backpack Awareness Day. They will be working with over 150,000 children to teach them how to prevent backpack-related injuries and to remain healthy and successful in school. In my home State of Maine, occupational therapists have arranged events in 15 schools and will be reaching over 5,000 students.

According to a number of studies done both internationally and in the United States, children using overloaded and improperly worn backpacks experience neck, should, and back pain and have problems with breathing and fatigue at significantly higher rates than students wearing backpacks properly and with appropriate loads. No child should regularly carry more than 15 percent of their body weight on their back. At Backpack Awareness Day events, which will be held in schools, stores, hospitals, shopping malls, and a variety of other venues, occupational therapy practitioners will "weigh-in" children and their backpacks to make sure that the backpacks do not surpass 15 percent of the child's body weight. The therapists will provide guidance about how to properly load and carry a backpack will also share tips about how to stay healthy and succeed in school. In Maine, these weigh-ins are being conducted in local schools from Saco to Skowhegan, and also in communities like Farmington, where Franklin Memorial Hospital is sponsoring a weigh-in as part of their Youth Health Fest.

Occupational therapy practitioners work with individuals across the lifespan. In schools occupational therapists work to modify educational environments to ensure that all students can achieve academic success. Occupational therapists provide assistance to teachers and school administrators in order to make school environments more accessible and conducive to learning. They also consult with educators to improve students' academic functioning and work to help prevent learning, mental, and physical disabilities from getting in the way of academic success. Occupational therapy practitioners in schools work directly with students, parents, and teachers to develop plans to improve students' function and productivity and to foster success and maximize their independence within the academic environment.

National School Backpack Awareness Day is a good example of how occupational therapists work within our schools and communities to promote wellness, and I am pleased to have this opportunity to acknowledge their valuable contributions. I urge all of my colleagues to join me in supporting September 21, 2005, as National School Backpack Awareness Day.

ADDITIONAL STATEMENT

TRIBUTE TO HOMER A. MAXEY, JR.

• Mr. INOUYE. Mr. President, on the occasion of the 33rd annual convention of the National Association of Foreign-Trade Zones, NAFTZ, which is meeting this week in my home State of Hawaii, I rise today to pay tribute to the cofounder of the NAFTZ, my good friend, Homer A. Maxey, Jr., who I have known for more than a quarter century.

The NAFTZ was conceived in November of 1972, at an informal meeting of foreign-trade zone representatives from various States. At that meeting, Homer A. Maxey, Jr., was selected chairman of a committee to develop the organizational framework for a formal association representing FTZ grantees and operators in the U.S. During a conference of FTZ managers in Washington, DC, on May 8, 1973, the NAFTZ was officially launched and Homer was elected to serve as the first President of this Association from 1973 to 1975. Homer was elected, by unanimous vote of the members, as the first Honorary Life Member at the NAFTZ Annual Conference in 1979. He has served on many different Committees of the NAFTZ including: the Oil Refinery Sub-Zone Task Force, ORSTF, the

Operations Committee, Nominations Committee, the Long Range Planning Committee, and several task forces. Today the NAFTZ represents over 800 members comprised of State and local government agencies, public entities, individuals and corporations involved in the Foreign-Trade Zone program. The NAFTZ plays an important role in facilitating international trade and U.S. competitiveness through the promotion and support of the Foreign-Trade Zones Program.

The Foreign-Trade Zones Program was created by an act of Congress in 1934. Its purpose is to encourage domestic warehousing, manufacturing and processing activity. States and local governments use foreign-trade zones as part of their overall economic development strategy and to improve the international business sector in their communities. FTZs contribute to the enhancement of the U.S. investment climate for commerce and industry. The FTZ program encourages capital investment in the U.S. rather than abroad and secures American jobs. The benefit occurs only if the activity takes place in the U.S. It substitutes U.S.-produced merchandise and labor for foreign imports. Today there are 260 approved general-purpose zones and 534 subzones located in all 50 States and Puerto Rico. According to the latest available annual report of the Foreign-Trade Zones Board, the total value of merchandise received at foreign-trade zones annually exceeds $200 billion. Over 2,200 firms in the U.S. utilize foreign-trade zones and employment at these facilities exceeds 300,000.

During his involvement with the NAFTZ, Homer Maxey has played an instrumental role in the growth and development of the U.S. Foreign-Trade Zones Program. For instance, he was instrumental in a number of issues, challenges, and accomplishments of the program, including spearheading customs regulations to limit customs duties on merchandise manufactured in FTZs to foreign material only; streamlining FTZ inventory recordkeeping; creating uniform FTZ management practices nationally; securing weekly entry for manufacturing; eliminating activation and annual fees on foreign-trade zones; allowing users of foreign-trade zones to defer entry and payment of duty on foreign production machinery used in FTZs until such time that the equipment goes into commercial production, and eliminating the merchandise processing fee on domestic materials shipped from FTZs.

At the same time Homer Maxey directed General Purpose Foreign-Trade Zone No. 9 in Hawaii, which was established in February 1965. Homer was the Administrator for the State of Hawaii's Foreign-Trade Zone project from 1965 through 1993. During his management of the zone, the first FTZ oil refinery was established on Oahu. Thereafter, the program in Hawaii grew under his direction to include today five General-Purpose Zone sites and five Subzones handling $2.04 billion worth of merchandise from 341 firms, with exports of $290,980,773 and employing a total of 2,683 people in zone-related activities. From its modest beginnings with 40,000 square feet originally approved, the General Purpose Zone project grew to involve 15 percent of the designated industrial lands on the Island of Oahu.

After attending the University of Hawaii in Honolulu, Mr. Maxey was employed by Hawaiian Airlines. He served in the U.S. Air Force during the early 1950s. He was employed by Matson Lines., 1955–1965, in passenger sales, freight traffic and marine operations. He has also been active in the Hawaii/Pacific Export Council, the Propeller Club of the Port of Honolulu, and the Chamber of Commerce of Hawaii. Mr. Maxey has also been a consultant to the State of Hawaii, the County of Hawaii, and Foreign-Trade Zone No. 9.

It is my honor to recognize the lifelong contributions of Homer Maxey to the U.S. Foreign-Trade Zones Program and the State of Hawaii. I wish Homer and his wife, Mahina, all the best in the future.●

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

S. 1682. A bill to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors.

S. 1683. A bill to provide relief for students affected by Hurricane Katrina.

S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model HS.125 Series 700A Airplanes, Model BAe.125 Series 800A Airplanes, and Model Hawker 800 and Hawker 800XP Airplanes" ((RIN2120–AA64)(2005–0386)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–200B, 747–300, 747–400, and 747–400D Series Airplanes" ((RIN2120–AA64)(2005–0387)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC–7–100, DHC–7–101, DHC–7–102, and DHC–7–103 Airplanes" ((RIN2120–AA64)(2005–0385)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200, –200PF, and –200CB Series Airplanes Equipped with Pratt and Whitney or Rolls-Royce Engines" ((RIN2120–AA64)(2005–0384)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes" ((RIN2120–AA64)(2005–0393)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 23, 24, 25, 35, and 36 Airplanes" ((RIN2120–AA64)(2005–0392)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Airplanes" ((RIN2120–AA64)(2005–0391)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 and 747–400D Series Airplanes" ((RIN2120–AA64)(2005–0390)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Airplanes" ((RIN2120–AA64)(2005–0389)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc. Models PA–34–200T, PA–34–220T, PA–44–180, and PA–44–180T Airplanes" ((RIN2120–AA64)(2005–0376)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes; and Model A300 C4-605R Variant F Airplanes; and Model A310-200 and -300 Series Airplanes" ((RIN2120-AA64)(2005-0381)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Model 206A and 206B Helicopters" ((RIN2120-AA64)(2005-0388)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes" ((RIN2120-AA64)(2005-0379)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model 4101 Airplanes" ((RIN2120-AA64)(2005-0377)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes" ((RIN2120-AA64)(2005-0378)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100B SUD, -200B, -300 -400, and -400D Series Airplanes" ((RIN2120-AA64)(2005-0380)) received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3661. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Richard S. Kramlich, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3662. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General John F. Goodman, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3663. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Emerson N. Gardner, Jr., United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3664. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Joseph F. Weber, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3665. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General John G. Castellaw, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3666. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General William E. Mortensen, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3667. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General John L. Hudson, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3668. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Donald J. Hoffman, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3669. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Kevin P. Chilton, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3670. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General David A. Deptula, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3671. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General Norton A. Schwartz, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3672. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General John D.W. Corley, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3673. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General Robert Magnus, United States Marine Corps, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3674. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General William E. Ward, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3675. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Rear Admiral Ann E. Rondeau, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3676. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of General William L. Nyland, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-3677. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of Lieutenant General Richard A. Hack, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3678. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of Lieutenant General Richard L. Kelly, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3679. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach relative to the Space Based Infrared System (SBIRS) to the Committee on Armed Services.

EC-3680. A communication from the Under Secretary for Benefits, Veterans Affairs and the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report entitled "Department of Veterans Affairs/Department of Defense Single Separation Examinations at Benefits Delivery at Discharge Sites"; to the Committee on Armed Services.

EC-3681. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account, and a report concerning the value of personal property that foreign nations have provided the United States for the Global War on Terrorism; to the Committee on Armed Services.

EC–3682. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (8 subjects on 1 disc beginning with "Inquiry Response Regarding USAF Communications with Adjutants General") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3683. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with "Inquiry Response Regarding DFAS Contractors") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3684. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (10 subjects on 1 disc beginning with "Follow Up Questions on Eielson") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3685. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (15 subjects on 1 disc beginning with "NAS Oceana") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3686. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, six quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2005 entitled "LPD17, MH–60S, Evolved Expendable Launch Vehicle (EELV), Global Broadcast Service (GBS), National Airspace System (NAS), and Smaller Diameter Bomb (SDB); to the Committee on Armed Services.

EC–3687. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 4 discs beginning with "Installation and Range Boundaries Data Files") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3688. A communication from the Secretary, Department of Defense, transmitting a report on the approved retirement of General John P. Jumper, United States Air Force; to the Committee on Armed Services.

EC–3689. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report relative to a multifunction standard competition of the Base Operating Support Functions at Homestead Air Reserve Station (ARS), Florida; to the Committee on Armed Services.

EC–3690. A communication from the Secretary of Health and Human Services, transmitting the draft agenda for the ribbon cutting ceremony for the six new buildings at the Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia, on Monday, September 12, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3691. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "HHS Designation of Additional Members (workers employed at the Y–12 facility in Oak Ridge, Tennessee) of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC–3692. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Definition of Primary Mode of Action of a Combination Product" (Docket No. 2004N–0194) received on September 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3693. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "HHS Designation of Additional Members (workers employed at the Iowa Army Ammunition Plant in Burlington, Iowa) of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC–3694. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3695. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3696. A communication from the White House Liaison, Office of Management, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3697. A communication from the White House Liaison, Office of Management, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3698. A communication from the White House Liaison, Office of Communications and Outreach, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3699. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3700. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3701. A communication from the White House Liaison, Institute of Education Sciences, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Commissioner of Education Statistics, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3702. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment to Prohibited Transaction Exemption 84–14 for Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers" (PTE 84–14) received on August 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3703. A communication from the Senior Regulatory Officer, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Service Contract Act Wage Determination OnLine Request Process" (RIN1215–AB47) received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3704. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing, and Handling of Food" (Docket No. 1999F–4372) received on August 17, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3705. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on September 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3706. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Fiscal Year 2003 Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 113. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust (Rept. No. 109–136).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1197. A bill to reauthorize the Violence Against Women Act of 1994.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TALENT:

S. 1650. A bill to suspend temporarily the duty on prohexadione calcium; to the Committee on Finance.

By Mr. TALENT:

S. 1651. A bill to suspend temporarily the duty on methyl methoxy acetate; to the Committee on Finance.

By Mr. TALENT:

S. 1652. A bill to suspend temporarily the duty on methoxyacetic acid; to the Committee on Finance.

By Mr. TALENT:

S. 1653. A bill to suspend temporarily the duty on N-Methylpiperidine; to the Committee on Finance.

By Mr. TALENT:

S. 1654. A bill to suspend temporarily the duty on p-trifluoromethyl benzaldehyde; to the Committee on Finance.

By Mr. TALENT:

S. 1655. A bill to suspend temporarily the duty on quinclorac technical; to the Committee on Finance.

By Mr. TALENT:

S. 1656. A bill to suspend temporarily the duty on pyridaben; to the Committee on Finance.

By Mr. TALENT:

S. 1657. A bill to suspend temporarily the duty on 2-acetylnicotinic acid; to the Committee on Finance.

By Mr. SANTORUM:

S. 1658. A bill to suspend temporarily the duty on sodium orthophenylphenol; to the Committee on Finance.

By Mr. SANTORUM:

S. 1659. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

By Mr. SANTORUM:

S. 1660. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1661. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1662. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1663. A bill to extend the temporary suspension of duty on a certain chemical; to the Committee on Finance.

By Mr. SANTORUM:

S. 1664. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1665. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SANTORUM:

S. 1666. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

By Mr. SANTORUM:

S. 1667. A bill to suspend temporarily the duty on Baypure CX; to the Committee on Finance.

By Mr. SANTORUM:

S. 1668. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

By Mr. SANTORUM:

S. 1669. A bill to suspend temporarily the duty on Isoeicosane; to the Committee on Finance.

By Mr. SANTORUM:

S. 1670. A bill to suspend temporarily the duty on Isododecane; to the Committee on Finance.

By Mr. SANTORUM:

S. 1671. A bill to suspend temporarily the duty on Isohexadecane; to the Committee on Finance.

By Mr. SANTORUM:

S. 1672. A bill to suspend temporarily the duty on aminoguanidine bicarbonate; to the Committee on Finance.

By Mr. SANTORUM:

S. 1673. A bill to suspend temporarily the duty on O-Chlorotoluene; to the Committee on Finance.

By Mr. SANTORUM:

S. 1674. A bill to suspend temporarily the duty on Bayderm Bottom DLV-N; to the Committee on Finance.

By Mr. SANTORUM:

S. 1675. A bill to suspend temporarily the duty on 2, 3-Dichloronitrobenzene; to the Committee on Finance.

By Mr. SANTORUM:

S. 1676. A bill to reduce temporarily the duty on O-Toluidine to the Committee on Finance.

By Mr. SCHUMER:

S. 1677. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for college tuition expenses and to expand such deduction to include expenses for books; to the Committee on Finance.

By Mr. SCHUMER (for himself and Ms. MIKULSKI):

S. 1678. A bill to temporarily increase the standard mileage rate for use of an automobile for purposes of certain deductions allowed under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1679. A bill to amend part E of title IV of the Social Security Act to strengthen courts for at-risk children, and for other purposes; to the Committee on Finance.

By Mr. CORNYN:

S. 1680. A bill to reform the issuance of national security letters; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors; read the first time.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1682. A bill to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors; read the first time.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1683. A bill to provide relief for students affected by Hurricane Katrina; read the first time.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement; read the first time.

By Mr. OBAMA (for himself, Mr. BAYH, Mr. HARKIN, Mr. LEVIN, Mr. CORZINE, Mr. FEINGOLD, Mr. BINGAMAN, Mr. KENNEDY, Mrs. MURRAY, and Mr. SALAZAR):

S. 1685. A bill to ensure the evacuation of individuals with special needs in times of emergency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM:

S. 1686. A bill to amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself and Mrs. HUTCHISON):

S. 1687. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 267

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 269

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 269, a bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 484

At the request of Mr. WARNER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 513

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 695

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 875

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1081

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1173

At the request of Mr. DEMINT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1179

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1179, a bill to amend title XVIII of the Social Security Act to ensure that benefits under part D of such title have no impact on benefits under other Federal programs.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1315

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1315, a bill to require a report on progress toward the Millennium Development Goals, and for other purposes.

S. 1369

At the request of Mr. TALENT, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1369, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice.

S. 1403

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1403, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1462, supra.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1572

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1572, a bill to amend title XIX of the Social Security Act to clarify the application of the 100 percent Federal medical assistance percentage under the medicaid program for services provided by the Indian Health Service or an Indian tribe or tribal organization directly or through referral, contract, or other arrangement.

S. 1622

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1630

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

At the request of Mr. OBAMA, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1630, supra.

S. 1638

At the request of Mr. OBAMA, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1646

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1646, a bill to provide for the care of veterans affected by Hurricane Katrina.

S. 1647

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1647, a bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters.

S.J. RES. 23

At the request of Mr. COBURN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S.J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

AMENDMENT NO. 1652

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 1652 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1654

At the request of Mr. DAYTON, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. OBAMA), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1660 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1679. A bill to amend part E of title IV of the Social Security Act to strengthen courts for at-risk children, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Mr. President, I rise today to introduce a bill with my colleague, Senator ROCKEFELLER, which would impact the lives of many at-risk children living in foster care. This bill is called WE CARE Kids: Working to Enhance Courts for At-risk and Endangered Kids Act of 2005.

How well a child welfare system functions is often related to how well the accompanying court system functions. The important role of the courts was noted last year when the Pew Commission on Children in Foster Care released their recommendations to overhaul the Nation's foster care system. As observed by the Pew Commission, it is the courts that decide whether a child has been abused or neglected and whether that child should be placed in the foster care system. It is the courts that oversee whether the parents are making progress on their case plan and enforce the timelines for permanency. It is the courts that decide whether a parent's rights should be terminated or whether a family should be reunified. These judges are making tough, life-changing decisions for all parties involved.

To strengthen the courts making these life-altering decisions, the Pew Commission recommended: 1. The adoption of court performance measures by every dependency court; 2. incentives and requirements for effect collaboration between courts and child welfare agencies; 3. a strong voice in court for parents and children, as well as effective and well-trained representation by attorneys and volunteer advocates; and 4. leadership from chief justices and other State court leaders to organize their systems to better serve the needs of children, train judges, and promote effective standards for courts, judges and attorneys.

The legislation that Senator ROCKEFELLER and I are introducing today incorporates many of the recommendations of the Pew Commission. Among other provisions, the legislation provides $10 million for grants for training of judges and court personnel, of which a significant portion must be used for joint training between courts and child welfare agencies. It also provides $10 million for grants to the highest State court for the development and implementation of outcome measures related to safety, permanency, due process, and timeliness of court proceedings. The bill requires States to develop standards of practice for attorneys appearing in child abuse and neglect proceedings, as well as provides loan forgiveness for attorneys who practice in family, domestic, and juvenile courts and for social workers who work within the child welfare system. The bill increases funding for the expansion of the Court Appointed Special Advocate program, and it includes a provision that would ease the placement of children in foster care from one State to another, for the purposes of speeding adoptions out of the foster care system.

Let me conclude by saying that when Congress passed the Adoption and Safe Families Act, I believed it was a good start. Congress, however, would have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients is an efficiently operating court system—a system that puts the principles embodied in the law into practice. Our bill would help the court system do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—COLLABORATION AMONG STATE IV-B AND IV-E AGENCY AND COURTS

Sec. 101. Collaboration on child and family services plans, child and family service reviews, program improvement plans, and court improvement program plans.
Sec. 102. Multidisciplinary, broad-based State child welfare commissions.
Sec. 103. Training for abuse and neglect court personnel.
Sec. 104. Reservation of funds for collaboration support.

TITLE II—OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS

Sec. 201. Outcome performance standards for abuse and neglect courts.

TITLE III—COURT MODEL STANDARDS

Sec. 301. Standards, training, and technical assistance for attorneys.
Sec. 302. Loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court system.
Sec. 303. Loan forgiveness to social workers who work for child protective agencies.
Sec. 304. Reauthorization of court-appointed special advocate (CASA) programs and increased funding for expansion in rural and underserved urban areas.

TITLE IV—CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS

Sec. 401. Clarification on State flexibility for public access to courts.

TITLE V—COURT LEADERSHIP

Sec. 501. Sense of the Senate regarding State court leadership.

TITLE VI—SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN

Sec. 601. Sense of Congress.

Sec. 602. Orderly and timely process for interstate placement of children.
Sec. 603. Home studies.
Sec. 604. Requirement to complete background checks before approval of any foster or adoptive placement and to check child abuse registries; grandfather of opt-out election; limited nonapplication.
Sec. 605. Courts allowed access to the Federal parent locator service to locate parents in foster care or adoptive placement cases.
Sec. 606. Caseworker visits.
Sec. 607. Health and education records.
Sec. 608. Right to be heard in foster care proceedings.
Sec. 609. Court improvement.
Sec. 610. Reasonable efforts.
Sec. 611. Case plans.
Sec. 612. Case review system.
Sec. 613. Use of interjurisdictional resources.

TITLE VII—EFFECTIVE DATE

Sec. 701. Effective date.

TITLE I—COLLABORATION AMONG STATE IV-B AND IV-E AGENCY AND COURTS

SEC. 101. COLLABORATION ON CHILD AND FAMILY SERVICES PLANS, CHILD AND FAMILY SERVICE REVIEWS, PROGRAM IMPROVEMENT PLANS, AND COURT IMPROVEMENT PROGRAM PLANS.

(a) IV-B STATE PLANS REQUIREMENT.—

(1) STATE PLANS FOR CHILD WELFARE SERVICES.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(A) in paragraph (13), by striking "and" at the end;

(B) in paragraph (14), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(15) provide that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this subpart shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this subpart, the State plan under subpart 2, the State plan under part E, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

"(A) meeting regularly to review policies and procedures;

"(B) sharing data and information;

"(C) providing joint training; and

"(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part E of this title.".

(2) FAMILY PRESERVATION AND SUPPORT SERVICES PLANS.—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end, the following:

"(10) provides that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this subpart shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this subpart, the State plan under subpart 1, the State plan under part E, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

"(A) meeting regularly to review policies and procedures;

"(B) sharing data and information;

"(C) providing joint training; and

"(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part E of this title.".

(b) IV-E STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (23)(B), by striking "and" at the end;

(2) in paragraph (24), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(25) provides that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this part shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this part, the State plan under subpart 1 of part B, the State plan under subpart 2 of part B, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

"(A) meeting regularly to review policies and procedures;

"(B) sharing data and information;

"(C) providing joint training; and

"(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part B of this title.".

(c) CHILD AND FAMILY SERVICES PROGRAMS REVIEW REQUIREMENT.—Section 1123A of the Social Security Act (42 U.S.C. 1320a'2a) is amended by adding at the end the following:

"(d) DEMONSTRATION OF COLLABORATION.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the regulations referred to in subsection (a) shall require the State agency responsible for administering the programs authorized under subpart 1 of part B of title IV, subpart 2 of part B of title IV, and part E of title IV to demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the child and family services reviews required under this section (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under this section), the State plan under subpart 1 of part B of title IV, the State plan under subpart 2 of part B of title IV, the State plan under part E of title IV, and assessments and implementation of improvements required under section 438, through means such as—

"(A) meeting regularly to review policies and procedures;

"(B) sharing data and information;

"(C) providing joint training; and

"(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under parts B and E of title IV.

"(2) DEFINITIONS.—In this subsection:

"(A) ABUSE AND NEGLECT COURTS.—The term 'abuse and neglect courts' has the meaning given that term in section 475(8).

"(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

"(C) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*).".

(d) COURT IMPROVEMENT PROGRAM REQUIREMENT.—Section 438 of the Social Security Act (42 U.S.C. 629h) is amended by adding at the end the following:

"(e) DEMONSTRATION OF COLLABORATION.—Beginning on the date that is 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the highest State court in a State shall not be eligible for a grant under this section with respect to any fiscal year beginning on or after such date (or to continue to receive funding under a grant awarded under this section prior to such date), unless the court demonstrates to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State court leaders and abuse and neglect courts located in the State, the State agency responsible for administering the State plans under this subpart, subpart 1, and part E, and Indian tribes and tribal organizations located in the State with respect to the development and conduct of the assessments required under this section, the implementation of the improvements deemed necessary as a result of such assessments, the child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and the State plans under subpart 1 of part B of title IV, subpart 2 of part B of title IV, and part E of title IV. Demonstration of such collaboration may be made through means such as—

"(1) meeting regularly to review policies and procedures;

"(2) sharing data and information;

"(3) providing joint training; and

"(4) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under parts B and E of title IV.".

(d) DEFINITIONS OF ABUSE AND NEGLECT COURT; INDIAN TRIBE; TRIBAL ORGANIZATION.—

(1) IN GENERAL.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

"(8) The term 'abuse and neglect courts' means the State, local, and tribal courts that carry out State, local, or tribal laws requiring proceedings (conducted by or under the supervision of the courts)—

"(A) that implement part B or part E of this title (including preliminary disposition of such proceedings);

"(B) that determine whether a child was abused or neglected;

"(C) that determine the advisability or appropriateness of foster care placement; or

"(D) that determine any other legal disposition of a child in the abuse and neglect court system.

"(9) The term 'Indian tribe' has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

"(10) The term 'tribal organization' has the meaning given that term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*).".

(2) CONFORMING AMENDMENTS.—

(A) Section 428(c) of the Social Security Act (42 U.S.C. 628) is amended by striking "by subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), respectively" and inserting "in paragraphs (9) and (10), respectively, of section 475".

(B) Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)(6)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 475(10).

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 475(9).".

SEC. 102. MULTIDISCIPLINARY, BROAD-BASED STATE CHILD WELFARE COMMISSIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1123A, the following:

"MULTIDISCIPLINARY, BROAD-BASED STATE CHILD WELFARE COMMISSIONS

"SEC. 1123B. (a) IN GENERAL.—Not later than 1 year after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, each State administering a program established under part B or E of title IV, shall establish a permanent, multidisciplinary, broad-based commission on State child welfare programs for the purposes of—

"(1) ensuring ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services; and

"(2) furthering the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met.

"(b) CO-CHAIRS.—The co-chairs of the Commission shall be the Chief Justice for the State or his or her designee and the head of the State agency responsible for administering the State child welfare programs or his or her designee.

"(c) COMPOSITION.—The Commission shall include representatives of—

"(1) State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services;

"(2) schools;

"(3) health care agencies or providers;

"(4) mental health agencies or providers;

"(5) child care agencies or providers;

"(6) abuse and neglect courts;

"(7) the legal and law enforcement communities;

"(8) consumers of child welfare services, to include parents, current or former foster youth, and child advocates; and

"(9) such other organizations, entities, or individuals as the co-chairs of the Commission determine to be appropriate.

"(d) DUTIES.—The Commission shall—

"(1) monitor and report to the Secretary and the public on the extent to which the State child welfare programs and abuse and neglect courts are responsive to the needs of children in their care;

"(2) develop and submit a report to the Secretary and the public on plans to establish ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services, which shall include recommendations for the appropriate use of aggregate data and information sharing to improve outcomes for such children;

"(3) provide ongoing continuity for the collaboration procedures established in accordance with such plan;

"(4) broaden public awareness of, and support for, meeting the needs of vulnerable children and families, including the need for sufficient mental health, health care, education, child care, and other services; and

"(5) perform such other tasks as the co-chairs of the Commission determines to be appropriate.

"(e) DEFINITIONS.—In this section:

"(1) ABUSE AND NEGLECT COURTS.—The term 'abuse and neglect courts' has the meaning given that term in section 475(8).

"(2) COMMISSION.—The term 'Commission' means the commission required to be established under subsection (a).

"(3) STATE CHILD WELFARE PROGRAMS.—The term 'State child welfare programs' means the programs authorized under parts B and E of title IV.

"(4) TRIBAL AGENCIES.—The term 'tribal agencies' means an agency of an Indian tribe (as defined in section 475(9)).".

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 101(b), is amended—

(1) in paragraph (24), by striking "and" at the end;

(2) in paragraph (25), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(26) provides that the State, not later than 1 year after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, shall establish the multidisciplinary, broad-based child welfare commission required under section 1123B.".

SEC. 103. TRAINING FOR ABUSE AND NEGLECT COURT PERSONNEL.

Section 438 of the Social Security Act (42 U.S.C. 629h), as amended by section 101(d), is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) TRAINING FOR ABUSE AND NEGLECT COURT PERSONNEL.—

"(1) AUTHORITY TO AWARD GRANTS.—In addition to any other funds paid to a highest State court under this section for fiscal year 2006 or any fiscal year thereafter, the Secretary shall award grants to highest State courts for the purpose of training judges, court personnel, attorneys, and other legal personnel of abuse and neglect courts on issues relevant to the proceedings conducted by such courts, such as child development and other training needs specific to that court in the State.

"(2) JOINT-TRAINING INITIATIVES.—A highest State court awarded a grant under this subsection for a fiscal year shall ensure that a significant portion of the funds made available under the grant is used for cross-training initiatives that are jointly planned and executed with the State agency responsible for administering the programs authorized under this part and part E of this title, and Indian tribes and tribal organizations located in the State.

"(3) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.".

SEC. 104. RESERVATION OF FUNDS FOR COLLABORATION SUPPORT.

Sections 436(b) and 437(b) of the Social Security Act (42 U.S.C. 629f(b), 629g(b)) are each amended by adding at the end the following:

"(4) COLLABORATION.—The Secretary shall reserve 2 percent for making grants to support the development and implementation of ongoing and meaningful collaboration among the State court leaders and abuse and neglect courts located in the State, the State agency responsible for administering the State plans under this subpart, subpart 1, and part E, and Indian tribes and tribal organizations located in the State with respect to the State plans under this subpart, subpart 1, and part E, the development and conduct of the assessments required under section 438 and the implementation of the improvements deemed necessary as a result of such assessments, and the child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section).".

TITLE II—OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS

SEC. 201. OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS.

Section 438 of the Social Security Act (42 U.S.C. 629h), as amended by section 103, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS.—

"(1) AUTHORITY TO AWARD GRANTS.—

"(A) IN GENERAL.—In addition to any other funds paid to a highest State court under this section for fiscal year 2006, the Secretary shall award grants to highest State courts for the purpose of developing and implementing outcome performance standards for State abuse and neglect courts in order to achieve the goals of the programs authorized under this part, part E, and the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115).

"(B) REQUIREMENTS.—

"(i) IN GENERAL.—A highest State court that receives a grant under this subsection shall use funds provided under the grant to develop and implement outcome performance standards and measurements for State abuse and neglect courts with respect to the following areas:

"(I) Safety.

"(II) Permanency.

"(III) Due Process.

"(IV) Timeliness.

"(ii) RECOMMENDED STANDARDS.—Outcome performance standards and measurements developed and implemented with funds provided under a grant made under this subsection shall be reasonably in accord with recommended standards and measurements for the areas described in subclauses (I) through (IV) of clause (ii) issued by national organizations concerned with such standards and measurements.

"(2) APPLICATIONS.—In order to be eligible for a grant under this subsection, a highest State court shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary shall require.

"(3) ALLOTMENTS.—

"(A) IN GENERAL.—Each highest State court which has an application approved under paragraph (2) shall be entitled to payment for a fiscal year specified in paragraph (1) from the amount appropriated pursuant to paragraph (4) for a fiscal year of an amount equal to the sum of $85,000 plus the amount described in subparagraph (B) for the fiscal year.

"(B) FORMULA.—The amount described in this subparagraph for any fiscal year is the amount that bears the same ratio to the amount appropriated pursuant to paragraph (4) for a fiscal year (reduced by the dollar amount specified in subparagraph (A) for the fiscal year) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States with highest State courts that have approved applications under paragraph (2).

"(4) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.".

TITLE III—COURT MODEL STANDARDS

SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSISTANCE FOR ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 102(b), is amended—

(1) in paragraph (25), by striking "and" at the end;

(2) in paragraph (26), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(27) provides that, not later than January 1, 2009, the State shall develop and encourage the implementation of practice standards for all attorneys representing the State or local agency administering the program under this part, including standards regarding the interaction of such attorneys with other attorneys who practice before an abuse and neglect court.".

SEC. 302. LOAN FORGIVENESS FOR ATTORNEYS WHO REPRESENT LOW-INCOME FAMILIES OR INDIVIDUALS INVOLVED IN THE FAMILY OR DOMESTIC RELATIONS COURT SYSTEM.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage attorneys to enter the field of family law, juvenile law, or domestic relations law;

(2) to increase the number of attorneys who will represent low-income families and individuals, and who are trained and educated in such field; and

(3) to keep more highly trained family law, juvenile law, and domestic relations attorneys in those fields of law for longer periods of time.

(b) LOAN FORGIVENESS FOR FAMILY OR DOMESTIC RELATIONS ATTORNEYS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078-11) the following:

"SEC. 428L. LOAN FORGIVENESS FOR FAMILY LAW, JUVENILE LAW, AND DOMESTIC RELATIONS ATTORNEYS WHO WORK IN THE DEFENSE OF LOW-INCOME FAMILIES, INDIVIDUALS, OR CHILDREN.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE LOAN.—The term 'eligible loan' means a loan made, insured, or guaranteed under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for attendance at a law school.

"(2) FAMILY LAW OR DOMESTIC RELATIONS ATTORNEY.—The term 'family law or domestic relations attorney' means an attorney who works in the field of family law or domestic relations, including juvenile justice, truancy, child abuse or neglect, adoption, domestic relations, child support, paternity, and other areas which fall under the field of family law or domestic relations law as determined by State law.

"(3) HIGHLY QUALIFIED ATTORNEY.—The term 'highly qualified attorney' means an attorney who has at least 2 consecutive years of experience in the field of family or domestic relations law serving as a representative of low-income families or minors.

"(b) DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay eligible loans for any new borrower after the date of enactment of this section who—

"(A) obtains a Juris Doctorate (JD) and takes not less than 1 law school class in family law, juvenile law, domestic relations law, or a class that the Secretary finds equivalent to any such class pursuant to regulations prescribed by the Secretary; and

"(B) has worked fulltime for a State or local government entity, or a nonprofit private entity, as a family law or domestic relations attorney on behalf of low-income individuals in the family or domestic relations court system for 2 consecutive years immediately preceding the year for which the determination was made.

"(2) AWARD BASIS.—Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(3) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

"(c) LOAN REPAYMENT.—

"(1) IN GENERAL.—For each eligible individual selected for the demonstration program under subsection (b), the Secretary shall assume the obligation to repay—

"(A) after the third consecutive year of employment described in subparagraph (B) of subsection (b)(1), 20 percent of the total amount of all eligible loans;

"(B) after the fourth consecutive year of such employment, 30 percent of the total amount of all eligible loans; and

"(C) after the fifth consecutive year of such employment, 50 percent of the total amount of all eligible loans.

"(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan made under this part or part D.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan that accrues for such year shall be repaid by the Secretary.

"(4) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of eligible loans which are subject to repayment pursuant to this section for such year.

"(e) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(f) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of family and domestic relations law.

"(2) COMPETITIVE BASIS.—The grant or contract described in this subsection shall be awarded on a competitive basis.

"(3) CONTENTS.—The evaluation described in this subsection shall determine whether the loan forgiveness program assisted under this section—

"(A) has increased the number of highly qualified attorneys;

"(B) has contributed to increased time on the job for family law or domestic relations attorneys, as measured by—

"(i) the length of time family law or domestic relations attorneys receiving loan forgiveness under this section have worked in the family law or domestic relations field; and

"(ii) the length of time family law or domestic relations attorneys continue to work in such field after the attorneys meet the requirements for loan forgiveness under this section;

"(C) has increased the experience and the quality of family law or domestic relations attorneys; and

"(D) has contributed to better family outcomes, as determined after consultation with the Secretary of Health and Human Services and the Attorney General.

"(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this section as the Secretary determines appropriate, and shall prepare and submit a final report regarding the evaluation by September 30, 2010.

"(g) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006, and such sums as are necessary for each of the 4 succeeding fiscal years.".

SEC. 303. LOAN FORGIVENESS TO SOCIAL WORKERS WHO WORK FOR CHILD PROTECTIVE AGENCIES.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

"SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

"(a) Purposes.—The purposes of this section are—

"(1) to bring more highly trained individuals into the child welfare profession; and

"(2) to keep more highly trained child welfare workers in the child welfare field for longer periods of time.

"(b) Definitions.—In this section:

"(1) Child welfare services.—The term 'child welfare services' has the meaning given the term in section 425 of the Social Security Act.

"(2) Child welfare agency.—The term 'child welfare agency' means the State agency responsible for administering subpart 1 of part B of title IV of the Social Security Act and any public or private agency under contract with the State agency to provide child welfare services.

"(3) Institution of higher education.—The term 'institution of higher education' has the meaning given the term in section 101.

"(4) State.—The term 'State' has the meaning given the term in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe.

"(c) Demonstration Program.—

"(1) In general.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part or part D (excluding loans made under sections 428B and 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section, who—

"(A) obtains a bachelor's or master's degree in social work;

"(B) obtains employment in public or private child welfare services; and

"(C) has worked full time as a social worker for 2 consecutive years preceding the year for which the determination is made.

"(2) Award basis; priority.—

"(A) Award basis.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(B) Priority.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

"(3) Outreach.—The Secretary shall post a notice on a Department Internet Web site regarding the availability of loan repayment under this section, and shall notify institutions of higher education regarding the availability of loan repayment under this section.

"(4) Regulations.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(d) Loan Repayment.—

"(1) In general.—For each eligible individual selected for the demonstration program under subsection (c), the Secretary shall assume the obligation to repay—

"(A) after the third consecutive year of employment described in subsection (c)(1)(C), 20 percent of the total amount of all loans made under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section;

"(B) after the fourth consecutive year of such employment, 30 percent of the total amount of such loans; and

"(C) after the fifth consecutive year of such employment, 50 percent of the total amount of such loans.

"(2) Construction.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

"(3) Interest.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(4) Special rule.—In the case of a student borrower not participating in loan repayment pursuant to this section who returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree described in subsection (c)(1)(A), the Secretary may assume the obligation to repay the total amount of loans made under this part or part D incurred for returning to an institution of higher education for the purpose of obtaining such a degree for a maximum of 2 academic years. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

"(5) Ineligibility of national service award recipients.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(e) Repayment to Eligible Lenders.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans that are subject to repayment pursuant to this section for such year.

"(f) Application for Repayment.—

"(1) In general.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) Conditions.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(g) Evaluation.—

"(1) In general.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of child welfare services.

"(2) Competitive basis.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

"(3) Contents.—The evaluation described in this subsection shall determine—

"(A) whether the loan forgiveness program has increased child welfare workers' education in the areas covered by loan forgiveness;

"(B) whether the loan forgiveness program has contributed to increased time on the job for child welfare workers as measured by—

"(i) the length of time child welfare workers receiving loan forgiveness have worked in the child welfare field; and

"(ii) the length of time such workers continue to work in such field after the workers meet the requirements for loan forgiveness under this section; and

"(C) whether the loan forgiveness program has increased the experience and quality of child welfare workers and has contributed to increased performance in the outcomes of child welfare services in terms of child well-being, permanency, and safety, as determined after consultation with the Secretary of Health and Human Services.

"(4) Interim and final evaluation reports.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2010.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 304. REAUTHORIZATION OF COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAMS AND INCREASED FUNDING FOR EXPANSION IN RURAL AND UNDERSERVED URBAN AREAS.

(a) In General.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended by striking "$12,000,000 for each of fiscal years 2001 through 2005" and inserting "$17,000,000 for each of fiscal years 2006 through 2010".

(b) Grants for Expansion in Rural and Underserved Urban Areas.—Section 217(c)(3) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013(c)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B) Of the amount appropriated for each of fiscal years 2006 through 2010 to carry out this subtitle, the Administrator shall use not less than $5,000,000 of such amount to make grants for the purpose of developing or expanding court-appointed special advocate programs in rural and underserved urban areas.".

TITLE IV—CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS

SEC. 401. CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS.

Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in paragraph (8) of subsection (a), by inserting "subject to subsection (c)," after "(8)"; and

(2) by adding at the end the following:

"(c) Nothing in paragraph (8) of subsection (a) shall be construed to limit the flexibility of a State to determine State policies relating to the public access to court proceedings to determine child abuse or neglect or other court hearings held pursuant to requirements under this part or part B, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.".

TITLE V—COURT LEADERSHIP

SEC. 501. SENSE OF THE SENATE REGARDING STATE COURT LEADERSHIP.

(a) Sense of the Senate.—It is the sense of the Senate that the Chief Justice for each State and other State court leadership should take the lead in providing for the health, safety, and permanency of children before State abuse and neglect courts through measures such as the following:

(1) Establishing an office on children before State abuse and neglect courts within the State administrative office of the courts.

(2) Organizing State courts so that abuse and neglect cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues, where feasible.

(3) Actively promoting—

(A) resource, workload, and training standards for abuse and neglect court judges, attorneys, and other court personnel;

(B) standards of practice for abuse and neglect court judges; and

(C) codes of judicial conduct that support the practices of problem-solving courts such as abuse and neglect courts.

(4) Establishing State court procedures that enable and encourage judges who have demonstrated competence in proceedings before State abuse and neglect courts to build careers on serving on such courts.

(b) Definition of Abuse and Neglect Court.—In this section, the term "abuse and neglect court" has the meaning given that term in section 475(8) of the Social Security Act (as added by section 101(d)).

TITLE VI—SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN

SEC. 601. SENSE OF CONGRESS.

(a) Finding.—Congress finds that the Interstate Compact on the Placement of Children (ICPC) was drafted more than 40 years ago, is outdated, and is a barrier to the timely placement of children across State lines.

(b) Sense of Congress.—It is the sense of Congress that the States should expeditiously revise the ICPC to better serve the interests of children and reduce unnecessary work, and that the revision should include—

(1) limiting its applicability to children in foster care under the responsibility of a State, except those seeking placement in a licensed residential facility primarily to access clinical mental health services; and

(2) providing for deadlines for the completion and approval of home studies as set forth in the amendments made by section 603.

SEC. 602. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 301, is amended—

(1) by striking "and" at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting "; and"; and

(3) by adding at the end the following:

"(26) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children, and procedures implemented in accordance with an interstate compact approved by the Secretary, if incorporating with the procedures prescribed by paragraph (27), shall be considered to satisfy the requirement of this paragraph.".

SEC. 603. HOME STUDIES.

(a) Orderly Process.—

(1) In general.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 602, is amended—

(A) by striking "and" at the end of paragraph (25);

(B) by striking the period at the end of paragraph (26) and inserting "; and"; and

(C) by adding at the end the following:

"(27) provides that—

"(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the appropriateness of placing a child in the home, the State shall, directly or by contract—

"(I) conduct and complete the study; and

"(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and

"(ii) in the case of a home study begun on or before September 30, 2007, if the State fails to comply with clause (i) within the 60-day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that

"(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

"(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

"(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A).".

(2) Sense of congress.—It is the sense of Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(27) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) Timely Interstate Home Study Incentive Payments.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

"SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

"(a) Grant Authority.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) Home Study Incentive-Eligible State.—A State is a home study incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the State is in compliance with subsection (c) for the fiscal year; and

"(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

"(c) Data Requirements.—

"(1) In general.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

"(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State and, with respect to each such study, the identity of the other State involved; and

"(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States and, with respect to each such study, the identity of the other State involved.

"(2) Verification of data.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

"(d) Timely Interstate Home Study Incentive Payments.—

"(1) In general.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be $1,500 multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year, subject to paragraph (2).

"(2) Pro rata adjustment if insufficient funds available.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

"(A) the total of the amounts so made available (as so reduced); divided by

"(B) the total of such otherwise payable incentive payments.

"(3) Appropriations available for unpaid incentive payments for prior fiscal years.—

"(A) In general.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

"(B) Pro rata adjustment if insufficient funds available.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

"(i) the total of the amounts so made available; divided by

"(ii) the total of such otherwise payable payments.

"(e) Two-Year Availability of Incentive Payments.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

"(f) Limitations on Use of Incentive Payments.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

"(g) DEFINITIONS.—In this section:

"(1) HOME STUDY.—The term 'home study' means a study of a home environment, conducted in accordance with applicable requirements of the State in which the home is located, for the purpose of assessing whether placement of a child in the home would be appropriate for the child.

"(2) INTERSTATE HOME STUDY.—The term 'interstate home study' means a home study conducted by a State at the request of another State, to facilitate an adoptive or relative placement in the State.

"(3) TIMELY INTERSTATE HOME STUDY.—The term 'timely interstate home study' means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary, $10,000,000 for each of fiscal years 2006 through 2009.—

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.".

(c) REPEALER.—Effective October 1, 2009, section 473B of the Social Security Act is repealed.

SEC. 604. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK CHILD ABUSE REGISTRIES; GRANDFATHER OF OPT-OUT ELECTION; LIMITED NONAPPLICATION.

Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i)—

(i) by striking "unless an election provided for in subparagraph (B) is made with respect to the State" and inserting "except as provided in clause (iii)";

(ii) by striking "on whose behalf foster care maintenance payments or adoption assistance payments are to be made" and inserting "regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child";

(B) in each of clauses (i) and (ii), by inserting "involving a child on whose behalf such payments are to be so made" after "in any case"; and

(C) by striking "and" at the end of clause (ii); and

(D) by adding at the end the following:

"(iii) clauses (i) and (ii) shall not apply to the State if—

"(I) the State elected on or before September 30, 2005, to make this subparagraph (as in effect on or before such date) inapplicable to the State; or

"(II) a record check conducted in accordance with clause (i) or (ii) which reveals a felony conviction or crime described in such clause and is the basis for denying a placement would conflict with a requirement of State's constitution; and";

(2) by striking subparagraph (B) and inserting the following:

"(B) provides that the State shall—

"(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

"(ii) comply with any request described in clause (i) that is received from another State;

"(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases; and

"(iv) not deny a placement on the basis of information determined as a result of a check conducted in accordance with clause (i) or (ii) if denying a placement on such basis would conflict with a requirement of a State's constitution;".

SEC. 605. COURTS ALLOWED ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE TO LOCATE PARENTS IN FOSTER CARE OR ADOPTIVE PLACEMENT CASES.

Section 453(c) of the Social Security Act (42 U.S.C. 653(c)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) any court which has authority with respect to the placement of a child in foster care or for adoption, but only for the purpose of locating a parent of the child.".

SEC. 606. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking "or of the State in which the child has been placed" and inserting "of the State in which the child has been placed, or of a private agency under contract with either such State".

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking "12" and inserting "6".

SEC. 607. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by striking "To the extent available and accessible, the" and inserting "The"; and

(B) by inserting "the most recent information available regarding" after "including"; and

(2) in paragraph (5)(D)—

(A) by inserting "a copy of the record is" before "supplied"; and

(B) by inserting ", and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law" before the semicolon.

SEC. 608. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking "an opportunity" and inserting "a right";

(2) by striking "and opportunity" and inserting "and right"; and

(3) by striking "review or hearing" each place it appears and inserting "proceeding".

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting "shall have in effect a rule requiring State courts to ensure that foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and" after "highest State court".

SEC. 609. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 629h(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (C); and

(2) by adding at the end the following:

"(E) that determine the best strategy to use to expedite the interstate placement of children, including—

"(i) requiring courts in different States to cooperate in the sharing of information;

"(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

"(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and".

SEC. 610. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting "(including, if appropriate, through an interstate placement)" after "accordance with the permanency plan".

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting ", which considers in-State and out-of-State permanent placement options for the child," before "shall".

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting ", including identifying appropriate out-of-State relatives and placements" before "may".

SEC. 611. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting "to facilitate orderly and timely in-State and interstate placements" before the period.

SEC. 612. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting ", in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options," after "living arrangement"; and

(2) by inserting "the hearing shall determine" before "whether the".

SEC. 613. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking "develop plans for the" and inserting "make";

(2) by inserting "(including through contracts for the purchase of services)" after "resources"; and

(3) by inserting ", and shall eliminate legal barriers," before "to facilitate".

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2005, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Mr. ROCKEFELLER. Mr. President, I am proud to join my friend and colleague, Senator MIKE DEWINE in introducing new legislation to promote better cooperation and collaboration between the courts and State agencies serving abused and neglected children. Our bill also seeks to improve the process for children to be adopted between two States, and gain a safe, permanent home that is one of the priorities established in the 1997 Adoption and Safe Families Act. Our bill is named Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, WE CARE. Kids.

Senator DEWINE and I have worked for years in bipartisan coalition to improve services and policies for our most vulnerable children, nearly 500,000 children who are in the foster care system. These children deserve our attention and our compassion. Through no fault of their own, such children are placed in foster care for their safety. They need to be safe, but they also need prompt and good decisions made for their long-term future and stability. Whenever possible, we should invest to help restore the family and reunite the children with their families if we know that they will be safe. In some cases, legal guardianship or adoption are the best options for the child. It is essential to make good decisions in a timely manner for such children. The social services agencies and the courts truly must work together on such cases.

Recently the bipartisan Pew Commission on Children in Foster Care issued a thoughtful report with recommendations on how to strengthen the courts serving children in foster care. The Commission was led by former Congressman Bill Frenzel and co-chaired by former Congressman Bill Gray. It includes a wide range of leaders and experts. The commission did a careful review of the role of the courts in serving children in foster care, and it issued a series of recommendations. We are grateful for this report and relied on many of their recommendations in crafting this legislation. As always, we hope to forge bipartisan consensus on ways to move this bill forward.

The legislation also includes a provision to promote inter-state adoptions. With modern technology, caring families from one State may learn of a child in a foster care system in another State who is seeking adoption. When this happens, we need to be careful and thorough in accessing information to ensure the right placement. But we also must be sure that bureaucratic paperwork does not unnecessarily delay an adoption.

In West Virginia, there are about 80 children in our State foster care system ready for adoption; nationwide 118,000 children are in foster care and waiting for a safe permanent home. The wake of Hurricane Katrina and the Meth Epidemic in regions of our country, tragically could make these numbers increase. We must improve our system to do the best we can for these vulnerable children. Passing the WE CARE. Kids Act could be an important step forward.

By Mr. CORNYN:

S. 1680. A bill to reform the issuance of national security letters; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, it has been nearly 4 years since the terrorist attacks of September 11, 2001. In the days, weeks, and months since that day, the American people have braced themselves for the possibility of another terrorist attack on our homeland. After all, we know all too well that al Qaeda is a stealthy, sophisticated, and patient enemy, and that its leadership is extremely motivated to launch another devastating attack on American citizens and American soil.

In fact, outside the United States, al Qaeda and affiliates of al Qaeda have continued to be remarkably active, responsible for numerous terrorist attacks over the last few years, spanning the globe from Pakistan to Bali to Spain to London.

It is precisely because al Qaeda is so aggressive, so motivated, and so demonstrably hostile to America that I am so grateful that, to date, al Qaeda still has not successfully launched another terrorist attack on our soil. There are undoubtedly many reasons for this. First and foremost, I am profoundly thankful to the brave men and women of our Armed Forces, who fight the terrorists abroad so that we do not have to face them at home. I also firmly believe that our efforts to strengthen anti-terrorism and law enforcement tools right here at home have much to do with this record of success and peace in our homeland to date.

The war on terrorism must be fought aggressively—but consistent with the protection of civil rights and civil liberties. Whenever real civil liberties problems do arise, we must learn about them right away, so that we can fix them swiftly.

Last year, Federal judge struck down a portion of the Electronic Communications Privacy Act of 1986. This law balanced the national interest in protecting electronic communications privacy against the legitimate needs of national security, by establishing a procedure for obtaining electronic communications records in certain national security investigations through the use of so-called "national security letters." The USA PATRIOT Act amended the law to make clear that such letters could be issued in terrorism investigations as well.

This provision was passed by the Senate on a voice vote, and shortly thereafter it passed the House by unanimous consent.

The primary reason the court struck down this provision was that the right to judicial review was not expressly written into the text of the law. It is important to note that the ability to scrutinize the issuance of national security letters was not actually disputed by the government. To the contrary, the Justice Department agreed that there should be judicial review. The court simply concluded that the 1986 law was not drafted with sufficient clarity to authorize such review.

I have previously introduced legislation to remedy the defects noted by the District Judge. That legislation amended the Electronic Communications Privacy Act to make explicit the availability of judicial review to examine national security letters. However, national security letters are also available outside the Title 18 context. For instance, Title 15 allows the government to obtain consumer information maintained by consumer reporting agencies; Title 12 allows the government to obtain the financial records maintained by financial institutions; and Title 50 allows the government to obtain records about persons with access to classified information who may have disclosed classified information to a foreign power.

It is important to make sure that the right to judicial review is statutorily available in all national security letter contexts. The bill I am introducing today expressly authorizes a recipient to challenge any national security letter in court. It also: details the procedure the government must follow to substantiate its use of a national security letter; allows the government to present classified information to the court so that it can properly evaluate the challenge: and specifies that a recipient of a national security letter may consult with legal counsel about its obligations.

I hope that this legislation will be enacted in the same bipartisan spirit that put both the Electronic Communications Privacy Act and the USA PATRIOT Act on the books.

By Mr. OBAMA (for himself, Mr. BAYH, Mr. HARKIN, Mr. LEVIN, Mr. CORZINE, Mr. FEINGOLD, Mr. BINGAMAN, Mr. KENNEDY, Mrs. MURRAY, and Mr. SALAZAR):

S. 1685. A bill to ensure the evacuation of individuals with special needs in times of emergency; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. Mr. President, one of the most striking things about the devastation caused by Hurricane Katrina is that the majority of stranded victims were our society's most vulnerable members—low-income families, the elderly, the homeless, the disabled. Many did not own cars. Many believed themselves unable to flee the city, unable to forego the income from missed work, unable to incur the expenses of travel, food and lodging. Some may have misunderstood the severity of the warnings, if they heard the warnings at all. Some may have needed help that was unavailable. Whatever the reason, they were not evacuated and we have seen the horrific results.

This failure to evacuate so many of the most desperate citizens of the Gulf Coast leads me to introduce today a bill to require states and the nation to consider the needs of our neediest citizens in times of emergency.

It appears that certain assumptions were made in planning and preparing for the worst case scenario in the Gulf Coast. After all, most of those who could afford to evacuate managed to do so. They drove out of town and checked into hotels or stayed with friends and family. But what about the thousands of people left behind because they had special needs?

How many of us will forget the tragedy that occurred at St. Rita's Nursing Home in St. Bernard Parish, LA, where an estimated 32 of the 60 residents perished in the rising floodwaters in the aftermath of Hurricane Katrina?

Our charge as public servants is to worry about all of the people. I am troubled that our emergency response and disaster plans were inadequate for large segments of the Gulf Coast population. I wonder whether the plans in other regions are adequate. Perfect evacuation planning is obviously impractical, but greater advance preparation can ensure that the most vulnerable are not simply forgotten or ignored.

That's why the bill I am introducing today, along with co-sponsors Senators BAYH, MURRAY, HARKIN, LEVIN, CORZINE, FEINGOLD, BINGAMAN and KENNEDY, requires the Secretary of the Department of Homeland Security to mandate each State to include plans for the evacuation of individuals with special needs during times of emergency. Such plans should not only include an explanation of how these people—low income individuals and families, the elderly, the disabled, those who cannot speak English—will be evacuated out of the emergency area and how the states will provide shelter, food, and water, to these people once evacuated.

Communities with special needs may be more challenging to accommodate, but they are every bit as important to protect and serve in the event of an emergency.

What we saw in the Gulf Coast cannot be repeated. We may not be able to control the wrath of Mother Nature, but we can control how we prepare for natural disasters.

I hope my colleagues will join me in supporting this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1691. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1692. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1693. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1694. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

Sec. 522. (a) There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, $5,000,000,000 for interoperable communications equipment grants under State and local programs administered by the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security.

(b) The amount under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after "Service," insert "$1,000,000 shall be for the costs of the predesign, schematic, and design development phases of a shared-use facility for the University of Miami and the National Oceanic and Atmospheric Administration to be located in Virginia Key, and":

SA 1690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after "Service," insert "$2,000,000 shall be for National Oceanic and Atmospheric Administration for advanced remote sensing programs at the Center for Southeastern Tropical Advanced Remote Sensing, and":

SA 1691. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. None of the funds made available by this Act may be used to undermine or otherwise limit the ability of the National Oceanic and Atmospheric Administration to continue—

(1) to make available forecasts and warnings of the National Weather Service, in a timely, open, and unrestricted manner using widely accepted information standards, including the Internet; or

(2) to cooperate closely with public safety agencies and other entities, including private sector entities and the media, to achieve the widest possible understanding of information critical to the protection of life and property and the enhancement of the economy of the United States.

SA 1692. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 17, strike "$4,889,649,000" and insert "$4,870,349,000".

On page 165, line 24, strike "$4,345,213,000" and insert "$4,364,513,000".

On page 166, strike lines 2 and 3 and insert "$67,300,000 shall be transferred from the National Science Foundation to the U.S. Coast Guard for operation and maintenance of the three polar icebreakers of the U.S. Coast Guard or in".

SA 1693. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. (a) The Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation shall each establish a database system to assess the effectiveness of the measures taken by the National Aeronautics and Space Administration or the National Science Foundation, respectively, to monitor and effectuate the compliance of educational institutions receiving Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation, respectively, with title IX of the Education Amendments of 1972.

(b) The information collected and stored by a database system described in subsection (a) shall include—

(1) the key characteristics of each investigator and co-investigator for an application or proposal for Federal financial assistance, including sex, race and ethnicity, institution of higher education attended, degree earned, including the area or discipline and year of the degree, and, for an investigator or co-investigator in postsecondary education, type of academic appointment; and

(2) the amount requested in and the amount awarded for each application or proposal.

(c) In this section:

(1) The term "investigator" means the individual associated with an educational institution who submits an application or proposal, on behalf of the institution, for Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation.

(2) The term "co-investigator" means an individual who is listed on an application or proposal for Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation as an individual who will collaborate on the program or activity described in the application or proposal but who is not the investigator for such application or proposal.

SA 1694. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 3, insert the following:

SEC.   . The Attorney General shall waive the matching requirement for the purchase of bulletproof vests through the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased defective Zylon-based body armor with Federal funds pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law enforcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Monday, September 12, 2005 at 12 p.m. in the Russell Senate Office Building, Room 325.

Witness List

Panel I: The Honorable Richard G. Lugar, U.S. Senator [R–IN]; the Honorable John Warner, U.S. Senator [R–VA]; the Honorable Evan Bayh, United States Senator [D–IN].

Panel II: The Honorable John G. Roberts.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Sally Hamlin, a legislative fellow in my office, be granted the privilege of the floor for the remainder of debate on S.J. Res. 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME EN BLOC—S. 1681, S. 1682, S. 1683, S. 1684, AND S. 1688

Mr. FRIST. Mr. President, I understand there are five bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1681) to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

A bill (S. 1682) to provide for reimbursement for business revenue lost as a result of the facility being used as emergency shelter for Katrina Survivors.

A bill (S. 1683) to provide relief for students affected by Hurricane Katrina.

A bill (S. 1684) to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

A bill (S. 1688) to provide for 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the Medicare program, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will have their second reading on the next legislative day.

NATIONAL FLOOD INSURANCE ENHANCED BORROWING AUTHORITY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3669, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (H.R. 3669) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3669) was read the third time, and passed.

Mr. FRIST. Mr. President, this National Flood Insurance Enhanced Borrowing Authority Act of 2005 is another example of the bills we are bringing to the Senate floor and working on in a bipartisan way because we are addressing quickly, responsively, and aggressively the natural disaster hurricane and its aftermath. There have been several of these bills over the last week, and we will continue to address them as they are presented to us and as they come forward—again, working together in a bipartisan way.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Honorable CHARLES E. GRASSLEY of Iowa, the Honorable TRENT LOTT of Mississippi, the Honorable GEORGE V. VOINOVICH of Ohio, the Honorable SAXBY CHAMBLISS of Georgia, and the Honorable RICHARD BURR of North Carolina.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, re-appoints the following individual to a 3-year term, commencing on October 1, 2005, as a member of the Advisory Committee on Student Financial Assistance: Claude O. Pressnell, Jr., of Tennessee.

ORDERS FOR TUESDAY, SEPTEMBER 13, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, September 13. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate proceed to the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I further ask unanimous consent that at 12:10, the Senate resume consideration of S.J. Res. 20; provided further that there then be 20 minutes equally divided for debate between Senators INHOFE and LEAHY or their designees, and that following the debate, the Senate proceed to the vote on adoption of the joint resolution with no intervening action or debate. I further ask unanimous consent that following that vote, the Senate then recess until 2:15 for the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, under the order just entered, our next vote will be at 12:30 tomorrow on the pending disapproval resolution. Prior to that vote, we will resume consideration of the Commerce-Justice-Science appropriations bill. We will be working in the morning with the two managers to begin to see how many amendments remain and which of the pending amendments are ready for votes. Again, I encourage Members to contact the chairman and ranking member and alert them if they intend to offer an amendment from that list.

Tomorrow, we hope to make good progress on the bill as we move toward final passage. We will alert Senators as we stack additional votes throughout the afternoon. I also ask my colleagues for their additional consideration during rollcall votes. We will try to provide some continuity to the committee hearings and nomination hearings over the course of this week. I ask Members to be prompt for rollcall votes so that we can dispose of these amendments in a timely fashion.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Tuesday, September 13, 2005, at 9:45 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO GERALD W. OWENS—GRAND MARSHAL OF THE 14TH ANNUAL CELEBRATION OF LABOR

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize a highly valued citizen of South Orange, New Jersey, which is in my district. Mr. Gerald W. Owens will preside as the Grand Marshal over the 14th Annual Celebration of Labor on Friday, September 9, 2005. He is a devoted husband to Jackie and the father to two children. For almost 5 decades, Mr. Owens has also dedicated his life to the social, political and economic justice of all working Americans.

Active in the International Longshoremen's Association, ILA, since 1958, Mr. Owens has been a rising star in the labor industry. Through the combination of on-the-job union experience with advanced studies in public relations, union organizing and labor law, Gerald has accomplished many feats. Over his career that has spanned in excess of 40 years; he started out as a longshoreman in the Ports of Newark and Elizabeth in New Jersey and has ascended to the ranks of International Vice President of the ILA. However, one of his most honorable successes to date has been his appointment as the International General Organizer of the ILA, AFL–CIO. This achievement marks an important milestone in the union's 113-year history because Mr. Owens is the first African-American to ever serve in that position. In fact, the current president of the union, Mr. John Bowers stated, "This elevation of an African-American to this top ILA Executive Council post is long overdue . . . Gerald Owens has served the ILA with distinction for more than 40 years and I'm certain he will continue to offer outstanding leadership for our union in the future."

His tremendous accomplishments do not end there. Mr. Owens is a founding member and current president of the New Jersey Organization of Black Labor Leaders. He also is the president of the Essex County (New Jersey) chapter of the A. Philip Randolph Institute, a national organization of black trade unionists whose mission is to convey to the labor industry the needs and concerns of black Americans.

Mr. Speaker, I know my colleagues here in the U.S. House of Representatives would join me in honoring Mr. Gerald W. Owens, who is presiding as the Grand Marshal over the 14th Annual Celebration of Labor, for his tireless work in the labor industry. I am proud to have him in my Congressional district and wish him never-ending success in his future endeavors.

HURRICANE KATRINA

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 2005

Mr. AL GREEN of Texas. Mr. Speaker, I want to join with persons across this great Nation and this world to express my condolences for those who have suffered as a result of Hurricane Katrina. I also want to commend all those people who have worked hard to lift up their fellow man during this time of crisis.

This disaster is one unlike anything we've ever seen before. At one point 80 percent of the city of New Orleans was under water. Up to 1 million families have been displaced. There are estimates that 400,000 to 500,000 people could lose their jobs because of the hurricane. And despite the magnitude of these numbers, they still don't do justice to the human suffering we have seen on television and in person.

But out of every tragedy comes the opportunity for each and every person to show his or her humanity through acts of compassion. That is why I am so proud of my fellow Texans and my fellow Houstonians. Our elected leadership, coalition of community groups, ministers and clergy have come together to make sure that we do everything in our power to help the quarter of a million evacuees we have taken in. In the Houston area alone, we have taken in over 100,000 of our neighbors to the east, 15,000 of which were sheltered in the Astrodome, which is in my Congressional District.

Several organizations in the Houston area are leading the disaster relief effort. Some of the help is coming from volunteers with Operation Compassion, a massive relief effort led by Interfaith Ministries for Greater Houston and spearheaded by the Second Baptist Church. The thousands of volunteers from 131 local congregations have assumed primary responsibility for feeding the masses of storm victims who have taken refuge there. I commend them and others for extending their good will towards others.

As we in Congress look towards our next steps, we must ensure that our top priority remains caring for those who have lost loved ones, lost their homes, and lost their means of providing for their families. They have, through no fault of their own, become the least, the last, and the lost of our society. It is our responsibility to help them back on their feet. To do so they will need food stamp assistance and access to Medicaid. They will need temporary emergency housing and the Federal assistance to help them rebuild their homes and their lives.

We have taken important first steps by passing a $10.5 billion disaster relief bill last Friday, followed by an additional $51.8 billion for the Departments of Defense and Homeland Security today. But these are only the first in a long series of actions that we will need to try to repair the physical damage caused by Hurricane Katrina as well as the lives of those affected by the hurricane. I ask that all of my distinguished colleagues and the people of this Nation join in the effort to help rebuild and sustain the lives of the Hurricane Katrina victims.

IN RECOGNITION OF UNIVERSITY OF CALIFORNIA MERCED

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 2005

Mr. CARDOZA. Mr. Speaker, it is with the greatest pleasure that I rise today to recognize the grand opening of the 10th campus of the University of California system in Merced, California. UC Merced is the first new University of California campus since 1965 and the first ever in California's sprawling San Joaquin Valley.

Established in 1868, the University of California has become one of the largest and most highly acclaimed institutions of higher learning in the world. The knowledge and opportunities that the UC institution has cultivated in our students and communities has inspired great minds and encouraged extraordinary technology for generations. It is recognized globally as one of the world's leading public university systems and we are thrilled that it is becoming an integral part of our community in Merced.

I am honored to join the community in the University's opening ceremonies on September 5, 2005. This occasion is particularly special to me, as my commitment to making Merced the home of the 10th UC campus began many years ago. Throughout my career in the California State Legislature, and today as a Member of the United States Congress, UC Merced has remained a priority of mine. Since Merced was chosen by the UC Board of Regents from 85 other cities as the site for its newest campus 10 years ago, the road has been long and arduous. But the vision and drive of countless individuals and numerous elected officials ensured that we would all share in the celebration of this momentous occasion. With the steadfast support and unwavering commitment of our community, we succeeded in making this dream a reality—we brought the first UC campus to be built in nearly 40 years to Merced.

September 6, 2005 marks the first official day of classes whereby UC Merced will "launch the future" of its first class of 1,000 students from throughout the San Joaquin Valley and the state of California. The inaugural class is comprised of students from as far north as California's most northern county of

Del Norte, as far south as San Diego, as far east as the Sierra Nevada and as far west as the Pacific Coast. Remarkably, approximately half of the students are the first in their families to attend college.

Under the guidance and leadership of Founding Chancellor Carol Tomlinson-Keasey, an exceptional team of talented academic and administrative professionals has assembled to build the nation's first major public research university of the 21st Century. This founding team of professionals share in the Chancellor's dedication to education and commitment toward carrying forward the University of California's historic mission of excellence in teaching, research and public service.

Mr. Speaker, I take great pride and pleasure in announcing the grand opening of the University of California Merced. I ask my colleagues to join me in conveying our best wishes and gratitude to all of those whose vision, dedicated efforts and steadfast support helped establish an institution that promises to challenge and inspire generations of students to come. As a Member of Congress it is an honor to represent UC Merced in the 18th Congressional District of California, and as a member of the community it is a pleasure to welcome UC Merced and its inaugural class to Merced County.

COMMENDING THE ISRAELI GOVERNMENT FOR DISENGAGEMENT IN GAZA AND WEST BANK SETTLEMENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending the Government of Israel for its bold action in disengaging from the Gaza Strip and four West Bank settlements in the past few weeks. At considerable political risk, Prime Minister Ariel Sharon has demonstrated his resolve by following through on his commitment to withdraw the Israeli presence from these areas. His government has made an unprecedented and unilateral sacrifice in the name of peace, surrendering land on which Israelis have lived continuously for almost four decades—land won in a war that was thrust upon them.

To be sure, the disengagement serves Israeli security interests, since it establishes a defensible line of separation that improves Israel's ability to defend its citizens from terrorist attacks. That is good news for both Israelis and Palestinians. Every day without bloodshed brings us one day closer to peace.

Mr. Speaker, I would particularly like to commend Israeli military and government officials for implementing disengagement in a way that allowed as many settlers as possible to express their remorse or anger while still encouraging them to vacate the area without resorting to violence. Even when some individuals or groups sought to provoke confrontations, Israeli authorities wisely avoided being drawn into fighting and, in the end, successfully and patiently evacuated even the most determined of dissidents. I am full of admiration for the Israeli military's achievement.

A significant majority of Israelis favored disengagement, and I think it is important for them to know that the American people are behind them, supporting them in their struggle against terrorism and in the search for peace.

But the decision of Prime Minister Sharon and his government to relinquish the settlements also creates an unprecedented opportunity for Palestinians who seek a state of their own. After this historic Israeli gesture, the burden to act now rests with Palestinian Authority leaders, who must prove that they can take on the challenge of securing and administering the territory just now coming under their control.

It is my hope, Mr. Speaker, that we will soon see a concerted effort on behalf of the Palestinian Authority to move against terrorist organizations. This means not only bringing to a halt the attacks against Israel, but disarming the terrorists as well. A lull in violence is simply not enough. Terrorist infrastructure must be dismantled if Gaza is not to become a permanent launching pad for attacks by Hamas, Islamic Jihad, and other murderous fanatics. And I would urge President Mahmoud Abbas to insist that any group that wishes to participate in the January elections for the Palestinian Legislative Council first renounce violence in word and deed and divest itself of all arms.

President Bush recently noted in his first-ever interview with Israeli television that we are witnessing in Gaza "an opportunity for the Palestinians to show leadership and self-government" as well as "an opportunity for democracy to emerge." Mr. Speaker, I invite Palestinian leaders to make this vision a reality, building a Gaza that is democratic and peaceful, free and open.

In the wake of Israel's withdrawal from Gaza, the international community should also do its part to assist the Palestinian Authority to move in the right direction, and Special Envoy James Wolfensohn is impressively leading the way. But there are additional responsibilities that fall squarely on the shoulders of Egypt and the Arab and Islamic nations.

Mr. Speaker, one of the most dramatic but least publicized aspects of the disengagement was Israel's decision to underscore the completeness of its withdrawal by removing its forces from Gaza's border with Egypt and allowing Egypt to send 750 troops to guard that border. This effectively alters the longstanding arrangement, based on the 1979 Israeli-Egyptian peace treaty, which prohibited Egyptian troops from that region. Egypt has now assumed the major responsibility for ensuring that terrorists and arms do not penetrate that border. Terrorists seek to make a mockery of Israel's disengagement by making Gaza an unrestrained launching pad for terrorism into Israel—just as opponents of disengagement predicted they would. It is the responsibility of Egypt, in cooperation with the Palestinian Authority, to win the confidence of the Israeli people by keeping Gaza peaceful.

The wider Arab and Islamic worlds also have a significant part to play. By pursuing normalization with Israel, they will demonstrate that steps toward peace will be met in kind. The very significant meeting last week between the Israeli and Pakistani foreign ministers is encouraging in this regard, as are recent reports of stepped-up Israeli contact with the United Arab Emirates and Tunisia.

Mr. Speaker, I applaud Prime Minister Sharon and his government for taking this wise and exceptionally courageous step toward peace—a step that is fraught with more risks than the media have acknowledged. I encourage the Palestinians to capitalize on this unique opportunity to demonstrate their own competence in governance and commitment to peace. And I call on the Arab and Islamic world to assume responsibility for proving to Israel that unilateral steps toward peace are not only appreciated but reciprocated.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time; place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 13, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 14

9:30 a.m.

Judiciary

To continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

SH-216

10 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings to examine the impact of Hurricane Katrina on the aviation industry, focusing on jet fuel markets, airport infrastructure, and Hurricane Katrina's impact on the National Airspace System.

SD-562

Homeland Security and Governmental Affairs

To hold hearings to examine issues relating to recovering from Hurricane Katrina.

SD-342

Commission on Security and Cooperation in Europe

To hold hearings to examine the impact of Romania's newly implemented ban on inter-country adoptions.

2237 RHOB

10:30 a.m.

Intelligence

To receive a closed briefing regarding certain intelligence matters.

SH-219

SEPTEMBER 15

9:30 a.m.
Judiciary
To continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Keith E. Gottfried, of California, to be General Counsel, Kim Kendrick, of the District of Columbia, Keith A. Nelson, of Texas, and Darlene F. Williams, of Texas, each to be an Assistant Secretary, all of the Department of Housing and Urban Development, and Israel Hernandez, of Texas, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary, Franklin L. Lavin, of Ohio, to be Under Secretary for International Trade, and David H. McCormick, of Pennsylvania, to be Under Secretary for Export Administration, all of the Department of Commerce.
SD–538

Veterans' Affairs
Business meeting to mark up pending VA health-related proposals.
SR–418

10:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Stewart A. Baker, of Virginia, and Julie L. Myers, of Kansas, each to be an Assistant Secretary of Homeland Security.
SD–342

Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of Capitol Visitor Center construction.
SD–138

2 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine U.S.-Indonesia relations.
SD–419

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold oversight hearings to examine housing-related programs for the poor, focusing on existing challenges in measuring improper rent subsidy payments in housing assistance programs at HUD, as well as Federal oversight of the Low-Income Home Energy Assistance Program.
SD–342

Intelligence
Closed business meeting to markup intelligence authorization for fiscal year 2006.
SH–219

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center.
SD–562

SEPTEMBER 21

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the status of the World Trade Organization negotiations on agriculture.
SR–328A

9:30 a.m.
Judiciary
To hold hearings to examine able danger and intelligence information sharing.
SD–226

SEPTEMBER 22

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the financial services industry's responsibilities and role in preventing identity theft and protecting sensitive financial information.
SD–538

SEPTEMBER 28

2:30 p.m.
Indian Affairs
To hold an oversight hearing to examine Indian housing.
SR–485

SEPTEMBER 29

10 a.m.
Indian Affairs
To hold hearings to examine proposed Duck Valley Reservation, Shoshone Paiute Tribes, Water Rights Settlement.
SR–485

POSTPONEMENTS

SEPTEMBER 14

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

SEPTEMBER 21

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian gaming.
SR–385

2 p.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service.
SR–328A

SENATE—*Tuesday, September 13, 2005*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the Giver and Lord of life, to You we lift our hearts and in You we put our trust. Keep us from doing less than our best. Show us your way and teach us Your path. Lead us to Your truth, Lord, and we will live with abundance.

Today, give our Senators words that will bring light, hope, and peace. Let their speech be seasoned with a humility that seeks first to understand before it is understood. As they strive to be forces for good, give them the contentment that comes from an earnest desire to please You. Give all of us the power to rule our spirits, so that we may bring glory to Your Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leader time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin with a 1-hour period for morning business to allow Senators to begin to make statements. Following that time, we will return to consideration of the Commerce-Justice-Science appropriations bill. In order to finish that bill in the next day or two, we will need the cooperation of all Senators, and that is our objective. Senators SHELBY and MIKULSKI will be managing the bill and I expect a full day of consideration on that legislation. Rollcall votes will occur today and tonight on amendments, although we are making every effort to accommodate the Judiciary Committee over the course of the day in their hearings on the nomination of Judge Roberts.

At this time, we have one vote scheduled this afternoon and that vote will be at 12:30 on the passage of S.J. Res. 20, a resolution of disapproval regarding a set of EPA regulations. Following that vote, we will recess briefly until 2:15 for our weekly policy luncheons.

MEETING WITH IRAQI PRESIDENT JALAL TALABANI

Mr. FRIST. Mr. President, later today, several of our Senate colleagues and I will have the honor of hosting interim Iraqi President Jalal Talabani and members of his cabinet in the U.S. Capitol. President Talabani was elected in April of this year. Since then, we have seen the Iraqis form their first democratically elected Government in over half a century. We have also witnessed complex and painstaking negotiations to draft a permanent Iraqi constitution. That historic document, that hopeful document, will be put to the people October 15, which is one short month away.

The draft Iraqi constitution is a solid foundation for a democratic Iraq. It establishes a true democracy, a democratic system in which the voice of all Iraqis will be heard, human rights will be protected, the rule of law will be respected, and women will be full and equal political partners. It is a product of deliberate negotiations that included letters from all of Iraq's ethnic and religious groups. The process required enormous patience and flexibility—in other words, the tools of the democratic process—and it required great courage.

In the face of constant terrorist threats and violence, the Iraqi people showed once again their determination to secure their rights and their future as a free and democratic nation. Garnering support for the new constitution is now one of President Talabani's most pressing tasks. In our meeting today, I will urge President Talabani to continue his efforts to reach out to all segments of Iraq's diverse population. It is vital that Iraqis of all walks of life participate in this referendum next month.

It is also vital that the Sunni population rally behind this constitution and the framework of democracy and the governance it establishes. The Sunnis have raised concerns about federalism, about the role of Sharia law, and the allocation of oil revenues. These are all important issues that concern all of us as well.

I look forward to hearing President Talabani's response in our discussions today. I also look forward to learning more from the President about conditions on the ground, his views on the security situation, the training and equipping of Iraqi security forces, and the pace of economic reconstruction and revitalization. I will report back to this body either later today or tomorrow what I learned.

In the meantime, I urge my Senate colleagues to continue to support the democratic aspirations of the Iraqi people in their efforts to secure their liberty and to fulfill their democratic potential. This is an extraordinary opportunity to change the course of history and bring peace and stability to the heart of the Middle East. The challenge is great, but we must persevere. America's security will depend on it. We cannot allow the terrorists to achieve their twisted aims and we cannot allow Iraq to fall into chaos or sectarian violence or return to those days of brutal tyranny and support for the terrorists.

By the same token, Iraqis must continue to persevere as well. They must defeat the terrorists. They must deny them sanctuary in their communities. They must reject their heinous philosophy of murder.

Freedom for Iraq is essential for freedom at home, and that is why we must continue to stand alongside our Iraqi partners. Over time, we will step aside as they assume complete responsibility for their security and for their future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Could I inquire, is the leader prepared to speak or could I go ahead and make some remarks?

The PRESIDENT pro tempore. The Senate is in a period for morning business. The majority is in control of the first half of the time.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

IN THE AFTERMATH OF HURRICANE KATRINA

Mr. LOTT. Mr. President, I observe that the President pro tempore of the Senate is looking quite spiffy this morning in his bow tie.

At this point in my life, any ray of light and happiness is welcomed. I will take a few minutes to sort of bring up to date my feelings about what is happening in the aftermath of Katrina.

I want my colleagues to know that there are some positive developments. It is hard to know that or decipher that if one listens to the media and the negative things. I admit it is not a perfect situation, but each day a little progress is being made.

My staff and I are staying in touch with mayors, supervisors, State officials, and volunteer organizations, and we do feel we are making some headway. I again want to emphasize, though, this is an overwhelming disaster that is in many ways too much for human beings to comprehend or contend with. It is going to take time, patience, diligence, effort, and, yes, money, that we must count on from voluntary contributions and the Federal Government.

I do think we are making some progress. Right now the biggest problem is probably temporary housing. After disasters, there are always stages. There is the immediate aftermath where people are trying to get into the devastated area, trying to save lives, then trying to get basics such as water, food, generators, and gasoline. Then there is the move into the early cleanup and the need for temporary housing. We are kind of in that phase.

It is very hard to deal with the logistics of moving temporary housing, whether it is ships or trailers, into the area to be staged to move individuals. That takes time. It is very difficult. It happens after every hurricane and probably after every disaster. If we are looking for a place where we need to find a way to move fast and do a better job, emergency housing is probably one of those we should focus on.

I want to thank my colleagues again on both sides of the aisle for their letters, their calls, their expressions of concern and sympathy. Beyond that, I want to thank Senators who have taken personal action, things one would never have dreamed of, such as the Senator from Alaska, who has made a very generous offer. We needed tetanus shots. The Senator from New Jersey, Mr. CORZINE, helped us get the tetanus shots we needed. I could go through the entire Chamber and name Republicans and Democrats, people from all over America, who have taken helpful actions.

At least once a week, I want to come to the floor and speak briefly about the good things. There will be plenty of time to try to find a way to make things better in the future. I do hope the Senate will not pass a series of rifleshot pieces of legislation, well intentioned and needed quickly—we need that—but I hope we will look at a broader recovery effort, something that will make sure the area does not just recover and rebuild and get the economy growing but we do it in a way that will be magnificent for the people, the area, and the country. We can learn from this for other parts of the country when disasters hit.

We have the immediate problem, we have the short-term needs, and we have the long-term needs that we need to think about a little bit. It is hard to be patient when you are flat on your back. But I do think, before we start setting up commissions to do this, a czar to do that, rebuilding authority to supervise something else, let's think those through carefully first. I am counting on my colleagues in the Senate, the committee chairmen particularly, to think about that. But also we have to make sure our leadership pulls us together and we coordinate our efforts.

I want to focus on two areas without which we could not have made it. One is the military. We know how valuable our men and women in uniform are. But we couldn't have made it without the Coast Guard, without the National Guard, without the 82nd Airborne, without General Honore, and without Thad Allen, Coast Guard Chief of Staff now in charge of recovery in Louisiana and Mississippi, without the thousands of troops who came in, restored order, and started cutting through the debris and providing help, the Seabees out of Gulfport, MS. By the time we got to the end of the first week, we had a battalion in every county in Mississippi.

They were doing their work. Nobody was directing them. They found a problem and they got it done. So let's not have any thought by Active-Duty military personnel, or anybody, that we should not think about our National Guard in terms of disaster assistance and to make sure they have the equipment to cut through and get through and deliver the supplies we need. When I flew over New Orleans 10 days ago, it was like a war zone. We had helicopters coming through with triaged patients. We had helicopters with water buckets. We had helicopters dropping food. We had helicopters picking up people. It was magnificent and marvelous.

Before this is over, I will have a long list of individual stories about the military and particular units that went beyond the call of duty.

Some people are saying the Federal Government has not done this or the Federal Government has not done that. Let me say when the National Guard and our military arrive on the scene, things change. We could not have made it without them, period. People would have died, many people would have died were it not for the Coast Guard and National Guard and our regular military. We have turned to our Navy, every one of our branches. Keesler Air Force Base has been a major staging center and helped thousands of people.

The other area I want to acknowledge, once again, is the incredible human kindness and initiative of individuals, volunteers, faith-based groups of all kinds, and charitable groups. I told the story last week about a group of men who came from Burke, FL, with a Bobcat and a front-end loader. They showed up at my yard and said: Can we help? I asked them where they were from. I think they were from a church in Burke, FL. I didn't get their names. There was too much going on. I said: Could you please clear the road in that area so we can get trucks and equipment in there? Can you help that lady get into her house because you couldn't even get in to see what was left.

They went to work. I saw them off and on all day. I never talked with them again. They just went to work. Through voluntarism, people have shown up with generators and chain saws and said: Where can I help? From all over the region—from all over America. I know personally of several churches. I will not start by denomination, but let me say groups of all faiths and denominations, Protestant, Catholic, Jewish, and probably Muslim, too. They all went to work.

One I am particularly aware of was Christ United Methodist in Jackson, MS. They formed an organization, inspired, I think, by the wife of Congressman CHIP PICKERING. They started bringing in supplies. They got people organized from all different denominations. They sorted the gifts, they boxed them, they labeled them, and they sent out two 18-wheelers a day. Nobody told them where to go. They said: What do you need? And they sent it.

That story has been replicated over and over again. So there are heroes—individuals, first responders, military, people who just showed up and went to work, church-related groups. If it were not for the volunteers, the church-related groups, Red Cross and Salvation Army, I don't know where we would be.

Maybe that is the way it should be. This is still America. It is individual Americans who respond to every crisis and will do whatever needs to be done, will pay any price. I want the record to show there are a lot of people who have contributed so much personally. They have cried with us, they sweated with us, they bled with us, and they are doing it now on the ground in Pascagoula, MS, Biloxi, Gulfport, Pass Christian, Long Beach, Bay St. Louis and Waveland and towns in the hinterland throughout Louisiana.

I thank all those who have come to our aid. It is not over yet. Keep it coming.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. LOTT. I am happy to yield.

Mr. WARNER. I am going to follow on with some greater detail about, as you say, the extraordinary participation of the men and women of the Armed Forces and, indeed, the Coast Guard, which is separate from my report that will be included with others today.

It is very important that you addressed the Senate this morning. If I may say, I have been privileged to serve with you nearly a quarter of a century in this institution. I commend you for your personal courage. You have faced adversity such as few of us have ever experienced. Throughout this year, there has been personal tragedy—loss of your mother, loss of your house—yet we see the leadership you have provided, indeed, as has our President and this institution and others in the face of this hurricane.

The Armed Services Committee is starting its briefing this morning. Two reports come from the Department of Defense to the Congress everyday, giving a detailed analysis with regard to the deployment of our troops. I left the briefing to come speak to the Senate this morning. We will be changing the force structure to meet the needs. For example, in all probability, the carrier can now move out, if it has fulfilled its mission. Frankly, as distressing as it is, there are tremendous assets connected with mortuary responsibilities which are now being moved in by the Department.

I want to thank our colleague. I know the Presiding Officer, the President pro tempore of the Senate, shares these feelings with every Member of this body. We salute you and your family.

Mr. LOTT. If the Senator will yield, I do appreciate his very kind remarks. I hope he will convey for me and the people of my State, and I am sure Louisiana and Alabama, too, to the military officers with whom you will be speaking, how much we appreciate what they have done. I don't know the numbers but it is thousands, maybe as many as 40,000 National Guardsmen. I flew in a Blackhawk helicopter a week or so ago—they were from New York; and I know they are there from Nebraska and Arkansas and all over America, literally. And of course the Active-Duty personnel. But the Coast Guard is a separate story. The Coast Guard, before, during, and after the hurricane, saved thousands of lives. When it was over, they didn't quit. But there are so many other things they have done. Channels have been cleared so we can get ships in. My hometown, it is navigable into our industrial site where we have a water refinery.

The USS *Comfort* is providing now for our medical needs and providing a bed to sleep in for first responders and food for people who haven't had a good meal in quite some time. They came in early. I could go down the list.

Once again, we have learned that our military is not just about fighting, preserving peace, and our interests around the world. They are there in disasters, man made and natural, in a way that nobody else could be.

The attitude of our men and women and the professionalism of the officers I met with was so impressive. I flew into the command center at Gulfport, MS. The National Guard was in command there. A three-star General from Alabama was there. The Alabamians were there right after the Mississippians got there because it took 7 hours to get to the scene because you had to cut through the pine trees on Highway 49 to get there. It took them 7 hours to get less than 90 miles.

I could go on and on, but the record needs to reveal the tremendous job that has been done, how important they are, as they work with us as we transition into different needs.

I thank the Senator for his comments about my own personal situation. In life you get a lot of trials. It is very hard. But what is the hardest is to see how these people now are still suffering in heat and debris. There are so many needs, and we can't get the help there fast enough. This is the time to try men's souls, but will make you stronger and better in the end.

Mr. WARNER. Mr. President, our distinguished colleague has stood the test—

Mr. LOTT. Thank you.

Mr. WARNER.—you and your fellow Senators from the three States most grievously affected. If you wait a minute, I will give you the following figures. Today, more than 72,000 members of the Armed Forces have been deployed to the Gulf Coast, including 22,439 Active-Duty and more than 45,871 members of the National Guard—of which over 400 come from my State, I say to the Senator. I went down Friday in my State to prepare one of the bases to receive the evacuees. But every single State in our Union, including the territories, has contributed their Guard in response to the needs of your community.

ARMED FORCES RESPONSE TO KATRINA

Mr. WARNER. I thank the distinguished Presiding Officer. Mr. President, I would first like to say, as I mentioned, we receive a report everyday in the Senate from the Department of Defense regarding specifically the Guard and Active-Duty. Then, in addition, we receive a report from the Corps of Engineers. Our committee is a repository of these reports, but I am happy to share them with any Senators who so desire. They need only contact the Armed Services Committee or me personally, and I will see they are provided with the reports.

I join Senator LOTT and others in expressing our profound gratitude and pride to the men and women of the Armed Forces and indeed their families who are left at home for their service, responding with courage and untiring professionalism and compassion to our fellow citizens who fell victim to this tragic disaster.

As you know, our military has a supporting role in the effort. I underline "supporting role" because in no way do we mean to displace the valiant efforts of those on the scene, the first responders, such that were able to muster their forces and respond.

I wish to pay tribute to the magnificent response of all. I have stated the numbers a minute ago.

Furthermore, I wish to highlight that the National Guard forces are meeting the challenge, as well as the national commitments—Afghanistan and Iraq. Once again, our Guard is—I don't like to use the word "stressed," but they are challenged. I have spoken with General Blum, who is the Commander of the National Guard. He never once flinched when he said we are doing the job and we are going to succeed. Our hats are off to the National Guard. The Navy deployed 20 ships, including the USS *Harry S Truman*—it is an aircraft carrier. I remember when that ship was named—the USS *Whidbey Island* and the USS *Iwo Jima* and the USNS *Comfort*, the hospital ship. More than 400 aircraft, including 373 helicopters and 93 airplanes, are in support of search and rescue, medical evacuation, and logistical supply missions.

The heroism of those who pilot those helicopters and the crews who go down and rescue the individuals—those chapters in our history will be recorded for posterity. They are absolutely magnificent. We have seen a tremendous response from our rotary and fixed-wing pilots.

Again, to date, the Active-Duty Forces have flown more than 2,783 sorties and the National Guard has flown more than 9,240 sorties. These sorties resulted in the evacuation of more than 80,000 people and the rescue of more than 15,000 people.

Additionally, more than 1,200 beds are available in field hospitals, and seven military installations are providing support as transportation staging areas as ice, water, food, and medical supplies as they became available.

Stop and think. In our daily lives, we go to our refrigerators and there is ice. Ice is something that is badly needed in these high temperatures. I specifically put it in because I watched, as almost every American has watched, as these individuals in their own quiet way ask for certain things. I was particularly struck by the need for ice and fresh water.

The amount of humanitarian support provided to the region is astounding. More than 16 million meals-ready-to-eat—the old MRE or military meals—44 million liters of water, and more than 175 million pounds of ice have been delivered to date.

The Army Corps of Engineers has 39 of its 137 permanent pumps operating throughout New Orleans, with an additional 46 military pumps operating at a lower capacity.

I understand the water level in New Orleans is dropping more than 1 foot per day. They have removed 94,000 cubic yards of debris and opened the Mississippi River to shallow draft traffic and deep vessels less than 39 feet.

As indicated by the tremendous support I have outlined, it is clear that the deep magnitude and devastation of Hurricane Katrina has resulted in an unprecedented response from the Department of Defense.

I want to say first that I do not wish to take away anything from the DOD or the dedicated men and women who have responded to the devastation caused by Hurricane Katrina—as it is, without question, a catastrophe without parallel in modern American history, and of a magnitude not seen in my lifetime. However, as many of our colleagues know—and as chairman of the Armed Services Committee—I am deeply concerned that the Department of Defense and our President have authorities to correct standby authorities in permanent law which they need to manage disasters.

Shortly I will engage in a colloquy, hopefully, with my distinguished chairman of the Homeland Defense Committee on the subject of what we should do in the future to look at the framework of laws and standby authorities to determine how better—I repeat, how better—not to fault those who performed in this catastrophe, but how best the totality of all the resources of our Nation can be brought to bear should we ever have the misfortune of another natural disaster or, indeed, a terrorist act of the magnitude that we witnessed.

When I was privileged to assume chairmanship of the Armed Services Committee—before 9/11, I point out—our committee established a subcommittee called Emerging Threats. The function of that subcommittee has, is, and will be to look into the future to determine how best to prepare, primarily in our case, for a terrorist attack against our Nation. But those preparations can easily be directed toward a natural disaster, should it occur. I am very proud of the accomplishments of that subcommittee in the years I have been privileged to be chairman. But I believe the time has come that we reflect on the Posse Comitatus Act and other statutes which have stood by and served this Nation quite well in years past.

Mr. President, I ask unanimous consent to have printed in the RECORD additional documentation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOD SUPPORT FOR HURRICANE KATRINA RELIEF: EXECUTIVE SUMMARY

COMMAND AND CONTROL

U.S. Northern Command Commander is Admiral Keating in Colorado Springs, Colorado.

Joint Task Force Katrina East (Forward) is located at Camp Shelby, Mississippi—Lieutenant General Honore is on the USS *Iwo Jima* pier side in New Orleans, Louisiana.

Joint Task Force Commander for the Louisiana National Guard is Major General Landreneau, at New Orleans.

Joint Task Force Commander for the Mississippi National Guard is Major General, Cross, at Stennis Space Center, Mississippi

OPERATIONAL HIGHLIGHTS

72,614 Active Duty and National Guard personnel are on the ground or aboard ships supporting relief operations:

22,439 Active Duty

1,895 Reserves (573 Marine Corps, 53 Army, 450 Air Force, 819 Navy)

45,871 National Guard (2,409 outside area ready to assist)

19 U.S. Navy ships are in the area.

Total aviation support in area:

346 helicopters (Active Duty and National Guard).

68 airplanes (Active Duty and National Guard).

DoD has provided extensive search and rescue, evacuation, and medical support:

2,783 Active Duty sorties flown—123 in the past 24-hours.

9,240 National Guard sorties flown—136 in the past 24 hours.

Total DoD medical personnel in the area is 2,037 (1072 Active Duty and 965 National Guard). Lieutenant General Honore directed that no Federal military service member will perform or assist with any type of forced evacuation.

JTF–Katrina is executing strategy that focuses on recovery while continuing to support disaster relief operations.

82nd Airborne Division, 1st Cavalry Division, I and II Marine Expeditionary Force conducting humanitarian assistance, search and rescue, evacuation and security assessments.

Division soldiers will not recover remains of deceased persons; will only mark and record locations for mortuary teams.

FEMA requested DoD perform all aspects of the mortuary affairs mission until another contractor can be found. The Secretary of Defense approved the deployment of 9 teams from the 54th Quartermaster Company Ft. Lee, Virginia. He also directed that 9 additional teams from the 54th be placed in be prepared to deploy status.

Commander, U.S. Northern Command requested the deployment of two fire trucks to support airport operations at New Orleans International—Both fire trucks in-place.

Mosquito spraying operations approved. Two sorties were flown by the: 91Oth Air Wing. They sprayed 912,000 acres in St. Bernard and Jefferson Parish.

Seven installations are providing support as transportation staging areas for ice, water, food and medical supplies.

21 million Meals Ready to Eat have been ordered by FEMA to support Hurricane Katrina response. 16.7 million have been delivered. 1 million have been diverted to Virginia and Georgia to support Hurricane Ophelia response if required.

789 beds are available in field hospitals: New Orleans International Airport (25 beds), USS *Bataan* (360 beds), USS *Iwo Jima* (105 beds), USS *Tortuga* (35 beds), 14th Combat Support Hospital (204 beds), and the USS *Shreveport* (60 beds).

Little Rock Air Force Base, Arkansas is the central collection point for supplies donated by foreign countries—119 nations and 12 international organizations have offered assistance.

Force Adjustments: USS *Harry S Truman*, USS *Whidbey Island*, Army Unmanned Aerial Vehicle Platoon, Army Aviation Assets, and the 920th Rescue Wing, 4th Expeditionary Medical Support, and 11th Marine Expeditionary Unit—USNS *Comfort* redeployment pending coordination and agreement between the Secretary DHS, Principal Federal Official, and State Officials that ship and unit are no longer required.

U.S. ARMY CORPS OF ENGINEERS SUPPORT TO HURRICANE KATRINA

AUTHORITIES

USACE conducts its emergency response activities under two basic authorities:

The Flood Control and Coastal Emergencies Act (P.L. 84-99).

The Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288).

COMMAND AND CONTROL

Commander, USACE is Lieutenant General Strock in Washington, D.C.

USACE Task Force Commander is Major General Don Riley in Baton Rouge, Louisiana.

Mississippi Valley Division (MVD) Commander is Brigadier General Crear in Vicksburg, Mississippi. His area of operations covers the States of Louisiana and Mississippi.

South Atlantic Division Commander is Brigadier General Walsh in Atlanta, Georgia. His area of operations covers the States of Alabama and Florida.

OPERATIONAL HIGHLIGHTS

1,765 USACE personnel are supporting relief operations. Current unwatering estimates:

Orleans (East Bank)—02 Oct, Orleans East—08 Oct, Chalmette and Chalmette Extension—08 Oct, and 18 Oct for both Plaquemines basins. These dates are contingent on normal seasonal rainfall amounts.

TF Unwater is now pumping 19,056 CFS out of the parishes of New Orleans and Plaquemines.

Hydrogen plant continues to be our highest priority. Progress was made on debris removal and closure of the channel near the RR Bridge to isolate the plant's subbasin. Water levels are falling at a rate of 18 inches per day.

Dutch team arrived in New Orleans and was briefed on situation. They will begin to assist in unwatering mission later today.

The German team began working at PS #19 last night and is scheduled to move on to PS #3.

Continuing to use booms to assist in containment of hazardous materials and working with EPA on this issue.

Actions for next 24 hours: We expect to add an additional 1,000 CFS at pump stations #3 and #7 in Orleans East Bank and 1,000 CFS in Plaquemines. We have identified a total of 27 levee breaches to date. Nineteen are attributable to the hurricane; eight are deliberate. Twelve interim repairs have been completed.

Water and Ice: 52,848,000 liters of water and 188,160,000 lbs of ice delivered to date:

Moving excess ice to prepare for Hurricane Ophelia.

Debris:

Total tonnage of debris removed and projected: 390,487 CY removed; 77.5M CY estimated.

Plaquemine Parish declined USACE assistance as of Sept. 10th.

Roofing:

Total temp roofs projected and completed: 51,000 projected and 262 completed.

Continuing to collect "Rights of Entry" in both MS and LA.

Power: 30 Prime Power soldiers working in the area:

Last 24 hours: Continued working assessments and generator installs in Mississippi and Louisiana:

We are experiencing problems with local personnel moving installed generators without coordination. This makes it difficult to properly maintain, refuel, and ultimately recover them.

Have completed 669 assessments and 159 generator installs to date.

Next 24 hours: Continue working to install power to permanent pumping stations, health facilities and to pumping stations around the hydrogen plant.

Navigation:

Mississippi River is completely opened all the way to the Gulf to shallow and deep draft vessels less than 39' (daylight only).

Inner Harbor Navigation Canal (IHNC) remains non operational due to bridge closures and sunken barges. Contractor expects to remove barges and open bridges by mid-week.

Housing:

We have completed the design review mission for FEMA Housing Area Command and are ready to perform quality assurance (QA).

We have completed dredging slips in Galveston for two cruise ships to dock and begin receiving evacuees.

Mr. WARNER. Mr. President, as we face an uncertain future as it relates to terrorism and the use of weapons of mass destruction, I have some thoughts with regard to this law which was passed in 1878 which restricts in certain ways—and the predicate for doing so is wise—men and women of the Armed Forces—that is, a permanent U.S. military as opposed to National Guard—in matters relating to law enforcement.

Traditionally, that has always been left to the local authorities, and that is the way it should be. But sometimes there may be one—I will have to examine the facts—that becomes so overwhelming or so incapacitated by a natural disaster, or perhaps a terrorist attack, that the Armed Forces may have to perform some of those duties. We want to make sure the President has that capability.

Also, there are other permanent laws on the books called the Insurrection Statutes. At a very minimum, I would like to see the name changed that we put on this for reasons quite different than the threats and challenges that face this Nation today. But that statute also might be reviewed, along with the Posse Comitatus Act, to see whether other permanent pieces of law should be modified to meet the contingencies we face here in the future.

I see the distinguished chairman of the Homeland Defense Committee. I wonder if I might direct a question to her.

In the briefings we have had before our committee by members of various departments and agencies who had authorities to deal with this, I came away with an impression that we have to, in a very quiet and careful manner, look at the totality of the permanent law and regulations to determine what changes should be made to meet a contingency of the nature we have experienced—indeed, whether it is a natural disaster or military terrorist attack in the future. I wonder if our distinguished chairman has progressed in her thinking on this point.

The PRESIDING OFFICER. (Mr. VITTER). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, if I may respond to the Senator from Virginia, the distinguished chairman of the Armed Services Committee, first, let me commend the chairman of the Armed Services Committee for his thoughtful approach to the issue of whether our laws and authorities are adequate to deal with a disaster of the magnitude of Katrina.

He has indicated his interest in taking a hard look at the Posse Comitatus law and also the Insurrection Act, both of which put certain restrictions on the ability of Active-Duty Forces to be used for law enforcement purposes and in other ways. I commend him for raising these very important issues.

It was evident from the briefing we had with FEMA and Coast Guard officials last week before the Homeland Security Committee that those on the front lines believe the current structures are inadequate to deal with a catastrophe of this magnitude. We talked directly to FEMA's Director of Operations as well as to a Coast Guard admiral who has been in charge of the search-and-rescue operation. Each of them, in response to questions from both of us, indicated this catastrophe has overwhelmed the organizational structures and requires a new way of thinking. Both of them indicated interest in our taking a look, a close examination, at the two acts which the distinguished chairman has mentioned. I commend him for following up on this issue.

I think it is important that we look at that, as well as a host of other issues related to our preparedness and our response.

Mr. WARNER. Mr. President, I thank the distinguished chairman. I am privileged to serve on her committee.

As a consequence of the close relationship between the Department of Defense and the various departments our committee—and I sit on a few—has over situations such as this—I might note for the RECORD the person from FEMA who appeared before your committee for the briefing was a career employee. I found him to be very qualified. He has some 30 years of experience. I think he shared with our committee some of his most profound thoughts based on some, I believe, 30 years experience. Am I correct?

Ms. COLLINS. The Senator is correct. He is a career employee, a member of the Senior Executive Service, with extensive experience.

Mr. WARNER. I thank the distinguished chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes and that the allocated time be extended accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1690 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I ask unanimous consent Senator BYRD be recognized at 11 a.m. and Senator VITTER be recognized at 11:30 a.m. in order to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, let me ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Lincoln amendment No. 1652, to provide for temporary medicaid disaster relief for survivors of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Biden amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

DeWine amendment No. 1671, to make available, from amounts otherwise available for the National Aeronautics and Space Administration, $906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration.

Clinton amendment No. 1660, to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

Coburn amendment No. 1648, to eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing services, and State and local law enforcement assistance.

AMENDMENT SPONSORSHIP

Mr. DORGAN. Mr. President, with respect to the list of amendments that has been filed to the pending bill, the amendment that Senator SALAZAR has filed dealing with the hurricane, I ask unanimous consent that amendment be attributed to Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1670

(Purpose: To establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism)

Mr. DORGAN. Mr. President, I call up amendment No. 1670, which I have filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1670.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of September 8, 2005, under "Text of Amendments.")

Mr. DORGAN. Mr. President, I will describe very briefly this amendment—I shall come to the floor and talk about it more later—and then I will use the remaining minutes that are available to talk about an amendment I have previously offered to the bill.

This amendment, very simply, deals with the contracting that our country is paying for, particularly with respect to Iraq and Afghanistan. It especially deals with establishment of a special committee to investigate waste, fraud, and abuse.

Now, I indicated yesterday that whenever you speak of the company Halliburton, people think you are coming to the floor to criticize the Vice President. Let me say that is not the case. The Vice President was the president of Halliburton but not during any of the time that any of this has happened. But Halliburton has been, I believe, the largest contractor in Iraq. Halliburton and some other companies have been cited in ways that make my blood boil, and I believe it has the same reaction with the rest of the American people.

Let me read some headlines, if I might. Nobody, by the way, seems to want to investigate this, and nobody seems to care much about it.

"Halliburton Has Failed to Account for $1.8 billion in Charges" for work performed in Iraq and Kuwait. That is from the Wall Street Journal of August 11, 2004.

"Pentagon Auditors Have Recommended Withholding 15% of Payments to Halliburton." That is from the Wall Street Journal of December 10, 2003.

> . . . the [Pentagon's] top financial officer . . . alerted [Secretary] Rumsfeld of "significant issues regarding the timeliness and adequacy of KBR price proposals" and "deficiencies" in its billing, purchasing, and estimating systems.

"Whistleblowers Have Documented Halliburton Waste, Fraud, and Abuse."

"Halliburton Overcharged $186 Million for Meals." That is from the Federal Times of June 21, 2004.

"Halliburton Overcharged $212 Million for Oil Deliveries."

I could go through this. I have a sheet that is eight pages long. And, yes, it talks about $85,000 new trucks that are dumped on the side of the road because they have a flat tire or a fuel pump that is plugged. What do they do with it? Well, this is direct testimony from people who worked for Halliburton who drove the trucks, abandoned the trucks, let them torch the trucks for a flat tire. The list is unbelievable when you hear what has happened.

A contractor pays $45 for a case of soda, $100 for cleaning a 15-pound bag of laundry. We had one fellow who was buying towels—towels—for our soldiers. He held up two towels: This is a towel we would normally purchase, but we were asked by Halliburton subsidiary, Kellogg, Brown, & Root, KBR, to buy towels with their logo on it. So you doubled the price of the towel to ship to the soldiers because it has the logo of the company on the towel.

In 1941, Harry Truman was in this Chamber. We had a Democrat in the White House. A Democratic Senator demanded an investigation of waste, fraud, and abuse, and a special committee was established called the Truman Committee. They went after waste, fraud, and abuse. I am sure it was not very pleasant for Franklin Delano Roosevelt down at the White House with a Democrat in the Senate demanding an investigation of waste, fraud, and abuse. The fact is, the Truman Committee uncovered massive waste, fraud, and abuse.

Now we have a President and a Congress controlled by one party. We do not even have oversight hearings on these things. I am the only one who has been holding hearings in the Democratic Policy Committee and having the whistleblowers come forward and talk about the massive waste, fraud, and abuse that exists. No oversight hearings. No accountability. Nobody seems to care.

My amendment, very simply, says there ought to be established a special committee to investigate this kind of waste, fraud, and abuse. Let me say to those who say, Well, you are trying to legislate on an appropriations bill, yes, I am. I am. I tried to offer this on the Defense authorization bill, which is where it belongs. I did offer it to the Defense authorization bill, and the Defense authorization bill was taken off the floor of the Senate: we are told never to reappear again. So the only option we have is to offer this kind of amendment on this appropriations bill.

So I wanted to describe what this amendment is. It would establish a type of Truman Committee to investigate waste, fraud, and abuse. It is not about politics. It is about, on behalf of the American people, asking the tough questions about waste, fraud, and abuse. We are shoveling money out the door, shoveling money—billions and billions, tens of billions of dollars—to be spent in the country of Iraq for rebuilding Iraq. Then we hear stories about the American taxpayer paying for the air-conditioning of a building in Iraq, and then it goes to a contractor and a subcontractor and somebody else who subcontracts from that, and by the time it gets installed, it is a ceiling fan, and the American taxpayer paid for air-conditioning.

Guess what. It is going on all over. The company orders 50,000 pounds of nails, 25 tons of nails, and they order the wrong size, so Halliburton's nails are lying in the sand somewhere in Iraq. Does anybody care about that?

We are talking about billions of dollars of no-bid contracts. I am going to hold a hearing on Friday with the woman who rose to the highest rank—the highest civilian employee in the Corps of Engineers, Bunnatine Greenhouse. And what is happening to her? Well, she had the guts to speak up and speak out, saying these no-bid contracts were being awarded to Halliburton in an inappropriate way without following the rules.

Well, guess what happened to Bunnatine Greenhouse for raising those questions. She is losing her career over in the Pentagon at the Corps of Engineers. She is being demoted. She always had excellent, sterling evaluations—until she said: You can't do this. This isn't a buddy system. You can't be awarding contracts this way.

For her honesty and for her courage, she is told she is either going to be fired or going to be demoted, against, I might say, the wishes of the inspector general who is investigating it.

AMENDMENT NO. 1665

Mr. President, let me talk for a moment about the other amendment I have offered to this bill. As you know, today's trade announcement is we had a $58 billion—$58 billion—trade deficit in the last month; about $700 billion a year, we are going to see. That is $700 billion a year more than we send out in exports that we purchase in imports. So let me talk about this.

Here is what is happening in American trade. We are drowning in trade deficits. As you know, attendant to that, we are sending jobs overseas at a rapid rate.

Fruit of the Loom—you all remember the people dressed up as grapes, singing their little Fruit of the Loom songs. It used to be American underwear. But American underwear is no longer American. If you are wearing Fruit of the Loom somewhere in America today, you are wearing Mexican shorts or probably Chinese shorts and T-shirts. So Fruit of the Loom is gone, and 3,200 people who used to work for Fruit of the Loom are no longer employed.

PalmPilot—if anybody has worked on a PalmPilot, here is the last message from a young woman—I have her name, and I will not go through it, but I will at some other time when I have the time to do that. Here is the last message from a women who worked for PalmPilot. By the way, she was forced to train her replacement, who is a worker from India, because those jobs went to India. Here is her last message on her PalmPilot: "My job's gone to India!!"

I have spoken at length about Huffy bicycles. I will not speak longer about them today, but all the folks in Ohio were fired. They used to make Huffies. Incidentally, this little thing between the handle bars and the front fender, that used to be an American flag decal. They cleverly changed it to a globe once the jobs went to China, and all the American workers were fired. Oh, it is still an American brand, it is just that Americans do not get a chance to make them any more because the American workers were paid $11 an hour, plus benefits, and now they are made in China, but with workers who make 33 cents an hour and work 7 days a week, 12 to 14 hours a day. They are still sold in Wal-Mart, Kmart, and Sears. They are called an American bicycle. They are not. They are not an American bicycle.

And the Maytag repairman—all those television commercials about this old bloke having nothing to do. Well, 1,600 U.S. Maytag jobs went to Mexico and Korea.

I could do this for a long time.

> Even as it proceeds to lay off up to 13,000 workers in Europe and the United States, IBM plans to increase its payroll in India by more than 14,000 workers.

That was 2 months ago in the New York Times.

Now, what does all this mean for our country?

It means our country is losing economic strength, losing jobs. We are hollowing out America's manufacturing base. In the last 20 years, our manufacturing base has shrunk by half. We are told it is all right, and it is going to be fine in the long run if those who produce, yes, American companies that produce, search for the lowest cost production anywhere in the world and then they land in Sri Lanka, Bangladesh, Indonesia, China or somewhere else and hire someone else for 16 cents an hour. And, yes, they do. They will hire 12-year-old kids for 12 cents an hour and work them 12 hours a day. If you doubt it, I will show you where it happens.

People say: Well, that is all right because all those jobs, they are going to go elsewhere, but we will have higher wage, higher skilled jobs in this country. They are all wrong. It does not work that way. This country is losing economic strength and losing economic opportunity. The people who are losing their jobs because American jobs are moving elsewhere, in search of lower wages, those are people who are not able to find jobs that are equivalent jobs. In almost all cases, they find the next job at a lower wage rate.

This is a race to the bottom. Rather than aspiring to lift other countries up, it is driving down wage rates and opportunities in our country.

There is a man named James Fyler. James Fyler died of lead poisoning. He was shot 54 times. I suppose that is acute lead poisoning. He was shot 54 times long ago because he had the temerity to stand up for the ability and the right of workers to organize. So he lost his life. I could cite many others who lost their lives standing up for the right of people to organize as workers. Apparently, there are companies who have decided to pole-vault all over that and produce elsewhere where workers cannot organize; produce in China, where if a worker tries to organize, he or she can be sent to prison. If you want names, I will give you names of at least a dozen people—and there are hundreds more—who are sitting in prisons in China because they wanted to organize workers.

Producing in China is easier, producing in other countries is easier because you don't have to worry about child labor, about dumping chemicals into the air and water. You don't have to worry about workers organizing.

What is going wrong in trade is going to dramatically injure this country and its future and opportunities. I am offering an amendment because we have trade negotiators now negotiating in the Doha round who have indicated it is all right and we will consider negotiating away our opportunity to protect ourselves against the dumping of products into this country, into our marketplace at below their cost of acquisition, which is an opportunity to ruin the domestic industry and drive domestic industry out of business.

We protect ourselves with antidumping laws. We protect ourselves against deep subsidies of products that are dumped into our marketplace with countervailing duties. Our trade negotiators have signalled that that which our trade partners want, to get rid of our countervailing duties or antidumping laws, basic provisions that protect American workers, protect American jobs against the unfairness of trade, our trade negotiators have said: It is on the table. We are willing to consider that.

My amendment says no money will be used by the folks in the Commerce Department and the U.S. trade ambassador's office negotiating these trade agreements to weaken trade protections for American workers and businesses. It is a simple amendment but important in terms of the future.

I notice my colleague from West Virginia has arrived. I know he is set to assume his address to the Senate. Let me, in courtesy to him, close my remarks and simply say, I intend to come to the floor later this afternoon to speak again about both of these amendments which are important, the addition of which will add significantly to this appropriations bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

A NATIONAL DEBATE: OUR COUNTRY'S FUTURE

Mr. BYRD. Mr. President, chapter 3, verses 1 through 8, of the Book of Ecclesiastes in the Holy Bible begins:

> To everything there is a season and a time for every purpose under heaven.

Let's read that again:

> To everything there is a season and a time for every purpose under heaven.

It is time for a national debate, and its purpose is our country's future.

Sometimes it takes a catastrophe to put events into perspective, to shake us and to sharpen our clarity of vision. The wrath of Katrina, tragic and devastating for thousands, must certainly has caused many thinking Americans to consider anew the proper priorities for our country.

Who among us has not wondered if the efforts to rescue and evacuate Gulf Coast residents suffered because too many National Guardsmen have been detailed and detained in Iraq? What thinking American has not pondered why we had such a painfully slow response to a behemoth storm which we knew for days would likely turn New Orleans into a caldron of despair? Is there anyone in our great country—anyone—who did not feel the painful outrage of the citizens of New Orleans and Louisiana and Mississippi, as they waited for days without food, without water, without knowledge about loved ones? Who among us did not shrink in dread from the specter of our fellow citizens' bodies floating in the murky flood waters or stacked in hospital stairwells for want of anyone anywhere else to house them? Could this be happening in a major American city? Can you believe it? Could we be so inept at dealing with this tragedy?

The events of the past several days seem to have reduced our much touted American know-how and technology to little more than children's toys, strangely impotent in a real crisis.

I know many Americans cringed, as I did, at the vision of the callous neglect of our poorest and most vulnerable citizens which flashed around the world, making the United States appear to be a nation unmindful of its own, a nation unable to handle a disaster about which it had ample notice, a country loudly touting our form of government to the world while failing to provide even the most basic protections to our own citizens. What a shame.

If Katrina has any redeeming impact, it must be to cause us to see ourselves as others must surely see us. I regret to say that the picture cannot be a pretty one. That image is certainly not one that reflects the humanitarian goodness and morality of the vast majority of the American people. The perception of the United States in these troubled times should be a cause of major concern for everyone who holds public office—did you hear me?—for everyone who holds public office, regardless of political party. It is time to look at where we are and where we are going.

Few would now argue that the war in Iraq has improved the world's view of the United States. Again, what a shame. What a terrible shame. What a terrible mistake. It was an unnecessary and ill-conceived conflict which distracted us from our proper course of bombing the terrorist training grounds of Afghanistan. I have never bought the absurd claim by some that we are fighting terrorists in Iraq so we will not have to fight them here at home. Who believes that? That claim is a non-sequitur at best and, at worst, a patent distortion of what has happened in Iraq. The war in Iraq created a hot bed of terrorism where none existed before, and it ensured Osama bin Laden an endless supply of recruits, now even more fanatic in their hatred after scandals at Abu Ghraib and the destruction of so many innocent lives in Iraq as a result of our unprovoked invasion.

I said it then. It was a mistake. We were being misled. I said it then, that Hussein did not pose a threat to our national security. I didn't believe the stories that were told. And as it turned out, the stories were wrong.

For everything there is a season, saith the Bible. The season has come for Americans to look homeward instead of continuing to spend billions of dollars in Iraq. Let us husband our hard-earned tax dollars and spend them here at home. Look homeward. The Iraqi people must slowly find their own way now.

Further, U.S. dictated deadlines are counterproductive. We cannot force-feed democracy in Iraq. To keep large numbers of American soldiers in Iraq much longer only earns the United States more enmity, reinforcing our unfortunate global image as conqueror, not liberator.

Haven't we learned that? The Iraqi people must begin to take it from here. In fact, there is no longer a war in Iraq. The President says we are a nation at war. We are not a nation at war. The U.S. military is at war. The Nation pays little attention to it. The newspapers seldom mention it. The administration is deaf, dumb, and mute on the war.

A national war? Guardsmen know about it. They know there is a war, and their families know there is a war. We started that conflict. We started that conflict, and we met the goals established at its outset. Now there is a slow, festering, internal political struggle pitting Shiite against Sunni against Kurd which will play itself out perhaps for decades until it either devolves into outright civil war or resolves into some sort of compromise which suits those who live in the country of Iraq.

We cannot resolve Iraq's internal issues. It is time for the United States to begin to bring our troops home. What are we waiting on?

There are those who say if we were to leave, we would not be honoring those who gave their lives in vain. That is an argument that is eternal. We continue to feed lives into the slaughterhouse.

The invasion of Iraq was never supposed to be an open-ended peacekeeping mission with our troops mired amid the chaos of continuing urban warfare, the most dangerous place in the world. How would you like for your son to go? How would you like for your daughter to go? How would you like for your grandson to go? For what?

We need to bring them home with a hearty "job well done"—a hearty "job well done." We should begin with the National Guard. Praise God, the National Guard. Obviously, they are needed here. They were needed in New Orleans. They were needed in Mississippi. They were needed in Alabama. They are an integral part of our first responder team in the event of a terrorist attack, God forbid, or if another national disaster were to strike.

It is time to come home—come home, America—time to come home; time to come home, America; time to look within our own borders and within our own souls. There are many questions to be answered and many missions to accomplish right here on our own soil. We have neglected too much for too long in our own backyard. Come on, wake up, wake up, America.

To everything there is a season—a time to break down and a time to build up. If we had spent the money a few years back to rebuild those levees on the Gulf Coast, thousands would be alive today. Perhaps we can finally see the value of that budgetary stepchild called public works.

All across this country, there are years of neglect of the basic infrastructure of the United States that cry out for attention. Years of neglect—years of neglect—of the basic infrastructure of the United States that have been crying out for attention, cry out today for attention, and we have delayed for decades, and the needs are only growing.

There are antiquated sewer and water systems built a century ago in our major cities. Take a look here in Washington, DC, right here in the Nation's Capital. Washington, DC, has water not always safe to drink. There are rural communities in America that live with black mud coming out of their faucets. There are unsafe bridges. There are aging reservoirs. There are schools without adequate heat or modern learning tools all around our land. Homeland security needs are underfunded. I have time and again, time and again offered amendments to more appropriately fund homeland security. My amendments were defeated because the White House and the leadership of the party that controls this House and the other House oppose those amendments. Yet we continue to commit billions of dollars to rebuild Iraq while our own needs go begging. Can't we see? How long, how long, how long will we close our eyes to these needs?

Is it not now painfully evident to everyone that we must make basic investment in our own country a national and urgent priority? Imagine a terrorist attack on the heels of a catastrophe such as Katrina. Can you imagine the horror, the chaos, the utter confusion? I have to believe that Osama or one of his henchmen is taking notes as we struggle with the devastation left in Katrina's wake.

Our economic resources are stretched dangerously, dangerously thin, and so is our military might—you better believe that—so is our military might.

We have taken on too much. We have turned our backs on cooperation with the international community, decided to go it alone, and pursue some grandiose scheme of remaking the world in our own image. How silly.

By now it should be clear to all that grand experiments are very costly. It is time for a national epiphany. The sound of Katrina's bugle must be heeded. We cannot continue to commit billions of dollars in Iraq when our own people are so much in need—not only now in New Orleans, but all across America—for everything from education to health care to homeland security to securing our own borders. We need to stop making excuses, stop spinning the facts, and come to grips with the unpleasant truth. The Government of the United States is failing the American people. Failing. That is the catastrophe.

Where is the national debate about our priorities which Katrina should prompt? What does it take to wake us up? Hey; listen, hear me: It is a debate that must begin, if not on this Senate floor, then in the barber shops and in the grocery stores of America and in the print and broadcast media of this great Nation.

It is past time for that debate and high time for all of us to realize that there is nothing more patriotic than taking a good, hard, honest look at our national priorities. We, the people—we, the people—always have that right. A strong republic depends upon just that kind of periodic soul-searching. Does our moral sense of ourselves translate into Government policies? I believe that. Presently, it does not. We have a disconnect in Government policy in everything from a tarnished U.S. image abroad to a failure to address gasoline shortages and skyrocketing prices that will certainly slow our economic engine and take their toll on working people.

Instead of asking the public not to buy more gas than needed, I wish somebody would ask the giant oil companies to pass up some profits and help hold down gas prices as a patriotic gesture for our country. Would that be so outrageous? What do you think?

Why have we not had the vision to invest in alternative energy sources on a grand scale to free us from the addiction to foreign oil? For too long—for too long—our great land has been allowed to drift toward balkanization, a separation between the haves and the have-nots, with the lower end of the income scale at risk from a tattered safety net and a neglected infrastructure, lacking the jobs and housing they need, the health care to stay well, the insurance to cover hospital stays, or the educational opportunities to prepare for the future.

I remember, yes, I remember an America that used to feel more like one country—one country, an America that shared the sacrifice of war and tightened its belt so we could pay for it now. But now we borrow to go to war, and we cut taxes to spare those in the high brackets from sacrifice.

Where is the sense of shared destiny? It has taken nature's own weapon of mass destruction, a category 4 hurricane, to remind us that we are all American and that our Government has a moral obligation to serve and protect us all.

This country is on the wrong track, and the course needs correcting. Continued denial serves no good purpose. Further loss of American life in Iraq may permanently sour the American people on future military action and damage the recruitment for our all-voluntary force.

To everything there is a season—a time to kill and a time to heal. We have seen the fallacy of sending too many members of the National Guard to the Middle East. What folly.

As I speak, we have lost 1,886 sons and daughters in Iraq. And for what? And there seems to be no end in sight, no plan. We have 137,000 troops still serving in Iraq with 2,000 more scheduled to go in October. We are building at least—now get this—we are building at least four semipermanent bases in Iraq structured to hold 18,000 troops each. Why? That does not sound like "staying not one day longer than needed" to me. In truth, most Americans no longer support a massive deployment in Iraq. Nor do they understand the mission of that continued deployment. Despite repeated directives by the Congress, the "powers that be" refuse to actually budget for Iraq, so that a total picture of our fiscal situation and the cost of the war is deliberately obscured. We are driving our country ever deeper into debt and stretching every resource that we possess to the breaking point. How much longer can it last? Prudence demands that we reassess our posture. Our inept and pathetic, pitiful response to Katrina has underlined our vulnerabilities and writ them large before the world. The American people deserve better than this.

I call upon the leaders of this country to come together and to work together to repair our storm-ravaged Gulf Coast and help salvage the lives of its victims. But more than that, I call upon the Congress to inventory our homeland with an eye to the future. Let us look around, America, and target our deficiencies. Let us work with State and local communities to shore up our weaknesses. We must react in a crisis, of course, but for God's sake, let us finally understand that we must also anticipate the future and be unafraid to commit the resources to make us strong at home. The lesson of Katrina most surely is that an ounce of prevention is worth several tons of cure.

We need to also learn that we cannot long remain a world power if we continue to let America crumble from within. The alarm bells are sounding—listen. The alarm bells are sounding and we must answer the call. This is no time to play for partisan advantage. This is certainly not the season to circle the wagons and hunker down. We need not stretch our brains to write new talking points or invent new excuses. And please, oh, please, please, let us not resort to the trusty bureaucratic ruse of simply reorganizing Government agencies once again.

It is time for real leadership. It is the season for true humility. The Bible says:

> Pride goeth before destruction, and an haughty spirit before a fall.

For years we have been getting it wrong here in Washington. But if we have the will, we can begin to get it right. The American people deserve leaders with the honesty to take responsibility for failures—quit making excuses, quit spinning the facts—and the wisdom to change when change is obviously and so urgently needed. And may God, may almighty God, grant us the grace.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the Senator from Louisiana is recognized.

HURRICANE KATRINA

Mr. VITTER. Mr. President, I thank my colleagues, especially the senior Senator from Louisiana, Senator LANDRIEU, and the distinguished Senators from Mississippi and Alabama for all of their leadership during this Hurricane Katrina crisis. I thank all of my colleagues who have offered their heartfelt thoughts and prayers and very concrete help over these past 2 very difficult weeks.

I arrived back yesterday from the battlefields of the other gulf war. I stand before you to offer my firsthand report. I don't mean to be overly dramatic in my use of the analogy to war. I mean to be accurate. I mean to effectively convey the magnitude of the destruction, the enormity and complexity of the ongoing human impacts, and, perhaps most important, the level of national resolve and commitment that we need to win the recovery effort.

We have all seen very powerful and destructive storms come ashore. We have seen them cause enormous damage, create short-term flooding, even take lives. And then the next day we respond and the residents of the stricken area walk through their community and try to begin picking up the pieces.

This is different. It is not just fiercer or bigger, it is wholly different.

Yes. Katrina was one of the most powerful hurricanes ever. When it hit Louisiana's coast, it did so with sustained winds of 140 miles per hour. Its low pressure reading of 920 at landfall made it one of the three most ferocious storms ever to hit the United States, along with Camille in 1969 and the Labor Day Storm of 1935. But it was much more than that. Yes, Katrina was also one of the largest hurricanes ever geographically. Those ferocious winds extended 100 miles from the eye of the storm, which means they pounded the stricken area for hour upon hour upon hour, a devastated area roughly the size of Great Britain; roughly 2½ times larger than the area hit by Hurricane Andrew in 1992.

But it was even more than that. You see, Katrina was a ferocious, huge hurricane that hit a treasured coastline, an entire region, including a major American metropolitan area, and that population center is one of the poorest in the country, and it is the only one that sits largely under sea level, protected by levees until some of the levees broke.

What does that mean? Storm surges of up to 25 feet; large portions of southeast Louisiana with long-term flooding of up to 20 feet; tens of thousands of people who had not evacuated, most in one-story wooden houses, driven to their attics and roofs, many to be trapped there.

The crisis did not stop or stabilize there. In the ensuing days, it meant the breakdown of basic institutions: the failure of all communication systems; lawlessness, which began spiraling out of control; thousands of evacuees collecting in safe havens such as the Louisiana Superdome and the New Orleans Convention Center, which quickly became some of the most unsafe hellholes imaginable.

What does it all mean now? It means a major American metropolitan area evacuated. This is the first time this has happened since the Civil War. There is that war theme again. But the difference is, American cities have grown quite a bit since then. This metro area is home to 1.3 million people. It means hundreds of thousands of evacuees from southeast Louisiana. These are numbers comparable to some of the historic dislocations during World War II, but the difference is it is right here in America.

During all of this I was in southeast Louisiana. My wife Wendy and I packed up our minivan and our four kids and drove to Memphis the Saturday before the storm. After leaving them safely with family, I returned to Baton Rouge that Sunday, where I slept in a true safe haven, the State Police compound, and began traveling into all of the devastated areas beginning that Tuesday morning.

Much like in war, what I saw covered the whole spectrum of human activity. Indeed, it tended to concentrate on the two ends of the spectrum: great acts of personal heroism followed by a truly awesome military operation beginning on day five on one end of the spectrum; looting and worse and bureaucratic incompetence on the other end.

Let me be very clear and precise about this because some reports of my critique of the early relief effort have caused some consternation. I was quoted after the first few days as saying that the early government relief effort was a failure. I was quoted correctly and this was clearly, unequivocally, indisputably true. In that initial relief effort, FEMA failed us miserably and Louisiana's hurricane preparation and emergency bureaucracy failed us miserably, too.

Don't take my word for it. Talk to the mother with her young daughter whom I left at the Lafayette shelter. They were still in shock, not from the storm but from the hell on Earth that they had been placed into at the Louisiana Superdome. Or talk to nurse Jody Lopez, who was holed up in Lindsey Boggs Memorial Hospital, or Dr. Tom Kiernan, trapped at Tulane Hospital, who struggled to keep critical care patients alive for days with no sign of help in sight.

Thank God that while the bureaucrats failed, others succeeded. The first group of heroes who held on and overcame amazing challenges in those first few days were local leaders and citizens on the ground. This was true in every community I visited—New Orleans, St. Bernard, Slidell, Bogalusa, Amite, Kenner, to name a few. Sheriff's deputies in St. Bernard were living on a small riverboat so they could continue their vital work. Eight days after the storm most had not seen their homes or talked to their families, but they were committed to keeping St. Bernard safe and putting their duty above their families and property.

There were hundreds of private citizens such as David Fakaouri of Baton Rouge, who pulled his boat down to New Orleans and spent days combing the city for survivors, saving more than 60 people personally. These private citizen rescuers slept in their boats and trucks, using their own fuel, and witnessed suffering at a level we cannot imagine.

Local leaders such as State Senator Ben Nevers of Washington Parish worked tirelessly to secure police reinforcements, water, food, gasoline, even chain saws to cut out of isolated areas.

There was the lunch crew at Belle Chasse High School in Plaquemines Parish who, operating on emergency power only, fed hundreds of relief workers every day. When I left them, they were working to feed the Army Rangers who had arrived to provide support and security.

These local leaders and private citizens were also aided by counterparts from around Louisiana and around the country. These counterparts collected food, water, ice, generators, fuel and other necessities, and with no plan and with no budget they got it to devastated areas, in many cases over a week ahead of the bureaucrats.

Local police units from communities in Kentucky and Illinois were among the first to show up and offer assistance to our local police forces. Similar dispatches from communities in California and Ohio sent security reinforcements to their comrades in Gretna.

Wal-Mart voluntarily offered its Kenner store as the food supply and distribution center for the entire city of Kenner the day after the storm and then, after the Kenner store was depleted, Wal-Mart National continued to send two truckloads of relief per day to keep that effort going.

Members of the Young President's Organization raised millions in essential supplies to turn over to their fellow YPO member, State Senator Walter Boasso. Walter used his company barges and worked with other leaders to set up their own dock operation and get supplies to St. Bernard. Acadian Ambulance is a private Lafayette-based ambulance service whose people not only inundated the area with ambulances to evacuate hospitals and nursing homes, but who actually created and implemented an ad hoc but effective evacuation plan while the State Department of Health and Hospitals dithered.

These local leaders and private citizens, heroes both from throughout the devastated area and around the country, got us through those first crucial days. And then another group of heroes helicoptered in, the men and women of our military. In fact, we turned a corner in our relief efforts the Friday after the storm, day five, because it became a full-scale military operation. And with that came a completely different mindset, a completely different culture than the bureaucratic one we had been fighting for 5 days. "We can't do that," and "That's not our job exactly," was replaced with, not "Yes," but "Yes, sir." Members of the Coast Guard who were out saving lives Monday afternoon, before the storm's winds even died down, rescued more than 33,000 people.

U.S. Army LTG Russell Honore from Pointe Coupee Parish, LA, assumed command of the Active-Duty military effort in our State and personally took charge to establish that can-do attitude.

The 82nd Airborne, which took charge of New Orleans Airport that Saturday, organized the operation overnight and evacuated thousands.

This same organization that landed in Normandy, where the Higgins boats made in New Orleans were key to victory on D-Day, also helped in the rescue efforts by dropping in food, water, and supplies to thousands in need.

Coast Guard VADM Thad Allen is now in charge of relief efforts and now finally pushing that same can-do attitude onto the bureaucracies of FEMA and the State bureaucracies that floundered in the early response.

These groups of heroes—local leaders partnered with private citizens and the military—have stabilized efforts in the devastated areas, but enormous challenges remain. In the areas hardest hit by Katrina, these challenges include reinstituting the necessities of a modern, civil society, such as a full-fledged New Orleans police force and criminal justice system, replacing countless miles of electricity and phone lines, establishing huge communities of temporary housing, bulldozing and rebuilding entire neighborhoods and parts of the metropolitan area, and bringing businesses and jobs back.

Beyond the devastated area, the radius of our challenges has expanded to wherever there are large numbers of evacuees—Houston, San Antonio, Charlotte, Salt Like City, Milwaukee—and every town and city across the rest of Louisiana. You see, so many of the evacuees lived their lives paycheck to paycheck. So many others depended on Social Security or other programs. They need immediate help in all of those areas—well beyond Louisiana. Unfortunately, the bureaucrats are still in charge of this.

As we tackle these challenges, let us remember what worked in the initial relief effort and what didn't work. As we investigate—and we must—let us focus on that central question: what worked and what didn't work.

I have heard many Washington talking heads say that heads must roll. I am all for that, and I have my own personal list. But that alone isn't enough. We need to look at the big picture—not just which people failed but which institutes and models failed, and, just as importantly, which others worked against all odds. A new head bureaucrat is not the solution to a failed bureaucracy. We need to look at the successful can-do military culture and the startling success of people-power and private initiative. Government outlays alone will not rebuild a great American metropolitan area and repopulate it with jobs. We need mega-enterprise zones to harness private sector investment power and to recreate jobs. Returning to the same routine of begging and scraping for flood and hurricane protection will ensure that this happens again.

We need energy royalty sharing as a stable source of revenue for Corps of Engineers hurricane protection projects, and we need the same to use and to invest in coastal restoration to protect Louisiana and our Nation's oil and gas supply.

Second, the tens of billions of dollars in government relief money through FEMA and the State OEP—the very same agencies which failed us—will lead to more failure. We need a Katrina reconstruction commission headed by a no-nonsense, nonpolitical businessman manager so that we will all have something lasting to show for this enormous spending.

I am working with my colleagues in the Louisiana delegation, Senator LANDRIEU, and all of our House Members, to introduce a comprehensive legislative package for implementing these ideas, and we will be outlining our specific proposals in the very near future.

In closing, let me make one final plea: that is, as we do all of this, let us do it together in a sincere spirit of bipartisanship.

I saw horrific scenes in the days after the storm. I smelled sweltering stench. But what I sometimes heard coming out of Washington was more sickening—ridiculous arguments tying the suffering to the war in Iraq and the Reagan deficit, talk of boycotting bipartisan hearings and stonewalling independent commissions. Nobody in the stricken area is talking that nonsense. They are rebuilding lives.

So perhaps the best thing we can do as leaders is to follow—follow the basic goodness and common sense of Louisianians and Americans. If we don't, if we allow this matter to become just another partisan political football, then we will have done one thing: that is, to victimize the victims of Hurricane Katrina all over again.

Two of Louisiana's beloved football teams—the New Orleans Saints and the LSU Tigers—lifted our spirit with victories this past weekend. The Saints beat the odds, and the Tigers won in the game's last second with a pass verging on a Hail Mary. It reinforced for us what we already knew: that even in dark times, hope springs eternal, prayers are answered, and a can-do attitude pays dividends. I have no doubt that Louisiana's resolve and spirit will be demonstrated in the coming months as our families rebuild their lives and their communities. America is joining us in that same spirit. Let us all follow their example.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I was pleased to be in the Chamber to hear the remarks of the junior Senator from Louisiana and want to sincerely say to all of our colleagues who are here that Senator VITTER and I offer our views about the conditions in Louisiana and the gulf coast having been there, as Senator VITTER said, through almost every day of this horrific and devastating tragedy, a tragedy not just for our city of New Orleans and the parish of Jefferson but the region of the gulf coast.

I thank Senator VITTER for his words to our colleagues about the way we have urged our delegation to work in a bipartisan spirit, with commonsense solutions and out-of-the-box thinking to put together a framework of a plan for rebuilding that calls on the best from our National Government, the best from our State government, the best from our local government, the best from our private sector, individual citizens, and nonprofit communities to rebuild this region and rebuild our cities and our towns, our counties and our parishes, in a way that honors the spirit of the great Americans who have called this place home for over 250 years.

I thank the Senator for his remarks. He has been a steady voice of outstanding confidence for the people of our State, and his views and his wisdom that he shared with all of us today truly is inspirational to us all. I thank him very much for the personal invitation to be with him as he spoke today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask the current business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1703

Mr. PRYOR. Mr. President, I have an amendment to send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself and Ms. MIKULSKI, proposes an amendment numbered 1703.

Mr. PRYOR. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the FTC to conduct an immediate investigation into gasoline price-gouging, and for other purposes)

On page 190, between lines 14 and 155, insert the following:

SEC. 522. Of the funds appropriated to the Federal Trade Commission by this Act, not less than $1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina; *Provided*, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of $500,000,000 and by any retail distributor of gasoline and petroleum distillates for use as motor vehicle fuel against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies for gasoline and petroleum distillates for use as motor vehicle fuel during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; *Provided further*, That, in conducting its investigation, the Commission shall treat as prima facie evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends; *Provided further*, That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act; *Provided further*, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere; *Provided further*, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section; *Provided further*, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities; and *Provided further*, That nothing in this section affects any other authority of the Commission to disclose information.

Mr. PRYOR. Mr. President, I will visit with my colleagues today about a problem this Nation is facing, something very critical to our economy and critical to every section of this great land. It is something I was reminded of time and time again when I was at home in Arkansas during the August recess: It is the high price of gasoline.

The price of gas in the last month has risen across the Nation anywhere from 30 to 70 cents per gallon. In Arkansas and throughout the country gas prices are at an unprecedented high. Unfortunately, Hurricane Katrina made a bad situation worse. The Gulf of Mexico and the State of Louisiana are absolutely essential in our Nation's production of crude oil and gasoline. Hurricane Katrina has caused major disruptions in the supply of these crucial commodities. This is one reason for the recent spike in the retail price of gasoline, but I am certain it is not the sole cause.

As I traveled my home State last month, I heard from countless citizens who believe the oil companies are taking advantage of them. Can you blame them? It is hard for the people in my State, as I am sure it is for the people in other Members' home States, to fill up their gas tanks and pay record high prices at the pump while, at the same time, opening up the business page and seeing the oil companies are making record profits. That does not sit well with people.

I believe the consumers have a legitimate concern, a legitimate question about why prices are so high, why they have been trending up in the last year or so. We should have an investigation. If price gouging is occurring, we need to know that. If it is occurring—I am not saying it is—if it is occurring, we need to stop that activity dead in its tracks.

This is why I offer this amendment to the Commerce, Justice, and State appropriations bill that directs the Federal Trade Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina. We must find out—when I say "find out," I do not mean speculate, not accuse, not assume but find out whether gas price gouging is occurring through the supply chain or distribution markets. And if price gouging is occurring, we must punish those who take advantage of this national tragedy.

I thank my colleague from Maryland, Senator MIKULSKI, who has been a leader on this issue and who has helped shape this amendment and is one of the cosponsors of this amendment. I thank her for her leadership. She has done a great job not just on this legislation but many others as we all know.

In the aftermath of Hurricane Katrina, we have seen this country come together. It has been very heartwarming. Today I have been on the phone with people all over my State who are operating these camps for people who have been evacuated from the gulf coast area. It is encouraging to see communities, to see people come out of the woodwork to help. It has been very encouraging to see churches in my State go the extra mile for people who need it the most. I am very encouraged by that.

We also need to be mindful of what high gas prices do to this Nation's economy. We need to know who the honest brokers are. We need to know when gas stations raise their prices, are they doing it because they need to, because they are being charged, or are they doing it to make a quick buck? Those are legitimate questions.

We also need to know what companies sold their gas at a higher price because they needed to and what companies sold their gas at a higher price with greed as their motivation.

The people in my State and the people in your State and the people in all of our States have a right to know why gas prices are so high right now. This will cause a great hardship for the economy, for every sector of this country. Everything we buy, everything we pay for, has a fuel component built into it. We understand that.

As I wind down, we have had complaints from all over my State. We had one guy write in and say the price jumped 60 cents in 1 day. I know other Members have had complaints. I appreciate consideration of this amendment and appreciate my colleagues looking at it. It is important for this country. It is important for the Senate to take up this issue.

Ms. MIKULSKI. Mr. President, may I make a request of the Senator from Vermont, the ranking member of the Judiciary Committee? I want to be able to speak on the Pryor amendment. I wonder, given what the Senator needs to do and, of course, the responsibilities that are pressing, should we do that after this?

Mr. LEAHY. Mr. President, we have 20 minutes.

The PRESIDING OFFICER. Twenty minutes equally divided and under the previous order.

Mr. LEAHY. I ask the Senator from Maryland how much time does the Senator seek.

Ms. MIKULSKI. It was 5, but I could get it to 3.

Mr. LEAHY. Could we start ours later?

Mr. INHOFE. Mr. President, reserving the right to object, let me suggest it has been the request of some of the people on the Judiciary Committee that we delay about 10 to 12, maybe 15 minutes, and that gives the Senator from Maryland an opportunity to be heard. Is that acceptable?

Mr. LEAHY. Mr. President, why don't we begin debate on mercury, and I ask unanimous consent we begin it at 12:17. That gives us time for the Senator from Maryland. I know we are going to break in the Judiciary Committee, and that would give plenty of time.

Mr. INHOFE. We will say 20 after.

Mr. LEAHY. Twenty after.

The PRESIDING OFFICER. Is there objection to the unanimous consent request that we proceed to S.J. Res. 20 at 12:20?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I rise as a cosponsor of the Pryor amendment. Why? Because American people believe there is gasoline price gouging. We have to find out if there is. What this amendment does is add $1 million for the Federal Trade Commission to investigate whether there is price gouging.

There seems to be evidence of price gouging throughout the supply chain and in the distribution markets. The impact of gasoline price spikes on our country is severe. They impact people's day-to-day lives at the family level, at the small business level, and at the macro level. And the American people believe deep down there is gouging.

All of America knows that Hurricane Katrina had a terrible impact on our country, that the storm had a significant impact on oil production and oil refining capacity in the gulf. We understand refineries were down and badly damaged, distribution pipelines were affected, shipping channels were blocked due to obstructive deposits and, of course, we have seen offshore drilling impacted. But these disruptions happened over a 3 week period. Why were the gas prices being spiked an hour and a half after Katrina happened? We saw price spikes in Maryland even before that. Marylanders are hot about this and so is this Senator.

Now, my cost of commuting from Baltimore to Washington has already gone up $30 a week. I can afford it; I am a Senator. But I saw on a local Baltimore TV station a woman who filled up her minivan—a soccer mom—and it was $90. She put her head on the windshield and wept about how her family was going to afford filling the family vehicle with gas.

My Governor is also deeply concerned. He brought in the gasoline station operators to find out why prices were the third highest in the Nation. Little Maryland, behind California. And who are the other two highest? New York and the District of Columbia, our neighbor.

What are we saying? The average price in Maryland is over $3, compared to $2.46 just a month ago. Throughout the Baltimore-Washington corridor, gas is selling at $3.49, $3.39. But do you know what. We think there is some kind of deal going on because it can vary within a 3-mile radius. Over where I live, gas has been selling for $3.63 a gallon. If you go into another neighborhood, just 5 miles away, it is selling for $3.03—a 60-cent-a-gallon difference.

Tell me, who is pulling the strings? Who is setting these prices? Well, right now, we could end up just with finger-pointing. I want to pinpoint the problem.

First of all, I salute Governor Ehrlich for convening the meetings he had. His meetings broke up, and he was not satisfied. He is going the next step. I want us to now operate on facts because we see how gasoline prices are affecting families, such as the cost of commuting to work, and Maryland is a commuter State.

The price of gasoline is skyrocketing. It is affecting small businesses, from the florists who deliver flowers, to the pharmacies that deliver prescription drugs, and so on.

Then, you look at our businesses. So much of our food supply comes to our communities, our wonderful supermarkets, by truck. Also, you go out along the Chesapeake Bay where people love our crabs, but my watermen are just aghast at what it costs to take their boats out to harvest seafood.

So I could give story after story. But Marylanders want to know, is there price gouging? If there is, we have to go after it and stop it. We know there are record high profits in the oil and gas industry. We know there is price variance with the oil companies. We know there is price variance even block by block as to how much consumers are being charged for gasoline.

But, most of all, we know there is going to have to be shared sacrifice because of Katrina. We are going to have to examine how we build refineries in our country. We have to have an oil conservation strategy; conservation could be our next North Slope. We should focus on those things.

But right now I am worried about what is being charged at the pump. We want to make sure there is not price gouging, and that there is not price fixing. We are asking the Federal Trade Commission to investigate. I want to advocate an amendment to put money in the Federal checkbook to do so.

Mr. President, know that we Marylanders want to move ahead, we want to cooperate, but we want to know why gasoline is so expensive and what is behind the price spikes and price fluctuations?

And hello, oil companies out there, if you are listening, if you want to respond to me, I am right there at 503, in the Senate Hart Building. I have an open line to listen to what you have to say because I am getting an earful in Maryland.

Mr. President, I yield the floor.

DISAPPROVING A RULE PROMULGATED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the hour of 12:10 having arrived, the Senate will proceed to the consideration of S.J. Res. 20, which the clerk will report.

The legislative clerk read as follows:

A resolution (S.J. Res. 20) disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility users from the source category under the Clean Air Act.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes equally divided for debate between the Senator from Oklahoma, Mr. INHOFE, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think we have now agreed by UC that we will begin our equally divided 20 minutes at 20 minutes past the hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. That being the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would ask Senator INHOFE and Senator LEAHY if we could start the 20 minutes now.

Mr. INHOFE. I have no objection.

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes evenly divided for debate between the Senator from Oklahoma, Mr. INHOFE, and the Senator from Vermont, Mr. LEAHY, or their designees.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I discussed this with the distinguished Senator from Oklahoma. I yield 3 minutes, first, to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. Mr. President, very quickly, we are about to vote on an issue that really has to touch every one of us in some form or fashion, if one is a parent or one is a grandparent or if one has any contact with children; as to the kind of issue we are discussing.

I will start off by seeking unanimous consent that letters and other material in support of this resolution from environmental, sportsmen, fishing, and religious groups be printed in the RECORD following my remarks.

The list is long. They talk about the health community having grave concerns about the threat of mercury pollution to the public health, about potent neurotoxins that can affect the brain, heart, and immune system. There are almost 40 organizations cited in this one letter. They include organizations such as the American Academy of Child and Adolescent Psychiatry, the American Association on Mental Retardation. A lot of these groups are focused on the thought process—Cure Autism Now, Learning Disabilities Association, the National Autism Association, the Society of Pediatric Nurses, and United Cerebral Palsy.

Mr. President, I ask unanimous consent that these materials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, I suspect most Americans are going to be shocked to learn the administration wants to allow more poisonous mercury into the environment. But that is exactly what they are trying to do. We should not permit this vote to take place as it is.

I hear the arguments that are being made that reducing toxic emissions from coal-fired plants may in fact increase the cost of energy, that it would be terrible. People are being shocked by the cost of fuel and energy generally.

But if you want to look at a bunch of children and say, "No, we are going to risk these children having learning disabilities and to not be able to function properly, not be able to be an integral part of their school body as would be planned," as opposed to perhaps—perhaps—the energy we use costing a couple more cents, there cannot be any justification for this resolution not to pass.

I hope our colleagues in the Senate will look very closely at the decision they are making, between children and a little extra cost for energy.

JULY 27, 2005.

EXHIBIT 1

DEAR SENATOR: As leading national health organizations, we are writing to ask that you vote to protect the public's health, especially children's health, from the threat of mercury pollution. The upcoming vote on the Collins-Leahy joint resolution to stop EPA from implementing its new Mercury Clean Air Rule is an opportunity to put children's health first. Since EPA unfortunately ignored the calls from health professionals, scientists, a number of states, our organizations and the public when it finalized the mercury rule earlier this year, we now turn to Congress to ask for your intervention.

The health community has grave concerns about the threat of mercury pollution to public health. Mercury is a potent neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk; even low-level exposure to mercury can cause learning disabilities, developmental delays, lowered IQ, and problems with attention and memory. EPA scientists estimate that one in six women of child-bearing age has enough mercury in her body to put her child at risk should she become pregnant. Mounting evidence also indicates that mercury increases the risk of cardiovascular diseases in adult men.

As organizations representing medical, nursing and public health professionals, women, and advocates of children and families, we are concerned that the American public is not adequately protected from exposure to mercury in the environment. Many of our members (most notably physicians, nurses, and health scientists) contributed their clinical and research expertise in commenting on the EPA's rule; nearly 700,000 comments, including the attached mercury health consensus statement, were submitted to the EPA docket in overwhelming opposition to this flawed proposal. Of particular note:

The EPA's own Children's Health Protection Advisory Committee (CHPAC) advised the Agency that the rule "does not go as far as is feasible to reduce mercury emissions from power plants and thereby does not sufficiently protect our nation's children," writing four letters to the Agency raising significant children's health concerns about the rule;

Important new research that EPA failed to consider from the Harvard Center for Risk Analysis and the Mount Sinai School of Medicine reinforces the National Academy of Sciences' (NAS) determination that methylmercury exacts serious, adverse effects on public health, and provides new evidence that mercury pollution inflicts neurocognitive impacts on developing children that affect our nation's economic productivity;

Both the Government Accountability Office (GAO) and EPA's own Inspector General documented widespread discounting of scientific and public health evidence as EPA developed and finalized the mercury rule.

As a nation we can do better. EPA articulated a sound scientific basis for its decision in 2000 to list mercury emissions from power plants as a "hazardous air pollutant," ensuring regulation under the maximum achievable control technology (MACT) section of the Clear Air Act. The scientific evidence of harm has only grown in the last 5 years, adding significant additional weight to EPA's earlier determination. Moreover, substantial evidence exists that power plants can affordably install the necessary technologies by 2008. Yet remarkably, the mercury rule finalized in March 2005 is even weaker than the rule initially proposed by EPA in 2003.

We urge you to protect women and children from toxic mercury by supporting the joint resolution, sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), to disallow the EPA's flawed mercury rule. In some important respects, mercury pollution is the lead of our generation and it deserves to be treated as a serious threat to public health. We strongly urge you to protect Americans from mercury pollution by supporting the Leahy-Collins resolution.

Sincerely,

American Academy of Child and Adolescent Psychiatry.
American Academy of Pediatrics.
American Association on Mental Retardation.
American College of Nurse-Midwives.
American College of Preventive Medicine.
American Federation of State, County and Municipal Employees.
American Nurses Association.
American Psychiatric Association.
American Public Health Association.
Association of Reproductive Health Professionals.
Association of Universities on Disabilities.
Breast Cancer Fund.
Center for Children's Health and the Environment, Mount Sinai School of Medicine.
Children's Environmental Health Network.
Commonweal.
Cure Autism Now.
Easter Seals.
Families USA.
Healthcare Without Harm.
Institute for Children's Environmental Health.
Learning Disabilities Association.
March of Dimes.
National Association of Nurse Practitioners in Women's Health.
National Association of Pediatric Nurse Practitioners.
National Association of School Nurses.
National Autism Association.
National Latina Institute for Reproductive Health.
Natonal Organization of Nurse Practitioner Faculties.
National Partnership for Women and Families.
National Research Center for Women & Families.
NoMercury.
Parents for Nontoxic Alternatives.
Physicians for Social Responsibility.
SafeMinds.
Saratoga Foundation for Women World-Wide, Inc.
Science and Environmental Health Network.
Society of Pediatric Nurses.
The Arc of the United States.
United Cerebral Palsy.

SEPTEMBER 9, 2005.

DEAR SENATORS: As organizations that represent millions of sportsmen and women nationwide, we write to ask for your support of an effort underway in the U.S. Senate to require the U.S. Environmental Protection Agency to revisit its recently finalized mercury rule for coal-fired power plants.

Hunting and fishing is more than a pastime in the United States. It is a way of life, a tradition that is passed down from one generation to the next. It's what shapes young children's relationship and connection to their natural world. Fishing also is a big contributor to our local economies, contributing $116 billion annually to the national economy.

Last year, many of our members expressed concern about mercury's impacts on people and wildlife and urged then Administrator Leavitt to strengthen its mercury rule for coal-fired power plants. Unfortunately, the final rule fails to adequately protect people and wildlife and delays mercury controls for another decade.

Mercury pollution poses a threat to fisheries and to the people, wildlife, and businesses that depend on clean water and safe fish. Recently published research found that mercury's impact on wildlife is greater than initially believed. The reproduction of fish, birds, and fish-eating mammals are all harmed due to mercury's toxic properties.

You have a unique opportunity under the Congressional Review Act to send the mercury power plant rule back to the EPA for a thorough review. Our members want to share the experience of hunting and fishing in our nation's waters for generations to come. Your leadership in reversing mercury contamination in the U.S. will make this possible and help ensure that our natural resources are protected for our children.

Sincerely,

JIM LYON,
Senior Vice President for Conservation, National Wildlife Federation.

TOM FRANKLIN,
Conservation Director, Izaak Walton League of America.
STEVE MOYER,
Vice President for Government Affairs & Volunteer Operations, Trout Unlimited.

JULY 21, 2005.

DEAR SENATOR: We urge you to protect women and children from toxic mercury by supporting a joint resolution, sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), to reject the Environmental Protection Agency's (EPA) recent rule to delay reductions in mercury emissions from power plants for years to come. In particular, the resolution would disapprove a rule that removes power plants from the sources required by law to install strict controls to reduce their toxic pollution, including mercury.

Mercury is a potent neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk; even low-level exposure to mercury can cause learning disabilities, developmental delays, lowered IQ, and problems with attention and memory. EPA scientists estimate that one in six women has enough mercury in her body to put her child at risk should she become pregnant. Mounting evidence also indicates that mercury increases the risk of heart attacks in adult men. People of color are particularly at risk from the effects of mercury pollution. Research shows minorities consume fish more frequently than other populations and are less likely to be aware of fish consumption advisories.

Mercury pollution is so pervasive that 44 states have posted fish consumption advisories due to mercury contamination. In half of these states, the advisories cover every lake and/or river in the state.

In addition to human impacts, mercury also significantly threatens wildlife. For instance, recent studies have revealed widespread contamination of aquatic ecosystems. New research also shows that many animals—including forest songbirds and salamanders in national parks—have elevated mercury burdens.

Power plants are the largest U.S. source of mercury emissions. Yet, rather than enforce the Clean Air Act, which requires each power plant to achieve the maximum degree of reduction in mercury pollution (on the order of 90 percent) by 2008, EPA has finalized new rules that allow significantly more mercury pollution from power plants and even then delay the weaker required reductions until after 2026.

The Leahy-Collins resolution would reject EPA's categorical exemption of power plants from the highly protective emission standards mandated by the Clean Air Act's hazardous air pollution control program and would instead require EPA to establish clean air standards that comply with the law and protect public health. We strongly urge you to protect Americans from mercury pollution by supporting the Leahy-Collins resolution.

Sincerely,

Andy Imparato, President & CEO, American Association of People with Disabilities; S. Elizabeth Birnbaum, Vice President for Government Affairs, American Rivers; Wendi Hammond, Executive Director, Blue Skies Alliance; Glenn Wiser, Senior Attorney, Center for International Environmental Law; Kim Coble, Maryland Executive Director, Chesapeake Bay Foundation; Conrad G. Schneider, Advocacy Director, Clean Air Task Force; Lynn Thorp, National Campaigns Coordinator, Clean Water Action; Linda Sherry, Director of National Priorities, Consumer Action; Marty Hayden, Legislative Director, Earthjustice; Josh Irwin, Director, Environmental Action; Elizabeth Thompson, Legislative Director, Environmental Defense; Ilan Levin, Counsel, Environmental Integrity Project; John Passacantando, Executive Director, Greenpeace USA; Gabriela Lemus, Director of Policy and Legislation, League of United Latin American Citizens; Kay J. Maxwell, President, League of Women Voters of the United States; Hilary Shelton, Director of Washington Bureau, National Association for the Advancement of Colored People;

Betsy Loyless, Senior Vice President, National Audubon Society; John Stanton, Vice President, National Environmental Trust; Roger Rivera, President & Founder, National Hispanic Environmental Council; Mark Wenzler, Director, Clean Air Program, National Parks Conservation Association; Kimberly Barnes-O'Connor, Deputy Executive Director, National PTA; Manuel Mirabal, President & CEO, National Puerto Rican Coalition; Karen Wayland, Legislative Director, Natural Resources Defense Council; Debbie Sease, Legislative, Director Sierra Club; Stephen Smith, Executive Director, Southern Alliance for Clean Energy; Anna Aurilio, Legislative Director, U.S. Public Interest Research Group (PIRG); Roxanne D. Brown, Legislative Representative, United Steelworkers; and Tom Z. Collina, Executive Director, 20/20 Vision.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield 2 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I will be brief but concise.

This is not a vote about reducing mercury by 90 percent by 2009 or even 70 percent by the year 2030. That is a red herring.

This is not a vote about the opponents' wildly outdated claims on the potential cost or the availability of mercury controls.

This is not even a vote about the well-documented and devastating effects of toxic mercury on future generations of children or the Nation's environmental health.

Mr. President and Senators, this is a vote about whether the administration failed to comply with the law. We cannot afford to get it wrong now. There will be no going back.

After careful review, I have concluded that there was such a failure that this was an intentional and illegal effort to circumvent the law, and that it was designed to benefit big energy companies at the expense of the public health.

This failure has been documented in reports by GAO, the Inspector General, in the press, and in testimony before the Environment Committee and the Democratic Policy Committee.

Our resolution sends the agency back to the drawing board to get it right and to comply with the law.

Mr. President and Senators, it is this simple: Should the administration comply with the Clean Air Act? I think so and will vote yes. If you think so, vote yes on this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me make 10 points and make them very succinctly and very quickly. I timed myself, and I can do it in this time.

So I start off with, in reality, this is a political exercise in futility. Every Senator in this Chamber knows it. Who in this Chamber would truly believe the President would sign legislation to repeal his own administration's rule? It is not going to happen. Yesterday, the President said he would veto it. That is a done deal. That is a no-brainer. We understand that.

Now, if you want political points with some of the far left environmentalist groups, sure, this might be your opportunity to get it. But you know it is not going to happen.

Secondly, overturning this rule would delay the rule that is already in effect right now. This President has a good rule. It is a cap-and-trade rule. Prior to this, nobody else was able to do it. But he is doing it.

Third—this is very important—the Senator from Vermont was commenting about some people giving false financial information. I think we know from the Energy Information Administration that the cap-and-trade rule—this approach to it—would cost about $2 billion. This is what is in place right now. This is what the President has done.

In the event they should substitute that for a MACT rule, the Energy Information Administration said it would cost $358 billion. Now, that is how much it would cost. But I think there is a lot more than that. You have to keep in mind if you pass this rule, if this were to take place today, that would have the effect of shutting down coal-fired plants. You would have to replace them with natural gas. That natural gas has already gone up in price.

I have here today, from Oklahoma, the Oklahoma Farmers Union. They can tell you, the cost of fertilizer has gone up 70 percent just in the last short period of time. If you start using natural gas in the plants, there is going to be far less of it available. We have driven 90,000 chemical manufacturing jobs overseas because of the problems they have been having with natural gas right now. So it would be that much worse.

The fourth thing is, they say this is not going to work. It has already been said. It was said yesterday and this morning that the cap and trade does not work. This is patterned after the Acid Rain Program. The Acid Rain Program is considered to be a success. Many Senators—and I do not blame them—have resisted the idea of a cap-and-trade program. They said all kinds of things were going to happen with acid rain, and it did not happen. Even the senior Senator from Vermont said—this is in 1999 when we had the acid rain proposal—

> When we were debating controls for acid rain we heard a lot about the enormous cost of eliminating sulfur dioxide. But what we learned from the acid rain program is that when you give industry a financial incentive to clean up its act, they will find the cheapest way [to do it].

That is exactly what happened. That is what is going to happen in this case.

The fifth thing is that the sponsors of this resolution talk about the fact that a MACT program would give a 90-percent reduction in 3 years. I think it might be very interesting for these people to go back and research that 2 years ago, when we were developing the cap-and-trade proposal for mercury, they considered at the same time a MACT approach. Their modeling showed they could only cut mercury by 29 percent, not the 90 percent we are talking about now. It is all in the record. It is all there in the EPA. They have that information.

So it is not 90 percent. Even if you were to take this, it would be 29 percent as opposed to the mandated 70-percent reduction that is in the cap-and-trade proposal by the President.

The sixth thing is that U.S. powerplants contribute but 1 percent to the global total of mercury emissions. This is kind of interesting. Everyone is talking about powerplants now, that we have to do something about powerplants, when in fact powerplants are not the contributors. The U.S. Environmental Protection Agency and the Norwegian Institute of Air Research did a long, involved study on this issue. They said, of all the release—you can see it in this chart right here—only 1 percent comes from U.S. powerplants. So we are talking about 1 percent of the mercury that is released. That is all, just 1 percent.

The next thing I would like to mention—I will use two charts for this—if we were to use, right now, the computer modeling, the first map shows the mercury deposits from all sources in 2001. That is where it is right now. We can see it over here in this area. I say to my good friends, Senator JEFFORDS and Senator LEAHY. It is over 20 micrograms per square meter. That is what is happening today.

Now, the next chart shows what would happen if you did away with all powerplants by the year 2020. You can see it really is not that different. So it gets right back to that chart that only 1 percent is affected to begin with.

The seventh reason is that repealing the rule would be a rollback in the first ever mercury regulation to control powerplants. I hope everybody understands that powerplants have never been regulated for mercury.

It hasn't happened. It has never happened. They tried it in the Carter administration. Many of us wanted that to happen. I wasn't here at that time, but the Carter administration punted it to the Reagan administration. The Reagan administration didn't do it. They didn't regulate mercury. They punted it to the Bush 1 administration. He didn't do it. He punted it to President Clinton. The Clinton administration did nothing toward regulation of mercury. He punted it to the current administration and they are doing it. We are now regulating mercury for the first time in the history of this country. It is this administration that is doing it.

The eighth reason is, of the 144 tons of mercury deposited yearly in the United States, only 11 tons come from U.S. powerplants. With the new rule, that amount will drop down to 3.4 tons.

Then, No. 9, it is easy to scare people. We are really good at that, talking about how many people are going to die. It is very interesting. I want people who are scared because they have heard politicians talking about the doom and gloom of this thing to look at the NHANES study which shows that not a single woman or child has a blood mercury level approaching the level at which even the smallest effect was observed by the study.

Lastly, even if it worked, the technology is not there. If we should adopt this, the technology is not there.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont has 5 minutes remaining. The Senator from Oklahoma has 2 minutes 37 seconds remaining.

Mr. LEAHY. I yield 2 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Let me be clear: Similar to everybody else, I want to minimize fuel switching which could drive up the cost of natural gas even further. I, too, want coal to continue to be the backbone of our electricity-generating sector. Adopting a strong mercury rule is not inconsistent with either of those goals. It is consistent with protecting the health of pregnant women and children, among the most vulnerable members of our society.

The fears about the impacts of a strong mercury rule on coal and natural gas are unfounded. I am not aware of credible evidence that shows that powerplants will switch from coal to natural gas in order to comply with a more stringent mercury rule. The Energy Information Administration tried to say that fuel switching will occur. But listen to some of the assumptions they adopted to reach that conclusion.

First, they had to assume that natural gas prices would fall to $3.50 per thousand cubic feet 5 years from now in order to show that it would make economic sense for powerplants to switch from coal to natural gas. Let me tell you how much natural gas cost last week: $12. The week before Katrina hit, it was $9.50. I don't think there is any way natural gas prices are going to be $3.50 5 years from now. I hope I am wrong, but the odds are I am not.

Second, the Energy Information Administration had to assume that technology to control mercury does not exist. It does exist. There are already powerplants in the Northeast that have been reducing their mercury pollution by more than 80 percent for the last 5 years. Last month, Colorado-based ADA-Environmental Solutions was awarded another contract to install new mercury control technologies on two new powerplants being built in the Midwest.

The technology has been developed. The technology is being implemented. We can do better than the Bush rule. We can do better than that and we should. We have an obligation to our constituents, and we can do it in a way that balances our needs to preserve coal and to protect the most vulnerable among us.

Mr. KENNEDY. Mr President, I strongly support S.J. Res. 20, and I commend Senator LEAHY for sponsoring the resolution to block the EPA's mercury cap and trade rule.

The mercury rule is a rule that only an administration bought and paid for by big energy could love. It's a shameful rollback of the Clean Air Act to allow owners of fossil fuel power plants to avoid the expense of installing new technology to reduce dangerous emissions.

Mercury is an extremely dangerous neurotoxin that accumulates in the environment. It is particularly harmful to pregnant women, and puts the fetus at risk of serious developmental disorders.

The Centers for Disease Control has reported that 630,000 of the 4 million infants born in the United States each year—16 percent—are at risk for mercury-related brain damage. In the Northeast, this figure translates into over such 84,000 newborns per year.

Last week, the Mount Sinai School of Medicine Center for Children's Health and the Environment reported that the cost to the Nation of the impact of mercury on children's brain development is $2 billion a year.

These newborns are being poisoned by the mercury which coal-fired power plants spew into the air and eventually pollutes the water, and enters the food chain. Mercury advisories now apply to nearly a third of the area of America's lakes and 22 percent of the length of our rivers.

Incredible as it seems, however, EPA—the agency charged with protecting the environment—has issued a rule that would actually lead to more of this toxin in the water we drink and the air we breathe.

Obviously, it's important to have adequate power to keep the lights on. But we also need to protect our children's health. We can do both by requiring that power plants use the best technology to control mercury emissions.

I urge my colleagues to vote for passage on this needed resolution to restore a sensible anti-mercury policy for the Nation.

Mr. SPECTER. Mr. President, I have sought recognition to give my reasons for voting against the so-called Leahy-Collins resolution.

I believe mercury pollution is a real problem, particularly for vulnerable populations, including children. Given these concerns, I support efforts to reduce mercury emissions from coal-fired power plants, which account for 42 percent of U.S. emissions. This is in line with my support for many years for clean coal technologies, which will allow our Nation to utilize our most abundant natural resource in a cleaner, more efficient manner.

Debate on this resolution has revolved around two regulatory approaches—a maximum available control technology, MACT, rule or a cap-and-trade rule. I suggest that there is a third option that combines elements of both. A MACT system is enormously expensive on its own, costing up to $358 billion according to the Energy Information Administration, compared to $2 billion estimated by EPA for a cap-and-trade approach. However, a cap-and-trade-only system is inadequate on reducing pollution levels around specific plants, referred to as "hot spots." The Leahy-Collins resolution would tie EPA's hands by restricting it to a MACT-only approach.

Under a third option, EPA could set a national emissions level, based on the best available science to protect public health and the environment, and implement a cap-and-trade system to meet this goal with the addition of measures to take care of hot spots. EPA could require reductions at specific plants. To this end, I have written the Administrator of the EPA urging this hybrid approach, which would meet environmental goals while balancing the implementation costs faced by consumers.

I ask unanimous consent that my letter to EPA Administrator Johnson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 13, 2005.
Hon. STEPHEN L. JOHNSON,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR JOHNSON: I am writing regarding the Clean Air Mercury Rule announced by the Environmental Protection Agency (EPA) on March 29, 2005 and urge that you reconsider this rule.

Mercury pollution is of great concern to me. The Commonwealth of Pennsylvania is party to a suit in the U.S. Court of Appeals for the DC Circuit, which seeks to overturn the mercury rule.

As you reconsider this rule, I propose that the most reasonable approach to reducing U.S. mercury emissions from power plants would include a national cap with plant-specific reductions for those facilities found to be responsible for high levels of local mercury deposition, as some call "hot spots." This would provide the flexibility needed by utility companies to make decisions on the appropriate mercury reductions at their plants, while avoiding the potentially inevitable problem of fuel switching to natural gas under a Maximum Achievable Control Technology (MACT) standard.

Reducing mercury pollution is extremely important to the nation. Beyond that, there are specific concerns the Commonwealth of Pennsylvania has, which concern this rule and the problems Pennsylvania faces with mercury-contamination fish advisories for every water body in the state.

Thank you for your attention to this matter. I look forward to your response to these concerns.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I assure my colleagues and my constituents that I will be monitoring this situation as the current mercury rule is litigated in the court system and as EPA considers further mercury emission control options.

Mr. BYRD. Mr. President, today I will vote against S.J. Res. 20, the joint resolution of disapproval concerning the mercury emissions rules that were promulgated by the Administrator of the Environmental Protection Agency, EPA, on March 15, 2005. At the same time, I have some significant reservations about the sometimes questionable decisions that the administration made to revise the regulations and achieve the final result. In short, I cannot condone this rule making process; I remain very concerned about the possible impacts these new regulations could have on eastern coal; and I urge the administration to increase its commitment to funding important mercury control technology programs.

On one hand, coal, electric utility, and other industry interests are concerned that returning to the more stringent mercury control standards proposed by the Clinton administration would lead to negative economic impacts, including fuel switching to natural gas. They believe that the intent of S.J. Res. 20 would be to force the EPA to require a 90 percent reduction in mercury emissions from each coal-fired powerplant, and this would also directly impact West Virginia's chemical, agricultural, and industrial uses of natural gas. I am therefore concerned that a vote for S.J. Res. 20 would support regulations that are more draconian and costly than could be borne by the economy at this time.

However, like the United Mine Workers, I remain concerned about the potential impacts that the clean air mercury rule could have on eastern coal. Time and again, eastern coals have sustained the brunt of the clean air regulations at the expense of western coals. Since the passage of the 1990 Clean Air Act amendments, western coal production has continued to climb at a steady pace while eastern and interior basin coal production, and important union mining jobs, have suffered significantly. I am troubled by evidence that, in making changes to these regulations, the Bush EPA was swayed by and, in some cases, simply copied recommendations by western coal industry interests.

Furthermore, it is important to bring to light several important reviews of these regulations by the Government Accountability Office, GAO, and the EPA inspector general. The GAO as well as the EPA inspector general criticized the EPA for ignoring critical information. Based on these reviews, the administration did a very poor job of analyzing the mercury emissions data, the economic analysis, and other critical health-based factors. It appears that the administration already had reached a predetermined answer and then worked backwards to achieve that end.

Finally, I have been very concerned about this administration's commitment to funding fossil energy research. The industry argues that there is not a sufficient, reliable suite of technologies to meet these mercury emissions standards for some years to come. Because I believe that there are negative health impacts to pregnant mothers and young children from exposure to mercury, we should take economically and environmentally sound actions to achieve these reductions. However, this administration has not increased the critical funding required to find the mercury control technologies that would enable the U.S. to meet these emission reductions sooner. The administration could do a lot more to get these technologies in place by increasing funding for these important programs.

Mr. DODD. Mr. President, today the Senate will be voting on a measure that has a direct impact on the lives of thousands of people in Connecticut and around the country. By voting yes today on the bipartisan S.J. Res. 20, Congress can reverse the EPA decision to not regulate mercury emissions under section 112 of the Clean Air Act. Under Section 112, powerplants would be required to reduce emissions of mercury and other pollutants by the maximum achievable level of control by installing stringent pollution control equipment. In March 2005, EPA issued a rule rescinding an earlier 2000 finding that it is appropriate and necessary to regulate mercury from power plants. Instead, EPA advocates a cap-and-trade system over plant-specific controls.

Mercury is a potent neurotoxin that affects the heart, brain, and immune system. By putting forth this irresponsible rule, EPA is putting the lives of millions of people at risk, especially those of children and pregnant women. Scientists have well-documented evidence of mercury toxicity. In the Northeast, a public health crisis is looming as there are estimates that over 84,000 newborns each year will be at-risk for irreversible neurological problems and cardiovascular abnormalities.

While mercury is prevalent in many household, medical, and industrial products, the largest U.S. source of mercury emissions are powerplants. The mercury is carried by the wind from powerplants and settles in the lakes and rivers hundreds of miles from the source of pollution. The pollution knows no boundary and that is the problem facing Connecticut. We do have a few less-than-perfect powerplants, but the majority of our mercury pollution comes from sources outside the State and region.

So prevalent is the pollution that 44 States have issued fish consumption advisories. In some States, no lake or river is habitable. In Connecticut, pregnant women and small children are advised to eat no more than one meal of freshwater fish per month. All others are advised to eat no more than one meal of fish per week. With statistics like this, it is clear to see that in addition to the public health consequences, there are clear economic challenges as well. Fishing is a big contributor to our local economies, contributing nearly $116 billion to the national economy.

In 2002, Connecticut took the first step in reducing mercury from the waste stream and by prohibiting the sale of many mercury products. Further, the State has implemented a comprehensive public education, outreach and assistance program. But individual States cannot address the problem of mercury emissions on their own because emissions travel far and wide. The EPA has dropped the ball and we will all suffer for it.

The EPA had a chance to take a stand for the public health and economic well-being of citizens across this country. Under Section 112 of the Clean Air Act, a nearly 90 percent reduction in mercury emissions by 2008 could have been achieved. Instead, the EPA chose to pursue an emissions cap-and-trade program that will likely achieve only a 70 percent reduction in emissions by 2018—ten years later. Because the cap-and-trade system does not require plant-specific controls, there are even some estimates that the reductions may not occur until 20 years out. We can simply not afford the delay. The Northeast States for Coordinated Air Use Management, NESCAUM, have determined that cost-effective technologies to reduce mercury emissions by 90 percent or greater are already commercially available.

Today, we have a chance to undo what the EPA is championing and stand up for the people of this country. There is widespread opposition to the EPA rule from states, localities, health professionals, groups of faith, and many sportsmen and women. I urge my colleagues to vote for S.J. Res. 20.

Mr. LIEBERMAN. Mr. President, I offer my full support of the resolution and wish to thank Senator LEAHY, Senator COLLINS and the other cosponsors of this resolution who joined Senator LEAHY, Senator COLLINS and me in bringing it forward.

One in 12 American women of child-bearing age have mercury blood levels that put their fetuses at risk for developmental delays. Developmental delays are a human tragedy, often denying children their full intellectual and psychological potential. This human tragedy means that our schools and educational system face costs and burdens borne in meeting the special needs of these children, burdens that make it that much harder for our schools to achieve their overall mission of delivering the highest quality education to all Americans. At a time of increasing global economic competition in which human capital may be our most precious resource, we simply cannot afford to squander our people or divert the resources of our schools when we can prevent the problem in the first place.

That is why in 1990, Congress passed and President George H.W. Bush signed, comprehensive clean air legislation that, among other things, put in place a mechanism for dealing with power plant mercury emissions aggressively.

Unfortunately, the EPA's Clean Air Mercury Rule defies that clear intent of Congress and the first President Bush by failing to achieve anywhere near the full level of cost-effective and timely reductions in the emission of mercury from power plants, one of the critical sources of mercury in the environment.

The EPA's mercury rule depends on the agency's decision to undercut the Clean Air Act's mechanism for addressing mercury emissions from power plants. This resolution explicitly disapproves that undercutting decision.

The resolution should be adopted because the EPA must engage in a new rulemaking that is sound and that yields the proper level of reductions that the Clean Air Act contemplates and public health and economics demand.

Findings from both the Government Accountability Office and the EPA's Inspector General suggest that the EPA has much to repair in the rulemaking that led to the current rule. The GAO found that the EPA did not adequately evaluate the health benefits that would be achieved from requiring more aggressive mercury reductions than called for under the current rule. The EPA Inspector General determined that the agency did not evaluate what level of emissions reductions were technologically achievable, as required by the Clean Air Act. In addition, the EPA ignored an EPA-funded study by the Harvard Center for Risk Analysis pointing to substantial additional cardiovascular-related heath benefits associated with mercury reduction.

The Clean Air Mercury Rule was developed and promulgated at the same time that the Clean Air Interstate Rule was. The levels of mercury reduction expected to occur as a collateral result of reductions in sulfur dioxide and oxides of nitrogen under the Interstate Rule are almost exactly those required by the Mercury Rule. This seeming coincidence raises the strong suspicion the EPA suborned its entire analysis of the Mercury Rule to the preordained goal of requiring under the Mercury Rule to effect no additional reductions in mercury than would be achieved as a collateral effect of the Interstate Rule. The flagrant flaws in the EPA's Mercury Rule rulemaking that both the GAO and the Inspector General exposed only reinforce that suspicion.

In contrast, the Clean Air Act requires the EPA to make a determination, after careful economic, technological, environmental, and public health analysis whether it was "necessary and appropriate" to regulate utilities' mercury emissions as a hazardous air pollutant under section 112. In December of 2000, the EPA, following the Clean Air Act's requirements, determined that power plant mercury indeed was a hazardous air pollutant, meaning that regulations under Section 112 of the Clean Air Act were "necessary and appropriate." Once that determination was made EPA was required to put in place new technology-based regulations of mercury emissions from power plants, regulations that would call on each electric generating unit in the country to take technologically feasible actions to reduce its harmful emissions.

In contrast to the clear letter and spirit of the law, the new mercury rule leaves hundreds of large coal-fired power plants with absolutely no mercury controls until after 2020—if ever. In fact, the Congressional Research Service estimated that only 4 percent of installed power plant capacity is projected to require control by 2020 under this rule.

In addition, overall reduction levels under the new rule would be far below what can be achieved cost-effectively. In June, the GAO reported that the technologies exist for capturing 30–95 percent of mercury from coal. Recent tests have shown average removal rates of 70–95 percent for all coals, with those technologies applicable to the coals that account for 90 percent of power production showing mercury capture in excess of 90 percent. Currently, drastic reductions are underway in the State of Massachusetts, with mercury technology vendors working to meet a State-mandated 85 percent control level. Many, including vendors, state that 70–90 percent control can be achieved by the end of this decade. Associated costs to electricity consumers would increase by a mere 1–5 percent, according to the GAO report. These findings strongly suggest that the technology to control mercury is available now. By turning its back on a regulatory program that would achieve this level of control, the current EPA mercury rule turns its back on tens of thousands of children who will continue to be exposed unnecessarily to the development risks of mercury.

The EPA puts great stock in the use of cap-and-trade in its rule, and, as my colleagues in the Senate know, I, too, believe that cap-and-trade is a valuable tool for emissions control programs. In this case, I believe that cap-and-trade is the wrong tool to use, at least without specific technology requirements and much more stringent reduction requirements. Connecticut suffers from deposition of mercury emitted from upwind sources, and many highly populated areas within range of power plants are seeing significant deposition. To deal with mercury emissions, the case is strong, and the Clean Air Act reflects this, for requiring plant-by-plant controls.

At the same time, the EPA did next to nothing in its rulemaking to refute this case and to demonstrate that power plants' mercury emissions were only widely dispersed and yielded no local deposition. Instead, the EPA used an atmospheric model that masked, rather than revealed, whether mercury emissions have local deposition impacts. The EPA's model divided the Nation's atmosphere into a hypothetical grid of individual parcels that, at 500 square miles each, were so big that the model simply could not detect local emissions plumes and deposition even if it were occurring. When the model is run, the emissions of any large power plant within any of the model's grids are immediately dispersed by the model throughout the entire volume of that 500 square mile grid: the model simply cannot detect localized deposition occurring in any area smaller than 500 square miles! Thus, this technique cannot possibly reveal local effects occurring downwind of a large source. In effect, the model design itself created a self-fulfilling prophecy, which could only show the result that EPA wanted—that power plants emissions were dispersed, with no local deposition. In these circumstances, EPA has failed to make its case that cap and trade is the right tool to achieve both overall reductions and prevent harmful local effects.

Lastly, there is reason to believe that EPA overstated the role of global mercury emissions in high-deposition areas. If so, the case for plant-specific reduction requirements is even stronger. At the same time, even if one of the keys to addressing mercury deposition in the U.S. is inducing other countries to reduce their emissions, there can be no more effective way to accomplish that than if the U.S. itself adopts stringent controls on its own power plants and thus stimulates the development and widespread use of the technologies to achieve those reductions. If we want other Nations to follow our policies and use our technologies then we must act first.

For these reasons, Congress must adopt this resolution and the EPA must go back to the drawing board and produce a mercury program that will truly protect the American people.

Mr. HATCH. Mr. President, earlier today I was necessarily detained from voting on S.J. Res. 20, "A Joint Resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act."

Mercury emissions and rulings by Federal agencies concerning the environment are extremely important. Although my vote would not have changed the outcome, I respectfully request that the RECORD show that had I been able to cast my vote, I would have joined with the majority of Senators who voted to uphold the administration's rulings and against the resolution of disapproval.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. LEAHY. Mr. President, we make a mistake when we say this is a matter of cap and trade. It is not. We are talking about a toxic waste, one that causes birth defects, IQ loss, mental retardation, and continues to poison children and pregnant women. One-sixth of pregnant women are affected. That is not cap and trade. This idea that we are only talking about 1 percent, of course, is not the case. Forty percent of the mercury comes from the United States. We are talking about the 40 percent that is affecting our rivers, our streams, our children. Do we simply ignore the proliferation of warnings all over the country that fish caught in our streams and lakes and rivers are unsafe to eat? Do we allow this rule to move forward when it has been harshly criticized by the Bush administration's own EPA inspector general? When the Government Accountability Office has said there are major shortcomings in the analysis? Or do we uphold the bipartisan work that produced the Clean Air Act that protects the health of pregnant women and children and try and clean this up now?

Every one of us will give speeches about how family friendly we are. We are talking about children. We are talking about pregnant women. I can't think of anything more family friendly than to remove this threat of mercury from them. If we vote this down, we are telling a whole generation of women and children their health is less important than energy company profits. We are going to tell them, rather than go to the scientists, rather than go with what the Bush administration's own inspector general said, instead we will take the regulations that were written, in many parts, verbatim by the industry.

What are we going to say to the families who live in the hotspots of today or tomorrow? This rule is a danger to America's women and children. It is time to do it over and do it right. I hope my colleagues will support the resolution. This is not a moot point. If we pass this resolution, maybe it will be enough of a signal to have people go back and do what the inspector general of the EPA said, what the Government Accountability Office has said, and actually do it right, actually follow their own procedures.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me address a couple things that were stated. First, let me inquire as to the time remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 30 seconds remaining. The Senator from Vermont has no time remaining.

Mr. INHOFE. First, it is the Energy Information Administration that came out and did the study on this. They said that there would be fuel switching. I only have to ask the question, if you are not able to use coal-fired plants, what are you going to switch to? Is it going to be windmills? There would be fuel switching, and it would have a devastating effect in terms of the problems that already exist in terms of the cost of natural gas.

The Senator from Vermont is passionate on this subject, and I don't want to be critical. But in talking about hotspots, that is the same thing that they said about acid rain—there are going to be hotspots—and it didn't happen. Thirdly, the point that was brought up on being family friendly. When you look at the fact that they say studies show that not a single woman or child has a blood mercury level approaching the level at which even the smallest affect was observed in any study, where is the real problem there? If you want to be family friendly, let's be a little concerned about the cost of fertilizer, about the cost of heating our homes when winter comes.

This is an exercise in futility. The President has already announced if this thing should pass—they will feel good and rejoice—he will veto it, and you can't override a veto. It is a done deal. The current rule regulates mercury for the first time. The current rule's cost is $2 billion, as opposed to $358 billion, a huge difference. A vote for this rule is a vote to drive the remaining chemical plants overseas. A vote for this rule is going to be a vote to increase the cost of fertilizer for every farmer in America. The cap and trade worked on acid rain, and it will work accurately now. All the talk about U.S. powerplants. They only contribute 1 percent of the mercury that is in the system now globally.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

Under the previous order, the Senate will proceed to a vote on passage of the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The joint resolution having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—47

Akaka
Alexander
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Corzine
Dayton
Dodd
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Salazar
Sarbanes
Schumer
Smith
Snowe
Stabenow
Sununu
Wyden

NAYS—51

Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Hatch
Rockefeller

The joint resolution was rejected.

Mr. INHOFE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:14 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

AMENDMENTS NOS. 1650, AS MODIFIED, 1653, AND 1704

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments that I now send to the desk be considered and agreed to, en bloc. These noncontroversial amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 1650, AS MODIFIED

(Purpose: To make funds available to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Of the amounts made available under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and the subheading "OPERATIONS, RESEARCH, AND FACILITIES", sufficient funds may be provided to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (title I of Public Law 108–456; 16 U.S.C. 1451 note).

AMENDMENT NO. 1653

(Purpose: To increase funding for child abuse training programs for judicial personnel and practitioners)

On page 133, line 11, strike "$2,287,000" and insert "$5,287,000".

AMENDMENT NO. 1704

(Purpose: To extend the term of the National Prison Rape Elimination Commission)

On page 142, after line 3, insert the following:

SEC.   . Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended by striking "2 years" and inserting "3 years".

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 1687, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent the pending amendments be set aside. I call up amendment No. 1687, and I send a modification to the desk for immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1687), as modified, is as follows:

(Purpose: To provide funding for interoperable communications equipment grants)

On page 190, between lines 14 and 15, insert the following:

Sec. 522. (a) There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, $5,000,000,000 for interoperable communications equipment grants under State and local programs administered by the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security.

Ms. STABENOW. Mr. President, I ask unanimous consent that Senators LEVIN, SCHUMER, OBAMA, CLINTON, and BOXER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, all of America is hurting with the Katrina victims and their families. We are finding ways to help, to reach out, to make a difference in these critical weeks following the hurricane and the horrible disaster. Americans are donating record amounts of money, time, and supplies to help those displaced by the hurricane. The most important thing to do now is to save life, to provide shelter, food, and medical care for the people affected by this tragedy.

As is happening in many States, last week two jetliners arrived in Michigan with the first group of 289 hurricane evacuees. Troops and volunteers at our Battle Creek Air National Guard base are providing clean shelter, food, and clothing to all of these Americans. Last Friday, 46 more Americans were welcomed into Michigan, and we expect many more in the coming weeks.

We also have several Michigan State police teams, and more than 500 members of the Michigan National Guard in Louisiana and Mississippi assisting with relief efforts.

There are stories about people all across our great Nation who are answering the call to help the men and women who have been displaced and hurt by the hurricane. In Michigan, families and businesses are working together to help the victims. Michigan-based Whirlpool, for example, is donating $1 million in cash and products for Hurricane Katrina relief efforts.

On Friday, the State of Michigan held a statewide on-air fundraiser where Michiganians generously donated time and dollars for Red Cross hurricane relief efforts.

There are so many individual stories of heroism and generosity rising from the depth of this catastrophe, both in the States affected by the hurricane and in communities such as mine all across America. These are important stories right now—saving lives, finding shelter, food, and medical care, and raising money to help hurricane victims. But there is another story to tell here as well. It is about the Federal Government and our responsibility to all Americans to be prepared not only for this kind of disaster but for a coordinated response to help save lives and prevent chaos.

We all watched in horror the images of families trapped in New Orleans after the hurricane; mothers with babies and young children stranded on highway overpasses, making their desperate pleas for help; families clinging to the roof of their flooded home, waving the shirts off their backs for help; senior citizens trapped in flooded nursing homes without food, water, and medical care. An estimated 55,000 people were stranded in the New Orleans Superdome and convention center, left for days—left for days—without food, water, and working bathrooms, waiting to be rescued. Thousands of people sat outside the Superdome in the heat and the filth for days waiting for convoys of buses which were slow to arrive because of FEMA's lack of planning and poor communication.

How could this happen in the United States of America, the greatest country on Earth? How could this happen? How could we allow stranded people to die without getting them water and food and medical care?

In this time immediately following this disaster, we have an obligation to correct the mistakes on crisis response. We need to address how the Federal Government could have better handled the response to Hurricane Katrina and what should have been done to prevent the disorder and death that followed this tragedy. It is absolutely critical that local communities have the tools they need to communicate, coordinate, and respond effectively when disaster hits. They did not have that in New Orleans and the other places that were hit, where the police departments in three nearby parishes were on different radio systems. They did not have enough satellite phones. They had ground and cell phone lines that were taken out with this storm. The communications systems they did have, like most in local communities across the Nation, were not interoperable. They were not connected. They didn't work together. Police officers called Senator LANDRIEU's office, and I am sure Senator VITTER's office as well, because they could not reach commanders on the ground in New Orleans.

In the absence of communication with other emergency responders due to the lack of interoperability, power, or dying batteries, responders shared satellite phones that were in short supply.

According to Aaron Broussard, president of the Jefferson Parish, FEMA came in, and, without warning, cut the emergency communication lines for local law enforcement and hooked up their own. Local law enforcement and first responders were left without any way to communicate with each other.

This collapse in communications was not just a local and State problem. FEMA, who is supposed to be coordinating the Federal response and helping rescue evacuees, was working in the dark. In several interviews, former FEMA Director Brown admitted that FEMA learned about 25,000 hungry, and in some cases dying, people trapped in the New Orleans convention center from listening to news reports. Even he conceded that emergency assistance and delivery problems were caused by "the total lack of communication"—the inability to hear and have good intelligence on the ground. We knew before Katrina hit that too many of our police and fire and emergency medical services and transportation officials cannot communicate with each other, and our local departments are not able to link their communications with State and Federal emergency response agencies.

The September 11 attack highlighted the interoperability crisis when New York police and firefighters, while on different radio systems, couldn't communicate when we had police officers and firefighters running in the buildings that they should have been running out of because they weren't able to communicate with the others on floors above them to know what was happening. Over 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon, but they could not talk to each other. The result of this lack of connectedness in communications is nothing short of chaos.

This past Sunday, Thomas Kean, the former Republican Governor of New Jersey, an esteemed cochair of the 9/11 Commission, said that the Federal Government's response was similar to September 11, including first responders not being able to talk to each other and a lack of command and control. The Commission's cochair, Lee Hamilton, also told CNN that "he has had an uneasy feeling for a long time that the government simply was not acting with a sense of crisis, with a sense of urgency." Now I hope and pray we have that sense of urgency.

A June 2004 U.S. Conference of Mayors survey found that 94 percent of our cities do not have interoperable capability between police, fire, and emergency medical services, and 60 percent of our cities do not have that same capability with the State emergency operations centers. Majority Leader FRIST spoke in the Senate last week about seeing this problem firsthand in the gulf coast, how people were working without functioning radios and could not communicate from one end of the airport terminal to the other, much less to another building or another part of town.

Almost half of the cities surveyed said that a lack of interoperable communications had made response to an incident within the last year difficult. The most startling finding was that over 80 percent of cities do not have interoperable communications with the Department of Homeland Security or the Department of Justice. Heaven forbid, if there is another natural disaster or terrorist attack soon, our communities will not be able to communicate with FEMA or the Department of Homeland Security.

Michigan first responders have told me, as I have said before in the Senate, that they have to watch the cable news to get notifications of raised alert levels because they are not able to be contacted by the Department of Homeland Security. As I mentioned before, FEMA found out about the 25,000 people trapped in the New Orleans convention center from watching the news reports.

Last Sunday was the fourth anniversary, as we all know, of the horrendous attacks on September 11, and this is the State of our Federal communications and emergency response system? We can do better. It is time to have a sense of urgency and do better.

They are only beginning the process of recovering the bodies of the Katrina victims in the gulf coast. Some of these victims lost their lives because of the hurricane. How many lost their lives because of the poor disaster response and the total lack of communications? How many lost their lives because they were left without food or water for days, without any hope of aid, and no ability to communicate? How many lost their lives because they were trapped in their homes, in churches, and highway overpasses waiting to be rescued? How many lost their lives because they were elderly and sick or dying and stranded without medical care or medicine? How many of these lives would have been saved if FEMA had been able to communicate with local first responders and hospitals and get good information on where to send help first, what was most urgent? FEMA failed these victim and their families. There is a wide understanding of that. This is unconscionable in terms of the lack of infrastructure and communications. The lack of communications is a crisis, and we are putting our communities in danger. We need to address this now. We all need to address it, together.

Two months ago in the Senate, I offered an amendment to provide $5 billion for interoperable communications equipment grants for first responders to the Homeland Security appropriations bill. The amendment, unfortunately, was defeated. Why? Many stated it was a local responsibility to pay for this equipment. But how is communication, connecting all across the country—local, State, and Federal—to respond to a national emergency or regional emergency, how is this a local responsibility when we have seen what happened?

I know none of my colleagues believe rebuilding from the devastation of Hurricane Katrina is a local responsibility alone or that somehow helping those who have lost their homes, lost so much, that somehow that is a local responsibility alone. We understand we have a responsibility, together, to help these Americans, and everyone is coming together to do that. No one in the Senate is saying it is a local responsibility to rebuild the gulf coast.

After September 11, we came together. The terrorists did not just attack New York and Washington, DC; they attacked the entire country. We responded by coming together and having a Federal response. Why is it, then, that communications equipment that would allow local, State, and Federal first responders to coordinate and work as a team has been considered a local responsibility? I hope that will no longer be the case. Coordinated communications would decrease the loss of life and the devastation of a natural disaster such as Hurricane Katrina and in the case of terrorism could very well prevent an attack.

That is why I am again offering my amendment. My amendment provides $5 billion for interoperable communications grants for America's first responders to provide a strong Federal commitment to address this problem.

Estimates from the GAO and the Congressional Budget Office place the cost of equipping America's first responders with interoperable communication in excess of $15 billion. In November 2003, the CBO testified before Congress that there is insufficient funding in place to solve the Nation's interoperability problem and that it would cost over $15 billion to move us in the direction of solving the problem. This $5 billion provides a strong Federal commitment toward the goal. I hope we will make that commitment to do that investment this year, next year, and the year after, and complete this issue and get it right, solve this problem. There is no time to wait. We need to act now. We should have acted before. I am hopeful we will come together now and act.

The Federal Government has not made a significant commitment to solve this problem up to this point. In previous years, tiny amounts of money have been allocated to interoperability projects on a very small scale. Obviously, it has been not enough to get the job done. According to the Department of Homeland Security, since September 11 the Department of Homeland Security has spent only $280 million directly on interoperable communications. None of these funds have been provided to help State and local emergency responders purchase the equipment they need so they can talk with each other.

Nearly 4 years after September 11, 2001, the top request for support I receive each year from communities in Michigan is for communications equipment and connectedness, the ability to talk with each other. In Michigan, we still have police departments that cannot talk to the fire department, the sheriff who cannot talk to the local community, and those who are not able to talk with Homeland Security or State authorities.

We in government failed the people of the gulf coast because we did not address this sooner. Now we need to provide the resources to make sure the communications equipment works, it is interoperable, and that they can get the job done in the future to save lives and respond—whether it is a terrorist attack or a natural disaster.

This shock and horror of the aftermath of Hurricane Katrina will live with us forever. We salute the heroes of this disaster, and our prayers are with the victims.

The American people, as they always do, rose to the challenge and are helping out all across this great country. I again am so proud of all we are doing in the great State of Michigan. We have to step up and show leadership and do our part, do what we can and should do but only we can do, and that is to make sure that across the country we have done the job to put together the communications infrastructure to make sure in case of emergency all of our citizens—State, local, Federal officials—can talk to each other, can respond with efficiency and effectiveness, and can do what needs to be done to save lives and save communities. We have the power to do that.

I ask support for my amendment and urge all of my colleagues to support this effort to get this done. We need a sense of urgency. If we do not feel it now, I don't know when we will. I hope we will get this done.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I rise to lend my support to amending the Commerce-State-Justice appropriations bill for the purposes of providing additional grant money to fund interoperable communications for our first responders.

I compliment my colleague from Michigan, Senator STABENOW, for bringing this up and helping us to address, in an expeditious fashion, some very dire needs that exist out there among those on whom we depend the most.

In many instances, whether it is a natural disaster or any kind of an emergency circumstance, we find our first responders, without a doubt, are those who come to our aid first and foremost.

Without a doubt, in this age of technology and advanced communications, there is no excuse for us, as a nation, to not be able to provide to our first responders and to all of our Government assistance agencies the kind of communication that keeps us connected.

This past week, I visited some evacuees from Katrina in my home State of Arkansas. Our people in Arkansas are our greatest asset. I have always said that. Watching the Governor, he moved quickly to put people into place and to put systems into place to find available beds at everything from church camps to gymnasiums and other places, to move quickly to put into place something the Red Cross could respond to and so that evacuees could get to a place where they could begin to find some comfort and to be able to relax a little bit from the unbelievable experiences they have been going through.

I found, in one of these evacuee camps, the Red Cross had gone in and had taken a lot of the registry information of individuals so they could help reconnect them with their families and make sure they could make available the information that they were safe and where they were located. They did this for a tremendous number of evacuees, only to find that when FEMA finally arrived in Arkansas, several days later, their communication systems were not compatible. So we had to get volunteers from the local school to come in and reenter all of the information about these evacuees so they could also get their presence, through the FEMA modes of communication, out to all the different outlets where, hopefully, they could reconnect with their families.

We are in a day and age where communication should be easier than we are making it. There is no doubt there is technology that is more advanced than what we are providing in cases of emergency and particularly to our first responders.

A little over 4 years ago, this Nation confronted an attack like no other. We remembered, on September 11 of this year, September 11 of 2001. It was a day none of us will ever forget. That day showed us our weaknesses as well as our strengths. We vowed, at that time, to learn from our mistakes, great and small. One of the issues we learned we needed to address was the ability of our first responders, whether they be Federal, State, or local, to communicate with one another in an emergency situation in order that they all may do the best job possible for those whom they are trying to serve.

Four years have passed since we, as a nation, became painfully aware of the need to address this deficiency in our communication systems.

With twin boys who are 9 years old, who are quickly getting into lots of different types of activities—whether it is baseball or soccer, whether it is the chess club or learning how to play a musical instrument—I continually tell them: Just do your best. Just do your best. All anyone can ask of you is to do your best. Then you can be confident you have given your all and that you have done your best. And as you continue to try to do your best, you will always improve.

Think of how our first responders must feel when they know, with a little bit of today's technology, they could be doing better, they could be doing their best. They could be doing their best saving lives, reuniting families, bringing to people the kind of help and aid they have been trained to bring. There is no greater, more horrific feeling than to know you are capable of providing something such as that and yet are handicapped in being able to do your very best.

We recently had our first wide-scale test of what progress we have made with respect to this problem in communication. The results have been less than stellar. It is painfully clear we have not made the strides we must if we are to have the American people's confidence that their Government maintains a basic level of competence in times of emergency.

Emergency responders from my home State, the State of Arkansas, rushed to Louisiana after Hurricane Katrina hit. Being a neighbor to the north, we wanted to do all we possibly could do to help our neighbors in their time of need. When they arrived, they found they could not communicate properly with officials in the area. They lost precious time which could have been better spent getting help to victims, saving lives, rescuing individuals, doing their very best.

In considering whether to support this amendment, I asked myself a simple question: Are the communications tools that our brave first responders have at their disposal the best we have to offer? The answer is clearly no. We as a nation, we as a people, we, as a human race, with the good minds that God has given us, have produced technology that can assist them in doing their very best as responders in emergency situations. We can do better. With this amendment, we will give our first responders the ability to respond, using the skills, using the talents they have developed, using the very courage that is in their hearts and in their minds to help their fellow man.

I have seen what happens when we put our minds to correcting similar communications problems. We have an example in our own State of Arkansas called Justice Exchange. It is an innovative program that allows law enforcement officials to check the records of people they have arrested from around the country. It started with a small grant we were able to get for our Sheriffs' Association in the State of Arkansas. Working with computer operators and technology, we were able to design a system that was compatible, Web-based, so we could, in turn, share it with other States, other law enforcement agencies across the Nation.

A great example: A deputy in one of our counties southwest of Little Rock picked up a man on a traffic violation, but he had a little bit of a suspicion. He held him, detained him for a while, and tried to look him up on the computer. The name did not produce anything. So he asked one of the other deputies to go back and see if he could get a real name from this gentleman. In building that trust, he got a real name. He put it in the computer and found out that individual was wanted for two counts of murder—two counts of murder—in New Jersey or one of the other east coast States.

The fact is, in communicating, in building a system where people can share information and work together, such as in our law enforcement, we can solve so many of these problems.

This is not technology that is brand new. Much of it has been here for the last decade, to be able to connect and to use compatible software and compatible technology so these groups can communicate.

I think this amendment represents a very important step toward helping our first responders save lives. I believe it is the best reason to support this amendment. I encourage my colleagues to recognize the opportunity we have to say, after the horrific natural disaster that occurred in the Gulf Coast, we have learned enough to know our first responders need our help. They need current-day technology to be able to do the very best they are trained to do.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, I have offered an amendment that is pending on this appropriations bill, and I wanted to speak to that amendment in the hope that we will be able to get a vote on that amendment at some point soon.

The amendment deals with trade, and because this appropriations bill deals with funding for the Department of Commerce and also the U.S. Trade Representative, this is the right place to propose that amendment.

Let me begin by talking for a moment about what is happening in trade. As you know, we have the largest trade deficit in the history of our country by far. It continues to grow and grow and grow and grow. This trade deficit is dangerous. It is irresponsible for us to continue to run these kinds of trade deficits. Yet nearly every day in this country, 7 days a week, all year long, we are importing about $2 billion more than we are exporting. We are importing a substantial amount of product—yes, energy and food but shirts and shoes and trinkets and trousers—from every part of the world, and the fact is we are exporting American jobs.

Let me describe a couple of those jobs, and then I am going to describe what my amendment does.

A young woman named Natasha Humphries did what we are supposed to do in this country. She did everything American workers are supposed to do to compete in this global economy. She got a degree from Stanford University in 1996. She went to work for Apple Computer. She continued to acquire all kinds of new skills in high tech through classes and seminars. And she moved down to become a senior software testing engineer at palmOne, the company that makes the well-known hand held computing device called Palm Pilot. I want to show you the last message that this young woman left on her Palm Pilot. Natasha Humphries left this message on her Palm Pilot:

> My job has gone to India.

She lost her job. Natasha Humphries got fired and the company moved all those jobs to India. Oh, there is one more thing. Natasha was required by her company to train the Indian workers who took her job. And so the company, searching for lower priced labor, fires American workers and moves their jobs to India. That was 2002 that palmOne's management decided to move all their product testing to India and China where they can pay $2 an hour and less. They learned that some of those workers were not quite as productive as the American workers, but they decided to make a change, so that the workers in India were more productive, by sending American engineers to India. And so they sent American workers to India, trained the Indian engineers and then came back and fired the American workers. And so Natasha was laid off August 2003, along with 40 percent of her U.S. coworkers. She sued palmOne for wrongful termination. She also filed a reverse discrimination case.

Then she found herself on the unemployment line struggling to cover health care costs for her 6-year-old son who has sickle cell anemia. So this is a message from this Stanford graduate, this engineer:

> My job has gone to India.

It could have been a message repeated 1.5 million times. Oh, not by anybody who wears a blue suit, though, who is in the Senate; nobody who wears suspenders and smokes cigars and wears blue suits and in big business or politics ever loses their jobs. It is the other folks who lose their jobs.

Let me describe a few. You recognize this. Fruit of the Loom. You know Fruit of the Loom; they had advertised with the folks who wear grape outfits, red grapes, apples, the fruit folks, catchy little commercials on television, except that Fruit of the Loom has now left America. If you are wearing Fruit of the Loom shorts today, you are wearing Chinese shorts or Mexican shorts. Or you are wearing Chinese T-shirts or Mexican T-shirts. Yes, it is clever and cute, except that 3,200 people who worked for Fruit of the Loom in the United States of America don't work for them anymore because these shirts and shorts and the things that Fruit of the Loom makes are gone. They are gone in search of 30-cent-an-hour labor.

I will not speak at great length about Huffy bicycles because I have spoken at great length about Huffy bicycles so often, except to say this. This is a new decal between the handlebars and the fenders, and you will see it is a decal of the globe. That used to be an American flag when American workers produced them, but the American workers made 11 dollars an hour plus, so all those jobs went to China.

Now Huffy pays its workers 33 cents an hour, 7 days a week, 12 to 14 hours a day and, by the way, there is no more American flag on this bike. It is a globe. Oh, they still call Huffy an American brand. It is just not made in America, and all the American workers who used to make it lost their jobs.

You remember the television commercials about the Maytag repairman really struggling to stay awake because you don't repair a Maytag. Well, 1,600 Maytag U.S. jobs have gone to Mexico and Korea.

Big Blue, IBM. It is interesting, the paper trail from IBM; 13,000 IBM workers in Europe and the United States went to India where they hired more than 14,000 workers, and if you look at the internal documents, IBM said, Oh, by the way, we do not want to suggest to our employees this is offshoring or outsourcing; never use those words.

The last thing they wrote to their employees was: This has nothing to do with your performance. Oh, no, it is never personal, is it? It has nothing to do with your performance that you are losing your job.

Trade deal after trade deal, trade agreement after trade agreement, through Democratic and Republican administrations, have been incompetent, fundamentally incompetent in standing up for the economic interests of this country. Who on Earth is going to stand up for the interests of American workers?

People say: But you don't understand, Senator DORGAN, this is the way of the future; this is a global economy. It is global all right. We galloped along toward the global economy, but the rules have not kept pace. So we are now able to go to the big box stores and buy products that were made by sweat labor of people who all too often are earning 20, 30, 40 cents an hour, maybe $1 an hour, and no benefits, working 6 days a week, 7 days a week. And we say to the American workers, that is what you should compete with?

We have been through a trade agreement called GATT, a trade agreement with the United States and Canada, one with the United States and Canada and Mexico called NAFTA, a trade agreement called CAFTA, the Central American Free Trade Agreement. We have been through all these free-trade agreements. Every trade agreement we approved—I should say without my vote in support—has resulted in a larger trade deficit for this country.

Why is that the case? They are negotiated incompetently by American negotiators who do not stand up for the economic interests of this country. They feel they have nothing to protect.

Right now we have something called the Doha round. Have you been to Doha recently? I suspect not. There is a reason they do these trade rounds in far, out of the way places. In Doha, they are negotiating new trade agreements behind closed doors, in secret. Does anybody here know what those trade agreements are, what might be in them? We know this: There are 100 separate proposals in this round of trade negotiations, 100 separate proposals by other countries that would weaken the remedies in American trade law to protect our interests.

We also know our trade negotiators have said everything is on the table, meaning they are willing to negotiate away, if necessary, the protections in our trade laws. These are the laws that allow us to impose countervailing duties on other countries that wish to sell unfairly subsidized products into our marketplace and destroy a domestic industry. They are willing to negotiate away our antidumping laws that would allow another country to dump products into our country at below cost and destroy an American industry or business and jobs.

Why would American negotiators be willing to put that on the table? Are they not willing to stand up for this country's economic interests, for this country's jobs, good jobs?

The amendment I have offered is very simple, painfully simple. Interestingly enough, the White House has issued a veto warning should my amendment prevail in the Senate today.

My amendment is very simple. My amendment says no funds in this act funding the U.S. Trade Representative's office and the Commerce Department may be used to be involved in negotiations that will weaken America's protections in trade law, the protections that exist—countervailing duties, antidumping—nothing shall be done or can be done using these funds in this act to weaken America's trade laws to protect our economic interests.

For that, we get a letter from Secretary Gutierrez and Rob Portman, the U.S. Trade Representative, saying they strongly oppose this amendment. We heard all morning the administration will recommend a veto if this is adopted.

Let me give a bit of background. On May 14, 2002, 61 Senators voted for an amendment that Senators DAYTON, CRAIG, and I cosponsored. That amendment said that any trade agreement that weakened U.S. trade laws, especially remedies that protect our country against unfair trade, could not be considered by the Senate under fast-track rules. Sixty-one Senators voted for that amendment. It is essentially the same as the amendment I am offering today.

The question is, Are you going to stand up for the economic interests of this country?

I don't even know where to start or stop when I talk about trade because the pain of bad trade agreements is not a pain inflicted on those who are privileged, and that includes all of us because we have not lost our jobs. But no country will long remain a world economic power if it does not have a strong, vibrant manufacturing base. The manufacturing jobs traditionally and historically in this country have been the jobs that pay well, the jobs that have good benefits.

It is interesting, when we take a look at the changes from 30, 35, 40 years ago, the largest corporation in our country was General Motors. They paid good wages, they paid very substantial benefits, and most people who went to work for General Motors worked there for a lifetime. Now the largest American corporation, I am told, is Wal-Mart. Their wages are not so hot, do not have many benefits for a lot of their workers, the average wage is $17,000 a year, and their turnover is about 70 percent. If those figures are wrong, perhaps someone can correct me.

The point I am making simply is this: Times have changed. Those who control the economic levers in this country—bigger and bigger enterprises—have decided that it is in their interest to find the lowest cost labor in the world with the least nuisance attached to that labor. That is the nuisance of not being able to hire children, the nuisance of not being able to pollute the rivers or pollute the air. If they can find labor under those circumstances, employ it, and then produce the shirts, socks, shoes, trinkets, and toys, and ship them to the American marketplace, have them sit on the store shelf in Los Angeles, Fargo, Denver, Tampa, or New York and have the consumers buy those products, that somehow everyone will be better off. That is as flawed a set of economic assumptions as I have seen in my studies of economics. This is not working, and yet everyone insists it is.

Let me put up the chart that shows our trade deficits. I went to a small school, I told my colleagues before, a high school senior class of nine in a small farming community. I was in the top five, and that qualified me for the Senate from back home. But I was smart enough coming from that school to understand what this is. This is a barrel full of trouble—deep, deep, and deeper Federal trade deficits every single year. This is running in the wrong direction and hurting our country.

Does anybody seem to care much at all? Is the President paying any attention to this? Does Congress pay much attention to this? Nobody. No, we all have to pretend this is working well, like this is good for our country. We put on our pressed blue suits every morning and talk about how wonderful all of this is.

Maybe if the politicians' jobs were at stake, maybe if some CEOs' jobs were at stake they would have a different view.

Let me give a couple examples of what concerns me. I have talked at great length about unfair trade. I could give you a good many examples. One example: We are now negotiating with Korea. Let me talk about automobile trade with Korea.

Last year, we took from Korea about 680,000 automobiles into our marketplace for the American consumer to purchase; 680,000 Korean cars came here from Korea. Guess how many American cars we sold in Korea—3,800. That is right, 680,000 coming in this direction, and we sold 3,800 cars in Korea. Is that because they don't want American cars in Korea? No, it is because the Koreans don't want cars sold in Korea coming from the United States, and they have all kinds of policies and interesting devices to try to shut down the sale of U.S. automobiles to Korea; otherwise, what would explain that dramatic imbalance?

That is how out of whack our trade policy is. Let me describe to you another example of this incompetence. This country did a bilateral trade agreement with China just a few years ago. The agreement said that after a phase-in, any U.S. cars we would sell in China would bear a tariff of 25 percent. Any Chinese cars they would sell in America would bear a tariff of 2.5 percent. So our negotiators sat down with a country with whom we had a trade deficit of somewhere around $100 billion a year and said: With respect to automobiles, you can charge a tariff that is 10 times higher than that which we will charge on bilateral automobile trade.

That is just incompetence, in my judgment, and a failure to stand up for this country's economic interests.

Oh, yes, this is a footnote: China is ramping up a very significant automobile industry. General Motors, as a matter of fact, has sued an enterprise in China called Chery, C-h-e-r-y, one letter away from "Chevy." By the way, General Motors sued them for stealing production line blueprints for a car called QQ. And China is moving very rapidly to develop an automobile industry, a robust industry, and one that will be an export industry.

Mark my words. Chinese cars will be sold in this country because our negotiators agreed to a proposition that they could impose a tariff 10 times higher on U.S. cars sold in China than we would impose on Chinese cars sold in the United States.

I would like to find the name of the negotiator who agreed to that because that person was not standing up for American workers, American business, or America's economic future.

I talked about cars from Korea, and a bilateral agreement on automobile trade from China. I could talk about dozens and dozens of similar circumstances. The list goes on and on.

The letter I received from the White House with respect to this amendment is a letter that says:

> By taking off the negotiating table any agreements that would lead to changes in U.S. trade remedy law, the amendment would prevent us from negotiating agreements to improve protections against foreign unfair trade practices.

What a lot of rubbish. Does anybody really think that they are going to negotiate an improvement to protections for this country in trade? I don't think so. They don't intend to negotiate improvements. What is going to happen is, they will put the antidumping and countervailing duty laws on the table for negotiating. They have said they are willing to put them on the table, and they will get negotiated away.

These negotiations are not about any strengthening of our trade protections. I know "protection" is a dirty word among those who stand on the street corners in robes and chant free trade, but we do have to protect our interests when another company decides to dump into our country products that are produced at a much higher cost than they are willing to be sold in this country because they want to destroy a domestic industry. We have to protect ourselves in that circumstance.

The Commerce Secretary and Mr. Portman, the trade ambassador, are saying this amendment would prevent them from improving protections. Please. Our foreign trading partners don't come to the negotiating table looking to strengthen America's trade protections. They come to weaken them. And our negotiators are all too willing to trade away our trade laws.

No one wants to address this trade crisis. The President has been busy gassing up Air Force One trying to privatize Social Security the last 9 months or so.

What I think we ought to do is stare this problem straight in the eye, just stare this problem straight in the eye and say: This is a problem for our country. This is about America's future. It is about economic growth. It is about opportunity and jobs for our kids. But nobody wants to do much of that anymore.

Oh, we can compete, they say. Go to school, get a little better educational resume, and we can compete. I just described the circumstance of a young woman who competed, and her last message on her Palm Pilot, as that young engineer from Stanford lost her job was: My job is going to China.

This is not a tough choice, it seems to me. This amendment I have offered is very straightforward. It will, I am sure, not be the subject of substantial debate. I would love to have a debate on the floor of the Senate about this issue. I do not expect to have much of a debate because those who support all of this trade strategy that has begun to weaken this country, the trade strategy that has produced choking trade deficits, they don't talk much about it publicly; they just vote for all of this nonsense.

My hope is we will have a vote on this.

My guess is that at some point in the future, we are going to look back and we are going to say, What on Earth happened in this country? It is not as if we didn't have notice. There has been a lot of discussion these days: Did we have notice? Were we prepared? Did we take action?

Let me talk about this crisis, about the loss of American jobs, a lot of them. Ask yourself, Did we have notice about this? In the last 10 years, did we have notice that company after company after company did not say the Pledge of Allegiance in the boardroom anymore because they are not American companies, they are international enterprises responsible to their stockholders, believing if they can find 30-cent-an-hour labor in Indonesia or India or Sri Lanka or China or Bangladesh, that is where they ought to produce and they ought to do that at the expense of American jobs? My guess is somebody is going to look back at some point soon and say, What on Earth were we thinking, sleeping through this problem, deciding that once we had lifted ourselves up as a country, once we had lifted America up as a country, with minimum wage, safe workplaces, the right to organize, the right to understand you should not pollute the air and the water as you produce, all of those things we did that made this a better place in which to live and all those things we did that grew a middle class in America—that once we decided that, that we ought not to protect it? We are going to say, Why didn't we decide to protect that? Instead of pushing us down, that our goal would have been to pull the others up? Yet that has not been the case. That has not been the strategy. Our strategy is, if companies can find cheaper labor, then you just get rid of American workers.

I wish to make this point. We have a century of history about these issues that many people, especially those who debate this trade issue, want to forget. I mentioned this morning, and I probably should not have, a man named James Fyler. I said James Fyler died of lead poisoning—he was shot 55 times. I should not make light of that at all. James Fyler was a hero. He died being shot 55 times because on April 20, 1914, he was out demonstrating with other workers in coal mines, demanding fairness for workers, demanding the right for workers to organize, demanding to lift themselves up for that. He gave his life for that. Think of what people have given of themselves in a century to build what we built in this country: an understanding that workers have rights, an understanding that we have obligations to each other.

James Fyler is dead. But what he and others built is an understanding about the freedom to organize—something very important. I could give you names of people who are sitting in prison right now in China who decided to organize their workforce. They were prosecuted, and they are sitting in prison in China because you can't organize a workforce there. It doesn't matter what they do to you as a workforce, they have a right to do that to you, and if you try to organize, you go to prison. First you get fired, and if you are lucky that is all that happens. Otherwise you go to prison. All of this somehow seems forgotten when you pole-vault over all these issues.

Because no one else is here to speak, I wish to make this point a little differently. I know it is somewhat off of this specific topic, but it relates to it. I was asked some while ago by a young high school kid: What is the best speech you have ever heard?

You know, I heard a lot of great speeches at various venues, but one of the memorable speeches I told him about was a speech in the House of Representatives to a joint session of the Congress, a speech at which the House and Senate are seated and they normally receive a message from the President, in most cases the State of the Union. On this date, perhaps 15 years ago now, I was seated in the House Chamber when the Speaker was announced by the doorkeeper to the joint session of Congress. He walked to the front of the room. He was kind of a chubby fellow, about 5 foot 8, handlebar mustache, and the applause waved over him for a long period of time. And then he began to speak. His speech was so unbelievably powerful.

He described something we knew from our history books at that moment. He described a Saturday morning in a shipyard in Gdansk, Poland. He said he had been an unemployed electrician and had been fired from the job because he was leading a strike against the Communist government for the right of laborers to be free to organize. On that Saturday morning, he was beaten severely with clubs and fists and, bleeding, he was taken to the edge of the shipyard, hoisted to the top of the barbed-wire fence, and thrown over the shipyard fence into the dirt. He told us he lay in the dirt facedown, bleeding, wondering what to do next.

Our history books tell us what he did next. He pulled himself back up, and he climbed right back over the fence into that shipyard. Ten years later, this unemployed electrician was introduced to a joint session of Congress as the President of his country. His name was Lech Walesa.

He said to us this. He said: The Communists in Poland had all the guns. We had none. The Communists had all the bullets. We had none. We were armed only with an idea—that people ought to be in control of their own destiny. Workers ought to have the right to organize. He said: Ideas are more powerful than guns.

This common man with uncommon courage—no diplomat, no scholar, no military general, no politician, an unemployed electrician—became President of his country on the power of an idea, an idea that this country has embraced for well over a century, an idea that seems somehow to be diminished these days by those who believe it doesn't matter what workers are used. Workers are like wrenches—use them, discard them when you are done. Find a wrench on the other side of the globe that is this much less expensive and somehow it will benefit a consumer on this side of the globe, that somehow none of this matters because it is not interconnected. They are dead wrong in a manner that is hurting this country and will hurt this country's future. I want things to be better in other countries, but I want our country to take care of things here at home first and then aspire to help others to lift themselves up. But it is important that our first obligation is to take care of things here in this country. These trade negotiators and these trade agreements are trade agreements that I believe have undermined the economic strength of our country.

Once again, I would love to spend 2 hours someday on the floor debating trade issues with my colleagues, but that likely will not happen. That is because while there are plenty of votes for fast track and plenty of votes for trade agreements, and it doesn't matter what they contain, there are not many people who want to debate specifics of bilateral trade with China or Korea or Europe or Japan. I would love to talk about beef and Japan. I would love to talk about trade sanctions we have taken against the Europeans. Oh man, are we tough. I talk about our trade negotiators having no backbone or spine or willingness to stand up. We took action against the Europeans when we got upset. We decided to slap duties on truffles, Roquefort cheese, and goose liver. That is going to make our trade partners quake in their boots. My God, you are going to put tariffs on truffles and goose liver.

When will this country's trade negotiators and its politicians have the backbone to stand up for the economic interests of that which we have built—a country that produces good jobs that pay well and have benefits, a country that produces that without having to apologize for it but that decides it is good for our country to have good jobs that pay well with good benefits?

Mr. President, I spoke far longer than I intended. This amendment is an amendment that I have offered. It is germane. It will require a vote. My hope is that enough of my colleagues, sufficient numbers of my colleagues will vote to support this and we will send another very strong message to our trade negotiators.

I have said earlier that this has happened through Democrat and Republican administrations. Nothing has changed. I would like to see it changed, and I would like to see it changed now. Perhaps with this amendment we can take a first step in making that change.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to speak briefly. Later on, we are going to have a vote on the amendment offered by Senator BIDEN for a billion-dollar expansion of the COPS Program. That proposal is put in the context of Katrina and the effects of Katrina on the Gulf States.

I have come to the Chamber a number of times in the last days, talking about how we put forward an orderly process in addressing the issue of trying to restore and rehabilitate and help the people who have been impacted by Katrina. The leader, much to his credit, has begun and initiated that process, using the strength of the authorizing committees that have jurisdiction.

What I do not think we want to do is end up with a haphazard, rifleshot "I have a good idea; let's come to the floor and offer an amendment" approach to this because we are talking literally of tens, potentially hundreds of billions of dollars. We have already spent $60 billion and aggressively stepped forward as a Congress to do that. It was appropriate, and the leader again needs to be congratulated for his initiative when he moved $10 billion when we were essentially on break as a Senate and then got up the additional $50 billion last week.

But as we move down the road, we need to put coherence and thoughtfulness into the money we are spending so the American people know those dollars are going to the people who need them and that they are going to help a region that has been dramatically impacted in a way that is effective so the American people can feel their tax dollars are being used aggressively to support these folks who have been so overwhelmed by this catastrophe and that their tax dollars are not being wasted or misdirected or put into another program or some program that just happens to be a project of interest to a Member of the Congress but is not necessarily an immediate issue relative to Katrina.

Regrettably, the proposal by Senator BIDEN falls into that second category. It is an idea which the Senator has come to the floor with many times. In fact, every time this appropriations bill comes to the floor, the Senator from Delaware proposes an expansion of the COPS Program.

I had the good fortune to chair the subcommittee for many years. I dealt with the Senator on this issue for many years. For many years, he made the same proposal, and there was no Katrina, there was no disaster, but the proposal was brought forward. Once again, the proposal is being brought forward to continue a program, the COPS Program. When President Clinton set it up, he said: We are going to have a COPS Program. We are going to put 100,000 cops on the street, and then the program is going to end. That is exactly what he said when he set it up. I was here then, too.

We set it up and we funded it, myself and Senator Hollings at the time—Senator Hollings was chairman; I was chairman. He was chairman and I was chairman. We funded it until we got to 100,000—in fact, until we got to 110,000 police officers on the street. Then we said: All right, we have met the goals of this program. Let's, in a unique act, at least a unique act for the Federal Government, agree we have done what we said we would do and stop the program, phase it out. We have come close to doing that. Now we have a program focusing on putting police officers in school systems that need assistance. That is what is left of the COPS Program to the extent it is initiated.

But to restart this program and say we need to put another $1 billion into it in the name of Katrina is simply not the best way to legislate. It is arbitrary, probably haphazard. Who knows whether that will be a decision that is tied into what the final needs are of the region. Yes, there will be needs, obviously, for assistance to law enforcement in that region, but the original $60 billion put in there—plus, a lot of that is clearly going to flow to first responders—police, fire, medical—because that is what FEMA does. So to suddenly throw this out—this is an idea we have to throw into the Katrina mix—is not a good way to legislate. It is especially not a good way to legislate in the context of what we know is going to be a huge effort by us as a Congress to address Katrina and where we know under the leadership of Senator FRIST we are developing a process where the authorizing committees take a look at what should be done and could be done and they put forward those ideas in an orderly way and prompt way, that should be enforced, and then we can get relief out to these people who have been impacted so dramatically. But it isn't just some idea of some Senator who happens to have a project which he has always supported and which he feels is a good project.

At some point, as chairman of the Budget Committee or maybe some other Senator as a member of the Appropriations Committee, a point of order will lie against this amendment because it is outside the budget and it is outside the appropriations bill. It should not be brought forward in this manner.

What we need to do in addressing the issue of what police needs are in that region and law enforcement needs are in that region is do it in the context of an overall solution, which is moving through this Senate rather rapidly—already $60 billion in the pipeline—but which is done in concert with the authorizing committee, in concert with the leadership, and in concert, obviously, with the administration.

At the correct time, I think we will have some more discussion on this bill.

I wanted to lay down at least a few guidelines here because if we continue on this course, we are going to be waking up 2 or 3 months from now and we will have probably 10, 15, 20, 30, or 40 new programs or programs which have been expanded with no orderly, constructive, thoughtful process behind them other than the fact that somebody had a good idea and came to the floor and said: Let's spend money on that. That isn't going to help people in that region. That will not make sense to them. What will make sense to them will be to get money to them through an orderly manner, with effective leadership. That is being done—granted, not as quickly as it should have been, but it is being done now.

We should continue the process of making sure we set priorities and do this in a manner which allows for the money to go where it can be most effectively used, where the American taxpayers know their dollars are being used to help the people who have been impacted by this hurricane and not simply assist in setting up a program which some Senator feels is a nice idea or a good idea or wants to continue.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that a vote occur at 4:30 today on the motion to waive with respect to the Biden amendment, No. 161, with no amendments in order to the amendment prior to the vote; provided further that there be 15 minutes equally divided for debate prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few minutes we will begin voting. As most people know, we are on a very important piece of legislation, the Commerce-Science-Justice appropriations bill. We have been on it for several days.

As I look through the amendments coming forward, indeed, the amendments we are considering over the course of the afternoon and evening, it is clear we have a challenge. The challenge is to be able to comprehensively address the bill with debate and amendments but at the same time not open up the bill to lots of legislation which in many ways are rifleshots that are related to Katrina or that people are attempting to relate to Katrina.

I say that in part because it is important we address the underlying legislation which does have some Katrina-related aspects to it. Looking at our response to Katrina, I believe there is a right and wrong way to address that natural disaster. We have tried to act and I believe we have acted in this Senate in a very responsive way in terms of having an emergency session with the initial $10 billion, having another supplemental for $51.8 billion from two nights ago, authorizing the affected courts to meet appropriately outside their jurisdiction, announcing a joint committee we are still working on in terms of the composition to look at what went right and what went wrong, passing legislation last night on the national flood insurance program. We are working very aggressively to respond in an appropriate way.

What I fear and what simply cannot happen is to have individuals focus on the underlying bill and bring in Katrina-related responses when we are doing our very best and in a bipartisan way using the committee structure, using the authorizing committees to address comprehensively, rapidly, the emergency that is playing out before us. Once we complete the Commerce-Justice-Science bill, we will move it immediately to conference with the House and get the bill to the President for his signature prior to the beginning of the new fiscal year, which is 17 days away. That is why I want to stay on the appropriations process and do the appropriations related to the underlying bills and not use Katrina to try to pull in other amendments.

Pending to this bill are a whole bunch of amendments. There is a whole long list of amendments the manager and ranking member are working with, offered by my colleagues, many from both sides of the aisle, but from the other side of the aisle predominantly, that ostensibly are for Katrina but which increase funding and authorize new major governmental programs. This is not the place for that.

I pledge to work with both sides of the aisle, with the leadership on the other side, to have that appropriate authorizing language addressed but through the appropriate committees and not on these appropriations bills. I observe that while Katrina is the reason that is given for a lot of these amendments, as we look through them, in many instances they simply increase funding for an existing program, regardless of whether it provides assistance or help directly or even indirectly to the victims of Katrina. I argue that the Biden amendment falls under that category by increasing the COPS Program another $1 billion with no specific targeting to those who are directly affected.

I say this after having over the last 10 days directed this Senate, directed and signed by law over $60 billion in immediate assistance to those who are affected by Katrina. In conjunction with the administration and those directly involved in the recovery and rebuilding effort in the United States, we have a lot more we are going to have to do in the coming days, weeks, and months. But this is not the appropriate bill to be adding spending that has not been vetted through the various committees of jurisdiction.

In our leadership office we have set up an assessment team and look forward to working with the Democratic leadership in doing the same thing so we can give focus to consider the emergency responses we need to consider and also the longer rebuilding and reconstruction responses that have arisen and which we will respond to in a comprehensive, expeditious way with regard to Katrina. That sort of mechanism will facilitate and will better coordinate, rather than having individual amendments come to the Senate that are in many cases authorizing or increasing spending for preexisting programs, without looking at it in a more comprehensive way.

We owe that to the people affected by the tragedy as well as allowing a reasonable, efficient operation in the Senate. I will oppose amendments on the bill that have not gone through a vetting of the issues. I promise we will be moving forward on a whole range of these issues that are targeted and an appropriate response to Katrina.

The manager has spoken directly to this, as well, and I believe the chairman of the Committee on the Budget has.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Parliamentary inquiry: Do we have a vote set?

The PRESIDING OFFICER. We have a vote at 4:40.

Mr. REID. I ask unanimous consent I be able to speak—I hope to finish in 5 minutes, but if I don't, I ask consent I be allowed to complete my statement before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I understand the consternation of the distinguished majority leader. I spend a lot of time with him. It is hard to manage this unwieldy body. I understand that. I try to help as I can. Sometimes I am not as much help as he would like.

Take, for example, this bill. We have been working on this bill and I am convinced the end is in sight for this bill. I don't know the exact number. There are probably five or six Katrina-related amendments on this bill. They are good amendments if they relate to spending on Katrina for the victims, education, housing, medical. We should vote on those. If there is a problem with them, work with our managers.

For example, we tried to accept the amendment related to medical that came over from the House. We cannot do that. Even on Public Radio this morning—not actually a bastion of democratic liberality—Public Radio had an example of what the bill passed in the House would do or not do. They give an example of a woman who is from Louisiana who was sent to the Astrodome, 55 years old, heart condition, diabetes. Under the House provision we have now, she could not get help. Under our provision, she could. We are trying to help the people who got hurt, and there are a lot of people who got hurt.

I agree we need to do more on these appropriations bills. We should not have a big omnibus bill. I was happy to see the distinguished Senator from Mississippi, the senior Senator from Mississippi, the chairman of the Committee on Appropriations, say he did not want an omnibus bill. I congratulate him.

However, I say to my friend, and I have said this privately and I will say it publicly to the distinguished majority leader, we have to get conferences done on the appropriations bills. I, along with Senator DOMENICI, have done the Energy and Water Appropriations Subcommittee for many years. We have never had figures like this. We cannot go to conference. The House refuses to sit down and talk to us. We have to work this out. Among other things in the Energy and Water appropriations bill, we fund the Corps of Engineers. We are going to go this year on some kind of a continuing resolution and not take care of the Corps of Engineers and the other matters within the confines of that subcommittee? We should not do that.

We have not done anything with Homeland Security. If there was ever a time in the history of this country where we could have a civilized conference between the House and the Senate and take care of the Homeland Security appropriations bills, this should be the time. Let's get that done. That should not be an omnibus.

Foreign operations bill, my Energy and Water Subcommittee, July, August—it has been there for 60 days and we have not done anything. I spoke to the distinguished majority leader a few minutes ago and he suggested three of his top staff people and my top staff people see what we can do to focus on some of the things on Katrina. We can never get to the victims of Katrina unless we have floor time to do it—whether they come from committees or amendments offered by Members from the floor.

So I would hope we could finish the bill before us, the Commerce bill. We should do that. There is an amendment dealing with COPS. We would have to waive the budget on that one. We know it takes 60 votes to do that. I understand there is one on small business they are about ready to work out. There is a possibility that can be worked out. So I would hope there wouldn't be a cloture motion filed on this bill. I think we are about to finish it. But I cannot control that.

I want the RECORD to be spread with this: We are willing to work late, early—it does not matter—toward what we think needs to be done to help the gulf victims.

I would also say we have lived up to our bargain on Judge Roberts. We made a commitment to those involved that we would do our utmost to finish this by the beginning of the October term in the Court. I think we are along the road to doing that. We have not in any way thrown up any roadblocks. We have tried to cooperate.

We realize we are in the minority, but we realize we are also in the Senate that is a body governed by rules that give the minority the power to do a lot of things. We are going to continue to do a lot of things to see if we can move this along.

But I say to the distinguished majority leader, we will be as helpful as we can. Hopefully, we can work more together than apart. I think that would be good for the country. I think the country is looking for some good bipartisanship.

Ms. MIKULSKI. Mr. President, will the distinguished Democratic leader yield for a question?

Mr. REID. Mr. President, I yield to the distinguished floor manager of the bill.

Ms. MIKULSKI. Mr. President, is the distinguished Democratic leader aware we have amendments that require votes—and that would help us—but we have seven that are not Katrina related? So while the negotiations are going on, on Katrina, is the distinguished Democratic leader aware that we do have seven votes, but we do not have a time for those votes? Also, we have about five votes on Katrina. So if we could dispose of the non-Katrina amendments, is the Democratic leader aware of the number of amendments?

Mr. REID. I am aware of the non-Katrina amendments. As I indicated, some of those I think, with the two managers, can be worked out. The others will not be able to be worked out. They will go the way of amendments that are not able to be brought before the Senate.

I think the point of the distinguished Senator is we can finish this bill fairly quickly.

Ms. MIKULSKI. If we have votes.

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I appreciate the importance of ensuring that the gulf region has all of the resources necessary to fully recover. My home State of Alabama was directly affected by Hurricane Katrina, perhaps not to the extent of a lot of areas in Mississippi and Louisiana, but still affected. So I can safely say I have more than a passing interest in ensuring that all response and recovery missions are fully funded here in the Senate.

In the last few weeks, I have spent considerable time viewing the damage in the region, in Alabama and Mississippi. I plan to go to Louisiana this weekend. While I believe it is critical the Congress act swiftly to ensure emergency funding is available for hurricane-related recovery efforts, I do not believe the Commerce-Justice-Science bill, which is before the Senate now, is the appropriate place to do that.

I believe it will be some time before we have a true understanding of the actual damages and recovery needs in the region. We have already acted, and we will continue to act in the Senate on both sides of the aisle to make sure the victims have everything they need to be made whole, to be back on their feet, make no mistake about it.

But I believe it is important we maintain our current track and allow the recovery effort to continue, step by step, which it is doing. The funding we approved last week will allow the effort to move forward. I believe we must monitor that effort closely to ensure we have the necessary resources we keep talking about. At the same time, I believe we must allow the damage assessments to move forward to truly address the needs of those in the gulf region, including my people in Alabama, the people in Mississippi, and the people in Louisiana.

Adding emergency funding to a regular spending bill, such as this CJS bill, frankly, is not the way I believe we should do business. We need to approach the hurricane funding needs in a coordinated manner—I believe we have been doing a lot of this—not in an ad hoc way, throwing add-ons on a bill that is not even the main disaster recovery bill.

I am going to be standing on the floor making sure, the best I can, we pass the necessary funding for these victims, including, as I said, the people of Louisiana, Mississippi, and Alabama, you can be sure of that, but not on this bill today.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I say to my dear friend, the senior Senator from Alabama, I agree that we need to make sure that money goes to the people who need it. That is what we are trying to do. We have not had the ability to bring Katrina amendments to the floor and act on them. That is what we need to do.

It is not as if we were working in a vacuum. We have a model we know works. After 9/11, we worked in a bipartisan fashion and created legislation that was unique. But most important to the families of the 3,000-plus people who got killed, plus the fact there were billions of dollars in damages, we did $20 billion worth within a matter of days to get relief to the people of New York, the people of Virginia.

So we know how to effectively address issues of concern. We have done that in the past. We relied then on committees to produce legislation through the regular process. I believe that is what I heard the majority leader say. We are willing to do that. But in following through on that, we have to be able to have some time on the floor to debate and vote on those issues. That is what we need to do.

Although there are a few exceptions to this, for the most part, the majority has not followed this process, and we have not been permitted an opportunity to address these issues on the Senate floor. We have been trying for 2 weeks to do that.

So let's empower every one of our chairmen and ranking members to sit down together and see what the committees can produce to address the needs of the survivors in the communities hit by this catastrophe. And then let's commit to give them the floor time to deal with their legislation. We badly need to do that.

Yes, we have had two emergency supplemental appropriations bills for more than $60 billion, but a lot of that money cannot go to the people who need it because it is illegal. We want to refine the law so we can get people the money they need.

I apologize to everyone. I know there is a vote pending. I have said enough. I hope I made my point.

AMENDMENT NO. 1661

The PRESIDING OFFICER. The time for debate has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Delaware has not had a chance to speak on his amendment. I think we agreed he would get some wrap-up time. I ask unanimous consent the Senator from Delaware be granted 2 minutes and I be granted 2 minutes in response and to make a point of order on his amendment.

Is that agreeable?

Mr. BIDEN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me begin by asking unanimous consent that Senator LANDRIEU be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, we are decimating the COPS program. Chairman SENSENBRENNER, in the House, is no fan of the program. He asked for a study to be done by GAO. It concluded: Use of the COPS grants resulted in less crime, use of COPS grants resulted in more community policing, use of COPS grants resulted in more officers on the streets. This is a time when we need more officers on the streets, not fewer officers on the streets.

The idea we are going to deal with natural disasters as well as terrorist attacks by using special forces soldiers and not cops on the street seems to me to be a little silly. We need more cops on the streets.

There are 8,000 applications pending. The bill would allow for 25 of those applications to be filled. This is a mistake.

One of my colleagues—it may be the chairman of the committee; I am not sure—said we have to prove we can end a program. Why do we end a program that is working, and working so well, in the interests of the country?

My time is probably up. I thank my friend from New Hampshire for the courtesy of allowing me to take a few minutes to speak to my amendment.

I urge my colleagues to support the amendment.

Mr. GRASSLEY. Mr. President, I rise to speak on Senator BIDEN'S amendment to add over $1 billion to the COPS Program. I am troubled by this amendment because it would declare these funds an emergency, siphoning away much needed funds that should go directly to the hurricane effort. The definition of an emergency includes situations that are necessary, or vital, sudden, urgent, and unforeseen. This amendment does not fit those characteristics.

I must also oppose this amendment because it lacks an offset. As a senior member of the Budget Committee and the chairman of the Finance Committee, I believe that we owe it to the taxpayers to be fiscally responsible with their tax dollars. Congress passed a budget, and we should stick by it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment has been offered in the past, and it is a reflection of the support of the Senator from Delaware for this program. But we have to remember this program was created in 1994 by President Clinton, with a clear statement it would end after 100,000 police officers were put on the streets.

Under this program, we have already spent over $12 billion. We put have put 118,000 police officers on the streets. This amendment would simply continue the program. Quite honestly, this is a program that should be phased out or just focused on police officers in schools. It is not a program that should be continued, and it certainly should not be continued in the context of the hurricane and the disaster in the Gulf States because it would have a marginal impact on that region.

So, Mr. President, pursuant to section 402(b)(5) of House Concurrent Resolution 95, the fiscal year 2006 budget resolution, I raise a point of order against the emergency designation provisions contained in the pending amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, pursuant to section 402 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Talent
Wyden

NAYS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NOT VOTING—3

Corzine
Rockefeller
Vitter

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained. The emergency designation is removed.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the spending in this amendment would cause the underlying bill to exceed the subcommittee's section 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The point of order is well taken and sustained. The amendment falls.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I rise for a few moments to speak in favor of an amendment offered by Senator DAYTON, which I am pleased to cosponsor along with many others, that would increase funding for Justice assistance grants by $275,000.

Justice assistance grants, as the Senate knows, incorporate what used to be called the Byrne grants and the Local Law Enforcement Program grants and are used to fund a number of important law enforcement initiatives, among which include multijurisdictional task forces.

I wish to speak briefly about that side of this important amendment because as the Senate may know, I have done a lot of work on the subject of fighting methamphetamine. Earlier in the debate on this bill, the Senate adopted an amendment which consisted of legislation that Senator FEINSTEIN and I have introduced, the Combat Meth Act, which was a comprehensive antimethamphetamine program designed to put the Federal Government squarely and aggressively on the side of local law enforcement which is fighting this terrible drug. And it is a terrible drug. It is the worst single drug threat that I have confronted in my 20 years in public life.

Methamphetamine is seriously addictive, maybe more so than any other drug of which I am aware. It is almost instantly addictive for a lot of people. It changes the physical nature of the brain. Even if you get off methamphetamine, which is difficult, and I will speak more on that in a moment, that will not necessarily fix the damage because it can change the structure of the brain. It tends to make the people using it more aggressive rather than less aggressive. Some drugs tend to make people more passive, and as bad as they are, at least it doesn't cause them to go out and attack other people, but methamphetamine does.

In addition, there is no known treatment for methamphetamine. There is no methadone for methamphetamine. So we sponsored, and the Senate adopted, a measure which had been cosponsored by more than 40 other Senators to help the Federal Government get aggressively into the business of fighting methamphetamine. It was a series of grant programs along with legislation that would put pseudoephedrine, the precursor drug for methamphetamine, behind pharmacy counters. I think that was very important, and I said at the time I was grateful to the bill managers for working with us on that issue.

One of the worst things about methamphetamine is that the drug is not just used in our neighborhoods and sold in our neighborhoods, it is made in our neighborhoods. It is made in local labs that can operate out of a cabin, out of a house, in a kitchen, in a van while it is being driven around, on the side of a road, or in the woods in a country area.

The process by which methamphetamine is made is literally toxic. The chemicals in it are chemicals that should not go anywhere near the human body, but they do.

These labs have cropped up all over States such as Missouri. It is like a cancer that spread throughout our States in the Midwest and now in other States as well. It is a terrible problem in the South and in the West and the Southwest. I do not think there is a State in the country which is not experiencing growing problems with it.

The National Association of Counties surveyed its members. The No. 1 problem reported more often than any others was methamphetamine. Not the No. 1 law enforcement problem, the No. 1 problem because the drug causes terrible social service problems and health care problems, and it is also overwhelming local budgets, in particular law enforcement budgets.

Think of the situation when you have a sheriff's department in a county with maybe 6 or 10 deputies, or a bigger county with 20 or 25 deputies: With all the jobs that local law enforcement has to do—security for the county fair, domestic violence issues, all the typical work they have to perform—and then you superimpose on that 10 or 15 or 20 methamphetamine labs in the county, it is very difficult to track down those labs. It is difficult to break them down. These deputies have to get trained in environmental chemistry to break these labs down.

It is an enormous burden on local budgets. One of the ways we can help our sheriffs, our local law enforcement officers in dealing with these meth labs is multijurisdictional task forces where they are able to get grants from the Federal Government, band together in regional task forces, and use that manpower efficiently to help go after labs. That is what the Dayton amendment is designed to support, and that is the big reason I am so strongly supportive of it.

The amendment would move funding for these programs back to where they were in fiscal year 2003. It is a substantial increase, but I can assure you, Mr. President, based on my experience with this issue, it certainly is no more than is needed. If we don't get ahead of this methamphetamine problem, if we don't start winning it—I would not say we are winning it now. We have heroic efforts by local law enforcement, but they are telling us we are not gaining yet—if we don't start winning, we will have increasing costs in terms of effect on kids, neighborhoods, jobs, costs that would dwarf what this amendment would add to the bill.

This amendment is offset. This drug is destroying lives all over States such as Missouri, all over the country. We can do something about it—not by the Federal Government taking this over but by the Government assisting local law enforcement in efforts that they are telling us are going to work. That is why this amendment is so important.

I appreciate the managers working with Senator DAYTON and the other cosponsors, and I hope the Senate will adopt it.

I yield the floor.

Mr. ALEXANDER. Mr. President, I rise today to express my support for a provision in the Commerce, Justice, Science appropriations act that will make significant headway in the fight against methamphetamine or meth manufacture and use.

The Talent-Feinstein amendment incorporating the provisions of the Combat Meth Act into this bill is the culmination of several months of bipartisan collaboration. The provision takes aim at the biggest problem faced by law enforcement in dealing with meth choking off the supply of essential materials needed to manufacture the drug.

Meth is of particular concern to me and to the entire Tennessee delegation because Tennessee has been plagued by a growing number of meth labs—ad hoc laboratories in backwoods shacks, out-of-the-way hotel rooms, and just about anywhere else you can cram in a supply of hot plates, glassware, and noxious chemicals necessary to make meth. In 2004, Tennessee ranked second in the Nation in the number of meth lab seizures, according to data from the Office of National Drug Control Policy. The Drug Enforcement Agency calculates that Tennessee accounts for 75 percent of the meth lab seizures in the Southeast. My colleagues in Missouri, Kentucky, Oklahoma, and many other States can cite related alarming statistics.

What is of particular concern about these meth labs is that they are appearing in places where drug production and abuse has not been a significant problem. In Tennessee, the largest numbers of seizures of meth labs have occurred in rural counties such as Monroe, Marion, Warren, and Coffee. These areas are often not fully prepared to cope with the demands of seizing such labs and cleaning up the aftermath.

The Talent-Feinstein amendment is a critical step in dealing with the meth problem. Others will have already praised various aspects of this bill, but I would like to particularly congratulate the Judiciary Committee for producing a bill that does not undermine State and local efforts to combat this problem. Law enforcement begins at home, and by crafting legislation that directs a Federal response that supports State and local law enforcement rather than preempt it, the Senate has upheld the principles of federalism that are at the core of our system of government.

This legislative step is only one part of a comprehensive strategy to combat this addictive drug. The problems presented by meth are myriad and many are unique. Meth production and use targets a different demographic of users than other drugs. Production of meth creates a toxic stew of chemical byproducts that can contaminate a lab site for years to come. Precursor chemicals used in meth production can come from a wide variety of sources. Hospitals and child welfare agencies are overwhelmed by burn victims and abuse cases from homes where meth is made. The court system is inundated with cases involving drug crime, and the inability to provide more individual attention prevents people from getting treatment that might discourage recidivism.

We also need to remember that while combating meth has risen to the top of the agenda thanks to media and government attention, this country is still threatened by the illegal use of a variety of drugs. According to the National Household Survey on Drug Abuse, 15.9 million Americans ages 12 and older reported using an illicit drug the month before the survey was conducted. Of those, 12.1 million reported using marijuana in the past month; 1.7 million reported using cocaine; and 1.3 million reported using hallucinogens such as LSD, PCP, and Ecstasy. Meth use has not yet risen to these levels, but if left unchecked the meth problem could soon rise to similar levels.

So as we focus on meth, we must also recognize that even if we are successful in our efforts to curb meth use and production, millions of Americans are threatened by addiction to other, just as dangerous drugs, and the next big drug is probably simmering in a beaker or growing in a field right now.

The Bush administration is confronting the drug problem head on in this country. In 2005, the Office of National Drug Control Policy reported that there has been a 17-percent reduction in youth drug use in the last 3 years thanks in part to Federal and State efforts to bolster enforcement and increase awareness of the dangers of drugs. Attorney General Gonzales recently visited Nashville with HHS Secretary Mike Leavitt and Office of National Drug Control Policy Director John Walters to announce new measures to support State and local governments in combating the meth problem.

I commend my colleagues for their work on the Combat Meth Act, and I look forward to more such efforts in our mission to eliminate the scourge of illegal drugs from our communities.

The PRESIDING OFFICER. The Senator from Arizona.

INTEROPERABLE COMMUNICATIONS FOR PUBLIC SAFETY OFFICIALS

Mr. McCAIN. Mr. President, I have watched the news coverage, along with so many Americans, during these past 2 weeks and have been shocked and saddened by the devastation in the gulf coast region. It continues to amaze me that an act of nature can bring about such destruction and ruin the lives of so many.

My deepest sympathies and prayers go out to the residents of Alabama, Louisiana, and Mississippi, and I know that as a country we will come together, as we are, to assist these residents and help them rebuild their lives. In my home State of Arizona, I am proud to report that valley residents have welcomed over 1,000 residents of New Orleans.

This was a tragedy of great proportions that caught local, State, and Federal officials unprepared. Like many Americans, I, too, have been concerned about the local, State, and Federal initial response to this disaster. It was unacceptable and inadequate. I know there will be an appropriate time for a comprehensive review of the local, State, and Federal response efforts to determine what went wrong and what went right. The oversight investigations being held by Senators COLLINS and LIEBERMAN are a very important undertaking. I believe Congress and the Nation have a lot to learn from Hurricane Katrina.

One thing already evident is that the country's local, State, and Federal first responders remain unable to communicate with each other during an emergency response. We saw the horrors brought on by the lack of communication on 9/11 when New York's fire, police, and port authority officers were unable to talk with one another when responding to the collapse of the Twin Towers. I have now been told that the first responders in Louisiana experienced similar problems because New Orleans and the three nearby parishes all use different radio equipment and frequencies. In addition, Federal officials use entirely different communications systems than localities, which hindered relief efforts.

I read that New Orleans officials had purchased equipment that would allow some patching between local and Federal radio systems, but that the equipment was rendered useless by flooding. Nonetheless, short-term solutions to link incompatible systems are not the right approach to this critical problem. The better approach is for this Nation to get serious about public safety communications by developing and funding an interoperable communications system for all local, State, and Federal first responders.

The Federal Government needs to, one, develop a comprehensive interoperable communications plan and set equipment standards; two, fund the purchase of interoperable communications equipment; and three, provide public safety with additional spectrum so first responders can communicate using the same radio frequencies and equipment in the event of an emergency.

Congress has taken some steps toward achieving an interoperable communications system for local, State, and Federal first responders. Last year, I offered an amendment that was enacted as part of the intelligence reform bill that authorized the Department of Homeland Security's Office for Interoperability and Compatibility, otherwise known as SAFECOM. SAFECOM assists local, regional, State, and Federal agencies in developing interoperable communications plans and accelerating interoperable communications equipment standards. They are in the process of doing so, and I urge them to move forward expeditiously.

Congress has also begun to fund the purchase of interoperable communications equipment for localities. Some 50,000 local, State, and Federal agencies make independent decisions about communications systems and use various frequencies. This is unacceptable and a waste of Government resources. The Department of Homeland Security has already spent over $280 million for the purchase of interoperable communications equipment. The Senate-passed Department of Homeland Security fiscal year 2006 appropriations bill would provide over $2.6 billion for localities to purchase interoperable communications equipment. This bill is currently in conference with the House.

Obviously, interoperability will come with a cost. Some estimate as much as $15 billion. But even this may be a small price to pay in order to save thousands of lives in the event of another disaster.

Let's remember that Congress also provided additional spectrum for first responders in the Telecommunications Act of 1996. So after spending millions of dollars in funding in additional spectrum for our Nation's first responders, why are we not better off than we were on 9/11 when it comes to interoperable communications? Because the spectrum Congress provided to first responders in 1996 is being held hostage by television broadcasters, even though broadcasters have now been given new spectrum.

It was almost 20 years ago that broadcasters began their journey toward becoming spectrum squatters. In 1987, broadcasters first asked the FCC to look into the potential of digital television technology and whether additional spectrum would be necessary. Upon the broadcasters' request, Congress provided new spectrum in 1996 to the broadcasters for free. I have often referred to this as the great $70 billion taxpayer giveaway. In return, broadcasters promised to give back their current spectrum by December 31, 2006, and make it available to first responders for interoperable communications.

But before the ink was dry on the Telecommunications Act of 1996, broadcasters persuaded certain Members of Congress to include an exception to the December 31, 2006, date in the 1997 Balanced Budget Act. Last year, during a Commerce Committee hearing, then-FCC Chairman Michael Powell testified that this exception could result in the first responders not receiving this spectrum for "decades or multiple decades." As evidenced by the tragedies from Hurricane Katrina, we cannot wait decades. Broadcasters are blocking access to spectrum for first responders who serve over 50 percent of the country.

Providing first responders access to this spectrum is one of the key recommendations of the 9/11 Commission and remains a top priority for Chairman Kean and Vice Chairman Hamilton. I introduced legislation last year to implement this recommendation, and it was voted out of the Commerce Committee. I then added the provisions, an amendment to the intelligence reform bill last fall, to provide this spectrum to first responders. Unfortunately, this language was removed in conference and replaced with a "sense of Congress" that such legislation be voted on during the first session of the 109th Congress.

Senator LIEBERMAN and I reintroduced our legislation to provide spectrum to first responders. Yet Congress has yet to act this year as envisioned by the sense of Congress. S. 1268, the Spectrum Availability for Emergency Response and Law Enforcement to Improve Vital Emergency Services Act, otherwise known as the SAVE LIVES Act, would provide first responders with the spectrum by January 1, 2009. Upon introduction, I suggested this date is a compromise between public safety organizations, equipment manufacturers, localities, and broadcasters. However, after watching citizens suffer during recovery efforts in New Orleans, I believe this date should be moved up to January 1, 2007, as originally contemplated by Congress in the Telecommunications Act of 1996.

Yet here we are 9 months into the first session with another horrible disaster having taken place, and Congress has yet to take up the SAVE LIVES Act or any other legislation providing first responders their promised spectrum.

To what level of crisis must this country endure before we act? Is the devastation from Hurricane Katrina still not enough to bring action? Chairman STEVENS has stated his intention to include such legislation in the Commerce Committee's response to budget reconciliation. I will be watching to see if the broadcasters find a way to once again delay the hand off of this spectrum to first responders. I will do all I can to move our legislation.

In 1997, the President of the National Association of Broadcasters stated on "The News Hour with Jim Lehrer" that broadcasters' use of spectrum allocated to first responders was merely a "loan to facilitate an orderly transition." Mr. Fritts, this "loan" has gone on long enough. Congress must now call in your "loan." You got your spectrum, now give the first responders their spectrum.

I will conclude by sharing 9/11 Commission Chairman Kean's comments as stated on CNN's Late Edition this past Sunday:

> [w]hat's frustrating is it's the same thing over again. I mean, how many people have to lose their lives? It's lack of communication, our first responders not being able to talk to each other. . . . Basically it's many of the things that, frankly, if some of our recommendations had been passed by the United States Congress . . . could have been avoided. But on the ground, the people that get there first can't talk to each other because the radio communications don't work. They haven't got enough what's called spectrum. So there is a bill in Congress to provide first responders spectrum. The bill has been sitting in Congress, nothing has been happening, and again, people on the ground—police, fire, medical personnel—couldn't talk to each other. That's outrageous and it's a scandal and I think it cost lives.

I couldn't agree more.

I want to end by thanking all of the first responders who are assisting in rescue efforts in Alabama, Louisiana and Mississippi. They are heroes and make me proud to be an American. For over 2 weeks now, they have slept very little and eaten very little, but done so much for a region in need. In appreciation, we owe them better communications systems so that when they are called upon to assist in the next disaster, they have the tools necessary to protect themselves and those they are working to protect.

Mr. GREGG. Mr. President, the pending Commerce, Justice, Science and Related Agencies Appropriations Bill for FY 2006, H.R. 2862, as reported by the Senate Committee on Appropriations provides $48.875 billion in budget authority and $49.495 billion in outlays in fiscal year 2006 for the Departments of Commerce, Justice and related agencies. Of these totals, $229 million in budget authority and $241 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of $48.646 billion. This amount is $2 billion less than the President's request, equal to the 302(b) allocations adopted by the Senate, and $36 million more than fiscal year 2005 enacted levels.

Mr. President, I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2862, 2006 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2006, $ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	48,646	229	48,875
Outlays	49,254	241	49,495
Senate 302(b) allocation:			
Budget authority	48,646	229	48,875
Outlays	49,254	241	49,495
2005 Enacted:			
Budget authority	48,610	242	48,852
Outlays	48,376	228	48,604
President's request:			
Budget authority	50,655	229	50,884
Outlays	49,185	241	49,426
House-passed bill:*			
Budget authority	57,452	361	57,813
Outlays	58,563	373	58,936
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	0	0	0
2005 Enacted:			
Budget authority	36	−13	23
Outlays	878	13	891
President's request:			
Budget authority	−2,009	0	−2,009
Outlays	69	0	69
House-passed bill:*			
Budget authority	−8,806	−132	−8,938
Outlays	−9,309	−132	−9,441

* House and Senate subcommittees have differing jurisdictions.

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

NOTICE OF INTENT

Mr. REID. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

AMENDMENT NO. 1652

At the appropriate place, insert the following:

TITLE ___—TEMPORARY MEDICAID DISASTER RELIEF

SEC. ___01. SHORT TITLE OF TITLE; PURPOSE.

(a) SHORT TITLE OF TITLE.—This title may be cited as the "Temporary Medicaid Disaster Relief Act of 2005".

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

SEC. ___02. DISASTER RELIEF PERIOD.

(a) IN GENERAL.—For purposes of this title, the term "disaster relief period" means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section 03 and paragraphs (1) and (2) of section 04(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to "February 28, 2006" in subsection (a) shall be considered to be a reference to "September 30, 2006".

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

SEC. ___03. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term "Katrina Survivor" means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) CONSTRUCTION.—A Katrina Survivor shall be treated as being "from" the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) TREATMENT OF HOMELESS PERSONS.—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual's "residence" shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) DIRECT IMPACT STATE.—The term "direct impact State" means the State of Louisiana, Alabama, and Mississippi.

(b) RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) UNIFORM ELIGIBILITY RULES.—

(A) NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) STREAMLINED ELIGIBILITY PROCEDURES.—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iv) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(v) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(vi) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State's eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(A) IN GENERAL.—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) PENALTY FOR FRAUDULENT APPLICATIONS.—

(A) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State's administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section ____04(a)(2).

(5) EXEMPTION FROM ERROR RATE PENALTIES.—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. ____04. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) INCREASE IN FEDERAL MATCHING RATE.—

(1) 100 PERCENT FMAP FOR MEDICAL ASSISTANCE.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) 100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section ____03 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section ____03(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) TEMPORARY SUSPENSION OF MEDICARE "CLAWBACK" AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.—

(1) SUSPENSION IN APPLICATION OF "CLAWBACK".—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u–5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.—Section 1935(d)(1) of such Act shall also not apply, subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) TERMINATION OF APPLICATION OF SUBSECTION.—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State,

that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) DEFINITION.—For purposes of this subsection, the term "State that experiences a significant influx of Katrina Survivors" means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. 05. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM.

(a) EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) PART D.—

(1) EXTENSION OF INITIAL ENROLLMENT PERIOD.—In the case of a Katrina Survivor, the initial enrollment period under section 1860D-1(b)(2) of the Social Security Act (42 U.S.C. 1395w-101(b)(2)) shall in no case end before May 15, 2007.

(2) FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.—For purposes of carrying out section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

NOTICE OF INTENT

Mr. REID. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend peragragh 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

AMENDMENT NO. 1662

On page 190, after line 14, insert the following:

SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) SHORT TITLE.—This section may be cited as the "Helping to House the Victims of Hurricane Katrina Act of 2005".

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

"(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

"(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

"(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

"(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

"(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

"(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

"(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

"(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

"(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

"(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

"(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

"(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

"(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

"(vi) subsection (r)(1)(B), relating to restrictions on portability.

"(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

"(i) shall be made available by the Secretary to individuals to cover the cost of—

"(I) rent;

"(II) security and utility deposits;

"(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

"(IV) such additional expenses as the Secretary determines necessary; and

"(ii) shall be used by the Secretary—

"(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

"(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

"(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

"(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

"(I) TERMINATION OF ASSISTANCE.—Assistance provided under this paragraph shall—

"(i) terminate 6 months after the date on which such assistance was received; and

"(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

"(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

"(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

"(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

"(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

"(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

"(i) the additional cost of rent and utilities;

"(ii) security and utility deposits;

"(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

"(iv) such additional expenses as the Secretary determines necessary.

"(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

"(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

"(E) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this paragraph shall—

"(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

"(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

"(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

"(A) directly administer any voucher program described in paragraphs (1) through (20); and

"(B) perform the functions assigned to a public housing agency by this subsection.".

(c) Report on Inventory of Availability of Temporary Housing.—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

(d) Appropriation of Funding.—

(1) In general.—There are authorized to be appropriated and are appropriated $3,500,000,000 to provide assistance under this Act.

(2) Emergency designation.—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

NOTICE OF INTENT

Mr. REID. Mr. President, In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

AMENDMENT NO. 1678

On page 191, between lines 9 and 10, insert the following:

TITLE VII—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Hurricane Emergency Limitation on Payments (HELP) Act of 2005".

SEC. 702. DEFINITIONS.

In this subtitle:

(1) Disaster.—The term "Disaster" means the major disasters declared by the President on August 29, 2005, relating to damage caused by Hurricane Katrina.

(2) Injured person.—The term "injured person" means any individual or entity that suffers harm resulting from the Disaster that makes the individual or entity eligible to receive, and the individual or entity submits an application in good faith to receive—

(A) housing assistance under section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b));

(B) financial assistance to address other needs under section 408(e) of that Act (42 U.S.C. 5174(e));

(C) unemployment assistance under section 410 of that Act (42 U.S.C. 5177) (as amended by subtitle C);

(D) a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); or

(E) an emergency loan made under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. 703. MORATORIUM ON PAYMENTS.

(a) In General.—Except as otherwise provided in this subtitle, no injured person shall be subject to a penalty or a requirement to pay interest for a failure of the injured person, as a result of the Disaster, to make timely payment of a financial obligation for any loan made, subsidized, or guaranteed by the United States.

(b) Applicability to Loans.—The moratorium under subsection (a) shall not apply to any loan made to or assumed by an injured person on or after August 29, 2005.

(c) Period of, Effectiveness.—The moratorium under subsection (a) shall apply in accordance with section 761 to the failure of an injured person to make timely payments.

(d) Eligibility.—If a Federal agency responsible for administering a benefit program referred to in section 702(2) determines that an individual or entity that has applied to receive a benefit under the program is not eligible to receive the benefit, the individual or entity, for purposes of the moratorium under subsection (a), shall cease to be considered an injured person as of the date on which the individual or entity receives notice of the determination of the Federal agency.

(e) Federal Responsibility.—In the case of a moratorium on payments on a loan subsidized or guaranteed by the United States, nothing in this section excuses the United States from any liability of the United States to the lender under the terms of the agreement between the United States and the lender.

(f) Effect of Other Law.—The moratorium under subsection (a) shall apply to an injured person only if, and to the extent that, the injured person is not excused from, or eligible to be excused from, the obligation under other applicable law.

Subtitle B—Individual and Household Assistance

SEC. 711. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.

(a) Maximum Amounts.—Notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), in providing assistance to individuals and households affected by Hurricane Katrina, the President may waive the limitation on total assistance under subsection (h) of that section.

(b) Mortgage and Rental Assistance.—

(1) In general.—During the 18-month period beginning on the date of enactment of this Act, the President may provide assistance in the form of mortgage or rental payments for persons described in paragraph (2).

(2) Eligible persons.—Assistance under paragraph (1) may be provided to any individual or household that—

(A) resided on August 29, 2005, in an area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

(B) as a result of financial hardship caused by a major disaster described in subparagraph (A), is subject to dispossession or eviction from a residence due to foreclosure of a mortgage or lien or termination of a lease entered into before the date on which the major disaster is declared.

(c) Types of Housing Assistance.—No limitation relating to the maximum amount of assistance under paragraph (2) or (3) of section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) shall apply with respect to major disaster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mississippi, or FEMA-1605-DR-Alabama.

(d) Financial Assistance to Address Other Needs.—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), in the case of financial assistance provided under subsection (e) of that section to any individual or household in response to a major disaster referred to in subsection (c), the Federal share shall be 100 percent.

Subtitle C—Unemployment Assistance

SEC. 721. UNEMPLOYMENT ASSISTANCE.

Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) is amended by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

"SEC. 410. UNEMPLOYMENT ASSISTANCE.

"(a) Provision of Unemployment Assistance.—

"(1) Assistance.—

"(A) In general.—The President shall provide to any individual unemployed as a result of a major disaster such benefit assistance as the President determines to be appropriate.

"(B) Location of employment.—An individual that is unemployed as a result of a major disaster as determined under subparagraph (A) may receive assistance under this subsection regardless of whether the individual was employed at a location within the declared disaster area.

"(C) Reason for unemployment.—For purposes of this subsection, an individual who is unemployed because a loss of business resulting from a major disaster contributed importantly to the employer's decision to reduce or terminate employment shall be considered to be an individual unemployed as a result of a major disaster.

"(D) Eligibility.—An individual shall be eligible to receive assistance under this subsection regardless of whether the individual is eligible to receive, or has exhausted eligibility for, State unemployment compensation.

"(2) Availability.—Assistance provided to an unemployed individual under paragraph (1) shall be available as long as the unemployment of the individual caused by the major disaster continues, or until the individual is reemployed in at least a comparable position, but not longer than 52 weeks after the date on which the unemployed individual first receives assistance.

"(3) Maximum and minimum weekly amounts.—The amount of assistance provided to an unemployed individual under this subsection for each week of unemployment shall be—

"(A) unless the amount is less than the amount described in subparagraph (B), not more than the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred; and

"(B) not less than the national average weekly unemployment benefit provided to an individual as of the date of the major disaster for which unemployment assistance is provided.

"(4) Period for application.—The President shall accept applications for assistance under this subsection for—

"(A) the 90-day period beginning on the date on which the applicable major disaster is declared; or

"(B) such longer period as may be established by the President.

"(5) Cooperation with states.—The President shall provide assistance under this subsection through agreements with States that, in the judgment of the President, have an adequate system for administering the assistance through existing State agencies.".

Subtitle D—Tax Relief

SEC. 731. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code and amounts described in paragraph (2) of section 7508A(a) of such Code relating to any employment tax liability of the taxpayer.

SEC. 732. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.

(a) Exclusion From Income of Certain Distributions Which Are Repaid.—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

"(x) Repayable Distributions From Qualified Retirement Plans for Victims of Hurricane Katrina.—

"(1) In general.—Notwithstanding any other provision of this section, gross income shall not include any qualified distribution.

"(2) Repayment requirement.—

"(A) Addition to tax.—If the required recontributions made by the taxpayer during the repayment period are less than the qualified distribution, the tax imposed by this chapter for the last taxable year in the repayment period shall be increased by the amount determined under subparagraph (B).

"(B) Determination of amount.—The amount determined under this subparagraph shall be an amount which bears the same ratio to the tax benefit amount as—

"(i) the excess (if any) of the qualified distribution over required recontributions made during the repayment period, bears to

"(ii) the qualified distribution.

"(C) Repayment period.—For purposes of this subsection, the term 'repayment period' means, with respect to any qualified distribution, the 5-taxable year period beginning after the taxable year in which such distribution is received.

"(D) Tax benefit amount.—For purposes of this subsection, the term 'tax benefit amount' means, with respect to any qualified distribution, the aggregate reduction in the tax imposed by this chapter for the taxable year in which such distribution is received by reason of the exclusion under paragraph (1).

"(3) Qualified distribution.—For purposes of this subsection, the term 'qualified distribution' means any distribution to an individual who has a principal place of abode within the area designated as a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina—

"(A) if such distribution is made during the 6-month period beginning on the date such declaration is made, and

"(B) to the extent such distribution does not exceed the excess of—

"(i) the amount of expenses incurred as a result of such disaster, over

"(ii) the amount of such expenses which are compensated for by insurance or otherwise.

"(4) Recontribution of qualified distributions.—

"(A) In general.—If an individual received a qualified distribution, such individual shall make required recontributions in the manner provided in this paragraph to an individual retirement plan maintained for the benefit of such individual.

"(B) Method of making recontribution.—Any required recontribution—

"(i) shall be made during the repayment period for the qualified distribution,

"(ii) shall not exceed the qualified distribution reduced by any prior recontribution under this paragraph with respect to such distribution, and

"(iii) shall be made by making a payment in cash to the qualified retirement plan from which the qualified distribution was made.

An individual making a required recontribution under this paragraph shall designate (in the manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

"(C) Treatment of contribution.—For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

"(5) Other special rules.—

"(A) Basis rules not affected.—The tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

"(B) Aggregation rule.—For purposes of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.".

(b) Effective Date.—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle D—Hurricane Katrina Food Assistance Relief

SEC. 741. SHORT TITLE.

This subtitle may be cited as the "Hurricane Katrina Food Assistance Relief Act of 2005".

SEC. 742. DEFINITION OF SECRETARY.

In this subtitle, the term "Secretary" means the Secretary of Agriculture.

SEC. 743. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) In General.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

"(4) Response to hurricane katrina.—

"(A) Definitions.—In this paragraph:

"(i) Affected area.—

"(I) In general.—The term 'affected area' means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

"(II) Inclusion.—The term 'affected area' includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

"(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

"(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

"(ii) Affected household.—

"(I) In general.—The term 'affected household' means a household—

"(aa) in an affected area;

"(bb) in which a member worked immediately prior to August 29, 2005, in an affected area; or

"(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State.

"(II) Inclusion.—The term 'affected household' includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

"(iii) Disaster recovery period.—

"(I) In general.—The term 'disaster recovery period' means the period of 180 days beginning on the date of enactment of this paragraph.

"(II) Extension.—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

"(B) Disaster recovery period.—During the disaster recovery period—

"(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6, and section 8(c)(1) shall not apply to affected households;

"(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

"(iii) at the option of the State agency, the State agency may increase the value to the affected household of the thrifty food plan determined under section 3(o) by 6 percent when calculating the value of the allotment for an affected household under section 8(a), in lieu of making the adjustment otherwise required by clause (iv);

"(iv) except in the case of a household to which clause (iii) applies, the State agency shall calculate the income of an affected household using a standard deduction of $323 in lieu of the deduction provided under subsection (e)(1);

"(v) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

"(vi) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

"(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

"(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

"(C) Duplicate participation.—

"(i) In general.—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

"(ii) No action taken.—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

"(D) CLAIMS RELATING TO BENEFITS.—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

"(E) PAYMENT ERROR RATE.—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

"(F) SAVINGS CLAUSE.—This paragraph shall not apply in any area of a State to the extent that there is in effect in the area an emergency food stamp plan approved by the Secretary that is more generous than the assistance provided under this paragraph.".

(b) PROGRAM INFORMATION ACTIVITIES.—

(1) IN GENERAL.—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than **$5,000,000** for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to provide affected households (as defined in section 5(h)(4)(A)(i) of the Food Stamp Act of 1977 (as added by subsection (a)) with information about and assistance in completing the application process for any food assistance programs for which the Secretary provides funds or commodities.

(2) EXPEDITING PROVISIONS.—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 744. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term "eligible recipient" means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) ASSISTANCE.—

(1) IN GENERAL.—In addition to funds already obligated to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), the Secretary, in consultation with the Secretary of Homeland Security, shall use not more than $200,000,000 of funds made available under that Act to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(c) SECTION 32 FUNDING.—In addition to funds obligated for fiscal years 2005 and 2006 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not more than **$200,000,000** of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 745. WIC FUNDING.

(a) IN GENERAL.—In addition to other funds made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated **$200,000,000**, to remain available until September 30, 2007.

(b) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) ALLOCATION OF FUNDS.—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 746. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section 743(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 747. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle E—Bankruptcy Relief

SEC. 751. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) ELIGIBILITY.—A case described in this subsection is a case commenced during the 12-month period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), by or on behalf of a debtor—

(1) who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in connection with Hurricane Katrina; and

(2) whose financial condition is materially adversely affected by the major disaster.

Subtitle F—Administrative Matters

SEC. 761. PERIOD OF AVAILABILITY OF BENEFITS.

(a) IN GENERAL.—Except as otherwise provided by this title or an amendment made by this title, a benefit or assistance provided by any provision of this title or an amendment made by this title shall be available through the date that is 180 days after the date of enactment of this Act.

(b) AUTOMATIC EXTENSION.—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this Act (or any earlier date on which such period expires under a provision of this title or an amendment made by this title), unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals and households affected by Hurricane Katrina or a related condition.

(c) REPORT.—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SEC. 762. NONDISCRIMINATION.

Each recipient of Federal funds made available pursuant to this title or an amendment made by this title, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

WAIVING MATCHING REQUIREMENTS FOR CERTAIN FEMA PROGRAMS

Mr. REID. Mr. President, I want to bring to the administration's attention an issue of vital importance to the victims of Hurricane Katrina.

As you know, FEMA provides crucial financial assistance to eligible individuals, households and to local and State governments following a disaster. Many of FEMA's programs require local governments or States to provide a 25-percent match.

I commend President Bush's decision to waive the matching requirements for certain FEMA programs for 60 days.

Given the unprecedented destruction resulting from Hurricane Katrina, however, I call on President Bush to immediately direct FEMA to reimburse all eligible recipients the full 100 percent of costs eligible under FEMA's various relief programs for as long as necessary. This waiver should apply to all entities that are providing assistance in the entire gulf coast area impacted by Hurricane Katrina.

As seems obvious to all, 60 days will simply not provide enough time for local and State governments to get back on their feet. Leaders from the municipalities and States devastated by Katrina should not be concerned with finding revenue to match Federal funding during this time of crisis. Federal aid should flow unimpeded.

Does the majority leader agree with me?

Mr. FRIST. I, too, commend the President for his quick action on a waiver for FEMA. I as well believe the President should consider waiving this cost-sharing requirement for as long as necessary for entities and areas in Louisiana where it is necessary. I am aware that the Louisiana delegation has sent a letter to the President to this effect, and I am supportive of what we can do to ease the burden for those impacted by Katrina.

Mr. REID. I thank the majority leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. LEVIN. Mr. President, I will spend a few minutes talking about Iraq this afternoon. I start with my conclusion and then go into the body of my remarks after I state what that conclusion is.

The administration's position that we will stay as long as the Iraqis need us to is too open-ended and sends the wrong message to Iraqis that their failure to make the necessary political compromises will not affect how long we stay, and it makes it less likely that those compromises will be reached.

Our military commanders have repeatedly stated there is no purely military solution in Iraq and that a political settlement is a necessary element for success. In view of that, I believe, unless the Iraqis achieve a political settlement by the end of this year, we must consider a timetable for the withdrawal of U.S. forces from Iraq, and we must make that point clearly to the Iraqis now while they are in the process of deciding whether to come together through consensus.

The Iraqi National Assembly approved a draft Constitution on August 28, despite objections from the Sunni Arabs over provisions relating to federalism that most Sunnis believe will disadvantage the areas of Sunni concentration. Those provisions essentially would enable the Kurds in the North and the Shiites in the South to establish autonomous regions in which most of the country's oil reserves are located. Sunni Arab voters who chose to boycott the last election, and thus were underrepresented in the National Assembly and on the constitutional drafting committee, registered in large numbers for the referendum on the Constitution scheduled for October 15, with the apparent objective of rejecting the existing draft. If two-thirds of the voters in 3 or more of Iraq's 18 provinces vote no, the Constitution will be rejected, and the elections scheduled for December will elect a new National Assembly, which will start the constitutional drafting process anew.

Additionally, there are reports that firebrand Shiite cleric Muqtada al-Sadr will exhort his followers to reject the Constitution because he favors a unified Iraq, and he sees the existing draft leading to the dissolution of Iraq as a single State. Muqtada al-Sadr has a huge following in Baghdad, which lacks oil resources, and thus is disadvantaged in a manner similar to the predominantly Sunni Arab provinces.

Meanwhile, the administration is urging the American people to "stay the course." That is a bumper sticker slogan not a strategy.

Secretary Rice, among others, has stated we will be in Iraq as long as we are needed, adding no incentive, therefore, to Iraqis to reach a political settlement. An open-ended commitment to keep our troops in Iraq, even in the absence of a political settlement by the Iraqis, flies in the face of our military commander's assessment that there can be no military success in the absence of an Iraqi political coming together.

U.S. forces, particularly the U.S. Army, are stretched thin, despite the unprecedented use of a large segment of our National Guard in Iraq. Their lengthy and repeated deployments mean that much of a unit's time is devoted to recovery from a previous deployment and preparation for the next one, thus leaving little time for training to develop war-fighting capabilities or sustaining readiness for other contingencies. These actions, in turn, mean less time at home for soldiers with their families and lower morale, which threatens recruiting and retention.

The level of participation of the Armed Forces of other countries has been disappointing, leaving the United States to bear most of the burden. The absence of forces from Muslim countries is deeply disappointing, since the outcome in Iraq has effects throughout the world and also impacts the future direction of Islam. While it would likely be unwise for Iraq's neighbors to supply any forces, the failure of the Arab states to express their condolences over the recent stampede, in which almost 1,000 Iraqis were killed, was noted angrily by Iraq's President and Prime Minister, as was the lack of Arab diplomatic representation in Baghdad.

The administration should take advantage of the presence of so many national leaders at the United Nations later this week to press nations with substantial Muslim populations, other than those neighboring Iraq, to send forces to Iraq. The President should also make clear to the Iraqi leaders that we expect them to extend invitations to such nations.

Speaking as a Senator, I delivered that message to President Talabani this afternoon in Senator FRIST's office. It is a message that I delivered on a number of occasions and directly in the past to Iraqi's leaders in Iraq.

U.S. Ambassador Zalmay Khalilzad wrote in the Washington Post that one of the two standards to evaluate the Iraqi Constitution is "its potential to be a national compact that brings Iraqis together and undermines the insurgency."

He went on to say:

> If Iraqi voters ratify the draft overwhelmingly, it becomes a national compact. If they reject the draft, the next Assembly will negotiate anew.

He continues:

> Under all scenarios, the United States will continue to encourage Iraqi leaders and communities to come together.

But Ambassador Khalilzad failed to mention that there is another scenario; namely, that the Sunni Arabs vote overwhelmingly against the Constitution but fall short of achieving a two-thirds negative vote in three provinces. In such a case, the violence and insurrection is more likely to continue and even civil war could result. Moreover, the Ambassador's words fail to display urgency that Iraqis reach a political settlement and unwisely suggest the U.S. forces may stay in Iraq indefinitely until legal consensus is achieved.

Despite the National Assembly's approval of the draft Constitution, the Iraqis continue to negotiate and make changes to the draft. For example, the Washington Post reported on September 6 that President Talabani said in his statement that he had agreed to changes that would ease concerns among Sunni Arabs that the wording of the draft loosened Iraqi ties to the Arab world. And Reuters reported on

Sunday that the United Nations is unable to start printing Iraq's draft Constitution because the National Assembly had not yet certified the text and now has set Sunday, September 18, as the date by which any changes to the draft Constitution can still be met.

This week provides a critically important opportunity for the administration to make clear to the Iraqis that U.S. forces cannot be in Iraq indefinitely. We must make it clear to the Iraqis that they have a limited time to achieve a political settlement and that if they do not do so, one way or another, by the end of this year, we will consider a timetable for withdrawal of our forces.

Speaking as one Senator, again, I delivered that viewpoint to President Talabani in Senator FRIST's office earlier this afternoon.

We cannot write a constitution for Iraq, and we should not dictate the compromises they need to make to achieve a political settlement. But we do control whether our troops stay in Iraq and how long they stay.

The framework for agreement appears to be at hand. Some Shiite leaders reportedly have come to realize the existing draft of the constitution, which grants a high degree of control over natural resources to autonomous regions, would apply to water resources as well as to oil resources. That could negatively impact on the amount and quality of water available to predominantly Shiite areas. The Shiites are mainly located in the south, downstream of both the Kurds in the north and the Sunni Arabs in the center, who are able to dominate the flow of Iraq's two great rivers, the Tigris and Euphrates.

If the Shiites give up their ability to form an autonomous region or regions, or agree to greater control by the central government over the country's natural resources, the Sunni Arabs might then be able to support a revised draft constitution which would be a critical step in achieving a political settlement.

The administration needs to move quickly. Both President Talabani and Prime Minister Jaafari—the leading Kurd and Shiite, respectively, in the transitional Iraqi Government—are in Washington this week and available for straight talk from the President and his Cabinet.

The United States has done and is doing more than our part in Iraq. It is up to the Iraqis now to step up to the political compromises which need to be made if Iraq has a realistic chance to defeat the insurgents and to become a nation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 9, 2005, two men were walking near 18th Street in New York, NY, when they were attacked by two other men. The apparent motivation for the attack were the victims sexual orientation. According to police, the two men made numerous antigay comments as they passed before hitting one of the gay men in the face.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FEDERAL LAW ENFORCEMENT TRAINING CENTER ANNIVERSARY

Mr. DOMENICI. Mr. President, I rise today to commemorate the 35th anniversary of the Federal Law Enforcement Training Center, commonly known as FLETC. Since its inception in 1970, FLETC has provided primary and advanced law enforcement training for at least 81 Federal agencies. It also serves as the project manager for the International Law Enforcement Academies. Over the past three and one-half decades, FLETC has grown from a fledgling organization into the world's premier law enforcement training center. For this, and for the countless lives that have been saved by the proud graduates of FLETC, I extend my heartfelt congratulations.

When FLETC was first conceived 35 years ago, the training of Federal law enforcement agencies suffered from varying levels of quality. The costs of providing high-quality training were far too high for any single agency to bear. It was in these prevailing circumstances that people started to talk about standardizing and consolidating training operations for law enforcement agencies with similar operational skills. That FLETC has managed to save taxpayers dollars by creating high-quality and cost-effective training programs is a tribute to its leaders, instructors, and graduates.

I have a personal connection to FLETC because there is a FLETC campus in my home State of New Mexico. The town of Artesia in the southeastern section of New Mexico has played a special role in the history of FLETC. First opened in 1989, FLETC-Artesia is one of three full-scale residential training facilities currently in operation. Although originally a small college campus, FLETC-Artesia is now a 2,540-acre site that includes grounded aircraft, large classrooms, drug and fingerprint labs, physical techniques facilities, outdoor firearms ranges, vehicle proficiency courses, and a number of dormitory buildings.

These and other training tools have proven valuable to multiple Federal law enforcement agencies. In the weeks and months following the devastating attacks on September 11, 2001, the training environment at FLETC was reoriented to address the American people's demands for greater in-flight security. The number of students being trained at FLETC-Artesia swelled from an average of 150 per day to 700 per day as part of this mobilization. Air marshals continue to be trained by FLETC and the Federal Flight Deck Officer training module was transferred to Artesia in the fall of 2003. The Border Patrol has also consolidated its training activities in New Mexico. It is therefore no stretch of the imagination to say that FLETC-Artesia is at the forefront in protecting our Nation's skies and borders.

Mr. President, I offer my congratulations to those who have worked at FLETC over the past 35 years. They have done their country a great service. The fact that FLETC trainees continue to excel is a tribute to their hard work. I am proud to have played a role in establishing a FLETC campus in my home State and I look forward to working with FLETC in the future.

BARBARA DAVIS CENTER FOR CHILDHOOD DIABETES

Mr. ALLARD. Mr. President, today I wish to honor an exceptional organization. The Barbara Davis Center for Childhood Diabetes provides care and support for over 5,000 children and young adults with type one diabetes, including their families. For their dedicated work and unrelenting commitment to excellence, I wish to honor the

Barbara Davis Center for Childhood Diabetes here today.

Since 1980, The Barbara Davis Center has grown to become the largest facility in the Nation dedicated to pediatric diabetes and is now located on the Fitzsimmons Campus of the University of Colorado at Denver Health Sciences Center in Aurora, Colorado. The staff at the Center has worked tirelessly to meet the needs of countless children throughout Colorado and the entire world who suffer from type one, or insulin-dependent diabetes. The Center's clinics received worldwide recognition for their care of those affected with pediatric diabetes, a chronic, life-threatening illness. In addition, the Center is a first-rate teaching and research facility on the forefront of the investigation into the cause, treatment, and elimination of diabetes.

The Barbara Davis Center for Childhood Diabetes is relentless in its efforts to treat children with diabetes, support their families, and find ways to prevent and ultimately cure this devastating disease. For more than a quarter of a century the Center has proudly served the children of Colorado, our Nation, and the world. Founder Barbara Davis and the staff at the Center have dedicated themselves to enhancing the lives of those affected by diabetes. They are true champions in the fight against childhood diabetes, and I am honored to recognize their work.

ADDITIONAL STATEMENTS

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CONGRESSIONAL COALITION ON ADOPTION INSTITUTE

• Mr. ROCKEFELLER. Mr. President, tonight is the annual gala of the Congressional Coalition on Adoption Institute to honor individuals from across the country that have helped promote the basic but crucial goal of ensuring that every child is safe, healthy and has a permanent home.

I am proud to be a member of this group, and I am proud of the leadership shown by our Chairs, Senator LANDRIEU and Senator CRAIG. Thanks to their leadership and the importance of public awareness, this event has grown into a true celebration and recognition of the individuals who have earned their award, as an Angel of Adoption.

This year, I am delighted to honor Chris Wood, executive director of Mission West Virginia, a faith-based organization in my State. Chris and his group have undertaken the initiative known as One Church, One Child. This program which has branches in about 30 States was started in my State in December 2001, thanks to the leadership of Chris Wood and Mission West Virginia. Its goal is to raise awareness and interest in adoptions from foster care throughout the community, but particularly focusing on faith communities. Since its inception, hundreds of West Virginians have inquired about potential adoptions. About 40 adults have been registered and certified as foster and/or adoptive parents. But the best news is that 25 children have been adopted into safe, permanent homes. Others are still in the process. This is real progress, and it is changing the lives of children and families.

This is a remarkable program. I am also pleased to note that my West Virginia colleague has nominated Drew Ornbaun as her Angel in Adoption. Drew is a teenager who was adopted from foster care, and he has become a compassionate spokesperson for this initiative and its vital goal—a safe, permanent home for every child.

Chris Wood, executive director of Mission West Virginia, is doing important work on behalf of children and families through the One Church, One Child program.•

RECOGNITION OF THE RETIREMENT OF MAJOR GENERAL REGINALD CENTRACCHIO, U.S. ARMY NATIONAL GUARD

• Mr. REED. Mr. President, I rise today to recognize the accomplishments of MG Reginald Centracchio, the Adjutant General of the State of Rhode Island and the commanding general of the Rhode Island National Guard. Major General Centracchio retired on September 1, 2005, after 48 years in the Rhode Island Army National Guard. He is the only adjutant general from Rhode Island to serve his entire career within the Rhode Island National Guard, rising from private to the position of adjutant general.

Major General Centracchio enlisted as a private in the National Guard in September 1957. He graduated from Officer Candidate School in 1962, and was commissioned a second lieutenant, Air Defense Artillery.

Over the past four decades, Major General Centracchio held a wide variety of important command and staff positions, including platoon leader and battery commander on various missile sites throughout Rhode Island; field artillery tactical intelligence staff officer and adjutant; recruiting and retention manager; plans, operations and military support officer; director of personnel and administration; and director of plans, operations and training, Rhode Island Army National Guard.

Major General Centracchio was appointed the Adjutant General, State of Rhode Island, and Commanding General, Rhode Island National Guard, by Gov. Lincoln Almond on August 1, 1995. On August 1, 2002, he achieved the State rank of lieutenant general. On July 1, 1996, he was appointed director of the Rhode Island Emergency Management Agency, RIEMA, merging the National Guard and Emergency Management Agency. On January 21, 2003, he was reappointed by Gov. Donald L. Carcieri as the Adjutant General of Rhode Island; he was then appointed Rhode Island Homeland Security Advisor. Major General Centracchio is the first adjutant general to hold all three positions simultaneously.

During his tenure as Adjutant General and Commanding General of the Rhode Island National Guard, Major General Centracchio's leadership and commitment were essential in ensuring the Rhode Island National Guard trained, equipped, and deployed soldiers and airmen in support of United States military missions at home and abroad. His experience and knowledge were constantly sought during numerous State emergencies in which Rhode Island National Guard troops were employed to ensure public safety. Under his direct supervision, the Rhode Island National Guard mobilized and deployed over 3,500 troops in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom. This represents the largest deployment of Rhode Island National Guard Troops since the First World War.

General Centracchio exemplifies what it means to be a "soldier." He was utterly committed to accomplishing his mission and completely dedicated to the welfare of his troops. He led by example. His service and sacrifice sustained the men and women of the Rhode Island National Guard and will continue to inspire them in the years ahead.

I also want to commend his wife, Linda. She also served by his side to provide for the men and women of the Rhode Island National Guard. Together they made an extraordinary contribution to our Nation and to Rhode Island.

Major General Centracchio's superb sense of duty and responsibility provided the citizens of Rhode Island with solid evidence of the National Guard's commitment to the State and Nation. On behalf of the residents of Rhode Island, I thank Major General Centracchio for a lifetime of selfless service. I wish him well and salute him with the title that he has earned and honored. "Sir, you are a soldier."•

NEW MEXICO JUNIOR COLLEGE

• Mr. DOMENICI. Mr. President, on behalf of my fellow New Mexicans, I recognize the outstanding achievements of the New Mexico Junior College baseball team and applaud their remarkable world series victory.

New Mexico Junior College, an institution with over 3,000 students, is located in Hobbs, NM. This southeastern New Mexico town is known for its abundant natural resources, agriculture, attractive yearlong weather, and small town charm. Hobbs has long been known as the hub of New Mexico's oil industry, and home to the world's gliding community. Now, Hobbs is the home of the No. 1 junior college baseball team in America.

The Thunderbird baseball team has a distinguished local and national reputation for excellence. More than 85 New Mexico Junior College players have been drafted by professional teams, and two of those recently won Major League Baseball championships with the Florida Marlins and Anaheim Angels. However, this is the first national championship in the school's storied baseball history.

The 2005 season added to the list of accolades for the New Mexico Junior College Thunderbirds. The team finished the season winning 55 out of 65 games, and outscored their opponents 44 to 19 during their championship run. Head coach Ray Birmingham won his 700th game along the way and received the award for NJCAA coach of the year. The team finished with the highest batting average in the country. Seven Thunderbirds, from a variety of positions, received all-conference honors.

Besides being great athletes, the Thunderbirds continue to show remarkable character off the field. Four players earned Academic All-American honors this season, highlighting the high academic standards of the program. I have always believed that the ability to shine on and off the playing field is a truly crowing achievement.

This New Mexico Junior College baseball team demonstrated remarkable teamwork and selflessness throughout the season. Players born in New Mexico, Venezuela, Puerto Rico, Australia, Canada, and across the United States came together to realize their dreams this season. For that, and for all their accomplishments, I commend each and every player and coach of the Thunderbird team here in this RECORD. May their success be only a prelude to future accomplishments, and may they continue to represent their school, Hobbs, and the State of New Mexico with distinction.•

CONGRATULATING WILLIAM H. (HARRY) ARMSTRONG

• Mrs. BOXER. Mr. President, I rise to congratulate Mr. William H. (Harry) Armstrong on receiving the 2005 Rose Ann Vuich Ethical Leadership Award. The Rose Ann Vuich Leadership Award, sponsored by the Kenneth L. Maddy Institute at California State University, Fresno, the Fresno Business Council and the Fresno Bee, is a prestigious award that celebrates excellence and integrity in public service.

Harry Armstrong began his distinguished career in public service when he was appointed to the Clovis Planning Commission in 1966. In 1970, Harry was elected by the residents of Clovis to serve on the city council for nine consecutive terms. During this period, Harry also completed four highly successful terms as the mayor of Clovis. He is currently the longest-serving councilmember in California.

Harry Armstrong's remarkable tenure on city council has coincided with the growth of Clovis from a quiet small town to one of the most vibrant and dynamic communities in the Central Valley. Clovis' status as one of the most desirable places to live, raise a family, and conduct business is made possible in no small part by Harry's extraordinary vision and steadfast commitment to serve the overall good of the community and advance the interests of his beloved constituents.

In addition to his immense contributions to the city of Clovis, Harry Armstrong has been very generous in lending his considerable talents and passion for public service to a number of other statewide and regional causes over the years. A former president of the League of California Cities, Harry is the current chairperson of the Fresno County Transportation Authority as well as serving in the same capacity for the Association of Metropolitan Water Agencies. Harry is widely regarded as one of the Central Valley's foremost experts on transportation and water issues.

As important is the high level of ethical leadership that has been the hallmark of Harry Armstrong's tenure of public service.

As his colleagues, constituents, and many admirers would attest, Harry Armstrong is a truly deserving recipient of an award that honors the importance of integrity, character, ethics, consensus building, and commitment to the common good in public service. Throughout his career in government, Harry has consistently embodied the best ideals of a dedicated public servant.

I congratulate Harry Armstrong on receiving the 2005 Rose Ann Vuich Ethical Leadership Award and wish him continued success in his future endeavors.•

HONORING THE RANCHO BUENA VISTA LITTLE LEAGUE TEAM

• Mrs. BOXER. Mr. President, I rise today to honor the Rancho Buena Vista Little League Team of San Diego, CA, that represented the Western Region in the Little League World Series.

The Rancho Buena Vista Team treated fans to a thrilling season, including an amazing 24-game winning streak. Their season culminated in a 5 to 4 victory over the team from Chiba City, Japan to win third place at the Little League World Series in Williamsport, PA. On August 14, 2005, Rancho Buena Vista defeated Tracy, California 7 to 2 in the West regional championship game, finishing with a 6 to 0 record. The Vista Little Leaguers became the sixth U.S. region representative and 14 overall to qualify for the 2005 Little League World Series.

The team displayed commitment to teamwork, gamesmanship, and a love of baseball as a team sport as they each played fair, strived to win, and always did their best. Vista's pitcher Kalen Pimentel struck out 18 batters in 1 regulation game to tie a Little League record.

On September 10, 2005, in the City of Vista, the Rancho Buena Vista Team will celebrate their victory with fellow San Diegans. The team will be joined by their friends, family, supporters, and coaches Randy Reznicek, Joseph Pimentel, and manager Marty Miller in a parade. They come together to celebrate the team's strength of character, level headedness, pride, and commitment which lead them to victory.

It is with great pleasure that I commend the athletes of the Rancho Buena Vista Little League Team for the determination, composure, and sportsmanship they exhibited throughout the 2005 Little League World Series and for their many accomplishments on the field throughout the tournament. I wish them great success in the future.•

CELEBRATING THE 50TH ANNIVERSARY OF EVANGEL HOME

• Mrs. BOXER. Mr. President, I rise to commemorate the 50th anniversary of Evangel Home. Evangel Home is a shelter for needy women and children located in downtown Fresno. Now in its 50th year, Evangel Homes has been instrumental in helping hundreds of women and children piece together their broken lives.

Evangel Home was established in 1955 by Ms. Pauline Baker Myers as a "Home for Needy Women and Children." Saddened by the lack of help for women in need at local homeless shelters, Pauline Baker Myers envisioned a shelter for women designed to help them put their lives back together. Evangel Homes became one of the first shelters of its kind in the nation.

Evangel Home helps women through a variety of programs. Women enter Evangel Home through Crisis Home, an emergency shelter where women may stay for up to 28 days. At Crisis Home, up to 24 women and children can receive services such as meals, shelter, clothing, and counseling.

Following the initial stay at Crisis Home, women may be eligible for the CrossRoads Residential Program. Through the CrossRoads Residential Program, Evangel Homes offers a 9-month program of courses and services to help women make better choices for themselves and their families. The courses are intended to help residents develop their life skills for parenting, finances and setting boundaries.

The GARDEN Residential Recovery Program, or God Answers, Redeems, and Delivers Everyone who draws Near to Him, is an alternative sentencing program. It is designed to rehabilitate women in a structured environment as an alternative to serving a jail or prison term. The GARDEN program accommodates as many as six women and includes courses and counseling programs tailored to teach women responsibility and decision making skills.

Lastly, the Community Connection Graduate Program involves graduates from the CrossRoads and GARDEN programs. Community Connection encourages women to work and attend school while providing them with a support network to ensure their success.

The success of Evangel Homes is evident in the many women and children who have walked out of its doors to productive and successful lives. Annually, Evangel Homes gives shelter to more than 300 women and 200 children. The mission of Evangel Homes goes far beyond giving material support to women in need. Instead, Evangel Homes gives women nurturing support in a structured environment so that they may be taught self-reliance and responsibility.

Evangel Homes recognizes that those who seek its help have the ability to make their own choices. Through spiritual guidance and counseling, Evangel Homes strives to erase the effect of what it calls "disaffiliation" or the feeling of isolation and disassociation from anything positive in their lives that many women and children feel as an effect of their disordered lives. Through programs designed to give women and children the structure, the hope, and the tools for rebuilding their lives, Evangel Homes gives women and children a "chance for change."

I congratulate Evangel Homes on their 50th anniversary and wish them much continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 252. An act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

S. 1682. A bill to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors.

S. 1683. A bill to provide relief for students affected by Hurricane Katrina.

S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3707. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, a report of the designation of an officer for the position of Agency Environmental Executive; to the Committee on Environment and Public Works.

EC–3708. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–3709. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing" (FRL No. 7961–9) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3710. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Minnesota; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference; Correction" (FRL No. 7962–6) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3711. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request" (FRL No. 7962–4) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3712. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of action on a nomination for the position of Controller, Office of Federal Financial Management, received on August 17, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3713. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, the Office of Government Ethics' FAIR Act Inventory for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3714. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Docket No. FEMA–7885) (44 CFR Part 64)) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3715. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Records Center Facility Standards" (RIN3095–AB31) received on August 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3716. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Information Technology Exchange Program" (RIN3206–AJ91) received on August 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3717. A communication from the Director, Center for Talent and Capacity Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Examining System" (RIN3206–AK85) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3718. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service; Career and Career-Conditional Employment" (RIN3206–AJ28) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3719. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Exclusion of U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions" (RIN1018–AT95) received on August 31, 2005; to the Committee on Energy and Natural Resources.

EC–3720. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rule to List of Scimitar-Horned Oryx, Addax, and Dama Gazelle as Endangered" (RIN1018–AI82) received on August 31, 2005; to the Committee on Energy and Natural Resources.

EC–3721. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flonicamid; Pesticide Tolerance" (FRL No. 7731–6) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3722. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerances for Emergency Exemptions" (FRL No. 7732–3) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3723. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Halosulfuron-methyl; Pesticide Tolerances for Emergency Exemption" (FRL No. 7719–8) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3724. A communication from the Director, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Exceptions to Definition of Date of Receipt Based on Natural or Man-made Disruption of Normal Business Practices" (RIN2900–AL12) received on August 31, 2005; to the Committee on Veterans' Affairs.

EC–3725. A communication from the Chief, Regulations Management, Office of Policy, Planning, and Preparedness, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Audits of States, Local Governments, and Non-Profit Organizations; Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" (RIN2900–AJ62) received on August 23, 2005; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL (for himself, Mr. INHOFE, Mr. SANTORUM, and Mr. COBURN):

S. 1689. A bill to state the policy of the United States on international taxation; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1690. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. SESSIONS):

S. 1691. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. JOHNSON, Mrs. MURRAY, Mr. SALAZAR, Mr. DAYTON, Ms. CANTWELL, and Mrs. CLINTON):

S. 1692. A bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KYL:

S. 1693. A bill to amend the Internal Revenue Code of 1986 to allow the temporary expensing of equipment used in refining of liquid fuels; to the Committee on Finance.

By Mr. BURR (for himself and Mr. ALLEN):

S. 1694. A bill to require the Secretary of Energy to submit to Congress a report describing the method by which existing reporting systems within the Department of Energy can be coordinated to provide timely reporting of significant supply interruptions in the transmission of petroleum and petroleum-related products; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1695. A bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY):

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself, Mr. LUGAR, and Mr. BINGAMAN):

S. Res. 236. A resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 506

At the request of Mr. HAGEL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 666

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 769

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 769, a bill to enhance compliance assistance for small businesses.

S. 895

At the request of Mr. DOMENICI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 895, a bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1112, supra.

S. 1186

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1186, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1191

At the request of Mr. SALAZAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1240

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1240, a bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes.

S. 1386

At the request of Mr. MARTINEZ, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1386, a bill to exclude from consideration as income certain payments under the national flood insurance program.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1515

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1515, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 1622

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1630

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

S. 1638

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1644

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1644, a bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts.

S. 1645

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1645, a bill to establish a first responder interoperable communications grant program.

AMENDMENT NO. 1650

At the request of Mr. VOINOVICH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 1650 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1652

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 1652 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1654

At the request of Mr. DAYTON, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 1660 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1687

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1687 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1694

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 1694 intended to be proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1690. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, along with the senior Senator from Maine, Senator SNOWE, I am today introducing the No Child Left Behind Flexibility and Improvements Act. Our legislation is designed to provide State and local decision makers with greater control options and flexibility in the implementation of the No Child Left Behind Act of 2002. It would provide commonsense reforms in keeping with the worthy goals of this landmark law.

Since the law's enactment in 2002, I have had the opportunity to meet with many educators, administrators, parents, and officials from my home State to discuss their concerns regarding the implementation of the No Child Left Behind Act reform. In response to their concerns, Senator SNOWE and I commissioned a Maine NCLB task force in March of last year. Our task force included members from every county in our State, and had superintendents, teachers, principals, school board members, parents, business leaders, former State legislators, special education specialists, assessment experts, officials from the Maine Department of Education, a former Maine commissioner of education and a dean from the University of Maine's College of Education and Human Development. In other words, it was a broad-based commission that brought a great deal of expertise, experience, and perspective to the task force's work. I am very grateful for their dedicated service and hard work.

Senator SNOWE and I charged the task force with three core missions: First, to examine the problems facing Maine schools, particularly those in rural areas of our State in implementing the No Child Left Behind Act and to recommend improvements in current regulations and policies; second, to make recommendations for statutory changes in the Federal law; and, third, to provide greater clarity to Maine's educators, parents, and citizens about the law's goals, requirements, and relationship to Maine's own State education reform effort which is known as Maine Learning Results. What we found is there was some confusion about what was required by No Child Left Behind versus what was required by Maine Learning Results and how the two interacted.

The task force met numerous times over the course of the year with the goal of gaining a clearer understanding of NCLB and the implementation issues facing Maine under federal and State education policies. The task force also had the benefit of meeting with officials from the U.S. Department of Education, including then-Deputy Secretary Hickok who twice traveled to Maine to meet with the task force. The task force also met with other state officials who shared their expertise in particular areas.

After the task force completed its work, Senator SNOWE and I met with task force members at the University of Maine in Orono to receive the final report and to discuss the greatest challenges facing Maine with the implementation of both federal and State education initiatives.

I was very impressed with the reports we received from the task force, both the depth and the quality of the task force's analysis, as well as the practicality of its recommendations. I shared the report with several of my Senate colleagues, including the chairman and ranking member of the Health, Education, Labor, and Pension Committee, as well as with the Secretary of Education Margaret Spellings, and Maine's education commissioner.

I note Secretary Spellings responded with a letter praising the task force for its hard work.

The task force report included 26 recommendations for changes to the No Child Left Behind law or the regulations governing its implementation. The task force provided recommendations in five core areas: Annual yearly progress and assessment, reading and limited English proficiency students, special education, highly qualified teachers and funding. The task force recommendations highlighted the need for greater flexibility for the Maine Department of Education, for local schools to address various implementation concerns facing Maine. Those 26 recommendations provide the foundation for the legislation I am introducing today.

Over the past several months, Senator SNOWE and I have taken these recommendations and worked together to translate them into comprehensive legislation. Our legislation would make significant statutory changes designed to provide greater local control to Maine and greater flexibility to all States in their implementation efforts, not just Maine.

For example, the task force recommended that States be allowed to measure student performance using different models, such as growth models, and that special education experts on the IEP team be allowed to determine the best assessment for special education students. Both of these recommendations are included in our legislation.

We believe that our legislation will provide a strong basis for continuing discussions about the implementation challenges facing the States and will highlight key issues requiring further consideration during the reauthorization process, expected to begin later in the 109th Congress.

Although our legislation seeks to improve the NCLB implementation process through specific statutory reforms, we recognize that, in some cases, the goals of our legislation may be accomplished more quickly through changes to guidance and regulations from the Department or Education, or through amendments to the states' own implementation plans. We will continue to seek additional flexibility through these avenues to address the immediate implementation concerns facing the States, and believe that our legislation provides a useful guide to federal and State officials in these efforts.

Our legislation is a comprehensive effort to address the concerns raised by our task force and includes the following provisions:

First, our legislation would provide new flexibility in the design of state accountability systems used to determine "adequate yearly progress" or AYP. Our legislation would explicitly permit a state to include additional models "discussed further below" in its State plan to demonstrate student progress. Even if a school is unable to meet the trajectory targets set by the NCLB time-line, a school would not be identified as failing to make AYP provided it demonstrates improved student achievement according to these additional models. The principle here is one of more accurately assessing whether all students are continuing to make progress.

Our legislation specifically outlines three additional models that would be permitted under the statute: No. 1, a cohort growth model, which demonstrates student progress by following the same cohort of students over time; No. 2, an indexing model, which demonstrates student progress through improved performance for students below the proficient level—for example, improvement from a below basic to a basic level; and No. 3, "top performing schools" model, which demonstrates improvement through progress in closing the achievement gap between the lowest performing students and, for example, student performance at the State's top 20 percent of schools.

The list of models in our legislation is not exclusive, and this section reflects our interest in permitting a far greater diversity in the types of State accountability systems acceptable under the statute. We would also require the Secretary to provide examples of these models to give practical assistance to States in the design of these systems. While the trajectory goals set in the statute are certainly valuable, our legislation seeks to clarify that States should be granted greater flexibility in the design of different accountability systems provided that they are consistent with the principle of improved student performance.

Second, our legislation would modify the existing "safe-harbor" provision to allow more schools to take advantage of this provision. The "safe-harbor" provision in the law is really another example of an improvement model already permitted under the statute. In order to qualify for the safe-harbor provision under current law, schools must reduce the number of students scoring below the proficient level by 10 percent in a single year.

As the task force found, this has proven to be a difficult threshold to meet, which has resulted in an underutilization of the safe harbor provision. Therefore, we have modified the safe harbor to require only a 5 percent decrease in the number of non-proficient students, or an aggregate decrease of 10 percent over 2 years. Our modification would reflect what education assessment experts already know: Significant gains in academic achievement tend to occur gradually and over time.

Third, our legislation also would provide new flexibility related to the statute's 100 percent proficiency requirements for 2013–2014—another specific recommendation of the task force. Our bill would require the Secretary of Education to conduct a review every three years to determine the progress of the 50 States towards meeting the 100 percent goal of the statute by 2013–2014. The Secretary would then be permitted, at her discretion, to make modifications to the requirements of the 12-year time-line if she determines modifications are necessary and in keeping with the broader purposes of the law.

Fourth, our legislation would also provide greater predictability to the school identification process, and limit school identification to those schools most in need of improvement. Currently, a school is designated as "in need of improvement" after it fails to make AYP for 2 years in a row in the same subject, regardless of what subgroup has failed to make AYP. Our legislation would require that in order to be found in need of improvement, a school would need to fail to make AYP in both the same subject area and with respect to the same subgroup of students 2 years in a row.

As our task force noted, the current rules can be extremely frustrating for school administrators who work hard to address a reading concern with one group—for example, LEP students—in year one, only to subsequently be identified in need of improvement when they learn that a different subgroup—for example, special education students—failed to make AYP in year two.

We must provide our schools with notice and an ability to work to improve student performance before they are identified as in need of improvement. I share the task force's concern that without these modifications, we risk quickly reaching a point where so many schools are found to be in need of school improvement, that the identification becomes meaningless. Worse yet, over-identification of schools creates the risk of having improvement resources spread too thin to make a difference in helping the schools that truly need assistance.

Fifth, our legislation would provide additional flexibility for teachers of multiple academic subjects at the middle and high school level in meeting teacher quality requirements. The task force heard from many teachers in Maine about the burden the current requirements have placed on teachers in small and rural schools. Our legislation provides new options for these teachers to become highly qualified. It also would allow teachers of history, geography, civics, and related subjects to demonstrate subject area knowledge through the obtainment of a general State social-studies certificate.

Sixth, our legislation addresses concerns about limited English proficient students. The task force was concerned about an unintended consequence of the current law, whereby once a student becomes proficient in English, that student may no longer be included in the LEP subgroup. Federal officials have taken steps to address this issue, but our legislation would go further to correct this problem. Our bill would allow a school to continue to count students who have attained English proficiency for purposes of calculating AYP until the student graduates from high school.

Seventh, our legislation would clarify that local assessment systems are permissible under NCLB. This was an issue of some confusion in Maine, despite the fact that I had written a letter to then-Secretary Paige and received strong assurances of the acceptability of such systems. Both Nebraska and Iowa have been approved to use local assessment systems to meet NCLB assessment requirements. Although Maine continues the process of developing its own local assessment system pursuant to state requirements, I am confident that nothing in the federal statute would preclude Maine from incorporating a local assessment system at a time when state officials decide they are ready to pursue this option. But our bill makes this crystal-clear.

Eighth, our legislation would also revise upward the minimum amount of funding required for the assessment provisions to go into effect for fiscal years 2006 and 2007. This change is based on a recommendation by the task force that efforts be made to ensure adequate funding for the requirements of the statute.

These revised levels are based on a GAO report that I required as part of the conference report to NCLB. The GAO report estimated that although most States, including Maine, had the majority of their assessment costs covered, particularly in the early years, additional resources would be needed in future years as the assessment requirements increased. The report estimated that Maine would have 86 percent of its assessment costs covered through 2007, and while this is significant funding, additional funding will ensure that all States have the resources they need, particularly for the adaptation of tests for LEP and special education populations.

Finally, our legislation would also address concerns that some special education students are being required to take grade-level assessments that are inappropriate for them. Our legislation would build on the important new flexibility the Secretary has provided in this area. Our legislation would allow the student's IEP team to determine the appropriate test for a student, and if a special education student achieves a proficient score on this test, the student will be deemed proficient for AYP purposes. The IEP requirements of the Individuals with Disabilities Education Act—IDEA—will ensure both parent involvement in this process, and increasingly higher expectations for these students. We agree with the task force that the involvement of parents and the IEP team will serve as an important safeguard to ensure that those special education students who can be assessed according to State-determined grade-level expectations will be encouraged to do so.

Our legislation is a comprehensive effort to provide greater flexibility and common-sense modifications to address the key NCLB implementation challenges facing Maine, and other States. At the same time, our legislation remains true to the important goals of NCLB, such as increasing accountability, closing the achievement gap, and improving student performance. I look forward to working with my colleagues to improve this landmark law during the reauthorization process.

Ms. SNOWE. Mr. President, I rise today to talk about a bill that gives students, parents and teachers options and flexibility for meeting accountability and proficiency standards—the No Child Left Behind Flexibility and Improvements Act. My colleague, Senator COLLINS, and I have been working hand-in-hand with Maine's educators to identify problems with the No Child Left Behind Act and develop practical solutions to these issues. The bill we introduce today is the product of our combined efforts.

In 2001, with the passage of the No Child Left Behind Act, Congress, in a bipartisan fashion, set forth a truly ambitious education reform. This is a law that was conceived and created with the worthy intention to provide equal educational opportunity for every American child. Upon implementation of the No Child Left Behind Act some unforseen complications of the Act have become apparent. And that is why Senator COLLINS and I called for the creation of No Child Left Behind Task Force in 2003 in response to the concerns we heard in meetings with Maine's education professionals.

As described by the Task Force, "the challenge that the Task Force faced was to confront the issues raised by No

Child Left Behind, to ask how the common State and Federal objectives could be met, and to assess how No Child Left Behind and the Maine Learning Results could be coordinated better to the benefit of the citizens of Maine." The members of this Task Force have their fingers on the pulse of their students' needs and are therefore uniquely qualified to assess this law and make recommendations on how to improve it. In March of this year we received the Task Force report, and it is with these recommendations that Senator COLLINS and I could understand its impact on our state and our children, so that we can move forward to improve this law in a meaningful manner.

Maine's No Child Left Behind Task Force issued several recommendations in five major areas: annual yearly progress, assessment and accountability; reading and limited English proficiency students; special education; highly qualified teachers; and funding. The No Child Left Behind Flexibility and Improvements Act addresses each of these areas in several ways. For example, our bill allows local education authorities to use local assessments as opposed to a state-wide test to measure adequate yearly progress.

The Act also gives States additional options for deeming a teacher highly qualified, give schools the discretion to use reading activities grants in a manner that will best address the needs of their students and allows schools flexibility with limited English proficiency students. This is only a sample of the many modifications our bill makes that will results in No Child Left Behind being more effective in the State of Maine.

One of our democracy's most noble goals, still a work in progress, has been to create a level playing field on which our children may strive to learn and reach their potential. Clearly, education, along with the family, plays an integral role in achieving this great imperative, which distinguishes our nation and helps make us worthy of the world's emulation. The No Child Left Behind Flexibility and Improvements Act will help to further this goal.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY):

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, a little over 2 weeks ago, the Gulf Coast region endured a tragedy of historic proportions. I have heard personal accounts of how Americans across this country have come together in a communal effort to help those affected. Congress needs to come together to pass tax relief that will help those in need.

The total damage left in the wake of Hurricane Katrina is unknown. But the latest numbers are overwhelming. 377,000 displaced persons are spread across 33 States and the District of Columbia. They have sought refuge in shelters, hotels, homes, and with family all over the country. They are hungry. They are homeless. And they need our immediate help.

Millions of Americans immediately swung into action to help by donating goods, time, and money to their Gulf Coast neighbors. In my home State of Montana, thousands have risen to the occasion to offer a helping a hand to those who have been hit by the effects of Hurricane Katrina.

Four firefighters have been dispatched from Kalispell to New Orleans to act as community liaisons. Forty-four Montana Red Cross volunteers are already assisting Katrina victims.

Students at Rose Park Elementary School in Billings are making handmade cards to raise money. Players and coaches of the Billings Bulls hockey will hold an auction next week. Each will provide one day's worth of labor and the proceeds will go directly to the Red Cross.

In Three Forks, volunteers with the Veterans for Foreign Wars and Boy Scouts will be combing the streets with buckets asking for donations.

In Bozeman, the local National Guard members and Gallatin County emergency service workers collected cash donations from spectators at the first Montana State University home football game last Saturday. Immediately after the game, a free concert took place and the Red Cross was present to accept contributions.

The Gallatin County Sheriff's Office sent 120 dolls and blankets to children caught in the disaster.

The Greater Gallatin United Way has decided to "adopt" Alexandria, Louisiana, a town that has taken in more than 6,500 evacuees, in an effort to focus its giving on one geographic area. Mount Ellis Academy students raised nearly $10,000 for the United Way last Sunday afternoon.

And businesses are also rising to the cause. Ag Express, a Billings-based trucking company, is collecting donations of clothing, blankets, diapers, water and other supplies. The company is working with FEMA and plans to leave Thursday to deliver the load to Baton Rouge, LA.

Wheat Montana Bakery, Carpet One and Corcoran Trucking worked together to send 4,600 loaves of bread and 41,000 hamburger buns to the Astrodome in Houston, TX.

In Three Forks, Hegar's Septic Service is giving $5 to the Red Cross for every septic tank it pumps.

First Security Bank in Bozeman, MT is sending a freight truck with bottled water and medical supplies. They are also donating eight ATM machines to the Louisiana Banker Association. They will be hooked up to temporary banking stations in areas that already have electricity.

Mr. President, I am proud of the spirit and generosity of the citizens and businesses of Montana and across this country. It is with this spirit in mind that I offer a tax relief package for the victims of this tragedy. My good friend Senator GRASSLEY and I worked closely with our Senate Colleagues in this effort. All six Senators from the affected States are cosponsors.

The relief package is aimed at four needs of the victims of the hurricane. One, they need cash and they need it fast. Two, they need jobs. Three, they need decent housing. And four, charities need help from Congress so they can help the victims of the hurricane.

First, displaced persons need money. Some of these displaced persons left everything behind. They need cash to buy basic essentials such as food and water.

Our bill allows victims of Hurricane Katrina to access retirement accounts for immediate cash assistance. Under current law, there is a 10 percent penalty for early distributions of money in these accounts. We waive that penalty and allow displaced persons to re-contribute to the retirement account over a 3-year period.

Second, many of these displaced persons want to get back into the workforce. We provide businesses with the tools they need to hire displaced workers. The Work Opportunity Tax Credit allows employers to claim a credit against wages paid to new workers that face barriers to employment. It applies to low-income families, veterans and other targeted groups. We expand the Work Opportunity Tax Credit to cover all survivors of Hurricane Katrina who lived in the disaster zone and became unemployed as a result of the hurricane.

We also allow employers located in the disaster zone to take a 40 percent tax credit on wages paid to employees on the first $6,000 of pay.

Third, the people affected by this tragedy need shelter. They need a warm, safe place to rest. Many folks across the country have opened up their hearts and opened up their homes. But it is not easy. It means extra living expenses—the water bill will be higher, the electric bill will be higher, and the grocery bill will be higher. This is a considerable burden that folks are doing voluntarily, out of the goodness of their hearts. We need to help.

That's why we allow individuals to claim an additional personal exemption of $500 for each displaced person they shelter for a minimum of 60 days. This money will help offset the costs incurred by these generous individuals.

Finally, the victims need the generosity of individuals and businesses across this country. There has been a surge in giving to charitable organizations and we should encourage this activity. Our bill provides incentives for corporations to increase gifts of cash, food, books and other items sorely needed in the affected areas and communities.

We also allow taxpayers to transfer money in retirement accounts to a charitable organizations tax free.

The Nation is depending on Congress to act, and to act quickly. I think we have responded with a good bill that provides swift relief for the millions affected by this catastrophe.

Hurricane Katrina will exacerbate the existing problems of poverty and the working poor. The images we have seen of Katrina's poverty-stricken victims over the last few weeks should serve as a wake-up call to policymakers—we must do more to help them help themselves.

I am currently drafting changes to the tax code which will enhance current incentives for the working poor and especially those with children. I look forward to working with my Colleagues in this effort as we continue to help those affected by Hurricane Katrina get back on their feet.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 236—RECOGNIZING THE NEED TO PURSUE RESEARCH INTO THE CAUSES, A TREATMENT, AND AN EVENTUAL CURE FOR IDIOPATHIC PULMONARY FIBROSIS, SUPPORTING THE GOALS AND IDEALS OF NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK, AND FOR OTHER PURPOSES

Mr. COLEMAN (for himself, Mr. LUGAR, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 236

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under diagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and under diagnosed disorder: Now, therefore, be it

Resolved, That Congress—

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of the Coalition for Pulmonary Fibrosis and its partner organizations for their great efforts to educate, support, and provide hope for individuals who suffer from idiopathic pulmonary fibrosis, including the work of the Coalition to organize a national "Idiopathic Pulmonary Fibrosis Awareness Week";

(3) supports the designation of an appropriate week as "Idiopathic Pulmonary Fibrosis Awareness Week";

(4) congratulates the Coalition for Pulmonary Fibrosis for its efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(5) supports the goals and ideals of a national "Idiopathic Pulmonary Fibrosis Awareness Week".

Mr. COLEMAN. Mr. President, I am pleased to join my friends Senators LUGAR and BINGAMAN, today in submitting the National Idiopathic Pulmonary Fibrosis Awareness Week Resolution.

Idiopathic Pulmonary Fibrosis (IPF) is a devastating lung disease affecting over 80,000 Americans with 31,000 more Americans diagnosed each year. IPF scars the lining of the lungs and makes it hard for oxygen to be transported to the rest of the body. It negatively affects the ability of major organs to function normally and impairs breathing.

The National Idiopathic Pulmonary Fibrosis Resolution seeks to increase awareness, encourage further research, and support the goals of National Idiopathic Pulmonary Fibrosis Awareness Week.

Until the day when every American can live a life free of lung disease, we must continue to promote awareness, and strengthen our investment in research, diagnosis and treatment.

I urge my fellow colleagues to join me and Senators LUGAR and BINGAMAN in raising awareness of Idiopathic Pulmonary Fibrosis by supporting the National Idiopathic Pulmonary Fibrosis Awareness Week Resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1695. Mr. KERRY (for himself, Ms. LANDRIEU, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1696. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1697. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1698. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1699. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1700. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1701. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1702. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1703. Mr. PRYOR (for himself, Ms. MIKULSKI, Mr. SALAZAR, Mr. NELSON of Florida, Mr. HARKIN, Mr. CORZINE, Ms. STABENOW, and Mr. OBAMA) proposed an amendment to the bill H.R. 2862, supra.

SA 1704. Mr. SHELBY (for Mr. KENNEDY (for himself and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2862, supra.

SA 1705. Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1695. Mr. KERRY (for himself, Ms. LANDRIEU, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5 . SMALL BUSINESS EMERGENCY RELIEF.

(a) DEFINITIONS.—As used in this section—

(1) the term "covered loan" means a loan or loan guarantee by the Administration—

(A) under section 7(a) of the Small Business Act or section 503 of the Small Business Investment Act of 1958; and

(B) to a small business concern that—

(i) is located in a disaster area; and

(ii) has been adversely affected by Hurricane Katrina;

(2) the term "disaster area" means an area declared as a disaster area as a result of Hurricane Katrina of August 2005;

(3) the term "small business concern" has the same meaning as in section 3 of the Small Business Act; and

(4) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

(b) TEMPORARY DEFERMENT OF PRINCIPAL AND INTEREST ON DISASTER LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, during the 2-year period following the date of issuance of a loan issued under section 7(b) of the Small Business Act related to

Hurricane Katrina, defer payments of principal and interest on the loan (and no interest shall accrue thereon during such period).

(2) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the 2-year period described in paragraph (1), the payment of periodic installments of principal and interest shall be required with respect to a loan issued under section 7(b) of the Small Business Act, in the same manner and subject to the same terms and conditions as would otherwise be applicable to such loan.

(c) DISASTER LOANS FOLLOWING HURRICANE KATRINA.—

(1) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

"(4) DISASTER LOANS AFTER HURRICANE KATRINA.—

"(A) REFINANCING DISASTER LOANS.—

"(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the 'disaster area') and that is adversely affected by Hurricane Katrina, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

"(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

"(B) REFINANCING BUSINESS DEBT.—

"(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located (or was located on August 24, 2005) in a disaster area and was adversely affected by Hurricane Katrina. With respect to a refinancing under this clause, payments of principal may be deferred, and interest may accrue, during the 1-year period following the date of refinancing.

"(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest on a refinancing under clause (i) shall be required with respect to such refinancing, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

"(C) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

"(5) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower under this subsection may not exceed $10,000,000, with respect to a small business concern that is located in an area designated as a disaster area following Hurricane Katrina of August 2005, and that has been adversely affected by Hurricane Katrina.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under subparagraph (A).

"(6) EXTENDED APPLICATION PERIOD FOR HURRICANE KATRINA ASSISTANCE.—Notwithstanding any other provision of law, the Administrator shall accept applications for a loan under this subsection by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina and that has been adversely affected by Hurricane Katrina, until 1 year after the date on which the area was designated as a disaster area.

"(7) LIMITATION ON SALES OF LOANS.—No loan under this subsection, made as a result of Hurricane Katrina, may be sold.".

(2) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

(3) DISASTER LOAN ADDITIONAL AMOUNTS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated to the Administration $117,000,000, to make covered loans under section 7(b) of the Small Business Act.

(d) ASSUMPTION OF PAYMENTS FOR EXISTING SBA LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, in the case of a covered loan issued before the date of enactment of this Act, make all periodic payments, including interest, with respect to such covered loan on behalf of the borrower during the time period described in paragraph (2).

(2) TIME PERIOD.—The time period under paragraph (1) shall begin on the date of enactment of this Act and end on the earlier of the date on which the Administration determines the borrower can resume making payments or the date that is 2 years after the date of enactment of this Act.

(3) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the time period described in paragraph (2), no further payments shall be made on behalf of the borrower with respect to a covered loan.

(e) SUPPLEMENTAL EMERGENCY LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) SUPPLEMENTAL EMERGENCY LOANS AFTER HURRICANE KATRINA.—

"(A) LOAN AUTHORITY.—In addition to any other loan authorized by this subsection, the Administrator shall make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina, subject to subparagraph (B).

"(B) OVERSIGHT PROTECTIONS.—In making any loan under subparagraph (A)—

"(i) the borrower shall be made aware that such loans are for those adversely affected by Hurricane Katrina; and

"(ii) for loans made in cooperation with a bank or other lending institution—

"(I) lenders shall document for the Administrator how the borrower was adversely affected by Hurricane Katrina, whether directly, or indirectly; and

"(II) not later than 6 months after the date of enactment of this paragraph, and every 6 months thereafter until the date that is 18 months after the date of enactment of this paragraph, the Administrator shall make a report regarding such loans to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, including verification that such loans are being used for purposes authorized by this paragraph.

"(C) FEES.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this subsection to qualified borrowers for a period of 2 years after the date of enactment of this paragraph.

"(ii) GUARANTEE FEES.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 2 years after the date of enactment of this subparagraph shall be as follows:

"(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than $150,000.

"(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

"(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.".

(f) LOWERING OF FEES.—

(1) APPROPRIATED AMOUNT.—There is authorized to be appropriated to the Administration $80,000,000, to remain available until expended, to carry out section 7(a)(23) of the Small Business Act, as amended by this subsection.

(2) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

"(C) LOWERING OF FEES.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

"(I) the Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

"(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

"(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.".

(g) BRIDGE LOANS.—There is authorized to be appropriated $400,000,000 to provide, through appropriate government agencies in the affected States of Louisiana, Mississippi, and Alabama, bridge grants and loans to small business concerns that are located in a disaster area and that are adversely affected by Hurricane Katrina, until such business concerns are able to obtain loans through Administration assistance programs or other sources.

(h) CONTRACTING PROTECTION AND ASSISTANCE.—

(1) HUBZONES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a small business concern that is located in a disaster area and that has been adversely affected by Hurricane Katrina shall be treated as being located in a HUBZone for purposes of the program under section 31 of the Small Business Act (15 U.S.C. 658).

(B) TERMINATION.—Subparagraph (A) is repealed effective on the date that is 1 day after the date on which the declaration of the disaster area in response to Hurricane Katrina is lifted.

(2) SMALL BUSINESS PARTICIPATION.—

(A) IN GENERAL.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Secretary of Homeland Security (in this paragraph referred to as the "Secretary") shall—

(i) afford small business concerns the maximum practicable opportunity to participate in the performance of such contract; and

(ii) ensure that such contract complies with the subcontracting goals for small business concerns in the Small Business Act and the Federal Acquisition Regulations.

(B) LOCAL PRESENCE.—The Secretary shall make a determination on the advisability of requiring a local presence for small business concerns selected as subcontractors under contracts described in subparagraph (A).

(C) GOAL.—The Secretary shall set a goal of awarding not less than 30 percent of the funds awarded under Federal prime contracts and 40 percent of subcontracts described in paragraph (A) to small business concerns.

(3) BONDING THRESHOLDS.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Administrator—

(A) may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any contract up to $5,000,000; and

(B) shall ensure such guarantee complies with subsection (a)(4) and subsections (b) through (e) of section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b).

(4) DEFINITION.—In this subsection, the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(i) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING HURRICANE KATRINA.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended, for fiscal year 2006—

(A) $21,000,000, to be used for activities of small business development center pursuant to section 21 of the Small Business Act, $15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(B) $2,000,000, to be used for SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, $1,000,000 of which shall be used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(C) $4,500,000, to be used for activities of women's business center authorized by section 29(b)(4) of the Small Business Act and for recipients of a grant under section 29(l) of that Act, whose 5-year project ended in fiscal year 2004, $2,500,000 of which shall be non-matching funds used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(D) $1,250,000, to be used for activities of the office of veteran's business development pursuant to section 32 of the Small Business Act, $750,000 of which shall be used to aid and assist small business concerns adversely affected by Hurricane Katrina; and

(E) $5,000,000, to be used for activities of the microloan program authorized by clauses (ii) and (iii) of section 7(m)(1)(B) of the Small Business Act to aid and assist small business concerns adversely affected by Hurricane Katrina.

(2) BUSINESS LOAN PROGRAMS.—Section 20(e) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking "$25,050,000,000" and inserting "$30,550,000,000"; and

(B) in paragraph (1)(B)—

(i) by striking "$17,000,000,000" and inserting "$20,000,000,000"; and

(ii) by striking "$7,500,000,000" and inserting "$10,000,000,000".

(j) SMALL BUSINESS AND FARM ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) SMALL BUSINESS DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (7), as added by this section, the following:

"(8)(A) For purposes of this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

"(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

"(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

"(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

"(E) For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ", significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene" after "civil disorders"; and

(B) by inserting "other" before "economic".

(3) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (l)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(8) of the Small Business Act, as added by this subsection, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(8) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(8), if any.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (l), or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(8) of the Small Business Act, as added by this subsection.

(k) FARM ENERGY EMERGENCY RELIEF.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking "operations have" and inserting "operations (i) have"; and

(ii) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary";

(B) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(C) in the fourth sentence—

(i) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(ii) by inserting "or declaration" after "emergency designation".

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(3) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (l)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (l), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(l) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out subsections (j) and (k) and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(8)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)), as added by subsection (j).

(m) EMERGENCY SPENDING.—Appropriations under this section are emergency spending, as provided under section 402 of H. Con. Res. 95 (108th Congress).

(n) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—

(1) IN GENERAL.—Assistance made available under any loan made or approved by the Administration under this Act, subsections (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, except for subsection 7(a)(23)(C), or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this Act, on and after the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(2) USE OF FUNDS.—Assistance under this Act and the amendments made by this Act shall be available effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such assistance.

SA 1696. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, after line 14, insert the following:

SECTION 522. PROTECTION OF HOMES, SMALL BUSINESSES, AND OTHER PRIVATE PROPERTY RIGHTS.

(a) PROTECTION OF HOMES, SMALL BUSINESSES, AND OTHER PRIVATE PROPERTY RIGHTS.—A taking or condemnation of any real property under the power of eminent domain pursuant to the Fifth Amendment of the United States Constitution, or under any relevant State constitution, statute, or regulation, shall be only for public use.

(b) APPLICATION.—The requirement under subsection (a) shall apply to all exercises of the power of eminent domain by—

(1) the Federal Government; or

(2) any State or local government.

(c) DENIAL OF FUNDS.—Any State or local government violating the requirement of subsection (a) shall not be eligible to receive any benefits or assistance from the Economic Development Administration, as that Administration is authorized to provide such benefits and assistance under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

(d) DEFINITIONS.—In this section:

(1) PUBLIC USE.—The term "public use"—

(A) means any use of property acquired by eminent domain for a public purpose; and

(B) does not include economic development.

(2) STATE.—The term "State or local government" means—

(A) a State, county, municipality, or other governmental entity created under the authority of a State;

(B) any branch, department, agency, instrumentality, or official of an entity listed in subparagraph (A); and

(C) any other person acting under color of State law.

SA 1697. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5____. COMPENSATION OF BANKRUPTCY TRUSTEES.

Section 330(b)(2) of title 11, United States Code, is amended—

(1) by striking "$15" the first place it appears and inserting "$55"; and

(2) by striking "rendered." and all that follows through "$15" and inserting "rendered, which".

SA 1698. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 9, insert after "Research" the following: "(of which $400,000 shall be made available for a national waterborne disease recognition and disaster preparedness program at the Arnot Ogden Medical Center in Elmira, New York)".

SA 1699. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 5____. (a) Congress finds that—

(1) Hurricane Katrina made landfall on August 29, 2005, causing a catastrophic degree of human suffering and damage to infrastructure in the Gulf Coast;

(2) the Gulf of Mexico is responsible for more than 25 percent of United States oil production, and in the immediate aftermath of Hurricane Katrina this production capacity was rendered 90 percent inactive;

(3) due to the impacts of Hurricane Katrina, the Louisiana Offshore Oil Port, the largest oil importing port in the United States, was forced to close until September 1, 2005, limiting import capacity and tightening oil supplies;

(4) Hurricane Katrina forced the closure of 9 major refineries, temporarily eliminated more than 12 percent of national refining capacity, and has resulted in the loss of 1,300,000,000,000 barrels of refining capacity;

(5) in the wake of Hurricane Katrina's devastating impact on the Gulf Coast, the price of crude oil on the New York Mercantile Exchange reached a record high of $70.85 per barrel, and the national average retail gasoline price reached a record level of almost $3.06 per gallon;

(6) although the price of crude oil has fallen to levels experienced prior to Hurricane Katrina, the national average retail cost of gasoline has declined much more slowly and remains at near-record levels;

(7) following Hurricane Katrina, retail gasoline prices at some locations increased by as much as $0.50 per gallon overnight, and, at many stations, several price increases occurred during the same day;

(8) the rapid, irregular increase in retail gasoline prices and the failure of retail gasoline prices to significantly decline in correspondence with the price of crude oil have raised concerns regarding the possible existence of anticompetitive practices and price gouging in the oil industry;

(9) over the course of the past decade, the Federal Trade Commission has approved a series of mergers, acquisitions, and consolidating actions that have dramatically changed the face, and significantly increased the concentration, of the oil industry;

(10) in 1998 British Petroleum and Amoco were allowed to consolidate, in 1999 Exxon was able to acquire Mobil Oil, in 2000 BP-Amoco was allowed to acquire Atlantic Richfield, Chevron and Texaco were allowed to combine in 2001, and in 2005 ChevronTexaco was permitted to acquire Unocal and Valero was allowed to create the largest refining company in the United States when Valero was granted permission to buy Premcor;

(11) following these mergers, the 5 largest oil companies in the United States control almost as much crude oil production as the Middle Eastern members of the Organization of the Petroleum Exporting Countries, over ½ of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(12) during the second quarter of 2005, the earnings of Exxon Mobil increased by 35 percent over 2004 earnings, and BP, Royal Dutch Shell, and ConocoPhillips enjoyed increases of 29 percent, 34 percent, and 51 percent, respectively, as a result of sustained and severe increases in oil prices.

(b) In order to ensure that the level of concentration in the oil industry is not allowing market participants to engage in anticompetitive practices or price gouging, the Attorney General of the United States shall conduct a review of the consolidations of British Petroleum and Amoco, Exxon and Mobil Oil, BP-Amoco and Atlantic Richfield, Chevron and Texaco, ChevronTexaco and Unocal, Valero and Premcor, and any other mergers the Attorney General determines to be appropriate to ensure that the conditions created by the mergers are not facilitating anticompetitive practices, retail gasoline price gouging, or any other conditions that are unduly detrimental to consumers, as determined by the Attorney General.

SA 1700. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 522. RADIO CONSOLIDATION STUDY.

(a) IN GENERAL.—Of the amounts made available under the heading "Federal Communications Commission, Salaries and Expenses", such sums as may be necessary shall be available to the Federal Communications Commission to conduct a study on consolidation within the radio industry since the Commission's rules on ownership were relaxed with the passage of the Telecommunications Act of 1996.

(b) CONTENT.—The study required under subsection (a) shall include an examination of the changes in various aspects of the commercial broadcast radio industry as a result of the implementation of the changes in section 202 of the Telecommunications Act of 1996, including—

(1) radio station ownership at both the national and local levels;

(2) the number of commercial radio stations;

(3) the number of radio station owners;

(4) the size of the largest radio station owners;

(5) the variety of radio formats available to consumers;

(6) the financial performance of publicly-traded radio companies;

(7) the performance of small radio station-groups in relation to the performance of large radio station-groups;

(8) the share of total radio advertising revenues accounted for by the largest radio station owners;

(9) the overall trend toward consolidation of radio station ownership; and

(10) the prevalence of cross ownership and joint ventures by radio station owners with concert promoters and venues.

(c) TIMING.—Not later than 6 months after the date of enactment of this Act, the Federal Communications Commission shall complete the study required under subsection (a).

SA 1701. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, between lines 10 and 11, insert the following:

SEC. 206. TECHNOLOGY AND OPPORTUNITIES PROGRAM.

(a) Of the total amount appropriated in this Act for the Technology and Opportunities Program, that amount shall be increased by $5,000,000, which shall be made available for the grants authorized under title I of the ENHANCE 911 Act of 2004 (Public Law 108-494; 118 Stat. 3986).

(b) Amounts appropriated under this Act for the Departmental Management of the Department of Commerce are reduced by $5,000,000.

SA 1702. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 25, strike "$515,087,000" and insert "$534,987,000".

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike "$60,100,000" and insert "$80,000,000".

SA 1703. Mr. PRYOR (for himself, Ms. MIKULSKI, Mr. SALAZAR, Mr. CORZINE, Ms. STABENOW, and Mr. OBAMA) proposed an amendment the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, between lines 14 and 155, insert the following:

SEC. 522. Of the funds appropriated to the Federal Trade Commission by this Act, not less than $1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina: *Provided*, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of $500,000,000 and by any retail distributor of gasoline and petroleum distillates for use as motor vehicle fuel against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies for gasoline and petroleum distillates for use as motor vehicle fuel during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; *Provided further*, That, in conducting its investigation, the Commission shall treat as prima facie evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends: *Provided further*, That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act; *Provided further*, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere; *Provided further*, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section; *Provided further*, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities; and *Provided further*, That nothing in this section affects any other authority of the Commission to disclose information.

SA 1704. Mr. SHELBY (for Mr. KENNEDY (for himself and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 142, after line 3, insert the following:

SEC. ____. Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended by striking "2 years" and inserting "3 years".

SA 1705. Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____.(a) This section may be cited as the "Legal Services for Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault, and Trafficking Act".

(b) Section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by inserting "either Corporation funds or" before "funds derived";

(B) in clauses (i) and (ii)—

(i) by inserting ", or has been a victim of sexual assault or a victim of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102))," before "in the United States"; and

(ii) by striking "by a spouse" and all that follows and inserting a semicolon;

(C) in clause (ii), by striking the semicolon and inserting "(without the active participation of the alien in the battery, extreme cruelty, sexual assault, or trafficking); or"; and

(D) by adding at the end the following:

"(iii) an alien who qualifies or whose child qualifies for status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).";

(2) in subsection (b)—

(A) by striking "subsection (a)(2)(C)" and all that follows through "(1) The" and inserting "subsection (a)(2)(C), the"; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

"(c) CONSTRUCTION.—Nothing in the amendments made by the Legal Services for Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault, and Trafficking Act shall be construed to limit the legal assistance provided under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)) to victims of severe forms of trafficking in persons.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing entitled "Climate Change Science and Economics" will be held on Tuesday, September 20th at 10 a.m. in Room SD–366. This is a continuation of the hearing held on July 21, 2005.

The purpose of the hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact: John Peschke or Shannon Ewan.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, September 22, 2005, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: S. 435, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, S. 1096, a bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, S. 1310, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, a bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please contact Tom Lillie or Brian Carlstrom.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 13, 2005, at 10 a.m., to hear testimony on "Charities on the Frontline: How the Nonprofit Sector Meets the Needs of America's Communities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Tuesday, September 13, 2005 at 9:30 a.m. in the Hart Senate Office Building Room 216.

Witness List:

PANEL I

THE HONORABLE JOHN G. ROBERTS

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, September 13, 2005, at 10 a.m. to consider the nominations of John R. Fisher to be Associate Judge, D.C. Court of Appeals; Juliet J. McKenna to be Associate Judge, D.C. Superior Court; Colleen D. Kiko to be General Counsel, Federal Labor Relations Authority; and Mary M. Rose to be Member, Merit Systems Protection Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. FRIST. I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 1613 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1613) to amend the Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1613) was read the third time and passed, as follows:

S. 1613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MANDATORY PRICE REPORTING.

Section 942 of the Livestock Mandatory Reporting Act of 1999 (Public Law 106–78; 7 U.S.C. 1635 note) is amended by striking "September 30, 2005" and inserting "September 30, 2006".

MEASURES PLACED ON CALENDAR—S. 1681, S. 1682, S. 1683, S. 1684, AND S. 1688

Mr. FRIST. I understand there are five bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills by title en bloc for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1681) to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

A bill (S. 1682) to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors.

A bill (S. 1683) to provide relief for students affected by Hurricane Katrina.

A bill (S. 1684) to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

A bill (S. 1688) to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be placed on the calendar.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109-3 PROTOCOL AMENDING EXTRADITION CONVENTION WITH ISRAEL

Mr. FRIST. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 13, 2005, by the President of the United States:

Protocol Amending Extradition Convention with Israel (Treaty Document No. 109–3).

I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol between the Government of the United States and the Government of the State of Israel, signed at Jerusalem on July 6, 2005.

In addition, I transmit for the information of the Senate the report of the Department of State with respect to the Protocol. As the report explains, the Protocol will not require implementing legislation.

The Protocol amends the Convention Relating to Extradition (the "1962 Convention"), signed at Washington on December 10, 1962. The Protocol updates the 1962 Convention in a manner consistent with our modern extradition treaties. The Protocol will, upon entry into force, enhance cooperation between the law enforcement communities of both nations and make a significant contribution to international law enforcement efforts.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 13, 2005.*

ORDERS FOR WEDNESDAY, SEPTEMBER 14, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

I further ask that the time until 11 a.m. be equally divided between the two managers or their designees and that at 11 a.m. the Senate proceed to a vote on a motion to waive with respect to Stabenow amendment No. 1687, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate will return to the Commerce-Justice-Science appropriations bill, and we expect to complete our work on this bill tomorrow. The managers are working on several of the pending amendments and may be able to accept some of those without the need for rollcall votes. Others will need to be voted on, but we hope to set those votes at an early time tomorrow so that we can finish this bill as soon as possible.

There are a lot of amendments remaining on the list, but I would hope Senators do not feel at all compelled to offer those amendments. We have been on this bill since last Thursday. Senators have had ample time to draft and offer their amendments, and therefore I would ask Senators to notify the managers if they intend to offer additional amendments.

The first vote will occur at 11 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, September 14, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2005:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SHANA L. DALE, OF GEORGIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE FREDERICK D. GREGORY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DONALD A. GAMBATESA, OF VIRGINIA, TO BE INSPECTOR GENERAL, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE EVERETT L. MOSLEY.

DEPARTMENT OF STATE

CARMEN MARIA MARTINEZ, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

THE JUDICIARY

GREGORY F. VAN TATENHOVE, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE KARL S. FORESTER, RETIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, September 13, 2005*

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

PARITY FOR THE POOR

Mr. BROWN of Ohio. Mr. Speaker, for too long we have borne witness to relentless attacks on America's poor and working families. We saw those divisions up close in the aftermath of Katrina as the poor and especially the working poor were left behind. Abandoned by corporate America, betrayed by the political right, largely ignored by the mainstream media, our Nation's poor, again especially the working poor, the people that clean hotel rooms, the people who provide security at businesses, the people in this country who are largely not seen and not much thought about, have become little more than an afterthought. While productivity and profit in America are up, wages are falling and poverty is increasing. The average working American over the last 30 years has seen her or his income go up 10 percent, yet their productivity has increased 80 percent. It used to be in our Nation if productivity went up, then wages have gone up, but there is now a disconnect. In other words, workers who create wealth for their employers, workers who create profits for their employers, are simply not sharing in the wealth and the profits that they have created.

An August U.S. census report revealed that in the United States, the number of uninsured Americans increased. Fewer than 60 percent of employers now offer health insurance. Since 2000, the total number of Americans with employer-sponsored coverage has declined by 3.7 million people. Only because of Medicaid, a program that is a government insurance program, has the number of uninsured not dropped even more precipitously. Yet in the face of growing poverty, in the rising number of uninsured Americans, in the disaster that we saw from Katrina, this administration and the leaders of this Congress are demanding that we cut Medicaid by $10 billion. They want to cut Medicaid by $10 billion so they can give greater tax cuts to the wealthiest 1 percent of people in this society. Think of that choice. As the poor were left behind and the working poor were left behind in Katrina, this government, the President and the leaders in this House, want to do more tax cuts for the wealthiest 1 percent and they want to cut Medicaid $10 billion.

Household incomes fell for the fourth year in a row in 2004. The reality is that every segment of American society has seen their income decline except for the wealthy under this administration. Men working full time have seen their earnings drop below what they earned 6 years ago, even though they are more productive, even though profits are up. Women working full time have also seen their annual incomes decrease. The media love to tell us, most of whom are pretty well paid, and politicians in Washington love to tell the public, hey, the economy is going great. It is for a lot of us, but overall wages have declined and poverty has gone up. Profits may be up for corporations and on a large scale the economy may look good, but to most people in this country the economy is not looking so good. America's men and women working full time are the reason that productivity is up, are the reason that profits are up, but they are simply not sharing in the wealth that they have created.

The number of people living in poverty in America increased over 1 million people in 2004 alone. Eight million children are uninsured. Thirteen million children live in poverty. The infant mortality rate in Washington D.C. is twice as high as the infant mortality rate in Beijing. How shameful is that? The infant mortality rate in this country went up for the first time since 1958. How shameful is that? A U.N. report on global equality sheds light on the shadows of this administration's policies. Parts of the United States are as poor as the Third World. Our Nation cannot survive as a thriving democracy under policies that rely on trickledown economics. Poverty and social breakdown are core components of the global security threat. We cannot really be secure in this country until our people are secure. It is not just about a military. It is also about economic security for the people that clean our hotel rooms, that serve us food, that provide our security, that work at minimum wage jobs.

Economic growth alone is not enough to reduce poverty, as long as we deny our most vulnerable citizens access to health care, access to education, and an opportunity to share in the wealth that they create. These issues represent a divide in government priorities and values that extend far beyond the halls of Congress. These issues represent a moral obligation in a fight for the dignity of every American.

RECESS

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 2 p.m.

PRAYER

The Reverend Thomas Peoples, Pastor, First Baptist Church, Wisner, Louisiana, offered the following prayer:

Our Father, we thank You for our Nation and for each of the men and women elected to serve our Nation in the House. We ask that You bless their families and staff. Father, give them wisdom and strength. Wisdom to do what is best for our Nation and not just what is good; strength to then stand firm for what is best.

Father, we thank You for our President and ask that You also bless him with wisdom and strength. Continue to be with those who serve in our military and keep them and their families safe.

Now, Father, we ask that You be with each person affected by the hurricane. May those who have lost family and friends know You are there to give them comfort and peace. Be with those who have lost their houses, their jobs, and that place which they called home. We thank You for those giving help and assistance. Please keep them safe and strong.

Lord, to overcome something of this magnitude seems impossible; but we are thankful that with You nothing is impossible. We give You the glory and praise You in the name of Jesus. Amen.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING AND HONORING REVEREND THOMAS PEOPLES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Madam Speaker, today I rise to honor a true community pillar and a servant, Reverend Thomas Peoples. Reverend Peoples currently serves as pastor of the Wisner First Baptist Church in Louisiana where he has ministered to his congregation, town, and surrounding communities for over a decade.

Some of the words used to describe Reverend Peoples by the members of his church include "caring," "compassionate," "diligent," and "a man of God."

One member of his church said he mirrors the scriptures found in Mark, the 10th chapter, 45th verse, which says: "For the Son of Man did not come to be served, but to serve, that He might give His life as a ransom for many."

Reverend Peoples is also a devoted husband, as well as a father of three children. Like so many ministers, his wife and children shoulder the same burdens for the Wisner community.

Madam Speaker, it is truly an honor to recognize Reverend Peoples and his family who are visiting Washington this week.

LOVE THY NEIGHBOR

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, nearly a quarter of a million folks from Louisiana are now in Texas due to the devastating impact of Hurricane Katrina. Taking care of these people is a daunting task, but the good people of southeast Texas have risen to the challenge. Today, I would especially like to acknowledge the hard work being done by our faith community.

They include the Spring Tabernacle in Spring, Texas; the First Baptist Churches of South Houston, Katy, and Houston, Texas; the Bayshore Baptist Church in LaPorte; the New Life Church in LaPorte; the Second Baptist Churches of Baytown and Houston, Texas; Holy Family Catholic Church in Baytown; the Calvary Baptist Church in Beaumont; and the Memorial Church of Christ in Houston.

There are many other churches in Harris, Liberty, and Jefferson Counties who have set up shelters that house evacuees numbering into the thousands. Dozens of other churches have started donation sites and food banks that have been so effective that the Houston Area Salvation Army has stated they have plenty of items for these evacuees.

Madam Speaker, while the work of these churches is extraordinary, they do not seem to think so. To them, they are doing exactly what they should be doing. They are just following the good biblical principle of taking care of and loving their neighbor.

CONSTITUTION DAY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to recognize that this upcoming Saturday is Constitution Day. This annual observance of our Nation's founding charter was made official by President George W. Bush on December 8, 2004. However, Constitution Day has been celebrated for the past 8 years with the recitation of the Preamble by students, military servicemen and -women abroad, and others across the country. This is a special occasion, as it will mark the first simultaneous recitation of the Preamble.

In reciting the Preamble, we join as a Nation to celebrate not only a document but a way of life, and to acknowledge freedoms given by God that no State or power can take away. Our Nation's Founders knew well the need for a government that would not impose burdens upon the people, but would enable them to secure the blessing of liberty.

On this Constitution Day, I remind the Congress of our duty to preserve a strict interpretation of this document. The Framers of the Constitution knew what they were doing. They knew the dangers of a State that grows out of control and imposes its will on the citizenry. We owe it to our constituents to maintain an independent judiciary that is coequal with the other two branches of government, a judiciary that seeks to interpret the law, not write it.

As we observe Constitution Day, let us honor the Constitution's Framers and embrace their foresight and wisdom by teaching this monument to liberty.

SOUTH CAROLINA CARES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, some 1,500 evacuees from the Gulf Coast, and particularly in New Orleans, are calling Columbia, South Carolina, home through the help of a unique grass-roots effort called South Carolina Cares, which combines private, public, and faith-based organizations.

I want to extend my thanks to my fellow Congressman, the gentleman from South Carolina (Mr. CLYBURN), Columbia Mayor Bob Coble, and University of South Carolina president Andrew Sorensen who worked with the American Red Cross and initiated the effort that now involves thousands of people.

At South Carolina Cares, the only rule is the Golden Rule, and fellow citizens are treated as we would like to be treated if we were in this unthinkable situation. As Sam Tenenbaum, chairman of South Carolina Cares said, "Put yourself in their shoes."

South Carolina Cares is a model for the Nation, demonstrating how people, companies, and organizations and government at all levels are coming together to help their fellow Americans. They will continue to respond to this crisis with action, compassion, and leadership.

In conclusion, God bless our troops and we will never forget September 11.

PRAISING THE EFFORTS OF TEXAS DOCTORS AND NURSES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, over the past couple of weeks, we have certainly seen our share of bad news.

One little bit of good news, though, has come out of the State of Texas. Texans, always known for their friendliness, have opened their arms and their hearts to their neighbors to the east.

Madam Speaker, this hurricane was unlike any of us have ever seen before and I pray that none of us will ever see again: 90,000 square miles of devastation along the Gulf Coast, over 1 million people displaced from their homes. Now, a quarter of that population, 250,000, are in the State of Texas.

Madam Speaker, I am proud of Texas, and I am especially proud of Texas doctors and Texas medicine. Spending time in the shelters in my district last week, I was so impressed with the doctors and the nurses who are volunteering, giving of themselves, to attend to those who are less fortunate. Texas doctors and nurses indeed stepped up to the challenge, whether it was the residents of John Peter Smith Hospital, the faculty at the University of North Texas at Fort Worth, or in the city of Dallas, itself, where they received 17,000 individuals in the space of one Saturday afternoon.

Many of these were people who suffered from chronic illnesses such as diabetes and hypertension, who had been off their meds for several days; but of that 17,000, only 200 required hospitalization, truly a remarkable feat.

HURRICANE KATRINA MENTAL HEALTH RELIEF ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as a former psychiatric nurse, I rise to express concern for the mental health needs of the victims of Hurricane Katrina. The State of Texas reported last week that 9.2 percent of the Katrina evacuees in Texas need mental health assistance. Approximately 5 percent have serious mental illness. At least 11 percent of the children suffer from post-traumatic stress disorder.

Last week, I introduced H.R. 3708, the Hurricane Katrina Mental Health Relief Act. This bill would dedicate 10 percent of the disaster relief funds for mental health services to victims and first responders. It is supported by the National Mental Health Association, the National Alliance of Mental Health, American Psychological Association, American Public Health Association, American Psychiatric Nurses Association, American Association of Social Workers, the National Council for Community Behavioral Health Care, and the Mental Health Care Association of Dallas.

I invite my colleagues to join me in supporting this legislation.

KUDOS FOR MEDICAL LEADER DR. NEIL WARD

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor Dr. Neil Ward on the occasion of his upcoming retirement from the American Academy of Otolaryngology, Head and Neck Surgery.

Dr. Ward has been a caring and passionate practitioner of medicine for over 30 years, holding every leadership position in the 12,000 member international organization which specializes in treating patients with problems of the ears, nose, and throat.

After receiving his undergraduate degree from the University of Arizona, Tucson, in 1956, Dr. Ward served as a pilot in the U.S. Air Force; and following discharge in 1959, he decided to devote his life to helping and healing others. He came to Washington, D.C. to attend the George Washington School of Medicine with the goal of becoming a physician and making a difference in people's lives.

Not only has Dr. Ward made a lasting mark on his community as a doctor; he has also inspired a new generation of physicians as a lecturer and teacher and has advanced science and medicine through his published papers. It is my privilege to salute a fellow physician and respected colleague and join in congratulating him on his retirement.

CHILD PORNOGRAPHY PREVENTION ACT OF 2005

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, tomorrow the House will consider a very important bill to safeguard the children of this Nation from sexual predators and sexual violence: the Children's Safety Act of 2005.

Yesterday, I introduced the Child Pornography Prevention Act of 2005, with its intention to protect children from pornographers who seek to exploit both their youth and vulnerability.

The purpose of my legislation, the Child Pornography Prevention Act, is to ensure that children are not exploited in the production and distribution of pornography. Additionally, the bill provides increased protection to the victims of child pornography and strengthens the hand of law enforcement in investigating and bringing charges of obscenity in child pornography cases.

We specifically in my bill close a loophole that exists in Federal law today that allows pornographers who produce child pornography at home with digital cameras, Polaroid cameras, or video cameras downloaded on their home computers to actually escape prosecution. The Pence legislation makes clear that these activities are within the purview of Federal law enforcement so that prosecutions of these so-called home child pornographers may move forward in district courts.

It is time to protect the kids. It is time to move the Children's Safety Act, and it is time to pass the Child Pornography Prevention Act as part of it tomorrow.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The Clerk read as follows:

H.R. 3649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sportfishing and Recreational Boating Safety Amendments Act of 2005".

TITLE I—CORRECTIONS TO THE SPORTFISHING AND RECREATIONAL BOATING SAFETY ACT OF 2005

SEC. 101. EFFECTIVE DATE OF AMENDMENTS.

(a) IN GENERAL.—The Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109–59) is amended—

(1) by striking section 10112(b)(2); and

(2) by inserting after section 10101 the following:

"SEC. 10102. EFFECTIVE DATE.

"The amendments made by this subtitle shall take effect October 1, 2005.".

(b) TEMPORARY PRESERVATION OF EXISTING LAW.—Except as provided by the amendments made by title II of this Act, during the period beginning on the date of the enactment of the Sportfishing and Recreational Boating Safety Act of 2005, and ending upon the expiration of fiscal year 2005, the provisions of law amended by the Sportfishing and Recreational Boating Safety Act of 2005 (as amended by this Act) shall be considered to read as such laws read immediately before the enactment of that Act.

SEC. 102. RECREATIONAL BOATING SAFETY FUNDS.

Section 10143 of the Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109–59) is amended—

(1) in paragraph (1) by striking "under section 10119 of the Sportfishing and Recreational Boating Safety Act of 2005" and inserting "under section 15 of the Dingell-Johnson Sport Fish Restoration Act";

(2) in paragraph (2) by striking "subsection (a)(2) of section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)(2))" and inserting "subsections (a)(2) and (f) of section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)(2) and (f))";

(3) in paragraph (4)—

(A) in subparagraph (B) by inserting a closed parenthesis after "(16 U.S.C. 777c(a)(2)"; and

(B) by striking subparagraphs (C) and (D) and inserting the following:

"(C) by striking '$5,000,000' and inserting '$5,500,000'; and

"(D) by inserting 'not less than' before '$2,000,000'; and"; and

(4) in paragraph (5) by striking "unexpected" and inserting "unexpended".

SEC. 103. EXPENDITURE OF REMAINING BALANCE IN BOAT SAFETY ACCOUNT.

Section 10119 of the Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109-59) is amended in the text proposed to be inserted as section 15 of the Dingell-Johnson Sport Fish Restoration Act—

(1) in paragraph (2)(A)(v) of such text by striking "of this Act" and inserting "of that section";

(2) in paragraphs (1) through (4) of such text by striking "subsection (b) of that section" each place it appears in such text and inserting "subsection (c) of that section"; and

(3) in paragraph (5)—

(A) in subparagraph (A) by striking "subsection (b)" and inserting "subsection (a)(2) of that section"; and

(B) in subparagraph (B) by striking "subsection (h)" and inserting "subsection (c) of that section".

TITLE II—EXTENSION OF RECREATIONAL BOATING FUNDING THROUGH THE END OF FISCAL YEAR 2005

SEC. 201. NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM FUNDING.

Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(7)) is amended to read as follows:

"(7) $10,000,000 for fiscal year 2005;".

SEC. 202. CLEAN VESSEL ACT FUNDING.

Section 4(b)(4) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(4)) is amended—

(1) in the section heading by striking "FIRST 303 DAYS OF FISCAL" and inserting "FISCAL";

(2) by striking "July 30, 2005" and inserting "September 30, 2005";

(3) by striking "$68,071,233" and inserting "$82,000,000";

(4) in subparagraph (A), by striking "$8,301,370" and inserting "$10,000,000"; and

(5) in subparagraph (B), by striking "$6,641,096" and inserting "$8,000,000".

SEC. 203. COAST GUARD EXPENSES.

Section 13106(c)(1) of title 46, United States Code, is amended—

(1) by striking "$4,150,685" and inserting "$5,000,000"; and

(2) by striking "$1,660,274" and inserting "$2,000,000".

TITLE III—EXTENSION OF AUTHORIZATION FOR USE OF FUNDS IN BOAT SAFETY ACCOUNT

SEC. 301. EXTENSION OF AUTHORIZATION FOR USE OF FUNDS IN BOAT SAFETY ACCOUNT FOR OBLIGATIONS BEFORE OCTOBER 1, 2005.

(a) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of the Internal Revenue Code of 1986 (relating to expenditures from boat safety account) is amended—

(1) by striking "August 15, 2005" and inserting "October 1, 2005", and

(2) by striking "Surface Transportation Extension Act of 2005, Part VI" and inserting "Sportfishing and Recreational Boating Safety Amendments Act of 2005".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 3649.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005 makes several amendments to current law to ensure that funding is made available for States' recreational boating programs for the remainder of fiscal year 2005.

The bill designates approximately $14 million in funding from the Aquatic Resources Trust Fund to support recreational boating safety programs for the current fiscal year. The bill also makes funding available for education, outreach and communications programs to promote safe and responsible boating and fishing practices nationwide.

Recreational boating and fishing are some of the Nation's most popular pastimes and in many areas are critical components of our local economies, and that includes my own district in Central Pennsylvania, which is home to Raystown Lake, which is a key element to the economy of Huntingdon County, Pennsylvania.

The Coast Guard and the Coast Guard Auxiliary have taken the lead Federal role in promoting boating safety in conjunction with State and local authorities. As a result, recreational boating fatalities have declined by more than half over the past 30 years.

The Federal and State recreational boating programs that are supported by the funding in this bill help educate the public on the proper use of boating, safety equipment and on the responsible use of our Nation's sportfishing resources.

Lastly, the bill also makes several technical and clarifying corrections to the Sportfishing and Recreational Boating Safety Act of 2005. This Act created a simpler and more equitable formula for Federal sportfishing restoration and recreational boating safety funding.

I thank my colleagues for their support on this important legislation and for their work to improve access and safety on our Nation's waterways. I would like to thank the sponsor of the legislation, the Chairman of the full Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), the Chairman of the Subcommittee on Coast Guard and Maritime Transportation, the gentleman from New Jersey (Mr. LOBIONDO), for his hard work on this legislation, and the House leadership for bringing this bill to the floor in an expedited manner.

I would also like to thank the gentleman from California (Chairman THOMAS) and the gentleman from California (Chairman POMBO) for clearing the provisions in their jurisdiction of their committees so quickly. I am sure that recreational fishermen and boaters in California appreciate their efforts.

I urge my colleagues to join me in supporting this important legislation.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to voice my support for H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005, and to thank all concerned for clearing this matter up.

Madam Speaker, the purpose of this bill is, of course, very simple, as you have heard. When Congress passed H.R. 3, SAFETEA-LU, in July, there was a small disconnect between that bill and the short-term highway funding extension that was passed separately.

The short-term extension extended the highway program and the funding of the recreational boat safety program until August 15th. However, SAFETEA-LU provided for long-term reauthorization and funding of the recreational boating safety program beginning October 1, the new fiscal year. As a result, the gas taxes that are collected between August 15 and October 1 from recreational boaters cannot be given to the State boating law administrators to fund their recreational boating programs.

H.R. 3649 corrects this problem by extending the old Recreational Boat Safety and Sportfish Programs until October 1, 2005, when the new funding formulas take effect.

Madam Speaker, the Recreational Boat Safety and Grant Program provides a 50/50 matching fund to the States for their recreational boating safety and educational programs. These programs save lives. It is our responsibility to see to it that there is no interruption of this program, and we are fulfilling this responsibility today.

Madam Speaker, I urge my colleagues to pass H.R. 3649 to ensure that our States receive the necessary matching funds for their recreational boating safety programs between August 15, 2005, and October 1, 2005.

Madam Speaker, I yield back the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I include for the RECORD an exchange of letters between the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Chairman THOMAS) regarding H.R. 3649.

Committee on Ways and Means,
Washington, DC, September 6, 2005.
Hon. Don Young,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

Dear Chairman Young: I am writing concerning H.R. 3649, the "Sportfishing and Recreational Boating Safety Amendments Act of 2005," which is scheduled for floor consideration under suspension of the rules on Wednesday, September 7, 2005.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Title III of this bill amends the Internal Revenue Code by making technical and conforming corrections, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3649, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

Bill Thomas,
Chairman.

Committee on Transportation
and Infrastructure,
Washington, DC, September 6, 2005.
Hon. William M. Thomas,
Chairman, Committee on Ways and Means, Longworth Building, Washington, DC.

Dear Mr. Chairman: Thank you for your letter of September 6, 2005 regarding H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005 . Your assistance in expediting House consideration of the bill is very much appreciated.

I agree that there are certain provisions in the bill that are of jurisdictional interest to the Committee on Ways and Means and I agree that by foregoing action on the bill, the Committee on Ways and Means is not waving its jurisdiction. Be assured that I will support your request to be represented in a conference on those provisions in the jurisdiction of the Ways and Means Committee in this bill or similar legislation.

As you have requested, I will include this exchange of letters in the Record when the bill is on the Floor. Thank you for your cooperation and your continued leadership and support in sportfishing and boating safety matters.

Sincerely,

Don Young,
Chairman.

Mr. SHUSTER. Madam Speaker, I urge my colleagues to join me in supporting this important legislation, H.R. 3649, the Sportfishing and Recreational Boating Safety Act of 2005.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Shuster) that the House suspend the rules and pass the bill, H.R. 3649.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING AND MEMORIALIZING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 26) honoring and memorializing the passengers and crew of United Airlines Flight 93.

The Clerk read as follows:

S. Con. Res. 26

Whereas on September 11, 2001, acts of war involving the hijacking of commercial airplanes were committed against the United States, killing and injuring thousands of innocent people;

Whereas 1 of the hijacked planes, United Airlines Flight 93, crashed in a field in Pennsylvania;

Whereas while Flight 93 was still in the air, the passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used to attack the United States;

Whereas during those phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over Flight 93;

Whereas Congress established the National Commission on Terrorist Attacks Upon the United States (commonly referred to as "the 9-11 Commission") to study the September 11, 2001, attacks and how they occurred;

Whereas the 9-11 Commission concluded that "the nation owes a debt to the passengers of Flight 93. Their actions saved the lives of countless others, and may have saved either the U.S. Capitol or the White House from destruction."; and

Whereas the crash of Flight 93 resulted in the death of everyone on board: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

(1) the United States owes the passengers and crew of United Airlines Flight 93 deep respect and gratitude for their decisive actions and efforts of bravery;

(2) the United States extends its condolences to the families and friends of the passengers and crew of Flight 93;

(3) not later than October 1, 2006, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Chairman and the Ranking Member of the Committee on Rules and Administration of the Senate, and the Chairman and the Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives shall select an appropriate memorial that shall be located in the United States Capitol and that shall honor the passengers and crew of Flight 93, who saved the United States Capitol from destruction; and

(4) the memorial shall state the purpose of the honor and the names of the passengers and crew of Flight 93 on whom the honor is bestowed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Shuster) and the gentlewoman from the District of Columbia (Ms. Norton) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Shuster).

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. Con. Res. 26.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

On Sunday, we remembered one of the most tragic days in our Nation's history, a day in which we lost 3,000 of our relatives, neighbors, friends and countrymen. These people were lost because of the actions of 19 terrorists who sought to inflict pain on our country and bring us to our knees. They did not.

Four of these terrorist found out firsthand that America and Americans are not to be taken lightly and that we are people of action.

Though the story of Flight 93 is well known by all, it is a story that bears repeating.

On that fateful day, the 40 passengers and crew of a hijacked airplane, made aware through phone calls of the fate of the three other hijacked airplanes, took action to protect lives on the ground.

They acted in a way that I am confident the passengers and crew of the three other planes hijacked that day would surely have acted had they been aware of what was happening. The passengers and crew of Flight 93 acted in a way that should make us all proud. They knew the risks they were facing, yet acted anyway.

It is a significant feat what these 40 patriots did, equal to the shot heard around the world in Lexington and Concord or the Alamo in Texas. The very place that Flight 93 went down, I believe, is providence, because it is in proximity to another major event in our history.

It is a reminder to all Americans that freedom is not easy, and the event of which I speak of is the Whiskey Rebellion, which occurred in 1794, just the first year of George Washington's second term, when there was a rebellion in Pennsylvania. George Washington rode to Pennsylvania, to a town just 10 miles south of Shanksville, Pennsylvania, to put down that rebellion and establish or continue to establish our democracy.

It is important for us in America to remember that it was hard 210 years ago to establish democracy, and it is hard today. So we all need to remember that story of Berlin, Pennsylvania, the Whiskey Rebellion, just 10 miles south of Shanksville, where the first counterattack on the war on terrorism occurred in the skies over Somerset, Pennsylvania. And those passengers of Flight 93 are an example for all Americans to live up to today and into the future.

This resolution authorizes the permanent memorial here in the Capitol to the passengers and crew of Flight 93, whose actions certainly saved lives on 9/11. Many, including the 9/11 Commission, believe they may have saved this very building and many of us who work here.

It is my expectation that whatever memorial is established will complement, not compete with the memorial that will be constructed in Shanksville, where Flight 93 eventually crashed.

I look forward to working with our colleagues in the Senate to bring this appropriate recognition of heroism and bravery to this hallowed building. I urge my colleagues to join me in supporting this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join other Members in strong support of this resolution and acknowledge the special bond that exists between the passengers from Flight 93 and not only the personnel who work in the Capitol but also the citizens of the District, those who were harmed and who died at the Pentagon and, of course, those who were victims in New York at the Twin Towers.

Although we will never know the final destination for Flight 93, we are all profoundly grateful to those heroic passengers for their collective acts of courage that may have saved the Capitol or the White House from severe damage.

Senate Concurrent Resolution 26 memorializes them and their valiant efforts as well. A site will be selected here in the Capitol. The purpose of the memorial as well as the names of the crew and passengers will, of course, be inscribed on the memorial.

We strongly support the resolution and urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield 3 minutes to the gentlewomen from Florida (Ms. GINNY BROWN-WAITE.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of this concurrent resolution to honor the brave men and women of Flight 93.

As all Americans learned from the transcripts of the 9/11 Commission, a brave group of individuals took their own futures and potentially the lives of thousands who work in D.C. and charged the cockpit door of Flight 93.

While their heroic deeds thwarted the plans of the 9/11 hijackers to crash the airplane into the Capitol or the White House, it cost them their lives when the plane crashed into that remote Pennsylvania field.

While the resolution that we will pass this afternoon authorizes a memorial to Flight 93 victims here in the United States Capitol, it is the memories of individual victims that drive us and that we will keep in our memories.

I would like to specifically recognize the contribution of one outstanding individual on Flight 93, Mr. Mark Bingham. Described as a charming and outgoing man by all who knew him, Mark used his experience as a rugby player to help break down that cockpit door. His efforts were truly heroic and will not be forgotten.

Just last week I met with Mark's father, Gerald Bingham, who is my constituent from the Fifth Congressional District in Florida.

Gerald and his family have spent the last 4 years fighting and advocating for an appropriate memorial to recognize the sacrifices of their son, Mark, as well as the other men and women who gave their lives that fateful day.

I am very proud to stand on the floor of the U.S. House to let Gerald and his family know that the sacrifices of his son will forever be consecrated in an appropriate manner here in the United States Capitol.

In closing, I certainly would like to thank Senator CONRAD for sponsoring this resolution as well as the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this tribute to the floor today.

Madam Speaker, I urge a "yes" vote on the resolution.

□ 1430

Ms. NORTON. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my friend, the gentlewoman from the District of Columbia (Ms. NORTON), for yielding me time, and I thank the sponsor of this bill for introducing it.

We all rise today to honor the passengers and the crew of United Airlines Flight 93. They gave their lives so that others might live, and I strongly support S. Con. Res. 26, which commemorates the courageous actions of these 40 passengers and crew. The passengers thwarted a potentially dangerous attack on a target here in Washington. Without their sacrifice, it is possible that many of us would not be here today. This building in which we stand perhaps would not be here, and almost certainly many innocent civilians would have died.

Eighteen of those brave men and women on board Flight 93 were from New Jersey. One of those brave souls lived in Cranbury, New Jersey. He is one of the people on board we recognize. He has become something of a symbol.

Todd Beamer was a respected businessman who stood out in a national company. He was a man of deep religious faith. He was involved with his family, a loving father who looked forward to the upcoming birth of his third child. He was a caring and devoted husband to his wife, Lisa, whom I would also like to recognize and honor here today. It was his famous phrase, "Let's roll," that helped inspire our Nation to meet his high standard of shared sacrifice and to remind Americans in those dark days following September 11 that America would not just survive but America would thrive.

This body authorized the naming of the United States Post Office in Cranbury after Todd Beamer. And each time I see the Todd Beamer Post Office, I am reminded that individual Americans can and do extraordinary things.

Americans are willing to sacrifice in the name of accomplishing something greater than one person. This country has always depended on this unique character, and it was always my hope that people would use this post office with an understanding of this American characteristic and that they would pause to reflect on the sacrifice of the individual but also on their roles, what they can do in small and large acts of bravery.

Todd Beamer was not alone. With him were other New Jerseyans and Americans who shared his values and commitment to save others. Richard Guadagno was another outstanding passenger of Flight 93. Raised in Trenton, Richard was the manager of the Humbolt Bay National Wildlife Refuge in California, and was on his way back to Eureka, California, after visiting his family in New Jersey and attending his grandmother's 100th birthday party. He too made the sacrifice. I had an opportunity to talk with his parents, and I was struck by how remarkable and compassionate Richard Guadagno was. Today we honor him and all the other passengers and crew members.

Recalling the legacy of the passengers and crew of Flight 93 reminds Americans that we need heroes every day. Lisa and Todd Beamer's children can grow up knowing that their father acted bravely at a time when others were in need; and he will always be remembered as a hero, along with his fellow passengers.

Madam Speaker, I am proud to support this resolution, and I thank the sponsors for introducing it. As it is said in Jewish tradition, whoever saves a single life is honored as though he saved an entire world.

I honor those on Flight 93 whose brave acts saved the lives of so many Americans.

Mr. SHUSTER. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, on September 11, 2001, the passengers and crew of this flight saved the Capitol from attack. The Members and staff who work in this building owe our very lives to these American heroes.

In September of 2004, I authored the American Heroes Act, co-sponsored by 16 Republicans and Democrats, which called on a commissioning of a statue here in the Capitol for the Flight 93 heroes. In my view, the statue should be located at the entrance of the new $500 million Capitol Visitor Center to be opened next year.

If placed there, it would be the first thing American school kids and other visitors would see when they enter this temple of democracy. They would see modern American heroes who saved this Capitol, who gave their lives and whose heroism is encompassed in the personal and recent memory of all living Americans.

As a former member of the legislative branch appropriations subcommittee, I worked on many aspects of the visitors center; and as a member now of the full committee where legislative branch issues are considered, I am working with the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) to make sure we find the funds for this statue for these heroes.

Working closely with the gentleman from Ohio (Mr. NEY) of the Committee on House Administration, it is my hope by next September 11 we are on our way to make sure that the first thing visitors see is a reminder of the brave Americans who saved this Capitol 4 years ago.

Ms. NORTON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge all of my colleagues on both sides of the aisle to join today to pass this legislation that will establish a permanent memorial here in the Capitol to honor those 40 American patriots who undoubtedly saved lives on 9/11 by sacrificing their own lives. As we vote today, let us remember the final words of Todd Beamer and that is: "Let's roll."

Mr. HONDA. Madam Speaker, I rise in strong support of Senate Concurrent Resolution 26, which pays tribute to the heroic efforts of the passengers and crew of United Airlines Flight 93. Their decisive and brave decision to overtake the September 11 terrorists likely saved the lives of countless Congressional Members and staffers, as well as the U.S. Capitol or White House from almost certain destruction.

The San Jose community I represent was especially saddened by the loss of Captain Jason Matthew Dahl, the pilot of Flight 93 and a true American hero. Jason grew up in San Jose, and his parents, who were the proprietors of Dahl's Dairy Delivery, used to deliver milk to Hillsdale Elementary School, where I served as principal.

From his childhood years, Jason had a strong desire to fly. He first manifested his affinity for flight during his years at Sylvandale, where he started building radio-controlled airplanes. He then joined the Civil Air Patrol, and was soon taking flying lessons from Amelia Reid at Reid Hillview Airport. He was a quick study, and was flying solo by the youthful age of 16. During this early period, Jason gave his father a photograph, depicting the two of them standing in front of a Cessna, on which Jason had written: "Maybe someday this will be a 747."

Jason attended my alma mater, San Jose State University, from 1975 to 1980, and graduated with a Bachelor of Science degree in Aeronautical Operations. Jason was soon hired by Ron Nelson Construction as a corporate pilot. A few years later, he applied to the commercial airlines, and he realized his dream when he got the call from United Airlines in June 1985, where he steadily moved up the ranks.

His passionate devotion to this endeavor was only matched during his lifetime by his devotion to his family. Balancing the demands of career and family is a daunting challenge, especially for a pilot, but family was greatly important to Jason. No matter how busy his flight schedule, he always made the time for his wife, Sandy, and his children, Matt and Jennifer.

Captain Dahl was an emblem of the American dream. He was doing what he loved to do when he lost his life along with thousands of others in the horrible assault on our Nation that occurred on September 11. His courage and the courage of the passengers and crew of Flight 93 was reflective of the spirit displayed in abundance by so many Americans that day.

It is fitting that we honor those who gave their lives on Flight 93 through passage of Senate Concurrent Resolution 26, which acknowledges the great debt we owe them and extends condolences to their family and friends. The resolution also establishes a bipartisan, bicameral congressional panel to select an appropriate memorial honoring the passengers and crew of Flight 93. The memorial—to be placed in the Capitol—will be a permanent tribute to the forty selfless individuals who overcame fear and mobilized into action to defend their fellow Americans.

I join my colleagues in their strong support for Senate Concurrent Resolution 26.

Mr. MURPHY. Madam Speaker, 4 years after the passengers and crew of United Airlines Flight 93 gave their lives to save others, Congress recognized their heroic actions by passing legislation calling for a permanent memorial in the U.S. Capitol. The presence of mind and strength they exhibited on September 11, 2001 averted an even greater tragedy in the Pittsburgh region.

As passengers and crew of Flight 93 called their loved ones and quickly learned of their fate, they knew what had to be done. Looking out the plane's windows that clear day, they saw our homes, our schools, and our communities in southwestern Pennsylvania. Valuing human life, something their hijackers did not, they waited to act until they were over an empty field, sparing our lives. Their goal of averting tragedy in our Nation's capital was realized, but in their final moments, they were also thinking of us.

For their actions that day, families throughout southwestern Pennsylvania hold a special place in their hearts for the passengers and crew of Flight 93. Prayers of thanks go to them for giving their lives to save so many. I encourage every resident of the 18th Congressional District visiting Washington, DC to take time to stop by the memorial after its completion and honor Flight 93. We have our lives, our families, and an enduring example of the human spirit for which to thank them.

Mr. SHUSTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 26.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHUSTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DANDINI RESEARCH PARK CONVEYANCE ACT

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 252) to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

The Clerk read as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dandini Research Park Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the University and Community College System of Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Board of Regents, without consideration, all right, title, and interest of the

United States in and to the approximately 467 acres of land located in Washoe County, Nevada, patented to the University of Nevada under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), and described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is—

(A) the parcel of land consisting of approximately 309.11 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 1, 2, 3, 4, 5, and 11, SE¼NW¼, NE¼SW¼, Mount Diablo Meridian, Nevada; and

(B) the parcel of land consisting of approximately 158.22 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 6 and 7, SW¼NE¼, NW¼SE¼, Mount Diablo Meridian, Nevada.

(b) COSTS.—The Board of Regents shall pay to the United States an amount equal to the costs of the Secretary associated with the conveyance under subsection (a)(1).

(c) CONDITIONS.—If the Board of Regents sells any portion of the land conveyed to the Board of Regents under subsection (a)(1)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the Board of Regents shall pay to the Secretary an amount equal to the net proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of Nevada, without further appropriation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 252.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge passage of Senate 252, the Dandini Research Park Conveyance Act, which was introduced in the Senate by Senator HARRY REID and co-sponsored by Senator JOHN ENSIGN.

I was proud to introduce the companion legislation in the House, and I am pleased to be here today to champion passage of this important bill.

This legislation will direct the Secretary of the Interior to convey 467 acres of land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

The land is patented under the Recreation and Public Purposes Act, which now prevents the Board of Regents from expanding a university-sponsored research park that provides for technology transfer, science-based economic development, and partnering among academic, governmental, and industrial sectors in Nevada.

Known as the Dandini Research Park, the land is currently used by leading research and education institutions in Nevada, including the Truckee Meadows Community College and the Desert Research Institute.

The research being done by TMCC and DRI at the Dandini Research Park benefits not only Nevada but communities across the western United States. The science park stands as a great example of a successful public/private partnership that brings the highest quality researchers to this educational facility.

For example, DRI is a world-class nonprofit research campus of the Nevada Higher Education System, and their research is driven by a special emphasis in atmospheric, Earth and ecosystem, and hydrologic sciences.

Additionally, DRI has three state-of-the-art interdisciplinary centers for arid lands, watershed and environmental sustainability, and environmental remediation and monitoring.

DRI's research has helped provide innovative and important advancements in their field and has increased demand for their expertise. The state-of-the-art research being conducted at the Dandini site has resulted in the need to expand these facilities. However, since the University and Community College System of Nevada does not own the land of the Dandini Research Park, they are unable to obtain financing to expand the science center.

Today's bill allows for the transfer of this land to allow the Board of Regents to develop and expand the Northern Nevada Science Center. Additionally, the bill mandates that net proceeds of any future sale of this property would be returned to the Secretary of the Interior for use by the Bureau of Land Management.

The goal of much of the work being done at the Dandini Research Project is to provide innovative solutions to maintaining the vital balance between environmental protection and the development of our natural resources.

This work helps us to better understand how we can live in harmony with our environment.

Madam Speaker, I urge all of my colleagues to pass this noncontroversial bill that is supported by the entire Nevada delegation and which passed the Senate in July. This bill will allow Nevada's leading education and research institutes to continue to expand upon their great work on behalf of Nevada and this great country, as well as our environment.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I speak to S. 252, I would just like to voice my support also for S. Con. Res. 26, honoring and memorializing the passengers and crew of United Airlines Flight 93 that was just before this body.

The legislation which we are discussing now, S. 252, is technical in nature and once approved will allow the University and Community College System in Nevada to expand ongoing research activities at the Dandini facility. This is a noncontroversial measure which passed the Senate by unanimous consent in July.

The distinguished Senate minority leader is to be commended for his tireless efforts on behalf of this legislation and for his commitment to supporting important research in our Nation's academic institutions.

On the House side, the gentlewoman from Nevada (Ms. BERKLEY), a co-sponsor of the House companion legislation, has also taken a leadership role in making certain this legislation is approved. And we also commend the gentleman from Nevada (Mr. GIBBONS) for his work and leadership on this bill.

Mr. PORTER. Madam Speaker would like to voice my strong support for S. 252.

As a cosponsor of the House-introduced version of this bill, H.R. 542, I am well aware of the positive impact the transfer of this land will have on the University and Community College System of Nevada. Located in Reno, Nevada, this tract of land, known as the Dandini Research Park, is currently restricted under the provisions and authority of the Recreation and Public Purposes Act.

If this bill were to be signed into law, the Board of Regents for the University and Community College System of Nevada would like to turn this land into a University-sponsored research park that would provide science-based economic development, technology transfer, and the furthering of intergovernmental, academic and industrial partnerships in Nevada.

Madam Speaker, thank you for allowing me to speak on this important bill.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 252.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CARIBBEAN NATIONAL FOREST ACT OF 2005

Mr. FORTUÑO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 539) to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, as amended.

The Clerk read as follows:

H.R. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caribbean National Forest Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map dated April 13, 2004, and entitled "El Toro Proposed Wilderness Area".

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) EL TORO WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico as generally depicted on the map are designated as wilderness and as a component of the National Wilderness Preservation System.

(2) DESIGNATION.—The land designated in paragraph (1) shall be known as the El Toro Wilderness.

(3) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of the land generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the El Toro Wilderness; and

(B) submit the map and the boundary description to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) PUBLIC INSPECTION AND TREATMENT.—The map and the boundary description prepared under paragraph (1)(A)—

(A) shall be on file and available for public inspection in the office of the Chief of the Forest Service; and

(B) shall have the same force and effect as if included in this Act.

(3) ERRORS.—The Secretary may correct clerical and typographical errors in the map and the boundary description prepared under paragraph (1)(A).

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the El Toro Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) SPECIAL MANAGEMENT CONSIDERATIONS.—Consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), nothing in this Act precludes the installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and remote transmission facilities, or any combination of those facilities, in any case in which the Secretary determines that the facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

□ 1445

GENERAL LEAVE

Mr. FORTUÑO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 539, the bill under consideration.

The SPEAKER pro tempore (Mrs. CAPITO). Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Madam Speaker, I yield myself such time as I may consume.

H.R. 539 would designate approximately 10,000 acres in the Caribbean National Forest as a component of the National Wilderness Preservation System.

This bipartisan proposal is supported by the people of Puerto Rico, the administration and a number of national organizations. The legislation will ensure that this special land will be available for my children and for all the children of Puerto Rico for generations to come.

The El Toro Wilderness will be one of our Nation's most significant wilderness areas. Located 25 miles east of San Juan, the forest is biologically rich and diverse. The Caribbean National Forest ranks number one among all national forests in the number of species of native trees with 240. In addition, the Caribbean National Forest has a wide variety of orchids and over 150 species of ferns. There are over 100 species of vertebrates in the forest.

Of particular note is the endangered Puerto Rican parrot. At the time Columbus set sail for the New World, there were approximately one million of these distinctive parrots. Today, there are under 50. This rich diversity will be protected through wilderness designation, and El Toro will be the only tropical rainforest wilderness in our national forest system.

The future of the Caribbean National Forest is of the utmost importance to my constituents. For Puerto Ricans, the Caribbean National Forest is more than a national forest. It is an integral part of our lives. The Spanish Crown proclaimed much of the current Caribbean National Forest as a forest reserve in 1824. President Theodore Roosevelt reasserted the protection of the Caribbean National Forest by designating the area as a forest reserve over 100 years ago. The real history of the Caribbean National Forest, however, predates those recent actions. The prehistoric Taino Indians considered the area a holy place and named it after an Indian spirit, Yuquiye, which means "Forest of Clouds." Today, it is called, "El Yunque."

The importance of El Yunque continues to modern times. The forest is a key component of Puerto Rico's everyday life and economic vitality.

El Yunque and the proposed El Toro wilderness area are a crucial source for the lifeblood of Puerto Rico, fresh water. The forest receives up to 240 inches of rainfall each year, more than 100 billion gallons of it. This water is crucial for our people and our future. It provides clean drinking water to over 800,000 residents and ensures adequate water for our economic viability.

In closing, I would like to thank the gentleman from California (Chairman POMBO) and the gentleman from Oregon (Mr. WALDEN), the gentleman from West Virginia (Ranking Member RAHALL) and the gentleman from Colorado (Mr. UDALL) and the committee staff for their support and fine work on this measure. I urge my colleagues to join with me in supporting the passage of H.R. 539.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the majority has explained, H.R. 539 would designate approximately 10,000 acres of land in the Caribbean National Forest in Puerto Rico as a component of the National Wilderness Preservation System to be named the El Toro Wilderness.

The Caribbean National Forest is the only tropical rainforest in the National Forest System. It is home to one of the most endangered birds in the world, the Puerto Rican parrot.

The El Toro Wilderness would become the first tropical forest in the National Forest Wilderness System, as well as the first wilderness area in Puerto Rico. It is, in a host of respects, a natural treasure and a national treasure that merits a designation befitting its unique status in America.

Madam Speaker, I want to commend the gentleman from Puerto Rico (Mr. FORTUÑO), my colleague and neighbor, for his work in securing the passage of this bill. We support adoption of H.R. 539, and I would add that the gentleman from West Virginia (Ranking Member RAHALL) has personally also advocated the consideration of this measure.

Madam Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the bill, H.R. 539, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.".

A motion to reconsider was laid on the table.

WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

Mr. FORTUÑO. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 276) to revise the boundary of the Wind Cave National Park in the State of South Dakota.

The Clerk read as follows:

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wind Cave National Park Boundary Revision Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Wind Cave National Park Boundary Revision", numbered 108/80,030, and dated June 2002.

(2) PARK.—The term "Park" means the Wind Cave National Park in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of South Dakota.

SEC. 3. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 3(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as "Bureau of Land Management land".

SEC. 5. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 3(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 3(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 3(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

GENERAL LEAVE

Mr. FORTUÑO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 276, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Madam Speaker, I yield myself such time as I may consume.

S. 276, introduced by Senators TIM JOHNSON and JOHN THUNE of South Dakota, is the companion bill to H.R. 546, introduced by the gentlewoman from South Dakota (Ms. HERSETH), my committee colleague.

S. 276 would authorize the expansion of Wind Cave National Park located in the famous Black Hills of South Dakota. The boundary adjustment would allow for the protection of such archaeological sites as a 1,000-year-old buffalo jump.

I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the gentleman from Puerto Rico (Mr. FORTUÑO) of the majority has explained, S. 276 will further the purposes of Wind Cave National Park by enabling significant lands to be added to the national park.

This bill, S. 276, is the Senate companion measure to the bill H.R. 456 introduced by the gentlewoman from South Dakota (Ms. HERSETH), my colleague on the Committee on Resources. The gentlewoman from South Dakota (Ms. HERSETH) is to be commended for her leadership on this important legislative initiative which will add lands to the park that will protect archaeological sites, enhance the viewshed, and preserve prairie and forest lands that are natural extensions of the existing park.

Since coming to Congress, the gentlewoman from South Dakota (Ms. HERSETH) has been a strong advocate for these additions to the park, and we are pleased to see her work coming to fruition today.

Madam Speaker, S. 276 will help advance the preservation and interpretation of Wind Cave National Park, and we support adoption of the legislation by the House today.

Ms. HERSETH. Madam Speaker, I rise today in support of the Wind Cave National Park Boundary Revision Act of 2005.

Wind Cave National Park is one of our Nation's oldest national parks and one of the jewels in our national park system. Established over 100 years ago, Wind Cave was the first cave in the world to be set aside as a national park. At the turn of the 20th century, its first explorers reported that the cave was only three miles long. Well, that report was a little off. Today, we know that the cave has over 117 miles of mapped tunnels and explorers are still discovering new passages. This makes it the fifth largest cave in the world.

These passages contain many natural treasures—rare and exceptional displays of box work, a honeycomb-shaped formation that protrudes from the cave's ceilings and walls, as well as other rare cave formations, and a geology that scientists are still working to understand. Past Congresses recognized the value of these treasures by creating the park; our ability to enjoy them today is a testament to their foresight.

With over 28,000 acres today, the park's surface is an impressive asset as well. The Wind Cave National Park Boundary Revision act would expand this stewardship to include an additional 5,000 acres of mixed grass prairie, ponderosa pine forest, and a dramatic river canyon. Home to native wildlife such as bison, elk, pronghorn, mule deer, coyotes, and prairie dogs, the park is one of the few remaining mixed-grass ecosystems in the country. The expansion would be a natural extension of this habitat and enhance the park's holdings.

This project began when the ranching family that owns the land approached the National Parks Service over 3 years ago. The Black Hills region of South Dakota is developing rapidly and, rather than allow the land to be developed into subdivisions and strip malls, they envisioned preserving it for future generations. That initial discussion expanded to the surrounding community, State government, and eventually, the United States Congress. The bill's passage in the Senate and its consideration here today are the fruits of those discussions.

In addition to receiving support in the House of Representatives from my two predecessors and myself, this bill enjoys the bipartisan backing of the South Dakota Senate delegation and South Dakota Governor Mike Rounds. As the expansion project has proceeded, interested parties have weighed in with their concerns and they have been answered.

Wind Cave National Park has protected and preserved a national treasure for over 100 years. The Wind Cave National Park Boundary Revision Act is a unique opportunity to expand the park and enhance its value to the public so that visitors can enjoy it forever. It is my hope that my colleagues will support the expansion of this park and vote in favor of this important legislation.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the Senate bill, S. 276.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HAWAII WATER RESOURCES ACT OF 2005

Mr. FORTUÑO. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 264) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

The Clerk read as follows:

S. 264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Water Resources Act of 2005".

SEC. 2. HAWAII RECLAMATION PROJECTS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating the second section 1636 (as added by section 1(b) of Public Law 108-316 (118 Stat. 1202)) as section 1637; and

(2) by adding at the end the following:

"SEC. 1638. HAWAII RECLAMATION PROJECTS.

"(a) AUTHORIZATION.—The Secretary may—

"(1) in cooperation with the Board of Water Supply, City and County of Honolulu, Hawaii, participate in the design, planning, and construction of a project in Kalaeloa, Hawaii, to desalinate and distribute seawater for direct potable use within the service area of the Board;

"(2) in cooperation with the County of Hawaii Department of Environmental Management, Hawaii, participate in the design, planning, and construction of facilities in Kealakehe, Hawaii, for the treatment and distribution of recycled water and for environmental purposes within the County; and

"(3) in cooperation with the County of Maui Wastewater Reclamation Division, Hawaii, participate in the design, planning, and construction of, and acquire land for, facilities in Lahaina, Hawaii, for the distribution of recycled water from the Lahaina Wastewater Reclamation Facility for non-potable uses within the County.

"(b) COST SHARE.—The Federal share of the cost of a project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of a project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by striking the item relating to the second section 1636 (as added by section 2 of Public Law 108-316 (118 Stat. 1202)) and inserting the following:

"Sec. 1637. Williamson County, Texas, Water Recylcing and Reuse Project.
"Sec. 1638. Hawaii reclamation projects.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

GENERAL LEAVE

Mr. FORTUÑO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 264, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Madam Speaker, I yield myself such time as I may consume.

S. 264, sponsored by Senator DANIEL AKAKA and supported by our Hawaii colleagues in the House, authorizes the Secretary of the Interior to undertake three water projects in the State of Hawaii.

Although surrounded by water, the Hawaiian islands are not immune to water scarcity issues. In fact, parts of Hawaii have very limited potable water supplies due to natural and population factors.

The projects authorized in this legislation will help Hawaii better manage its scarce water resources. Each project will serve a different purpose through desalting, recycling or other water supply technologies. The Federal cost-share of these projects will not exceed 25 percent.

I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

We support the passage of S. 264. The gentleman from Hawaii (Mr. ABERCROMBIE), our colleague on the Committee on Resources, has introduced a companion bill in the House, H.R. 843. We commend the gentleman from Hawaii (Mr. ABERCROMBIE) for his hard work to secure authorizations for these important projects.

The projects identified in this bill will be eligible for limited financial assistance under the Bureau of Reclamation's title 16 water recycling program.

Water recycling and desalination projects are proven technologies that can help stretch limited water supplies in areas such as Hawaii, and the Virgin Islands I might add.

I want to express our full support for this legislation, and I offer congratulations to the gentleman from Hawaii (Mr. ABERCROMBIE) for his leadership and persistence as this legislation proceeds to the White House.

Mr. ABERCROMBIE. Madam Speaker, I rise today to support, S. 264, the Hawaii Water Resources Act of 2005. This legislation will authorize Federal funds for three urgently needed water projects in the State of Hawaii.

Madam Speaker, several years ago our State suffered through 5 years of drought conditions. Due to dangerous drops in our water levels, water usage was restricted to prevent saltwater from entering our pumps. Today, there is no drought and water conservation measures continue to be taught in schools and publicized. However, these three water development projects will make tremendous strides in ensuring a stable water supply for our growing island State and conserve the limited water supplies we do have. Because of the importance of these projects, I introduced the companion measure, H.R. 843, and wholeheartedly support this legislation.

H.R. 843/S. 264 would authorize three projects that would help the State of Hawaii implement long-term management plans for our most limited natural resource, fresh water. The Kalaeloa Desalination Project would be built on Oahu, home to 72 percent of the State's population. It is estimated that water use rates on this island will begin exceeding recharge rates in 2018. This problem is particularly evident on the western side of Oahu which has a secondary urban center, Kapolei, which has experienced a population explosion in recent years. Kapolei is a planned community whose population is expected to increase by 70 percent in the next 20 years. The Board of Water Supply for the City and County of Honolulu has successfully implemented conservation measures and special programs which have lowered water consumption. This project would help meet Kapolei's projected demand, conserve limited groundwater, avoid impacts to the environment from wells drilled in forested watersheds, increase system reliability and minimize saltwater intrusion when water levels drop in drought conditions—Oahu experienced a 5-year drought from 1998 to 2002. This facility would also be capable of future expansion, an important aspect for this heavily populated island.

The second project is located on the western side of the big island of Hawaii. This area sees very little rainfall and is very similar to the high arid regions of the mainland United States. The Kealakehe Wastewater Treatment Project would utilize wetlands to naturally clean the effluent being discharged by the Kealakehe Wastewater Treatment Plant. Once the effluent water quality is upgraded and the maximum amount of flow diverted for use onsite in the wetlands, a distribution system would then convey the recycled water to potential users. A conventional tertiary treatment system would be cost prohibitive for a facility of this size. Moreover, the discharge of treated water could lead to the degradation of coastal water quality in an area that is known for its beautiful beaches and is a popular tourist destination. This project is an ecologically friendly alternative that would also provide habitat for two endangered bird species which are currently nesting on land adjacent to the Keahole International Airport.

The third project that would be authorized is the Lahaina Recycled Water Distribution System Expansion Project located on the island of Maui. Over the last decade, Maui has worked to build a solid foundation for a water recycling program. Currently, it is able to use approximately 25 percent of the recycled water it produces, about 4 million gallons per day. The main impediment to using more recycled water is the lack of infrastructure to distribute the recycled water to the commercial enterprises that could use it. A key example of this problem is in West Maui where recycled water is used to irrigate the Kaanapali Golf Courses. The pipeline that leads to the golf courses also passes a number of other commercial enterprises that are interested in using recycled water but the infrastructure is not adequately developed to allow these properties to connect to the system. Authorizing this project for Federal assistance will allow for expansion at a much faster rate and result in a greater savings of potable water.

The State of Hawaii is addressing its problems of limited water and trying to implement solutions. The next time a drought comes, it may be too late to act. This bill will help us protect Hawaii's environment, meet our growing water needs, and maintain our quality of life. I urge my colleagues to support this vitally important measure.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in support of S. 264, the Hawaii Water Resources Act of 2005. I commend my good friend Senator AKAKA for introducing this bill in the Senate, and my friends and colleagues here in the House of Representatives from the Hawaii delegation, Mr. ABERCROMBIE and Mr. CASE, for their strong support.

Due to the scarcity of water in Hawaii, the state has a strong need for resource management projects such as the ones proposed in this bill. The desalination project in Honolulu County, the wastewater treatment plant project outside Kona, and the recycled water project in Lahaina, will all serve the vital needs of the people of Hawaii in their efforts to provide for their increasing water demands.

Again, I commend Senator AKAKA for his leadership on this important initiative. Enacting this bill will help Hawaii to manage its water resources more efficiently, particularly in the areas where water is increasingly scarce.

I support this legislation and I urge my colleagues to vote in favor of S. 264.

Mr. CASE. Madam Speaker, I rise today in strong support of prompt passage of S. 264, the Hawaii Water Resources Act of 2005. Congressman ABERCROMBIE and I co-introduced a companion bill in the House, H.R. 843. The bill is identical to one that passed the Senate in the 108th Congress by unanimous consent.

S. 264 amends the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize three important water reclamation projects in my State. The three projects authorized in S. 264 would help Hawaii better manage its water resources, particularly in key areas where water is becoming increasingly scarce.

Two of the projects are in my Second District on the islands of Hawaii and Maui, and the third, which would provide a reliable source of potable water for the island of Oahu, also impacts my district, which includes most of that island except for urban Honolulu. The Honolulu Board of Water Supply has projected that on Oahu freshwater use will exceed recharge rates by 2018.

The project on Oahu would provide a reliable source of water through resource diversification to meet existing and future water demands in the Ewa area of Oahu, where water demands are exceeding the availability of drinking water. The proposed project is a 5 million gallon-per-day seawater desalination facility. Seawater Reverse Osmosis Membrane Technology is proposed, in which approximately 11 million gallons per day of seawater are needed to produce 5 million gallons per day of potable water.

The second project, north of Kona on the island of Hawaii, would address the issue of effluent being discharged into a temporary disposal sump from the Kealakehe Wastewater Treatment Plant. The effluent has a particularly high suspended solids content. The proposed project will utilize subsurface wetlands to reduce the suspended solids prior to disinfection. Retrofitting an existing lagoon and completing construction of an additional lagoon would create subsurface wetlands. An open surface wetland would also be constructed to reduce the effluent disposal, create habitat for two endangered species, and provide recreational opportunities for the public. Once the effluent water quality has been upgraded and the maximum amount of flow diverted for use onsite in the constructed wetlands, a distribution system would be needed to convey the recycled water to potential users.

The final project, in Lahaina on the island of Maui, would facilitate the use of recycled water by extending the County of Maui's main recycled water pipeline. The county has been one of the water recycling leaders in the State of Hawaii, but increased use of recycled water is limited by the lack of adequate infrastructure to distribute recycled water to additional users.

Hawaii has been experiencing drought conditions since 1998. And the National Weather Service has indicated that due to a mild El Nino effect in the Pacific Ocean, Hawaii may again experience another period of drought. Although many people have an image of Hawaii as a lush, tropical rainforest, in fact the leeward sides of all of our islands are typically dry, not unlike the high desert conditions in the western United States. A 2003 GAO report placed Hawaii among 16 States that are expected to face regional freshwater shortages in the next decade.

S. 264 builds on Senator AKAKA's Hawaii Water Resources Act of 2000 (P.L. 106–566) that authorized the Bureau of Reclamation to survey irrigation and water delivery systems in Hawaii and identify new opportunities for reclamation and reuse of water and wastewater for agriculture and non-agricultural purposes. That act resulted in the development of the initial Hawaii Drought Plan in 2000, which was updated this past year to incorporate comments and recommendations made by the Bureau of Reclamation. The expertise of the Bureau of Reclamation has been invaluable in helping our State to address these vital resource issues.

I urge my colleagues to support this important bill.

Mrs. CHISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the Senate bill, S. 264.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 57 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 6 o'clock and 33 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–219) on the resolution (H. Res. 436) providing for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Senate Concurrent Resolution 26, by the yeas and nays;

H.R. 3649, by the yeas and nays;

S. 276, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in the series will be a 5-minute vote.

HONORING AND MEMORIALIZING THE PASSENGERS AND CREW OF UNITED AIRLINES FLIGHT 93

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 26.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 26, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 465]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—30

Beauprez
Bishop (UT)
DeFazio
Dingell
Engel
Fattah
Fortenberry
Fossella
Gallegly
Gilchrest
Hinojosa
Hoekstra
Hooley
Jindal
Jones (OH)
Maloney
McHugh
McNulty
Meeks (NY)
Melancon
Moran (VA)
Nadler
Nussle
Owens
Serrano
Strickland
Towns
Velázquez
Walsh
Weiner

□ 1854

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

The SPEAKER pro tempore (Mr. KLINE). The pending business is the question of suspending the rules and passing the bill, H.R. 3649.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3649, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 1, not voting 31, as follows:

[Roll No. 466]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins

Hinchey
Hobson
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Flake

NOT VOTING—31

Beauprez
Camp
DeFazio
Dingell
Engel
Fattah
Fortenberry
Fossella
Gallegly
Gilchrest
Hinojosa
Hoekstra
Hooley
Jindal
Jones (OH)
Kirk
Maloney
McHugh
McNulty
Meeks (NY)
Melancon
Moran (VA)
Nadler
Nussle
Owens
Serrano
Strickland
Towns
Velázquez
Walsh
Weiner

□ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

The SPEAKER pro tempore (Mr. KLINE). The pending business is the question of suspending the rules and passing the Senate bill, S. 276.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and pass the Senate bill, S. 276, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 295, nays 106, not voting 32, as follows:

[Roll No. 467]

YEAS—295

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy
Murtha
Napolitano
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—106

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Boozman
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Carter
Chabot
Chocola
Coble
Conaway
Cubin
Davis, Jo Ann
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Green (WI)
Gutknecht
Hall
Hayworth
Hensarling
Herger
Hostettler
Inglis (SC)
Issa
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
LaHood
LaTourette
Lewis (KY)
Mack
Marchant
McCaul (TX)
McCotter
McHenry
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Poe
Price (GA)
Putnam
Rehberg
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherwood
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—32

Beauprez
Camp
DeFazio
Dingell
Engel
Fattah
Fortenberry
Fossella
Gallegly
Gilchrest
Hart
Hinojosa
Hoekstra
Hooley
Jindal
Jones (OH)
Maloney
McHugh
McNulty
Meeks (NY)
Melancon

Moran (VA)
Nadler
Nussle
Owens
Radanovich
Serrano
Strickland
Towns
Velázquez
Walsh
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLINE) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1921

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE SUPPLEMENTAL REPORT ON H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have permission to file a supplemental report on the bill, H.R. 3132, the Children's Safety Act of 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2567.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3132

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3132.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 64

Mr. FEENEY. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 64, a bill originally introduced by Representative Cox of California, for purposes of adding cosponsors and requesting reprinting pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 13, 2005, at 9:45 a.m.: That the Senate passed without amendment H.R. 3669.

Appointments:

Canada-United States Interparliamentary Group

Advisory Committee on Student Financial Assistance

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

FOCUSING ON THE CHILDREN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I know we will not forget, but I believe that as we make our way through confronting and addressing the pain of those who survived Hurricane Katrina, we should know all of the facts. Coming from Houston, let me say that one of the glaring tragedies that we will face are the large numbers of children that will be traumatically impacted by this disaster. In addition, we know that 300,000 to 400,000 of those children will remain homeless, and there are still lost children in Houston at the George R. Brown Convention Center and the Astrodome.

This week I will be convening advocates for children from around the Nation to sit down and craft a strategy that can address these large numbers of children, not only today in their lives but long-term. These victims will be with us for a long time. We are grateful for the generosity of Americans; but even in their hope and their optimism, we must confront the long-term solutions to bring about a better quality of life and for them, the joy of life.

Let us focus on the children. I welcome the thoughts of Americans and those who advocate for children to craft an agenda, a long-term strategy to help the children of the terrible Hurricane Katrina and terrible tragedy that has occurred for them and their families.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MASTER SERGEANT ROY BENAVIDES, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Master Sergeant Roy Benavides was born in south Texas on a ranch on August 5, 1935. He was a sharecropper's son, and he barely knew his parents. He was orphaned when he was young, and he and his brother went to live with an uncle in El Campo, Texas.

Roy was a quiet kid and spent most of his time in the sugar cane and cotton fields of south Texas working. He only finished the eighth grade, and his classmates made fun of him because of the way he talked. He joined the Army at the age of 19 and became an Army of One. On his first combat tour in Vietnam, he stepped on a land mine. Doctors were not sure he would be able to keep his leg, but he recovered and went on to become one of those legendary Green Berets.

During his second tour in Vietnam, in the early morning hours of May 2, 1968, Roy Benavides was monitoring a radio, listening to a 12-man unit on patrol. Three Green Berets and nine Montagnard tribesmen were dropped off into the dark, dense jungle west of Lok Nenh, Vietnam. The jungle they were dropped in was infested with the substantial force of the well-trained North Vietnamese Army. As quickly as they disembarked the Army helicopter, the American unit was surrounded by a large force of Vietnamese regulars. It was immediately clear to them that the mission had been given incorrect intelligence on the strength of the enemy. Three helicopters were ordered to evacuate the overrun and overwhelmed American troops. Due to intense enemy fire, the choppers could not rescue those Americans.

☐ 1930

All the while, Sergeant Benavides was monitoring the operation by radio. When Roy heard one of his soldiers scream, "Get us out of here," he jumped onto another helicopter and volunteered for a second evacuation attempt. When he arrived under fire at the shocking scene, four Americans were already dead; eight others were wounded and unable to move.

Carrying a knife and a medic bag, Benavides left from the helicopter that was hovering 10 feet above the ground. He ran 70 yards under small arms fire to his injured and crippled troopers. Before he could get to them, he was shot in the leg, the face and the head, but he took charge and kept moving.

He tended to the injured. He threw out smoke canisters to facilitate the landing of helicopters and dragged the injured and dead aboard. Dodging bullets from the enemy, he ran in to find the dead team leader to recover his body and the classified documents he had on him.

It was in this attempt where he was severely wounded again. He succeeded in getting the classified documents, but he was shot in the stomach and grenade fragments blasted into his back. At the same time, the hovering helicopter pilot was fatally wounded, and the helicopter crashed.

Even wounded, Sergeant Benavides helped the other wounded escape from the burning wreckage. He called in air strikes with the hope of suppressing the enemy and allowing for a third evacuation.

In critical condition, he supplied water and ammunition to his wounded troopers. His unconquerable spirit kept him going, and he inspired the wounded to stay strong and fight. And they did, for 6 more hours against vicious enemy fire.

When another helicopter eventually landed, he assisted in loading the wounded. On the second trip to this copter, he was bayoneted and received additional wounds in his head and arms. He was out of ammo. Master Sergeant Benavides had to fight assailants with his bare hands.

He finished the job of loading his buddies and killed two more enemy soldiers who were attempting to rush the aircraft. After grabbing the last remaining classified documents, Master Sergeant Benavides allowed himself on the helicopter where he collapsed, and those abroad presumed him to be dead.

He risked his life for hours, and because of his courage and refusal to be stopped, he succeeded in saving the lives of eight of his troopers.

Keeping with the American military tradition, he left no one behind on the battlefield. On the return flight back to the base, Benavides' body was lifeless. He was unable to speak; and when unloaded from the helicopter, Army doctors presumed him to be dead.

As they placed him into a body bag, Benavides did the only thing he could to prove he was not dead, he spit blood in the face of the doctor. He was then rushed to surgery and began to recover from seven gunshot wounds, 28 shrapnel wounds and bayonet wounds.

Master Sergeant Roy Benavides was a true hero and a proud American. His fearless leadership, courage and devotion to duty and America earned him the Congressional Medal of Honor. He acted above and beyond the call of duty.

His courage has been described as superhuman. When speaking about Master Sergeant Benavides, Ronald Reagan once said, "If his heroism were a movie script, you just would not believe it".

But he did not regard himself as someone special. He once said, the real heroes are the ones that gave their lives for America. I do not like being called a hero. I did just what I was trained to do.

He remained in the Army until 1976, and he spent the rest of his life counseling troubled Hispanic children and speaking to schools and youth groups. He is an example to all.

In 1998, on his deathbed, he proclaimed, "I am proud to be an American." And he still had two pieces of shrapnel in his heart.

So as we acknowledge, Mr. Speaker, the beginning of Hispanic Heritage Month, we are thankful to the Hispanic American heroes like Master Sergeant Roy Benavides.

There were over 10,000 Hispanics killed in Vietnam, 20 percent of the casualties in Vietnam? And as our brave men and women continue to fight overseas in places like Iraq and Afghanistan, we can be sure that American Hispanics will continue to serve this Nation and fulfill the motto of General Douglas McArthur of duty, honor and country.

WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today to thank my colleagues who just moments ago voted in support and helped pass the Wind Cave National Park Boundary Revision Act of 2005.

Wind Cave National Park is one of our Nation's oldest national parks and one of the jewels of our National Park system. Established over 100 years ago, Wind Cave was the first cave in the world to be set aside as a national park.

At the turn of the 20th century, its first explorers reported that the cave was only 3 miles long. Well, that report was a little off. Today, we know that the cave has over 117 miles of mapped tunnels; and explorers are still discovering new passages. This makes it the fifth largest cave in the world.

These passages contain many natural treasures, rare and exceptional displays of boxwork, a honeycomb-shaped formation that protrudes from the cave's ceilings and walls, as well as other rare cave formations and a geology that scientists are still working to understand. Past Congresses have recognized the value of these treasures by creating the park. Our ability to enjoy them today is a testament to their foresight.

With over 28,000 acres today, the park surface is an impressive asset as well. The Wind Cave National Park Boundary Revision Act will help expand this stewardship to include an additional 5,000 acres of mixed grass prairie, ponderosa pine forest and a dramatic river canyon.

Home to native wildlife such as bison, elk, pronghorn, mule deer, coyotes and prairie dogs, the park is one of the few remaining mixed grass ecosystems in the country. The expansion would be a natural extension of this habitat and enhance the park's holdings.

This project began when the ranching family that owns the land approached the National Park Service over 3 years ago. The Black Hills region of South Dakota is developing rapidly, and rather than allow the land to be developed into subdivisions and strip malls, they envisioned preserving it for future generations. That initial discussion expanded to the surrounding community, State government and, eventually, the United States Congress. The Bill's approval in the Senate and its passage here today are the fruits of those discussions.

In addition to receiving support in the House of Representatives from my two predecessors and myself, this bill has enjoyed the bipartisan backing of South Dakota's Senators and South Dakota Governor Mike Rounds. As the expansion project has proceeded, interested parties have weighed in with their concerns, and they have been answered.

Wind Cave National Park has protected and preserved a national treasure for over 100 years. The Wind Cave National Park Boundary Revision Act is an important step toward expanding the park and enhancing its value to the public so that visitors can enjoy it forever.

I would like to extend my gratitude again to my many colleagues who voted for this legislation, and I look forward to moving the proposed expansion forward in the future.

HURRICANE KATRINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, my heart goes out to those affected by the tragic events of Hurricane Katrina. This disaster has presented challenges we could not imagine only a few weeks ago.

A major American city needs to be rebuilt and hundreds of thousands of Americans need to find new homes and jobs. While this is a massive undertaking, this does present a unique opportunity. I happen to think that we should always look for a silver lining in any tragedy that we come across.

We can build a better, stronger New Orleans without losing the character and charm that made the city so great and alive, a New Orleans that can serve as a model for other communities throughout the country. We can build a housing infrastructure that can help end the awful poverty cycle that entraps too many Americans.

The rebuilding of this greet city will provide jobs to people who desperately need them. However, the administration has already adopted policies that will hurt those that need our help the most. The administration has suspended the law requiring Federal contractors to pay employees prevailing wages.

By suspending the Davis-Bacon Act, the President is shortchanging newly unemployed Americans who are looking to rebuild their lives. Meanwhile, Government contractors can take advantage of cheap labor and drive up profits.

The prevailing wage for construction in the gulf region was among the lowest in the Nation before Katrina. Without Davis-Bacon enforcement, residents of the gulf region will be working for less than a living wage.

Paying working families less per hour saves taxpayers nothing. All the money earned from shortchanging workers goes into the profit margins of Government contractors.

The people who are affected by Katrina deserve the same competitive wage protections as every other American worker. These people are willing to work hard to rebuild their beloved cities and their lives, and it is an insult to pay them a substandard wage.

The rebuilding of our gulf coast has the potential to be the greatest economic development project of our time. We can create 21st century transportation, housing, communications and energy infrastructures for the region. Some might remember during the Depression when we had the WPA work program.

The people of New Orleans want to work. The people of New Orleans want to put their lives back together. Let us give them their pride. Let us at least give them a wage that they can live with.

The rebuilding of the gulf coast should create economic opportunities for its residents, not an opportunity to take advantage of people desperate to rebuild their lives.

Mr. Speaker, we have already put the interests of Government contractors before those of the people of Iraq. It would be a travesty to do the same for the people of New Orleans.

SMART SECURITY AND THE FREEDOM MARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, as we all know, Sunday marked 4 years since the painful terrorist attacks that killed 3,000 Americans at the World Trade Center, the Pentagon, and a field in rural Pennsylvania. Sunday was a day for solemn reflection and remembrance, but our Government, specifically the Department of Defense, threw a propaganda party instead.

Sunday's so-called Americans Support Your Freedom Walk included a pro-war speech by Defense Secretary Donald Rumsfeld and a concert on the National Mall by Clint Black, whose lyrics implicitly accuse war protesters of standing with Saddam.

Sunday was supposedly about honoring our troops. The problems is, Mr. Speaker, most of our currently deployed troops are on a mission that has nothing to do with 9/11. It has long been established that there was no connection between Saddam Hussein's Iraq and the murderous plot executed by al-Qaeda 4 years ago.

Ironically, Sunday's march, which was supposedly about celebrating freedom, took place in the most tightly controlled circumstances imaginable. March participants were required to pre-register. Tall fencing encased the marchers throughout. The media was kept at bay. Helicopters flew overhead. The Park Police issued a public threat that they would arrest anyone who joined without the proper credentials. And what were those credentials? Enrolling 2 days in advance to be checked out to ensure that participants were what? Pro Bush? Pro war? Pro propaganda? Pro continuing the lies of 9/11 linking to Saddam Hussein? And, for good measure, a Pentagon spokeswoman declared that protesting the march would be the equivalent of protesting our veterans.

Mr. Speaker, this was nothing more than mere propaganda, a transparent attempt to shore up the President's dwindling poll numbers, especially his poor marks on Iraq.

For the umpteenth time, they are trying to use the national unity inspired by 9/11 to justify a divisive, controversial and immoral war in Iraq, a war that has cost us nearly 2,000 American lives, thousands of severely wounded veterans, and thousands upon thousands of Iraqi civilians killed and maimed.

If we want to support the troops, the best thing we can do, the only thing we can do, is to bring them home, out of Iraq, where their very presence is animating the insurgency and giving rise to more intense anti-Americanism than ever.

For some time now, I have been calling for hearings on Iraq. But having received no satisfactory response, I am convening my very own hearing scheduled for this Thursday, September the 15th, from 10 to 1 p.m. in Room 122 of the Cannon Office Building.

We will hear from respected Middle East experts and military leaders about how we might achieve military disengagement while still playing a constructive role in the rebuilding of Iraq. We hope to break the silence on Capitol Hill, help fill the policy vacuum and spark a broader public debate about our policy options in Iraq.

Bringing the troops home, Mr. Speaker, and ending this occupation should be the beginning, not the end of a complete reassessment of our national security priority. National security means more than the use of military force which, as we have seen in Iraq, can have the appearance of strength but can undermine our national security rather than enhance it.

To that end, I propose a new approach. It is called SMART security, which stands for a Sensible Multilateral American Response to Terrorism. SMART is based on the belief that war should be an absolute last resort, to be undertaken only under the most extreme circumstances.

But that does not mean that SMART is not serious and smart about protecting America. It is vigilant about fighting terrorism and weapons of mass destruction, but it does so with stronger multilateral alliances, improved intelligence capabilities, vigorous inspection regimes and aggressive diplomacy.

☐ 1945

SMART would reshuffle our national security budget. No more billions thrown at outdated Cold War weapons programs. That money would instead be invested in energy independence and other efforts that are truly relevant to the modern security threats that we face. SMART Security protects America by relying on the very best of American values, our capacity for global leadership, our dedication to peace and freedom, and our compassion for the people of the world.

TEXAS RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to take this opportunity to again update my colleagues on the effort of Houston's and Texas' response to Hurricane Katrina evacuee relief efforts.

From attending daily morning emergency operations meetings in Houston, I can bring a firsthand account of our progress. The city of Houston, which has a Democratic mayor, Bill White, and a Republican county judge, Robert Eckels, has produced an amazingly successful relief effort, hand in hand without partisanship or jurisdictional bickering.

I have always held Texas politics up as an example of the principle that puts people first and politics second. While we have not always upheld that principle recently, our response to Hurricane Katrina shows the best in Texas government, a single-minded focus on getting things done.

The Harris County Housing Department at Reliant Astrodome Complex has been doing an incredible job of moving evacuees out of cramped, uncomfortable shelters and into secure, medium-term housing situations. The Harris County Hospital District, our public hospital district, created a clinic almost overnight to treat our guests from the storm.

The University of Texas Health Science Center has also been a key asset at the George R. Brown Convention Center, where they are providing on-the-ground health care support to evacuees with all varieties of health care conditions, from children to the elderly to the disabled.

We have had our problems too. FEMA's communications capability has been slow. We have not been able to process people over the Internet or over the phone as fast as we would like. Faster FEMA registration is not just a matter of convenience. The faster we can register people for assistance, the faster we can get them out of that shelter which reduces the threat to public health from infectious disease.

Housing right now is our number one concern. We have over 40,000 evacuee residents already in hotels and motels in the Houston area. We have moved 228 families into housing over this past weekend while I was in Houston. As a result of our efforts in Houston, the numbers of evacuees at shelters are going down dramatically, which is good. Sharing a cot on the Astrodome floor with your family is not what I would call a long-term solution. It is very short term.

However, FEMA's reimbursement certainty is also necessary for housing. The city and the county have been trying to get a master hotel contract with FEMA to speed the payment. We do not have the financial reserves to pay hotel bills for tens of thousands of people indefinitely. We understand that this situation is unprecedented, but we cannot let red tape hold up the need of the folks that are there.

I am glad that FEMA now says the public assistance to Houston is expected to start flowing soon, within the next 1 or 2 weeks. Our reserves are running thin and help cannot come soon enough.

Texas generosity has been displayed from the businesses to individuals, but our local tax base cannot absorb the additional 400,000 people in the State or the 200,000 people in the Houston area. Red tape must be eliminated. Houston is still waiting on reimbursement from expenses from Tropical Storm Allison, which hit Houston over 4 years ago. We will be watching and calling and meeting with FEMA representatives repeatedly over the next 2 weeks on these reimbursement issues.

We cannot afford to wait until 2009 to be reimbursed for the sheltering, housing, transportation, feeding, clothing, and medical expenses of tens of thousands of these evacuees. This situation is unprecedented since the Civil War, which is the last time we had such a large number of out-of-state evacuees.

Our laws and regulations very well may need to change to adapt to our new situation, and they should. The next mass dislocation like this could very well be the next hurricane that could hit Houston or a terrorist attack that could hit any city in our country. That is why Medicaid legislation that I had introduced gives the executive branch the authority to fully reimburse the State's Medicaid share it would otherwise have to pay for out-of-state evacuees.

For every evacuee, that is a resident of Texas who cannot afford to be put on Medicaid now, who must survive without health coverage. That is not acceptable. This is a national disaster and a national public health emergency, so the Federal Government should bear the responsibility.

On the plus side, I am pleased to see the announcement by Secretary Leavitt freeing up funding for the four new federally qualified health centers that were scheduled to receive funding in December. While this funding will be a big help, it does mean that we will have to serve more people for a longer period of time than expected. HHS should have the ability to reimburse federally qualified health clinics' costs for serving the uninsured evacuees.

In addition to housing and medical care, childhood education is also a concern. Our local schools have taken thousands of students impacted by Hurricane Katrina, seven school districts that provide education in my own congressional district of Houston. They have taken over 5,000 students in the last week, and we see more students coming every day.

Even though our schools are already at capacity, we are meeting the challenge of educating the children in the gulf coast impacted by Hurricane Katrina. Estimates by the State show this may cost Texas over $450 million to serve the children that have come to Texas. Currently, FEMA will offer some assistance for these costs, and the Department of Education is unsure of what assistance they can grant. This issue is calling out for a solution by Congress, and we must step up.

Mr. Speaker, I cannot say enough about the efforts of our Mayor White and County Judge Eckels in Houston; but more importantly, their leadership has been more than matched by the efforts of government workers and individual volunteers on the ground. As a result, Houston is showing its best side to the Nation. And I am proud to be part of our relief effort, but our effort is unsustainable without Federal financial assistance.

Hurricane Katrina has devastated Mississippi, Louisiana, and Alabama. The ability of our local governments to provide vital services is now at risk of devastation as well. We need Federal help in this natural and national disaster.

ANNOUNCING THE AMERICAN PARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the clean-up efforts along the gulf coast are now fully under way. The flood waters of New Orleans are receding, and we are shifting our focus from saving lives to restoring lives.

In the past 2 weeks, Congress has allocated a little over $60 billion in disaster relief. It is the right thing to do; yet some here in Washington have questioned whether it is money well spent. Others even question whether we should rebuild New Orleans at all. And even after witnessing the horrors of Katrina's aftermath, some say they want to proceed with the tax cut for the wealthiest 1 percent in this country, all the while cutting Medicaid, educational programs, and environmental programs.

Ironically, many of these are the same individuals who have vocally and unequivocally supported aid and the funding requests for rebuilding Iraq. We should be responsible with the people's tax dollars; but we cannot have two set of books, two sets of priorities, one for the United States and for Iraq.

Here is what we need to do to begin to restore the lives of the people in New Orleans and the rest of the gulf coast:

These Americans need health care, housing, education, clean water. And yet what is the President's budget for this year? A $60 billion cut in Medicaid, a $4.3 billion cut in educational programs, a $1.6 billion cut to police and firefighters, a $330 million cut to the Army Corps of Engineers, a $450 million cut to the Environmental Protection Agency.

So the very initiatives that we need right now to help New Orleans and the rest of the folks on the gulf coast are the ones that the President's budget sought to cut back dramatically, and in some cases even eliminate entirely.

At the same time they want to do this, we are spending billions of dollars rebuilding Iraq in the very same areas of education, housing, health care. Here is a listing of Iraq reconstruction projects according to USAID: 2,500 schools have been rehabilitated; 32,000 teachers and administrators have been trained; over the next year up to 100,000 additional teachers will receive in-service training; 84 primary and secondary schools have been established as centers of excellence; we are provided universal health care for every

Iraqi; 110 primary health care centers have been renovated; 10 water treatment facilities have been constructed; the Sweet Water Canal System was rebuilt, including the repair of breaches and the levee system; wetlands are being restored; ports are being rebuilt; and the entire transportation program is undergoing a massive renovation and construction program. All the while some are questioning whether we should do this for New Orleans in our backyard.

All the while the President's budget called for cuts in these very areas that we are now spending, appropriately in some cases, for Iraq.

Let me be clear, I am not against spending this money to help restore the people's lives in Iraq. But we have a budget that was passed with opposition from Democrats to cut educational spending, cut Medicaid spending, cut health care spending, cut education spending, environmental cleanup.

In the coming weeks, I plan on introducing a piece of legislation to ensure that every dollar we spend in helping Iraq restore the communities, help restore the lives of the people there we will spend here in the United States, because we need to do that for New Orleans, we need to do that for the rest of America. But we cannot have two priorities, two sets of books, two sets of values, one for Iraq and one for the rest of America. Those are the wrong values.

Mr. Speaker, the American people are the most generous people in the word. We can do both. We can build America and Iraq. And it is important and imperative that as Americans remain the most generous people in the world, that they cannot think that their kids have less of a future than other countries around the world.

We need to ensure that we invest in America, that the roads and the bridges and the health care and the education and the environmental protection that we have on the laws, that we are investing in those areas. If anything, the horrors in the aftermath of Katrina showed us that America needs today to stand as one, to be invested in as one, that those communities need the same assistance. We cannot pass this budget that calls for cutbacks in the Corps of Engineers, cutbacks of $60 billion in health care, cutbacks in community health care, all the while singing our own praises about the 3,200 schools we are building in Iraq, the teachers we are training, the universal health care we are providing.

Again, I will remind you, I am not against providing those. I am against the cuts in areas, in the very areas, that we are advocating and investing in in Iraq, cuts in those areas for America. This is the time when the country looks to its fellow citizens, to the government to ensure that they can both restore communities, restore lives, and rebuild those communities.

We need to invest in that area, and like the rest of America, build in America and make sure America stands strong going into the future. It is high time as we talk about our investment in Iraq, which is now close to $350 billion, that that investment in Iraq, that we look here at home and say, what do we need to do in the areas of health care, education, schools, environmental protection. Because if we build Iraq, we have got to ensure that America stands strong.

METHAMPHETAMINE CRISIS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, I was privileged to hear British Prime Minister Tony Blair speak in this Chamber some time ago, and one comment he made particularly caught my attention, and this is what he said. He said, "As Britain knows, all predominant power seems for a time invincible but, in fact, it is transitory."

I believe he was referring to the fact that nothing lasts forever, particularly in regards to civilizations; nations eventually decline and they fall. History teaches that most of the world's great powers are not overcome by external force, but rather disintegrate internally. Let us examine three such cases.

First of all, you might hearken back to Rome 2,000 years ago. It ruled the entire civilized world. At that time it appeared to be invincible, and eventually it fell from preeminence; and the reasons that historians give for Rome's fall, and I am abbreviating somewhat, was a general decline in morality, increasing corruption and instability in leadership, and increasing public addiction to ever more violent public spectacles. And all of us, I think, can remember some of the stories about the Roman mob and their insatiable desire to be entertained, an increase in crime and prostitution, a populace that became more self-absorbed, apathetic and unwilling to sacrifice for the common good.

The second case would be that of Great Britain itself, which maybe Tony Blair was referring to.

□ 2000

Certainly, Great Britain has not gone into tremendous decline, but it was once a global power and was certainly the strongest, most predominant nation in the world for a period of 100, 150 years, and of course, that has changed. That empire slowly crumbled during the mid-1800s, and the reasons given for that decline were, A, that they lost national resolve to maintain their territory. It was far flung; and, of course, it was very difficult to maintain all of those colonies. The values that led to ascendency were eventually eroded, and spiritual underpinnings certainly shifted in the country.

A third example would be that of Russia; and, of course, Russia, up until just 20, 25 years ago, was one of the world's two great superpowers. In a matter of months, Russia disintegrated before our very eyes. It was startling how quickly it happened.

Alexander Solzehenitsyn reflected on this fall when he observed, and this is what he said, Over a half century ago, while I was still a child, I recall a number of older people offering the following explanation for the great disasters that had befallen Russia, and he quoted them. He said, Men have forgotten God; that is why all of this has happened.

Marx and Lenin over time had dismantled Russia's religious heritage. Its value system and Russia's foundation, even though it did well for a period of 60, 70 years, was fundamentally flawed. Eventually, Russia collapsed like a house of cards with nothing to sustain it.

There was some common themes on these historical collapses. Number one, the people became less willing to sacrifice for others and for their country; citizens became more self-absorbed; greater desire for the State to provide for them; weakening of commonly-held values; and, generally, a decline in spiritual commitment.

What does all this have to do with the United States and our present situation? We have the most powerful military, the strongest economy, the most stable government of any nation in the world at the present time. It is very easy to think that we are invincible, but I would like to remind those who are watching that, as Tony Blair stated, as Britain knows, all predominant power for a time seems invincible, but, in fact, it is transitory.

The reason I am speaking tonight, Mr. Speaker, is that my experience over a considerable time of working with young people, 36 years in the coaching profession, I witnessed some things that were somewhat disturbing and somewhat concerning. The young men that I worked with were more talented each year; and yet they showed more signs of stress, more personal struggles, less moral clarity. They were more troubled as time went on, and I think some of this struggle can be reflected on the chart that we see here.

What this indicates is the juvenile court caseload from roughly 1960 up until about 2000, and we see the trend line is ever upward, and the caseload went up by 400 percent. Obviously, something was going on with our young people during that period of time.

Some of the things that I witnessed that I think were contributing to this issue was the fact that, number one, there were changes in the family. The family is the basic social unit in our culture. In 1960, the out-of-wedlock birth rate was 5 percent. Today, it hovers at around 33 percent, an increase of 600 percent over those years of roughly 45 years.

In 1960, the great majority of children lived with both of their parents. Today, nearly one-half of our young people grow up without both biological parents. Roughly one-half of our young people have endured some type of significant trauma in their lives early on, and sometimes this leaves some scars that are irreparable.

Only 7 percent of today's families are traditional families, meaning that we have both a father and a mother and one parent or the other, usually the mother but sometimes the father, is at home full-time. In our culture today, ofttimes after 3 p.m. there is nobody home. The traditional family is no longer traditional anymore.

Parents today spend 40 percent less time with their children than they did a generation ago. The divorce rate has increased roughly 300 percent since 1960, and 24 million children live without their biological father. If your father bails out on you, sometimes even before he has even seen you or even knows you, it leaves some scars, and these wounds are difficult to heal; you are always trying to fill that psyche with all the wrong things. Fatherless children are more likely to be abused, more likely to have mental and emotional problems. They are more likely to abuse drugs and alcohol, commit suicide, commit a crime and be promiscuous.

A greeting card company a few years ago had an experiment. It was Mother's Day, and they went to a prison. They said, we will offer a free Mother's Day card for any prisoner who would like to have one and would like to write to his mother. They had just about 100 percent takers. Almost every prisoner got a card and sent it to his mother, and so they were somewhat encouraged by that success. They decided they would try the same thing on Father's Day. The interesting thing was, as they offered those cards, they had not one taker in that whole prison. That indicates the power of fatherlessness and the fact that it is so prevalent and the damage that it does to so many of our young people.

The family certainly in our culture still has some strength, but it is not as stable overall as it was 30, 40 years ago. We have taken these young people with a launching pad, the family has maybe not broken but it is cracked to some degree, and we thrust them into an environment that has changed dramatically over the years.

In 1960, drug abuse was almost unheard of. I remember when I first started coaching I think I had heard of marijuana. I had never known of anyone that had used it. Methamphetamine was something I had never heard of. Cocaine I had never heard of. Heroin was something that was maybe used in Eastern countries, but, again, I had never seen it. Things have changed certainly in our culture.

Alcohol abuse involving underage drinkers has certainly exploded, and there is a developmental aspect to underage drinking that many people in our culture are just beginning to discover. I think I can show you rather graphically here an example of how this works.

This is a brain scan of two 15-year olds. The one on the left is someone who does not use alcohol. The brain scan on the right is a 15-year old binge drinker, someone who drinks regularly at a very young age. They were both sober at the time they were given a math problem to solve; and, as they worked on the problem, a brain scan was taken. You can see here the brain cells that are firing in this brain. You know there is certainly a good deal of cognitive activity that is occurring; and, on the other hand, in the brain of the binge drinker we see a rather graphic difference.

Many of our young people are starting to use alcohol at age 11, 12, 13, 14; and it is a whole different ball game when you start using it at that early age than if you start drinking when you are 21, 22, 23 because of the developmental aspect. This is something that many people in our culture do not realize. Many high school dropouts, many people who are doing very poorly in school, very poor academic performance are related in many ways to underage drinking and alcohol consumption at an early age.

A National Academy of Science study shows that alcohol kills roughly 6½ times more children than all other drugs combined; 6½ times more is due to alcohol abuse. Alcohol and underage drinking costs the United States $53 billion annually. In my home State of Nebraska, that figure is roughly $435 million a year, according to a Pacific Institute study that was done in 2001.

We have roughly 3 million teenage alcoholics in our country today; and, obviously, this is by far our biggest drug problem. The alarming thing that has happened is we have seen a tremendous increase in alcoholism and drinking problems on the part of young women. At one time, most of the drinking problem was centered in young men; and now we find that young women are drinking as much and, in some cases, even more than young men.

We also find that young people tend to binge drink. They drink to get drunk. They, on the average, will consume twice as much alcohol at a sitting as an adult will. Of course, this leads to all kinds of problems. Twenty percent of our eighth graders drink regularly, and children who drink before age 15, and the average young person who starts to drink does start drinking before age 15, is four times more likely to become an alcoholic than someone who starts using alcohol at age 21. Certainly, early alcohol usage leads directly to marijuana, cocaine, methamphetamine, ecstasy and so on.

The other thing that is of some concern, Mr. Speaker, is the fact that we inundate our young people with alcohol advertising. Our young people see 96 ads promoting alcohol use, ofttimes with young people in the advertising itself, 96 ads for every one that they see that might discourage underage drinking. The predominant attitude in this country is that underage drinking is something that is reasonably acceptable. We have not done a good job of advertising and trying to alleviate this problem.

Hundreds of millions of dollars are spent to fight drug production in Afghanistan, in Colombia, around the world; and a fraction of that money that would be spent on underage drinking would be much more cost-effective because we spend very, very little in that regard.

We have got a bill here in Congress called the Stop Underage Drinking Act, which we think will be very helpful. It would provide $51 million on a national advertising campaign, much like we have used to try to curb tobacco use on the part of young people. We think this would be very helpful.

Anyway, we have obviously got a problem with underage drinking, and the next issue is something I would like to visit about a little bit, and that is a problem that is threatening to overcome and overwhelm our country.

In 1990, these two red States, Texas and California, each had 20 meth labs. All the rest of the States did not have that many. Methamphetamine was a problem primarily in Texas and California in 1990. Then we see the change that begins to occur. By 1998, in 8 years, we see that about 50 percent, or a little bit more of the country, was now subject to a great many methamphetamine labs. Certainly, meth labs are not only the indicator. Because maybe 80 percent, 70 percent of meth that comes into our country comes from superlabs, mostly from down in Mexico, but the existence of these labs shows the scope and the influence of methamphetamine.

More recently, in 2004, we now see that almost every State, with the exception of just a few States in the Northeast, had at least 20 meth labs or more. Some of these, for instance, Missouri, I believe, had something like

2,700 meth labs, Iowa had 1,300, Nebraska had 300, Oklahoma had several hundred, and on and on and on.

This has become a very, very powerful, very addictive drug that is really affecting our whole population but particularly our young people.

This series of pictures here shows rather graphically the influence of methamphetamine. This was a young woman who was first arrested, and her family gave these pictures to authorities hoping that they would be shown, and she was arrested every year for a period of 10 years. Here she may have been around 30 years of age, fairly attractive, very young, and you see the changes each successive year. Then it looks like maybe about here she may have begun to inject methamphetamine because you see a rather marked change in her appearance. This is the final picture in the 10th year, and this picture was taken in the morgue. She lasted 10 years, which many people do not.

□ 2015

It is very graphic, but it shows the devastating effect of methamphetamine and what it is doing to our population.

So I present this, Mr. Speaker, by way of simply indicating that there are some things in our culture that are disturbing, some things that we certainly need to address as directly as we can.

One thing we are really concerned about is that the Byrne funding, which helps fight methamphetamine at the local level, has been drastically reduced. We cut it in half this year in the House. This was done primarily because of budget cuts, and this is absolutely something that cannot be ignored. This problem must be addressed, and we are hoping that that funding might be restored as we go to conference with the Senate, because they have included many of these funds.

We also find that the United States is a very violent Nation, currently the most violent Nation in the world for young people. We have the highest homicide rate, the highest teen suicide rate, and the most assaults. So rather a difficult, discouraging picture as far as some of our young people.

Also, pornography has exploded. I remember Senator Jim Exon from Nebraska, when the Internet was first coming into its prominence, began to think about the fact that pornography could be a major problem on the Internet; and he introduced legislation in the Senate to try to control the effect of pornography on the Internet. I remember some people laughed at his efforts. Some people made fun of him at the time. But he obviously was ahead of his time, because at the present time there are over 1 million porn sites on the Internet. Not 100,000, not 1,000, but 1 million. So nine out of 10 children ages 9 to 16 have viewed pornography on the Internet, and most of this viewing has been unintentional. They have simply run into it. This was according to a study done by the London School of Economics in January of 2002.

Some of our leading corporations, such as AT&T, have been involved in the marketing of hard-core pornography. At one time AT&T was kind of the gold standard as far as our corporate clients were concerned. I am not sure they are still doing this, but there was a time where they actually were doing some marketing of this type of pornography.

Search words on the Internet, such as Barbie, Disney, ESPN, and even at one time my name, if a young person was going to do a research article on his Congressman and looked up my name, it brought up a porn site. So this shows the pernicious effect and the somewhat deviant attitude of some people in that business, because these are all search words that are very innocent, and a young person would have no way of knowing when they type those words in that they would see something of a hard-core pornographic nature.

A poll in 2004 found that 82 percent of adult Americans surveyed said that the Federal laws against Internet obscenity should be vigorously enforced. And I think most Americans would agree they are really concerned about what is happening. There are some safeguards; but they are very, very difficult sometimes to implement.

Video games have certainly been a problem as well. Eight- to 18-year-old young people average 40 minutes per day playing video games; and of course some of these video games, not all of them, some are very good and some are wholesome, but they have become increasingly more violent. Some teach stalking and killing of victims similar to military training video games. In one, Grand Theft Auto San Andreas, a person who does a particularly good job of shooting people is rewarded by pornography.

Now, fortunately, some stores voluntarily began to pull this off the shelves, but the rating system that is currently used by the video games is so flawed that a parent has almost no way of knowing when they purchase that game exactly what they are getting for their young person. And many parents, unfortunately, do not sit there and watch exactly what is going on in those games, because embedded in them sometimes is some very pernicious material.

Some of the music, some television, many movies are very graphic; and certainly that content would have been impossible to present 20 or 30 years ago in our country. It simply would not have been tolerated. So I am concerned because I have some grandchildren ages 6 through 12, and many people I think are concerned about their children.

So, number one, the family has certainly changed. It is less stable. The environment is more hostile that we thrust these young people into. And, third, the value system in our country seems to have shifted.

Many people are aware of Stephen Covey's book "The 7 Habits of Highly Successful People." In the early parts of that book, he did a survey of the literature that had to do with success, since he was writing a book about success. He surveyed all the literature in the history of our Nation that had to do with success, and what he found was something that was rather interesting. He said during the first 150-odd years of our Nation's history success was defined primarily in terms of character traits. A successful person was honest. A successful person was trustworthy. A successful person was hard working. A successful person was generous, and on and on and on.

Then he said about 50 or 60 years ago a definite shift began to appear in the literature, and success was no longer defined in terms of character traits, but success began to be defined primarily in terms of financial acumen. If you had a lot of wealth, you were considered successful. If you had celebrity and people wanted to be around you and wanted your autograph, you were successful. If you had power, you were successful. So you may not have had very good character; but if you had those other things, you were defined as being successful.

So there was a definite shift in terms of what we saw as being valued in terms of our value system. So it is no wonder that young people are somewhat confused as they encounter all of these things that are facing them.

We have also certainly in our culture seen a breakdown of integrity in the business community to some degree; in athletics; even some people in the press have not behaved well; in the church; in politics. In all segments of our society there are those who have not behaved in ways that are very admirable. So the predominant world view today, and certainly that on the college campus, is something called post-modernism.

Now, post-modernism basically adheres to the idea that there are no moral absolutes. There is no absolute truth. And therefore what is true for you may not be true for me, or may not be true for somebody else. So we kind of define our own sense of right or wrong. So adultery, murder, even child abuse may not be absolutely wrong. There may be circumstances where this can be approved and understood. The only absolute wrong according to post-modernism is if you declare that something is absolutely wrong, then I guess that would be absolutely wrong, because there are no moral absolutes.

So in view of the family breakdown, a decline of the culture and shifting of values, it is an extremely difficult time for our children. We are asking them to weave their way through a mine field littered with alcohol, drug abuse, harmful video games, some music, television and movies that are not very wholesome, promiscuity, gangs, violent behavior, and broken homes. And we are asking most of them to weave their way through with less parental guidance and an ever-shifting value system.

So I have been rather hard, I guess, on some aspects of our culture; yet I do not want to leave this without talking about some of the things that we might begin to be proud of as well. D'Toqueville, the Frenchman who came here and examined our culture about a century ago, said this: "America is great because America is good." And we have seen some of that with Hurricane Katrina. We have seen an outpouring. We saw it when the Twin Towers came down. We have seen it with the tsunami. So we still are a generous, caring people. There are many great things about America, but there are some things we certainly need to look at.

So D'Toqueville wrote this 200 years ago, and I guess the question is, are his observations still true today. I think to some degree they are, but there are still some disturbing signs of change, and those are the things I have tried to enumerate.

So the question is, what can be done? We do have some difficult situations, particularly involving our young people; and so one thing that appears to me to work very well is mentoring, which is something I have been really interested in, my wife and I both. Basically, mentoring is simply providing an adult who, number one, cares in the life of a young person.

I will tell you a quick story. We had a mentor in Omaha, Nebraska, who had a young man who was his mentee. And the young man, who was 14 at the time, had a cerebral hemorrhage and was partially paralyzed. At that time, I think many mentors would have said, well, I probably need to find another mentee because the young man was not able to go to school, was not able to speak very well, and could not move around. But what this mentor did was he stayed with that young man. He even drove him daily, for a period of time, 60 miles to get rehabilitation. And, basically, through the efforts of that mentor, this young man today is going to school and will graduate from school and is doing well.

So a mentor is someone who cares and someone who cares in a way that is consistent. There is a commitment there that goes beyond a warm and fuzzy feeling.

The second thing that a mentor does is a mentor affirms a young person. As a coach, I saw that so clearly. If you told a young person that you were not sure he could play for you, that you were not sure he had a future, it would not be long before he would begin to play down to that expectation and often would not stay with it. On the other hand, if you told him you believed in him, you thought he was going to be a great player, that he had a future, ofttimes he would grow into that which he did not even know he was capable of becoming.

I remember in 1994, we had a great quarterback named Tommy Fraser who went down with an injury. And the young man who was number two on the depth chart, was from a small school in western Kansas. He had athletic talent. He had not had great success on his football team in high school. His team had not done all that well. They had been okay. And all of a sudden he was going to be thrust into this situation. I remember we told him, Brook, we believe in you. We think you will be a great player. Brook grew before our very eyes and took us to an undefeated season.

So affirmation is critical, and it is something that a mentor can provide. Because so many young people in our culture today simply do not have anyone who says to them on a regular basis, you know, way to go, I believe in you, or I know you can do this, or you can do it. So affirmation is critical.

The last thing I think a mentor does, and of course there are many things they can do, but one thing that is important is to provide a vision. So many of our young people today have really not witnessed somebody in their immediate vicinity or in their immediate life who gets up and maybe goes to work every day, or someone who has graduated from high school, and certainly not one who has gone to college.

I will tell you a story about a young man who lived out in western Nebraska about 1895, and this young guy was the son of a Civil War veteran. The Civil War veteran had a drinking problem, and he had four children. He had a very little homestead, and the future did not look very good. There was a traveling preacher out there that got hold of this young guy and saw something in him that he liked, and he began to affirm him and he began to say, you know, I think you could go to college.

Now, the odds of that young man going to college were probably one in a thousand from that circumstance at that particular time in history. And on top of that, he said, I think you could be a great preacher. He said I think you have a real future. So lo and behold, this young guy began to believe it and began to accept that vision, and he got on a train and went about 300 miles and went to college and played football and became a preacher, and a very distinguished preacher.

Now, the reason that that was so interesting was that that guy, that person who mentored him, who began to provide that vision made a huge difference in that person's life, and that person was my grandfather. I am sure that my life is different today because of the influence of that itinerant preacher on my grandfather. So mentoring has a ripple effect. It affects one generation and then the next generation and the next. So there is an eternal quality about investing in the life of another person.

□ 2030

Mentoring does work. It reduces dropout rates, drug and alcohol abuse, teenage pregnancy, violence, absenteeism from school; and it improves graduation rates and also improves relationships between peers and the relationship between the mentored child and parents. So it is a win-win situation.

Congress has provided $184 million over the past 5 years for mentoring of young people which has reached hundreds of thousands of young people around the country. This is a good thing, and we think this is something that is certainly appropriate for Congress to do. But, right now, we have roughly 18 million children in our country who badly need a mentor; and yet we have only about 2 to 2.5 million actually being mentored. So only one out of nine children who needs a mentor has one.

We feel America is great, America is good, but we have so many retired people, so many people who could spare one or two hours a week to make a difference in the life of a young person. We really need to grasp hold of this idea of mentoring.

In addition to mentoring, something that can be done certainly is legislation. I think that the Congress, particularly this House, in many cases has attempted to address some of the ills that are befalling our young people. Certainly some of the problems that we are seeing with gambling on the Internet is something that this House has attempted to deal with, with very limited success.

A piece of legislation that I have been involved with with the gentleman from California (Mr. BACA), the Software Accuracy and Fraud Evaluation Rating Act, or SAFE Rating Act, is an important piece of legislation because it would require the Federal Trade Commission to study the voluntary rating system of the video game system to determine if its practices are unfair or deceptive.

There is no question that video games currently are not being accurately rated and in many cases are very misleading. So we think that this is a piece of legislation that could be addressed and would make a difference.

Another thing that certainly could help our culture at the present time is a fundamental shift in many of the court decisions regarding the first amendment. I do not mean to imply that the first amendment is not important, that the first amendment should not be upheld. but some of the interpretations that have revolved around the first amendment have led our Nation in a direction that may not be the way our Founders originally thought it should go. I will show a chart that depicts some of these court decisions.

We can see in 1997 the Supreme Court ruled that indecent speech is protect by the first amendment and overturned the Communications Decency Act. This was a bill passed by Congress regarding indecent speech, and the Supreme Court basically ruled that indecent speech is protected by the first amendment. This was a fairly important decision.

In 1998, the Supreme Court refused to rule decisively on the Child Online Protection Act, thereby allowing the legislation to remain law while preventing it from taking effect. This particular bill provided protection against obscenity on the Internet, and yet it was never enacted into law because of the Supreme Court ruling.

In 2002, the Supreme Court overturned the Child Pornography Prevention Act, ruling that child pornography must involve minors engaged in sexual activity to meet the legal definition of obscenity to lose first amendment protection. So what this means is if there was a cyber simulation of child pornography, that it was legal. Of course, it is impossible to distinguish if something is done well using electronic means, whether they are using actual children or not. So this was a blow to the people trying to control indecency on the Internet.

And, in 2002, a three-judge Federal court declared the Children Internet Protection Act requirement that all schools and libraries receiving Federal funds use Internet filtering material to protect minors from harmful materials on the Internet unconstitutional. So even in a public funded library children are not necessarily protected from obscenity.

All of these things would lead one to believe that certainly some of the court rules have not been friendly toward our young people, particularly with regard to the issues of pornography.

Some people say pornography is not really a problem because it is harmless, it does not really hurt anybody, and it does not really affect anything. But if Members think about it, we spend billions and billions of dollars on advertising. If that advertising did not change behavior, I am sure that money would not be spent. Advertising absolutely does change behavior. What you see, think and read about changes the way you perceive things and the way you act.

That is true very much also with pornography. As a result, we have a great many women and children in our country who are suffering because of this and because of the fact that we have been either unwilling or unable to control something that we think has been very pernicious in our society.

The other thing that I would like to visit about briefly tonight is the issue of school prayer. I am not somebody that is off the charts in this regard. I certainly do not believe that a teacher should be allowed to proselytize in the classroom. I do not believe that the principal should get on the intercom every morning and lead a prayer, but I would say that the pendulum has swung awfully far.

In 1962, the Supreme Court ruled the following prayer unconstitutional, and this is what the prayer was.

"Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

This is fairly innocuous. It does not seem terribly threatening, and yet I can see where possibly this is something that the court would get involved with, and they did rule this unconstitutional, and that started the ball rolling down the hill.

So it would appear that many of the court rulings have been contrary to the thinking of many of our Founding Fathers. Benjamin Franklin said, "We have been assured, Sir, in the sacred writings that except the Lord build the house, they labor in vain that build it. I firmly believe this. I also believe that without His concurring aid, we shall succeed in the political building no better than the builders of Babel; we shall be divided by our little, partial local interests; our projects will be confounded; and we ourselves shall become a reproach and a byword down to future ages.

"I therefore beg leave to move that, henceforth, prayers imploring the assistance of Heaven and its blessing on our deliberation be held in this assembly every morning before we proceed to business."

Because of Franklin's speech in this Chamber, of course, this Chamber has been built since Franklin, but in the House and in the Congress every morning there are prayers that are held. Yet we are really restricting prayer in so many other arenas.

George Washington said, "The propitious smiles of Heaven can never be expected on a Nation that disregards the internal rules of order and right which Heaven itself has ordained."

David Barton said, "Franklin had warned that 'forgetting God' and imagining that we no longer needed his 'concurring aid' would result in internal disputes that decay the Nation's prestige and reputation, and a diminished national success. Washington had warned that if religious principles were excluded, the Nation's morality and political prosperity would suffer. Yet despite such clear words, in cases beginning in 1962, the court offered rulings which eventually divorced the Nation, its schools and its public affairs from more than three centuries of its heritage; America is now learning experientially what both Washington and Franklin knew to be true; we are suffering in the very areas that they predicted."

Barton's warnings may be somewhat dire, but I do believe there is something to what he says. We certainly have disregarded some of the warnings of the early framers of the Constitution, and we have strayed far afield from what the original intent of those who wrote the Constitution appeared to be.

So despite the fact that the Constitution does not contain a separation of church and State clause, that phrase is not in the Constitution, in 1992 the Supreme Court declared an invocation and benediction at a graduation ceremony unconstitutional. So at a graduation ceremony you could not have an opening prayer or a benediction. Of course, as I said earlier, we begin the legislative day in this House with prayer every day.

The court held that a minute of silence in a school was unconstitutional. This seems a little bit beyond the pale to me that students could not have a minute of silence. They could think about history, they could pray, look out the window, but this was ruled as unconstitutional.

The court also ruled that a student-led prayer at a football game was unconstitutional. This was a prayer that the students had voted to have, and it was led by a student, it was outside the school building, and yet the court said the football players had to be there and the cheerleaders had to be there, and they might hear a prayer that was offensive to them. Therefore, you could not have a prayer. Again, that seems a little bit far afield.

As many of us know, the words "under God" were struck from the Pledge of Allegiance by the Ninth Circuit Court of Appeals, and that was thrown out by the Supreme Court because they said the parent bringing the case had no legal standing. In other words, the father was not the legal guardian of the young woman, the young girl that he was providing in the case. So the court did not rule it out. They did not throw out the ruling by the Ninth Circuit based on its merits but rather because of no legal standing, and I am sure we will see that reintroduced in the court again in some fairly recent date.

The Constitution is increasingly being interpreted as a "living document" and legal decisions increasingly come down based not on what the law states but rather based upon the personal ideology of the jurist. So the philosophical bent of the Supreme Court justices and district court justices determines very largely the course of this Nation in many important areas.

So we are now faced with the confirmation of Judge Roberts, and it is a very serious business. And we have one other vacancy on the Supreme Court, the first time in a long time we have had a situation like this. The direction that the court goes is going to be very important.

I know of nothing personally regarding Judge Roberts that would lead me to believe that he would not try to be a strict constructionist, that he would not try to interpret the Constitution as it is written, and I do not believe he would be a biased person. I am sure there would be those that disagree, but these are critical sometimes, Mr. Speaker, and these decisions will be very important.

So the makeup of the courts and the will of Congress will greatly influence whether we continue to drift further from our heritage or draw closer to those values upon which our Nation was founded. The willingness of Congress to focus on the pernicious influences impacting our children, the willingness of the American people to demand that those profiteering at the expense of our culture and our young people be reined in, will largely shape the future of our Nation.

Terrorism is an ever-present threat, the economy is of concern, and natural disasters like Hurricane Katrina are a tremendous threat to us. However, terrorism, economic distress and natural disasters will not prevail as long as our national character is sound. We are engaged in a cultural and spiritual struggle of huge proportions, and I can only hope that the principles upon which this Nation was founded remain preeminent.

As Congress addresses important issues such as those that I have mentioned, it is critical that we not lose sight of the fact that our Nation's survival is directly linked to the character of our people; and I would urge Congress to think about these things and particularly to try to guard the future for our young people, because the future of this Nation is our young people. If we continue to let some of these pernicious influences that we now see impacting them so greatly continue, it may certainly render us one of those nations that become somewhat like Rome, like Great Britain, and also like we have seen with the Soviet Union. So it is important that we be vigilant.

ENERGY INDEPENDENCE

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I listened to the gentleman from Nebraska (Mr. OSBORNE), and I wish to just add that many times people find their families breaking apart and experience a sense of hopelessness because of the pressures that come to bear.

☐ 2045

It is not that they necessarily have bad character, but, in fact, very bad things happen to them. And in fact, Hurricane Katrina showed us in another way how America's overdependence on imported petroleum leaves our families more economically vulnerable and leaves America strategically more vulnerable to shortages or other market disruptions.

If we look in the past year of 2004, the five major U.S. oil companies, Exxon, British Petroleum, Shell, Chevron, and Conoco, have almost tripled their profits from 2002, taking in over $50 billion more than they did just 2 years before. And guess where those dollars came from? Right out of our pockets, putting greater pressures on family life. In 2005, after months of suspected price gouging, these five major oil companies are on target to pocket over $100 billion more, nearly $40 billion more than Congress has appropriated so far to rebuild the entirety of our devastated Gulf Coast, which has taken generations to build. That is how much money these big companies are making.

According to the September 1 Wall Street Journal article, unleaded gasoline prices surged 36 percent in just 3 days, pushing the wholesale price to 132 percent above 1 year ago. This massive increase occurred despite the fact that in the same 3-day period, the price of crude oil went up just 4.25 percent. Over the past year, crude oil prices have gone up 64 percent. So that means the wholesale price of gasoline jumped nine times as fast as the price of crude in 3 days and is running more than double the increase of crude over the past year; and these companies are gaining a windfall benefit.

According to information provided by the Congressional Research Service, we suffered a gasoline shortage of 13 percent as a result of Hurricane Katrina. But in 2004, according to a Congressional Research study, 2.5 percent of motor fuel usage in our country came from ethanol, a fuel produced here at home. If we had moved to providing 10 percent of our fuel from ethanol, as some States like Minnesota do, we would have been able to replace more than half of this shortfall with ethanol and put the money in the pockets of our own farmers rather than dictators and kings over whom we have almost no control.

As of today, there are about 5 million vehicles on the road that will run on 85 percent ethanol, but most people do not know it, and it is very difficult to find the fuel because these companies do not want to really bring it on line.

We need to change this situation. The 2002 farm bill provided the first-ever energy title as part of a farm bill in American history, promoting the production and usage of ethanol, biodiesel, and other renewable energy sources. But in recent years, instead of moving to aggressively implement these provisions, the Bush administration has consistently proposed reducing funding for these energy programs. And this is after his own energy plan failed to provide a single one of its 103 recommendations directed at programs offered by the U.S. Department of Agriculture. We have agriculture waiting, a lady in waiting, that this administration refuses to see to help America move toward energy independence.

The recently passed energy bill makes additional moves in that direction, but fails to take America in the direction fast enough to counter these massive price increases. Think about it. Oil shortages in the 1970s. Wars in the Middle East in the early 1990s and again now have the supply of oil looming as a prime motivator. Domestic shortages due to national disasters such as Katrina push up gasoline prices to a national average of more than $3 a gallon and local prices as high as $6 a gallon. When will we learn? When will we take control of our own fate?

I have sponsored the Biofuels Energy Independence Act of 2005, H.R. 388, to advance research, development, production, and marketing of biofuels produced from renewable sources like corn, soybeans, cellulose, and other biomass supplies. I want to again urge my colleagues to break America's addiction to imported oil right now by taking advantage of technology that is available today. Literally, we could displace one-third of imported petroleum with these renewable fuels that could be produced inside our borders. All it takes is leadership. Is it not time?

ISSUES AFFECTING AMERICA IN THE AFTERMATH OF HURRICANE KATRINA

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House of Representatives, and we want to thank the Democratic leader for allowing the 30-something Working Group to come to the floor once again to work on issues and talk about issues that are facing Americans in this time after Hurricane Katrina and the devastation that has taken place in the South. Also, issues that are facing everyday working Americans throughout our country that are working 30-somethings and their families. When I mention their families, I am not only talking about 30-somethings as individuals but also their parents and their grandparents and their children and children to be.

Mr. Speaker, this working group, like I stated last week and the week before last, is a group of Members on the Democratic side of the aisle that come together on a weekly basis to talk about the issues that are facing Americans. I want to thank the Democratic leader and the gentleman from Maryland (Mr. HOYER), the Democratic whip; and also the gentleman from New Jersey (Mr. MENENDEZ), chairman of the Democratic Caucus; and the gentleman from South Carolina (Mr. CLYBURN), our vice Chair, for standing steadfast on behalf of those Americans that are in great need at this time. I would also like to thank all of the workers that are working on behalf of the Federal effort to be able to bring about some, hopefully, stability to those that are in the affected area.

Mr. Speaker, I speak from experience because I had an opportunity to travel down to Hancock County this past weekend and also to Gulfport, Mississippi, to speak with some of the residents there about some of their pain and suffering they are continuing to go through. And I know that last week I mentioned that we are in the first 2 minutes of the first quarter of their recovery process, and I will tell the Members what I saw down in Hancock County, which was one of the hardest hit areas.

Everyone knows about New Orleans, that when the storm hit New Orleans, the worst thing that happened to New Orleans was the fact that the levee broke and that those homes were flooded, and a lot of those homes have to be leveled due to the water damage and saltwater damage to those homes. But I had an opportunity to travel down there, Mr. Speaker, and I want to share some of the photos that we were able to take down there of some of the devastation that took place.

Mr. Speaker, this is actually a photo here of the Florida National Guard. I have to take my hat off to those men and women that actually went down to Hancock County, where they had a tidal surge, or storm surge, of 23 feet. We have Colonel Duren who is in between me and the gentleman from Mississippi (Mr. TAYLOR), who is a Member of this House. This is actually the gentleman from Mississippi's (Mr. TAYLOR) home that stood there and was washed away. The storm surge was actually to the top of the trees, and it was almost like a washing machine. Brick homes, wood homes, trailers, what have you, are just leveled and devastated. The gentleman from Mississippi (Mr. TAYLOR) feels that he will recover, but there are a number of stories of his neighbors and his whole neighborhood that was actually washed out.

These are members of the Florida National Guard that were with us, and they have cleared in Hancock County and Mississippi some 65 miles of roads that needed to be cleared to help individuals put themselves back together.

This is also some devastation from the same county that is receiving very little media attention about what happened. Some buildings that have been there since the 1800s have been taken outside by Hurricane Katrina. And as the Members can see, the economy and the way of life in that particular area is going to be forever changed.

Also, we have here a middle school. I am standing there with Colonel Duren of the Florida National Guard once again. Not just because I am from Florida, but I want to thank all of the National Guard troops that are actually down there trying to be a part of the Federal response.

As the Members know, in Florida we have the special emergency response teams that have a lot of experience in the recovery process, helping people bring their lives back to normal. They are working with very little guidance, and I think I am going to make a point a little later on, Mr. Speaker, the reason why we need a commission to look at the whole Katrina experience from the beginning to the end. Some may say that a commission would bring about something similar to the 9/11 Commission with civilians, individuals that once served in this body, past first responders and present first responders, so that we will be able to avoid something like this from happening again.

This is actually a middle school here. The Florida National Guard cleaned about maybe 2 or 3 feet of mud out of this school. This is the library, where the librarian and we also met with the superintendent of schools in this county said that the librarian's goal was to have a million books in this library, and obviously she has been set back; and we will be asking Americans to not only help this school but other schools that are trying to stand up on their own two feet. All of these books were soaked, and obviously the mold and everything has set in here, and these are the setbacks that many of our young people have gone through.

The last picture I want to show here, I know FEMA has received its hard knocks and I commend not only past Director Michael Brown from stepping down from the post of FEMA because this recovery should not be about Michael Brown, it should be about FEMA doing its job, and with the appointment, the temporary appointment, of Mr. Paulson, who was the Miami-Dade County fire director, who went through Hurricane Andrew and a number of other hurricanes, we do know that he does have experience in recovery and also response. With it being very early in hurricane season, and North Carolinians and South Carolinians and Virginians looking at a possible storm hitting them now, it is important to have someone at the helm of FEMA that has some experience in dealing with natural disasters and know what to do when they happen.

This is actually a FEMA trailer here in Hancock County. I am speaking to one of the part-time workers here standing up. These are phones that are there of individuals that are coming in that are making phone calls to receive their initial $2,000 from the Federal Government to be able to assist them with some of the basic needs. Some of these people waited at least 3 hours in the blazing sun in Mississippi. I must say it must have been about 90 degrees here, nothing that we can do anything about because they do not have the facilities to be able to go into. My hat is off to those local workers and FEMA workers.

Actually, this gentleman here in the corner of the picture, he is retired. He worked with the Firestone Rubber Company in west Maryland, I must add, and he has been down there for 8 days, and he is saying that he has been working hard in trying to make a wrong right. And many of these people like him that are working that are retired that have decided to work part time for FEMA, I think we need to take our hats off to.

We have a couple of others. But, Mr. Speaker, I think it is important that we set politics aside and allow leadership to prevail. And in the 30-something Working Group, we are very concerned about politics playing a role in not only this recovery process but being able to get down to the bottom line of what has to happen not only in the future but right now. I would ask the Members and also Americans to take a look at Time magazine talking about poverty; also talking about the issue of race in the South.

I will tell the Members that many of us watched New Orleans residents suffer for 3 days without food, without water. Some went into stores and took what they needed to be able to survive. Some left their homes with only the clothes that are on their backs.

□ 2100

I went to Mississippi, Hancock County, a lot of hard-working people, like the hard-working people of New Orleans; and there was a similar story, Mr. Speaker. I was talking with the mayor of the town, and he told me at the Big K and the Wal-Mart, they stood in front of that Wal-Mart and he told the folks, listen, go in and get what you need. Do not walk out with a DVD or whatever the case may be, but go in and get the things that you need to survive, because that is all they had. There was the threat of the fact that they may run out of food, they may run out of water, they may run out of personal items that they need to be able to survive: and so they did what they had to do. Unfortunately, they had to do that. These are law-abiding individuals, and I know in New Orleans the same thing happened.

So when we look at this situation, we have to look at how we put Americans in the position to go in and do things traditionally that they have not had to do, individuals that woke up every day and went to work, did what they had to do to put food on the table for their families, pay for their children's education. I think it is important. A lot of children and women are affected by this storm. It did not discriminate, and I think that the question that was posed to the President, was there discrimination that played a role in the national response, I think that the future will tell if that is true or if it is not true.

I am one that believes that we can see the best of America right now. The world is watching what we do and how we do it. And regardless of the pigment of the skin of the individuals that were affected by this storm, if everyone is treated equally and as human beings, I think that it will be important for us to prove to the rest of the world, if we are the superpower of the world and we stand as a shining example of democracy, I think it is important that, through our actions and here on this House floor and in the other body and the executive branch, that we play a very strong role in making sure that those individuals that were displaced, evacuees, Americans that are in Utah, that are in my district in Miami, Florida, that are in New England, that are in Maryland, that are here in Washington, DC, in our Capital, that are in Texas, that are in Georgia, that are in the upper part of Mississippi, that we make it so, Mr. Speaker, that they will be able to come back to their homes and they will be able to claim their property and that they will be able to move in and they will be able to take part in this recovery process.

Many of the small businesses that were struggling anyway will not go back into business. We know that the SBA will try to do all they can to provide low-interest loans. We know that individuals of good will and banks have offered dollars as it relates to providing them with loans, and we know that the economy in New Orleans and throughout the Gulf Coast area are going to be suffering for some time.

I had an opportunity also to visit Gulfport, and I can tell my colleagues that I went to go see the port, and to see port containers, Chiquita Bananas, what have you, that are 5 miles down the road that destroyed homes. I am from Miami, Florida, so this is nothing that I am not used to, seeing storm damage. But when you see a storm surge, 23 feet of water, and you see a container sitting between two trees and what is left of a house wall and you wonder how it ended up there, some 4 or 5 miles away, and that is no exaggeration whatsoever; it was like a washing machine and those containers moved on down and they just literally, and the tidal surge cleared those homes and the way of life that individuals are used to seeing.

I think that it is also important that as we look at FEMA, we have to make sure that we have this independent commission. The Democratic leader, and I must say the Democratic leader, and I may just want to say leader, she is a leader just like we have other leaders in this House on the other side of the aisle; I think we should be willing to take on the recommendations of leaders who are in this Congress, and I think we should be able to take on the recommendations of those who have been through this before.

I think that we should ask professionals to come to serve their Federal Government, just like a 9/11 Commission with subpoena powers to be able to ask the tough questions. Because the unfortunate thing that happened in this case as it relates to Hurricane Katrina is that we did have a great deal of loss of life. It may not be what some people said that it would be, but individuals have lost their lives, and we also have individuals that have been injured in this storm that go unsung. We have children who cannot find their parents at this particular time. We have sons and daughters that they are trying to locate, through the media and Internet sites, and volunteers are trying to reunite individuals, family members together.

So I think that it is worth the Federal commitment to the South that we do everything that we can. It goes far beyond our visit. Just by myself going down to Mississippi is not enough just to say I have been there. It is not like visiting Walt Disney World and saying, oh, I did go to Walt Disney World and I have been to Disneyland. That is not what this is about.

It is about us being able to not only go down to the area; and I must say, Mr. Speaker, the gentleman from California (Mr. WAXMAN) and the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Committee on Homeland Security, and others, the ranking member of the Committee on Transportation and Infrastructure has asked for a congressional visit down to the affected area, and I think that is important. I am glad the President is going there. He was down there when I was there. But this Congress has to go down and see exactly what is happening to these individuals in the South.

This Congress that will appropriate the dollars, because the President can only recommend, but this Congress needs to see firsthand the needs of those individuals that are affected. I think not only going to the affected areas, but going to see shelters that are far away from the South where these individuals have been introduced to a new community, and I want to commend those communities who have taken these evacuees, these Americans in with open arms.

But we have to go far beyond putting them in our gymnasiums and in our sports arenas and in our churches. We have to make sure that they have what they had before the storm, that is, a home with a fence, with memories, with family portraits on the wall, and a sense of community. We owe them that. I feel as it relates to the levee, the levee there in New Orleans, the things that should have been in place, that it is important that we make them whole. I think it is important that we look at and we have an independent committee just like the Democratic leader has suggested. And I must say, Mr. Speaker, unfortunately, the Democratic leader said we should come together in a special session and send emergency appropriations to FEMA so that they can have the dollars to deal with the response.

Originally, that response back from, unfortunately, the leadership was, oh, we do not need to do that, and then a day later the President recommended it and said well, yes, it is an idea and jointly we will do that. But I think that time is of the essence and we need to put partisanship aside.

I think also as it relates to the recommendation of Director Michael Brown, obviously he was over his head on this particular issue. I personally went down last Friday and met with the hurricane center director. Michael Brown was in place, he spoke to him the day before the storm, like he spoke with the mayor of New Orleans and others. There were individuals that knew what happened and what was going to happen. So I think it is important that we look at this beyond what we read in the paper. I think it deserves the kind of attention that the 9/11 Commission was able to bring about, for not only the survivors but also the families of the 9/11 tragedy.

So if we do not do that, I think we fall short of allowing Americans not only to know the truth but to be able to have preventive action in place.

The Special Emergency Response Team from Florida is one of the best teams in the Nation with some of the best building codes in the Nation, and we are able to respond. Our National Guard automatically, they know automatically in the way they do business, when the wind drops down to 40 miles per hour, they are moving in. They are moving in before Americans or Floridians have an opportunity to even come out of the house and see what happened. They know they have a security mission; they know they have a recovery mission. This is what we need throughout the Nation. We need a Federal Government that understands that.

I am not here to say that it was totally the Federal Government. I commend the President for taking some level of responsibility for the Federal response being lackluster, at best, because Americans not only were close to starvation, but without water. And if the media can make it there, the Federal Government can make it there. If a paper was not signed or somebody did not call somebody, we knew, those of us who knew, what we had to do when we had to do it. So that is important.

I am glad that my colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), has joined me, who knows quite a bit about hurricanes herself. We served in the State legislature together in Florida and were a part of many of the reforms in Florida after Hurricane Andrew. Now, hopefully, we will be a part of the reforms here in this Congress as we look at the Federal response in the future.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is a pleasure to be here with my colleague once again and an honor to serve with him. I just have to commend the gentleman. I saw him when I was watching my TV coming off the plane yesterday, the gentleman's trip to tour the devastated areas and, particularly Hancock County, which I think the gentleman particularly went to with his Committee on Homeland Security colleagues to highlight that it was not just New Orleans, it was not just the ground zero area of New Orleans.

Ground Zero was actually Hancock County, and the communities there that essentially, it appears, have been forgotten, or at least neglected because they are smaller and the focus does not appear to be on them. So I was so proud of the gentleman to see him doing that. Once again, the gentleman is stepping up for people who need him. This is not, we are not here for a love fest; but it did my heart some good to know that colleagues of mine were going where their help was needed.

Mr. MEEK of Florida. Mr. Speaker, the gentlewoman was also busy making sure that our constituents were able to take advantage of the filing of her bill, and I am a cosponsor of her bipartisan bill, in forcing FEMA to make sure that those homeowners, some 300-plus in south Florida, are able to receive FEMA assistance. Many of those individuals need that assistance; and because they fall under the 800 or 400 threshold of FEMA, they have a discretionary decision to make here in allowing those families, individuals who work every day, pay taxes every day, to be able to take advantage of what the Federal Government provides.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman is right. As we discussed last week when we were putting this bill together, and we are fortunate that we have all 25 members of the Florida delegation as cosponsors, we are working together on this, this is not a partisan issue. We have some homeowners who were looking through the roof of their houses at the sky. The impact on those families in Florida is the same as the impact, without the widespread devastation, that they are feeling in the Gulf Coast States. But we wanted to make sure that Floridians do not get left behind who are suffering in the same way. I appreciate the gentleman's leadership and advice and guidance on helping to put that bill together.

One of the things that I wanted to talk about tonight is where we go from here, which is, I know, the direction that the gentleman from Florida is taking this discussion. There are some good things that have happened, in no small part, I think, due to the things that we have been pointing out over the last 10 or so days. Leader PELOSI has rightly called for an independent commission similar to the 9/11 Commission.

Like the gentleman said, that would not be Members of Congress sitting around and talking to each other; that it would be, and certainly that would be bipartisan and would be balanced and fair, so the American people can have confidence in our emergency preparedness and disaster response system. Because of all of this that has happened in the last 2 weeks, that is what has been shaken the most. We have been building, since September 11 we have been trying to rebuild Americans' confidence in the system, because when you have the Twin Towers knocked down, that was the biggest devastation beyond, obviously, the tragedy of the 3,000 people who died there, was that America's confidence was shaken in our ability to respond to those kinds of disasters.

And it is 4 years in the making, a process that we restore confidence, we restore people's ability to believe that we have some security here. While we may have made improvements on the terrorist and international risk preparedness level, clearly the domestic preparedness level, as the President admitted today, we have a lot of work to do. Because we never can predict Mother Nature, and particularly because of where we live, we have hurricanes approaching our constituents on a regular basis, it is really disturbing.

So I am glad that Under Secretary Brown did the right thing and stepped down. We called for it a year ago with our colleague, the gentleman from Florida (Mr. WEXLER); and, quite honestly, had he done the right thing sooner than that, then perhaps we could have had a prepared expert in place who could have responded much better to the results of Katrina.

Mr. MEEK of Florida. Well, I can tell the gentlewoman that this is very, very important, being able to take these recommendations and move with them. Also, I think it is important that Members of Congress, we can travel overseas and learn from what they are doing and express our feelings to individuals as it relates to counterterrorism issues, as it relates to trade; we can definitely go right here domestically. We have a number of aircraft that are out at Andrews Air Force Base that can move Members down so that they can get firsthand experience in speaking to those Americans.

One may say, well, you do not represent those individuals. Well, I do not represent anyone in Egypt. I do not represent anyone in Europe. I do not represent anyone in other areas where we have interests, whether it be Pakistan, citizens of that country.

□ 2115

But as a Member of the U.S. Congress, I do represent Americans. Even though I have a district, we are here, and we stick our voting card in these machines that are placed behind these chairs here voting on behalf of Americans, and they pay taxes to be able to allow us to do some of the things that we are doing throughout the world.

The least that we can do, Mr. Speaker, in my opinion, the least that we can do on behalf of these Americans, go down now, see it as it is now. Take it from me, from someone that has gone down there and has seen responders, they are going through a transition of law enforcement and first responders.

We have search and rescue that is going on in New Orleans, but much of it is now a transition into recovery, making sure that independent contractors that are traveling from as far down as Canada, United States border, and we do know some of them are well intended and some of them are coming to take advantage of making the victims victims again. And this is the reason why we need to know first hand what is going on.

When New Orleans is clean and when the gulf area is clean, as it relates to some of the debris that is there, that is in place there now, I do not think that it will serve us well if we do not see it in the way that it is now. TV just does not give it justice, in my opinion, to be able to see the sweat literally run down the side of an individual that is waiting in line to be able to receive Federal assistance.

I was there with the gentleman from Mississippi (Mr. TAYLOR), who has been down there and was there all last week, did not come up to Congress because he needed to be able to help his constituents put their lives back together. Rightfully so, he was there for him; and we did what we had to do up here, did the best that we could to make sure that appropriations came down.

But there are a number of individuals that are still suffering, a number of individuals that we have to understand as a Congress how we respond, even when it comes down to individuals that Americans that have poured their hearts out and sent not only contributions to some of the organizations but have taken it upon themselves, with their credit cards and with the gas prices now, I would say credit cards, going and filling their tanks up and driving down, not knowing anyone, but going down there to feed people, to help people, but those individuals, and for diapers and all of those things that have been sent down, being able to understand that we need volunteer coordinators from the beginning to make sure that those supplies are not spoiled or being out in the sun or being in a place where they should not be.

The little, small things like that are important for us to understand as Members of Congress.

And, Mr. Speaker, if this was allowed, because I must share not only with the Members but those of us that are in this Chamber that, you know, as a ranking member of the Oversight Committee on Homeland Security, if I had the authority, I would do it. But, unfortunately, I am in the minority party; and we cannot authorize a congressional visit. The majority party can do that.

And I have said that to my Chair. I said that we have a responsibility to go down there. From what I understand there hasn't been an official congressional CODEL to the gulf States. Our commitment to the South is in judgment right now.

I think there are individuals, Democrats and Republicans and independents alike, and those individuals that are not even registered to vote, that are still putting out the question, where is my Federal Government?

Now I will tell you this. I ran into a young lady that said, where is my Federal Government? And she was, you know, had some water and MREs and all of those things. Yes, I can say, look at your hands, there is your Federal Government, but that is not enough in my opinion.

Here is someone that is looking for a process that we should be well practiced in, natural disasters. And I will tell you that being a member of the Homeland Security Committee, and from what I have seen of the performance of the Department, I think we are pretty well trained up on a terrorist event. But I think that natural disasters are still in the rear view mirror and is considered as an afterthought.

I am not totally prepared to say that it is important that we move FEMA outside of the Department of Homeland Security, and that is the reason why we need this commission. We need this commission to make recommendations to us here in this Congress on what we should do, how we should do it, and in a way that it could happen that will not disrupt the relationship between FEMA and the Department of Homeland Security. So that is the reason why we need it.

I will say to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), and now our good friend, the gentleman from Ohio (Mr. RYAN), is here, that the leader said that we should go into special session immediately or come back from recess early, go into session, give FEMA energy funds. No. Then eventually it was yes, 48 hours later.

Said that Under Secretary Director Michael Brown of FEMA should step down because he is not up to par, being able to carry on, not only the future response but the initial response. Several days pass, back and forth. Okay, they sent him back to Washington. Three days later, he resigned.

She has also asked, even though the leadership has said in both House and Senate, the other body, that we should have a committee of House and Senate Members to look at this and have a press conference, just one side on, you know, Republicans there representing, saying that it is a bipartisan, but no subpoena powers, none of the teeth that we need to get down to the bottom of how can we correct it.

I commend the Democratic leader and the Democratic leadership for saying in both the House and other body that we will not participate in such a committee. Because we need to professionalize that. Even though we are professionals here, we need individuals that understand emergency management and recovery. And so that is what that is about, to be able to make sure.

And you know something, if the leadership says, fine, let us put together a commission, the President says, let us put together a commission, I am all for it. But we are wasting time. Because people are saying, well, you know, the Democrats recommended it, and we cannot do it because they are Democrats.

We are Americans, too. And I believe there are some individuals that are on the other side that believe that we should come together in time of 9/11. I think there is an opportunity for us to be able to show Americans that we can lead in a bipartisan way, and I just do not want us to blow that opportunity.

To the gentleman from Ohio (Mr. RYAN), I am so glad that you have joined us here. The gentlewoman and I are from Florida. I mean, it is like we are talking when we were in the State Senate together, because we were a part of helping Florida being able to advance itself as it relates to recovery.

But thank you for joining us.

Mr. RYAN of Ohio. I appreciate you carrying the load a little bit here while I was away.

One of the issues, and I do not think you have touched upon it just yet, is President Bush's decision to repeal the prevailing wage provisions that are normally intact in which anybody who would be working down in that area, the workers who would be down there getting paid, would get paid the prevailing wage of that area.

President Bush has rescinded that requirement; and so now there is talk of people going down there who will be making wages much, much less than the prevailing wage for Federal Government projects that live in that area.

So, in essence, these people who have been hit by the hurricane, who have been moved out to Baton Rouge or Houston or wherever, who want to go back to that community, go back to New Orleans and work, they are not going to earn the same wage that they would have earned had they been there before Katrina hit. And I just think this is kind of symbolic, or one example of what has been happening.

And you talked about some of the corruption. You talked about some of the contracts. This is absolutely ridiculous to tell these people who are trying to reconstruct their lives that they should not be making the prevailing wage of people who live and work in that community.

And, believe me, the money in the South is not that high of a wage. So it is not going to cripple the Government. This is Federal taxpayer money that is going down there. And what is happening is, in many instances, for the rebuilding effort, and I was having a talk with some of the electrical workers tonight, basically what is happening is the wage is going to be so low it just has to go down to minimum wage.

So you have, say, a union electrician who is going to make $20 to $25 an hour. The union wage may be $25; the prevailing wage may be $20. So they would make $20 on a Federal project. Well, if you eliminate and you rescind that regulation, that worker will make $10 or $15 an hour, maybe no benefits. It can go all of the way down to the minimum wage.

And what is happening now is that workers are looking at coming in from some of these other foreign countries, from Mexico, from some of these other countries. So the contractors who are getting the unbid contracts are going to start hiring foreign workers to come in for the rebuilding process and paying them a little bit above minimum wage, displacing workers who have lost their family who need to go back and rebuild.

Part of the reconstruction effort should be to try to get a little bit of money in the pockets of those people who want to go back and help rebuild the city. I mean, my goodness, that does not seem like too much to ask. I know many Americans feel like that. Even through a tragedy, and you want to go back, you should be working. Here are these people that want to go and actually work that are having their wages cut, and it just seems to me that is very shortsighted. It is, again, another bend in favor of the contractors, who, you know, have a job to do but not at the expense of everybody else.

You know, from the beginning here, and I am sure you have already touched upon all of the appointments of the members of FEMA in the upper echelon of FEMA, all political appointments, and we all understand that that happens, we are not trying to play dumb here. But give the guy an appointment who is not qualified, give him the ambassadorship to a country that has got a lot of beach front property. That is where you go. You do not put him in charge of FEMA. That is criminal what happened here.

You know, again, I do not how far you got in, but I think the main point from the past few weeks and the review of this was the administration saying, how are we supposed to know the levees were going to break? And we find out that last summer FEMA sponsored a simulation called Hurricane Pam, was the name of the simulation, and it brought a Category 4 or Category 5 hurricane up through New Orleans and what would happen.

Well, in July of 2004, the FEMA simulation said the levees would break, there would be flooding, millions of people displaced, and all of the tragedy that we watched on TV over the past couple of weeks was simulated to happen if New Orleans got hit by a Category 4 or Category 5 hurricane. Then for the administration to come out and say how were we supposed to know is so disingenuous.

Then you look at FEMA. It is packed with political hacks, political appointees, an equestrian horse show organizer is supposed to be in charge of the most important emergency management organization in the country. I think it is criminal. I really believe it, and I choose that word specifically.

It is criminal because that shortsighted appointment led to people not getting the kind of treatment, the immediate response that was needed. We have been looking at this for a while now, over the past couple of weeks and have had a chance. You would just think, and I will yield here in a second, your job, what you should expect from your Government is that you pay taxes. And your taxes go, and some get wasted, just like in corporations or anything else. Some of the money gets wasted. But your money goes to FEMA, and you should have an expectation that the Federal Emergency Management Agency should be able to have a person in place that just deals with Hurricanes in the Gulf, because there is a hurricane season every year.

So what happens if a hurricane hits New Orleans? We have hundreds of people employed here who make good money from the taxpayers. You have to meet your responsibility. So I feel like the President's appointments hurt.

I think the unbid contracts are continuing the process. The elimination of the prevailing wage is another slap in the face of those people who have been hurt and want to go back and actually work and earn enough money to rebuild their families and their communities.

I think this is continuing to go down the wrong road. I hope that some of what we are talking about here tonight brings that to light, and hopefully we can try to change it.

Listen, we want to work with the administration. We want these people to get help. That is why we are here. We are not here to demagogue. We are not here to beat up any one side or the other. But they are in charge, and they are not making the necessary changes that need to be made. Our constitutional responsibility, people send us here to do this, is to make sure that we keep those people in power in check. They do not seem to be listening, and they do not seem to be following some basic, I think, business procedures that would otherwise be implemented.

Ms. WASSERMAN SCHULTZ. The gentleman is absolutely right on point.

Your comments remind me of a question that our good friend, Doug Lyons from the South Florida Sun Sentinel, who I spoke to this morning, asked me. He said, he asked me if Michael Brown's resignation was enough. He said, now that we have got a successful, documented professional who will be at least, on an interim basis, running FEMA and making sure that the disaster response to Katrina has an expert in charge, is that enough? You know, can we all breathe a sigh of relief, wipe our hands and go home?

I mean, the answer to that is just so absolutely not. The leader of FEMA is just the tip of the iceberg. I mean, when you ask any expert in emergency preparedness and disaster response if the one leader is the most important chink in the armor, they would of course say, no, it requires planning and preparation and budgeting and foresight and hindsight and a whole combination of expertise and planning that goes into preparedness and response.

□ 2130

So while it certainly was the right thing to do, and we are pleased to see that former Under Secretary Brown now did the right thing and stepped aside, there is so much left to be done. And going forward, while we can talk about what went wrong, we need an independent investigation and an independent commission that will be able to examine objectively so the American people have their confidence restored and that we know we have some competence and some deliberations going on about how we are going to deal with these kind of disasters in the future. We have got to talk about what comes next.

You watch the news every night, and now almost all the TV stations are allowing Katrina victims to list their cell phone numbers on national television because some of them are still looking for their kids. The National Center for Missing and Exploited Children, at least as of yesterday, said there were still 1,700 missing children reported from Katrina's aftermath: 1,700 children, 14 year olds, 12 year olds, 6 year olds, babies. There are babies that are still separated from their parents, from their moms.

We have got to do something going forward for these Katrina victims. We have got to make sure they have housing. We have got to make sure we get these kids back in school and we can get them back in school near or in the area that they originally lived in. And like the gentleman said, with the President's waiver of Davis-Bacon, which is the law that requires the prevailing wage be paid to workers, what incentive is there going to be for them to come back?

When you have the State of Israel, which commendably has offered scholarships for the college students that were displaced by Katrina, and we have Katrina victims going over, Jews and non-Jews going over to Israel now to accept scholarships, and the generosity of other countries, boy, does that say a lot about what we need to do to step up and make these residents whole again. We have got to ensure that a number of different things happen.

This is the 30-something Working Group. We have got a generation of people and young kids and our generation's children that are going to be in dire need of their government's assistance. And if there is any time when it is imperative that the Federal Government engage, any point with any circumstance that there is an appropriate and vital role for the Federal Government, it is in response to a hurricane.

I am glad to see that the President today acknowledged finally, because it is really the first time I have heard him acknowledge, the possibility of a mistake. I am glad to see that he owned up at least in part to the possibility of there being problems, and it will be interesting to see what he says Thursday night when he speaks to the American people.

I hope what he says, we hope what he says is that there is going to be some drastic changes in our preparedness, in our response, in our funding, and in our priorities, because right now we are moving in the wrong direction.

Mr. RYAN of Ohio. If I may make a couple of points. I agree with the gentlewoman so much and this 30-something Group has really improved since the gentlewoman has gotten here.

I just want to make two points. One is the Davis-Bacon provision, the prevailing wage issue. Davis and Bacon were both Republicans, so this is not a

Democratic issue. This is just something that seems to be fair. If Federal money is going to a certain area, they should pay the worker the wage that is prevalent in that area. That is number one.

And, two, and I know we have all talked about this, the disparity in income between those people in this country who have and those people who have not is tremendous. I hope that the good that we can derive from Katrina is that.

And, third, and the most specific point that I want to make, is that this has shown that our government has gone backwards as far as administration and execution; and we see it every day here.

We pass a prescription drug bill that is spending $700 billion worth of the taxpayers' money and does nothing to allow for reimportation that would drive drug costs down or does not allow the Secretary of Health and Human Services to buy in bulk because the pharmaceutical industry has a strangle-hold on this place. We do not see the proper reforms on distribution of health care. We do not see the proper investments in medical information technology that would help drive down the cost of medical care.

We have a school system that is based on a society that is agrarian, and kids are supposed to go home in the summer and work on the farm; and only three or four percent of the country still works in agriculture. These are things that are structural problems. And I think the FEMA issue just shows and highlights and puts the spotlight on it.

It is because there is money, and there is political appointments, and we have got to get our friends in, and we have so many friends that gave us so much money that we even have to put some in FEMA, which probably should not have political appointments, but we have so many debts that we owe.

I have an uncle that I had a very interesting conversation with and he may be watching right now and I think my aunt is watching for sure who worked for Proctor and Gamble for God knows how many years. And we had a nice conversation one night about how this political body and political decisions are made every 2 years. We run very short-term political decisions that are made. The same in the business community. What are our next quarter profits going to be? Very short sighted. And I think we do not get the country back on the right track until those of us who are in this body are willing to make those long-term structural changes that need to be made to adjust the way government is administered in a 21st-century economy based on technology and knowledge.

That was the issue with FEMA. If we ran a Hurricane Pam situation in 2004, where was the breakdown in getting that information to those people who needed to actually make a decision once there was an actual hurricane in that area? What was the breakdown?

Until our government begins to run in an efficient way and in a way that is reflective of the communication abilities in the 21st century, the technological advancements, and everything else, we are going to be behind the eight ball whether it is FEMA, education, health care, whatever it may be. We have got to start making decisions that have a long-term impact on making our government run more efficiently. It should be able to run a heck of a lot more efficiently than it did in the 1930s and 1940s. And that is our job.

I really believe that the 30-somethings have a responsibility here because we grew up in an age that was much different than most of the people in here grew up in, with computers and technology and cell phones and now the ear pieces and what else is there. But we grew up in that different kind of scene than the echo boomers who are going up now, we have a responsibility to try to apply that technology to government. And I think my friend from Florida wants to be a part of that.

Mr. MEEK of Florida. Mr. Speaker, I always want to be a part of technology, but I can tell my colleagues that I am so glad they brought up the whole issue of Davis-Bacon and what the President did, many Americans did not understand what he did.

We talk about avoiding making the victims victims again. And we want them, and even some prominent Republicans have said, we want them to be able to have first swipe at the jobs that become available. But they will have a first swipe at the jobs at a lower paying rate than usually what the Federal Government provides to individuals carrying out federally funded work.

I think it is also important for us to realize that there are no parameters on contractors that are down there trying to correct the problems that are there. So that means that the money saved on Davis-Bacon will go into the pockets of those individuals who are direct contractors of the Federal work.

Mr. RYAN of Ohio. Are we not using the same formula, the same administration processes that we used during the war and are using during the war. The same exact ones that we lost billions applying this system or using this system for the war, we are applying the same system now.

Mr. MEEK of Florida. The good thing I like about this 30-something Working Group is we always talk about second- and third-party validators and making sure that folks do not watch us here on the floor and think that we are talking out the sides of our necks. The Wasserman Schultz Report, the Ryan Report, the 30-something Report, the Meek Report. This is reality. The $62 billion is the largest supplemental appropriations in history of this country outside of war: $62 billion we did last week or the week before and the rest last week is the largest in history in the United States of America. So we have not been to this point ever.

I think it is also important for folks to understand the difference. Folks say, what is the difference between Democrat and Republican leadership? I will tell you this in the moment, this is fact, not fiction.

I am holding here a letter from the Democratic leader and several other ranking members that I mentioned earlier. Folks wants to know the action. This is not on behalf of Democrats in Mississippi and Louisiana and Alabama. This is on behalf of Americans in those States. We are talking about the commitment to the South. We are talking about commitment to Americans that pay taxes every day, those that are veterans, those that are children of veterans, those that never fought in wars before, those that go to work every day, those individuals that are disabled and cannot go to work. We represent them.

Like it or not, we have to make sure as this Congress, because as the House we are the only branch of this government that must be elected to the position that they are in right now, including the President but the Vice President can very well, I am just saying as it relates to the legislative body, we are the only body that has to be elected by the people.

Mr. RYAN of Ohio. Article I, section 1.

Mr. MEEK of Florida. I thank the gentleman. I am glad he was present in constitutional law.

There is a letter right here to David Walker, the Comptroller General of the United States of America, Government Accountability Office. It is basically saying that we are asking for an anti-fraud commission to make sure that there is accountability in government contracting as it relates to Hurricane Katrina.

This is not just a letter just by the Democratic leader, the gentlewoman from California (Ms. PELOSI). Here we have the gentleman from California (Mr. WAXMAN) who is the ranking member of the Committee on Government Reform. He would be chairman if we were in the majority. We have the Democratic whip, the gentleman from Maryland (Mr. HOYER) who is the number two in charge of our efforts here on the floor. We have the gentleman from Minnesota (Mr. OBERSTAR) who is the ranking member of the Committee on Transportation and Infrastructure. We also have the gentleman from Mississippi (Mr. THOMPSON) who is the ranking member and would be chairman of the Committee on Homeland Security if we were in the majority here.

We have the gentleman from Wisconsin (Mr. OBEY), the ranking member of Committee on Appropriations. We have the gentleman from Michigan (Mr. DINGELL) who was once chairman of the Committee on Energy and Commerce that would be chairman if we were in control. We have the gentleman from California (Mr. GEORGE MILLER) who is also the ranking minority member as it relates to the Committee on Education and the workforce.

They are writing this to make sure that the largest appropriations outside of supplemental appropriations for a war, some $62 billion are spent in the way that it is supposed to be spent so we do not make the victims victims over again.

I think all Americans, no matter where they may be, east coast, West, Midwest, South, this is their taxpayer money at work. So we know that Davis-Bacon, those rules and regs and that right that workers would have has already been swiped aside by the stroke of a pen, that you will receive a wage lower than any other Federal project that is out there because it has been waived at a time of natural disaster.

Will it save us money to be able to do more projects? No. Will it help the companies down there that are assigned the no-bid contracts, saying do the work, the sky is the limit, do what you do, bill us the way you want to bill?

One of the companies is under investigation right now as it relates to the Iraq contract. But better yet, they are given a contract, go down there, do as you may, we will do the paperwork later. But what we have done from the beginning are parameters on the American worker and those that are in the South.

Let me also add this: today, Democratic leader and also senior House Democrats, again, the list of individuals that are on the committees that are affected, have also requested an immediate establishment of a team of experienced auditors to monitor and also realtime contract and spending of the recovery effort.

This is what we are doing right now. If the majority side has done it, I commend them; but I do not think that is the case now. So when I mentioned earlier on that we need to work in a bipartisan way, if we were working in a bipartisan way, this would not be a question of letters. It would be an issue of action. It would be, good, let us move on that idea. Let us make it happen.

That is the reason I believe that the chairmen, ranking members, and Members of this Congress should take time out and go down to the affected areas and see what is going on down there, and see poor individuals that are staying in New Orleans right now and staying in some of the affected areas in Gulfport, in Hancock County. Some watch TV and say, why do they not leave? Guess what? They cannot afford to leave.

□ 2145

They still today do not have the money to be able to get $5 worth of gas.

I went down to see the gentleman from Mississippi (Mr. TAYLOR), our colleague, who is down there trying to not only help his constituents be able to receive some sort of Federal assistance or State assistance or trying to put boats back together so they can get back to work; he is a victim himself.

Earlier, I showed a picture of the Florida National Guard that is with us and the Congressman there on the other side of the colonel and myself. This is the Congressman's house, straight off the platform, not a brick left. So you want to talk about individuals being affected and not affected, all of us are touched by this, but we have to make sure that we show some level of leadership right now. This is why it is important that we make these recommendations.

We have Members of Congress that are trying, but we need individuals that are in the leadership that are willing to stand up. And I said it once before, and I will say it again, if we are ruffling feathers here tonight, so be it. Because last week we came to this floor putting great pressure on the administration and those that are in charge that have the pen stroking power to bring about a difference in the South, and we were in the light of saving lives. Now we are in the light of making sure that individuals are able to return back to their homes.

Our business here is very serious, and that not only letter writing but action is important. I think based on the action that has taken us this far, all the way back when we said if we can go in special session on the Schiavo case, if we can bring individuals before Congress and have congressional hearings and have special prosecutors for personal decisions that individuals have made in elected office, if we can come up here for far less, we can at least make sure the largest appropriations outside of the war supplemental, $62 billion, that it has the oversight, not just because we want to have the gotcha factor. That is a lot of money, a lot of money that has been appropriated in a matter of 10 days, rightfully so.

I heard one of the esteemed, very prominent Members on the other side of the aisle, who took to the well right there and said, guess what, in $50 billion, there is going to be wasteful spending. I had to kind of double take and rub my eyes and say, excuse me, am I sleeping? Am I dreaming?

I have a problem with wasteful spending of $50 billion, but, guess what, that means a victim will not receive what they should receive, Americans will not get accountability of their taxpayer dollars and that we have accepted the fact that it is okay to waste money. I have got a problem with that, and I know we all do.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if you do not mind if I jump in, I want to just caution people listening tonight, our colleagues, our leadership, because when you have a disaster or anything of the proportion in size that Katrina was, it is hard to get your mind around it, especially if you have not been there. You now have direct, first-person ability to relay and understand the depth of what happened. Most of us have only seen the aftermath on TV.

The danger that we have in front of us is that with every passing day that Katrina's hitting is behind us, we are in danger of the American public and us as leaders becoming desensitized. The more it is on the news, the more we hear about it, the more we read about it, it is just the human psyche is such that you cannot have that raw nerve scratched every day and not steel yourself against it. With that desensitization, we are in danger of not having an appropriate response come out of this body, and we have got to come together.

We come here every week and we stand up and we point out our very clear differences with our friends on the other side of the aisle, but it does not have to be this way with the response to Katrina. There are some specific action items that can and should be done in order to prevent ourselves from becoming desensitized, not just as policy-makers but in the general populace as well.

We need the press. We should commend the press from the floor of this body for the spotlight that they have shown on these victims and their reality because, quite honestly, without that spotlight being shown by them, without their piling into the storm-ravaged area, see no evil, hear no evil, they would still be saying the same thing, and we would not have had the response and reaction that, quite frankly, we should have had right from the beginning.

So I want to commend the press and encourage them to continue to do it, but we have some action items that need to occur.

We need to get these people health care. We need to make sure they have access to Medicaid immediately. We need to get them food stamp access. We need to make sure that they have access to education and housing and not just far-flung housing all over the country. If you lived in New Orleans, you do not need to resettle yourself permanently in Utah. That is not what we want to have a policy direct these people to. We want to bring them back. We want to set up transitional and then temporary housing and then eventually get them into permanent facilities, whether it is facilities that they have assistance from the Federal Government or whether they be given the ability to help them to make their own purchases of homes, which would be a wonderful thing to see.

That is what the leadership in this Congress is going to need to make happen. It is certainly going to be suggested by our side of the aisle. We need to make sure that we come together and suggest it on both sides of the aisle. The reconciliation process should be suspended. There are a number of things that should happen, and we are going to continue to talk about that.

Mr. MEEK of Florida. Mr. Speaker, I am sorry, we usually would have a closing statement here, but our time has run out. We will have, I understand, the first Democratic hour on Thursday.

Mr. Speaker, with that, we would like to thank the Democratic leader for allowing the 30 Something Working Group to come to the floor, and it was an honor to address the House once again.

RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to have the opportunity to address the Speaker before this House.

This Nation has undergone the most serious natural disaster, the most costly natural disaster. Possibly not in the measure of lives but in the measure of treasure, it certainly has, and we pray for the recovery of those victims that are yet to be found. We pray that that number can stay as low as possible, and we know that, regardless of the number, each loss of life hurts and pains each family deeply.

This Congress has addressed Hurricane Katrina, done so quickly. We had a unanimous consent agreement after a conference call on Friday after the storm struck in its fury and the wind began to die down on Monday, the previous Monday. We appropriated $10.5 billion, Mr. Speaker, and we did so under a unanimous consent agreement. We did that because we knew that we needed to get resources into the hands of the people who were saving lives, lifting people off of rooftops and pulling people out of houses and bringing boats down through the communities, and we needed to make sure that the resources were there.

We needed to make sure that there was food, there was water, there was shelter, and this Nation watched on television as the disasters that were there brought people together in the Superdome, in the convention center, other locations around New Orleans, other locations around Alabama, Mississippi and, of course, other places in Louisiana.

This Nation has watched transfixed as we reacted and we deployed resources into the region and began to recover from this disaster. Each of us have different opinions about what was done right and what was done wrong, but Mr. Speaker, my position is that we are not done saving people. We are not done helping people get relocated. We are not done helping their lives get put back together, and they are not finished building for their future. Once that path is determined and once they start down that path and once we can see that we put a plan together that is going to help people get relocated, and at least in the short- and mid-term future, we will have seen to the needs of the many, many needy, then that will be time enough and plenty time enough for us to meet together in this Congress and to put together a chronological order of what happened, who knew what, why did they know it, what they did not know and why, what communications did they have, what decisions were made that impacted on the rescue operations and the recovery operations. What did they know and when did they know it, Mr. Speaker, is one way to ask that question and what did we learn from this disaster.

Time will come and that will be soon enough, and perhaps in this hour I will go back and talk about how I think we should put together the system here in Congress to take a good look at this, but, right now, we are recovering from this disaster.

Congress appropriated $10.5 billion that Friday following the storm, and it was emergency spending. It was a special session, emergency spending money, $10.5 billion. Our report was that FEMA was spending $500 million a day. By the end of that day, the report was $750 million a day. So that was a calculus to get us through Labor Day weekend, appropriate $10.5 billion.

I asked for an accounting of that spending. It did not come early in the week. It did come later in the week, and the accounting came with the request for another $51.8 billion, and the calculus for the $51.8 billion was not readily available to us. The answer was simply we know we are going to spend more than another $50 billion, so let us appropriate it.

So this Congress laid out a blank check, and in that appropriation there was a single line item. First, there was $1.8 billion in there for the Department of Defense, and they spent a lot of money down there and poured a lot of resources in. That is fine, but I believe the largest single line item ever passed in this Congress and appropriated without strings attached, without guidelines, without congressional direction was the $50 billion that went to FEMA.

I asked for an accounting of that money. I wanted to know, first, how was FEMA spending, and now the number went from $500 million a day to $750 million a day to $2 billion a day, and where was that money going. I happen to think in those terms of unit prices, how many meals, how much water, how much ice, how much fuel, how many rental units, how many people are on payroll, how many contractors are coming in that are contractors that are being paid, how do these contracts all add up, how does it divide out, how does it average out.

I thought it would be something that would be a calculation that one could track, and when I did get a look at those numbers, it had $3.3 billion there for 200,000 trailer houses, 30,000 of which were available and 170,000 of which were back-ordered. So it is hard to define that $3.3 billion as emergency spending when you spend the money to purchase a contract for future construction of trailer houses not available, and I say that is not emergency spending.

In addition, in the $50 billion that came for the second appropriation there was another 100,000 trailer houses in there for the tune of $1.6 billion. So now FEMA has had the authority apparently to purchase 300,000 trailer houses for the cost of $4.9 billion, $400 million of it will go for the 30,000 trailers, and that is rough numbers. Those trailers are available, but 270,000 trailers are back-ordered for a cost of about $4.5 billion, declared and deemed to be emergency spending, the kind of thing that is going to help save lives, recover people, and, in fact, it took resources away that could have been better used in the recovery process.

In addition, in that appropriation there was $650 million that was declared to be emergency spending, dedicated to mitigation of future disasters. Mitigation of future disasters cannot be characterized as emergency spending and cannot be characterized as something that helps disaster victims today in the gulf coast. It is money that could have gone to help people, but it is pigeon-holed. It is earmarked, and it is committed to other projects. We do not know what they are. Congress was not apprised of that, and yet we have an oversight responsibility.

All appropriations must start in this House of Representatives, Mr. Speaker, and those appropriations then flow through here over to the Senate and from the Senate then probably back, not often back to conference but to the President.

We start the appropriations process. The Founders were very clear in our responsibility and our duty here. You cannot spend money without the House of Representatives initiating this, and the House of Representatives approved one single line item, $50 billion.

I simply asked that we cut that down and appropriate $10 billion for the second week. It got us through the first week of intensity. The second week should have done the same. In fact, it would have nearly met the $2 billion a day that FEMA said they were spending, but we could not bring that up in those increments because the Senate was busy with their confirmation of Justice Roberts and did not want to be bothered to walk out of the Senate judiciary chambers to vote yea or nay on a $10 billion package that could have passed the Senate under a unanimous consent because, in fact, not a single Senator stood up against the $50 billion anyway.

□ 2200

So that did not hold very much sway with me from a rational perspective, Mr. Speaker, and so I voted "no" on this appropriations process. Because although I want to help people, we have an obligation for oversight and there was none; and, furthermore, we have an obligation to devise a plan, and there is none. Now, it does not mean there is not a plan to reach out and help people and that the system is not working. It is, Mr. Speaker. So I do not want the wrong implications to get in there.

But maybe you have heard the story about how the fellow went in to drain the swamp and he found himself up to his ears in alligators and it took his mind off of draining the swamp. That is kind of what happened down there in New Orleans. Everybody is so busy fighting off the alligators that the overall plan that needs to come into play to take care of the billions of dollars that likely will be coming from the taxpayers of this country has not been put in place, it has not been articulated, or it has not even been speculated to this Congress in any large way. And it is our job.

If there is no plan that comes to us that we can support, it is our job to devise a plan that we can support. In fact, it is our job to consider many, many alternatives and put our best foot forward, our best brains forward and husband the resources. We need to do the wise thing, the right thing, and position New Orleans, the gulf coast, for the long term, the best long term for this entire country, Mr. Speaker.

So after that vote, as I asked questions and tried to get answers, I think really it was just there were not answers out there. Everybody was busy working to save people, and they should have been; but there was not an eye on what are we going to do with 300,000 trailer houses when or if they ever get built and where will they go. Will they go 100 miles north of New Orleans, up someplace maybe north of Baton Rouge where it gets a little higher ground? Will they go in there and trench in water lines and lay in sewer lines and build a sewer plant and bring in electricity and put in electrical lines and put in streets and driveways and set these trailer houses in there row after row after row?

Imagine how big a trailer court it would be if it had 10,000 trailers in it. Now think of 100,000. And even though they probably will not all go in the same place, think in terms of 100,000 trailers all rowed up. Now think in terms of another hurricane, a windstorm. What happens? Do people want to live in those trailers in perpetuity? And I will say, no, not very many.

And what is the life expectancy of a trailer when we put $4.9 billion into 300,000 trailers, and many months from now the last trailer is built? Maybe even more than a year from now the last trailer is built and wheeled into site. Where are the people going to be that will come to move into those? The displaced people will have found a place by then.

So I contend, Mr. Speaker, that that is not a solution. It is not a wise solution. It is a distraction from the solution. It has happened without deliberation and without debate. It was an administrative decision, and I have not found the individual that will stand up and say, yes, that was my idea, I liked it, and we are going to stick with it. No, there is not an answer on that, Mr. Speaker, because the public knows at least intuitively that that is not a long-term solution. In fact, it is not a short-term solution. The trailers are back ordered, Mr. Speaker.

So as I watched this unfold and had my difficulty in getting answers, I began working the phones last Thursday. I had two staff people that worked diligently into the night on Thursday and started again on Friday and worked until 11:30 at night on Friday night trying to come up with contact numbers so I could make a phone call and talk to a few of the people that were in the region down in the gulf coast that could give me some of the answers and what the real plans were, if there are any; what kind of definitive answers and responses could we get.

We were not able to make contact in any meaningful way; and so along about Saturday, in fact about half time at the Iowa State-Iowa game, I made a decision to jump on a plane in Ames. I left at the end of the third quarter. It was hard to do, but Iowa State was ahead 23 to 3 at the time, so I went down to the airport, jumped aboard a little Bonanza airplane, a little single-engine, and we flew our way towards New Orleans.

We stopped in Little Rock that night and stayed out of the area. There was not a room to be had anywhere in that close region from Baton Rouge on south. In fact, even north of Baton Rouge. So we stayed in Little Rock, and then went back in the air at 5:15 in the morning and flew on into New Orleans and landed there about 7:26 a.m. Sunday morning. There was no commercial traffic going in or out of the airport. There were military air flights that were going in and helicopters moving around, but not the real intensity that you might expect to see, and I found out why.

We pulled up there to the flight service, and they looked out and came out to greet us. Real fine folks there. They were very friendly and kind of wondered what we were doing there; and we said, well, we came down here to take a look and see what is going on. They said, well, we do not see too many people coming in here like that. So we walked into their office and they said, well, did you have something to eat? Here is some ice water, here is a little pop. We have a little food here. Here are some MREs, some meals ready to eat.

Those MREs seem to be everywhere in that city. Every time you turn around, there is another boxful of meals ready to eat. That tells you they have been getting resources out for quite some time. Everywhere you go there is cans of water and bottles of water, and sometimes iced-down pop and food sitting around. It is not always the finest cuisine, but it is nutrition just the same.

So we had our conversation there and picked up the phone and called across to the military headquarters where the central command is that is planning and taking care and managing the disaster relief that is going on, and I told them I had just flown in in the morning and wanted to come over and talk to their commanding officer and get a sense of what was going on there. So they sent a car over right away to pick me up and brought me over to headquarters, and we had a good chat there for a while and a briefing on the maps on where the water was.

In fact, I happened to recall that on the back side of this picture there is a map, Mr. Speaker. This is the map of New Orleans; and as it sits here, it is color coded according to the depth of the water. This is Lake Pontchartrain here, and there is some high ground up along the edge of the Lake. But once it gets over the levee, it goes too deep, and the brown is 9 to 16 feet of water. Now, this is after the flood. And then it goes to orange, and you can see the brown; the deepest areas would be right in here and here.

This is the 17th Street Canal, I believe, right in there. And then there are two other canals that caused a problem. I believe this one had about three breaches in it about there. This one up here and this way started flowing water down into New Orleans.

But the depth of this water, the dark brown, up to 16 feet deep, 9 to 16; and the orange, you can see in some of these areas here and here, 6 to 9 feet deep; and then in the green areas, the water was 4 to 6 feet deep; and then the blue gets a little more shallow, 2 to 4 feet deep; and the turquoise, or the lavender, about 0 to 2 feet deep. There were some deeper areas in here this far, as you can see; but this huge area out here was all water inside this shipping canal, here and inside the Mississippi

River dikes and all around this way. So this is the bowl. This is the bottom of the bowl, Mr. Speaker; and this is the area where the people suffered the most.

Listening to the briefing there, I want to say a few good words about the people that are on the front lines that have been working relentlessly for, I have lost track of the days now, 14, 15, 16 days. Maybe it is 16 or more days. Some of those people have worked 20 hours a day, some longer than that. Some did not leave duty and just nodded off a little in between from one crisis to another.

As I began to walk around up there in their operations center and talking to different officers and talking to different people that were there, I began to find out a lot about what they had been doing. The 82nd Airborne is the military unit that is taking care of the communications there. In fact, simply because of the service that they have provided and the communications system they set up, they finally linked together the rest of the agencies, the nongovernmental organizations and the Federal agencies that are there, linked them together in a communications system. And now, I believe that they meet every day at least once a day for a joint meeting where they all sit in the room. And they are all in that room, by the way, talking to people next to them and exchanging information. Instead of sending a message back to Washington, DC, and waiting for an answer in an e-mail or on a cell phone, they are right there with the people looking them in the eye. If they need a meeting, they can have that meeting on the spot.

And I will tell you from my trips over into other parts of the world, particularly three trips into Iraq, that if there is any organization in the world that has an ability to bring order out of chaos, it is our United States military. And when we look at a natural disaster of this magnitude, this unprecedented magnitude, we see that it was difficult to get resources in there. It was difficult to coordinate those resources. From this same microphone, I believe it was the Secretary of Homeland Security, Michael Chertoff, gave a good explanation of what happened in this hurricane/flood that was Katrina, and it was this:

If you were going to do a military assault on a city, the first thing you would do would be to go in and cut off the power and the communications, which Hurricane Katrina did. The wind took out the power lines. The wind took out some of the cell phone towers. It took out the ability to make telephone calls. It took out the ability to turn on the lights and run anything. It shut down the communications. This city was shut down. No lights, no power, no telephones. Well, sporadic cell phone service that finally just sputtered and died out. That went on.

That is the first operation you would do, would be to wipe out the communications and the power. The second thing you would do would be to cut off all the transportation routes to the city, which this flood did. Sometimes it just took out the access, or flooded the access to the bridges; and sometimes it took out. I believe it was Highway 10, where it blew parts of that out and dropped it right down into the water. But it shut down the transportation routes in and out of New Orleans.

That is the second thing you would do in a military operation. First, shut off power, communications, and then cut off transportation, or access to the city. And then the third thing you would do after you immobilized the city would be to attack, and that is what the flood did. This flood poured over the dike through the 17th Street Canal, through this other canal, and then filled this deep bowl up here with up to 16 feet of water in these areas and drifting on out to this perimeter along this way.

While that was going on, we had people that knew that there was a problem brewing. They knew the bowl was starting to fill, but they could not get over here to see how much water was coming in because there just was no transportation access to do that. So they could only speculate. And if you cannot see the water pouring in, you cannot tell how much water is coming in. You can have some degree of knowledge as to how fast it is; but when the power is out and it is at night, you cannot really tell what is going on.

On top of that, as I had my conversations with the people over there, I found out that on Monday afternoon, by 3:30, there were looters out then, in force, in gangs, with guns, already stealing, already looting, and taking shots that were keeping our rescue people from going in.

Now, when you think about going in in a boat in a swamp in an urban environment, we do not have any military trained to do that. We have never envisioned that kind of warfare, with a flooded city where you go in with a John boat and float on in there and try to rescue people while under fire. That is not part of what we have experience with or anything we have ever imagined. So the gangs intimidated, the shots were fired, and they kept the rescue operations and some of the recovery operations and some of the analysis operations from going in and seeing what was going on and being able to identify this problem.

Meanwhile, New Orleans is filling with water, and it filled beyond any level it had ever been at before. Now you had the perfect storm. And I could talk about the weather forces that brought that out, and I think what I would do is just to give the quickest of answers. Most people, I think, Mr. Speaker, have watched this on television, and it was almost a perfect storm from the standpoint of where the eye of the hurricane was, how the wind drove and the counterclockwise spinning of the hurricane, where it sat over here to the east, or to the right of New Orleans, slightly to the right of New Orleans.

That wind that came from the south and up in here in the outlet of Lake Ponchartrain off of the open gulf here drove water up into Lake Pontchartrain, a lake that is maybe 8 to 15 feet deep; but it is a huge lake. And it pushed so much water up into this lake that there was half again more water than there was before the storm. Eight to 10 feet more water in this lake driven by the low pressure center, which actually lifts water up that is in the center of a hurricane.

And then driven by 150 or more velocity winds, pushed that water in and shoved an extra 10 feet up into Lake Pontchartrain, and then stacking that water over here on the north side.

And when the hurricane moved further to the east, this counterclockwise motion turned that wind around from the south, southeast, where it was driving the water into Lake Pontchartrain, and brought it over to the top; and it was coming now down from the north. And you had 10 feet of water pouring down here with 8 to 10 feet of waves on top of it, and all that surge and splash went right up against here and breached the levee for the 17th Street, here and I believe there.

□ 2215

So it was the perfect storm, but it was a perfect storm that was predicted. It was actually predicted in The Times Picayune newspaper in late 2002, if I have my dates right. I have read all of the articles. It is extraordinarily informative. There is one that says, "Worst Case Scenario." What I have just described was the worst case scenario.

But, nonetheless, I sat in on that briefing, engaged in that briefing, gave a little talk to the people there working, giving their hearts out for the people in the gulf coast region. They are proud of the work that they do. They are humble people with an inner pride. As I stood and looked them in the eye, I could feel that commitment to Americans, dedication to Americans, all of us pulling together. People from all over the United States came down to work in the gulf coast region to provide relief as fast as they possibly could. They gave their all.

The airport in New Orleans, the Louis Armstrong International Airport, was separated into several different areas. One concourse was a hospital and triage area. There were two other areas for the victims of the flood, the future evacuees. And then the troops and the rescue workers, they would find any place they could to sleep. Sometimes there would be room. Sometimes it was a corner, if they slept at all.

They went to work. They went to work to save lives. They peaked out there on one of these days at the rate of 10,000 lives a day being pulled out of New Orleans through the operations there at the airport.

We know that the Coast Guard saved a high number. The last number I heard was 9,000. I expect it is more than that.

The numbers of people now in shelters has been diminishing significantly. There is a steady rotation of people coming through. As flood victims, they are still giving up. Some people like to stay in their homes. They are realizing this is going to be a long time, so they are starting to come out. As they come out, there are people being placed in Louisiana, Mississippi and Alabama and further up in the United States.

I am happy to say that the Fifth Congressional District of Iowa has welcomed some victims of Hurricane Katrina. All of us are reaching out. What we are seeking to do in the Fifth District of Iowa is ask the county seat mayors to conduct a meeting. Many had those meetings, bring with them and ask to sit at the table the county emergency manager, the pastoral groups, representatives of the churches within the county, the school administrators and the top employers in the counties so we can get a sense of what jobs are available.

What we want to do and are positioning ourselves, I call it the tour guide technique. I want to make sure that we have a household that is identified that is ready to receive a family. I want to make sure there is a place in the school for the children that might come. I want to make sure that house is ready, and the people know when they pull into town, whether on a bus or plane, they get off of their transportation, whichever mode it is, there would stand the mayor with a smile and a handshake and welcome them to the city. Also next to him would be a pastor of the faith of their choice, if they had a choice, and next to him or her would be a sponsoring family that will help them get acclimated to the community and any other resources they might need. We will help with job placement and interviews. That is happening all over this country.

I would like it to be one-stop shopping within the county and determine how many families we can take within each county and set up that system so people do not go off into the unknown.

The evacuees have lived in that region all of their life, and now they have to do something different. There is no housing available near New Orleans. Baton Rouge is full. There are no hotel rooms anywhere there.

I had the privilege of using a Red Cross cot the night before last. They gave me a little place in the corner to lay down and sleep, and I am grateful for their hospitality.

What I saw in that first day after the briefing, I hitched a ride in a helicopter. I flew around the city, a couple of laps around the Superdome and over along the top of Lake Pontchartrain, back around here, and there is another region that is outside of the picture. That entire levee dike is gone. They do not have any protection from the Gulf of Mexico from this way.

We flew all of the way down here on the other side of the Mississippi River. Right here is the Corps of Engineers' headquarters where they weathered the storm right here on the banks of the Mississippi River. Right across from them is the grain handling terminals. I believe that is the largest one on the river. It appears there is not structural damage, and we have heard reports there is a fair opportunity within the next couple of weeks to see grain shipments get up near its previous volume that it had.

We looked over this entire city and flew over the water and wind damage. Some places outside of the water you will see wind damage where it wiped out block after block, some houses into kindling. You can see where the footings were of the houses and the square spots. The numbers of devastation was by far the worst. In New Orleans the people suffered the worst, but it is not the worst place for damage, though.

After the morning of traveling around and looking at New Orleans from the air and getting a sense of how this water sits here and how bad this damage is, then I went over to the Corps of Engineers and had a long and significant conversation with the colonel who was on duty during the flood, who was also in command at the Corps of Engineers the day I was there.

He talked about the flood event and talked about the difficulties they had, and he talked about the hydrology. And since that is my background, doing drainage work and river channelization, we are always looking for ways to manage water in an efficient fashion. It is an interest in my life. It is a background in my profession. Because of that, I feel an obligation to understand New Orleans, and I think I do, at least in the broader text.

I cannot say I have enough information to say that I understand the details yet, and I do not think anyone does. But I have most of these elevations memorized and committed to memory and most of the elevations along these levee district canals, so I have a sense what happens when the water goes up. We call it stacked water in Iowa, and they call it a surge down there. But I have a sense of how this all fits together, and where the pump stations are. They are scattered all over, and the Corps of Engineers had to go in and use their portable pumps to go in and pump down around them to work, renovate them, and get those pumps up and going again. That has been extraordinary work.

As I listen to the volume of water that they are pumping and their prediction on where they would get, and knock on wood they got where they hope to be since I was there some time yesterday afternoon, but their prediction was within 36 hours they would have another three pump stations up online. If that happened, and they cautioned there are no guarantees in the flood recovery business, and I have been through my own floods, especially 1993, but if those pumps came online, there would be 27,000 cubic feet per second pumped out of this bowl that is New Orleans.

I do not have the elevations on how far below sea level that is, except the water was 16 feet deep in the deepest parts. That indicates at least to some degree how far below sea level that is. The pumping that is going on at 27,000 cubic feet per second, and my recollection is that the Missouri River in the central part of the United States in Yankton, South Dakota, releases about 11,000 cubic feet per second during the winter time, the nonbarge season. I know how that river flows at 11,000 cubic feet per second, and those numbers would indicate that the Corps of Engineers and the city pumps for New Orleans are pumping not quite two and a half times the flow that comes down the Missouri River past Sioux City, Iowa. That is a tremendous amount of water.

They will get ahead of this water. I believe they set a date of October 8. Lord willing and if the creek does not rise and it does not rain, they should get the water pumped out of New Orleans by about October 8. Given the volume, that is an extraordinary accomplishment. All of the lives that have been saved and all the people that have been lifted out are also an extraordinary accomplishment.

The time will come to learn from what we have done here, but it is too early to point the finger of blame. It is too early to come in and say some people did not try hard enough because they had a bias. That is just utterly wrong. There is no division between Americans when it comes to a crisis. We look at each other and we see Americans, and that is as far as it goes.

After the briefing at the Corps of Engineers, I hitched a ride on a different helicopter and went from there on down the Mississippi River. The Mississippi River dumps into the Gulf of Mexico about 90 miles south of New Orleans. Today, there is some question whether it is 90 miles south or 75 miles south. The Gulf of Mexico has invaded and come upstream a ways. That is an indistinct line today because of the storm.

We flew along the Mississippi River, and along that river there are two dikes. There is a river dike. This would be well south of here, south all of the way down to the Gulf of Mexico, that 75 to 90 miles. There is a river dike that is approximately 25 feet above sea level. That was built by the Corps of Engineers to protect the boats for shipping up and down. The shipping was moving the day before yesterday, and there was a lot of traffic in the river. I could see it accelerating as the day went on. That dike was on one side.

Approximately a half mile to the west is another dike, and that dike is approximately the same elevation. I do not know what elevation it is. It appears to be about the same given where the water stands, and that protects the other side of the dike and about that half mile wide strip in the middle from the surge and the storms and the hurricanes from the gulf.

So you have a strip of land between two dikes, a dike on either side about 25 feet above sea level, half a mile wide strip in the middle, with a highway down the top of one of them. People think they have protection from the levees. They think, I have a levee on the front side, on the river and on the gulf side, and so how could you be more safe than down here in between them.

Mr. Speaker, there is community after community along that 75- or 80-mile stretch; and these communities do not look to have been very big. They look like there were approximately 300 people here, 700 people there, typical small communities in that flat-bottom ground, a little farming going on and not any big volume. Every once in awhile there is an oil refinery, and at one location there was a heliport to service the oil platforms out in the gulf.

As we flew along that, and, remember, I had been desensitized by about 2 hours in the air over New Orleans, I looked at where trees were down, houses flooded up to the roof tops, roof tops with holes chopped in them that people had climbed through, and after seeing that for a couple of hours, you get desensitized. But as we went south along the Mississippi River, I found that the desensitization that had taken place and the numbness that sets in after seeing all of that destruction did not condition me for the condition of that strip of land between those two dikes.

That is some of the most utter destruction that I have ever seen in my life, and it is the longest expanse I have ever seen. As you watched that, I began to piece together what happened. Down there, there were homes from an entire community that were just blown away. Sometimes the buildings were just shattered, and there would be just kindling stacked up against the dikes with all kinds of trash, boards and jugs, you name it. But entire communities were just plain footings there for the houses. Maybe a flat concrete pad was there. Community after community was like that. Sometimes there would be a church or school left standing. In one town, part of the school was left standing, but next to the school the water tower was blown down, crashed, bent, destroyed.

□ 2230

And I have seen some destruction in my life, and I have seen power antennas, towers go down. I saw telephone poles that were blown clear out of the ground. But I have never seen a water tower pushed down by the force of nature in my life. But that water tower went down. And we got a picture of the water tower, and I did not commit the name of the community to memory, but I can go back and look at that. And a number of those communities took similar devastation, but all of the rest of the water towers stuck together. That went down.

There was one family location, and I think this is a time to look at a representative example, Mr. Speaker. This is a building location, and it appears to be a dwelling; but it may have been a dwelling and a shop. This is steel piling that has been driven down into the ground so that it can withstand hurricane-force winds. Hurricane-force winds, at least Category 4½ or so, blew that sheet metal clear on through the building, stripped it down just to the I-beams that were driven to the ground. And the rubble that is laying around, there is no such thing as a representative sample. It is just everything was its unique piece of disaster, and pieces of property of the family were scattered all over; but there was this time, who knows, hundreds of thousands all over in that region.

There is no way, Mr. Speaker, that anyone can get a handle on the scope of this disaster without having flown over the region in its entirety, got down and talked to the people in the shelters and spent some time there, and I did not get to spend enough time there, and then go out on the ground and walk among this kind of disaster. But one of these places, very near where the water tower was blown down, there was a set of buildings that looked something like this. They were all shredded into this unrecognizable gnarly metal mass, and a flagpole had survived. There is no way that a flag would survive like this; but the flagpole, I guarantee it had been bent severely, but it had survived.

And this poor fellow who did not have anything except a mass and the mess he cleaned up did not have value, had not started that project yet. He had to come in there on a boat, and he had to go over to that flagpole and he ran Old Glory up to the tip of that flagpole, and there it flew in all its glory. And I can tell my colleagues it catches our eye, Mr. Speaker, when we see something like that, that sign of patriotism, that sign of defiance, that sign of determination that says, Katrina, you did not get to me. This might slow me down a little bit. It is a bump in the road, and, in fact, it is a pretty severe bump in the road, but you cannot break people's spirit that is as strong as these people's spirit is. And I saw that spirit in the floods in 1993 when we had those in Iowa when people pulled together, and I see this spirit down in the gulf coast today, Mr. Speaker.

So as we flew over that disaster, we began to see piece after piece of costly damage by that storm. The water had surged up the Mississippi River. The wind and the low pressure had sucked the water up, and the wind had driven it up the Mississippi River. And when we think about a river that has got 25-foot high levees on either side, to push that up that high and have that splash up and over the top of the levee, and in a lot of cases the levee held, but the water spilled over the top but did not breach it.

In that surge it lifted up grain barges; then put them up on the dry, some of them as high as clear at the top of the dike. And there is one tow there that I happened to notice, a tow being, Mr. Speaker, that when one ties a bunch of barges together, whatever size that is that they go down the river with, that is called a tow. And for us in the upper part of the Mississippi River, about 15 barges is a pretty good tow.

Down there 40 is not too many, but I happened to see one that had 30 barges in the tow; and of the 30, 25 of them were still tied together. The other five barges had gone off somewhere, and some had been pushed up on the dry. A couple were capsized, I could see. Some of them turned over on their side. But 25 of the 30-barge tow were all lifted up off the surface of that water. The water actually lifted them and floated them up and set them up on the bank, 25 barge tows all still tied together, all sitting up on the high and dry.

Ships that were just pushed together and shattered; shrimp boats by the dozen, 15 of them in one cluster just shoved up against the levee, tipped over. Some completely capsized, a lot of them on their sides. There was one company, I think it would be a single company, that had what I call tender boats, and these boats were painted yellow and blue. They were all painted the same. They had nine of them that I could find, and who knows if there were others that might have been sunk or blown out to sea; but these boats are, I am going to guess, 75 or more feet long, maybe as much as 90 feet long; and I expect they are the kind that go out to lift the catch off of the smaller shrimper boats that were stacked up all along the levee, and most of them were destroyed.

But these tender boats, these larger ones, the yellow and blue ones, of the nine that I counted the day before yesterday, Mr. Speaker, there were two of them that were sitting side by side right on top of the levee, right dead center in the highway, one in one lane and one in the other lane, tied side by side 25 feet above the water. That storm surge had lifted them up and set them in the middle of the dike. And the other seven identical boats were all apparently tied together so that they would ride out the storm better, and they apparently stayed together.

But of those, three were floating in the channel and four of them were up on the dry. So of the nine, six were up on the dry, two of them in the middle of the highway up on top of the levee, and four of them sitting up, I suppose, 10 or 12 feet above the water level. We take somebody's lifetime work and lifetime dream and see something like that happen to it, yes, they can put it all back and they can recover; but the magnitude, the awe, the power of this storm was, again, beyond a person's ability to comprehend unless we go down there and look at that and study it.

But the water surged up the Mississippi and floated barges out on top of the dike and took ocean-going vessels and put them up on the dry, large ones; and that was powerful. The wind blew so hard that it just blew all of the buildings over and stacked them up against the levee on the other side, shattered them, and took tree after tree. And the trees that stood, the leaves were blown off of them. They stood there with just branches, and a lot of times the branches were not broken so much as the velocity of the wind just plucked the leaves off and left a forest there that looked like December in Iowa, not September in Louisiana. So, Mr. Speaker, it was a disaster beyond my ability to understand the scope of it until I went and took a look.

By the way, that surge in the Mississippi River that floated things up over the levee, a surge also came back from the gulf side that did nearly the same thing or maybe even equal to the same thing from the gulf side. So they had water from both sides, a surge as high as 27 or more feet; and that water came so fast that actually last night I talked to a shrimper there in northeastern New Orleans who had five boats, three of which were up on the dry and mostly destroyed, and two of them survived. They were on the west of New Orleans. And he said that he had a friend that was in his house when that surge of water came, that wall of water came; and it was approximately 3 minutes from the time the water started to rise until he had to have a hole cut in his roof to get out through the attic when the water raised that fast. Only 3 minutes to get ready for that kind of a disaster because of that low pressure center and that push of that wind, Mr. Speaker. It was an awesome thing, and the scope of this disaster is also quite awesome.

Then after we came back from there, I went over to the Red Cross headquarters, their center, and in that center I walked around and talked to some people, looked at the resources that they had. And it was very well presented by the Red Cross people. I know some of them. In fact, I ran into six Iowans down there that were hard at work, saving lives and helping people and doing so in a very friendly and warm way. I do think we can be proud of these rescue workers. They are working 20, 21 hours a day. Some of them snapped. Some of them pushed themselves to the point where they snapped, and they have got to be taken off duty for a day or so; otherwise they will not be good for the rest of this disaster.

So, Mr. Speaker, I borrowed a cot from the Red Cross and laid down and got a little sleep. The next day was not a day to look at disaster from the air as I did here on the first day; but it was a day to go visit the centers, a day to visit the people, a day to have conversations with them and get a feel for what they had gone through. And as I walked through the gymnasiums that are the shelters for the victims of the hurricane, I talked to a number of the victims there, and found one that would like to come and be a truck driver, and he had a commercial driver's license. I think we can help a person like that. We carried some communications for some other people that were having a little trouble getting their communications out. I talked to people that were serving in the Red Cross center from places like Michigan, Ohio, I mentioned Iowa, Minnesota, California.

And I want to say a kind word about Californians. According to their measure or some report's measure, perhaps more than 50 percent of the Red Cross workers at least in that region are from California, and that is an opportunity to say a word about that kind of an effort that is coming out of that State. There are California people all over helping people from Louisiana, Mississippi, Alabama.

The military took some criticism, Mr. Speaker, because it was alleged that they reacted late. But yesterday when I was in Slidell, Louisiana, and that is a town right near the Mississippi border, one of the guards in the shelter there was walking through, and I stopped to talk to him. I remember his name. He is Specialist Cunningham. He was part of the 311th Signal Battalion out of Mobile, Alabama; and I asked him when he came into the storm zone. And he said, Sir, we took off on Monday afternoon.

I said, How did you do that?

He said, Well, we came across Mississippi, coming to the west, and some of those places we could not get through the road. So they used chainsaws. They used Humvees. They used chains. They pulled trees out of the way. They cut their way through. In fact, General Myers announced to us that was how the National Guard got in. They chainsawed their way in. I met a specialist from the 311th Signal Battalion out of Mobile, Alabama that actually did that. And as I listened to him talk and the 300 people that are part of that battalion, that is the kind of heroism that did not just quite make it to the mainstream news media.

And when we look at an area that is 93,000 square miles, the size of Kansas, and we have a mainstream media that is concentrating on looking for the story, looking for the hot spot, trying to find someone that will step up in front of the camera and utter a complaint about the service that they are not getting, that is one element of this, and I will not deny that some of that exists; but there is a whole huge other element out there in 89,000 square miles of that 90,000 square miles where we have thousands and thousands of heroes, thousands and thousands of stoic victims of this storm, and thousands and thousands of people whose lives will never be the same, Mr. Speaker.

So as I met with them and listened to them, it reminded me of the times when I had seen lives shattered in other natural disasters, in particular our 1993 flood, and that touches a nerve and touches a cord with me because of my own personal experience with that storm, and I will save that for another time, Mr. Speaker, on my particular experience in the 1993 flood. But I believe that was the force that motivated me to go down there. That was the force that caused me to want to see this entire thing.

So after meeting with the victims and the future evacuees and having a conversation around there with the people working in the shelter, seeing the resources that they had, the organization that they had, the dedication that they had, they need a few more cots and they need a few more nurses and they are squeaking by and they are able to provide, but it is an uplifting thing to see a look in the eye of people who are fulfilling a sense of mission, a sense of duty, a duty to their country, duty to their faith; and it gives everyone strength to be around the kind of people that will commit themselves in that fashion.

Later on in the day I took a drive down into some of the worst damage, and that would be down along a levee that goes into actually northeast of the outlet of Lake Pontchartrain, south of Slidell. And down in there there are homes on the both sides of the levee. One might go for a half mile or a mile and not see a home intact, not see anything but the stubs of pilings where homes were where all of them had been blown away. And that disaster was so bad that we see the rare exception when there was a building that was held together that was intact.

I walked through there and looked at some of the things that I found, and some of the things that we see bring it home. They bring home what kind of suffering there is, and some of it is symbolism, Mr. Speaker, but I do have a picture here that shows some kind of symbol that these are real people.

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This caught my eye, Mr. Speaker. This would have been an anniversary gift that was given, probably from husband to wife. It has two doves on the top, and it says, "Happy Anniversary," and it is laying in the rubble, just like that, that is untouched; I just walked up, and this was yesterday afternoon late, and I took this picture. I noticed that one of the doves is still in tact here on top of this material, but one of the doves is broken and laying here. When I saw that, I had to ask myself the question, do we know if a fallen dove is a fallen dove? Is one of this couple gone? Has one been blown away and lost to the storm and one is left to survive, or are they both okay and looking for each other? This kind of a scene, a scenario of families that are separated has been replayed over and over and over again, Mr. Speaker.

So there is a lot of human suffering, and the breadth of this and the depth of this is not something that is understood yet by the American people or by this Congress, which is why I bring this message to the floor of the House of Representatives, so that America can take another step to begin to understand the damage down there.

I will tell my colleagues, Mr. Speaker, that I think we should do everything we can to rescue people, to help them recover, to place them, to make this next phase of their lives more comfortable, easier, give some sense of certainty and some sense of confidence. But, at the same time, those resources that go to that we cannot hold back, but we need a plan. We need an overall plan on, first of all, the question was asked whether we are going to rebuild New Orleans. And I want to hear from the people in New Orleans, the people in Louisiana and, of course, the people in this country. But as I look at it, I see a city that has a unique character and it has a spirit, and it sits there today awfully quiet with nothing going on, high-rise buildings, the Superdome, the core of downtown New Orleans simply standing there dormant, waiting for occupants, waiting for the water to go down and the services to go on and people to come in and occupy.

If we rebuild New Orleans to the size and scope that it was and the population that has been driven from there does not come back to New Orleans, then we will have some services that are overbuilt for the numbers of people that it will be servicing. If we rebuild New Orleans and start rebuilding homes that were destroyed, bulldoze neighborhoods where every house was destroyed and go back in and start building homes again and the disaster hits again, that is good money after bad.

So, Mr. Speaker, I propose that we put together a plan, a plan to save the city, a plan that would, I will say, construct the outlet of Lake Pontchartrain in such a way that a Category 5 hurricane cannot drive that water up into Lake Pontchartrain. Construct floodgates at the inlets of the canals, such as the 17th Street Canal, so that if something fails on the outlet, a hurricane levee protection of Lake Pontchartrain so that Lake Pontchartrain did fill it with water, that the flood gates will protect it so that New Orleans cannot be flooded again.

And I propose, Mr. Speaker, that we go in to every one of those 30 or 40 or more pump stations that are there and raise them up to an elevation high enough that no matter how severe the storm, that it cannot knock out the pumps and we would have a third way to protect the city.

This is not cheap, but New Orleans is a shipping city; New Orleans is a city with a tremendously pivotal economic location. It will be a city; with or without Federal help, it will be constructed as a city again, but we need to put the mitigation in place, the fail-safe system in place so there are actually three places to protect the city. The hurricane wall and levee for the outlet of Lake Pontchartrain, the floodgates along the top of Lake Pontchartrain to keep the water out of the city, and then disaster-proof the lift stations, the pump stations that are all over that city so that they do not shut down, so that we can protect the city.

And then, if perhaps 25 percent of the people do not come back to New Orleans, if they decide that they are going to make their future where they find themselves relocated, then those low grounds that I showed on the previous chart, that dark brown in particular, that area should be put to some other use other than houses so that we are not pulling people out of the water again. Perhaps it becomes a park. We will wait for some architect to come up with a good idea for that.

But I am for helping people, and I am for a long-term plan to do the right thing. I do not think we need to be in a desperate hurry to rebuild New Orleans in the shortest time possible. I think this is a long-term event, and some of this damage that took place was to work that was done more than 100 years ago. We can put this work together in a fashion that is sequential to protect the city of New Orleans and build for the future, and it can be a more vibrant city than it has ever been before. It can still have its unique culture, and it can possibly have a culture that changes, but a unique culture. It can be economically viable and it can bring to this Nation the component of glory that it has given to us in the past and be a great city to visit in and live in, but we need to have an intelligent plan.

It is Congress's job to do that, Mr. Speaker. It is our job to initiate appropriations, and it is our job to safeguard those appropriations, and it is our job to listen to the people of America and put a plan in place, Mr. Speaker. That is my message to the American people.

I appreciate the opportunity to address this House of Representatives this evening, and I look forward to many discussions about how we are going to help the victims of Hurricane Katrina.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of official business.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of district business.

Mrs. MALONEY (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. MCNULTY (at the request of Ms. PELOSI) for today.

Mr. WALSH (at the request of Mr. DELAY) for today and September 14 on account of a death in the family.

Mr. MCHUGH (at the request of Mr. DELAY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. HERSETH, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and September 14, 15, and 16.

Mr. GUTKNECHT, for 5 minutes, September 20.

Mr. POE, for 5 minutes, September 14.

Mr. MCHENRY, for 5 minutes, September 14 and 15.

Ms. FOXX, for 5 minutes, September 15.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 804. An act to exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 252. An act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 8, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 3650. Federal Judiciary Emergency Special Sessions Act of 2005.

H.R. 3673. Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 14, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3819. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2004, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

3820. A letter from the Deputy Assistant Secretary for Installations and Facilities, Department of the Navy, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

3821. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

3822. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's "International Energy Outlook 2005," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

3823. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of Texas since September 2, 2005, pursuant to 42 U.S.C. 247d(a) Public Law 107–188, section 144(a); to the Committee on Energy and Commerce.

3324. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2004 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

3825. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Board's report entitled, "Outreach to the Muslim Audiences Through Braodcast Media"; to the Committee on International Relations.

3826. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-38, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on International Relations.

3827. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-33, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on International Relations.

3828. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-43, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Spain for defense articles and services; to the Committee on International Relations.

3829. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's report on proposed obligations for weapons destruction and non-proliferation in the former Soviet Union and Albania, pursuant to Public Law 108-136, section 1302; to the Committee on International Relations.

3830. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Section 126.1(i) (Z-RIN: 1400-ZA18) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3831. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting on behalf of the President, the report entitled, "Engendering Bold Leadership: The President's Emergency Plan for AIDS Relief", pursuant to Public Law 108–25, section 5; to the Committee on International Relations.

3832. A letter from the Deputy Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the April 15, 2005 — June 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

3833. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles to the Government of Japan (Transmittal No. DDTC 034-05); to the Committee on International Relations.

3834. A letter from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting a draft of proposed legislation, "To authorize the Court Services and Offender Supervision Agency to accept the services of volunteers, and provide for their incidental expenses"; to the Committee on Government Reform.

3835. A letter from the Chairman, Defense Nuclear Facilites Safety Board, transmitting the Board's FY 2005 Annual Report on Commercial Activities, pursuant to Public Law 105—270; to the Committee on Government Reform.

3836. A letter from the Deputy Director of Communication and Legislative Affairs, Equal Employment Opportunity Commission, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Commission's FY 2005 Inventory of Commercial and Inherently Governmental Activities; to the Committee on Government Reform.

3837. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report for FY 2004 and the preceding four fiscal years on the activities to ensure accountibility for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107–174, section 203; to the Committee on Government Reform.

3838. A letter from the Director, Office of Personnel Management, transmitting the Office's report describing and evaluating health benefits coverage for dependent children who are full-time students under the Federal Employees Health Benefits (FEHB) Program, pursuant to 20 U.S.C. 1001; to the Committee on Government Reform.

3839. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 308 to 309, Huntington, WV [COTP Huntington-05-003] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3840. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.0 to Mile Marker 0.2 and Ohio River Mile Marker 0.0 to Mile Marker 0.8, Pittsburgh, PA [COTP Pittsburgh-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3841. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker

0.7, Pittsburgh, PA [COTP Pittsburgh-05-010] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3842. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3843. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Outer Bar Channel Between Buoys "30" and "34," Sabine, TX [COTP Port Arthur–05–003] (RIN: 1625-AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3844. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Inner Harbor Navigational Canal, 500-yards North and South of Mile Marker 2.9, in the vicinity of the Almonaster Avenue Bridge, New Orleans, LA [COTP New Orleans–05–019] (RIN: 1625–AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Port Allen Route, Mile Marker 40.0 to Mile Marker 42.0, extending the entire width of the channel, Bayou Sorrell, LA [COTP New Orleans–05–020] (RIN: 1625–AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 95.0, in the vicinity of Spanish Plaza, New Orleans, LA [COTP New Orleans–05–021] (RIN: 1625–AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile Marker 457.2 to Mile Marker 437.4, Madison Parish Port to the Vicksburg Front, Vicksburg, MS [COTP New Orleans–05–022] (RIN: 1625–AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 95.0, Above Head of Passes, in the vicinity of the Audubon Aquarium of the Americas, New Orleans, LA [COTP New Orleans–05–023] (RIN: 1625–AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Lower Mississippi River, Mile 93.0 to Mile 94.0, Above Head of Passes, in the vicinity of Woldenberg Park, New Orleans, LA [COTP New Orleans–05–024] (RIN: 1625–AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 179.0 to Mile Marker 180.2, St. Louis, MO [COTP St. Louis–05–004] (RIN: 1625–AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Waverly Highway Bridge, Waverly, MO [COTP St. Louis–05–005] (RIN:1625–AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 200.0 to Mile Marker 204.0, IL [COTP St. Louis-05-006] (RIN: 1625-AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone; Upper Mississippi River Mile Marker 839.7 to Mile Marker 840.3, St. Paul, MN [COTP St. Louis-05-007] (RIN: 1625-AAOO) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 577.9 to Mile Marker 581.1, Dubuque, IA [COTP St. Louis-05–008] (RIN: 1625–AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Illinois River Mile Marker 162.3 to Mile Marker 163.0, Peoria, IL [COTP St. Louis–05–009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Upper Mississippi River Mile Marker 485.5 to Mile Marker 485.9, Quad Cities, IL [COTP St. Louis-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Hillsborough Bay, FL [COTP Tampa 05-006] (RIN: 1625–AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone Regulation; Tampa Bay, FL [COTP TAMPA 05–008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Sabine Outer Bar Channel Between Buoys "30" and "34," Sabine, TX [COTP Port Arthur-05-004] (RIN: 1625–AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3860. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 19.0 to 21.0, Above Head of Passes, Fort Jackson, LA [COTP New Orleans–05–025] (RIN: 1625–AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3861. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule Safety Zone, Marathon, Florida [COTP Key West 05-043] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3862. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Wolf River Chute, Mile Marker 1.0 to 3.0, Memphis, TN [COTP Memphis-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3863. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Emergency Safety Zone: James River, VA [CGD05–05–056] (RIN: 1625–AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3864. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

3865. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Utilization and Beneficiary Access to Services Post-Implementation of the Inpatient Rehabilitation Facilities Prospectives Payment System (IRF PPS)," pursuant to Public Law 106–113, section 125(b); to the Committee on Ways and Means.

3866. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2003 report on the Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

3867. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42

U.S.C. 1320b 5 Public Law 107–188, section 143(a)(1135)(f); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 3132. A bill to make improvements to the national sex offender registration program, and for other purposes (Rept. 109–218 Pt. 2).

Mr. GINGREY: Committee on Rules. House Resolution 436. Resolution providing for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes (Rept. 109–219). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. Filner, Ms. Corrine Brown of Florida, Mr. Snyder, Mr. Michaud, Ms. Herseth, Mr. Strickland, Ms. Hooley, Mr. Reyes, Ms. Berkley, Mr. Gutierrez, and Mr. Udall of New Mexico):

H.R. 3727. A bill to authorize the Secretary of Veterans Affairs to provide emergency assistance to homeless veterans and their families affected by Hurricane Katrina, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 3728. A bill to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3729. A bill to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts; to the Committee on the Judiciary.

By Mr. SENSENBRENNER:

H.R. 3730. A bill to extend the statute of limitations pursuant to state of emergency, and for other purposes; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr. Case, Ms. Woolsey, Mr. Hinchey, Ms. Schakowsky, and Ms. Watson):

H.R. 3731. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Energy and Commerce.

By Mr. ISSA:

H.R. 3732. A bill to provide for a credit for employers of tipped employees in determining the minimum wage required in States that require employers to pay a minimum wage at a rate higher than the Federal rate; to the Committee on Education and the Workforce.

By Mr. DAVIS of Alabama:

H.R. 3733. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are victims of Hurricane Katrina to withdraw funds without penalty from their individual retirement accounts and certain other retirement plans; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama:

H.R. 3734. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on House Administration.

By Mr. DAVIS of Alabama:

H.R. 3735. A bill to prevent a reduction in the Medicaid Federal medical assistance percentage (FMAP) determined for a State for fiscal year 2006; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 3736. A bill to protect volunteers assisting the victims of Hurricane Katrina; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Ms. Harris, Mr. Otter, Mr. Kirk, Mr. Simmons, Mr. Holt, Mr. Snyder, Mr. Bass, Mr. Petri, Mr. Pence, Mr. Wolf, Ms. Ginny Brown-Waite of Florida, Mr. Udall of Colorado, Ms. Foxx, and Mr. Westmoreland):

H.R. 3737. A bill to establish an Office of Special Inspector General for Hurricane Katrina Recovery; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Ms. Schakowsky):

H.R. 3738. A bill to direct the Consumer Product Safety Commission to declare Yo-Yo Waterball toys to be a banned hazardous product; to the Committee on Energy and Commerce.

By Mr. BOOZMAN (for himself and Mr. Souder):

H.R. 3739. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to improve the Department of Justice drug court grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H.R. 3740. A bill to provide for the issuance of a special postage stamp in order to afford a convenient means by which members of the public may contribute to Hurricane Katrina disaster relief; to the Committee on Government Reform, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself and Mr. Pickering):

H.R. 3741. A bill to amend the Internal Revenue Code to allow a one-time emergency, penalty free withdrawal, from a qualified investment retirement account; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Meek of Florida, Ms. Harris, Mr. Miller of Florida, Mr. Weller, Ms. Ros-Lehtinen, Mr. English of Pennsylvania, Mr. Mica, Mr. Jefferson, Mr. Mario Diaz-Balart of Florida, Mr. Mack, Mr. Lincoln Diaz-Balart of Florida, Mr. Feeney, Mr. Davis of Florida, Mr. Putnam, Ms. Ginny Brown-Waite of Florida, Mr. Wilson of South Carolina, Mr. Shaw, Mr. Boyd, and Mr. Bilirakis):

H.R. 3742. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from individual retirement plans without penalty by individuals within areas determined by the President to be disaster areas by reason of certain natural disasters; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 3743. A bill to ensure that certain members of the United States Armed Forces are not subject to secondary airport security screening; to the Committee on Homeland Security.

By Mr. GONZALEZ (for himself and Mr. Reyes):

H.R. 3744. A bill to amend the Internal Revenue Code of 1986 to provide incentives for Americans to open their homes to fellow Americans from the Gulf Coast who were devastated by Hurricane Katrina, and for other purposes; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. Schwarz of Michigan, and Mr. Wilson of South Carolina):

H.R. 3745. A bill to amend the Internal Revenue Code of 1986 to extend the tax treatment of members of the Armed Forces who die while serving in, or as a result of serving in, a combat zone to employees of contractors of the Federal Government; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. Kolbe, Mrs. Tauscher, Mrs. Johnson of Connecticut, Mr. Menendez, Mr. Kirk, Mr. Boucher, Ms. DeLauro, Mr. Frank of Massachusetts, Mr. Hinchey, Mr. Wynn, Mr. Smith of Washington, Mr. Schiff, Mr. Kind, and Mr. Moore of Kansas):

H.R. 3746. A bill to prohibit certain abortions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL:

H.R. 3747. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to assist victims of Hurricane Katrina and other major disasters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Hinojosa, Mr. Ortiz, Mr. Gene Green of Texas, Mr. Doggett, Ms. Jackson-Lee of Texas, Mr. Reyes, Mr. Cuellar, Ms. Lee, Mr. Kennedy of Rhode Island, Mr. Nadler, Mr. Boren, Mr. Brown of Ohio, Ms. Carson, Mr. Honda, Mr. Berman, Mr. Grijalva, Mr. Cummings, Mr. Scott of Georgia, Mr. McDermott, Ms. Solis, Mr. Owens, and Mr. Cleaver):

H.R. 3748. A bill to provide additional funds to local educational agencies for elementary and secondary education and pupil services for students displaced by Hurricane Katrina, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEACH:

H.R. 3749. A bill to establish a national commission to address the rebirth and renewal of neighborhoods and communities affected by Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 3750. A bill to temporarily increase the standard mileage rate for use of an automobile for purposes of certain deductions allowed under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHENRY:

H.R. 3751. A bill to amend the Internal Revenue Code of 1986 to provide that withdrawals from section 401(k) and similar plans by victims of Presidentially declared disasters shall not be includible in gross income and shall not be subject to the additional tax on early distributions; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H.R. 3752. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on crude oil and to ease gas prices for consumers, and for other purposes; to the Committee on Ways and Means.

By Mrs. MUSGRAVE (for herself, Mr. BOEHNER, Mr. ADERHOLT, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CHOCOLA, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. LAHOOD, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. NUSSLE, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. RENZI, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SIMPSON, Mr. SOUDER, Mr. SULLIVAN, Mr. TANCREDO, Mr. TERRY, Mr. TIAHRT, Mr. WAMP, and Mr. WOLF):

H.R. 3753. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 3754. A bill to provide disaster assistance to agricultural producers for 2005 crop and livestock losses, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself and Mr. SOUDER):

H.R. 3755. A bill to amend the Controlled Substances Act (21 U.S.C. 848) to provide increased penalties for methamphetamine traffickers; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself and Mr. SOUDER):

H.R. 3756. A bill to amend the Controlled Substances Act and title 18, United States Code, with respect to methamphetamine, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mr. BURGESS, Mr. BLUNT, and Mr. SHIMKUS):

H.R. 3757. A bill to amend titles XIX of the Social Security Act to provide for health opportunity accounts under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 3758. A bill to improve foster care court capacity through grants, loan forgiveness, and performance measurement; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself and Mr. LEWIS of Kentucky):

H.R. 3759. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from qualified retirement plans without penalty by individuals within areas determined by the President to be disaster areas by reason of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CLEAVER (for himself, Mr. BLUNT, Mrs. EMERSON, Mr. OSBORNE, Mr. HOYER, Mr. CLYBURN, Mr. BROWN of Ohio, Mr. HIGGINS, Ms. BALDWIN, Mr. WYNN, Mr. MOORE of Kansas, Mr. SKELTON, and Mr. DAVIS of Alabama):

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, and Mr. PEARCE):

H. Con. Res. 241. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII,

168. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 05–1005 expressing sympathy for the victims of the earthquake and tsunamis that occurred on December 26, 2004, and thanks to Coloradans for their generous charitable donations; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. FILNER.

H.R. 23: Mr. SCHWARZ of Michigan and Mr. GIBBONS.

H.R. 25: Mr. BROWN of South Carolina and Mr. TANCREDO.

H.R. 49: Mr. KANJORSKI.

H.R. 111: Mr. COBLE.

H.R. 114: Mr. CROWLEY.

H.R. 115: Mr. FILNER.

H.R. 153: Mr. PALLONE and Ms. SCHAKOWSKY.

H.R. 226: Mr. ETHERIDGE and Mr. SMITH of Washington.

H.R. 303: Mr. ENGLISH of Pennsylvania.

H.R. 363: Mr. BERMAN and Mr. BISHOP of Georgia.

H.R. 376: Mr. BERRY.

H.R. 398: Mrs. TAUSCHER, Mr. CROWLEY, Mr. FILNER, Mr. KUCINICH, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. KENNEDY of Rhode Island, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. MICHAUD, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. BECERRA, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Mr. CLYBURN, Ms. WATERS, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. SCHIFF, Mrs. MCCARTHY, Mr. NADLER, Mr. PASCRELL, Mr. CLEAVER, Mr. ENGEL, Mr. STARK, Mr. MCDERMOTT, Ms. HARMAN Mr. ROTHMAN Ms. BERKLEY, Mrs. LOWEY, Ms. ESHOO, and Ms. WOOLSEY.

H.R. 414: Mr. RYAN of Ohio, Ms. SLAUGHTER, Mr. SHIMKUS, Mr. POMBO, Mr. PLATTS, and Mr. JEFFERSON.

H.R. 415: Mr. PETERSON of Minnesota.

H.R. 515: Mrs. LOWEY.

H.R. 521: Mr. HOEKSTRA.

H.R. 550: Mr. CARNAHAN, Mr. NEAL of Massachusetts, Mr. MENENDEZ, and Mr. CLEAVER.

H.R. 552: Mr. HERGER and Mrs. MILLER of Michigan.

H.R. 583: Mr. NEAL of Massachusetts and Mr. MARKEY.

H.R. 602: Mr. MARCHANT.

H.R. 616: Mr. FILNER, Mr. HINCHEY, and Mr. TERRY.

H.R. 670: Mr. MCCOTTER.

H.R. 687: Mr. DUNCAN.

H.R. 693: Mr. MCCOTTER.

H.R. 699: Ms. LEE.

H.R. 700: Mr. COSTA and Mr. MICHAUD.

H.R. 705: Mr. SANDERS.

H.R. 745: Mr. CANNON and Mr. FORD.

H.R. 752: Mr. EMANUEL, Mr. MOORE of Kansas, and Ms. SLAUGHTER.

H.R. 768: Mr. MEEK of Florida.

H.R. 783: Mr. JINDAL, Mr. MARSHALL, and Mr. LARSON of Connecticut.

H.R. 808: Mr. BACA, Ms. SCHWARTZ of Pennsylvania, and Mr. PASTOR.

H.R. 813: Mr. GEORGE MILLER of California, Mr. SANDERS, and Mr. COSTELLO.

H.R. 819: Mr. BLUNT and Mr. RYAN of Wisconsin.

H.R. 839: Mr. MILLER of North Carolina.

H.R. 844: Mr. FILNER.

H.R. 856: Ms. HERSETH.

H.R. 867: Ms. SCHAKOWSKY.

H.R. 872: Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. PETERSON of Minnesota, Mr. PLATTS, and Mr. PRICE of North Carolina.

H.R. 896: Mr. MCNULTY.

H.R. 917: Mr. SANDERS.

H.R. 920: Mr. ANDREWS and Mr. MCHUGH.

H.R. 921: Ms. SCHAKOWSKY.

H.R. 923: Mr. VAN HOLLEN and Mr. LAHOOD.

H.R. 949: Ms. SLAUGHTER.

H.R. 955: Mr. SANDERS.

H.R. 960: Mr. BUTTERFIELD and Mr. MCINTYRE.

H.R. 968: Mr. GORDON.

H.R. 986: Mr. SCHIFF and Mr. BARTLETT of Maryland.

H.R. 997: Mr. SHADEGG.

H.R. 999: Mr. MARSHALL and Mr. WAMP.

H.R. 1000: Mr. SCHIFF, Mr. PLATTS, and Mr. CUMMINGS.

H.R. 1020: Mr. HOLT, Mr. HOLDEN, Mr. ANDREWS, Mr. BERMAN, Mr. OBERSTAR, and Mr. GRIJALVA.

H.R. 1043: Mr. NADLER, Mr. GRIJALVA, and Mr. BROWN of Ohio.

H.R. 1105: Mr. RENZI.

H.R. 1157: Mr. CROWLEY.

H.R. 1167: Mr. SENSENBRENNER and Mr. MCHUGH.

H.R. 1177: Mr. HOLDEN, Mr. MICHAUD, and Mr. MCCOTTER.

H.R. 1217: Mr. OWENS, Mr. RAMSTAD, Mr. WEXLER, and Mr. TOWNS.

H.R. 1227: Mr. STUPAK, Mr. LANGEVIN, Mr. LATHAM, Mr. CLAY, and Mr. ALEXANDER.

H.R. 1232: Mr. GRIJALVA and Mrs. CHRISTENSEN.

H.R. 1246: Ms. MCCOLLUM of Minnesota, Mr. YOUNG of Florida, Mr. ADERHOLT, Mr. PETERSON of Minnesota, Mr. BAIRD, Mr. CHABOT, Mr. POMBO, and Mr. FORBES.

H.R. 1298: Mr. SCHWARZ of Michigan, Ms. MATSUI, Mr. WICKER, and Mr. GONZALEZ.

H.R. 1351: Mr. SCHWARZ of Michigan.

H.R. 1355: Mr. CROWLEY.

H.R. 1365: Mr. MILLER of North Carolina.

H.R. 1402: Mr. SANDERS.

H.R. 1408: Mr. CROWLEY.

H.R. 1409: Mr. HIGGINS, Ms. WATSON, Mrs. MALONEY, Mr. BUTTERFIELD, Ms. WASSERMAN SCHULTZ, and Ms. SOLIS.

H.R. 1424: Ms. VELÁZQUEZ.

H.R. 1554: Mr. CAPUANO.

H.R. 1588: Mr. MEEHAN and Mrs. LOWEY.

H.R. 1598: Mrs. KELLY.

H.R. 1602: Mr. BILIRAKIS, Mr. TOM DAVIS of Virginia, Mrs. EMERSON, Mr. SHAYS, and Mr. MOORE of Kansas.

H.R. 1607: Mr. TERRY.

H.R. 1671: Mr. GONZALEZ.

H.R. 1696: Ms. LORETTA SANCHEZ of California.

H.R. 1714: Mr. POE, Mr. FILNER, and Mr. MARCHANT.

H.R. 1736: Mr. FILNER.

H.R. 1849: Mr. FITZPATRICK of Pennsylvania, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, and Ms. MCKINNEY.

H.R. 1898: Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, and Mr. SIMMONS.

H.R. 1946: Mr. KENNEDY of Rhode Island, Mrs. CAPPS, and Mr. CARDIN.

H.R. 1951: Mr. MCCAUL of Texas.

H.R. 1955: Mr. UDALL of New Mexico.

H.R. 1973: Mr. AL GREEN of Texas.

H.R. 2000: Mr. SCOTT of Virginia.

H.R. 2049: Mr. SHADEGG and Mr. MCCAUL of Texas.

H.R. 2106: Mr. HOEKSTRA and Mr. BISHOP of Georgia.

H.R. 2237: Ms. SCHAKOWSKY.

H.R. 2238: Mr. PRICE of North Carolina, Ms. LEE, and Mr. CROWLEY.

H.R. 2291: Mr. PAUL.

H.R. 2328: Mr. PRICE of North Carolina.

H.R. 2421: Mr. FRANK of Massachusetts, Mr. STUPAK, Mr. MURPHY, Mr. RUPPERSBERGER, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. STARK, Mr. FILNER, Mr. SESSIONS, Mrs. TAUSCHER, and Mrs. WILSON of New Mexico.

H.R. 2429: Mr. COSTELLO.

H.R. 2508: Mr. ANDREWS.

H.R. 2531: Mr. FILNER.

H.R. 2553: Mr. FILNER and Ms. VELÁZQUEZ.

H.R. 2658: Mrs. CUBIN.

H.R. 2662: Mr. BAIRD.

H.R. 2668: Mr. BOEHNER.

H.R. 2682: Mr. PRICE of North Carolina, Mr. BASS, and Mr. PUTNAM.

H.R. 2694: Ms. KAPTUR.

H.R. 2717: Ms. BERKLEY and Mr. PASCRELL.

H.R. 2719: Mr. LEACH and Mr. ROTHMAN.

H.R. 2736: Mr. FILNER.

H.R. 2793: Mr. KUHL of New York, Mr. HYDE, Mr. KILDEE, Mrs. KELLY, and Mr. EVANS.

H.R. 2794: Mr. PRICE of North Carolina and Mr. SANDERS.

H.R. 2807: Mr. JEFFERSON.

H.R. 2811: Mrs. NAPOLITANO.

H.R. 2815: Mr. MEEKS of New York and Mr. CROWLEY.

H.R. 2822: Mr. GREEN of Wisconsin.

H.R. 2823: Mr. BARTLETT of Maryland.

H.R. 2949: Mr. CROWLEY.

H.R. 2961: Mr. DEFAZIO and Mr. MORAN of Kansas.

H.R. 2963: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.

H.R. 2989: Mr. BARTLETT of Maryland, Ms. HERSETH, Mrs. CAPITO, and Mr. SODREL.

H.R. 3042: Mr. WYNN.

H.R. 3127: Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. SMITH of Washington, Ms. SOLIS, Mr. DAVIS of Florida, Mr. BRADY of Pennsylvania, Mr. BRADLEY of New Hampshire, and Mr. CALVERT.

H.R. 3128: Mr. FILNER.

H.R. 3135: Mr. AKIN and Mr. LOBIONDO.

H.R. 3150: Mr. POE and Mr. MARCHANT.

H.R. 3162: Mr. ANDREWS.

H.R. 3184: Mr. ACKERMAN.

H.R. 3185: Mr. LARSEN of Washington, Mr. PAYNE, Mr. MCGOVERN, and Mr. CROWLEY.

H.R. 3189: Mr. MCGOVERN, Mr. CROWLEY, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 3192: Ms. MOORE of Wisconsin, Ms. MCKINNEY, and Mr. JEFFERSON.

H.R. 3195: Mr. LEWIS of Georgia.

H.R. 3255: Mr. BOREN.

H.R. 3282: Mr. MARCHANT, Mr. GREEN of Wisconsin, Mr. SAM JOHNSON of Texas, and Mr. GOODLATTE.

H.R. 3334: Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. MCDERMOTT, Mr. RUSH, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, and Mr. BROWN of Ohio.

H.R. 3360: Mr. GREEN of Wisconsin and Mr. PAUL.

H.R. 3361: Mr. GRIJALVA, Mr. WAXMAN, Mr. CALVERT, Ms. LORETTA SANCHEZ of California, Mr. GEORGE MILLER of California, Mr. SHERMAN, and Mr. ISSA.

H.R. 3373: Mrs. WILSON of New Mexico, Mr. RYAN of Ohio, Mr. CROWLEY, Mr. FATTAH, Mr. GUTIERREZ, Mr. EMANUEL, Mr. MARCHANT, Mr. WESTMORELAND, Mr. FORBES, Mr. ALEXANDER, and Ms. FOXX.

H.R. 3405: Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Ms. KILPATRICK of Michigan, Mr. WELDON of Florida, Mr. COSTA, and Mr. MARCHANT.

H.R. 3417: Mr. JEFFERSON and Mrs. CAPITO.

H.R. 3420: Mr. TIERNEY.

H.R. 3502: Mr. SANDERS.

H.R. 3524: Mr. OWENS.

H.R. 3532: Mr. SCHWARZ of Michigan and Mr. UPTON.

H.R. 3547: Mr. PRICE of North Carolina and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3565: Mr. JEFFERSON and Mr. OWENS.

H.R. 3575: Mr. CROWLEY.

H.R. 3583: Mr. ALLEN.

H.R. 3584: Mr. HINCHEY.

H.R. 3602: Mr. LEWIS of Georgia.

H.R. 3616: Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. CONAWAY, and Mr. STARK.

H.R. 3617: Ms. HART and Mr. TERRY.

H.R. 3662: Mr. BERMAN, Mr. GRIJALVA, Mr. OWENS, Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. CUMMINGS.

H.R. 3666: Mr. MCGOVERN.

H.R. 3667: Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, Ms. WATSON, Mr. BECERRA, Ms. ESHOO, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. WOOLSEY, Mrs. CAPPS, Mr. BERMAN, Mrs. DAVIS of California, Mr. HONDA, Mr. ISSA, Mr. LANTOS, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. FARR, Mr. CUNNINGHAM, Mr. CALVERT, Mr. POMBO, Ms. LEE, Mr. FILNER, Mr. RADANOVICH, Ms. MATSUI, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. MCKEON, Mr. LEWIS of California, Mrs. BONO, Mr. ROHRABACHER, Mr. CARDOZA, and Ms. LORETTA SANCHEZ of California.

H.R. 3680: Mr. ENGLISH of Pennsylvania, Mr. HERGER, and Mrs. MILLER of Michigan.

H.R. 3681: Mr. ABERCROMBIE, and Mr. WATT.

H.R. 3690: Mr. SERRANO, Ms. CARSON, Mr. HONDA, Ms. WASSERMAN Schultz, Ms. SCHAKOWSKY, Mr. WU, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. EVANS, and Mrs. MALONEY.

H.R. 3693: Mr. DEAL of Georgia, Mr. NORWOOD, Mr. WESTMORELAND, Mr. TANCREDO, and Mr. MARCHANT.

H.R. 3697: Mr. FARR, Mr. FILNER, Mr. CARNAHAN, Ms. SOLIS, Mr. SABO, Mr. WEINER, Mr. FORD, Mr. THOMPSON of California, Mr. AL GREEN of Texas, Mr. COOPER, Mr. PRICE of North Carolina, and Mr. PALLONE.

H.R. 3698: Mr. MARKEY, Mr. WYNN, Mr. PALLONE, Mr. ROSS, Mr. DAVIS of Florida, Mr. STRICKLAND, and Mr. GORDON.

H.R. 3699: Mr. CANNON.

H.R. 3706: Mr. CASE, Ms. WASSERMAN SCHULTZ, and Ms. BERKLEY.

H.R. 3710: Mr. CROWLEY, Mr. GRIJALVA, Mr. HINCHEY, Ms. LEE, and Mr. NADLER.

H.R. 3714: Mr. BACHUS, Mr. OWENS, Mr. REYES, Mr. PRICE of Georgia, and Mr. ALEXANDER.

H.R. 3717: Mrs. DRAKE, Mr. SHAYS, Mr. HERGER, and Mr. ALEXANDER.

H.R. 3722: Mr. SANDERS.

H.J. Res. 39: Mr. KING of Iowa and Mr. SAM JOHNSON of Texas.

H.J. Res. 58: Mr. BROWN of Ohio.

H.J. Res. 61: Mr. MCDERMOTT, Mr. CASE, Ms. CARSON, Mr. HALL, Mr. PETRI, Mr. HIGGINS, Mr. CARNAHAN, Mr. ISRAEL, Ms. WASSERMAN Schultz, and Mr. LYNCH.

H. Con. Res. 129: Ms. NORTON.

H. Con. Res. 137: Mr. CROWLEY.

H. Con. Res. 140: Mr. MCHUGH.

H. Con. Res. 172: Mr. THOMPSON of California and Mr. EMANUEL.

H. Con. Res. 178: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, and Mr. MILLER of North Carolina.

H. Con. Res. 190: Ms. SCHAKOWSKY.

H. Con. Res. 195: Ms. SCHAKOWSKY.

H. Con. Res. 197: Mr. FRANK of Massachusetts.

H. Con. Res. 209: Ms. BALDWIN, Mr. SANDERS, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. KILDEE, Mr. BOSWELL, Ms. MATSUI, Mrs. MCCARTHY, Mr. HOLDEN, Mr. GOODE, Mr. GRIJALVA, Mr. KUCINICH, and Mr. SHERMAN.

H. Con. Res. 228: Ms. BALDWIN.

H. Con. Res. 231: Mr. MCHUGH, Ms. HART, and Mr. WAMP.

H. Con. Res. 234: Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. SHERMAN, Mr. BUTTERFIELD, Mr. WATT, and Ms. SOLIS.

H. Con. Res. 237: Mr. AKIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. ENGEL, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. HASTINGS of Florida, Mr. ISSA, Mr. KING of New York, Mr. MACK, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. POE, Mr. REYES, Ms. ROS-LEHTINEN, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SIMPSON, Mr. SOUDER, Mr. TANCREDO, Mr. WATT, and Mr. YOUNG of Alaska.

H. Res. 15: Mr. NUNES, Mr. LEWIS of Kentucky, Mr. GINGREY, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mr. WELDON of Pennsylvania, Mr. PETRI, Mr. KIND, Mr. ROGERS of Kentucky, Mr. BAKER, Mr. DAVIS of Kentucky, Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. WHITFIELD, Mr. ROTHMAN, and Ms. WASSERMAN SCHULTZ.

H. Res. 38: Mr. ACKERMAN.

H. Res. 123: Mr. FARR and Mr. ENGLISH of Pennsylvania.

H. Res. 158: Mr. SHAYS, Mr. MURPHY, and Mr. CROWLEY.

H. Res. 192: Mr. LANTOS.

H. Res. 276: Mr. FITZPATRICK of Pennsylvania, Mr. SNYDER, Mrs. MCCARTHY, and Mr. PETERSON of Minnesota.

H. Res. 286: Mr. JEFFERSON and Mr. KUCINICH.

H. Res. 297: Mr. SHAYS.

H. Res. 325: Mr. ISSA.

H. Res. 368: Mr. MARSHALL, Mr. DOOLITTLE, Mr. MENENDEZ, Mr. CARDOZA, Mr. BOOZMAN, and Mr. BLUMENAUER.

H. Res. 375: Mr. MENENDEZ, Ms. CARSON, Mr. CARDIN, Ms. SOLIS, Mr. ROTHMAN, Ms. MATSUI, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. CARDOZA, Mr. INSLEE, Ms. LINDA T. SÁNCHEZ of California, Mr. MOLLOHAN, Ms. BERKLEY, Mr. NEAL of Massachusetts, and Mr. ANDREWS.

H. Res. 409: Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. PENCE, Mr. BLUMENAUER, Mr. MCDERMOTT, Mr. SCHIFF, Mr. LEACH, Mr. CROWLEY, Mr. GRIJALVA, Mr. ENGEL, Mr. GREEN of Wisconsin, Mr. ACKERMAN, Mr. CHANDLER, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, and Mr. FRANK of Massachusetts.

H. Res. 413: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 415: Mr. ROHRABACHER.

H. Res. 417: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 418: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 419: Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 420: Mr. CONYERS, Mr. KUCINICH, Mr. TIERNEY, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. DEFAZIO, Mr. HINCHEY, Mr. DELAHUNT, Mr. DOYLE, Mr. UDALL of Colorado, Mr. VISCLOSKY, Mr. MCGOVERN, Mr. PALLONE, Ms. LEE, Ms. MATSUI, Mr. CROWLEY, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 434: Mr. HOLDEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2567: Mr. GENE GREEN of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 889

OFFERED BY: MRS. MILLER OF MICHIGAN

AMENDMENT NO. 1: At the end of title IV add the following:

SEC. ___. TREATMENT OF S/V HIGHLANDER SEA.

The Secretary of the department in which the Coast Guard is operating may treat the vessel S/V HIGHLANDER SEA (United States official number 224289) as a small passenger vessel for purposes of chapter 33 of title 46, United States Code, if the Secretary determines that such treatment will not compromise safety.

H.R. 3132

OFFERED BY: MR. PENCE

AMENDMENT NO. 1: Add at the end the following new title:

TITLE VI—CHILD PORNOGRAPHY PREVENTION ACT OF 2005

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Pornography Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 603. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257 of title 18 of the United States Code is amended—

(1) in subsection (a)(1), by striking "actual";

(2) in subsection (b), by striking "actual";

(3) in subsection (f)(4)(A), by striking "actual";

(4) by amending paragraph (1) of subsection (h) to read as follows:

"(1) the term 'sexually explicit conduct' has the meaning set forth in subparagraphs (A)(i) through (v) of paragraph (2) of section 2256 of this title;";

(5) in subsection (h)(4), by striking "actual.";

(6) in subsection (f)—

(A) at the end of paragraph (3), by striking "and";

(B) at the end of paragraph (4)(B), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (4)(B) the following new paragraph:

"(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her delegee to conduct an inspection under subsection (c).".

(7) in subsection (h)(3), by striking "to produce, manufacture, or publish any book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other similar matter and includes the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not involve hiring, contracting for managing or otherwise arranging for the participation of the performers depicted" and inserting "actually filming, videotaping, photographing; creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being; or digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or, inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct";

(8) in subsection (a), by inserting after "videotape," the following: "digital image, digitally- or computer-manipulated image of an actual human being, or picture,"; and

(9) in subsection (f)(4), by inserting after "video" the following: "digital image, digitally- or computer-manipulated image of an actual human being, or picture,".

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

"(m) Prohibition on Reproduction of Child Pornography.—

"(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

"(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

"(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.".

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) Conforming Forfeiture Procedures for Obscenity Offenses.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after "of such offense" and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

"(b) The provisions of section 413 of the Controlled Substance Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

"(c) Any property subject to forfeiture pursuant to subjection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.".

(b) Amendments to Child Exploitation Forfeiture Provisions.—

(1) Criminal forfeiture.—Section 2253(a) of title 18, United States Code, is amended—

(A) in the matter preceding paragraph (1) by—

(i) inserting "or who is convicted of an offense under sections 2252B or 2257 of this chapter," after "2260 of this chapter";

(ii) inserting ", or 2425" after "2423" and striking "or" before "2423"; and

(iii) inserting "or an offense under chapter 109A" after "of chapter 117"; and

(B) in paragraph (I), by inserting ", 2252A, 2252B or 2257" after "2252".

(2) Civil forfeiture.—Section 2254(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting ", 2252A, 2252B, or 2257" after "2252";

(B) in paragraph (2) —

(i) by striking "or" and inserting "of" before "chapter 117";

(ii) by inserting ", or an offense under section 2252B or 2257 of this chapter," after "Chapter 117," and

(iii) by inserting ", or an offense under chapter 109A" before the period; and

(C) in paragraph (3) by—

(i) inserting ", or 2425" after "2423" and striking "or" before "2423"; and

(ii) inserting ", a violation of section 2252B or 2257 of this chapter, or a violation of chapter 109A" before the period.

(c) Amendments to RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting "2252A, 2252B," after "2252".

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) Section 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting "**Production and**" before "**Transportation**" in the heading of the section;

(2) by inserting "produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly" after "whoever knowingly" and before "transports or travels in"; and

(3) by inserting a comma after "in or affecting such commerce".

(b) Section 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting "producing with intent to distribute or sell, or" before "selling or transferring obscene matter,";

(2) in subsection (b), by inserting, "produces" before "sells or transfers or offers to sell or transfer obscene matter"; and

(3) in subsection (b) by inserting "production," before "selling or transferring or offering to sell or transfer such material.".

H.R. 3132

Offered By: Mr. Nadler

Amendment No. 2: Page 4, before line 1, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISION

Sec. 601. Ban on firearm for person convicted of a misdemeanor sex offense against a minor.

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISION

SEC. 601. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) Disposition of Firearm.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; or" ; and

(3) by inserting after paragraph (9) the following:

"(10) has been convicted in any court of a misdemeanor sex offense against a minor.".

(b) Possession of Firearm.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting "; or" ; and

(3) by inserting after paragraph (9) the following:

"(10) who has been convicted in any court of a misdemeanor sex offense against a minor,".

(c) Misdemeanor Sex Offense Against a Minor Defined.—Section 921(a) of such title is amended by adding at the end the following:

"(36)(A) The term 'misdemeanor sex offense against a minor' means a sex offense against a minor punishable by imprisonment for not more than one year.

"(B) The term 'sex offense' means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

"(C) The term 'minor' means an individual who has not attained 18 years of age.".

H.R. 3132

Offered By: Mr. Porter

Amendment No. 3: At the end of title III of the bill, insert the following (and make such conforming changes to the table of contents as may be necessary):

SEC. 304. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) In General.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) Protection of Information.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) Criminal Penalties.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) Definition.—In this section, the terms "local educational agency" and "State educational agency" have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

H.R. 3132

Offered By: Mr. Scott of Virginia

Amendment No. 4: Page 31, line 17, strike "not less than 10".

Page 43, line 10, strike paragraph (1) and redesignate succeeding paragraphs accordingly.

Page 44, beginning on line 5, strike "not less than 10 years and".

Page 45, line 8, strike subparagraph (A) and redesignate succeeding subparagraphs accordingly.

Page 45, line 11, strike the semicolon and insert "; and".

Page 45, line 18, strike the semicolon and insert a period.

Page 45, strike line 19 through line 6 on page 46.

Page 46, strike line 18 and all that follows through line 8 on page 47.

Page 47, line 4, strike the semicolon and insert "; and".

Page 47, line 5, strike "; and" and insert a period.

Page 47, starting on line 6, strike clause (iii) and all that follows through line 13 on page 49.

Page 55, strike section 504 and all that follows through line 22 on page 57, and redesignate succeeding sections accordingly.

Page 68, line 21, strike the semicolon and insert "; and".

Page 68, strike lines 22 through 23.

Page 69, strike lines 8 through 11.

H.R. 3132

Offered By: Mr. Ryun of Kansas

Amendment No. 5: At the end of title IV add the following:

SEC. 403. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) Findings.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in United States v. Jeffrey Meek, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that "an actual minor victim is not required for an attempt conviction under 18 U.S.C. § 2422(b).";

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, "Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children".

(b) Sense of Congress.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple's decision in United States v. Helder, Jr. and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple's decision in United States v. Helder, Jr. should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

H.R. 3132

Offered By: Mr. Scott of Virginia

Amendment No. 6: Strike section 303. Redesignate any succeeding sections accordingly.

H.R. 3132

Offered By: Mr. Scott of Virginia

Amendment No. 7: Strike section 302. Redesignate any succeeding sections accordingly.

Page 44, strike line 10 and all that follows through line 2 on page 11.

H.R. 3132

Offered By: Ms. Wasserman Schultz

Amendment No. 8: Insert after section 511 the following new section (and redesignate succeeding sections accordingly):

SEC. 512. STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) Grants Authorized.—The Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) Eligibility.—

(1) In general.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) Compliance period.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(c) Attorney General Reports.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(d) Definitions.—As used in this section:

(1) The term "civil commitment program" means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term "sexually dangerous person" means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term "jurisdiction" has the meaning given such term in section 111.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

H.R. 3132

Offered By: Mr. Inglis of South Carolina

Amendment No. 9: Page 27, line 7, strike "not less than 5 years nor".

Page 27, lines 17 through 18, strike "not less than 5 years nor".

H.R. 3132

Offered By: Mr. McDermott

Amendment No. 10: Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FOSTER CHILDREN IN AREAS AFFECTED BY HURRICANE KATRINA DEEMED ELIGIBLE FOR FOSTER CARE MAINTENANCE PAYMENTS.

(a) In General.—As a condition of eligibility for payments under part E of title IV of the Social Security Act, each State with a plan approved under such part shall, during the 12-month period that begins with September 2005, make foster care maintenance payments (as defined in section 475(4) of such Act) in accordance with such part on behalf of each child who is in foster care under the responsibility of the State, and who resides or, just before August 28, 2005, had resided in an area for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina.

(b) Payments to States.—In lieu of any entitlement to payment under section 474 of the Social Security Act with respect to any child described in subsection (a) of this section, each State with such a plan shall be entitled to a payment for each quarter in which there is month in which the State has made a foster care maintenance payment pursuant to such subsection (a), in an amount equal to the sum of—

(1) the total of the amounts expended by the State during the quarter pursuant to such subsection (a) for children described in such subsection (a) who are in foster family homes (as defined in section 472(c)(1) of such Act) or child-care institutions (as defined in section 472(c)(2) of such Act); and

(2) the total of the amounts expended by the State during the quarter as found necessary by the Secretary for the provision of child placement services for such children, for the proper and efficient administration of the plan with respect to such children, or for the provision of services which seek to improve the well-being of such children.

H.R. 3132

Offered By: Mr. McDermott

Amendment No. 11: Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FLEXIBILITY TO ESTABLISH SEPARATE STANDARDS FOR RELATIVE FOSTER FAMILY HOMES.

Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended by inserting before the semicolon the following: ", and, at the option of the State, that the authority or authorities may—

"(A) establish and maintain separate standards for foster family homes in which a foster parent is a relative of the foster child, that, at a minimum, protect the safety of the child and provide for criminal records checks as described in paragraph (20); and

"(B) apply the standards referred to in subparagraph (A) of this paragraph to any such relative foster care provider to whom funds are paid pursuant to section 472 or part B in lieu of the standards that would otherwise apply to a foster family home.".

H.R. 3132

Offered By: Mr. Herger

Amendment No. 12: Page 54, beginning on line 21, strike "in furtherance" and all that follows through line 23 and insert "for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.".

Page 55, beginning on line 18, strike "placement of foster or adoptive children" and insert "licensing or approval of foster or adoptive parents".

H.R. 3132

Offered By: Mr. Flake

Amendment No. 13: Page 42, line 6, strike the close quotation mark and the period that follows.

Page 42, after line 6, insert the following:

"(k) Sentencing Claims.—A court, justice, or judge shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.".

H.R. 3132

Offered By: Mr. Baird

Amendment No. 14: Add at the end of title III the following:

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) Study.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Congress the results of the study under this section.

H.R. 3132

Offered By: Mr. McDermott

Amendment No. 15: Page 52, line 13, strike the close quotation marks and the period and insert "and".

Page 52, after line 13, insert the following:

"(D) provides that the preceding provisions of this paragraph shall not apply with respect to the placement of a child with a relative for not more than 60 days while the State is conducting a records check pursuant to this paragraph; ".

H.R. 3132

Offered By: Mr. Gibbons

Amendment No. 16: Page 26, after line 7, insert the following new section (and redesignate succeeding sections, and conform the table of contents, accordingly):

SEC. 134. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

H.R. 3132

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 17: Add at the end the following new title:

TITLE VI—PERSONAL DATA OF CHILDREN

SEC. 601. MISAPPROPRIATION OF DATA.

(a) In General.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

"§ 1802. Misappropriation of personal data of children

"Whoever, in or affecting interstate or foreign commerce, knowingly misappropriates the personally identifiable information of a person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 10 years, or both.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 88 of title 18, United States Code, is amended by adding at the end the following new item:

"1802. Misappropriation of personal data of children.".

H.R. 3132

Offered By: Mr. Cuellar

Amendment No. 18: Page 11, line 4, after the comma insert "and a minimum term of imprisonment that is no less than 90 days,".

H.R. 3132

Offered By: Mr. Poe

Amendment No. 19: At the end of title I, add the following new section (and amend the table of contents accordingly):

SEC. ___. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) Training.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) Technology.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) Report.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

H.R. 3132

Offered By: Mr. Weldon of Florida

Amendment No. 20: At the end of the bill, add the following new section:

SEC. 5___. DEFENDANTS IN CERTAIN CRIMINAL CASES TO BE TESTED FOR HIV.

(a) In General.—A jurisdiction shall have in effect laws or regulations with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity that require as follows:

(1) That the defendant be tested for HIV disease if—

(A) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

(B) the victim requests that the defendant be so tested.

(2) That if the conditions specified in paragraph (1) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to—

(A) the victim;

(B) the defendant (or if the defendant is a minor, to the legal guardian of the defendant);

(C) the attorneys of the victim;

(D) the attorneys of the defendant;

(E) the prosecuting attorneys; and

(F) the judge presiding at the trial, if any.

(3) That if the defendant has been tested pursuant to paragraph (2), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with paragraph (1) (except that this paragraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

(4) That, if the results of a test conducted pursuant to paragraph (2) or (3) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

(b) FAILURE TO COMPLY.—

(1) IN GENERAL.—For any fiscal year beginning 2 or more years after the date of the enactment of this Act, a jurisdiction that fails to implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(A) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this section shall be reallocated under that program to jurisdictions that have not failed to implement this section.

H.R. 3132

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 21: Add at the end of title IV the following:

SEC. 403. SEXUAL ABUSE, SEXUAL EXPLOITATION, OR COERCIVE PROSTITUTION OF CHILDREN WHILE ILLEGALLY MANUFACTURING, DISTRIBUTING, DISPENSING, TRANSPORTING, OR POSSESSING CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

"**§ 2260A. Sexual abuse, sexual exploitation, or coercive prostitution of children while illegally manufacturing, distributing, dispensing, possessing, or transporting controlled substances**

"Whoever, during and in relation to—

"(1) manufacturing, distributing, dispensing, or possessing a controlled substance in violation of the Controlled Substances Act, or attempting or conspiring to do so; or

"(2) transporting or causing to be transported materials (including chemicals) for manufacturing a controlled substance in violation of that Act, or attempting or conspiring to do so, commits a sex offense (as defined in section 111 of the Children's Safety Act of 2005) against an individual less than 18 years of age;

shall be fined under this title, and imprisoned for life or for any term of years not less than 25.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code is amended by adding at the end the following new item:

"2260A. Sexual abuse, sexual exploitation, or coercive prostitution of children while illegally manufacturing, distributing, dispensing, possessing, or transporting controlled substances.".

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT NO. 22: At the end of title I, add the following new subtitle:

Subtitle C—Children's Safety Office

SEC. 171. ESTABLISHMENT.

There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Children's Safety Office.

SEC. 172. PURPOSE.

The purpose of the Office is to administer the sex offender registration program under subtitle A and to coordinate with other departments, agencies, and offices in preventing sexual abuse of children, prosecuting child sex offenders, and tracking child abusers post-conviction.

SEC. 173. DIRECTOR.

(a) ADVICE AND CONSENT.—At the head of the Office shall be a Director, appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the Attorney General.

(b) QUALIFICATIONS.—The Director shall be appointed from among distinguished individuals who have—

(1) proven academic, management, and leadership credentials;

(2) a superior record of achievement; and

(3) training or expertise in criminal law or the exploitation of children, or both.

(c) DUTIES.—The Director shall have the following duties:

(1) To maintain liaison with the judicial branches of the Federal and State Governments on matters relating to children's safety from sex offenders.

(2) To provide information to the President, the Congress, the Judiciary, State and local governments, and the general public on matters relating to children's safety from sex offenders.

(3) To serve, when requested by the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to children's safety from sex offenders.

(4) To provide technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to sexual assaults against children, including the litigation of civil and criminal actions relating to enforcing such laws; and

(B) other Federal, State, and local agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate sexual assaults against children.

(5) To exercise such other powers and functions as may be vested in the Director pursuant to this or any other Act or by delegation of the Attorney General in accordance with law.

(6) To establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

(7) To oversee—

(A) the grant programs under subtitle A; and

(B) any other grant programs of the Department of Justice to the extent they relate to sexual assaults against children.

SEC. 174. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year for which grants are made under subtitle A, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State or other jurisdiction—

(1) the number of grants made and funds distributed under subtitle A;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under subtitle A.

SEC. 175. STAFF.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the responsibilities of the Director.

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 177. NONMONETARY ASSISTANCE.

In addition to the assistance provided under subtitle A, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts consistent with the purposes of this title.

H.R. 3132

OFFERED BY: MR. CONYERS

AMENDMENT NO. 23: At the end of title III insert the following:

SEC. 304. STATISTICS.

(a) COVERAGE.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender," before "or ethnicity".

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ", including data about crimes committed by and directed against juveniles" after "data acquired under this section".

H.R. 3132

Offered By: Mr. Conyers

Amendment No. 24: At the end of title I. add the following new section (and conform the table of contents accordingly):

SEC. 1_____. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) In General.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) Use of Grant Amounts.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

H.R. 3132

Offered By: Mr. Conyers

Amendment No. 25: At the end of the bill, add the following new title:

TITLE VI—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION

SECTION 601. SHORT TITLE.

This title may be cited as the "Local Law Enforcement Hate Crimes Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 603. DEFINITION OF HATE CRIME.

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 604. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) Assistance Other Than Financial Assistance.—

(1) In general.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) Priority.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) Grants.—

(1) In general.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) Office of justice programs.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) Application.—

(A) In general.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) Date for submission.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) Requirements.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) Deadline.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) Grant amount.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(6) Report.—Not later than December 31, 2006, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2006 and 2007.

SEC. 605. GRANT PROGRAM.

(a) Authority to Make Grants.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2006, 2007, and 2008 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 607.

SEC. 607. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) In General.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) In General.—

"(1) Offenses involving actual or perceived race, color, religion, or national origin.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) Offenses involving actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability.—

"(A) In general.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) Circumstances described.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) Certification Requirement.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated, the Federal interest in eradicating bias-motivated violence.

"(c) Definitions.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title;

"(2) the term 'firearm' has the meaning given the term in section 921(a) of this title; and

"(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

"(d) Rule of Evidence.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.".

(b) Technical and Conforming Amendment.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

SEC. 608. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender and gender identity," after "race,".

SEC. 609. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

H.R. 3132

Offered By: Mrs. Kelly

Amendment No. 26: At the end of the bill add the following (and amend the table of contents accordingly):

TITLE VI—NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT

SEC. 601. NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT.

(a) In General.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall create a national register of cases of child abuse or neglect. The information in such register shall be supplied by States, or, at the option of a State, by political subdivisions of such State.

(b) Information.—The register described in subsection (a) shall collect in a central electronic database information on children reported to a State, or a political subdivision of a State, as abused or neglected.

(c) Scope of Information.—

(1) In general.—

(A) Treatment of reports.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect. Except as provided in subparagraph (B), each State, or, at the option of a State, each political subdivision of such State, shall determine whether the information to be provided to the Secretary of Health and Human Services under this section shall also relate to reports of suspected instances of child abuse or neglect that were unsubstantiated or determined to be unfounded.

(B) Exception.—If a State or political subdivision of a State has an equivalent electronic register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) Form.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information, except that, at the option of the entity supplying the information, the confidentiality of identifying information concerning an individual initiating a report or complaint regarding a suspected or known instance of child abuse or neglect may be maintained.

(d) Construction.—This section shall not be construed to require a State or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) Dissemination.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish standards for the dissemination of information in the national register of cases of child abuse or neglect. Such standards shall preserve the confidentiality of records in order to protect the rights of the child and the child's parents or guardians while also ensuring that Federal, State, and local government entities have access to such information in order to carry out their responsibilities under law to protect children from abuse and neglect.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and succeeding fiscal years.

H.R. 3132

Offered By: Mr. Sensenbrenner

Amendment No. 27: Page 11, line 2, after "jurisdiction" insert ", other than a Federally recognized Indian tribe".

Page 27, line 5, insert ", or resides in," after "enters or leaves".

Page 6, line 22, strike "A" and insert "To the extent provided and subject to the requirements of section 126, a".

Page 6, line 19, strike "Somoa" and insert "Samoa".

Page 6, line 20, insert "The" before "Northern".

Page 10, line 4, strike "and interpret".

Page 10, line 5, strike "to implement the requirements and purposes of" and insert "and regulations to interpret and implement".

Page 12, line 23, after "years" insert "(but such 20-year period shall not include any time the offender is in custody or civilly committed)".

Page 16, line 15, after "jurisdiction" insert "where the sex offender resides, works, or attends school, and each jurisdiction".

Strike section 124 and insert the following:

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Page 18, beginning in line 7, strike "a one-year extension" and insert "up to two one-year extensions".

Page 19, line 3, after "title" insert "or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title".

Page 25, beginning in line 14, strike "for damages directly related to" and insert "arising from".

Page 26, beginning in line 20, strike "receives a notice from an official that such person".

Page 27, line 16, insert "or section 1591," after "117,".

Page 29, line 3, insert "or section 1591," after "117,".

Page 29, strike lines 14 through 17 and insert the following:

(g) Conforming Amendments to Cross References.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended by striking "(4)" and inserting "(3)".

Page 10, line 26, after "Act" insert "or its effective date in a particular jurisdiction".

Page 19, after line 3, insert the following:

(c) Rule of Construction.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute only conditions required to avoid the reduction of Federal funding under this section.

Page 11, line 20, after "plate number" insert "and description".

Page 26, after line 7, insert the following:

SEC. 135. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) Sex Offender Management.—

"(1) In general.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

"(A) Sex offender management programs.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

"(B) Residential sex offender treatment programs.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

"(2) Regions.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

"(3) Authorization of appropriations.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.".

At the end of title I, insert the following:

SEC. 155. ASSISTANCE FOR PROSECUTIONS OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) In General.—The Attorney General may make grants to train and employ personnel to help investigate and prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) Authorization.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 156. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

Page 15, line 13, strike "Each" and insert "(a) In General.—Except as provided in subsection (b), each".

Page 15, after line 19, insert the following:

(b) Exception.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a sex offender required to register for committing a misdemeanor sex offense against a minor who has attained the age of 16 years.

Page 8, line 15, insert "a" before "sexual act".

Page 12, line 13, insert ", including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense" before the period.

Page 5, after line 23, insert the following:

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

Page 24, beginning in line 7, strike "in a range" and all that follows through "by" in line 9 and inserting "that is one of".

Page 21, after line 15, insert the following (and redesignate succeeding subsections accordingly):y-24

(f) Innovation.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) One-Time Report and Recommendations.—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

H.R. 3132

Offered By: Mr. Sensenbrenner

Amendment No. 28: Page 26, after line 7, insert the following:

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF HURRICANE KATRINA.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of Hurricane Katrina.

H.R. 3132

Offered By: Mr. Sensenbrenner

Amendment No. 29: Page 69, after line 17, insert the following:

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

"§ 3298. Child abduction and sex offenses.

"Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591."; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

"3298. Child abduction and sex offenses.".

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking "Class B misdemeanor" and inserting "Class A misdemeanor".

H.R. 3132

Offered By: Mr. Sensenbrenner

Amendment No. 30: Page 54, strike line 10 and all that follows through line 19 on page 55 and insert the following:

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) In General.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code) submitted by a local child welfare agency for the purpose of conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents. Where possible, the check shall include a fingerprint-based check of state criminal history databases. The Attorney General and the states may charge any applicable fees for the checks.

(b) Limitation.—An officer may use the authority under subsection (a) only for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.

(c) Protection of Information.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) Criminal Penalties.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) CHILD WELFARE AGENCY DEFINED.—In this section, the term "child welfare agency" means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

H.R. 3132

OFFERED BY MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 31: At the end of the TITLE V, add the following new section:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. MALONEY Mr. Speaker, on September 8, 2005, I was unavoidably detained and missed rollcall votes numbered 458, 459, 460, 461, 462, 463, and 464. Rollcall vote 458 was on ordering the Previous Question for a bill providing for consideration of motions to suspend the rules. Rollcall vote 459 was on agreeing to the Resolution providing for consideration of motions to suspend the rules. Rollcall vote 460 was on the motion to suspend the rules and agree to H.R. 3673, a bill to further Emergency Supplemental Appropriations, Hurricane Katrina, 2005. Rollcall vote 461 was on the motion to suspend the rules and agree to H.R. 3669, a bill to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program. Rollcall vote 462 was on the motion to suspend the rules and agree to H.R. 3668, a bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster. Rollcall vote 463 was on the motion to suspend the rules and agree to H. Res. 428, a bill expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina. Rollcall vote 464 was on the motion to suspend the rules and agree to H. Res. 427, a bill relating to the terrorist attacks against the United States on September 11, 2001.

Had I been present I would have voted "nay" on rollcall votes 458 and 459 and "yea" on rollcall votes 460, 461, 462, 463, and 464.

HONORING MR. HYMAN BOOKBINDER: INDEFATIGABLE BATTLER FOR HUMAN RIGHTS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. CAPPS. I rise today to pay tribute to Mr. Hyman Bookbinder, one of our nation's leading advocates for human rights and equality.

The terrible stories and photographs coming out of Louisiana and Mississippi remind us that, among other things, there still is a race divide in America. This is not to say that the response to the disaster was dictated by racial considerations. But it is to say that sadly no accident that the segment of the population that bore much of the brunt of the suffering was predominantly poor and black.

At the same time, we can say with some pride that our country has made significant progress toward a more just society. It's far from enough but giant strides have been made, particularly in the area of social equality.

An article in Sunday's Washington Post reminded us that these advances did not just happen. They happened because heroes among us made them happen. I have attached a copy of the article for my colleagues.

The article tells the story about the successful 1960 effort to integrate Glen Echo Park, an amusement park in Montgomery County, Maryland, just outside the District line. Glen Echo was a fabulous place of swimming pools, dance halls, carousels, a roller coaster and other summer time amusements. It was so popular that a DC trolley from the Capitol Hill area—and neighborhoods east—was constantly full with kids heading northwest and up MacArthur Boulevard to this delightful recreation spot.

But not African American kids. They were allowed on the trolleys but banned from the park. And the ban was enforced by the Montgomery County police.

In 1960, a group of courageous Howard University students—Dion Diamond, Michael Proctor, and Gwendolyn Britt (now a Maryland state senator)—decided to test the race policy by riding the merry-go-round. They were abused and kicked out.

So they turned to ask for help from the prosperous white Bannockbum community living near the park. And, almost immediately, a movement erupted. Hyman Bookbinder, an AFL–CIO official, and long-time lobbyist for civil rights and Jewish causes, used his organizing and public relations skills to force the owners of Glen Echo Park to back down. Bookie, as everyone calls him, was later an aide to Presidents Kennedy and Johnson. Esther Delaplaine organized the mothers and Ida Leivick, a teacher at the local school, worked with her colleagues. Finally the Supreme Court stepped in and forced Glen Echo either to open up or shut down.

The Howard/Bannockbum coalition had prevailed.

This past Saturday, the people who made it happen gathered at Glen Echo to commemorate a moment in time when all things seemed possible in America.

They still are. We just need more people who are willing to stick their necks out the way these Howard University students and suburbanites did in 1960.

I particularly want to salute Hyman Bookbinder. He is now 89 and over the past sixty-five years, he has been at the forefront of the struggle for human rights, not just down the street in Montgomery County but throughout the world. I've been in the House of Representatives for eight years but I have heard about Bookie's years as a civil rights lobbyist when he was known as the 101st Senator. When people were suffering, he was here fighting, pushing, and cajoling to make things better.

He has helped change this country.

To put it simply, we need more people like Bookie. Thankfully he is still here, always fighting the good fight and living the Biblical injunction: "Justice, justice, you shall pursue."

[From washingtonpost.com, Sept. 11, 2005]

MARKING A PARK'S SOCIAL REVOLUTION

(by Ann E. Marimow)

The last time Dion Diamond walked through the gates of Glen Echo Amusement Park, he was ushered out after two minutes. The last time Michael Proctor tried to ride the merry-go-round there, he was arrested.

That was in 1960, when blacks were not allowed to swim in the park's famed Crystal Pool, with its slide and fountain, and also could not ride on the roller coaster.

On Saturday, the two civil rights activists returned for the first time to mark the anniversary of the picket lines that led to the desegregation of the park and ultimately to a U.S. Supreme Court case.

"I was never in here for more than a couple minutes," said Diamond, 64, laughing and shaking his head in disbelief as he looked out at the same carousel, with its ornate woodcarved horses and cheerful organ music.

Even though the park's private owners quietly opened the gates to all in 1961, Proctor had never returned.

"I told my kids about it," the Hughesville doctor said. "But way down deep, there were some negative feelings."

The effort to integrate Glen Echo Park, in the summer of 1960, came after the first sit-ins at segregated lunch counters in North Carolina and during student protests throughout the region.

But Glen Echo Park was notable because of the support the protesters, black Howard University students, received from white residents of the nearby Bannockburn neighborhood, some of whom were experienced labor leaders. They walked side by side for five weeks that summer—and they came together again yesterday.

Browsing a collage of black-and-white photos and yellowed newspaper clippings, they recalled some of the most dramatic moments when Proctor and four other members of the D.C. Non-Violent Action Group were arrested for refusing to get off the merry-go-round.

In 1964, the Supreme Court ruled that the Montgomery County deputies had improperly enforced private segregation.

Outside the park gates in 1960, the students brought a sense of fearlessness and enthusiasm. Stay-at-home mothers from Bannockburn were the reliable foot soldiers on the picket line, and the labor leaders brought political connections and organizing strategies.

Esther Delaplaine, who lived five blocks from the park, mobilized fellow mothers. She recalled the intense pain and frustration of the time. "We could ride the merry-go-round, but [black students] got arrested," said Delaplaine, 81.

Her daughter Rocky led yesterday's gathering of 300 people in an emotional rendition of "O Freedom," a song that was sung on the picket line,

Hyman Bookbinder, then an AFL–CIO lobbyist for civil rights, was joined yesterday by. his daughter and granddaughter. "The movement wasn't only for us old-timers. It was for our families," said Bookbinder, 89. "This event is a reminder."

For some involved in the sit-ins and picket lines, it was too painful to return. Those who attended said it was as if they were transported in time.

Seeing the trolley car parked in front of the gates, Tina Clarke said she felt like a teenager again, as she was when she protested with the county chapter of the NAACP. She said she still could feel the spit on her cheek from a white male heckler that stained the white collar of her blouse.

"There is no time frame on when pain and suffering should end," said Clarke, 67, African American liaison for Montgomery County Executive Douglas M. Duncan (D).

Clarke said she had to explain to friends and relatives who questioned her decision to return to the park that it is now an arts and cultural center operated by a nonprofit partnership with lands managed by the National Park Service.

"It's not just my history; it's our history," she said. "It's part of what helped us get to where we are today. If none of these things happened, where would we be?"

But the park is a troubling memory for some who were children at the time. When Vernon Ricks drives past the park from his home in Potomac, he remembers riding the trolley car to the entrance on Sundays. From the windows, he could see the neon lights, the merry-go-round and the wooden roller coaster, but he could not enter. He attended the gathering because his wife, Janet, wanted to "start the healing of a scar," she said.

"To me, it is still a symbol of segregation," said Ricks, 66. "I'm still not happy to be here."

Later, he added, "Don't say I'm coming back."

Taking her husband's hand, Janet Ricks said, "Yes, you are. Yes, you are."

HONORING NORTH OAKLAND MISSIONARY BAPTIST CHURCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Ms. LEE. Mr. Speaker, I rise today in honor of North Oakland Missionary Baptist Church of Oakland, California on the occasion of its 100th anniversary.

Organized between 1904 and 1905, the church was originally known as Richard Clark Memorial and then as North Oakland Church of Christ before adopting its current name. North Oakland's congregation began as a small handful of faithful community residents that met at members' homes and other locations before pooling their resources to build the first church on Alden Street. Reverend J.A. Dennis was designated as the first pastor of North Oakland in 1905, and remained there until 1908.

Throughout the twentieth century and into the twenty-first, North Oakland has been guided by a number of visionary leaders who have implemented a wide variety of forward-thinking, community-enriching programs.

Under the leadership of Dr. G.C. Coleman from 1913 until 1942, North Oakland was institution where members of the black community, particularly those returning from World War I, could become active in community service efforts. Dr. Coleman regularly wrote local newspapers to articulate the need for improvement in job prospects and housing for African Americans, and made North Oakland an active force in the community throughout the 1930s. Dr. Coleman was also instrumental in the creation of the organization now known as the St. John Missionary Baptist Association of Northern California and Nevada. Since 1910, North Oakland has sent numerous messengers and delegates to the association's conventions, where Dr. Coleman served as Moderator for more than 20 years.

Following the passing of Dr. Coleman, Dr. Ansel O. Bell was elected pastor in 1942. During the war years the church membership grew significantly, and under Reverend Bell's tenure that number reached more than one-thousand, an increase which necessitated the construction of a new church in 1960.

Reverend Bell was succeeded in 1967 by Reverend C.B. Murray. During his 15-year tenure, Reverend Murray presided over several structural improvements to the church, merged the Senior, Men's and Women's Choirs into one, and started "The Voice of Africa," a North Oakland initiative that resulted in church missions to Haiti and Liberia. He was well known throughout local, State, and national faith organizations, and also served as the First Vice-Moderator of the St. John Missionary Baptist Association of California until his death in 1982.

After the interim pastorate of Reverend Sylvester Rutledge from 1982 until 1984, Dr. Lloyd C. Blue served as North Oakland's pastor from 1984 until 1990. Upon his retirement, Reverend Rutledge again served as interim pastor, and was selected in 1991 as the pastor of North Oakland Missionary Baptist Church, a capacity in which he continues to serve today. Reverend Rutledge came to North Oakland in 1964, under the pastorate of the late Reverend Bell. He served as Associate Sunday School Teacher in the Young Adult Class and also served as a teacher in the Children's Class. Selected as a candidate for deaconship in 1966 and ordained in 1968, Reverend Rutledge has served North Oakland and our community with distinction for over 4 decades.

In recent years, North Oakland has remained at the forefront of community building and improvement efforts throughout the City of Oakland. Most notably, North Oakland recently celebrated the opening of Sylvester Rutledge Manor, a 65-unit affordable apartment complex for low-income seniors that the church developed in partnership with Oakland Community Housing, Inc. This development, completed in July 2003, is located directly adjacent to the church property and is an important step forward in the ongoing struggle to secure affordable housing for all people in our community. Through this effort, the North Oakland Missionary Baptist Church Family is once again letting its light shine on what is oftentimes a gloomy reality for many, and continues to lift us all up through its unfaltering devotion to its members and our community. They have been given a heart of wisdom and knowledge by which their loving kindness and compassion have transcended beyond their walls.

During the month of September 2005, North Oakland Missionary Baptist Church will be celebrating its centennial anniversary in Oakland, California. Throughout the last century, North Oakland's members and leaders have worked tirelessly to provide support and guidance for countless individuals. As members and friends from throughout our community and beyond gather for the series of celebrations that will mark this historic occasion, it is my pleasure to add my voice to theirs in thanking North Oakland Missionary Baptist Church for its years of dedicated service to the 9th Congressional District, to the Bay Area and to our entire country.

HIKING AND CAMPING IN SAWTOOTH NATIONAL RECREATION AREA AND WHITE CLOUD MOUNTAINS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. SIMPSON. Mr. Speaker, last month I had the pleasure of hiking and camping in Idaho's rugged Sawtooth National Recreation Area (SNRA) and White Cloud Mountains. In part, my trip was a tour of areas that would become wilderness and lands that would be released from wilderness study as part of my bill, H.R. 3603, the Central Idaho Economic Development and Recreation Act (CIEDRA).

The beauty of the mountains and lakes that I viewed is difficult to describe. From the solitude of Castle Lake to the majestic views from Baker Lake towards Castle and Merriam Peaks, it is difficult not to be in awe of the Boulder-White Clouds.

I would like to thank the United States Forest Service for making this trip possible. In particular, Ed Cannady, Sawtooth National Forest Recreation Manager who did an exceptional job in planning and guiding us on the trip. It was also a pleasure to have the Supervisor of the Sawtooth National Forest, Ruth Monahan, the SNRA Area Ranger, Sara Baldwin, and the Deputy SNRA Deputy Area Ranger, Joe Harper join us on our trip. These folks represent the Forest Service very well.

Finally, I want to thank Debra Peters, SNF Trail Maintenance Foreman and Raina Phillips, SNF Wilderness Ranger for packing us in. Those young women showed a lot of experience in working with pack stock, and it's great to see the Forest Service employs such talented stock hands.

Mr. Speaker, I look forward to future trips into the Boulder-White Clouds and will continue to work on CIEDRA so that all Americans can enjoy the area for all forms of recreation.

CONGRATULATING TOM ENGIBOUS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Tom Engibous, this year's recipient of the American Electronics Association's Medal of Achievement Award.

Since 1959, the Medal of Achievement has been presented annually for significant contributions to the advancement of the high-tech industry and for distinguished service to the community, the industry and humankind. Mr. Engibous is fortunate enough to join the select group of high-tech leaders who have received this honor by becoming the fifty-first recipient of the coveted award.

Tom Engibous is the chairman, president and chief executive officer of Texas Instruments Incorporated. While serving in previous roles at TI, Mr. Engibous helped transform the company from a broad-based conglomerate to a semiconductor company. His strategic focus and ability to quickly execute on the elements needed to reconfigure the company laid the foundation for the TI of today—a semiconductor leader in signal processing technology that has gained widespread recognition among customers, the financial community and the general public.

I extend my sincere congratulations to Mr. Tom Engibous for receiving the highest award given by the American Electronics Association. His contributions to the technology industry and service to the community should inspire us all.

TRIBUTE TO SIMEON TERRY, NATIONAL MINORITY BUSINESS ADVOCATE OF THE YEAR

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased to recognize today, Simeon O. Terry, Minority Business Enterprise Program Administrator for Austin Commercial L.P. in Dallas, who received the National Minority Business Advocate Award from the Minority Business Development Agency of the U.S. Department of Commerce on September 12, 2005.

Simeon Terry received this honor, in part, for his work as Minority Business Enterprise Program Administrator for Austin Commercial L.P. which is headquartered in my district. He is well known for his efforts to build minority business enterprises (MBE) that promote the inclusion of minority and women entrepreneurs in the Dallas business community while enhancing growth opportunities for minorities and women.

Simeon's background consists of a degree in Industrial & Safety Engineering and over 15 years in the construction industry. He has spent 7 years in the residential construction industry as a Safety Manager, Project Manager, and Operations Manager. In each position he had the opportunity to procure contracts with MBE firms both in specific construction scopes and supplies.

During his term as a Project Manager, over 80 percent of his contracts were established with MBE firms. Simeon also spent 3 years as a Surety Support Program Manager Consultant where he assisted MBE firms in becoming "bond ready", ultimately achieving bonding which would allow them to pursue various construction projects as prime contractors.

He also facilitated safety workshops for small MBE firms and provided consulting to review or establish their in-house safety programs to ensure that they had met the required safety programs for commercial construction. Simeon has consulted on numerous housing development projects in Dallas for non-profit organizations. He assisted local MBE contractors with project management and project administration duties such as estimating, scheduling, document control, certified payroll and project inspection.

Simeon is actively involved in his church where he teaches youth Bible Study, and plays the bass guitar for several choirs. He is also an active member of the National Society of Black Engineers, the National Society of Black MBAs, and Omega Psi Phi Fraternity, Inc.

Mr. Speaker, this Nation's small business community needs more giving individuals like Simeon Terry. His work has contributed much to making Dallas a better place to live for everyone.

I am proud to represent him in the U.S. House of Representatives and wanted to bring his many accomplishments to the attention of my colleagues.

JEWISH COMMUNITY SUPPORT FOR ISRAEL'S DISENGAGEMENT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, just before we adjourned, the Jewish Community Relations Council of Greater Boston issued a very thoughtful statement in support of the disengagement by Israel from the Gaza Strip, and the dismantling by the Israeli Government of Israeli settlements in that area.

Mr. Speaker, this was a very wrenching process for many in Israel, and the willingness of the Government of Israel—supported by a majority of the people of Israel—to engage in this withdrawal with all of its difficult emotional strains speaks highly of that country's willingness to take steps for peace.

The withdrawal from Gaza should not be the last action taken in this process, but it is unreasonable to expect that they will be able to take further actions in the absence of a showing by the Palestinian Authority of its willingness and ability to respond in kind to this disengagement.

The statement of the JCRC is a first rate statement of what should be done going forward, and it is an appropriate expression of support of a majority of the Jewish Community of Greater Boston for a peace process that is thoughtful, balanced and prudent. I ask that this important statement be printed here.

JEWISH COMMUNITY EXPRESSES SUPPORT FOR ISRAEL'S DISENGAGEMENT PLAN

Nancy K. Kaufman, Executive Director and Susan A. Calechman, President of the Jewish Community Relations Council of Greater Boston issued the following statement today regarding Israel's plans to disengage from the Gaza Strip and communities in northern Samaria.

The JCRC fully supports Prime Minister Sharon and the government of Israel as they begin implementation of the Gaza disengagement plan. Israel's vigorous democracy is taking bold and courageous risks in an effort to protect her security and to renew the process of resolving the Israeli-Palestinian conflict. We also support the Israeli government's effort to resolve the conflict through a negotiated two-state solution as expressed in the Road Map. Final borders and other final status issues must be left to the parties themselves to negotiate in a peace process free from violence and the threat of violence.

Disengagement will only lead to a peaceful outcome if there is a commitment on the part of the Palestinian leadership to put an end to terrorism. We call upon the Palestinian Authority (PA) to disarm the terrorist groups and their infrastructure. This includes removal of existing stockpiles of weapons and preventing such stockpiles from being rebuilt; preventing the smuggling of weapons; closing of clandestine weapons manufacturing and preventing attacks, especially during the disengagement process. The future of peace, and the stability of the PA itself, is fully dependent on it taking this action.

We recognize the profound sacrifices being made by the families who are being relocated, some after living in their homes for nearly 30 years. The loss of their homes, synagogues, farms, businesses and schools is an immense sacrifice which should be recognized with efforts made to bridge any gaps that develop among Israelis as a result of this effort.

We condemn the rhetoric of a tiny extremist fringe that promotes violence as a response to policies undertaken by the democratically elected Israeli government. At the same time, the rights of free speech and lawful dissent which are basic and indispensable in a democratic society must be protected. It is critically important that those with differing views of the peace process condemn explicit hate speech, venomous language, and threatening words. It is also important that discussion among all the conflicting viewpoints be created to promote an atmosphere in which differences can be expressed with civility and respect.

We call on the U.S. government to continue its work with Israeli and Palestinian leaders to ensure that all commitments are met and that a resolution to this conflict leads to a secure peace for both sides.

HONORING STEPHANIE FOTI BELLIAN FOR HER EXTENSIVE COMMUNITY SERVICE AND DEDICATION TO THE PEOPLE OF CHAUTAUQUA COUNTY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. HIGGINS. Mr. Speaker, this article is from the obituary section of the Jamestown Post Journal.

STEPHANIE BELLIAN

AUG. 30.—Stephanie Foti Bellian, 36, of 38 West Virginia Blvd., died Sunday (Aug. 28, 2005) in her home.

She was born March 28, 1969, the daughter of Sebastian "Busty" Foti and the late Shirley Walz Foti.

She was a 1987 graduate of Jamestown High School, attended Jamestown Community College, graduate from the University at Fredonia in 1991 and earned her master's degree from St. Bonaventure University. She was assistant director of continuing education at Jamestown Community College where she also taught psychology.

Active in the community, she was involved with the Chautauqua Leadership Network, Society for Human Resource Management, and the Great Empire Zone Board of Directors. She was also involved with the Southern Tier West Human Resource Committee, the Girl Scouts of Southwestern New York Policy Committee and volunteered with Hospice of Chautauqua County.

She will be sadly missed by her sister-in-law, Karen Foti, her nephew, Nicholas Foti and her brother-in-law, Joe Samaritano.

Besides her father of Jamestown, she is survived by a brother, Scott J. Foti of West Seneca; a sister, Stacey Samaritano of Hamburg; and her paternal grandmother, Josephine Foti of Jamestown.

A Mass of Christian Burial will be celebrated at 10 a.m. Thursday in St. James Catholic Church. The Rev. Robert Stolinski, parochial vicar, will be celebrant. Burial will be in Holy Sepulchre Cemetery.

Friends will be received from 2 to 4 and 7 to 9 p.m. Wednesday in the Hubert Funeral Home where a Christian Burial Service will be held at 8:30 p.m.

Memorials may be made to the Humane Society, 2825 Strunk Road; or Hospice of Chautauqua County, 4840 West Lake Road, Mayville, N.Y., 14757.

Mr. Speaker, I rise today to honor the memory of this amazing woman.

HONORING LeROY E. LYON, JR.

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor an outstanding citizen, Mr. LeRoy E. Lyon, Jr., from Granite Bay, California. Following a lifetime of dedication to God, family, and community, he died of a heart attack in his home Sunday, July 17, 2005. He was 84 years old.

LeRoy was born on Dec. 4, 1920, in Anaheim, California. His father, LeRoy, Sr., was a respected orange grower who served on the Orange County Board of Supervisors. This heritage led him to a career in public service as well.

In 1942, he earned a bachelor's degree in geology at the University of Southern California, USC. He then went to work for the U.S. Geological Survey in Washington, DC, where he met the love of his life, the former Martha Seymour. In April 1944, they were married, beginning a journey together that lasted 61 years.

A month after their wedding, LeRoy joined the U.S. Navy as an officer. He served as an intelligence specialist in the Pacific during the final months of World War II. In early 1946, he was reassigned to Key West, and after his discharge, he returned to USC to study law. He received his juris doctorate degree in 1949. After passing the State Bar of California exam on his first try, he became a general practitioner in Santa Ana.

Mr. Speaker, after the Korean War began, LeRoy was recalled to active duty in 1951. In Korea, he served with Vice Admiral C. Turner Joy's staff for the initial truce talks. Interestingly, he was still on active duty as a Navy lieutenant at Miramar Naval Air Station in the San Diego area when he was elected to the California State Assembly in 1952. In the legislature, he championed right-to-work laws, believing it to be the way to increase dignity and empowerment for individual workers.

Following his brief tenure as a legislator, he applied his legal mind, legislative know-how, and professional contacts to advocate on behalf of the California Railroad Association. He represented the organization both in Washington and Sacramento, also serving as general counsel. After 20 years, he became a lobbyist representing several clients with the firm of A.E. Davis & Co. until his retirement in 1990.

Surpassing his contributions to his country through military and political service, LeRoy was known as a humble, caring father and husband. He upheld the tenants of his Christian faith with honor. In short, my friend LeRoy was a good man.

He is survived by his wife, Martha "Marty" Lyon of Granite Bay; daughters Sylvia Foster of Hillsboro, Ore., Janet White of Colfax and Rebekah Lawson of Forest Hill; a brother, the Rev. W. DeWitt Lyon of Fullerton; 11 grandchildren; and five great-grandchildren. He was preceded in death by a son, Ted Lyon, in 2003.

Today, I join with LeRoy E. Lyon, Jr.'s family, friends, and community to commemorate his life of committed service, good citizenship, and uncommon decency. May he rest in peace.

A TRIBUTE TO MR. CLAIR M. CARLIN OF YOUNGSTOWN, OHIO

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. RYAN of Ohio. Mr. Speaker, today I pay tribute to the life and work of community leader Attorney Clair M. Carlin of Youngstown, Ohio. His life was marked by distinguished service to his country, the state of Ohio, and the Youngstown area.

Mr. Carlin was born on April 20, 1947 in Sharon, Pennsylvania to Charles W. and Caroline Vukasich Carlin. While acquiring his Bachelor of Science degree in Economics from The Ohio State University in 1969, Mr. Carlin served as a Second Lieutenant in Ohio State's ROTC program. In 1972, he graduated from the U.S. Army Signal Officer Basic Course at Fort Gordon and simultaneously obtained a law degree from the Moritz College of Law at The Ohio State University. Mr. Carlin subsequently attended the Military Police Officers Advance Course in 1979 as well as the Command and General Staff College in 1980. Until 1982, he served in the Army National Guard.

Throughout his career, Mr. Carlin held many distinguished positions including Special Counsel for the city of Youngstown and the Ohio Office of Attorney General, Hearing Examiner for the Ohio Department of Taxation, State Director of Catholic War Veterans, and Law Director for the City of Newton Falls. Additionally, Mr. Carlin served as the President of the Ohio Academy of Trial Lawyers and was the Governor of the Association of Trial Lawyers of America. He was also a member of the American Bar Association, the Ohio State Bar Association, and was President of the Mahoning County Bar Association.

Finally, Mr. Carlin contributed greatly to his community. He was an active member of the Mahoning County Volunteer Services Agency Board of Directors, the Ohio Mothers Against Drunk Driving, and the American Legion Post in Poland, Ohio. Mr. Carlin's proudest personal achievement, however, was attaining the rank of Eagle Scout in the Boy Scouts of America.

Mr. Carlin was a loving husband to his wife, Pamela Rodehaver, and a caring father to his children Elizabeth, Alexander, and Eric. So today, I wish to honor Mr. Clair Carlin whose life's work prevails as a model for all.

TRIBUTE TO COL CHARLES S. SERIO, MSC, USA, PH.D., ON HIS RETIREMENT AS BRIGADE COMMANDER OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SERVICES

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. VAN HOLLEN. Mr. Speaker, today I rise to thank Charles S. Serio, COL, MSC, USA, Ph.D, Brigade Commander of the Uniformed Services University of the Health Sciences, USUHS for his tremendous service to our country. On September 7,2005, Colonel Serio marked the end of eight years of service at USUHS, and concluded a 37-year career of Federal service.

Colonel Serio was born on August 26, 1946, and graduated from his home-state University of Mississippi with a Bachelor of Science Degree in Biology, in 1969. He earned his Master Degree in 1973 and completed his Doctoral

Degree in Immunology in 1975. He is a graduate of the Command and General Staff College at Fort Leavenworth, Kansas.

Among his numerous awards and decorations are the Defense Superior Service Medal, the Meritorious Service Medal with three Oak Leaf Clusters, the Joint Service Achievement Medal, the Army Achievement Medal, the Joint Meritorious Unit Award, the Army Superior Unit Award, the National Defense Service Award, and the Global War on Terrorism Service Medal. Colonel Serio has also earned the following badges, which denote operational expertise: Airborne, Air Assault, Expert Field Medical, and German Troop Proficiency Duty, Gold.

He was awarded the "A" Proficiency Designator in Immunology by the Army Surgeon General, the highest award given in recognition of professional accomplishment by the United States Army Medical Department. He was also selected as a member of the "Order of the Military Medical Merit," which denotes distinguished service as recognized by the senior leadership of the Army Medical Department. Colonel Serio is the author of numerous scientific publications in immunology and radiobiology in both national and international journals.

His career includes positions of responsibility such as: the Detachment Commander, 330th General Hospital in Memphis, Tennessee; Clinical Laboratory Officer and Bacteriologist with the 326th Medical Detachment, 801st General Hospital, Chicago, Illinois; Chief of the Immunology Branch, William Beaumont Army Medical Center, El Paso, Texas; Microbiology Consultant to the Commanding General, 7th MEDCOM; Staff Officer and Manager of Science and Technology, Medical Research and Material Command, Fort Detrick, Maryland; and, Associate Professor, Department of Chemistry, United States Military Academy, West Point, New York.

In June of 1997, Colonel Serio was selected to serve as the 4th Brigade Commander at USUHS. As the Brigade Commander, Colonel Serio was recognized as the senior officer of the University with responsibility for command of over 1,000 members of the USUHS Brigade, representing the United States Army, Navy, Air Force, and Public Health Service. Colonel Serio served as the senior military advisor to the President of USUHS for 8 years. During his service as the USUHS Brigade Commander, he became an invaluable asset as a role model, teacher and mentor to over 1,500 uniformed medical, nursing, and graduate students. Colonel Serio provided lectures to the USUHS medical and nursing students in pathophysiology, immunology, biological warfare, and military leadership. He created a recognized Brigade command structure and curriculum in support of the USUHS mission, implemented military unique and significant programs and internationally recognized field training exercises, annually coordinated the USUHS graduation ceremonies, monitored the USUHS strategic goal on military leadership development, and annually exceeded the University's goals in the Combined Federal Campaigns.

His longstanding role as a soldier, scientist, educator, and leader in both undergraduate and graduate education has supported and ensured medical readiness during more than one global conflict. USUHS is recognized as the most cost-effective and qualified source for the recruitment and development of uniformed officers who will hold significant leadership and operational positions throughout the Military Health System. Colonel Serio can be assured that his influence and leadership have greatly assisted the future patients and command officers who will be served by the uniquely trained USUHS graduates—physicians, advanced practice nurses, and scientists. The University fulfills a critical core requirement for medical readiness in the Department of Defense; and, Colonel Serio has greatly contributed to the preparation of dedicated, career-oriented uniformed officers who will care for those who are sent into harm's way.

I take this opportunity to thank COL Charles Serio for his tremendous dedication and love for our Nation and wish him well as he retires to begin his next demanding career as a grandfather to his five grandchildren along with his three daughters, Shanna, Jada and Tara, and his wife, the former Belva L. McCormick.

STATEMENT ON HURRICANE KATRINA

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Ms. MCKINNEY. Mr. Speaker, On September 2, 2005, I made the following statement at a press conference in Atlanta, GA and I submit it for the RECORD.

I thank the Mayor and my colleagues for convening this press conference to express solidarity in our concern for the plight of Katrina's victims. The message today is that while we are watching this tragedy unfold, we are not sitting idly by.

The Office of the Fourth Congressional District has adopted Baton Rouge Mosque #65 which is housing 100 New Orleans residents. They need dry goods, food, and hygiene kits. Anyone interested in helping us help these 100 people, please bring donations to our Congressional office as soon as possible.

As we open our hearts, pocketbooks, and homes to Katrina's victims, it is now imperative that the Government do its part.

To see it coming is not enough. The Administration appears flat-footed as its actions have not been fast enough and remain slower than most Americans can comprehend. A responsive government would:

1. Maximize the use of U.S. Customs air assets to drop badly needed food and supplies to the people. Sadly, I have been told by an investigative journalist that precious Customs air assets are available, but are not being used to ferry badly-needed food, radios, and supplies. We dropped food in Afghanistan, certainly we can drop food in the United States.

2. Tell the people what they can expect from their leadership in authority. Clear lines of authority should have been established and the people informed of what the government was going to do to alleviate their suffering. Much of the confusion and chaos we are witnessing is due to ineffective communication of the plan of action to the people in the affected areas.

3. Preposition necessities. It is clear that the Administration failed to preposition hospital ships, pumps, and supplies, in the face of a Category 5 hurricane barreling toward the Gulf States. The Administration is just now mobilizing to satisfy the massive and desperate need. And sadly, 40 percent of the Mississippi National Guard are in Iraq; 35 percent of the Louisiana National Guard are in Iraq; for Florida, the figure is 25 percent; Alabama has 23 percent of its Guard stationed in Iraq.

4. Be careful of the language used. What media bright light decided to term the New Orleans residents as "refugees"? It is insulting and should be stopped immediately. And, how dare anyone talk down to a devastated population while Bunnatine Greenhouse sits busted from her job because she dared to pull the plug on Halliburton's looting of the U.S. Treasury of billions of dollars. The President asks for patience and lends Katrina's victims his thoughts and prayers. That is not enough given the magnitude of the problem. And FEMA should not now tell victims to take responsibility, but must instead deal with its own responsibility to care for a devastated population. And finally, talk from Speaker Hastert and others questioning the value of rebuilding the City of New Orleans should be arrested immediately.

5. Recalibrate its values and priorities. New Orleans is not just a home for hundreds of thousands; its ports form the heart of America's domestic and international commerce, and our oil and gas nerve center. Shame on this Administration for slashing money to protect New Orleans and shifting it to Halliburton and Iraq. Shame on this Administration for not curtailing our dependency on overconsumption of oil; and for not recognizing global warming. Shame on this Administration for failing to take care of the American people.

6. Offer maximum assistance to people in need. Houston's Astrodome has already reached its capacity. Atlanta has the capacity to give and a desire to share.

Thank you.

IN SUPPORT OF H.R. 3169 AND H.R. 3668

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. MCKEON. Mr. Speaker, I strongly support H.R. 3169, the Pell Grant Hurricane and Disaster Relief Act, and H.R. 3668, the Student Grant Hurricane and Disaster Relief Act, introduced by my colleagues, Congressmen KELLER and JINDAL, respectively.

H.R. 3169 would waive Pell grant repayment requirements for students that were impacted by natural disasters, such as Hurricane Katrina. Mr. KELLER, who serves with me on the 21st Century Competitiveness Subcommittee on Education and the Workforce, has been advocating for this change in the law since his State of Florida was hit by four hurricanes last year, and he saw how students' lives were impacted by the devastation wrought by the hurricanes.

The Pell Grant Hurricane and Disaster Relief Act will ensure that Hurricane Katrina does not derail the educational dreams of our neediest students. I am pleased to co-sponsor this bill and appreciate its speedy consideration by our leadership.

H.R. 3668 complements Mr. KELLER's bill by waiving repayment requirements for other Federal student grant aid programs that were affected by a natural disaster. I know that this is a difficult time for Mr. JINDAL, his family, and his constituents whose homes have been destroyed and their families scattered across the country. I applaud Congressman JINDAL for his leadership on this bill, and for his ongoing courage and strength throughout this difficult time.

This legislation is the right thing to do because it helps increase assistance and flexibility for students and families impacted by Hurricane Katrina. Students affected by this devastating natural disaster will be able to focus on rebuilding their lives without an additional burden on their backs.

In the coming days and weeks, I will continue to work with my colleagues and with the administration and governmental agencies to examine the areas that have been impacted by this terrible tragedy and what additional flexibility and assistance we may be able to provide to help restore normalcy to students and their families.

I thank Mr. KELLER and Mr. JINDAL for their leadership on these bills, and I gladly support their efforts.

CONGRATULATIONS ON THE 25TH ANNIVERSARY SILVER JUBILEE OF THE DOELGER SENIOR CENTER OF DALY CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. LANTOS. Mr. Speaker, I am delighted to recognize the Doelger Senior Center of Daly City, California, located in my Congressional district, which is celebrating its 25th anniversary silver jubilee. Serving the elderly of Daly City, Doelger Senior Center enhances the quality of life and promotes wellness by providing social, educational and health services to all adults, ages fifty and older.

In 1978, seniors had the vision of a senior center in Daly City. After 16 months of campaigning by wearing orange buttons, their hope for a center became a reality when Daly City and Thelma Doelger purchased a "released" school site, Abraham Lincoln School. Mrs. Doelger offered to share the cost of the school in memory of her late husband Henry, who had created the Westlake planned community. Following a year of fundraising and planning, move-in began at the new Doelger Senior Center. On November 1, 1980, Mayor Anthony Giammona dedicated the building and Edward M. King of Doelger Enterprises presented the building to the City of Daly City.

Through its 25 years of service to the community, many members of the Doelger Senior Center have played an influential role in its successful and continual service to Daly City elders. President Emeritus Edward King founded the center along with board members Alfred Belotz and William Crocker. Beverly di Gregorio and Richard Slater also served on the board of founding directors.

Today, Doelger Senior Center provides and delivers 50,000 meals to Lincoln Community Center and the homebound. Additionally, the center offers more than 100 different classes and programs. Both the young and the old enjoy center-sponsored activities, such as the Pre-independence party on July 3rd.

Mr. Speaker, the Doelger Senior Center remains a vigorous, expanding, and exciting community organization. The Doelger Senior Center continuously stands as a community of care, entertainment, friendship, support, and education. I urge all my colleagues to join me in commending the Doelger Senior Center on the occasion of their 25th anniversary and wish its members continued success.

IN HONOR OF THE JUBILEE ANNIVERSARY OF SISTER EILEEN DUFFY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sister Mary Eileen Duffy, in celebration of the joyous occasion of her 60th Jubilee Anniversary, reflecting a ministry in faith, service and concern for others throughout our Cleveland community.

Sister Eileen taught at St. Joseph Academy and Nazareth High School. In addition to her dedication to teaching, she served as a community administrator and Pastoral Associate at St. Leo the Great Church and St. Colman Church. Sister Eileen also served diligently on the Diocesan Pastoral Council, Commission on Catholic Community Action, the Interfaith Commission and the Sisters' Senate. In 1972, Sister Eileen was elected as director for the Northwest Deanery.

Inspired by a true calling of spiritual and humanitarian duty, Sister Eileen began her ministry with a strong foundation in education. She inspired that quest for knowledge and awareness in others, especially her students, and consistently touched the lives of countless children within our community. Her dedication, leadership and unwavering faith continues to strengthen and empower families and individuals throughout our community.

Mr. Speaker and colleagues, please join me in honor and celebration of the 60th Jubilee Anniversary of Sister Eileen Duffy. Her strength in leadership, energetic spirit and commitment to helping others, from our children to our elderly, has served to lift the spirits of countless individuals, and continues to radiate faith, hope and light throughout our entire community.

LOCAL SCOUTS TO THE RESCUE

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. WESTMORELAND. Mr. Speaker, organizations like the Boy Scouts embody the spirit of our Nation—giving to others, selfless sacrifice, and patriotism.

A group of young men in my district recently demonstrated the highest ideals of our nation when faced with a difficult situation. The Scout pledge includes a promise to "help people at all times" and these young men demonstrated that. They didn't stop to help in order to get attention, but to do what was right, to do to others as they would have done to them. And the result was a heroic effort that saved lives.

While on their way away from a Scout camp on their night off, these young men witnessed an accident on the road just behind them, and instead of leaving it to someone else to help and heading on to dinner, they stopped to help.

One of the cars involved was already on fire when the Scouts jumped into action, as some of the young men began directing traffic around the scene as others began rescuing children from the burning car. They stabilized the injured children, assessed the immediate injuries, and worked to find a fire extinguisher to get control of the fire.

When paramedics and other first responders from Pike County arrived, they worked hand-in-hand with the Scouts in taking control of the scene. The Scouts also assisted in clearing an area for a LifeFlight helicopter to land to transport the most seriously injured.

These young men, Chris Henry, Paul Hutchens, Neal Wilson, George Boggs, Zack Deckner, and Joseph Fernander, demonstrated the highest ideals of American and Boy Scout values by stopping to help those in need. They sacrificed their time, and used their skills bravely, and saved lives.

Although tragically, Mrs. Christy Redenz and her 5-year-old daughter died at the scene, the Scouts' quick action and training resulted in the other children being safely airlifted to local hospitals.

Many people in this life look for opportunities to be heroes, to be something great; but the greatest heroes are those who accomplish great things while doing their duty in the small things.

These young men are true heroes, and I am honored to bring their actions to the attention of this House. President Reagan once said something that is very appropriate in this situation—"Some people spend an entire lifetime wondering if they've made a difference . . ." In the case of these brave young men, they don't have that problem.

Mr. Speaker, the light of the United States of America will continue to burn brightly as long as we have young men like these surrounding all of us and leading the way.

IN HONOR OF THE 40TH ANNIVERSARY OF THE CLEVELAND JOB CORPS CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor, recognition and celebration of the 40th Anniversary of the Cleveland Job Corps Center of Cleveland, Ohio. For four decades, the Center has served as a vital source of education and vocational opportunity for thousands of at-risk young adults throughout the Cleveland community.

The core mission and committed work carried out daily by the staff of the Cleveland Jobs Corps Center continues to offer a foundation of strength and assistance that supports, educates and guides thousands of young lives away from the shadows of struggle and despair and onto a pathway of personal independence, accomplishment, and the promise of a better life.

The dedicated staff members and administrators of the Cleveland Job Corps Center assist young persons in attaining their GED; offer intensive trade and vocational training; and instill a sense of empowerment, self-confidence, personal responsibility and team interaction within each young person. These significant life goals and practical educational and job training programs hold the promise of career achievement and societal contribution as each young person is shown the way and given the tools to succeed.

Mr. Speaker and colleagues, please join me in honor and recognition of the staff, leaders, and especially the students of the Cleveland Job Corps Center, past and present. The Center continues to serve as an invaluable source of educational and vocational opportunities for countless teens and young adults throughout the Cleveland community. Moreover, the Center provides these young people with a sense of self-worth and accomplishment, and offers them the personal power to dream, to hope and to take control of their own destiny. The Cleveland Job Corps Center continues to elevate the life of every student into the light of possibility and achievement, thereby uplifting our entire community.

H.R. 3673

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. WESTMORELAND. Mr. Speaker, I rise in opposition to H.R. 3673, the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005.

Along with the other members of the House, I have been shocked and saddened to watch the devastation that has been caused by the Hurricane in Louisiana, Mississippi, and Alabama. I have also been encouraged by the heroic efforts both of private individuals and our military in saving the lives of many people, and evacuating those who simply could not get out of the affected areas.

This has also been a time for Americans to draw together—donations to private relief agencies are more than $500 million in just the first week after the tragedy, and organizations like the Red Cross and Salvation Army have been right at the forefront in providing relief to the people affected.

I strongly supported the efforts of Congress in allocating the initial $10 billion in immediate relief to keep the Federal Emergency Management Agency (FEMA) and Army Corps of Engineers functioning to assist in the immediate aftermath of the hurricane and flooding. However, I rise in opposition to this $51.8 billion relief package. I do not oppose all funding for the emergency, but one of my major concerns with the government response to disasters in general is the tendency to throw money at problems with very little accountability on how that money is being spent.

The $51.8 billion we are about to spend is nearly three times the entire annual State budget of my home State of Georgia, the ninth-largest State in the country with a population of 8.8 million people, and will be spent in about five weeks from what we are being told. According to the Office of Management and Budget, we are spending money at a rate of $2 billion a day, and yet we in the Congress do not have many details at all on how that money is being spent.

I strongly support continued government funding of relief work in the affected areas, but the legislation we are considering is sorely lacking in effective accountability. The legislation allocates funds to Federal agencies with barely any explanation, except for one thing we know—that not a dime of the $51.8 billion will be spent on reconstruction in the affected areas. The funding is only for immediate response over and above the $10 billion we are already spending. This legislation holds no one responsible, and I cannot in good conscience allow such a tremendous amount of taxpayer's money to be spent without holding someone accountable for its disbursement. The legislation does provide for the inspector general to oversee the funding, but even that is after-the-fact as the money is being spent.

The more than $60 billion Congress will have allocated after this legislation passes is enough to give every family of four affected by the hurricane a cash payment of $120,000, and yet none of that $60 billion will be spent to actually rebuild anything in New Orleans, Mississippi, or Alabama.

We need time to absorb information about what is happening. We know more today than we did yesterday, and we will know more tomorrow than what we know today. We do not need more knee-jerk reactions of spending money to fix problems. There are only three ways to pay for hurricane relief—raising taxes, which will stifle the economy; cutting Federal spending to offset the money; and passing the cost along to our children and grandchildren by increasing the deficit. We need to carefully consider this spending, and work diligently to ensure that the funds are being spent wisely.

I have personally donated to the Red Cross and Salvation Army, as has my staff, and I will continue to support relief efforts. I would prefer that the votes in Congress on spending these disaster dollars take place in $10 billion installments, where we can see how effectively the money is being used. This is an extremely difficult time, and I applaud the leadership both of our President and other government agencies, along with the military, who have acted so decisively and effectively to alleviate suffering.

We are a great nation, and we will continue to be great and rise above the challenges we face. May God continue to bless America.

IN CELEBRATION OF THE 95TH ANNIVERSARY OF ASBESTOS WORKERS' UNION LOCAL NO. 3

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I call our colleagues' attention to Asbestos Workers' Union Local No. 3 from Cleveland, which is celebrating its 95th anniversary on September 24, 2005. Members of Local No. 3 can trace the beginnings of their union back to the earliest day of the modern industrial era with the sudden expansion of steam power around 1880, creating the need for the insulation industry.

An attempt to form a national bond between insulators came in 1900, when the Salamander Association of New York sent out an appeal to related crafts in other cities to form a "National Organization of Pipe and Boiler Covers." This appeal struck a chord of solidarity and two years later the officers and members of the Pipe Covers Union affiliated with the National Building Trades Council of America and invited other pipe coverer unions and related trades to join them. The appeal for unity was sent to Cleveland, as well as other targeted cities such as New York, Chicago, Boston, Detroit, and Washington, DC. In all, seven local unions from around the country responded and this resulted in the birth of the foundation for an international union. The interested locals met for their first convention on July 7, 1902, where they drafted and approved a constitution and elected Thomas Kennedy of Chicago as their first president. They chose "The National Association of Heat, Frost and General Insulators and Asbestos Workers of America" as the name for the international union and on September 22nd of that year the American Federation of Labor issued an official charter designating the asbestos workers as a national union.

The group met again in October 1904 in Pittsburgh, Pennsylvania, to adopt a constitution and issue local numbers: St. Louis, Missouri No. 1, Pittsburgh, Pennsylvania No. 2, Cleveland, Ohio No. 3, Buffalo, New York No. 4, Chicago, Illinois No. 5, Boston, Massachusetts No. 6, and Seattle, Washington No. 7. The charter issued to Local No. 3 in 1910 contained the names of these Clevelanders: Thomas Richards, James Wiley, Phil Frigge, M.O. Taitle, Harry Jacoby, Archie Budd, Harry Morris, Harry Graff, and George Davis. James Dalton, Al Dalton, and Thomas O'Neil of Local No. 3 became officers of the International Association.

Over the years Local No. 3 has fought for better wages, safer working conditions on construction sites, and benefits. Local No. 3 has established funds to help with medical expenses, retirement, apprenticeship and training. At its 95th anniversary and going into its second century, Local No. 3's goals remain to make a member's life safer, more productive, and more prosperous, to work to meet the needs of its members, and to educate new members that there is strength and prosperity in solidarity. Mr. Speaker, please join me in congratulating Asbestos Workers' Union Local No. 3 as its officers and members celebrate their 95th anniversary.

RECOGNITION OF 35TH ANNIVERSARY OF CLEO PARKER ROBINSON DANCE STUDIO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today in recognition of the 35th anniversary of Cleo Parker Robinson Dance and its founder, Cleo Parker Robinson. Cleo Parker Robinson uses dance as a bridge to unite diverse communities and overcome cultural, age, class, and language barriers. A night watching a Cleo Parker Robinson Dance performance is simply unforgettable, making it a well-known gem in the Colorado arts community.

Cleo Parker Robinson Dance has been an essential part of the Colorado arts community since its inception in 1970. The organization includes a professional company, a year-round dance school, an International Summer Dance Institute, and a Cleo Parker Robinson Dance Theater. In addition, CPRD created two programs, Season of Schools and Project Self Discovery, which focus on introducing dance to low-income and at-risk students. Season of Schools serves Denver Public Schools students and students from surrounding school districts with performances and workshops, introducing students to dance as an outlet of expression. Project Self Discovery, funded through a government grant, provides intensive dance study to at-risk youth as an alternative to gangs, drugs and delinquency.

Cleo Parker Robinson Dance has spent the last 35 years working to strengthen communities in some of Denver's poorest neighborhoods. Cleo Parker Robinson utilizes the power of dance to find the commonalities that unify communities. Her leadership and dedication shows that with hard work we can continue to move towards a society that flourishes from our cultural diversity.

I want to commend Cleo Parker Robinson Dance for its accomplishments over the past 35 years and for continuing to bring beautiful, unique and innovative forms of dance to eager audiences around the world.

IN HONOR OF THE GOLDEN JUBILEE ANNIVERSARY OF SISTER AUDREY KOCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sister Audrey Koch, Pastoral Associate at St. Coleman's Church, on the joyous occasion of her Golden Jubilee Anniversary, reflecting a life-long commitment to educating, inspiring and guiding the youth of our community; and reflecting an unwavering dedication of service on behalf of the most vulnerable of our society.

Sister Audrey's significant work embodies the teaching profession, social community action endeavors and civic leadership. She taught for 24 years at Cleveland area schools, including St. Ignatius Elementary School, St. Agnes, St. Thomas Aquinas and St. John in Lorain. She also served for 4 years as Principal of St. Coleman School.

While at St. Coleman's, Sister Audrey directed numerous programs with the Catholic Youth Organization (CYO) and taught in the CYO's preschool. She also taught theology at St. Joseph Academy. In 1991, she embarked on a new ministry through her work with the Catholic Charities Office of Disability Ministry at St. Augustine Parish. In 2003, she returned to St. Coleman Parish as a Pastoral Associate.

Mr. Speaker and Colleagues, please join me in honor and celebration of the 50th Golden Jubilee Anniversary of Sister Audrey Koch. The compassionate leadership and service, reflecting faith, hope and kindness, that Sister Audrey continues to offer to others, young and old, is immeasurable in its impact upon the lives of so many, from the very young to our senior citizens. Sister Audrey's steadfast commitment to healing the lives of others continues to strengthen lives of the people of St. Coleman's parish and continues to serve as a beacon of light and hope throughout our entire community.

H.R. 3673—SECOND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO MEET IMMEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRICANE KATRINA, 2005

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. SMITH of Washington. Mr. Speaker, I rise today to express my disappointment for the Federal government's delayed response to Hurricane Katrina. I am extremely concerned about the Federal Emergency Management Agency (FEMA) director Michael Brown and call for his resignation.

Brown and his senior leadership team have demonstrated a stunning level of ineptitude that made the disaster of Katrina and the loss of life and property much worse than it had to be. This tragic event has made clear that the FEMA team is not up to the job of protecting Americans from either natural disasters or from any possible terrorist attack. Security is a paramount concern to me and Americans deserve a competent and able emergency management agency. Now that it is proven that this team is incapable, we can't afford to wait to replace Director Brown.

I also strongly disagree with the suggestion—made by many in the Administration and the majority—that Americans shouldn't "point fingers" or play the "blame game" as the relief effort continues. Thousands of lives are at stake right now. We are also spending billions of public dollars on the recovery and those resources must be spent effectively and efficiently. We need an experienced team now to implement the government's plan for repairing the southeast region, not after a lengthy review process. While I support that broader review, one thing is immediately clear: The director of FEMA is plainly not up to the important job at hand.

Consider the following critically important facts.

Despite days of warning, FEMA did virtually nothing to prepare for the impact of Katrina. Director Brown reportedly waited 5 hours after Katrina struck before he proposed to Department of Homeland Security (DHS) Secretary Michael Chertoff that he send 1,000 Homeland Security workers into the region to support rescuers. Even then, his letter gave personnel 2 full days to arrive on the scene to begin offering assistance. It was 5 agonizing days before FEMA and DHS showed up in any significant numbers with adequate supplies to help the tens of thousands of people in New Orleans.

Equally disturbing are the efforts of FEMA and others in the Administration to explain away these inexcusable actions. Claims have been made that local leaders in Louisiana did not ask for help and that the Federal government could not have foreseen that the levees around New Orleans would be breeched in the event of a significant hurricane.

The utter absurdity of these claims makes it even clearer that we need new leadership at FEMA if Americans are to have any confidence that the agency will wisely and effectively deal with the continuing crisis in the Gulf Coast, much less prepare for future natural disasters or terrorist attacks.

First, locals did ask for help before the storm hit and FEMA assumed responsibility for dealing with the fallout from Katrina. Louisiana's Governor Kathleen Blanco declared a State of emergency for Louisiana on August 26th and on August 27th, she requested Federal support. On that same day, and acting on your authorization, Director Brown responded to Blanco's request for assistance and declared that FEMA would "mobilize equipment and resources necessary to protect public health and safety by assisting law enforcement with evacuations, establishing shelters, supporting emergency medical needs, meeting immediate lifesaving and life-sustaining human needs and protecting property, in addition to other emergency protective measures."

Second, the coming disaster was clear. Max Mayfield, the Director of the National Hurricane Center has confirmed that both Director Brown and Secretary Chertoff listened to his agency's briefing on Katrina's likely impact. Mayfield made repeated warnings about the hurricane and was quoted by the New Orleans Times-Picayune as saying, "We were briefing them (FEMA and DHS) way before landfall. It's not like this was a surprise. We had in the advisories that the levee could be topped." It is alarming that, given this knowledge, FEMA thought it was appropriate to sit back and wait instead of aggressively preparing for the disaster.

Third, the vulnerability of the levees was well established. Last year, FEMA conducted a simulation involving the potential evacuation of New Orleans as a result of a Hurricane. For my years experts had been predicting that the levees could be breached by a hurricane and that the results would be disastrous, costing thousands of lives and billions of dollars. In 2001, the Army Corps of Engineers conducted a study and found that the levees in the region needed to be updated, raised, and the pumping systems modernized. In the event of a category 4 or 5 hurricane, like Hurricane Katrina, the levees would fail and the cities within the levees would be at risk of flooding.

Perhaps most troubling, Federal officials knew from news reports and from Mayor Ray Nagin's comments that tens of thousands of New Orleans residents would not be able to respond to the call to evacuate. Despite this understanding, no action was taken to accommodate those who could not evacuate their city.

I am deeply troubled by what this failure of leadership could portend for another disaster or attack. Some of FEMA's top positions have been staffed with individuals who have ample political and campaign experience, but virtually no understanding of how to prepare for and respond to a disaster of any magnitude. We expect State and local responders to be well trained and qualified. The same must be true of FEMA's leaders. There is no doubt that a new and better skilled leadership team at FEMA is required in order to best protect our Nation.

The tragic events caused by Hurricane Katrina have left hundreds of thousands of Americans with shattered homes and families and without food and water. I am committed to joining together to provide relief and to save as many lives as possible.

I have seen the compassion of Americans as volunteers, donations and financial assistance has flowed into the southeast region. We must now do our part to repair the damaged region and assist in rebuilding the lives of many of our citizens. I look forward to working with the Administration and my colleagues in Congress to help the people in this devastated region.

IN HONOR OF UNITED STATES CONGRESSMAN BARNEY FRANK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Congressman BARNEY FRANK, as he is honored by the Cleveland Stonewall Democrats for his significant service on behalf of the citizens of the 4th Congressional District of Massachusetts.

Since being elected to the United States Congress in 1981, Congressman FRANK has blazed a courageous road fortified by civil rights and human rights for every American, regardless of their differences. His candor, compassion and convictions have consistently given a voice to the oppressed and vulnerable of our society and his work continues to raise the level of grace and dignity for all Americans by casting the pall of ignorance and discrimination into the light of truth and justice.

A highly regarded and respected attorney, activist and public servant, Congressman FRANK's constituency in Massachusetts has demonstrated their overwhelming faith and admiration for him by voting him back in office twelve times. He is the Senior Democrat on the Financial Services Committee and has worked tirelessly on behalf of vital issues that affect the well being of our society, including gay rights, health care, education, preservation of the arts and the steadfast protection of our civil liberties.

Mr. Speaker and colleagues, please join me in honor and recognition of my friend and colleague, Congressman BARNEY FRANK, for his immeasurable service and courageous leadership on behalf of the citizens of our country. Congressman FRANK's steadfast advocacy and unwavering focus on human rights is framed by excellence, heart, integrity and personal wisdom. Congressman FRANK continues to raise our society into the light of tolerance and truth, thereby elevating the lives of countless Americans into the realm of hope for a better tomorrow, and peace and justice for all, in the 4th District of Massachusetts and across our Nation.

CELEBRATING JOHN D. LEE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. DUNCAN. Mr. Speaker, on September 15, John D. Lee, the President of the Boys & Girls Club of the Tennessee Valley, will be honored for 35 years of service. He is only the second President in the organization's 60-year history.

John went to work for the Boys & Girls Club of the Tennessee Valley as a Facility Director on September 16, 1970. He was later promoted to Assistant Executive Director and then to President and CEO.

The Boys & Girls Club of the Tennessee Valley has experienced amazing growth under his leadership. When John became President 26 years ago, it was operating only two Boys Clubs. Since then, he has led the organization through a merger with the Girls Club in 1990 and has overseen an expansion that now provides care and supervises activities for 7,845 members annually in 19 Club facilities in five East Tennessee counties (Knox, Blount, Scott, Loudon, and Fentress). The Boys & Girls Club of the Tennessee Valley employees a staff of 275 people and provides over 460,000 hot meals annually.

John's excellent leadership and service has not gone unnoticed either. In 1985, he received the Robert M. Sykes Award for Professional Excellence. In 1994, the U.S. Department of Justice presented him with the Directors Community Leadership Award.

The parent organization of the Boys & Girls Club is also very appreciative of John's work. On May 23, 2000, he received the Boys & Girls Clubs of America Service to Youth Award and Service Bar for 30 years of service to the Boys & Girls Club Movement, and in 2002, he received the Boys & Girls Clubs of America National Professional Service Award for Service to the National Movement.

John was born in Charleston, South Carolina, and is a graduate of Samford University. He has been a fine husband to his wife, Phyllis, and a great father to his three children, Amanda, Maria and Phillip.

The Boys & Girls Club of the Tennessee Valley is a leader in youth development and has touched the lives of countless young people throughout John's tenure. I have come to know John Lee well over the years, and I can assure you that he is a fine human being who has made East Tennessee a much better place to live.

Mr. Speaker, this great Nation owes a debt of gratitude to John D. Lee for his outstanding service as President of the Boys & Girls Club of the Tennessee Valley.

IN HONOR OF CHORBISHOP BERNARD C. KHACHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Chorbishop Bernard C. Khachan, upon the occasion of his retirement that follows 45 years of service, faith, ministry and leadership within the Maronite Catholic Church.

Chorbishop Khachan was ordained a Maronite Catholic Priest in Lebanon in 1960. In 1965, he journeyed to South America to serve for one year. After his ministry there was complete, he returned to Lebanon. During that time, leadership in Rome had established the first Maronite Diocese in the United States. Chorbishop Khachan was soon asked to serve as Pastor of a Maronite parish in a region of Pennsylvania where his relatives lived. With grace, dignity and an open heart, Chorbishop Khachan accepted the challenge of his new country. While always holding Lebanon alive in his life and close to his heart, Chorbishop Khachan also proudly embraced his new home in America. In 1972, Chorbishop Khachan became a citizen of the United States. In 1987, he was appointed Pastor of St. Maron Church of Cleveland, Ohio, where he served with kindness, guidance, support and compassion for the past eighteen years.

Chorbishop Khachan's vision, concern for others and focus on uplifting our community has had a significant effect on countless members of the parish and on residents who live in the surrounding neighborhoods. His focus on restoring Maronite traditions and culture have succeeded, along with his successful restoration of the church building, social hall, parking lot and surrounding grounds. Chorbishop Khachan's insight and focus have served to increase the number of parishioners from 500 families to 1,300 families—a remarkable achievement.

Mr. Speaker and Colleagues, please join me in honor and recognition of Chorbishop Bernard C. Khachan, upon his retirement that highlights 45 years in faithful service to others. Though he will be greatly missed, his gifts of faith, leadership, guidance and compassion will forever illuminate hope and faith within St. Maron parish community of Cleveland. We wish him an abundance of health, happiness and peace as his journey guides him back to Lebanon.

CONGRATULATIONS TO SYSTEMS AND ELECTRONICS, INC.

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. EMERSON. Mr. Speaker, I rise to congratulate the Systems & Electronics, Inc. (SEI) Family of Medium Tactical Vehicles (FMTV) Paint Optimization Team as the recipients of the 2005 Missouri Team Quality Award (MTQA). SEI's West Plains, Missouri unit is a leader in defense systems and technology. The FMTV Paint Optimization Team is based at SEI's manufacturing facility in my Congressional District, and this team was instrumental in the development of protective armor placed on vehicles for the protection of Army personnel in Iraq.

The MTQA is awarded annually to teams which address and meet six standards: selecting the opportunity for a team, establishing and developing the team, measuring and analyzing the current situation, developing improvements, implementing improvements, and monitoring progress. The FMTV Paint Optimization Team successfully met each standard set forth and excelled in their production of protective armor.

The MTQA Recipient Awards Banquet and Presentation will occur at the Excellence in Missouri Conference in November, at which time the team will be officially recognized for their excellence in teamwork. Again, I send my warmest congratulations to SEI and the FMTV Paint Optimization Team, and I wish them continued success as they work to provide proven armor solutions to our men and women in uniform, both at home and abroad.

IN HONOR AND REMEMBRANCE OF ELSIE FRANK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Elsie Frank, loving mother, grandmother, great-grandmother, dedicated public servant, community activist, and dear friend and mentor to many. Her passing marks a great loss for her family and friends, and also for the people of Boston, whom she served and inspired with the highest level of commitment, concern, integrity and honor.

The great care and love that Mrs. Frank showered on her family extended throughout Boston where she carried the torch of advocacy on behalf of many social justice issues, including issues affecting gay teens and gay adults, and concerns faced by the elderly of our society. An inspirational and well-known leader in Boston's Back Bay neighborhood, Mrs. Frank dedicated her time and talents in bolstering the strength of several gay advocacy groups, and senior advocacy groups as well. She worked with PFLAG (Parents, Families and Friends of Lesbians and Gays), tirelessly lobbying state legislators to reinstate funding in support of PFLAG's Safe Schools program—a critical program that serves to educate, support and protect the well-being of gay teens in schools. In 2003, Mrs. Frank was honored with PFLAG's Voice of Truth Award.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Elsie Frank, whose boundless joy for life served as a source of inspiration, protection and hope for Boston citizens of all ages. I extend my deepest condolences to her children, Barney, Ann, Doris and David; to her six grandchildren and ten great-grandchildren; and also to her extended family and many friends. Mrs. Frank's immeasurable heart and focus on human rights has forever touched the lives of countless individuals, young and old, gay and straight, and her unbridled spirit and vital work will soar forever in the hearts of those who knew and loved her well, especially her family, friends and the people of Boston's Back Bay.

A TRIBUTE TO KRISTIN YOUNG

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. CANTOR. Mr. Speaker, I rise today to pay tribute to Kristin Young. After more than a decade of service to the House of Representatives, she is moving home to Connecticut. She spent the last four and a half years working in my office, currently serving as my Director of Administration.

I am very appreciative of all of Kristin's hard work over the years. I have been fortunate to have one of the most talented, committed and effective staffers on Capitol Hill handling my schedule and greeting constituents with a smile each working day.

Kristin's strong work ethic was invaluable in making sure I was able get the people's work done and meet and greet as many constituents as possible. Kristin's demonstrated ability to get things done led me to ask her to assume additional responsibilities when the need arose. She always had a very full agenda, but she cheerfully took on any new task and made many valuable improvements in the office.

My wife Diana and I feel Kristin's departure is a personal loss for us and the residents of Virginia's 7th District, and we will miss her and her son Dylan greatly. I am very proud of the great and unselfish work Kristin Young has done on behalf of the citizens of Virginia. I am most proud to join many, many others in calling her a friend. I know that I reflect the feelings of all of her fellow staff members in wishing her continued success and happiness.

IN HONOR OF THE GOLDEN JUBILEE ANNIVERSARY OF SISTER ANN KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Sister Ann Kilbane, Pastoral Life Coordinator at St. Colman's Church, on the joyous occasion of her Golden Jubilee Anniversary, a ministry of faith that reflects a legacy of leadership, activism, instruction and unwavering service to others.

Sister Ann, who is celebrating her 50th Golden Jubilee Anniversary, currently serves as the Pastoral Life Coordinator for St. Colman Church. She began her vocation in service to others as an educator, teaching at several area schools, including St. Thomas Aquinas, St. Rose, St. Joseph Academy, Our Lady of Angels and St. Clement. From 1967 to 1977, Sister Ann held the position of treasurer for St. Joseph Parish.

During that time, Sister Ann earned a Master's degree and led the effort to establish an outreach center for the people of the St. Colman neighborhood. "Mission in the City" continues to focus on the needs of families and individuals in this west side neighborhood. Sister Ann also served as business manager for St. Joseph Academy and finance coordinator for NETWORK in Washington, DC. She returned to St. Colman in 1994 as finance coordinator and was named Parish Life Coordinator in 1999.

Mr. Speaker and Colleagues, please join me in honor and celebration of the 50th Golden Jubilee Anniversary of Sister Ann Kilbane. Her vision, leadership, expertise and compassion for others continues to uplift the lives of countless families and individuals with the St. Colman Parish community, and her concern and activism continues to shine light, faith and the hope for a better day within the lives of those who are in greatest need, and throughout our entire community.

LEXINGTON LIONS CLUB 75TH ANNIVERSARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. SKELTON. Mr. Speaker, the Lexington, Missouri, Lions Club will celebrate its 75th anniversary by hosting a reception and dinner this weekend. As a Lexington Lions Club member since 1957, I know how much this organization has given to our community and I want to congratulate the Club on the achievement of this milestone.

The Lexington Lions Club was organized in 1930, with Warren Sherman Sr. serving as its first president. Members of the Club have been active in promoting the Lions organization throughout Missouri, sponsoring new clubs in the cities of Odessa, Wellington, Hardin, Richmond, Buckner, and Henrietta. The Club hosted the Missouri State Lions Convention in May 1936, and over the years, six members of the Lexington club have served as District Governors for the State of Missouri.

Over the last 75 years, the Lexington Lions Club has made countless contributions to the community, many of which focus on improving the lives of young people. The Club has sponsored Boy Scout Troop 318 for over 60 years and provides scholarship awards to Lexington High School graduates. The Club sponsors a band student at the Missouri Lions All-State

Band and sponsors a student at Missouri Boys State. In addition to supporting participation in the Missouri Lions All-Star Football and Basketball programs, the Club purchased the basketball scoreboard for the Lexington High School.

The Lexington Lions Club has also worked on important community betterment projects. In the 1950s, the Club purchased property for Lions Club Park in Lexington. In August 1973, the Club donated 62 acres of land to be used as a park by the City of Lexington and donated grounds for the Little League baseball field and for the swimming pool. The Club donated 457 street markers for the City of Lexington and participates in the Adopt-A-Highway program.

Lions Clubs are recognized worldwide for their service to the blind and the visually impaired. The Lexington Lions Club provides sustaining financial support to the Missouri Lions Eye Research Foundation, the Leader Dog Program, and to the Lions Club International Foundation. As part of its mission to help others see, the Club provides eyeglasses to needy students and has collected many thousands of pairs of eyeglasses donated for those in need.

The men and women who serve their communities through membership in local service organizations contribute so much to their neighbors and epitomize the spirit of community that makes our Nation great. The Lexington Lions Club has achieved an enormous amount since its founding in 1930, and I know the members of this body join me in congratulating the Lexington Lions Club on its anniversary and wish the Club continued success in the years ahead.

IN HONOR AND REMEMBRANCE OF U.S. MARINE LANCE CORPORAL JEFFREY ALLEN BOSKOVITCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Jeffrey Allen Boskovitch, who bravely and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Family, friends and service to others framed Corporal Boskovitch's life. He gained personal strength and faith from those who knew him best and loved him most, especially his mother and father, Katherine and James; his fiancé, Shelley Tevis; his brother and sister, Brian and Kimberly; his stepbrothers and sisters, Brian, Michael, Amanda, Austin, Amy and Abby; and his stepparents, Steve and Vicki.

Corporal Boskovitch's energetic spirit and expansive heart easily drew others to him. His steadfast focus on serving the public and his leadership abilities were evidenced throughout his life. He was a 1999 graduate of Normandy High School and a 2001 graduate and Class President of the Tri-C Police Academy of Parma. Corporal Boskovitch held his unit in Iraq, the servicemen and servicewomen of the 3rd Battalion, 25th Marine Regiment, as closely connected to his heart as family. He declined a promotion in order to stay with his military unit.

Mr. Speaker and colleagues, please join me in honor and remembrance of Lance Corporal Jeffrey Boskovitch. I extend my deepest condolences to his family members and many friends. The ultimate sacrifice, significant service and true heart that framed the life of Corporal Boskovitch will live forever in the memories and hearts of all those who knew and loved him best—his family and friends. And his legacy of service and courage will be honored and remembered by the Cleveland community and by our entire Nation, today and for all time.

IN HONOR AND REMEMBRANCE OF U.S. MARINE LANCE CORPORAL EDWARD AUGUST "AUGIE" SCHROEDER II

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Edward August "Augie" Schroeder II, who courageously and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Family, friends and service to others framed Corporal Schroeder's life. He gained personal strength and faith from those who knew him best and loved him most, especially his mother and father, Rosemary and Paul, and his sister, Amanda.

A kind soul who possessed an offbeat sense of humor and tangible joy for life, Corporal Schroeder was always willing to go the extra mile for anyone in need. His commitment to helping others was reflected in his work as an Emergency Medical Technician, lifeguard and Boy Scout counselor. Corporal Schroeder reveled in the role of team player and reflected a true sense of connectedness to others throughout his life, as is clearly evidenced throughout his involvement as part of the 3rd Battalion, 25th Marine Regiment.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Lance Corporal Edward August "Augie" Schroeder II. I extend my deepest condolences to his mother, Rosemary Palmer; his father, Paul Schroeder; his sister, Amanda Schroeder; and to his extended family members and many friends.

The significant sacrifice, service, bravery, joy and energy that framed the life of Corporal Schroeder will live on as a legacy and testament to all that is good in humanity, and his life will forever be honored and remembered by the Cleveland community, and will always be held close within the hearts and minds of all whom loved him well and knew him best—his family and friends.

TRIBUTE TO PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. LANTOS. Mr. Speaker, President Pervez Musharraf is, quite literally, the "Indispensable Man" in Pakistan politics today—and promises to be one of the most significant and pivotal figures in Pakistan's history.

President Musharraf has transformed Pakistan into a reliable friend of the United States in the global war on terror. Unlike some other friends and putative allies of the United States, Pakistan has sealed its commitment to fight terrorism with the blood of its military forces; over 200 Pakistani soldiers have been killed in combat with al Qaeda, Taliban and other extremists in Pakistan's Northwest Territories in the last two years.

Pakistani authorities have also captured or killed hundreds of foreign terrorists and extremists. The United States has officially designated Pakistan a "major non-NATO ally" in recognition of the importance of Pakistan to the security interests of the United States. President Musharraf himself has survived two assassination attempts by al Qaeda, yet he has refused to back down.

Mr. Speaker, if anyone had any doubts that President Musharraf is a man of vision, they need look no further than the recent and unprecedented meeting between the Israeli and Pakistani foreign ministers in Turkey. This momentous event could well usher in a new era of cooperation and friendship between these two states. All of us should welcome this farsighted action by the Pakistani President. This action, taken in the wake of Israel's disengagement from Gaza, sends a strong signal to the entire Muslim world: It is time for all Muslim-majority states—not only Egypt, Jordan, Turkey and a very few others—to deal openly with Israel and to recognize it. They can make no greater contribution to Middle East peace.

Also, there is now the very real possibility that India and Pakistan may finally begin to put over a half-century of animosity and distrust behind them. This is due in no small measure to the efforts of President Musharraf.

No other figure in Pakistan commands the world-wide respect that its President does, Mr. Speaker. He is moving Pakistan forward to what I hope will be a stable democracy, a peaceful and prosperous country and a reliable and valued partner of the United States in bringing stability, security and peace to the region. All this, if it comes to pass, will be due in large part to the leadership and vision of President Pervez Musharraf.

A TRIBUTE TO THOMAS JEFFERSON UNIVERSITY AND THOMAS JEFFERSON UNIVERSITY HOSPITAL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Thomas Jefferson University and Thomas Jefferson University Hospital on the occasion of its Annual Awards Gala. Jefferson hospital has provided the best in health care services to countless citizens of the Commonwealth of Pennsylvania.

The university and hospital have improved the lives of people in our region and across the nation through their research and educational programs. I applaud this remarkable institution as it leads the way to better lives in the 21st century.

It's hard to think of Jefferson without being reminded of the extraordinary contributions of two people who will be honored at the Gala this year: Dorrance H. Hamilton, who will receive the Award of Merit, and Dr. Francis E. Rosato who will receive the Achievement Award in Medicine. I give them my congratulations and my very best wishes. They and Jefferson are to be commended for a job well done, and for providing inspiration to all of us. I ask that you and my other distinguished colleagues rise to congratulate these exceptional individuals.

DR. BYRON P. STEELE II

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor Dr. Byron P. Steele II for his contributions to our community that have led to the dedication of a high school in his name.

Dr. Steele is a native Texan with a love for horses, ranching, fishing, and hunting. He has spent his entire life in the greater San Antonio area, devoting nearly his entire career to the teaching community and the students of Texas.

In August 1957, Dr. Steele began that teaching career at Collins Garden Elementary School, in the San Antonio Independent School District. While teaching, Dr. Steele worked toward his Master of Education Degree at night.

From 1965 to 1968, Dr. Steele directed the Bexar County Head Start Program, designed to provide low-income preschoolers with a comprehensive program to meet all their needs. Dr. Steele is one of the pioneers of this program, which largely owes its success to these early designers.

Dr. Steele then returned to public education and became a principal at the elementary, junior high school, and high school levels. He then went on to earn his doctorate before becoming the superintendent of Malorie ISD, then Devine ISD, and finally the Schertz-Cibolo-Universal City ISD, where he remained for eighteen years.

At the request of the community, and as a tribute to his devotion to the students of Texas and the SCUCISD, the school board has decided to name the school district's second high school after Dr. Steele.

One can never underestimate the value and importance of our teachers and schools, which guide our children from a very young age into adulthood. I am honored to come here today to recognize Dr. Steele's contributions to our community, and I offer Steele High School my best wishes as it begins to carry on the legacy of this great Texan.

TRIBUTE TO TERENCE LIONEL MARTIN OF RICHMOND, CA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to pay special tribute to a true hero, Terence Lionel Martin, of Richmond, California, and call attention to the valiant actions that led to his tragic death on August 23, 2005.

Raised in Richmond, Terence was known throughout the community as a born leader, a "peacemaker" and a "problem solver." The son of Clara and Lonnie Martin, Terence, known as Terry by his friends, followed his parents' career path to work with the West Contra Costa School District. He had been a valued employee for 22 years and an esteemed member of our community.

It was his natural "peacemaker" instinct that he acted upon while driving home from work one day this past August. Mr. Martin spotted a young man beating his pregnant, sixteen-year-old girlfriend. Without regard for his own safety, Mr. Martin pulled over, demanded the young man stop and offered his assistance to the young woman. The young man pulled out a gun and shot and killed Terence, just blocks away from his workplace. The community was shaken by this senseless killing and is poorer for this loss. In Terence's name, I ask my colleagues to join me in recommitting ourselves to the principles of peace and safety on our city streets.

Terence Martin is survived by his parents, his sister Sharon Johnson, his young daughter Brittney Martin, his extended family, and many treasured friends. To all of Terence's family and friends, I offer my sincere condolences and hope that you are comforted by knowing that he died trying to make a difference, that he was truly respected and loved by so many and that he will not be forgotten.

A TRIBUTE TO LARRY MAGID AND HIS STAFF AT ELECTRIC FACTORY CONCERTS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Larry Magid and his staff at Electric Factory Concerts. On July 2, 2005 Larry Magid and his staff at Electric Factory Concerts produced the U.S. portion of LIVE 8, a concert to help eliminate poverty in Africa. Over a million people gathered on Philadelphia's Benjamin Franklin Parkway, to watch the largest global concert ever; seen by over 3 billion people in over 130 countries. Electric Factory Concerts also produced the original LIVE AID concert in 1985, held at Philadelphia's JFK Stadium.

Of the 9 shows happening in 9 countries on July 2nd, 2005 (U.K., Japan, Russia, South Africa, Canada, Germany, France, Italy, U.S.)—the U.S. show in Philadelphia held the largest crowd.

Larry Magid and his staff at Electric Factory Concerts were instrumental in every aspect of this show's phenomenal success. Magid pulled together an extraordinary effort to make sure LIVE 8 played Philadelphia, especially as other Northeast cities vied to have the show.

Once the date and location were set, EFC had only six and a half weeks to plan and coordinate the largest show in Philadelphia's history. Magid and his staff, especially Adam Spivak, John Stevenson and Jim Sutcliffe, were vital to making this truly historic show a rousing success for both Philadelphia and the world. For this, Mr. Speaker, I would like to express my deepest gratitude and commend these men for all of their hard work in the creation of such an amazing production.

CELEBRATING THE LONE STAR CIRCLE OF LIFE BIKE TOUR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the Lone Star Circle of Life Bike Tour for 7 years of successful service to the people of San Antonio, Texas.

The Lone Star Circle of Life Bike Tour is an annual event which promotes the gift of life. Twelve cyclists spread the message of blood, marrow, organ, and tissue donation throughout the community as they ride.

With the help of Texas donor centers, the twelve cyclists not only change lives but save lives too. Each participant rides over 500 miles in a 6 day period in honor of someone needing a transplant.

Each non-professional rider is chosen in the spring specifically by a committee made up of the tour director, tour captain, a bone marrow coordinator, and a former participant. The rider not only must be physically capable to ride the entire tour, but their life must have been touched by a donation, meaning the rider or someone from their family has made a donation or received one.

Several stops are made along the way to honor recipients, donors, and their families. The stops also give community members the opportunity to learn about blood, marrow, organ, and tissue donation. This gives the community the chance to speak with someone who has experienced a donation.

The tour brings communities together and recognizes the importance of being a donor, and I am proud to have had the opportunity to recognize this event here today.

TRIBUTE TO AMBASSADOR ULRIK FEDERSPIEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending and bidding farewell to Ambassador Ulrik Federspiel, Denmark's Ambassador to the United States since May 2000. Throughout his remarkable career, Ambassador Federspiel has worked tirelessly to strengthen the already close relationship between the United States and Denmark. Indeed, the Danes are fortunate to have had such an illustrious representative in Washington, and the United States has had no better friend and ally in the Diplomatic Corps here in Washington than Ambassador Federspiel.

Mr. Federspiel began his career in the Danish Foreign Service in 1971 and was immediately assigned to the prestigious European Community office within the Foreign Ministry. As we all know, Denmark became a member of the EC in 1973.

His outstanding contributions on EC matters earned him the post in London as First Secretary of Political Affairs from 1973 to 1977. During this time he worked in cooperation with several African states in the process of democratizing countries including Zimbabwe, Angola and Namibia. Mr. Federspiel was especially active in supporting the anti-apartheid movement in South Africa. As a result, he was personally invited to the inauguration of President Nelson Mandela in 1993 and became a consultant to the modern integrated South African administration.

In 1981, Ambassador Federspiel returned to Copenhagen to become Special Assistant to the Permanent Secretary of State for Foreign Affairs, a post he held until he arrived in Washington to serve as Deputy Chief of Mission at the Danish Embassy in 1984. He quickly developed a reputation in Washington as a quick study with an imposing intellect combined with a personable, friendly demeanor. Ambassador Federspiel came to understand that not only does Denmark have a critical role to play in European matters, but, for a small country, Denmark could "punch above its weight" on transatlantic economic and political issues.

As State Secretary for Foreign Affairs from 1991–93, Ulrik Federspiel worked to support independence for the Baltic states, who were emerging from the dark years of Soviet occupation. Denmark was the first country in the world to recognize the three former Soviet countries of Estonia, Latvia and Lithuania.

From 1993 to 1997 Ambassador Federspiel's outstanding record brought the notice of the most senior members of the Danish government and he was asked to serve as Chief of Staff to the Prime Minister. At the European Union summit in June 1993 under the Danish presidency, Mr. Federspiel drafted the portion of the Copenhagen Criteria that set standards for EU membership. Ambassador Federspiel became a staunch proponent of NATO expansion and has since taken a leading role in the process. Among his other accomplishments while in the Prime Minister's Office, he played an important role in the Danish decision to play an active part in Bosnia, having the largest contingency of ground troops there per capita, and the only country to have heavy armor, namely ten tanks.

Mr. Speaker, upon arriving in the United States in 2000, Ambassador Federspiel became actively engaged in solving trade disputes between the EU, Denmark and the United States. His diplomatic skills were effective in resolving high-profile trade disputes, including the carousel sanctions and the import ban on pork. Mutually beneficial trade has been expanded between the U.S. and Denmark through close cooperation between the former U.S. Ambassador in Copenhagen Richard N. Swett and Ulrik Federspiel.

Mr. Speaker, Ambassador Federspiel has brought his dynamism and passion to many political and humanitarian issues. Since completing his military service in the Royal Danish Navy in Greenland in 1962–63, he has taken a keen interest in Greenland and its population. In 1984, when he became Deputy Chief of Mission to the Danish Embassy in Washington, D.C., the relationship between Greenland, the United States and Denmark became one of his priorities. The Ambassador has played an instrumental role in furthering the interests of the Home Rule Government and that of the Danish realm and has worked in close cooperation with the U.S. government, especially on Thule Air Base. He was deeply involved in the 2002–2004 negotiations leading to the so-called Igaliku-agreement between the U.S., Greenland and Denmark that paved the way for upgrading the Thule radar to be used in the Missile Defense System. The island and the base are strategic elements for defense and security preparedness for both the U.S. and Europe.

Ambassador Federspiel is also an accomplished academic. He graduated from the University of Aarhus in political science in 1970 and completed a year of post-graduate studies at the University of Pennsylvania, earning an MA in 1971. He has been a visiting lecturer at George Washington University and the University of Copenhagen, and he also has served on the governing board of the University of Copenhagen.

His interest in supporting academic excellence has continued. He is an Honorary Trustee of the Crown Prince Frederick Fund for Harvard University that supports two scholarships annually for exemplary Danish university students. Ambassador Federspiel currently sits on the advisory board of Humanity in Action (HIA), a unique educational program between Denmark, the United States, the Netherlands, Germany and France. The HIA program provides the opportunity for outstanding university students to intensively study human rights and democratic values, as well as to hold an internship with the U.S. Congress.

Ambassador Federspiel's commitment to working for others is undoubtedly a result of his and his family's experiences growing up in war-torn Europe. During the Nazi occupation of Denmark, Ambassador Federspiel's father, Per Federspiel, was imprisoned for a year due to his involvement in the rescue of the Jews in October 1943. Needless to say, Ambassador Federspiel has proven himself to be a strong and consistent supporter of the State of Israel.

After the horrible events of September 11th, Ambassador Federspiel and the Danish people were among the first to support the American people and the cause of freedom. As a NATO member, Denmark is one of the strongest supporters of the United States in its campaign against terrorism. It still has soldiers and its air force present in Afghanistan. From day one in 2003 Denmark took part in the coalition's efforts in Iraq with combat troops. It still has 531 combat troops and now has an embassy and an Ambassador in Baghdad. Ambassador Federspiel has worked tirelessly with the Danish government's major role in the reconstruction of Iraq.

Ambassador Federspiel has also been very much involved in other areas of the Middle East. During the Danish EU presidency in 2002, Denmark worked closely with the EU in drafting the Road Map for peace in the Arab-Israeli dispute. Furthermore, since early 2003 Ambassador Federspiel has worked to promote his government's ideas about reform, democracy and security in the Broader Middle East and North Africa (BMENA). Denmark and the U.S. are now seen as the parents of this idea that is generally accepted by the EU, G8 and BMENA countries.

He has seen the importance in strengthening inter-parliamentarian relations and has helped to build and support the Congressional Friends of Denmark. As a result of this important work, the NATO Parliamentary Assembly U.S. House of Representatives delegation will participate in bilateral meetings with the Danish parliament in November.

Ambassador Federspiel has also strengthened the economic relations between the U.S. and Denmark, and direct investments in both countries have increased over the last years. In the transatlantic dispute over lifting the EU's weapon embargo towards China, Ambassador Federspiel played a crucial role in postponing the lifting of the embargo indefinitely. Denmark is a consistent defender of the human rights of the Chinese people.

Mr. Speaker, I ask my colleagues to join me in thanking Ambassador Federspiel for his outstanding service and uncompromising dedication to furthering the friendship between our two great countries, and to wish him well in his future endeavors.

RECOGNITION OF PETE MATTIVIV'S 100TH BIRTHDAY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. SALAZAR. Mr. Speaker, I submit recognition in honor of Pete Mattivi of New Castle, Colorado on the occasion of his 100th birthday. Since his earliest days, Pete has been dedicated to helping his community. He is well loved and respected by all who know him. With wishes for many more years of happiness and health, I congratulate Pete by submitting into the CONGRESSIONAL RECORD the following Glenwood Springs Post Independent article, dated September 12, 2005:

With a twinkle in his eyes and a smile on his face, Pete Mattivi, of New Castle, credits "wine, women and song" with reaching his 100th birthday.

But on a more serious note, he says it's friends, family and his creator that allowed him to see his centennial year on Sept. 8, 2005.

A birthday celebration held Sunday afternoon for Mattivi in Burning Mountain Park drew a huge crowd and a long line of people who wanted to congratulate him and wish him well.

With music by "Heart of the Rockies" and a buffet of birthday cake and ice cream, Mattivi sat in a folding chair, his cane over his legs as friends lined up to speak to him.

Some were old friends, in wheelchairs and walkers, and some were newer friends who knew of the illustrious Mattivi, although they might not have met him before.

"You are so wonderful—everybody loves you," said longtime New Castle resident Rosie Ferrin.

"One hundred years old—you look great," another well-wisher admired.

"I feel that way, too!" Mattivi smiled and agreed.

Some shared old memories they had with Mattivi.

Liz Lewis, of Rifle, recalled when she was a school bus driver in the 1970s and on a field trip with the kids while Mattivi recounted the history of Marble for the students.

"It was one of the most interesting trips I'd ever been on," Lewis said.

Mattivi has long been a well-known figure in the small town that currently has a population of about 3,000.

Born in 1905, he was raised in Crystal and lived in Marble, Salida and Glenwood Springs before settling in New Castle in 1929. There, he helped his brother, Matt, open a small service station in town, which was booming at that time.

In 1931, he married Opal Woos and the two operated the Mattivi Motor Company at 298 W. Main St. It was later the Three Rivers Repair/Phillips 66 station. Mattivi retired from the business in 1982. Opal Mattivi passed away in August 2000.

Mattivi was also a former longtime mayor of New Castle, serving from 1954 to 1969, and from 1974 to 1981. He was a Garfield County Commissioner from 1957 to 1977 and served 10 years on the Re-2 school board.

"Can we have your autograph?" asked Karen Wentzel, the wife of current mayor Bill Wentzel, when it was her turn in line as she showed Mattivi a collage she had of his past birthdays.

Mattivi graciously signed his name.

For years, Mattivi was known for his beautiful flower gardens at his home on Main Street, just across the street from where his daughter, Pam Bunn, now owns and operates the New Castle Cafe.

"He comes in for breakfast every morning at 8:30 on the dot," Bunn said with a laugh. "He also comes to the senior lunch and dinners."

Mattivi sold a portion of his property on the west side in 1997 but continues to garden the rest.

And even at 100, he is still active, riding his scooter across the street to the cafe and tending to his yard.

Mattivi has no big secrets to making it to the big 1-0-0.

"I live day by day," Mattivi said earnestly. "The next thing you know, you're 100. People have been good to me, and my creator has been good to me. I've just followed what was given to me."

NATIONAL ADDICTION RECOVERY MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. VAN HOLLEN. Mr. Speaker, as we celebrate National Addiction Recovery Month this September, I would be honored to have Congress join me in celebrating those who commit their time and effort to addiction recovery.

Last year, over 19 million Americans used illicit drugs. Fifty-five million had engaged in binge drinking, and over 16 million are considered heavy drinkers. These numbers are more than just statistics. If you take the time to examine them, they are in fact quite staggering. Imagine if the entire populations of New York and Los Angeles combined were all illicit drug users. Imagine if the entire population of Florida were heavy drinkers. That's how prevalent the problem is. The impact is felt not only by individuals and their families, but by society as well. Addiction costs our society and economy billions of dollars each year, in health care costs, property damage, and lost productivity. It also costs lives, and causes immense amounts of grief and pain. Each one of those millions of Americans has a story, and we should ensure that each one of them has the chance to tell their story to an addiction counselor, in hopes that they will receive the necessary treatment and care. Addiction is a disease, as serious and as deadly as many others. Alcohol and drug addiction are very serious, and very destructive. No one is immune from addiction, as it afflicts people of all ages, all races, all classes, and all professions.

As with any serious disease, the treatment for addiction relies on great amounts of research and advances in health sciences. The National Institutes of Health is a leader in this regard, and many of its 27 institutes have committed funds to research on addiction, including research on how addiction takes over the brain, the body, and the central nervous system. Two institutes in particular at NIH focus only on this issue of critical importance: The National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism. For many decades, these two institutes have been making tremendous strides in the fight against addiction. Congress spends billions of dollars each year on addiction research, and these institutes have justified our faith and commitment to this issue.

Too often, problems in our society carry with them a certain stigma. Addiction is one such problem. Thousands, if not millions, of people do not seek treatment for addiction because of a misunderstanding of their condition, both on their behalf and on society's behalf. NIDA and NIAAA have both sought to understand this stigma, and bring it to an end. Led by Dr. Nora Volkow and Dr. T.K. Li, respectively, NIDA and NIAAA are constantly making progress to improve our understanding and treatment of addiction. Addiction is a disease, and must be attacked as such. Our fight against it must be aggressive and unyielding. Both NIDA and NIAAA fund scientists all over the country, who in turn will one day unlock the mysteries of addiction and its impact on individuals and society.

NIDA and NIAAA provide the ammunition for the troops on the front lines battling this disease. I am referring of course to the addiction counselors, who must daily encounter the difficult task of prevention, intervention, and treatment. These foot-soldiers in our war against addiction need all of the support we can give them. I believe, Mr. Speaker, that we can show our support for them through our strong support for NIDA, NIAAA, and the other NIH institutes committed to solving the enigma of addiction.

Mr. Speaker, I ask you and all of my colleagues to join me in recognizing the priceless contributions of NIDA, NIAAA, and addiction counselors, and giving them our gratitude. Congress has shown strong support for this issue in the past in several ways—through legislation, through funding for the National Institutes of Health and the CDC, and through displaying a constant awareness of the gravity of this issue. Yet we are far from victory, and must continue our steadfast fight against drug and alcohol addiction. We look forward to the day when addiction to drugs and alcohol are eradicated, and these wonderful professionals can take their final bow. Until then, their hard work should be recognized and, more importantly, honored and appreciated.

REMARKS ON HURRICANE KATRINA

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Ms. BALDWIN. Mr. Speaker, with a heavy heart, I rise today in solidarity with my fellow Americans who suffered the devastation of Hurricane Katrina and its aftermath. We deeply mourn the loss of life. We share the pain of those who are suffering physically and emotionally from this trauma. And we also mourn the loss of some of our faith in government to respond in full measure to people in need.

In the past few days I have received scores of calls and e-mails from my constituents in Wisconsin expressing their support for the victims of the devastation and also their outrage at the slow and inefficient federal response to that tragedy.

Wisconsinites are deeply ashamed of the images of abandonment and neglect they saw on TV and desperate to help in rescue efforts. My heart goes out to the victims of Hurricane Katrina and to those family members here in Wisconsin and across the country waiting for word from their loved ones. While Americans are reaching into their wallets to support private relief efforts, there should be no doubt that the federal government must provide the leadership to ultimately meet the challenges of this situation.

Particularly disturbing is that we have spent more than $36.7 billion dollars since the September 11th terrorist attacks planning for a response to a disaster of epic proportions. Now we've had one. Given the response of the Department of Homeland Security to this disaster, every aspect of that Department's performance and capability is now called into question and the security of every American hangs in the balance. Wisconsinites are not alone in calling for a government investigation into this catastrophic failure and an immediate overhaul of the system so that such a failure never again occurs.

Congress has now sent more than $62 billion in federal disaster relief to help save and aid hurricane victims and I supported this authorization of money. But money, alone, will not solve the problems we face.

The response to this disaster showed us many things, among them that our social safety net has been badly neglected. It showed us also that we have been inadequate stewards of the environment.

Whether it's our failure to fight poverty and provide health care to all in America; or our failure to make proper and adequate investments in infrastructure (including our emergency communications infrastructure); or our failure to protect the natural buffers, our coastal wetlands and barrier island which serve as Mother Nature's shock absorbers; or our failure to listen to scientists long warning us of climate change; or our failure to embark upon a path that decreases (rather than increases) our dependence on finite resources so that future generations won't experience the fear and anxiety that grips all of our constituents when fuel becomes unaffordable.

All of this was revealed stunningly in recent days. Let us not ignore what was exposed to us. This time, let's seize the opportunity to work toward the common good; to help those with the least, not just those with the most; and to make good on the social compact.

In the aftermath of Hurricane Katrina, we have the opportunity to reclaim the promise of America. Failure is not an option.

THE U.S. MERCHANT MARINE: WE DELIVER THE GOODS!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. FILNER. Mr. Speaker, when I introduced H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act" the positive response was overwhelming. Many of these Merchant Mariners have shared their harrowing, 60-year-old stories and experiences with me, and each personal account strengthens my resolve to see that these brave heroes are treated with respect by the U.S. government.

In my ongoing fight to correct the injustice being done to the U.S. Merchant Mariners—men who have yet to be given full benefits as World War II veterans—I would like to submit the following article from The American Legion by Dan Allsup, a freelance writer from the St. Louis area, entitled, 'We Deliver the Goods':

It's not that Bob Bodine wanted to avoid the World War II draft in 1943. He just didn't think being an Army infantryman sounded like a whole lot of fun.

Bodine tried to join the Army Air Corps but failed the vision test. He talked to a Navy aviation recruiter, but the Navy was bringing on 17-year-olds at the time. Bodine was too old at 18.

"What else is there?" he asked the recruiter. "Well, there's the Merchant Marine, but they've got a hell of a casualty rate." the recruiter said.

Bodine, now 80, recalls the conversation. "What does a teenager care about casualty statistics? I always liked boats, so the Merchant Marine sounded pretty good to me."

He secured a slot at the U.S. Merchant Marine Academy at Kings Point, NY. In his second year, Bodine sailed off on a required 9-month cruise to the Mediterranean. It didn't take long for him to realize that if he was trying to avoid the draft, he could have taken an easier route. Bodine was a crewmember aboard the USS *Fleming*, which was hauling a dozen P-51 aircraft and a huge load of vehicle and aviation fuel to the troops. The *Fleming* was part of a 110-ship convoy. While it escaped the war unscathed, 50 of her sister ships were sunk by German U-boats and floating mines.

Bodine is one of the more than 243,000 civilian volunteer mariners who served aboard ships that provided the greatest sealift in history. Critical to the war effort, the U.S. merchant fleet delivered troops, supplies, ammunition and equipment all over the world. It took part in every invasion from Normandy to Okinawa, often becoming sitting-duck targets for enemy submarines, mines, bombers and kamikaze pilots. Fighting was especially fierce in the Atlantic, where "wolf packs" of German submarines and deadly U-boats prowled the ocean destroying Merchant Marine ships in an attempt to isolate Great Britain. Closer to home, enemy submarines sank hundreds of ships off the eastern coast of the United States.

In the first 6 months of 1942, German U-boats alone sank more than 400 U.S. merchant ships. Because no official history has been written of the Merchant Marine in World War II, casualty numbers vary from source to source. It is believed, however, that about 9,300 mariners were killed during the war, and more than 1,500 of their ships were sunk. Fortunately, because most Merchant Marine ships traveled in convoys, many of the mariners aboard wounded vessels were fished from the sea by nearby ships. About 600 mariners were prisoners of war and another 11,000 were injured.

Susan Clark, public-affairs officer for the U.S. Maritime Administration—the Federal agency most involved with the Merchant Marine—said that other than the U.S. Marines, mariners had a higher death rate than any other branch of the service during the war. (Some mariners may take exception to that statistic. A web site for Merchant Marine veterans says their death rate was 1 in 26 and the Marine Corps was 1 in 34.)

President Franklin Roosevelt summed up the war contributions of the U.S. Merchant Marine: "The (mariners) have written one of its most brilliant chapters. They have delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult and most dangerous job ever taken."

Despite their losses and their importance to the war effort, surviving mariners weren't met with parades and flags when they returned home. They weren't considered veterans. They couldn't take advantage of the GI Bill, small business loans or medical care for disabilities. Officially, they were civilians. If they were lucky, they received a thank you letter and a lapel pin from the President. After years of fighting the system and a long court battle, some World War II mariners finally received limited veteran status on Jan. 19, 1988.

Sixty years after he last hung up his Merchant Marine uniform, Bodine and many of his Academy classmates still can't believe they weren't considered members of the U.S. Armed Forces during the war. "I didn't know otherwise until I realized that I wasn't eligible for the GI Bill or any other veterans benefits," he said.

Although some bitterness about the lack of recognition remains, the Merchant Marine sails on today. After the Sept. 11, 2001 terrorist attacks, 29 Merchant Marine Academy students operated a fleet of boats into New York Harbor, transporting firefighters and other emergency workers, along with food and medical supplies.

Today, more than 8,000 mariners serve in the Military Sealift Command, most of them working in support of the Iraqi war. An average vessel moves the equivalent of about 300 C-17 cargo aircraft, freeing up aircraft for other critical missions.

From the Revolutionary War to Operation Iraqi Freedom, the U.S. Merchant Marine has delivered the goods.

25TH ANNIVERSARY OF UNM—LOS ALAMOS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to mark the 25th anniversary of the Los Alamos branch of the University of New Mexico. Nestled in the mountains, this bustling center of science and education is a mainstay in the community of Los Alamos. Initially a graduate studies center for science, engineering and management, UNM—Los Alamos has evolved into a state-of-the art facility offering a broad base of educational programs.

UNM–LA offers a variety of associate's degrees and certificates, as well as courses that transfer toward a bachelor's degree. Small, personalized classes taught by dedicated instructors give students the attention normally associated with liberal arts colleges. Affordability is also a key factor at UNM–LA as lower division classes cost students a mere 25 percent of the main campus tuition rate.

Student success is the main focus at UNM–LA where a range of classes are offered on many educational levels to students from diverse backgrounds. UNM–LA provides Adult Basic Education, GED training, English as a Second Language instruction and a tutorial center to supplement the classroom experience. In addition to the core curriculum, upper division classes are available to graduate students though the UNM Extended University at UNM–LA.

In partnership with the Los Alamos National Laboratory, UNM–LA provides the most current computer training to Lab and contract employees. Responsive to current need, these classes enable employees to build necessary skills for career advancement within the Lab. Several science and technology programs prepare students for work at the Lab and many UNMLA graduates find employment at LANL.

Approximately 2,500 students attend UNMLA each year with campus housing available to those who wish to live in the beautiful Los Alamos area. Campus life includes student government, music, art and a Student Center with numerous activities. The natural beauty and recreation opportunities surrounding the campus make UNM–LA an ideal setting for living and learning.

UNM–LA further enriches the community by hosting events such as concerts, art exhibits and lectures on campus throughout the year. Several satellite locations in neighboring communities give access to students outside the main campus area. UNM–LA is also involved in the administration of two small business development centers in Los Alamos and Sandoval counties.

Mr. Speaker, UNM–LA has brought quality higher learning to the dynamic Los Alamos area. Serving Northern New Mexico for 25 years now, UNM–LA has provided well-rounded educational and life experiences to thousands of students. Graduates of UNM–LA have no doubt taken with them a strong ethic of learning and a stronger sense of community as well.

EXPRESSING CONCERN FOR HURRICANE KATRINA VICTIMS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. TIERNEY. Mr. Speaker, I rise today to express my concern for the victims of Hurricane Katrina. Our thoughts are with all those who have been stranded by the storm, separated from their family and friends, and have suffered from tremendous personal and emotional losses. Worst of all is that it was the least among us—the poor, elderly, and infirm—who appeared to suffer the most. Television broadcasts beamed poignant images of those that could not leave, who were now forced to survive in an inhabitable city seemingly overcome with the presence of death and overtaken by depravity.

Adding to our grief and inflaming our outrage is that the Federal Government was woefully unprepared for this disaster. As the world watched, we responded in a way that was completely unacceptable. Despite assurance by FEMA Director Michael Brown that his organization was taking steps to ensure that disaster teams could respond within 12 hours and that disaster relief supplies could be delivered anywhere in the country in 24 hours, stranded residents in New Orleans reportedly went 4 days without deliveries of food and water. Inaction, mismanagement, and the inability to put the appropriate personnel and resources in the right place at the right time exacerbated an already grave natural disaster.

The scope of the tragedy we have seen in the Gulf Coast was not only anticipated but could have been minimized if the appropriate steps were taken. Multiple studies had identified the potentially devastating effects of a hurricane striking New Orleans. The Army Corps of Engineers requested funds for critical reinforcements to the levees in New Orleans but those calls have been unanswered. Further, as has been widely reported, since its transfer to the Department of Homeland Security, FEMA has been significantly diminished and undervalued.

However, after these sorrowful pictures that now seem so permanently seared on our conscience begin to fade, after the appropriate investigations occur on what went so tragically wrong, and after the devastated areas start to rebuild, we must take more from Hurricane Katrina than how to better plan, prepare, and respond for a potential natural disaster. We must finally begin to recognize and remember that the Federal Government can help Americans live better lives. For too long now, the Federal Government has catered to those who can well take care of themselves. It's about time we started to care and demonstrate compassion for those being left behind not just in New Orleans but throughout America.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mr. MOORE of Kansas. Mr. Speaker, on September 6, I was surveying damage from Hurricane Katrina in Louisiana and failed to cast recorded votes on rollcall votes 454 and 455. Had I cast my votes, I would have voted "yes" on both.

Last week, I traveled to Louisiana with a constituent who is the president and founder of Heart to Heart International, Dr. Gary Morsch. Heart to Heart International, a Kansas-based humanitarian organization that serves the needs of the poor and provides aid to those most affected by natural disasters, has established a forward distribution center in Jefferson Parish, Louisiana, to distribute aid to the refugees of Hurricane Katrina. A team organized by Heart to Heart International traveled to this forward distribution site to deliver aid, determine assignments for possible future teams, and prepare to receive future shipments to deliver to agencies sheltering refugees.

I deeply appreciate the work of private relief organizations like Heart to Heart International that play a critical role in the public-private response to natural disasters. While private organizations do their part for disaster relief, government at every level needs to work together to plan for inevitable natural disasters and coordinate relief efforts. I will continue working within Congress to ensure that the federal government's response to future disasters, whether natural or man-made, is as efficient and timely as possible.

ACE AND TJ RALLY THEIR LISTENERS

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. MYRICK. Mr. Speaker, America is heartbroken by the loss of life and property Louisiana, Mississippi, and Alabama have experienced due to Hurricane Katrina. It is the largest natural disaster in the history of our country. As the people in the effected areas are suffering and have called for help, citizens across the country have heard their cries and have responded.

All across America citizens are organizing drives to help people in the Gulf States. They are giving money, gathering supplies, and working to make sure people displaced from these areas find shelter. I would like to recognize one such effort in my hometown of Charlotte, NC.

Charlotte has 2 very popular radio disc jockey's—Ace and TJ. They are two of Louisiana's favorite sons, and in the wake of disaster that has effected their home State, and areas around it, they organized one of the Nation's fastest and largest private responses to the disaster in the Gulf.

Ace and TJ decided they would do a donation drive for victims of Hurricane Katrina, asked their listeners to "give to the Gulf." They asked listeners to donate money and supplies such as water, canned goods, generators, diapers, and baby wipes for the victims. Their radio listener family responded to their call in large numbers.

Ace, TJ, Madden, Yankee Pete, Ryan, and the local radio station Kiss 95.1 FM began their donation drive on Monday, August 29, 2005, at noon. The response was so overwhelming that they continued to air their efforts until midnight that night.

Ace and TJ, over local 400 volunteers, and local businesses all pulled together and worked for more than 4 straight days for hurricane victims. They took in the supplies and loaded them onto tractor trailer trucks. Local restaurants even chipped in by contributing food for the volunteers, and businesses contributed supplies and expertise on how to properly load the supplies. The whole Charlotte community pulled together for this effort.

I would also like to point out that their listeners in Chattanooga, Tennessee, Beckley and Bluefield, West Virginia, and Birmingham, Alabama, also contributed money and supplies to their effort.

When Ace and TJ first started this drive they thought they would try to load up one tractor trailer, and get about $50,000 to contribute to hurricane victims. I am happy to say that Ace and TJ's radio listeners went above and beyond their first estimates. The listeners poured our their hearts and have contributed almost $500,000, and filled up 26 18–wheeler tractor trailers trucks full of supplies.

Then, if getting the money and supplies weren't enough, they personally ensured that the supplies were driven down to Cenla, Louisiana, so they could be used immediately by the evacuees from the Gulf area.

Mr. Speaker, we should not forget the efforts of people like Ace and TJ and their volunteers, because in times like these we need to recognize them to remind us of what it is to love thy neighbor. I am proud of the compassion and generosity of the people I represent in the Charlotte area. I am also very proud and grateful to Ace and TJ and their radio team for pulling the community together and giving to those in need. And as we continue to help those in need, let us not forget the people who are really helping our fellow citizens. It is not the governments, it is the good people across our country like Ace and TJ.

ANNIVERSARY OF AWB

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2005

Mrs. McCARTHY. Mr. Speaker, one year ago today, Congress allowed the Federal ban on assault weapons to expire without a floor vote.

The ban was allowed to die despite the support of two-thirds of the American people and the support of nearly every police organization in the country.

And although he did nothing to help, President Bush even said he supported the ban.

But Congress refused to listen to common sense and allowed weapons such as AK–47s and TEC–9s to be available throughout the United States.

Since then, the NRA and its allies in Congress have pursued a radical agenda to weaken our gun laws.

In July, the other body passed legislation giving the gun industry unprecedented protections from negligence lawsuits.

This legislation will see that negligence goes unpunished. It will also give the industry no incentive to pursue safety innovations for their products.

Had these protections been in place for the auto industry 40 years ago, cars wouldn't have seat belts, air bags, antilock brakes.

The NRA says this law will prevent frivolous lawsuits against the gun industry, but it is a problem that doesn't exist.

Over the past 10 years, over 10 million lawsuits have been filed in the U.S. Only 57 have involved the gun industry. And only 12 of those have been ruled frivolous by judges.

The current system works, frivolous lawsuits against the gun industry are not coming to trial.

Also, the NRA has begun a lobbying campaign to convince state legislatures to overturn workplace gun bans.

Whether it is at a daycare center, school, church, or hazardous materials plant, the NRA wants employees to come to work armed. Again, it defies common sense.

Guns are already the third greatest hazard in the workforce and 17 Americans die on the job because of guns each week.

Instead of dismissing irresponsible business practices and allowing guns in daycare centers, Congress should focus on legislation that keeps guns out of the hands of criminals and terrorists.

I have introduced legislation to improve the National Instant Background Check System or NICS. NICS is the database used to make sure potential gun buyers are legally permitted to own firearms.

But the system is only as good as the information States provide. Twenty-five States have entered less than sixty percent of their felony convictions into the NICS database.

In 13 States, domestic violence restraining orders are not entered into NICS.

My bill would require States and Federal agencies to provide the FBI with all relevant records necessary to conduct effective background checks.

The bill establishes a nationwide grant program to allow State law enforcement agencies to update and transmit records for inclusion in NICS.

Another step towards reducing the threat of gun violence is to include individuals on Federal terrorist watch lists in the NICS system.

Earlier this year, the United States Government Accounting Office issued a report revealing 44 instances of persons listed on Federal terrorist watch lists attempting to purchase firearms during a 4-month period in 2004.

Thirty-five of these transactions resulted in the successful purchase of a firearm.

Our current laws allow our enemies in the War on Terror to arm themselves within our borders.

I have introduced legislation to place persons on the Transportation Security Administration's No Fly List into the NICS system.

If we do not trust an individual to board a plane, common sense dictates that we should not allow them to buy guns.

Both sides of the gun issue have a vested interest in reducing gun violence.

In 2002 alone, guns killed 30,000 Americans. Studies show gun violence costs our health care system more than $100 billion per year.

Mr. Speaker, we can work together to achieve common sense solutions to gun violence without infringing on anybody's 2nd Amendment Rights.

HOUSE OF REPRESENTATIVES—*Wednesday, September 14, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 14, 2005.

I hereby appoint the Honorable MARK FOLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Steve Houpe, Pastor, Harvest Church, Kansas City, MO, offered the following prayer:

Heavenly Father, in the name of my resurrected Saviour, I come before Your presence to thank You and praise You for Your goodness, mercy, grace, and love that You extend to us every day.

Thank You for the honor and privilege of living in this great country. Thank You for our freedom, for the ability to worship and serve You freely. Allow us to always honor You and Your ways. I pray for the mothers, the fathers, and children of this Nation. I pray for the schools, the government agencies, and businesses.

God, I beseech Your throne this day on behalf of these prominent leaders of our Nation. Give them Your truth, direction, Your wisdom and power. I pray for each of these Congressmen, their families, and the people they represent.

Lord God, I give You praise for what You have done, for what You are doing, and for what You are going to do. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. CLEAVER) come forward and lead the House in the Pledge of Allegiance.

Mr. CLEAVER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1613. An act to amend that Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting.

WELCOMING AND HONORING REVEREND STEVE HOUPE

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. Mr. Speaker, I am pleased to rise today in recognition of our guest Chaplain, Dr. Steve Houpe, founder and Pastor of the Harvest Church in Kansas City, Missouri.

Soon after his graduation and ordination from Rhema Bible Training Center in 1986, Dr. Houpe began his ministry and founded Harvest Church, one of the fastest-growing congregations in our community.

But this was just the beginning. Dr. Houpe had a strong calling to education; and, in 1990, he founded Harvest Christian Schools, now Faith Academy, to educate children in a Christian environment with a strong academic emphasis. And, in 1996, he founded Harvest Bible Institute to teach men and women to give of themselves for service in the ministry. Dr. Houpe has also been called to bring the word of God into the homes of people beyond his congregation through his authorship of four inspirational books.

Pastor Houpe further devotes himself to his wife Donna and their six beautiful children.

Pastor Houpe has touched countless lives in our community and across this Nation, and we are pleased to have him here today.

ONGOING EFFORTS IN THE AFTERMATH OF HURRICANE KATRINA

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, 2 weeks ago, Congress reconvened early to pass an emergency funding bill to meet the immediate relief and recovery needs of the Gulf Coast communities ravaged by Hurricane Katrina.

Last week, we met the growing humanitarian and economic needs by passing an additional $51.8 billion in emergency relief.

This week, Mr. Speaker, with the levee repaired, the flood waters receding, and the immediate funding needs met, the House's focus must shift to the broader policy implications of the Katrina disaster.

Millions of our countrymen, men, women, and children, have been displaced all around our Nation. That means communities taking on larger populations, schools seating more students, hospitals seeing more patients, businesses serving more customers, roads and public transportation accommodating more travelers.

The first responders and emergency managers on the ground in the affected region from all levels of government are in charge of the national response in the coming days.

Congress must look at the coming months and years.

Toward that end, last week, the Speaker and Senator FRIST announced their intention to create a bipartisan, bicameral, select committee of senior Members and Senators to review and report findings about the preparations for and response to Hurricane Katrina. Isolated partisan attacks of the bipartisan committee notwithstanding, it will allow and require the Congress to do its constitutional duty to review the recovery and the policies that govern it.

The joint select committee will work, as even its shrillest critics must know.

Meanwhile, this week, the House is at work developing targeted policies for the ongoing national response, from a bill to protect Katrina's good Samaritans from predatory trial lawyers, to a bill to encourage more charitable giving to the Katrina private relief effort by providing targeted tax relief for the contributors to the recovery.

These and other policies will be brought to the floor as they are ready so that the House can respond as quickly and as effectively as possible.

Our entire Nation has its work cut out for it, recovering from this tragedy. The House will meet its responsibility, in the aftermath of this emergency, to lead.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CREATING A CABINET-LEVEL DEPARTMENT OF PEACE AND NONVIOLENCE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, from our deepest silence, from that place within each of us that knows peace, from our heart of hearts which connects us to the world and to the heart of the world, we know that fear leads to violence, that violence leads to war, that war leads to total destruction. Yet we do not want to fear, we do not want violence, we do not want war, we want peace. We desire peace so intensely that we are willing to do almost anything to achieve it, including spending half of our resources for arms to help feel secure.

We know we cannot continue on this perilous path of seeking peace through violence. We know that this approach offers our children no future at all.

So today we make a new beginning with House bill 3760, legislation to create a Cabinet-level department of peace and nonviolence. In doing so, dozens of Members of this Congress announced that we choose courage over fear and hope over despair. We announce our desire to create a new America and a new world.

CHILDREN'S SAFETY ACT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, sexual predators lurk in the shadows of our neighborhoods and prey on those who are innocent and defenseless. Many sex offenders are living under the radar of local law enforcement and continue to elude the criminal justice system.

But we are bringing forth legislation that strengthens the critical need of protecting the safety of our children. H.R. 3132, the Children's Safety Act, addresses the growing epidemic of violence against children and enhances their safety from convicted sex offenders through coordinated State sex offender registration and notification programs.

One of the most crucial problems is that over 100,000 sex offenders are "missing." They have not complied with sex offender registration requirements. This legislation remedies this crisis by ensuring compliance and enforcement.

Child exploitation and sexual abuse are a growing predicament. This bill tightens mandatory minimums for crimes of violence against children. It expands the category of crimes to include juvenile sex offenses, possession of child pornography, and a new definition of sex offense.

It is time to shed light on this most egregious crime and tighten the outlets sex offenders use to desecrate our world.

HURRICANE KATRINA ACCELERATED TAX BENEFITS ACT

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, as we consider tax incentives for businesses that have been affected by Hurricane Katrina and help them get up and running, we must also help the affected families get up and running. Both are essential endeavors.

Americans have lost their homes and incomes through no fault of their own.

In the coming days, I will introduce the Hurricane Katrina Accelerated Tax Benefits Act. This bill will fast-track the Earned Income Tax Credit, the Child Tax Credit, and educational incentives such as the Hope and Lifetime Learning Credits to the people in the Gulf Coast, providing these hard-working Americans with much-needed resources. It will stimulate the economy and help rebuild the lives of affected Americans.

These Americans who have lost so much should receive their tax refunds now. They have worked for it, and they have earned it.

There is a precedent for fast-tracking tax refunds during times of crisis. Following the tragic events of September 11, 2001, Congress passed legislation to fast-track the Child Tax Credit refunds.

Mr. Speaker, we cannot undo the damage wrought by Hurricane Katrina, but we can begin to restore lives. By taking these steps, we can quickly deliver the funds to these families who have worked hard and paid taxes.

I hope my colleagues will join me in advancing this important legislation.

HOMELAND SECURITY VERSUS FOREIGN AID

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, it is the desire to be frugal that led the Base Closure Commission to recommend the retirement of the 147th Fighter Wing from Ellington Field in Houston, Texas.

The removal of these aircraft would severely weaken the military's ability to protect the City of Houston, NASA, the Port of Houston, the Port of Beaumont, and Port Arthur. It is for that reason that I have introduced House Resolution 412 which calls for the President to work with the Secretary of Homeland Security to ensure that any base closings do not affect homeland security inadvertently.

Mr. Speaker, we should reevaluate our foreign giveaway programs if we want to save money. When homeland security is at stake and the energy capital of the world is potentially without fighter protection, the penny pinchers need to reevaluate their priorities.

Like every mother tells her child, "safety first." So we need to keep the F–16s flying over Southeast Texas and the energy capital of the world.

GAMING INDUSTRY'S RESPONSE TO HURRICANE KATRINA

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, as millions of people lost their homes and their jobs, the casino and gaming industry in the Gulf Coast region is helping them in the aftermath of Hurricane Katrina.

I applaud the American Gaming Association for setting up the Gaming Industry Katrina Relief Fund to raise money to provide disaster relief and assistance to gaming employees in Mississippi and Louisiana.

Gaming companies have created programs to help their employees after the devastation of the hurricane. Among other relief efforts, Harrah's Entertainment has established a $1 million Employee Recovery Fund and is paying employee wages for 90 days. Boyd Gaming is paying employees for 8 weeks, and the MGM Mirage has established a call center and paycheck distribution center in Biloxi.

The gaming industry is taking care of their employees in the areas ravaged by the hurricane. As usual, the industry has stepped up to the plate to help their employees weather the storm and their communities to rebuild. I applaud the gaming industry for all they do.

☐ 1015

THANKS TO QATAR

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, in the aftermath of Hurricane Katrina, we as a people should take note of those who immediately rushed forward to help. As a senior member of the International Relations Committee, I rise today to express my personal gratitude as well as that of my fellow Americans to the royal family and to the people of Qatar who once again demonstrated their generosity, friendship, and solidarity with the people of the United States at a time of our maximum suffering.

When it really counted, Qatar stepped forward with a generous gift of $100 million to the American victims of Hurricane Katrina.

Qatar is a small country, yet it must rank near the top of America's list of friends and allies. With the leadership of a thoughtful and progressive royal family. Qatar is building democratic institutions including elections, freedom of press and religion, and a recognition of the rights of women.

Furthermore, after 9/11, our military was permitted to establish its headquarters in Qatar, which is vital to the safety of our troops and the success of America's operations in Afghanistan and Iraq.

Thank you, Qatar. You have proven to be friends when we needed you the most, and we will not forget it.

HURRICANE KATRINA EVACUEES IN THE DREAM CENTER

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, over the weekend I visited the Dream Center in Los Angeles, California, which is currently housing over 250 evacuees of Hurricane Katrina. The Dream Center has committed to feeding, housing and clothing these evacuees. The stories that I heard from them are gut wrenching. I met a woman who escaped with her two nephews and her 80-year-old mother, Sheila Bell.

I also visited with a father who was caring for his youngster who is 1 year old. But Mrs. Bell, unfortunately, was separated from her daughters. Her daughters are somewhere in Texas. She cannot find them. She wants to hear from them. And I want to also applaud the firemen and the first responders who risked their own lives to help those in need to leave the center.

Mrs. Bell recounted that the water level in her house came up to her neck. But there are many stories like hers. And one of the things that I have to bring forward is the fact that FEMA made a promise to give these evacuees assistance.

Now, it is 2 weeks, the assistance is not there. Political hacks have pushed aside the professionals out of FEMA. Since this President took office, 4.1 million people have slipped into poverty. The poor and underserved of the Gulf are the hardest hit. They are the ones that need our help.

Let us move forward and help those that need our assistance now.

RED TAPE AND HURRICANE RELIEF

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, many of us were appalled at the red tape that hindered the Hurricane Katrina relief efforts. Hundreds of surgeons and paramedics were stranded in a state-of-the-art mobile hospital without patients to treat, prevented by Louisiana State officials from mobilizing their taxpayer-funded hospital closer to the disaster zone. State homeland security officials prevented the Red Cross from trucking in supplies in the immediate aftermath.

Police shut down a key bridge after the hurricane hit, preventing escape by victims of the storm. Churches in Louisiana asked by FEMA to take in victims of the hurricane have received no financial assistance from the agency, because FEMA cannot offer assistance to uncertified faith-based groups.

Survivors sleep on the floors of these churches while FEMA is storing unused cots in Louisiana warehouses. The worst thing that can come from all of these hearings, investigations, and commissions is more red tape of the sort that has slowed current relief efforts and probably cost many, many lives.

HURRICANE KATRINA TRAGEDY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, many people responded admirably and effectively in New Orleans and throughout the Gulf Coast. But the fact is that a natural disaster was turned into a human travesty because of incompetence, disorganization, and misplaced priorities.

And the answer does not lie in the firing of Michael Brown. It has been apparent to many who have watched what has happened within the Department of Homeland Security that FEMA has been unvalued within this administration, and as a result became a dumping ground for political hacks.

The fact is that 75 percent of FEMA's money has had to go to terrorism-related situations, such as paying overtime for TSA airport screeners, which means that preparation for the possibility of flooding in New Orleans or an earthquake in San Francisco get very low priority.

In fact, we are not even preparing adequately now for an earthquake in San Francisco when two out of three of FEMA's highest priorities have already occurred with New York and New Orleans.

Mr. Speaker, another natural tragedy cannot be allowed to become another human travesty. We have to get into the guts of this organization, weed out the incompetents and fund it adequately and appropriately.

THANKS TO NASHVILLE ORGANIZATIONS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know some in Washington are choosing to score political points on the devastation caused by Hurricane Katrina. But out there in real America, real Americans are working to assist those who have been displaced.

I want to thank them for the great work that they are doing. Last week, I thanked our Memphis-area organizations who are helping our Gulf neighbors. Today I want to recognize the following Nashville-area organizations providing shelter. We have the Crievewood Baptist Church and Tulip Grove Baptist Church and their congregations; Clear View Baptist Church in Williamson County is providing shelter as well as food.

Grace Works Ministries is collecting clothing and hygiene kits, and the Interfaith Dental Clinic is providing acute dental emergency care for free. The Montgomery Bell Academy Service Club has loaded an 18-wheeler full of supplies, and they sent it south to Mississippi.

In Montgomery County, the Hilldale Church of Christ is doing the good work of taking in our neighbors.

I have been in Mississippi to help with the relief efforts, and I applaud the Nation's aid organizations and all of the work the local charities and the outstanding volunteers are giving to our neighbors in need.

IN SUPPORT OF THE CHILDREN'S SAFETY ACT

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, sometimes numbers paint a dramatic picture. According to a survey conducted by the U.S. Department of Justice, one in five children 10 to 17 years old are recipients of unwanted sexual solicitations online. One of every seven victims of sexual assault is under the age of 6. One in five girls will be sexually exploited before they reach adulthood. And one in 10 boys will become victims before they become men.

According to the National Center For Missing and Exploited Children, the whereabouts of 100.00 to 150,000 of some 500,000 sexual offenders currently registered in the United States are unknown.

What is known is that we are not powerless. I fully support the measures included in the Child Safety Act. The passage of this bill will do nothing to bring about the safe return of children like Carlie Brucia, a Sarasota Girl Scout who was brutally victimized and murdered by a sexual predator. However, it will save other families the most undeniable anguish of losing a child to the most unthinkable acts of violence.

This bill takes commonsense steps toward ensuring sex offenders are not free to prey on the most vulnerable members of our society. H.R. 3132 will require States to alert other States when sexual offenders seek other locations.

There are many, many things that keep parents awake at night. Passage of this bill should not be one of those.

THE ROAD TO DEMOCRACY IN AFGHANISTAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in spite of great challenges, the Afghan people continue to make tremendous progress in creating a hopeful future for their families and their country.

On Sunday, Afghans will go to the polls to choose parliamentary candidates who will represent their views and reinforce their nation's status as a growing democracy. Preparations are being made to ensure that the upcoming election is fair and accessible to all citizens of Afghanistan.

Since many people in the country are illiterate, the ballots will list candidates names, photographs, personal symbols, and numbers to ensure that Afghans from all walks of life have the opportunity to participate in the election.

After witnessing the tremendous success of Iraq's elections, I am confident that the people of Afghanistan will also turn out overwhelmingly to cast their ballots.

They are committed to democracy and confident in their vision for their nation, which protects American families.

In conclusion, God bless our troops, and we will never forget September 11.

HURRICANE KATRINA

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, Hurricane Katrina has devastated the Gulf Coast unlike anything we have ever seen. The television cameras and newspaper pictures can only give us a glimpse of the devastation.

Recovery efforts will take time and resources, and many have opened their homes and their hearts and their wallets to those who have lost so much. And I am so very proud my home State of Georgia has stepped up to the plate to help those in need.

Everyone is doing their part. Many Georgia companies like Coca-Cola and UPS and Home Depot have given millions, million in aid to relief organizations.

But today I would like to recognize the hard work and dedication of some others, the students, the teachers and the schools of Georgia. Georgia schools are doing all they can, and we commend their efforts.

As of today, over 7,300 Hurricane Katrina-displaced students are enrolled in Georgia public and private schools. Georgia students are doing all they can as well. From bake sales to stuffing backpacks full of supplies, students are helping their new friends and peers by opening their hearts and homes.

Through times of crisis come times of opportunity. Georgians have seized that opportunity to help, and we are all grateful for their kindness and their generosity.

PROGRESS IN NEW ORLEANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, there is progress in New Orleans. The Port of New Orleans received its first shipment, and more people are back in the area for brief visits to assess the damage to their homes. In areas that were not flooded or the flood waters have begun to recede, citizens and crews began the clean-up process.

The Governor's office reported that 16 of the region's 25 wastewater treatment plants are now operational. And the New Orleans airport reopened for cargo planes just last week. Although service will be extremely limited, the airport reopened to commercial traffic this week.

In the wake of such a crippling disaster, we are already seeing promising indicators of recovery for the city of New Orleans. Our thoughts and prayers are still with the people of the Gulf region, and we in Congress will continue to work to ensure that New Orleans and the Gulf Coast continue to move towards a full recovery.

PRAISING ROME KARES

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to praise an organization in my district, Georgia 11, that has done a phenomenal job of delivering food, clothing, housing supplies, and even employment to the victims of Hurricane Katrina.

Rome Kares is a model of coordinated community response. The group has aided more than 100 families who have temporarily relocated to Rome, Georgia, and Floyd County from Louisiana and Mississippi.

Rome Kares is a group that distributes an electronic newsletter detailing the items that relocated families need and acts as a clearinghouse for organizations and individuals looking for ways to help. Above all, Rome Kares helps evacuees get set up and settled in their new adopted community.

These efforts have been incredibly successful. Rome Kares has delivered gasoline, diapers, water, and bedding to hurricane-stricken areas, and furniture supplies and clothing to local evacuees.

Mr. Speaker, in the aftermath of Hurricane Katrina, we have seen the best of America; and Rome Kares is a model of this generosity and compassion. I ask that you join me in thanking Rome Kares.

IN SUPPORT OF JUDGE ROBERTS

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today to voice my strong support for President Bush's nominee for Chief Justice, Judge John Roberts, Jr., who started his confirmation hearings in the Senate this week.

Fortunately, Judge Roberts has been applauded through editorial boards throughout the Nation, including some papers in my State. In fact, the Greenville News said: "It is fitting that Rehnquist's brilliant law clerk, Judge Roberts, a man seemingly cut from the same judicial cloth, was nominated Monday by President Bush to become the Nation's 17th Chief Justice, and a man of integrity and fairness."

Mr. Speaker, Judge Roberts is the kind of judge this country needs. He will apply the law as written and decide each case on its merits regardless of his political views. Republicans and Democrats alike have acknowledged Judge Roberts' outstanding career. Democratic lawyers Lloyd Cutler and Seth Waxman and former Republican House Counsel C. Boyden Gray have cited his unquestioned integrity and fair-mindedness in praising him.

Judge Roberts is the right man for the job, and I strongly support his speedy confirmation.

□ 1030

EXTRAORDINARY COAST GUARD

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, there are so many success stories that are going on around Katrina and yet we always dwell on things that are not so successful, but I want to talk about the Coast Guard and some of the great things that the United States Coast Guard has done in the Gulf area.

They have rescued 33,000 lives and evacuated another 9,400 from local hospitals. They delivered tons of food and water to survivors. They have responded to over 650 spills of oil, gas and other hazardous material. They have repaired and replaced several hundred aids to navigation to get ports and waterways reopened to oil, gas and commerce. They brought in over 3.300 servicemen and women and called up another 800 reservists to undertake response operations. And they have moved over 75 aircraft, 25 cutters, 110 small boats into the disaster area to execute and search and rescue.

Their environmental cleanup has been probably the first that has taken place of any government agency. I commend the United States Coast Guard and wish them the best. Keep up the good work.

TEXANS MAKE AMERICA GREAT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to praise the people of Texas who have gone to great lengths to assist those devastated by Hurricane Katrina. In my Third District alone, there are shining examples of selflessness, sacrifice and service.

The City of Allen schools have enrolled over 100 evacuees. Plano has enrolled over 500. And in Wylie, a volunteer in a shelter helped a 15-year-old evacuee separated from his family find them in Houston; and then more volunteers drove him down there.

In McKinney, volunteers turned an old Wal-Mart into a shelter for 300 people, and within 48 hours they added showers, decorated play areas, created medical facilities, and even made Internet connections. One sign said it best, "Howdy. Welcome to Texas, y'all."

For these people who have volunteered their time, money and talents, God bless you and God bless America.

It is people like these who make Texas and America great. I salute all of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

REAUTHORIZING THE LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3408) to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act, as amended.

The Clerk read as follows:

H.R. 3408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

(a) In General.—Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following new section:

"SEC. 260. TERMINATION OF AUTHORITY.

"The authority provided by this subtitle terminates on September 30, 2010.".

(b) Conforming Amendment and Extension.— Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) is amended by striking "terminate on September 30, 2005" and inserting "(other than section 911 of subtitle A and the amendments made by that section) terminate on September 30, 2010".

SEC. 2. DEFINITIONS.

(a) Base Market Hogs.—Section 231(4) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i(4)) is amended to read as follows:

"(4) Base market hog.—The term 'base market hog' means a barrow or gilt for which no discounts are subtracted from and no premiums are added to the base price.".

(b) Boars.—Section 231(5) of such Act (7 U.S.C. 1635i(5)) is amended to read as follows:

"(5) Boar.—The term 'boar' means a sexually-intact male swine.".

(c) Packer of Sows and Boars.—Section 231(12) of such Act (7 U.S.C. 1635i(12)) is amended by—

(1) striking subparagraph (B) and inserting the following new subparagraph:

"(B) for any calendar year, the term includes only—

"(i) a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding five calendar years; and

"(ii) a person that slaughtered an average of at least 200,000 sows, boars, or any combination thereof, per year during the immediately preceding five calendar years; and"; and

(2) in subparagraph (C)—

(A) by inserting "or person" after "swine processing plant";

(B) by inserting "or person" after "plant capacity of the processing plant"; and

(C) by inserting "or person" after "determining whether the processing plant".

SEC. 3. REPORTING; BARROWS AND GILTS.

Section 232(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j(c)) is amended to read as follows:

"(c) Daily Reporting; Barrows and Gilts.—

"(1) Prior day report.—

"(A) In general.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary, for each business day of the packer, such information as the Secretary determines necessary and appropriate to—

"(i) comply with the publication requirements of this section; and

"(ii) provide for the timely access to the information by producers, packers, and other market participants.

"(B) Reporting deadline and plants required to report.—A packer required to report under subparagraph (A) shall—

"(i) not later than 7:00 a.m. Central Time on each reporting day, report information regarding all barrows and gilts purchased or priced, and

"(ii) not later than 9:00 a.m. Central Time on each reporting day, report information regarding all barrows and gilts slaughtered,

during the prior business day of the packer.

"(C) Information required.—The information from the prior business day of a packer required under this paragraph shall include—

"(i) all purchase data, including—

"(I) the total number of—

"(aa) barrows and gilts purchased; and

"(bb) barrows and gilts scheduled for delivery; and

"(II) the base price and purchase data for slaughtered barrows and gilts for which a price has been established;

"(ii) all slaughter data for the total number of barrows and gilts slaughtered, including—

"(I) information concerning the net price, which shall be equal to the total amount paid by a packer to a producer (including all premiums, less all discounts) per hundred pounds of carcass weight of barrows and gilts delivered at the plant—

"(aa) including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer or the accumulation of a balance to later be repaid by the packer to the producer; and

"(bb) excluding any sum earlier paid to a producer that must later be repaid to the packer;

"(II) information concerning the average net price, which shall be equal to the quotient (stated per hundred pounds of carcass weight of barrows and gilts) obtained by dividing—

"(aa) the total amount paid for the barrows and gilts slaughtered at a packing plant during the applicable reporting period, including all premiums and discounts, and including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer, or the accumulation of a balance to later be repaid by the packer to the producer, less all discounts; by

"(bb) the total carcass weight (in hundred pound increments) of the barrows and gilts;

"(III) information concerning the lowest net price, which shall be equal to the lowest net price paid for a single lot or a group of barrows or gilts slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of barrows and gilts;

"(IV) information concerning the highest net price, which shall be equal to the highest net price paid for a single lot or group of barrows or gilts slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of barrows and gilts;

"(V) the average carcass weight, which shall be equal to the quotient obtained by dividing—

"(aa) the total carcass weight of the barrows and gilts slaughtered at the packing plant during the applicable reporting period, by

"(bb) the number of the barrows and gilts described in item (aa),

adjusted for special slaughter situations (such as skinning or foot removal), as the Secretary determines necessary to render comparable carcass weights;

"(VI) the average sort loss, which shall be equal to the average discount (in dollars per hundred pounds carcass weight) for barrows and gilts slaughtered during the applicable reporting period, resulting from the fact that the barrows and gilts did not fall within the individual packer's established carcass weight or lot variation range;

"(VII) the average backfat, which shall be equal to the average of the backfat thickness (in inches) measured between the third and fourth from the last ribs, 7 centimeters from the carcass split (or adjusted from the individual packer's measurement to that reference point using an adjustment made by the Secretary) of the barrows and gilts slaughtered during the applicable reporting period;

"(VIII) the average lean percentage, which shall be equal to the average percentage of the carcass weight comprised of lean meat for the barrows and gilts slaughtered during the applicable reporting period, except that when a packer is required to report the average lean percentage under this subclause, the packer shall make available to the Secretary the underlying data, applicable methodology and formulae, and supporting materials used to determine the average lean percentage, which the Secretary may convert to the carcass measurements or lean percentage of the barrows and gilts of the individual packer to correlate to a common percent lean measurement; and

"(IX) the total slaughter quantity, which shall be equal to the total number of barrows and gilts slaughtered during the applicable reporting period, including all types of purchases and barrows and gilts that qualify as packer-owned swine; and

"(iii) packer purchase commitments, which shall be equal to the number of barrows and gilts scheduled for delivery to a packer for slaughter for each of the next 14 calendar days.

"(D) PUBLICATION.—

"(i) IN GENERAL.—The Secretary shall publish the information obtained under this paragraph in a prior day report—

"(I) in the case of information regarding barrows and gilts purchased or priced, not later than 8:00 a.m. Central Time, and

"(II) in the case of information regarding barrows and gilts slaughtered, not later than 10:00 a.m. Central time,

on the reporting day on which the information is received from the packer.

"(ii) PRICE DISTRIBUTIONS.—The information published by the Secretary under clause (i) shall include a distribution of net prices in the range between and including the lowest net price and the highest net price reported. The publication shall include a delineation of the number of barrows and gilts at each reported price level or, at the option of the Secretary, the number of barrows and gilts within each of a series of reasonable price bands within the range of prices.

"(2) MORNING REPORT.—

"(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary not later than 10:00 a.m. Central Time each reporting day—

"(i) the packer's best estimate of the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

"(ii) the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

"(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

"(iv) the base price paid for all base market hogs purchased through each type of purchase other than negotiated purchase up to that time of the reporting day, unless such information is unavailable due to pricing that is determined on a delayed basis.

"(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the morning report as soon as practicable, but not later than 11:00 a.m. Central Time, on each reporting day.

"(3) AFTERNOON REPORT.—

"(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day—

"(i) the packer's best estimate of the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

"(ii) the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

"(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

"(iv) the base price paid for all base market hogs purchased up to that time of the reporting day through each type of purchase other than negotiated purchase, unless such information is unavailable due to pricing that is determined on a delayed basis.

"(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the afternoon report as soon as practicable, but not later than 3:00 p.m. Central Time, on each reporting day.".

SEC. 4. REPORTING; SOWS AND BOARS.

Section 232 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j) is amended by—

(1) redesignating subsection (d) as subsection (e); and

(2) inserting after subsection (c) the following new subsection:

"(d) DAILY REPORTING: SOWS AND BOARS.—

"(1) PRIOR DAY REPORT.—The corporate officers or officially designated representatives of each packer of sows and boars shall report to the Secretary, for each business day of the packer, such information reported by hog class as the Secretary determines necessary and appropriate to—

"(A) comply with the publication requirements of this section; and

"(B) provide for the timely access to the information by producers, packers, and other market participants.

"(2) REPORTING.—Not later than 9:30 a.m. Central Time, or such other time as the Secretary considers appropriate, on each reporting day, a packer required to report under paragraph (1) shall report information regarding all sows and boars purchased or priced during the prior business day of the packer.

"(3) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this subsection shall include all purchase data, including—

"(A) the total number of sows purchased and the total number of boars purchased, each divided into at least three reasonable and meaningful weight classes specified by the Secretary;

"(B) the number of sows that qualify as packer-owned swine;

"(C) the number of boars that qualify as packer-owned swine;

"(D) the average price paid for all sows;

"(E) the average price paid for all boars;

"(F) the average price paid for sows in each weight class specified by the Secretary under subparagraph (A);

"(G) the average price paid for boars in each weight class specified by the Secretary under subparagraph (A);

"(H) the number of sows and the number of boars for which prices are determined, by each type of purchase;

"(I) the average prices for sows and the average prices for boars for which prices are determined, by each type of purchase; and

"(J) such other information as the Secretary considers appropriate to carry out this subsection.

"(4) PRICE CALCULATIONS WITHOUT PACKER-OWNED SWINE.—A packer shall omit the prices of sows and boars that qualify as packer-owned swine from all average price calculations, price range calculations, and reports required by this subsection.

"(5) REPORTING EXCEPTION: PUBLIC AUCTION PURCHASES.—The information required to be reported under this subsection shall not include purchases of sows or boars made by agents of the reporting packer at a public auction at which the title of the sows and boars is transferred directly from the producer to such packer.

"(6) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in a prior day report not later than 11:00 a.m. Central Time on the reporting day on which the information is received from the packer.

"(7) ELECTRONIC SUBMISSION OF INFORMATION.—The Secretary of Agriculture shall provide for the electronic submission of any information required to be reported under this subsection through an Internet website or equivalent electronic means maintained by the Department of Agriculture.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3408, a bill to reauthorize the Livestock Mandatory Reporting Act of 1999.

Mr. Speaker, when the Congress considered this legislation in 1999, its intent was to improve the livestock market news reporting system so that farmers and ranchers, particularly those that rely on cash market sales, could enjoy improved market transparency and better price discovery.

In particular, the Act provided the USDA with the authority to collect and disseminate information that can be readily understood by livestock producers, packers, and other participants, including information with respect to pricing, contract for purchase, and supply and demand conditions for livestock, livestock production, and livestock products.

The legislation enacted in 1999 was the product of extensive discussion between livestock producers and packers. We relied on this process partly because it was such a technical issue, but mostly we wanted to avoid the situation where segments of the industry were divided against each other. After considerable give and take, the final product was agreed on by all participants.

As the time for reauthorization neared, producers and packers engaged again in a dialogue to develop a consensus proposal for reauthorization. H.R. 3408 is the product of this hard work. The coalition that supports this consensus legislation included the National Pork Producers Council, the American Meat Institute, the National Cattlemen's Beef Association, the Chicago Mercantile Exchange, the American Sheep Industry Association, and the American Farm Bureau Federation.

This package, as it appears before us today, is a carefully crafted document. All of these organizations have agreed that they will oppose it "if any amendment is adopted that does not have the prior agreement" of the coalition.

Mandatory price reporting expires at the end of September, and this bill reauthorizes it for 5 years with minor changes representing the consensus of our constituents.

Mr. Speaker, I would like to thank my colleague, the ranking member, the gentleman from Minnesota (Mr. PETERSON) for working with us on this legislation. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman for his leadership on this issue. Policy is always best when we can work together in a bipartisan manner to craft legislation which we have done on this piece of legislation and we have legislation that addresses the needs of his stakeholders. I think we have accomplished that today with the reauthorization of the mandatory price reporting law.

I think it should be noted that when this was first put together and considered back in 1999, it was somewhat controversial and there were some groups that were opposed to it. And to show you kind of what has happened this time, the groups that were concerned back then support this law and support this reauthorization.

Originally, it was balanced to address the concerns of the livestock producers with price transparency, and mandatory price reporting I think has served the industry well. Mandatory price reporting is a necessary tool to ensure that our producers have a transparent market atmosphere. As the structure of our livestock production systems continue to change, it is necessary to preserve the safety net that guarantees our producers are receiving fair prices for their livestock.

The legislation we consider today improves the quality and quantity of information, making the process more accurate and more efficient. The 5-year reauthorization is important and should be completed as soon as possible. It is important that we complete this task so we can avoid the gap in reporting that occurred last year.

I am pleased to support this bill with the gentleman from Virginia (Mr. GOODLATTE) and I urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3408, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3408.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SUPPORTING A NATIONAL DAY OF PRAYER AND REMEMBRANCE FOR VICTIMS OF HURRICANE KATRINA

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 240) supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day.

The Clerk read as follows:

H. CON. RES. 240

Whereas on August 25, 2005, Hurricane Katrina made landfall on the southeast tip of Florida as a Category 1 hurricane;

Whereas Hurricane Katrina moved into the Gulf of Mexico, rapidly intensifying to a Category 5 hurricane and, on August 29, 2005, made landfall on the Gulf coast as a Category 4 hurricane with 140 mile-per-hour winds, devastating communities and towns in Alabama, Mississippi, and Louisiana;

Whereas the levees protecting the city of New Orleans, Louisiana from Lake Pontchartrain failed, causing heavy flooding in the city and inflicting incredible human and material damage;

Whereas Hurricane Katrina caused the evacuation of the city of New Orleans, marking the first time a major American city has been completely evacuated;

Whereas the number of individuals killed by Hurricane Katrina is estimated to be in the hundreds;

Whereas the damage to human life and the fabric of families torn apart by Hurricane Katrina is inestimable;

Whereas Hurricane Katrina has inflicted enormous damage to homes and businesses along the Gulf Coast, with damage estimates in the hundreds of billions of dollars;

Whereas Hurricane Katrina left an estimated five million people without power, and it may be months before all power is restored;

Whereas the States of Alabama, Mississippi, Louisiana, and Florida have received federal disaster declarations;

Whereas Hurricane Katrina ranks among the worst natural disasters in our Nation's history;

Whereas years of intense effort will be required to recover from the devastation caused by Hurricane Katrina and to rebuild the Gulf Coast;

Whereas the American people have an inherent spirit of willpower and strong resilience;

Whereas the American people have opened their hearts and their homes to the victims of Hurricane Katrina, sheltering its victims, providing food and medical assistance, and donating hundreds of millions of dollars to the relief effort;

Whereas Louisiana Governor Kathleen Blanco declared August 31, 2005, to be a day of prayer in the State of Louisiana, and asked that all Louisianans take time that day to pray for the victims of Hurricane Katrina and their rescuers; and

Whereas President George W. Bush has proclaimed September 16, 2005, to be a National Day of Prayer and Remembrance for the Victims of Hurricane Katrina: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encourages all Americans to observe that day.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 240.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of House Concurrent Resolution 240. This resolution expresses the solidarity of the House of Representatives with the people of the Gulf Coast whose lives have been lost, uprooted, and otherwise changed forever because of Hurricane Katrina.

On August 29, Hurricane Katrina slammed into Louisiana as a Category 4 hurricane. It left almost the entire city of New Orleans under water and ravaged numerous other Gulf Coast communities. Hundreds of people were killed and millions forced to evacuate for an indefinite period of time. Katrina was one of the most destructive natural disasters that the United States has ever endured. The entire Nation has been grieving for more than 2 weeks.

President Bush proclaimed this Friday, September 16, to be a national day of prayer and remembrance for the victims of Hurricane Katrina. On behalf of all Members, I commend the President for this proclamation and urge all Americans to keep the victims of this storm in their prayers.

As a Floridian, I can particularly empathize with the people of the Gulf Coast. First, it is important to remember that before the hurricane gained power and hit Louisiana, Mississippi, and Alabama, Katrina also struck south Florida as a Category 1 storm on August 25, killing 11 people. And last summer, in just over a one-month period, three devastating hurricanes, Charley, Frances and Ivan, destroyed neighborhoods, churches, businesses and communities throughout the State of Florida. These storms killed nearly 100 people and caused billions and billions of dollars in damage.

Hurricane Katrina has proved to be even more costly, and that is why I know I speak for all Americans when I say that we stand shoulder to shoulder with the victims of this once-in-a-lifetime storm.

Mr. Speaker, the Committee on Government Reform, of which I am very proud to be a member, will hold its first oversight hearing on the Federal government's overall response to Katrina tomorrow morning. The committee, led by our very distinguished chairman, the gentleman from Virginia (Mr. TOM DAVIS), seeks to gauge the efficacy of the hurricane preparation and recovery effort, determine what lessons our government has learned, and evaluate the preparedness of other major U.S. cities to cope with disasters of all types in the future.

This Congress is overwhelmed with grief as a result of Katrina, and all Members are resolved to do everything possible to help to provide the necessary support to authorities and volunteers who are working to rebuild this area.

Mr. Speaker, as we mourn the souls we lost to the incredible force of nature that was Hurricane Katrina, we are compelled to recognize the back-breaking, selfless, life-preserving work of the altruistic military and law enforcement personnel, relief workers, volunteers and others. Their seemingly endless work has been in full gear for more than 2 weeks now, and we are all indebted to them for coming to the rescue of our Gulf Coast neighbors.

Mr. Speaker, September 11, the October 2003 wildfires, the hurricanes in Florida last summer, and now Hurricane Katrina, these tragic events in this country have all had similar remarkable silver linings, and that is each brought out the best in the American people. Americans are an incredibly compassionate people, and they have and will do anything to help their neighbors.

In recent days, there has been a colossal outpouring of benevolence and aid from citizens across this great land. The citizens of the Gulf Coast region have desperately needed this support. But our Louisiana, Mississippi, and Alabama neighbors continue to need much more aid as so many lost their homes, their jobs, their precious belongings, and even their loved ones.

Mr. Speaker, I know my distinguished colleagues will support this resolution, and I commend the sponsor. I urge Americans to observe the National Day of Prayer and Remembrance for Hurricane Katrina victims on Friday.

Finally, Mr. Speaker, I want to assure the people of North and South Carolina that they, too, have our prayers as they brace for Hurricane Ophelia making landfall today.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Hurricane Katrina first made landfall on August 25, 2005, on the southeastern tip of Florida as a Category 1 hurricane. Hurricane Katrina then moved into the Gulf of Mexico and steadily made her way towards the Gulf Coast, intensifying to a Category 5 storm.

On August 29, 2005, the hurricane was a Category 4 storm which sustained winds of 140 miles per hour and a storm surge over 20 feet when she devastated the Gulf Coast.

□ 1045

Hurricane Katrina swept along the coasts of Alabama, Mississippi, Florida and Louisiana, leaving a path of destruction in her wake. Two of the levees that protect the city of New Orleans from the waters of Lake Pontchartrain gave way under the enormous pressure of the flood waters that Katrina left behind.

Overnight, much of the city of New Orleans was filled with water. Many residents of the Crescent City, who had thought the worst was over, were confronted by nearly 25 feet of water in the streets and in their homes.

One of the worst natural disasters in United States history, Hurricane Katrina has resulted in economic losses that include property damage to homes, cars, ports, refineries, and public property. It is estimated that Hurricane Katrina has cost at least $125 billion in economic damage and could cost the insurance industry up to $60 billion in claims. No dollar figure, however, can be placed on the pain and suffering Katrina has wrought on those who stood in her path.

The American people and the international community have responded overwhelmingly to this tragedy. They are donating money, lending their time, sharing expertise, making many innumerable sacrifices of their own in order to be helpful.

On August 31, 2005, Governor Kathleen Blanco declared a day of prayer in Louisiana and asked that all Louisianans pray for the victims and their rescuers that day. On September 16, 2005, the National Day of Prayer will be observed in recognition of the many lives lost and the countless lives forever changed by Hurricane Katrina.

Mr. Speaker, I am so proud of the way in which my own State, the Land of Lincoln, the State of Illinois, reacted to this tragedy. I take this opportunity to commend the Governor for opening the doors of the State, the county board president for extending physicians and nurses and other personnel to the affected areas, to the mayor of our city and especially to the people of my congressional district and all over the country who have given continuously in order to show that they, too, experienced the same devastation and that their hearts, their minds and their resources go out to the victims.

I would urge all of us to support a day of prayer.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas City, Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I thank my friend from Illinois for yielding me the time.

Mr. Speaker, the devastation wrought by Hurricane Katrina is almost unfathomable. Hundreds of lives have been lost; families have been torn apart; people's homes, jobs, possessions and everything they have built up over their entire lives has been swept away; billions of dollars in damage has been inflicted; and the coast along the States of Louisiana, Mississippi, Alabama and Florida has been flattened and flooded. New Orleans, the Big Easy, the Crescent City, the culinary capital of the Nation, has simply become an extension of Lake Pontchartrain. It is now clear that Hurricane Katrina is one of the worst natural disasters to ever hit America.

My son Evan graduated in May from Dillard University in New Orleans and was still there when Katrina struck, and I thank God that he escaped with his life; but like so many others, he lost most of his possessions when Katrina pulled back the roof of the apartment building where he lived. Having now been separated from his friends, his work and his adopted city, his life will never be the same.

Although he lost almost everything, he was able to retrieve his video camera and was able to record what is now left of New Orleans. He shared that video with his mother and me this past week; and although I cannot fathom what it is like for those who have experienced Katrina's wrath firsthand, I can tell my colleagues that I was deeply, deeply saddened and affected by the images of utter devastation wrought by the storm.

Seeing that video reinforced my resolve to help Katrina's victims, help rebuild the Gulf Coast; and it reinforced in my mind that there is an incredible need for prayer. That is why I decided to introduce this resolution for a national day of prayer and remembrance.

Many in our Nation believe, as do I, that prayer changes things and that it represents the highest level of human communication. As many of us now know, this Friday, September 16, has been designated as a day of prayer and remembrance for the victims of Hurricane Katrina; and my resolution, the resolution we are currently considering, expresses the support of Congress for such a day and urges all Americans to join together this Friday to remember those that have lost their lives and to ask for strength and determination for those that are trying to rebuild their lives and their city.

In the wake of tragedy, the American people have always stepped up to support their fellow man and woman, and Hurricane Katrina is no different. The American people have opened their hearts, their checkbooks and even their homes in sheltering the storm's victims, providing food and medical assistance, and donating hundreds of millions of dollars to the relief effort.

In my home State of Missouri, for example, Children's Mercy Hospital of Kansas City, Missouri, has opened their doors to a number of young patients and families flown in from New Orleans by the Missouri Air National Guard, and the Red Cross has raised hundreds of thousands of dollars in Kansas City.

The compassion and generosity of the American people is unparalleled; but as the devastation and full impact of Hurricane Katrina is further understood, its victims and their families will more than ever need us all to keep them in our thoughts and prayers as well.

As senior pastor of the St. James United Methodist Church in Kansas City, I have called on my congregation to support the evacuees with their time, talent, treasure and prayer. I have asked them to pray for the victims of Hurricane Katrina, their families and all those who are aiding in the recovery and relief effort.

I hope my colleagues will all join me in the support of this resolution and will join me in prayer, along with the President, at the National Cathedral this Friday and join the American people to remember all those affected by the devastating events of the past 2 weeks.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Let me just state that I agree wholeheartedly with the gentleman from Missouri (Mr. CLEAVER) that prayer is the highest form of human communication; that it has a way of making things different. So I would simply urge passage of this resolution and thank him for its introduction.

Mr. Speaker, I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, regardless of what denomination one belongs to, we all know the power of prayer; and that is one reason why I am sure that my colleagues will join me in supporting the National Day of Prayer for Hurricane Katrina victims.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 240.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 436 is a modified open rule that provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill. This rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. It provides that the bill shall be considered for amendment under the 5-minute rule and that it shall be read by title.

It makes in order only those amendments to the bill that are preprinted in the CONGRESSIONAL RECORD or are pro forma amendments for the purpose of debate, provides that each amendment printed in the CONGRESSIONAL RECORD may be offered only by the Member who caused it to be printed or a designee, and that each amendment shall be considered as read. It provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 436 and the underlying bill, H.R. 3132, the Children's Safety Act of 2005.

First, I would like to take this opportunity to commend Chairman SENSENBRENNER for this comprehensive bill addressing the unconscionable atrocities perpetrated against our children by sexual predators and for his committee's thorough work and committed devotion to seeing this bill realized.

Mr. Speaker, this fight is not a new one. The sexual and physical abuse of our most fragile and defenseless citizens, our children, is perhaps the most offensive and utterly unconscionable act that can be committed.

□ 1100

Members on both sides of the aisle recognize the need to continually find new ways to prevent sexual abuse and to thoroughly and justly punish those who commit these heinous acts.

The Children's Safety Act of 2005 would combat the sexual exploitation and abuse of our children through mounting an offensive on numerous fronts and through combining various pieces of good, solid legislation into this one comprehensive bill. The final product compiles the Sex Offender Registration and Notification Act, the DNA Fingerprinting Act of 2005, the Prevention and Deterrence of Crimes Against Children Act of 2005, the Protection Against Sexual Exploitation of Children Act of 2005, and the Foster Child Protection Act of 2005.

Mr. Speaker, H.R. 3132 is a commonsense bill. For too long the laws have not fully reflected or reacted to the changing environment in which our children are vulnerable. While the Constitution always protects the accused and harmed alike, we should not allow the law to be procedurally twisted by child abusers to keep them on the streets to harm another child because of a technicality or because of insufficient support for our law enforcement and communities.

Mr. Speaker, H.R. 3132 would require that the definition of sex offender be expanded to include both felony sex offenses and misdemeanor sex offenses. Additionally, this bill would make the possession of child pornography a triggering offense for registration and notification requirements.

Another important provision of this bill would require a State to maintain a statewide Internet site to provide thorough and current information about sex offenders. This information would include the current location of the sex offender, the facts underlying the offender's conviction, any vehicles owned or used by the offender, a picture and other up-to-date information to keep communities informed and give them every possible piece of information available to assess the potential threats of these individuals.

Additionally, Mr. Speaker, this bill makes full use of new and innovative technologies available to law enforcement. Specifically, DNA technology. It has grown by leaps and bounds, and today this technology gives law enforcement new and more precise tools to keep innocent people free and keep criminals behind bars, where they belong. This bill would also require the Attorney General to create a prioritized DNA database focused specifically on those violent predators who would prey on our children.

Mr. Speaker, I cannot emphasize enough that our primary goal must be to prevent child abuse and stop these deviants before they get their hands on a child and before they destroy a child's fragile life. However, when one of these deviants does harm a child, then the full weight of the law should be upon them.

This bill would impose new mandatory minimum penalties for violent crimes committed against children. These mandatory minimums include the death penalty or life imprisonment when a child is murdered. It imposes a 30-years-to-life imprisonment when the offender kidnaps, maims, commits aggravated sexual abuse, or causes serious bodily harm to a child. Additionally, the bill requires a 20-year minimum sentence when the crime of violence results in a nonserious bodily injury to a child. Fifteen-years-to-life imprisonment is required when the defendant uses a dangerous weapon, and in any other case the minimum penalty ranges from a mandatory 10 years to life imprisonment.

Additionally, Mr. Speaker, this bill would increase the existing mandatory penalties for several existing sexual offenses, including engaging in a sexual act with a child, committing abusive sexual contact and sexual exploitation of a child, trafficking child pornography, and the use of the Internet to prey on children.

I would also like to add that this bill places new requirements on our States to ensure that they perform complete background checks on potential foster and adoptive parents, and grants relevant State agencies access to national criminal history databases. Our State and local governments should never, let me repeat, never deliver a child into the hands of a sexual predator.

The Children's Safety Act also addresses the growing problem of kidnapping and sex trafficking. The trafficking of children is a problem not just here in the United States but globally, and this bill will increase the penalties for sex trafficking of children. We have to root these thugs out and shut down their operations. Sexual abuse of children must be stopped at all levels and in all degrees. From the lone abuses to a network of criminals peddling children for the pleasure of perverts, this must be stopped, and this bill goes a long way to strengthen law enforcement capabilities and making sure the punishment justly fits the crime.

In conclusion, Mr. Speaker, I want to encourage my colleagues on both sides of the aisle to unite behind this commonsense legislation. Let us keep sexual predators away from our children, off the streets, and serving their time.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider the rule for H.R. 3132, the Children's Safety Act of 2005. This rule has a requirement that all amendments be preprinted in the CONGRESSIONAL RECORD to be in order for today's floor debate. While this rule is less restrictive than most rules we report out of the Committee on Rules, I must point out that it is not an open rule. It restricts the debate we will be able to have today on this bill by preventing Members from offering any new amendments.

For example, if a Member came up with a good idea for an amendment today based upon the discussion, he or she would not be able to offer it. That is unfortunate, because the Children's Safety Act is important legislation that aims to protect our children and allow them to grow up unharmed and free from abuse, but it is not perfect.

This legislation ties the hands of the judiciary. We must allow those most competent, the judge who has presided over the case, who has seen and heard from the victim, to determine the appropriate punishment. Our judges are best positioned to hand down sentences that correspond with the crime committed.

Mr. Speaker, it is our responsibility to create laws that protect our children from harm.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), who has been extremely active in the crafting of this legislation. Her bill, which she will talk about, is actually included in this overall comprehensive bill. And she knows well, if not better than all of us, about these matters because some of these heinous acts occurred within the last year in her great State of Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

As the person who represents the area that Jessica Lunsford grew up in and knowing her family very, very well, all of America was focused on Jessica when she turned up missing. Then we found out that she was the victim of a predator, a very, very sick, depraved man. Jessica is no longer with us; and I commend the Members of Congress, including yourself, Mr. Speaker, with whom I have worked very closely, and certainly the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, in putting together the Children's Safety Act.

No parent should worry when their child is at a playground whether or not a sexual predator is nearby. There were many loopholes in the various State laws in Jessica's case. The perpetrator came into Florida from Georgia. He registered at one point but then transferred his address. The probation officer never knew that he had a prior offense of violating children. Had that probation officer known that, he never would have allowed the offender anywhere near a school.

That is but one of the very excellent facets of this bill in addition to having the nationwide registration and availability on line so that parents, so that grandparents, so that anyone can go and find out who the offenders are in their neighborhood so that every family member can have a modicum of safety in knowing who is nearby.

It also, as I mentioned, does allow for probation officers to know about a prior offense. Now, why is that important? I firmly believe, Mr. Speaker, that Jessica Lunsford would be here today had the probation officer known that.

Additionally, the bill also picks up on some language that I had in the Jessica Lunsford Act, and part of this bill is named after her, that provides for more frequent contacts, a mailing or random mailings to the sexual offenders so that they have to report. If the mailer is not returned, if they do not fill out the form and send it back, at that point police will be alerted to be on the lookout for them because they are not at their last known address.

With all of the various facets of the bill, many Members who are concerned, who have lost children to these offenders, to these violators of our most innocent children, every single Member who put a bill in and those who signed on as cosponsors realize the importance of protecting our streets, of protecting our families, of protecting our children from these lowlifes who prey on our most innocent young children.

I certainly support the bill. I want to make sure that the rule is adopted so we can go on, pass this bill, send it over to the Senate; and, hopefully, they, too, will see the need, the absolute imperative need that America has in demanding that this bill pass so that our children will be protected.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume; and, in closing, I would like to begin by saying that there are very few matters in our society that are as clear-cut as this one. Child abduction and abuse is not a new problem. It did not begin yesterday, and it will not end tomorrow. This is a continuing struggle to protect our children; and I truly believe that it will help protect my grandchildren, 7-year-old twins Ali and Hannah Manning, 5-year-old Hank Manning, IV, and 10-month-old Grey Collins.

The recent tragedies that have grabbed the attention and sympathy of the Nation only serve as a grim and poignant reminder that our work is not done and we must continue to do everything that we can to stop the abuse and exploitation of our children.

□ 1115

As I noted in my opening statement, this is commonsense, comprehensive legislation that attacks the problem in many different ways, from expanding the definition of sex offenders, to strengthening law enforcement's tools, to increasing mandatory minimums for child abusers and kidnappers.

Additionally, I believe this legislation protects the constitutional rights of the accused while ensuring that the guilty see justice and the victims are protected.

Again, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the Committee on the Judiciary for putting this bill together. H.R. 3132 is sound, well-crafted legislation. I am confident that this legislation will empower the innocent over the guilty, victims over the predators. With its passage, our country, our children and our grandchildren, will be the winners. For that reason I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF ROSA LOUISE PARKS' REFUSAL TO GIVE UP HER SEAT ON THE BUS AND THE SUBSEQUENT DESEGREGATION OF AMERICAN SOCIETY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 208) recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

The Clerk read as follows:

H. CON. RES. 208

Whereas most historians date the beginning of the modern-day Civil Rights Movement in the United States to December 1, 1955;

Whereas December 1, 1955, is the date of Rosa Louise Parks' refusal to give up her bus seat to a white man and her subsequent arrest;

Whereas Rosa Louise Parks was born on February 4, 1913, as Rosa Louise McCauley to James and Leona McCauley in Tuskegee, Alabama;

Whereas Rosa Louise Parks was educated in Pine Level, Alabama, until the age of 11, when she enrolled in the Montgomery Industrial School for Girls and then went on to attend the Alabama State Teachers College's High School;

Whereas on December 18, 1932, Rosa Louise McCauley married Raymond Parks and the two settled in Montgomery, Alabama;

Whereas, together, Raymond and Rosa Parks worked in the Montgomery, Alabama, branch of the National Association for the Advancement of Colored People (NAACP), where Raymond served as an active member and Rosa served as a secretary and youth leader;

Whereas on December 1, 1955, Rosa Louise Parks was arrested for refusing to give up her seat in the "colored" section of the bus to a white man on the orders of the bus driver because the "white" section was full;

Whereas the arrest of Rosa Louise Parks led African Americans and others to boycott the Montgomery city bus line until the buses in Montgomery were desegregated;

Whereas the 381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all;

Whereas the fearless acts of civil disobedience displayed by Rosa Louise Parks and others resulted in a legal action challenging Montgomery's segregated public transportation system which subsequently led to the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws (352 U.S. 903);

Whereas, in the years following the Montgomery bus boycott, Rosa Louise Parks moved to Detroit, Michigan, in 1957, and continued her civil rights work through efforts that included working in the office of Congressman John Conyers, Jr., from 1965 until 1988, and starting the Rosa and Raymond Parks Institute for Self Development, a nonprofit 501(c)(3) that motivates youth to reach their highest potential, in 1987;

Whereas Rosa Louise Parks has been commended for her work in the realm of civil rights with such recognitions as the NAACP's Springarn Medal in 1979, the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999; and

Whereas in 2005, the year marking the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus, we recognize the courage, dignity, and determination displayed by Rosa Louise Parks as she confronted injustice and inequality: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and celebrates the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society;

(2) encourages the people of the United States to recognize and celebrate this anniversary and the subsequent legal victories that sought to eradicate segregation in all of American society; and

(3) endeavors to work with the same courage, dignity, and determination exemplified by civil rights pioneer, Rosa Louise Parks, to address modern-day inequalities and injustice.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 208 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 208, recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

Fifty years ago, one individual, through one courageous act, gave strength to the citizens of Montgomery, Alabama, to stand up to the injustice and indignity that had become commonplace among its citizens. Rosa Parks accomplished this heroic feat through the single act of refusing to give up her seat on the bus to a white man. Her single act of defiance and refusal to accept the status quo led to the 381-day Montgomery bus boycott and eventually to the desegregation of Montgomery, Alabama.

However, Rosa Parks' courageous act meant much more. It inspired a broader movement that struggled and pushed back against a Nation that had failed to keep its promise to all its citizens to promote equality, justice, and fairness under the laws. It paved the way for this Nation to hold unacceptable the injustices and disparate treatment experienced by many of its citizens. Rosa Parks' courage helped restore to all citizens the dignity and respect that every person deserves. Her single act of courage will forever serve as a constant reminder of the true meaning of equal protection under the laws and the responsibility of each of us to stand up to inequality and injustice.

Rosa Parks is an inspiration to all of us and is a reflection of what it means to be an American. I encourage my colleagues to join me in recognizing Rosa Parks and her important contribution toward helping America realize the freedom and equality envisioned by our Constitution.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a proud moment in our history, and I begin by commending the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for the work he has done in helping me bring this concurrent resolution to the floor today.

Why is this historic? Because the impetus to reconnect with this struggle for racial justice in America began with this humble lady, a seamstress in Alabama, who on December 1, 1955, chose to no longer obey the ordinance that blacks sit in the back of the bus and if it was full, then they give up the bus to white passengers.

It is hard to conceive of the total segregation that this Nation was immersed in. On that day, she refused to obey a bus driver's order; and it began the chain of actions and organizations and commitments that led to a resurgence of the civil rights movement as we know it.

Her arrest sparked a boycott of the Montgomery city bus lines. It went on for over a year as more and more people of all backgrounds and colors and economic classes joined in. Finally this matter reached, in November of 1956, the Supreme Court of the United States. The Supreme Court of the United States affirmed that desegregation codes deny under the 14th amendment the equal protection of laws to African Americans.

This is a great moment because the present is tied to the past. The other body is in the process of determining who the next Chief Justice of that Supreme Court will be.

Hurricane Katrina has made us remember how deeply poverty and race have brought most of the hardship upon people of color in New Orleans and in Mississippi where the havoc is still being counted, 400 deaths now known; but the number is sure to go far, far beyond that.

Now a word about Rosa Parks herself because I happen to be connected with this, meeting her through my work with Dr. Martin Luther King as an attorney and then getting to know her when she left Montgomery and came to Detroit.

She was so modest. They said she got fired from her job a month after the boycott. Here is what she said in the book she wrote: "A month after the boycott began, I lost my $25-a-week job when the Montgomery Fair department store closed its tailor shop. I was given no indication from the store that my boycott activities were the reason I lost my job. People always wanted to say it was because of my involvement in the boycott. I cannot say this is true. I do not like to form in my mind something I do not have any proof of." That exemplifies this incredible humbleness that marked everything that she did.

I said the first person I am going to bring into my congressional office staff is Rosa Parks, and she accepted. Never once have I ever heard her raise her voice in anger. Never once have I heard her speak negative or unkind remarks about anybody, this persona, this modest woman of incredible determination who, by the way, brought Martin Luther King into Montgomery to help lead the Montgomery bus boycott, which was the start of his career as a civil rights leader. Yet this humble woman, quiet, dignified, always pleasantly composed, was able to bring forward this and other countless acts of civil disobedience which resulted in us changing the way that America operates.

It was Rosa Parks that did all of this; and what I wanted to do was let Members know that she, by bringing Martin King into this matter, was able to begin a civil rights movement much, much larger than the boycott itself.

She then started the Rosa and Raymond Parks Institute for Self-Development, a nonprofit organization that sought to motivate youth. On this recognition of the 50th anniversary of that refusal to give up her seat, I am very proud that the Congress has chosen to join in with us by way of this concurrent resolution and remember this incredible point in American history.

I lift up the name of Ms. Elaine Steele, who has been with Rosa Parks for years and years as her assistant, as her counselor, as her dearest friend, and attorney Gregory J. Reed who has given her the legal background and support that she has needed from time to time.

This is a great day in the history of America that we remember. It is a great day in the Congress that we can remember that Martin King challenged his own country which he loved very much. But when he felt it was wrong, dissent was the highest form of patriotism that he could exemplify what this country stood for. And civil rights pioneer Rosa Parks, by displaying her defiant act of courage 50 years ago, has made this country more of what it ought to be than anyone else that I can think of.

So I join with my colleagues in celebrating the ideals of Ms. Parks and the civil rights movement.

Today we honor Rosa Parks and her decision to stand up to injustice 50 years ago. On December 1, 1955, Ms. Parks refused to obey a bus driver's order that she give up her bus seat in the black section to a white man because the white section was full.

It is the courage, dignity, and determination that Ms. Parks exemplified on this day that allows most historians to credit her with beginning the modern day civil rights movement. Ms. Parks' actions on December 1, 1955 led to the desegregation of American society and enabled all of this Nation's citizens to realize freedom and equality.

The arrest of Ms. Parks led African-Americans and sympathizers of other races to boycott the Montgomery city bus line until the buses in Montgomery were desegregated. The

381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all.

The fearless acts of civil disobedience displayed by Rosa Parks and others resulted in the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African-Americans of the equal protection of the laws. This decision would lead to other landmark Supreme Court decisions in which the Court would rule in the interest of justice and equality.

In the years following the Montgomery bus boycott, Ms. Parks moved to Detroit, MI in 1957 and continued her civil rights work by working in my district office. Ms. Parks was with the office from 1965 until 1988. In the more than 20 years that Ms. Parks was in the office, she worked with a tireless spirit for the people of Detroit and other Americans.

In 1987, she started the Rosa and Raymond Parks Institute for Self Development in Detroit, a nonprofit organization which motivates youth to reach their highest potential. So it is with great pleasure and honor that I stand today to recognize not only a civil rights pioneer, but a member of my staff, a constituent, and a friend.

It is in this recognition of the 50th anniversary of Ms. Parks' refusal to give up her seat on the bus, that I ask the Congress and the great people of this Nation to work with the same courage, dignity, and determination exemplified by her to address modern day inequalities and injustices. As a result of Hurricane Katrina, these inequalities and injustices are at the forefront of public consciousness and it is our job to do something about it.

Ms. Parks has said, "Until everyone can enjoy the same opportunities, people cannot be equal. I am glad that segregation is no longer considered acceptable, but the fight for equal rights must go on until we have the same privileges and opportunities as those who are in power."

Civil rights pioneer Rosa Parks displayed a defiant act of courage 50 years ago to better this country for all of its citizens. I know that this Congress and the people of this Nation can work to further the ideals of Ms. Parks and the civil rights movement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Resolution 208, recognizing the 50th anniversary of Rosa Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society. Passage of this bill will not only recognize the important anniversary, but also reaffirm the United States' continuing commitment to the legacy of Rosa Parks and the civil rights movement as a whole.

On December 1, 1954, Rosa Parks boarded her normal bus home and sat down in one of the "colored" aisles toward the back of the bus. Soon, the bus began to fill, and Rosa was ordered to vacate her seat to accommodate the white passengers. She simply but stubbornly refused.

This peaceful act of protest sparked a citywide boycott of the bus system by the African American community. Men, women and children of Montgomery, Alabama refrained from riding the bus and instead either walked, rode their bikes or carpooled to work. In an impressive show of strength and courage, the boycott endured for over a year, and people across the nation joined with those in Montgomery. After 381 days, the City bus line finally relented and desegregated the buses.

Four days after the initial incident on the bus, a young man stood up in front of a large audience, having just been appointed as the head of the boycott: "There comes a time," the man said, "that people get tired. We are here this evening to say to those who have mistreated us for so long, that we are tired, tired of being segregated and humiliated, tired of being kicked about by the brutal feet of oppression." The name of that young man spurred to action by Rosa Parks was Dr. Martin Luther King, Jr.

Rosa was found guilty that very same day of breaking the city's segregation law. It was 50 years ago that Rosa Parks chose to peacefully but willfully stand up—or rather sit down—against the abhorrent laws that segregated this country. Let us honor and celebrate what Rosa Louise Parks helped this country accomplish half a century ago, but also remember that her fight is not over. This anniversary reminds us of the battles against inequality and injustice still being fought here and across the world today.

I support H. Con. Res. 208 for the foregoing reasons, and I urge my colleagues to follow suit.

Mr. HOLT. Mr. Speaker, I rise today as an original cosponsor of H. Con. Res. 208, a resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on a city bus in Montgomery, Alabama. On December 1, 1955, Ms. Parks challenged decades of social injustice and inequality; she opposed a racist authority; she initiated a movement of change. It was on that day 50 years ago, that a woman spoke up for not only herself, but for the freedoms of all people, everywhere when she refused to give up her seat.

Ms. Parks' service to the civil rights movement began long before that fateful December day. Born and raised in Alabama, Rosa Louise McCauley attended the Alabama State Teachers College before marrying Raymond Parks in 1932. Together, they worked for the Montgomery branch chapter of the National Association for the Advancement of Colored People (NAACP). Ms. Parks took on leadership roles in the organization, serving as a secretary and then as an advisor to the NAACP Youth Council. These efforts to improve the lives of those in segregated societies grew into a movement to end segregation outright. That movement found a voice in Rosa Parks.

On December 1, 1955, Ms. Parks boarded a Montgomery city bus through the rear entrance. She sat in the section designated for "colored." She obeyed the ludicrous segregation laws until a white man, wanting a seat, demanded hers. It was then that Ms. Parks decided that her compliance would end.

Ms. Parks was arrested for her civil disobedience. The arrest incited a reaction. Ms. Parks, Martin Luther King Jr., and others channeled that reaction to form one of the most powerful and positive movements in world history. The following day, civil rights advocates organized a boycott of the bus system that lasted for 381 days. On November 13, 1956, the Supreme Court ruled that segregation on the transportation system was unconstitutional and this provided one of the first victories for desegregation. We recognize the many people responsible for the effective boycott and the tremendous support of civil rights leadership. But, today, we celebrate the woman who imbued the movement with such dedication, dignity, and courage.

Rosa Parks' commitment to civil rights continued with her work in the office of my colleagues, Representative JOHN CONYERS, Jr., from 1965–1988. In 1987, she established the Rosa and Raymond Parks Institute for Self Development to motivate youths. She has been honored for her contributions to society with the NAACP's Springam Medal in 1979, the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999.

Let us honor the 50th anniversary of Ms. Parks' refusal to give up her seat. Let us celebrate the lifetime achievements of a truly incredible woman. I urge my colleagues to join me in supporting H. Con. Res. 208.

Ms. LEE. Mr. Speaker, I rise today in strong support of the resolution commemorating Rosa Parks on the 50th Anniversary of her refusal to give up her seat on a Montgomery, Alabama bus and comply with an unjust law.

I also want to thank my colleague from Michigan, Mr. CONYERS, for offering this important amendment and for his courage, leadership, and vision as the ranking member on the House Judiciary Committee and the Dean of the Congressional Black Caucus.

Without question, Rosa Parks, was a pivotal force in the struggle for civil rights in America.

Ms. Parks' courageous action touched millions of lives, serving as a catalyst for the legendary bus boycott in Alabama and acting as a critical turning point in the African-American civil rights movement.

With the support of Dr. Martin Luther King Jr. and other civil rights activists, Rosa Parks demonstrated the power of individuals and communities to tear down injustice and bring about social change.

Her spark ignited a fire that helped to reverse segregation, raise public consciousness, and challenge our democracy to guarantee and secure liberty and justice for all.

Rosa Parks is a true shero. But as we commemorate Rosa and her actions today, let us not forget that we still have much more work to do.

It is our job as representatives of the people to pick up the banner carried by Rosa Parks, Martin Luther King, Medger Evers, and others and ensure that our children and our children's children can live in a world free of ignorance, prejudice, discrimination and racism.

Mr. CUMMINGS. Mr. Speaker, nearly 50 years ago on December 1, 1955, history was altered considerably by the refusal of a Black woman to give up her seat to a White man on a public bus. This woman was Rosa Parks, a seamstress and the secretary of the NAACP from Montgomery, AL.

Mr. Speaker, on that day Rosa Parks was not only tired from a hard day at work, but also of the torment and persecution endured by Blacks of her day. Based solely on the color of her skin, she had encountered much discrimination throughout the years, and finally, on that day, decided she was fed up.

We all know the story, but let me remind my colleagues. On that Thursday evening in December, Mrs. Parks decided that she would not give up her seat for a White man to sit down in the "Colored" section, and was consequently arrested for violating segregation laws.

Ms. Parks' arrest marked the point of conception of the civil rights movement. What followed can be described as no less than monumental. The Black community of Montgomery, AL, decided to boycott the bus system—that by the way, relied heavily on their 75 percent ridership for revenue. Montgomery's Black community, led by a young Martin Luther King, Jr. who endorsed nonviolence as a means to achieve equality, chose to walk, carpool, or ride bicycles instead of riding the bus.

Despite huge revenue losses, the Montgomery bus system refused to alter its segregation policies.

Despite endless provocation from Whites, who often resorted to acts of violence and harassment, the Black community continued its boycott for over a year.

Finally, approximately a year after Rosa Parks refused to give up her seat on the bus, on November 13, 1956, the Supreme Court declared Montgomery's bus segregation ordinance unconstitutional. Shortly thereafter, the Federal Interstate Commerce Commission banned segregation on all interstate trains and buses.

Although there were many other subsequent laws and decrees that helped to desegregate America, Rosa Parks' courage was the incipient act that sparked the stand for equality across the Nation—culminating in the civil rights movement.

It is for these reasons that I strongly support this resolution honoring Mrs. Parks' bravery. I thank my good friend, Representative JOHN CONYERS, for spearheading this noble effort and I urge my colleagues to support its passage.

Mr. MEEHAN. Mr. Speaker, I rise in support of H. Con. Res. 208 and commend the gentlemen from Wisconsin and Michigan for bringing this concurrent resolution to the floor today.

Fifty years ago this coming December, Rosa Louise Parks inspired a town, a movement, and a Nation to hold true to the ideals and principles upon which our Nation was founded. By refusing to give up her seat after a long day of work because she felt she was being treated unfairly, Rosa Parks demonstrated the quiet strength that typified her life.

Her arrest led to the 381-day Montgomery bus boycott and to the eventual repeal of the segregation laws of the South. Her individual act of defiance is considered by many to be the beginning of the civil rights movement.

Ten years later, on August 6, 1965, President Lyndon Johnson signed into law the Voting Rights Act, which in later years was strengthened with amendments to affirm the rights of non-Whites to vote and to be represented fairly in government. This fall, parts of the Voting Rights Act will come before Congress to be reauthorized. We must not only renew our commitment to the voting rights protected under that legislation, but look to strengthen voter rights and to improve our electoral systems. And we must forever link our current state of freedom with the sacrifice of exceptional individuals like Rosa Parks who stood up to oppression and changed history.

Let us celebrate the lifetime achievements of a truly remarkable woman. I urge my colleagues to join me in supporting H. Con. Res. 208.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

KATRINA VOLUNTEER PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3736) to protect volunteers assisting the victims of Hurricane Katrina.

The Clerk read as follows:

H.R. 3736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Volunteer Protection Act of 2005".

SEC. 2. PROTECTION OF VOLUNTEERS.

(a) QUALIFIED IMMUNITY FROM SUIT.—Any person or entity (including any Indian Tribe) that, in response to harm caused by Hurricane Katrina of 2005, voluntarily, in good faith, and without a preexisting duty or expectation of compensation, renders aid (including medical treatment and rescue assistance) to any individual, shall not be liable for any injury (including personal injury, property damage or loss, and death) arising out of or resulting from that aid that was not caused by—

(1) willful, wanton, reckless or criminal conduct of that person or entity; or

(2) conduct of that person or entity that constitutes a violation of a Federal or State civil rights law.

(b) PREEMPTION.—This Act preempts the laws of a State to the the extent such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3736 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1130

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thousands of America's volunteers have already answered the call to help those suffering in the wake of Hurricane Katrina. But, unfortunately, many are hindered in their efforts or held back from joining the relief effort in the first place by the threat of legal liability.

In too many parts of the country, including Louisiana and the other areas affected by Hurricane Katrina, it is not only unclear what defines the legal protections for Good Samaritans, but it is also unclear which of those legal protections would govern where citizens of multiple States converge on another State to give aid and comfort to their fellow citizens in need.

At the Federal level, the Volunteer Protection Act does not provide any protection to volunteers who are not working under the auspices of an official nonprofit organization, namely, a 501(c)(3) organization; and it provides no protection at all to the nonprofit organizations themselves.

Consequently, under Federal law there are absolutely no legal protections for the average person who wants to volunteer on their own, and there are also absolutely no legal protections for America's wonderful nonprofit organizations themselves, such as the Red Cross; but only an extremely small percentage of the some 1.4 million nonprofit organizations in the United States actually purchase liability insurance due to excessive costs.

The bill before us today closes the gaps in existing law for those individuals and organizations wanting to give of themselves to aid those suffering the worst effects of one of the most tragic weather disasters in American history. This bill makes crystal clear that everyone who helps those who have suffered harm in the wake of Hurricane Katrina will be covered by some basic legal protections.

If a volunteer's own State law provides greater protections for them, all the better; and this legislation would allow those stronger protections to govern in their situation. But this bill provides a uniform Federal floor on which all volunteers can confidently stand when helping those in need in the wake of Hurricane Katrina.

Such a uniform Federal law is clearly needed. As the Los Angeles Times recently reported, "the lack of liability protection is one of several concerns delaying some 900 churches from joining the evacuation network." According to recent press accounts, the Red Cross feels constrained in giving out the names of refugees to those who want to offer their homes to them for shelter because they have concern about liability. The Red Cross has cited liability issues as a reason for people not to volunteer to take refugees into their homes and complain generally that "there is so much liability involved."

The Minnesota Department of Public Safety spokesman has said of volunteer efforts, if things go south, there are liability problems. In Grandville, Michigan, a local school district wants to let evacuees use a vacant school for shelter, but the school's superintendent is concerned about liability issues. The Cleveland Plain Dealer reports that a specially trained group of 50 international physicians and psychologists who have extensive experience treating children in Third World countries could face liability issues here if they venture into States where they are not licensed.

Anytime lawsuits or threats of lawsuits limit private persons and entities, State and local governments from acting to help those in need, the response costs of the Federal Government only increase.

H.R. 3736 simply ensures that if one is a volunteer who acts in good faith to assist the victims of Hurricane Katrina without compensation, then they do not have to worry about lawsuits unless they either act in a willful, wanton, reckless, or criminal matter or violate a Federal or State civil rights law. All volunteers under this bill will have to worry about is saving those in need, and they will not have to worry about hiring an attorney to defend themselves from a frivolous lawsuit.

The bill does not apply to those with preexisting duties to aid. That is, it does not apply to those with the statutory duty to aid the victims or those with prior contractual obligations to do so. The bill does apply to all volunteers who in good faith and without expectation of compensation render aid, medical treatment, or rescue assistance to any person in response to harm caused by Hurricane Katrina.

The Congress voted overwhelmingly to give far greater legal protections to selected entities following the 9/11 terrorist attacks. At the very least, this Congress should pass some legal protection for volunteers working in the wake of Hurricane Katrina.

While we all keep the victims of Katrina in our prayers, let us keep all the individual volunteers and organizations that support them in our hearts and free them to act on their compassion without the distracting fear of unnecessary lawsuits.

This bill should be passed. I urge the Members to vote in favor of it.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

It is with reluctance that I rise in opposition to this legislation. I cannot support it, and I am reluctant about that because it has been my intention to work with everyone on the committee to eliminate the problems of this bill, the excesses and flaws that are in it now; and my suggestions have not been received, and the bill has been put together in an extremely hasty manner that I believe will insulate negligent and dangerous behavior that we would otherwise have no inclination to do.

I begin by pointing out that we already have a Volunteer Protection Act in the law, passed in the year 1997, which protects volunteers. This bill had hearings. It was carefully crafted and bipartisan in nature. It protects volunteers from their good deeds, but not from their misconduct.

This bill, unfortunately, goes much further. And the problems that I have referred to and will continue to refer to are the result of the fact that this bill has never had a hearing: in no subcommittee, not in the full Committee on the Judiciary. There have never been witnesses to testify for or against it. There has never been a markup. Nothing. We come today with a measure that has been pulled out of the air. We have not heard from a single interested party as to why the bill is necessary. We have not received so much as a shred of evidence that there is any shortage of volunteers to assist in Hurricane Katrina as a result of our civil justice system.

So I point out to the Members that in the first instance the bill is not limited to protection of volunteers. It would protect many organizations, public and private, that might be involved in Hurricane Katrina, which could be government organizations. It could even protect the Federal Emergency Management Agency. It could protect cities and counties and States. It could protect business entities.

This bill is off the charts. And in the past, when we were more carefully considering the matter, we decided not to cover these entities because we did not want to protect firms that retain people who were criminals. We did not want to give comfort to drug addicts who may be working there or even sex offenders from liability that they might be involved with. This bill creates a green light for all kinds of behavior, that it will now receive a protection. For the life of me, I cannot suggest one reason why we ought to pass this measure. I am not aware of any business or even a nonprofit entity that has asked this committee for relief from liability in order to help out in Katrina.

Nobody knows about it. This is a phantom measure that has come out of nowhere, and if it is just to pass the time of day and keep us busy, it is probably doing a great harm to our civil justice system.

The bill goes beyond the Volunteer Protection Act to, if the Members can grasp this, immunize gross negligence and intentional conduct. We would immunize negligent and purposeful misconduct. Never in the history of Congress have we ever considered immunizing such actions. Why should we do it today? There is no reason to protect such blatant wrongdoing from such important responsibility.

The drafting that I have talked about is so broad, it would protect unlicensed volunteers who are attempting to operate as professionals. This would include individuals who provide medical treatment without training if something like that were to come along. It could protect people flying airplanes without licenses. Under this measure, an individual could travel to Louisiana without a license to conduct surgery and claim in a civil action that he has a liability waiver coming from this bill.

This measure would even go further. It would insulate simple traffic accidents from liability. A person working around the Katrina disaster could negligently have an accident and injure a child on the way to New Orleans, and the family would be left with no recourse whatsoever. I can imagine that this bill will be brought up in civil cases in ways that we have never had an opportunity to contemplate.

So I make a simple proposition. Why do we not just move this bill off the floor, set up the subcommittee of the Committee on the Judiciary that is anxiously waiting to schedule witnesses for the bill, and have them do their work and bring it to the full committee where it may receive even further amendments and inquiry?

It makes no sense to exempt irresponsible people from their own negligence. It would even insulate nursing homes, hello, from civil liability who use volunteers and their failure to evacuate resulted in death. One could lose their loved one as a result of negligence by a nursing home; and if they raise these protections that are involved in this legislation, the person bringing the action could be left without compensation.

We are setting up, whether we admit it or not, a two-tier system of civil justice. One for the people that were able and could afford to escape Katrina who will have their full right in the civil justice system, just as all people always have, but a lesser system for indigent individuals, many of whom, if not most, are, in fact, minorities, who may have, and I hope this is very few, but some who may have suffered abuse as a result of additional negligence and misconduct.

□ 1145

So what we have here is a horrible attempt to insulate volunteer liability, but it has been put together in such a way that we have a piece of legislation that I do not think can withstand the reasonable scrutiny of the Members of this body. If we adopt this unthinking bill without bothering to figure out what we are doing and who we are further exposing to harm, we may, in all likelihood, be compounding the tragedy that exists to which we are trying to bring some closure to.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I rise and applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) for this reasonable approach to volunteers who are trying to help people.

This is an amazing debate that is taking place today because, last week, we were concerned about people dying, getting help to them, providing all the assets we could provide to save lives.

Now, think about the people in the construction industry who want to do good. The people after 9/11, some of them were sued because they volunteered to go help prior to contracts being let. There were no government contracts being let. They wanted to volunteer. They might have provided an excavator, a grader, a backhoe, a dump truck.

Let us say someone in New Orleans happened to own a boat, and he wanted to go help people. He went to pull somebody into his boat to save them, and they slipped, broke an arm, a total accident. Some trial lawyer says, hey, we can make you rich. Let us sue the guy who brought the boat.

Somebody is out there trying to help people. There is a dirt road that needs grading, and the guy volunteers to go out there with his blade, regrade the road, somebody walks across it afterwards, slips, and some trial lawyer says, hey, we can make you a fortune. You just slipped on something somebody did, and we will hold the contractor liable because they volunteered to do good.

We have construction expertise in this country that is sorely needed during times of disaster. We cannot continue to allow a message to be sent to those volunteers.

I became a general contractor in my early 20s. I have been in the business for over 35 years. There are many good people out there who work very hard, earn a good living, and they want to give a little back to their country and to the people who they have benefited from through volunteering in a time of disaster when they know they can do good, they can make things better, and they can save lives. The argument I heard today was quite the opposite.

Last week, we had a hearing in Financial Services talking about all the people who are living in football stadiums and warehouses. We have to get those people out of there, get them to some home to live in, some safe environment.

Now, a person goes out there who owns a motor home, decides to haul a bunch of people from a stadium, somebody trips getting in their motor home and gets sued. Is that reasonable or fair? No.

If there is negligence on the part of the individual who volunteered, hold them accountable. But the gentleman from Wisconsin (Chairman SENSENBRENNER) is not for holding anybody unaccountable for gross negligence or violating the law. But if you volunteer to help in a case like this where people are dying, all of a sudden trial lawyers are more important than the people we are trying to save during a disaster.

Mr. CONYERS. Mr. Speaker, I just want to make a response to my friend, the previous speaker, to let him know that the examples that he made are quite logical and quite rational. We think that they should be given protection. But we do not want what is in this bill that goes way beyond that kind of protection, because we would give protection for gross negligence, and it is in that respect that I am opposed to the bill.

Mr. Speaker, I am pleased to yield 6½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, let me, first of all, suggest that we owe a debt of gratitude to all of the volunteers across the country that have come in to places like Alabama, Mississippi, Louisiana, and my own State of Texas. So this is not an expression of concern with disregard for the charity that has been shown by the throngs of volunteers. And, might I suggest, like the gentleman from Michigan (Mr. CONYERS), that volunteers have come from everywhere without the question of whether or not they are immune or protected.

I refer my colleagues to the Volunteer Protection Act of 1997 which really crafts, I think, the latitude and the range of protection that makes sense. It provides immunity for volunteers serving nonprofit organizations and government entities, which include the likes of FEMA and the Red Cross and also the folks that come under that umbrella and the many nonprofits that exist.

The idea that this legislation might, in fact, protect those who are grossly negligent seems flawed in several aspects. Even though the Attorney General of the State of Louisiana has now moved against this tragic circumstance with the loss of lives of a number of individuals in a particular nursing home, we do realize that this is now at a level of criminal charges, but suppose it was not. Certainly the American people and Louisianans and others would want that particular entity to be held liable for gross negligence, if you will, and they happen not to be, I assume, a nonprofit, so that they might be covered by this legislation for their gross negligence.

What about the hospital? The facts will come out. Obviously, one cannot suggest guilt where one does not know all of the facts, but the facts will come out. But now it has been discovered, a number of bodies in a hospital in Louisiana, and that, too, may warrant consideration that this bill does not address.

I would hope that in the rush to deal with the plaintiffs' bar, trial lawyers who have, in many instances, found justice where others could not on environmental issues, on medical malpractice issues, on issues dealing with occupational disasters that have caused injury to workers, that we would not be focused on that "perceived problem" versus the needs of people who are being served.

We want the volunteers to be there. We want them to be protected, and we believe that we do have the protection.

As I speak about this bill, might I also bring attention to a bill that I missed, Mr. Speaker, and I simply want to add my support to the 50th recognition of the Rosa Parks legislation that acknowledges her quest for justice by sitting down. I weave this into this debate because I think that it is relevant when we begin to talk about how Congress fixes problems. Rosa Parks certainly spread across the land a new idea of justice and the refusal, if you will, to be subjected to unfair and unjust laws. I pay tribute to the gentleman from Michigan (Mr. CONYERS) and all of those who have spoken in support of what she did to change America, and I add my voice to the commemoration that was on the floor just previously.

As I infuse back into the Katrina Volunteer Protection Act and mention the volunteers, one has to accept the time that they have to speak to important issues at hand.

Mr. Speaker, I say to the gentleman from Michigan (Mr. CONYERS), I offer today an important issue that speaks to the question of justice and, I assume as well, the thoughts of this body, and that is the unfair position that Frances Newton finds herself in, an African American woman, but a woman that is now on death row today, September 14, in Texas whose execution date is 6 p.m. central standard time.

This Congress may have some cause, but this is now in the hands of the administration, the Solicitor General, the Supreme Court, and the governor of the State of Texas. If we do not act today, a woman who did not have effective counsel, whose counsel did not question one witness, whose counsel did not present one iota of evidence, who now has found that there were multiple weapons, who has a flawed DNA background in terms of this case and, likewise, who has protested and petitioned over and over again that she did not kill her children, will now go to her death.

Whether or not this Congress has the power to instruct the Supreme Court of the United States, as we now hear the proceedings of Judge Roberts, we know that this body should be a body concerned about justice. I would wholly hope that those who can hear my voice will petition by way of their own way, their representatives, to ask the Solicitor General to petition on the side of the Innocence Project to allow the case to be reheard, a new trial to secure this evidence, to secure the ability to give Frances Newton a new trial of which she deserves.

We cannot stand on the floor of the House today and talk about protecting volunteers, albeit I have the concerns as enunciated, and not suggest that we cannot protect the justice system. Frances Newton has protested and petitioned her innocence. She is a mother who says that she did not kill her children. The governor of the State of Texas has the power to give her a 30-day extension, and I would hope that our voices will be heard.

I want to thank the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. CONYERS) for their willingness to sign on to a letter asking for that petition to be heard, and I would ask other Members of Congress to do likewise.

Mr. Speaker, I have expressed my views on the Katrina Volunteer Protection Act and I hope, as the gentleman from Michigan (Mr. CONYERS) said, that we could work on this together.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, one of the great success stories in this tragedy is the fact that thousands of volunteers from across the country responded to the needs of the victims. Physicians and nurses and other medical volunteers, health care professionals, volunteered their specialized skills to come to the aid of the victims of Katrina. Their efforts have ensured that these victims receive much-needed care and assistance, but many more have been hesitant to take part because they were threatened by the specter of lawsuits.

I know this to be a fact. I was on the ground there in Louisiana. I helped to organize much of the medical relief effort, and this is a fact, that many were hesitant to come to the aid.

Rules protecting good Samaritans vary greatly between States, and it is often unclear what legal protections volunteers have when performing charitable acts, and this was particularly so with such a tragedy of this magnitude.

H.R. 3736 will clarify the rules for everyone involved and ensure that uniform standards are applied to relief efforts from Louisiana to Mississippi to Alabama. This bill will protect volunteers acting in good faith to assist Katrina victims, while still protecting the rights of victims who allege injuries as a result of willful, wanton, reckless, or criminal conduct on the part of a volunteer. Questions of liability should not and should never prevent individuals and organizations from offering their services in such a tragedy.

So, Mr. Speaker, I urge passage of the Katrina Volunteer Protection Act. This is important legislation, and I urge its rapid and steady approval.

Mr. CONYERS. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), our subcommittee ranking member.

Mr. SCOTT of Virginia. Mr. Speaker, this did not go through committee, so I just had a question for the chairman of the committee, if the chairman would respond.

My question is what impact this will have on someone minding their own business, sitting at a stoplight, that gets rear-ended by someone headed to New Orleans in an automobile accident, simple negligence, with insurance. Does the innocent party now have to pay their own medical bills, or is there some provision in the bill that allows the insurance to still be available to pay the medical bills?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the bill says that if the driver of the car is operating as a volunteer without compensation and acting in good faith, the provisions of the bill apply.

Mr. SCOTT of Virginia. Mr. Speaker, reclaiming my time, in this case, if the volunteer is hit and has an automobile accident, fully insured, you lose the insurance, the innocent victim is now subject to pay his own medical bills. Where, ordinarily, there would be compensation for the automobile accident, that is lost. These are people who could be in States not even affected, just sitting at a stoplight.

Usually, when we have these immunity bills, we provide that the insurance in an automobile accident, the insurance would apply. This would exempt the insurance. I think it is one of the problems of bringing bills like this to the floor without going through committee. I think we could have fixed that.

□ 1200

Mr. CONYERS. Mr. Speaker, I think the gentleman from Virginia's example tells us the whole thing. This is over the edge. It is not that we do not want to give protection, but this goes way, way too far.

Now, I remind my colleagues that the problem that we have here is that there have never been any hearings. There have never been any markups. There have never been any witnesses. There has never been a full committee hearing. Nobody has ever seen this measure before today when it is now on the floor.

It sounds great, volunteer liability legislation. But that is what we did with the Volunteer Protection Act in 1997. That was carefully crafted, bipartisan in nature, and covers all of this activity.

We go way beyond volunteer protection to immunize what could be misconduct of a deliberate and blatant nature, that can immunize negligence of the grossest sort, and never in the history have we ever imagined, thought of immunizing such actions. So there is no reason to protect such blatant wrongdoing from responsibility.

And it is a fatal flaw of this legislation. I urge that it be sent back to the Judiciary Committee for appropriate action.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker I yield myself the balance of my time.

Mr. Speaker, after listening to the gentleman from Michigan, I am a little bit confused. Because last week, the Congress appropriated almost $52 billion without a hearing. Right before Labor Day, the Congress appropriated $10 billion without a hearing.

Today, I had scheduled three Katrina-related bills for markup in the Judiciary Committee. They were not ready by our 24-hour deadline, and the gentleman from Michigan objected to that, so I called off that markup, and we are going to have to do that next week. Otherwise we would have it on the floor much more promptly.

The fact of the matter remains that these people need to have the immunity for liability in order that they can volunteer and effectively deliver their volunteer services. The gentleman from Michigan (Mr. CONYERS) and the other opponents of this bill have come up with a litany of horrors that this bill would allow criminal conduct to be immunized, and that is not the case.

This bill specifically does not apply in any way to protect those whose willful, wanton, reckless or criminal conduct causes injury; nor does it apply to those who violate the Federal or State civil rights laws when injury occurs.

Now, today we have a chance to cast a vote in favor of our volunteers, our volunteer individuals and those nonprofit organizations who have stepped up to the plate to provide essential relief services to the people who have been affected by Hurricane Katrina; or we can send it back to committee and have more hearings.

Well, by the time those hearings are over with, I am sure the first series of frivolous lawsuits will be filed; and believe me, the next time there is a disaster, hopefully not of the magnitude of Hurricane Katrina, there will be a lot of organizations and a lot of individuals who will be afraid to volunteer to do what they want to do and do what they can do best, because they do not want to spend the rest of their lives in court.

Pass this bill.

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 3736, Katrina Volunteer Protection Act. This legislation will provide much needed legal protection for those charitable Americans volunteering in the Hurricane Katrina rescue and recovery effort.

It is imperative that when thousands of selfless volunteers respond to those who have incurred the wrath of a natural disaster that legal liability need not be hanging over their heads.

Currently, there is vast uncertainty from state to state about what defines legal protections for volunteers, especially when volunteers from one state travel to another to help out their fellow citizens.

Under current law volunteers who are not working with an official nonprofit organization are not covered by the Volunteer Protection Act. Therefore, there are absolutely no legal protections for the average American who wishes to volunteer.

This legislation will correct that gap in the law while at the same time continue upholding the penalties against those who act in a willful, reckless or criminal manner or who violate a State or Federal civil rights law.

Further if a volunteer's home State has a law on its books that provide greater liability protection, then this legislation would defer to those stronger protections.

This legislation will clear the way for all those Good Samaritans, who live in our great Nation, not to have to worry about lawsuits when they volunteer.

Mr. Speaker, I am proud to support this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3736.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3132.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CHILDREN'S SAFETY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 436 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3132.

□ 1206

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to bring to the House floor today H.R. 3132, the Children's Safety Act of 2005.

I introduced this legislation on June 30 in a bipartisan effort to address the growing epidemic of violence against children and the need for greater protection from convicted sex offenders through State registration and notification programs.

This year our country has been shocked by a series of brutal attacks against children at the hands of convicted sex offenders. In June, our Nation was horrified by the kidnapping and murders of members of the Groene family by a convicted sex offender.

Two well-publicized tragedies earlier this year in Florida, in which 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde were murdered by convicted sex offenders further underscore the need for quick congressional action to address the danger posed by individuals who prey on children.

In addition to the widely reported tragedies that have rightly brought this issue to the forefront, the statistics regarding the frequency with which such heinous crimes occur are staggering. Statistics show that one in five girls and one in 10 boys are sexually exploited before they reach adulthood. Yet less than 35 percent of the incidents are reported to authorities.

According to the Department of Justice, one in five children between the ages of 10 and 17 receive unwanted sexual solicitations online. Additionally, statistics show that 67 percent of all victims of sexual assault were juveniles under the age of 18, and 34 percent were under the age of 12.

In June of this year, the Subcommittee on Crime, Terrorism and Homeland Security held a series of three hearings on child crimes issues, focusing on violent crimes against children, sexual exploitation of children, and the Sex Offender Registration and Notification program and related legislative proposals.

On July 30, the Judiciary Committee considered this bill and ordered it favorably reported by an overwhelming vote of 22 to 4.

Mr. Chairman, there are over 550,000 sex offenders in the country; and it is conservatively estimated that at least 100,000 of them are lost in the system, meaning that nonregistered sex offenders are living in our communities and working at locations where they can, and likely will, come into contact with our children.

This is simply unacceptable, and the legislation specifically targets this problem to enhance the safety of America's families and communities. The Children's Safety Act will make much needed reforms to the Sex Offender and Registration program by expanding the scope and duration of sex offender registration and notification requirements to a larger number of sex offenders.

The legislation also requires States to provide Internet availability of sex offender information, requires timely registration by sex offenders, and then enhances penalties for their failure to register and increases the disclosure requirements regarding their whereabouts.

The bill authorizes United States marshals to apprehend sex offenders who fail to register and increases grants to States to apprehend sex offenders who are in violation of registration requirements contained in the legislation.

Additionally, H.R. 3132 would authorize demonstration programs for new electronic monitoring programs such as anklets and global position system monitoring, which will require examination of multijurisdictional monitoring procedures.

H.R. 3132 also revises the use of DNA evidence; increases penalties for violent crimes committed against children, and sexual exploitation of children; streamlines habeas review; State death penalties are imposed against child killers; and protects foster children by requiring States to perform more complete background checks before approving a foster or adoptive parent program and placement.

This legislation is strongly supported by America's Most Wanted, John Walsh; Ernie Allen from the National Center for Missing and Exploited Children; Robbie Calloway from the Boys and Girls Clubs of America; and many victims and representatives of victims organizations.

The courage of some, such as the father of Jessica Lunsford, to speak out on this important issue in the face of unmistakable grief is truly admirable. They have provided critical input throughout the process and have urged Congress to enact this legislation as quickly as possible.

Mr. Chairman, the time to protect our Nation's children from sexual predators in our communities and online on the Internet is now.

The scope of this problem requires a swift congressional response, and I urge Members of this body to move swiftly to help protect America's children from violent sexual offenders.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, we all abhor the horrific cases of child murders or sex offenses committed by those who are referenced in the bill. But the question before us is whether what we are doing in the bill will actually reduce the incidence of child molestation or actually increase it.

We should certainly seek to avoid enacting legislation that expends scarce resources in a manner that is not cost effective or that exacerbates the problem. It is clear that having police supervision and police awareness of the location and identification information about sex offenders is appropriate and helpful.

But it is not clear that putting that information indiscriminately on the Internet, regardless of the dangerousness of the individual, with no guidance or restriction of what people should do with the information, it is unclear whether that is helpful or harmful.

There have been incidents of vigilantes and other activities where offenders have actually been driven underground, so you actually do not know where they are. That is certainly not good for children. And try to sell your home when a sex offender moves a few blocks away. Are children actually helped by that? That would be a necessary problem; but there is no evidence that putting that information on the Internet actually reduces the incidence of child molestation, so the real estate prices all over the neighborhood go down.

Now, research shows that 90 percent of sex offenses against children involve either family members or someone well known to the victim. So when you put names and addresses on the Internet, 90 percent of the offenses are not even covered. We also have the situation where those on the Internet are ostracized and subjected to public notoriety, embarrassment, ridicule, and harassment.

In one actual case, a teacher was reading the names of offenders to grade school students in an apparent effort to protect them, when one student blurted out the question to another student: "Is that not your father?"

This victimizes the victim twice and may well discourage offense reporting that is already considered very low in these situations. Many offenders identified on the Internet will not only become unemployed and unemployable because of that notoriety, but they may also have to leave their home to avoid embarrassment or other consequences to themselves and their families, and having done that, may just go underground and not bother to register again.

Where an offender clearly represents a threat to the public, perhaps the consequences to the victims and their family members cannot be avoided; but where the individual clearly does not present a threat to the public, informing the general public may do more harm than good.

Law enforcement and child-serving authorities should have access to the information. Until they have reliable information to show that the impact of the Internet will actually reduce the incidence of child molestation, we should be circumspect on how we use this information.

Now, we have taken a step in the right direction in the bill by encouraging those States and localities that are not already doing so to consider whether there are offenders who should be required to register, but may not have to be put on the Internet.

□ 1215

I am pleased, Mr. Chairman, that the gentleman from Wisconsin (Mr. SENSENBRENNER) has indicated his willingness as the bill moves towards conference to continue to look for ways we might support the States and localities who are already making such assessments while encouraging those who are not making those assessments to do so.

There are effective things we can do, and hopefully we will have amendments that will deal with this. Because research has shown that intensive, therapeutic sexual offender treatment cuts sexual offense recidivism in half. Fortunately, the evidence is that, even without the treatment, recidivism is low amongst sexual offenders of children. This is not what the legend is, but the facts are that a recent study by the Department of Justice showed that the rearrest rate among child molesters is 3.3 percent, much less than the recidivism rate of other criminals.

Any recidivism rate is too high, so I am pleased that we are working together to fashion a provision that will assure that all sex offenders in the Federal system will receive appropriate, effective treatment prior to their release; and I hope that we can continue to work together to provide a similar system for State offenders where we could significantly reduce child victimization by assuring access to effective treatment for all.

Now there are provisions in this legislation that are not based on research or sound reasoning like the death penalty, mandatory minimums, both of which have been studied and shown not to have any effect on crime. We also have the anomaly in this because it is Federal legislation that because Indian reservations, their sole access to courts is the Federal system, they will all be under the Federal system but most others will not. So it will have a disproportionate effect against Native Americans.

Now, day by day we are seeing more and more evidence that the death penalty administration is fraught with mistake, racial discrimination and it is applied in an arbitrary way. We have also seen the mandatory minimums have been shown to waste the taxpayers' money, been racially discriminatory, and the Judicial Conference reminds us every time we have a mandatory minimum for consideration that mandatory minimums violate common sense compared to traditional sentencing approaches.

This bill includes a 5-year mandatory minimum for any technical violation involved in registration. For example, if you are already registered and you attend the local community college but forgot to recognize that the community college is in a different jurisdiction and you should have registered there, too, well, that offense is subject to a 5-year mandatory minimum. Notwithstanding the fact that the original offense was 15 years ago, was a misdemeanor for which no time was imposed, it is a 5-year mandatory minimum for the technical violation of not registering correctly.

Another provision that is in the bill that will not have much effect on reducing child molestation is eliminating the access to habeas corpus. That will not reduce sex crimes. All of these are good, politically appealing sound bites that will help politicians get elected but which have no evidence that they will actually reduce the incidence of child molestation.

This bill will cost over $500 million over the next few years. We need to make sure that when we spend that kind of money that we actually do something constructive. Here we have a bill with mandatory minimums, death penalties that have been shown that have nothing to do with reducing crime, it is primarily focused on Native Americans, and I would hope that we would support amendments to eliminate such extraneous matters on the bill so we can concentrate the $500 million on effective crime-reducing approaches.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time. More importantly, I thank the gentleman for his great leadership on the subject of child safety.

Mr. Chairman, when I came to this House I hoped that I would have the chance to make a difference in the area of crimes against kids, and thanks to the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER) I have had this opportunity. In fact, we have all had this opportunity.

We have made great strides in recent years: the Amber Alert System; two strikes and you are out for child molesters; the Debbie Smith Act which we passed last session which will make sure that our DNA databases are up to date and more usable and we will have better training and education for those health care professionals and law enforcement professionals who work in this field.

But, sadly, we have been reminded in recent months that despite all the work that we have done we have a long way to go. Dru Sjodin, Jessica Lunsford, Sara Hunde and, sadly, other names have reminded us painfully, tragically that there is a lot of work to do.

The Children's Safety Act is, in my view, a great stride towards doing what we can and what we must to protect our kids from those who would prey upon them.

First off, it has tough penalties. It does have tough penalties. It does have mandatory minimums, because I believe and so many people believe that we have to send a clear, unmistakable signal that those who prey upon our kids will not be tolerated.

Secondly, we increased the size of the DNA database, which means that we give to law enforcement professionals the tools they need to track down these monitors and to put them away, to put them behind bars.

And, third, and I believe most importantly, we expand the use of the sex offender registry and increased notification requirements. We take that registry system nationwide, we make it accessible online, and we close up some of the loopholes that, sadly, have led to some of the crimes that we have all heard about.

I would like to speak briefly about one of those loopholes that people in my home State of Wisconsin have learned about tragically. The situation, the case, the story of Amie Zyla which has led to the Amie Zyla provisions in this bill.

The case of Miss Zyla, she was a young girl in the county of Waukesha, Wisconsin, when she was assaulted brutally by a young offender. He was found guilty. He was sentenced to a juvenile facility. But when he turned 18 he was released; and when he was released, because he had committed that act as a juvenile, the record was sealed. Law enforcement was not allowed to notify the community that they were having released back into the midst of this community a sex offender, a dangerous sex offender. The assailant went on to hold himself out as a youth minister; and, as you can guess, he preyed upon a number of children, destroyed lives, damaging families and causing so much terror.

In fact, Amie Zyla was not notified of the release of this man until she saw him on TV, actually saw him on the news, and there was his face and she realized for the first time that the man who had done so much damage to her was back out on the street right where she was.

Under this bill, we say that if the crime committed by the juvenile offender was so serious that it would have qualified for reporting under the sex offender registry if he were an adult, then that means that law enforcement has the ability, not the obligation but the ability, to notify the community when that sex offender is released back into the community.

That is about giving tools to our parents, to our families, to our community leaders, to those organizations that are so important to us, giving them the tools to prevent these acts from occurring again; and nothing is more important.

Now, Mr. Chairman, a lot of numbers have already been tossed around and will be tossed around in the coming debate. You have heard one out of five girls has been sexually exploited before reaching adulthood. We have heard that 67 percent of all victims of sexual assault are juveniles. But I want to suggest to you that this is not about the numbers and that people will toss around the numbers, but we cannot tell if those numbers are accurate because we know that these crimes are the most underreported crimes in society.

My guess is and most experts will tell you that the damage that is done, the number of crimes is far in excess of any of the studies that are out there. More importantly, numbers do not tell the true story. Each child who is attacked and assaulted by one of these offenders represents a life damaged, an innocence stolen, and, all too often, sadly, tragically, a family destroyed.

Mr. Chairman, we need to pass this legislation. We need to give tools to community leaders and to parents to make sure those acts never occur again. There is so much we have accomplished in the last few years. There is so much left to do. We do that with the Child Safety Act.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I come reluctantly before you to re-express my desire to protect all our children from predators, and I am confident that I speak for all Members when we say that each new abduction brings a concern, an outrage that we all feel.

Child molesters prey on those that are most vulnerable in our society, and we must stop them. But how can we stop them if we are primarily creating 36 new mandatory minimum criminal penalties that are completely arbitrary, that have been shown to be ineffective at reducing crime, and a consummate waste of taxpayer money? But that is not the only reason.

Thanks to mandatory minimum sentences, almost 10 percent of all inmates in the Federal and State prisons are serving life sentences, an 83 percent increase since 1992. In two States, New York and California, 20 percent of the people in prison are serving life sentences. And what do we have to show for these statistics? Well, a system that currently houses more than 2 million Americans, almost four times the number of individuals incarcerated in 1985, at a cost of $40 billion to run and operate.

We create additional new death penalty eligibility offenses. This spring, 120 death row inmates were exonerated due to proof of their innocence. So, in the end, if we are truly serious about protecting our children from acts of sexual exploitation and violence, we have got to turn to prevention. We have got to use preventative solutions that really try to get to the root of the problem instead of after-the-fact criminal penalties that do not address the issue.

Do these sick people check the statutes to find out what the newest penalties are or whether they are mandatory or not or whether they can carry additional incarceration terms? I doubt it.

Finally, we have people that have written, professionals, scientific researchers treatment professionals, child advocates, who have serious reservations about this measure, H.R. 3132.

From the Center on Child Abuse and Neglect, the Editor-in-Chief on Child Maltreatment, the Journal of American Professional Society of the Abuse of Children, the Director of Crimes Against Children Research Center, the National Crime Victims Research and Treatment Center, Dr. Friedrich of the Mayo Clinic and Mayo Medical School, from the Board of Directors Association of the Treatment of Sexual Abusers, all these letters have poured in urging that we put more prevention into this measure rather than less.

Please let us turn this measure back.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am a co-sponsor of the Children's Safety Act because we must crack down against child molesters by making sure they serve longer sentences and by requiring sex offenders who fail to comply with registration requirements to go back to jail where they belong.

□ 1230

The best way to protect young children is to keep child predators locked up in the first place because someone who has molested a child will do it again and again and again.

Earlier this year, two young girls from my home State of Florida, 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde, were abducted, raped and killed. In both cases, the crimes were committed by convicted sex offenders who were out on probation. Coddling pedophiles with rehabilitation and self-esteem courses does not work. Locking them up works.

This law imposes a mandatory minimum punishment of 30 years for those who commit violent sexual crimes against children, as well as a minimum punishment of life in prison or a death sentence when that crime results in the child's death.

This legislation also cracks down on those sex offenders who refuse to follow registration requirements. Nearly 100,000 sex offenders remain unregistered and are moving freely about the country. This legislation will make it a Federal crime for those sex offenders who fail to register and will send them back to jail for another 5 to 20 years.

It is high time that our government cracks down on child molesters by implementing these commonsense reforms, and I urge my colleagues to vote "yes" on H.R. 3132.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I would like to thank my colleague for the time.

Mr. Chairman, I rise in support of H.R. 3132, the Children's Safety Act. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for advancing this legislation.

It is unfortunate, but our children are not as safe as they could be. There are nearly 550,000 registered sex offenders here in the United States, one for nearly every 200 children. Worse, many of these individuals are able to slip through the cracks and become lost to law enforcement because many of these do not register; and when they move, States do not reregister. A 2003 investigation found in California alone 33,000 registered sex offenders could not be accounted for.

Studies indicate that the recidivism rate for child molesters is as high as 13 percent.

Consider the horrific case that all of us have read about recently of 9-year-old Jessica Lunsford. Jessica was abducted from her home, raped and then buried alive by a convicted sex offender who lived 150 feet from her home. Law enforcement officials had lost track of her murderer and were unaware that he worked at her school.

Mr. Chairman, when I worked in the White House, we worked on passing Megan's Law. That law was effective because it used the right technology at that point to help ensure the safety of our children. This legislation, with this type of technology, builds on the progress we made under Megan's Law to protect our children.

To utilize this new technology and to make our children safer, I introduced H.R. 3407, the Jessica Lunsford and Sarah Lunde Act, with companion legislation in the Senate with Senator NELSON.

Similar to programs already under way in some States, the system would utilize electronic technology, such as GPS, to track sexual predators upon their release from prison. There is no opt in or opt out. It would be a system to track them within 10 feet of their location at any time.

I am pleased that the gentleman from Wisconsin (Mr. SENSENBRENNER) has included an electronic monitoring pilot program in the Children's Safety Act. Furthermore, I am pleased that the chairman is also willing to address some of the other issues we discussed in the manager's amendment.

I would also like to thank the gentleman from Indiana (Mr. BURTON) for his help in securing our amendments.

Mr. Chairman, the fact is our children are not as safe as they could be. This bill, the Children's Safety Act, is an important step toward ensuring their safety and using the technology that is available today in the marketplace to ensure our law enforcement community has all the tools that are necessary to protect our children.

I support this bill and hope that my colleagues will join me and quickly pass this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for sponsoring this legislation. I am glad to be a co-author/cosponsor of the legislation.

The burden victims carry does not go away when the headlines do. The Children's Safety Act has important preventative measures, but it also instigates appropriate response after a citizen has been victimized.

The Children's Safety Act provides tough tools to keep predators accountable and their whereabouts known by the rest of us. There is one thing that a predator wants more than anything else and that is to remain anonymous, to sneak in and out of our communities and commit their criminal ways.

The issue of protecting our children from predators is on the minds of every mother and father as they put their children on school buses every morning during the school year. From the countless phone calls, letters, and e-mails pleading to protect our kids from sex predators, we know these protections to our children in the Children's Safety Act are a priority to our Nation and our people.

Keeping our children safe from predators should be all of our priorities here in the United States Congress. We know that child molesters, after they leave the penitentiary, most of them do it again.

In this country, we are able to track a cow from the time it is born as a calf to the time it ends up on the supper table somewhere in the United States as a steak. We do that because of public safety. Now we are going to track child molesters when they leave the penitentiary. We will track them indefinitely because of public safety. Children should be at least as important as cattle.

As a co-author and cosponsor of the Children's Safety Act, as a former judge in Houston, Texas, I urge my colleagues on both sides of the aisle to listen to their constituents, listen to the people of this country, vote in favor of safety for American children. The days of child molesters running and hiding are over.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Children's Safety Act of 2005. I commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for this legislation and appreciate very much the bipartisan way in which he has worked with me in developing this legislation and in listening to the concerns that I have brought from experiences in our region.

Deviant sexual predators have clearly shown us that sex offenders do not stop at State lines, and neither should our sex offender laws. The Children's Safety Act is a comprehensive, bipartisan child safety bill that brings uniformity to our current sex offender registry system and increases penalties for those who prey upon our children.

The urgent need for a national system is clearly and tragically demonstrated by the case of Dru Sjodin. Dru Sjodin was a lovely young woman, a senior at the University of North Dakota, where she was holding down two jobs. She was an exceptional student, a leader in our community. She was abducted from a shopping center parking lot in broad daylight on a Saturday afternoon nearly 2 years ago.

This type of disappearance never happens in our part of the country, and it traumatized the whole community.

Thousands spent weeks trudging through snow banks in the worst weather we ever saw searching for Dru. Well, 5 months later, her dead body was found in a ravine just outside of Crookston, Minnesota.

It just so happens the investigation has revealed that a recently released Level III sex offender from Minnesota named Alfonso Rodriguez, Jr., was charged with Dru's kidnapping and murder. He was living in Minnesota. We did not know of his existence in North Dakota. He was registered as a sex offender only in the State of Minnesota.

This tragic example illustrates why we have to have a comprehensive response here, a nationwide Internet available, a registry system that families can access. It provides the kind of information in terms of where these high-risk offenders are living, where they are working, going to school, what kind of vehicle they are driving. People need this information to keep their children safe, and that is why I am proud to be a cosponsor of this bill and pleased that the chairman has designated in the legislation this registry in memory of Dru Sjodin, the Dru Sjodin National Sex Offender Registry.

The bill also has tough requirements for complying with keeping the registration information current so that the information on there is of value to families. It also has tough sanctions for those who would harm our children and, finally, Federal dollars to assist local police departments in making certain that people are complying with their registry requirements.

I believe that this legislation is a comprehensive response to a significant public policy need, and I urge the adoption of this. Families need this protection.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, as cochairman of the Congressional Missing and Exploited Children's Caucus and an original author of the Sex Offender Registration and Notification measure included in this bill, I rise in strong support of H.R. 3132, the Children's Safety Act of 2005.

Mr. Speaker, we have all heard the names: Jessica Lunsford, Jetseta Gage, Sarah Lunde, Megan Kanka, Jacob Wetterling, just to name a few. All beautiful children carrying with them the hopes and dreams of every young child in this country. All taken away from their parents and their futures, killed by sex offenders.

This is an important piece of legislation we are faced with today. It is probably one of the most tragic things any family will ever deal with. While Katrina, the hurricane, and Judge Roberts are much in the headlines, below the fold seems to be daily an occurrence of a violent act against our children. It is time we get tough.

I have said repeatedly that in this country we track library books better than we do sex offenders. This bill, thanks to the good efforts of the gentleman from Wisconsin (Mr. SENSENBRENNER) and others, seeks to correct that.

This bill is not a knee-jerk reaction. We have worked over 1 year on this legislation with the National Center For Missing and Exploited Children, the U.S. Department of Justice, and other Federal agencies.

It is horrific that in this country we are experiencing these untold tragedies throughout our Nation; but we can do better, and in this bill we will do better.

I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff, Mike Volkov, for working tirelessly to produce this comprehensive child protection legislation. This bill has indeed many fathers and mothers. It is for the children, though, that we work and we labor.

I have often said this bill is a labor of love. Yet it is a labor of shame that we have these kinds of incidents of violence and tragedies affecting our kids.

I would like to thank Bradley Schreiber, my legislative director, who has worked so many hours in trying to perfect and work alongside staff to make this legislation possible; Ernie Allen from the National Center for Missing and Exploited Children; John Walsh from America's Most Wanted, who has led a crusade for well over 20 years since the death of his beautiful son Adam in Florida. John Walsh has brought a scrutiny to child protection legislation unlike any other human being.

Finally, and most important, I want to recognize the victims' parents. It is their hard work and determination, their tears and their frustration, and their fears for their other children that has brought this bill to the floor so quickly. They took away from their own tragedies a chance to help fellow Americans protect other children; and for that we are entirely grateful.

Mr. Chairman, these are not petty criminals. These are sex offenders, and they must be dealt with accordingly.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my friend from Virginia very much for the time.

Mr. Chairman, I rise today in strong support of H.R. 3132, the Children's Safety Act of 2005. I am proud to have been an original cosponsor of this legislation, and I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for incorporating a piece of legislation that the gentleman from Florida (Mr. FOLEY) and I proposed last year, the Sex Offenders Registration and Notification Act.

The gentleman from Florida (Mr. FOLEY) and I stood with John Walsh, with Ernie Allen, with the Center for Missing and Exploited Children, representatives of the Boys and Girls Club as well, and parents of children who have been killed by sex offenders.

This Children's Safety Act of 2005 does, in fact, close the gaps. It tightens the ability to track down where convicted sex offenders are living and to improve the ways we notify our neighborhoods and our school districts when convicted sex offenders choose to live in our community.

I am pleased that the gentleman from Florida's (Mr. FOLEY) legislation and my legislation was effectively included in title I of the bill we are considering today. When watching the news for the past 2 years, it is sickening to see of how many communities, how many neighborhoods, how many parents are terrorized because sex offenders are back in their neighborhoods.

I know from being a district attorney that our States have done a lot to correct the gaps, but more needs to be done. As a father, I do not want to see a child of mine victimized in that way, and I want to put myself in the shoes of those parents who had to experience this dreadful victimization.

We must support this legislation today because the Children's Safety Act will increase and tighten supervision of those sex offenders and will enhance uniform notification standards for tracking sex offenders. I strongly believe that this comprehensive bill finally will give law enforcement officers the tools and resources they need to track these criminals and to protect our children and families.

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Mr. Chairman, I strongly urge my colleagues to adopt the Children's Safety Act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time. I appreciate the gentleman's work on this important legislation that will help protect our Nation's children.

Mr. Chairman, I rise in strong support of H.R. 3132, the Children's Safety Act. As we are hearing today, there is an epidemic of violence against our Nation's children. Almost weekly we hear of another tragic report of sex offenders preying on children. We all remember Jessica Lunsford, age 9, who was buried alive and murdered. Jessica's mother lives in my congressional district.

Tragically, one in five girls and 1 in 10 boys is sexually assaulted before adulthood. One of every six sexual assault victims is under the age of 6.

This is an issue that is very important to me. My home State of Ohio has made significant improvements to its sex offender registration and notification system. As a legislator in the Ohio General Assembly, I authored legislation, now Ohio law, that requires law enforcement to notify neighbors who live within a thousand feet of a sexual predator. I sought this change from prior law after a sexual predator moved across the street from a school bus stop in my district.

Mr. Chairman, I ask that this bipartisan legislation be unanimously passed.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

During the last few minutes, we have heard a lot of praise of mandatory minimums. I just want to remind the House that the Judicial Conference writes us frequently and reminds us that mandatory minimums violate common sense. That is because if the offense requires the mandatory minimum and that makes common sense, it can be applied; but if it makes no sense, mandatory minimums require us to impose that sentence anyway.

Many of the provisions of the bill are crimes which we do not think would be subject to 5- or 10-year mandatory minimums. There is a provision in the bill that says that felonious assaults against a juvenile, which could be two juveniles having a fist fight in the school yard, if it gets into a big fight, that that is a 10-year mandatory minimum if no injury occurs. Now, of course, if an injury occurs in the fight, then you are talking about 20 years. I think common sense should prevail and a more appropriate sentence could be given.

This entire registration program that requires people to register has not been shown to reduce the incidence of child molestation. For someone who commits a crime, even as a juvenile, they will be subject to lifetime registration. There is no suggestion and there is no evidence that that reduces crime. It may actually increase crime.

We know that 90 percent of the offenses against children were people that would not be covered by the legislation, and 3.3 percent of those covered by the legislation might offend. We have other ways of dealing with that in such a way that we can actually reduce that 3.3 as much as 50 percent. We ought to be focused on that.

Mr. Chairman, we need to focus on the things that will actually reduce crime. This bill, many of the provisions of it, obviously, do not; and I would hope that we would focus appropriately to actually protect the children.

Mr. HOLT. Mr. Chairman, I rise today to oppose the so-called Child Safety Act, H.R. 3132, because it forsakes meaningful crime reduction in favor of ineffective solutions that will only create a false illusion that our children are better protected from sexual abuse.

We have all read with heartbreak and anger the horrible, the terrible stories of sexual abuse, abduction, and murder of children. It is clear that we need to protect children from sexual predators and pedophiles through stronger laws and better enforcement. I realize that voting against a bill with a title as attractive as this is easily misunderstood and mischaracterized. But I have never been one to vote for form over substance, nor to shy away from standing up for what is right regardless of the political slings and arrows. Unfortunately, this bill will do more harm than good, and in the balance will do precious little to make our children safer. I hope the Senate will do better.

We need a real system that gives parents peace of mind and enables them to be aware of the presence of pedophiles in their neighborhood. A National Sex Offender Registry, that is maintained by the United States Department of Justice is a very good idea that I support. Members of every local community would be able to access this registry online, and be able to keep tabs on those who may pose harm to our children. States would notify each other when sex offenders move between States, and reporting requirements would be uniform so that it's easier to keep the lists current and accurate. This is a sensible thing that we should be doing to protect our children. I would be proud to support it and I hope it will be addressed on the floor in a more rational way.

That leads me to my overriding criticism of this bill: Its flaws are so troubling and fundamental that it compels me to oppose passage despite my support of one component part.

This bill creates 36 new mandatory minimum penalties. Mandatory minimum penalties do not work. They discount mitigating factors in crimes, prevent judges from meting out punishments that are tailored to the criminal, and have been proven discriminatory to people of color. They do not work. They may make legislators feel good but they have been shown not to reduce crime rates. Even the Judicial Conference, the group that represents Federal judges, has said that mandatory minimums violate common sense. Let me explain how just one of the new minimums will make us less safe, instead of more. If a previously convicted but released sex offender commits a technical violation of the reporting requirements—for example, they miss the registration deadline by a day or a week—they would receive a mandatory 5-year sentence. There is no discussion, and there can be no evaluation by a Federal judge.

The result is that sex offenders who miss the deadline or commit other technical violations will only be driven underground. Instead of turning themselves in, they will go under the radar and into unsuspecting communities. This is exactly the opposite of what needs to happen.

Also troubling is the fact that this legislation creates two additional death penalties. Yet, research has shown that capital punishment is not a deterrent to crime. Let me repeat, the death penalty simply does not reduce crime.

Those who commit the most heinous and terrible crimes against our children should have to face being locked away for the rest of their lives, where they must contemplate their crimes until the end of their days, without posing harm to society. But expanding the already ineffective death penalty to crimes where the victim's death is not even intentional is not only illogical, it is immoral. The government's job is to prevent crime and punish criminals, often severely. But killing citizens in order to exact retribution is inappropriate for a government that seeks to be moral.

We do need a Child Safety Act, but it should be a real one. We need sensible punishments and preventative measures that will actually reduce sexual predation, not just talk tough.

I am very disappointed that this bill weakens sound registration requirements and penalties by stacking them on fundamentally flawed provisions. It is my hope that sensible actions to protect our children are considered at the earliest possible date.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 3132, the Children's Safety Act of 2005. Once again, this Congress is attempting to address a very serious and complicated problem with a law that substitutes the talking points of "tough on crime" politicians for the wisdom of judges, prosecutors, treatment professionals and child advocates. As a father and someone who has fought for better foster care, education, and health care for children, I object to this ill-conceived legislation that is as much an attack on our independent judiciary as it is a bill to protect kids.

Many child advocates themselves oppose this bill because kids in grade school or junior high will be swept up alongside paroled adults in sex offender registries. Many caught in registries would be 13 and 14 year olds. In some States, children 10 and under would be registered.

This bill creates 36 new mandatory minimum sentences, which impose the judgment of Congress over every case, regardless of the circumstances. The Judicial Conference of the United States and the U.S. Sentencing Commission have found that mandatory minimums actually have the opposite of their intended effect. They "destroy honesty in sentencing by encouraging plea bargains." They treat dissimilar offenders in a similar manner, even though there are vast differences in the seriousness of their conduct and their danger to society. Judges serve a very important role in criminal justice, and Congress should not attempt to do their job for them.

Finally, this bill expands the death penalty, which is not a deterrent, costs more to implement than life imprisonment, and runs the risk of executing the innocent.

Nobody, especially the parents and victims of sexual abuse who have contacted me on this issue, should confuse my objections to this bad policy with indifference to the problem of child sex abuse in this country. It is a huge problem, affecting millions of American children. Recent news stories prove that the registry system isn't working well.

I support aspects of this bill, including a strengthened nationwide registry for pedophiles, with strict requirements for reporting changes of address and punishments for failing to report. I support establishing treatment programs for sex offenders in prison, background checks for foster parents, funding for computer systems to track sex crimes involving the Internet, and, at last resort, procedures for committing sexually dangerous persons to secure treatment facilities.

However, I cannot violate my constitutional duty to protect our independent judiciary nor can I support extreme, dangerous policies, so I will vote against this bill. I hope that, working with the Senate, we can improve this legislation and implement the policies that everyone agrees are needed without the unintended consequences of the bill in its current form.

Mr. SMITH of Texas. Mr. Chairman, I support H.R. 3132. It is an important bill that will help ensure the safety of American children against sexual predators.

In recent months we have heard all too often about the innocent lives of children being shattered by an adult who sexually abuses the child.

We are all familiar with the cases, some of which have been mentioned today, such as Jessica Lunsford who was kidnapped, held captive, abused and tortured for 3 days by a convicted sex offender who ultimately killed her by burying her alive.

And there was the case of 8-year-old Shasta Groene who was kidnapped, sexually abused, and held captive for weeks by a convicted sex offender who murdered her family.

These stories are atrocious and that is why Congress is acting to further protect American children with the Children's Safety Act.

The bill requires jurisdiction-wide sex offender registries containing information like where the sex offender resides and is employed or attends school. The bill requires a sex offender to appear in person at least once every 6 months to verify their registration information.

The bill also creates a new Federal crime for failure to register as a sex offender and sets the mandatory minimum for that offense at 5 years and a maximum of 20 years.

The bill sets other mandatory minimum sentences for crimes of violence against children like murder, kidnapping, maiming, aggravated sexual abuse, sexual abuse or where the crime results in serious bodily injury.

The statistics surrounding child sexual abuse are astonishing—1 in 5 girls and 1 in 10 boys are sexually exploited before they reach adulthood. And one of every six sexually assaulted victims is under the age of 6.

We must protect our children by every possible means. The Children's Safety Act of 2005 will help us do so and for that reason I support this legislation.

Mr. ROYCE. Mr. Chairman, I am a cosponsor of H.R. 3132, the Children's Safety Act. I would have voted "yes" on this legislation. However, I am in New York City on official business for the House of Representatives. I was appointed by Speaker Hastert as a delegate from the Committee on International Relations to serve as a representative to the United Nations General Assembly.

H.R. 3132 will help to address loopholes in current sex offender notification requirements, so that parents and the public can be armed with knowledge of any sex offenders living and working in their community. This legislation addresses a number of child crime issues, including registration of sex offenders, violent crimes against children, sexual crimes against children, sexual exploitation of children, and protection of foster and adopted children. The Children's Safety Act was drafted in response to the recent horrific attacks and murders of Jessica Lunsford, Sarah Lunde, Jetseta Gage, and others who have recently been killed by sex offenders. I strongly support this bill and look forward to it becoming law.

Mr. COSTA. Mr. Chairman, I rise today to speak in support of the Children's Safety Act. This legislation will close sexual offender registration loopholes and punish offenders who do not follow the law.

Sadly, every year hundreds of children are victimized by a convicted sexual offender. Convicted predators should be put in prison where they belong and kept away from our Nation's children. The Children's Safety Act, H.R. 3132, will do this. These tougher sentences will lock up repeat offenders and help keep our children safe. Because we know the recidivism rate of sexual offenders is very high, these longer sentences are crucial to protecting our children. We must hold these sexual offenders accountable and lock them up.

A National Sex Offender Registry, which is one of the components of the Children's Safety Act, will better enable us to protect our children. People have a right to know where sex offenders live and it is important for parents to have access to a national registry in order to make sure their children are safe.

In addition, to punishing sexual offenders and protecting our children, we must also provide services, resources and counseling to the people who are victims of these horrible crimes. Children need help healing the wounds caused by the heinous actions of sexual offenders. We must not forget their needs. Because the needs of victims are so crucial, I along with Congressman Ted Poe and Congresswoman Katherine Harris have formed the Victims' Rights Caucus. Through the caucus we draw attention to victim issues, work to protect funding that provides victims' services and introduce legislation to assist with victims. We must not forget the victims of crimes, especially when they are children.

Mr. GRAVES. Mr. Chairman, I rise today to speak in support of the Children's Safety Act of 2005. This legislation, if passed, will close the loopholes in the current system that allow sexual predators to evade law enforcement. It will enhance the current sex offender registration and community notification law. It will create a comprehensive national system for sex offender registration, improve information exchange between States when sex offenders move from State to State, and increase penalties for failing to comply with the registration law.

I would like to commend the Chairman for bringing this outstanding package to the floor today. I am very grateful that the Chairman has included several provisions from a bill that I introduced entitled the Sexual Predator Sentencing Act of 2005. These provisions would toughen several existing sentencing guidelines and keep sex offenders off the street.

Provisions incorporated from my bill will increase the criminal penalties and establish mandatory minimums for those that harm our children whether it is over the Internet or in person.

Strong laws that hold the criminal accountable are a vital component in the effort to protect children. Those who abduct children are often serial offenders who have already been convicted of similar offenses. Strong sentencing is an essential component in any effort to fight crimes against children.

This legislation contains many vital provisions in protecting our children from these violent predators. Our children must be protected against repeat sexual offenders. The Children's Safety Act of 2005 should be passed to keep sexual predators behind bars and our children safe.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 3132, the Children's Safety Act of 2005.

Mr. Chairman, as a father and a grandfather I am often reminded of the dangers that surround my loved ones. Specifically, the growing threat that sexual predators pose to our Nation's children and their families represents an area where our criminal justice system has failed the American people. In order to effectively protect our loved ones, we must provide the American public with unfettered access to know who these dangerous criminals are and where they are living. If a picture is worth a thousand words, then a comprehensive nationwide publicly accessible database is worth at least that many lives.

I was pleased that Chairman Sensenbrenner included provisions from my bill, H.R. 95, that would create a national, comprehensive, and publicly accessible sex offender database into this comprehensive piece of legislation. Additionally, I was delighted at the level of bi-partisanship that both my bill and today's legislation have received and I would like to personally thank Mr. Pomeroy from North Dakota for his leadership and support. Also, I would like to extend my gratitude to organizations like the Big Brothers and Big Sisters of America and the Safe Now Project for their endorsements of H.R. 95's national database provision.

H.R. 3132 directly addresses the shortcomings of our criminal justice system and aims to make our country safer and more secure from those that would prey on our most vulnerable and our most prized assets—our children. With over 500,000 registered sex offenders and countless others which remain unknown, law enforcement and corrections personnel will have additional resources at their disposal to prevent and solve these types of crimes. Additionally, this bill strengthens the criminal code for sexually violent crimes and creates more stringent regulations which convicted offenders must adhere to in order to ensure proper monitoring. Americans have heard the heart wrenching stories of innocent children being harmed by predators, and we must make every effort to ensure that tragedies like these never happen again.

Mr. Chairman, today we must come together to make certain that our children grow up in a safe and secure environment and that parents are unafraid to let their children play in the neighborhood because they have the information they need to protect them. Knowledge is power, and today we have an opportunity before us to supply the American public with the tools necessary to protect themselves, their family, and their friends against those that would commit these heinous crimes. I urge all of my colleagues to cast their vote in support of this legislation and collectively answer the American public's call to provide them with additional resources to combat these predators before another life is lost and tragedy befalls another family.

Mrs. MALONEY. Mr. Chairman, I rise today in support of H.R. 3132, the Children's Safety Act of 2005. I can think of few offenses more horrifying than sexually assaulting or abusing a child. Children are among our society's most vulnerable and it's up to us, the adults, to protect them.

We have all heard the tragic stories about young children being kidnaped, assaulted, and too often murdered by sexual offenders who in some cases have been living in the same neighborhoods as these kids. Tragically, many of these offenders have committed multiple crimes against children. According to the National Center for Missing and Exploited Children, more than 500,000 sex offenders are registered in the United States and as many as 100,000 sex offenders cannot be located by law enforcement. Statistics from the Bureau of Justice show that child molesters who are released from prison are more likely to be rearrested for child molestation than other sex and non-sex offenders. Approximately 3.3 percent of 4,300 released child molesters in 1994 were rearrested for another sex crime against a child within 3 years. For those who had more than one prior arrest for child molestation, 7.3 percent were likely to be rearrested for the same crime. And 24 percent of released offenders were reconvicted for a new offense, encompassing all types of crimes.

The legislation before us today would accomplish several critical objectives including requiring sex offenders to register more often and for longer periods of time, providing the public with access to more information on sex offenders, creating new penalties, and requiring DNA to be used to identify and prosecute sex offenders. However, I do share the concerns expressed by some of my colleagues regarding the limitations contained in the bill regarding the review of habeas corpus petitions by Federal courts.

I would like to thank Ranking Member CONYERS for offering an amendment today that is based on legislation that I have introduced, H.R. 1193, the "Hate Crime Statistics Improvement Act," which would require the Attorney General to collect data about gender-based hate crimes. With accurate data, local communities can identify gender-based hate crimes in their area and chart their progress toward eliminating them. Moreover, the inclusion of gender will send a strong message that gender-based hate crimes will not be tolerated. It is my understanding that Chairman SENSENBRENNER will accept this amendment, and I thank him as well.

We must be diligent in our efforts to protect children from those individuals who would steal their innocence, or worse, take their lives. I am hopeful that this legislation will enhance the efforts already in place so that parents and communities can take the necessary steps to ensure that their children will be safe.

Mr. PAUL. Mr. Chairman, as an OB–GYN who has had the privilege of bringing over 3,000 children into the world, I share the desire to punish severely those who sexually abuse children. In fact, it is hard to imagine someone more deserving of life in prison than one who preys on children. This is why I have supported legislation that increases penalties for sexual assaults on children occurring on Federal land.

However, Mr. Chairman, I cannot support this bill because it infringes on the States' constitutional authority over the prevention and punishment of sex crimes. The late Chief Justice William H. Rehnquist and former United States Attorney General Ed Meese, two men who no one has ever accused of being "soft on crime," have both warned that, although creating more Federal crimes may make politicians feel good, it is neither constitutionally sound nor prudent. Rehnquist has stated that, "[t]he trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system." Meese stated that Congress's tendency in recent decades to make Federal crimes out of offenses that have historically been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a nation governed mainly from Washington.

H.R. 3132 not only creates new Federal programs and crimes, it instructs the States to change their laws to conform with Federal dictates. This violates the Constitution, and can weaken law enforcement. For example, one of the provisions of the new law requires States include those convicted of misdemeanors in their sex offender registries. By definition, misdemeanors are nonserious crimes, yet under this legislation State officials must waste valuable resources tracking non-serious sex offenders—resources that should be going to tracking those who are more likely to represent a real threat to children.

Thus, once again we see how increasing the role of the Federal Government in fighting these crimes—even when it is well intended—only hamstrings local and State law enforcement officers and courts and prevents them from effectively dealing with such criminals as the locals would have them dealt with—harshly and finally.

Mr. Chairman, Congress could both honor the Constitution and help States and local governments protect children by using our power to limit Federal jurisdiction to stop Federal judges from preventing States and local governments from keeping these criminals off the streets. My colleagues should remember that it was a Federal judge in a Federal court who ruled that the death penalty is inappropriate for sex offenders. Instead of endorsing a bill to let people know when a convicted child molester or rapist is in their neighborhood after being released, perhaps we should respect the authority of State courts and legislators to give child molesters and rapists the life or even death sentences, depending on the will of the people of those States.

Just as the Founders never intended the Congress to create a national police force, they never intended the Federal courts to dictate criminal procedures to the States. The Founding Fathers knew quite well that it would be impossible for a central government to successfully manage crime prevention programs for as large and diverse a country as America. That is one reason why they reserved to the States the exclusive authority and jurisdiction to deal with crime. Our children would likely be safe today if the police powers and budgets were under the direct and total control of the States as called for in the Constitution.

Finally Mr. Chairman, this legislation poses a threat to constitutional liberty by taking another step toward creating even more Federal "hate crimes" laws. So called "hate crimes" add an extra level of punishment for the thoughts motivating a crime—as if murder or robbery motivated by "hate" is somehow more offensive than murder or robbery motivated by greed or jealously. Laws criminalizing thought, instead of simply criminalizing acts of aggression against persons and property, have no place in a free society.

In conclusion, Mr. Chairman, since H.R. 3132 further burdens State and local law enforcement with unconstitutional Federal mandates that may make it tougher to monitor true threats to children, I encourage my colleagues to reject this bill. Instead, I hope my colleagues will work to end Federal interference in State laws that prevent States from effectively protecting children from sexual predators.

Ms. SCHAKOWSKY. Mr. Chairman, I have asked for unanimous consent to be removed from the list of cosponsors on H.R. 3132. My name was added to the list unbeknownst to me and my staff due to a clerical mistake made by the House Judiciary Committee Majority Staff. For the record, I did not ask to be added to the list of cosponsors.

Sexual crimes against children are terrible and reprehensible acts. I believe that it is vital that we take every precaution to protect our children from sexual violence and that we punish those criminals who prey on our children. However, I stand today in opposition to H.R. 3132, the Children's Safety Act. While I support many of its provisions, I am concerned that this bill would expand the use of the death penalty, impose mandatory minimum sentences, and punish more young people as adults.

Although I believe that harsh penalties and aggressive prosecution of sex offenders are necessary, I oppose this bill because it would create at least two new death penalty provisions. I strongly oppose the death penalty because it is fraught with problems such as inadequate representation for the accused, lack of access to DNA testing, police misconduct, racial bias and other errors. Experts have found a national error rate of 68 percent, which means over two-thirds of all capital convictions and sentences are reversed because of serious error during trial or sentencing phase. In fact, former Illinois Governor Ryan declared a moratorium in 2000 after 13 people were released from death row because of innocence. The error rate in Illinois is 66 percent. Therefore, I believe capital punishment is inconsistent with Constitutional requirements of fairness, justice, equality and due process.

This bill would also create 36 new mandatory minimum sentences which are arbitrary, ineffective at reducing crime, and unfair. The United States Sentencing Commission found that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimums sentences with no evidence that mandatory minimum sentences had any more impact in reducing crime than sentences where the judges had discretion. Judges are exercising their discretion responsibly under advisory guidelines, and there does not appear to be an epidemic of judicial leniency. A proliferation of mandatory minimums is not the answer.

I agree that sexual abuse crimes against children are serious concerns today. Unfortunately, this bill takes the wrong approach. I am especially concerned that this bill allows for more youths to be tried as adults. For example, a 19-year-old who has consensual sex with a 17-year-old would be treated the same as an older adult predator of young children. The vast majority of children and teenagers show a high response rate to treatment and often do not become adult sex offenders. This bill would mandate lifetime sex offender registration for children and youth, and subject them to long prison sentences. Research shows that young people who are prosecuted as adults are more likely to commit a greater number of crimes upon release than youths who go through the juvenile justice system.

Representative CONYERS offered as an amendment to H.R. 3132, the provisions of H.R. 2662, the Local Law Enforcement Hate Crimes Prevention Act. I am an original cosponsor of H.R. 2662, and strongly supported this amendment to H.R. 3132. This legislation would make it easier for the federal government to investigate, prosecute and prevent hate crimes across the country. And I hope it is enacted.

It is the responsibility of Congress to the young people of this nation and to all citizens to combat violence against children. Unfortunately, this bill takes us in the wrong direction. 33 scientific researchers, treatment professionals and child advocates have written to express their opposition or serious concerns with this bill. Although this bill included the provisions of H.R. 2662, which I strongly support, I oppose H.R. 3132 because it would treat youths as adult criminals and lead to a potential increase in the number of innocent people being executed or languishing in prison.

Mr. TIAHRT. Mr. Chairman, I rise today in support of the Children's Safety Act. We have heard heart-wrenching accounts of the devastating effects, both immediate and long-term, of sexual abuse and it is time we pass legislation that would help prevent further cases of abuse.

It is vital that sex offenders are required by law to report to law enforcement nationwide once they move residences. Our children are at risk when these felons are unaccounted for. With a National Sex Offender Registry in place and freely accessible to the public, American families will be safer and parents can further protect their children from sexual predators. We have heard of too many victims that suffered through the horrible acts of sexual abuse by a convicted sex offender who failed to update their registration with the sex offender registry. Too many times sexual offenders have moved out of state and left their hurtful past only to commit the same crimes. Too many times sexual offenders have been released from prison after serving a term for sexual abuse only to disappear because they were never forced to register. Too often parents have found out after the attack that a neighbor or friend has a history of sexual abuse.

The Children's Safety Act would give additional tools to our citizens and law enforcement to track offenders and prevent additional attacks. By expanding the coverage of sex offenders to include any felony sex offender and misdemeanor sex offenses and possession of child pornography, we will be giving our parents and our police the additional information so they are proactive on preventing sexual attacks. The Children's Safety Act also puts into law more common sense, that sex offenders should be forced to register before they are released from prison. And the Children's Safety Act allows states to increase the amount of information that they post on the Nation Sex Offender Registry so families and law enforcement officials can keep track of these predators.

I am disappointed that this bill was brought to the floor of the House with an amendment expanding federal hate-crimes protections. I voted AGAINST this amendment, but supported the bill to further protect our children against sexual predators, under the assurance the "hate crimes" amendment would not survive the Conference between the House and the Senate as was the case last year with the Defense Department Authorizations Bill. The amendment would federalize local crimes if the suspected motive is animosity toward homosexuals or transgenders. While I strongly abhor bigotry and discrimination, hate-crime legislation would require the government to provide for more punishment for any given violent crime or physical assault simply because the government decided that the motive for the crime was more heinous than another. Every citizen must be afforded the same amount of protection and fairness provided for under the law; however, none must be given a "special" status. Individuals caught committing a crime must understand that conviction will be certain, sentencing will be swift and punishment will be severe—and now with the passage of the Children's Safety Act, sex offenders will be held to more strict punishment and limitation.

Ensuring the security of our citizens, and especially our children, should be the primary focus of government. The Children's Safety Act helps meet this entrusted obligation, and I am proud to cast my vote in support of this measure.

Mr. SCOTT of Virginia. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in that portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 3132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Safety Act of 2005".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.
Sec. 102. Declaration of purpose.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.
Sec. 112. Registry requirements for jurisdictions.
Sec. 113. Registry requirements for sex offenders.
Sec. 114. Information required in registration.
Sec. 115. Duration of registration requirement.
Sec. 116. In person verification.
Sec. 117. Duty to notify sex offenders of registration requirements and to register.
Sec. 118. Jessica Lunsford Address Verification Program.
Sec. 119. National Sex Offender Registry.
Sec. 120. Dru Sjodin National Sex Offender Public Website.
Sec. 121. Public access to sex offender information through the Internet.
Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.
Sec. 123. Actions to be taken when sex offender fails to comply.
Sec. 124. Immunity for good faith conduct.
Sec. 125. Development and availability of registry management software.
Sec. 126. Federal duty when State programs not minimally sufficient.
Sec. 127. Period for implementation by jurisdictions.
Sec. 128. Failure to comply.
Sec. 129. Sex Offender Management Assistance (SOMA) Program.
Sec. 130. Demonstration project for use of electronic monitoring devices.
Sec. 131. Bonus payments to States that implement electronic monitoring.
Sec. 132. National Center for Missing and Exploited Children access to Interstate Identification Index.
Sec. 133. Limited immunity for National Center for Missing and Exploited Children with respect to CyberTipline.

Subtitle B—Criminal law enforcement of registration requirements

Sec. 151. Amendments to title 18, United States Code, relating to sex offender registration.
Sec. 152. Investigation by United States Marshals of sex offender violations of registration requirements.
Sec. 153. Sex offender apprehension grants.
Sec. 154. Use of any controlled substance to facilitate sex offense.
Sec. 155. Repeal of predecessor sex offender program.

TITLE II—DNA FINGERPRINTING

Sec. 201. Short title.

Sec. 202. Expanding use of DNA to identify and prosecute sex offenders.

Sec. 203. Stopping Violent Predators Against Children.

Sec. 204. Model code on investigating missing persons and deaths.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

Sec. 301. Short title.

Sec. 302. Assured punishment for violent crimes against children.

Sec. 303. Ensuring fair and expeditious Federal collateral review of convictions for killing a child.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN ACT OF 2005

Sec. 401. Short title.

Sec. 402. Increased penalties for sexual offenses against children.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

Sec. 501. Short title.

Sec. 502. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and state child abuse registries; suspension and subsequent elimination of opt-out.

Sec. 503. Access to Federal crime information databases by child welfare agencies for certain purposes.

Sec. 504. Penalties for coercion and enticement by sex offenders.

Sec. 505. Penalties for conduct relating to child prostitution.

Sec. 506. Penalties for sexual abuse.

Sec. 507. Sex offender submission to search as condition of release.

Sec. 508. Kidnapping penalties and jurisdiction.

Sec. 509. Marital communication and adverse spousal privilege.

Sec. 510. Abuse and neglect of Indian children.

Sec. 511. Civil commitment.

Sec. 512. Mandatory penalties for sex-trafficking of children.

Sec. 513. Sexual abuse of wards.

The CHAIRMAN. Are there amendments to section 1? The Clerk will designate title I.

The text of title I is as follows:

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Sex Offender Registration and Notification Act".

SEC. 102. DECLARATION OF PURPOSE.

In response to the vicious attacks by violent sexual predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of sex offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) SEX OFFENDER REGISTRY.—The term "sex offender registry" means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(2) JURISDICTION.—The term jurisdiction means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Somoa.

(F) Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) A federally recognized Indian tribe.

(3) AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION.—The term "sex offender" means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated a juvenile delinquent for, an offense (other than an offense involving sexual conduct where the victim was at least 13 years old and the offender was not more than 4 years older than the victim and the sexual conduct was consensual, or an offense consisting of consensual sexual conduct with an adult) whether Federal, State, local, tribal, foreign (other than an offense based on conduct that would not be a crime if the conduct took place in the United States), military, juvenile or other, that is—

(A) a specified offense against a minor;

(B) a serious sex offense; or

(C) a misdemeanor sex offense against a minor.

(4) EXPANSION OF DEFINITION OF OFFENSE TO INCLUDE ALL CHILD PREDATORS.—The term "specified offense against a minor" means an offense against a minor that involves any of the following:

(A) Kidnapping (unless committed by a parent).

(B) False imprisonment (unless committed by a parent).

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Possession, production, or distribution of child pornography.

(G) Criminal sexual conduct towards a minor.

(H) Any conduct that by its nature is a sexual offense against a minor.

(I) Any other offense designated by the Attorney General for inclusion in this definition.

(J) Any attempt or conspiracy to commit an offense described in this paragraph.

(5) SEX OFFENSE.—The term "sex offense" means a criminal offense that has an element involving sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

(6) SERIOUS SEX OFFENSE.—The term "serious sex offense" means—

(A) a sex offense punishable under the law of a jurisdiction by imprisonment for more than one year;

(B) any Federal offense under chapter 109A, 110, 117, or section 1591 of title 18, United States Code;

(C) an offense in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note);

(D) any other offense designated by the Attorney General for inclusion in this definition.

(7) MISDEMEANOR SEX OFFENSE AGAINST A MINOR.— The term "misdemeanor sex offense against a minor" means a sex offense against a minor punishable by imprisonment for not more than one year.

(8) STUDENT.—The term "student" means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(9) EMPLOYEE.—The term "employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.

(10) RESIDES.—The term "resides" means, with respect to an individual, the location of the individual's home or other place where the individual lives.

(11) MINOR.—The term "minor" means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue and interpret guidelines to implement the requirements and purposes of this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) IN GENERAL.—A sex offender must register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.

(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender must inform each jurisdiction involved, not later than 5 days after each change of residence, employment, or student status.

(d) RETROACTIVE DUTY TO REGISTER.—The Attorney General shall prescribe a method for the registration of sex offenders convicted before the enactment of this Act.

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) PROVIDED BY THE OFFENDER.—The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address and location of the residence at which the sex offender resides or will reside.

(4) The place where the sex offender is employed or will be employed.

(5) The place where the sex offender is a student or will be a student.

(6) The license plate number of any vehicle owned or operated by the sex offender.

(7) A photograph of the sex offender.

(8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.

(9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.

(10) Any other information required by the Attorney General.

(b) Provided by the Jurisdiction.—The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

(1) A statement of the facts of the offense giving rise to the requirement to register under this title.

(2) The criminal history of the sex offender.

(3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current—

(1) for the life of the sex offender, if the offense is a specified offense against a minor, a serious sex offense, or a second misdemeanor sex offense against a minor; and

(2) for a period of 20 years, in any other case.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person and verify the information in each registry in which that offender is required to be registered not less frequently than once every six months.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) Establishment.—There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the "Program").

(b) Verification.—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than monthly or, in the case of a sex offender required to register because of a misdemeanor sex offense against a minor, not less than quarterly.

(c) Use of Mailed Form Authorized.—Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The date of the mailing may be selected at random. The sex offender must return the form, including a notarized signature, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) Establishment.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the "Website").

(b) Information to Be Provided.—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

(c) Electronic Forwarding.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions, unless the Attroney General determines that each jurisdiction has so modified its sex offender registry and notification program that there is no longer a need for the Attorney General to do.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

Each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender's Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) Establishment of Program.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program (hereinafter in this section referred to as the "Program").

(b) Notification.—In the Program, as soon as possible, and in any case not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State and local law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such State and local law enforcment agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

Law enforcement agencies, employees of law enforcement agencies and independent contractors acting at the direction of such agencies, and officials of jurisdictions and other political subdivisions shall not be civilly or criminally liable for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize a one-year extension of the deadline.

SEC. 128. FAILURE TO COMPLY.

(a) In General.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) Byrne.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) LLEBG.—The Local Government Law Enforcement Block Grants program.

(b) Reallocation.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) In General.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the "SOMA program") under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) Application.—The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) Bonus Payments for Prompt Compliance.—A jurisdiction that, as determined by the Attorney General, has implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. Such payment shall be made under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) Authorization of Appropriations.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) Project Required.—The Attorney General shall carry out a demonstration project

under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) USE OF FUNDS.—The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) PARTICIPANTS.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) FACTORS.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(e) DURATION.—The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) REPORTS.—The Attorney General shall submit to Congress an annual report on the demonstration project. Each such report shall describe the activities carried out by each participant, assess the effectiveness of those activities, and contain any other information or recommendations that the Attorney General considers appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.

(a) IN GENERAL.—A State that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) ELECTRONIC MONITORING LAWS AND POLICIES.—

(1) IN GENERAL.—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a State sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) MONITORING REQUIRED.—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person's location and timely reports or records the person's presence near or within a crime scene or in a prohibited area or the person's departure from specified geographic limitations.

(3) DURATION.—The electronic monitoring required by paragraph (1) shall be required of the person—

(A) for the life of the person, if—

(i) an individual who has not attained the age of 12 years is the victim; or

(ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) STATE REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN STATE.—In addition, laws and policies referred to in subsection (a) also includee laws and policies that ensure that the State frequently monitors each person residing in the State for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) BONUS PAYMENTS.—The bonus payment referred to in subsection (a) is a payment equal to 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) LLEBG.—The Local Government Law Enforcement Block Grants program.

(d) DEFINITION.—In this section, the term "State sex offense" means any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by the following:

(1) A specified offense against a minor.

(2) A serious sex offense.

SEC. 132. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure that the National Center for Missing and Exploited Children has access to the Interstate Identification Index, to be used by the Center only within the scope of its duties and responsibilities under Federal law. The access provided under this section shall be authorized only to personnel of the Center that have met all the requirements for access, including training, certification, and background screening.

(b) IMMUNITY.—Personnel of the Center shall not be civilly or criminally liable for any use or misuse of information in the Interstate Identification Index if in good faith.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

"(g) LIMITATION ON LIABILITY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action for damages directly related to the performance of its CyberTipline responsibilities and functions as defined by this section.

"(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

"(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.".

Subtitle B—Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

"CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

"Sec.
"2250. Failure to register.

"§ 2250. Failure to register

"Whoever receives a notice from an official that such person is required to register under the Sex Offender Registration and Notification Act and—

"(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

"(2) thereafter travels in interstate or foreign commerce, or enters or leaves Indian country;

and knowingly fails to register as required shall be fined under this title and imprisoned not less than 5 years nor more than 20 years.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

"109B. Sex offender and crimes against children registry .... 2250".

(c) FALSE STATEMENT OFFENSE.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: "If the matter relates to an offense under chapter 109A, 109B, 110, or 117, then the term of imprisonment imposed under this section shall be not less than 5 years nor more than 20 years."

(d) PROBATION.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

"(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and".

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)", by striking "described in section 4042(c)(4)" and all that follows through the end of the sentence and inserting "required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act."

(2) in subsection (k)—

(A) by striking "2244(a)(1), 2244(a)(2)" and inserting "2243, 2244, 2245, 2250";

(B) by inserting "not less than 5," after "any term of years"; and

(C) by adding at the end the following: "If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, not less than 10 years." .

(f) DUTIES OF BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

"(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.".

(g) CONFORMING AMENDMENT OF CROSS REFERENCE.—Paragraph (1) of section 4042(c) of title 18, United States Code, is amended by striking "(4)" and inserting "(3)".

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

SEC. 152. INVESTIGATION BY UNITED STATES MARSHALS OF SEX OFFENDER VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall use the authority provided in section 566(e)(1)(B) of title 28, United States Code, to assist States and other jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

“PART JJ—SEX OFFENDER APPREHENSION GRANTS

“SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

“(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

“(b) COVERED ACTIVITIES.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

“SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.”.

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE.

(a) INCREASED PUNISHMENT.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

“§2249. Use of any controlled substance to facilitate sex offense

“(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not less than 10, or for life.

“(b) As used in this section, the term ‘sex offense’ means an offense under this chapter other than an offense under this section.”.

(b) AMENDMENT TO TABLE.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

“2249. Use of any controlled substance to facilitate sex offense.”.

SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

AMENDMENT NO. 27 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. SENSENBRENNER:

Page 11, line 2, after “jurisdiction” insert “, other than a Federally recognized Indian tribe”.

Page 27, line 5, insert “, or resides in,” after “enters or leaves”.

Page 6, line 22, strike “A” and insert “To the extent provided and subject to the requirements of section 126, a”.

Page 6, line 19, strike “Somoa” and insert “Samoa”.

Page 6, line 20, insert “The” before “Northern”.

Page 10, line 4, strike “and interpret”.

Page 10, line 5, strike “to implement the requirements and purposes of” and insert “and regulations to interpret and implement”.

Page 12, line 23, after “years” insert “(but such 20-year period shall not include any time the offender is in custody or civilly committed)”.

Page 16, line 15, after “jurisdiction” insert “where the sex offender resides, works, or attends school, and each jurisdiction”.

Strike section 124 and insert the following:

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Page 18, beginning in line 7, strike “a one-year extension” and insert “up to two one-year extensions”.

Page 19, line 3, after “title” insert “or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title”.

Page 25, beginning in line 14, strike “for damages directly related to” and insert “arising from”.

Page 26, beginning in line 20, strike “receives a notice from an official that such person”.

Page 27, line 16, insert “or section 1591,” after “117,”.

Page 29, line 3, insert “or section 1591,” after “117,”.

Page 29, strike lines 14 through 17 and insert the following:

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended by striking “(4)” and inserting “(3)”.

Page 10, line 26, after “Act” insert “or its effective date in a particular jurisdiction”.

Page 19, after line 3, insert the following:

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute only conditions required to avoid the reduction of Federal funding under this section.

Page 11, line 20, after “plate number” insert “and description”.

Page 26, after line 7, insert the following:

SEC. 135. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(f) SEX OFFENDER MANAGEMENT.—

“(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

“(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

“(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

“(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.”.

At the end of title I, insert the following:

SEC. 155. ASSISTANCE FOR PROSECUTIONS OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help investigate and prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 156. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

Page 15, line 13, strike “Each” and insert “(a) IN GENERAL.—Except as provided in subsection (b), each”.

Page 15, after line 19, insert the following:

(b) EXCEPTION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a sex offender required to register for committing a misdemeanor sex offense against a minor who has attained the age of 16 years.

Page 8, line 15, insert “a” before “sexual act”.

Page 12, line 13, insert “, including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense” before the period.

Page 5, after line 23, insert the following:

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

Page 24, beginning in line 7, strike “in a range” and all that follows through “by” in line 9 and inserting “that is one of”.

Page 21, after line 15, insert the following (and redesignate succeeding subsections accordingly):

(f) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) ONE-TIME REPORT AND RECOMMENDATIONS.—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

Mr. SENSENBRENNER. Mr. Chairman, I rise to offer an amendment to the bill which makes a number of technical changes and substantive improvements to title I of the bill dealing with the sex offender registration and notification requirements and related issues. Let me briefly summarize some of the most important provisions.

First, the amendment includes a requirement that the Bureau of Prisons provide adequate treatment programs for sex offenders in all six of the regions and that they have adequate access to treatment in both residential and nonresidential programs.

Second, the amendment authorizes grants to States for prosecution of cases solved by DNA evidence. With the overwhelming passage of the Justice for All Act last Congress, this body recognized that DNA is a valuable tool for solving crimes. The amendment incorporates the proposal by the gentleman from California (Mr. GALLEGLY) which will further assist States in hiring more prosecutors and investigators for cases solved by DNA evidence.

Third, the amendment includes proposals contained in H.R. 3687, offered by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from Texas (Mr. POE), and specifically authorizes technical assistance grants to improve the quality of criminal investigation and prosecution of child abuse cases.

Fourth, the amendment expands on the pilot program for electronic monitoring programs for sex offenders. As technology develops, we need to use tracking technologies to monitor sex offenders' locations and movements so that the public can be protected and law enforcement can intervene before another tragic attack against a child occurs.

Mr. Chairman, I urge my colleagues to support this amendment in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. SENSENBRENNER:

Page 26, after line 7, insert the following:

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF HURRICANE KATRINA.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of Hurricane Katrina.

Mr. SENSENBRENNER. Mr. Chairman, I rise to offer this amendment to respond to the law enforcement problems being faced by Louisiana, Mississippi, Alabama, Texas, and other States as a result of the devastation from Hurricane Katrina.

It is estimated that at least 15,000 sex offenders have been relocated from the affected area as a part of disaster relief efforts. Criminal records and sex offender information are, in many cases, not available to law enforcement or the community to track these offenders as they move to new areas. But this is just the tip of the iceberg.

It has been reported by the Texas Department of Justice, for example, that the State is experiencing significant increases in violent crime. There are 1,350 sex offenders unaccounted for in Houston alone after being evacuated from Louisiana. The parole department in Louisiana has no idea where these people are and can provide no identifying information, fingerprints or photos.

Reports also indicate that crimes against children in Texas shelters are rising. These States are in desperate need of Federal assistance. My amendment does just that by directing the Justice Department to provide technical assistance to help law enforcement in these areas and to identify sex offenders who have been relocated.

It is critical we protect our children while disaster relief is being provided, and I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

PERMISSION TO OFFER AMENDMENTS NO. 4 AND 7 DURING CONSIDERATION OF TITLE III

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to consider amendments No. 4 and 7, preprinted in the CONGRESSIONAL RECORD, when we call up title III. These amendments primarily affect title III. However, there is a little portion that affects title I.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENT NO. 18 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. CUELLAR:

Page 11, line 4, after the comma insert "and a minimum term of imprisonment that is no less than 90 days,".

Mr. CUELLAR. Mr. Chairman, I rise in support of the Children's Safety Act; and I offer this amendment, which I believe is acceptable to the Chair and which I believe also is in the best interest of our communities.

Today, Mr. Chairman, we consider a bill that sets serious penalties for sex offenders. I want to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for bringing this bill up; and of course I also want to thank the ranking members, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT), for considering this bill and the amendments.

Mr. Chairman, we all agree such offenses are tragic, with effects that scar victims for a lifetime. I am proud this body is considering tough legislation that punishes sex offenders who prey upon youth and innocence.

The sex offender registry is a critical tool that helps protect our communities from sexual predators. It allows local law enforcement officers and probation and parole authorities to keep current information about the residence, work, and student information of a sex offender.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding. I will be happy to accept his amendment. I think it makes a useful addition to the bill.

Mr. SCOTT of Virginia. Mr. Chairman, I would incorporate by reference the comments I have made on mandatory minimums, and I think it would apply to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. GIBBONS:

Page 26, after line 7, insert the following new section (and redesignate succeeding sections, and conform the table of contents, accordingly):

SEC. 134. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal

law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

Mr. GIBBONS. Mr. Chairman, our Nation has a solemn responsibility to protect the most innocent among us, our children. The Children's Safety Act of 2005, introduced by our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), will help to ensure that sex offenders are registered properly and that they maintain their registration wherever they reside.

I originally sought to offer an amendment to this important bill that would have required States to ensure that sex offenders are properly registered before they are issued a driver's license and in doing so mandate that their license would have to be renewed every single year. The State of Nevada passed a law earlier this year that does just that.

The purpose of such a requirement is to add another layer of protection for the children and families of our communities. In short, if a sex offender refuses to keep their registration current, which is now a problem facing too many States, then he would be unable to obtain a legal driver's license. This means that the sex offender is at risk at any time of being caught driving without a license and arrested.

I think that this threat can serve as a useful deterrent and encourage sex offenders to maintain their registration—in fact, improving the registration compliance rate of these offenders.

In a State where over 30 percent of sex offenders are non-compliant and lost in the system, we took these very same steps in Nevada to ensure a greater compliance rate.

We simply must do everything we can to protect our children and prevent sexual crimes against them.

I am proud that Nevada is a leader in this Nation in having modern, efficient computer systems that will allow it to implement this licensing procedure.

Unfortunately, several other States have not yet fully updated their DMV and criminal registry systems.

As a result, concerns have been raised regarding the cost on other States of such a system, and these concerns should be addressed.

In consideration of these concerns, my amendment today will require the GAO to study the feasibility and costs of this driver's license requirement.

This amendment also will require the GAO to study what type of Federal grant program may be needed to assist the States with implementing this requirement.

This study will also seek the opinions and expertise of Federal and State law enforcement to ensure that this additional reform of our sex offender laws assists them in protecting our children.

Finally, my amendment calls on the GAO to study the effectiveness of Nevada's State law so that Congress and this Nation can learn from my State how this system might work on a national level and how we can do a better job in monitoring sex offenders.

Since I think that it is prudent for all States to follow Nevada's lead, I will also introduce stand-alone legislation today that will require States to begin implementing Nevada's driver's license requirement.

However, I understand the importance of ensuring appropriate resources are provided, and will work with Mr. SENSENBRENNER to study this issue so we can move forward in implementing these regulations to protect our children and prevent these horrible crimes.

I look forward to gathering the necessary information and finding a legislative solution that will not put an undue burden on our States, but will ensure the safety of our children.

I want to thank the chairman and his staff for working with me on this issue.

Finally, I want to close by expressing my thanks to George Togliatti, Director of the Nevada Department of Public Safety and to Donna Coleman, member of Demanding Justice for America's Children.

They both have worked tirelessly with my office to ensure that Nevada's children are protected.

Mr. Chairman, I ask my colleagues to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, as with the previous amendment, I believe this amendment also improves the bill, and I would urge support of it.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment and would just point out that this requirement for a driver's license just adds another little "gotcha" for which someone could be subjected to a 5-year mandatory minimum and, therefore, would oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. GIBBONS).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. CONYERS:

At the end of title I, add the following new subtitle:

Subtitle C—Children's Safety Office

SEC. 171. ESTABLISHMENT.

There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Children's Safety Office.

SEC. 172. PURPOSE.

The purpose of the Office is to administer the sex offender registration program under subtitle A and to coordinate with other departments, agencies, and offices in preventing sexual abuse of children, prosecuting child sex offenders, and tracking child abusers post-conviction .

SEC. 173. DIRECTOR.

(a) ADVICE AND CONSENT.—At the head of the Office shall be a Director, appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the Attorney General.

(b) QUALIFICATIONS.—The Director shall be appointed from among distinguished individuals who have—

(1) proven academic, management, and leadership credentials;

(2) a superior record of achievement; and

(3) training or expertise in criminal law or the exploitation of children, or both.

(c) DUTIES.—The Director shall have the following duties:

(1) To maintain liaison with the judicial branches of the Federal and State Governments on matters relating to children's safety from sex offenders.

(2) To provide information to the President, the Congress, the Judiciary, State and local governments, and the general public on matters relating to children's safety from sex offenders.

(3) To serve, when requested by the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to children's safety from sex offenders.

(4) To provide technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to sexual assaults against children, including the litigation of civil and criminal actions relating to enforcing such laws; and

(B) other Federal, State, and local agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate sexual assaults against children.

(5) To exercise such other powers and functions as may be vested in the Director pursuant to this or any other Act or by delegation of the Attorney General in accordance with law.

(6) To establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

(7) To oversee—

(A) the grant programs under subtitle A; and

(B) any other grant programs of the Department of Justice to the extent they relate to sexual assaults against children.

SEC. 174. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year for which grants are made under subtitle A, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State or other jurisdiction—

(1) the number of grants made and funds distributed under subtitle A;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under subtitle A.

SEC. 175. STAFF.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the responsibilities of the Director.

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 177. NONMONETARY ASSISTANCE.

In addition to the assistance provided under subtitle A, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts consistent with the purposes of this title.

Mr. CONYERS. Mr. Chairman, my amendment creates a national Office of Children's Safety within the Department of Justice, which would be run by a Presidential appointment and would report to the Attorney General. The director's duties would be to track State compliance with new registration requirements in the bill and report back to Congress on their progress. It would coordinate the Federal Government's response to the sexual abuse of minors and provide expertise and resources for the unique crime of child sexual abuse to States, local, and Federal authorities.

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It is important that this amendment, if accepted, be run by someone qualified for the job. The FEMA incident illustrates this part of the provision.

The large number of sexually exploited children in this country is certainly an emergency. That is why I ask my colleagues to support this amendment to ensure our Department of Justice makes combating the exploitation of children one of its highest priorities.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a constructive addition to the bill. It might need a little fine-tuning regarding the structure of the office, but we can do that in conference. I urge the House to accept the amendment.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his acceptance of the amendment. I would be happy to work on any suggested improvements to the amendment.

I think we have special offices in the Department of Justice concerning Violence Against Women and Cops on the Beat programs, and I think our children deserve no less.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. CONYERS:

At the end of title I, add the following new section (and conform the table of contents accordingly):

SEC. 1____. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

Mr. CONYERS. Mr. Chairman, while there are many different grant programs in the Department of Justice providing resources for initiatives fighting violent or sexual assault, we have not found any that are directly and specifically at local law enforcement's ability to protect children from sexual predators.

This provision takes an important step to make sure that after offenders are prosecuted and released, they are registered and made publicly known. However, it does nothing to prevent the abuse from happening in the first place, nor does it help officers investigate and track down offenders after complaints. So this amendment would not only help fund local sheriff and police units, implementation and enforcement of the registration, but would provide funds to make sure that local units have the resources necessary to pursue child abusers, including additional staff, training of existing personnel, and computers and software necessary to investigate predators who find children over the Internet.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this amendment sounds good to me, and I am happy to accept this amendment as well.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his consideration.

There are few needs as pressing as the importance of stopping the sexual abuse of children, and I appreciate the fact that we are providing special grant programs for prescription drug abuse, telemarketing fraud; and now we can find a way to fund programs to protect the most vulnerable in our society, our children. I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. POE:

At the end of title I, add the following new section (and amend the table of contents accordingly):

SEC. ___. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

Mr. POE. Mr. Chairman, I rise today with my colleague, the gentleman from California (Mr. SCHIFF), to offer this training technology amendment.

The training and technology amendment addresses several key issues for law enforcement throughout the country when dealing with Internet crime against children. These crimes committed against children on the Internet are facilitated by the latest technologies and advances in computers and the Internet.

Without properly equipping law enforcement, these cases will not be investigated and prosecuted effectively, allowing many predators to slip through the cracks in our criminal justice system. Furthermore, many cases involving exploitation and enticement of children on the Internet cross jurisdictional lines and even international boundaries. There is a great need for law enforcement prosecutors and investigators to have the ability to share information quickly as cases unfold.

To address these needs, the training and technology amendment funds the Department of Justice $3 million to do two things:

(1) Train law enforcement to use the most up to date technology while investigating and collecting evidence from a suspected internet predator—for example, recovering files from hard drives of suspected child pornographers.

(2) Provide hardware and training to use software that Microsoft is developing and donating to the Department of Justice. A similar project has successfully been implemented in Canada. The software would link Office of Juvenile Justice and Delinquency Preventions' 46 regional Internet Crimes Against Children Units with one database. This will allow law enforcement across the country and even internationally to work together and share information on cases that cross jurisdictions.

In order for the Child Safety Act to be successfully implemented, law enforcement must be equipped and trained to meet the challenges of investigating cases involving advanced technological tools. I urge my colleagues to support this important amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. POE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe the gentleman has an instructive amendment, and I am prepared to support it.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

I join in support of the amendment. It is money that will be extremely well spent and actually deals with the problem. I thank the gentleman for introducing the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. INGLIS of South Carolina:

Page 27, line 7, strike "not less than 5 years nor".

Page 27, lines 17 through 18, strike "not less than 5 years nor".

Mr. INGLIS of South Carolina. Mr. Chairman, I rise in support of the bill, but hopeful that we can make it even a little bit better. The thrust of the bill is clearly a good idea. We need a national registration for sex offenders. We need to make it with teeth, and that is why I support the underlying bill.

There is, however, this issue of mandatory minimums in the bill. I am a member of the Committee on the Judiciary, and I have said there that I am more uncomfortable than ever with our use of mandatory minimums. We have a coherent system of sentencing called the sentencing guidelines. We have people who thought very carefully about how it would be that rape, for example, would compare with bank robbery and how that would compare with cashing bad checks, and so they came up with a system.

Into that system have come some reactions from Congress to particularly heinous crimes. The result is sort of a patchwork of mandatory minimums that disrupt the coherent system established by the sentencing guidelines. So here today we have a bill before us that has a particularly dangerous mandatory minimum when it comes to the situation of someone failing to register.

Now, I think it is pretty confusing when you move from State to State. In fact, it is quite often the case that you send your possessions on ahead in a moving van; and the question is when did you move from California to Ohio, was it when the moving van got there, or was it when you took the first flight from California to Ohio, but then you returned to California to get the rest of your possessions and drove back. When did you move to Ohio?

Under this bill as it is right now, if you fail to register, you have a mandatory minimum. I think the mandatory minimum in this case is particularly inappropriate. In fact, Mr. Chairman, it is a 5-year mandatory minimum. So the hypothetical I just posed of somebody moving from California to Ohio, the moving truck is there, they fly out twice to Ohio, and finally they are moved, if they do not register in a timely fashion, and it is a very brief time they have to register, then what happens is they must go off to jail for 5 years. This is somebody who has not committed another offense. If they commit another offense, there are mandatory minimums that handle that.

This is a failing to register, which is an important thing. It is very important that we register, but it seems to me that this is a classic case of where we should give judges discretion within the sentencing guidelines to deal with exactly the hypothetical I have just described. Let the judge decide, well, the person actually did move to Ohio on that second trip and when they moved, they failed to register. But maybe they had an appendectomy. If they did, give them some time, give them some grace because they were clearly attempting to comply with the law.

On the other hand, the judge could hear this person was not attempting to comply with the law. They were flouting the layout; and if they were, he gives them some time.

The amendment here would simply strike the 5-year minimum and make it so that it could be up to a maximum of 20 years. So a judge could still send the flagrant violator, the person who has failed to register, off to jail for a good long time because registration is crucial to the underlying nature of this bill.

So I support the bill, and I hope that we can improve it by eliminating what could be manifest injustice with a mandatory minimum that is unchangeable by a judge, a judge who can see the circumstances. Of course that requires some trust in the judges, but I am thinking we can do that. At least in South Carolina, we have good judges, judges who make decisions that seem to be consistent with the spirit of this law.

If jurisdictions have judges who do not do that, perhaps there should be some pressure brought to bear on these judges and, in fact, impeachments if those judges consistently violate the sentencing guidelines. But let us let the system work; let us let the Constitution work and respect the judiciary and respect the competence of the people that the U.S. Senate confirms. We have a confirmation hearing going on right now where we are confirming, I hope, somebody who is clearly a capable jurist. When he is on that Court, we should defer to him because he is a coequal branch of the Federal Government.

So my amendment is very simple. It strikes the mandatory minimum in the case of failing to register. I hope my colleagues will support it.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment deletes the 5-year mandatory minimum sentence for a sex offender who crosses State lines to fail to register in the new State and also deletes the 5-year mandatory minimum for making false statements in a sexual abuse investigation.

Let me say that the whole issue of the sentencing guidelines has been a very vexatious one. Earlier this year, the Supreme Court decided two cases that made the sentencing guidelines only advisory, rather than mandatory. So if this amendment is adopted, judges will be given the power to place on probation those who were convicted of not registering in a new State or making a false statement to law enforcement relative to a sexual abuse investigation.

I do not think that probation is advisable in these instances, and that is why this amendment should be defeated.

The most significant enforcement issue that exists today in the sex offender program is that over 100,000 sex offenders, or nearly one-fifth in the Nation, are "missing," meaning they have not complied with the sex offender registration requirements. This typically occurs when the sex offenders move from one State to another.

To ensure compliance with the registration requirements, States are required to inform the sex offender of his or her obligations and obtain a signed form indicating he or she understands those obligations and will comply with them. In order to address the problem of the missing sex offenders, that is, those who fail to comply with moving from one State to another, sex offenders will now face Federal prosecution with a mandatory minimum of 5 years.

The combination of incentives for the sex offender to comply and stiff criminal penalties and additional law enforcement resources to focus on this problem should help address the overwhelming number of noncomplying or "missing" sex offenders in our community.

The 5-year mandatory minimum penalty is a critical component of this new enforcement scheme, and this amendment punches a hole in that enforcement scheme and allows a loophole to have the current situation continue to fester. The mandatory minimum applies for a knowing violation that will help ensure that sex offenders comply with all registration requirements.

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Never again should our communities have to suffer from the fear of unidentified sex offenders in their communities, their schools, and their youth organizations.

Similarly, the 5-year mandatory minimum for false statements made during a sexual abuse investigation is critical. The facts surrounding the Jessica Lunsford case in Florida demonstrate that time is of the essence and false statements can make the difference between life and death of a missing child.

In the Lunsford case, three witnesses knew that John Couey, the alleged rapist and murderer of 9-year-old Jessica Lunsford, was living within 150 yards of Jessica's house but failed to tell investigators. If they had told the truth, maybe, just maybe, Jessica Lunsford would be alive today.

A 5-year mandatory minimum penalty would ensure truthful and full cooperation by witnesses in such investigations. It is an important policy goal, and these penalties send a strong deterrent message.

I strongly urge opposition to this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment eliminates the 5-year mandatory minimum for failing to properly register and the 5-year mandatory minimum for falsifying registration information, with the possibility still of 20 years.

The amendment keeps the 20-year maximum for both crimes and leaves it to the Sentencing Commission and the courts to determine the gradations of seriousness and the punishment for violations based on the facts and circumstances of the violation.

It is absurd that misdemeanants and other minor offenders who get a suspended sentence for a crime that was committed 15 years ago could get a 5-year mandatory minimum sentence for a technical violation of a registration requirement such as showing up at 5:30 on the last day of registration when the office closed at 5 o'clock or failing to register the fact that they are in a community college that has different sites. Do they have to register everywhere they might take a class or just the main registration place for the community college? Or if they work in construction, if they register at the home office of the construction company, do they also have to register at each location where they are doing construction? If they guess wrong, 5 years mandatory minimum, no discretion on the part of the judge.

Are our children going to be safer or less safe if an offender knows that he is in technical violation? If he shows up to register after he has been in technical violation, he knows he is looking at a 5-year mandatory minimum. Is he going to show up or not?

Mr. Chairman, it is also absurd that an offender would be sentenced to a minimum 5 years for giving a technically false statement regarding this registration when, under the same section of the law, there is a maximum of 8 years, no minimum sentence, for either making a false statement in connection with international or domestic terrorism. A false statement on terrorism, 8 years maximum, no minimum; technical violation on registration, 5 years mandatory minimum, 20 years possibility.

Again, this amendment retains the 20-year maximum for cases such as those cited by the chairman, but it allows common sense in determining which offenders would get what sentence for what violations.

We have been told by the Sentencing Commission and the Judicial Conference time and time again that mandatory minimum sentences violate common sense. For someone who deserves the time, the mandatory minimum has no effect because they will get the time. For those who do not deserve the time, that violates common sense. They will get that time anyway.

In everyday experiences judges can see differences, great and small, in the facts and circumstances in the cases before them. The name of the crime is often a poor indicator of the facts and circumstances of the crime. So it makes sense to have a rational assessment by one who has heard and seen the evidence and facts and circumstances of the case making the appropriate decision within the guidelines set by the Sentencing Commission relating to the gradations in seriousness of the crime and the other characteristics. That is why we set up the Sentencing Reform Act that set up the Sentencing Commission, and these mandatory minimums obviously violate that entire system.

Of course, under the Federal system, the ones who will primarily be affected will be Native Americans because they try all their cases in Federal courts; and it is unfair to them and unfair to common sense where identical offenses can be committed, one by a Native American, another a few miles away, the same crime and vastly different sentences because the Native American is stuck in Federal court with the 5-year mandatory minimum. These mandatory minimums violate common sense, and so I am delighted to join the gentleman from South Carolina in this amendment and hope our colleagues will support it.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose this amendment.

Sex offenders are the worst in our society. They prey on our children as if they were cattle. The idea that they will voluntarily register needs to be thrown out the window because they simply will not.

Time and time again we have seen experiences where these people realize that the microscope of society is upon them. So they move and they try to relocate into other communities. Our States, our 50 States, many are border States whereby if they are in Tallahassee, Florida, it is very easy to go to Valdosta, Georgia, very easy to get a new job and a new occupation.

That has been the problem with the laws. We cannot properly track these offenders. We cannot follow their whereabouts. And if we do not have a strict punishment on them, they simply will continue to move about the country and prey on vulnerable children in other States.

For God's sake, if I come to Washington, D.C., and want to get a Blockbuster movie, I have to get a new registration card. I have to put down my credit card, my driver's license to rent a movie. And if I fail to return the movie, they charge me for the movie. There are penalties for violating simple rules of video rentals, and my colleagues would have us believe, oh, let us not be too harsh on these people.

Jessica Lunsford was buried in a garbage bag by a known sex offender who failed to register. Oh, let us not give him a 5-year minimum mandatory. Let us not inconvenience him, John Couey. Let us not cause any unnecessary paperwork for John Couey, while Jessica Lunsford is in a plastic garbage bag.

We have to have a driver's license in the State in which we live. We have to have a license tag in the State in which we reside. It takes us 48 hours to get our cable installed. But, God, no, let us not inconvenience by mandatory punishment if a sex offender fails to report.

They are instructed before they are released of the obligations of their sentencing. They are told they must report in the new State. They are given adequate warning. For far too long we have opened up our jails and said hope you are better and then lost track of them. I said it before, we track library books better than we do these criminals, and it is time we balance the scale of justice in favor of our children.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, I agree exactly with what the gentleman just said, and that is why I am voting for the underlying bill.

But the gentleman said earlier that this is some kind of voluntary registration. There is nothing voluntary about this. We, in strong action here, are requiring exactly the person he just described to register, and we say to them they must register within the prescribed period. There is no voluntary nature to that. That is a strong and good law. That is what we are doing here.

The question is whether we can trust the sentencing guidelines and the Sentencing Commission and Federal judges to come up with a system to figure out whether that person that the gentleman is describing, flagrantly violating it, should go off for 20 years as opposed to the hypothetical that I posed as somebody in confusion about when exactly they moved, let us say, from California to Florida, as to whether that case deserves a mandatory minimum of 5 years.

Because what we are doing here, if this amendment fails, is tying the hands of that judge in Ohio such that he must or she must send the person off for 5 years if there was confusion about when and how they moved to the State of Ohio. It may be somebody who did not flagrantly violate. It was just confusion as to when they moved. And if we have sentencing guidelines and judges that follow those guidelines, if they do not, put pressure on them and then impeach them.

Mr. FOLEY. Mr. Chairman, reclaiming my time, I wish the perpetrator would have thought about the penalties before they committed the crime. The minimum mandatory may tie the hands of judges, but it will, in fact, tie the hands of the predator. They know full well before they are released what the requirements are, and if there is confusion, it is the perpetrator's fault. I do not want it to be relied upon the victim to say the victim should have known he may have been a perpetrator but we were not registered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. INGLIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INGLIS of South Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. INGLIS) will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to offer amendment No. 23 at this time.

The CHAIRMAN. Is there objection to the consideration of the gentleman's amendment at this point? The amendment is in title III.

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. CONYERS:

At the end of title III insert the following:

SEC. 304. STATISTICS.

(a) COVERAGE.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender," before "or ethnicity".

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ", including data about crimes committed by and directed against juveniles" after "data acquired under this section".

Mr. CONYERS. Mr. Chairman, I offer this amendment to the bill to address a blight on our society, the scourge of hate violence. Because, currently, we lack sufficient data to assist in determining how to address bias crime directed toward children. This amendment would correct that oversight.

For the year 2003, for example, the most recent available data, the FBI compiled reports from law enforcement agencies across the country identifying 7,489 criminal incidents that were motivated by an offender's irrational antagonism towards some personal attribute associated with the victim.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am prepared to accept this amendment.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the chairman for accepting the amendment.

Law enforcement agencies have identified 9,100 victims arising from 8,715 separate criminal offenses. FBI data has also revealed that a disproportionately high percentage of both the victims and the perpetrators of hate violence were children, young people under 18 years of age.

The FBI's annual Hate Crime Statistics Act report provides the best snapshot of the magnitude of the hate violence problem in America. However, there is a paucity of regularly published information about juvenile hate crime offenses because the statute does not require data analysis for gender or juvenile categories.

This is an important omission, as indicated by a special DOJ report on the subject in 2001. This report, which carefully analyzed nearly 3,000 of the 24,000 hate crimes to the FBI from 1997 to 1999, revealed that a disproportionately high percentage of both the victims and the perpetrators of hate violence were young people under 18 years of age. For example: 30 percent of all victims of bias-motivated aggravated assaults and 34 percent of the victims of simple assault were under 18.

As we address legislation for the protection of children, we should utilize the full extent of Federal resources and data collection plays an important role. I hope that this amend will find broad support so that we can work to eliminate hate violence directed against young people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—DNA FINGERPRINTING

SEC. 201. SHORT TITLE.

This title may be cited as the "DNA Fingerprinting Act of 2005".

SEC. 202. EXPANDING USE OF DNA TO IDENTIFY AND PROSECUTE SEX OFFENDERS.

(a) EXPANSION OF NATIONAL DNA INDEX SYSTEM.—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking ", provided" and all that follows through "System"; and

(2) by striking subsections (d) and (e).

(b) DNA Sample Collection From Persons Arrested or Detained Under Federal Authority.—

(1) In general.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended

(A) in subsection (a)—

(i) in paragraph (1), by striking "The Director" and inserting the following:

"(A) The Attorney General may, as provided by the Attorney General by regulation, collect DNA samples from individuals who are arrested, detained, or convicted under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

"(B) The Director"; and

(ii) in paragraphs (3) and (4), by striking "Director of the Bureau of Prisons" each place it appears and inserting "Attorney General, the Director of the Bureau of Prisons,"; and

(B) in subsection (b), by striking "Director of the Bureau of Prisons" and inserting "Attorney General, the Director of the Bureau of Prisons,".

(2) Conforming amendment.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting "and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)" after "period of release".

(c) Tolling of Statute of Limitations in Sexual Abuse Cases.—Section 3297 of title 18, United States Code, is amended by striking "except for a felony offense under chapter 109A,".

SEC. 203. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 204. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) Model Code Required.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish a model code setting forth procedures to be followed by law enforcement officers when investigating a missing person or a death. The procedures shall include the use of DNA analysis to help locate missing persons and to help identify human remains.

(b) Sense of Congress.—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General publishes the model code, enact laws implementing the model code.

(c) GAO Study.—Not later than 2 years after the date on which the Attorney General publishes the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT of Virginia. Mr. Chairman, are we in title III?

The CHAIRMAN. The Clerk just designated title II.

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

SEC. 301. SHORT TITLE.

This title may be cited as the "Prevention and Deterrence of Crimes Against Children Act of 2005".

SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) Special Sentencing Rule.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

"(d) Mandatory Minimum Terms of Imprisonment for Violent Crimes Against Children.—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

"(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

"(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, or results in serious bodily injury (as defined in section 2119(2)) be imprisoned for life or any term of years not less than 30;

"(3) if the crime of violence results in bodily injury (as defined in section 1365) or is an offense under paragraphs (1), (2), or (5) of section 2244(a), be imprisoned for life or for any term of years not less than 20;

"(4) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 15; and

"(5) in any other case, be imprisoned for life or for any term of years not less than 10.".

SEC. 303. ENSURING FAIR AND EXPEDITIOUS FEDERAL COLLATERAL REVIEW OF CONVICTIONS FOR KILLING A CHILD.

(a) Limits on Cases.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

"(j)(1) A court, justice, or judge shall not have jurisdiction to consider any claim relating to the judgment or sentence in an application described under paragraph (2), unless the applicant shows that the claim qualifies for consideration on the grounds described in subsection (e)(2). Any such application that is presented to a court, justice, or judge other than a district court shall be transferred to the appropriate district court for consideration or dismissal in conformity with this subsection, except that a court of appeals panel must authorize any second or successive application in conformity with section 2244 before any consideration by the district court.

"(2) This subsection applies to an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a individual who has not attained the age of 18 years.

"(3) For an application described in paragraph (2), the following requirements shall apply in the district court:

"(A) Any motion by either party for an evidentiary hearing shall be filed and served not later than 90 days after the State files its answer or, if no timely answer is filed, the date on which such answer is due.

"(B) Any motion for an evidentiary hearing shall be granted or denied not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion or, if no timely pleading in opposition is filed, the date on which such pleading in opposition is due.

"(C) Any evidentiary hearing shall be—

"(i) convened not less than 60 days after the order granting such hearing; and

"(ii) completed not more than 150 days after the order granting such hearing.

"(D) A district court shall enter a final order, granting or denying the application for a writ of habeas corpus, not later than 15 months after the date on which the State files its answer or, if no timely answer is filed, the date on which such answer is due, or not later than 60 days after the case is submitted for decision, whichever is earlier.

"(E) If the district court fails to comply with the requirements of this paragraph, the State may petition the court of appeals for a writ of mandamus to enforce the requirements. The court of appeals shall grant or deny the petition for a writ of mandamus not later than 30 days after such petition is filed with the court.

"(4) For an application described in paragraph (2), the following requirements shall apply in the court of appeals:

"(A) A timely filed notice of appeal from an order issuing a writ of habeas corpus shall operate as a stay of that order pending final disposition of the appeal.

"(B) The court of appeals shall decide the appeal from an order granting or denying a writ of habeas corpus—

"(i) not later than 120 days after the date on which the brief of the appellee is filed or, if no timely brief is filed, the date on which such brief is due; or

"(ii) if a cross-appeal is filed, not later than 120 days after the date on which the appellant files a brief in response to the issues presented by the cross-appeal or, if no timely brief is filed, the date on which such brief is due.

"(C)(i) Following a decision by a panel of the court of appeals under subparagraph (B), a petition for panel rehearing is not allowed, but rehearing by the court of appeals en banc may be requested. The court of appeals shall decide whether to grant a petition for rehearing en banc not later than 30 days after the date on which the petition is filed, unless a response is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the response is filed or, if no timely response is filed, the date on which the response is due.

"(ii) If rehearing en banc is granted, the court of appeals shall make a final determination of the appeal not later than 120 days after the date on which the order granting rehearing en banc is entered.

"(D) If the court of appeals fails to comply with the requirements of this paragraph, the State may petition the Supreme Court or a justice thereof for a writ of mandamus to enforce the requirements.

"(5)(A) The time limitations under paragraphs (3) and (4) shall apply to an initial application described in paragraph (2), any second or successive application described in paragraph (2), and any redetermination of an application described in paragraph (2) or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings.

"(B) In proceedings following remand in the district court, time limits running from the time the State files its answer under paragraph (3) shall run from the date the remand is ordered if further briefing is not required in the district court. If there is further briefing following remand in the district court, such time limits shall

run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, the date on which such brief is due.

"(C) In proceedings following remand in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date the remand is ordered if further briefing is not required in the court of appeals. If there is further briefing in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, from the date on which such brief is due.

"(6) The failure of a court to meet or comply with a time limitation under this subsection shall not be a ground for granting relief from a judgment of conviction or sentence, nor shall the time limitations under this subsection be construed to entitle a capital applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.".

(b) Victims' Rights in Habeas Cases.—Section 3771(b) of title 18, United States Code, is amended by adding at the end the following: "The rights established for crime victims by this section shall also be extended in a Federal habeas corpus proceeding arising out of a State conviction to victims of the State offense at issue.".

(c) Application to Pending Cases.—

(1) In general.—The amendment made by this section apply to cases pending on the date of the enactment of this Act as well as to cases commenced on and after that date.

(2) Special rule for time limits.—In a case pending on the date of the enactment of this Act, if the amendment made by subsection (a) provides that a time limit runs from an event or time that has occurred before that date, the time limit shall instead run from that date.

AMENDMENT NO. 14 OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. Baird:

Add at the end of title III the following:

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) Study.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Congress the results of the study under this section.

Mr. BAIRD. Mr. Chairman, this is a commonsense amendment designed to address a problem that most people are unaware of but I believe adversely affects thousands of children across this country.

Every week, child protective agencies throughout the U.S. receive more than 50,000 reports of suspected child abuse or neglect. A total of 2.6 million reports were filed in 2002. In approximately two-thirds of these cases there is sufficient evidence to prompt an assessment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I think this study is a good idea. I believe that child abusers should be tracked the same way as sex offenders.

If the gentleman is prepared to yield back, I will be happy to accept his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. Baird).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. Porter:

At the end of title III of the bill, insert the following (and make such conforming changes to the table of contents as may be necessary):

SEC. 304. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) In General.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) Protection of Information.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) Criminal Penalties.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) Definition.—In this section, the terms "local educational agency" and "State educational agency" have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

□ 1330

Mr. PORTER. Mr. Chairman, again, I appreciate the opportunity to speak on this great bill today, but I think we can add a few things.

We send our children off to school every day and we trust that our teachers are the best and the safest and the best trained in the country. Unfortunately, there are a small few, a number of teachers across this country who are slipping between the cracks. In the State of Nevada, we hire about 1,400 to 2,000 new teachers a year. Unfortunately, some States are not able to share information regarding the criminal activity of these particular teachers.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I will make the same offer I have made to others. This is a great amendment, and we are happy to accept it.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Wisconsin.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. Porter).

The amendment was agreed to.

AMENDMENTS NO. 4 AND 7 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer amendments 4 and 7, which unanimous consent was granted to consider at this point.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 4 offered by Mr. Scott of Virginia:

Page 31, line 17, strike "not less than 10".

Page 43, line 10, strike paragraph (1) and redesignate succeeding paragraphs accordingly.

Page 44, beginning on line 5, strike "not less than 10 years and".

Page 45, line 8, strike subparagraph (A) and redesignate succeeding subparagraphs accordingly.

Page 45, line 11, strike the semicolon and insert "; and".

Page 45, line 18, strike the semicolon and insert a period.

Page 45, strike line 19 through line 6 on page 46.

Page 46, strike line 18 and all that follows through line 8 on page 47.

Page 47, line 4, strike the semicolon and insert "; and".

Page 47, line 5, strike "; and" and insert a period.

Page 47, starting on line 6, strike clause (iii) and all that follows through line 13 on page 49.

Page 55, strike section 504 and all that follows through line 22 on page 57, and redesignate succeeding sections accordingly.

Page 68, line 21, strike the semicolon and insert "; and".

Page 68, strike lines 22 through 23.

Page 69, strike lines 8 through 11.

Amendment No. 7 offered by Mr. Scott of Virginia:

Amendment No. 7: Strike section 302. Redesignate any succeeding sections accordingly.

Page 44, strike line 10 and all that follows through line 2 on page 11.

Mr. SCOTT of Virginia. Mr. Chairman, these amendments eliminate section 302 from the bill. Section 302 is extremely problematic.

First of all, it includes a death penalty that applies to unintentional deaths. That raises severe constitutional problems that you could be put to death for an unintentional act. We already have penalties for the death penalty for intentional acts. This would add unintentional acts.

Over 100 people have been totally exonerated or otherwise released from death row due to erroneous death penalties, and one study showed that 68 of death penalties were overturned as illegal. That does not include the ones where mistakes were made for which the error was so-called "harmless." Other studies have shown that death penalties have been discriminatory against minorities, either affecting the consideration, undue consideration of the race of the defendant or the race of the victim.

We, a few years ago, passed the Innocence Protection Act, which provides for effective counsel and case development to be well-funded, but we have not fully funded that Innocence Protection Act, so until it is fully funded, we should not be passing more death penalties.

In addition, section 302 includes mandatory minimums. Let us see what these mandatory minimums are for. Any felonious attack on someone under 18 years of age. That would include a schoolyard brawl which gets bad enough when they start throwing chairs at each other or something like that. If there is no injury in that situation, that is a 10-year mandatory minimum. If a dangerous weapon, whatever that means, is used, then you get 15 years, if there is no injury. Now, if there is actually an injury, then the mandatory minimum for this brawl for teenagers fighting teenagers would be 20 years; and if the crime of violence is a more serious offense, then 30 years mandatory minimum.

Starting with 10 years mandatory minimum for a schoolyard brawl, Mr. Chairman, is why these mandatory minimums make no sense. If the felony has been committed, maybe they should be sentenced to 10 years, maybe 20 years. This says no less than 10 years, even if there is no injury.

I would hope, Mr. Chairman, as we consider mandatory minimums that we would look at this as being excessive. Give the judge the discretion to apply a sentence that makes sense. But to have a mandatory minimum to apply in situations where no injury has occurred, no dangerous weapon was involved, 10 years mandatory minimum for teenagers having a fight, this just does not make any sense at all. If an injury actually occurs, it is actually 20 years mandatory minimum.

I would hope we would eliminate the entire section 302 to eliminate those mandatory minimums. There are plenty of provisions throughout this bill and throughout the Criminal Code to deal with people who deserve this kind of time, but to have a mandatory minimum in cases where no injury occurred is clearly excessive to be applied in all cases without discretion, whether it makes any sense or not.

We need to remove this section, and I hope that is what we do by adopting the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, the gentleman from Virginia's opposition to both mandatory minimum penalties and the death penalty is well-known and respected. I believe in this case he is wrong.

First of all, we do need to have a swift and effective death penalty in the case of violent offenders who murder children. There have been several scientifically balanced, statistical studies that consistently show that the death penalty is a deterrent; and I think that if it is just a little bit of a deterrent when we are dealing with our kids, that is enough to say that the amendment should be defeated.

Secondly, we have talked quite a bit about mandatory minimum penalties in the context of the previous amendment that was offered by the gentleman from South Carolina (Mr. INGLIS). Let me say that if all mandatory minimum penalties contained in this bill for sexual abuse and exploitation of children are eliminated, it does allow judges to send out into society on probation people who have been convicted of sex offenses for or against children. When I think of anybody who does something like that, we should tell society and those who might be thinking of committing such a crime that if you do the crime, you are sure to do some time.

I kind of listened with interest and with respect to the argument of the gentleman from South Carolina (Mr. INGLIS) on mandatory minimums in the previously debated amendment. He says that if judges do not comply with sentencing guidelines, then maybe what Congress should do is impeach them.

Impeachment is a severe penalty, and if you look at the 17 impeachments that the House of Representatives has voted on in its history, the only time where there has been an impeachment voted is when a Federal civilian official ends up conducting himself or herself in a manner that obstructs the functioning of government, whether it is the branch that that official serves in or the other two equal and separate branches.

Simply saying that if a judge makes a discretionary call to give a child sex offender probation even when the crime is terrible is an impeachable offense I do not think comports with the history of impeachment, because it is within the discretion of the court.

I am saying that, in this case, the discretion of the court should be eliminated and those who are convicted should go to jail, and that is why the mandatory minimums ought to stay in this bill.

Mr. Chairman, I urge the defeat of this amendment en bloc.

The Acting CHAIRMAN (Mr. SWEENEY). The question is on the amendments offered by the gentleman from Virginia (Mr. SCOTT).

The amendments were rejected.

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. FLAKE:

Page 42, line 6, strike the close quotation mark and the period that follows.

Page 42, after line 6, insert the following:

"(k) SENTENCING CLAIMS.—A court, justice, or judge shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.".

Mr. FLAKE. Mr. Chairman, this amendment will reduce the backlog and delay of the Federal courts' dockets by limiting harmless error sentencing claims. These are claims in which the Federal court is asked to review alleged errors in death penalty cases in State court that were either procedurally defaulted, in which the defendant failed to present the claim in State court; or, two, that already have been reviewed by the State courts and have been determined to be harmless and that only relate to the prisoner's sentencing, not the portion of the trial that determines guilt or innocence.

Under this amendment, fact-intensive and time-consuming "harmless error sentencing claims" will be reviewed again in Federal court only if the State court erred in determining that the claim was subject to harmless review.

An example of how this impacts victims of child abusers was raised at the House Committee on the Judiciary Subcommittee on Crime hearing by Ms. Carol Fornoff, whose 13-year-old daughter was raped and murdered in Tempe, Arizona, in 1984. The evidence of the guilt of the man convicted in killing her daughter was overwhelming. Yet, today, 21 years after Christy Ann Fornoff was murdered, the gentleman is still litigating his habeas appeals.

Mr. Chairman, this amendment will reduce the backlog and delay of the Federal courts' dockets by limiting harmless-error sentencing claims.

These are claims in which the Federal court is asked to review alleged errors in death penalty cases in State court that were either (1) procedurally defaulted—in which the defendant failed to present the claim in state court, or (2) that already have been reviewed by State courts and have been determined to be harmless, and (3) that only relate to the prisoner's sentencing—not to the portion of the trial that determines guilt or innocence.

Under this amendment, fact-intensive and time-consuming "harmless-error sentencing claims" will be reviewed again in Federal court only if the State court erred in determining that the claim was subject to harmlessness review.

An example of how this impacts victims of child abusers was raised at a House Judiciary Crime Subcommittee hearing by Mrs. Carol Fornoff, whose 13-year-old daughter was raped and murdered in Tempe, Arizona in 1984.

The evidence of the guilt of the man convicted of killing her daughter is overwhelming, yet today—21 years after Christy Ann Fornoff was murdered—the defendant still is litigating his habeas appeals in the Federal courts.

Mrs. Fornoff's testimony raised important questions. There needs to be some limit, some end to the process in these cases.

After 9 years under the Anti-Terrorism and Effective Death Penalty Act of 1996 or "AEDPA" (Ay-Depa), it is clear that the Act did not eliminate or even reduce the problem of delay in the Federal habeas process.

As evidenced by testimony in the Senate Judiciary Committee, in my home state of Arizona, 63 capital cases have been filed and remain pending since the effective date of the AEDPA (Ay-Depa).

Of those cases, only one has advanced to the Ninth Circuit, where it has remained pending for the past 5 years.

Thirteen pre-AEDPA (Ay-Depa) cases remain pending in Federal court; five of those cases have been in Federal court longer than 15 years; the others range in time from 9 years to 14 years. This is unacceptable.

The current system is grossly unfair to crime victims and their families. While defendants always should be allowed to litigate meaningful evidence of their innocence, we also should not allow endless appeals to become routine.

We need to protect innocent defendants, and we also need to allow victims and their families closure on these crimes.

Let me be clear that fundamental sentencing errors, and all guilt-phase errors, still would be subject to a second round of review in Federal court under this amendment.

Also, this amendment does not in any way limit the State courts' review of State criminal convictions, nor does it affect the U.S. Supreme Court's review of either a defendant's direct appeals or State-habeas petitions.

The amendment only limits the Federal habeas review that begins in the lower Federal courts after all State appeals and U.S. Supreme Court certiorari review are completed. Congress unquestionably has the authority to limit such review.

Deference to State courts is appropriate in this context, since these courts are closer to the trial and will have a better sense of what facts are likely to influence local juries.

This section merely precludes a repeat of this process at the Federal level for minor errors that are not related to guilt of the underlying offense, and that already have had an opportunity for review in State courts.

I urge my colleagues to adopt this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I will make the same offer on this amendment. I am prepared to accept it if the gentleman will yield back his time.

Mr. FLAKE. Mr. Chairman, that is too good an offer to turn down.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the language in the bill is bad enough. This just makes it worse. We should eliminate the section of the bill where the bill already severely restricts the right of those convicted of sex offenses from their access to appeal.

Many who have been exonerated through DNA or other evidence have been exonerated and released due to their access to habeas corpus petitions. Restricting access to habeas will result in more innocent people being put to death or languishing in jail for crimes they did not commit.

We have a serious question, Mr. Chairman, as to whether guilty people are entitled a fair trial. If you have a person who is not suggesting that they are actually innocent, but they just did not get a fair trial, they do not have access to habeas corpus anyway. An allegation of innocence is a prerequisite to getting into habeas corpus petitions anyway. This is just going to make it worse, and more innocent people will be in jail. I would hope we would not adopt the amendment to make it worse.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I would simply point out that this applies only to the sentencing portion of the hearing or the sentencing portion of the trial, not the guilt or innocent phase. We are not limiting habeas corpus at all on that phase.

Mr. SCOTT of Virginia. Mr. Chairman, if you are going to have any review, I think it ought to be a full review: sentencing, conviction, and otherwise. I would hope that we would not make the bill any worse than it is, and the underlying provision is bad enough.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

The Acting CHAIRMAN. Are there any further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN ACT OF 2005

SEC. 401. SHORT TITLE.

This title may be cited as the "Protection Against Sexual Exploitation of Children Act of 2005".

SEC. 402. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking ", imprisoned for any term of years or life, or both." and inserting "and imprisoned for not less than 30 years or for life.".

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "subsection (a) or (b) of" before "section 2241";

(ii) by striking "or" at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting "; or"; and

(iv) by inserting after paragraph (4) the following:

"(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for not less than 10 years and not more than 25 years."; and

(B) in subsection (c), by inserting "(other than subsection (a)(5))" after "violates this section".

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting ", chapter 110, chapter 117, or section 1591" after "this chapter";

(B) by striking "A person" and inserting "(a) IN GENERAL.—A person"; and

(C) by adding at the end the following:

"(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.".

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting "section 2245 (sexual abuse resulting in death)," after "(wrecking trains),".

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by striking "15 years nor more than 30 years" and inserting "25 years or for life";

(B) by inserting "section 1591," after "this chapter," the first place it appears;

(C) by striking "the sexual exploitation of children" the first place it appears and inserting "aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography";

(D) by striking "not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life." and inserting "life."; and

(E) by striking "any term of years or for life" and inserting "not less than 30 years or for life".

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "paragraphs (1)" and inserting "paragraph (1)";

(ii) by inserting "section 1591," after "this chapter,";

(iii) by inserting ", or sex trafficking of children" after "pornography";

(iv) by striking "5 years and not more than 20 years" and inserting "25 years or for life"; and

(v) by striking "not less than 15 years nor more than 40 years." and inserting "life."; and

(B) in paragraph (2)—

(i) by striking "or imprisoned not more than 10 years" and inserting "and imprisoned for not less than 10 nor more than 30 years";

(ii) by striking ", or both"; and

(iii) by striking "10 years nor more than 20 years." and inserting "30 years or for life.".

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by inserting "section 1591," after "this chapter,";

(ii) by inserting ", or sex trafficking of children" after "pornography";

(iii) by striking "5 years and not more than 20 years" and inserting "25 years or for life"; and

(iv) by striking "not less than 15 years nor more than 40 years" and inserting "life"; and

(B) in paragraph (2)—

(i) by striking "or imprisoned not more than 10 years, or both" and inserting "and imprisoned for not less than 10 nor more than 30 years"; and

(ii) by striking "10 years nor more than 20 years" and inserting "30 years or for life".

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking "or imprisoned not more than 4 years, or both" and inserting " and imprisoned not less than 10 nor more than 30 years".

(5) PRODUCTION OF SEXUALLY EXPLICIT DEPICTIONS OF CHILDREN.—Section 2260(c) of title 18, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) shall be fined under this title and imprisoned for any term or years not less than 25 or for life; and

"(2) if the person has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), shall be fined under this title and imprisoned for life.".

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or 2423(a)" and inserting "2423(a)"; and

(2) by inserting ", 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)" after "minors)".

AMENDMENT NO. 5 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. RYUN of Kansas:

At the end of title IV add the following:

SEC. 403. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in United States v. Jeffrey Meek, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that "an actual minor victim is not required for an attempt conviction under 18 U.S.C. § 2422(b).";

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, "Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple's decision in United States v. Helder, Jr. and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple's decision in United States v. Helder, Jr. should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

Mr. RYUN of Kansas. Mr. Chairman, today I am offering an amendment to restate Congress's commitment to protecting children on the Internet and to condemn a recent judicial decision that, if left standing, would impede the work of law enforcement in tracking down pedophiles on the Internet.

Recently, Jan Helder, a resident of Mission Hills, Kansas, was convicted by a jury for attempting to solicit a minor over the Internet. Notwithstanding the jury's verdict, the U.S. District Judge, Dean Whipple, acquitted Jan Helder, saying that he did not commit a crime because he was not communicating with a minor but, in fact, was communicating with an undercover agent posing as a minor.

Judge Whipple clearly ignored the law's intent and contradicted well-established case law addressing the issue.

In United States v. Jeffrey Meek, the Ninth Circuit Court of Appeals specifically addressed the question of whether a crime of attempting to solicit a minor on the Internet applies when the actual victim is an adult rather than a minor. In this case, the Court concurred with the decisions of the Fifth and Eleventh Circuit Courts in finding that an actual minor victim is not required for an attempted conviction under this section.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. RYUN of Kansas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this sounds like a good amendment, and I would be happy to accept it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

The amendment was agreed to.

□ 1345

The Acting CHAIRMAN (Mr. SWEENEY). Are there any further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Foster Child Protection and Child Sexual Predator Sentencing Act of 2005".

SEC. 502. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting ", including checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code)," after "criminal records checks"; and

(II) by striking "on whose behalf foster care maintenance payments or adoption assistance payments are to be made" and inserting "regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child"; and

(ii) in each of clauses (i) and (ii), by inserting "involving a child on whose behalf such payments are to be so made" after "in any case"; and

(B) by adding at the end the following:

"(C) provides that the State shall—

"(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved

for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

"(ii) comply with any request described in clause (i) that is received from another State; and

"(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;".

(2) Suspension of opt-out.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting ", on or before September 30, 2005," after "plan if"; and

(B) by inserting ", on or before such date," after "or if".

(b) Elimination of Opt-Out.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking "unless an election provided for in subparagraph (B) is made with respect to the State,"; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) Effective Date.—

(1) In general.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) Elimination of opt-out.—The amendments made by subsection (b) shall take effect on October 1, 2007, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) Delay permitted if State legislation required.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) In General.—The Attorney General shall, upon request of the chief executive of a State, ensure that appropriate officers of child welfare agencies have the authority for "read only" online access to the databases of the national crime information databases (as defined in section 534 of title 28, United States Code) to carry out criminal history records checks, subject to subsection (b).

(b) Limitation.—An officer may use the authority under subsection (a) only in furtherance of the purposes of the agency and only on an individual relevant to casework of the agency.

(c) Protection of Information.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) Criminal Penalties.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) Child Welfare Agency Defined.—In this section, the term "child welfare agency" means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the placement of foster or adoptive children.

SEC. 504. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422(a) of title 18, United States Code, is amended by striking "or imprisoned not more than 20 years, or both" and inserting "and imprisoned not less than 10 years nor more than 30 years".

SEC. 505. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "5 years and not more than 30 years" and inserting "30 years or for life";

(2) in subsection (b), by striking "or imprisoned not more than 30 years, or both" and inserting "and imprisoned for not less than 10 years and not more than 30 years";

(3) in subsection (c), by striking "or imprisoned not more than 30 years, or both" and inserting "and imprisoned for not less than 10 years and not more than 30 years"; and

(4) in subsection (d), by striking "imprisoned not more than 30 years, or both" and inserting "and imprisoned for not less than 10 nor more than 30 years".

SEC. 506. PENALTIES FOR SEXUAL ABUSE.

(a) Aggravated Sexual Abuse.—Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ", imprisoned for any term of years or life, or both" and inserting "and imprisoned for any term of years not less than 30 or for life"; and

(2) in subsection (b), by striking ", imprisoned for any term of years or life, or both" and inserting "and imprisoned for any term of years not less than 25 or for life".

(b) Sexual Abuse.—Section 2242 of title 18, United States Code, is amended by striking ", imprisoned not more than 20 years, or both" and inserting "and imprisoned not less than 15 years nor more than 40 years".

(c) Abusive , Sexual Contact.—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ", imprisoned not more than three years, or both" and inserting "and imprisoned not less than 5 years nor more than 30 years";

(2) in paragraph (3), by striking ", imprisoned not more than two years, or both" and inserting "and imprisoned not less than 4 years nor more than 20 years"; and

(3) in paragraph (4), by striking ", imprisoned not more than six months, or both" and inserting "and imprisoned not less than 2 years nor more than 10 years".

SEC. 507. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) Conditions of Probation.—Section 3563(a) of title 18, United States Code, is amended——

(1) in paragraph (9), by striking the period and inserting "; and"; and

(2) by inserting after paragraph (9) the following:

"(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.".

(b) Supervised Release.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: "The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions."

SEC. 508. KIDNAPPING PENALTIES AND JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "if the person was alive when the transportation began" and inserting ", or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense"; and

(2) in subsection (b), by striking "to interstate" and inserting "in interstate".

SEC. 509. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) In General.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

"§ 1826A. Marital communications and adverse spousal privilege

"The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

"(1) a child of either spouse; or

"(2) a child under the custody or control of either spouse.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

"1826A. Marital communications and adverse spousal privilege.".

SEC. 510. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting "felony child abuse or neglect," after "years,".

SEC. 511. CIVIL COMMITMENT.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting "or to undergo postrelease proceedings" after "trial"; and

(B) by inserting at the end the following:

"4248. Civil commitment of a sexually dangerous person.";

(2) in section 4241—

*(A) in the heading, by inserting "**or to undergo postrelease proceedings**" after "**trial**";*

(B) in the first sentence of subsection (a), by inserting "or at any time after the commencement of probation or supervised release and prior to the completion of the sentence," after "defendant,";

(C) in subsection (d)—

(i) by striking "trial to proceed" each place it appears and inserting "proceedings to go forward"; and

(ii) by striking "section 4246" and inserting "sections 4246 and 4248"; and

(D) in subsection (e)—

(i) by inserting "or other proceedings" after "trial"; and

(ii) by striking "chapter 207" and inserting "chapters 207 and 227";

(3) in section 4247—

(A) by striking ", or 4246" each place it appears and inserting ", 4246, or 4248";

(B) in subsections (g) and (i), by striking "4243 or 4246" each place it appears and inserting "4243, 4246, or 4248";

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

"(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and";

(ii) in paragraph (2), by striking "and" at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

"(4) 'bodily injury' includes sexual abuse;

"(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

"(6) 'sexually dangerous to others' means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.";

(D) in subsection (b), by striking "4245 or 4246" and inserting "4245, 4246, or 4248"; and

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

"(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;"; and

(4) by inserting at the end the following:

"§4248. Civil commitment of a sexually dangerous person

"(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier. The Attorney General shall make all reasonable efforts to have a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

"(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

"(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

"(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against him all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.".

SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or imprisonment" and inserting "and imprisonment";

(B) by inserting "not less than 20" after "any term of years"; and

(C) by striking ", or both"; and

(2) in paragraph (2)—

(A) by striking "or imprisonment for not" and inserting "and imprisonment for not less than 10 years nor"; and

(B) by striking ", or both".

SEC. 513. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking "one year" and inserting "five years";

(2) in section 2244(b), by striking "six months" and inserting "two years"; and

(3) by inserting after "Federal prison," each place it appears, other than the second sentence of section 2241(c), the following: "or being in the custody of the Attorney General or the Bureau of Prisons or confined in any institution or facility by direction of the Attorney General or the Bureau of Prisons,".

AMENDMENT NO. 29 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman. I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. SENSENBRENNER:

Page 69. after line 17. insert the following:

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18. United States Code, is amended—

(1) by adding at the end the following:

"§ 3298. Child abduction and sex offenses.

"Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591."; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

"3298. Child abduction and sex offenses.".

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking "Class B misdemeanor" and inserting "Class A misdemeanor".

Mr. SENSENBRENNER. Mr. Chairman, this amendment that I am offering contains two provisions. The first would amend title XVIII to eliminate any statute of limitations on criminal prosecutions for kidnapping a child, committing a felony sex offense, or a human trafficking violation.

Eliminating these statutes for these crimes reflects the increased use of the success of DNA in solving decade-old crimes. We have all heard about individuals who have been exonerated by DNA evidence. However, there are even more reports of unsolved cases that have been solved and a perpetrator identified by DNA evidence years after the crime was committed.

This provision reflects this new reality and allows Federal prosecutors to prosecute sex offenders and child abusers who have escaped apprehension because of the statute of limitations.

I would note that this same provision was passed by the House in the 108th Congress as a part of the Child Abduction Prevention Act by the overwhelming vote of 410 to 4. It was modified in conference with the Senate as a part of the Protect Act.

The second provision in this amendment raises the class on the existing misdemeanor for failure to report child abuse, thereby raising the maximum penalty for such an offense from 6 months' imprisonment to a year imprisonment.

I strongly urge support of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SENSENBRENNER:

Page 54, strike line 10 and all that follows through line 19 on page 55 and insert the following:

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General shall, upon request of the chief executive of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code) submitted by a local welfare agency for conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as foster or adoptive parents. Where possible, the check shall include a fingerprint-based check of state criminal history databases. The Attorney General and the States may charge any applicable fees for the checks.

(b) LIMITATION.—An officer may use the authority under subsection (a) only for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.

(c) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) CHILD WELFARE AGENCY DEFINED.—In this section, the term "child welfare agency" means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

Mr. SENSENBRENNER. Mr. Chairman, this amendment makes technical changes to section 503 of the bill relating to access to Federal crime information databases by child welfare agencies.

The amendment requires fingerprint-based checks when conducting background checks for a limited purpose, to verify that a prospective adoptive or foster parent does not have a criminal record.

Before we allow foster or adoptive parents to take children into their homes, we must ensure that these applicants do not have prior convictions, let alone prior sex offense convictions. I urge my colleagues to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. JACKSON-LEE of Texas:

At the end of the Title V, add the following new section:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, there is not a time that in the backdrop of the tragedy of Katrina that I cannot rise and thank the many volunteers and supporters around the Nation and particularly my home town of Houston and the State of Texas.

With that in mind, as I watched the evacuees come into the Houston Astrodome and the George R. Brown Convention Center, Mr. Chairman, one of the striking aspects of it was the enormous number of children, thousands of children. In fact, it is calculated that 300,000 to 400,000 children will be homeless and will be impacted by this tragedy.

This very bill impacts our children by seeking to protect them. So I raise an amendment and a cause of concern that I would like to include and the specific language involved, making sure that the process of adoption and foster care can be expedited through the language of a sense of Congress, that background checks conducted as a precondition to approval of any foster or adoptive placement of children, affected by a natural disaster or terrorist act should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in the Children's Safety Act.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I will be happy to accept this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman's generosity. I understand his generosity and if he would allow me to conclude two or three comments about what I saw, I would be happy to accept a voice vote.

Mr. Chairman, I just wanted to put in the RECORD, why, if you are kind enough to accept this, this is so very important. As I spoke to the evacuees, what they said to me was that in the Superdome there were outright examples of rape and abuse of children. They may not have been the family members; but in that instance, if the family members are lost, an expedited foster care and an expedited adoption would be relevant.

If in this instance of this law we can expedite those background checks and have this language in this bill, I certainly know that it would help the thousands of children that may be impacted.

Let me conclude by saying that I hope, as I indicated before, that we will initiate a children's initiative to address the concerns of these children.

But if this language is placed in this bill, at least they will have a placeholder that their cases will be expedited so that their lives can be put back in place and so that sex offenders will not be the ones to be adopting and/or have foster care of these vulnerable children.

As was the case with September 11, Hurricane Katrina has left many children without their natural parents. Many kids are now wondering who will care for them and how their needs will be met. Not only is this enormous pressure on a child but it greatly diminishes the joys of childhood. My amendment would set forth a sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act. While family members often step in to take care of children who have lost their natural parents, these family members usually only have limited resources and as a result, the child may be passed from family member to family member. As we all know, this can be a very unstable environment for a child. This amendment attempts to move the background check process along in a timely manner so these displaced children can enter a loving and caring family and get back to a normal life.

As we all watched the devastating stories of Hurricane Katrina unfold, it was very disturbing to me to learn that several minors were raped while waiting to be rescued from the New Orleans Superdome. This is a prime example of the many negative situations that can arise as a result of a natural disaster which displaces children from their parents, or even causes the parents lives to be lost. As a parent and Chair of the Children's Caucus, I am very concerned with the well being of our nation's children. As natural disasters seem to be more prevalent in our society, we must begin to think about how we care for those children who lose their natural parents. This amendment is not intended to circumvent the precondition background check for approval of any foster or adoptive placement; it is only intended to speed the process up so we can get these displaced children with loving and caring families.

In closing, just like most other States, Louisiana has an open and searchable sex offender registry. The primary party responsible in most communities for checking up on the status of sex offenders who have served their sentences but must register is the local police. However, the police and local law officials are swamped with the task of rescuing survivors and ensuring that every one gets out of the city. This makes it difficult to monitor the moves and whereabouts of registered sex offenders. In addition, as the citizens of New Orleans and other states wait for assistance in cities around the country, sex offenders are among innocent children who have lost their natural parents and are vulnerable. In these troubled times, let us not leave our children helpless.

[September 4, 2005]

I have a feeling I could be accused of a kind of insensitivity, or at worst a sort of obsessiveness by bringing this up now, but after reading about some of the terrible things that have been said to have happened in New Orleans after the destruction wrought by Hurricane Katrina on August 29, 2005, this idea occurred to me in a kind of lightbulb moment.

Sex crimes are part of war. War produces an anarchic mindset. So does a disaster on the scale of what we have seen in Louisiana and Southern Mississippi. Just as invading soldiers from various countries in the past have made sexual assault a part of their subjugating of a native population, so the criminals loose on the streets in New Orleans and even inside the SuperDome have made sexual assault another part of their overall orgy of violence. In the entry I wrote earlier today I wrote briefly of the horrific story coming out of the SuperDome of the rape and murder of a little girl, followed by the beating death at the hands of 10 men of the perpetrator.

I began thinking about how many people must be unaccounted for in New Orleans and the surrounding region devastated by the storm. The number must be astonishing, just as we keep hearing the final death toll will be. Of the survivors who have made it this long and perhaps been able to get to refuge in other states, whatever procedures officials who run shelters in these states have in place for registering who stays there must certainly take into account the fact that many people left their homes so quickly and under such duress that they may have only the clothes on their backs—no identification, money, etc.

Registered sex offenders, of course, are more closely accounted for than other citizens. Louisiana has an open and searchable sex offender registry just like many other states across the U.S. The primary party responsible in most communities for checking up on the status of sex offenders who have served their sentences but must register are the local police. As we know, it is all the New Orleans P.D. can do at the moment to maintain their number and keep cops from walking off or getting killed themselves. Just like everyone else, the cops have lost family, homes, in a sense, their lives.

We can surmise that if the death toll from Katrina in Louisiana alone is as high as 10,000, as has been reported in the mainstream media, a number of sex offenders will have succumbed to the storm and its aftermath.

We can also guess that if the larger portion of the population of New Orleans was able to leave before the storm, or has now been taken to refugee centers in surrounding states, a larger number of sex offenders are now not just out of the residence registered in the Louisiana offender database, but quite possibly off the grid completely and free to throw off what many of them surely must view as the shackles of having to register and have their faces placed on the internet next to a summary of whatever crimes they were convicted of committing.

Of that number, a percentage will be considered what many states refer to as level III sex offender. The most likely to use violence in the commission of their crimes, and the most likely to re-offend.

Click on the thumbnail inserted into the first paragraph of this blog entry to see a screen capture of a map I made at *mapsexoffenders.com*, the service that matches up sex offender databases with maps and satellite photos and marks the registered offenders' homes with a red balloon.

The blue balloon on the large map you see when you look at the screen cap I made represents the city center of New Orleans. The red balloons, which you will see are numerous, represent all the registered offenders' addresses.

As I said, some of those offenders are likely victims of this epochal storm just like many other residents of the Big Easy. But a larger number of them probably survived. Of those who survived, there will be some who truly are trying to live the 'straight' life, and they will likely be dutiful in reporting their identities and true status as a registered sex offender. But there may even be a larger number who realize that a remarkable opportunity has presented itself.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. WELDON of Florida:

At the end of the bill, add the following new section:

SEC. 5 . DEFENDANTS IN CERTAIN CRIMINAL CASES TO BE TESTED FOR HIV.

(a) IN GENERAL.—A jurisdiction shall have in effect laws or regulations with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity that require as follows:

(1) That the defendant be tested for HIV disease if—

(A) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

(B) the victim requests that the defendant be so tested.

(2) That if the conditions specified in paragraph (1) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to—

(A) the victim;

(B) the defendant (or if the defendant is a minor, to the legal guardian of the defendant);

(C) the attorneys of the victim;

(D) the attorneys of the defendant;

(E) the prosecuting attorneys; and

(F) the judge presiding at the trial, if any.

(3) That if the defendant has been tested pursuant to paragraph (2), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with paragraph (1) (except that this paragraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

(4) That, if the results of a test conducted pursuant to paragraph (2) or (3) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

(b) FAILURE TO COMPLY.—

(1) IN GENERAL.—For any fiscal year beginning 2 or more years after the date of the enactment of this Act, a jurisdiction that fails to implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(A) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this section shall be reallocated under that program to jurisdictions that have not failed to implement this section.

Mr. WELDON of Florida. Mr. Chairman, for my colleagues this amendment specifically deals with the issue where you have a situation of a sexual assault and a victim is trying to determine the HIV status of the perpetrator.

Many States have taken action on this issue. But there are several States that have yet to do so. Why am I offering this? Well, we had a case in Alabama of a 41-year-old man, HIV positive, transmitting HIV to a 4-year-old girl that he had raped. A 35-year-old man in Iowa raped a 15-year-old girl and her 69-year-old grandmother. He was infected with HIV.

Under the laws of that State, they had no right to obtain the HIV status of this rapist. He was HIV positive. And as many people may note today, if you are exposed to HIV, it is possible to take a 1-month long course of medication and dramatically reduce the likelihood of contracting human immunodeficiency disease.

I think this is an excellent amendment. This body passed this by large vote years ago.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am happy to accept this amendment. I would point out that this is nearly identical to H.R. 3088, which passed the House 380 to 19 in October of 2000.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. WASSERMAN SCHULTZ:

Insert after section 511 the following new section (and redesignate succeeding sections accordingly):

SEC. 512. STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—The Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(c) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(d) DEFINITIONS.—As used in this section:

(1) The term "civil commitment program" means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term "sexually dangerous person" means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term "jurisdiction" has the meaning given such term in section 111.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, today I offer an amendment to provide guidelines and incentives for States to civilly confine violent sexual predators.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff for this support in working with my office on this provision. I would also like to thank the gentleman from Michigan (Mr. CONYERS) for his support as well.

Most criminals deemed as sexually violent have broken State, as opposed to Federal. laws. This amendment would incentivize States to implement civil confinement programs. This is not a new or radical idea. As of 2002, 16 States and the District of Columbia have implemented some form of a civil confinement law. Under this amendment, civil confinement would encompass those who admit their illness, as well as those who are deemed too dangerous to return to society without proper treatment and rehabilitation.

Texas prisoner Larry Don McQuay is an example of the kind of person who would merit civil confinement. He is a convicted child molester who describes himself alternatively as scum of the Earth and a monster.

He is currently serving a 20-year sentence for molesting three children.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a good amendment. I would just point out that it has been carefully drafted to ensure compliance with the Supreme Court decisions approving of such laws in Kansas v. Hendrick 1997, and Kansas v. Crane in 2002.

I am happy to accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. MC DERMOTT

Mr. MCDERMOTT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MCDERMOTT:

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FOSTER CHILDREN IN AREAS AFFECTED BY HURRICANE KATRINA DEEMED ELIGIBLE FOR FOSTER CARE MAINTENANCE PAYMENTS.

(a) IN GENERAL.—As a condition of eligibility for payments under part E of title IV of the Social Security Act, each State with a plan approved under such part shall, during the 12-month period that begins with September 2005, make foster care maintenance payments (as defined in section 475(4) of such Act) in accordance with such part on behalf of each child who is in foster care under the responsibility of the State, and who resides or, just before August 28, 2005, had resided in an area for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina.

(b) PAYMENTS TO STATES.—In lieu of any entitlement to payment under section 474 of the Social Security Act with respect to any child described in subsection (a) of this section, each State with such a plan shall be entitled to a payment for each quarter in which there is month in which the State has made a foster care maintenance payment pursuant to such subsection (a), in an amount equal to the sum of—

(1) the total of the amounts expended by the State during the quarter pursuant to such subsection (a) for children described in such subsection (a) who are in foster family homes (as defined in section 472(c)(1) of such

Act) or child-care institutions (as defined in section 472(c)(2) of such Act); and

(2) the total of the amounts expended by the State during the quarter as found necessary by the Secretary for the provision of child placement services for such children, for the proper and efficient administration of the plan with respect to such children, or for the provision of services which seek to improve the well-being of such children.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. McDERMOTT. Mr. Chairman, I rise in defense of children. While I stand alone at the podium, I wish we were all standing together on behalf of foster children created by Katrina.

The other day I introduced the Emergency Action for Vulnerable Children Act, H.R. 3711. Today I offer 3711 as an amendment to the Child Safety Act of 2005.

There is really not a moment to lose. We must accept responsibility for the safety and welfare of foster children affected in this crisis. When Katrina slammed into the Gulf Coast, thousands of foster children were separated from foster families in shelters, and they will fall through the social safety net unless we act.

In drafting this legislation, I worked closely with organizations like the National Foster Parent Association and the Child Welfare League of America. These organizations are working directly with others on the ground in the affected region, and they said what we needed to hear: the Federal Government must become an immediate and reliable partner for States trying to cope with the human needs that are outstripping their individual ability to effectively respond.

Late yesterday the Child Welfare League, which represents 900 public and private caregivers across the country, endorsed the Emergency Action for Vulnerable Children.

Mr. Chairman, I would like to quote from their letter: "Many Child Welfare League of America member agencies are working in the disaster area to connect children with their families and to continue to provide services to those children in care."

They report to us directly about their struggles in attempting to meet the needs of children and families devastated by the disaster.

H.R. 3711 begins to address these issues. It is clear that it will take a sustained effort on the part of volunteers and local, State and Federal governments, to help these children and families, quote, and continuing to quote, "this legislation provides an assurance that the Federal Government stands as a partner with State and local governments to meet the needs of these children."

Mr. Chairman, there are no gotchas in this amendment. Its intent is clear, and will focus much more needed Federal resources on foster children affected by the hurricane.

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The legislation is bipartisan in spirit and humanitarian in fact. The current child welfare program simply cannot handle a crisis of this magnitude. Rules of eligibility vary from State to State. In many cases, vulnerable children may not be receiving mental health treatment or family counseling.

We must change that, and we can. Because H.R. 3711 cuts through the red tape and makes the Federal Government, appropriately in a national crisis, responsible for paying for urgently needed care. This is no time to have a boatload of rules and regulations. This is a time to provide a boatload of help.

With one vote, we can demonstrate our leadership in this time of national crisis. With one vote, we can make every foster child entitled to immediate Federal help. There is no reason to wait. There is no justification to wait.

Katrina is a natural disaster and a national crisis. This act is a rescue mission, plain and simple.

Mr. Chairman, given the magnitude of the crisis and the urgency of the need, I urge my colleagues to allow my amendment to be voted on. If there was an alternative before us, I could accept that as a price of speaking for the minority party, but no such legislation exists.

Mr. Chairman, the question really is, if not now, when? If not us, who will defend and save these children?

We witnessed the horror and the tragedy on TV. Thousands of foster children lived through that. The image in their minds, the insecurity in their hearts is real and overwhelming. We cannot leave them alone.

As the ranking Democrat on the Subcommittee on Human Resources, this committee is responsible for protecting these children. We cannot turn our backs and hope that somehow, some way, someone somewhere will respond to the needs of these children.

Across this country, Americans are responding to the crisis the only way they know how, by stepping up with a big heart and an open wallet to help their fellow Americans in need. They are looking to us to lead the Nation through this crisis. We did it once together. We can do it again. Let us prove it by saving the children, today.

CHILD WELFARE LEAGUE OF AMERICA,
Washington, DC, September 13, 2005.

Hon. JIM McDERMOTT,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN McDERMOTT: The Child Welfare League of America (CWLA), with our 900 public and private child-serving member agencies, endorses H.R. 3711, the Emergency Action for Vulnerable Children Act. We applaud your leadership in highlighting the needs of vulnerable foster children and families affected by Hurricane Katrina.

Many CWLA member agencies are working in the disaster area to connect children with their families and to continue to provide services to those children in care. They report to us directly about their struggles in attempting to meet the needs of children and families devastated by this disaster.

H.R. 3711 begins to address these issues by providing federal assistance to ensure that foster children receive the supports and services they need, including mental health treatment. H.R. 3711 allows the kind of broad and flexible funding that will assist Louisiana, Alabama, and Mississippi, as well as help other states that are extending their hands in support of the relief efforts.

It is clear that it will take a sustained effort on the part of volunteers and local, state, and federal governments to help these children and families cope. This legislation provides an assurance that the federal government stands as a partner with state and local governments to meet the needs of these children.

Thank you again for your continued leadership on behalf of children and families. Count on CWLA to work with you in any way possible to help the children and families affected by this disaster.

Sincerely,

SHAY BILCHIK,
President/CEO.

POINT OF ORDER

The Acting CHAIRMAN (Mr. SWEENEY). Does the gentleman from Wisconsin (Mr. SENSENBRENNER) insist on his point of order?

Mr. SENSENBRENNER. I do, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. This amendment would provide new budget authority in excess of the allocation made under section 302(a) of the Committee on the Judiciary and thus is not permitted under section 302(f) of the Act.

I ask for a ruling of the Chair.

The Acting CHAIRMAN. Is there anyone else who wishes to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

The gentleman from Wisconsin raises a point of order that the amendment offered by the gentleman from Washington violates section 302(f) of the Budget Act.

Section 302(f) of the Budget Act provides a point of order against any amendment providing new budget authority that would cause a breach of the relevant allocation of budget authority under section 302(a) of the Budget Act.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that the new mandatory budget authority provided by this amendment would cause a breach of the allocation of the Committee on the Judiciary.

The amendment offered by the gentleman from Washington would increase the level of new mandatory budget authority in the bill above the allocation made under section 302(a). As such, the amendment violates section 302(f) of the Budget Act. The point of order is sustained.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. NADLER:

Page 4, before line 1, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISION

Sec. 601. Ban on firearm for person convicted of a misdemeanor sex offense against a minor.

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISION

SEC. 601. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) DISPOSITION OF FIREARM.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; or" ; and

(3) by inserting after paragraph (9) the following:

"(10) has been convicted in any court of a misdemeanor sex offense against a minor.".

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting "; or" ; and

(3) by inserting after paragraph (9) the following:

"(10) who has been convicted in any court of a misdemeanor sex offense against a minor,".

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(36)(A) The term 'misdemeanor sex offense against a minor' means a sex offense against a minor punishable by imprisonment for not more than one year.

"(B) The term 'sex offense' means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

"(C) The term 'minor' means an individual who has not attained 18 years of age.".

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Parliamentary inquiry. Mr. Chairman. I believe the Chair has not called for further amendments to title V, and the proposed amendment of the gentleman from New York (Mr. NADLER) is to title VI. I do not think title V has been closed out yet.

The Acting CHAIRMAN. The amendment of the gentleman from New York (Mr. NADLER) proposes to add a new title after title V. The gentleman is correct that the adoption of such an amendment would close title V to further amendment. But the Chair is unaware of any further amendment to title V.

Mr. NADLER. Mr. Chairman, my amendment prohibits the transfer to or possession of a firearm by any individual convicted of committing a sex offense against the minor.

Under current law, it is illegal to transfer or sell a gun to anyone convicted of a crime punishable by more than a year in jail. It is also illegal for any individual convicted of such a crime to possess a gun. For some misdemeanor offenses that, although punishable by less than a year in jail, are of a particular serious nature, we currently prohibit all transfers of guns or possession of guns by individuals convicted of such crimes.

For example, we prohibit anyone convicted of a crime of domestic violence, whether a felony or a misdemeanor, from purchasing or possessing a gun. Shockingly, we do not prohibit the sale or possession of guns to people convicted of misdemeanor sex crimes against a minor. We should not treat child sex offenders any more leniently with respect to possessing guns than we do domestic abusers.

If Congress is prepared in the underlying bill to require rigorous, severe and intrusive registration for 20 years from persons convicted of a misdemeanor sex offense against a minor, and is prepared to require States to verify this information four times a year, then the offense is indeed of such a serious nature that a convicted sex offender against a child must not be allowed possession of a firearm.

A criminal convicted of indecent exposure, lewd conduct or molestation against a minor should not have access to a gun. These are misdemeanor offenses, but dangerous criminals convicted of committing a sexual crime against a child, even when such offense carries a penalty of less than a year, pose too great a danger to society if in possession of a firearm.

I urge my colleagues to support this amendment to close this loophole.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the amendment bans possession and transfer of firearms by a convicted misdemeanor sex offender against a minor, and I am happy to accept the amendment.

Mr. NADLER. Mr. Chairman, I appreciate the comments of the gentleman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mrs. KELLY:

At the end of the bill add the following (and amend the table of contents accordingly):

TITLE VI—NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT

SEC. 601. NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall create a national register of cases of child abuse or neglect. The information in such register shall be supplied by States, or, at the option of a State, by political subdivisions of such State.

(b) INFORMATION.—The register described in subsection (a) shall collect in a central electronic database information on children reported to a State, or a political subdivision of a State, as abused or neglected.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect. Except as provided in subparagraph (B), each State, or, at the option of a State, each political subdivision of such State, shall determine whether the information to be provided to the Secretary of Health and Human Services under this section shall also relate to reports of suspected instances of child abuse or neglect that were unsubstantiated or determined to be unfounded.

(B) EXCEPTION.—If a State or political subdivision of a State has an equivalent electronic register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information, except that, at the option of the entity supplying the information, the confidentiality of identifying information concerning an individual initiating a report or complaint regarding a suspected or known instance of child abuse or neglect may be maintained.

(d) CONSTRUCTION.—This section shall not be construed to require a State or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) DISSEMINATION.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish standards for the dissemination of information in the national register of cases of child abuse or neglect. Such standards shall preserve the confidentiality of records in order to protect the rights of the child and the child's parents or guardians while also ensuring that Federal, State, and local government entities have access to such information in order to carry out their responsibilities under law to protect children from abuse and neglect.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and succeeding fiscal years.

Mrs. KELLY. Mr. Chairman, H.R. 3132, the Children's Safety Act, is a good, commonsense bill. It seeks to protect our children from sex offenders and increase the tools for law enforcement and help defend the innocence of our children.

My amendment would strengthen this bill by adding an additional tool for our State and local child protection services and by eliminating the loophole in our local laws which allow child adjudicated abusers to find sanctuary by merely crossing a State's borders. This amendment is similar to legislation I have introduced in the House, H.R. 764, which has strong bipartisan support.

Child abuse and neglect is an issue that crosses jurisdictions. It is, therefore, vital for Federal and local officials to work together to ensure necessary laws and resources to fight child abusers are in place at every level of the government.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, as my colleague points out, under current law what does this mean? Let me offer an example.

If there is a child abuser in California who has been proven through the courts to have a history of child abuse, that history is on record in the State of California. But should that abuser decide to move to my State of Arizona, there is no documented history of his record of abuse in California that exists in Arizona. Currently, there is no national child abuse registry to show that this is a child abuser, no easy way, therefore, for localities to know this is a child abuser who is unfit to have children in their care.

This is the problem that our local governments currently encounter. Nothing is in place nationally that provides one State a direct way to report to other States that someone has an established history of child abuse, making the job for our local and State child advocacy services much more difficult.

Children are being placed in danger when child abuse offenders move to a State where their history is unknown. This national registry would be a commonsense and a necessary step in the fight against child abuse. Local authorities need a more certain way to uncover an individual's history of child abuse in another State, and this amendment will allow the Attorney General and the Secretary of HHS to work together to create this database that can be updated by data from the several States and utilized by States to keep children safe.

Child abusers can run, but they cannot hide. We will not let them hide. This amendment makes it possible to deal with this effectively. I congratulate my co-sponsor, the gentlewoman from New York (Mrs. KELLY); and I ask the House to move forward on this favorably.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I will make the gentlewoman an offer she cannot refuse. I am happy to accept the amendment if the gentlewoman will yield back the balance of her time.

Mrs. KELLY. That is an offer I will not refuse.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. PENCE:

Add at the end the following new title:

TITLE VI—CHILD PORNOGRAPHY PREVENTION ACT OF 2005

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Pornography Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 603. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257 of title 18 of the United States Code is amended—

(1) in subsection (a)(1), by striking "actual";

(2) in subsection (b), by striking "actual";

(3) in subsection (f)(4)(A), by striking "actual";

(4) by amending paragraph (1) of subsection (h) to read as follows:

"(1) the term 'sexually explicit conduct' has the meaning set forth in subparagraphs (A)(i) through (v) of paragraph (2) of section 2256 of this title;";

(5) in subsection (h)(4), by striking "actual.";

(6) in subsection (f)—

(A) at the end of paragraph (3), by striking "and";

(B) at the end of paragraph (4)(B), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (4)(B) the following new paragraph:

"(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her delegee to conduct an inspection under subsection (c).".

(7) in subsection (h)(3), by striking "to produce, manufacture, or publish any book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other similar matter and includes the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not involve hiring, contracting for managing or otherwise arranging for the participation of the performers depicted" and inserting "actually filming, videotaping, photographing; creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being; or digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or, inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct";

(8) in subsection (a), by inserting after "videotape," the following: "digital image, digitally- or computer-manipulated image of an actual human being, or picture,"; and

(9) in subsection (f)(4), by inserting after "video" the following: "digital image, digitally- or computer-manipulated image of an actual human being, or picture,".

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

"(m) Prohibition on Reproduction of Child Pornography.—

"(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

"(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

"(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.".

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) Conforming Forfeiture Procedures for Obscenity Offenses.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after "of such offense" and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

"(b) The provisions of section 413 of the Controlled Substance Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

"(c) Any property subject to forfeiture pursuant to subjection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.".

(b) Amendments to Child Exploitation Forfeiture Provisions.—

(1) Criminal forfeiture.—Section 2253(a) of title 18, United States Code, is amended—

(A) in the matter preceding paragraph (1) by—

(i) inserting "or who is convicted of an offense under sections 2252B or 2257 of this chapter," after "2260 of this chapter";

(ii) inserting ", or 2425" after "2423" and striking "or" before "2423"; and

(iii) inserting "or an offense under chapter 109A" after "of chapter 117"; and

(B) in paragraph (I), by inserting ", 2252A, 2252B or 2257" after "2252".

(2) Civil forfeiture.—Section 2254(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting ", 2252A, 2252B, or 2257" after "2252";

(B) in paragraph (2) —

(i) by striking "or" and inserting "of" before "chapter 117";

(ii) by inserting ", or an offense under section 2252B or 2257 of this chapter," after "Chapter 117," and

(iii) by inserting ", or an offense under chapter 109A" before the period; and

(C) in paragraph (3) by—

(i) inserting ", or 2425" after "2423" and striking "or" before "2423"; and

(ii) inserting ", a violation of section 2252B or 2257 of this chapter, or a violation of chapter 109A" before the period.

(c) Amendments to RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting "2252A, 2252B," after "2252".

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) Section 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting "**Production and**" before "**Transportation**" in the heading of the section;

(2) by inserting "produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly" after "whoever knowingly" and before "transports or travels in"; and

(3) by inserting a comma after "in or affecting such commerce".

(b) Section 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting "producing with intent to distribute or sell, or" before "selling or transferring obscene matter,";

(2) in subsection (b), by inserting, "produces" before "sells or transfers or offers to sell or transfer obscene matter"; and

(3) in subsection (b) by inserting "production," before "selling or transferring or offering to sell or transfer such material.".

Mr. PENCE. Mr. Chairman, I rise today in strong support of both the Pence amendment and the Child Safety Act of 2005. I want to commend the gentleman from Wisconsin (Mr. Sensenbrenner) for his tireless advocacy of families and children.

While this legislation today is very much about using the force of Federal law to confront child predators, we know that the fuel that fires the wicked hearts of child predators is child pornography; and my amendment, which is drawn from the Child Pornography Prevention Act of 2005, is designed to give law enforcement the tools to stop child pornography at the source.

It will fix a glaring loophole in the current law by requiring pornographers to keep records of the names and ages of their subject, proof of identification. This requirement, we believe, will deter the use of underage children in pornography.

Additionally, pornographers will be required to allow law enforcement to inspect their records. Failure to do so will be a criminal offense.

We also in this legislation extend Federal jurisdiction to so-called "home pornographers" that use downloading on the Internet and digital and Polaroid photography to essentially create an at-home cottage industry for child pornography.

It is time to protect our children. It is time to enact the Pence amendment, the Child Pornography Prevention Act of 2005 and make it a part of this truly landmark legislation, the Children's Safety Act of 2005.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. PENCE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I would just like to add my words of support for the amendment of the gentleman from Indiana (Mr. Pence). I think it makes a very important addition to this bill.

Mr. PENCE. I thank the chairman for his endorsement.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the recent case of Free Speech Coalition v. Ashcroft, the Supreme Court indicated that if the material is not obscene it cannot be prohibited unless real children are involved. This amendment prohibits simulated conduct, digital images that may have been produced without real children being involved. If real children are not involved, the material has to be technically obscene to be prohibited.

The Supreme Court indicated in the decision that the fact that this material may whet someone's appetite or the nature of the case caused problems for law enforcement, those could not be the grounds for violating the Constitution in having material that is not obscene being prohibited.

The case, whether you like it or not, and bringing it up as a floor amendment means we cannot try to conform the language to the Supreme Court decision, so the only thing we can do is to vote against it if we believe in the Constitution and if we read Free Speech Coalition v. Ashcroft.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment as the designee of the gentlewoman from Texas (Ms. JACKSON-LEE).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CONYERS: Add at the end the following new title:

TITLE VI—PERSONAL DATA OF CHILDREN

SEC. 601. MISAPPROPRIATION OF DATA.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

"§ 1802. Misappropriation of personal data of children

"Whoever, in or affecting interstate or foreign commerce, knowingly misappropriates the personally identifiable information of a person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of title 18, United States Code, is amended by adding at the end the following new item:

"1802. Misappropriation of personal data of children.".

Mr. CONYERS. Mr. Chairman, this question of the well-being of our Nation's children is a result of the fact that children have increasingly become targets for identity theft. There have been sharp rises in incidents of fraud involving children's Social Security numbers which have been documented. Crimes using the stolen data are typically credit card frauds or the issuance of fraudulent driver's licenses. However, it is not too farfetched to think that the misappropriations of the personally identifiable information of a person who has not attained the age of 18 could be used in a way that could bring about many of the offenses set forth in this Act.

□ 1415

So the objective of the amendment crafted by the gentlewoman from Texas is to protect our children at all costs, and this amendment would do this by making it a crime to knowingly misappropriate the personal identification information of a minor in interstate or foreign commerce. The offense would be punishable by fines or imprisonment not to exceed 10 years.

Identity thieves often target children for these type of crimes because they are much less likely to notice that someone else is using their identity.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am prepared to accept this amendment, but I think it needs a little bit of work on it. I am concerned about the drafting and application of the provision and am concerned about what might be construed as, quote, personally identifiable information of a person who is under age 18.

The amendment requires clarification of these issues, but I am willing to work with my colleague on this amendment to possibly modify or clarify the language at a conference later on. So I am prepared to accept the amendment and hope that it passes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am delighted to be able to cosponsor this amendment, and I thank the distinguished gentleman from Michigan for presenting this amendment on identity theft, and I thank the chairman.

I think the key element of the purpose of this amendment which we present today is to realize that children are vulnerable. Documents have been lost, and now that we know that identity theft is as prolific, unfortunately, as Katrina was and the rain and the floods, these children need protecting.

So I would hope we could work together. I would like to work with the gentleman from Wisconsin (Mr. SENSENBRENNER) if this amendment could be accepted.

As chair and founder of the Children's Caucus, I am very concerned with the well being of our Nation's children. Unfortunately, children have increasingly become targets for identity theft. Sharp rises in incidents of fraud involving children's Social Security numbers have been documented. Crimes using this stolen data are typically credit card fraud or the issuance of fraudulent driver's licenses. However, it is not too far fetched to think that the misappropriation of the personally identifiable information of a person who has not attained the age of 18 years could be used in a way that could bring about many of the offenses set forth in this act. The objective is to protect our children at all costs. My amendment would do just that by making it a crime to knowingly misappropriate the personal identification information of a minor in interstate or foreign commerce. The offense will be punishable by fines or imprisonment for not more than 10 years.

Identity thieves often target children for these types of crimes because they are much less likely to notice that someone else is using their identity. Even infants have had their identities stolen by identity thieves. These crimes may be discovered only when bewildered parents get the bill. Some children never learn that fraudulent activity has taken place in their name until they are refused a driver's license because one has already been issued to their Social Security number. Worse still, some apply for student loans only to learn that their credit has been ruined.

Sadly, the Federal Trade Commission estimates that 9 percent of children in this situation learn that a member of their own family had actually perpetrated this fraud. Fixing these credit reports can be very time-consuming and particularly expensive for young adults just entering the job market. Victims now spend an average of 600 hours recovering from this crime; often over a period of years, at an average cost of $1,400.

These crimes against unsuspecting and defenseless children are among the most insidious that can be committed because they rob children of opportunity. Instead, their entry to adulthood is a setback with massive debt, legal bills, and an extraordinary battle just to get a fair chance in life.

This amendment provides stiff penalties to criminals who prey on a child's future. I would like to thank Mr. CONYERS for offering my amendment and therefore I join him as a cosponsor of this amendment. After being detained in a meeting on Hurricane Katrina, I was grateful that my amendment was able to be offered by Mr. CONYERS, the ranking member.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman, and I think that covers it.

The Acting CHAIRMAN (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. CONYERS: At the end of the bill, add the following new title:

TITLE VI—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION

SECTION 601. SHORT TITLE.

This title may be cited as the "Local Law Enforcement Hate Crimes Prevention Act of 2005".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 603. DEFINITION OF HATE CRIME.

In this title, the term "hate crime" has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 604. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE,OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2006, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2006 and 2007.

SEC. 605. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2006, 2007, and 2008 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 607.

SEC. 607. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) DEFINITIONS.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title;

"(2) the term 'firearm' has the meaning given the term in section 921(a) of this title; and

"(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

"(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

SEC. 608. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender and gender identity," after "race,".

SEC. 609. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. CONYERS. Mr. Chairman, this is a very important consideration; and I offer this amendment to address a problem, the scourge of hate violence, and hope that my colleagues will carefully consider the merits of the proposal.

The larger measure before us, H.R. 3132, finally gives us an opportunity to pass a hate crimes legislation that has been supported by a majority of the House and the Senate for three Congresses. Regularly, on motions to instruct, this House voted 232 to 192 in support of hate crimes legislation. Clearly, after a series of procedural votes in favor of the bill, the time has come for us to act on the substance; and this is what brings me to the well today.

In 2003, for the most available data, the FBI compiled reports from law enforcement agencies across the country identifying 7,489 criminal incidents that were motivated by an offender's irrational antagonism towards some personal attribute associated with the victim. Law enforcement agencies have identified 9,100 victims arising from 8,715 separate criminal offenses. While every State reported at least a small number of incidents, it is important to note that the reporting by law enforcement is voluntary, and it is widely believed that hate crimes are seriously underreported.

Children are not immune from this violence. The FBI data has revealed that a disproportionately high percentage of both victims and perpetrators of hate violence were children, young people under 18 years of age. A Department of Justice report, a special one on the subject, in 2001 carefully analyzed nearly 3,000 of the 24,000 hate crimes reported and revealed 30 percent of all victims of bias-motivated aggravated assaults, and 34 percent of the victims of simple assault were under 18.

So that is the problem. Despite the pervasiveness of the problem, current law limits Federal jurisdiction over hate crimes to incidents against protected classes that occur only during the exercise of federally protected activities such as voting. Further, the statutes do not permit Federal involvement in a range of cases where crimes are motivated by bias against the victims' perceived sexual orientation, gender disability, or gender identity.

This loophole is particularly significant given the fact that four States have no hate crime laws on the books and 21 others have weak hate crime laws.

So the amendment will make it easier for the Federal authorities to prosecute bias crimes, in the same way that the Church Arson Prevention Act helped Federal prosecutors combat church arsonists, that is, by loosening the unduly rigid jurisdictional requirements under Federal law.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation with the enhanced support of the Federal Government. Through an intergovernmental assistance program created by this legislation, the Department of Justice will provide technical, forensic, or prosecutorial assistance to State and local law officials in cases of bias crime.

The proposal also authorizes the Attorney General to make grants to State and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

I hope in supporting H.R. 3132 we can also move forward in this important area of hate crimes with reference to protecting children.

Behind each of the statistics cited above lies an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, disability or gender identity. Let us be clear that a significant number of children lie within these statistics.

These discrete communities have learned the hard way that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community. This amendment is a constructive and measured response to a problem that continues to plague our nation. These are crimes that shock and shame our national conscience and they should be subject to comprehensive federal law enforcement assistance and prosecution.

I hope that in supporting H.R. 3132 we can also move forward in this area, hate crimes, that is equally important to protecting children.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, this is a poison pill to a very good and strongly supported bill; and regardless of whether or not one favors or opposes the Federal hate crimes law, I would ask the membership not to put highly controversial legislation of this nature on a bill that has attracted such strong and bipartisan support.

Earlier today, when we were considering the bill granting immunity from civil liability to Good Samaritans who are going down to help the victims of Hurricane Katrina, the Members of the minority party complained about the fact that there had been no hearings, there had been no committee consideration of this legislation, which is arguably of an emergency nature.

There have been no hearings. There have been no markups to this legislation, and we are talking about a major amendment to the Federal Criminal Code, one that poses constitutional problems of double jeopardy and whether Congress is exceeding its constitutional authority, which is something that should go through the regular order. I do not think the changes to the criminal code should be taken lightly.

Statistics on hate crimes prosecution should be fully considered in a very thoughtful way, including testimony that scholars have presented that says that hate crimes legislation actually increases those types of crimes, rather than decreases them.

We also should consider the case of United States v. Morrison, where the Supreme Court considered whether or not section 8 of the Commerce Clause or section 5 of the 14th amendment would allow Congress to enact a Federal civil remedy for victims of gender-motivated violence. There the Supreme Court said the Congress did not have the constitutional authority to do that.

I think both on the merits and on the process and on the practicalities of putting a controversial piece of legislation such as this amendment on a bill that has attracted broad and bipartisan support, this amendment should be strongly rejected. Do not kill the bill with this amendment. Vote it down.

Ms. BALDWIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the underlying bill that we are dealing with today is about safety and protection, and so is the Conyers amendment, which is why I rise in strong support of it.

It is tragic when hate crimes occur, but they do. It is irresponsible and naive to deny that there are people out there who seek to commit violence against others because they are gay, lesbian or transgender or because they are female or because they have a disability. It happens far too often, and we must not be silent about it.

The FBI collects statistics on these crimes; and for the past 10 years, violent hate crimes committed on the basis of sexual orientation have been the third highest number of hate crimes committed. The problem is real, and people are dying solely because of who they are.

Enactment of Federal hate crimes protections is important for both substantive and symbolic reasons. The legal protections are essential to our system of ordered justice; but on a symbolic basis, it is important that Congress enunciate clearly that hate-motivated violence based on gender-sexual orientation or disability is wrong, because, quite frankly, too much of what we do in this Chamber conveys the message that we really do not believe in equality for all, and that is sort of like a wink and a nod, that a little discrimination is okay.

I want to speak briefly about why hate crimes differ from other violent crimes. A senior Republican Member of the other body said a few years ago: "A crime committed not just to harm an individual, but out of motive of sending a message of hatred to an entire community is appropriately punished more harshly, or in a different manner, than other crimes."

Hate crimes are different than other violent crimes because they seek to instill fear and terror throughout a whole community, be it burning a cross in someone's yard, the burning of a synagogue, a rash of physical assaults in a gay community center. This sort of domestic terrorism demands a strong Federal response because this country was founded on the premise that persons should be free to be whoever they are, without fear of violence.

Both in the 107th and 108th Congresses, the House of Representatives voted in favor of motions to instruct conferees to retain the Local Law Enforcement Hate Crimes Prevention Act as part of the Department of Defense authorization bill. Unfortunately, despite the support of a solid bipartisan majority in both this body and the other body, the provisions were dropped in conference.

The urgency to pass hate crimes legislation and protections is as great as ever. Just last year, in separate instances, two men in Mississippi were brutally murdered based on their sexual orientation.

□ 1430

Scotty Joe Weaver was strangled, beaten, and stabbed before his body was carried to a wooded area and set on fire. The following week, Roderick George was shot in the forehead. Authorities have concluded that anti-gay animus was a motivating factor in both cases.

All Americans, regardless of their race, gender, disability, or sexual orientation, have a right to feel safe in their communities. Gays and lesbians should not have to live in fear anywhere in the United States of America.

For far too long this body has failed to act to prevent or respond to hate crimes. We have the opportunity to do so today. I urge my colleagues to recognize that both the underlying bill and this amendment are about safety and protection of our citizens. I urge my colleagues to support this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and I yield to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Virginia for his generosity in yielding to me.

Members of the Committee, there is an historical underlying importance about what we are discussing here. I mention its importance. We have never had on the Federal books, in Federal law, a prohibition against killing someone because of their race. Dr. E.B. DuBois and the NAACP brought this up in the 1930s. It was debated even further back during Reconstruction. We are at a very critical, important point.

This House has approved this, but we have never dealt with it substantively before this afternoon. So I urge the Members to seriously consider the historical nature of what it is we are considering here. This is the first substantive consideration of a hate crimes measure that makes it a Federal violation of criminal law to kill a person because of their race. It is exceedingly important from that point of view.

As I said, it has been debated down from Reconstruction times. It was debated during the 1930s. It has been dealt with indirectly here on the floor. The majority of the Members have concurred with it through other procedures. But today, for the very first time, we are now considering this matter.

I commend this to the careful attention of all of my colleagues in this 109th Congress. We have a tremendous opportunity of an historical nature before us, and I hope that we will successfully move this part of the bill forward with this amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the hate crimes prevention amendment offered by the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary, and I thank him for his strong leadership on this subject.

I disagree with the distinguished chairman of the committee. This is not a poison pill. This amendment does nothing to weaken the underlying bill. We all agree we must take strong measures to protect our children from sexual predators. As a mother of five and grandmother of five, I appreciate fully the underlying bill and intend to vote for it.

This is, Mr. Chairman, another issue; and it relates to hate crimes. This vehicle is one that gives Congress the opportunity to go on record, and hopefully in the majority, to reject hate crimes in our country. Hate crimes prevention is long overdue. Hate crimes have no place in America. All Americans have a fundamental right to feel safe in their communities. Federal hate crimes prevention legislation is the right thing to do, and we must do it now. We have waited far too long.

A year ago, a majority of this House voted to support including hate crimes prevention legislation in the Department of Defense authorization bill, on the heels of a strong vote in the Senate. Similarly, the House acted in September of 2000. Twice, the Republican leadership defied the will of the majority of the House and stripped these essential provisions out in conference. Today, we should not be denied. We will have a vote that counts.

Our Nation was founded on the principle that all are created equal, all are entitled to the protections of the laws, and all are entitled to justice. It violates this principle to have individuals in our country targeted for violence because of who they are, the color of their skin, how they worship, and who they love. The perpetrators of violence intend to send a message to certain members of our community that they are not welcome.

Mr. Chairman, this amendment is based on H.R. 2662, the Local Enforcement Hate Crimes Prevention Act of 2005, introduced by the gentleman from Michigan (Mr. CONYERS), and joined by 142 Members as cosponsors, of which I am proud to be one. It will help prevent violence visited upon individuals because of their race, sexual orientation, sexual identity, religion, national origin, gender, or disability.

As the gentleman from Michigan (Mr. CONYERS) explained, these protections are necessary and must be enacted into law. Who can ever forget the brutal murders of James Byrd in Texas, Matthew Shepard in Wyoming, Waqar Hasan in Texas, Gwen Araujo in California, and so many others who have died because of ignorance and intolerance. This legislation would increase the ability of local, State and Federal law enforcement agencies to solve and prevent a wide range of violent hate crimes.

Mr. Chairman, I call this very specifically to your attention and to that of our colleagues, that numerous law enforcement organizations, including the International Association of Chiefs of Police support the need for Federal hate crimes legislation.

Mr. Chairman, as we deal with the aftermath of Hurricane Katrina, we must remember that we are one America, a Nation that must be united not just in common purpose but in common effort and common community. We must work to end false distinctions among us.

In the words of my good friend, the gentleman from Georgia (Mr. LEWIS), who I consider to be the conscience of this House, we must strive towards our "Beloved Community." "We must move our resources to build and not to tear down, to reconcile and not to divide, to love and not to hate."

Let that be our call. Let us live up to the ideals of equality and opportunity that are both our hope and our future. Let us pass this amendment to secure justice for all. We must continue to vote for justice, for hope, and for freedom by ensuring that hate crimes prevention provisions are enacted into law. I urge my colleagues to vote for this important amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just wanted to commend the minority leader on the legislative history she has recounted for the benefit of us who have dealt with this across the years and add that this is a bipartisan measure. I only wish that all of our colleagues on the other side of the aisle who support this measure would also join with their voices and their votes with us on this very important day.

We can track back a record that goes back to reconstruction where we have been trying to attempt to successfully pass this measure. So I congratulate the gentlewoman on her explanation of why we are here.

Ms. PELOSI. Reclaiming my time, Mr. Chairman, I would just say to the gentleman that we passed this legislation, as I mentioned, at least two times on the floor with Republican votes. As the gentleman knows, we do not have the majority on the Democratic side, so it was with Republican votes that we passed it before.

I, too, hope those votes will be here today because we do have an historic opportunity to pass the underlying bill but, more importantly in terms of this historical opportunity that is presented to us, to pass this amendment as well.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to address some of the misconceptions that arise when we deal with this legislation. I and many of the strongest proponents of hate crimes legislation are also among the strongest proponents of free expression in this House, and I want to be very clear. A belief in free expression means the belief in the right of obnoxious people to say hateful things. This is not an effort to prevent people from engaging in racist or homophobic or sexist insults. I regard that to be a very unpleasant but fully constitutionally protected practice, and there have been mistaken assertions in this.

There was in fact a case in Philadelphia which lent itself to the interpretation that unpleasant speech was being prosecuted. That case was thrown out of court, and it was wrong. Nothing in this law in any way, this amendment that the gentleman from Michigan, who happens to be one of the greatest defenders of freedom of expression in the history of Congress, nothing in this amendment impinges in any way on anybody's right to say or write anything they want.

What it says is that if you commit an act which is otherwise a crime, because the predicate for this is that you have to commit a physical act which would be a crime against a person or property, but generally against a person, that it becomes an aggravating factor if it is demonstrated to be motivated, and the courts have made it clear that you have to demonstrate this is an element of the crime in some way, you must demonstrate that it was motivated by prejudice.

Now the argument is, well, why is one kind of crime worse than any other? Well, in fact, of course, our laws, State and Federal, are replete with examples where the exact same act is treated more harshly depending on the motivation. We have laws that particularly single out crimes against the elderly. We have laws that say if you desecrate one kind of property it is worse than if you desecrate another.

Here is the rationale for this. If an individual is assaulted and the individual chosen for the assault was chosen randomly, that is a very serious problem for that individual, and the crime ought to be punished and the individual protected. But where individuals are singled out for assault because of their race, because of their sexual orientation, because of their gender or identity, and transgendered people are among those who have been most recently viciously and violently attacked, it is not simply the victim of the violent assault who is assaulted. Other people in that vicinity, in that area, who share those characteristics, are also put in fear. And it is legitimate for us to say that when you have individuals being singled out because of a certain characteristic, this becomes a crime that transcends the assault against the individual. It does not mean we do not protect the individual. It means that we go beyond that.

Now there are people who say, look, if you hit anybody, it is exactly the same thing. I doubt their sincerity, Mr. Chairman. Because, as I understand it, under Federal law, if one of us were to be walking out in the street with a private citizen and we were both assaulted, the individual assaulting us has committed a greater crime than the individual assaulting a private citizen. That is, we have one category of hate crimes in that it is a more serious crime to assault a Member of Congress.

Now, by the way, it is obviously not in any way constitutionally inappropriate to denounce Members of Congress. We all know that. So anyone who thinks that when you have enhanced a sentencing by singling out an individual you have immunized him or her from criticism, just look at us. I do not know anybody who is proposing that we get rid of that.

So here is what we are dealing with. We are dealing with a law which in no way impinges on anyone's freedom of expression and says that when individuals are physically harmed in part because of who they are that others who share that characteristic are also put in fear, and that is a way to try to diminish that form of activity.

I should add, too, that we have recently seen more of an outbreak of this sort of violence against people who are transgendered, and it is important for us to come to people's aid.

Of course, when people say, oh, well, this whole new thing is here, of course, the parent of hate crimes legislation is the anti-lynch laws of the 1930s. We tried in the 1930s to pass laws which were Federal hate crimes. The lynch laws were laws that said murder is murder, but where people are murdered for racial reasons in parts of the country where the individuals may not be protected, where law enforcement might be complicit, that is a Federal law.

Now it is true that while this House continuously passed such legislation, the Senate never did because of other things.

☐ 1445

But the fact is that the principle of Federal intervention to protect individuals against crimes of violence that are ordinarily State crimes, in those cases where there is a pattern of nonenforcement, which is a predicate again for activity in this bill, goes back to anti-lynch laws, and I think many of us regret that those laws have not been passed.

Mr. NADLER. Mr. Chairman, we are faced with an historic opportunity this year to pass legislation to combat violent hate crimes that continue to plague our country.

Despite the brutal killing of Matthew Shepard 7 years ago, Congress has failed to pass the Local Law Enforcement Hate Crimes Prevention Act. We have a rare opportunity today to finally pass this bill as an amendment to a crime bill, and we must not let this opportunity pass us by again.

In the years that followed Matthew Shepard's death, thousands of hate crimes have been committed and Congress has failed to protect gays, lesbians, bisexuals, and transgender individuals from these heinous crimes.

Tragically, we are all far too familiar with the violent acts of hate crime. Congress has been too slow in responding to the hate crimes that continue to threaten our communities all across America. Time after time, we hear horror stories of murderers attacking innocent people because they happen to be members of a certain community.

Remember, hate crimes are especially odious because they victimize more than just the individual victim; they also are acts of terrorism directed against an entire class of citizens. When a hate crime is committed, it sends a message to every member of the targeted group that they risk their lives simply by remaining part of that community or ascribing to that identity. Americans should never have to be afraid to live the way they choose.

The Conyers amendment would strengthen existing Federal law in two ways. First, it removes the requirement that the victim be engaged in a federally protected activity when the crime is committed. The amendment will thereby make it easier for Federal authorities to prosecute or assist local authorities in prosecuting hate crimes. Second, it expands the definition of hate crimes to include those motivated by gender, gender identity, disability, and sexual orientation.

We must all redouble our efforts to pass sensible hate crimes prevention legislation this year. We must continue our fight to protect American families from violent bigotry and vicious acts of hatred. I urge my colleagues to vote for the Conyers amendment.

The Acting CHAIRMAN (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. CONYERS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 9 offered by the gentleman from South Carolina (Mr. INGLIS) and amendment No. 25 offered by the gentleman from Michigan (Mr. CONYERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. INGLIS OF SOUTH CAROLINA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. INGLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 316, not voting 11, as follows:

[Roll No. 468]

AYES—106

Abercrombie
Ackerman
Baird
Baldwin
Becerra
Berman
Bishop (GA)
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Carson
Case
Clay
Cleaver
Conyers
Crowley
Cummings
Davis (IL)
Deal (GA)
DeGette
Delahunt
Dingell
Ehlers
Engel
Evans
Farr
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lungren, Daniel E.
Maloney
Markey
Matsui
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pastor
Paul
Pelosi
Price (NC)
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwarz (MI)
Scott (VA)
Serrano
Sherman
Smith (WA)
Snyder
Solis
Stark
Stupak
Tierney
Towns
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey
Wynn

NOES—316

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Berkley
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larson (CT)
Latham
Leach

Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros Lehtinen
Ross
Rothman
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Beauprez
Clyburn
Gilchrest
Harman
Hoekstra
Melancon
Payne
Royce
Walsh
Weiner

☐ 1510

Ms. ZOE LOFGREN of California, Mrs. CUBIN, Messrs. BOYD, GREEN of Wisconsin, NUSSLE, WICKER, WILSON of South Carolina, DAVIS of Florida, RENZI, KINGSTON, EMANUEL, BACA, BARTLETT of Maryland, LARSON of Connecticut, HOBSON, COOPER, and Ms. ESHOO changed their vote from "aye" to "no."

Messrs. BROWN of Ohio, SMITH of Washington, and McDERMOTT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. CONYERS

The Acting CHAIRMAN (Mr. SWEENEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 199, not voting 11, as follows:

[Roll No. 469]

AYES—223

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn

NOES—199

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Beauprez
Clyburn
Gilchrest
Harman
Hoekstra
Melancon
Payne
Royce
Walsh
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SWEENEY) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1520

Mr. NUSSLE changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. SWEENEY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes, pursuant to House Resolution 436, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 52, not voting 10, as follows:

[Roll No. 470]

YEAS—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wasserman Schultz
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Akin
Barrett (SC)
Blunt
Bonilla
Buyer
Conaway
Davis (IL)
Deal (GA)
Duncan
Flake
Gingrey
Gohmert
Hefley
Hinchey
Holt
Honda
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
Kingston
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Miller (FL)
Mollohan
Moran (KS)
Norwood
Oberstar
Paul
Price (GA)
Rahall
Ryun (KS)
Sabo
Schakowsky
Scott (VA)
Shadegg
Souder
Stark
Tancredo
Thornberry
Velázquez
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Westmoreland
Woolsey

NOT VOTING—10

Barton (TX)
Beauprez
Camp
Clyburn
Gilchrest
Melancon
Payne
Royce
Walsh
Weiner

□ 1541

Messrs. FLAKE, WAMP, and DUNCAN changed their vote from "yea" to "nay."

Mr. BURTON of Indiana and Mr. MANZULLO changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GILCHREST. Mr. Speaker, I was unavoidably detained for the vote on passage of H.R. 3132, the Children's Safety Act of 2005. If I had been present for this vote, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3132, the Clerk be authorized to correct section numbers, cross-references, punctuation and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PUT OUR FEDERAL POLICIES IN ORDER

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, for several years I have come to the floor of the House using the perilous situation that faced New Orleans as a rallying cry for us to get our policies right dealing with water resources, floods, and disaster mitigation.

We now have a wide variety of plans and proposals that are flying about, which is encouraging. But it is important that we do it right, that any plan that we undertake is comprehensive and harnesses the forces of nature to solve problems rather than create them.

It is important that we start now with the vast sums of Federal money that is flowing into the gulf region, and it is critical that we involve the local people in shaping their own destiny.

Last but not least, we must implement long overdue reform to the way the Corps of Engineers operates, and even more important, how Congress treats the Corps of Engineers. This will go a long way towards not just helping New Orleans and the Katrina damaged area; but it will make all our families safer, healthier, and more economically secure.

RANJAN MANORANJAN

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize a distinguished Ohioan, Ranjan Manoranjan. A native of Sri Lanka, Mr. Manoranjan is a tireless advocate of humanitarian efforts here in his adopted country and throughout the world.

In July, Mr. Manoranjan was awarded the Ellis Island Medal of Honor, which honors American citizens who through struggle and sacrifice help build our Nation while preserving their own cultural identity.

Past Ellis Island recipients include Bill Clinton, Rosa Parks, and Colin Powell. Co-founder of the International Relief Foundation, Mr. Manoranjan has raised millions of dollars to combat global poverty including significant support for tsunami relief.

☐ 1545

Mr. Manoranjan's commitment to social and economic justice is evidenced in a letter I received from his business partner of 18 years.

Nanda Nair wrote, "He has been an example to me for giving back to the community, mentoring others, and preserving ancestral ties while celebrating America's tradition as the land of opportunity and self-improvement."

HIDDEN HATE CRIMES BILL

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, we just passed a hate crimes bill. There is no Federal nexus, not sufficient to satisfy the requirements of the Constitution, but then again we have a Supreme Court that often does not recognize the Constitution as written. It rewrites it to suit its own whims.

As a former judge, I was a tough sentencer when that came about, but I am telling you, 10 years from now, when your preacher or even a Muslim leader says something about the Bible or the Koran or something saying that this sexual preference is wrong and they get arrested, then there will be people in this body that say, you know what, maybe I should have voted against that amendment.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a friend of mine has sent me a short and moving poem; and I want to share it tonight.

She writes, "I weep for my country. We seem to have completely lost our way. I want the government to be as generous as private people are. I want my government to do as well as WalMart is doing. I weep for my country. I want black faces to count as much as mine. I need hope, not statistics, platitudes and phony, staged play-acting. I weep for my country. We need a Marshall Plan. We need a New Deal. We need leaders in Congress to start talking about conservation, pulling together, car pooling, not opening the Alaskan oil fields. Oh, God, how I weep for my country."

I was moved by my friend's words, and I am committed to turning her words into action. Tomorrow morning at 10 o'clock I will be convening a hearing to discuss concrete strategies for ending the war in Iraq. We will hear from Middle East experts, military leaders, and others as they offer their ideas for how we can bring our troops home and move toward a peaceful but constructive role in the rebuilding of Iraqi society.

This morning brought news of a deadly series of bombings in Iraq, killing American soldiers and Iraqi civilians, more than 150 people in all, making it one of the deadliest days of this horrific war.

Is this what the march of freedom looks like? Is this what Vice President CHENEY meant when he said the insurgency was in its last throes?

It is more clear than ever that the American military presence is inspiring terrorist insurgents rather than defeating them. Al Qaeda has taken credit for this wave of violence and al Qaeda was not even a factor in Iraq before the U.S.-led occupation began.

The American people understand this. Nearly two-thirds of them give the President poor marks on his handling of Iraq. They are desperate to hear alternatives to the administration's disastrous policy. That is why I have organized this hearing tomorrow, to give voice to a widely held conviction, to spark a national debate, to demonstrate that many of us do not want to just speak out against the war. We want to discuss pragmatic, nuts-and-bolts solutions, in fact, a road map to our very disengagement.

That discussion should eventually go beyond Iraq to include a complete reassessment of our national security priorities. It is time to end the reflexive impulse of using military force to solve our international conflict. It has, by the way, the appearance of strength, but, as Iraq has shown us, it often undermines our national security, rather than enhancing it.

I have proposed a new approach. It is called SMART Security. It stands for Sensible, Multi-lateral American Response to Terrorism. SMART is based on the belief that war should be an absolute last resort, to be undertaken only under the most extreme circumstances. But that does not mean SMART is not serious and smart about protecting America. It is vigilant about fighting terrorism and weapons of mass destruction, but it does so with stronger multi-lateral alliance, improved intelligence capabilities, vigorous inspection regimes, and aggressive diplomacy.

SMART would shuffle our national security budget. No more billions thrown at outdated Cold War weapons programs. That money would instead be invested in energy independence and other efforts that truly are relevant to the modern security threats that we face.

SMART also includes an ambitious international development agenda to help address the root causes of terrorism, democracy building, education for women and girls, addressing resources scarcity. These are key ingredients to building stable societies in Iraq and elsewhere.

It is my hope and belief that the grievous mistakes we made in Iraq will lead us to this new, smarter national security policy. SMART Security protects America by relying on the very best of American values: our capacity for global leadership, our dedication to peace and freedom, and our compassion for the people of the world.

GREAT AMERICAN RICE TRADE IN TROUBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to praise September as National Rice Month and honor those who grow it, process it, transport it, and all those who bring it to the dinner tables of America and the rest of the world.

National Rice Month was established in 1991 when both Houses of Congress agreed and the President of the United States sought to increase awareness of rice and recognize the contribution made by the U.S. rice industry to America's economy. National Rice Month celebrations will take place all across America this month in grocery stores, restaurants, schools, in festivals in many rice-growing communities, including the 36th Annual Texas Rice Festival just outside my district in Winnie, Texas.

Rice is an important part of American history and heritage. It has been grown in North America since 1696, when an improved variety of rice, reportedly from Madagascar, was grown on the Carolina coast. Early Americans recognized the promise of this crop throughout the world; and by 1726 the port of Charleston, South Carolina, was a major rice port in the United States.

As America earned independence, rice was growing as one of our largest exports. Over the years, rice became less and less important to the Carolinas as crops such as cotton and tobacco were better suited for that climate. But it was not until the war between the States, as advancing Union armies in the 1860s put the great rice plantations to the torch, that farmers picked up and moved west to the rich, fertile land of the Mississippi Delta and the lowlands off the gulf coast of Texas and Louisiana.

Today, there are only six States that have land and climate suitable to produce rice. As a $2 billion cash crop, rice is the fifth most valuable food crop grown in the United States. Ninety percent of the rice consumed in the United States is grown here.

The people of the United States consume approximately 18 pounds of rice per person per year. That amount continues to increase.

Until recently, the combined acreage of rice farms in the State of Texas was over the size of the State of Rhode Island.

Rice is vital to agriculture producers through exports, too, as the United States is one of only two or three major players in the world rice market. We export rice to more than 120 countries and supply 14 percent of all the rice in the world trade. It is one of the world's most important foods. It is a primary staple for more than half the world's population.

The U.S. rice industry has a long, successful past. However, Mr. Speaker, its future is much in jeopardy. These are tense and troubling times. The American rice farmer is becoming an endangered species.

Ray Stoesser, a constituent and friend of mine down in Liberty County, Texas, is struggling like many other rice farmers. Ray, like most farmers, simply wants a market to sell their product. They want a sanction-free world.

American political policies keep prices of rice depressed while increasing costs to American farmers. World markets are being lost to others. While farmers like Ray are doing the most to improve their yields, they have nowhere to sell their rice. Rice farmers do not want more government subsidies. They want markets for the rice that they sell.

The three largest foreign markets of United States rice producers has historically been Iran, Iraq and Cuba, countries in which the United States has heavily sanctioned against. Those sanctions do not hurt those countries. They hurt American rice farmers. We need to have free rice trade with these countries. The people of these nations are going to eat and buy rice. They should buy rice from America, because that is where they want to buy their rice. But in the name of politically correct sanctions, American rice farmers are hurt because the government does not allow complete free trade with these nations.

The Cuban market and its $64 million in sales last year has been lost to more government sanction, red tape, regulation and lack of common sense. Mr. Speaker, however, this resolution, H.R. 3058, the Transportation, Treasury appropriations bill, contains a very important provision to keep rice sales thriving. So as we recover from the stress of the hurricane and fuel price increases, it makes sense that we would want to ship rice to generally a close country such as Cuba who wants to buy it. If we get rice moving to Cuba, it would solve many problems.

We need to make it easier to sell rice to Iraq. We need to drop the agricultural sanctions to that nation.

As we celebrate National Rice Month and look back on its historical importance to America, we must ensure our government gives our rice producers the opportunity to keep the tradition long and strong and end those stupid sanctions. We need to keep the great American rice farmer like Mr. Ray Stoesser on his combine harvesting rice in Southeast Texas.

FORGOTTEN POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, for too long we have borne witness to relentless attacks on America's poor and working families. Abandoned by corporate America, betrayed by the political right, largely ignored by the mainstream media, our Nation's poor have become little more than an afterthought, most recently evidenced by what we as a Nation saw in New Orleans after Hurricane Katrina.

While productivity and profit in America are up, wages are falling, and poverty is increasing. Since 1973, not coincidentally the year this country went from a trade surplus to a trade deficit, since 1973 the average worker has seen his or her wages go up about 10 percent in real dollars, while productivity has increased to almost 90 percent.

It used to be in this country since World War II that when productivity went up that workers' wages went up roughly the same amount, that workers shared in the wealth that they created for their employer.

□ 1600

Those days, unfortunately, have passed.

An August census report revealed that in the United States the number of uninsured Americans has increased dramatically. In the last 5 years, the total number of Americans with employer-sponsored health coverage has fallen by almost 4 million. Because 1.1 million Americans dropped into poverty in 2004, almost 2 million more Americans enrolled in Medicaid that year; and yet in the face of growing poverty, the rising number of uninsured Americans, this administration and Republican leadership are demanding that we cut $10 billion from Medicaid.

Just think about that again. More and more people need Medicaid, not just because of Katrina, but because of layoffs, because of plant closings, because more and more employers are dropping their coverage. More people need Medicaid. More people need health care because they have lost it. The congressional response is cutting Medicaid by $10 billion in order to continue to give even more tax cuts to the wealthiest 1 percent of people in this country. That is a choice this Congress is about to make, and it is scandalous.

Household incomes fell for the fourth year in a row in 2004, something we had not seen in this country perhaps ever, at least since the Depression.

The reality is that every segment of American society, except for the very wealthy, has seen its income decline under this administration. Men working full-time have seen their earnings drop below what they earned 6 years ago. Women working full-time have seen their annual incomes decrease also. America's men and women working full-time are the reason our Nation's productivity is up; and yet they are earning less every year.

The number of people living in poverty increased in 2004 by 1.1 million people. Eight million children are uninsured. Thirteen million children live in poverty. The infant mortality rate is rising in the U.S. The infant mortality rate in Washington, D.C., is double that of the infant mortality rate in Beijing. This is the first year infant mortality has increased in this country since 1958.

A U.N. report on global equality sheds light on the shadows of this administration's policies. This report said there are parts of the United States that are as poor as the Third World. One nation cannot survive as a thriving democracy, certainly our Nation cannot, under policies that rely on trickle-down economic theories.

The aftermath of Katrina, when government should be at its most proactive to ensure the return of a thriving economy, this administration is working actively to lower wages in that region. An executive order handed down by President Bush will allow companies that win Federal contracts, companies that are the President's contributors, Halliburton, which is still paying Vice President CHENEY retirement benefits of $3,000 a week, companies like that, while those companies are rebuilding, the President's executive order allows them to pay lower prevailing wages indefinitely.

The community hit hardest by Katrina is the working poor. These men and women will literally do the heavy lifting in rebuilding the region. Yet the President is saying cut their wages. Cheating workers out of fair wages robs them of the ability to take ownership in their own community. One must ask why the President could depress wages for a community in crisis. It makes no sense.

Mr. Speaker, these issues represent a divide in government policy, a betrayal of values that I thought Americans hold dear, that most of us do. These issues represent a moral obligation in the fight for dignity of every American.

ORDER OF BUSINESS

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent to claim my time for my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SEVENTH ANNUAL HOOPS FOR HOPE BASKETBALL GAME RESULT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise and have the privilege perhaps on a lighter note to report the outcome of the seventh annual Hoops For Hope basketball game between Washington, D.C.'s elite lobbyists and Members of Congress. Perhaps the broad smile on my face or the gleaming hardware to my left might provide some clues as to the outcome of last night's contest.

Seven years ago, Paul Miller of the American League of Lobbyists hit upon the idea that perhaps lobbyists and Members of Congress could move away from the political arena and actually have a contest on the court. While I will report to my colleagues the games have been intensely competitive, the game has had a more noble purpose, and that is to raise money for kids in the inner city of Washington, D.C.

Last night, through the generosity of a lot of people, we raised $50,000 from just last night's event, bringing the running total of these several contests to over $200,000. Again, there were a lot of people that deserve a lot of credit for helping make that event a success.

Certainly our former colleague, Jack Quinn of New York, who, of course, now has gone over to the lobbyists side. When Jack Quinn was a colleague here and was our coach, he had an undefeated record. Unfortunately, his former colleagues last night marred that record and gave him a defeat; but, again, I appreciate all the work that Jack did, that Paul Miller did.

George Washington University was very gracious in hosting the event yet again.

I would also like to talk about someone who donated his time, that is, Missouri men's basketball coach Quin Snyder, who is a personal friend who accepted my invitation to come, who came at his own expense, at his own effort, to prowl the sidelines to give some guidance for us. The game got a little close in the waning moments, and it was his presence on the sidelines, maybe working the officials just a little bit, but I really appreciate my friend Quin coming here to Washington, D.C. again for this purpose, his executive assistant Donna, as well as my own executive assistant Eileen, who helped work on the logistics.

Finally, this was a bipartisan, bicameral team. When you think that, on paper at least, the universe of lobbyists is about 10,000, and of course, House Members and Senators, there are only 535 of us from which to draw this team, we really on paper should not even be on the same court with these lobbyists; and, nonetheless, thanks to Senators ENSIGN and THUNE, thanks to my colleagues here in the House, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Kansas (Mr. TIAHRT), the gentleman from Arizona (Mr. FLAKE), the gentleman from Ohio (Mr. OXLEY), the gentleman from Washington (Mr. LARSEN), the gentleman from Washington (Mr. INSLEE), and the gentleman from Wisconsin (Mr. KIND), we happened to have a winning margin in the double digits. The final score was 44 to 33; and yet the real winners are the kids from the inner city D.C. area who are the beneficiaries of the proceeds that we raised.

We had a chance at half-time to personally interact with dozens of these kids. Again, this is a community effort to provide a solution for some kids growing up in some really tough circumstances. So they are the real winners of last night's contest; but even as they are the beneficiaries of those proceeds, we will proudly hang on to this gleaming hardware for yet another year.

I thank the Chair for allowing me this time.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take the gentleman from Illinois' (Mr. EMANUEL) time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

HONORING THE OREGON NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to thank the Oregon National Guard. There is a lot of discussion here about the things that went wrong with the response to the Hurricane Katrina disaster; but yesterday, I had the experience of accompanying the adjutant general, Major General Fred Rees of the Oregon National Guard, to New Orleans to see the guard units there in action.

We have one of the largest, if not the largest, contingents in New Orleans. They have one of the most difficult sectors, a large portion of the city, particularly the portion of the city that is still submerged; and I had an opportunity there to meet with the troops. They are basically living in battlefield conditions, eating meals ready to eat, sleeping in an abandoned school and a university that is vacant at the moment, and they are doing extraordinary work.

One of the first people I met from the city when we made our first stop was a woman who was still in her house. I went to ask her why she was still in her house, because they have been trying to encourage people to evacuate. She said, well, I feel safe. I said, well, I can understand that. She said, no, thank God for the National Guard: I feel safe. She says, you do not understand. She was telling me that she felt safe in her neighborhood for the first time in years, an incredibly high crime neighborhood, because of the Oregon National Guard presence.

Then we went on from there to the flooded areas where, in the preliminary stages, they are still rescuing people. The day we were there they rescued people; 570 people rescued so far by the Oregon National Guard.

They have begun in their own small way to contribute to the restoration effort of the school, the high school that they are living in which was pretty trashed and this other university campus that they are on, beginning cleanup; but their efforts are just extraordinary.

The thing about the National Guard is they do not just bring the military precision to these sorts of efforts. I mean, they have got the discipline, the training, the logistic support, the unit cohesion, those sorts of things; but they have something else special. They are citizen soldiers, and they have other skills, and those other skills are needed more than ever in a disaster, more than regular Army troops.

They can certainly restore order. We have quite a number of police officers who have been heavily relied upon by other troops and other units of Guards not from Oregon in dealing with the residents and some of the problems still in the neighborhoods that they are assisting.

We have firefighters. We have people with expertise in heavy equipment. They found and repaired an abandoned bulldozer to begin clearing streets for access around one of the headquarters. We have electricians who are trying to wire the school so that they can use the generators, at least have some basics for the troops.

This is the National Guard at their finest. Many of these troops have just recently returned from Iraq. They have not even been home 6 months, and many are signed up to go to Afghanistan next March; but I did not hear a single complaint. They said, this is a great mission. We are saving people's lives. We can see we are making a difference here. We are proud to serve.

I am proud as an Oregonian to represent many of these individuals. The Guard is a tremendous success story in a disaster which has too many other problems, things that must be investigated by Congress in terms of the Federal Emergency Management Agency, returning it to being an independent, professionally run, high-functioning agency. Many of us objected to putting it in Homeland Security. We were all too right, unfortunately.

We must oversee the relief and recovery effort. The government is borrowing and spending $500 million a day. That must be strictly overseen to make sure there is not crisis profiteering that has happened after some other disasters and other hurricanes. Congress has a role in that, and Congress then is going to have to look at the rebuilding effort in terms of the infrastructure that serves that area, the intricate infrastructure, the Corps of Engineers and what steps we are taking for the future, where we will rebuild, and how we will protect those things.

It will be massively expensive; and in the face of that massive expense, in addition to a deficit, I hope that the President and the majority party drop their push for more tax cuts for the wealthiest among us. Those who earn more than $300,000 a year and those who have estates worth more than $6 million, should they not contribute to this effort? Are they not part of this country, or do they just live behind walled compounds with their private security and their private jets?

We are all in this together, as was demonstrated by my citizen soldiers who are not paid a whole heck of a lot of money to do this. So let us do this right. Let us recognize the National Guard and others who volunteered and have done so well. So far let us support their effort, and let us enter into this rebuilding effort in a wise and cost-efficient way, protecting both the taxpayers and the people who have been ravaged by this storm.

POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased that the Congressional Black Caucus has decided to discuss poverty.

I am a cosponsor of H. Con. Res. 234 and would like to see the President present a plan to eradicate poverty by 2010.

Hurricane Katrina devastated the lives of people who were already living well under the poverty level. I have concerns with the slow response and weak leadership of the Federal and State agencies. I have concerns that many of the affected States have Medicaid-eligibility criteria that are too harsh. I have concerns about our overcrowded and underfunded safety net hospitals.

I have concerns that since our current President took office there are 5.4 million more people in poverty, 6 million more without health insurance, and the median income is down more than $1,600 a year.

☐ 1615

As relates to these statistics, the most affected State is the home State of the President, Texas. What we saw on television during the hurricane was the face of poverty. People with resources left early. Only ones with the least resources had to depend on their government for a safety net. The safety net had holes that need repair. Denying minimum wage to help with the cleanup and the Halliburton Company in charge, opportunities are dismal. Only the President can correct this.

We still are being asked, was it racism? My response to the question: It is the face of poverty U.S.A. Was it racism? You answer the question. If it was, it did not start with Katrina. We need measures to eradicate poverty. Mr. President, let us not continue the trends of the rich getting richer and the poor getting poorer. As we move closer to a rich and poor society with the middle income disappearing, I plead with all of us, and the President, to address this problem.

POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I want to begin by thanking and applauding our colleague, Congresswoman BARBARA LEE, who will lead the next hour for the concurrent resolution she has introduced and which I cosponsor which everyone ought to support which affirms the obligation and leadership of the United States to improve the lives of the 37 million Americans living in poverty, 13 million of which are children.

The entire country and indeed the world got but a glimpse of the big picture as we watched in horror as the floods washed away the facade and exposed the poverty that exists in this the richest and most powerful Nation in the world. The added tragedy was the insensitivity and lack of urgency with which Katrina's victims were treated.

The moral question we are faced with today and which every person in this country must answer is, what are we going to do about it? As leaders of this Nation, we have the obligation to begin that answer now.

My colleagues and I tonight will be joining Congresswoman LEE to lead us in that response.

What everyone else saw perhaps for the first time was not a surprise to us. We have come to this body, to task forces and committee meetings, here to the well of the House and to countless press conferences to tell the world that this level of poverty exists, that it disproportionately includes African Americans and other people of color. And we have called on the Congress and the White House through our budget proposals and legislative agenda to repair the breach in our human condition, largely to no avail.

While the events of the last 2 weeks have spoken volumes in ways our words could not, we must not let what happened in Alabama, Mississippi, and even more so in Louisiana ever happen again. So as we appropriate dollars to fix the levees and other infrastructure that has been damaged or destroyed, we must also fix the social and economic infrastructure which failed so many and exacerbated the tragedy, and we must repair broken lives for the short and long term. That includes repairing a very deficient and dysfunctional health care delivery system in rural areas, the territories, and communities of color.

Almost as a last warning before the storm hit and the flood waters surged came the new numbers from the Census Bureau on income, poverty, and health insurance status in this country. Louisiana, Mississippi, and Alabama are three of our poorest states. In these states, about six in every ten African Americans are living at or below the Federal poverty line.

In the wake of the storm and even before the waters began to recede came a second report as a reminder of how deep we have to reach into America's psyche to repair the damage. That report, Closing the Gap: Solutions to Race Based Health Disparities, assessed and analyzed the impact that social determinants, such as economic, social, environmental, and cultural inequities, have on health and health care. These inequities provide a medium in which poverty not only continues to exist but thrives.

Poverty is perhaps the most closely aligned determinate of ill health. It then should follow that the elimination of poverty would go a long way to eliminating the long-standing health care inequities that result in health care disparities for African Americans and other people of color that are the shame of this wealthy Nation.

It is my hope that this country, my country, will never forget Katrina and recognize that what was laid bare is only a fraction of what exists, particularly in the South but throughout this country.

As leaders, I hope my colleagues will join us to ensure that the infrastructure is put in place so that nowhere across the United States will such a preventable travesty ever happen again.

Part of that would be to pass our legislation to create health empowerment zones in communities such as those in which poverty and the concurrent ill health trapped their victims. This legislation would assist and empower them to address health care challenges and improve the public health infrastructure as well as mitigate the social, environmental, and economic determinants of health.

It is part of a larger legislative initiative for which we also ask your support, the Heal America Act of 2005, a comprehensive bill, a sort of Marshall Plan for health that would reverse the dynamics that lead to the disproportionate death, disease, and disability which people of color suffer.

Lastly, not allowing this to ever happen again includes not cutting Medicaid. Not only is it needed in this crisis, which has been described as in biblical proportions, but it is needed in the everyday crises that result in over 100,000 preventable premature deaths in people of color every year. My colleagues, this, too, is the annual unacknowledged catastrophe that we can and must prevent.

Mr. Speaker, let us honor the memory of the victims of Katrina and the suffering of the survivors by eradicating poverty, by creating a fair, equitable and just health care system and by building a better America where there is the guarantee of life, liberty, and the pursuit of happiness for all.

DOWNING STREET MEMOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, today, the occupation of Iraq continues and we learn that another bomb blast, in fact a series of bomb blasts in Iraq have resulted in the loss of more than 100 lives. So far, the loss of American servicemen and women's lives is almost 2,000. We have lost almost 2,000 American servicemen and women in Iraq.

The American people are asking now with greater frequency a very significant question: Why did we invade Iraq and why are we continuing to occupy that country?

Today, the House Committee on International Relations defeated a Resolution of Inquiry, which I introduced, and that defeat came essentially along party lines. Every Democratic member of the House Committee on International Relations voted for the resolution; one Republican voted for it; one Republican did not oppose it. But the resolution lost by one vote because all of the other Republicans on the committee opposed it.

What this resolution asked was simply this. It asked the administration, the White House, and the Defense Department to provide to the Congress information with regard to that information which is contained in the so-called Downing Street memos.

The Downing Street memos are very interesting. They were first revealed by the Sunday Times of London on May 1, 2005. What these Downing Street memos are, are high-level communications between some of the most significant members of the British Government, including Prime Minister Tony Blair; Richard Dearlove, who was the head of British intelligence; Jack Straw, the foreign secretary; and others.

These Downing Street memos were communications between these high-ranking officials of the British Government. They reveal the essence of conversations which took place between members of the British Government and members of the Bush administration here in Washington, including Condoleezza Rice, Vice President CHENEY, Secretary of Defense Rumsfeld, and others.

What the Downing Street memos reveal is that, from the very beginning, the Bush administration was obsessed with Saddam Hussein and that they used the attack of September 11 not to go after the perpetrators of that attack, Osama bin Laden and the al Qaeda network, but to twist and distort the facts in order to justify an attack against Iraq, given the obsession that they had with Saddam Hussein.

So the resolution that I introduced today, and which was defeated by the House Committee on International Relations, called upon the executive branch of government, the White House and the Defense Department, to provide to the Congress information with regard to those conversations from the American perspective. All we have now is the British perspective. And the British perspective is quite damning indeed, damning of the intentions of the Bush administration and the way in which this ensuing occupation has been carried out.

The Downing Street memos make it clear that high-ranking members of the Bush administration were determined to twist and distort the intelligence and the facts to fit the policy which they had already decided to put into action; and that policy, of course, was to attack Iraq and to remove Saddam Hussein as the head of that government.

Many people across our country, including an increasing number of the House of Representatives, and I believe the Senate as well, are asking the question: How could that attack be justified when we now know that the ostensible justification, the justification which was set forth by the administration, was completely false?

First, that justification was that Iraq had something to do with the attack of September 11. Then the administration had to back off from that assertion when it became clear to almost everyone that there was no validity in that assertion whatsoever. Rapidly, the administration moved to an assertion that it was important for us to attack Iraq because Iraq possessed so-called weapons of mass destruction, biological and chemical weapons. And the suggestion was even made over and over and over again, by the highest ranking officials of the Bush administration, that the Iraqi government was acquiring nuclear weapons, that they had imported enriched uranium from Niger into Iraq in order to manufacture atomic bombs, and that we were in danger of having those nuclear weapons used against us. So, therefore, they sought in that way to justify an attack against Iraq.

It is now clear to almost everyone, even the most myopic of persons, that Iraq possessed no weapons of mass destruction program and was nowhere near the development of any nuclear weapons.

And as is made clear by the information that is possessed in these Downing Street memos, other countries were much more dangerous, including Libya, Iran, and North Korea, because they were much closer to developing nuclear weapons than was Iraq, which had essentially abandoned all of its large-scale weapons programs in 1991. That information had been made clear as a result of investigations which were carried out by the International Atomic Energy Agency and by weapons inspections teams, two of them in fact from the United States. They found no evidence of any weapons of mass destruction.

So information from the administration about these Downing Street memos is essential. Why the Committee on International Relations defeated that resolution today remains to be seen, but we will be back. We will be back until we get the truth about what started this war in Iraq, why it was instigated in the first place, and why it is continuing to be carried out in such a failing manner.

POVERTY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, there is not a lot that I can add to what my colleagues have said about the tragedy of Hurricane Katrina, about the hundreds of lives that have been lost and the billions of dollars in property damage that has been experienced. But perhaps in the midst of this horror, there might be a silver lining. And if there is a silver lining, it might be that we begin to take a hard look at some of the realities of America, realities that are very rarely talked about here on the floor of the House or in the media.

Clearly, one of the realities that we did observe in New Orleans is that there were thousands and thousands of people there who could not flee the flood because they did not have money, they did not have a car, and they had no place to go. And some of them died because they are poor.

But poverty exists well beyond New Orleans. The fact of the matter is that millions of Americans today live in abject, humiliating poverty. And, tragically, in the last 5 years alone, since President Bush has been in office, the number of poor people in America has grown by 5 million.

□ 1630

So not only are we not addressing the problem of poverty; it is becoming significantly worse. And at a time when a lot of my colleagues talk repeatedly about family values, some 17 percent of the children in America live in poverty, which is by far the highest rate of childhood poverty in the industrialized world. Some of the other industrialized countries have poverty rates of 3, 4 percent. We are over 17 percent.

So if there is a silver lining in Hurricane Katrina, it may be, it may be, it might be that we refocus on the needs of ordinary Americans, and we make fundamental changes in the priorities that have been established in this country in the last 5 years.

Mr. Speaker, it is not just that poverty in America is increasing; it is that the middle class in this country is shrinking. We all know about the explosion in technology. We all know that worker productivity in America is rapidly rising; but in the midst of that, what we are seeing is that real wages, inflation accounted for wages, for millions and millions of workers is going down. People are working two jobs, they are working three jobs, and yet they are further behind economically than they were 20 or 30 years ago.

Mr. Speaker, in America when we talk about priorities, when we talk about our kids, we have got to ask ourselves about our educational system and why it is that throughout this country, in Vermont and virtually every other State in America, our child care situation in America is an absolute disaster. Every psychologist will tell you that the most important years of a person's life are the first few years, and yet in America today we have kids being warehoused in America in facilities where there are inexperienced, underpaid teachers and people who are minding the children. We have millions of other Americans today who would like to go to college, but cannot afford the $35,000 or $40,000 a year that it costs.

To my mind we are wasting huge amounts of intellectual capital by not making college available for all Americans. It is a national disgrace that for the first time in recent years, fewer low-income kids are going to college than used to be the case.

Mr. Speaker, while the middle class is shrinking, poverty is increasing. While some 46 million Americans have no health insurance, while the average American today is paying the highest prices in the world for prescription drugs, there is another reality taking place in America, and that is that the wealthiest people in our country have never had it so good.

What we are seeing today in America is the widest gap between the rich and the poor of any industrialized nation on Earth, and it is wider in America today than at any time since the 1930s.

Mr. Speaker, to my mind a great nation is measured not by the number of billionaires it has, not by the number of nuclear weapons that it has, but in fact how we treat the least amongst us, the elderly, the sick and the poor. By that definition, we are not doing very well at all.

Mr. Speaker, while average Americans were struggling last year just to keep their heads above water economically, maybe to make a few bucks more than inflation was taking away from them, the CEOs of the Forbes largest 500 corporations in America saw a 54 percent increase in their compensation; 54 percent for the CEOs of the largest corporations, while millions of Americans are seeing a decline in their standard of living.

Mr. Speaker, in the midst of the disaster of Hurricane Katrina, in the midst of a period when we are going to be spending tens of millions of dollars rebuilding the gulf coast, at a time when we are spending $300 billion in Iraq, our Republican friends and the President of the United States want to repeal the estate tax and provide hundreds of billions of dollars more in tax breaks for the wealthiest 2 percent who are the only people who will benefit from the repeal of the estate tax and half of those benefits are going to the richest one-tenth of 1 percent.

Yes, we can cut Medicaid by $50 billion. Yes, we can underfund the Veterans Administration so the veterans go on waiting lists all over America. Yes, we can have children sleeping out on the street. There is no money to take care of those needs, but apparently we have hundreds of millions to give to the wealthiest 2 percent, which will drive up our deficit, drive up our national debt and leave all of that to our children.

I would hope that common sense will prevail and that the President and Republican leadership, at a time of a record-breaking national debt, record-breaking deficits, will not give huge tax breaks for people who do not need them. Instead, let us move forward to lowering our deficit. Instead, let us pay attention to the middle class and low-income Americans who need help.

So once again, Mr. Speaker, if there is any silver lining in the disaster and the horror of Hurricane Katrina, it might be that today we begin reevaluating our priorities.

TWO AMERICAS LIVE IN THE UNITED STATES

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. LEE. Mr. Speaker, first, let me just remind those who are listening tonight that there have always been two Americas here in the United States. I was quite taken aback right after the very recent catastrophe of Hurricane Katrina that reporters and many individuals kept commenting that this is not America, we do not know this place, this cannot be America. But my response consistently has been, this is the America that I know and this is the America that brought many of us here to Congress.

By race or class, there are two distinct and separate societies surviving on sheer will and determination here in our own country. It just does not make sense that the richest, most powerful Nation in the world has some of the poorest, unhealthiest, and most vulnerable people in the world. In many ways, Hurricane Katrina has brought to light the shame that the United States really, quite frankly, has tried to sweep under the rug for decades.

Now, the Congressional Black Caucus has represented this hidden America for nearly 40 years in this Congress. The Congressional Black Caucus has consistently worked to eradicate poverty throughout our country. Just look at the disparities agenda put forth by the Congressional Black Caucus under the leadership of our great chairman, the gentleman from North Carolina (Mr. WATT). Whether it is unemployment rates, whether it is health statistics, whether it is statistics as it relates to decent and affordable housing, the gaps are glaring. The disparities are glaring.

The disparities of poverty severely and disproportionately affect African Americans and people of color in our country. Let us just for a minute, and I put this chart up here so we can look at the poverty rates right now in the United States and where they were in 2000, in 2000, 11.3 percent was the poverty rate, increasing every year to 2004, which, of course, the Census Bureau has just put out, 12.7 percent, and it is climbing.

So who are the poor? Newsweek magazine, and I hope everyone reads Newsweek this week, September 19, and what Newsweek says. Let me read a paragraph from that article where it describes who the poor are: "With whites making up 72 percent of the population, the United States contains more poor whites than poor blacks or Hispanics. In fact, the Center on Budget and Policy Priorities reports that the increase in white poverty in nonurban areas accounts for most of the recent uptick in the poverty rate, but only a little more than 8 percent of American whites are poor." That is 8 percent compared with 22 percent of Hispanics and nearly 25 percent of all African Americans, 25 percent in a country that is 12 percent black. That is the point that we need to make, that people need to understand.

So those naysayers who say we are playing the race card, which we are not, they need to look at the facts. They need to look at the disproportionate numbers of Americans living in poverty who are African American and who are Hispanic. The facts speak for themselves.

We are going to talk tonight about the impact of Hurricane Katrina on people who are poor and who did not have the money to leave and to evacuate, most of whom happen to be black. We are going to talk about that tonight. I hope those who are listening and watching understand that this America that many of us here understand and know, these two Americas that unfortunately we have been faced with, is one of the reasons why we fight each and every day against the budget cuts, against the tax cuts, against putting unnecessary resources into an unnecessary war.

That is why many of us here are here tonight as members of the Congressional Black Caucus, as Americans, as Members of Congress to really call to the attention of the American people the huge impact of poverty, the disproportionate numbers of individuals who happen to be black and Latino in our country. Here we have the greatest, most industrialized, most technically developed country in the world; and we have this unbelievable number of American citizens who are poor.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS), who has been all of his life a warrior, a fighter for the poor, who organized the Poor People's Caucus here in Congress and who will talk to us now with regard to why he has embraced this agenda as his life's mission.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE) and also thank the gentlewoman from Florida (Ms. CORRINE BROWN), who has been working on this issue.

First of all, I want to continue the discussion that the gentlewoman has been a leader on since she arrived in Congress. There are a few things that I want to add to this discussion because we have to speak truth to this great tragedy.

The first understanding that we have to arrive at is that many people in New Orleans were in dire straits before the hurricane and the mishandling of the hurricane and floods ever occurred. We are talking about a poverty that is so devastating that many of us, including myself, come in and out of New Orleans and never see what is really going on.

Mr. Speaker, 84 percent of the folks there are African American and poor. We have a tragedy that was waiting to happen. Ever since President Lyndon Johnson made the first efforts against a war on poverty, which was aborted shortly after that, we have neglected, generation after generation, to address this problem.

□ 1645

So the second thing that I would make clear to everybody is that New Orleans is not just the only place that there is such devastating poverty that it shocks one to know what it is. When we go to many other parts of this country, there are huge places of depressed areas, of deprived people, of great suffering, of high unemployment, of tragic failings, and hope is missing in a lot of these places.

So what we are doing is speaking not only about Katrina and New Orleans, but we are really talking about this condition of poverty that spreads across this entire country. And we are now forced, with the classic tragic mishandling of the flood, and this is the first time in the President's public career that he has ever admitted that, because of this Federal bungling, that the responsibility is at his level. Now I can suggest to the Members that one of the reasons that he is doing this is that his ratings are now lower, that in seven previous administrations no second-term President has ever been in the situation that he has. Whether that will change what we do remains to be seen. It may be another Rove tactic to get him to go up, but this discussion precedes what the President is going to say almost at the same time tomorrow. What he says will tell us where we are going and what they do.

At the same time that we are getting ready for the President's mea culpa, let us remember that there has been nobody here talking about rolling back the Medicaid cuts and the food stamp cuts and other restrictions. Those are quietly going forward at the same time that we are saying we have got to do more. And this is not just about volunteer help, which we are grateful for, and corporate contributions. We are talking about the government dealing with this problem.

The last point is that we now have a plan in progress in which the Halliburtons are now coming not only from Iraq but all over to begin to take over the reconstruction efforts. From our members in Mississippi and Louisiana, we find that there are no plans for the small businessmen to participate in the rebuilding. So this is a major issue which requires us not just to get the President straightened out. We have got a budget that will take us into an absolute no-way-out trap if we do not really change the terms of what we are doing.

Poverty is now being challenged. We might not be here were it not for the revelations that have been made by most of the press. And for us to be unaware that the black and the poor in this country are now the victims of one of the most federally bungled cleanups in America, we have gotten rid of the FEMA Director, but that is only the tip of the iceberg.

Ms. CORRINE BROWN of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, would the gentleman please explain to me, because I quite do not understand it. I heard what he said about the Halliburtons of the world. But could he explain why minorities and women, the people that are most affected by this hurricane, cannot participate in the recovery.

Mr. CONYERS. Mr. Speaker, because these are no-bid, multimillion dollars contracts for which they are not even eligible to bid; and then when they subcontract them out, they subcontract them out to other large corporations and not to the small business people who can best contribute and bring the economy back together.

Ms. CORRINE BROWN of Florida. Just a follow-up, Mr. Speaker.

Can he give me the criteria, how they participate? Is it some kind of campaign contribution? Is there some kind of criteria? I need to be able to go somewhere and tell my small businesses who want to participate how to participate. Whom do they have to write the checks to?

Mr. CONYERS. Mr. Speaker, what I am trying to do is draw the parameters of where we are today. Today, we are not dealing with the people on the ground that can be of the most help. We have business people, construction people, who actually could be helping, and they cannot get in the door because they do not have the answers to the gentlewoman's questions of where do they go. I have been trying to call the Mayor of New Orleans, and he does not have a phone. Only cell phones, and everybody in America is probably calling him on those one or two phones.

I commend the leader of this Special Order.

Ms. LEE. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his comments.

Let me just say I believe, unfortunately, that this Congress and the administration suspended the requirements to include minority- and women-owned businesses in the upcoming contracts, which to me is appalling and unacceptable; and we need to go back and repeal what they repealed.

Mr. Speaker, I now yield to the gentlewoman from Florida (Ms. CORRINE BROWN) to come forward and make her statement.

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me commend the congresswoman for her leadership in this area. Let me commend the Congressional Black Caucus for their leadership; and I also want to commend the American people, because the American people have come forward, the private businesses, the private organizations.

What has been blatantly clear to all Americans is that the Federal Government has been missing in action. We have two Americas. It is tragic. We have one black. Yes, I said it, black, African American. One white. One rich and one poor, and the poorest Americans are still the most vulnerable. We need to ensure that all Americans, regardless of where they live, can find a quality of life and work.

This hurricane has put a spotlight on the tragic situation that exists with this administration, and I call it reverse Robin Hood, robbing from the poor and working people to give tax breaks to the rich. I am going to repeat that. Reverse Robin Hood, and I have said it over and over again. Robbing from the poor to give tax breaks to the rich. That has been the policy.

There are two things that I want to discuss today. In light of the hurricane, why are we doing away with Davis-Bacon? And, two, why are we doing away with affirmative action contracting programs?

Almost as disturbing as this administration's horrible response to the hurricane is their suspension of all labor rules for hurricane-related contracts. Just like in the past, the Bush administration is taking every opportunity to destroy organized labor but has taken it to a new level by suspending all affirmative action programs in contracting. This is a new mandate by this administration, and it will do absolutely nothing to ensure quick or better service for those suffering from the hurricanes but will certainly ensure that none of them are involved with rebuilding their homes and communities. The very same people whose tax dollars will be paying for the reconstruction will be shut out of the opportunity to participate in the cleanup.

Just like in Iraq, where we never had any oversight, we cannot afford to see the repeat of this situation in the gulf States. And let me say again, Iraq, no oversight, over $1 billion, no accountability. If this had been a Democratic administration, somebody would be in jail, and certainly the Congress would be investigating and investigating, and there would be hearings and hearings and hearings.

Nothing, nothing goes on in the people's House. The only thing that we do is vote on somebody's courthouse. No discussions about the issues of the day. If it was not for this Congressional Black Caucus, no discussion.

As always, President Bush talks the talk. In fact, I have come to the conclusion that our government is a paper tiger. We talk the talk, but we do not walk the walk. He and his political cronies continue their assault on minorities and the working poor, while lining the pockets of their political cronies and filling their campaign coffers.

Lo and behold, whom do we see getting the biggest contract in the cleanup of the hurricane? I heard one of my sisters last Tuesday night ask the Secretary, the Secretary that was here, can anybody do any business with the Federal Government other than Halliburton? A $588 billion contract, no bid, no opportunity for anybody else to participate. If I am incorrect, please somebody speak up. None other than Dick Cheney's Halliburton. So while the poor in Louisiana, Alabama, and Mississippi suffer from Federal neglect, DICK CHENEY and his cronies keep getting rich. I said it. If Hurricane Katrina's high winds, rain, and furious power were not enough, the Federal Government's inadequate response to this tragedy just adds gasoline to the fire.

I want to take a moment to thank the people locally in my area of Jacksonville. We have sent over 18 tractor trailers full of goods and services. Goods. I asked them to give me their wish list, and everything on their wish list we filled. And, in fact, I got a call today. We have got another one filled, and we are getting ready to send it to Mississippi.

And let me tell my colleagues something. People from Mississippi and Louisiana are calling me. To this day no one has been to their community. They do not have communication. They do not have water. They do not have lights. What is the problem in the richest country in the world? We are not a third world country. We still have not gotten services to these local communities.

As I bring it to a close, remember to whom God has given much, much is expected. We cannot continue to run around the world talking about our fighting for democracy, fighting for our neighbors, when we do not fight right here at home for the people who pay the taxes. We have got a lot of work to do in this Congress, and it is not just passing a bill naming a post office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHL of New York). The Chair would remind Members that personally offensive references toward the President or the Vice President are not permitted under the rules of the House.

The gentlewoman may proceed.

☐ 1700

Ms. CORRINE BROWN of Florida. Mr. Speaker, on that question, I understand I cannot discuss their personal motives, but I understand that I can raise their names.

This inquiry should not be on the time of the gentlewoman from California.

The SPEAKER pro tempore (Mr. KUHL of New York). The gentlewoman is reminded that innuendo relating to personal pecuniary gain by the President or Vice-President is improper under the Rules of the House, as I am being informed by the Parliamentarian.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I did not understand what you are saying, sir. Would you repeat what you just said?

The SPEAKER pro tempore. The gentlewoman will continue with her time.

PARLIAMENTARY INQUIRIES

Ms. WATERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. WATERS. Mr. Speaker, the gentleman just stated a rule that is unclear. The gentleman was questioned by the gentlewoman from Florida about the rule. The gentlewoman basically said, are you saying we cannot refer to the President of the United States or to the Vice President of the United States? I would like clarification on the rule that you attempted to describe.

The SPEAKER pro tempore. The Parliamentarian informs me that the rule of the House does not restrict reference to policies of the administration, including criticism or critique, but prohibits personally offensive references.

including accusation or innuendo of malfeasance.

Ms. MCKINNEY. Mr. Speaker, I have a parliamentary inquiry. I do not want to take away the time of the gentlewoman from California (Ms. LEE).

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. MCKINNEY. Mr. Speaker, I would like to know if indeed it is a fact that the Vice President of the United States receives a salary in the form of deferred compensation from Halliburton which, in turn, received a no-bid contract to do the cleanup work for Katrina, are we prevented from saying that on the floor of the House?

The SPEAKER pro tempore. The gentlewoman has not stated a parliamentary inquiry.

Ms. MCKINNEY. I thank the Speaker. That means we can speak about these kinds of things.

The SPEAKER pro tempore. Members should refrain from personally offensive remarks related to pecuniary gain of the President or Vice President. That is improper under the Rules of the House.

The gentlewoman may continue. Thirty-seven minutes remain.

Ms. LEE. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from California for yielding. More importantly, I want to thank her for her passion, her leadership, and her dedication to trying to make sure that America does in fact become the land that we often hear about but the land that we have not yet experienced.

Katrina has pulled the cover, in a real sense and in many ways, off the whole question of poverty, which is something that we do not talk about nearly enough. We often talk about other kinds of issues and other kinds of things, but very seldom do we get to the core of it in terms of saying that poverty continues to be a major problem for a large segment of the American population. As a matter of fact, we saw, and people have already indicated, individuals who did not have enough resources, could not put together enough money, did not have transportation money, who simply could not get away, who could not get out of the path of the oncoming hurricane because their purses were empty.

But they are not empty only in New Orleans. When we look across America, we see large population groups. I think of young men, for example, in my city, the City of Chicago, the city that we call the "city of the big shoulders," a city where more than 50 percent of all of the young African American males between the ages of 16 and 22 do not have a job, do not go to school. How could there be anything other than poverty in a situation like that? I run into individuals in their early 30s who have never had a job in their entire lives, never had a job, who automatically then become a part of the underground economy in many of these areas where we see concentrations of poverty.

I was hoping that we would use this opportunity, but it is clear that that is not the direction in which we are headed. This provides us with a tremendous opportunity to develop massive training programs for individuals so that they can go back and rebuild their own communities, rebuild their own homes. They could develop the skills, and they could experience something that they have never done before in their lives: They could have a job. They would have the opportunity to work.

But even if they get the opportunity, are we saying that they can be paid less than minimum wage in some instances? Where they are almost put back into a slave-like condition, where they are working but at the end of the week have not earned enough for basic food, shelter, and clothing?

So I am afraid that not only is the mishandling something that happened immediately, but it looks as though we are going to mishandle the rebuilding and the reconstruction and the redevelopment of those affected areas.

So I join with my colleagues in suggesting and calling for a real effort on the part of the administration to make sure that those individuals get a chance not only to live, because a fellow named Thomas Wolf said something once: "To every man his chance, his golden opportunity, to be and to become whatever his talent, manhood, ambition, and hard work will combine to make him." And, of course, if Wolf was around today, he would probably say "him and her," or "her and him." That is supposed to be the promise of America, and that is what we call upon the American people to make sure comes out of the tragedy of Katrina.

Ms. LEE. Mr. Speaker, I want to thank the gentleman from Illinois for that very eloquent statement.

Let me just say in reference to the comment made by the gentleman from Michigan (Mr. CONYERS) earlier and the gentleman from Illinois (Mr. DAVIS) in terms of the President taking responsibility, which he just said he would take, I think it really warrants us to ask the question, why was he so irresponsible early on in responding to this great tragedy? And that answer has to be gotten, I think, for all of us to be able to understand the direction in which he is going to move. Tomorrow he is going to talk I think about his plan and response, but I would just hope that he would talk about his plan to eradicate poverty by the year 2010, and that is what many of us are working toward.

I would like to now yield to the gentlewoman from California (Ms. WATERS) who all of her life has worked to eradicate the conditions which give rise to this very obscene and immoral condition which so many millions of Americans live in.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. LEE) for organizing us this evening to talk about poverty. As a matter of fact, I know that the gentlewoman from California (Ms. LEE) had already began to organize around the issues of poverty and had been trying to focus us for some time to really get involved in unveiling what is going on in America. And, despite the fact that there are so many competing interests and despite the fact that not enough Members of Congress have the courage to talk about poverty or race or class, Katrina has brought us face to face with what is wrong in America.

As we stand here today with this picture from Newsweek, with this child's face, this baby's face with the tears running down, the caption: "Poverty, Race, and Katrina: Lessons of a National Shame," we are forced to have to deal with these issues of poverty, race, and class.

There was an interesting debate going on when this hurricane first struck. The journalists would say to African American legislators, did race have anything to do with this? They were looking for the confrontation, helping to draw out the right-wing conservatives so that they could say what they normally say when we begin to describe what is wrong in America: Ah, there they go, playing the race card again, or trying to marginalize someone when they dare to get up and talk about race, poverty, and class.

Well, what is interesting about this discussion is every journalist who confronted an African American legislator raised the question until finally I said to them, you are asking this question so often, you must know something. You must know something that you want to talk about. Do you think this is about race? And so I say to my colleagues I have decided, based on what has happened with this horrendous disaster, that we must talk about class, race, and poverty.

As a matter of fact, as I sat in my bedroom watching the 20,000 or more people sitting outside the convention center and I heard the head of FEMA, Mr. Michael Brown, say that he did not know they had been sitting there for 3 days, they were without water, they were without food, they were without lights, and that coming on the heels of what had happened in the dome where the evacuees were placed, no electricity, toilets not working, food ran out, water ran out, I got up from my seat and caught a plane and went to Louisiana, because I could not sit there any longer watching what was happening to the most vulnerable people in the world.

Going there, going to these shelters, going to the Louis Armstrong Airport, watching people suffering, thousands of people without water, without food, without medical care, old women in wheelchairs who needed their medicine, people with diabetes and high blood pressure and the morgue that was being placed right there in the airport to accommodate the people who were dying on the sidewalks. I decided that it may not be politic to talk about race or class or poverty, but, Mr. Speaker, when I came to this place, I came to talk about those issues, and I decided that I, too, had been organized by the right-wing and others not to confront the issues in ways that I know I feel deeply about.

So I do not care what happens and from whence it shall come. In addition to everything that I do, call me whatever you want to call me, say that I am playing the race card, say whatever you want to say. I am going to talk about race. I am going to talk about poverty, and I am going to talk about the class issues of America.

We are brought face to face with these issues, looking at what happened in New Orleans. The population of New Orleans is 448,000 people; 67 percent of the city's population is African American. About 27 percent of the population lives below the poverty line. The city's median household income is $27,514. Two in 10 households in the disaster area had no car, compared with 1 in 10 nationwide. About 4.5 percent of the disaster area received public assistance. Nationwide, the number was about 3.5 percent. In 2000, New Orleans had the fifth highest poverty rate and the fourth lowest household income of major American cities.

In the lower ninth ward neighborhood, which was inundated by the floodwaters, 98 percent of the residents are black, and more than a third live in poverty. Sixty-five percent of these families are one-parent families. The housing in New Orleans is much older than the national average, with 43 percent built in 1949 or earlier, compared with 22 percent for the United States and only 11 percent of them built since 1980, compared with 35 percent for the United States.

□ 1715

New Orleans public schools are 93 percent black; 55 of the State's 78 worst schools are in New Orleans. The State of Louisiana rates 47 percent of New Orleans schools as academically unacceptable, and another 26 percent are under academic warning.

About 25 percent of New Orleans adults have no high school diploma, and we can go on and on and on. Louisiana has the largest percentage of children living in poverty, 30 percent.

Louisiana and Mississippi have the highest infant mortality rate in the Nation, 10.3 percent per 1,000 births. Louisiana and Arizona have the biggest teen dropout rate in the Nation. Well, as we travel around the Nation and we take a look at poverty, today we are talking about New Orleans, but let us take a look in St. Louis, Missouri, let us take a look in Philadelphia, let us take a look up in Harlem, let us take a look in Appalachia. Let us take a look at poverty in America.

We cannot continue to place our heads in the sand. Why do we have this poverty? Why it is that public policy no longer discusses poverty, race, and class? It is because the right wing conservatives have been very successful at silencing those of us who should be discussing it.

They have pulled every trick in the book. They have their talking heads on Fox Television and other right wing stations that are basically undermining us and basically denigrating us whenever we talk about these issues.

But, ladies and gentlemen, I am convinced that we are going to have to do this, not only for ourselves but for America. The attitudes that have come out of this hurricane, the President's mother, Mrs. Barbara Bush, said the people in the Dome were disadvantaged anyway, they were better off.

Attitudes. You know, people want us to say the President went into the White House and said, we are not going to go to New Orleans to help the black people. No, we are not saying that. We are not saying that it is that obvious, that it is that overt. It is about attitude. It is about the kind of attitude that drives your actions.

When you have Barbara Bush saying, well, they are better off. People who are dying in the Dome, people who are dying outside of the convention center, they are better off, so why should we care? I mean, it is that kind of attitude that leads to the kind of policies and the kind of marginalization that leads to a lack of concern and resources for the people who so desperately need it.

Attitudes. We have one of the Members of my committee that I serve on, the gentleman from Louisiana (Mr. BAKER), who said God had done what we had not been able to do in getting rid of public housing. Attitudes that lead to the kind of decisions that result in racist actions.

In addition to all of this, we find that there are things still going on in Louisiana that we thought we would never see again in life. There were a group of people who were told to cross a bridge to get to safety and to high land.

These African American women and men, for the most part, with a few whites with them, started across the bridge to a little town called Gretna, I believe. And they were met by the police officers with guns. And they shot their guns over the heads of women and children, mostly African American women and children, and said, get back over to New Orleans, this is not the Superdome, we do not want you over here. You cannot come over here.

And for those people who managed to get past them at the end of the bridge, they came and they took their food and their water away from them and drove them back on the other side of the bridge.

Ladies and gentlemen, I would not be worth my salt if I did not direct my attention to these atrocities. I would not be worth being elected to the Congress of the United States of America if I did not stand up for the least of these and the most vulnerable of these.

We have seen the face of poverty. It was reflected in a profound way, people trapped and died because they did not have transportation. People died because they did not get rescued. Their government let them down. People said do not point the finger. How many fingers do I have?

I am pointing them all. Because in addition to whatever mistakes were made at the local and the State level, in the final analysis, we have the most powerful government in the world, and they let the people down. They let the people down even though we had the resources, we have the helicopters, we have Navy bases. We found a Navy base over in Alexandria, Louisiana, England Air Force Base, that is boarded up that has 450 rooms, dormitories, that are not being used.

We had ships fully equipped with all of the medical equipment right there right off the coast. Unused. We have the resources. We have the National Guard. We have the money. We have what it needs.

Now, people want to ask me, did it happen because of race? I submit to you that when you have the kind of attitudes that speak like the President's mother, Barbara Bush, who spoke like the gentleman from Louisiana (Mr. BAKER), who acted the way the police officers acted that drove my people back across the bridge shooting guns over the heads of women and children, that results in racist acts.

It results in the kinds of decisions that marginalize, that deny, that cause people to die and to be harmed unnecessarily. And so poverty is an issue that we must pay attention to.

Today, we are focused on New Orleans; but tomorrow, we have got to focus on poverty all over the United States of America, whether we are talking about New Orleans or any of the other cities that many of us represent.

I am grateful to be able to be in good strength, and I am grateful that I have found my courage again, the courage to do what we should always do. I am so grateful that I am resigned, and I have resolved that this Congress is going to hear about this day in and day out.

Never again shall I find myself in a position where I am crying and lamenting after the fact. I have got to be in the faces of those who make public policy. I have got to use my influence. I have got to do everything that I can possibly do.

The President of the United States does not back up. They are in our faces. Yes, Mr. Speaker, he gave another no-bid contract to Halliburton. We have criticized him time and time again about Halliburton and the fact that they stole our money in Iraq, they cheated us. But they do not back up. They stay in our faces with their policies, and we have got to stay in theirs.

Ms. LEE. I want to thank the gentlewoman from California (Ms. WATERS) for that very clear and powerful statement also. If there was any doubt who was left behind in the Gulf region, I think the entire country knows now who was left behind.

Let me yield now to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I would like to take this opportunity to commend my sister colleague, the gentlewoman from California (Ms. LEE), for introducing comprehensive poverty legislation of which I am a proud cosponsor.

It is high time that we talk about poverty; and when we talk about poverty, I would like for everyone to see this beautiful black face, this beautiful black baby, who has a tear rolling down her cheek, which epitomizes in so many ways the conditions of Black America which now have been revealed for all of the world to see.

But I came down here not to take very much time, but to say to my sister colleague that she said she was not going to play the race card.

Well, you do not have to, because the gentleman from Louisiana (Mr. BAKER) already has, if the reports from The Wall Street Journal are correct. And so I would just like to read into the RECORD what it is that The Wall Street Journal says that the gentleman from Louisiana (Mr. BAKER) had to say.

He said, according to The Wall Street Journal: "We finally cleaned up public housing in New Orleans. We could not do it, but God did."

Now, when the gentleman from Louisiana (Mr. BAKER) made that comment, he was talking about that baby. And there are some of us, some of my colleagues outside of this body, who are very concerned about what the gentleman from Louisiana (Mr. BAKER) had to say.

But I also know that the mainstream media do not always get it right. So I would like to hear publicly from the gentleman from Louisiana (Mr. BAKER) to see if this is exactly what he said and what he meant.

Because, if it is, I can guarantee you there will be many people who will have something to say to him. The public policy we make here is all about attitudes, and when you have got this kind of an attitude making public policy, you cannot help but have tear drops rolling down the faces of America's children.

Ms. LEE. I want to thank the gentlewoman from Georgia (Ms. MCKINNEY) for her very passionate statement and for asking the tough questions, as she always has and will continue to do.

I would like to now yield to the gentleman from Alabama (Mr. DAVIS). We all know that poverty knows no boundaries. We see high incidences of poverty all over our country in rural and in urban areas.

We know much of your community is a rural community steeped in poverty.

Mr. DAVIS of Alabama. Thank you for organizing this Special Order tonight. Because our time is limited, I want to make my remarks suitably brief. But I want to pick on something that has been a theme of what I have heard from a lot of my colleagues in the last several minutes.

We have talked a lot, appropriately, about the question of national will in this country of ours, and I am reminded that several hours ago we passed a resolution on the floor honoring a woman named Rosa Parks who was a seamstress in the city I was born in, Montgomery, Alabama.

When Rosa Parks made the decision to stand up by sitting down, by refusing to give up her seat on the bus, my grandmother was a 46-year-old woman who lived in Montgomery; my mother was a 12-year-old child. And they both vividly remember at times when they were escorted or asked to leave the front of the bus, to go to the back.

And in that generation of Americans, there was a certain percentage of people who felt that, well, it is just the way it was. There was a certain percentage of people who felt that racial segregation, separating people based on color, was just in the fabric and the atmosphere of what we were as a country.

And when the Rosa Parkses of the world asserted themselves, a lot of people dismissed their effort. A lot of people said that it is a quixotic venture.

And here we are 50 years later with a whole lot of political power for this community, a whole lot of an ability to stand here and to talk about these kinds of questions. We are a long, long way from the Montgomery, Alabama that Rosa Parks and my mother and grandmother lived in.

What has changed about that 50 years is our will changed as a country. Our sense of what we would and would not tolerate changed over a period of time, and that which seemed tolerable many years ago, all of a sudden came to be seen as intolerable. It is my sincerest hope, as a Member of this House, that when our time is long done, when the youngest of us here have left this body, that some group of Americans will look back and they will say that we managed to take these questions of poverty, impenetrable, cutting, wounding poverty, off the table, that we somehow managed to find a way to build enough of a net in this country that everyone who tries to build a family has a maximum opportunity to do it, that we managed to build enough of a net in this country that when anyone gets sick, that we find a way to give them a quality of care, that we found a way to build enough of a net in this country, so that if there is an ambition in our children, the ambition will always be rewarded.

The hope that I have is that we will one day reach a point where these kinds of questions come off the table, just as the question of what side of the bus you can sit in came off the table. If we are going to get to that point, it will require a lot more than the reaction to Hurricane Katrina.

It will require a lot more than the reaction to the Gulf that was exposed in New Orleans. It will require a sustained commitment to be serious about these questions. It will require a sustained commitment to talk about issues of day care for working mothers, issues of health care for indigents, issues of exclusion for all kinds of groups who have been marginalized in America.

But I think those things are within our reach. The reason I think so is because I think that we have the capacity as a country to come back to a vocabulary and a dialogue of national greatness. We have the capacity as a country to talk about a vision that will make America great, that will not simply be based on the force of our arms, that will not simply be based on our intercontinental ballistic missiles, but will be based on the quality of the institutions that we build.

☐ 1730

I will end by mentioning someone that I know inspired many of my colleagues in this body, Robert F. Kennedy, the Senator from New York who died seeking to change the country by winning the presidency.

He often ended his speeches by saying, "Some men see things as they are and say why? I see things that never were and say why not?"

That has to be the constant challenge of all the Members of this institution who style themselves as progressives. The constant challenge has to be that we will see a range of visions, a range of opportunities and quality of life for our people that we have not previously seen and that we will have a national will to move toward that time.

So I thank the gentlewoman for organizing this event. I thank my colleagues for speaking.

In the final seconds I have here today, I will simply make the point that all of our citizens in this country ought to understand that we are impacted when some of our people do not share in the same circle of opportunity, but yet they are working and striving and pushing themselves every day to do it. That exclusion and that absence does not just wound African Americans, it does not just wound Latinos, it wounds everyone in this country that shares our national identity.

Ms. LEE. Mr. Speaker, I thank the gentleman for his statement also raising the need for sustained commitment, because that is what this country and the President must do and develop a plan to eradicate poverty by 2010.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to commend the gentlewoman from California (Ms. LEE) for her bill, H. Con. Res. 234, to require the President to immediately present a plan to eradicate poverty by 2010. Her resolution is indeed timely.

Hurricane Katrina has rubbed away the scar tissue from a festering national wound which is poverty and the growing economic divide that continues to afflict our great Nation.

Mr. Speaker, only a few weeks ago, the U.S. Census Bureau released its annual report on poverty income and health insurance coverage. The report documents that poverty rose by 1.1 million people from 2003 to 2004. The number of Americans without health insurance also rose from 45 million in 2003 to 45.8 million in 2004. Shame.

The facts presented by the Census Bureau report are incontrovertible. Poverty is on the rise throughout the United States of America, and let me briefly cite a few other startling facts taken from the latest Census report.

In 2004, 37 million Americans lived in poverty, up by 5.4 million from the previous year.

More than one in six American children now lives in poverty.

The poverty rate for African Americans was 24.7 percent in 2004. The poverty rate for Hispanics stood at 21.9 percent for the same year.

The real income of American households declined in 2000 among all income groups.

In my home State of California, 13.2 percent of its residents, or 4.4 million people, currently live in poverty; and 18.5 percent of Californians, or 6.7 million people, do not have insurance coverage.

The U.S. Census report is not the only recent document that details the growth of poverty in the United States. Today, President Bush addressed the opening of the United Nations World Summit on Poverty and Reform. Earlier this month, the U.N. released a shocking report on global inequality that is critical of American policies towards poverty abroad as well as here at home.

Among its many startling conclusions, the U.N. report reveals that infant mortality has been rising in the United States for the past 5 years and now is the same as Malaysia. America's African American children are twice as likely as whites to die before their first birthday.

The U.N. report also notes that although the U.S. leads the world in health care spending, this high level goes disproportionately to the care of wealthier Americans. It has not been targeted to eradicate health disparities based on race, wealth and the State of residence.

Countries that spend substantially less than the United States have, on average, a healthier population.

For a century in the U.S. there has been a sustained decline in the number of children who died before their first birthday. But since 2000 this trend has sadly been reversed.

The U.S. is the only wealthy country with no universal health insurance system. Shame on us.

The United States, along with Mexico, has the dubious distinction of seeing its child poverty rate increase to more than 20 percent.

The U.S. ranked 17 out of the 18 OECD countries in the highest level of human and income poverty. The only OECD country the U.S. is ranked ahead is the country of Italy. Even Ireland ranks higher.

Poverty is a systemic issue, and we need to move on it now.

ERADICATE POVERTY

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes.

Mr. WATT. Mr. Speaker, I simply want to thank my colleagues in the Congressional Black Caucus who are taking the time and consistently putting forward this message that poverty and race and the convergence of them in this country must be an issue that we deal with.

I found it extremely ironic as Chair of the Congressional Black Caucus that it has taken a disaster like Katrina to refocus attention on the issue of poverty in this country. In fact, it has been interesting to see how this has evolved, because the Congressional Black Caucus has been dealing with this issue of poverty and the disparity in economic means between African Americans and other Americans in this country this entire year.

We developed an agenda in January of this year which was printed, released, covered and written about in the press. Press people were calling me, saying you have positioned this in a different way than it has been positioned in the past. And then all of a sudden what I found was quietly into the night the discussion about poverty and the convergence of poverty and race and class went quietly into the background.

What has been interesting since Katrina occurred is that the same press people who wrote about our positioning of this issue have been on the phone to me, saying why have you all not been talking about this? Why have you not kept this issue of race and class and poverty in front of us? We should have been talking about this.

And I have to remind them that, yes, look, you wrote about this in January and February of this year, and you must have forgotten about it. We have not forgotten about it. We have been talking about it all year.

It did not take a hurricane to make us patently aware that poverty exists in this country. In fact, what I would submit to you is if the same kind of catastrophe occurred in any city in America and the same amount of advance notice was given to the people of that city, the people who would get out would be the high-income people. They would heed the notice. They would have the resources to move away from the disaster that is coming down the pike. And the people who would not be able to heed the notice and the entreaties to get out of harm's way would be poor people; and in every city in America, every place in America they would be disproportionately African American, Hispanic and other minorities.

That is not only true of a hurricane. When you are poor, you cannot get away from bad health conditions, because you cannot take the preventative steps that you need to take to get treatment. When you are poor, you do not have the option of sending your kids to private school to get them away from bad schools. You do not have the option of doing a lot of things that we take for granted in this country.

So maybe my staff member is right. We do not like to talk about that in this country. We do not like to talk about poverty in this country because we have this notion that we all are equal. We are not equal except in writing.

Under our Constitution, we are created equal. We are supposed to be given equal opportunity, but when somebody starts at the 70 yard line in a race of 100 yards and somebody else is starting at the zero yard line, making up that difference is an impossible task, and we have got to recommit ourselves to making up that difference. It cannot be done just by people running faster and harder and longer. We have got to commit ourselves as a Nation to fighting poverty and its convergence with race.

WINNING THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I thank the Speaker for the opportunity to address the House this evening, really by way of reporting on a congressional delegation trip that I had the privilege of leading at the very turn of this month, the very last days of August, the very first days of September.

Our journey took us on a diplomatic mission through Egypt. We met with military commanders at Central Command in Qatar. But clearly the most memorable and meaningful time of our trip, which included the gentleman from Texas (Mr. HENSARLING), who we will hear from in a few moments, and three of our Democratic colleagues, the gentleman from Tennessee (Mr. DAVIS), the gentleman from Hawaii (Mr. CASE), and the gentleman from North Carolina (Mr. MCINTYRE), it took us for two full days into Iraq.

I rise tonight anxious to hear my colleagues' reflections on this trip and trips that they have taken as the gentleman from Iowa (Mr. KING) will join us. But I rise today to make a very simple assertion, that from what I saw on the ground, flying into Baghdad on C–130s, flying around to outpost bases far outside the Green Zone in Baghdad, far outside the safety net of the center of our operations in Iraq, what I herald from the soldiers, not just in official meetings but in informal interactions and what I heard from our commanders was a simple message: We are winning the war in Iraq.

□ 1745

I know, Mr. Speaker, that that is a very different message than most of the American people, some of whom may be looking in tonight, are getting from national television and from the newsprint.

The headlines today were resplendent with over 100 killed in a series of car bombs and suicide attacks in Iraq; but let me say emphatically again, from our meetings with General Abizaid at CENTCOM, to General Petraeus in Baghdad, our meetings with members of the 3rd Infantry Division and A Company of the 138th Signal Battalion from Indiana in Ramadi, I heard it again and again: we are winning the war in Iraq.

That is not a slogan. It is an objective fact, based on a few simple observations, because as many who are strenuous critics of the war would assert, we have endured casualties, the precise number still less than 2,000, but every single loss, including the 10 heroes from my congressional district, is grievous to every single family. I will not for a moment trivialize a single American loss; but as we heard from one soldier after another, some with four stars, some with one, some with corporal bars sitting on top of amphibious assault vehicles in Ramadi, as I was with Lance Corporal Ty Cotton, but soldiers understand that you do not define victory in war by the absence of casualties.

When the U.S. Marines went ashore in Okinawa in 1945, April, we lost 10,000 soldiers in that military engagement and we won. We won the battle on Okinawa. It remains one of the great military victories in American history, because as we lost 10,000 American soldiers, the Japanese lost 200,000 soldiers in the same engagement.

Let us begin there in the definition of victory in Iraq. While we have lost somewhere shy of 2,000 soldiers in 4 years of fighting, and today we have 140,000-some-odd soldiers within Iraq, according to information we received, enemy casualties run from 20 to 30 to one American casualty; and more compellingly to me as we were informed, the number of Iraqi military personnel fighting on our side in uniform compared to our casualties is three to one. Three Iraqis in uniform, fighting for their own freedom, have died for every American fighting for their freedom in Operation Iraqi Freedom.

Beginning with that large statistic, Mr. Speaker, it is undeniable: we are winning the war in Iraq. As I will discuss later, literally hours before the gentleman from Texas (Mr. HENSARLING) and I and our colleagues touched down at the landing zone at the military base at Balad, there had been a mortar attack, a pretty typical engagement with the enemy, as near as was represented to us.

Two mortars were fired into the American base. They were tracked through extraordinary technology and professionalism from literally moments after they were fired, several thousand yards from the base. The incoming mortars were determined to be landing in an area where they did not threaten a significant amount of American military personnel. They did destroy two trucks, I believe, both of which were still on fire as we were landing on the base; but when we went into the command center at the Balad Air Base and saw the full report on that engagement, we learned that within 3 minutes of the launch of the mortars, American military personnel had identified where the mortars were fired.

Within minutes after that, American surveillance drones, known as Predators, flying overhead were able to surveil and identify up to 13 different insurgents who were making egress from the site where they had launched the mortar; and within 12 minutes from the time of the launch, all 13 of those insurgents were killed in a Hellfire missile attack on their location.

The intelligence, the military precision, no American casualties, 13 Iraqi casualties. We are winning the war in Iraq.

As we sat with General John Abizaid at Central Command in Qatar, pictured here in this photograph, we had a very intense and intimate hour with the four star general at Central Command; and before I yield to the gentleman from Texas (Mr. HENSARLING), my colleague, I want to share with my colleagues, without compromising any confidence, a conversation that I had with the general, which basically was derived from a recent stop that I made at the American Legion Hall in Selma, Indiana.

Mr. Speaker, Selma, Indiana, probably has the population of this House of Representatives when it is filled, maybe 500, 600 people. I popped into the Legion Hall about a week before I went to visit Iraq. I walked into the Legion Hall, and there were several guys, a few of them bellied up to the bar, a few more sitting around tables and chairs and playing cards; and as I said to General Abizaid, the guys at the Legion in Selma, Indiana, were concerned about what they were seeing on television. They wanted to know what is going on, did the soldiers over there have a cause, are we in this for the right reasons. I took by their meaning how are we doing in Iraq.

I told them I was leaving in about a week and I called the question and I had asked the brass and the regular soldiers. So I asked General Abizaid that very question. I said, General, what do I tell the guys in the Legion Hall in Selma, Indiana? Four Star General John Abizaid said in words that still ring in my ears, sitting at this table, he turned and looked at me, me here, him there, in his private office and he said, Congressman, you tell them we are winning the war in Iraq.

Then he explained it. He talked about that ratio of, yes, there are Americans that are dying, but 20 to 30 enemy insurgent soldiers are dying for every American that has fallen. Then he went on to point out that at no time in 4 years of fighting have we ever lost a military engagement to this enemy, never. Every time the enemy has engaged our forces, we have defeated them and defeated them summarily.

Another statistic that General Abizaid shared with me was the simple statement that we have never lost a full platoon in a military engagement with the enemy in this theater of combat.

He conceded that being a combat soldier, being a military man, knowing the ruthless nature of the perhaps even 10,000 insurgents that we are dealing with in Iraq, that he had assumed that maybe at this point they would have figured out how to launch and ambush, as they had done many, many times and maybe catch us unawares.

The Confederate Army caught the Union Army at Shiloh completely unawares. In war, people make mistakes, people end up exposed. The general basically said, in 4 years of fighting, I would have thought that they would have figured out a way to defeat a full platoon, but they have never done it. Every time they have engaged our forces, we have defeated the enemy.

He went on to say that the answer here is not entirely military; but, rather, that as we went out to Camp Caldwell along the Iranian border, as we went up to Balad, as we went out to Ramadi, we saw these are soldiers that are not only engaging the enemy successfully and not only defeating the enemy in military engagements, one after another, with professionalism and courage and precision, but they are also training Iraqi soldiers.

These are the two hands. The American soldier in Iraq today is doing the work of defeating the enemy, and at the same time, many of the same personnel are also training Iraqis to provide their own defense, and the statistics are rather overwhelming and impressive.

In the last 12 months, we have stood up in uniform over 100,000 Iraqi soldiers for the defense of their own country. Literally, 100 battalions have been stood up, a little bit more than 100 battalions, but roughly 100,000. As the general told us and the men on the ground told us who are training these soldiers, they are on track to stand up another 100,000 Iraqis within 12 months, Iraqis who would be able to take over their own security of their nation, both internal and ultimately external security.

Of the 100,000 Iraqis, roughly 30,000 of those are deploying every day with American soldiers. One full battalion, we were told, is fully independent and has to do with old tribal loyalties, and they can handle themselves and we let them handle themselves; but the balance of some nearly 29 battalions of nearly 1,000 men each are deploying either on point as we did along the Syrian border last week when literally Iraqi military personnel led the charge, defeating insurgents and killing insurgents along the Syrian border, or they are going right alongside with us.

So for those who want to minimize that, it is an extraordinary thing.

I will never forget it was Labor Day, the day that we were at the military base at Camp Caldwell near the Iranian border. So, of course, it is a military base, there was a Labor Day picnic going on. As the gentleman from Texas (Mr. HENSARLING) and the gentleman from Hawaii (Mr. CASE) and the gentleman from Tennessee (Mr. DAVIS), who had an awful lot of Tennessee Volunteers there, National Guard from Tennessee, urged us, we went to the Labor Day picnic. What a sight it was to see the American military personnel letting off a little steam, of course playing blue grass music; but the most awesome thing was walking on to a volleyball court and half of the people playing volleyball in T-shirts and shorts were Iraqis. Here I am at a Labor Day picnic at a military installation, along the Iraq-Iran border, and half the people playing volleyball with the Americans were Iraqis, the people that we were training.

In fact, we learned there at Camp Caldwell that in a matter of 3 to 6 months, when the Tennessee Volunteers, the National Guard, head back to Tennessee, they are not going to be replaced by American military personnel. They are going to be replaced by Iraqis, which is a statement of success. It affirms we are winning the war in Iraq. We are standing up an army, 100,000 now, and 12 months, 200,000 Iraqis in uniform. We are defeating the enemy. We have never lost a platoon or a military engagement.

I say, Mr. Speaker, with great respect to my colleagues and anyone else listening in, we are winning the war in Iraq; and it is time the American people began to hear that and hear that consistently. We are winning the peace.

As we prepare, we met with Prime Minister Jafari, we met with the ministers of interior and defense. October 15, the people of Iraq will vote to ratify, and it is my fondest hope and prayer that they will ratify, a constitution of their own making. This standing up of a legitimate government in Iraq, the standing up of an independent army of Iraqis in Iraq, and ultimately, the drawing down of American troops as Iraqis take responsibility for their political and security future is in the cards. It is happening. I know it is not making it on the evening news, Mr. Speaker; but I have seen it with my own eyes. I have heard it from our soldiers, not a one of which does not believe in the mission.

I will yield to the gentleman from Texas (Mr. HENSARLING) with this final thought. We must have talked to thousands of soldiers in the field, and I say that with absolute sincerity. We spoke to them in official meetings. We spoke to them on C–130s flying into the country. We talked to soldiers who knew where we were and who we were and soldiers who did not know who we were and knew that we would never see them again. I did not meet a single soldier anywhere in Iraq in the uniform of the United States of America who did not believe in this mission.

Every single soldier with whom I spoke said variations of the theme: we need to be here, sir; everything I have seen, we are doing what needs to be done; we have got to stop these guys right here.

We are winning the war in Iraq because of that kind of courage, that kind of determination. So allowing for my passion on this point, I yield to the gentleman from Texas (Mr. HENSARLING), a colleague who journeyed with us on this trip; and if I may say without embarrassing him, at a time when his own family was dealing with the tragic circumstances around Katrina, his own father-in-law, grandfather of his children, out of communication in New Orleans, but he was still willing to go into harm's way to be among the soldiers, and I commend him. I commend his wife, Melissa, for their dedication to our country.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I especially thank him for his leadership in this body. As the chairman of the Republican Study Committee, the largest caucus in Congress, the gentleman from Indiana (Mr. PENCE), my colleague, his leadership is second to none in this institution.

☐ 1800

I am happy to call him my leader in the Republican Study Committee and to call him my friend. I was very grateful, Mr. Speaker, that he would invite me to join him on this trip over to Iraq.

It was very important for me, Mr. Speaker, that I travel over to Iraq. I thought it was important for a couple of reasons.

Number one, I thought it was very important to say "thank you" in person to the brave men and women who don our Nation's uniform and put themselves in harm's way so that we can live in a safer and more secure America. It was very important, I think, that these people hear in person, face to face, where they are sitting and fighting the battle for freedom and security, that they hear from us in person the Nation's gratitude for what they do.

I know it has been said before, but I do not know where our Nation finds such brave men and women to go and do this. It is so heartwarming that we in America have an all-volunteer military that produces such great men and women. So I wanted to thank these people in person.

Second of all, Mr. Speaker, as a Member of the United States Congress who has supported these troops in the field, we all know here in this institution that we are privy to a lot of briefings by three- and four-star generals. It is not that often, however, that we can get briefings from three- and four-stripe sergeants, those who are truly on the front lines of this effort; and I thought it was very important that I speak to these men and women as well.

I want to echo what my colleague had to say, and that is that we are winning this effort. That is not to deny the reality of what we see on the news every night and, as my colleague said, not to trivialize it, because the cost of this war is incredible. It is a terribly costly war in terms of blood and in terms of money. There is no denying that reality.

But in our living rooms back home, Mr. Speaker, and I come from Dallas, Texas, there is another reality that somehow never makes the 6 o'clock news, nor does it ever make the front page of my daily newspaper.

For example, no television station has ever shown up at my home in East Dallas at 8:30 p.m. to film either my wife or myself tucking our two children into bed in a safer, more secure America. No film crew has ever come to film that.

In my home of Dallas, no film crew has ever gone to the Northpark Shopping Mall and reported, "Today there was no suicide bomber at Northpark Mall." You will never read that story back home in Dallas, Texas.

You will never read a newspaper headline saying, "Today no one rammed a car filled with explosives through Mesquite Poteet High School." You will never read that story.

Yet I believe that because of what we are doing in fighting this war against terrorism, because of Operation Iraqi Freedom, we do live in a safer and more secure America.

Now it is no accident there has not been another attack since 9/11. That is not to say one could not happen tomorrow, but we will never win this war playing defense. We will only win this war playing offense. For the sake of our Nation, for the same of this generation and the next, we must win this war on terror. And there is no substitute for actually going to a place, Mr. Speaker, and talking to people and observing for yourself.

There are a lot of different statistics I could quote in how we are winning the war on terror, but let me share a few stories, a few observations I have which really spoke volumes to me.

First of all, traveling around Baghdad in an Army helicopter, all over Baghdad we saw the rooftops riddled with satellite dishes, something that was illegal in the regime of Saddam Hussein. The seeds of freedom of speech that have been planted in that country are fundamental to growing this democracy, this nascent democracy in this very vital part of the world. Satellite dishes all over Baghdad with now multiple sources of information and news that has not been seen in Baghdad in decades and decades and decades.

Now one of the programs they apparently receive on this satellite dish, and I did not see it myself but I had a soldier describe it to me, is a program entitled "Angry Mothers." I guess in America the show would be part of our reality TV series. But when we watch American television, we only get the indication that all of the Iraqi people are either insurgents and terrorists or they cower in their homes. But that is not the reality that we saw. In this program entitled "Angry Mothers," apparently when some of the insurgents are captured, they allow the mothers of those who have been wounded or killed by the insurgents to confront them. And although I do not know nor do I care to know how to curse in Arabic, I assume a fair amount of the show has to be censored.

We never see those pictures of the Iraqi people themselves confronting the insurgents and confronting them about their evil deeds and their evil purposes, but, Mr. Speaker, it takes place. It takes place every day, and it is taking place throughout the Iraqi television network.

Something else. In going to these various military bases that my colleague, the gentleman from Indiana (Mr. PENCE), described, whether it be Camp Caldwell or Camp Liberty, it was described to us that about 6 months ago there might be two or three mortar attacks every day, and today it may be two or three a week. Mr. Speaker, it is still war, but it is progress. It is progress.

We heard a tragic story, and we have seen it in the news before, how at one of the many recruitment stations, where the Iraqi people will volunteer to help rebuild their country and be a part of their military service or to be a part of their police force, how at one of these recruitment stations the insurgents successfully bombed and killed many of the recruits. Well, Mr. Speaker, 24 hours later they had that recruitment station back open, and the exact same number of recruits showed up again. They knew what had happened. They wanted to be a part of building the new Iraq. Again, Mr. Speaker, I believe that is progress. That is helping win this war.

Human intelligence is a very vital aspect of fighting this war. Now, increasingly, more of the Iraqi people are helping locate the bad guys. We heard a story about an insurgent who was armed and who broke into a house. When Iraqi and American troops, working together, managed to go to this home and knock on the door, this insurgent informed the troops that he was the cousin from Baghdad of the lady of the house. Notwithstanding the fact she knew this insurgent had a gun, she said, "No, sir, he is a terrorist. Take him away." That might not have happened 6 months ago in this country, but it is happening today, Mr. Speaker. And that is more and more progress in this war against terrorists.

Mr. Speaker, again let me just go back and talk a little about all the troops we met and reinforce a point that was made by my colleague from Indiana. Again, I am just so proud that I had an opportunity to meet with these brave men and women.

I remember hopping on a C–130 with a corporal out of Las Vegas, Nevada. He had just come back from 2 weeks of R&R, rest and relaxation, back home, and he has a family. He is married, and he has children. I said, "Corporal, I guess you wish you were still back home." And he said, "No, sir. Today my unit needs me more than my family." Mr. Speaker, that is the incredible level of commitment that we see.

I remember meeting a young captain from Indiana, the home State of my colleague who led this delegation. We asked him about what does it mean to him and his family to be there. He said, very sincerely, "I hate being here. I hate being here, but I love my job, and I know how important it is to my country and my family that I succeed." Mr. Speaker, that is an incredible, incredible level of dedication that we have.

So some days, Mr. Speaker, it may be three steps forward and two step backwards. I am not here to say that this is easy work. I am not here to say that it is going to happen tomorrow. We cannot pick up democracy through a drive-in window. There is no such thing as McDemocracy. It takes a long time to develop it. But, Mr. Speaker, it is not democracies that threaten us, it is these authoritarian, despotic regimes that harbor terrorists, that train terrorists, that finance terrorists, and that seek weapons of mass destruction.

I agree with our President, though some do not, but I agree with him that there are some threats that you must meet before they fully develop.

Who, looking back at the pages of history, if they had an opportunity to stop Nazism and Adolf Hitler in 1930 would not have done it? Who would not have done it? If you had an opportunity to stop what the Soviet Union did in taking over Eastern Europe and holding it captive for 50 years, who would not have stopped that?

Well, I think we have an opportunity to stop this terrorist movement that is taking place and emanating from the Mideast. But we as an American people have to realize that this is not a sprint, Mr. Speaker, this is a marathon. It is a marathon.

The cost of cutting and running is too high, because the elements that would come back and take over in Iraq are the same people who were part of the Hussein regime. They are the same people who put together the despotic regime in Afghanistan. These are the people that would threaten the lives of our fellow countrymen, and that cannot be tolerated.

So, again, Mr. Speaker, I was very proud to be a part of this delegation led by the gentleman from Indiana (Mr. PENCE). I learned so much. I am so proud of our soldiers, and I wish everybody could see the day-to-day progress, this kind of sloppy, halting, but inexorable progress towards democracy that is taking place in Iraq today. Like I said before, some days it is three steps forward and two steps backward, but it is progress. We see it, we know it is happening each and every day, and because of it, I believe ultimately our country will be more safe and more secure.

With that, Mr. Speaker, I will yield back to my friend from Indiana.

Mr. PENCE. Mr. Speaker, I thank my friend for his powerful reflections on an extraordinary trip.

Before I yield to the gentleman from Iowa (Mr. KING), who led his own delegation in August to Operation Iraqi

Freedom. I wanted to reflect for just a few minutes, Mr. Speaker, on a few of the soldiers I met from Indiana, the kind of people the gentleman from Texas (Mr. HENSARLING) was just talking about.

In fact, a very detailed version of this appears on my Web site, MikePence.House.gov on our Web log, or blog as it has come to be known. I literally sat down on the airplane flying back from Iraq and typed up my reflections and remembrances while they were still fresh, and I want to excerpt them for just a second, if I can.

This first photograph is my conversations with Sergeant Matt Wright, an extraordinary young man from Muncie, Indiana, and part of A Company of the 138th Signal Battalion stationed in Ramadi. To speak about the kind of dedication that my colleague just reflected on, as I talked to Sergeant Wright, he said, with the same kind of smile you see in this photograph, he said, "Yes, sir, it is good to have you here. Yesterday was supposed to be my wedding day." And I said, "Did you put it off?" He said, "No, sir. We moved it up 9 months so we could be married a couple of months before I deployed for 18 months to serve my country in Iraq." I mean, here was a man's dedication to his beautiful wife and his dedication to his country on full display, Sergeant Matt Wright.

We began making our way to the mess hall that evening, Mr. Speaker, in Ramadi. And Ramadi is principally the location of an enormous division of Marines who engage every night in the very dangerous patrols of this provincial capital of the west, of Iraq. In fact, many of the military commanders with whom we spoke said, even more than Baghdad, in the months ahead as we make that steady, to use my colleague's term, sometimes halting progress towards democracy and stability, much of the future fighting will take place in Ramadi, and it will be done by these brave Marines.

□ 1815

So we stopped on our way to the mess hall, and these five politicians started reaching up and shaking hands on these enormous amphibious vehicles, and suddenly I heard a voice say, Are you not going to say hello to the only Hoosiers here?

I stopped and looked up and saw this bright, freckled red head, a huge, strapping Marine named Ty Cotton from Anderson, Indiana. Ty leaned down and helped me climb up on that vehicle where we had a chance to visit for just a few minutes. As I talked to Ty about his mom, Marla, back in Anderson, I promised to look in on her and give her a report on how well he looked. We heard the commander in the background yell, 5 minutes.

I asked if there was anything we could do, if he had everything that he needed. And he said shyly, Sir, we have everything we need. I am with a great unit. Then I heard a shout, 2 minutes.

As I started to move toward the edge, I said, Ty, I want you to know the people back in Anderson are praying for you, and he looked at me with that shy smile, and he said, Glad to do it, sir.

We made our way to the mess hall to meet with the balance of the 138 Signal Battalion. I do not know what I expected when we went there. I sure did not expect to see this bright, good-looking group of men and women, faces shining like the morning, morale high, proud to be where they are, even though they are 8,000 miles away from their families. I sure did not expect to hear the optimism in their voices. One of the soldiers said it got way better in Ramadi in the last year. To hear soldiers say it has got way better, the people on the ground living it, was very encouraging to me.

I was profoundly moved when one soldier after another asked about the families and communities affected by Hurricane Katrina. These soldiers are 8,000 miles away from their families, moms and dads, wives and kids, in 110 degree heat, and they are asking about New Orleans. They are Americans. They are an extraordinary lot.

As our Black Hawk helicopter lifted off from Ramadi, I watched the front lines on the war on terror, and I felt humbled by the men and women of the 138th that you see in this picture; and I felt more confident than ever in the justness of our cause and the war against terror and the belief it is vital to provide these men and women the resources to succeed. That begins by understanding that they are winning the war now, based on their professionalism, their commitment, their courage and the faith I encouraged in them, faith in God, faith in the country, and I say again, their faith in this mission.

I am going to go home this weekend and spend time with people at home, but I know the most bone-jarring thing that I have said to my constituents and colleagues, in two 20-plus hour days in Iraq, I did not meet a soldier who did not believe in the mission. General Mark O'Neill of the 3rd ID. I looked at him and said we appreciate your leadership. He said to me, Sir, it is a privilege to be here, but we have to stop these guys right here.

General Abizaid said to us, I think the most unreported story in America is how dangerous these guys are. If they get hold of this country the way they want to and become a petroleum power, these guys are the Nazis from the 1920s.

To understand that in this environment, as tough as it is, these soldiers are winning the war in Iraq. They are winning it because we have never lost a military tactical engagement. We have never so much as lost a platoon. They are winning it because we have stood up 100,000 Iraqis in uniform in the last 12 months and are on track to stand up another 100,000 in the next 12. And they are winning it because democracy is steadily advancing in a nation conditioned by thousands of years of authoritarianism, but it is advancing nonetheless with a constitutional referendum around the corner. We are winning the war in Iraq.

Mr. Speaker, I am happy to yield to the gentleman from Iowa (Mr. KING), who has been a tireless advocate of our soldiers in the field in Iraq and Afghanistan. He has just returned from leading his own delegation there, and I thought it altogether fitting that he and other colleagues associated with his travels might seize the opportunity of this Special Order to reinforce our firsthand account of what is really happening in Iraq, because what is happening is we are winning in Iraq.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Indiana (Mr. PENCE) and count it a privilege to stand on the floor of the United States Congress with the gentleman from Texas (Mr. HENSARLING) and a number of our colleagues who have come down here to speak out in defense of our country.

I consider it also a duty to go to the Middle East from time to time and Iraq in particular and visit with our soldiers over there. The first time I went was in October 2003. I had some trepidation on my way over there, not so much concerned about myself because once the decision is made to go, security is out of my hands and into the hands of others. But I did not want to be in the way. I did not want to go over there and have people who had a duty to do look and say, What is that Member of Congress doing here? Is he here for political reasons? What is his gig, so to speak.

I had that same feeling when I went to the hospitals at Bethesda and Walter Reed to visit the wounded soldiers. I asked myself, how are they going to react? I found out that they are glad to see a face that cares, a face that is interested in what they are doing and is part of the team. We are part of the team.

As the gentleman from Indiana (Mr. PENCE) mentioned, the kind of spirit, the shining faces that are there, and I wrote down a couple of things. It shifted my agenda here. One is it is an image that I will never forget and it was perhaps a year ago. I went to the hospital at Bethesda and I am scheduled to do that about every quarter to make sure that I have the feel for the kind of sacrifice that these brave men and women are making.

I remember walking into a room. There was a Marine captain in the room who had lost a leg right below the knee. His spirit was good, and he was strong. I said, what is in your future? And he said, I am going to stay in the Marine Corps. I am going to get therapy and get this prosthetic leg and be going, and maybe I cannot get back into combat; but I am a Marine, and that is my profession.

I asked, Is anything else going to change? He said, Yes, my wife and I are going to start a family right away. That is the kind of dedication that is there.

Also, one of the other anecdotes that came to me, when I visited with the 168th National Guard unit out of Sheldon, Iowa, and fortunately I was able to break bread in the mess hall with them, a couple of them had been back home for their 14 days of leave. They were the two with suntans, and they had gotten their suntan in Iowa. One of them said, I have been here, serving here for months and I went home for my 14 days of leave and I started watching television. I thought gracious, things have gotten a lot worse since when I went on leave. I wonder what it is going to be like when I go back. He came back, and it was just the same as when he left.

The question I continually get asked is, It is our duty to fight the enemy, but why do we have to fight the United States media at the same time?

The media is always looking for the very worst component of the worst element they can find so they can get the maximum kind of sensationalism, but not get that broad perspective of what is going on over there.

So I went over on the 15th of August and came back on the 20th. The heat got up to 128 degrees. A piece of information that I received from those Iowa farm boys, I could never figure out why is it nothing was growing along the irrigation ditches, why there was water and not a blade of grass next to it. Those Iowa farmers, they put a thermometer in the soil, 154 degrees was the soil temperature. We plant corn at 54 degrees. At 154 degrees, it sterilizes the seed and would cook anything to some of the level that they do in the restaurants in this city.

We went to some unusual places. I asked to go to some of those places because I think we need to hear some from that area. I believe we were the first congressional delegation to go down to Basra in the south. We went in there to that region, and there are two ports where the Tigris and the Euphrates rivers come together. There are two ports and most of the water freight that comes in and out of Iraq has to go through there. We visited a port where there is an Iraqi manager who has been there for 8 months. He increased production by 400 percent in 8 months. He did not understand the free enterprise system, however. He did not understand that gross receipts were not profit; you had to subtract the expenses. They are missing a little free enterprise culture, and we can help them with that.

I took a ride in an Iraqi navy patrol boat. Most Americans do not think about Iraq having a navy. They have an 800-man navy being trained by the British Royal Navy. We took a flight right around the harbor. They are proud of what they do.

I was standing there in the headquarters at the command central, the command headquarters in Basra of all of the provinces in the southern part of Iraq, and I looked around me and I started to identify where some of these soldiers were from. I started to look at the flag on their shoulders. In that group of about 15 or 18 soldiers, I picked out soldiers from the U.S., Britain, Australia, Iraq, they are part of the coalition, they are with us, the Netherlands, Romania, and Denmark, all in that cluster of 15 or 18 soldiers, that many different countries represented. I hear the criticism, this is not a coalition. Yes, it is. They are working with each other.

I received a briefing from the British general, General Denton. He filled us in on the current events and the tactics. It is fairly stable in the southern part of the country. One of the things that he said that will stick with me is, "I can think of no alternative but optimism." I like that phrase. If you do not believe that Iraq can be a free people, it can be a stable country, an oil-producing country, a country that starts to export dates again and the 28 million people there can put their lives back together again, what is your belief? How would you construct an Iraq? How would you want to direct that country if you were not an optimist?

I do not want to be involved in any planning done by anyone other than by optimists. I cannot have a pessimist there. I cannot even have one of those realists there because realists, just by definition, cannot follow a dream. They want to drag down someone else's, but they cannot follow a dream. Our soldiers are there, and they are following a dream. The Iraqi people are following a dream. They have their first grasp at freedom.

We looked at the oil field in the south, the distribution lines, the platforms where they load the oil out on supertankers. There is a lot of oil in the south in Basra. The equipment that is there is archaic. It goes back to the 60s, and it is going to take a lot of capital to get those oil fields back up to the level they need to be to get the country back on a fiscal track so they can fund their own construction and fund their own growth and development of Iraq. They are a long ways away from that.

The country is far more stable, but they need outside capital from other countries in the world and from multinational corporations that will go in and place a bet on Iraq. It will be a very safe bet because the oil is there. There is no question the market is there. With $70 a barrel oil, that makes Iraq look even better from an economic viability standpoint.

From there we boarded some British helicopters, and the British are great. Their service is good; they are professional. They give you a sense of security. They showed us the ports, and then we landed and walked around and took a look and had a briefing. After we looked at that, we flew over the wetlands where 800,000 Iraqis lived up until a little more than a decade ago when some of them rose up against Saddam Hussein, and he went down and killed about 120,000 of them, drove between 400,000 and 450,000 out of there, and shut the water off.

□ 1830

That area is twice the size of the Everglades, 8,000 square miles; and Saddam drove the population from 800,000 down to about 200,000 by drying them out, starving them out, and just going down and killing them. That was an impressive thing to see; and it is another place that has now been recovered, about 40 percent of the 8,000 square miles, because we have turned the water back into the wetland rather than diverted it away.

And then from there we went up to another place that a lot of Members have not gone to, but some have been up there, and that is up to Kirkuk to the oil fields in the north. And up there, there is so much oil that some of the oil seeps to the top of the ground. Where there is a pool of oil in what one might call a sand trap, there is a puddle of oil in there. It is not a spill. It is natural flowing oil that seeps to the top of the ground.

And there were oil spills too, as one might expect in a country like that. A lot of oil in the north that needs a lot of development, too; and they need to be able to get it to market. And here is one of the reasons why not. This is a pair of bridges, and these bridges were blown during the liberation of Iraq. If I have got the bridges right, and I believe it was this one, there were nine pipelines tied to that bridge that went underneath there, and, of course, all nine pipelines got knocked out.

So we put a lot of those pipelines back together, but one of them is a 40-inch pipeline, a pretty good size pipeline, 40 inches in diameter, so 3½ feet; and each time we would put that back together, then the enemy would blow it again. So we brought a contractor in there to take that 40-inch pipeline and lay it underneath the Tigris River, 25 feet under the Tigris River, by the way, so it is a little hard for them to dig down there and blow that up, and that will give it a little more security. It is one of the pieces of the infrastructure that has been put together.

After Hurricane Katrina, $18.4 billion almost sounds like loose change but $18.4 billion across a country of 28 million people the size of California that had been allowed to depreciate, erode, dilapidate itself over the last 35 years or more and a country that needs to be brought back up into the modern era. A country that could not produce enough electricity so they had to turn the lights off periodically, even in the cities that got the preferred power. And now we are distributing power to everybody equally, and the power is up to about 13 hours a day, kind on an average for everybody in Iraq.

But every time we raise the generation up and produce more electricity, then more Iraqis go out and buy the satellite dish, I say to the gentleman from Texas (Mr. HENSARLING), or they go out to buy an air conditioner. And if I had to choose between the two, I would take the air conditioner and skip the television, by the way. But when they buy the air conditioners, the demand for power goes up and up and up, and we cannot quite catch up with the equation of how much generation do we have to put in place before it meets the demand. But we are putting generation in place.

I have here a picture of the mother-of-all-generators. This generator came across 1,057 kilometers of not always friendly territory. In fact, a lot of it was hostile territory. It came in several loads, but there were two big loads. For me, I am a guy who has hauled some heavy loads. A 400-ton generator, 325-ton turbine, and they came in a caravan with other equipment that was about a mile long, and this has all been set up now and up and going. Actually, it is going to be formally put on line in about January.

But this mother-of-all-generators has been brought all across that territory, could not have a bullet wound in the generator, came through safe and sound, the generator, the turbine, and the rest of that. And they have constructed this together near Kirkuk, and this power will go to a number of the outlying communities as well as Kirkuk, and it dramatically kicks up the generation capacity.

So I went to see where the money went that would build the infrastructure of Iraq. And I saw renovated swamps. I saw sewer plants and lines that have been constructed. This generation that is here, I am watching them as they are constructing, not exactly a refinery, but it is a preliminary process to, I think, take the sulfur out of the oil that is there. I have watched work around that country, and I have watched the spirit of the people. And then from Kirkuk, we flew across in Black Hawks down to Baghdad across that vast open space and arrived in Baghdad.

We had to push and hurry because I was scheduled to meet with the Iraq Chamber of Commerce. I did not think about Iraq as having a chamber of commerce, and they are affiliated with the Americans in a way; so I believe they call it the American-Iraq Chamber of Commerce in Baghdad. They asked me if I would give a speech.

Yes, I will do that, but where is my interpreter?

Well, you do not need one because these people all speak English.

And I thought that was kind of a telling thing, and there were, I think, 56 of them there, somewhere between 55 and 60 Iraqi business people that are members of the chamber of commerce that want to do business. They want to get free enterprise going, and they just want to have a chance. The message that I carried to them was a message that America is not going to be the economic salvation for Iraq. Iraqis are going to be the economic salvation for them. They are going to need to build those traditions of free enterprise. They are going to have to build the institutions of business that go along with this free enterprise structure and culture that we have in the United States of America.

They have got a great start if that many of them can communicate with the rest of the world through a common form of communication currency called English. But they have got a lot of cultures to establish. If the manager of the port city down near Al Basrah does not understand the equation between gross receipts less expenses equals net income, it does not mean he is not a good manager. It just means that there is a blank space in their upbringing, and I want to see the free enterprise culture established and grow. We can use American business people over there.

The security part is the part that I have the least amount of advice for because we have the highest degree of professionals that are there providing security. Soldier after soldier, when I looked them in the eye, I came back from that country, my third trip over there, more confident than ever in the job that they are doing and the security that is being provided. I believe that because of the National Guard and our Reservists, added to our active duty personnel, the people that have more experience than most, that bring their professionalism with them, I believe that we have fielded a military here of the highest quality of people ever to go to war; and that is our soldiers that are over there who are putting their lives on the line.

General Casey said something that I think we need to remember, and that was, "The enemy cannot win if the politicians stay in the fight," and I believe that he meant the politicians here on the floor of Congress, Mr. Speaker. I believe he meant the House and the Senate. I believe he meant the people who believe, that are setting up quasiforeign policy, the people that the enemy are listening to. We need to send a solid message over to them: we stay in the fight here; the Iraqis stay in the fight there.

As the politicians and the military, we will have 200,000 in uniform by next spring, and they are leading the battle over there; and Americans are stepping back. And we have handed over a base now to the control of the Iraqi troops. Signs are positive. The free enterprise side is coming along. They will get a constitution ratified. When they do, they can sign a contract to develop that oil. When they develop that oil, that money will come into their coffers, and they can develop their country. That is the formula for success in Iraq.

I appreciate the gentleman from Indiana (Mr. PENCE) yielding to me, and I appreciate his leadership on this; and I look forward to the day that we can celebrate a victory in Iraq.

Mr. PENCE. Mr. Speaker, reclaiming my time, I thank the gentleman for his tireless efforts to see firsthand. This is a congressman from Iowa who, when there are controversies in the Federal courts, is on the steps of the courthouse. I know for a fact this weekend that he was in a Black Hawk helicopter flying over New Orleans and dining and supping with the people that are dealing with Hurricane Katrina. For him to be here tonight to add this critical, important dimension, as the gentleman from Texas (Mr. HENSARLING), whom I will yield to in a moment, and I were there focusing on the security in the Sunni Triangle, for him to come here and add to the record tonight that in realtime in the last several weeks the investment the American people are making in reconstructing this country is working. It is having its good effect. An Iraqi chamber of commerce is not something we are seeing on the CBS Evening News, but it is happening; and I am grateful to the gentleman from Iowa for bringing that perspective to bear and just for being who he is.

Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING) for any closing remarks he might have.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to say that I have been privileged to have a number of profound moments in my life; but I have to tell the Members, Mr. Speaker, one of the most profound moments I had was traveling to Baghdad, traveling to these military installations, meeting with our brave men and women, and reaching into my wallet, Mr. Speaker, and pulling out this very small photo of my two children, and looking these privates and corporals and sergeants in the eye and saying, Thank you. Thank you for what you do to keep my little 3½-year-old Melissa and my almost-2-year-old Travis alive in a safer, more secure America. And having them pull out photos of their children and having them tell me how they know how important it is that they fight for their families many, many thousands of miles away.

That was a profound moment in my life because, Mr. Speaker, I still do not know if the American people realize what the threat is. There are terrorists who have sworn publicly. This is not hyperbole. This is not exaggeration. They have said on the record they want to kill our children. It is that serious. They want to get their hands on weapons to attack and annihilate Western Civilization as we know it. This is their aim.

Mr. Speaker, the insurgents have proven very adept at taking innocent human life. They are very good at it. But what they have not proven adept at is halting this occasionally slow, awkward, clumsy, but inexorable, march towards democracy in Iraq. They have not stopped it, Mr. Speaker. People show up. They brave bombs and bullets to cast their ballots. And as we help this democracy flourish in Iraq, not only are we helping this people in this great and wonderful civilization. More importantly, we are making America safer and more secure. And that is what it is all about, Mr. Speaker.

Mr. PENCE. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

I cannot add to that closing, but will simply repeat, Mr. Speaker, we are winning the war in Iraq. And, Mr. Speaker, to anyone who is listening in tonight to hear the passion of the gentleman from Texas (Mr. HENSARLING), to hear the progress on the ground on civil society that the gentleman from Iowa (Mr. KING) described and to hear about these soldiers and our effectiveness, we have never lost a military engagement in 4 years with this enemy. We have never lost so much as a platoon. We are taking the enemy down at a rate of 30 to one that they are taking down our military personnel. That all spells victory. We are winning in Iraq.

But let me leave with one image. As we flew over Baghdad and over Ramadi, 150 feet off the deck, Black Hawk helicopters flanked by Apache helicopters, really scary-looking aircraft, I lost count of the number of men and women and little boys and little girls running from their homes and waving at our helicopter as we sped by.

And then what broke my heart was to see the helmeted soldier take one hand off that enormous 50 caliber machine gun and extend a gloved hand hurriedly out of the helicopter to wave back to those children and men and women. They were running towards the American helicopters. They were waving at the American soldier.

This was not a put-up job for some politicians flying through Baghdad. It was hundreds and hundreds and hundreds of people in Baghdad and Balad and Ramadi throughout the Sunni Triangle who were giving the thumbs up in a wave of friendship to their liberators, to the people who are fighting and sacrificing and succeeding in bringing them freedom and stability, which they so richly deserve.

With that I thank the gentleman from Iowa (Mr. KING) and the gentleman from Texas (Mr. HENSARLING) for joining me tonight. And I close with the thought we are winning the war in Iraq. Never doubt that.

TWO DAYS IN IRAQ

(By Representative Mike Pence)

SEPT. 6, 2005.—Our two days in Iraq began with a prayer and a brief reading from Psalm 91. After a short delay caused by an engine failure, we lifted off in the cargo hold of a C-130 aircraft filled with soldiers and materials returning to Operation Iraqi Freedom. On the faces of the soldiers we met aboard the aircraft, most of whom were returning from leave, was the evident anxiety of men returning to battle and sober determination. I overheard one soldier tell a colleague, "I'm here for my family, my kids and my grandkids . . . so they don't have to deal with these guys."

Upon arriving at Baghdad airport, we donned the helmets and body armor that would be our wardrobe for the duration of our stay and climbed aboard a Blackhawk helicopter, destination Phoenix Base, Green Zone, Baghdad.

The copters moved fast and low across the landscape of this city of several million. Different from my visit to Baghdad in 2004 when the streets were barren, the city sweeping past me below our helicopter was filled with people bustling about and large roads filled with traffic. The city of Baghdad is no longer the deserted war zone I saw before. Despite the violence of insurgents, Baghdad is alive again.

We landed at Phoenix Base in the Green Zone and attended meetings with the American Commander and the American Ambassador for situation reports. In our previous meetings in Qatar, the diplomatic and military authorities spoke of steady progress and a determined enemy, but there was no hint of defeatism or pessimism. As we learned of over 100 Iraqi Battalions deployed with American forces, schools, basic services, agriculture, one is left with the sense that our folks in Baghdad have a plan and are working the plan 24/7. As one soldier told me, "defeat the enemy, rebuild the country and give it back to the Iraqis."

From our meetings with American leaders, we boarded our motorcade for meetings with the Prime Minister of Iraq and the Ministers of Defense and Interior, three of the most important leaders to the present and future of Iraq.

Prime Minister Jaafari greeted us in a formal setting and spent the first 15 minutes expressing the heartfelt condolences of the people of Iraq for the loss of life in Hurricane Katrina. He seemed most determined to convey that the insurgents engaged in violence do not represent the feelings of the people of Iraq. I asked him, "Who is the enemy?" and he replied with a litany referring to Beirut in 1983, 9–11, Sharm El Sheik, as all the work of "the terrorists." He actually seemed slightly indignant about the question . . . as though anyone, with any common sense, would see that the enemy in Iraq is simply "terrorists."

In our meetings with two government leaders, two moments stood out. The Minister of Interior, a studious, bearded man, said the greatest challenge he faced was "changing the culture of authoritarianism" that followed the repressive history of Iraq. As we walked out, he and I spoke further about this point and I was moved by his ambition for his people to live under a just system of law and not of men.

The other moment came when another Congressman asked the Minister of Defense, "what neighboring nation represents the greatest challenge to peace within Iraq" to which he replied, "all of them" then added, "Kuwait is ok." It was an illuminating moment. I will never forget that this new Iraq is, with one exception, floating in a sea of authoritarian regimes with long histories of association with terror among their people and their governments.

Our helicopters set us down at ground zero for American forces in Baghdad: Camp Liberty-home of the legendary 3rd Infantry Division under the Command of General Mark O'Neill. As we learned earlier, most of the terrorist violence in Iraq is taking place in 4 of the 18 provinces . . . all 4 are in the area under the control of the 3rd ID. But Gen. O'Neill, a thick-necked warrior with the mind of a CEO, said, "Hey, it's what we do sir and we're glad to do it . . . we gotta stop these guys right here."

After getting an update on action and progress, we headed to dinner with the troops including Evansville native Sgt. Dave Newland. Dave is part of force protection for the 3rd ID and is approaching 20 years and retirement but, from what he told me, there is no place he'd rather be. When I asked about the mission, he replied with a smile, "We need to be here sir." We spoke of home, of his plans to move to Washington, Indiana and work for Crane. We spoke of the White Steamer, a diner in Washington, which turned out to be his Dad's favorite stop and one of mine. For that time we were not what we are doing (soldier/congressman), we were just a couple of Hoosiers swappin' stories from home. I told him everybody back home was praying and was proud and he said quietly, "I know that, sir."

As our C–130 took off from Baghdad airport, I thought of the men of the 3rd ID. I thought of the mission. And I thought of Sgt. Dave Newland. By God's grace does this nation still produces men like that.

Day two began at 3:30 a.m. as we headed for a day that would take us to four American bases in some of the most violent sectors of the "Sunni Triangle." First stop, Camp Caldwell, near the Syrian border which is home to the 278th of Tennessee. We were the first delegation of elected officials to ever visit this base and the soldiers seemed delighted to see us...especially Tennessee Congressman Lincoln Davis. When Lincoln presented the command group with a coin bearing the US Capitol and spoke of the time when these Tennessee Vols would "be a 'comin home," there wasn't a dry eye in the room.

It being Labor Day, the base had a picnic going on for soldiers off duty, so we made our way over to throw horseshoes and listen to blue grass music. I asked one soldier after another, "What would Labor Day be without havin' a bunch of politicians show up to spoil your picnic?!" While the atmosphere was festive, when I would ask "How ya doin?" or "How's everybody back home holdin' up?" one soldier after another would pause and get that far away look that you would expect from any soldier on a distant frontier. This unit has lost 12 men but defeated the enemy in every engagement. Their effort in training Iraqis has been so successful that their unit actually will not be replaced by American forces when they head home in a few months. Iraqis will take over Camp Caldwell. Mission Accomplished Tennessee.

Our Blackhawk helicopters and their Apache helicopter gunship escorts lifted off from Camp Caldwell at midday for the American airbase at Balad, another region of recent and intense insurgent activity. As we approached the base by air, I took note of a large column of black smoke billowing from the far end of the base. As we learned upon our arrival, at approximately 6 a.m. the base came under mortar attack by insurgents. While some equipment was damaged, as we learned later in the command center from a videotape replay, the enemy fared much worse.

Using our battlefield technology and real time intelligence, our forces identified where the mortar was fired and tracked 10 insurgents evacuating the area. With incredible precision, a hellfire missile scored a direct hit on the enemy as the eerie infrared video replay showed. The professionalism of these forces, young men and women who had to make split second decisions to save American lives, left most of us speechless.

We spent lunch with American soldiers in Balad at a huge mess hall while our colleague from Hawaii, Rep. Ed Case, held his own townhall meeting with the 29th National Guard out of Hawaii.

Our last stop of the day was Ramadi, the new home of the Anderson, Indiana based 138th Signal Battalion under the command of Captain Keith Paris of Marion, Indiana. Capt. Paris and Sgt. Matt Wright of Muncie met us at the landing zone and escorted us to the long, sand colored two-story building that these Hoosiers will call home for the next year. Capt. Paris is a determined professional whose patriotism, love of family and God exude from every pore of his body. In a short briefing in his modest 12x12 headquarters office, he explained how A Company was actually supplying all the real time communications for the ongoing battle in Ramadi, a city of some 500,000, that is the provincial capital of the west and a Sunni elite dominated area. Their sandbag reinforced and camouflaged operations are smack dab in the middle of a bustling base filled with moving tanks, armored vehicles and soldiers . . . and they all depend with confidence on the 138th.

Sgt. Matt Wright of Muncie was an impressive young married man who actually told me that his wedding was to have occurred the day before I arrived, but when word came of his deployment to Iraq, he and his fiancée decided to move it up nine months to accommodate their devotion to each other and our nation.

On the way to the mess hall, we encountered a Marine unit of armored vehicles headed out for maneuvers. As we reached up and shook hands with one soldier after another, I heard a voice from atop a tank yell, "Hey, aren't you gonna say hi to a fellow Hoosier?!" I looked up to see the broad smile of redheaded Cpl. Ty Cotton of Anderson, Indiana. He reached down and shook my hand as a voice cried out, "5 minutes!". . . the time the unit would roll to its duties in Ramadi. I climbed up the side of the vehicle so we could talk over the din of engines and troop movements. He told me to say hello to his mom, Marla, back in Anderson and I told him I'd look in on her and tell her how good he looked. As the commanding officer yelled, "2 minutes!" I told him the folks back home were praying for him, proud and grateful for his service. As I climbed down the side of the combat vehicle, Ty smiled and said modestly, "Glad to do it, sir."

In the mess hall, the young men and women of the 138th joined me for dinner. I don't know what I expected to find among these troops but what I did find was good spirits, high morale, fitness and a matter of fact attitude about the work ahead. I asked about the war and many spoke of steady progress, even in Ramadi. One soldier who had already seen a year in theatre said, "It's gotten way better here in Ramadi from a year ago." They were confident Americans doing a hard job in a hard place, but no complaints.

Mostly they wanted to ask about home. We talked about Indiana's response to Hurricane Katrina. They were concerned about how the country was holding up after such a tragedy. In a war zone, working in 110-degree heat, sleeping behind sandbags and 8,000 miles from Mom, Dad, wife and kids . . . and they were worried about us. Where do we get men and women like these?

As our Blackhawk helicopters lifted off from Ramadi, I watched the sun set over this desert encampment on the front lines of the war on terror and I felt humbled by the men and women I saw, especially the Hoosiers of the 138th. I scribbled the names of the men and women I met and purposed to pray for them and their families until they return home . . . victorious, safe and sound.

And I felt more confident than ever that this war is just, the battle against terror is vital and the enemy can and will be defeated here and now. I believe that not because of the armor, the firepower or the technology that swept beneath me as we passed over one base after another. I believe that because I have looked into the eyes of the men and women fighting this war at every level, and their faith and courage has never and will never be defeated.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, in a continuing effort to combat the adverse effects that illegal immigration is having on the United States, I have introduced a concurrent resolution that expresses the sense of the Congress that the President should immediately and unequivocally call for the enforcement of existing immigration laws in order to reduce the threat of a terrorist attack and to reduce the massive influx of illegal aliens into the United States.

□ 1845

I will summarize the text of that resolution without the whereas clauses.

A primary duty of the Federal Government is to secure the homeland and ensure the safety of the United States citizens and its lawful residents.

As a result of the attacks on this country on September 11, 2001, perpetrated by al Qaeda terrorists in the United States, the United States is engaged in a global war on terrorism.

Four years after those attacks, there is still a failure to secure the borders of the United States against illegal entry.

The failure to enforce immigration laws in the interior means that illegal aliens face little or no risk of apprehension or removal once they are in this country.

The Government of Mexico actively encourages illegal immigration into the United States by, among other things, publishing how-to books and urging State and local entities to accept the metricula consular as valid identification.

Granting amnesty to illegal aliens, or even proposing legislation or efforts for amnesty for illegal aliens, serves only to generate more illegal immigration.

If illegal aliens can enter and remain in the United States with impunity, so, too, can terrorists enter and remain while they plan, rehearse, and carry out their attacks.

The failure to control and to prevent illegal immigration into the United States increases the likelihood that terrorists will succeed in launching catastrophic or harmful attacks on United States soil.

Mr. Speaker, I believe that we should resolve four things.

First, that the President and the Secretary of Homeland Security should immediately use every tool available to them to secure the borders against illegal entry.

Second, the President should announce publicly that he will oppose any proposal to grant legal status or amnesty to illegal aliens and that he and the Secretary of Homeland Security will use every tool available to stop illegal immigration into the United States and to announce efforts for the removal of illegal aliens from the United States.

Third, the President and the Secretary of Homeland Security should seek the assistance of State and local law enforcement personnel in enforcing immigration laws, whether through formal agreements to cooperate or through the elimination of sanctuary policies.

Fourth, the President and the Secretary of State should warn Mexico that any further action it takes to encourage illegal immigration to the United States will be viewed as interference with our domestic laws, in violation of the Vienna Convention on Consular Relations.

Mr. Speaker, I would like to close by reemphasizing how important it is for the position of this body and this government to say "no" to illegal immigration, to say "no" to amnesty. When amnesty occurs or is expected to occur, the floodgates are wider and more open for illegal aliens and those who might harm this country. Our future will be much safer and more secure if we will secure our borders and stop illegal immigration and give a resounding "no" to any amnesty policy.

RECESS

The SPEAKER pro tempore (Mr. DENT). Pursuant to clause 12(a) of rule

I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2116

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 9 o'clock and 16 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 437, ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–221) on the resolution (H. Res. 439) providing for consideration of the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–222) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

June 29, 2005:

H.R. 483: An Act to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".

H.R. 1812. An Act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

July 1, 2005:

H.R. 3021. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

H.R. 3104. An Act to provide an extension of highway; highway safety, motor carrier safety, transit, and other. programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 12, 2005:

H.R. 120. An Act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

H.R. 289. An Act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".

H.R. 324. An Act to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".

H.R. 504. An Act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

H.R. 627. An Act to designate the facility of the United States Postal Service located: at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office".

H.R. 1072. An Act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building".

H.R. 1082. An Act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building".

H.R. 1236. An Act to designate the facility of the United States Postal Service located at 750. 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

H.R. 1460. An Act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building".

H.R. 1524. An Act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building".

H.R. 1542. An Act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building".

H.R. 2326. An Act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

July 20, 2005:

H.R. 3332. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 1, 2005:

H.R. 1001. An Act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building".

July 22, 2005:

H.R. 3377. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 27, 2005:

H.R. 3071. An Act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

H.J. Res. 52. An Act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

July 28, 2005:

H.R. 3453. An Act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

July 30, 2005:

H.R. 3512. An Act to provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

August 1, 2005:

H.R. 3423. An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

August 2, 2005:

H.R. 38. An Act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

H.R. 481. An Act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 541. An Act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 794. An Act to correct the south boundary of the Colorado river Indian Reservation in Arizona, and for other purposes.

H.R. 1046. An Act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.

H.R. 2361. An Act making appropriations for the the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 2985. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3045. An Act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

H.J. Res. 59. An Act expressing the sense of Congress with respect to the establishment of an appropriate day for the commemoration of the women suffragists who fought for and won the right of women to vote in the United States.

August 8, 2005:

H.R. 6. An Act to ensure jobs for our future with secure, affordable, and reliable energy.

August 10, 2005:

H.R. 3. An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

August 11, 2005:

H.R. 1132. An Act to provide for the establishment of a controlled substance monitoring program in each State.

September 2, 2005:

H.R. 3645. An Act making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

June 29, 2005:

S. 643. An Act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

July 9, 2005:

S. 714. An Act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

July 12, 2005:

S. 1282. An Act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

July 9, 2005:

S. 544. An Act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

August 2, 2005:

S. 45. An Act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 571. An Act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building".

S. 775. An Act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office".

S. 904. An Act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building".

S. 1395. An Act, to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARTON of Texas (at the request of Mr. DELAY) for today and September 15 on account of the birth of Jack Kevin Barton.

Mr. ROYCE (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. PAUL, for 5 minutes, September 15.

Mr. HULSHOF, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. WATT, for 5 minutes, today.

Mr. GOODE, for 5 minutes, today.

ADJOURNMENT

Mr. DREIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, September 15, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3868. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation, "To amend the Cooperative Forestry Assistance Act to authorize the Secretary of Agriculture to provide certain financial assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau"; to the Committee on Agriculture.

3869. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Seventh Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

3870. A letter from the Secretary of the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-226, "Sense of the Council in Favor of Fair Compensation Resolution of 2005," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3871. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports for the third quarter of FY 2005 as prepared by the U.S. General Services Administration; to the Committee on Government Reform.

3872. A letter from the Acting Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3873. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year ending September 30, 2004, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

3874. A letter from the Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan under the Indian Tribal Judgement Funds Act, 25 U.S.C. 1401et seq., for the use and distribution of the settlement funds to the Confederated Tribes of the Warm Springs Reservation (Tribe); to the Committee on Resources.

3875. A letter from the Acting Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Framework Adjustment 1 to the Atlantic Deep-Sea Red Crab Fishery Management Plan [Docket No. 050510127-5190-02; I.D. 050305D] (RIN: 0648-AS35) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3876. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's 2004 report to Congress on the "The Status of U.S. Fisheries"; to the Committee on Resources.

3877. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 08045C] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3878. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #4 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 072205G] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3879. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 0722205F] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3880. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery

[Docket No. 050209033-5033-01; I.D. 071505C] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3881. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D.072205E] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3882. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D.071505B] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3883. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2004 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3884. A letter from the Secretary of the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-225, "Sense of the Council in Favor of the Renewal of the Voting Rights Act of 1965 Resolution of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the Judiciary.

3885. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a recommendation of the Army Coprs of Enginneer's plan to deepening and widening of a section Jackson Harbor, Florida; to the Committee on Transportation and Infrastructure.

3886. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP Tampa 05-093] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3887. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP Tampa 05-095] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3888. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Albert Whitted Air Show; Tampa Bay, FL [COTP Tampa 05-027] (RIN: 1625-A00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3889. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River Mile Marker 50.0 to Mile Marker 187.0, IL [COTP St. Louis-05-001] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3890. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3891. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass, Sabine, TX [COTP Port Arthur-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass, Sabine, TX [COTP Port Arthur-05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Port Neches, TX [COTP Port Arthur-05-009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3895. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal: Port Arthur, TX [COTP Port Arthur-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3897. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Napa River, California [COTP San Francisco Bay 05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3898. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Las Mareas Bay, Guayama, Puerto Rico [COTP San Juan 05-046] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3899. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, 500 feet North and South of Mile Marker 103.2, in the vicinity of the Jackson Street Bridge, Pineville, LA [COTP New Orleans-05-026] (RIN: 1625-AA00) received August 25,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3900. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jefferson Parish, 4 Nautical Miles West of Barataria Pass, extending from the North Shore of Hackberry Bay to the South Shore of West Champagne Bay, in the vicinity of Mendicant Island, LA [COTP New Orleans-05-027] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3901. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Louis Bay, Bay St. Louis, MS [COTP New Orleans-05-028] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3902. A letter from the Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile Markers 124.0 to 125.0, Clarksville, TN [COTP Ohio Valley-05-001] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3903. A letter from the Deputy Director, Bureau of Transportation Statistics, Department of Transportation, transmitting the Transportation Statistics Annual Report 2004, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

3904. A letter from the Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Council Bluffs, IA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

3905. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 071205A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3906. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's report entitled, "The Year in Trade 2004: Operation of the Trade Agreements Program," prepared in conformity with Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

3907. A letter from the Deputy Associate Administrator for Congressional Relations, Environmental Protection Agency, transmitting two proposed bills to amend the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); jointly to the Committees on Agriculture and Energy and Commerce.

3908. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall

Islands, pursuant to Public Law 108-188, section 104(e)(8); jointly to the Committees on Resources and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 437. Resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109–220 Pt. 1). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 439. Resolution providing for the consideration of the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109-221). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 440. Resolution providing for the consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes and providing for consideration of motions to suspend the rules (Rept. 109–222). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on House Administration discharged from further consideration. House Resolution 437 referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KUCINICH (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Ms. CARSON, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RAHALL, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SABO, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 3760. A bill to establish a Department of Peace and Nonviolence; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. MARCHANT, Mr. JINDAL, Mr. BAKER, and Mr. ALEXANDER):

H.R. 3761. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself, Mr. MARKEY, Mr. PLATTS, Mr. LEWIS of Georgia, Mr. KIRK, Mr. MENENDEZ, Mr. GILCHREST, Ms. ESHOO, Mr. BARTLETT of Maryland, Mr. MILLER of North Carolina, Mr. LEACH, Mr. OLVER, Mr. SHAYS, Mr. CARDOZA, Mr. GERLACH, Ms. SOLIS, Mrs. JOHNSON of Connecticut, Mrs. CAPPS, Mr. LAHOOD, Mr. HINCHEY, Mr. JOHNSON of Illinois, Mr. PALLONE, and Mr. LOBIONDO):

H.R. 3762. A bill to require higher standards of automobile fuel efficiency in order to reduce the amount of oil used for fuel by automobiles in the United States by 10 percent beginning in 2016, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. OWENS, Ms. PELOSI, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Ms. DELAURO, Mr. MARKEY, Mr. HOLT, Mr. LEVIN, Mr. DOGGETT, Mr. GRIJALVA, Mr. ROTHMAN, Mr. STARK, Mr. FARR, Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mr. ANDREWS, Mrs. MCCARTHY, Mr. HINOJOSA, Mr. WU, Mr. NADLER, Mr. RYAN of Ohio, Mr. AL GREEN of Texas, Mr. MCDERMOTT, Mr. DEFAZIO, Mr. LANGEVIN, Mr. HONDA, Ms. LEE, Mr. KILDEE, Mrs. MALONEY, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. REYES, Mr. MICHAUD, Mr. SKELTON, Mr. RANGEL, Mr. ENGEL, Mr. FILNER, Mr. OBERSTAR, Mr. HIGGINS, Mr. VISCLOSKY, Mr. LANTOS, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. SHERMAN, Ms. SLAUGHTER, Mr. DINGELL, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. SCOTT of Virginia, Mr. UDALL of Colorado, Mr. DICKS, Mr. JEFFERSON, Mr. RAHALL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. UDALL of New Mexico, Mr. KANJORSKI, Mr. HOYER, Mr. MORAN of Virginia, Ms. BALDWIN, Mr. PETERSON of Minnesota, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mr. STUPAK, Mr. TIERNEY, Mr. BLUMENAUER, Ms. KAPTUR, Mr. RUSH, Mr. COSTELLO, Mr. SANDERS, Mr. SABO, Mr. BRADY of Pennsylvania, Mr. MENENDEZ, Mr. SCHIFF, Mr. OBEY, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mr. CARDIN, Mr. CARNAHAN, Mr. THOMPSON of California, Mr. GENE GREEN of Texas, Mr. COOPER, Mr. DELAHUNT, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HERSETH, Mr. EVANS, Mr. HINCHEY, Ms. SOLIS, Mr. LYNCH, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. ALLEN, Mr. TOWNS, Mr. PASCRELL, Mr. TAYLOR of Mississippi, Ms. BERKLEY, Mr. HOLDEN, Mr. BISHOP of New York, Mrs. JONES of Ohio, Mr. PALLONE, Mr. SNYDER, Ms. KILPATRICK of Michigan, Mr. COSTA, Mr. CLEAVER, Mr. ISRAEL, Ms. DEGETTE, Mr. DOYLE, Ms. ESHOO, Mr. MOLLOHAN, Mr. CONYERS, Mr. OLVER, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Mr. LARSON of Connecticut, Ms. VELÁZQUEZ, Mr. MCNULTY, Mr. RUPPERSBERGER, Mr. NEAL of Massachusetts, Ms. CARSON, Ms. NORTON, Mr. PRICE of Georgia, Mr. HASTINGS of Florida, Mr. EMANUEL, Mr. WEXLER, Mr. CAPUANO, Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. WYNN, Ms. CORRINE BROWN of Florida, Mr. CHANDLER, Mr. FRANK of Massachusetts, Mr. BOSWELL, Mr. BECERRA, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. CARDOZA, Mr. BERRY, Mrs. LOWEY, Mr. PAYNE, Mr. LARSEN of Washington, Mr. STRICKLAND, Ms. ROYBAL-ALLARD, Mr. SCOTT of Georgia, Mr. MATHESON, Mr. ORTIZ, Mr. POMEROY, Mr. MELANCON, Mr. WEINER, Mr. PRICE of North Carolina, Mr. BAIRD, Mr. KIND, Mr. SMITH of Washington, and Mr. KENNEDY of Rhode Island):

H.R. 3763. A bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. MENENDEZ, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Ms. SLAUGHTER, Mr. DINGELL, Mr. MCGOVERN, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Mr. GORDON, Mr. LANTOS, Mr. LARSEN of Washington, Mr. RANGEL, Mr. SKELTON, Mr. SPRATT, Ms. VELÁZQUEZ, Mr. ACKERMAN, Mr. AL GREEN of Texas, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CARDIN, Mr. CARNAHAN, Ms. CARSON, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. COSTA, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. Payne, Mr. Price of North Carolina, Mr. Reyes, Mr. Ross, Mr. Rothman, Ms. Roybal-Allard, Mr. Ruppersberger, Mr. Rush, Mr. Ryan of Ohio, Mr. Sanders, Ms. Schakowsky, Mr. Schiff, Ms. Schwartz of Pennsylvania, Mr. Scott of Georgia, Mr. Scott of Virginia, Mr. Serrano, Mr. Sherman, Mr. Snyder, Ms. Solis, Mr. Strickland, Mr. Stupak, Mrs. Tauscher, Mr. Towns, Mrs. Jones of Ohio, Mr. Udall of New Mexico, Mr. Van Hollen, Ms. Wasserman Schultz, Ms. Watson, Mr. Weiner, Mr. Wexler, Ms. Woolsey, Mr. Wu, Mr. Wynn, Mr. Clay, Mr. Boucher, Mr. Ford, Mr. Davis of Tennessee, Mr. Doyle, Mr. Udall of Colorado, Mr. Baca, Mr. Chandler, Ms. Kaptur, Mr. Nadler, Mr. Becerra, Mr. Hinojosa, Mr. Cuellar, Mr. Stark, Mr. Tanner, Mr. Capuano, Mr. Smith of Washington, Mr. Berman, Mr. Salazar, Mr. Tierney, and Ms. Harman):

H.R. 3764. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future; to the Committee on Transportation and Infrastructure.

By Mr. BAIRD (for himself, Mr. Dicks, Mr. Inslee, Mr. Larsen of Washington, Mr. McDermott, Mr. Reichert, Mr. Smith of Washington, Mr. Hastings of Washington, and Miss McMorris):

H.R. 3765. A bill to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Transportation and Infrastructure.

By Mr. MARCHANT (for himself and Mr. Tom Davis of Virginia):

H.R. 3766. A bill to simplify Federal procurement procedures for emergency and disaster relief, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTERT (for himself, Mr. Hyde, Mr. Evans, Mr. Costello, Mr. Gutierrez, Mr. Manzullo, Mr. Rush, Mr. Jackson of Illinois, Mr. LaHood, Mr. Weller, Mr. Davis of Illinois, Mr. Shimkus, Mrs. Biggert, Ms. Schakowsky, Mr. Johnson of Illinois, Mr. Kirk, Mr. Emanuel, Ms. Bean, and Mr. Lipinski):

H.R. 3767. A bill to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building"; to the Committee on Government Reform.

By Mr. McCRERY (for himself, Mr. Jefferson, Mr. Baker, Mr. Alexander, Mr. Jindal, Mr. Boustany, and Mr. Melancon):

H.R. 3768. A bill to provide emergency tax relief for persons affected by Hurricane Katrina; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. Jefferson, Mr. Lewis of Georgia, Mr. Emanuel, Mr. Doggett, and Mr. Neal of Massachusetts):

H.R. 3769. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CHOCOLA (for himself, Mr. Visclosky, Ms. Carson, Mr. Pence, Mr. Buyer, Mr. Burton of Indiana, Mr. Sodrel, Mr. Hostettler, and Mr. Souder):

H.R. 3770. A bill to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building"; to the Committee on Government Reform.

By Mr. DAVIS of Kentucky (for himself, Mr. Lewis of Kentucky, Mr. Jefferson, Mr. English of Pennsylvania, and Mr. Jindal):

H.R. 3771. A bill to allow certain coal exporters to directly claim a refund of the excise tax unconstitutionally imposed on coal exported by such exporters; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 3772. A bill to ensure that States do not issue driver's licenses or identification cards to sex offenders unless the offenders are in compliance with all applicable registration requirements; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. Jackson-Lee of Texas, Mr. Markey, Mr. Etheridge, Mrs. Christensen, Mr. Grijalva, Mr. Menendez, Mr. Owens, Mr. Serrano, Mr. Crowley, Mr. Cleaver, Mr. Nadler, Ms. Wasserman Schultz, and Mr. Delahunt):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. Jefferson, and Mr. Stark):

H.R. 3774. A bill to provide for unemployment benefits for victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. McGOVERN (for himself, Mr. Kennedy of Rhode Island, Mr. Langevin, and Mr. Neal of Massachusetts):

H.R. 3775. A bill to provide for the update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize a special resources study to evaluate the suitability and feasibility of a national park unit within the Corridor, and for other purposes; to the Committee on Resources.

By Mrs. MYRICK (for herself and Mr. McIntyre):

H.R. 3776. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 3777. A bill to amend title 38, United States Code, to authorize additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. Farr, Mr. Shays, and Mr. Pallone):

H.R. 3778. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. Brown of Ohio, Ms. Ginny Brown-Waite of Florida, Mrs. Capito, Mr. Case, Mr. Filner, Mr. Gonzalez, Ms. Eddie Bernice Johnson of Texas, Mrs. Maloney, Mr. McDermott, Mr. McGovern, Mr. George Miller of California, Mr. Owens, Mr. Peterson of Minnesota, Ms. Wasserman Schultz, Ms. Solis, and Ms. Woolsey):

H.R. 3779. A bill to authorize the Secretary of the Interior to establish a commemorative trail route in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mrs. Capps, Ms. Eshoo, Mr. DeFazio, Mr. McIntyre, Mrs. Davis of California, Mr. Lipinski, Mr. Honda, Ms. Woolsey, Mr. Case, Ms. Linda T. Sánchez of California, and Mr. Stark):

H.R. 3780. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY:

H.R. 3781. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, Energy and Commerce, Small Business, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself, Mr. Rogers of Michigan, Mr. Moore of Kansas, Mr. Bradley of New Hampshire, Mr. Brown of Ohio, Mr. Simmons, Mr. Crowley, Mrs. McCarthy, Ms. Bean, Mr. Chandler, Mr. Spratt, Mr. Boehlert, and Mr. Fitzpatrick of Pennsylvania):

H.R. 3782. A bill to prohibit price gouging of gasoline and diesel fuel in areas declared major disasters; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. Udall of New Mexico, and Mr. Pearce):

H. Con. Res. 242. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. MEEHAN:

H. Con. Res. 243. Concurrent resolution expressing the sense of Congress that Billerica, Massachusetts, should be recognized as "America's Yankee Doodle Town"; to the Committee on Government Reform.

By Mr. DREIER:

H. Res. 437. A resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina; to the Committee on Rules, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself and Mr. KIRK):

H. Res. 438. A resolution urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East; to the Committee on International Relations.

By Mr. CALVERT (for himself, Mr. BOEHLERT, Mr. DELAY, Mr. GORDON, Mr. UDALL of Colorado, Mr. CRAMER, Mr. WELDON of Florida, Mr. ADERHOLT, Mr. MCCAUL of Texas, Mr. FEENEY, Mr. EHLERS, Mr. WELDON of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. BARTLETT of Maryland, Ms. BORDALLO, Mr. HALL, Mr. ROHRABACHER, Mr. BONNER, Mr. DREIER, Mr. COSTA, Mr. DAVIS of Tennessee, Mr. VAN HOLLEN, Mrs. DRAKE, Mr. CULBERSON, Mr. SMITH of Texas, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. DAVIS of California, Mr. BARTON of Texas, Mr. WYNN, Mr. BISHOP of Georgia, Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. MCGOVERN, Mr. MATHESON, Mr. GUTKNECHT, Mr. FORBES, Mr. CANNON, Mr. CARTER, Mr. SCOTT of Virginia, Mr. SODREL, Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. CONAWAY, Mr. KUCINICH, Mr. MOORE of Kansas, Ms. HARMAN, Mr. BRADY of Texas, Mr. CAPUANO, Mr. REYES, Mr. WOLF, Mr. BISHOP of Utah, Mr. REICHERT, and Mr. DOYLE):

H. Res. 441. A resolution to congratulate the National Aeronautics and Space Administration and the Discovery crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age; to the Committee on Science.

By Mr. FOSSELLA:

H. Res. 442. A resolution honoring the Fordham University School of Law upon the occasion of its 100th Anniversary; to the Committee on Education and the Workforce.

By Mr. WALSH (for himself and Mr. UDALL of Colorado):

H. Res. 443. A resolution congratulating the United States Men's National Soccer Team on qualifying for the 2006 FIFA World Cup; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

169. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 05-1058 expressing support for the "25 By 25" initiative and promoting the increased producation of renewableenergy by the agricultural community; to the Committee on Agriculture.

170. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 15 urging the Congress of the United States to provide returning veterans with the care and respect they deserve by ensuring that they are allowed up to 21 days of "decompression" time following combat duty to transition back into civilian life and workplace; to the Committee on Veterans' Affairs.

171. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Resolution 16 urging the Congress of the United States to establish capital funds for grants to veterans starting new businesses; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TIBERI introduced a bill (H.R. 3783) for the relief of Abraham Jaars, Delicia Jaars, and Grant Jaars; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. SAXTON.

H.R. 226: Mr. KENNEDY of Minnesota and Mr. GILCHREST.

H.R. 239: Mrs. BLACKBURN.

H.R. 269: Mr. FOLEY.

H.R. 276: Mr. INGLIS of South Carolina.

H.R. 302: Mr. ROHRABACHER.

H.R. 305: Mr. SULLIVAN.

H.R. 314: Mrs. WILSON of New Mexico.

H.R. 328: Mr. BOUCHER.

H.R. 484: Mr. PLATTS.

H.R. 582: Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mrs. MCCARTHY.

H.R. 615: Mr. FORD, Mr. CUMMINGS, and Mr. RUSH.

H.R. 745: Mr. KILDEE.

H.R. 772: Ms. SCHWARTZ of Pennsylvania.

H.R. 782: Mr. SHERMAN.

H.R. 813: Mr. KIND and Mr. LYNCH.

H.R. 823: Mr. SHAYS and Mr. PRICE of North Carolina.

H.R. 838: Mr. CROWLEY.

H.R. 1106: Mr. BOUCHER.

H.R. 1120: Mr. ABERCROMBIE and Mr. PASTOR.

H.R. 1200: Mr. EVANS and Mr. WYNN.

H.R. 1202: Mr. KILDEE.

H.R. 1217: Mr. PASCRELL and Ms. BEAN.

H.R. 1245: Mr. OXLEY, Mr. SMITH of Washington, and Mr. CAMP.

H.R. 1246: Mr. ROGERS of Alabama, Mr. LARSEN of Washington, Ms. BEAN, Mrs. JONES of Ohio, Mr. NEAL of Massachusetts, and Mr. GILLMOR.

H.R. 1272: Mr. CANTOR.

H.R. 1298: Mr. SULLIVAN and Mr. GENE GREEN of Texas.

H.R. 1306: Mr. MEEKS of New York, Mr. LEWIS of Kentucky, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1355: Mr. MCCOTTER.

H.R. 1376: Mr. STARK, Mr. ROTHMAN, Mr. MCNULTY, Mr. FERGUSON, Mr. CASE, and Mr. FRELINGHUYSEN.

H.R. 1402: Mrs. WILSON of New Mexico.

H.R. 1409: Mr. WATT.

H.R. 1445: Mrs. BLACKBURN.

H.R. 1457: Mr. CASE.

H.R. 1471: Ms. SCHWARTZ of Pennsylvania, Mr. KENNEDY of Rhode Island, Mr. AL GREEN of Texas, and Mr. HOLT.

H.R. 1558: Mr. GILCHREST, Mr. SESSIONS, Mrs. TAUSCHER, Mr. MILLER of North Carolina, Mr. EVANS, and Mr. KIRK.

H.R. 1688: Mr. EVERETT.

H.R. 1704: Mrs. MYRICK.

H.R. 1822: Mr. MOORE of Kansas.

H.R. 1864: Mr. ANDREWS and Mr. CUMMINGS.

H.R. 1898: Mr. CANTOR, Ms. PRYCE of Ohio, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1951: Ms. BERKLEY.

H.R. 1973: Mr. SMITH of New Jersey and Mr. MCCOTTER.

H.R. 2051: Mr. MOORE of Kansas.

H.R. 2177: Mr. GRAVES, Mr. PASTOR, and Mr. MARCHANT.

H.R. 2181: Mr. LINDER.

H.R. 2207: Mr. CROWLEY.

H.R. 2231: Mr. PALLONE.

H.R. 2358: Mr. CARNAHAN.

H.R. 2389: Mr. CRAMER.

H.R. 2421: Mr. REYES and Mr. SIMMONS.

H.R. 2471: Mrs. BLACKBURN and Mr. OTTER.

H.R. 2474: Mr. GORDON.

H.R. 2511: Mr. PALLONE.

H.R. 2512: Mr. SENSENBRENNER and Ms. SCHWARTZ of Pennsylvania.

H.R. 2533: Mr. BOUCHER, Mr. EVANS, and Mr. ETHERIDGE.

H.R. 2644: Mr. DAVIS of Illinois and Mr. RYUN of Kansas.

H.R. 2662: Mrs. DAVIS of California.

H.R. 2682: Mr. KENNEDY of Rhode Island.

H.R. 2694: Mr. COOPER.

H.R. 2740: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.

H.R. 2741: Mr. CONYERS and Mr. CASE.

H.R. 2742: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.

H.R. 2823: Mr. MCINTYRE.

H.R. 2828: Mr. STARK.

H.R. 2830: Mr. ISSA.

H.R. 2842: Mr. MARCHANT.

H.R. 2869: Mr. TIERNEY.

H.R. 2990: Mr. DAVIS of Kentucky and Mr. GERLACH.

H.R. 3008: Mrs. CAPITO.

H.R. 3011: Mr. BROWN of South Carolina, Mr. LAHOOD, and Mr. MARCHANT.

H.R. 3042: Mr. ABERCROMBIE and Mr. FRANK of Massachusetts.

H.R. 3050: Mr. SHERMAN.

H.R. 3061: Mr. HOEKSTRA.

H.R. 3096: Mrs. JONES of Ohio.

H.R. 3180: Mr. OTTER.

H.R. 3187: Mr. KUCINICH, Mr. CASTLE, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. EHLERS, and Mr. BOEHLERT.

H.R. 3255: Mr. DAVIS of Tennessee.

H.R. 3267: Mr. PAYNE.

H.R. 3301: Mr. SULLIVAN, Mr. ROSS, Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mr. SHIMKUS, Mr. OTTER, Mr. FOLEY, and Mr. LEWIS of Kentucky.

H.R. 3352: Mr. MCINTYRE.

H.R. 3361: Ms. ESHOO.

H.R. 3408: Mr. COSTELLO.

H.R. 3409: Mr. PAUL.

H.R. 3544: Ms. KAPTUR and Ms. SLAUGHTER.

H.R. 3561: Mr. REYES, Mr. CROWLEY, Mr. CASE, and Mr. STARK.

H.R. 3563: Mr. PASCRELL.

H.R. 3565: Mr. BLUMENAUER.

H.R. 3569: Mr. SANDERS, Ms. BALDWIN, and Ms. SCHWARTZ of Pennsylvania.

.H.R. 3576: Ms. LEE.

H.R. 3588: Mr. PETERSON of Minnesota.

H.R. 3612: Mr. RUPPERSBERGER and Mr. REYES.

H.R. 3617: Mr. FOLEY.

H.R. 3622: Mr. GRAVES, Mr. BILIRAKIS, Mr. BEAUPREZ, and Mr. ALEXANDER.

H.R. 3639: Mr. ACKERMAN, Mr. NADLER, Mrs. MCCARTHY, and Mr. ENGEL.

H.R. 3659: Mr. HOLDEN and Mr. BISHOP of New York.

H.R. 3662: Mr. MARSHALL.

H.R. 3667: Mr. GARY G. MILLER of California, Mr. COSTA, Mr. STARK, Ms. HARMAN, Mr. THOMPSON of California, Ms. SOLIS, Mr. BACA, Mr. DANIEL E. LUNGREN of California, Ms. WATERS, Mr. HUNTER, and Mr. DOOLITTLE.

H.R. 3671: Mr. GONZALEZ.

H.R. 3683: Mr. RYUN of Kansas, Mr. REHBERG, Mr. DOOLITTLE, Mr. MCHUGH, and Ms. FOXX.

H.R. 3690: Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, and Ms. BERKLEY.

H.R. 3691: Mr. DANIEL E. LUNGREN of California.

H.R. 3692: Mr. BISHOP of New York.

H.R. 3697: Ms. HARMAN.

H.R. 3699: Mr. DUNCAN.

H.R. 3710: Mr. MCGOVERN and Mr. FRANK of Massachusetts.

H.R. 3711: Mr. STARK, Mr. KENNEDY of Rhode Island, Mr. JEFFERSON, Mr. RANGEL, Mr. GRIJALVA, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. GEORGE MILLER of California.

H.R. 3712: Ms. LEE, Mr. PALLONE, and Mr. WEXLER.

H.R. 3737: Mr. EHLERS, Mr. BOEHLERT, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. WELDON of Florida, and Mr. SHERWOOD.

H.R. 3753: Mr. BISHOP of Utah, Mr. KLINE, Mr. LEWIS of Kentucky, Mr. NEUGEBAUER, Mr. TURNER, and Mr. HERGER.

H. Con. Res. 108: Mr. PETERSON of Minnesota.

H. Con. Res. 173: Mr. BOEHLERT.

H. Con. Res. 230: Mr. BURTON of Indiana and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 237: Mr. BISHOP of Georgia, Ms. FOXX, Mr. FRANK of Massachusetts, Mr. KIND, Mr. ROGERS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. BILIRAKIS, Mrs. MUSGRAVE, and Ms. SOLIS.

H. Con. Res. 238: Mr. LEACH, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. MEEKS of New York, Ms. LEE, Mr. ACKERMAN, Mr. CROWLEY, Mr. RUSH, Mr. CONYERS, Mr. HONDA, Mr. ENGEL, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. BERMAN, Mr. ISSA, Mr. SMITH of Washington, Ms. MCCOLLUM of Minnesota, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. WOLF, and Mr. ROHRABACHER.

H. Res. 15: Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Ms. MOORE of Wisconsin, Mr. PEARCE, Mr. BILIRAKIS, Mr. LYNCH, Mr. CHANDLER, Mr. KENNEDY of Minnesota, Mr. LEWIS of Georgia, and Mr. CANNON.

H. Res. 38: Mr. MCCOTTER.

H. Res. 192: Mr. GRIJALVA and Ms. BALDWIN.

H. Res. 323: Mr. DENT.

H. Res. 325: Mr. OWENS and Mr. MEEKS of New York.

H. Res. 375: Mr. MARKEY.

H. Res. 388: Mr. FLAKE and Mr. WELLER.

H. Res. 429: Mr. ORTIZ, Mr. MEEHAN, Mr. REYES, Mr. SNYDER, Mr. SKELTON, Mr. THOMAS, Mr. OSBORNE, Mr. JONES of North Carolina, Ms. ZOE LOFGREN of California, Mr. ROYCE, Mr. VISCLOSKY, Mr. BLUMENAUER, Mr. ROTHMAN, Mr. HEFLEY, Mr. WELDON of Florida, Mr. INSLEE, Mr. COSTELLO, Mr. LYNCH, Mr. TIERNEY, Mr. SABO, Mr. OTTER, Mr. PAUL, Mr. EVANS, Ms. MATSUI, Mr. CROWLEY, Ms. BERKLEY, Ms. WATSON, Mr. WAXMAN, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. GOODLATTE, Ms. HERSETH, Mr. UDALL of New Mexico, Mr. LARSON of Connecticut, Mr. HOYER, Ms. ESHOO, Mr. WU, Mr. KING of New York, Mr. DELAY, Mr. HUNTER, Mr. BLUNT, Mr. BARTON of Texas, Mr. SHADEGG, Mr. FEENEY, Ms. WOOLSEY, Ms. SCHAKOWSKY, and Mr. GEORGE MILLER of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

66. The SPEAKER presented a petition of New York State Bar Association, relative to a resolution opposing adoption of U.S. House Resolution 97 and Senate Resolution 92; to the Committee on the Judiciary.

67. Also, a petition of City of Atlanta, Georgia, relative to Resolution 05-R-1079 urging the the Congress of the United States to conduct the appropriate due diligence and support the reauthorization of the key enforcement provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 889

OFFERED BY: MS. LORETTA SANCHEZ OF CALIFORNIA

AMENDMENT NO. 2: Page 25, line 15, strike "REPORT" and insert "REPORTS".

Page 25, line 16, strike "IN GENERAL.—" and insert "ADEQUACY OF ASSETS.—".

Page 26, after line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's non-homeland security missions and homeland security missions, as those terms are defined in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468). Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

H.R. 889

OFFERED BY: MS. LORETTA SANCHEZ OF CALIFORNIA

AMENDMENT NO. 3: Page 5, line 20, strike "45,500" and insert "50,000".

H.R. 889

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 4: At the end of title IV add the following:

SEC. ___. VOYAGE DATA RECORDER REQUIREMENTS.

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"§ 3507. Voyage data recorders

"(a) The Secretary shall prescribe regulations that require that a passenger vessel described in section 2101(22)(D) carrying more than 399 passengers shall be equipped with a voyage data recorder approved in accordance with the regulations.

"(b) Regulations prescribed under subsection (a) shall establish—

"(1) standards for voyage data recorders required under the regulations;

"(2) methods for approval of models of voyage data recorders under the regulations; and

"(3) procedures for annual performance testing of voyage data recorders required under the regulations.

"(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary $1,500,000 each fiscal year.".

(b) DEADLINE FOR REGULATIONS.—The Secretary (as that term is used in chapter 35 of title 46, United States Code) shall initiate the prescribing of regulations under section 3507(a) of title 46, United States Code, as amended by this section, by not later than 6 months after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"3507. Voyage data recorders.".

H.R. 889

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 5: At the end of title IV add the following:

SEC. . ENSURING RELIABLE MEDICAL TESTING OF VESSEL PILOTS.

(a) SUBMISSION OF ALL PHYSICAL EXAMINATIONS.—The head of the department in which the Coast Guard is operating shall revise section 10.709 of title 46, Code of Federal Regulations, to require that an individual to whom that section applies shall submit to the Coast Guard the results of all physical examinations of the individual.

(b) INCREASE IN PENALTIES FOR FALSIFICATION OF PHYSICAL EXAMINATION REPORT.—In lieu of the penalties provided under section 1001 of title 18, United States Code, any person that violates that section in preparing any report on the findings of a physical examination of an individual to whom section 10.709 of title 46, Code of Federal Regulations, as revised under subsection (a), applies shall be fined under title 18, United States Code, and imprisoned for not more than 5 years.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT NO. 6: In subtitle A of title IV, add at the end the following new section:

SEC. . SECURITY AND SAFETY REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) SECURITY AND SAFETY REVIEW.—The Commandant of the Coast Guard shall conduct a comprehensive security and safety review of the proposed construction, expansion, or operation of a waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships, including proposed shipping routes to or from the facility.

(b) PREPARATION OF REPORT.—Upon completion of a review under subsection (a), the

Commandant of the Coast Guard shall prepare a report setting forth the results of the review and including any recommendations for measures that the Commandant believes are necessary to ensure the public safety and security of the proposed facility and the transportation routes to and from the facility, or to mitigate any potential adverse consequences.

(c) Results of Review.—The Commandant of the Coast Guard shall provide to each Federal agency responsible for licensing, approval, or other authorization for the relevant construction, expansion, or operation, and to Congress, a report prepared under subsection (c), and shall also provide the information in such report, to the extent consistent with the protection of public safety and security, to affected State and local officials and the public.

(d) Reports to Congress.—

(1) Summary of actions taken.—Not later than 6 months after a report is provided under subsection (d), the Commandant shall transmit a report to Congress summarizing any action taken by the facility owner or by any appropriate Federal or State agency in response to the Commandant's recommendations contained in such report. If no action has been taken to implement such a recommendation, the Commandant shall report on the reasons why no action has been taken, and shall include views on the failure to take the recommended actions.

(2) Implementation status report.—The Commandant shall transmit an additional implementation status report to Congress every 6 months until all of the recommendations contained in the Commandant's report prepared under subsection (c) have been implemented, or the Commandant concludes that implementation is no longer necessary and provides an explanation of the reasons for this determination.

(e) Requirement for Approval of Construction or Expansion of Urban Liquefied Natural Gas Facilities.—

(1) Requirement.—No person may construct or expand any urban waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships unless the Commandant of the Coast Guard has approved such construction or expansion. The Commandant shall not approve any such construction or expansion if, as a result of the review conducted pursuant to subsection (a), the Commandant determines that the proposed facility, or the expansion of the existing facility, would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

(2) Civil penalty.—Any person who violates paragraph (1) shall be liable for a civil penalty in an amount not to exceed $1,000,000 for each day of such violation.

(3) Savings clause.—Except as provided in paragraph (1), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

H.R. 889

Offered By: Mr. Inslee.

Amendment No. 7: At the end of title IV add the following:

SEC. ___. REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) Requirement.—The Secretary of Homeland Security shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) Eligible Costs.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) Subject to Appropriations.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

H.R. 889

Offered By: Mr. Markey

Amendment No. 8: Add at the end the following new title:

TITLE—REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS

SEC. ___01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.

Section 70103(b)(2) of title 46,United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

"(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

"(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;".

H.R. 889

Offered By: Mr. Markey

Amendment No. 9: Add at the end the following new title:

TITLE—REQUIREMENTS FOR MARITIME TRANSPORTATION SECURITY PLANS AND ASSESSMENTS

SEC. ___01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.

Section 70103(b)(2) of title 46, United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

"(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

"(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;".

SEC. ___02. REQUIREMENTS FOR UNITED STATES FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.

Section 70102(b) of title 46,United States Code, is amended—

(1) in paragraph (1)(C) by inserting after "contingency response," the following: "chemicals or processes used by a facility that could be replaced with alternative chemicals or processes that could reduce the health, environmental or economic consequences associated with a transportation security incident in a manner that would not significantly impair the ability of the facility to conduct its business,"; and

(2) in paragraph (4) by striking "includes" and inserting "adequately addresses".

SEC. ___03. REQUIREMENT FOR NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.

Section 70103(a)(2)(C) of title 46,United States Code, is amended by inserting before the period at the end the following: ", including special efforts, measures, or procedures required of any new proposed facility that could deter a transportation security incident or reduce the consequences of such an incident involving the facility".

H.R. 889

Offered By: Mr. Souder

Amendment No. 10: At the end of title IV add the following new section:

SEC. . ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.

There are authorized to be appropriated $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

H.R. 889

Offered By: Mr. Young of Alaska

Amendment No. 11: At the end of title I add the following:

SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), $60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.

Section 3 of title 14, United States Code, is amended by striking "Upon the declaration of war or when" and inserting "When".

SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) TREATMENT OF PROCEEDS.—Any amounts received by the United States as proceeds of management or disposal of property by the Secretary under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert "of 1990" after "Oil Pollution Act".

At the end of title IV add the following:

SEC. 413. DETERMINATION OF THE SECRETARY.

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period "before an administrative law judge"; and

(2) by adding at the end the following:

"(5) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary's determination.".

SEC. 414. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

SEC. 415. MOVEMENT OF ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

"(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).".

SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) General Inspection Exemption.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

"(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

"(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

"(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.".

(b) Other Inspection Exemption and Watch Requirement.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking "or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" and inserting "or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title".

SEC. 417. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard $400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 418. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) Licenses and Certificates of Registry.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) Merchant Mariners' Documents.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) Manner of Extension.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) Expiration of Authority.—The authorities provided under this section expire on December 31, 2006.

SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) Authority to Extend.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) Expiration of Authority.—The authority provided under this section expires on December 31, 2006.

SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) In General.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) Termination of Requirement.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 424. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

At the end of the bill add the following:

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) Jurisdictional Transfers.—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) Facilities Described.—The facilities described in subsection (a) are the following:

(1) Guard Island Light Station.—That area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) Eldred Rock Light Station.—That area described in the December 30, 1975, listing on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) Mary Island Light Station.—That area described as the remaining National Forest System uplands within the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) Cape Hinchinbrook Light Station.—That area described in the November 1, 1957, survey prepared for the Coast Guard, comprising approximately 57.4 acres.

(c) Maps.—

(1) Requirement to Prepare.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(2) Corrections and Modifications.—In preparing such maps, the Commandant of the Coast Guard, with the approval of the Secretary of Agriculture, may make corrections and minor modifications to the lands described or depicted to facilitate Federal land management. Such maps, as so corrected or modified, shall have the same effect as if enacted in this section.

(d) Effect of Transfer.—The lands transferred to the Secretary of the department in which the Coast Guard is operating under subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be deemed transferred from and no longer part of the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer to the Secretary of Agriculture, without consideration, any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System, if—

(A) the Secretary of the Interior cannot identify and select an eligible entity in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) within 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w–7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w–8) or other applicable surplus real property disposal authority.

(g) PRIORITY.—In selecting an eligible entity to which to convey, under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), land referred to in subsection (b), the Secretary of the Interior shall give priority to any eligible entity, as defined in section 308(e) of that Act (16 U.S.C. 470w–7(e)) that is the local government of the community in which the land is located.

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration.

(b) EFFECTUATION OF TRANSFER.—A transfer under this subsection shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. Such transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of any transfer pursuant to this subsection, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131), and section 703 of the Alaska National Interests Lands Conservation Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect to the property transferred under this subsection, the Secretary of Agriculture—

(1) may identify an eligible entity to be granted an easement or other special use authorization and, in doing so, the Secretary of Agriculture may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(1)); and

(2) may grant an easement or other special use authorization to an eligible entity, for no consideration, to approximately 31 acres as described in the map entitled "Tree Point Light Station," dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and National Monument resources;

(C) public safety; and

(D) such other terms and conditions deemed appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified within 3 years after administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h–2(b)).

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled "Cape St. Elias Light Station," dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of the enactment of this Act; or

(2) any other release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of the enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) Maintenance of Navigation Functions.—The transfer under subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—RESPONSE

SEC. 601. SHORT TITLE.

This title may be cited as the "Delaware River Protection Act of 2005".

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

"(a) Requirement.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

"(b) Restriction on Use of Notification.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.".

SEC. 603. LIMITS ON LIABILITY.

(a) Adjustment of Liability Limits.—

(1) Tank vessels.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

"(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

"(i) $1,550 per gross ton for an incident that occurs in 2005;

"(ii) $1,900 per gross ton for an incident that occurs in 2006; or

"(iii) $2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

"(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

"(i) $1,350 per gross ton for an incident that occurs in 2005;

"(ii) $1,500 per gross ton for an incident that occurs in 2006; and

"(iii) $1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or"; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking "$10,000,000" and inserting "$14,000,000"; and

(ii) in clause (ii) by striking "$2,000,000" and inserting "$2,500,000".

(2) Limitation on application.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) Adjustment to Reflect Consumer Price Index.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

"(4) Adjustment to reflect consumer price index.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.".

SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 605. SUBMERGED OIL REMOVAL.

(a) Amendments.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking "RIVERA," and inserting "RIVERA and the T/V ATHOS I;"; and

(2) by adding at the end the following:

"SEC. 7002. SUBMERGED OIL PROGRAM.

"(a) Program.—

"(1) Establishment.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

"(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

"(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

"(C) The development of techniques to detect and monitor submerged oil.

"(2) Report.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

"(3) Funding.—There is authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

"(b) Demonstration Project.—

"(1) Removal of submerged oil.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

"(2) Funding.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.".

(b) Clerical Amendment.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

"Sec. 7002. Submerged oil program.".

SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) Establishment.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the "Committee").

(b) Functions.—

(1) In general.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the "Commandant") completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) Meetings.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) Membership.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107–295) is amended—

(1) in section 407—

(A) in the heading by striking "**LOWER COLUMBIA RIVER**"; and

(B) by striking "$987,400" and inserting "$1,500,000"; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

"Sec. 407. Maritime fire and safety activities.".

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 12: At the end of title I add the following:

SECTION 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), $60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

SEC. 211. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

SEC. 212. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 213. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

SEC. 214. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of

St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert "of 1990" after "Oil Pollution Act".

At the end of title IV add the following:

SEC. 413. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

SEC. 414. MOVEMENT OF ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

"(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).".

SEC. 415. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

"(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

"(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

"(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.".

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking "or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" and inserting "or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title".

SEC. 416. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard $400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 417. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 418. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

SEC. 419. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

SEC. 421. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 422. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 423. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

SEC. 424. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled "Cape St. Elias Light Station," dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

At the end of the bill add the following:

TITLE V—RESPONSE

SEC. 501. SHORT TITLE.

This title may be cited as the "Delaware River Protection Act of 2005".

SEC. 502. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

"(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

"(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.".

SEC. 503. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

"(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

"(i) $1,550 per gross ton for an incident that occurs in 2005;

"(ii) $1,900 per gross ton for an incident that occurs in 2006; or

"(iii) $2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

"(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

"(i) $1,350 per gross ton for an incident that occurs in 2005;

"(ii) $1,500 per gross ton for an incident that occurs in 2006; and

"(iii) $1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or"; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking "$10,000,000" and inserting "$14,000,000"; and

(ii) in clause (ii) by striking "$2,000,000" and inserting "$2,500,000".

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

"(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.".

SEC. 504. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 505. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking "RIVERA," and inserting "RIVERA and the T/V ATHOS I;"; and

(2) by adding at the end the following:

"SEC. 7002. SUBMERGED OIL PROGRAM.

"(a) PROGRAM.—

"(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

"(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

"(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

"(C) The development of techniques to detect and monitor submerged oil.

"(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

"(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

"(b) DEMONSTRATION PROJECT.—

"(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

"(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

"Sec. 7002. Submerged oil program.".

SEC. 506. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the "Committee").

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the "Commandant") completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 507. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107–295) is amended—

(1) in section 407—

(A) in the heading by striking "**LOWER COLUMBIA RIVER**"; and

(B) by striking "$987,400" and inserting "$1,500,000"; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

"Sec. 407. Maritime fire and safety activities.".

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 13: At the end of Title IV add the following:

SEC. ___. Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

"(4) Paragraph (1) of this subsection and Section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under Section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under Section 70105 of this title, when required."

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 14: Add at the end of title IV the following:

SEC. ___. QUOTA SHARE ALLOCATION.

(a) IN GENERAL.—The Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implemented under section 801 of title VIII of division B of Public Law 108–199 is amended to require that—

(1) Blue Dutch, LLC, shall receive crab processing quota shares equal to 1.5 percent of the total allowable catch for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery; and

(2) the Program implementing regulations shall be adjusted so that the total of all crab processing quota shares for each fishery referred to in paragraph (1), including the amount specified in paragraph (1), equals 90 percent of the total allowable catch.

(b) APPLICABILITY.—Subsection (a) shall apply, with respect to each fishery referred to in subsection (a)(1), whenever the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 15: Add at the end of title IV the following:

SEC. ___. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) TREATMENT OF SECRETARY APPROVAL.—

(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 91–190 (42 U.S.C. 4332(2)).

(2) DEFINITION.—(A) In this subsection, the term "community development plan" means a plan, prepared by a community development quota group for the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), that describes how the group intends to—

(i) harvest its share of fishery resources allocated to the program; and

(ii) use the harvest opportunity, and any revenue derived from such use, to assist communities that are members of the group with projects to advance economic development.

(B) In this subsection, no plan that allocates fishery resources to the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is a "community development plan".

H.R. 889

OFFERED BY: MR. INSLEE

AMENDMENT NO. 16: At the end of title IV add the following:

SEC. ___. REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) REQUIREMENT.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

SENATE—*Wednesday, September 14, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who keeps us in the midst of dangers, shelter us from temptations. Keep us from the pride that encourages us to think of ourselves more highly than we are. Deliver us from the lethargy which delights too much in ease and comfort. Save us from procrastination, from refusing to face the unpleasant, and from analyzing things until it is too late to ever do them.

Protect us from losing heart and hope, and from the desire to lower our standards and to accept things as they are. Today, guide our lawmakers away from the temptations of criticism and faultfinding. Give them the strength to resist the weakness of thinking the worst of others. Empower each of us to fight every seduction that makes sin more attractive. Provide us with the purity to overcome evil with good. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today following the time for the leaders, we will have a 60-minute period for morning business. Following that time, which will end at approximately 10:45 or so, we will return to the consideration of the Commerce-Justice-Science appropriations bill.

Last night, we reached consent for a vote in relation to the Stabenow amendment on interoperable communications, which will again be at 11 a.m. That vote will be on a motion to waive a budget point of order with respect to Senator STABENOW's amendment.

As I stated last night, we have been on this bill for 5 days now and we need to finish our work on this legislation today. The two managers have done a good job working with Members on their language and have been able to accept a number of amendments. There are others that we will need to vote upon and we will be scheduling those for today and into this evening.

We need to be prepared to go late into the evening, if necessary, to complete the Commerce-Justice-Science appropriations bill. I hope we can finish earlier, but if we do have votes on many of the remaining amendments and Members insist upon that, it will be necessary to work late.

The hearings on Judge Roberts continue today in the Judiciary Committee. We have tried to accommodate that schedule with the least number of interruptions. However, we have to continue to get our work done on the Senate floor on these important appropriations bills.

I expect we will be voting throughout the day today and, as I mentioned, into the evening, to finish the Commerce-Justice-Science measure.

THE SCOURGE OF METHAMPHETAMINE

Mr. FRIST. Mr. President, I take a few moments to comment on one aspect of the Commerce-Justice-Science appropriations bill. In doing so, I want to thank my colleagues on both sides of the aisle for their bipartisan cooperation in getting this bill done, which I believe we can do by tonight. The funding in this bill is critical to the functioning of our Government, and I expect it will pass with strong bipartisan support.

Before we cast a lot more votes, I do want to call everybody's attention to one particular aspect of this bill that has ramifications throughout each of our States that people are becoming more and more aware of but deserves a lot more attention, and this is the methamphetamine crisis that is raging all across this country.

As a physician, as well as a legislator, I am troubled by this growing meth crisis. As we travel across our States and look at the devastation that is caused by this particular drug and the making and manufacturing of this drug, we do need to act. In the last 10 years, meth has become America's No. 1 drug problem—before marijuana, cocaine, heroin, and any other drug.

In Tennessee, we have been particularly hard hit. In 2004, Tennessee ranked No. 2, tied with Iowa and behind Missouri, in the number of methamphetamine lab seizures. A good friend of mine, Sandy Mattice, who is a U.S. Attorney for the Eastern District of Tennessee, describes meth as "the worst stuff that we have seen." And it has led to some of the worst, most disturbing cases of violence and abuse we have ever seen.

Last month, as I was traveling across Tennessee, I heard again and again from people from all walks of life about the devastating impact meth is having on the people of our State. I heard the stories about meth destroying individuals' lives and families' lives, how mothers and fathers who are addicts abuse their children or each other during the highs as well as the withdrawals from meth. We have heard again how addicts steal from their own parents or even their own children because they are so desperate for money to buy meth.

One Tennessee case was so horrific that it made national news and ultimately changed Tennessee law. In June of last year, authorities found 3-year-old Haley Spicer at her father's mobile home in Campbell County. Haley had been burned with cigarettes and scalded with hot water in a bathtub. The fumes in her meth-addicted father's meth lab were so toxic that Haley's eyelids had even melted shut. Haley had to undergo a number of surgeries to open her eyes. She faces a lot more in terms of surgeries and operations to rebuild and reconstruct her nose and repair her ear.

Haley's father, Tommy Joe Owens, has been convicted on three counts of aggravated child abuse and one count of neglect. Owens, who claims to have never hurt his daughter, faces up to 60 years on each count at a sentencing hearing next month.

His live-in girlfriend Charlotte Claiborne pleaded no contest to the same charges and will likely be sentenced to 20 years. Haley's case was so disturbing that it led to swift and aggressive legislative action back in Tennessee. This August, the State legislature passed Haley's Law which drastically toughens the child abuse penalties. This was

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

an important victory for the youngest victims of meth, but it addresses the problem after the fact, after meth has led to the violence. It is time for all of us to address what we can do to prevent this meth abuse.

Haley's father should be in jail for a long time, but we have to do more. Local law enforcement is crying out for our help.

Meth is highly addictive, and it is highly destructive as a substance. Users experience a powerful boost, described as more powerful than any other drug, three times the intensity of cocaine. The high lasts for longer, up to 8 hours. Users take hit after hit on sleepless binges that can last up to 2 and sometimes even 3 weeks. Once sucked in, many users find it impossible to climb out.

Take, for example, Lynn Noland, also of Tennessee. Lynn did not plan on becoming an addict, nor for that matter did she plan on becoming what she did, a drug dealer. It started 4 years ago when Lynn was a 36-year-old marketing executive and she tried her first hit. One hit became an addiction and she quit her well-paying job and started trading meth ingredients to support her habit.

She would disguise herself as a farmer, put on overalls and put on a ball cap and stop by the co-op to be able to purchase ingredients undetected in an unsuspecting way.

Another dangerous aspect of meth is it can be cooked anywhere with store-bought ingredients. So it is very mobile. It is easy to make and it is hard to detect where it is made. Lynn started cooking the drug herself in caves, as she describes it, and in little sheds.

"I could not live without meth," she said. "I could not lift my head off the pillow to brush my teeth without it."

Eventually, Lynn was arrested. She lost custody of her children and ended up in a halfway house. Lynn was lucky. She was able to kick her habit. Most addicts need repeated episodes of rehabilitation. Many never succeed and many never survive. They die of severe burns from lab explosions. Some commit suicide. Some are killed by a spouse who is also addicted.

Meth leads to depression; it leads to psychosis; it leads to skin infections; it leads to high blood pressure; it leads to hepatitis C; it leads to kidney damage; it leads to severe tooth decay, to name a few. The list goes on. The greatest health risk of meth is the impact it has on the brain. It rewires the brain. Methamphetamine produces a huge rush of a chemical called dopamine in the brain, and that results in a huge surge, a euphoria that results from this increase in dopamine transmission.

Over time, however, this excess of dopamine destroys the transmission, the neurological linkage system, within the brain, and users experience an inability to have emotions or pleasure without more amphetamine coming into the system all the time. Eventually, in a pattern similar to Parkinson's disease, there are no terminals there—they are destroyed—which can release dopamine and users experience prolonged and often permanent depression.

Thus, the personal cost is staggering. The cost to the community at large is staggering. An estimated 12 million Americans have tried methamphetamine. It is estimated that about 1.5 million people are regular users. In many areas of the country, the medical costs for county jails have doubled because of meth. Last month, a colleague of mine at Vanderbilt, Dr. Jeffrey Guy, who is director of Vanderbilt Medical Center's burn unit, which is in Nashville, told Newsweek: I do not know if we will have a burn unit 5 to 10 years from now if Vanderbilt continues to take on the large burden of $5 million to $10 million per year in uncompensated care for patients burned in meth lab explosions.

Doctors estimate that treating burn victims exceeds about $10,000 a day per patient, most of whom do not have health insurance. Meth abuse often leads to violent crimes, including domestic violence, assaults, robberies, and burglaries. Local law enforcement is finding itself overwhelmed. Most rural police departments do not have the resources to deal with all of the problems brought forward by meth to deal with the lab explosions, the expensive toxic waste cleanup required when one goes in and removes these labs. Each pound of methamphetamine leaves behind 5 to 6 pounds of this toxic waste, and the cleanup involves dangerous exposure to our law enforcement officers engaged in removal of these labs.

A very effective way to stop the meth crisis is to restrict the ingredients that make up meth and to restrict it all across the country in all 50 States. Jerry Estes, a district attorney general in Tennessee, has seen a dramatic reduction in meth lab seizures since our State, Tennessee, passed the bill restricting access to cold medicines that serve as the ingredients for the manufacture of meth. North Carolina, however, has not adopted similar legislation. As a result, what has been found, at least in southeast Tennessee, is that people will simply cross the border to buy those ingredients and bring them back home. Thus, we need a uniform policy across this country.

Jerry tells me the single greatest impact we could have on reducing meth abuse is requiring all 50 States to restrict access to pseudoephedrine. That is what the Combat Meth Act does. It requires States to restrict access to all cold medicines containing meth precursors so that meth producers simply cannot shop and cruise from State to State.

In closing, I thank Senators TALENT and FEINSTEIN for taking the lead on this issue and for their hard work in getting the Combat Meth Act adopted as part of the appropriations process. The Combat Meth Act is a critical first step to defeating this ongoing crisis. I urge my colleagues to follow this issue very closely because this is not going to be the end of it. This is the No. 1 drug problem facing the people of our States today. We will be talking about it a lot more in the coming days and weeks. Meth is destroying individuals, it is destroying families, and it is destroying communities. We cannot tolerate that. America needs to put a stop to this growing health and moral crisis.

I yield the floor.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. The majority leader, my colleague from Tennessee, speaks of methamphetamine. It is an enormous problem in this country, especially in rural States. I certainly appreciate the comments he has made today. It is something on which we must provide enormous focus. It is destroying lives. It is one of the most highly addictive drugs we know. You can cook methamphetamine virtually anywhere—an abandoned farmhouse. You can buy the products from which you make methamphetamine, in many States, across the counter. This is a deadly drug causing havoc for so many people.

If you talk to law enforcement people about dealing with methamphetamine, they will tell you that when they arrest someone involved in methamphetamine, they don't quite know what they are going to get. These are people who can become the most enormously violent people in the world, or they can be passive. You don't quite know what you are going to find, what you are going to get. It contributes to substantial crime and destroys lives. I appreciate the comments of my colleague, the majority leader.

EMERGENCY PREPAREDNESS

Mr. DORGAN. Mr. President, I come to the floor to make a brief statement on something I know the majority leader and also the Democratic leader, Senator REID, have been speaking about in recent days, and that is the issue of the creation of an independent commission to evaluate exactly what kind of preparedness exists in this country and to evaluate this country's response to a natural disaster or to a terrorist attack.

It is important, it seems to me, in this case, to stare truth in the eye. We don't do that with fiscal policy. We don't stare truth in the eye with respect to trade policy. Both have the highest deficits in the history of the country at this point. There are many areas where we try to ignore what is going on, and we do so successfully, regrettably, much to the detriment of the future of this country. The question of what we do with disaster relief and disaster preparedness, preparedness to try to deal with a terrorist attack, is a different issue.

I noticed today in the newspapers and on television, the folks in New Orleans are beginning to clean up. Even as there remains the search for bodies and survivors, and so on, there are folks out sweeping the sidewalks in front of businesses, those businesses that have not been inundated with water. There are folks hauling away trash. There is a resiliency, a spirit that is irrepressible. Already people are starting to talk about their future, to clean up. So must we. So must we clean up and begin to repair.

None of this discussion should ever be about Republicans or Democrats. It is about success or failure. All of us looking truth in the eye must understand that the response by this country to what happened in the Gulf was a failure. Whose failure? I don't know. Perhaps the failure of all of us: Congress, the President, State and local officials—perhaps all of us. But I believe we ought to get to the bottom of it and evaluate how we change that which failed so miserably.

When you wake up this morning to the news that 34 people were left to die in a nursing home—yes, in the United States of America 34 people were left to die in a nursing home at the advent of an oncoming hurricane and breached dike and flood—you ask the question, Is this really the United States? What on Earth could have happened? We need to find out.

I know some of the Members of Congress have talked about creating a special committee in Congress to look at it. All right. It doesn't substitute for an independent commission, in my judgment. The President talked about his investigation, and, that is fine. What we need, most of all—what we did with respect to 9/11 is an independent commission with the kind of authority and power to get to the bottom of what happened. Why? Because if we do not fix what went wrong and make it right, we will remain unprepared in the advent of a terrorist attack or another natural disaster.

This was, we think, the worst natural disaster in this country's history. It can happen again. But we know terrorists will want to commit a terrorist attack in this country. We know there are thousands of nuclear weapons that exist in this world. We know there are people worried about terrorists acquiring a nuclear weapon, detonating it in a trunk in a rusty Yugo sitting on a dock in one of America's major cities. What kind of response, what kind of disaster preparedness exists to deal with a terrorist attack?

I know why there are some who do not like independent commissions: you can't control them. You can't control information. You can't control direction. You lose control with an independent commission.

But we need an independent commission to investigate exactly what has happened, what went wrong at all levels, and try to evaluate how we put together a process that really does work, that represents the best of this country.

We know this country works. It has great ingenuity, great capability, but something happened that went wrong in a very significant way. This was a mess. It is not about blame, it is about accountability. Who is accountable? How are they accountable? How do we make them accountable?

So I believe we have a desperate need at this point to move quickly to put together an independent commission that can begin putting the pieces together. Even as the folks in New Orleans begin putting their city back together and cleaning up, so, too, should the President and Congress begin putting this together and cleaning up and evaluating it through the best work of some of the best minds in our country, some of the best people we can call on to serve on an independent commission to evaluate and investigate what went wrong and how do we, as a country, fix it.

ENERGY COSTS

Mr. DORGAN. Mr. President, there is one additional point I would like to make on legislation I have introduced. I notice the Energy Information Administration just released its short-term outlook. They forecast dramatic increases for residential energy costs this upcoming winter.

I come from North Dakota. We don't exactly have balmy weather in February and January, the middle of winter. We can sometimes have some pretty tough winters. It is a great State, but we have some tough winters. The ranges for heating fuel expenditures for natural gas in the Midwest, according to the EIA, are 69 to 70 percent increases in the winter in the Midwest.

We have a lot of folks who are going to have a devil of a time trying to pay these costs. I made the point before, and I know there are people in this Chamber who chafe at this, that the major integrated oil companies have gotten larger through mergers. They are much more powerful. They have the capability, working with others, to determine what happens in pricing and supply. We have OPEC people sitting around a table talking about pricing supplies. Then we have a futures market which is supposed to provide liquidity—which it does, but it provides much more than that nowadays. It is rampant speculation in spot markets. The result of that is the highest prices we have seen in this country.

Last year, the price of oil was $34.50 a barrel—January 31, 2004. At that price the oil companies are making record profits. Now it is $30 above that. That is $7 billion a month in extra profit, $80 billion on a yearly basis of extra profit. That, in my judgment, is unfair. Flowing through it is a 70-percent increase in natural gas prices to those trying to heat their homes, or flowing through the gas pump where you put in 15 gallons and pay $52. That is unfair. I think there ought to be a windfall profits tax recapturing that windfall and using it in rebates to consumers. I don't begrudge anyone a fair profit, but this is not a fair market and I believe Congress should take some action. This issue existed long before Hurricane Katrina formed and hit this country, and I believe it behooves this Congress to address these issues, especially before we go into the winter heating season and the folks, particularly in the northern Great Plains and other States, are going to pay 70 percent increases—in some cases a price they simply cannot afford to pay for something as basic as heating their homes.

This Congress needs to act. I hope one of the actions will be to consider the legislation I have introduced.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

HURRICANE KATRINA

Mr. McCONNELL. Mr. President, it is difficult to find words adequate enough to express the emotions of so many Americans, all across the country, as we continue to learn more about the utter devastation of the Gulf Coast region by Hurricane Katrina.

Hundreds of lives have been lost. Thousands more have been ripped apart, as Gulf Coast residents have lost their homes, savings, or possessions. A great American city, New Orleans, has been reduced to a ghost town. In the months ahead we will have much rebuilding to do—although there is no doubt in my mind that the gulf coast will be rebuilt, and rebuilt stronger than ever before.

We have already made great progress towards assisting the Gulf region here in the Senate. In the last several days we have passed over $62 billion in emergency relief. These funds are flowing to the people who most need help as we speak.

The majority leader is working to clear a measure that would accelerate billions of dollars of payments to states under the Temporary Assistance to Needy Families, or TANF, program. The House passed it by voice vote last week, and we ought to do the same.

This kind of important action is by no means found only in the United States Congress. In this time of crisis, it has been inspiring to see so many millions of Americans moving quickly to help in their fellow Americans' hour of need.

Individual citizens are making a difference. I would like to share with my colleagues an inspiring story about a group of officers from the Kentucky Department of Fish and Wildlife Resources. Twenty-three officers, most of whom did not know each other when they set out, took 12 boats to New Orleans and scoured the flooded neighborhoods to rescue over 200 people.

The men who volunteered for this mission came from all over Kentucky—towns like Somerset, Paris, Mount Vernon, and Pippa Passes. They spent 3 days in New Orleans, searching flooded houses, rescuing survivors, and bringing food and water to many.

Led by Captain Clark Boggs of Philpot and Captain Frank Floyd of Bedford, these men risked their health and safety for those they did not know. On the first day, they heard gunshots ring out near them. The toxic water they steered their boat through was a breeding ground for who knows how many diseases. Some of the men still bear scars and rashes from their mission.

But they returned to Kentucky with happier mementoes as well—Mardi Gras beads, given as tokens of thanks by New Orleans residents grateful that they had been rescued. When they spent their nights at a local church, or took refuge in a school, appreciative locals brought them hot plates of Cajun food. Most importantly, they will never forget the looks of relief on the faces of the people they rescued, people who thought they had been forgotten.

Let me also speak about a group of Kentucky doctors and nurses who flew down to the vicinity of New Orleans to provide emergency medical services. When they arrived, they found two gymnasiums full of people requiring medical attention. They assisted in setting up an emergency shelter that has to date treated over 7,000 patients.

One of the nurses, Addia Wuchner of Florence, KY, is also a state representative. She spent seven days helping the people of New Orleans and told my staff about her experiences there.

One of the hardest parts of her job was to tell the people she was treating, who had not been watching the news and had no idea of the devastation to New Orleans, that their homes were most likely flooded and unsalvageable. She also had the much more pleasant opportunity to reunite a grandfather and a granddaughter.

St. Elizabeth Medical Center in Edgewood, KY, donated the medical supplies that the team brought with them. And St. Elizabeth Medical Center is holding several fundraising drives and collecting employee donations, to continue to aid the people of the Gulf Coast region. The group's airfare was paid for by a local Kentucky businessman named Bill Butler, who graciously stepped in when the medical team was unsure whether they would be able to afford to fly down to help.

Let me share another story. Once upon a time, before Katrina, Charity Hospital in New Orleans helped the Pikeville Medical Center, in Pikeville, KY, set up a drug detoxification program. So when New Orleans needed help, the Pikeville Medical Center responded. A nurse named Cheryl Hickman rounded up other volunteers willing to travel down to the Gulf Coast area, and within hours a team of nurses and EMS personnel were on the road, driving ambulances stocked full of medical supplies.

Stories like these, stories of generosity and charity, are so numerous in Kentucky that I could tell you many more. Churches, rotary clubs, and charitable organizations throughout the Commonwealth have raised hundreds of thousands of dollars. Even two little girls in my hometown of Louisville, KY, 12-year-old Briana O'Holleran and 11-year-old Amy Williams, raised $60 by setting up a lemonade stand.

Kentucky employers are also making a difference. Humana Inc., a health care company based in Louisville, KY, has donated $1 million to relief efforts—half of that to the Red Cross, and half to local relief agencies in the Gulf Coast who are able to use the money for food, clean water and other supplies and get it to the people who most need it.

UPS, a major employer in Louisville, has donated $1.25 million to several different agencies. Also, since they are of course a shipping company, they have provided transportation services for relief agencies, and have hauled bottled water into Mississippi for evacuees.

General Electric, which has its appliances division based in Louisville, has donated $6 million to the Red Cross, and their employees have raised another $1 million which will be matched by the company. They are also working to donate $10 million worth of generators and equipment to aid relief workers.

And I am sure that all of my colleagues could stand up and tell us of similar stories from their states. Kentucky is not unique when it comes to the outpouring of such goodwill. By sharing these stories, I hope I have reminded my colleagues that the compassion of ordinary, everyday Americans is a stronger force than the winds of any hurricane.

So, Mr. President, as we continue our vital work here in the Senate to get the Gulf Coast region back up on its feet again, I hope we will be guided by the giving spirit of the Kentuckians I have mentioned. Just as they, and so many others, are working tirelessly to restore hope and mend broken lives, so should we.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to express sympathy to all those impacted by the disaster of Hurricane Katrina.

Each of us, in our own way, reaches out to Senator VITTER and Senator LANDRIEU, Senator LOTT, Senator COCHRAN, Senator SESSIONS and Senator SHELBY, whose States have been ravaged by a natural disaster, frankly, beyond calculation and beyond the plans and the very best intentions of those on the ground. It is a fact that sometimes nature is bigger than we are. Katrina is evidence of one of those occasions.

It has been disappointing that there has been a rush to play politics with a natural disaster. There has been an excess of finger-pointing and faultfinding. I note that President Bush yesterday bravely said that if you need to blame someone, blame him. I don't believe the blame belongs with him, but he recognizes his role in leadership. I salute him for his courage in simply trying to find the solutions and not spending wasted effort pointing fingers and placing blame.

I represent a State that has known its share of natural disasters—volcanos, wildfires, and a tsunami several decades ago. While Oregon is a long way from the Gulf Coast, we have been near in the relief effort and helping in recovery. I rise today to let the Senate know how proud I am of the response from my home State of Oregon. Oregonians have big hearts. With their trademark of selflessness and generosity, they have responded in a wide number of ways to help our friends in the South.

The Oregon Trail Chapter of the Red Cross has a national reputation for being one of the first chapters to call when experienced volunteers are needed to respond to disasters. Since the hurricane hit, the Oregon Red Cross volunteers have been working around the clock to help the relief effort. The chapter worked quickly to set up an emergency evacuation center in Oregon should one be needed to house evacuees. It was made available. It was offered repeatedly, but it has not been necessary.

The chapter this week is also holding a massive instructional program with the goal of training 1,000 Oregonians on disaster preparedness.

Volunteers from the Portland-based Northwest Medical Teams are also playing an important role in helping with medical relief efforts and shipping emergency supplies. Workers from Northwest Medical Teams are currently in the Gulf Coast region responding with critically needed medical care, supplies, and logistical support.

Mercy Corps, a humanitarian relief agency based in Portland, was one of the first groups on the ground providing emergency assistance. The Corps' response team will grow in the coming weeks as local residents are hired to aid in recovery efforts. Both Mercy Corps and Northwest Medical Teams were also among the first to rush to aid the victims of the December 2004 tsunami in Southeast Asia.

I want to acknowledge the efforts of the Cascade Division of the Salvation Army. These volunteers have been working overtime, collecting donations that will go to help in the Katrina recovery.

The outpouring of contributions from Oregonians has been overwhelming. I thank all of the communities, both large and small—the civic organizations, the high school football teams, and the campus groups that have worked to organize fundraising drives.

I give a special thanks to more than 1,900 Oregon National Guard troops who at the request of our Governor, Ted Kulongoski, were mobilized to help the people of the hurricane-ravaged region.

For nearly 10 days now, members of the Oregon Guard have been on the ground in New Orleans clearing roads, assessing critical needs, conducting rescue operations and providing security patrols.

The Oregon Guard troops are part of a force of 72,000 Active-Duty and National Guard personnel who are on the ground and aboard ships supporting relief operations. Since the hurricane struck, our military men and women have been working night and day providing search and rescue, evacuation, and medical support. Through yesterday, over 10,000 sorties have been flown.

On the national level, the U.S. Coast Guard has also been working tirelessly to support relief efforts. As of this weekend, the Coast Guard has assisted in saving or evacuating over 35,000 people.

Personnel from the U.S. Army Corps of Engineers have been working around the clock to repair the breached levees, restore navigation, and pump water out of New Orleans and surrounding parishes.

In recent years we have asked a great deal from our men and women in the military, and time and again they have responded heroically, patriotically, and with professionalism.

In addition, the U.S. Forest Service has deployed more than 2,700 employees who are trained in rescue and response to this area. These teams have been putting their skills to use setting up logistics staging areas, distributing food products, and removing debris.

The U.S. Department of Agriculture has also been working to get food to the area and provide housing for displaced people. USDA has delivered more than 300 trucks containing over 12 million pounds of food and baby food and formula products.

The USDA's Rural Development Service has established an expedited process to move people into safe and secure housing. Its property managers are assisting families by providing them with information on how to access additional Government programs and services to assist them, such as food stamp benefits.

As we work to recover and rebuild from Hurricane Katrina, there will certainly be many trying days ahead. However, I believe we can find comfort in the heartening response of the American people. In particular, I salute the people of Oregon. There are numerous examples of goodness, strength, and compassion as people have reached out to help friends, neighbors, and strangers in need.

I salute those of my state and those of other states who are going the extra mile to help their fellow Americans through this terrible disaster. I want to suggest again that our best efforts should go to supporting those on the ground who are working to restore the hurricane-ravaged areas, and we should keep to a minimum the partisanship and the finger pointing that has broken out so unfortunately and unproductively in recent days.

Mr. President, I thank you for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 13½ minutes.

Mrs. HUTCHISON. Mr. President, I ask that I be notified when I have used 7 minutes so my colleague from Wyoming can have the remaining 6 minutes of time.

The PRESIDING OFFICER. It will be done.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, over the past few weekends I have visited several hurricane relief centers in Texas. I started at the Astrodome in Houston, which was gearing up for the people who were coming from Louisiana at the time. I was struck by the number of volunteers, the organization of the effort in Houston, as well as the response of the medical community.

There were medical facilities in place. Even complicated medical procedures were ongoing at places such as M.D. Anderson, where doctors would take patients who had been in the middle of chemotherapy and try to continue that chemotherapy so those patients would not lose any of the efforts that were being made on their behalf in Louisiana. Doctors at M.D. Anderson were even continuing bone marrow transplants that were in progress.

Baylor College of Medicine was setting up the facilities for the evacuees who were arriving. There were medical units that had the cooperation of all the hospitals in Houston. It was truly a remarkable sight.

The next weekend, I was able to go to the Convention Center in Dallas and see the medical operation there that was put together by the head of the emergency physicians at the University of Texas Southwestern Medical School and Parkland Hospital. They had gotten all of the hospitals in Dallas together to provide mental health services, emergency services, and any kind of services for sick children. Also, they were dispensing medicine on an as-needed basis in the Dallas Convention Center.

Last weekend, I was able to go to Austin to see the emergency team that brought together the emergency personnel for the State of Texas—the Department of Public Safety, the Texas Guard and Reserve units—that were being helpful, including the Red Cross and the Salvation Army, two great volunteer organizations that have stepped right in to help. In some of these centers, they were the first people to start setting up the centers.

Then, I went to the Austin Convention Center, where they even had set up a beauty shop for the evacuees who wanted, of course, to try to look their best as they were trying to get their lives together and determine what they were going to do until they are able to return to New Orleans or other places in Louisiana.

We have seen many of the emergency facilities, even though, of course, Texas was not in this storm. But Texas has had an emergency crisis of its own; and that is in the education that is now being required for the children coming into the school systems, as well as trying to get help for the ongoing medical needs that will be required for approximately 250,000 evacuees from Louisiana, a few from Mississippi, and trying to make sure these costs are covered by the Federal Government.

While Texans have opened their hearts and their homes and their schools, we do not think they should have to fund all of this from State coffers or local coffers because, frankly, the local schools are already very strapped for funds and they cannot afford this expense.

Likewise, the cities are not able to afford the overtime expenses of all the police who are being required and the firemen who are doing the emergency medical services. So I am working on legislation right now that would try to get money into these entities that do not have the cash flow to accept all of these people on an emergency basis, and to do it on an expedited basis here in Congress.

There are, at this time, between 30,000 and 40,000 new students coming into the Texas school systems. This is a huge increase in a very short time. Trying to match the students with the kind of curriculum that has been ongoing in the Texas schools is a challenge. Texas is trying to meet that challenge in the best way for all concerned.

I am hoping Congress will act very quickly to alleviate some of these early problems in getting the funding where it needs to be. For instance, there is no FEMA money for education expenses. So the bill I hope we could pass this week will allow FEMA, through the Department of Education, to immediately start reimbursing the schools for the costs of opening these new schools and the temporary facilities that are being required, including the schoolbooks and school supplies that are being required to help these new students, who are already entering 2 weeks late because Texas schools start the last week of August, sometimes the third week in August.

We need to bring these children in and get them going in an expedited way. I am asking my colleagues to help me pass, on a quick basis, an ability for FEMA to fund education expenses and to waive some laws that will allow them to be placed where they can best be placed without regard to the McKinney Act, just for a temporary time.

This legislation will sunset at the end of this school year, so it will not be permanent. I hope we can pass it on an expedited basis to try to meet the needs of these students and my State, which has been so generous and has offered so much help to these people, which we want to continue to do and we will continue to do. But I want the Federal Government to make it easier on these governmental agencies regarding the expenses incurred by the communities that are doing so much.

We want this to be the model for response to future emergencies, not one where other States look at what has happened in our State and say: Well, if the Federal Government is not going to step up on education expenses and medical care, then it will be difficult to take in future emergency victims. So that is what we are trying to do.

Our hearts go out to all of the people who are affected by this disaster. We are going to do our part. I am hoping Congress will act soon to help us do the right thing.

The PRESIDING OFFICER. The Senator has now used 7 minutes.

Mrs. HUTCHISON. Mr. President, I yield the floor to my colleague from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank my colleague from Texas for the time.

I join all of us in expressing our condolences and our concerns for what has happened in the New Orleans area. Certainly Senator VITTER's discussions yesterday helped us understand a little better what the situation is there, what the difficulties are, and what our responsibilities are to do something about that as quickly as we possibly can.

We certainly first want to again offer our condolences to the families of those who perished. I support those who continue to live in the hurricane-affected areas.

What we have seen is, obviously, one of the most terrible natural disasters in our Nation's history. We have also seen, fortunately, the generous spirit of our Nation thrive in a time of confusion and loss. The giving nature of the American people has been displayed and continues to be displayed. We should be very proud of that.

I am especially impressed with the people of Wyoming who have opened their hearts and their homes to help the hurricane victims. You never know when someone is going to be in the path of a similar storm.

The objective now, of course, is to get the victims back on their feet, and to provide for their basic needs, to bring some semblance of normalcy to the situation there. This is going to be an ongoing effort. It is going to be ongoing, but it also demands immediate attention. Progress is being made hour by hour, day by day. I think it is a testament to the courage of the people throughout the Gulf Coast. It will take years to rebuild New Orleans and the other areas, but I am confident there will be a thriving economy again in that area.

Over the next few weeks, our Nation will show, once again, why we are the envy of the world. We will prove that no matter what the obstacles are that are before us, we can join together to overcome them, even if it is Mother Nature. The stories of heroism and fortitude will continue to trickle down, but soon, like the water that has destroyed so much, that trickle was evolve into a wave—a wave of construction, a wave of rebirth.

As we showed on that bright September morning 4 years ago, this Nation will rise out of the ashes and rebuild the Gulf Coast. I join my Wyomingites to say we are sorry for what happened, but we look forward to working with you to restore what you have lost.

I am particularly proud of Wyoming's military. We have deployed 72 people in support of Hurricane Katrina relief efforts. We have sent four helicopters with 19 people, two C–130s delivering equipment. We have sent AirVac nurses and 13 security police from the naval air station. So we are very pleased to be able to help. We need to provide the help.

There are lots of things being talked about. We can talk about tax relief, particularly as it provides relief for those things being given there. TANF, of course, has something to do with education and health care. We can do something about insurance, private insurance, to make that more efficient. Charitable giving is one of the things we can look at to ensure that is as useful as can be. School funding, which has already been mentioned here, is very important, whether it be there or wherever the children are. Medicaid is one area we need to take a strong look at to make sure it is available to everyone who needs it. Certainly, we need to take a look at emergency funding.

There are many items with which we are challenged. They are going to be difficult, but they are there. We can accomplish what we need to do, and that is to help these people in this circumstance. As we do it, however, I hope we remember that, as in the case of our family, when we have emergency needs, we have to look at some other areas to cut back a little bit. As this emergency continues to go on, our life needs to go on. Government needs to go on with its essential services. At the same time, there are some things we are doing in the Government that could be set aside and could, indeed, be changed so that we can offset some of the costs that go into this effort. That will be necessary.

I send our condolences and accept and join with my associates to take on the challenge of dealing with the needs of the people in the Gulf Coast.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under morning business, morning business is now closed.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Lincoln amendment No. 1652, to provide for temporary medicaid disaster relief for survivors of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

DeWine amendment No. 1671, to make available, from amounts otherwise available for the National Aeronautics and Space Administration, $906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration.

Clinton amendment No. 1660, to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

Coburn amendment No. 1648, to eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing services, and State and local law enforcement assistance.

Dorgan amendment No. 1670, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Pryor/Mikulski amendment No. 1703, to require the FTC to conduct an immediate investigation into gasoline price-gouging.

Stabenow modified amendment No. 1687, to provide funding for interoperable communications equipment grants.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. shall be equally divided between the Senator from Alabama, Mr. SHELBY, and the Senator from Maryland, Ms. MIKULSKI, or their designees.

Who yields time?

Ms. MIKULSKI. Mr. President, I yield time to the Senator from Michigan to speak on her amendment. I believe her amendment on interoperability is the pending amendment.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. I yield her such time as she may require.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1687, AS MODIFIED

Ms. STABENOW. Mr. President, I thank my esteemed colleagues for their leadership on this legislation.

We will have an opportunity in a few moments to make sure that we are solving the problem that everyone says is the biggest in terms of system failure related to the hurricane in the Gulf. We heard the same thing after 9/11. The radios didn't work. The communications didn't work. Police and firefighters were running into buildings that they should have been running out of, but they didn't know what was happening above them. We knew that after 9/11. The 9/11 Commission reiterated that. We have talked about it. It is now time to do something about it.

I join with my colleagues on both sides of the aisle in reaching out to those who have been hurt, who have suffered, who lost everything, the families of those who have lost their lives. As the majority leader said, coming back from the Gulf, he was astounded at the lack of communication. We can fix this. My amendment would begin that process.

We know, from the Congressional Budget Office, it will take at least $15 billion to connect local, State and Federal officials so that we have the redundancy, the backup, the connectedness to make sure we are responding quickly, effectively, that we know what is going on, on the ground, and everybody can get the job done to save lives, save property, and protect the American people.

My amendment would allocate that first piece. I offered it on the Homeland Security bill this year. It was not supported. Now is the time to support it and get it done. It offers $5 billion with the expectation we would come back and do the second payment next year and the third payment the year after. I know that my colleague who worked on the Homeland Security bill and led that effort is going to say: We already have moneys for that kind of thing, and the locals don't spend it in the right way. According to the Web site of the Department of Homeland Security, the Federal Government has spent only $280 million directly on connectedness, interoperability, and communications.

We could say to folks: Your COPS funding is getting cut, your training programs are getting cut, everything else is getting cut so you have fewer people on the ground. We want you to put the money into only communications.

That is not reality. In Michigan, we have 1,200 fewer police officers on the streets today than we did on 9/11/2001. That is not acceptable. My local police and firefighters are trying to hold on and keep the staff, keep the equipment they need. It is unrealistic and irresponsible on our part to say somehow each local police department and fire department, each county and city are going to pay for this interoperability that needs to happen so they can talk to the State and to Homeland Security, talk to the Justice Department and FEMA, with whomever they need to talk.

Our country was attacked. After 9/11, the Federal Government has the responsibility to protect our citizens and respond. After this hurricane, again, we know that it is a broader, regional, national response that is needed. People are looking to the Federal Government for help, and part of that help long term has got to be investing in protecting our citizens by making sure the communications systems work. I can't imagine we would send our brave men and women into battle overseas and not make sure the radios work and are connected. Why would we send our people here at home, our brave troops, our firefighters, our police officers, emergency responders, nurses, doctors, into harm's way in the middle of a disaster and not make sure the communications work?

We are in an age of technology. There is no excuse. I understand there are a number of new technologies that involve Web-based systems and new kinds of interoperability that we can bring to bear to get this done. When I think about what we need to be doing in the aftermath—first, helping those who have lost so much; second, making sure the Federal bureaucracy doesn't victimize folks again and supporting States that are reaching out—it is our responsibility to make sure that the systems that failed do not fail again. Time is up. No more talk about moving one line item to another line item or this or that. I know we will hear that they have already received money that hasn't been spent. If it has not gotten through the Federal bureaucracy, what the heck is going on? Let's get it moving.

I know my folks on the frontlines are happy to accept funds and happy to do what they need to do to get this radio equipment working so they protect themselves and their communities. If the bureaucracy is not working fast enough, let's make it work. If the resources aren't there to make sure our people are protected, let's make sure the resources are there. That is our job. The American people are looking at us and saying: This is America. What is going on? Why didn't we collectively have the foresight to make sure that systems worked, that we have a national system? As Senator BLANCHE LINCOLN talked about yesterday, when the Red Cross was putting in all of this data on victims to help, then FEMA comes in and has to do it again because it is not interoperable. Local communities cannot do this alone. States cannot do it alone. I hope my colleagues will step up and send a signal that we get it. We are going to fix it and do our part to make sure our citizens are safe.

The PRESIDING OFFICER. The minority's time has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise to respond on this amendment. I want to make a couple of points, initially. First, this amendment is not Katrina related. That is important. It is an attempt to bootstrap an idea that has been offered on the floor a number of times using the disaster, the catastrophe which occurred in the Gulf with

Hurricane Katrina. It is not Katrina related. The breakdown in communications in the Katrina event was not an interoperability event. The breakdown was because the capital structure which supported the systems collapsed. Both the hard line and the wireless lines were not functional as a result of the infrastructure collapse. There was also a breakdown which was a function of the portable radios that were being used having to be recharged by electronic device and there was no electricity to recharge them, rather than being battery driven.

That is the initial conclusion. It wasn't a question of the inability of one group to speak to another group, although that is obviously always an issue. It was a fact that the entire infrastructure which supported the communications systems collapsed.

More importantly, the proposal to add $5 billion to create a new grants program is not Gulf States-focused. It is for the Nation. That is a position that the Senator from Michigan has always taken. This should be a nationwide effort. She talks about her own State needing more funds in the area of interoperability. I assume she is presuming that a large amount of the dollars put into this fund would go to her own State and other States that had no impact from Katrina. This is not a Katrina event. To try to put it on top of this bill in the name of Katrina is inappropriate. That is why I intend to make a point of order against it.

Secondly, it is important to remember that the issue of interoperability is critical and that we are trying to address it, that we have, in fact, put a dramatic amount of dollars into this effort, that there is presently, in the fiscal year 2006 Homeland Security Appropriations bill, $2 billion that States and locals can choose to use specifically to address interoperability, that we have spent $890 million in fiscal year 2004 on interoperability, and that we understand that this is one of the key elements of getting our first responders to function effectively. We understand that. The Homeland Security agency understands that. But what we also understand is that there are big issues involved in accomplishing this that don't involve throwing money at the issue, the most significant of which is to reach an agreement on the regime by which these agencies are going to talk to each other. They haven't been able to do that.

It is called P-25, which is the regime they have been trying to work up and has been going on now for over 10 years. It is an extremely complex problem because you have a fire department in a town which will buy one system, a police department which will buy another system, the people who drive the ambulances will buy another system. Then you have layered on top of that the State police, the highway patrol, the sheriff's department. All these systems have already been bought and already in place, and they are not going to replace them all. How you get them to work together has become a complex issue. It isn't so much a function of dollars. It is a function of reaching agreement on the protocol to get them to talk to each other.

To put $5 billion on top of $2 billion is a nice statement of purpose, but it is way outside of what we can afford, as far as the budget is concerned, and it is not applicable to Katrina. We are going to spend literally tens of billions of dollars to try to correct the Katrina problems. I suspect in that spending there will be money to rebuild the infrastructure which collapsed relative to communications. To put this money on top of it in the name of Katrina, which will be spent across the country, is inappropriate.

Therefore, Mr. President, I have to make a point of order against this because it is clearly over the budget. It is outside the budget and is not Katrina related. We are already addressing it within the process which we presently have in place, which is the bill for Homeland Security, which passed this body with $2 billion that can be used for interoperability. Therefore, I make a motion that the pending amendment increases spending and the additional spending would cause the underlying bill to exceed the subcommittee's section 302(b) allocation. I, therefore, raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

Ms. STABENOW. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment. I ask for the yeas and nays on something that is absolutely Katrina related—communications.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 1687, as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 58, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—40

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Dayton
Dodd
Dorgan
Durbin
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—58

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner

NOT VOTING—2

Corzine
Vitter

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. On the previous vote, I move to reconsider.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is it in order at this point for me to engage in a short discussion of an amendment that I have pending?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 1670

Mr. DORGAN. Mr. President, let me take the 5 minutes now. I know people are trying to put together unanimous consent requests. I indicated I would take just a few minutes to describe the amendment I have offered, which I hope will be voted on at 12:30. They are discussing a consent agreement by which they might vote on the amendment I have offered and I believe the amendment that Senator CLINTON has offered. Even though the unanimous consent agreement has not been entered yet, let me at least describe the amendment I have offered.

The amendment I have offered is an amendment that I offered to the armed services bill, the Defense authorization bill that came to the floor of the Senate and was on the floor for some while. This amendment is pending on the Defense authorization bill, but the Defense authorization bill has been taken off the floor and it appears it will not come back to the Senate, and therefore I will not get a vote on this amendment. So I offer the amendment to the appropriations bill, understanding this is not the optimum place to do this. I will have to suspend the rules to accomplish it. But let me describe what it is.

We are spending billions and billions of dollars on reconstruction in Iraq. I will read some headlines.

Let me say at the start, the minute anyone comes to this floor and mentions the word "Halliburton," they think it is partisan, political, going after the Vice President of the United States. It is not. It is true he was the CEO of Halliburton, but that was long before he reentered public service as Vice President, and none of this has happened under his watch. This has nothing to do with the Vice President.

What it does have something to do with is large, no-bid contracts given to a very large company, large no-bid contracts with virtually no oversight and a substantial waste of the taxpayers' money. Let me read some headlines.

Houston Chronicle, February 3, 2004:

Uncle Sam Looks Into Meal Bills; Halliburton Refunds $27 Million as a Result.

Houston Chronicle, February 4, 2004:

Halliburton Faces Criminal Investigation; Pentagon Proving Alleged Overcharges for Iraq Fuel.

Los Angeles Times, February 13, 2004:

Ex-Halliburton Workers Allege Rampant Waste; They Say the Firm Makes No Effort to Control Costs.

May 18, 2004, Houston Chronical:

U.S. Questions More Halliburton Meal Charges.

July 27, 2004, Houston Chronicle:

Millions in U.S. Property Lost in Iraq, Reports Say; Halliburton Claims Figures Only "Projections."

The Los Angeles Times, August 12, 2004:

Halliburton Is Unable to Prove $1.8 Billion in Work, Pentagon Says.

Is anybody investigating this? No. This is a company that charges for 42,000 meals served in Iraq, and it turns out they are serving 14,000 meals to soldiers. We are paying for 42,000 meals. Does anybody care? Overcharges for fuel? These are big, no-bid contracts. And oh, by the way, the courageous woman in the Pentagon, Bonnatine Greenhouse, the highest civilian in the Corps of Engineers responsible for making sure these contracts are handled the right way, is the one who objected to these contracts saying it was, in effect, a good old boys club giving contracts to their friends. Guess what. This woman, who received excellent reviews all of her career and rose to become the highest ranking civilian officials in the Corps of Engineers, has been demoted. Why? Because she had the courage to speak up and speak out.

Nobody is investigating the rampant misuse of funds and waste of funds in these no-bid contracts. There should be oversight hearings in the Congress, but there are not. There is not an oversight hearing held on these issues, so I have chaired Democratic Policy hearings, and let me tell you a couple of things we have heard.

How about brand new trucks, $85,000 trucks. Drive one down the road in Iraq and get a flat tire and what do you do with it? Abandon it. It gets torched. A brand new truck. If it has a fuel pump that is plugged, what do you do with it? Abandon it. It doesn't matter—no-bid contracts. It is all taxpayers' money. It is unbelievable what we have uncovered.

Serving food to soldiers with date stamps that have long since expired and the supervisors say it doesn't matter: Serve them anyway.

They order towels. The guy who worked for the Halliburton company as the purchaser said he was told you can't just order towels for soldiers that are just towels; you need to put a logo on the towels. So you put the company logo on the towels, and you double the price of the towels that go to soldiers, so you have the company logo on the towel. It is unbelievable waste, fraud, and abuse. It is not millions or hundreds of millions of dollars, it is billions dollars, and nobody is minding the store. Nobody cares.

Some years ago, in 1941, Harry Truman stood in this Chamber, and he said there is rampant waste, fraud, and abuse going on in military contracting, and we ought to get to the bottom of it. He was relentless. He was a Democrat here in this Chamber, and we had a Democrat in the White House. It didn't matter. I am sure that was kind of an uncomfortable thing; it didn't matter. They set up a Truman committee, a special committee that uncovered massive amounts of waste, fraud, and abuse.

In this case, we know it is happening. We have direct testimony it is happening with big, no-bid contracts—particularly with Halliburton, but there are others as well—and nobody seems to care. Nobody seems to care.

I propose that we create a type of Truman committee, of the type we have had previously, that starts taking a good look at waste, fraud, and abuse that is occurring. Whenever you give massive quantities of money on a no-bid contract and say go ahead and spend, you are going to have this waste, fraud, and abuse.

There are stories about someone saying: Let's air-condition that building in Iraq. We will buy some air-conditioners through this reconstruction funding, and then it goes from a contractor to another subcontractor to a sub, and pretty soon the job is done, you have a ceiling fan, and the American taxpayer has paid for air-conditioning. It is unbelievable, and it is going on all the time.

My proposal is very simple. When American taxpayers' money is doled out in such enormous quantities—billions of dollars—somebody ought to watch the store.

I held up a poster the other day of stacks of 100-dollar bills which were wrapped in Saran Wrap—stacked in big piles because the contracting officer, who testified at the committee which I chaired, said that is the way it was. We said to the contracting companies: Bring cash and bring a bag. We do business in cash. He said: We used to actually play football with these stacks of 100-dollar bills with Saran Wrap. You could actually throw them back and forth across the room. They were paying for the ministries, among other things, in Iraq during the Coalition Provisional Authority, which was us, by the way. They were paying one Iraqi ministry for 8,206 security guards on duty—paying 2,206 of them salaries—and there were only 602.

Does anybody care? Does anybody care about this? Will this Congress finally do what it is required to do—to require accountability for the expenditure of the taxpayers' money?

We have spent a massive amount of money dealing with contracting in Iraq for reconstruction. What we are finding is that the few people who had the courage to blow the whistle about favorite contracts—no-bid contracts—having contractors even in the room, in the meeting, when they were with talking about what the specs of the contract should be. Bunnatine Greenhouse, a young African-American woman who rose to the top, the highest civilian job in the Corps of Engineers, blew the whistle on this old boys network that was doling out that money to private contractors, she is going to pay for it with her job, we are told. Shame on them.

This Congress ought to have the courage to stand up on the side of the taxpayers and say: If we are spending taxpayers' money, the taxpayers ought to get full value for it. We ought to put an end to waste, fraud and because.

When Harry Truman got to the White House, he had a sign on his desk that said "The Buck Stops Here." For accountability on this sort of thing, the buck doesn't stop anywhere. Nobody wants to look them square in the eye. It is time for Congress to look truth in the eye and understand what is happening. My amendment is the first opportunity to do that.

I regret that we didn't have a vote on it on the Defense authorization bill. That is where it should have been. I offered it on the authorization bill. The bill has been pulled from the calendar and from the floor and apparently will not come back. I will offer it today and to other appropriations bills. It is uncomfortable, I suppose, for those who do not want to vote against this, but they are going to have to keep voting against it until at some point there will be sufficient votes in this Chamber to do what is right. To do what is right is to follow the model of Harry Truman. Even when there was a Democrat in the White House, a Democrat said: We insist, we demand, accountability on behalf of the American taxpayers, and we are going to put an end to waste, fraud, and abuse of taxpayers' money.

It is very simple. This is not a complex amendment. It is the simplest of amendments and the simplest of choices.

In this Chamber—the Chamber of the Senate—we don't do very complicated things. Every single choice that we make every day on this floor is either yes or no. There is no maybe, no later; it is when it comes time to vote yes or no.

That, it seems to me, is an enormously simple choice with respect to an amendment that is this persuasive.

I hope the Senate, when it votes midday today on this amendment, will do the right thing.

I yield the floor.

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1707

(Purpose: To express the sense of the Senate regarding funding directives contained in H.R. 2862 or its accompanying report)

Mr. McCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1707:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department, determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

AMENDMENT NO. 1670

Mr. SHELBY. Mr. President, I ask for the regular order with respect to amendment 1670.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I raise a point of order that the amendment violates rule XVI.

Mr. DORGAN. Mr. President, pursuant to the notice properly filed, I move to suspend the rule with respect to amendment No. 1670, and I ask for the yeas and nays.

I also ask unanimous consent that Senator DURBIN be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I further ask unanimous consent that the vote on the motion to suspend the rules occur at 12:30 today and that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1660

Mr. SHELBY. Mr. President, I ask for the regular order with respect to the Clinton amendment No. 1660.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I raise a point of order that the amendment violates rule XVI.

Mr. DORGAN. Mr. President, on behalf of Senator CLINTON, pursuant to the notice she properly filed, I move to suspend the rules with respect to amendment No. 1660, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that the vote occur on the motion to suspend the rules on the Clinton amendment immediately following the vote in relation to the Dorgan amendment with 2 minutes equally divided prior to the vote, and further that no second degrees be in order to the amendment prior to the vote; provided, further, that all time until the vote be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1707

Mr. McCAIN. Mr. President, I ask unanimous consent to return to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I thank the clerk for reading the amendment in its entirety for the benefit of my colleagues. I thank the chairman for his agreement to accept this amendment on a voice vote, and I thank him for his assistance. I understand it has been agreed to by the Democratic side.

Mr. President, the sense-of-the-Senate amendment is simple, and it is very modest. It is an attempt to rein in wasteful spending, particularly during this time when portions of our country along the Gulf are enduring the devastating impact of Hurricane Katrina—indeed a national tragedy. As the Nation continues to manage the aftermath of Hurricane Katrina, it is imperative that Congress do what it can and what it must to help the hundreds of thousands of victims of one of the worst natural disasters in our history. I think all of us in this body have said that time after time. Congress must do all that is necessary to fund the essential relief and recovery efforts and help those in need.

The cost of the recovery and relief effort is enormous, and will continue to be, and it should go without saying that we live in times of great need and limited resources. In these times, Americans are called to sacrifice, and Congress needs to make sacrifices of its own. To the extent that it is possible, we should pay for this effort now rather than pass on even more debt to future generations.

We should also make better use of taxpayers' money by eliminating our spending on matters of questionable merit or which are nonessential in order to better assist the victims of Katrina. These are times when Members of Congress need to deny themselves a few of the comforts of political office and refrain from directing tax dollars to special projects in their States. These projects might help political campaigns, but they do not necessarily benefit the country as a whole. Regrettably, as far back as I can recall, Congress has found ways to fund thousands of unauthorized projects of questionable merit through appropriations bills. Perhaps some of these dollars would have been better spent on activities that might have limited the impact of this tragedy. We are now hearing information that a great deal of money was spent in Louisiana on projects that were less necessary perhaps—and I emphasize "perhaps" because a thorough investigation needs to be completed—that should have been spent on more important protection of levees and other wetlands and other more meritorious projects.

This year's Commerce, State, Justice, Science and Related Agencies appropriations bill, H.R. 2862, is relatively restrained compared to recent bills that have moved through the Senate.

I congratulate the subcommittee chairman from Alabama and the ranking member.

Still, the legislation contains several examples of the types of provisions that magically appear in too many of the appropriations bills that benefit parochial interests, with little regard to the merits, at the expense of national priorities.

I make this statement and propose this sense-of-the-Senate amendment in the hope that my colleagues appreciate that we are now adding perhaps $100 billion, or even $150 billion, additionally to the deficit, which is already projected to be the third highest in history, some 300-and-some billions of dollars.

For example, H.R. 2862 contains several earmarks that funds initiatives that some, including myself, might consider to be of less-than-pressing importance. Among them is a $10 million earmark for the Alaska Fisheries Marketing Board, and a $1.75 million earmark for something called the Hawaii Humpback Education Program.

I have no idea what the Hawaii Humpback Education Program is. I would imagine it has a lot to do with whales.

I don't know what the Alaska Fisheries Marketing Board is, except that I know it continues to receive earmark funding in the multimillions of dollars every year, as I examine appropriations bills.

The bill also provided needed funding for grants to the Small Business Administration, and they are needed funds for grants. Unfortunately, this bill recommends that the SBA direct funding to 53 specific programs named in the committee report.

I want to talk about that for a second.

The committee report has no enforcement of law, but the appropriations committees have made it very clear to the various agencies that they do have, in their view, the enforcement of law.

So we have the worst of all worlds here; we have it in a committee report which cannot be removed by amendment, and, yet, at the same time, even though it technically doesn't have the force of law, it is made clear to the agencies that are affected that they will pay a heavy price if they do not carry out the dictates of the committee report.

It is imperative, in the wake of Hurricane Katrina, that the SBA grants be awarded on the basis of need and merit and for no other reason.

The sense-of-the-Senate amendment that I propose would allow funding for earmarks that have not been authorized, have not been requested by the President or not related to the impact of Hurricane Katrina to be redirected to recovery efforts.

In other words, the $1.75 million earmark for the Hawaii Humpback Education Program would be directed to the recovery and rescue efforts associated with Hurricane Katrina.

This would occur when the Agency or Department head determines, after consultation with the appropriate congressional committees, that such an earmark is not of national significance or is not in the public interest.

Now there will be arguments in consultation with these appropriation committees that they are of national significance or in the public interest. I argue that determination should be made on the basis of the scenario which I described earlier.

I expected this amendment to be easily adopted and not take much of the Senate's time. But after discussion with the appropriators and their staff. I thank the manager and the minority, the Democratic leader and their staff, for modifications to the amendment. I hope this sense-of-the-Senate amendment will be taken seriously.

I could propose the impossible: that no earmarks be permitted in any appropriations bill, period. But I am not proposing the impossible. Or I could propose what is suggested almost daily by the press, that Congress turn in its pork. Many are rightly calling into question the thousands of projects in the highway bill and suggesting the related project funding should more wisely be transferred to recovery efforts. The amendment isn't proposing that, either. But perhaps next time that will be the proposal I offer, particularly given the dire situation in the gulf. We cannot even agree to preclude funding for projects not found to be in the public interest.

I repeat, it is a modest proposal. I hope my colleagues overwhelmingly adopt it for the sake of the tens of thousands of Americans who have lost almost everything and are relying on their Government for necessary support as they struggle for what will be a long and difficult time. I also hope we keep in mind future generations of Americans who will be inheriting this deficit which is now going to be probably one of the largest in history.

I call upon the appropriators and the leadership to pay careful attention to the funding measures yet to be debated and to do their part to ensure that we are living up to our obligations to those who are suffering, even if it means it comes at some of our personal political expense.

In a time of national catastrophe it is the responsibility of the Congress to take quick and decisive action to help those in need. It is not appropriate to continue the practice of earmarking scarce funds in the face of such a tragedy. This should be a time of sacrifice for the sake of our suffering citizens. I repeat, it is a modest proposal.

I found a curious thing happen in the last few days. Newspapers ranging from the New York Times to the Wall Street Journal to the Washington Times all editorialized in the same fashion.

I ask unanimous consent New York Times editorial entitled "Bring Out Your Pork," and Washington Times editorial called "Pork and Hurricane Relief," and from the Wall Street Journal entitled "A 'Moronic' Proposal" be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 8, 2005]

BRING OUT YOUR PORK

Fair warning to the suffering Gulf Coast masses: Congress is already talking of concocting economic stimulus" and "job creation" packages as hurricane recovery tools. That sounds useful, but unfortunately those terms usually signal that the House and the Senate are about to use the crisis of the moment to roll out wasteful tax cuts for the well-off and pork barrel outlays for hometown voters.

The overwhelming need of the victims of Hurricane Katrina, coupled with the nation's shock at government ineptitude, should inspire members of Congress to sober up and become something approaching responsible policy makers. If they do decide to reform, there's an easy way to prove it. They could turn in their pork.

This summer, when Congress had to ignore only a war in Iraq, it passed the annual highway bill, repackaged as a job-creation measure. The legislation set a record of $24 billion in 6,371 "earmark amendments"—the route individual lawmakers take to lock in prized projects for their home districts, regardless of proven need.

The bipartisan boondoggles that made it under the wire included vanity highways, tourist sidewalks, snowmobile trails, a "deer avoidance" plan and a graffiti elimination program for New York. Those wishing to look for still more unnecessary spending can consider the White House's $130-billion-and-counting missile defense system, which remains thoroughly inoperable.

Hurricane Katrina cries out to Congress for something other than business as usual. Imagine what would happen if each member of Congress announced that he or she would give up a prize slab of bacon so the government would be able to use the money to shelter hurricane victims and rebuild New Orleans. The public would—for once—have proof that politicians are capable of setting priorities and showing respect for the concept of a budget.

Surely Representative Don Young, the Alaska Republican who is chairman of the transportation committee. might put off that $223 million "bridge to nowhere" in his state's outback. It's redundant now—Louisiana suddenly has several bridges to nowhere. Likewise, Speaker Dennis Hastert could defer his prized Prairie Parkway, a $200-million-plus project dismissed as a behemoth Sprawlway by hometown critics, and use the money to repair the Lake Pontchartrain Causeway.

The Democratic minority leader, Nancy Pelosi, could afford to donate back some multimillion-dollar plums—just one bike and pedestrian overpass, perhaps, or a ferry terminal. Another Democratic standout, James Oberstar of Minnesota, would have a hard time choosing from his cornucopia, but that $2.7 million for what is already described as the nation's longest paved recreational trail looks ripe.

The list is long. Such a gesture by the Capitol's patronage first responders would encourage a sense of shared sacrifice in the nation. Members might actually be surprised to see how many of their own constituents are prepared to think of other people's needs before themselves. This page has been a longtime supporter of a freight tunnel between New Jersey and New York—which, we should point out, is actually a tunnel to somewhere. But we'd applaud a delay in the $100 million for freight-tunnel design studies that was included in the highway bill if it was part of a larger reordering of priorities.

It's time to put New Orleans first.

[From the Wall Street Journal]

A "MORONIC" PROPOSAL

Some public-spirited folks in Bozeman, Montana, have come up with a wonderful idea to help Uncle Sam offset some of the $62 billion federal cost of Hurricane Katrina relief. The Bozeman Daily Chronicle reports that Montanans from both sides of the political aisle have petitioned the city council to give the feds back a $4 million earmark to pay for a parking garage in the just-passed $286 billion highway bill. As one of these citizens, Jane Shaw, told us: "We figure New Orleans needs the money right now a lot more than we need extra downtown parking space."

Which got us thinking: Why not cancel all of the special-project pork in the highway bill and dedicate the $25 billion in savings to emergency relief on the Gulf Coast? Is it asking too much for Richmond, Indiana, to give up $3 million for its hiking trail, or Newark, New Jersey, to put a hold on its $2 million bike path?

And in the face of the worst natural disaster in U.S. history, couldn't Alaskans put a hold on the infamous $454 million earmark for the two "bridges to nowhere" that will serve a town of 50 people? That same half a billion dollars could rebuild thousands of homes for suffering New Orleans evacuees. One obstacle to this idea apparently will be Don Young, the House Transportation Committee Chairman who captured the funds for Alaska in the first place. A spokesman in his office told the Anchorage Daily News that the pork-for-relief swap was "moronic." Sounds like someone who wants Mr. Young to become "ranking Member" next Congress.

In all there are more than 6,000 of these parochial projects—or about 14 for every Congressional district—funded in the highway bill. The pork reduction plan is particularly appropriate as a response to Katrina, because we have learned in recent days that one reason that money was not spent on fortifying the levees in New Orleans was that hundreds of millions of dollars were rerouted to glitzier earmarked projects throughout the state of Louisiana.

We're hearing all sorts of bad ideas about how to offset the $62 billion of spending already authorized for Hurricane Katrina relief. Cancel the Bush tax cuts, raise the gasoline tax by $1 a gallon, increase deficit spending, and sharply cut spending on national defense and the war in Iraq. In Washington, it seems, everything is expendable except for the slabs of bacon that are carved out of the federal fisc to ensure re-election.

The glory of what is happening in Bozeman is that taxpayers are proving to be wiser about priorities than their politicians. We like the suggestion by Ronald Utt of the Foundation Heritage that, when the new levee is built to protect the Big Easy from future storms, it should bear a bronze plaque stamped: "Proudly Brought to You by the Citizens of Alaska."

[From the Washington Times]

PORK AND HURRICANE RELIEF

"We should lead by example and give up a few of the things we want in order to give hurricane victims the things they need," Sens. John McCain and Tim Coburn told their colleagues. Correct, as far as it goes, but the call to arms rings hollow without specifics. Here's a start: Congress should redirect the transportation bill's $25 billion toward hurricane relief.

Congress appropriated $51.8 billion in emergency-relief money for Hurricane Katrina's victims, and suspended the normal rules and procedures so the bill would not get entangled in special interests or endless debates. That made sense: lives were at stake and the money was needed at once. But Congress can listen now to those who want to cut discretionary spending so money can be sent for reconstruction in the Gulf states. Congress could erase half that total with the transportation bill earmarks.

Before Katrina, these earmarks were hardly necessary; today, they look like an abdication of duty. As we noted last month, the most outrageous items in this $286 billion bill were $229 billion for a highway called "Don Young's Way" in Alaska, a favorite of the Republican chairman of the House Transportation Committee; $18.75 million for the "Highway to Nowhere," linking Ketchikan, Alaska, to the island of Gravina, population 50; and $20 million for a Magnetic Levitation Transportation System linking Las Vegas and Primm, Nev. Naturally the guilty legislators defended those projects as necessary spending on vital local needs. Of course.

These projects look particularly foolish now. Katrina has blown the roof off business as usual in Washington, and rightly so.

Several congressmen appear to get it. Rep. Jeb Hensarling, Texas Republican, offered an amendment to the hurricane-relief bill that would have required the House to offset the new Katrina spending with reductions in other spending. Mr. Hensarling, a fiscal conservative, isn't above pragmatism: He would exempt entitlements, homeland-security and defense spending and veteran's affairs from the cuts. But the House didn't consider his amendment because it wanted spending passage of the relief legislation.

Now that the emergency bill has been enacted, Congress should reconsider ideas like the Hensarling amendment. And if Mr. McCain and Mr. Coburn are serious about leading by example, they will step up to lead by example. Congress can show seriousness by scrapping Mr. Young's "Highway to Nowhere" and send the money to the right somewhere—to rebuild New Orleans and the Mississippi coast.

Mr. McCAIN. Mr. President, this is interesting. I don't think in all my years I have seen all three of these different periodicals coming from somewhat different philosophical bases all editorializing in the same fashion. The Wall Street Journal says:

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It goes on:

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In the Washington Times, today:

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Imagine what would happen if each member of Congress announced he or she would give up a prize slab of bacon so the government would be able to use the money to shelter hurricane victims and rebuild New Orleans? The public would—for once—have proof that politicians are capable of setting priorities and showing respect for the concept of a budget.

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As I said, this is a very modest proposal. I hope we can, as we go through our appropriations bills—and there are numerous bills coming up, including an additional relief package for New Orleans—that we will be able to exercise fiscal restraint. If we would leave the earmarks out of the report language and out of the bills, then this sense-of-the-Senate amendment would be irrelevant.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 1707) was agreed to.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, as I understand it, in about 5 minutes we will be voting on two amendments. One is to establish a Truman-like commission to see if there has been profiteering in the contracts in relation to the Iraq war.

AMENDMENT NO. 1660

Madam President, there is also another amendment offered by the Senator from New York, Mrs. CLINTON, on a Katrina commission recommendation. I am a cosponsor of that amendment. Prior to the vote, I would now like to make a few remarks in support of the establishment of a Katrina commission.

This weekend I reflected—as I am sure the Presiding Officer did when you were with your family and maybe made it back to Alaska with constituents—that two tragedies have hit our country. One is 9/11, which we can never, ever forget. How grateful we are to the 9/11 Commission for their rigorous investigation as to what happened: what went wrong, what went right; what went wrong—the failure of communications and technology and intelligence; what went right—the bravery of people, the spirit of America.

Then, also, the 9/11 Commission made concrete recommendations. In fact, they are meeting this week to issue a report card on how well we have done to implement their recommendations. Three cheers for the 9/11 Commission on what they have done and what they continue to do.

All of America has been mesmerized by what has happened in the Gulf—in New Orleans, in Louisiana, in Alabama, and, of course, in Mississippi.

Senator CLINTON's idea—she will be here shortly to express it, and I concur—is that we also have a commission now to look at the response to the Katrina situation. We appreciate the fact that the President has taken responsibility, and he himself wants to know what went right and what went wrong. We think that is a very good move on the President's part. We support him.

Second, we know there will be good efforts by our own colleagues, particularly in the Homeland Security and Governmental Affairs Committee, which is very ably chaired by our colleague from Maine, Senator COLLINS, and of which Senator LIEBERMAN is ranking member.

But it is us investigating us. It is the President looking at his own executive branch. I do not doubt the integrity of the President. I do not doubt the vigor and pursuit that the Governmental Affairs Committee will have. Golly, just look at their record on intel reform. I think we know they really do operate with intellectual rigor and integrity. But I do believe we need an outside group that will look at us and develop an opinion that will be truly independent, made up of appointees from both sides of the aisle. They would absolutely not be political, even though some might have a background in politics.

Governor Kean did a fabulous job chairing the Commission along with our former colleague, Congressman Lee Hamilton. They had a wonderful array of people on the 9/11 Commission.

So we owe it to the people of the Gulf and we owe it to the people of the United States of America to examine this situation and not to do finger-pointing. We do not need any more finger-pointing but we sure do need pinpointing as to what collapsed, what was not in place.

Some years ago, I led the reform effort of FEMA. We started with President Bush 1 and then kept going under President Bill Clinton, who gave us James Lee Witt. FEMA should be one of our premier agencies focusing on readiness, response, and recovery. What went wrong? Was it us? Did we neglect in oversight? Did we neglect funding Corps of Engineers projects? I really don't know that. And maybe we did not neglect anything, but nature had enough with our bad behavior and kicked us a little bit.

So I really want to know that, and why. One reason is so it will never happen again, just like we never want a predatory attack on the United States of America, which is why out of 9/11 came intel reform and now the followup. We do not want this result ever to happen again when a natural disaster strikes—whether it is a hurricane that hits coastal States or whether it is an earthquake, which I know the Presiding Officer's own dear beloved State is possibly subjected to and which our colleagues from California worry about, and our colleagues from Missouri worry about that fault that goes right down through Missouri.

So we have to make sure we have an independent analysis. We would then take what the President finds, take what our colleagues find, and listen to an independent commission so we can make sure we are truly ready, we are truly able to respond, and then to make sure we have the wherewithal to do recovery.

This could have been a dirty bomb in any city in the United States. Could we evacuate? Would communications be interoperable? What would happen to the poor and the sick? Are they collateral damage? Nobody in America is ever collateral damage. We have to have plans. What happens to our first responders? If there is an evacuation plan, who evacuates their families while they are protecting us? These are the kinds of questions, these are the kinds of things that need to go into the planning.

Right now, all that many of us see is that we have spent a lot of money on homeland security. But what I see is a lot of salesmen out there selling gear. In fact, sometimes I think there are more salesmen selling gear than there are first responders. We need to be effective. We need to be smart. I want my country to be safer. I want my country to be stronger. But I think we need to be smarter. This is why I think a good step forward would be an independent commission, not to fingerpoint but to pinpoint, so that never ever again would any community have to suffer or that they could be in a position to recover better.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I call for the regular order.

AMENDMENT NO. 1670

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to suspend the rules for the consideration of amendment No. 1670. The yeas and nays were previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Louisiana (Mr. VITTER) and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 53, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Voinovich

NOT VOTING—3

Corzine
Vitter
Warner

The PRESIDING OFFICER. On this vote, the ayes are 44, the nays are 53. Two-thirds of the Senators duly chosen and sworn not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected.

The point of order is sustained. The amendment falls.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1660

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate evenly divided for a vote on another motion to suspend the rules.

The Senator from New York.

Mrs. CLINTON. Mr. President, I have offered an amendment to create an independent commission, known as the Katrina Commission, to investigate with outside experts the situation we have confronted for the last 2 weeks in the Gulf Coast. This vote is on a motion to suspend the rules to consider this amendment. I hope that we have bipartisan support to do just that. There are a number of committees that have a role in this Congress to conduct oversight, to ask questions, but just as with 9/11 we did not get to the point where we believed we understood what happened until an independent investigation was conducted.

This legislation is modeled on the 9/11 Commission The President appoints the chairman. The Republican and Democratic leaders appoint the members. This will provide us an opportunity to do the investigation away from the work that needs to happen in this Congress and in the administration, to meet the immediate needs of the people in the Gulf Coast. I hope we will vote to support the Katrina Commission.

The PRESIDING OFFICER. Who yields time in opposition?

All time is yielded back.

The question is on agreeing to the motion to suspend the rule for consideration of amendment No. 1660.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Voinovich
Warner

NOT VOTING—2

Corzine
Vitter

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Two-thirds of the Senators voting not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given is not agreed to. The point of order is sustained, and the amendment falls.

The Senator from Massachusetts.

AMENDMENT NO. 1695

Mr. KERRY. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we call up amendment No. 1695.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Ms. LANDRIEU, proposes an amendment numbered 1695.

Mr. KERRY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in the RECORD of Tuesday, September 13, 2005, under "Text of amendments."

Mr. KERRY. Mr. President, I offer this amendment, together with Senator LANDRIEU, to provide comprehensive relief to small businesses harmed by Hurricane Katrina. There are two reasons why it is important to do this at this time on this bill.

No. 1, the $63 billion of combined assistance in the two supplemental spending bills doesn't allocate one portion of it to small businesses specifically. So there is no small business relief—no funding for small business assistance within the structure of the SBA or for other small business assistance programs Congress has created.

No. 2, this appropriations bill is the funding source for the Small Business Administration. It is through the Small Business Administration that disaster loan assistance is available for homeowners and for business owners, and it is through the Small Business Administration that the Federal Government provides the full complement of assistance to the small businesses of our Nation. So it is appropriate for us to be doing this at this time. The SBA is indispensable to the recovery of the gulf region after Hurricane Katrina.

I was down there on Monday and could see for myself the numbers of small business people who are impacted, listening to the Governor, the Lieutenant Governor, Congressman JEFFERSON and others, all of whom described how critical this help is going to be. The States concerned—Alabama, Mississippi, and Louisiana—are still in the process of assessing the full extent of the damage. There are an estimated 800,000 small businesses in those three States, but already we have received reports that more than 100,000 in Louisiana and some 50,000 in Mississippi were damaged or destroyed completely.

We also know that in Louisiana alone, small businesses provide more than 65 percent of the jobs. Sixty-five percent is typical for most of America, which is why Senator after Senator comes to the floor and goes home to their States and talks about the importance of small business to the American economy.

What the mayor of Baton Rouge told me, what the Governors told me, and other officials I spoke with, is how critical it is to be able to get the local population back to work as fast as possible and to try to mitigate against some of the dislocation.

The only way we are going to get people back to work, the only way we get these areas thriving again, is to make small business a priority of the recovery itself.

Our amendment recognizes that it is going to take months, if not years, for a lot of businesses to get back to normal. SBA's Federal disaster loans and physical damage loans and economic injury loans are going to play a critical role in this recovery.

Our amendment also recognizes that similar to the domino effect of the 9/11 attacks—the domino effect that those attacks had on our economy in other places—we need to help not only those businesses physically located within the declared disaster area, but also an awful lot of businesses that have been indirectly harmed because of the loss of business directly to those areas or because of the increase in fuel prices.

The tourism industry, for instance, is so important to New Orleans and has suppliers around the country. Travel agents who book conferences, companies that provide food and beverages and supplies for the hotels, restaurants, and bars. Suddenly they have no orders. There are small businesses that could help rebuild the damaged and destroyed homes, businesses, and infrastructure of the Gulf region. But they need legal protection to make sure they can be part of the Federal contracts paying for these projects and services.

One of the reasons for this is that too often the Federal Government, in its effort to move rapidly, which we understand, takes the easiest route or path of least resistance and gives big contracts to the Halliburtons of the world, leaving a lot of the local economy and small businesses still gasping, looking for their way into that pipeline.

Then, of course, there is the underestimated but, frankly, always essential counselor component. A lot of small businesses need help figuring out how to restructure, how to process all of this, how to make up for the loss of business. Many of them have viable businesses. With a small amount of assistance they can keep that viability and minimize the negative impact to our economy and to their business.

In order to put this package together in a way that addressed the real needs of the communities, I have worked closely with Senator LANDRIEU who, along with her staff, has worked tirelessly in recent days to determine what the businesses in her State need to get Louisiana small business on the road to recovery. I think we ought to be encouraged—frankly, all of us in the Senate ought to be encouraged—at how much we can do under the auspices of the Small Business Administration, recognizing that a lot of these businesses have no way of fully operating now or any time soon. We try to take steps to defer for 2 years the interest and the principal payment for those businesses located directly in the disaster area, those that have been adversely impacted. For small businesses directly impacted, we permit them to use disaster loans, which have interest rates capped at 4 percent. I remind my colleagues that these are loans. These aren't grants. We allow small businesses to refinance existing disaster loans and existing business debt in order to consolidate their debt and lower their interest payments.

For those small businesses directly impacted that had SBA 7(a) and 504 loans before Katrina, if they are unable to make their payments, we direct the SBA to assume the payments for up to 2 years or until the businesses can resume payments earlier on their own.

For small businesses that are directly impacted, such as suppliers to the extensive tourism industry in the gulf coast, we make available SBA 7(a) loans at reduced rates, with protections to make sure that those who need the loans are the ones getting them.

For small businesses that need counseling, we increase funding to SBA's counseling partners to serve businesses, whether they are in Louisiana, Mississippi, or Alabama, or whether they are still displaced in other States such as Texas or Arizona.

We put in place contracting protections to encourage the Federal Government to help rebuild the economy by using local businesses or small businesses.

We authorize $400 million in grants to the States in the declared disaster areas in order to make immediate bridge loans or grants to those small businesses directly harmed by Hurricane Katrina that need access to money immediately and can't wait for the disbursement of Federal loans or other assistance. This has worked in the past, and it can work now.

As we all know, Hurricane Katrina knocked out roughly 10 percent of U.S. oil refining and natural gas pipeline capacity. That has caused prices for gasoline and natural gas to go through the roof all over the country. Experts estimate the impact is going to hit us in the winter as well when heating oil prices are going to increase as much as 70 percent. To help small businesses and farmers and manufacturers that are being crippled by these energy prices, we give them access to low-cost disaster loans.

This is a very straightforward example of how businesses outside the disaster area have been indirectly and seriously adversely impacted.

The other day, I was driving through a couple of States well north of Washington, DC—not in Massachusetts but New Jersey, New York, and elsewhere—and the gas prices are all reflecting the effects of Katrina. Small farmers in the Presiding Officer's State of South Dakota, North Dakota, Wisconsin, Iowa, and all across the country are deeply impacted by the cost of fuel for their tractors or for their trucks for deliveries all across the country. This will help the small businesses and farmers and manufacturers that are being crippled.

The high cost of energy is making American manufacturing noncompetitive. Talk to truckers who are traversing the Nation about the cost of fuel. It's a huge portion of the current price of goods consumed by the increased energy prices. The result is a lot of folks who are teetering on the edge with loans out and financed are now finding themselves in economic difficulty. So this is a way to help them, and this tries to do that.

I point out to my colleagues that previously the energy relief portion of this amendment has passed the Senate three times. There are 37 Republican Senators currently in the Senate who have previously voted for this on several occasions. Our hope is that we can proceed forward.

In addition, to help drive down the impact of Hurricane Katrina and its toll on the economy as a whole—including added costs to health care for small business, energy for small business, and rising interest rates—we temporarily lower the interest rate set by the Federal Government itself. There is no need for us to recoup at the same rate, if it helps those businesses remain viable.

The Congressional Hispanic Caucus has been calling for this relief for Hispanic small business owners because ever since the administration raised the fees on 7(a) loans, loans to Hispanics have fallen by 14 percent. With the added problems to the economy caused by Hurricane Katrina, making capital more affordable is a way to open the doors of opportunity and to help people to be able to keep the economy moving.

In closing, I thank Senator REID, Senator MIKULSKI, and Senator LANDRIEU for their leadership and help in shaping this legislation. The coming weeks and months are critical for small businesses. Frankly, it is too easy to go to the meetings back home and stand up in front of the small business community and say: Aren't you great; you are 98 percent of the businesses of America. You are the engine of our economy.

Over 60 percent of America's employees work in small business. Almost all the new jobs in America come from small business. Small business has been hurt by the hurricane and by the indirect impact of that hurricane on other sectors of our economy. This is an opportunity for the Senate to be able to address those dire needs. I hope my colleagues will join in that effort.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I am pleased to join my colleagues from Massachusetts and Louisiana, Senators KERRY and LANDRIEU, in support of this amendment to provide assistance to businesses and farmers who are facing serious economic injury from the current run-up in fuel prices.

This amendment would establish a 4-year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. Small businesses have narrow operating margins and limited reserves to cover unexpected or significant increases in costs, and commercial loans are not available to respond to this kind of situation. Existing disaster loan programs must be expanded so that small businesses and farms will be able to tap into the capital they need to manage their way through this period of high fuel prices. Without action by the Congress, many small businesses and farms will be confronted with higher costs, reduced profits and likely layoffs.

The Senate has this opportunity to reconsider, and again pass, legislation that would provide vital relief. This amendment has enjoyed bi-partisan support for several years. I was pleased to be a cosponsor with over 30 colleagues when it was first introduced in the 107th Congress as S. 295, and when it was reintroduced in this Congress as S. 269. Most recently, in June, the Senate passed this measure as section 303 of the comprehensive energy legislation. Unfortunately, like other Senate passed provisions, it ended up on the cutting room floor during the conference with the House. Now, however, the need to assist businesses and farms that are being injured by skyrocketing fuel prices is far greater than it was in June.

Businesses in New Mexico have expressed concern about prices and urged support for this bill and I know that their experience is shared by businesses across the Nation. Last Tuesday, the Energy Committee held hearings on the fuel price crisis and heard sobering testimony about the constraints on oil supply and on the expectation for sustained high prices for other fuels as well.

I ask that letters from the Albuquerque Hispano Chamber of Commerce and from the Los Alamos Chamber of Commerce in support of this amendment be printed in the RECORD. I very much appreciate their endorsement of this Senate effort to respond to the need of small businesses as they struggle with high fuel prices. The catastrophe along the gulf coast has made a bad situation worse, and we have a responsibility to provide assistance to those who need a way to sustain their businesses during this crisis.

I urge my colleagues to again support this amendment, as it was supported in June, so that our businesses and farms will receive the assistance they so desperately need.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALBUQUERQUE HISPANO
CHAMBER OF COMMERCE,
Albuquerque, NM, September 14, 2005.

Senator JEFF BINGAMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BINGAMAN: The Albuquerque Hispano Chamber of Commerce (AHCC) is an organization with over thirteen hundred (1,300) small businesses. These small businesses face many challenges on a daily basis to "keep the shop open." Of overwhelming concern are today's spiraling fuel costs.

We are writing to express our alarm about the increasing fuel prices and to endorse the Small Business and Farm Energy Emergency Act of 2005, S. 269, which we understand is expected to be offered as an amendment in the U.S. Senate. Many of our members throughout New Mexico are facing a cash flow crisis from high and rapidly increasing prices for gasoline, natural gas, propane and other fuels that are essential to their businesses.

Typically, our members have small cash flows, narrow margins, and have very limited reserves to cover unexpected or significant increases in costs. This legislation would establish a 4-year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. The dramatic increase in the price of gasoline for transportation has compounded the slower but steady increase in natural gas, propane, kerosene and other fuels that are essential to many business operations. It is vital that existing disaster loan programs be expanded so that small businesses and farms will have access to the capital they need to manage these new cost challenges. Commercial loans simply are not available for this type of emergency. Without Federal assistance, many of our members are confronted with curtailing operations, raising prices and suffering declining sales, layoffs, and even bankruptcy.

We understand that this emergency loan program was included in the national energy legislation which passed the U.S. Senate earlier this year, but that it was dropped during the conference committee with the House of Representatives. Many of our members face a crises with each new fuel bill and need assistance without further delay. We applaud the Senate's previous effort to get this important bill enacted and urge that you continue to fight for its inclusion in other bills, and its prompt passage into law.

Thank you for your continued support for small business and for this important legislation.

Sincerely,

JOSEPH P. CASTILLO,
Chief Operations Officer.

LOS ALAMOS
CHAMBER OF COMMERCE,
Los Alamos, NM, September 14, 2005.

Senator JEFF BINGAMAN,
Santa Fe, New Mexico.

DEAR SENATOR: I am writing on behalf of the Los Alamos Chamber of Commerce to express our alarm about rising fuel prices and to endorse the Small Business and Farm Energy Emergency Act of 2005, S. 269, which we understand is expected to be offered as an amendment in the U.S. Senate. Many of our members throughout Northern New Mexico are facing a cash flow crisis from high and rapidly increasing prices for gasoline, natural gas, propane and other fuels that are essential to their businesses.

Typically, our members have small cash flows, narrow margins, and have very limited reserves to cover unexpected or significant increases in costs. This legislation would establish a 4-year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. The dramatic increase in the price of gasoline for transportation has compounded the slower but steady increase in natural gas, propane, kerosene and other fuels that are essential to many business operations. It is vital that existing disaster loan programs be expanded so that small businesses and farms will have access to the capital they need to manage these new cost challenges. Commercial loans simply are not available for this type of emergency. Without Federal assistance, many of our members are confronted with curtailing operations, raising prices and suffering declining sales, layoffs, and even bankruptcy.

Most of our members are in the Los Alamos area, a remote location from major distribution centers so we face a particularly difficult situation with regard to rising energy costs.

We understand that this emergency loan program was included in the national energy legislation which passed the U.S. Senate earlier this year, but that it was dropped during the conference committee with the House of Representatives. Many of our members face a crisis with each new fuel bill and need assistance without further delay. We applaud the Senate's previous effort to get this important bill enacted and urge that you continue to fight for its inclusion in other bills, and its prompt passage into law.

Thank you for your continued support for small business and for this important legislation.

Sincerely,

KEVIN HOLSAPPLE,
Executive Director.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, we are on the Commerce-Justice appropriations bill. My understanding is there are a number of amendments left, one of which is the amendment I have offered. It is an amendment that is germane, an amendment I expect to have a vote on. I know that amendment has caused quite a lot of consternation on the floor of the Senate in recent hours, also in the Washington Post, and now in a letter from two members of the President's Cabinet, on behalf of the President, suggesting that were this amendment to come to his desk in a piece of legislation, they would recommend a veto.

This is about trade issues and about whether we are finally, as a country, going to stand up for this country's economic interests.

I only take the floor again to urge those who do not want to have a vote on this amendment to relent. We have a right to have a vote. I properly offered this amendment, and I would expect a vote before the day is out.

The vote is very simple. It is an amendment that says no funding in this appropriations bill can be used by the Commerce Department or the trade ambassador's office to negotiate a trade treaty that reduces or eliminates the protections that we have in this country to protect domestic producers against unfair trade.

I have mentioned before that some years ago I drove to the Canadian border one day with a man named Earl Jensen. Earl had a 12-year-old, 2-ton orange truck. We drove to the Canadian border with some durum wheat. We got to the Canadian border and we were stopped. They said: You can't take American durum wheat into Canada. They stopped us.

On the way to the Canadian border, we saw 18-wheelers hauling Canadian wheat into our country. We saw truck after truck after truck bringing Canadian wheat across the border into our country, and we couldn't get a little old 12-year-old orange truck into Canada with about 150 bushels of durum wheat.

What was happening was the Canadian Wheat Board—which is a sanctioned monopoly by the Government, which would be illegal in this country—was selling all that wheat into our country at secret prices, undercutting American farmers, engaging in unfair trade, taking money straight out of the pockets of American farmers with unfair trade. You could not do anything about it.

We demanded of the Canadian Wheat Board all of the information—the materials, the data—that defined their sales that they were making at secret prices. We sent the Government Accounting Office, the GAO, up to the Canadian Wheat Board. They thumbed their nose at us and said: We don't intend to give you any of that information. We don't intend to do anything that gives you information. Go fly a kite, they said.

So year after year after year that unfair trade existed, until finally an action was filed against the Canadians, and some countervailing duties were levied against that wheat coming in as unfair trade. Well, that countervailing duty represents a protection we have in our country for farmers, yes, for businesses, for industries—protection against unfair trade by other countries that attempt to destroy a business or destroy an industry in our country by sending in products that are deeply subsidized or sold at dumped prices in order to injure this country's economy or injure an industry in this country.

We have laws against that. The laws are antidumping laws and countervailing duty laws. We have laws that would prohibit another country from targeting our country with unfair trade. We have a right to stand up for our interests and say: You can't do that. That is what these laws are about—countervailing duty laws and antidumping laws.

But now there is a new set of trade negotiations occurring in Doha, halfway around the world. They are occurring in secret, and our country is involved in them. Our country has indicated, at the demand of other countries, that we will get rid of our protections, such as countervailing duties and antidumping laws. Our country said: OK, we'll negotiate some changes in that.

Let me read what this morning's Washington Post has to say. It says:

> The Bush administration agreed to negotiations on U.S. anti-dumping and countervailing duty laws when the latest round of world trade talks was launched in 2001. Many other countries view the measures as an unfair trade barrier and want to discipline U.S. ability to use them.

In other words, other countries are saying it is unfair we have antidumping laws in this country.

It is unfair that we have laws that prohibit other countries from dumping their products in this country at far below the cost in a way that would endanger U.S. industries and businesses and workers. It is unfair, they say. So they want to negotiate an end to those few things left in our trade laws that allow us to protect our own economic interests.

The administration, involved in the Doha talks, has said they would agree to put all of these things on the table to potentially negotiate away our antidumping laws and countervailing duty laws. Rather than the $2 language of trade, another way to describe it is to talk about what it means to this country and to its workers and businesses. As you know, I have talked at great length about the number of companies that have outsourced their jobs, told their American workers: We don't need you any longer, don't want you, because your jobs are gone. They are now in China or Bangladesh or Sri Lanka or Indonesia or any number of other countries where we can hire people for pennies on the dollar and not have to worry about all the nuisances that exist in this country with respect to child labor and safe workplaces and the ability of workers to organize and form a union, and so on.

So as companies increasingly move their jobs offshore to other countries, we are engaged more and more in unfair trade practices against our country, and our trade negotiators are willing to negotiate away the last vestiges of protection we have.

From the Washington Post:

> The Bush administration urged the Senate on Tuesday to reject an amendment they said would cripple chances of reaching a new World Trade Agreement.
>
> The measure . . . is aimed at preventing U.S. trade negotiators from agreeing to change any laws that allow the United States to impose duties against unfairly priced or subsidized imports.

The trade ambassador says:

> We strongly urge the Senate to reject this unwise amendment.
>
> The provision would "provide our trading partners an excuse to refuse to negotiate on sectors and subjects they consider sensitive" and greatly diminish our chances of reaching an ambitious world trade deal.

I am not particularly interested in anybody reaching a deal if the deal is not fair to this country. The objective of negotiating is not to negotiate a deal, if a deal is not fair to us. It doesn't matter whether you are talking about GATT, United States-Canada, NAFTA, CAFTA, at the end of the day, our trade negotiations in the last 25 years have left this country in a weaker position and have put this country in a position where our jobs are leaving this country. I am not interested in a trade deal unless it represents this country's best interests.

It is time for this country to understand that trade agreements must be mutually beneficial. This week, to a giant yawn in the Senate Chamber, there was an announcement that we had the fifth highest trade deficit in the history of our country. It was only $58 billion for a month. Did that create a traffic jam for people to come to the Chamber to say: Maybe we ought to stare truth in the eye and deal with this issue? No. It wouldn't interrupt any naps around here. Nobody cares about trade. Nobody cares about jobs. Nobody wearing blue suits is going to lose their job because politicians don't get outsourced; it is just workers. They are the ones who come home and say: Honey, I lost my job. I worked there 20 years and did a great job, but they have told me my job is now going to India. And by the way, I am going to train the person in India that works my job because they are bringing them over to get training from me. Then I am done.

My only purpose for offering this amendment is to say that at some point this country might want to stand up for its own economic interests, for its farmers, businessmen, and workers. It has not done that. I am anxious to have a discussion about how anybody in this Chamber thinks it advances our interests to go to Doha and, in secret, negotiate an agreement that would weaken the protections we have for our producers to require competition in trade be fair. I wish to have a discussion or a debate with anybody in the Senate who thinks that is a good deal for this country. I don't know. Maybe we have become immune to the news when in a month our trade deficit is $57 billion, $59 billion, $55 billion. Our trade deficit with China alone in a month is $16, $17, $18 billion. Every single day we buy $2 billion more from abroad than we send abroad, 365 days a year.

You can make a case, if you are an economist with real tiny glasses and not much breadth of thought, that the budget deficit and our budget is what we owe to ourselves. You can make that case. You cannot make a similar case with respect to the trade deficit. That is a deficit that we owe to others outside of this country. Those are claims against American assets. It is what Warren Buffett, a businessman I hugely admire, calls creating an economy of sharecroppers.

It is fascinating to me that somehow we are told there is a doctrine of comparative advantage with respect to the Chinese, which is our largest trading partner in terms of the deficit. We have a huge deficit with China that is likely now to reach close to $200 billion in 1 year. What is the comparative advantage? Is it a natural economic advantage such as the Portuguese and English trading wool or wine? No. The advantage is, you can hire somebody for 33 cents an hour, work them 7 days a week, 12 hours a day. If they complain, you can throw them in jail. And if they try to form a labor union, you can fire them first, then throw them in prison. That is the advantage. The advantage is borne on the backs of workers.

We are not exporting enough product because we are importing $2 billion a day more than we are exporting. What we are exporting is misery, the misery of people who are working in circumstances where they don't have a voice. They are fired if they attempt to form a labor union. They work in unsafe plants. They work 7 days a week and they are paid pennies an hour. That is the export of misery.

I didn't intend to speak at great length about this. The administration has written a letter saying, through Rob Portman, trade ambassador, and Carlos Gutierrez, the Secretary of Commerce:

> We and other senior advisors will recommend to the President that he veto this legislation if the Dorgan amendment were included.

God forbid that we should include an amendment that stands up for this country's economic interests.

All of these folks have painted these wonderful mosaics with respect to trade agreements, whether it is CAFTA or any of the others. After each single trade agreement, our trade deficit has increased, and the number of American jobs lost, the number of American jobs moving overseas has increased. You would think at some point just by chance the Congress would decide, this doesn't make any sense. At some point when you see things don't work, you probably decide you might want to reevaluate them. Not this Congress. In fact, if something is not working, this Congress says: Let's do a lot more of it. It is like the old story about the guy hauling coal. He is losing money so he starts hauling a lot more coal. That is the attitude of this Congress: It doesn't matter, $700 billion a year in deficits. Let's do some more. Let's send our guy to Doha.

It is interesting. Why do you think trade negotiations are going on in Doha? Why not London or Paris or New York? Why in Doha in secret? Because if they had these trade negotiations in London, Paris or New York, the streets would be jammed with protesters. So they go to Doha and have a negotiation that is in secret, and they come back and tell us—with fast track, so that you can't offer any amendments—here is what we negotiated behind that closed door. Like it or lump it; you can't change it.

This is now a new world order. It is going to affect our country in a lot of ways. It won't affect anybody wearing blue serge suits, just workers. If workers lose their jobs and those jobs are sent overseas, that is part of the advancement of an enlightened economy.

This is not enlightenment, not after you work for 100 years, to decide that you want to create a standard by which people can live well, work, get paid a decent wage, work in a safe workplace, have job protection, the ability to organize, and then negotiate all of that away which is exactly what is happening.

I mentioned yesterday James Fyler. I probably shouldn't have said: James Fyler died of lead poisoning. He was shot 55 times. James Fyler was a labor organizer, and he lost his life for trying to organize for rights of workers. That was in 1914. Over a long period of time, we finally made progress and decided there are conditions of production with respect to the environment and workers and other things that make sense. And now all of a sudden, once we have established those rules, you can avoid all those rules as a company by polevaulting over them to India or China and deciding: That is where I am producing because I don't have to put up with all this nuisance such as not being able to hire kids or having to pay a livable wage or having to put up with workers that want to organize with respect to workers' rights.

I mentioned yesterday how much I admired liked Lech Walesa. He was the fellow in Poland who took down a Communist Government, leading workers' rights strikes in the country of Poland. We deeply admired him. Maybe we ought to stand up for similar issues in other parts of the world on economic matters. Maybe once we ought to decide that our real role is to bring others up, not push us down. That is why I offer this amendment.

I know there are plenty of people who feel very strongly that I am dead wrong about this, but they are not supported by the facts. All of the evidence is opposed to it working. There isn't anyone who can come to this heir argument that the current trade strategy is floor and tell me that a strategy that produces $700 billion a year in trade deficits, $2 billion a day in trade deficits, somehow works to the advantage of this country. It does not. It weakens America. We will not long remain a world economic power unless we have a strong manufacturing base and decide to stand up for the standards we fought for, for a century, that created a broad middle class that represented the purchasing power to move America forward. That is what so many forget.

Mr. President, I wish to make one other point. The amendment is nearly identical to the amendment offered by Senator DAYTON and Senator CRAIG when we had fast track before the Senate, and it received 61 votes. It passed the Senate, though it was dropped in conference. That is why I assume they do not want to vote on this amendment today. They worry they will lose the vote in the Senate.

My hope is they will understand that I have timely filed this amendment. It is germane. I have a right to a vote. I insist on a vote. And I believe it is the only conceivable way we can finally begin to change this country's trade policies and tell trade negotiators they cannot get into an airplane, fly halfway around the world, shut the door of the room in which they are going to negotiate, and negotiate away protections of American businesses and workers who demand fair trade. They cannot do that. We will not allow them to do that.

I say to the leadership on the other side, I hope they will now come back and have a vote on my amendment this afternoon. Win or lose, I feel passionately that this country needs to speak about this issue and do so in support of this country's economic interests.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. CONRAD. Mr. President, we know the country has been hit by the catastrophe of Katrina. We know hundreds of lives have been lost. We know tens of billions of dollars of property damage has been done. We know there are thousands of people who have been displaced, who are without their homes. We know there is widespread devastation across an entire region of the country. We know the insurance losses to the country apparently approach $100 billion. We also know enormous damage has been done to our budget situation with the Federal Government.

I thought this was perhaps an appropriate time to come to the floor to talk about the changes in our budget situation and the implications for the future and how important it is that we begin to focus on the damage that has been done to our fiscal condition and to begin the process of thinking through what our response will be. Are we going to stay with the same plan that was in place before, or are we going to recognize a new reality and move to a different plan and hopefully steer the country back to some fiscal course that has better long-term prospects?

We know, putting in perspective before Katrina, where things stood; that we faced in this country very large deficits in historical terms. We go back to 2001, when we actually enjoyed a surplus of $128 billion, and each year since that time, the deficits have grown to record proportion. In 2004, the deficit reached a record level of $412 billion. The estimates for 2005, before Katrina, were $331 billion, still an enormous deficit, and in many ways it understates the seriousness of our fiscal condition because, as the occupant of the chair knows very well, the budget deficit is a more conservative look at how serious our situation is in the sense that it understates what is actually happening because the amount of the increase in the debt of our country is far greater than the reported deficit.

I find there is a lot of confusion on that as I go around my State. People think the amount of the deficit is what gets added to the debt, but that is not the case. What is added to the debt is much greater. In fact, we anticipate now that the debt will increase in 2005, not by $331 billion, but now with Katrina, well over $600 billion.

We now know Katrina has absorbed already $62.3 billion of additional spending. We were last told that the Federal Government was spending about $2 billion a day in response to Katrina, truly a stunning amount of money. That is over and above all other Federal expenditures. And this $62.3 billion is just a downpayment.

There was a report in the Wall Street Journal that the first estimates on Katrina costs for Washington hit $200 billion. This is in a story that just appeared on September 7. The lead says:

> The Federal Government could spend as much as $150 billion to $200 billion caring for the victims of Hurricane Katrina and rebuilding from its devastation, according to early congressional estimates—a total bill that would far surpass the initial costs of recovering from the 9/11 terror attacks and could put Katrina on track to become the most expensive natural disaster in American history.

None of us begrudge spending this money to help the victims. We all understand that is a Federal obligation, a tragedy of such sweeping dimension that it requires a full Federal response. But we need to evaluate these enormous expenditures in light of the very deep deficit ditch we are already in in this country, a deficit ditch that is only exceeded by the debt ditch that is being dug by the policies that are being pursued in Washington.

I think all of us who have been engaged in these debates know how serious the long-term outlook is. To evaluate what has happened in the past so that we better understand our future, I wanted to go back to 2001. After the 2000 elections, the 2001 Congressional Budget Office, looking ahead, told us this was the range of possible outcomes for the budget going forward. This would be a projection on what the surpluses might look like going forward. They picked this midrange going forward.

They were projecting surpluses. That was the long-term outlook. The Congressional Budget Office, the Office of Management and Budget, told us we could expect something like $6 trillion in surpluses over the next 10 years at that time. I remember many of my colleagues told me repeatedly, when I urged them not to be betting on this 10-year forecast: Kent, you are being much too conservative.

Do you not understand that when we have these tax cuts, we will get much more revenue? We will not be at the midline of this range of possible outcomes. Instead, we will be significantly above it because if you cut taxes, the theory was there is going to be more money.

Well, we can go back now and look at what actually occurred, not what some ideological slogan predicted, but what actually occurred in the real world. In the real world what happened with deficits is this red line. It is far below the bottom of the projections that were made by the Congressional Budget Office. Not only did we not achieve the midpoint of the range, nor anywhere close to that, we were not even at the bottom of the range of possible outcomes. We are far below the bottom. So the theory that if we cut taxes, we get more revenue and this would all work out has not worked very well in the real world.

That can be seen if we look at the revenue line in historical perspective. This is the revenue line going back to 1959 as a percentage of our gross domestic product. The economists say that is the best way to look at it because that takes out the effects of inflation year to year. Look what we see. Revenue was almost 21 percent of GDP in 2000. The President at the time said revenue is very high historically, and he was exactly right, revenue was high historically. His answer was to cut taxes. But look at what has happened. Revenue in 2004 was 16.3 percent of GDP, the lowest it has been since 1959. So once again, the notion that if we cut taxes we are going to get more revenue did not work. We cut taxes repeatedly and revenue has collapsed. The result is the gap between spending and revenue has once again opened up and is producing massive budget deficits.

If we look ahead, it is all too predictable where we are headed. The administration earlier said they are going to cut the deficit in half over 5 years, but they got that result by leaving things out. They left out the full effect of war costs. They left out the cost of fixing the alternative minimum tax, which costs $700 billion to fix. The alternative minimum tax is the old millionaires' tax. It is now a middle-class tax trap. The alternative minimum tax affected 3 million people this year. Ten years from now it is going to affect 30 million people if we do not respond. So, of course, we are going to respond. We must respond. But it costs money and the money is not in the budget, just as war costs passed September 30 are not in the budget.

When these things are put back in, what one sees is a much different outlook going forward, and this is before Katrina. I want to emphasize this is before Katrina. What we see is a deficit picture that gets much worse, especially after this 5-year budget window. The budget the President submitted was for 5 years. Previously we had been doing 10-year budgets. I think one reason the President changed to 5 years is because we see the deterioration that is going to occur if the President's budget proposals are adopted, because the President is saying, spend more money but cut the revenue base as well. In fact, he is proposing over $1.5 trillion of additional tax cuts.

If we do a reality test, I think we have to ask ourselves the question, where is this all headed? We cannot pay our bills now. We are running near-record deficits. Spending is exploding. Sixty billion dollars has been appropriated to Katrina alone in the last few days. The President says, cut the revenue base by $1.5 trillion. Most of that cut will occur beyond the 5-year budget window, and this is before the baby boomers retire. What possible sense does this policy make?

We have before us a budget plan that makes the situation worse. The budget itself will increase the debt $600 billion a year every year for the next 5 years, and I will discuss that in the next chart. In addition to the budget plan, there is a plan called reconciliation, a process of fast-tracking legislation that was supposed to be used to reduce the deficit. In passing their budget this year, our colleagues decided to use that fast-track process to actually increase the deficit. Why? Because they have $35 billion of spending cuts over the life of the budget but they have $70 billion of revenue cuts. The result is the deficit is increased. The debt is increased—not reduced, but increased.

When one looks at the budget that was passed in the Senate and ultimately passed in the House and then passed both Chambers, what one sees is the debt of the country going up dramatically before Katrina. The debt was going to go up over $600 billion a year each and every year of the budget that was passed.

I know it is hard to believe, but these are the numbers in the budget document itself. In the budget document itself, their prediction of what will happen to the debt of the country shows that the debt will go up $683 billion this year. That is not the deficit, it is the increase in the debt of the country. Very often I find people are confused between the deficit and the debt. I think we should be focusing at this moment on the debt because that captures the money that is being taken from Social Security and all the other trust funds, money that has to be paid back, but there is no plan to pay it back.

The debt is going to increase under the plan of the budget that is before us, before Katrina, $683 billion this year; $639 billion the next year; $606 billion the third year; $610 billion the fourth year; $605 billion the fifth year.

There has been some improvement in this year, more than $50 billion of improvement from when this budget resolution was drafted. But, again, that is before Katrina. That improvement this year has been wiped out next year by the two legislative acts we have passed so far to deal with Katrina, over $60 billion in those two, with much more to come.

So we are right back in this neighborhood of increasing the debt by these massive amounts. What is most alarming is this increase in debt is occurring in the sweet spot of the budget cycle, before the baby boomers retire. When the baby boomers retire, then we see the real challenge begin. To look visually at what is happening to the debt, I prepared this chart because I think it communicates about as well as I can how we are building a wall of debt. The gross debt of the United States at the end of this year is estimated to be $7.9 trillion. One can see, with the course we are on, that debt is going to be jumping by $600 billion, some of these years more than $600 billion, each and every year for the next 5 years; massive increases in debt. At a time the President told us if we adopted his plan back in 2001, one will recall he said there is going to be maximum paydown of the debt. Do we see any paydown of the debt occurring? No paydown of the debt. The debt is skyrocketing.

There is not much interest in this town, or perhaps elsewhere, about this problem. But there will be. I predict there will be because, one, the markets cannot be fooled; reality cannot be fooled. The reality is, we are going deeper and deeper into hock.

Who are we going into hock to? Well, increasingly we are going into debt with other countries around the world. We owe Japan over $680 billion. We owe China over $240 billion. We owe the United Kingdom over $140 billion. My favorite is the Caribbean banking centers. We owe the Caribbean banking centers over $100 billion. I like to ask audiences back home if anyone is doing business with the Caribbean banking centers. I have never had a hand go up. I do not know where the Caribbean banking centers get their money, but we owe them $108 billion.

The debt is skyrocketing at the worst possible time, before the baby boomers start to retire. Because this debt is skyrocketing, we owe more and more countries around the world. In the last 4 years alone, foreign holdings of our debt have increased more than 100 percent. Think about that. Other countries' holding of debt has gone up more than 100 percent in 4 years. That is utterly unsustainable. It has taken us over 200 years to build up a debt around the world and we have doubled it in the last 4. That is not a sustainable circumstance.

Couple that with the trade deficit—the trade deficit running over $600 billion a year—it seems to me it is very clear that as a country we are living beyond our means.

There are real consequences to doing so. Here is the pattern of Social Security beneficiaries. Of course, the same chart would apply to Medicare. We are just below 40 million people now eligible. By 2050, there are going to be 81 million. This is the demographic tsunami that is headed our way, and it is going to swamp a lot of boats. Our country has to get ready. We have to respond.

The biggest long-term problem we have is not with Social Security. Social Security's 75-year shortfall is estimated at $4 trillion. I personally do not believe that. I think that overstates the shortfall in Social Security. Why? Because this is based on an assumption. The shortfall in Social Security is based on an assumption that the economy is only going to grow 1.9 percent a year every year for the next 75 years. In the past 75 years, the economy has grown at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of this shortfall would disappear.

Does that mean we do not have a problem? No. I wish it did, but we have a big problem. The problem we have, as I diagnose it, is first of all those very large budget deficits we are running now, coupled with the shortfall in Medicare, which is seven times the projected shortfall in Social Security. This is the real 800-pound gorilla: Medicare—a shortfall of almost $30 trillion estimated over the next 75 years. This shortfall, I believe, is much more likely to come true than the projected shortfall in Social Security because it is based not only on an aging population but medical inflation that is running far ahead of the underlying rate of inflation.

If you put it all together, we have massive budget deficits made much more severe by the war in Iraq and Afghanistan that is adding $6 to $8 billion a month; coupled with Katrina, who knows what the ultimate cost will be? It is at least $60 billion and counting. And then we have these massive long-term shortfalls, especially in Medicare.

Then I look at the President's plan. The President says: Steady as she goes. Spend the money, but on top of it add massive additional tax cuts, tax cuts that are represented by these red bars, tax cuts that explode at the very time the Social Security and Medicare trust funds go cash negative. There can only be one possible result, and that is massive red ink, massive deficits, massive debt—a completely unsustainable situation.

It is not enough to curse the darkness. We also have to talk about what can be done here to begin to dig out. I believe on the revenue side of the equation, before we talk about any tax increase for anybody, we ought to talk about this tax gap. That is the difference between what is owed and what is being paid. It is estimated now conservatively at over $350 billion a year.

The vast majority of us pay what we owe; companies do, individuals do. But increasingly there are people and companies that do not. They now estimate that amounts to $350 billion a year of lost revenue. That is utterly unfair to the rest of us who are paying what we owe, and we ought to insist that everybody pay what they owe. If we could do that, we would close this yawning chasm by some significant amount—nobody knows quite how much. On the revenue side of the equation, I believe that ought to be our first order of business.

On the spending side of the equation, the first order of business ought to be to focus on Medicare and the 5 percent of beneficiaries who use 50 percent of the money. Five percent of the people use 50 percent of the money. They are the chronically ill. What can we do about it? What we can do is focus like a laser on those who are the chronically ill and better coordinate their care.

A pilot problem was done with 22,000 patients like that; assign nurse-practitioners to every one of those cases to better coordinate their care. The first thing they did was lay out the prescription drugs the patients were taking, and they found in many of the cases they were taking 16 prescription drugs, and they found in many cases half of them they should not be taking or didn't need to take.

I did this with my own father-in-law. I went into his home when he was ill. Sure enough, he was taking 16 prescription drugs. I got on the phone to the doctor and I went down the list. About the third drug I listed, the doctor said to me: He should not be taking that. He should not have been taking that for the last 3 years. I went further down the list. About two other drugs, the doctor said to me: He should never be taking those two together. They work against each other.

By the time we were done, we had eliminated 8 of the 16 prescription drugs he was taking. I said to the doctor: How does this happen? The doctor said to me: You know, it happens all the time. He said: I am the family practice doctor. He has a heart doctor, he has a lung doctor, he has an orthopedic doctor. He is getting prescription drugs at the hospital clinic, the corner clinic, the clinic down at the beach, and he is getting them mail order. He is sick and confused. His wife is sick and confused. The result is chaos.

All too often, that is what is happening. When we put nurse practitioners on the 22,000 chronically ill cases that were studied, they reduced hospitalization 40 percent, they reduced costs 20 percent, and they got better health care outcomes because they got people to stop taking drugs they should not be taking. They got them to stop having duplicate medical tests that didn't have any value but to put them through more stressful procedures. We ought to take that study on 22,000 and we ought to ramp it up to a quarter of a million or something like that and see if we could get those same results on a much bigger universe and see if we could continue to save money and get better health care outcomes.

Those are just two ideas, closing the tax gap and dealing with the tremendous explosion in costs in Medicare where, again, 5 percent of the people are using half of the entire budget. We ought to focus like a laser on that half of the expenditure, and we ought to do it quickly. The sooner we act on these problems and challenges, the better off we are. The longer we stay with our heads in the sand, the more Draconian will have to be the solution.

Katrina was a disaster of unparalleled dimension. All of us weep for those who have lost family members and friends. We are saddened by the other losses that have occurred as well. But we should not compound the problem by sticking with a fiscal plan that puts this country deeper and deeper into the deficit and debt ditch. That would add to the calamity. That would compound the disaster.

We ought to take this opportunity to begin to plan how we dig out. It is imperative that we act sooner rather than later. It is imperative that the Congress and the President begin a plan to put us back on a more sound fiscal footing. It would truly be ironic if this disaster were allowed to spread to an even deeper fiscal disaster, one that could cause the harm of Katrina to spread outside the Gulf region to every part of our country.

I am very hopeful that the President will provide leadership and that Congress will respond. If the President does not provide leadership, the Congress should demonstrate leadership and take this bull by the horns and recognize we need a new fiscal blueprint for this country. We need to start digging out of this deficit ditch and prepare a brighter and better future for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KATRINA TAX BILL

Mr. SALAZAR. Mr. President, at the outset, let me praise my colleague from North Dakota for his wisdom and his leadership in addressing an issue this Nation has forgotten for too long a time; that is, the notion of fiscal responsibility and the fact that the United States of America today finds itself in a fiscal ditch. How we address the fiscal challenges of our future will largely depend on his leadership and the leadership of our colleagues in the Senate to make sure the legacy we pass on to our children is not a legacy of debt that will hang around their necks for generations to come. I appreciate the leadership of Senator CONRAD from North Dakota.

Last week I stood before the Senate and said that Congress needed to take a three-pronged approach to responding to the devastation brought to this Nation by Hurricane Katrina. That three-pronged response, from my perspective, required us to do as much as we could to save lives and make sure we were responsive to the victims of Hurricane Katrina: second, we needed to move forward with a Gulf Coast recovery plan to help that part of our Nation recover; and finally, we needed to move forward to address the lessons to be learned from this horrific devastation of a great part of our Nation.

On the first step, this Congress has taken steps in rushing billions of dollars in emergency funding to the Gulf Coast. That funding should help the victims of Katrina begin their long road to recovery.

On the second step, it is my hope that Congress and the President of the United States will move forward and embrace a Gulf Coast recovery plan. As the minority leader has stated over the last several days, we need to have a mini-Marshall Plan that runs the program which will invest billions and billions of dollars in an effort to try to recover the 90,000 square miles of land that were devastated by Hurricane Katrina.

I commend my colleagues from Louisiana, Mississippi, Alabama, and throughout the country. They have been working on developing a plan. They are showing true leadership and taking the primary role in getting assistance to their States. I am working with them and sharing my ideas with them.

I believe a Gulf Coast recovery plan should, in fact, be created and announced soon. That Gulf Coast recovery should require a plan to be developed for the reconstruction of the Gulf Coast. It should identify the costs that will be associated with the implementation of that plan, and it should oversee its successful implementation. Finally and very important, that plan should minimize the corruption and waste that might occur where there are billions upon billions of dollars that are being spent in this recovery effort where much of that money is being allocated through noncompetitive bids.

Third, I strongly believe it is important for us as a United States of America to move forward to learn the lessons from this devastation. The independent commission that has been proposed by my colleagues in this body should, in fact, be embraced by the President of the United States and this Nation. When we look at what happened with respect to the devastation from Hurricane Katrina, it is clear to me, as a person who for much of the last decade of my life served as attorney general of the great State of Colorado, that our Nation and our Government failed to protect the lives of people, to protect people and their families, and to protect their property.

It is elemental with any kind of emergency preparedness effort that we must be ready for any emergency that occurs. We must respond to an emergency that occurs, and we must recover from that emergency. It is beyond dispute that this Nation failed with respect to the effort to be ready to address the issues of Hurricane Katrina, and once Hurricane Katrina made landfall we failed again to provide the kind of response that our National Government should have in fact responded.

We need to have this investigation occur so that we can learn the truth and learn the lessons. We need to know why, when the Governor of Louisiana declared a disaster emergency on Friday the 26th of August, it took up to 3 days until President Bush declared the area a disaster area. Why did it take 3 days for that to occur? Why did it take 4 days for the Department of Homeland Security to declare Katrina an incident of national significance—4 days for the Department of Homeland Security to declare Katrina an incident of national significance—5 days before National Guard troops arrived in significant numbers, and 6 days before FEMA took over the evacuation of New Orleans?

These are important questions we need to ask. We need to have some answers to these questions.

The resignation of FEMA Director Michael Brown is a step in the right direction.

I also applaud President Bush for taking personal responsibility for the Federal Government's failure in this arena.

Congress now needs to move forward with a full bipartisan investigation into what went wrong. We did it when the 9/11 Commission was created in this Congress and in this Senate. The results of that Commission are now being implemented.

We hope the administration and the majority leadership in the Senate will change their minds and support legislation to create an independent Katrina commission.

Over the last week, we have seen the terrible toll of the worst natural disaster in our Nation's history. The images of devastation and human loss will haunt all of us, and the emerging statistics of the scope of this disaster are overwhelming and continue to date. One million people have been displaced from their homes.

I sometimes think about the town that was nearest to the ranch where I grew up. The place matters in perspective. My town had 1,000 people and probably about 400 residences within that town.

We are talking about 1 million—one-fourth the population of the State of Colorado—displaced from their homes because of Hurricane Katrina. More than 500 people have been confirmed dead, and we yet are counting additional casualties and will not know the final number perhaps for weeks.

With the more than 200 people who died in Mississippi, the more than 200 people who died in Louisiana, or the people who died in Alabama and Florida—the fact is that their deaths should not be deaths in vain: that we should learn from the hurt of this Nation, from their loss of life.

Eighty percent of New Orleans is still underwater today, and much of the Gulf Coast is in tatters. The recovery pricetag—who knows what that may be. Many people are saying the ultimate pricetag for both the response and the recovery will exceed $200 billion.

Yet spread among this despair and destruction we have seen many instances of the greatness of heroism examples of Americans. The great State of Colorado is no exception. Colorado's emergency workers are on the ground on the Gulf Coast participating in the rescue and cleanup efforts and assisting evacuees.

Just this week, two firefighters from Centennial, CO, helped rescue a family of four still stuck in their home in New Orleans. Coloradans, like Americans throughout the Nation, have donated tons of supplies, millions of dollars, and thousands of volunteer hours to Katrina relief. Coloradans by themselves have already given more than $6 million to the American Red Cross.

That is a spirit of generosity and a spirit of community that is fundamental to this Nation.

Colorado has already accepted 1,000 evacuees to the Denver area. To prepare for their arrival, volunteers scrapped Labor Day plans and scrambled to clean and outfit the old Lowry Air Force Base barracks. Since the evacuees arrived, volunteers helped serve food, pass out donated clothes, and drive evacuees around to complete chores.

These examples give us great hope and resolve to begin the long process of rebuilding the millions of broken lives and hearts on the Gulf Coast.

The American people and their generosity and bravery are the strongest tools we have to help our countrymen and women recover from Hurricane Katrina.

To that end, I will today introduce a piece of legislation to nurture that American spirit of generosity and enable more Americans to contribute to the hurricane effort.

The first thing the legislation I will introduce will do is help folks who have generously taken in hurricane survivors into their homes, and to be able to do so in a manner that provides them a tax benefit.

According to the Department of Homeland Security, 248,000-plus evacuees are staying at 774 shelters across the country. This figure underscores the fact that more than 700,000 evacuees are staying elsewhere. An estimated hundreds of thousands of hurricane victims are staying in private homes. In Colorado, at least 600 hurricane victims are staying in private homes. They are staying with family and friends, and sometimes even with strangers.

Right now, a person who writes a check to the Red Cross can get a tax deduction. But people who open up their homes to victims, feed them and help them, do not get a similar tax deduction. That generosity should not be penalized in any way.

My bill would offer a tax credit of a simple $20 per day to help Good Samaritans cover the cost of feeding and keeping evacuees in their homes. That is $20 a day to help Good Samaritans cover the cost of feeding and keeping evacuees in their homes. Households that take in an evacuee would be able to claim up to $900 in tax relief. Households that take in more than one hurricane victim would be eligible for up to $2,000 in tax relief. And low-income families who have no tax liability would be able to receive up to $500 in a refundable tax credit to help take care of hurricane victims. This assistance wouldn't cover all the costs of lending a helping hand, but it would recognize the sacrifice and generosity of folks who open their homes and hearts to Katrina survivors, and they should be applauded by our Nation.

The second thing my bill would do is to raise the limit of charitable contributions for Katrina relief. Right now, the amount of tax deduction an individual can get for charitable contributions is limited to 50 percent of the person's adjusted gross income. My bill would lift the limit for 4 years to allow individuals who can give more to do so.

Americans are aching to help, and this provision would allow them to do just that, and even more. Senators GRASSLEY, BAUCUS, chairman and ranking members of the Finance Committee, have developed a package of tax incentives to help victims of Hurricane Katrina. I applaud them for their efforts. Their bill also touches on these two issues of offering assistance to households who house victims and extend caps on charitable giving. I commend them for tackling the issue, and I am glad to work with them to include these provisions.

My bill is slightly different in that it offers good neighbors a more generous tax credit as opposed to a tax deduction, and lowers the barriers to low-income families to get help.

We have many challenges ahead, but because we have witnessed the bravery, generosity, and ingenuity of the American people. I am confident that the gulf coast's best days are still ahead.

I will introduce my bill later today. I urge my colleagues to support the bill and take a small step to nurture and encourage the best part of the American spirit and American generosity.

THE PLEDGE OF ALLEGIANCE

Mr. SALAZAR. Mr. President, I also wanted to take a minute to address an issue concerning a decision that was handed down by a Federal district judge concerning the Pledge of Allegiance—a decision of the district court judge in San Francisco in which he determined that it was unconstitutional for the public schools to recite the Pledge of Allegiance in the classroom because of the reference it makes to "one nation under God."

He declared that decision to be one that was founded on his view that such a requirement in our public schools was unconstitutional and in violation of the first amendment. I disagree with the finding of the district court judge.

Last year, as attorney general for Colorado, I joined many of my colleagues, both Democrat and Republican, in making an argument to the U.S. Supreme Court and to the Ninth Circuit Court of Appeals that, in fact, it was constitutional for us to allow our children to recite the Pledge of Allegiance, and to use the term "under God" in that recitation in our schools.

I believe the Ninth Circuit decision back in 2002 was wrong, and I believe the district court judge's decision today is also wrong.

I will later today write a letter to Attorney General Gonzales asking him to participate in behalf of the United States in the appeal of the Federal district court judge's decision, again to the Ninth Circuit, and hopefully up to the U.S. Supreme Court so that we can get a final determination on this issue concerning the Pledge of Allegiance and how it is recited in our public schools.

In my own reading of the Constitution, and joined by most of my colleagues on both the Democratic and the Republican sides of the aisle during the time that I was attorney general, it was our conclusion that, in fact, the Pledge of Allegiance could be recited and that the reference "one nation under God" was, in fact, in keeping with the constitutional requirements of the first amendment.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

AMENDMENT NO. 1695

Ms. LANDRIEU. Mr. President, I understand we are currently considering the Kerry-Landrieu amendment to the CJS appropriations bill. We have been considering amendments to this important bill all day in light of the devastation and tremendous challenge that is before the Nation right now to help rebuild our gulf coast area and particularly the southeastern part of the State I have the great privilege and honor of representing.

I understand there are various different opinions from the Republican side and the Democratic side about what to do and how much to do and when to do it regarding either communications or housing or health care or education. I understand a lot of those details are being worked out as we debate on the floor.

In a spirit, though, of bipartisanship, I do come to the floor to urge special consideration for this particular amendment. Believe me, there are so many amendments to this bill I have voted for today and wish we could have adopted. But the reason I feel particularly strongly about this amendment is because small business is the heart and soul and strength of the economy in Louisiana, in the gulf coast region, and, as a matter of fact, throughout the Nation. I do not think we realize that. We say it, but I do not think we really believe it. So I thought I would come to the floor and talk about how many businesses in Louisiana have been destroyed, totally destroyed, and destroyed not because the people who run them have lost their lives, but either their facilities are underwater, their equipment has been ravaged by the winds and the storm, or perhaps their inventory has been completely wiped out. It has happened to 110,000 small businesses out of 300,000 businesses. So we are talking about a third of the businesses that were here 3 weeks ago and are gone or are not able to operate anywhere near their 100 percent or 50 percent or even 25 percent capacity.

Now, I know this because I am getting calls from hundreds of small business owners that go something like this: Senator LANDRIEU, we are trying to answer the phones when they ring. When the communication systems work, we are answering the phone. We want to come back and build up our business. But doesn't anybody in Washington understand, you can't build a region until you build small business back?

It is the first thing we have to help build back. Why? Because these small businesses employ most of the people we are trying to help. Without a paycheck, it does not do a lot of good to give people anything else because they need a paycheck to basically live and put capital back into the community.

So I am making a special request of my colleagues, particularly the Senator from Maine, Ms. SNOWE, who has been such a great advocate for small business, for Senator KERRY from Massachusetts, who has been a wonderful and very effective advocate for small business. I am pleading with my colleagues on this amendment particularly. If we can accept this version, great. If there is another version that could help, please, let's do something today to send a signal to small businesses.

Gautreau's is a very well known and beautiful little restaurant that has been around for many years in New Orleans. It is a small cafe. Patrick Singley is the owner. He has had 20 employees. This is just one of hundreds of stories I could tell. His 20 employees keep calling him asking when they can come back to work. He has lost the roof of his restaurant. His restaurant is completely flooded. His insurance company is covering his expenses for 2 weeks. The last I looked, those 2 weeks are gone. It may be months before he can reopen. He can't pay his workers.

We could adopt this amendment today in the Senate and get it over to the House. In a few days, they could take up this amendment.

This is not new legislation. Except for one provision that I understand is new, everything else exists. It has worked before, and it could work again. We have to get these small businesses help: deferred payments on their SBA disaster loans; help them refinance their existing disaster loans and their business debt; increase the disaster loan cap from $1.5 million to $10 million, as we did for 9/11 victims. I know that some businesses could borrow $250,000 to get back in business and be in good shape, but some small businesses are going to need to borrow a million dollars to get back in shape. Yet others are going to need to borrow $10 million. We know large companies are going to be borrowing hundreds of millions of dollars, maybe even billions, depending on how large the companies are.

Small businesses that have trouble accessing capital because of their small size need the Federal Government to stand up for them and support them. The supplemental 7(a) program is one with which we are familiar. We have supported it. There are State bridge loans. This amendment, which is part of this package, would authorize $400 million to the affected State governments of Louisiana, Mississippi, and Alabama to provide emergency bridge loans or grants to small businesses in the disaster area that have been adversely affected. In other words, a lot of these businesses have insurance policies, but those insurance policies won't kick in for some time. Many of these small businesses don't have a lot of cash, 6 months or a year, to continue their operations—this is a very important component of what we are trying to do—whether they are a shoe store, a candy store, a restaurant, a manufacturer, a telecom company, or a high-tech company in Louisiana trying to operate. Small business counseling—we could all use a little counseling—our small businesses can most certainly use it to help them get through this difficult time.

I know others have spoken about the amendment. I know there is a big decision. Some say: We don't want to do it now. We want to do it not in a piecemeal fashion. We have to wait until the whole package is together.

I am saying, as a Senator from Louisiana, we can't rebuild without our small businesses rebuilding first. We have to help people with food, water, and shelter. We have to lift them out of the floodwaters. We are still burying our dead respectfully. We are saving lives. But the first cornerstone of rebuilding must be helping our small businesses get back on their feet. They employ most of the people. They have been the hardest hit. They are the ones that have the least ability to maneuver in a situation such as this.

I am pleading with the Senate, please take a hard look at this amendment. Don't just say: We will do it in a month or two. Forty percent of businesses that go through a disaster never start up again. According to national statistics, 43 percent of small businesses never reopen. An additional 30 percent close down permanently within 2 years. It is not fair to small businesses that have staked their anchor in Louisiana for generations. Fathers who have passed these businesses to their sons, mothers to their daughters, grandparents to their grandchildren, need help now.

That is why I appreciate Senator KERRY and Senator SNOWE for this amendment. Senator KERRY has offered it, and many people are thinking about whether to vote for it.

I just had a visit from one of our fine business owners who is currently serving, thank the Lord, as chairman of the board of directors of the U.S. National Chamber of Commerce, Maura Donahue from St. Tammany Parish. She just left my office. She and her husband operate a small business. I said: Maura, God has put you in this special place for a reason, because you know personally, as the businesses that have suffered in Louisiana, what we need. Her leadership is going to be tremendous. I want to acknowledge her. Through all the difficulties she has been, through her own business and her own family, she is there to help businesses in Louisiana. She can speak from firsthand experience what this storm has done to her own business and to the employees.

Let me define small business. I don't know exactly how many people her business employs, but I am talking about businesses that have less than 20 employees. That is little, not tiny—1 or 2 could be small—but 20. That is where the bulk of our employment is. If we allow them to collapse because we can't get it together, we can't agree, or we have to wait for 2 months, most of these businesses will not be around by the time the package gets through Washington bureaucracy. I am here to plead on behalf of small business, please give them a chance to stand up. Their electricity is getting back on. They need their roofs fixed, inventories restored, cell phone service turned on. BlackBerries need to work. Then they can start putting people back to work. If not, the bill that is going to come to this Congress for us to give unemployment to people, for us to pick up their medical, for us to pick up their livelihoods is going to be even more.

Let's get our small businesses started first. That is why I support this amendment. I don't know when we will vote on it. I offer my strong statement of support for the small businesses in my State, for all businesses, but particularly for the small businesses that employ about 85 percent of the people who are desperate for employment and desperate for a place to show up to go to work.

I thank the Chair. I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

AMENDMENTS NOS. 1654, 1694, AS MODIFIED, 1701, 1708, 1709, 1710, 1711, 1712, EN BLOC

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments, which I now send to the desk, be considered and agreed to en bloc. These noncontroversial amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, we, too, concur with the managers' package. We think the amendments are very good. We look forward to moving the bill. We are ready to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1654) was agreed to.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1694, AS MODIFIED

(Purpose: To waive the match requirement under the Bulletproof Vest Partnership grant program for purposes of replacing defective vests)

On page 142, after line 3, insert the following:

SEC. . The Attorney General may waive the matching requirement for the purchase of bulletproof vests of the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased defective Zylon-based body armor with Federal funds pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law enforcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

AMENDMENT NO. 1701

(Purpose: To increase funding for the Technology Opportunity Program)

On page 155, between lines 10 and 11, insert the following:

SEC. 206. TECHNOLOGY AND OPPORTUNITIES PROGRAM.

(a) Of the total amount appropriated in this Act for the Technology and Opportunities Program, that amount shall be increased by $5,000,000, which shall be made available for the grants authorized under title I of the ENHANCE 911 Act of 2004 (Public Law 108-494; 118 Stat. 3986).

(b) Amounts appropriated under this Act for the Departmental Management of the Department of Commerce are reduced by $5,000,000.

AMENDMENT NO. 1708

(Purpose: To provide the sense of Congress on the 11th International Coral Reef Symposium)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. It is the sense of Congress that the U.S. Coral Reef Task Force should join with its Federal and State partners to provide an appropriate level of financial and technical support to make the 11th International Coral Reef Symposium a successful event.

AMENDMENT NO. 1709

(Purpose: To establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice)

At the end of title VI, insert the following:

SEC. 6 . (a) It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

(b) In this section:

(1) The term "Chief" means the Chief of the Section.

(2) The term "criminal civil rights statutes" means—

(A) section 241 of title 18, United States Code (relating to conspiracy against rights);

(B) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(C) section 245 of title 18, United States Code (relating to federally protected activities);

(D) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(E) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(F) any other Federal law that—

(i) was in effect on or before December 31, 1969; and

(ii) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, prior to the date of enactment of this Act.

(3) The term "Section" (except when used as part of the term "Criminal Section") means the Unsolved Crimes Section established under subsection (c).

(c)(1) There is established in the Civil Rights Division of the Department of Justice an Unsolved Crimes Section. The Section shall be headed by a Chief of the Section.

(2)(A) Notwithstanding any other provision of Federal law, the Chief shall be responsible for investigating and prosecuting violations of criminal civil rights statutes, in each case in which a complaint alleges that such a violation—

(i) occurred not later than December 31, 1969; and

(ii) resulted in a death.

(B) After investigating a complaint under subparagraph (A), if the Chief determines that an alleged practice that is a violation of a criminal civil rights statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice, the Chief shall consult with the State or local official regarding the appropriate venue for the case involved.

(C) After investigating a complaint under subparagraph (A), the Chief shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Chief determines that the subject of the complaint has violated a criminal civil rights statute in the case involved but the violation does not meet the requirements of clause (i) or (ii) of subparagraph (A).

(3)(A) The Chief shall annually conduct a study of the cases under the jurisdiction of the Chief and, in conducting the study, shall determine the cases—

(i) for which the Chief has sufficient evidence to prosecute violations of criminal civil rights statutes; and

(ii) for which the Chief has insufficient evidence to prosecute those violations.

(B) Not later than September 30 of 2006 and of each subsequent year, the Chief shall prepare and submit to Congress a report containing the results of the study conducted under subparagraph (A), including a description of the cases described in subparagraph (A)(ii).

(4)(A) There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006 and each subsequent fiscal year.

(B) Any funds appropriated under this paragraph shall consist of additional appropriations for the activities described in this subsection, rather than funds made available through reductions in the appropriations authorized for other enforcement activities of the Department of Justice.

AMENDMENT NO. 1710

(Purpose: To provide additional funding for the Methamphetamine Hot Spots program)

On page 135, line 25, strike "$515,087,000" and insert "$534,987,000, of which $19,900,000 shall be offset by reducing appropriations in this title for Department of Justice supplies and materials by a total of $19,900,000,".

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike "$60,100,000" and insert "$80,000,000".

AMENDMENT NO. 1711

(Purpose: To provide additional funding for Violence Against Women Act programs to assist victims of sexual abuse and domestic violence)

On page 111, line 5, strike "$125,936,000" and insert "$116,936,000".

On page 130, line 23, strike "$362,997,000" and insert "$371,997,000".

On page 132, strike line 14 and insert the following:
386:

(9) $2,000,000 for the Rape Abuse and Incest National Network (RAINN);

(10) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims; and

(11) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs.

AMENDMENT NO. 1712

(Purpose: To provide additional funds to the National Hurricane Center)

On page 129, line 7, before the ":" insert the following:

", and of which $5,000,000 should be for site planning and development of a Federal Correctional Institution in the Mid-Atlantic region".

AMENDMENT NO. 1694, AS MODIFIED

Mr. LEAHY. Mr. President, I am pleased that the Senate has agreed by unanimous consent to include in the Commerce-Justice-Science appropriations Act, H.R. 2862, an amendment proposed by myself, Senator SHELBY and Senator SPECTER to waive the match required under the Bulletproof Vest Partnership Grant Act of 1998 for law enforcement agencies that received funds under that act, used them to purchase Zylon-based body armor, which has recently been shown by the Department of Justice to be defective, and now want to replace those faulty vests with funds awarded by that act. This waiver would be granted only if those agencies can present documentation to prove that they purchased Zylon-based body armor with funds awarded to them under the Bulletproof Vest Partnership Grant Act. I thank my friends Senator SHELBY, the chairman of the CJS Appropriations Subcommittee, and Senator SPECTER, the chairman of the Judiciary Committee, for cosponsoring this amendment and for their leadership on this issue.

I was proud to partner with our former colleague Senator Campbell to author and shepherd into law the Bulletproof Vest Partnership Grant Act of 1998, which was reauthorized by the Bulletproof Vest Partnership Act of 2000 and most recently as part of the State Justice Institute Reauthorization Act of 2004, to create the Bulletproof Vest Partnership grant program as a means of helping law enforcement agencies purchase body armor for their rank-and-file officers. We wrote that act, in part, in response to a situation that became apparent in the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

Bulletproof vests remain one of the foremost defenses for our uniformed officers. Since their introduction more than 30 years ago, body armor has saved more than 2,700 lives. From 1999 through 2005, over 11,500 jurisdictions have participated in the Bulletproof Vest Partnership Program, with $118 million in Federal funds committed to support the purchase of an estimated 450,000 vests. The Bulletproof Vest Partnership Program funds up to 50 percent of the cost of each vest purchased or replaced by law enforcement agency applicants. Under law, the program is required to fully fund the 50 percent of requested vest needs for jurisdictions under 100,000 in population. Remaining funds are distributed to jurisdictions of over 100,000 in population.

Concerns from the law enforcement community over the effectiveness of body armor surfaced nearly 2 years ago when a Pennsylvania police officer was shot and critically wounded through his relatively new Zylon-based body armor vest. Responding to requests that Senator Campbell and I made, as well as from law enforcement officials, Attorney General Ashcroft launched the Body Armor Safety Initiative. The National Institute of Justice, NIJ, was directed to initiate an examination of Zylon-based bullet-resistant armor—both new and used—to analyze upgrade kits provided by manufacturers to retrofit Zylon-based bullet-resistant armors, and to review the existing program by which bullet-resistant armor is tested to determine if the process needs modification.

On August 24, 2005, the Justice Department announced that test results indicate that used Zylon containing body armor vests may not provide the intended level of ballistic resistance. Unfortunately, an estimated 200,000 Zylon-based vests have been purchased, many with Bulletproof Vest Partnership Program funds, and now need to be replaced. The Justice Department has adopted new interim requirements for its body armor compliance testing program. It has also added an additional $10 million to the $23.6 million already available for the current fiscal year to law enforcement through the Bulletproof Vest Partnership program to assist agencies in their replacement of Zylon-based body armor vests.

Before concerns on Zylon-based vest safety arose, DOJ and NIJ had set voluntary compliance testing protocols to assess whether models of ballistic-resistant body armor comply with a certain minimum standard of protection and resistance. All models of ballistic-resistant body armor that complied with those standards were eligible for funding under the Bulletproof Vest Partnership Grant Act. As it turns out, those standards were not rigorous enough and the certification process was not onerous enough, thereby subjecting our Nation's law enforcement officers to severe safety risks.

Across our Nation, law enforcement agencies are struggling over how to find the funds necessary to replace defective vests that are less than 5 years old with ones that will actually stop bullets and save lives. Vests cost between $500 and $1,000 each, depending on the style. The extra $10 million released by the Justice Department is only a drop in the bucket and these officers are being forced to dip into their own pockets to pay for new vests unless the Federal Government offers more help. The amendment by Senator SHELBY, Senator SPECTER and me that has been included in the CJS Appropriations Act will help ease the burden faced by officers and their families and further our mission to provide every police officer who needs a safe vest with the means to purchase one.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I know for those who are watching on C-SPAN, they wonder what are we doing as we go through names such as AKAKA and BAUCUS in a quorum call. Actually, what we have been doing is working very quietly with other Senators to see, where they have offered amendments, if we could negotiate compromises and just take them. We have been working very collegially with my wonderful colleague from Alabama, Senator SHELBY.

As you can see, we just cleared eight amendments on which we could come to bipartisan support. So there is a lot of work going on right in back of these doors and also with other Senators in their offices.

AMENDMENT NO. 1648

Ms. MIKULSKI. Mr. President, pretty soon we are going to be debating the Coburn amendment. We could not reach an agreement on it, even though there was a good-faith effort.

This Coburn amendment could bring great damage to the efforts for innovation and discovery in this country. What the Senator from Oklahoma wishes to do is eliminate a program called the Advanced Technology Program that is currently at the National Institute of Standards.

This is a Government agency under the Department of Commerce, and its job is, No. 1, to establish standards of products that are coming to the marketplace so that they would be uniform—for example, that every firehose would have the same gauge so the guys coming down from New York, working with the people from Alabama, could bring their equipment and it could be joined together. That is what a standard is.

Madame Curie discovered radium, and it was there they established the Curie standard on how to measure radioactivity. But it does more than that. The Advanced Technology Program actually promotes innovation and technology transfer.

The amendment of the Senator from Oklahoma would eliminate the funding, and commitments that have already been made to those people primarily in the private sector would be eliminated. It would hurt critical research and development. This is very important to our competitiveness. We keep talking about offshoring. We don't want to offshore jobs. What we need to do is come up with the new ideas, come up with the new products that create the new jobs right here in the United States of America.

The amendment of the Senator from Oklahoma is well intentioned. He wants to eliminate a Government program and provide it to local law enforcement and to weather. We understand what his priorities are. In the bill, working on a bipartisan basis, we feel we have done that.

I know, in the reading of the bill, one can see we provide over $1 billion to State and local law enforcement. We provide half-a-million dollars to the COPS program that helps local law enforcement be able to add more COPS on the beat. We add more money, $775 million, to the Weather Service operation, which has proved so wonderful and effective in predicting hurricanes and, actually, tornados and other things.

I support the goal of the Coburn amendment to increase funding for these critical programs, but we cannot support the cutting of the Advanced Technology Program.

On March 17 of 2005, 53 Senators voted to support the ATP program in an amendment to the budget resolution. So I am going to urge my colleagues to defeat the Coburn amendment.

I have come not to defend another Government program. I am not here to defend another agency. I am here to protect the interests of the United States of America in innovation, discovery, and partnerships with the private sector that actually come up with those new ideas. Many of those ideas save lives, and they create the jobs that save livelihoods.

My colleague from Oklahoma had some great charts, and it implied that ATP was corporate welfare. This is not corporate welfare. This is a creative approach that offers partnerships between the Federal Government and the brain power of the private sector. Through these partnerships, ATP accelerates the development of innovative technologies that promise significant commercial payoffs and widespread benefits for the Nation, but they are so early in the development it is very difficult for them to attract private investment, even venture capital.

How does this agency work? ATP funds development in technology that is too new or too risky for private sector investment in the so-called "valley of death" between research and commercialization. There is lots of money around for research and there is money around for commercialization but not for that bridge between those. ATP fills this gap. It does not displace private capital because these projects cannot get private capital. ATP applicants are required to look first for private capital, venture, wherever they can find it. ATP is the funder of last resort.

For example, in the 1990s, NIH was conducting research on the human genome and DNA. It was a breakthrough effort, and at the same time NIH worked simultaneously with ATP and industry. Why? We needed practical tools to use the discoveries that benefit the Nation so we just would not have this research in the lab. Guess what came out of it. ATP's investment came out with new ideas for DNA technology to detect disease, to get lifesaving drugs to the market, to catch criminals.

State crime labs are using that technology. They are using DNA to go back to old death penalty cases to make sure that we have the right person who committed a particular crime. DNA is saving lives, and it is also restoring justice in this country. It is a phenomenal breakthrough. We helped take it from the lab, worked with the private sector, and came up with these new ideas.

Is ATP important and effective? Sure. It has benefited the Nation for two reasons. One, we partnered the Government with industry and the private sector to develop those new technologies. For example, ATP was a partner in the development of something I am tremendously interested in, and I know the Presiding Officer is. It helped come up with a new generation of digital mammography and radiology. It provided far more accurate detection at far lower cost, and it is projected to save over $200 million in health care costs. Helping develop that one idea is saving lives, helping families and, at the same time, what it saves in the burgeoning health care costs would pay for ATP itself.

ATP has contributed to the development of more than 240 new technologies that have been commercialized. It improves our economy. Just 41 of their 700 projects to date have given us economic benefit.

The other thing that my colleague from Oklahoma suggests is, again, we are funding big corporations. Why are we doing that? I will not give their names but this blue chip and this S&P 500 and so on. Well, what colleagues need to know is that 75 percent of all ATP recipients are small businesses.

Are large companies involved in ATP? Yes. How? Because they have joint ventures offered with smaller companies in their chain of development. In these arrangements, almost all ATP funding goes to the smaller company, but the larger companies handle all administrative costs so that the small companies can focus more on product development. By the way, large companies do not get a free ride. Large companies must match the ATP by 60 percent. So this is a partnership to leverage these private sector efforts.

For example, large automakers partnered with the auto parts supply people to improve the manufacturing of American automobiles. It has improved our aerospace industry, making manufacturing more competitive.

Finally, ATP does not subsidize companies to do product development. Companies have to have their own scientific plan. They have to have a business plan on how the technology will go to market. Our ATP only funds the development of the new technologies. Companies must then take it to the marketplace.

We understand that our new colleague wants to use the Federal taxpayer dollar wisely, and he wants to protect communities by using the money to go to law enforcement and weather. We want to help that, too, and we have put the money in the budget for that. What we want to do, when we are talking about protecting the American people, is protect them through innovation, discovery, and the new ideas for the new products that lead to the new jobs that keep this country ahead and an economic superpower.

I hope that when our colleague comes and discusses this and we have a vote, my colleagues—certainly those on my side of the aisle—will take my word for it that we have supported law enforcement, we have supported the Weather Service, and this Advanced Technology Program is crucial to the future of our country.

I yield the floor.

Mr. LEVIN. Mr. President, the Advanced Technology Program, ATP, promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy.

We have lost nearly 2.8 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies.

The ATP is a very modest program which, according to the Department of Commerce, has had a result eight times more in technologies developed than the amount of money we have put into the program. This is an eight-time return on investment in advanced technologies which is achieved when the Department of Commerce partners with industry through the ATP.

During consideration of the Senate budget resolution in March, the Senate adopted a Levin-DeWine amendment to restore funding for the Advanced Technology Program, putting the Senate on record in support of this program. Leaders on the Commerce, Justice, and Science Subcommittee also support this important innovative program and have funded it at $140 million in their bill for fiscal year 2006. I urge my colleagues to continue their support for the ATP and oppose this amendment that would gut the ATP.

Mr. BINGAMAN. Mr. President, America's future, indeed the world's future, will be more powerfully influenced by science and technology than ever before. Where once nations measured their strength by the size of their armies and arsenals, in the world of the future, knowledge and innovation will matter most.

The Advanced Technology Program, ATP, at the National Institutes of Standards is a modest Government program, $140 million for fiscal year 2006, that helps spur the development of technologies that create the industries and the high-wage jobs of the future.

What sets this program apart from our other publicly supported R&D programs is that it focuses on the technology needs of American industry, not those of the Federal Government. Its pre-competitive research nonetheless addresses many of America's most pressing widespread challenges including improving homeland security, strengthening our manufacturing processes, and lowering our dependence on foreign sources of energy.

Awards are made strictly on the basis of rigorous peer-reviewed competitions. Additionally, it has very strict cost-sharing rules, and it does not fund product development.

The Advanced Technology Program fills a unique role in U.S. innovation policy. ATP bridges the gap, the so-called "valley of death" between innovative ideas arising from basic research in the laboratory, and the access to market capital to commercialize them.

Federal funding for R&D is currently in decline, hovering at about half of its mid-1960s peak of 2 percent of GDP. Excluding spending on defense, homeland security, and space, Federal investment in fundamental research is expected to decline in real terms over the next 5 years.

Although industry funds nearly 65 percent of U.S. research and development, growth in industrial R&D is slowing. Moreover, industry concentrates most of its R&D on near-term product and process improvements. Truly radical innovation is often left to new firms, which often have difficulty attracting capital. Venture capital firms steer away from high-risk technology development because profits are too uncertain or too distant. In fact, less that 1.5 percent of venture capital funding is available for proof-of-concept, or seed funding, and early product development.

However, through partnerships with the private sector, ATP's early stage investment accelerates the development of innovative, high-risk, high-pay-off, longer-term efforts to develop technologies that promise significant commercial profits and widespread benefits for the Nation.

The administration's own analysis documents that the ATP program has generated $17 billion in economic benefits from just 41 of the 736 projects it has completed, a truly staggering rate of return on taxpayers' investments. In a comprehensive review of ATP in 1991, the National Academy of Sciences' National Research Council found that it was a highly rated public-private partnership program that spurred the development of new technologies and concluded that "the ATP it could use more funding effectively and efficiently."

It is no wonder that nations from around the world are intensely interested in learning more about how our ATP process works in order to fine tune their own national efforts in innovation. In an effort to boost their economic growth, Taiwan, Australia, France, Germany, Japan, the Netherlands, Switzerland, and the United Kingdom are all developing programs based on major features similar to our Advanced Technology Program.

So why, a reasonable person might ask, are we trying to kill what other nations are trying to copy?

That is one of the key questions the Senate must address when considering the proposed amendments to the Commerce-Justice-Science appropriations measure that would cripple the Advanced Technology Program.

Other countries are coming up fast behind us on the technology track and are pouring resources into their scientific and technological infrastructure. If current trends continue, there is a very good chance that U.S. competitiveness in key high-tech areas may fall behind.

When we talk about competitiveness, what we mean is our capacity to increase the real income of all Americans by producing high-value products and services that meet the test of world markets. The fact that we need to be competitive in the global market is not some mere abstraction, nor is it some future worry that we have time to ignore today.

High-tech R&D today is so enmeshed in our economy that it is part and parcel of the jobs and growth issue. The relationship between innovation and economic growth has only increased in recent years as the world shifts to an increasingly knowledge-based economy. The way we should think about it is that knowledge drives innovation, innovation drives productivity, and productivity drives our economic growth.

ATP has helped drive economic growth in my State of New Mexico by partnering with companies of all sizes and non-profits encouraging them to take on greater technical challenges.

An ATP project funded in 1991 teamed six top printed wiring board suppliers and users and Sandia National Laboratories in Albuquerque to address technical deficiencies that had developed due to cutbacks in corporate research budgets. The U.S. industry which had been losing market share at the time, dropping from 42 percent to 26 percent, was able to turn around this decline because of research co-funded by ATP. Over 200,000 jobs were rescued.

ATP projects in New Mexico have also included joint efforts with Cabot Superior MicroPowders in Albuquerque to reduce the amount of precious metals used in the manufacturing process to reducing the costs of fuel cells. Star Cryoelectronics in Santa Fe linked up with ATP on technology to enable rapid identification of particulate contaminants and defects during semiconductor fabrication. ATP along with MesoFuel in Albuquerque is developing a technology to generate pure hydrogen reliably and safely.

The need for the Advanced Technology Program has never been more apparent. We have absolutely no choice but to emphasize what we do best in this fierce global competition.

Our most important strength has always been innovation. Our can-do spirit of commercializing technological innovation has always been America's core competence. And today that ability is further honed by the Advanced Technology Program that enables us to innovate better and faster than anyone else.

Rather than cutting back on our investments in the future, we must continue to invest in proven programs like ATP to develop the technologies to create the new industries that will provide solid economic growth in the years to come.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I call for the regular order with respect to the Coburn amendment No. 1648.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I oppose this amendment. This amendment would terminate funding for the Advanced Technology Program, what we call ATP. ATP is unique among Federal research programs. Most Federal research is focused on advancing scientific knowledge. However, there is a very long road from scientific discovery in a university lab to the commercialization of that product.

According to the National Science Foundation, less than 1.5 percent of venture capital funding in the private sector is available as seed funding for proof-of-concept. ATP seeks to fill that gap in funding.

The program was founded to ensure that not only do we win the Nobel Prizes with our excellent venture research but that we also commercialize our discoveries ahead of our foreign partners and thereby create jobs for our own people.

Some have said the idea that we are in a global technology race is outdated. Nothing could be further from the truth. Whether it is semiconductors in China and Taiwan or nanotechnology in Europe, our global competitors are investing heavily in programs to beat us to the marketplace. Surely we can afford the $140 million investment included in this bill to stay competitive.

The Advanced Technology Program projects have succeeded in a wide range of fields. They are already delivering cheaper, better bone marrow transplants, mammograms, and cartilage repair. They are enabling companies to make biodegradable plastic from corn, improving manufacturing, and powering longer lasting lightweight fuel cells.

Moreover, this program has helped small businesses. More than 75 percent of all ATP projects include a small business. Sixty-six percent of ATP projects are led by or involve only a small business. Of the single-applicant awards, 78 percent have gone to small businesses and 11 percent have gone to medium-sized businesses and nonprofits. By contrast, only 11 percent of solo awards have gone to large businesses.

In a more extensive and comprehensive review, the National Academy of Sciences found ATP to be an effective Federal partnership that they said "could use more funding effectively and efficiently."

Measurement and evaluation have been part of the ATP program since its inception. The most recent ATP annual report showed the program has generated $17 billion in economic benefits from 41 of its 736 completed projects.

In short, this program works. After all, the Council on Competitiveness's National Innovation Initiative report noted that "innovation will be the single most important factor in determining America's success through the 21st Century."

If we adopt the amendment offered by my friend from Oklahoma, Senator COBURN, we would cut off a program which has as its sole purpose investing in American innovation.

This program has the support of the Senate. On March 17 of this year, the Senate voted 53 to 46 in favor of a sense-of-the-Senate amendment to the budget resolution stating:

> It is the sense of the Senate that the Senate Committee on Appropriations should make every effort to provide funding for the Advanced Technology Program in fiscal year 2006.

That is exactly what we are doing. This bill funds technology initiatives which fuel our economy. The program works. In this austere budget environment, there is no room for programs that do not work. We do not have that luxury.

I oppose the termination of the Advanced Technology Program. I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Alaska (Mrs. MURKOWSKI) and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—68

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Clinton
Cochran
Cornyn
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Durbin
Enzi
Feinstein
Frist
Gregg
Hagel
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Specter
Stabenow
Voinovich
Warner
Wyden

NAYS—29

Brownback
Burr
Chambliss
Coburn
Coleman
Collins
Conrad
Craig
DeMint
Dorgan
Ensign
Feingold
Graham
Grassley
Harkin
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Santorum
Snowe
Stevens
Sununu
Talent
Thomas
Thune

NOT VOTING—3

Corzine
Murkowski
Vitter

The motion was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I know my colleague from Arkansas is intending to seek recognition in a moment. I wanted to ask the manager and ranking member of the subcommittee, I offered the amendment that deals with trade and weakening of trade remedies. I offered that previously, and I am wondering where that might exist with respect to the vote we might have this evening. I know the manager wants to finish the bill. I want to be helpful in doing that, but I think my amendment is germane. It has been offered. I have debated it. I wonder what we might expect with respect to a vote.

Mr. SHELBY. Mr. President, it is my understanding that Senator GRASSLEY has been in some negotiations regarding the amendment. Trade is under the jurisdiction of the Finance Committee. I don't know where he is now. I do not know if he voted, but we have been working with him.

I know the Senator wants to bring up his amendment as soon as he can. But I want to make sure Senator GRASSLEY is ready and on the floor. We will try to locate him.

Mr. DORGAN. Mr. President, I thank the Senator from Alabama. I believe the amendment is germane. I have debated it, and I hope we can find a way to have a vote on that amendment. It is a very important amendment with great merit. My expectation is we ought to proceed.

I thank the Senator, and I will look forward to having the opportunity to have this vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1703

Mr. PRYOR. I call for the regular order of business with respect to Pryor amendment No. 1703.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1703, AS MODIFIED

Mr. PRYOR. I have a modification which I have sent to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 1703), as modified, is as follows:

On page 190, between lines 14 and 155, insert the following:

SEC. 522. Of the funds appropriated to the Federal Trade Commission by this Act, not less than $1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina; *Provided*, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of $500,000,000 and by any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; *Provided further*, That, in conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public, in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends; *Provided further*, That in any areas or markets in which the Commission determines price increases are due to factors other than the additional costs it shall also notify the appropriate state agency of its findings. *Provided further*, That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act; *Provided further*, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere; *Provided further*, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section; *Provided further*, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities; and *Provided further*, That nothing in this section affects any other authority of the Commission to disclose information.

Mr. PRYOR. Mr. President, this is an amendment relating to price gouging on gasoline. I thank many of my colleagues who have cosponsored and helped in this process: Senators MIKULSKI, SALAZAR, OBAMA, STABENOW, BEN NELSON, BILL NELSON, CORZINE, BINGAMAN, DORGAN, DURBIN, INOUYE, FEINGOLD, DODD, KERRY, and there may be one or two others who have wanted their names added in the last few moments. I thank my cosponsors for all the work they have done.

This started with me traveling the State of Arkansas, as many Members have traveled their home States, during the August recess, and everywhere I went people talked about high gas prices. This is putting a strain on the economy, putting a strain on families, hurting not only every section of the country but also every sector of the economy.

It is very difficult for the people in my State, and I am sure it is hard for people in other States, to pay record high prices at the gas pump, only to open the business pages and see the oil companies are making record profits.

A bad situation has become worse in the aftermath of Hurricane Katrina. Americans have a right to know why gas prices are so high. They have a right to know if there is price gouging occurring. This amendment does not say there is. This amendment requires the FTC to do an immediate investigation into high gas prices to make comparisons and determinations and make sure there is no price gouging occurring.

I don't want to say he agrees completely with this amendment, but certainly President Bush has said on ABC, on "Good Morning America":

> I think it ought to be zero tolerance of people breaking the law during an emergency such as this, whether it be looting or price gouging at the gasoline pump or taking advantage of charitable giving or insurance fraud.

That is from President Bush. Certainly, the sentiment is there that if there is gouging going on, we need to know about it. This requires the FTC to do an immediate investigation and come back and report to Congress with their findings within 30 days.

I give a special thank you to Senator DOMENICI. We worked very closely with him and his staff, we worked very closely with Senator SHELBY and his staff, and Senators BINGAMAN, CANTWELL, BILL NELSON, and BEN NELSON. Everyone played a role. I give a very special thank you to our friend and colleague from Maryland, Senator MIKULSKI. She has done yeoman's work on this amendment. She and her staff—I need to give credit to all the staff. We reached a bipartisan agreement on this a few moments ago. I thank all my colleagues and certainly I look forward to hearing from Senator MIKULSKI on this very important issue on which she has worked so hard.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator has commented about this amendment and about my participation. I thank him for his comments and state it was a pleasure to work on it. I think it will accomplish something. The people want some hope that it is being looked at objectively. I am glad to be part of it.

Ms. STABENOW. Mr. President, I rise today to speak about a very important amendment authored by Senator PRYOR, which I have cosponsored. Our amendment allocates a minimum of $1 million of the funds in this appropriations bill to allow the Federal Trade Commission to complete the investigation into possible gasoline price gouging. I was one of the authors of the original provision included in the energy bill that directs the FTC to investigate gasoline pricing practices. So I am very pleased to be joining Senator PRYOR in ensuring that we get some answers quickly.

I offered my original amendment to the Energy Policy Act of 2005 in June of this year when we were debating the energy bill on the floor of the Senate. Back in June we were already experiencing high gasoline prices that fluctuated wildly from day to day, and in some cases, from hour to hour. I heard from many Michigan families who are unable to budget for gasoline to take their kids to school and commute to and from work because the prices they paid each week varied so much. I also heard from people in Michigan that they are extremely worried about gasoline pricing practices. They are concerned that they are getting gouged at the pump with no recourse.

A lot has changed since June and I am sorry to say that it hasn't been for the better.

Since June we have had a catastrophic hurricane ravage Alabama, Mississippi, and Louisiana. We have poured our hearts and our donations into those States to help the people who lost their homes and livelihoods get back on their feet. And we will continue to work as hard as possible to rebuild the towns and cities that have been destroyed.

But the impacts of Katrina spread beyond the Gulf Coast States. Whether or not we got a single breath of wind from the storm, we are feeling the continued impacts of Katrina's impact in all our States in the form of high gas prices.

In Michigan we saw prices as high as $3.21 per gallon earlier this month. Prices have eased a little bit in the weeks since Katrina hit the Gulf Coast States, but consumers are still very wary. There was a quote from a Michigan resident published recently in the Detroit News that speaks volumes about consumer confidence in gasoline pricing. Mr. Tony Mapson of Detroit, upon seeing gasoline priced at $2.69 per gallon, said, "Maybe it is a con. They raise the price so high and then lower it so we don't complain so much."

I think Mr. Mapson speaks for many Americans who distrust the price they are given at the pump. This is the reason I included a provision in the energy bill, which was signed into law on August 8, instructing the FTC to investigate gasoline price gouging. There has been some disagreement about when the FTC needs to finish their investigation under the law. It was my intention that the investigation should be started immediately and the FTC should complete it and report the findings back to Congress within 90 days of enactment. The FTC interprets the law to mean that they have 90 days to begin their investigation. As of today, it is has been 37 days since my price gouging provision became law. I strongly urge the FTC to immediately begin their investigation as directed by the Energy Policy Act and include the provisions in the amendment we are offering to the Commerce-Justice-Science appropriations bill. We must have the results of the investigation as quickly as possible so that we can take any necessary actions.

I strongly urge all of my colleagues to support this amendment.

AMENDMENT NO. 1710

Ms. MIKULSKI. Mr. President, I would like to thank Senator CANTWELL for her tireless leadership in the fight against meth. Meth abuse has reached epidemic levels across our country, and by working to ensure that we don't shift the burden onto local communities, Senator CANTWELL has given State and local law enforcement an important ally.

Accepting her amendment to add $20 million to the hotspots program brings funding for meth State and local law enforcement to $80 million. Coupled with the bipartisan addition of $43 million of meth authorization dollars that Senator CANTWELL cosponsored and other meth-related funding, this bill makes an enormous Federal commitment to help our State and local effort to fight the meth battle.

Senator CANTWELL's amendment sends vital Federal support to law enforcement officers and first responders on the front lines of the meth epidemic everywhere. These crime fighters need more funds to help combat this dangerous drug, and Senator CANTWELL has fought to give them resources they need. I appreciate her work to improve this bill, as do countless law enforcement officers across America.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as the ranking member of this subcommittee, and also as a cosponsor of the Pryor amendment.

First of all, I thank the Senator from Arkansas for offering this amendment which would give $1 million to the Federal Trade Commission to investigate whether there is some type of price gouging, price fixing, going on in the marketplace.

I thank the Senator for his leadership and the fact that he wants to proceed on the basis of fact and not just rhetoric and finger-pointing.

We thank the Senator from New Mexico, the chairman of the Energy bill. This has received bipartisan support, exactly what we need. Boy, do we need it.

We in Maryland are hot. We are absolutely hot about these gas prices. Maryland has the third highest gas prices in the United States of America. Who are we behind? Are we behind California with complicated environmental rules? No, we are behind the District of Columbia, and we are behind New York. No one can say why. Our Governor convened a special meeting of oil executives to tell him why, and he is dissatisfied. Our general assembly is working on it to see if there is something we can do at the State level.

There is clamor for getting rid of the Federal or State taxes. People want the prices to come down.

We want to know, is there gouging? Is there fixing? We want to operate on the basis of fact.

In my home State of Maryland, my cost of commuting has gone up $30 a week. I can afford it, but many Marylanders cannot. I saw on a local TV station a mother who filled up her minivan, a soccer mom. It was $90. She put her head on the windshield and cried; how could her family afford it?

We see the variance in prices, block by block; in one neighborhood gas is selling for $3.49 and less than 5 miles away, in Baltimore City, it is selling cheaper. Go to another pump further out in a valley situation and it is selling for $3.63. Guess what. Over in another neighborhood, it is selling for $3.03—a 60-cent-per-gallon difference. Can anyone tell me what it is about the marketplace that it is 60 cents difference? Who is pulling the strings?

The consequences are severe. If you have a family and are a commuter, you wonder how you can continue to be a soccer mom and a dad and go to work every day.

Business in my community is affected, big and small; small businesses, from the florist who delivers the flowers, to the pharmacist who is willing to deliver prescription drugs, to the electrician, to the plumber using a pickup.

Much of our food supply comes by truck to our supermarkets. They will have to charge more. It means food is going to go up. People love Maryland and love our crabs, but our watermen are aghast to take the boat out. It is costing a fortune. Marylanders want to know the facts.

I am pleased to join with the Senator from Arkansas. This has been a bipartisan agreement. This will move it forward. Let's fund this at the FTC. Let's get the investigation underway and get ahold of the gas prices affecting so many Americans.

I thank the chairman of the subcommittee, Senator SHELBY, for his patience while we worked so assiduously on the bipartisan agreement.

I ask unanimous consent the Pryor-Mikulski amendment be agreed to.

Mr. SHELBY. Mr. President, I take a minute and commend the Senator from Arkansas, Senator PRYOR, for his leadership and for reaching out to the chairman of the Energy and Natural Resources Committee, Senator DOMENICI, and Senator MIKULSKI and Senator TALENT, and so many others. This is a bipartisan approach. Senator PRYOR is the leader.

Nobody likes gouging. Gasoline is too high. We want the markets to work. If market forces work, there won't be gouging. It will be an orderly movement of supply and demand—if the demand is too high, the prices will go up, but not like that, not like I have seen it at the pump, as we have seen coast to coast.

The American people fear there is gouging going on. Senator PRYOR should be commended for pursuing this issue. We hope the Federal Trade Commission will do its work. I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1703), as modified, was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1652, WITHDRAWN

Ms. MIKULSKI. I will talk about another amendment from the senior Senator from Arkansas. I ask that Lincoln amendment No. 1652 be withdrawn because that policy content will be accomplished on another bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1669, WITHDRAWN

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent my amendment, No. 1669, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. I thank the ranking member and the chairman of the subcommittee. We tried to work out an accommodation on the amendment. They made a good-faith effort, and we were unable to do so.

I also want to let the chairman and the ranking member know that the amendment I had filed dealing with eminent domain will not be offered. This is a very important issue. I do not believe government should be able to take private land for the purposes of private economic development. People are well aware of the case this deals with. It is of grave concern to a lot of Members. The chairman of the Judiciary Committee indicated they will have hearings on this matter next week. I look forward to a full discussion of the case and the issues associated with the taking of private land. I want the chairman and the ranking member to know I will not offer that amendment that has been filed.

Ms. MIKULSKI. I thank the Senator for his withdrawing of the amendment yet maintaining his stand. I, too, am sympathetic to the policy direction the Senator is interested in under eminent domain.

The Senator might not know my history, but I got into politics fighting a highway. Had the recent Supreme Court decision stood, we would not have had a fighting chance. Just to tell the consequences of that, the highway would have gone where our Inner Harbor is; it would have gone through Camden Yards, the Ravens Stadium, and where we are trying to create the digital harbor. We got our economic development but not the way the planners wanted.

I am sympathetic. It has raised some liberal eyebrows, but I look forward to working with you, and maybe we will have a Sununu-Mikulski amendment.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1709

Mr. TALENT. Mr. President, I rise to congratulate the Senate on having just agreed to the Unsolved Civil Rights Crime Act in the form of an amendment, the Talent-Dodd amendment. I will speak a few minutes about it. My friend from Connecticut also will make a few comments about this amendment.

The Senate's action will be viewed, if we can get it agreed to by the House, as a historic moment, a blow in favor of civil rights and finding out the truth in cases that have been covered up for years, in a sense, but are still there.

Let me briefly address the merits of the amendment that the Senator from Connecticut and I have cosponsored before the Senate. The bill creates an unsolved civil rights crime section of the Civil Rights Division, a cold case section of the Civil Rights Division, the sole purpose of which would be to investigate unsolved murders that were a violation of the civil rights laws at the time they occurred and have never been solved. Many cases, particularly the cases that occurred in the 1940s, 1950s, and 1960s, were not solved because they never were investigated and because no effort was made to solve them.

Currently, the Civil Rights Division does investigate those cases. We certainly applaud the efforts both of the Civil Rights Division and in many cases of local prosecutors who have cooperated. We are not suggesting the Civil Rights Division is not trying to investigate those cases now. In many instances, they are.

This is what we are hearing from advocates and family members of those who have been murdered in the past. They tell us they are working with the Justice Department and in many cases are pleased with their response. But what we do not have is a regularized, systematic commitment on the part of the Government to find the truth in these cases. We do not have a set of people who are dedicated to doing that and nothing else.

We think it is very important to do this for several reasons. In the first place, a section of people who are dedicated to that task will develop a forensic expertise in investigating those kinds of cases that you are not going to get if you occasionally investigate them but do not do it on a regular basis.

In the second place, we think once the section exists and it becomes known to the public, it will encourage people to come forward with information, people who might have been afraid to do so to this point, but they will know this Unsolved Civil Rights Crime Section is there, this cold case section is there. They will contact that section and give them information about past offenses and tragedies.

Finally, we think the existence of this section will cause those who committed these crimes—and in some cases who are still walking around in the belief they are beyond justice—to not rest easy anymore. As my friend from Connecticut has said, we want them to sweat. We want them to know the Government is trying to find them, that there is a section of the Government that is out to get them for the murders they may have committed 40 or 50 years ago or for which they may have been complicit, for which they may have believed they were safe from investigation. So we think there are a lot of advantages to this section.

I will say a little bit about the history of it. I was having a discussion with a man named Alvin Sykes. Alvin is a nationally recognized civil rights advocate from Kansas City, who has been very active in getting the Emmett Till case from mid-1950s reopened, trying to achieve justice in that case. We were talking about that investigation. We were working on that issue. He said: Why don't we have a regularized procedure for looking at cases such as the Emmett Till case?

This was the case of a young man from Chicago who went to visit his uncle in Mississippi. He was kidnapped, beaten, murdered, and his body was dumped in the river because he had allegedly, the day before, whistled at a white woman. The two men who were responsible for that were tried actually, but after about 60 minutes of the jury's deliberations, they were acquitted. They subsequently had interviews with national magazines in which they basically admitted their complicity, admitted their guilt, and they were never prosecuted. They died, unfortunately, without being brought to justice. But there are others maybe who were complicit who could be brought to justice. There are a lot of those cases out there such as this. We believe a section such as this will bring them to light and do justice.

Mr. Sykes said: Why don't we have a section like this? There is not any reason we shouldn't.

So the bill creates this cold case section, if you will, of the Civil Rights Division, requiring they investigate these murders and requiring they report back to the Congress. In some cases they will find the truth and be unable to prosecute anybody, but at least they will uncover the truth and be able to report back and tell us that. Or if they have not been able to uncover the truth, at least they will do their best, at least we will have done our best, even at this late date, to achieve justice in these cases.

I think that is very important for two reasons. The first reason is, when you talk to the family members of those who were victimized, those who were in these cases, you realize that the fact the case was 40 or 50 years ago does not mean it has been forgotten. These family members have been unable to reach closure on these cases. They have been unable to put them behind them and move on because there is this tremendous tragedy that occurred where they lost somebody because of a vicious crime. They feel as though the rest of society has not taken an interest in bringing the criminals to justice. We have a chance to allow these family members to find out the truth, and to move on in their own lives. We owe them that. The country owes them that.

The country needs closure as well. We need to know what happened, and we need to know, as a country, that we did the best we could in a systematic and planned way to find out the truth in these cases, to bring those to justice where justice is possible, and to mourn with the survivors of these victims, to know the truth, and then be able to pull together and move forward. This bill allows us to do that.

I thank very much the managers of the bill on both sides of the aisle, as well as Senator SPECTER and Senator LEAHY for their support. We have not gone through the Judiciary Committee in doing this, but everybody felt it was important to get this done, and that this was the bill we could use as a vehicle for doing it.

I think there are a lot of people around the country who have been working tirelessly to get these cases reopened for whom this is going to be the most encouraging news they have had in a long time.

I hope my colleagues will take satisfaction in having done a very good thing and having struck this blow for justice, struck this blow for having an opportunity to close these cases and move forward.

Mr. President, I yield the floor and defer to my good friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I commend my colleague and friend from Missouri. He is a tireless fighter and a persistent advocate. Under normal procedures we would not be adding a proposal such as this to an appropriations bill. Therefore, I must begin by expressing our sincere gratitude to the Chairman and the ranking Democrat of this subcommittee on appropriations for both of their willingness to accept an authorizing bill of this nature. Their willingness to accept what I think is a very sound and good proposal by the Senator from Missouri, myself, and others who have joined in this effort, is something for which we are very grateful. I thank them for their willingness to entertain this proposal and to accept it as an amendment to this bill.

There are those who would say this amendment is a case of "too little, too late." In some ways they are right. Where is the justice, I suppose, when a moral monster such as Edgar Ray Killen roamed free for literally decades after killing young civil rights workers in this country? That fact alone speaks to the excusable failures of our legal system to bring to justice those who committed brutal crimes.

As the Senator from Missouri pointed out, not that many years ago these crimes were rarely investigated in parts of our country. There was no effort made whatsoever to determine who engaged in these brutal violent acts. In more recent history, of course, we have seen a strong effort. I applaud those who engage in this effort.

The Senator from Missouri and I believe there is a good justification for dedicating an adequate amount of resources with some special designation to go back and reopen the books. Those who engaged in these activities, who think they never have to worry another day in their lives about being pursued, take note—take note that you may never and should never have a sleep-filled night again, that we will pursue you as long as you live, that we will do everything in our power to apprehend you and bring you to the bar of justice.

That is the message we want to convey to the families, the friends, and others who lost loved ones, who put their lives on the line by advocating a greater justice, helping our Nation achieve that "more perfect union" that our Founders spoke about, that Abraham Lincoln articulated brilliantly more than a century and a half ago.

That is at the heart of all this—to try to level this field. We will never be a perfect union, but each generation bears the responsibility for getting us closer to that ideal.

America stands for the principle of equal justice for all. Yet for far too long, many Americans have been denied that equal justice, and many despicable criminals have not been held accountable for what they have done to deprive people of those equal opportunities. This is a failure we can never forget.

So this Senate, in this Congress, on this date, early in the 21st century, is saying that we will not forget. This amendment is on record. This amendment seeks to right the wrongs of the past and to bring justice to people who perpetrated these heinous crimes because of racial hatred. We are saying that we want to create the mechanism to allow us to pursue these wrongdoers in the coming years. It cannot bring back and make whole those who have suffered and were murdered by a racist criminal hand. But it can reaffirm our Nation's commitment to seek the truth and to make equal justice a reality.

The hour is, obviously, very late. Memories are dimming. Those who can bring some important information to the legal authorities are passing away. This amendment may be the last and best chance we have as a nation to write a hopeful postscript in the struggle for racial equality in our Nation.

We urge our friends in the House of Representatives, the other body, to accept this idea, to join with us in this late hour to right these wrongs done in our recent past.

Again, my compliments to my friend from Missouri.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am here this afternoon to salute the Senator from Missouri for his tireless work on this piece of legislation and to applaud also the Senator from Connecticut who has been a leader for civil rights legislation in this country for a long time. I thank them both not only for their initiative, for thinking of this, but also for pushing it and being persistent about it. I can remember when the Senator from Missouri came to me on the floor months ago talking about it. I thank them both for giving me a chance to be an original cosponsor and for their hard work on shepherding it through the Senate in this way.

The Senator from Connecticut pointed out that it has not been that long since these crimes have happened. In my lifetime, it has not been that long. I was a student in the South in the 1950s. I was a college student at Vanderbilt University in Nashville when it was still segregated. I helped to try to desegregate it—successfully. In that same year, in the early 1960s, Congressman John Lewis was trying to sit in. He could not get a seat for lunch. In that same year, the judge on the Fifth Circuit Court of Appeals in New Orleans for whom I worked a few years later, Judge John Minor Wisdom, had ordered Ole Miss to admit James Meredith.

In those years, when African-American families drove through Nashville, if they were sick, they could not be admitted to many of the hospitals; if they needed a place to sleep, they could not be admitted to many of the motels; if they needed a place to eat, they could not go to many of the restaurants. That was the life then. That was not that long ago. Many families throughout the South, as well as other parts of the country, but throughout the South, lived in fear because of that climate.

The Unsolved Civil Rights Crime Act will help heal some of the scars that have been left on our society in the wake of the civil rights struggle.

This past June, shortly after Edgar Ray Killen was convicted for the 41-year-old murder of three civil rights workers, the Nashville City Paper ran an editorial that summed up why resolution of these cases is so important, and why this legislation by Senator TALENT and Senator DODD is so important. The editorial concluded:

> As long as Civil Rights era killers are still alive and free, justice has not yet been fully served. Hunting them down and bringing them to account for their actions is far and away the best apology any of us can make for their crimes.

This is not leadership by lament. This is leadership by action. I commend the Senate for taking such positive steps toward recognizing and rectifying these injustices.

This action is a reflection of one of those aspects of our Nation's character that distinguishes us in the world. We dedicate ourselves to high ideals. We have since our very beginning. Sometimes we have failed to live up to those ideals. But when we do, we have most often recommitted ourselves and taken action to correct our shortcomings. Therefore, we abolished slavery. Therefore, we granted women the right to vote, even though it was after many years. Therefore, we desegregated our schools. Today we shall add to that litany that we have taken steps to bring to justice criminals of the civil rights era. Justice delayed is justice denied. Today we see to it that justice will be delayed no longer.

I am proud to be a cosponsor of this legislation, and I look forward to the day when this new office opens its doors in the Department of Justice.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the continuing scenes of the suffering and devastation in New Orleans and across the Gulf Coast weigh heavily on our hearts and minds. It is clear that as a nation we have a monumental challenge ahead of us to rebuild and restore one of America's most unique and important regions. There is the challenge of repairing and replacing the physical infrastructure of a number of cities, including the great city of New Orleans. There is also the challenge of restoring jobs and income and opportunity and hope to hundreds of thousands of desperate and displaced people.

Hurricane Katrina did more than rip the roofs off buildings along the Gulf Coast. It also ripped off the mask that has covered up the plight of millions of working Americans who live in poverty, as well as nearly one out of every five American children who are now growing up in poverty. Too often the poor are out of sight and out of mind. Katrina changed that. Hurricane Katrina opened the eyes of people all across this country. The poor are now in sight and on our minds. Americans are shocked. Frankly, we are ashamed that such desperation and deprivation could exist on such a large scale in the wealthiest nation on Earth. Americans expect more, and we deserve more.

Those of us who are working in the cool air-conditioned buildings of Washington have to take a long, hard look at the priorities and choices that have contributed to a situation where Americans, moms and dads, husbands and wives, people of all walks of life, work hard but still are unable to make ends meet and still live in poverty. One might think that we would be so embarrassed about these misplaced priorities that have contributed to this situation that we would change course, that we would do all we can to support those who work hard to make ends meet.

One would think that reordering priorities would be especially important in our efforts to rebuild the Gulf Coast, to restore jobs and create new opportunity, get income into people's pockets so they can rebuild their lives and jump start the local economy.

Unfortunately, as if we had learned nothing at all, one of the very first actions taken by President Bush in the wake of this storm was to issue an executive order suspending the Davis-Bacon Act, the Federal law that requires employers on Federal projects to pay employees the prevailing wage of that area. This is a law that has been supported by every President since Franklin Roosevelt, Republican and Democrat.

Even more disturbing, if press reports are to be believed, the President is apparently planning to compound the damage by also rescinding what is known as the McNamara-O'Hara Service Contract Act which contains similar wage protections for employees working on Federal service contracts. It is a law that goes back over 50 years.

Until now, I have muted my voice. I have not criticized the President nor anyone else on what has happened in New Orleans and what happened in the wake of Katrina. I have said that the time for that would come later. For now, it is time to get food and shelter and clothing and health care to the people so devastated. That is why I am so disappointed with this action by the President which will negatively impact workers' wages. So, while we need to set up a separate commission to look at what happened in the aftermath of the hurricane, why the planning was not done, why so much suffering and death before poor people were moved to places of safety, the fact is things are now moving ahead.

With the stroke of a pen, the President is going to remove the requirement for the prevailing wage to be paid for workers in this region. If press reports are to be believed, he is now going to compound it by rescinding the McNamara-O'Hara Service Contract Act that would apply that prevailing wage to Federal service contracts.

This is exactly the wrong way to put the Gulf Coast region back on its feet. Louisiana, Mississippi, and Alabama already have low wage levels compared to the rest of the Nation. For example, the current prevailing wage in the New Orleans area for a truck driver working on rebuilding the levees is $9.04 an hour. In the New Orleans area, the prevailing wage for an electrician is $14.30 an hour. Think about it. That comes to an annual income of barely $18,000 a year for a truck driver and about $28,000 a year for an electrician working full time. It is hard enough for a family to rebuild their lives in that devastated area at that income. Why in the world would the President want to slash that income, especially at this time?

Let's look at some more of the workers who would be negatively impacted by this action. We are talking about sheet and metal workers in Pearl River County, MS, who currently make less than $19,000 a year. That is their prevailing wage. We are talking about carpenters in Mobile County, AL, who currently make less than $20,000 a year. We are talking about laborers in Livingston Parish, LA, who make less than $20,000 a year. At this time, why would we want to cut their already meager income? These are the very workers we will be counting on to rebuild the highways and bridges, reconstruct houses and schools and hospitals, get our electricity up and running again in all those areas. These are the workers who will do the hazardous waste cleanup. Their wages are already barely at the poverty line. The President's actions will drive those wages down even lower.

Given the conditions these people will be working in—areas rife with bacteria and mold, chemical contaminants—we ought to be giving them a wage premium to work in these areas. Instead, the President's action will give them a wage cut. This policy fails the basic test of fairness and equity. Is the President calling for a cap on executive salaries? I haven't heard him call for that. Is there any effort to see if the companies involved in the cleanup and rebuilding would be willing to accept less than the normal profit? I see that one of the first no-bid contracts let was to Halliburton.

We know who the former president of Halliburton is: Vice President DICK CHENEY. We know that one of the chief clients of the former head of FEMA, Mr. Albaugh, who now has a consulting firm, is Halliburton. We know that Mr. Albaugh's hand-picked successor, Mr. Brown, was the head of FEMA when they gave the no-bid contract to Halliburton. It sounds like a sweetheart deal to me. Is the President calling for a cap on profits earned by those companies? Of course not. So why in the world is the President singling out low-income workers in that area and saying: We are not just going to put a cap on what you make. We are going to lower prevailing wage. We are going to take it away. Why is he cutting their pay at a time when we should be trying to boost income and give a helping hand to people in this area?

For the life of me, the more I think about this, the more I read about it, I don't get what the President is trying to do. They have a prevailing wage. He is saying, you are not going to get that. What happens when you don't have a prevailing wage in a desperate situation? There is always somebody worse off than you that will take a job at less pay. There is always somebody a little bit more desperate. So if the prevailing wage for a truckdriver was $9 an hour, if there is no prevailing wage, the company could come in and say: Anybody want a job for $8 an hour? Someone says: Yes, I will take it for $7. Someone else will say I will take it for $6 because I am so desperate. I need work. I need income.

You end up with a race to the bottom on the wages these jobs pay if you don't have that prevailing wage. That is precisely what is going to happen in New Orleans and the Gulf Coast region. It is a blow to the workers who have already lost their homes. Many have lost jobs, families disrupted, coming back to clean up the mess in their neighborhoods. Now they are being told their wages are going to fall. Think about this. Before Katrina, a truckdriver would be making $9.04 an hour. Post-Katrina, they will get less money. Can someone please explain to me what sense this makes? Pre-Katrina we pay you more for the work you do; post-Katrina, we are going to pay you less.

I say to the President of the United States: You are going to be on television tomorrow night to talk about the cleanup effort. Please explain to the American people why it is you took away the prevailing wage for workers. Explain why it is necessary for them to make less now than they made before. Explain why it is necessary to cap their wages, but we don't cap the profits of the companies doing the work. We don't cap the executive salaries of the executives of those companies.

This is devastating. I have held my criticism of the President, but this is unconscionable. This is not right. It is not right for individuals, and it is foolish economic policy for a region that we are trying to get back on its feet. FEMA is already signing scores of contracts for vast sums of money. The question is: Will a fair share of this money work its way down to the ordinary laborers who do the dirty, hazardous jobs of cleanup and rebuilding? Or will it mostly go for executive salaries and corporate profits? Certainly, we do not want a replay of Iraq, where billions of dollars in contracts have been awarded, enriching people at the top, but with precious little trickling down to ordinary Iraqis to put income in their pockets and encourage a grassroots economic recovery.

Surely we can learn from the mistakes we made in Iraq where we just threw billions of dollars to these companies, and not much of it got down to the people in Iraq. Surely we can learn from that and not repeat those mistakes in the Gulf Coast.

The good news is that it is not too late for the President to correct this misdirection. We are still at the beginning of our response to the devastation of Hurricane Katrina. As we saw when the FEMA Director was reassigned earlier this week and has since left, of course, the President and his team have shown a capacity for shifting gears and making midcourse corrections. That is fine.

Tomorrow night, the President needs to take a second midcourse correction in the strongest possible terms. I urge the President to use his prime-time address to the Nation to reverse course and reinstate the Davis-Bacon protections for the Gulf Coast region.

I also urge the President to put in place a network of auditors and overseers to ensure that the billions of dollars going to Katrina relief is spent effectively, that the lion's share is used to restore and create jobs, to boost incomes, to spark a bottom-up economic recovery and revival all across the devastated region.

There have been numerous articles written in the days since Katrina hit the Gulf Coast underscoring how shocked Americans are to see with our own eyes the poverty and the deprivation that unfortunately still exists on a large scale in the wealthiest Nation on Earth. We need to address the issue of poverty in this country. We knew before Katrina struck. We saw the data. The U.S. Census Bureau issued updated poverty data showing that 37 million live in poverty—13 percent of our population. Since 2001, 4 million more Americans have fallen into poverty. Nearly 5 million more Americans are without health insurance. And worst of all, poverty is increasing sharply among the working poor, people who have full-time jobs. The Census Bureau's numbers show that over the last year alone, the number of Americans who work but live in poverty increased by 563,000 people—over half a million. Meanwhile, the latest Census numbers show that over the last year, real median earnings fell by nearly $1,000 for male workers, more than $300 for female workers.

It should offend our basic sense of fairness to know there are any Americans working full time, playing by the rules, and still living in poverty. Once again, it is not too late to act. Katrina can serve as a wake-up call to all of us to reorder our priorities, as I said earlier.

Before Katrina, people in the Congress, the leadership, the Republicans in Congress were poised to slash food stamps and Medicaid for the poor at the same time that we were supposed to get a bill to eliminate the estate tax and extend other tax cuts for the wealthiest Americans. Prior to Katrina, their agenda consisted of coming back here and cutting food stamps, cutting Medicaid for the poor, cutting estate taxes, giving more tax breaks to the wealthiest Americans. Let's hope Katrina has been a wake-up call that these are misordered, wrong priorities. They would have been misordered before Katrina, and they are glaringly misguided in a post-Katrina America. We should be focusing on initiatives that lift people out of poverty, not slashing programs that provide health care and food support to working families.

We must increase the minimum wage, which today is not even a living wage but a poverty wage. We need to increase education and job training opportunities. We need to be making college loans and grants more widely available and cheaper. We need to be strengthening the ladder of opportunity that allows people to achieve their own American dream. We cannot do that if we keep doing what we have been doing—if we keep cutting taxes for the wealthiest of Americans, then turning around and compensating for the deficit created by those huge tax loopholes by slashing food stamps and Medicaid and taking away the prevailing wage for workers in the Gulf Coast region.

I close my statement by, again, calling upon President Bush to do a midcourse correction. I don't know who advised you, Mr. President, to use your pen to cut the prevailing wages for our workers in the Gulf Coast region. Whoever advised you, they were wrong. Now is your time to do a midcourse correction. Tomorrow night, when you address the Nation, Mr. President, tell the American people that you are going to reinstate the prevailing wage for our workers in the Gulf Coast. In fact, give them a premium for all the dirty, hard work they'll have to do. And then don't suspend the act that also provides a prevailing wage for our service workers because they are going to be doing a lot of the hard work also in cleaning up the mess in New Orleans and around the Gulf Coast region.

It would be a terrible thing if we take hard-earned taxpayers' dollars that we are committing to rebuilding the Gulf Coast region, to rebuilding the economy and helping people rebuild their lives—it would be a slap in the face to the American taxpayer if we allow that money to go disparately into the pockets of the executives of the companies that get all the contracts, and in turn cut the wages of the workers who will be physically doing the hard work and the heavy lifting. That is not the America that we want post-Katrina.

Mr. President, tomorrow night, do the right thing: change your course.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, Hurricane Katrina may be the worst natural disaster in my lifetime, maybe in modern memory. The stories that come back from that hurricane and that disaster are so touching. Today, a man was rescued in his home. It was reported in the news that had he gone another day without water, he would have died. It is amazing that he survived through these weeks since Hurricane Katrina struck.

Senator MARY LANDRIEU, our colleague from Louisiana, came back with so many real-life stories that were so touching. There is one she told me and several others that I repeated back in my home State of Illinois. It is an amazing story about a 65-year-old woman who was living alone in a simple house in New Orleans and had nowhere to go and no way to leave. She thought her little house, which had been through an awful lot, could take whatever God would give, and she was relieved when the hurricane skirted around New Orleans.

Within hours, of course, disaster struck in the form of a flood. She told MARY LANDRIEU, who found her in one of the hospital facilities, that the water just came rushing in, first 4 feet of it, and then more. As it was rising, she was wondering where she would turn. She went through her house and thought maybe, just maybe she could crawl up into the attic. She set a stepladder up in her kitchen, but she did not have the strength to move from her stepladder up into the attic. She could just barely get her head up into the attic. The water rose to the ceiling, to her chin, while she was standing on that stepladder. She stood on that stepladder for 2 days. She told MARY LANDRIEU that she kept wondering why the level of the water was changing every once in a while. Of course, it was the tidal flow of the water from the Gulf of Mexico, the tidal flow in her kitchen.

Finally, one of her neighbors thought about her, came and helped her out, and the two of them scrambled up to the roof. With a little help, she survived to tell the story.

She told MARY LANDRIEU that in those dark hours, standing on that ladder with water up to her chin, she survived on faith, faith in God but faith in the belief that someone would come to help her.

For many people in New Orleans and Mississippi and Alabama and throughout the State of Louisiana, that someone was our Government. People knew that at the worst moments they could count on our Government to be there because our Government is our American family and we do pull together. When one part of our family is in distress, we pull together to help. And she waited and waited and waited.

A doctor I met in Chicago on Friday at one of the evacuee centers happened to be in New Orleans on Monday when the hurricane and then the flood hit. He said he didn't see his first rescue worker until Thursday in the city of New Orleans. He was lucky. He was on high ground in a hotel—a doctor. He really became the head of a small hospital in that hotel.

Something awful happened as a result of this hurricane. Too many people were left behind. Too many people were let down. The most vulnerable people in America didn't have their Government, their American family standing there to help them in their greatest hour of need.

For a long time there was a political exchange back and forth in Washington: Who is at fault? Who made the mistake? The talk shows, the talking heads, all of them had an opinion. The White House said: Don't get involved in a blame game. That was their phrase. Many others said it really wasn't the Federal Government's fault, it was this, it was that. It went on and on.

Senator MIKULSKI, who just came back to the floor, managing an important bill, was one of the first, if not the first, who came to the floor and suggested the head of FEMA should move on to another job.

Senator MIKULSKI, thank you for your leadership. He is gone. I joined her in that chorus. Whatever Mr. Brown's qualifications were, they were not up to the job of handling this natural disaster.

The President came out within the last day and conceded the fact that he had not met his responsibility to the American people in Hurricane Katrina. That is an important admission on his part. I think, once having conceded that point, we can move forward.

I come to the floor now because the Senate missed an extraordinary opportunity to move forward on a bipartisan basis today. There was an amendment offered by Senator HILLARY CLINTON of New York, who certainly knows about disasters, having lived through 9/11 with her colleague, Senator SCHUMER. Senator CLINTON came to the floor today and said: We learned a lesson on 9/11 that if you really want to get to the bottom of what failed in Hurricane Katrina and what we can do to repair the damage in the future, to make certain that the American Government and the American family stand behind its most vulnerable members, we need an independent 9/11-type commission, a bipartisan commission that will take an honest look. Don't load it up with Congressmen and Senators who may have some political axe to grind but make it truly independent.

It worked for 9/11. The two men who were chosen, Gov. Tom Kean, former Republican Governor of New Jersey, and Congressman Lee Hamilton, former Democratic Congressman from Indiana, did an extraordinary service for our country. Their analysis of 9/11 led to the most significant intelligence reform in modern history in our country, and it passed with an amazing, strong, bipartisan vote, thanks to the exceptional work of Senator SUSAN COLLINS, a Republican of Maine, and Senator JOE LIEBERMAN, a Democrat of Connecticut, and Congresswoman JANE HARMAN of California. They all came together with this intelligence reform that grew out of this independent commission.

Senator CLINTON came to the floor today and said it worked well for America's greatest terrorist attack. Let us apply the same concept, the same model for this Hurricane Katrina disaster.

We had a chance on a bipartisan basis to rise to the occasion today, and we failed. We failed to pass the Clinton amendment. On a partisan rollcall, Senator CLINTON's call for an independent commission was rejected. Why? Why? When you consider the devastation of this hurricane, when you consider the billions of dollars that need to be spent now to bring back these communities and the families and the lives, why, when we know that we want to be prepared tomorrow, God forbid, if another disaster strikes? Why wouldn't we follow Senator CLINTON's suggestion? Why wouldn't we create this independent, bipartisan commission that can get to the heart of the issue?

The American people want this, and the Senate rejected it on a partisan rollcall today. That is truly unfortunate. Those who lived through 9/11 recently commemorated a sad fourth anniversary. The lives of those who were lost, of course, will never be reclaimed. Their memories live on. But their families have dedicated themselves, not just to preserving their memory but to doing something important for America. Those families stood behind the 9/11 Commission. They were the political force that kept that commission moving forward when politicians on both sides of the aisle found plenty of excuses to stop.

We need another group of families today. We need the Hurricane Katrina families to come forward. We need for them to say to this Senate, the House of Representatives, and this Government, we truly need another independent commission. We need their voices and we need their strength. I think with it, we will succeed.

Today, Senator CLINTON, despite her best efforts, did not succeed. But for the good and safety and security of this Nation, we must.

I look forward to returning to this issue as quickly as possible. I hope we can find a way to not only analyze what we failed to do with Hurricane Katrina but make certain we bring the relief and recovery families need and make America safe again for so many vulnerable Americans who count on our leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first I would like to thank the senior Senator from Illinois for his kind words about my advocacy.

You see, I wanted not only new leadership at home—that is why I called for Michael Brown to step down—but I believe FEMA needs a new focus. It needs a new energy. And it needs a new independence.

In the 1990s I worked to form FEMA, after Hurricane Andrew, and actually worked with President Bush (I) and Andrew Card. We started that. President Clinton came in, we kept our reform efforts up, we got James Lee Witt, and what we really focused on was, No. 1, that FEMA become independent; No. 2, that it be run by professionals—meaning emergency management, military, or even private sector people with crisis management experience because this is enormously important to saving lives, saving livelihoods, and quite frankly, being good stewards of taxpayer money. We are about to spend $60 billion, and we are into no-bid contracts? OK?

So that is why I wanted Brown to go. The President has appointed someone. I look forward to getting acquainted. I supported the commission, not to finger-point, but to pinpoint, just like the 9/11 Commission. Where do we need to reform? Where do we need to reinvigorate? Where do we need to refocus?

Yes, the President is going to look into it, and he should. Yes, the Congress is going to look into it, under the able leadership of Senator COLLINS and Senator LIEBERMAN. But I believe in independence. Frankly, as you know, I say to the Senator, just as in medicine, nothing goes wrong when you get a second opinion from outside. So that is what I hoped would happen. But I look forward to working with the President on recovery.

We have to make sure we are ready and able to respond if it happens again. Thank you for your kind words.

Mr. DURBIN. I thank my colleague.

Mr. GRASSLEY. Mr. President, last night, Senator BAUCUS and I introduced a package of tax relief measures designed to help the victims of Hurricane Katrina both in the short and long term. We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport, and the other hurricane-hit areas. We're pleased that members of the affected region join us in this effort including Senators LOTT, LANDRIEU, VITTER, COCHRAN, and SHELBY.

The immediate relief package that we are announcing today will help get short-term aid to hurricane victims by encouraging food donations and the employment of displaced individuals, for example. For those who have suffered casualty losses, we have liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property. We also want to help protect Katrina victims from undeserved IRS harassment.

We expect to see prompt action by Congress on this tax relief package. We need to get these tax incentives on the books and help Katrina victims make a fresh start.

After this package is completed, our focus will be on longer term tax incentives to help rebuild homes and businesses. We are looking at depreciation changes, tax-exempt bond authority—arbitrage rebate—and enterprise-zone initiatives.

Life will never be the same for our fellow citizens in gulf region. And what we have all seen over the last 2 weeks will stay in the hearts and minds of all of us for years to come.

With this first initiative from the Finance Committee—and there will be more in other areas where we have jurisdiction—we want the victims in all of the affected areas to know that they can count on us to create a set of measures that witl help return vitality and vigor to the gulf region.

NOTICE OF INTENT

Mr. REID. Mr. President, in accordance with rule V of the standing rules of the Senate, I hereby give notice in writing on behalf of myself and Senator BINGAMAN that it is our intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, The Science, State, Justice, Commerce Appropriations Bill, the following amendment: No. 1706.

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 1660

Mr. CHAFEE. Mr. President, Congress must make an immediate, thorough review of the Government's response to Hurricane Katrina and its aftermath.

As a member of the Senate Homeland Security Committee, I am committed to working with Chairwoman SUSAN COLLINS and Ranking Member JOE LIEBERMAN to ensure that the investigation is conducted in a bipartisan fashion.

We have already begun this investigation. On Wednesday, September 14, our committee held its first hearing on the effects of Hurricane Katrina and heard from former California Gov. Pete Wilson, former New Orleans Mayor Marc Morial, and former Grand Forks, ND, Mayor Patricia Owens. Each of these respected public officials have led their citizens through past natural disasters and shared their experiences with us in the hearings.

In the coming weeks, we will call in leaders from the administration and other relevant parties to determine what was done right and what was done wrong in responding to Hurricane Katrina. We intend to make whatever changes in structure, funding and personnel that are necessary to ensure that we are prepared to handle disasters—either natural or manmade—in the future.

During consideration of the fiscal year 2006 Commerce-Justice-Science appropriations bill, Senator HILLARY CLINTON offered an amendment to create a new committee to investigate Hurricane Katrina. I did not support this amendment for two reasons. First, it violated Senate rules by adding legislation to an appropriations bill. I have strongly opposed such legislative "riders" in the past since many of the "riders" have been used to undermine environmental laws. I believe that legislation should move through the appropriate authorization committees for consideration.

Second, I believe that our Homeland Security Committee is doing the necessary work to conduct a full investigation. The work has already begun. A new committee could take months to be organized and set up. The American people should not have to wait to have accountability.

AMENDMENT NO. 1670

Mr. CHAFFEE. Mr. President, I wish to speak about the Senate amendment No. 1670, offered by Senator DORGAN. Earlier today the Senate held a procedural vote on this amendment, and I want to make clear the reason for my vote.

Senator DORGAN's amendment would create a Special Committee of the Senate on war and reconstruction contracting. It is modeled on the highly successful committee that former President Harry Truman chaired during his Senate tenure from 1941–1944. That committee demanded the strictest accountability from defense contracting and thus saved our Government billions of dollars.

I agree with the aim of Senator DORGAN's amendment, and look forward to supporting legislation in the future that would establish a special committee to review war and reconstruction contracting. Given the great cost, length and importance of the war on terrorism, I think it is appropriate to convene such a special committee to ensure that taxpayer dollars are spent wisely.

However, Senator DORGAN offered this piece of authorizing legislation on an appropriations bill. The procedural vote was whether the Senate should set aside rule XVI, which prohibits such authorizing on appropriations. There is a troubling history of legislating on appropriations. From 1995, when the Senate voted in effect to over-turn rule XVI, until 1999, when the rule was established, there was a proliferation of so-called "legislative riders" on appropriations bills. No authorizing committee's territory is safe without firm lines clearly differentiating between authorizing work and appropriations work. Moreover, from 1995–1999 many of the riders were aimed at undermining environmental laws.

To avoid returning to this practice, I support rule XVI and its prohibition against adding authorizing amendments to appropriations bills, and thus voted to oppose Senator DORGAN's amendment. Again, I state this to make clear that my vote was to uphold an important Senate rule, and not to oppose Senator DORGAN's amendment.

AMENDMENT NO. 1688, AS MODIFIED

Ms. MIKULSKI. Mr. President, I now ask unanimous consent that amendment No. 1688, which was submitted by Senator STABENOW, be modified with the changes that are at the desk and, further, that the amendment be considered and agreed to with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1688), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. . None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. It has been laid upon the table.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1671

Mr. SHELBY. Mr. President, I now call for the regular order with respect to DeWine amendment, No. 1671.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1715 TO AMENDMENT NO. 1671

Mr. SHELBY. We have a second-degree amendment which has been agreed to on both sides. Therefore, on behalf of Senator DEWINE, I send the second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. DEWINE, proposes an amendment numbered 1715 to amendment No. 1671.

The amendment is as follows:

On page 1 strike line 6 and all that follows through page 2, line 2, and insert the following:

$859,300,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration. Of the amount available under this section in excess of $852,300,000, not more than 50 percent of such excess amount may be derived from any particular account of the National Aeronautics and Space Administration.

Mr. SHELBY. Mr. President, I believe this amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1715) was agreed to.

The PRESIDING OFFICER. Without objection, the first-degree amendment, as amended, is agreed to.

The amendment (No. 1671), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1662

Mr. SHELBY. Mr. President, I now ask for the regular order with respect to Sarbanes amendment No. 1662.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, this amendment has been cleared on both sides. I urge the adoption of the Sarbanes amendment.

Ms. MIKULSKI. I concur.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1662) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. I ask unanimous consent that the order for the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SHELBY. I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EGYPT AND MOLDOVA

Mr. McCONNELL. Mr. President, I rise to make two brief comments regarding Egypt and Moldova.

On Egypt, the jury is still out on whether or not the recent presidential election is a meaningful step toward greater democracy in that country. To be sure, there was plenty wrong with the poll which few Egyptians were permitted to access and no international monitors were allowed to observe. President Mubarak's victory was unsurprising. It is important to encourage President Mubarak to appreciate that progress in Egypt, whether relating to freedom, economic development, or Radio Sawa broadcasts, must be judged not by words but by concrete actions. The Egyptian people deserve no less, particularly with legislative elections on the horizon later this year.

On Moldova, I am pleased that the Senate State, Foreign Operations and Related Programs Subcommittee provided an additional $3 million above the Fiscal Year 2006 budget request for that country, a mark worthy of defending in conference. Credible elections in March demonstrated that the country's political leaders are interested in European integration and increased political and economic reforms. I encourage that country to implement proposed reforms relating to the independence of the judiciary and media, transparency in parliamentary proceedings, participation in elections, local self-government, legislative oversight of the executive, and protection of human and civil rights. Such action will demonstrate the seriousness of Moldova's intentions and strengthen its partnerships with the United States and Europe.

I look forward to continued democratic progress in Egypt and Moldova.

HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. BAUCUS. Mr. President, I join in acknowledging the life and service of Chief Justice William Rehnquist.

His was a life of public service. During the Supreme Court's 1951 and 1952 terms, he served as a law clerk for Justice Robert Jackson. From 1969 to 1971, he served as Assistant Attorney General in the Justice Department's Office of Legal Counsel. And from January 7, 1972, to his passing Saturday, he served on the Supreme Court. Through his life of service, Justice Rehnquist has left an indelible mark on this Nation.

In 1969, on appointing Judge Burger as Chief Justice of the Supreme Court, President Nixon had said: Our Chief Justices have probably had more profound and lasting influence on their times and on the direction of the nation than most Presidents.

President Nixon was right. And the service of Chief Justice Rehnquist was proof.

In 1971, President Nixon nominated Justice Rehnquist to the Supreme Court as an Associate Justice. And in 1986, President Reagan elevated him to the position of Chief Justice. In the history of this Nation, only 16 men have held this high office. Justice Rehnquist presided over the court as Chief Justice for 19 years. Only three men served longer as Chief Justice: Melville Weston Fuller, Roger Taney, and John Marshall.

I felt a tie with Justice Rehnquist, as he had attended Stanford University and Stanford Law School, a few years ahead of me at both schools. In another one of those quirks of history, he attended the same Stanford Law School class with Sandra Day O'Connor, who would later join him on the Supreme Court.

I was also able to observe Chief Justice Rehnquist at close range, in 1999, when he presided over the Senate sitting in the Presidential impeachment trial of President Clinton. Chief Justice Rehnquist had written a book on impeachments. But more importantly, his presence brought dignity and a much-needed sense of humor to those difficult proceedings.

At one point, he noted that a Senate rule forbids both sides in the impeachment trial from objecting to a question.

From the Presiding Officer's chair, the Chief Justice wryly observed: The Parliamentarian says they can only object to an answer and not to a question, which is kind of an unusual thing.

The Chief Justice chuckled, and Senators laughed with him.

At another point, Majority Leader Lott asked how much time each side had used. The Chief Justice checked with the Parliamentarian and first announced that the House Managers had taken 54 minutes and the White House had taken 57 minutes. But then the Chief Justice said that he needed to correct himself, saying that the House managers had actually used up 64 minutes, not just 54 minutes.

House Manager Rogan, who was scheduled to speak next, inquired: I trust that doesn't mean I have to sit down, Mr. Chief Justice.

The Chief Justice quipped in response: It's not retroactive.

Mr. President, Chief Justice Rehnquist wrote many opinions with which I do not agree. He was a very conservative Justice.

But I will miss Chief Justice Rehnquist. He was a great figure of our times. We will not forget him.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 15, 2005, Dwan Prince was savagely beaten by three men as Prince stood outside of his apartment building in New York, NY. The apparent motivation for the attack on Prince was his sexual orientation. According to police, the three attackers shouted antigay slurs throughout the attack on Prince.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE CANDY STORE FOR GUNS

Mr. LEVIN. Mr. President, I have consistently supported commonsense legislation to help stop the flow of guns to the black market. Unfortunately, the failure of Congress to act on several commonsense bills has allowed criminals and terrorists continued potential easy access to guns. In addition to endangering our families and communities here in the United States, congressional inaction may also be helping to fuel international trafficking of powerful firearms.

Earlier this year, the CBS news program "60 Minutes" aired a segment about the activities of an arms merchant who legally purchased high-powered weapons here in the U.S. and smuggled them to the Kosovo Liberation Army to be used in their fight for independence from Serbia. According to him, the weapon of choice for the KLA was the .50-caliber sniper rifle.

Published reports indicate that .50-caliber sniper rifles are capable of accurately hitting a target more than 1,500 yards away with a bullet measuring a half inch in diameter. In addition, these thumb-size bullets come in armor-piercing, incendiary, and explosive varieties that can easily punch through aircraft fuselages, fuel tanks, and engines. Under current law, .50-caliber sniper rifles can be purchased by private individuals with only minimal Federal regulation. In fact, these dangerous weapons are treated the same as other long rifles including shotguns, hunting rifles, and smaller target rifles.

"60 Minutes" pointed out that this one individual made use of his easy access to .50-caliber sniper rifles and other high-powered weapons to help outfit the KLA. He said: Anything you need to run a small guerrilla army, you can buy here in America. You have all the guns you need here to fight a war.

He continued: All the rifles which U.S. soldiers use in every war, you can buy them in a gun store or a gun show.

While he would not discuss the total number of .50-caliber rifles he shipped out of the country, the author of a book about the subject estimated the number to be several hundred. The author told "60 Minutes" that on one occasion, the arms merchant and his associates hid nearly one hundred .50-caliber sniper rifles in a shipment of humanitarian aid to Albanian refugees.

For their report, "60 Minutes" also interviewed Joe Vince, a former senior official at the Bureau of Alcohol, Tobacco, Firearms, and Explosives. He commented on our Nation's gun laws by saying: We are the candy store for guns in the world. And it's easy for people to acquire them here.

During his interview, Mr. Vince called for computerized records of gun sales that would allow law enforcement officials to look for patterns of buying activity for high-powered firearms including .50-caliber sniper rifles. This approach may be helpful for identifying the gun trafficking operations that arm criminals in our country as well as those that support militants in other parts of the world, including terrorists.

I have cosponsored the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN. This bill would reclassify .50-caliber rifles under the National Firearms Act, treating them the same as other high powered or especially lethal firearms like machine guns and sawed off shotguns. Among other things, reclassification of .50-caliber sniper rifles under the NFA would subject them to new registration requirements. Future transfers or sales of .50-caliber sniper rifles would have to be conducted through a licensed dealer with an accompanying background check. In addition, the rifle being sold would have to be registered with Federal authorities.

We have a responsibility to those we represent as well as to other nations to help stop dangerous firearms from falling into the hands of people who seek to use them for violence. I am hopeful that the Congress will recognize the danger of inaction and pass legislation to require registration of military style firearms like the .50-caliber sniper rifle.

TAIWAN-UNITED STATES AGRICULTURAL AGREEMENT

Mr. BROWNBACK. Mr. President, every 2 years or so, an agricultural buying mission from Taiwan visits the United States, to sign letters of intent and contracts to buy billions of dollars worth of U.S. wheat, corn, soybeans and hides. As you can well imagine, this practice has helped to guaranty an income to farmers across the country, and helped to create jobs in communities throughout this Nation.

Between 1978 and 1993, Taiwan dispatched 18 of these missions to this country. Taiwan has an active "buy American" program, which has helped to shrink our trade deficit over the years. Hopefully, this robust trading relationship between Taiwan and the United States will continue for years to come. I know for a fact that our farmers and exporters, especially from my home State of Kansas, deeply appreciate Taiwan's business.

Our friends in Taiwan have helped this country in other ways as well. Whether it is full cooperation in the global war on terror, significant monetary contributions to the Twin Towers Fund, or their recent generous pledge of $2,000,000 in aid for the victims of Hurricane Katrina, we can always count on Taiwan to be there when we need them.

Mr. President, I rise today to thank our friends in Taiwan as they once again demonstrate their good will towards the United States through the visit of this agricultural buying mission to my State, as well as those of many of my colleagues.

COMMMORATION OF THE 200TH ANNIVERSARY OF THE BIRTH OF CONSTANTINO BRUMIDI

Mrs. CLINTON. Mr. President, this is such a happy occasion and I am delighted that so many of you who know the importance of this extraordinary artist-citizen's work could join us. I want to thank Speaker HASTERT and Senator STEVENS, as well as our leaders in the Senate, Senator FRIST and Senator REID, my colleague Senator ENZI, Congressmen PASCRELL and BILIRAKIS, and of course Ambassador Boggs. It is so wonderful that we are here in this historic building, where Americans can see the best of our democracy in action. I often just shake my head and wonder as I walk through the Capitol—its beauty, its iconic power really defy my attempts at articulation. More than any other building, it is the exterior of the Capitol that we associate with the freedoms, values, and privileges of American citizenship. But on the inside we tell so many stories about who we are as a people, what our aspirations and our dreams might be.

Constantino Brumidi was 47 years old, a painter, when he came to our shores. As is often the case with the immigrant experience, he landed here with nothing but a dream, and within a relatively short period of years he was here at the Capitol, using his talent and the great tradition that he exalted, to turn the interior of our Capitol into something much more alive and real than just the walls and the columns that held it up. He had a Greek father, an Italian mother; some might very well say the best of both worlds. And the coincidence should not be lost on us, that classical wall painting, the medium of which he was a master, originated in Greece and reached a high degree of refinement during the Roman Republic. So he brought with him his classical training and influences and he became a master of that tradition. He believed that the Capitol required, as he put it, "a superior style of decoration in real fresco, like the palaces of Augustus and Nero." In the Brumidi biography, by Capitol curator Barbara Wolanin, she so aptly writes, "his originality lay in integrating American themes into his classical repertoire. He was inspired by the great Renaissance artist Raphael, and he emulated his design of scrolls and leaves with birds and animals, but the species of squirrels and mice he painted in the Senate Wing corridors were strictly American."

He spent 25 years painting in the Capitol Building, but that was not his only commission. One of his most notable other great works is found in New York, at the Church of Our Lady of the Scapular and Saint Stephen, which is in the Gramercy Park area of Manhattan. My predecessor, Senator Moynihan, recognized the importance of Brumidi's work at Saint Stephen's years ago. Commissioned in 1866, Brumidi painted a huge mural of Christ's crucifixion over the church's high altar, in addition to 43 murals and paintings around the walls. He was acclaimed for this work, and you can see why as you look through the Capitol, and I also hope you will also visit Saint Stephen's. The church is engaged in an important effort to preserve Brumidi's work, and I personally hope that this ceremony and the 200th anniversary of his birth will help draw attention to that effort.

As we have learned from years of effort, preserving and restoring Brumidi's work is enormously important. For decades it was obscured by moisture and leaks, and gas torch light residue, but finally in the 1980s and the 1990s his work had begun to be restored to its original splendor. I remember coming in late at night in the Capitol on numerous occasions in the past 10 or 15 years and seeing the restorers working so meticulously to preserve and enhance and once again reveal the full beauty of his work.

Yes, he was an artist-citizen. He used his artistry on behalf of his citizenship, and he used his citizenship to elevate his art. He is reported to have said, "My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on Earth in which there is liberty." I believe his daily prayer was answered and I am delighted that so many of us could be here to recognize and celebrate the 200th anniversary of his birth, but even more the work he did which has stood the test of time.

MEMORIAL FOUNDATION FOR THE BLIND'S 100TH ANNIVERSARY

Mr. KENNEDY. Mr. President, today I pay tribute to the Memorial Foundation for the Blind in Worcester, MA as they celebrate a century of good deeds in the Commonwealth. I would especially like to congratulate the board of directors on this special day, led by President Lawrence M. Raymond and Vice President Janet LaBreck. Without the board's leadership and dedication this day may not have been possible.

For most of our Nation's history, blind and visually impaired men and women, like all people with disabilities, were treated like second-class citizens. They had fewer opportunities to succeed in school and work and participate in the life of their communities, and their special needs were too often considered a burden without remedy and not worth addressing.

Since those dark days, enormous progress has been made in promoting a life full of possibilities for blind and visually impaired men and women. Leaders like Helen Keller changed hearts and minds by showing us all that what is often seen as a limitation can be a blessing in disguise. But much of the credit also goes to local organizations such as the memorial foundation, that cared about these basic issues and stood up for civil rights. It represents the best in progressive philanthropic organizations that changed communities one at a time, and encouraged the rest of the Nation to follow suit. Their great legacy is a stronger and fairer America.

In Worcester County, the foundation operated a special home and provided support services for many years, making sure that a safe and welcoming shelter existed in the community. In 1960 it shifted its focus to providing financial assistance to one and later on to many agencies and organizations in the community that exemplify its giving spirit. They continue to do so today, adapting to new developments, supporting assistive technologies and giving blind and visually impaired men and women unprecedented new independence.

This new century holds great promise for further extraordinary progress, especially in the area of employment. I am proud to join the memorial foundation in its ongoing efforts for greater justice and equality. You represent the very best in our Commonwealth and our Nation.

ADDITIONAL STATEMENTS

SALUTE TO EDWIN LEE ALLEN

• Mr. HARKIN. Mr. President, I rise today in celebration of the 95th birthday later this week of a truly beloved Iowa artist, Lee Allen.

Born in Muscatine on September 16, 1910, Edwin Lee Allen has called Iowa home for his entire life. The son of an engineer, Lee was raised with a unique blend of curiosity and problem-solving ability. As a young boy, his father gave him a set of oil paints and Lee quickly developed into an excellent artist. At the age of 18, Lee won a blue ribbon for oil painting at the Iowa State fair. Another artist who won an award at that fair was Grant Wood, later to become famous for his painting "American Gothic." Lee and Grant Wood became friends and, as director of a Federal fine arts project during the Depression, Grant Wood asked Lee to work for him.

In 1935, Lee studied under Diego Rivera in Mexico City. Upon returning to Iowa City, Lee won a competition to paint murals for post offices. Two were produced. One, "Soil Conservation," still hangs in the Onawa post office, and another, "Conservation of Wildlife," hangs in the Emmetsburg post office. "Soil Conservation" was selected for the American Century exhibit at the Whitney Museum of American Art in 1999.

In 1937, Lee began working for the University of Iowa as a medical illustrator in the Eye Department. He quickly distinguished himself as a medical illustrator, but also made many contributions to the medical profession. For example, in 1941, frustrated with then-current gonioprisms, Lee developed the "Allen-Thorpe Goniprism," which was sold by the Bausch and Lomb Company. He also developed the "Allen Dot" which diminished flare and reflections on cameras designed for photographing eyes.

Following World War II, Lee began making artificial eyes. And in 1976, he retired from the University of Iowa to open his own company, Iowa Eye Prosthetics. Using the same scientific mind and artist's skill, Lee revolutionized the process of making artificial eyes. His development of the "painting lens" allowed ocularists—artificial eye artisans—to develop incredibly comfortable and life-like artificial eyes. His Iowa Eye Implant provided for a very natural eye movement. Because of Lee's success and dedication, today artificial eyes look every bit as natural as the real thing.

Throughout his career, Lee continued to paint and win awards, and his art hangs in museums across the country.

Today, Lee is fully retired and lives in Iowa City, welcoming the opportunity to spend time with his three daughters, Loredo, Mary Lee, and Elizabeth. I wish him the best on this his 95th birthday, and thank him for his contributions to art, medicine, and America.●

25TH ANNIVERSARY OF THE ICE AGE NATIONAL SCENIC TRAIL

● Mr. FEINGOLD. Mr. President, today I wish to honor the 25th anniversary of the Ice Age National Scenic Trail, which will be observed later this week but officially occurs on October 3, 2005. This anniversary is an appropriate time to celebrate not just the breathtaking beauty of our natural surroundings or the accomplishments of and opportunities provided by a cherished unit of the National Park Service over the past 25 years. It also gives us the chance to mark the achievements that are possible when a dedicated group of volunteers commit themselves to a long-term vision of improving their environment, their communities, their State, and their country.

Much of North America's landscape was formed by retreating ice sheets some 15,000 years ago and the beauty this retreat exposed surrounds each of us. However, it is the two-thirds of Wisconsin that were shaped during this glacial movement whose majestic beauty is, quite simply, unmatched. I know that all Wisconsinites appreciate the special places that owe their existence to these glacial changes—from our thousands of inland lakes and streams to our meandering eskers and rolling moraines, and from the top of Timm's Hill down to the gravelly shores of Lake Michigan.

Wisconsin's geological history communicates a fascinating story and the Ice Age National Scenic Trail helps to both preserve that story, by protecting the scenic beauty, and to tell that story, by allowing people the opportunity to explore it. The trail, which starts in Green Bay, follows the path of the Wisconsin Glaciation, stretches for more than 1,000 miles across the State, and finally ends at the Interstate State Park Ice Age Reserve Unit at the Dalles of the St. Croix River. Throughout its meanderings, the trail takes you on a journey like no other.

In addition to learning about the geological history of Wisconsin, a visitor to the trail will find a multitude of recreational opportunities. These activities can be equally enjoyed by individuals seeking solitude and by groups and families who want to increase their togetherness. All areas on the Ice Age Trail encourage hiking and backpacking, and some portions permit non-motorized sports such as bicycling, horseback riding, cross-country skiing, snowshoeing, and jogging. I cannot think of a better place to engage in these activities than along the Ice Age Trail.

The stories associated with the trail aren't only about the geological history of our State. The trail also tells the story of individuals working to fulfill a dream. In the 1950s, the late Ray Zillmer, of Milwaukee, envisioned a trail spanning across Wisconsin's glacial landscape. In 1958, the Ice Age Park and Trail Foundation was formed by a grassroots movement of Wisconsin citizens interested in promoting the creation of a national park that would recognize the glacial footprint in Wisconsin. These citizens' efforts were finally recognized when, in 1971, the State of Wisconsin cooperated with the National Park Service to create the Ice Age National Scientific Reserve. Finally, in 1980—over 20 years after Mr. Zillmer's work began—Congress recognized the national significance of our landscape and the importance of sharing it with the country and designated the Ice Age Trail as a National Scenic Trail.

Our trail is administered jointly by the Wisconsin Department of Natural Resources, the Ice Age Park and Trail Foundation, and the National Park Service, but it is the efforts of volunteers that truly make the trail shine. From those as young as 11 to those in their 70s, I salute the volunteers who are committed to improving our Ice Age National Scenic Trail. Their actions carry on the vision of past Wisconsinites to leave their surroundings a bit better off than they found them.

Over the past 25 years, the trail has flourished. It has grown tremendously and today there are many segments proposed for inclusion. I can't wait to watch as the next 25 years go by. In fact, I look forward to participating in the 50th anniversary celebration!

In closing, I congratulate the Ice Age National Scenic Trail on its 25th anniversary and commend all those associated with it for their efforts to make it one of the most outstanding parts of the National Trails System.●

100TH ANNIVERSARY OF THE UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES

● Mr. CONRAD. Mr. President, I rise today to recognize the outstanding achievements of the School of Medicine and Health Sciences at the University of North Dakota, UND, as it celebrates 100 years of excellence, innovation and service. On September 30 through October 1, the students, faculty, and alumni of the UND School of Medicine and Health Sciences will gather to celebrate their institution's history and founding.

As the only medical school in the State of North Dakota, the School of Medicine and Health Sciences has played a key role in ensuring access to quality health care in our region. When the School was established by the North Dakota State Legislature in 1905, most of the State's citizens were farmers living in areas with little or no medical care. Throughout the past 100 years, the UND School of Medicine and Health Sciences has maintained its focus on training health professionals that seek to practice in rural areas. The school has educated nearly half of all practicing doctors in North Dakota and almost 80 percent of the physician assistants and physical and occupational therapists. The school has also trained medical doctors and other health professionals for service on reservations through its Indians Into Medicine program.

One of the most notable offices within the School of Medicine and Health Sciences is the Center for Rural Health. As one of the Nation's top resources for rural health research and policy, the Center for Rural Health has been recognized again and again for its work in studying and improving rural health. The center is home to the Nation's only Rural Assistance Center, a clearinghouse for rural health providers and communities to access the full range of funding and research opportunities.

The School of Medicine and Health Sciences has also focused resources on medical research. As one of eleven nationwide sites with the advanced technology to study neurodegenerative diseases, the school has utilized its scientists and resources to study diseases and conditions that affect people in the Midwest region, including diabetes, cancer, fetal alcohol syndrome, and Parkinson's. Over the past 10 years, the school has attracted nearly $30 million in Federal grant funding.

The UND School of Medicine and Health Sciences has provided a century of excellence, innovation, and service to not only its students and faculty, but to the entire State of North Dakota. The school has grown and expanded over the past 100 years, but has remained committed to educating future health care providers. I ask the Senate to join me in congratulating the School of Medicine and Health Sciences on its first 100 years of service to North Dakota and in wishing it well as it embarks on the next century. By honoring the UND School of Medicine and Health Sciences, we recognize the unique contributions that smaller, community-based medical schools have made to our Nation's health care system, particularly in rural areas.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bills:

S. 252. An act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

H.R. 804. An act to exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 11:14 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 539. An act to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 276. An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 26. Concurrent resolution honoring and memorializing the passengers and crew of I United Airlines Flight 93.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 539. An act to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3726. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of nomination notifications for four Presidentially-appointed Senate-confirmed positions within the Department of Housing and Urban Development received on August 23, 2005; to the Committee on Banking, Housing and Urban Affairs.

EC–3727. A communication from the Acting Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–3728. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico (New Pidiregas Projects); to the Committee on Banking, Housing, and Urban Affairs.

EC–3729. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico (Cantarell oil field); to the Committee on Banking, Housing, and Urban Affairs.

EC–3730. A communication from the Deputy Secretary of State, transmitting, pursuant to law, a report entitled "Authorization for Use of Military Force Against Iraq Resolution of 2002 (April 15—June 15, 2005)"; to the Committee on Foreign Relations.

EC–3731. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((70 FR 43056)(44 CFR Part 67)) received on August 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3732. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((70 FR 43055)(Docket No. FEMA-D-7575)(44 CFR Part 65)) received on August 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3733. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((70 FR 43067)(44 CFR Part 67)) received on August 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3734. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((70 FR 47129)(44 CFR Part 67)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3735. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((70 FR 47128)(44 CFR Part 67)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3736. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((70 FR 48481)(Docket No. FEMA-7889)(44 CFR Part 64)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3737. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((70 FR 40913)(44 CFR Part 65)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3738. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood

Elevation Determinations" ((70 FR 40909)(44 CFR Part 65)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3739. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((70 FR 38038)(Docket No. FEMA–7883)(44 CFR Part 64)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3740. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((70 FR 40915)(44 CFR Part 67)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3741. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05-200—05-213); to the Committee on Foreign Relations.

EC–3742. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to action taken by the Department of State in response to the program recommendations of the Baghdad (Mollen) Accountability Review Board; to the Committee on Foreign Relations.

EC–3743. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. Contributions to the International Fund for Ireland in Fiscal Year 2005; to the Committee on Foreign Relations.

EC–3744. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendments to the International Traffic in Arms Regulations: Port Directors Definition, NATO Definition, Major Non-NATO Ally Definition, Recordkeeping Requirements, Supporting Documentation for Electronic License Applications, Disclosure of Registration Documents" (22 CFR Parts 120, 122, 123, 124, 126, and 127) received on August 22, 2005; to the Committee on Foreign Relations.

EC–3745. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the fifty-third report on the extent and disposition of United States contributions to international organizations for fiscal year 2004; to the Committee on Foreign Relations.

EC–3746. A communication from the National Treasurer, American Ex-Prisoners of War, transmitting, pursuant to law, the American Ex-Prisoners of War, Inc. Financial Statements with the Independent Auditors report for the year ended August 31, 2004; to the Committee on the Judiciary.

EC–3747. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Reports by Registrants of Theft or Significant Loss of Controlled Substances" (RIN1117-AA73) received on August 31, 2005; to the Committee on the Judiciary.

EC–3748. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for Demand Reduction, received on August 31, 2005; to the Committee on the Judiciary.

EC–3749. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for Supply Reduction, received on August 31, 2005; to the Committee on the Judiciary.

EC–3750. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Inmate Fees for Health Care Services" ((RIN1120-AB11)(70 FR 43047)) received on August 31, 2005; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mr. BINGAMAN):

S. 1697. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to cover fees, books, supplies, and equipment and to exempt Federal Pell Grants and Federal supplemental educational opportunity grants from reducing expenses taken into account for the Hope Scholarship Credit; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1698. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. HATCH, Mr. DEWINE, Mr. CORNYN, Mr. BROWNBACK, Mr. VOINOVICH, Mr. FEINGOLD, Mr. LEVIN, Mr. BAYH, Mr. REED, and Ms. STABENOW):

S. 1699. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. OBAMA, Mr. FRIST, Mr. REID, Mr. LAUTENBERG, Mr. CARPER, and Mr. DEMINT):

S. 1700. A bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1701. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. BOND, and Mr. JEFFORDS):

S. 1702. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Environment and Public Works.

By Mr. KERRY:

S. 1703. A bill to provide for the development and implementation of an emergency backup communications system; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 1704. A bill to prohibit the use of Federal funds for the taking of property by eminent domain for economic development; to the Committee on the Judiciary.

By Mr. SALAZAR:

S. 1705. A bill to allow a credit against income tax for providing housing to victims of Hurricane Katrina and to amend the Internal Revenue Code of 1986 to waive the limitation on charitable donations by individuals for donations for the relief of the victims of Hurricane Katrina; to the Committee on Finance.

By Ms. LANDRIEU:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. LUGAR, and Mr. BIDEN):

S. Res. 237. A resolution expressing the sense of the Senate on reaching an agreement on the future status of Kosovo; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. ALEXANDER, Mr. ALLEN, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COLEMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. ROBERTS, Mr. SANTORUM, Mr. STEVENS, Mr. TALENT, and Mr. VOINOVICH):

S. Res. 238. A resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 114

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 114, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 246

At the request of Mr. BUNNING, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 309

At the request of Mr. DEMINT, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

S. 381

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 385

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 385, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 855

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 855, a bill to improve the security of the Nation's ports by providing Federal grants to support Area Maritime Transportation Security Plans and to address vulnerabilities in port areas identified in approved vulnerability assessments or by the Secretary of Homeland Security.

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 1038

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1038, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1117

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1117, a bill to deepen the peaceful business and cultural engagement of the United States and the People's Republic of China, and for other purposes.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1143

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1143, a bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1197, supra.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1309

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1369

At the request of Mr. TALENT, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1369, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice.

S. 1405

At the request of Mr. NELSON of Nebraska, the names of the Senator from Maine (Ms. SNOWE), the Senator from Minnesota (Mr. DAYTON), the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1527

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1527, a bill to amend the Public Health Service Act with respect to immunizations against vaccine-preventable diseases, including influenza, and for other purposes.

S. 1597

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1637

At the request of Mr. REID, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1637, a bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes.

S. 1638

At the request of Mr. OBAMA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1646

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1646, a bill to provide for the care of veterans affected by Hurricane Katrina.

S. 1678

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1678, a bill to temporarily increase the standard mileage rate for use of an automobile for purposes of certain deductions allowed under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees.

S. 1685

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1685, a bill to ensure the evacuation of individuals with special needs in times of emergency.

AMENDMENT NO. 1523

At the request of Mrs. DOLE, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1523 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1652

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1652 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1654

At the request of Mr. DAYTON, the names of the Senator from Florida (Mr. NELSON) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. BIDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1670

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1670 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1687

At the request of Ms. STABENOW, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 1687 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1688

At the request of Ms. STABENOW, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Wisconsin (Mr. KOHL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1688 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1694

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1694 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1695

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 1695 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1703

At the request of Mr. PRYOR, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 1703 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 1703 proposed to H.R. 2862, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1703 proposed to H.R. 2862, supra.

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 1703 proposed to H.R. 2862, supra.

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 1703 proposed to H.R. 2862, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Mr. BINGAMAN):

S. 1697. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to cover fees, books, supplies, and equipment and to exempt Federal Pell Grants and Federal supplemental educational opportunity grants from reducing expenses taken into account for the Hope Scholarship Credit; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, Senator SMITH and I are introducing legislation today that would allow more students in our Nation to take full advantage of the Hope Scholarship Tax Credit.

Since it was signed into law by President Clinton in 1997, the Hope Scholarship Tax Credit has annually helped millions of students reduce the cost of going to college. In 2003 alone, more than 7.3 million college students claimed this and the Lifetime Learning tax credit. This credit, which can be as much as $1,500, has helped families offset the increasing cost of college—costs that have gone up 51 percent at public 4-year colleges, 36 percent at private 4-year colleges and 26 percent at public 2-year colleges over the past decade.

Unfortunately, many students and their families are unable to take advantage of the maximum amount of the credit because it is limited to covering "tuition and related expenses." Students that attend colleges with lower tuition costs, such as those at many of our Nation's community colleges, are not entitled to the maximum amount of the credit. As we all know, tuition is just one of the many expenses associated with going to college. Room, board, books, supplies, equipment and fees can be prohibitively expensive for those who attend colleges that have reasonable tuition charges.

The bill addresses this inequity, by allowing the Hope scholarship tax credit to cover expenses associated with fees, books, supplies, and equipment. To limit the bill's cost, a student's room, board and related expenses would remain excluded. It is important to note that the Tax Code commonly recognizes non-tuition expenses, including substantial living expenses, in programs such as section 529 plans and tax-exempt, pre-paid tuition plans. Our bill, reasonably, covers a much more limited subset of these same expenses.

In addition, the legislation changes the Tax Code so that any Federal Pell grants and Federal Supplemental Educational Opportunity Grants students receive are not counted against their eligible expenses when Hope eligibility is calculated. This change will provide some assistance to needier students, especially those attending 4-year public colleges. However, since the Hope tax credit will remain non-refundable, the costs of these changes will remain low.

Both of these modest changes will make college more affordable to many students and families that do not currently benefit from many of the other tax provisions that are targeted to more wealthy families. For many of these students, the ability to get the maximum amount of the tax credit may be the difference in the student being able to take an additional class or not having to sit out a semester.

This legislation is supported by the American Council on Education, the United States Student Association, the American Association of Community Colleges, the American Association of State Colleges and Universities, the National Association of State Universities and Land Grant Colleges, the Association of Jesuit Colleges and Universities, the Hispanic Association of Colleges and Universities, and a number of other prominent higher education organizations.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1698. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, this week world leaders are meeting at the United Nations to reaffirm the commitments made five years ago under the United Nations Millennium Declaration, including the commitment to halt and begin to reverse by the year 2015 the spread of HIV/AIDs, malaria, and other major diseases that claim the lives of millions of people around the world every year. We still have a long way to go if we are going to meet this challenge.

AIDS, which has already claimed the lives of 20 million people, continues to be the leading cause of premature death in sub-Saharan Africa. An estimated 39 million people worldwide are infected with HIV. Last year alone, 4.9 million people were newly infected with HIV, and 3.1 million died. For years, the epidemic was focused on sub-Saharan Africa, but now HIV is spreading fastest in Central Europe and in parts of Asia.

Although the AIDS pandemic has gripped the world's notice, other diseases such as malaria and tuberculosis have drawn less attention—but they too are deadly, particularly for those in the world's poorest countries. Malaria claims the lives of a million people annually, many of them young children; ninety percent of these deaths occur among people living in sub-Saharan Africa. Tuberculosis, once thought to be eradicated, has reemerged in new and more drug resistant strains. An estimated 1.7 million people now die annually from TB. Because those living with HIV or AIDS are particularly vulnerable, the number of TB cases has been growing rapidly in sub-Saharan Africa and Central Europe.

Taken together HIV/AIDS, TB and malaria kill over 5 million people annually. A human crisis of this proportion demands that we respond with urgency and thoughtfulness. We must continue to support robust prevention, treatment and care programs. But we must also recognize that vaccines are the most effective weapons in the arsenal of modern medicine to stop the threat of AIDS and other infectious diseases that are decimating the developing world. Pharmaceutical and biotechnology companies, however, are reluctant to invest in research for vaccines for these diseases because they fear that the market will not be lucrative enough to cover the costs of research and development

The bill that I am introducing today, Vaccines for the New Millennium Act of 2005, is designed to address this problem by providing incentives for these companies to accelerate their efforts to develop vaccines and microbicides to prevent HIV/AIDS, TB, malaria and other neglected diseases. It builds upon legislation that I introduced in 2001 with Senator FRIST. I am pleased that the Chairman of the Foreign Relations Committee, Senator LUGAR, is joining me in introducing this new, expanded bill.

The bill provides a variety of economic incentives. First, it mandates that the Secretary of the Treasury enter into negotiations with the World Bank, the International Development Association, the Global Alliance for Vaccines and Immunizations, and other interested parties in order to establish advanced market commitments, AMCs, for the purchase of vaccines and microbicides to combat neglected diseases. Research has shown that the major obstacle to the development of vaccines for these diseases is the absence of a market because these diseases hit hardest in poor countries that cannot afford to buy the vaccines. Advanced market commitments AMCs are designed to remove this obstacle by creating the market ahead of time. AMCs would be legally binding contracts to purchase a vaccine or microbicide at a fair market price for a guaranteed number of treatments, thereby creating a market incentive for a company to invest in the development and production of vaccines for these diseases. The international framework for the AMCs would also include clearly defined requirements for eligible vaccines to ensure that they are safe and effective as well as clearly defined and transparent rules of competition. The bill also mandates that the Secretary establish a purchase fund in the Treasury as soon as a vaccine to combat one of these diseases is available.

Second, the bill supplements the market incentive with a variety of tax incentives designed to provide appropriate and equitable incentives to both large pharmaceutical and small private sector companies to stimulate vaccine development. The bill provides a 30 percent tax credit each year on qualified research expenses to develop microbicides for HIV and vaccines for HIV, TB, malaria and other neglected diseases that kill more than 1 million people annually. This is an expansion of the existing R&D tax credit and can be applied to clinical trials outside of the United States, since the majority of those infected with these diseases are beyond our borders.

It provides a refundable tax credit to small biotechnology companies based on the amount of qualified research that they do in a given year. This credit is designed to stimulate research among the firms that are the most innovative and to ensure that assistance is given to those small companies that need it the most. Increased research efforts by these firms could be instrumental to the effort to develop effective vaccines for neglected diseases, particularly for HIV/AIDS.

And it provides a 100 percent tax credit on contracts and other arrangements for research and development of these vaccines and microbicides. This credit, which is an increase over the 65 percent credit now in the tax code, is designed to serve as an incentive to larger pharmaceutical companies to work hand in hand with the smaller biotech companies to pick up the pace of vaccine development.

Once vaccines are developed, it is imperative that they be widely distributed. The bill that I am introducing today with Senator LUGAR also addresses the distribution side of the equation. It provides a 100 percent tax credit to companies on the sales of new vaccines and microbicides as long as those sales are made to a qualified international health organization or foreign government for distribution in developing countries

Finally, the bill sets up a pilot program under the Small Business Act to encourage the development of vaccines and microbicides by eligible companies under the auspices of the Small Business Innovation Research, SBIR, and the Small Business Technology Transfer, STTR, programs in US government agencies with a global health or disease prevention mission. Under this pilot program, these agencies have new authority to undertake outreach activities to eligible biotech firms and other small business to promote the objectives of the pilot program.

In recent years, a number of pharmaceutical companies have taken steps to help in the treatment of those infected with AIDS by providing life-extending therapies to the developing world at reduced costs. These drugs are critically important but the war against AIDS cannot be won unless we develop vaccines against the HIV virus and other neglected diseases. The pharmaceutical and biotech companies hold the key

Many steps need to be taken in the war against these diseases. This bill focuses on only one area but a critically important one: vaccine development and distribution. If the public and private sectors work together with energy and commitment, I believe we can develop the vaccines, and once developed, we will win the war against these deadly diseases that victimize so many in the developing world.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD as follows:

S. 1698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vaccines for the New Millennium Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) AIDS.—The term "AIDS" has the meaning given the term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) DEVELOPING COUNTRY.—The term "developing country" means a country that the World Bank determines to be a country with a lower middle income or less.

(4) HIV/AIDS.—The term "HIV/AIDS" has the meaning given the term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2).

(5) GLOBAL ALLIANCE FOR VACCINES AND IMMUNIZATIONS.—The term "Global Alliance for Vaccines and Immunizations" means the public-private partnership launched in 2000 for the purpose of saving the lives of children and protecting the health of all people through the widespread use of vaccines.

(6) NEGLECTED DISEASE.—The term "neglected disease" means—

(A) HIV/AIDS;

(B) malaria;

(C) tuberculosis; or

(D) any infectious disease (of a single etiology), which, according to the World Health Organization, causes more than 1,000,000 deaths each year in developing countries.

(7) WORLD BANK.—The term "World Bank" means the International Bank for Reconstruction and Development.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Immunization is cheap, reliable, and effective, and has made a profound impact on global health, in both rich and poor countries.

(2) During the 20th century, global immunization efforts have successfully led to the eradication of smallpox and the elimination of polio from the Western Hemisphere, Europe, and most of Asia. Vaccines for diseases such as measles and tetanus have dramatically reduced childhood mortality worldwide, and vaccines for diseases such as influenza, pneumonia, and hepatitis help prevent sickness and death of adults as well as children.

(3) According to the World Health Organization, combined, AIDS, tuberculosis, and malaria kill more than 5,000,000 people a year, most of whom are in the developing world, yet there are no vaccines for these diseases.

(4) It is estimated that just 10 percent of the world's research and development on health is targeted on diseases affecting 90 percent of the world's population.

(5) Economic disincentives result in little private sector investment in vaccines for neglected diseases, a situation which disproportionately affects populations in developing countries.

(6) Of more than $100,000,000,000 spent on health research and development across the world, only $6,000,000,000 is spent each year on diseases that are specific to developing countries, most of which is from public and philanthropic sources.

(7) Infants, children, and adolescents are among the populations hardest hit by AIDS and malaria, but they are at risk of being left behind in the search for effective vaccines against such diseases.

(8) Providing a broad range of economic incentives to increase private sector research on neglected diseases, including increased public and private sector funding for research and development, guaranteed markets, tax credits, and improved regulatory procedures would increase the number of products in development and the likelihood of finding effective vaccines for such diseases.

SEC. 4. SENSE OF CONGRESS ON SUPPORT FOR NEGLECTED DISEASES.

It is the sense of Congress that—

(1) the President should continue to encourage efforts to support the Global HIV Vaccine Enterprise, a virtual consortium of scientists and organizations committed to accelerating the development of an effective HIV vaccine;

(2) the United States should work with the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS ("UNAIDS"), the World Health Organization, the International AIDS Vaccine Initiative, and the World Bank to ensure that all countries heavily affected by the HIV/AIDS pandemic have national AIDS vaccine plans;

(3) the United States should support and encourage the carrying out of the agreements of the Group of 8 made at the 2005 Summit at Gleneagles, Scotland, to increase direct investment and create market incentives, including through public-private partnerships and advance market commitments, to complement public research in the development of vaccines, microbicides, and drugs for HIV/AIDS, malaria, tuberculosis, and other neglected diseases;

(4) the United States should support testing of promising vaccines in infants, children, and adolescents as early as is medically and ethically appropriate, in order to avoid significant delays in the availability of pediatric vaccines at the cost of thousands of lives;

(5) the United States should continue supporting the work of the Global Alliance for Vaccines and Immunizations and the Global Fund for Children's Vaccines as appropriate and effective vehicles to purchase and distribute vaccines for neglected diseases at an affordable price once such vaccines are discovered in order to distribute them to the developing world; and

(6) the United States should work with others in the international community to address the multiple obstacles to the development of vaccines for neglected diseases including scientific barriers, insufficient economic incentives, protracted regulatory procedures, lack of delivery systems for products once developed, liability risks, and intellectual property rights.

SEC. 5. PUBLIC-PRIVATE PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) Creative partnerships between governments and organizations in the private sector (including foundations, universities, corporations including pharmaceutical companies and biotechnology firms, community-based organizations and other nongovernmental organizations) are playing a critical role in the area of global health, particularly in the fight against neglected diseases, including HIV/AIDS, tuberculosis, and malaria.

(2) Public-private sector partnerships increase local and international capacities to improve the delivery of health services in developing countries and to accelerate research and development of vaccines and other preventive medical technologies essential to combating infectious diseases that disproportionately kill people in developing countries.

(3) These partnerships maximize the unique capabilities of each sector while combining financial and other resources, scientific knowledge, and expertise toward common goals which cannot be achieved by either sector alone.

(4) Public-private partnerships such as the International AIDS Vaccine Initiative, the

Malaria Vaccine Initiative, and the Global TB Drug Facility are playing cutting edge roles in the efforts to develop vaccines for these diseases.

(5) Public-private partnerships serve as incentives to the research and development of vaccines for neglected diseases by providing biotechnology companies, which often have no experience in developing countries, with technical assistance and on the ground support for clinical trials of the vaccine through the various stages of development.

(6) Sustaining existing public-private partnerships and building new ones where needed are essential to the success of the efforts by the United States and others in the international community to find a cure for these and other neglected diseases.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sustainment and promotion of public-private partnerships must be a central element of the strategy pursued by the United States to create effective incentives for the development of vaccines and other preventive medical technologies for neglected diseases debilitating the developing world; and

(2) the United States government should take steps to address the obstacles to the development of these technologies by increasing investment in research and development and establishing market and other incentives.

(c) POLICY.—It is the policy of the United States to accelerate research and development for vaccines and microbicides for neglected diseases by substantially increasing funding for public-private partnerships that invest directly in research, such as the International AIDS Vaccine Initiative, the Malaria Vaccine Initiative, and the Global TB Drug Facility, and for partnerships such as the Vaccine Fund that incentivize the development of new vaccines by purchase existing vaccines.

SEC. 6. COMPREHENSIVE STRATEGY FOR ACCELERATING THE DEVELOPMENT OF VACCINES FOR NEGLECTED DISEASES.

(a) REQUIREMENT FOR STRATEGY.—The President shall establish a comprehensive strategy to accelerate efforts to develop vaccines and microbicides for neglected diseases such as HIV/AIDS, malaria, and tuberculosis. Such strategy shall—

(1) expand public-private partnerships and the leveraging of resources from other countries and the private sector;

(2) include initiatives to create economic incentives for the research, development, and manufacturing of vaccines for HIV/AIDS, tuberculosis, malaria, and other neglected diseases;

(3) include the negotiation of advanced market commitments;

(4) address intellectual property issues surrounding the development of vaccines and microbicidies for neglected diseases;

(5) maximize United States capabilities to support clinical trials of vaccines and microbicidies in developing countries;

(6) address the issue of regulatory approval of such vaccines, whether through the Commissioner of the Food and Drug Administration, or the World Health Organization or another internally-recognized and agreed upon entity;

(7) expand the purchase and delivery of existing vaccines; and

(8) address the challenges of delivering vaccines in developing countries in advance so as to minimize historical delays in access once vaccines are available.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report setting forth the strategy described in subsection (a) and the steps to implement such strategy.

SEC. 7. ADVANCED MARKET COMMITMENTS.

(a) PURPOSE.—The purpose of this section is to create incentives for the private sector to invest in research, development, and manufacturing of vaccines for neglected diseases by creating a competitive market for future vaccines through advanced market commitments.

(b) AUTHORITY TO NEGOTIATE.—

(1) IN GENERAL.—The Secretary of the Treasury shall enter into negotiations with the appropriate officials of the World Bank, the International Development Association, and Global Alliance for Vaccines and Immunizations, the member nations of such entities, and other interested parties for the purpose of establishing advanced market commitments to purchase vaccines and microbicides to combat neglected diseases.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of the negotiations to create advanced market commitments under this section.

(c) REQUIREMENTS.—The Secretary of the Treasury shall work with the entities referred to in subsection (b) to ensure that there is an international framework for the establishment and implementation of advanced market commitments and that such commitments include—

(1) legally binding contracts for product purchase that include a fair market price for a guaranteed number of treatments to ensure that the market incentive is sufficient;

(2) clearly defined and transparent rules of competition for qualified developers and suppliers of the product;

(3) clearly defined requirements for eligible vaccines to ensure that they are safe and effective;

(4) dispute settlement mechanisms; and

(5) sufficient flexibility to enable the contracts to be adjusted in accord with new information related to projected market size and other factors while still maintaining the purchase commitment at a fair price.

(d) TRUST FUND.—

(1) AUTHORITY TO ESTABLISH.—On the date that the Secretary of the Treasury determines that a vaccine to combat a neglected disease is available for purchase, the Secretary shall establish in the Treasury of the United States a fund to be known as the Lifesaving Vaccine Purchase Fund consisting of amounts appropriated pursuant to paragraph (4).

(2) INVESTMENT OF FUND.—Amounts in such Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from any such investment shall be credited to and become part of the Fund.

(3) USE OF FUND.—The Secretary is authorized to expend amounts in such Fund for the purchase of a vaccine to combat a neglected disease pursuant to an advanced market commitment undertaken on behalf of the Government of the United States.

(4) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The President may accept and use in furtherance of the purposes of this Act contributions from nongovernmental organizations, international health agencies, the United Nations, the Global Fund to Fight AIDS, Tuberculosis and Malaria, private nonprofit organizations that are organized to support public health research and programs, and any other organizations willing to contribute to the Lifesaving Vaccine Purchase Fund.

(5) APPROPRIATIONS.—

(A) IN GENERAL.—For each fiscal year beginning after the date that the Secretary determines that a vaccine to combat a neglected disease is available for purchase, there are authorized to be appropriated out of any funds in the Treasury not otherwise appropriated such sums as may be necessary to carry out the purposes of such Fund.

(B) TRANSFER OF FUNDS.—The Secretary shall transfer the amount appropriated under paragraph (1) for a fiscal year to such Fund.

(C) AVAILABILITY.—Amounts appropriated pursuant to this paragraph shall remain available until expended without fiscal year limitation.

SEC. 8. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES AGAINST NEGLECTED DISEASES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45J. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES FOR NEGLECTED DISEASES.

"(a) GENERAL RULE.—For purposes of section 38, the vaccine research credit determined under this section for the taxable year is an amount equal to 30 percent of the qualified vaccine research expenses for the taxable year.

"(b) QUALIFIED VACCINE RESEARCH EXPENSES.—For purposes of this section—

"(1) QUALIFIED VACCINE RESEARCH EXPENSES.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified vaccine research expenses' means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 41 if such subsection were applied with the modifications set forth in subparagraph (B).

"(B) MODIFICATIONS; INCREASED INCENTIVE FOR CONTRACT RESEARCH PAYMENTS.—For purposes of subparagraph (A), subsection (b) of section 41 shall be applied—

"(i) by substituting 'vaccine research' for 'qualified research' each place it appears in paragraphs (2) and (3) of such subsection, and

"(ii) by substituting '100 percent' for '65 percent' in paragraph (3)(A) of such subsection.

"(C) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified vaccine research expenses' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(2) VACCINE RESEARCH.—The term 'vaccine research' means research to develop vaccines and microbicides for—

"(A) HIV/AIDS (as that term is defined in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 21516–2)),

"(B) malaria,

"(C) tuberculosis, or

"(D) any infectious disease (of a single etiology) which, according to the World Health Organization, causes more than 1,000,000 human deaths each year in developing countries.

"(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any qualified vaccine research expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.

"(2) EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any qualified vaccine research expenses for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(d) SPECIAL RULES.—

"(1) LIMITATIONS ON FOREIGN TESTING.—No credit shall be allowed under this section with respect to any vaccine research (other than human clinical testing) conducted outside the United States.

"(2) PRE-CLINICAL RESEARCH.—No credit shall be allowed under this section for pre-clinical research unless such research is pursuant to a research plan an abstract of which has been filed with the Secretary before the beginning of such year. The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe regulations specifying the requirements for such plans and procedures for filing under this paragraph.

"(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

"(4) ELECTION.—This section (other than subsection (e)) shall apply to any taxpayer for any taxable year only if such taxpayer elects to have this section apply for such taxable year.

"(e) CREDIT TO BE REFUNDABLE FOR CERTAIN TAXPAYERS.—

"(1) IN GENERAL.—In the case of an electing qualified taxpayer—

"(A) the credit under this section shall be determined without regard to section 38(c), and

"(B) the credit so determined shall be allowed as a credit under subpart C.

"(2) ELECTING QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'electing qualified taxpayer' means, with respect to any taxable year, any domestic C corporation if—

"(A) the aggregate gross assets of such corporation at any time during such taxable year are $500.000.000 or less.

"(B) the net income tax (as defined in section 38(c)) of such corporation is zero for such taxable year and the 2 preceding taxable years,

"(C) as of the close of the taxable year, the corporation is not under the jurisdiction of a court in a title 11 or similar case (within the meaning of section 368(a)(3)(A)),

"(D) the corporation provides such assurances as the Secretary requires that, not later than 2 taxable years after the taxable year in which the taxpayer receives any refund of a credit under this subsection, the taxpayer will make an amount of qualified vaccine research expenses equal to the amount of such refund, and

"(E) the corporation elects the application of this subsection for such taxable year.

"(3) AGGREGATE GROSS ASSETS.—Aggregate gross assets shall be determined in the same manner as such assets are determined under section 1202(d).

"(4) CONTROLLED GROUPS.—A corporation shall be treated as meeting the requirement of paragraph (2)(B) only if each person who is treated with such corporation as a single employer under subsections (a) and (b) of section 52 also meets such requirement.

"(5) SPECIAL RULES.—

"(A) RECAPTURE OF CREDIT.—The Secretary shall promulgate such regulations as necessary and appropriate to provide for the recapture of any credit allowed under this subsection in cases where the taxpayer fails to make the expenditures described in paragraph (2)(D).

"(B) EXCLUSION OF CERTAIN QUALIFIED VACCINE RESEARCH EXPENSES.—For purposes of determining the credit under this section for a taxable year, the qualified vaccine research expenses taken into account for such taxable year shall not include an amount paid or incurred during such taxable year equal to the amount described in paragraph (2)(D) (and not already taken into account under this subparagraph for a previous taxable year).".

(b) INCLUSION IN GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting ", plus", and by adding at the end the following new paragraph:

"(20) the vaccine research credit determined under section 45J.".

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(e) CREDIT FOR QUALIFIED VACCINE RESEARCH EXPENSES.—

"(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified vaccine research expenses (as defined in section 45J(b)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45J(a).

"(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (2), (3), and (4) of subsection (c) shall apply for purposes of this subsection.".

(d) DEDUCTION FOR UNUSED PORTION OF CREDIT.—Section 196(c) of the Internal Revenue Code of 1986 (defining qualified business credits) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following new paragraph:

"(13) the vaccine research credit determined under section 45J(a) (other than such credit determined under the rules of section 280C(e)(2)).".

(e) TECHNICAL AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting "or from section 45J(e) of such Code," after "1978,".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45J. Credit for medical research related to developing vaccines against widespread diseases.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(g) STUDY.—

(1) IN GENERAL.—The National Institutes of Health shall conduct a study of the extent to which the credit under section 45J of the Internal Revenue Code of 1986, as added by subsection (a), has stimulated vaccine research.

(2) REPORT.—Not later than the date that is 5 years after the date of the enactment of this Act, the National Institutes of Health shall submit to Congress the results of the study conducted under paragraph (1), together with recommendations (if any) to improve the effectiveness of such credit in stimulating vaccine research.

SEC. 9. CREDIT FOR CERTAIN SALES OF LIFE-SAVING VACCINES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by section 4, is amended by adding at the end the following new section:

"SEC. 45K. CREDIT FOR CERTAIN SALES OF LIFE-SAVING VACCINES.

"(a) IN GENERAL.—For purposes of section 38, the lifesaving vaccine sale credit determined under this section with respect to a taxpayer for the taxable year is an amount equal to the amount of qualified vaccine sales for the taxable year.

"(b) QUALIFIED VACCINE SALES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified vaccine sales' means the aggregate amount paid to the taxpayer for a qualified sale.

"(2) QUALIFIED SALE.—

"(A) IN GENERAL.—The term 'qualified sale' means a sale of a qualified vaccine—

"(i) to a nonprofit organization or to a government of any foreign country (or instrumentality of such a government), and

"(ii) for distribution in a developing country.

"(B) DEVELOPING COUNTRY.—For purposes of this paragraph, the term 'developing country' means a country which the Secretary determines to be a country with a lower middle income or less (as such term is used by the International Bank for Reconstruction and Development).

"(3) QUALIFIED VACCINE.—The term 'qualified vaccine' means any vaccine and microbicide—

"(A) which is described in section 45J(b)(2), and

"(B) which is approved as a new drug after the date of the enactment of this paragraph by—

"(i) the Food and Drug Administration,

"(ii) the World Health Organization, or

"(iii) the appropriate authority of a country included in the list under section 802(b)(1) of the Federal Food, Drug, and Cosmetic Act.

"(c) LIMIT ON AMOUNT OF CREDIT.—The maximum amount of the credit allowable under subsection (a) with respect to a sale shall not exceed the portion of the limitation amount allocated under subsection (d) with respect to such sale.

"(d) NATIONAL LIMITATION ON AMOUNT OF CREDITS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), there is a lifesaving vaccine sale credit limitation amount for each calendar year equal to—

"(A) $100,000,000 for each of years 2006 through 2010, and

"(B) $125,000,000 for each of years 2011 through 2012.

"(2) ALLOCATION OF LIMITATION.—

"(A) IN GENERAL.—The limitation amount under paragraph (1) shall be allocated for any calendar year by the Administrator of the United States Agency for International Development (referred to in this section as the 'Administrator') among organizations with an application approved by the Administrator in accordance with subparagraph (B).

"(B) APPLICATION FOR ALLOCATION.—The Administrator shall prescribe the procedures for an application for an allocation under this subsection and the factors to be taken into account in making such allocations. Such applications shall be made at such time and in such form and manner as the Administrator shall prescribe and shall include a detailed plan for distribution of the vaccine.

"(3) CARRYOVER OF UNUSED LIMITATION.—If the limitation amount under paragraph (1) for any calendar year exceeds the aggregate amount allocated under paragraph (2), such limitation for the following calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2024.

"(e) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 41(f)(2) shall apply.".

(b) INCLUSION IN GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit), as amended by section 4(b), is amended by striking "plus" at the end of paragraph (19), by striking the period at the end of paragraph (20) and inserting ", plus", and by adding at the end the following new paragraph:

"(21) the lifesaving vaccine sale credit determined under section 45K.".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by section 2(c), is amended by adding at the end the following new item:

"Sec. 45K. Credit for certain sales of lifesaving vaccines.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales of vaccines after December 31, 2005, in taxable years ending after such date.

SEC. 10. SBIR AND STTR PROGRAM FUNDING FOR VACCINE DEVELOPMENT.

(a) PILOT PROGRAM.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(x) REQUIRED EXPENDITURES FOR THE DEVELOPMENT OF VACCINES FOR NEGLECTED DISEASES.—

"(1) SBIR EXPENDITURES.—Each agency required to make expenditures under subsection (f)(1) or under subsection (n)(1), that is determined by the Administrator to have a mission related to global health or disease prevention shall expend with small business concerns, in addition to any amounts required to be expended under subsections (f) and (n), not less than $10,000,000 for fiscal year 2006 and each fiscal year thereafter, specifically in connection with SBIR and STTR programs which meet the requirements of this section, policy directives, and regulations to carry out this section, to carry out the pilot program established under this subsection.

"(2) PILOT PROGRAM.—During the 4-year period beginning on the date of enactment of the Vaccines for the New Millennium Act of 2005, the Administrator shall establish and carry out a program to encourage the development of vaccines and microbicides to combat a neglected disease, including outreach activities to raise awareness of such program.

"(3) ADMINISTRATIVE COSTS.—The limitations in subsection (f)(2) and (n)(2) shall not apply to agency expenditures under the pilot program established under this subsection.

"(4) REPORT.—Six months before the date of expiration of the pilot program established under this subsection, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing an assessment of whether the pilot program is meeting the objective of providing incentives to small business concerns to research the development of vaccines and microbicides to combat a neglected disease, and an accounting of the expenditures for the pilot program.

"(5) DEFINITIONS.—As used in this subsection and subsection (j), the terms 'neglected disease' and 'developing country' have the same meanings as in section 2 of the Vaccines for the New Millennium Act of 2005.".

(b) POLICY OBJECTIVES.—Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(4) ADDITIONAL MODIFICATIONS FOR THE DEVELOPMENT OF VACCINES FOR A NEGLECTED DISEASE.—Not later than 90 days after the date of enactment of the Vaccines for the New Millennium Act of 2005, the Administrator shall modify the policy directives issued pursuant to this subsection to ensure that agencies participating in the SBIR and STTR programs develop an action plan for implementing the pilot program for the development of vaccines and microbicides to combat a neglected disease under subsection (x), including outreach to raise awareness of the pilot program.".

Mr. LUGAR. Mr. President, I rise to introduce with Senator KERRY the Vaccines for a New Millennium Act of 2005.

The AIDS crisis is devastating sub-Saharan Africa. According to the latest figures from UNAIDS, there are approximately 40 million people living with HIV/AIDS around the world. An estimated 4.9 million people were newly infected last year. This means that every day, some 14,000 people contract HIV/AIDS. Last year, an estimated 3 million people died from AIDS.

The AIDS crisis in sub-Saharan Africa has profound implications for political stability, development, and human welfare that extend far beyond the region. In addition to the current crisis in Africa, public health experts warn of a "second wave" of countries on the verge of potential AIDS crises, such as China, India, Russia, Nigeria, and Ethiopia.

Despite efforts through programs like the President's Emergency Plan for AIDS Relief PEPFAR, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the Bill and Melinda Gates Foundation to treat those living with HIV/AIDS and to prevent new infections, the disease is outpacing us. While prevention programs are critical in the struggle to slow the spread of the disease, over the long term, the most effective way to defeat this pandemic is through the development of an effective HIV vaccine.

In addition to AIDS, malaria and tuberculosis continue to kill many in the developing world. More than 300 million people are infected with malaria annually, and an estimated 1 million people—mostly children under the age of five—die from malaria. Combined, AIDS, tuberculosis, and malaria kill an estimated 5 million people a year. Yet there are no vaccines for these diseases. While we must remain committed to current prevention and treatment programs, we must also look toward the future to see what hope science has for preventing the spread of these diseases.

Historically, vaccines have led to some of the greatest achievements in public health and are among the most cost-effective health interventions. During the 20th century, global immunization efforts have led to the eradication of smallpox and the elimination of polio from the Western Hemisphere, Europe and most of Asia. Vaccines for diseases such as measles and tetanus have dramatically reduced childhood mortality worldwide, and vaccines for diseases such as influenza, pneumonia, and hepatitis now help prevent sickness and death of adults, too.

Vaccines for these diseases would play an important role in saving lives in developing countries. Governments, private foundations, and the private sector have made enormous strides. Public-private partnerships have also contributed to scientific advances in this area. However, much more needs to be done.

Because of the promise that vaccines hold, Senator KERRY and I are introducing the "Vaccines for the New Millennium Act of 2005." Representative PETE VISCLOSKY is introducing a companion bill in the House of Representatives. Our bill would require the United States to develop a comprehensive strategy to accelerate research and development in vaccines for HIV/AIDS, tuberculosis, malaria, and other infectious diseases that are major killers in the developing world. The strategy would require an increase in public-private partnerships, whereby public entities such as governments, team up with companies or private foundations to conduct research or vaccine trials. The bill would require the United States government to commit to purchase vaccines for these diseases once they are developed through "advance market commitments." Finally, the legislation would create a tax credit for companies that invest in research and development for vaccines for these diseases.

I am hopeful that Senators will join Senator KERRY and me in supporting this legislation.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. HATCH, Mr. DEWINE, Mr. CORNYN, Mr. BROWNBACK, Mr. VOINOVICH, Mr. FEINGOLD, Mr. LEVIN, Mr. BAYH, Mr. REED, and Ms. STABENOW):

S. 1699. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, on behalf of myself, Senator LEAHY, and my colleagues Senators HATCH, DEWINE, CORNYN, BROWNBACK, VOINOVICH, FEINGOLD, LEVIN, BAYH, REED, and

STABENOW, I seek recognition to introduce the Stop Counterfeiting in Manufactured Goods Act, a bill that amends title 18 of the United States Code to provide criminal penalties for trafficking in counterfeit marks.

This legislation closes a loophole in Federal trademark law, which currently criminalizes the trafficking in counterfeit trademarks "on or in connection with goods or services." This language, however, does not extend criminal liability to those persons who manufacture and/or traffic the counterfeit marks themselves, marks which are later applied to a product or service. In other words, Federal law does not prohibit a person Tom selling counterfeit labels bearing otherwise protected trademarks within the United States.

This current loophole was created in large part by the Tenth Circuit's opinion in United States v. Giles, 213 F.3d 1247 (10th Cir. 2000). In this case, the United States prosecuted the defendant for manufacturing and selling counterfeit Dooney & Bourke labels that third parties could later affix to generic purses. Examining Title 18, section 2320, of the United States Code, the Tenth Circuit held that persons who sell counterfeit trademarks that are not actually attached to any "goods or services" do not violate the Federal criminal trademark infringement statute. And because the defendant did not attach the counterfeit mark to a "good or service," the court found that the defendant did not run afoul of the criminal statute as a matter of law. Thus, an individual, caught red-handed with counterfeit trademarks, walked free. Congress must act now to close this loophole, which this legislation being introduced today will most certainly do. Specifically, the bill will prohibit the trafficking, or attempt to traffic, in "labels, patches, stickers" and generally any item to which a counterfeit mark has been applied.

In addition to closing the loophole, the Stop Counterfeiting in Manufactured Goods Act strengthens the criminal code's forfeiture provision by providing enhanced penalties for those trafficking in counterfeit marks, goods and services bearing counterfeit marks. Current law does not provide for the seizure and forfeiture of goods and services bearing counterfeit marks. As such, many times such counterfeit goods are seized one day, only to be returned and sold to an unsuspecting public. To ensure that individuals engaging in the practice of trafficking in counterfeit marks cannot reopen their doors, this bill provides procedures for the mandatory seizure, forfeiture, and destruction of counterfeit marks pre-conviction. Further, it provides for procedures for the mandatory forfeiture and destruction of property derived from or used to engage in the trafficking of counterfeit marks.

The trade in counterfeit marks is only part of a much larger problem. The Bureau of Customs and Border Protection estimates that trafficking in counterfeit goods costs the United States approximately $200 million annually. With each passing year, the United States loses millions of dollars in tax revenues to the sale of counterfeit goods. Further, counterfeit items manufactured overseas and distributed in the United States cost American workers tens of thousands of jobs. This is a problem that we can no longer ignore.

The trafficking in counterfeit goods and marks is not limited to those of the popular designer goods that we have all seen sold on corners of just about every major metropolitan city in the United States. Counterfeited products can range from children's toys to clothing to Christmas tree lights. More disturbing are the potentially hazardous counterfeit automobile parts, batteries, and electrical equipment that are being manufactured and placed into the stream of commerce by the thousands with each passing day.

This legislation closes a loophole in the current criminal trademark infringement statute and ensures that it is a crime not only to traffic in goods or services bearing counterfeit marks, but also in the counterfeit marks themselves. Further, this legislation ensures that counterfeit goods and marks seized in violation of this statute are properly disposed of and do not make their way back onto the street. I am pleased to introduce this piece of legislation with my colleagues and hope that it will receive the support that it is due.

Mr. LEAHY. Counterfeiting is a threat to America. It wreaks real harm on our economy, our workers, and our consumers. Today, Senator SPECTER and I introduce the "Stop Counterfeiting in Manufactured Goods Act," a tough bill that will give law enforcement improved tools to fight this form of theft. The bill is short and straightforward, but its impact should be profound and far-reaching.

It is all too easy to think of counterfeiting as a victimless crime, a means of buying sunglasses or a purse that would otherwise strain a monthly budget. The reality, however, is far different. According to the Federal Bureau of Investigation, counterfeiting costs the U.S. between $200 billion and $250 billion annually. In Vermont, companies like Burton Snowboards, Vermont Tubbs, SB Electronics, and Hubbardton Forge—all of which have cultivated their good names through pure hard work and creativity—have felt keenly the damage of intellectual property theft on their businesses. This is wrong. It is simply not fair to the businesses who innovate and to the people whose economic livelihoods depend on these companies.

The threat posed by counterfeiting is more than a matter of economics. Inferior products can threaten the safety of those who use them. When a driver taps a car's brake pedals there should be no uncertainty about whether the brake linings are made of compressed grass, sawdust, or cardboard. Sick patients should not have to worry that they will ingest counterfeit prescription drugs and, at best, have no effect. The World Health Organization estimates that the market for counterfeit drugs is about $32 billion each year. Knock-off parts have even been found in NATO helicopters. What's more, according to Interpol, there is an identifiable link between counterfeit goods and the financing of terrorist operations.

This is a global problem, and it demands global solutions. Earlier this year at a Judiciary Committee hearing on international piracy, the General Counsel for the United States Trade Representative reported that China continues to see piracy rates of about ninety percent in nearly all industries. Russia is a growing concern too, even as that country seeks membership in the World Trade Organization. Both countries were added to USTR's Priority Watch List this year. Such lists are useful, but they are meaningless without concrete steps by the countries singled out by USTR. We know that counterfeiting can be fought when a country treats it as a priority. China, for example, flexed its intellectual property enforcement muscle recently in protecting logos related to Beijing's 2008 Summer Olympic Games. In a Newsweek International article last January, one vendor who was fined for selling Olympic t-shirts noted that the crackdown was concerted: "'They are,' she says, 'very serious.'"

I am very serious as well. Even as we work toward better international enforcement, there is much we can do, and much that we have done, to improve domestic law. In 1996, I worked with Senator HATCH to pass the Anticounterfeiting Consumer Protection Act, which strengthened our criminal and tariff codes and applied federal racketeering laws to counterfeiting. And earlier this year, Senator CORNYN and I introduced S. 1095, the Protecting American Goods and Services Act. That bill would criminalize possession of counterfeit goods with intent to traffic, expand the definition of "traffic," and criminalize the importing and exporting of counterfeit goods.

The bill that Senator SPECTER and I are introducing today also makes several improvements to the U.S. Code. The bill strengthens 18 U.S.C. 2318, the part of the criminal code that deals with counterfeit goods and services, to make it a crime to traffic in counterfeit labels or packaging, even when counterfeit labels or packaging are shipped separately from the goods to which they will ultimately be attached. Savvy counterfeiters have exploited this loophole to escape liability. This bill closes that loophole.

The bill will also make counterfeit labels and goods, and any equipment used in facilitating a crime under this part of the code, subject to forfeiture upon conviction. Any forfeited goods or machinery would then be destroyed, and the convicted infringer would have to pay restitution to the lawful owner of the trademark. Finally, although the bill is tough, it is also fair. It states that nothing "shall entitle the United States to bring a cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse." It is truly just the bad actors we want to punish.

Those who profit from another's innovation have proved their creativity only at escaping responsibility for their actions. As legislators it is important that we provide law enforcement with the tools needed to capture these thieves. It is a task to which Senator SPECTER and I are both committed. I would like to thank Senator BAYH, Senator BROWNBACK, Senator CORNYN, Senator DEWINE, Senator FEINGOLD, Senator HATCH, Senator LEVIN, Senator REED, and Senator STABENOW for cosponsoring this important legislation.

By Mr. KERRY:

S. 1703. A bill to provide for the development and implementation of an emergency backup communications system; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, today I am introducing the Communications Security Act of 2005. The events of 9/11 uncovered manifest structural weaknesses in our communications system, which were then highlighted by the 9/11 Commission. At the time, public safety and emergency response officials were not able to communicate at a basic level. We have not taken adequate steps to fix that dangerous problem, and Hurricane Katrina has bluntly demonstrated that. Much of the communications system was knocked offline along the Gulf Coast. It was remarkable to watch as the television news crews had better luck communicating than our first responders. As the disaster unfolded, our first responders and emergency officials repeatedly cited communications failures as a major obstacle to the disaster response effort.

We need a redundant communications system that will work in times of emergency. Dramatic advances in technology and the availability of new spectrum as part of the DTV transition offer opportunities to address this problem. The Communications Security Act of 2005 requires the technical experts at the Department of Homeland Security and the Federal Communications Commission evaluate the feasibility and cost of deploying a back-up emergency communications system. The agencies will evaluate all reasonable options, including satellites, wireless and terrestrial-based systems. They will evaluate all available public and private resources that could provide such a system and submit a report to Congress detailing the findings. The DHS is then authorized to request appropriations to implement the system. Congress would then be in position to put in place whatever programs and funding are needed to get the job done.

This proposal will not resolve all of our long-term needs in preparedness and interoperability, and I am pleased that many of my colleagues are working on the various pieces of this puzzle. However, in the interim, we must ensure that we can respond in emergency situations with an eye toward building a reliable, redundant system for the long term.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Communications Security Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The tragic events of September 11, 2001, placed an enormous strain on the communications network in New York City, New York and Washington, District of Columbia. Officials from both cities struggled to communicate and coordinate among the various emergency response teams dispatched to "Ground Zero" and the Pentagon. These events uncovered manifest structural weaknesses in the communications infrastructure of the United States.

(2) The 9/11 Commission Report states that our Nation remains largely unprepared to communicate effectively in the event of another attack or natural catastrophe.

(3) The massive communications failures associated with Hurricane Katrina illustrate the continuing inadequacies of our communications systems in times of crisis.

(4) Despite heroic efforts by public officials and communications industry personnel, the failure of our communications network to persevere in the face of a catastrophic hurricane severely hampered post-storm recovery efforts.

(5) A comprehensive effort must be undertaken to deal with the communications challenges faced by our Nation, including short-term and long-term steps that can be taken to improve the interoperable communications and emergency response capability within the United States.

(6) There is an immediate need for the development and deployment of an emergency back-up communications system to enhance the Nation's emergency response capabilities. Deployment of an emergency back-up communications system should be a priority of the United States.

(7) The deployment of such a system is a critical first step in enhancing the overall communications infrastructure. Other required improvements will need to be made in such areas as training, personnel, equipment, software, and services for local governments, and assistance with capital expenses. Supporting and enhancing ongoing efforts in this regard is an important goal.

SEC. 3. EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 4, is further amended by adding at the end the following:

"SEC. 317. EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Communications Security Act of 2005, the Secretary, in conjunction with the Federal Communications Commission, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. In conducting that evaluation, the Secretary shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

"(b) COMPONENTS.—The back-up system shall include—

"(1) reliable means of emergency communications; and

"(2) if necessary, handsets, desktop communications devices, or other appropriate devices for each public safety entity.

"(c) FACTORS TO BE EVALUATED.—The evaluation under subsection (a) shall include—

"(1) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for purposes creating such an emergency back-up medical facility public safety communications system;

"(2) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

"(3) the technical options, cost, and deployment methods of software, equipment,handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

"(4) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as an emergency back-up communications systems.

"(d) REPORT.—Upon the completion of the evaluation under subsection (a), the Secretary shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

"(f) EXPEDITED FUNDING OPTION AND IMPLEMENTATION STRATEGY.—If, as a result of the evaluation conducted under subsection (a), the Secretary determines that the establishment of such a back-up system is feasible

STABENOW, I seek recognition to introduce the Stop Counterfeiting in Manufactured Goods Act, a bill that amends title 18 of the United States Code to provide criminal penalties for trafficking in counterfeit marks.

This legislation closes a loophole in Federal trademark law, which currently criminalizes the trafficking in counterfeit trademarks "on or in connection with goods or services." This language, however, does not extend criminal liability to those persons who manufacture and/or traffic the counterfeit marks themselves, marks which are later applied to a product or service. In other words, Federal law does not prohibit a person Tom selling counterfeit labels bearing otherwise protected trademarks within the United States.

This current loophole was created in large part by the Tenth Circuit's opinion in United States v. Giles, 213 F.3d 1247 (10th Cir. 2000). In this case, the United States prosecuted the defendant for manufacturing and selling counterfeit Dooney & Bourke labels that third parties could later affix to generic purses. Examining Title 18, section 2320, of the United States Code, the Tenth Circuit held that persons who sell counterfeit trademarks that are not actually attached to any "goods or services" do not violate the Federal criminal trademark infringement statute. And because the defendant did not attach the counterfeit mark to a "good or service," the court found that the defendant did not run afoul of the criminal statute as a matter of law. Thus, an individual, caught red-handed with counterfeit trademarks, walked free. Congress must act now to close this loophole, which this legislation being introduced today will most certainly do. Specifically, the bill will prohibit the trafficking, or attempt to traffic, in "labels, patches, stickers" and generally any item to which a counterfeit mark has been applied.

In addition to closing the loophole, the Stop Counterfeiting in Manufactured Goods Act strengthens the criminal code's forfeiture provision by providing enhanced penalties for those trafficking in counterfeit marks, goods and services bearing counterfeit marks. Current law does not provide for the seizure and forfeiture of goods and services bearing counterfeit marks. As such, many times such counterfeit goods are seized one day, only to be returned and sold to an unsuspecting public. To ensure that individuals engaging in the practice of trafficking in counterfeit marks cannot reopen their doors, this bill provides procedures for the mandatory seizure, forfeiture, and destruction of counterfeit marks preconviction. Further, it provides for procedures for the mandatory forfeiture and destruction of property derived from or used to engage in the trafficking of counterfeit marks.

The trade in counterfeit marks is only part of a much larger problem. The Bureau of Customs and Border Protection estimates that trafficking in counterfeit goods costs the United States approximately $200 million annually. With each passing year, the United States loses millions of dollars in tax revenues to the sale of counterfeit goods. Further, counterfeit items manufactured overseas and distributed in the United States cost American workers tens of thousands of jobs. This is a problem that we can no longer ignore.

The trafficking in counterfeit goods and marks is not limited to those of the popular designer goods that we have all seen sold on corners of just about every major metropolitan city in the United States. Counterfeited products can range from children's toys to clothing to Christmas tree lights. More disturbing are the potentially hazardous counterfeit automobile parts, batteries, and electrical equipment that are being manufactured and placed into the stream of commerce by the thousands with each passing day.

This legislation closes a loophole in the current criminal trademark infringement statute and ensures that it is a crime not only to traffic in goods or services bearing counterfeit marks, but also in the counterfeit marks themselves. Further, this legislation ensures that counterfeit goods and marks seized in violation of this statute are properly disposed of and do not make their way back onto the street. I am pleased to introduce this piece of legislation with my colleagues and hope that it will receive the support that it is due.

Mr. LEAHY. Counterfeiting is a threat to America. It wreaks real harm on our economy, our workers, and our consumers. Today, Senator SPECTER and I introduce the "Stop Counterfeiting in Manufactured Goods Act," a tough bill that will give law enforcement improved tools to fight this form of theft. The bill is short and straightforward, but its impact should be profound and far-reaching.

It is all too easy to think of counterfeiting as a victimless crime, a means of buying sunglasses or a purse that would otherwise strain a monthly budget. The reality, however, is far different. According to the Federal Bureau of Investigation, counterfeiting costs the U.S. between $200 billion and $250 billion annually. In Vermont, companies like Burton Snowboards, Vermont Tubbs, SB Electronics, and Hubbardton Forge—all of which have cultivated their good names through pure hard work and creativity—have felt keenly the damage of intellectual property theft on their businesses. This is wrong. It is simply not fair to the businesses who innovate and to the people whose economic livelihoods depend on these companies.

The threat posed by counterfeiting is more than a matter of economics. Inferior products can threaten the safety of those who use them. When a driver taps a car's brake pedals there should be no uncertainty about whether the brake linings are made of compressed grass, sawdust, or cardboard. Sick patients should not have to worry that they will ingest counterfeit prescription drugs and, at best, have no effect. The World Health Organization estimates that the market for counterfeit drugs is about $32 billion each year. Knock-off parts have even been found in NATO helicopters. What's more, according to Interpol, there is an identifiable link between counterfeit goods and the financing of terrorist operations.

This is a global problem, and it demands global solutions. Earlier this year at a Judiciary Committee hearing on international piracy, the General Counsel for the United States Trade Representative reported that China continues to see piracy rates of about ninety percent in nearly all industries. Russia is a growing concern too, even as that country seeks membership in the World Trade Organization. Both countries were added to USTR's Priority Watch List this year. Such lists are useful, but they are meaningless without concrete steps by the countries singled out by USTR. We know that counterfeiting can be fought when a country treats it as a priority. China, for example, flexed its intellectual property enforcement muscle recently in protecting logos related to Beijing's 2008 Summer Olympic Games. In a Newsweek International article last January, one vendor who was fined for selling Olympic t-shirts noted that the crackdown was concerted: "'They are,' she says, 'very serious.'"

I am very serious as well. Even as we work toward better international enforcement, there is much we can do, and much that we have done, to improve domestic law. In 1996, I worked with Senator HATCH to pass the Anticounterfeiting Consumer Protection Act, which strengthened our criminal and tariff codes and applied federal racketeering laws to counterfeiting. And earlier this year, Senator CORNYN and I introduced S. 1095, the Protecting American Goods and Services Act. That bill would criminalize possession of counterfeit goods with intent to traffic, expand the definition of "traffic," and criminalize the importing and exporting of counterfeit goods.

The bill that Senator SPECTER and I are introducing today also makes several improvements to the U.S. Code. The bill strengthens 18 U.S.C. 2318, the part of the criminal code that deals with counterfeit goods and services, to make it a crime to traffic in counterfeit labels or packaging, even when counterfeit labels or packaging are shipped separately from the goods to which they will ultimately be attached. Savvy counterfeiters have exploited this loophole to escape liability. This bill closes that loophole.

The bill will also make counterfeit labels and goods, and any equipment used in facilitating a crime under this part of the code, subject to forfeiture upon conviction. Any forfeited goods or machinery would then be destroyed, and the convicted infringer would have to pay restitution to the lawful owner of the trademark. Finally, although the bill is tough, it is also fair. It states that nothing "shall entitle the United States to bring a cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse." It is truly just the bad actors we want to punish.

Those who profit from another's innovation have proved their creativity only at escaping responsibility for their actions. As legislators it is important that we provide law enforcement with the tools needed to capture these thieves. It is a task to which Senator SPECTER and I are both committed. I would like to thank Senator BAYH, Senator BROWNBACK, Senator CORNYN, Senator DEWINE, Senator FEINGOLD, Senator HATCH, Senator LEVIN, Senator REED, and Senator STABENOW for cosponsoring this important legislation.

By Mr. KERRY:

S. 1703. A bill to provide for the development and implementation of an emergency backup communications system; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, today I am introducing the Communications Security Act of 2005. The events of 9/11 uncovered manifest structural weaknesses in our communications system, which were then highlighted by the 9/11 Commission. At the time, public safety and emergency response officials were not able to communicate at a basic level. We have not taken adequate steps to fix that dangerous problem, and Hurricane Katrina has bluntly demonstrated that. Much of the communications system was knocked offline along the Gulf Coast. It was remarkable to watch as the television news crews had better luck communicating than our first responders. As the disaster unfolded, our first responders and emergency officials repeatedly cited communications failures as a major obstacle to the disaster response effort.

We need a redundant communications system that will work in times of emergency. Dramatic advances in technology and the availability of new spectrum as part of the DTV transition offer opportunities to address this problem. The Communications Security Act of 2005 requires the technical experts at the Department of Homeland Security and the Federal Communications Commission evaluate the feasibility and cost of deploying a back-up emergency communications system. The agencies will evaluate all reasonable options, including satellites, wireless and terrestrial-based systems. They will evaluate all available public and private resources that could provide such a system and submit a report to Congress detailing the findings. The DHS is then authorized to request appropriations to implement the system. Congress would then be in position to put in place whatever programs and funding are needed to get the job done.

This proposal will not resolve all of our long-term needs in preparedness and interoperability, and I am pleased that many of my colleagues are working on the various pieces of this puzzle. However, in the interim, we must ensure that we can respond in emergency situations with an eye toward building a reliable, redundant system for the long term.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Communications Security Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The tragic events of September 11, 2001, placed an enormous strain on the communications network in New York City, New York and Washington, District of Columbia. Officials from both cities struggled to communicate and coordinate among the various emergency response teams dispatched to "Ground Zero" and the Pentagon. These events uncovered manifest structural weaknesses in the communications infrastructure of the United States.

(2) The 9/11 Commission Report states that our Nation remains largely unprepared to communicate effectively in the event of another attack or natural catastrophe.

(3) The massive communications failures associated with Hurricane Katrina illustrate the continuing inadequacies of our communications systems in times of crisis.

(4) Despite heroic efforts by public officials and communications industry personnel, the failure of our communications network to persevere in the face of a catastrophic hurricane severely hampered post-storm recovery efforts.

(5) A comprehensive effort must be undertaken to deal with the communications challenges faced by our Nation, including short-term and long-term steps that can be taken to improve the interoperable communications and emergency response capability within the United States.

(6) There is an immediate need for the development and deployment of an emergency back-up communications system to enhance the Nation's emergency response capabilities. Deployment of an emergency back-up communications system should be a priority of the United States.

(7) The deployment of such a system is a critical first step in enhancing the overall communications infrastructure. Other required improvements will need to be made in such areas as training, personnel, equipment, software, and services for local governments, and assistance with capital expenses. Supporting and enhancing ongoing efforts in this regard is an important goal.

SEC. 3. EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 4, is further amended by adding at the end the following:

"SEC. 317. EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Communications Security Act of 2005, the Secretary, in conjunction with the Federal Communications Commission, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. In conducting that evaluation, the Secretary shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

"(b) COMPONENTS.—The back-up system shall include—

"(1) reliable means of emergency communications; and

"(2) if necessary, handsets, desktop communications devices, or other appropriate devices for each public safety entity.

"(c) FACTORS TO BE EVALUATED.—The evaluation under subsection (a) shall include—

"(1) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for purposes creating such an emergency back-up medical facility public safety communications system;

"(2) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

"(3) the technical options, cost, and deployment methods of software, equipment,handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

"(4) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as an emergency back-up communications systems.

"(d) REPORT.—Upon the completion of the evaluation under subsection (a), the Secretary shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

"(f) EXPEDITED FUNDING OPTION AND IMPLEMENTATION STRATEGY.—If, as a result of the evaluation conducted under subsection (a), the Secretary determines that the establishment of such a back-up system is feasible then the Secretary shall request appropriations for the deployment of such a back-up communications system not later than 90 days after submission of the report under subsection (d).".

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002, as amended by section 4, is amended by inserting after the item relating to section 316 the following:

"Sec. 317. Emergency communications back-up system.".

By Mr. DORGAN:

S. 1704. A bill to prohibit the use of Federal funds for the taking of property by eminent domain for economic development; to the Committee on the Judiciary.

Mr. DORGAN. Earlier this year, the Supreme Court ruled in Kelo vs. New London that it was permissible for a government to use the power of eminent domain simply for the purpose of economic development.

I am greatly troubled by this case. I do not believe that the government can or should take property for a non-governmental purpose simply because it will generate additional tax revenue.

This court decision stands logic on its head—and it is a dangerous precedent as well.

I understand that there will be times when it is essential for the government to use eminent domain for the public good. For example, eminent domain is appropriate in order to build a flood control project to protect a city. Or to construct a highway or lay a water line.

But it makes no sense for the Court to allow a city—or a state or even the federal government—to use its power to allow private developers to acquire property under the takings clause. Once you start down that path, whose private property is safe? Could my home be condemned because a larger, more expensive house could be built on that lot? Can a local café be seized in order to provide space for a new, high-end French restaurant?

Government at all levels should be protecting and strengthening private property rights—not diminishing them.

So today I am introducing legislation to clarify and strengthen private property rights and ensure that government cannot abuse its power of eminent domain in the name of "economic development."

First, my bill prevents the use of Federal funds for any economic development project that uses property that was subject of an eminent domain taking. This would cut off the spigot of Federal dollars to these questionable projects. Frankly, most economic development projects rely in some way on Federal dollars so this provision would have the practical effect of sharply curtailing this practice.

Second, my bill is explicit that traditional public use and public purpose projects are still permitted. I am not trying to end the use of eminent domain in order to protect public health and safety or in order to build important infrastructure in our communities. My bill makes this clear.

Finally, this bill clearly lays out that the funding prohibition includes takings of private property for the use of, or ownership of, another private individual or entity. One of the most troubling trends in this area is the use of eminent domain by a government that then turns the property over to a private person or group for their private gain.

This issue also demands attention at the state level. I commend the efforts of a number of leaders in North Dakota to make changes to our state constitution in a way that will protect private property owners.

Our former state attorney general, Heidi Heitkamp, is spearheading an effort to prevent the use of eminent domain at the State level for economic development purposes regardless of whether Federal funds are used. This is an important initiative and I fully support it. It is an important complement to the bill I am introducing today. In fact, much of the language in my bill reflects the language in the initiated measure in North Dakota.

Strong private property rights are a fundamental part of our country's heritage and I believe that we should take steps to protect those rights. This bill will afford all Americans better protection against inappropriate uses of eminent domain and seizure of property.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 1704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON USE OF FEDERAL FUNDS IN ECONOMIC DEVELOPMENT RELATING TO PROPERTY TAKEN BY EMINENT DOMAIN.

(a) SHORT TITLE.—This Act may be cited as the "Private Property Protection Act of 2005".

(b) PROHIBITION.—

(1) IN GENERAL.—No Federal funds may be used relating to a property that is the subject of a taking by eminent domain.

(2) EXCEPTION.—Paragraph (1) shall not apply if the property is being used for public use or a public purpose.

(c) PUBLIC USE OR PUBLIC PURPOSE .—Economic development, including an increase in the tax base, tax revenues, or employment, may not be the primary basis for establishing a public use or public purpose under subsection (b).

(d) TAKINGS FOR USE BY PRIVATE INDIVIDUAL OR ENTITY.—Subsection (b) shall include to takings of private property for the use of, or ownership by, any private individual or entity.

Ms. LANDRIEU:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, a Federal District Court judge in the Ninth Circuit has once again declared that the reference to God in the Pledge of Allegiance is unconstitutional. Just a couple of years ago, the Ninth Circuit Court of Appeals reached a similar conclusion in the case of Newdow v. U.S. Congress. I am now, as I was then, surprised and disappointed with this new ruling by the District Court.

Today I am reintroducing a proposed constitutional amendment that simply says that references to God in the Pledge of Allegiance and on our currency do not affect an establishment of religion under the First Amendment. References to God are found in every one of our founding documents from the Declaration of Independence to the Constitution, as well as in the Pledge of Allegiance. The phrase "In God We Trust" appears on all of our currency and on many public buildings. Every day, we begin Senate sessions with a prayer and the Pledge. I firmly believe that the framers of the Constitution and the First Amendment did not want to ban all references to God from public discourse when they wrote the Establishment Clause. What they wanted to prevent was the establishment of an official national religion and to keep the government from getting intimately involved in the organization of one religion over another.

These references to God are ceremonial. Certainly, they do have meaning, but individuals are free to put whatever meaning on the word they choose. Indeed, I fully respect and support the rights of people not to participate in the Pledge or in ceremonial prayer and my amendment will not coerce anyone to recite the Pledge of Allegiance in public or in school.

I had hoped that the Supreme Court, which took the Newdow case up on appeal, would have settled this question once and for all. It did not. The Court dismissed the case saying Mr. Newdow lacked standing. The Supreme Court may have the opportunity to hear arguments in this case later on. If the Supreme Court should decide not to hear the case or to overrule the lower court, then Congress should restore the appropriate balance between church and state that I believe was the intent of the framers.

I urge my colleagues to support this joint resolution and I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD as follows.

S.J. RES. 24

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. A reference to God in the Pledge of Allegiance or on United States currency shall not be construed as affecting the establishment of religion under the first article of amendment of this Constitution.

"SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE ON REACHING AN AGREEMENT ON THE FUTURE STATUS OF KOSOVO

Mr. VOINOVICH (for himself, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 237

Whereas, on June 10, 1999, the United Nations Security Council adopted Resolution 1244 which authorized the Secretary-General of the United Nations to establish an interim administration for Kosovo to assume the supreme legal authority in Kosovo with the task of promoting "substantial autonomy and self-governance" in Kosovo and facilitating a political process to determine the future status of Kosovo;

Whereas, on December 10, 2003, the United Nations interim administration, known as the United Nations Interim Administration Mission in Kosovo, presented the Standards for Kosovo document which set out the requirements to be met to advance stability in Kosovo;

Whereas the Standards for Kosovo require the establishment of functioning democratic institutions in Kosovo, including providing for the holding of elections, establishing the Provisional Institutions of Self-Government, and establishing media and civil society, the establishment of rule of law to ensure equal access to justice and to implement mechanisms to suppress economic and financial crime, and the establishment of freedom of movement in Kosovo, including the free use of language;

Whereas the Standards for Kosovo further require sustainable returns and the rights of communities and their members, improvements in economic and financial institutions, including the prevention of money laundering and the establishment of an attractive environment for investors, the establishment of property rights, including the preservation of cultural heritage, and the development of a sustained dialogue, including a Pristina-Belgrade dialogue and a regional dialogue;

Whereas the ethnic violence that occurred in Kosovo from March 17, 2004 through March 19, 2004, represented a severe setback to the progress the people of Kosovo achieved in implementing the Standards for Kosovo and resulted in 20 deaths and damage to or destruction of approximately 900 homes and 30 Serbian Orthodox churches and other religious sites;

Whereas the bomb attacks against the people and international institutions in Kosovo that occurred from July 2, 2005 through July 4, 2005, were unacceptable events that work counter to the interests and efforts of the majority of the people of Kosovo and signal that more work must be done to promote the implementation of the Standards for Kosovo;

Whereas the status of Kosovo, which is neither stable nor sustainable, is a critical issue affecting the aspirations of Southeast Europe for stability, peace, and eventual membership in the European Union;

Whereas the authorities and institutions of Kosovo must be empowered to act independently to achieve the Standards for Kosovo so that such authorities and institutions may assume responsibility for any progress or setbacks;

Whereas 2005 must be a year of decision for representatives of Kosovo, Serbia and Montenegro, and the United Nations to move forward on the status of Kosovo;

Whereas the basic values of multi-ethnicity, democracy, and market-orientation must remain at the heart of any effort to resolve the question of the future status of Kosovo; and

Whereas the support of all of the people of Kosovo is required to achieve a successful outcome that addresses those basic values: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unresolved status of Kosovo is neither sustainable nor beneficial to the progress toward stability and peace in Southeast Europe and its integration with Europe;

(2) the leaders of Kosovo and Serbia and Montenegro and the representatives of the United Nations should work toward an agreement on the future status of Kosovo and a plan for transformation in Kosovo;

(3) such agreement and plan should—

(A) address the claims and satisfy the key concerns of the people of Kosovo and the people of Serbia and Montenegro;

(B) seek compromises from both Kosovo and Serbia and Montenegro to reach an agreement;

(C) promote the integration of Southeast Europe with the European Union and the North Atlantic Treaty Organization;

(D) reinforce efforts to encourage full cooperation by the governments of Kosovo and of Serbia and Montenegro with the International Crimes Tribunal for the Former Yugoslavia;

(E) promote stability in the region and take into consideration the stability of democracy in Kosovo and in Serbia and Montenegro;

(F) promote the active participation of Serbians in Kosovo in elections and in the government of Kosovo; and

(G) require the fulfillment of the Standards for Kosovo, the requirements that the United Nations Interim Administration Mission in Kosovo established to advance stability in Kosovo, in accordance with prior commitments and in support of the initiation of discussions on status with particular emphasis on the problem of human rights in minority communities;

(4) the anticipated discussions of the long-term status of Kosovo should result in a plan for implementing the Standards for Kosovo, particularly with regard to minority protections, return of property, and the development of rule of law as it relates to the improvement of protection of minorities, the return of internally displaced persons, the return of property, and the prosecution of human rights violations; and

(5) Kosovo, Serbia and Montenegro, and the United Nations, during the negotiations related to the long-term status of Kosovo, should require—

(A) increased monitoring and reporting of the progress on the implementation of the Standards for Kosovo and any incidents of human rights violations, and should broaden the involvement of minorities and community-level representatives in monitoring, reporting, and publicizing that progress;

(B) that the authorities and institutions of Kosovo be given greater authority and independence in fulfilling the Standards for Kosovo, including assuming the responsibility for any setbacks and progress and acquiring experience in assuming greater autonomy; and

(C) a broad public awareness campaign to raise awareness of both the plan to resolve the question of the status of Kosovo and the requirements for the transition of Kosovo to a permanent status, including the importance of the progress in implementing the Standards for Kosovo and the necessity of ensuring peace and suppressing all forms of discrimination and violence so that the region may move forward toward a future of greater prosperity, stability, and lasting peace.

SENATE RESOLUTION 238—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE VAST CONTRIBUTIONS OF HISPANIC AMERICANS TO THE STRENGTH AND CULTURE OF OUR NATION

Mr. FRIST (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. ALEXANDER, Mr. ALLEN, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COLEMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. ROBERTS, Mr. SANTORUM, Mr. STEVENS, Mr. TALENT, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 238

Whereas from September 15, 2005, through October 15, 2005, the country celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics on this continent predates the founding of our Nation, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on American history, values, and culture;

Whereas since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, El Salvador and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of our nation;

Whereas the United States Census Bureau now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the military and have fought valiantly in every war in United States history;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty";

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the military have continued their service to our country;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including two seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2005, through October 15, 2005, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of our Nation; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1706. Mr. BINGAMAN (for himself, Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1707. Mr. MCCAIN proposed an amendment to the bill H.R. 2862, supra.

SA 1708. Mr. SHELBY (for Mr. MARTINEZ) proposed an amendment to the bill H.R. 2862, supra.

SA 1709. Mr. SHELBY (for Mr. TALENT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2862, supra.

SA 1710. Mr. SHELBY (for Ms. CANTWELL (for herself and Mr. ALLEN)) proposed an amendment to the bill H.R. 2862, supra.

SA 1711. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, supra.

SA 1712. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1713. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1714. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1715. Mr. SHELBY (for Mr. DEWINE) proposed an amendment to amendment SA 1671 proposed by Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) to the bill H.R. 2862, supra.

SA 1716. Mr. INOUYE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1717. Ms. SNOWE (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1706. Mr. BINGAMAN (for himself, Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—EDUCATIONAL ASSISTANCE FOR INDIVIDUALS AND SCHOOLS IMPACTED BY HURRICANE KATRINA

Subtitle A—Support for Elementary and Secondary Schools With a Large Influx of Displaced Students

SEC. . SUPPORT FOR ELEMENTARY AND SECONDARY SCHOOLS WITH A LARGE INFLUX OF DISPLACED STUDENTS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to eligible local educational agencies experiencing large increases in student enrollment due to Hurricane Katrina;

(2) to facilitate the enrollment of students impacted by Hurricane Katrina into elementary schools and secondary schools served by such agencies; and

(3) to provide high quality instruction to such students.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education shall award grants to eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) CHILD COUNT.—Each State that has a large influx of displaced students due to Hurricane Katrina, as determined by the Secretary of Education, shall set a child count date for local educational agencies in the State that have a large influx of such students, as determined by the State, for the purpose of determining the total number of such students in each such agency.

(B) DEFINITION.—In this section, the term "eligible local educational agency" means a local educational agency—

(i) that serves, as determined in accordance with the child count described in subparagraph (A), not less than 30 displaced students due to Hurricane Katrina; or

(ii) that serves an elementary school or secondary school in which not less than 3 percent of the students enrolled at the school are displaced students due to Hurricane Katrina, as determined in accordance with the child count described in subparagraph (A).

(3) GRANT AMOUNT.—An eligible local educational agency that receives a grant under this section shall receive a grant amount that is equal to $4,000 multiplied by the number of students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina.

(c) APPLICATION.—Each eligible local educational agency desiring a grant under this section shall prepare and submit an application to the Secretary of Education that contains—

(1) an assurance that the educational programs, services, and activities proposed under this section will be administered by or under the supervision of the agency;

(2) an assurance that the agency will coordinate the use of funds received under this section with other funds received by the agency under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and with programs described under such Act;

(3) an assurance that funds will be used—

(A) to improve instruction to students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina; and

(B) to facilitate such students' transition into schools served by the agency; and

(4) such other information and assurances as the Secretary may reasonably require.

(d) USE OF FUNDS.—Each eligible local educational agency that receives a grant under this section shall use the grant funds to enhance instructional opportunities for students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina, which may include—

(1) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(2) salaries of personnel, including teacher aides, to provide instructional services to such students;

(3) identification and acquisition of curricular material, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such instructional services for such students;

(4) health services (including mental health services), meals, and clothing; and

(5) such other activities, related to the purpose of this section, as the Secretary of Education may authorize.

(e) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section such $1,200,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle B—Fund for Early Childhood Care and Education

SEC. . FUND FOR EARLY CHILDHOOD CARE AND EDUCATION.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to local communities experiencing large influxes of preschool-aged children displaced by Hurricane Katrina; and

(2) to facilitate placement of such children in early childhood education programs.

(b) EARLY CHILDHOOD EDUCATION PROGRAMS.—In this section, the term "early childhood education program" means a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a State licensed or regulated child care program or school, or a State prekindergarten program that serves children from birth through kindergarten.

(c) GRANTS AND SUBGRANTS AUTHORIZED.—

(1) GRANTS.—The Secretary of Health and Human Services shall award grants to States demonstrating large influxes of children and families displaced due to Hurricane Katrina.

(2) SUBGRANTS.—

(A) IN GENERAL.—A State receiving a grant under paragraph (1) shall award subgrants to affected local communities in the State to facilitate placement of displaced children in existing early childhood education programs.

(B) Affected local communities.—In this paragraph, the term "affected local community" means a local community in a State described in subparagraph (A) in which—

(i) there are not less than 200 pre-school aged children who are displaced due to Hurricane Katrina; or

(ii) there is a significant percentage of the total number of children participating in early childhood education programs in the community who are children who are in the community because the children are displaced due to Hurricane Katrina, as determined by the Secretary of Health and Human Services.

(d) Applications.—Each State that desires to receive a grant under this section shall prepare and submit an application to the Secretary of Health and Human Services that contains—

(1) a description of the collaborative planning process between the State agency responsible for pre-kindergarten, State child care administrator, and Head Start Collaboration Director to facilitate the placement of children who are displaced due to Hurricane Katrina in early childhood education programs;

(2) assurances that funds received under this section will be used for the purpose described in subsection (a);

(3) a plan to coordinate funds received under this section with existing resources available to the early childhood education programs for similar purposes; and

(4) such other information and assurances as the Secretary of Health and Human Services may reasonably require.

(e) Use of Subgrant Funds.—

(1) In general.—Each affected local community receiving a subgrant under this section shall use the subgrant funds only for—

(A) costs associated with accommodating the influx of displaced children, including acquisition or rental of space;

(B) costs associated with providing services to displaced children, including related services such as nutrition and acquisition of related materials; and

(C) costs associated with hiring additional personnel, including teacher aides or personnel working with families of children.

(2) Income and documentation waiver.—The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children displaced by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded by subgrants awarded pursuant to this section.

(f) Appropriations.—

(1) In general.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section $635,000,000.

(2) Emergency designation.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle C—Support for Students in Higher Education

SEC. . SUPPORT FOR STUDENTS IN HIGHER EDUCATION.

(a) Students in School.—

(1) No questions asked policy.—The Secretary of Education shall authorize an institution of higher education to waive Federal financial aid requirements, as determined appropriate by the Secretary of Education, with respect to a student at such institution who enrolls in such institution because such student was impacted by Hurricane Katrina.

(2) Campus-based-aid.—

(A) SEOG.—

(i) In general.—

(I) Authorization.—From funds appropriated under subclause (II), the Secretary of Education shall carry out a program of making payments to institutions of higher education to enable such institutions to award Federal supplemental educational opportunity grants under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) to students enrolled at such institutions who are eligible to receive a grant under such subpart and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) Appropriations.—

(aa) In general.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out subclause (I) $76,500,000.

(bb) Emergency designation.—The amount appropriated under this subclause is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(ii) Waiver of nonfederal share.—Notwithstanding subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.), the Federal share of awards made pursuant to this subparagraph shall be equal to 100 percent.

(B) Work-study programs.—

(i) In general.—

(I) Authorization.—From funds appropriated under subclause (II), the Secretary of Education shall carry out a program of awarding grants to institutions of higher education to enable such institutions to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.) for students enrolled at such institutions who are eligible to participate in work-study programs under such part and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) Appropriations.—

(aa) In general.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out subclause (I) $114,500,000.

(bb) Emergency designation.—The amount appropriated under this subclause is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(ii) Waiver of nonfederal share.—Notwithstanding part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.), the Federal share of the compensation of students made pursuant to this subparagraph shall be equal to 100 percent.

(b) Help for Individuals With Student Loans.—

(1) Definitions.—In this subsection:

(A) Eligible borrower.—The term "eligible borrower" means an individual who has lost the individual's job due to the impact of Hurricane Katrina, as determined by the Secretary of Education.

(B) Eligible loan.—In this subsection, the term "eligible loan" means a student loan of an eligible borrower made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(2) Grace period.—The Secretary of Education shall carry out a program in which the Secretary enters into an agreement with the holder of an eligible loan in which, for a 180 day period, periodic installments of principal are not paid but interest shall accrue and be paid by the Secretary on such loan.

(3) Period not to count against economic hardship periods provided in Higher Education Act of 1965.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the 180-day grace period provided in paragraph (2) for an eligible borrower shall not count as part of the 3-year economic hardship periods provided in sections 427(a)(2)(C)(iii), 428(b)(1)(M)(iii), 455(f)(2)(C), and 464(c)(2)(A)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii), 1078(b)(1)(M)(iii), 1087e(f)(2)(C), and 1087dd(c)(2)(A)(iii)).

(4) Emergency designation.—The amounts provided under this paragraph are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle D—Immediate Aid to Restart School Operations

SEC. ___. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) Purpose.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies that are in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) Grants Authorized.—The Secretary of Education shall award a grant to a local educational agency that is in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina, based upon—

(1) the number of school-aged children served by the local educational agency in the academic year preceding the academic year during which the grant is awarded; and

(2) the severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency that is in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina.

(c) Use of Funds.—Each local educational agency that receives a grant under this section shall use the grant funds to restart operations in the elementary schools and secondary schools served by such agency and to take steps to resume the instruction that was halted due to Hurricane Katrina, which may include—

(1) recovery of student and personnel data, and other electronic information;

(2) replacement of school district information systems, including hardware and software;

(3) financial operations;

(4) decontamination;

(5) damage assessments in school and administration buildings;

(6) refurbishing school and administration buildings;

(7) rental of portable classroom units and facilities;

(8) initial replacement of instructional materials and equipment;

(9) redeveloping instructional plans; and

(10) such other activities related to the purpose of this section that may be required.

(d) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section $1,500,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle E—Improving Educational Infrastructure

SEC. . IMPROVING EDUCATIONAL INFRASTRUCTURE.

(a) PURPOSE.—It is the purpose of this section to assist areas impacted by Hurricane Katrina to repair, renovate, alter, or construct facilities critical to the educational needs of students, by providing Federal funds to enable local educational agencies, early childhood education programs, and institutions of higher education to meet costs associated with repairing, renovating, altering, or constructing the facilities of such entities.

(b) GRANTS AUTHORIZED.—The Secretary of Education shall award grants to local educational agencies, early childhood education programs, and institutions of higher education that are in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina, relative to the demonstrated need for the repair, renovation, alteration, or construction of the facilities of such entities based on the condition of the facilities due to the impact of Hurricane Katrina.

(c) APPLICATIONS.—A local educational agency, early childhood education program, or institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary of Education that contains—

(1) the number of students served by such agency, program, or institution who are, or would be, served in the facilities of such entity that were impacted due to Hurricane Katrina;

(2) a description of the improvement to be supported with funds provided under this section, including the relative cost of carrying out such improvements;

(3) an identification of other Federal, State, or local resources available to carry out improvements for which funds are requested under this section; and

(4) such other information and assurances as the Secretary of Education may reasonably require.

(d) CONSIDERATION.—In awarding grants under this section to local educational agencies and early childhood education programs, the Secretary of Education shall take into consideration the number of students residing in the geographic area served by such agencies and programs.

(e) USE OF FUNDS.—Each local educational agency, early childhood education program, or institution of higher education receiving funds under this section shall use such funds only to facilitate the education of students through the repair, renovation, alteration, or construction of a public elementary school or secondary school facility, institution of higher education, or early childhood education facility, used for academic, vocational, or developmental instruction.

(f) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section $2,000,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle F—Education for Homeless Children and Youths

SEC. . EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.

(a) IN GENERAL.—In addition to amounts otherwise appropriated to carry out subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) and out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated $20,000,000 for the 180 day period beginning on the date of enactment of this section to carry out education for homeless children and youths under such subtitle for homeless children and youths affected by Hurricane Katrina.

(b) EMERGENCY DESIGNATION.—The amount appropriated under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle G—Period of Availability of Benefits

SEC. . PERIOD OF AVAILABILITY OF BENEFITS.

(a) IN GENERAL.—A benefit or assistance provided under this title shall be available, and monies appropriated under this title are available for obligation by the grantee, through the date that is 180 days after the date of enactment of this title.

(b) AUTOMATIC EXTENSION.—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this title, unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals, households, and schools affected by Hurricane Katrina or a related condition.

(c) REPORT.—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SA 1707. Mr. MCCAIN proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

SA 1708. Mr. SHELBY (for Mr. MARTINEZ) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. It is the sense of Congress that the U.S. Coral Reef Task Force should join with its Federal and State partners to provide an appropriate level of financial and technical support to make the 11th International Coral Reef Symposium a successful event.

SA 1709. Mr. SHELBY (for Mr. TALENT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title VI, insert the following:

SEC. 6 .(a) It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

(b) In this section:

(1) The term "Chief" means the Chief of the Section.

(2) The term "criminal civil rights statutes" means—

(A) section 241 of title 18, United States Code (relating to conspiracy against rights);

(B) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(C) section 245 of title 18, United States Code (relating to federally protected activities);

(D) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(E) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(F) any other Federal law that—

(i) was in effect on or before December 31, 1969; and

(ii) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, prior to the date of enactment of this Act.

(3) The term "Section" (except when used as part of the term "Criminal Section") means the Unsolved Crimes Section established under subsection (c).

(c)(1) There is established in the Civil Rights Division of the Department of Justice an Unsolved Crimes Section. The Section shall be headed by a Chief of the Section.

(2)(A) Notwithstanding any other provision of Federal law, the Chief shall be responsible for investigating and prosecuting violations of criminal civil rights statutes, in each case in which a complaint alleges that such a violation—

(i) occurred not later than December 31, 1969; and

(ii) resulted in a death.

(B) After investigating a complaint under subparagraph (A), if the Chief determines that an alleged practice that is a violation of a criminal civil rights statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice, the Chief shall consult with the State or local official regarding the appropriate venue for the case involved.

(C) After investigating a complaint under subparagraph (A), the Chief shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Chief determines that the subject of the complaint has violated a criminal civil rights statute in the case involved but the violation does not meet the requirements of clause (i) or (ii) of subparagraph (A).

(3)(A) The Chief shall annually conduct a study of the cases under the jurisdiction of the Chief and, in conducting the study, shall determine the cases—

(i) for which the Chief has sufficient evidence to prosecute violations of criminal civil rights statutes; and

(ii) for which the Chief has insufficient evidence to prosecute those violations.

(B) Not later than September 30 of 2006 and of each subsequent year, the Chief shall prepare and submit to Congress a report containing the results of the study conducted under subparagraph (A), including a description of the cases described in subparagraph (A)(ii).

(4)(A) There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006 and each subsequent fiscal year.

(B) Any funds appropriated under this paragraph shall consist of additional appropriations for the activities described in this subsection, rather than funds made available through reductions in the appropriations authorized for other enforcement activities of the Department of Justice.

SA 1710. Mr. SHELBY (for Ms. CANTWELL (for herself and Mr. ALLEN)) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 135, line 25, strike "$515,087,000" and insert "$534,987,000, of which $19,900,000 shall be offset by reducing appropriations in this title for Department of Justice supplies and materials by a total of $19,900,000,".

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike "$60,100,000" and insert "$80,000,000".

SA 1711. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 111, line 5, strike "$125,936,000" and insert "$116,936,000".

On page 130, line 23, strike "$362,997,000" and insert "$371,997,000".

On page 132, strike line 14 and insert the following:

386;

(9) $2,000,000 for the Rape Abuse and Incest National Network (RAINN);

(10) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims; and

(11) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs.

SA 1712. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 129, line 7, before the ":" insert the following:

", and of which $5,000,000 should be for site planning and development of a Federal Correctional Institution in the Mid-Atlantic region".

SA 1713. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "SEC. 522." and insert the following: "None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

"(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

"(2) to avoid agreements that—

"(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

"(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

"(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.".

SA 1714. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, line 24, strike "$1,078,350,000" and insert "$1,098,350,000, of which $20,000,000 shall be offset by reducing appropriations in this title for other services by a total of $20,000,000,".

On page 134, between lines 4 and 5, in the item relating to Justice Assistance Grants, strike "$530,000,000" and insert "$550,000,000".

On page 134, line 10, strike the period at the end and insert the following: ": Provided further, That of the funds provided under this heading for Justice Assistance Grants, no State, including the District of Columbia and the Commonwealth of Puerto Rico, shall receive less than the greater of .50 percent or the amount of funds for Justice Assistance Grants such State received in fiscal year 2005, and no territory of the United States shall receive less than the greater of .25 percent or the amount of funds for Justice Assistance Grants such territory received in fiscal year 2005.".

SA 1715. Mr. SHELBY (for Mr. DEWINE) proposed an amendment to amendment SA 1671 proposed by Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 1 strike line 6 and all that follows through page 2, line 2, and insert the following:

$859,300,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration. Of the amount available under this section in excess of $852,300,000, not more than 50 percent of such excess amount may be derived from any particular account of the National Aeronautics and Space Administration.

SA 1716. Mr. INOUYE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF UNIVERSAL SERVICE FUND EXEMPTION FROM THE ANTIDEFICIENCY ACT.

Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2005," each place it appears and inserting "December 31, 2006,".

SA 1717. Ms. SNOWE (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5 . SMALL BUSINESS, HOMEOWNERS, AND RENTERS DISASTER RELIEF.

(a) Disaster Loans.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) Disaster loans after hurricane Katrina.—

"(A) Additional loan authority.—

"(i) Loans to small businesses.—In addition to any other loan authorized by this subsection, the Administrator may make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern or small agricultural cooperative that demonstrates a direct adverse economic impact caused by Hurricane Katrina, based on such criteria as the Administrator may set by rule, regulation, or order.

"(ii) Loans to nonprofits.—In addition to any other loan authorized by this subsection, the Administrator may make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization for purposes of repairing damage caused by Hurricane Katrina or performing other hurricane relief services in a damaged area.

"(B) Increased loan caps.—

"(i) Aggregate loan amounts.—Except as provided in clause (ii), the aggregate loan amount outstanding and committed to a qualified borrower in a damaged area under this paragraph may not exceed $10,000,000.

"(ii) Waiver authority.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under clause (i).

"(C) Deferment of disaster loan payments.—

"(i) In general.—Notwithstanding any other provision of law, payments of principal and interest on a loan to a qualified borrower located in a damaged area made under this subsection before, on, or after the date of enactment of this paragraph shall be deferred, and no interest shall accrue with respect to such loan, during the time period described in clause (ii).

"(ii) Time period.—The time period for purposes of clause (i) shall be 1 year from the later of the date of enactment of this paragraph or the date of issuance of a loan described in clause (i), but may be extended to 2 years from such date, at the discretion of the Administrator.

"(iii) Resumption of payments.—At the end of the time period described in clause (ii), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

"(D) Definitions.—In this paragraph, the following definitions shall apply:

"(i) Damaged area.—The term 'damaged area' means an area which the President has designated as a disaster area as a result of Hurricane Katrina of August 2005.

"(ii) Qualified borrower.—The term 'qualified borrower' means a small business concern or non-profit organization—

"(I) located in a damaged area; or

"(II) located in a State contiguous to a damaged area that is using, or intends to use, a loan made under this subsection for purposes of rebuilding or conducting operations in a damaged area.".

(b) Development Company Debentures.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended by adding at the end the following:

"(j) Debentures After Hurricane Katrina.—

"(1) Authority.—

"(A) In general.—In addition to any other guarantee authorized by this section, the Administrator may guarantee the timely payment of all principal and interest as scheduled on any debenture issued for purposes of rebuilding or resuming operations in a damaged area, as the Administrator determines appropriate.

"(B) Terms.—The Administrator shall establish a fee for a guarantee issued under subparagraph (A) that is lower than that for other guarantees under this section.

"(2) Existing guarantees.—

"(A) In general.—Notwithstanding any other provision of law, the Administrator may temporarily defer payments of principal and interest on a guarantee made under this section before the date of enactment of this subsection to a small business concern in a damaged area, in any case in which the payments are owed to the Administration.

"(B) Payments to other parties.—Notwithstanding any other provision of law, the Administrator may temporarily make payments of principal and interest on a loan made under this section before the date of enactment of this subsection to a small business concern in a damaged area, in any case in which the payments are owed to a person other than the Administration.

"(C) Termination of authority.—The authority to defer, or make, payments under this paragraph shall terminate 1 year after the date of enactment of this subsection.

"(3) Definitions.—In this subsection, the following definitions shall apply:

"(A) Damaged area.—The term 'damaged area' means an area which the President has designated as a disaster area as a result of Hurricane Katrina of August 2005.

"(B) Qualified borrower.—The term 'qualified borrower' means a small business concern—

"(i) located in a damaged area; or

"(ii) that demonstrates a direct adverse economic impact caused by Hurricane Katrina, based on such criteria as the Administrator may set by rule, regulation, or order.".

(c) Small Business Emergency Relief.—

(1) Definitions.—As used in this subsection—

(A) the term "small business concern" has the same meaning as in section 3 of the Small Business Act; and

(B) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

(2) Business loan programs.—Section 20(e) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking "$25,050,000,000" and inserting "$30,550,000,000"; and

(B) in paragraph (1)(B)—

(i) by striking "$17,000,000,000" and inserting "$20,000,000,000";

(ii) by striking "$7,500,000,000" and inserting "$10,000,000,000"; and

(C) by striking "25,050,000,000" and inserting "30,550,000,000".

(3) Grants to states damaged by hurricane Katrina.—There is authorized to be appropriated, and there is appropriated, to the Department of Commerce $400,000,000 to provide, through appropriate government agencies in Louisiana, Alabama, Mississippi, Texas, and Florida, to provide bridge grants and loans to small business concerns located in the area which the President has designated as a disaster area as a result of Hurricane Katrina, to assist in covering costs of such concerns until they are able to obtain loans through Administration assistance programs or other sources.

(4) Disaster loan additional amounts.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated, and there is appropriated, to the Administration $86,000,000, to make loans under section 7(b) of the Small Business Act.

(5) Other disaster loans following hurricane Katrina.—

(A) In general.—Paragraph (4) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, is amended by adding at the end the following:

"(E) Refinancing disaster loans after hurricane Katrina.—

"(i) In general.—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated by the President as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the 'disaster area'), and the refinanced amount shall be considered to be part of the new loan for purposes of this subparagraph.

"(ii) No effect on eligibility.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

"(F) Refinancing business debt.—

"(i) In general.—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located in the disaster area. With respect to a refinancing under this clause, payments of principal shall be deferred, and interest may accrue, during the 1-year period following the date of refinancing, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

"(ii) Resumption of payments.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

"(G) Terms.—A loan under subparagraph (E) or (F) shall be made at the same interest rate as economic injury loans under paragraph (2).

"(H) Extended application period.—Notwithstanding any other provision of law, the

Administrator shall accept applications for assistance under paragraphs (1) and (4) until one year after the date on which the President designated the area as a disaster area as a result of Hurricane Katrina.

"(I) No sale.—No loan under this subsection made as a result of Hurricane Katrina may be sold.".

(B) Clerical amendments.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(i) by striking ", (2), and (4)" and inserting "and (2)"; and

(ii) by striking ", (2), or (4)" and inserting "(2)".

(d) Entrepreneural Development.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated, and there is appropriated, to the Administration, to remain available until expended, for fiscal year 2006—

(1) $21,000,000, to be used for activities of small business development centers pursuant to section 21 of the Small Business Act, $15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns affected by Hurricane Katrina;

(2) $2,000,000, to be used for the SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, $1,000,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina;

(3) $4,500,000, to be used for activities of women's business centers authorized by section 29(b) of the Small Business Act and for recipients of a grant under section 29(l) of that Act, $2,500,000 of which shall be non-matching funds used to aid and assist small business concerns affected by Hurricane Katrina, which may also be made available to a women's business center whose 5-year project ended in fiscal year 2004;

(4) $1,250,000, to be used for activities of the office of veteran's business development pursuant to section 32 of the Small Business Act, $750,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina; and

(5) $5,000,000, to be used for activities of the microloan program authorized by clauses (ii) and (iii) of section 7(m)(1)(G) of the Small Business Act to aid and assist small business concerns adversely affected by Hurricane Katrina.

(e) Small Business Development Centers.—Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended by adding at the end the following:

"(D) Fiscal years 2005 and 2006.—For fiscal years 2005 and 2006, the Administrator has the authority to waive the maximum amount of $100,000 for grants under paragraph (C)(viii) for small business development centers assisting small business concerns adversely affected by Hurricane Katrina.".

(f) HUBZones.—Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking "or";

(2) in subparagraph (E), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(F) the Hurricane Katrina disaster area, as designated by the Administrator.".

(g) Outreach Programs.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in the Hurricane Katrina disaster area at any time following the 60 days prior to the designation of such area by the Administrator.

(2) Administrator action.—The Administrator may fulfill the requirement of paragraph (1) by acting through—

(A) the Small Business Administration;

(B) the Federal agency small business officials designated under Section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); and

(C) any Federal, State, or local government entity, higher education institution, or private nonprofit organization that the Administrator may deem proper, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

(h) Small Business Bonding Threshold.—Notwithstanding any other provision of law, for all procurements related to Hurricane Katrina, the Administrator may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

(i) Supplemental Emergency Loans.—

(1) In general.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) Supplemental emergency loans after Hurricane Katrina.—

"(A) Loan authority.—In addition to any other loan authorized by this subsection, the Administrator shall make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina, subject to subparagraph (B).

"(B) Oversight protections.—In making any loan under subparagraph (A)—

"(i) the borrower shall be made aware that such loans are for those adversely affected by Hurricane Katrina; and

"(ii) for loans made in cooperation with a bank or other lending institution—

"(I) lenders shall document for the Administrator how the borrower was adversely affected by Hurricane Katrina, whether directly, or indirectly; and

"(II) not later than 6 months after the date of enactment of this paragraph, and every 6 months thereafter until the date that is 18 months after the date of enactment of this paragraph, the Comptroller General shall make a report regarding such loans to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, including verification that such loans are being used for purposes authorized by this paragraph.

"(C) Fees.—

"(i) In general.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this subsection to qualified borrowers for a period of 1 year after the date of enactment of this paragraph.

"(ii) Guarantee fees.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 1 year after the date of enactment of this subparagraph shall be as follows:

"(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than $150,000.

"(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

"(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.".

(2) Appropriation.—There is authorized to be appropriated, and there is appropriated, $75,000,000 to carry out the amendment made by paragraph (1).

(j) Small Business Participation.—In order to facilitate the maximum practicable participation of small business concerns in activities related to relief and recovery from Hurricane Katrina, the Administrator and the head of any Federal agency making procurements related to the aftermath of Hurricane Katrina, shall set a goal, to be met within a reasonable time, of awarding to small business concerns not less than 30 percent of amounts expended for prime contracts and not less than 40 percent of amounts expended for subcontracts on procurements such agency related to the aftermath of Hurricane Katrina.

(k) Energy Emergency Relief.—

(1) Small business and farm energy emergency disaster loan program.—

(A) Small business disaster loan authority.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (4), as added by this Act, the following:

"(5)(A) For purposes of this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

"(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

"(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

"(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

"(E) For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(B) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(i) by inserting ", significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene" after "civil disorders"; and

(ii) by inserting "other" before "economic".

(C) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under paragraph (3)(A), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(5) of the Small Business Act, as added by this subsection, including—

(i) the number of small business concerns that applied for a loan under that section 7(b)(5) and the number of those that received such loans;

(ii) the dollar value of those loans;

(iii) the States in which the small business concerns that received such loans are located;

(iv) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(v) recommendations for ways to improve the assistance provided under that section 7(b)(5), if any.

(D) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under paragraph (3), or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(5) of the Small Business Act, as added by this subsection.

(2) FARM ENERGY EMERGENCY RELIEF.—

(A) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(i) in the first sentence—

(I) by striking "operations have" and inserting "operations (i) have"; and

(II) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary";

(ii) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(iii) in the fourth sentence—

(I) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(II) by inserting "or declaration" after "emergency designation".

(B) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(C) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under paragraph (3)(A), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(i) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(ii) contains recommendations for ways to improve the assistance provided under such section 321(a).

(D) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under paragraph (3), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(3) GUIDELINES AND RULEMAKING.—

(A) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out paragraphs (1) and (2), respectively, and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(B) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(5)(A)(iii)(II) of the Small Business Act, as added by this Act.

(l) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—

(1) IN GENERAL.—Assistance made available under any loan made or approved by the Administration under this section, subsections (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636(a)), as amended by this section, except for subsection 7(a)(23)(C), or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this section, on and after the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(2) USE OF FUNDS.—Assistance under this section and the amendments made by this section shall be available effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such assistance.

(m) EMERGENCY SPENDING.—Appropriations under this section are designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 14, 2005 at 10:30 a.m. to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet to conduct a hearing during the session of the Senate on Wednesday September 14, 2005, at 10 a.m. in Dirksen Senate Office Building, room 342, on "Recovering from Katrina: The Next Phase"

Witness List: The Honorable Pete Wilson, Former Governor, California; The Honorable Patricia A. Owens, Former Mayor, Grand Forks, North Dakota; The Honorable Marc H. Morial, President and CEO, National Urban League, Former Mayor of New Orleans; Iain B. Logan, Operations Liaison, International Federation of Red Cross and Red Crescent Societies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY.

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts Jr. to be Chief Justice of the United States on Wednesday, September 14, 2005 at 9 a.m. in the Hart Senate Office Building Room 216. John G. Roberts Jr. is the only witness. Note that this is a time change.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Wednesday, September 14, 2005, at 10 a.m., on the Impact of Hurricane Katrina on the Aviation Industry, in SD–562.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE SOLDIERS OF THE ARMY'S BLACK CORPS OF ENGINEERS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 67.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 67) honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SHELBY. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 67) was agreed to.

The preamble was agreed to.

NATIONAL CAMPUS SAFETY AWARENESS MONTH

Mr. SHELBY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 221 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 221) supporting the goals and ideals of "National Campus Safety Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. SHELBY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas college and university campuses are subject to criminal threats both from within and outside their borders;

Whereas under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act a total of 86 homicides, 7,648 sex offenses, 9,649 aggravated assaults, and 3,590 arsons were reported on-campus from 2000 to 2002;

Whereas between ⅕ and ¼ of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers;

Whereas each year more than 70,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault;

Whereas each year more than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking;

Whereas 1,400 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes;

Whereas each year there is approximately $2.8 million dollars worth of property damage from fires on-campus;

Whereas Security On Campus, Inc., a national group dedicated to promoting safety and security on college and university campuses, and the University of Wisconsin-Green Bay Student Government Association have designated September 2005 as National Campus Safety Awareness Month; and

Whereas the designation of National Campus Safety Awareness Month provides an opportunity for colleges and universities to inform students about existing campus crime trends, campus security policies, crime prevention techniques, fire safety, and alcohol and other drug education, prevention, and treatment programs: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "National Campus Safety Awareness Month".

HISPANIC HERITAGE MONTH

Mr. SHELBY. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 238, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 238) recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SHELBY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The resolution (S. Res. 238) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 238

Whereas from September 15, 2005, through October 15, 2005, the country celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics on this continent predates the founding of our Nation, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on American history, values, and culture;

Whereas since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, El Salvador and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of our nation;

Whereas the United States Census Bureau now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the military and have fought valiantly in every war in United States history;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty";

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the military have continued their service to our country;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including two seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2005, through October 15, 2005, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of our Nation; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

ORDERS FOR THURSDAY, SEPTEMBER 15, 2005

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 15. I further ask unanimous consent that following the prayer and the pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SHELBY. Mr. President, on behalf of the leader, and as manager of the bill, I announce to my colleagues that we are very close to completing action on the bill. Earlier, we had hoped to finish this evening but we were working on just a few remaining issues.

Tomorrow, we will resume consideration of the bill shortly after 9:30 a.m. At that time, we hope to clear several of the remaining amendments. That will then allow us to proceed to votes on those few amendments which require votes.

It is the expectation of the leader that we will begin voting around 10:45 or 11 tomorrow morning. We should continue voting until we proceed to final passage.

Again, I thank my colleagues for their cooperation on the bill today, and I look forward to completion of the bill at an early hour tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SHELBY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Thursday, September 15, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

ON THE PLEDGE OF ALLEGIANCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RAHALL. Mr. Speaker, I rise today to affirm that we are one Nation under God. For over 225 years the moral fiber of this Nation has been built not upon the law of man, but rather upon the law of God.

The roots of the Pledge of Allegiance go back to Francis Bellamy, a Baptist minister who wrote the original Pledge in August 1892. It was still an "unofficial" pledge until June 22, 1942, when the United States Congress included the "Pledge to the Flag" in the United States Flag Code. On December 28, 1945, the Pledge to the Flag received its official title as our Nation's Pledge of Allegiance.

The last change in the Pledge of Allegiance occurred on June 14, 1954 (Flag Day), when Congress added the words, "under God," to the Pledge of Allegiance.

Although today, U.S. District Judge Lawrence Karlton ruled that the pledge's reference to one nation "under God" violates schoolchildren's right to be "free from a coercive requirement to affirm God." Judge Karlton then issued a restraining order preventing the recitation of the pledge at three separate elementary schools where the plaintiff's children attended school. Will this judge also take away American schoolchildren's milk money emblazoned with the words, "In God We Trust?" Will this judge deny our schoolchildren hearing the ringing words of our Declaration of Independence, which intones the Almighty throughout this sacred document?

A restraining order to prevent children from reaffirming their faith in God and Country? How absurd! Can you imagine the police storming an elementary school and handcuffing a 9-year-old child for uttering "under God"?

President Eisenhower said at the time, "In this way we are reaffirming the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war."

As President Eisenhower stated, God is America's most powerful resource. In his presence, we remain attentive of the character and spirit of our Nation, and we are determined to fashion a better and brighter future for the generations that follow. Only under the watchful eye of God can all we hope for be accomplished and all we dream of come true.

For 58 years, schoolchildren and billions of men and women across this Nation have gazed upon our Flag, the Star Spangled Banner, and proudly recited their pledge to their home and the greatest Nation on Earth, and I can think of no better way to begin each and every day, as we do in the House of Representatives, with these 31 words.

As an editorial from the Register-Herald, of my hometown of Beckley, West Virginia, best summed up last year:

> Children cannot be compelled to recite the Pledge or even listen to it, if they don't wish to.
>
> The Supreme Court will sooner or later have to delete the phrase or else rule in its defense, an action requiring only this: respect for constitutional language and a grain of common sense.

IN RECOGNITION OF MR. ROGER DESJARLAIS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize my good friend, Broward County Administrator Roger Desjarlais who will retire this month following seven and a half years of service to the people and residents of Broward County.

In 1998, after more than twenty years of distinguished service in Lee County, Florida, Roger Desjarlais was appointed Broward County Administrator by the Board of County Commissioners. Throughout his tenure, his dynamic leadership style, exemplified by his track record of work with local, State, and Federal officials and business and community leaders, has proven effective throughout his time in Broward County.

Mr. Desjarlais has accomplished a great deal during the past seven and a half years: improving key services, providing critical infrastructure improvements in unincorporated areas of Broward County, and implementing multi-million dollar expansion programs for Port Everglades and Fort Lauderdale-Hollywood International Airport at Dania Beach. He has managed this and more, expanding programs and levels of service, all while developing a balanced budget with reduced millage rates for the past seven years in a row.

Mr. Speaker, Roger Desjarlais' capable and collaborative style has been outstandingly successful and has greatly benefited the people of Broward County. Although he has decided to pursue new opportunities, his work has not gone unnoticed, and I am certain that Roger will remain an active participant in his community, State, and Nation.

IN MEMORY OF THOSE LOST IN KATRINA—LET US ENSURE NO ONE IS ABANDONED AGAIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RANGEL. Mr. Speaker, Hurricane Katrina and the tragedy that followed forced many people to revisit an issue that had been ignored by this Nation for far too long—the high rate of poverty in the United States.

There is no question that one of the root causes of the tragedy that occurred in New Orleans was poverty. The people with the economic means to do so left the city prior to the storm. Those left in the city were unable to flee because they could not afford to do so, thereby forcing them to ride out the storm in their homes or in the shelter of "last resort." Many of those left behind were from predominately low-income areas, such as the city's ninth ward.

Ironically, the day after Hurricane Katrina ravaged New Orleans, the Census Bureau reported that nearly 30 percent of the city's residents were living in poverty, making it the second poorest city in the Nation. Meanwhile, the overall poverty rate for the Nation increased for the fourth year in a row. An additional 1.1 million Americans fell into poverty last year, bringing the total number to 37 million.

It is clear that although many residents of New Orleans waited for days to be rescued from flood waters, they, and millions of other Americans, were abandoned by this administration a long time ago. Programs designed to alleviate poverty and assist working families struggling to make ends meet have seen their funding cut in recent years. Critical programs such as child care assistance, job training, low-income housing assistance, and after-school programs have seen their budgets reduced in favor of tax cuts for the wealthy.

Meanwhile, the Republican leadership plans to continue to pursue its irresponsible plan to further dismantle what is left of this country's safety net by making additional cuts to entitlement programs. Many of these programs are going to provide critical services to the survivors of Hurricane Katrina.

Repairing the damage from Hurricane Katrina and its aftermath will take more than repairing broken levees and rebuilding homes and businesses. If we truly want to ensure that the death, destruction, and human suffering that was caused by the storm and its aftermath does not happen again, we need to remove the hurdles that force people to live in poverty.

We should work to ensure that all workers receive a livable wage so that they are able to support themselves and their families. Also, we need to guarantee that every American has access to all of the educational opportunities that are available so that all of our citizens

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have the means to live a better life. Finally, when families fall behind and need additional assistance to get them through tough times, we need to ensure that the Federal Government has the resources to assist our most vulnerable citizens.

Let us use the tragedy that occurred in the Gulf region as a catalyst for eradicating poverty in this Nation. In memory of those who were lost in the storm and its aftermath, and for the survivors, let us do everything we can to ensure that no one is abandoned again.

TRIBUTE TO NICOLE ROBBINS

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. GIBBONS. Mr. Speaker, I rise today to honor Nicole Robbins of Nevada: mother, concerned citizen, and modern-day crime-fighter. On July 13th, Ms. Robbins observed a series of events unfold outside her apartment complex involving what appeared to be an attempted kidnapping of a five year old girl by an intoxicated, convicted Tier 2 sex offender. The man, calling himself "Pastor Tree", attempted to lure the girl away with him, promising to take her to a store. Thankfully the little girl was smart enough to alert her mother, who subsequently called the police, after the man went to retrieve his car. The boyfriend of the mother confronted the man upon his return for the girl. During this confrontation, the man started to drive away.

Although police were en route, this man had already begun to flee. Realizing the potential getaway, Ms. Robbins claimed that "something made her go inside her home and grab her car keys and cell phone." A mother of two young sons herself, Ms. Robbins bravely followed this attempted kidnapper for four miles, in contact with police the entire way providing details to help in his apprehension. When stopped by police, the man was found to be driving with a blood-alcohol limit more than twice the legal limit, and was subsequently arrested on suspicion of first-degree kidnapping and child luring.

Ms. Robbins' actions should be commended in that not only did she aid local authorities by providing accurate and detailed information on a fleeing suspect, but she was wise enough in exercising restraint by not interfering before his capture. For her efforts, Ms. Robbins was honored by Reno police by receiving a citizen commendation certificate and medal, a prestigious award presented only once a year.

Ms. Robbins stands as an example to all future kidnappers and child molesters that the people of Nevada are serious about protecting their children. I would like to conclude by addressing the next child molester or kidnapper that comes to Nevada with an intention to commit a crime against a child. Know that we are watching our children with you, protecting our children from you, and in cases like Ms. Robbins, even helping local authorities arrest you.

TRIBUTE TO SHAWN RICHARD TALLANT

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. FORD. Mr. Speaker, I rise today to pay tribute to Shawn Richard Tallant who has served our country with bravery and distinction as a member of the United States Navy. A graduate of the United States Naval Academy, Captain Tallant retired from the Navy on July 15, 2005 after 27 years of distinguished service.

Captain Tallant was Commanding Officer of the USS *Nashville*, which participated in Operation Iraqi Freedom and Operation Enduring Freedom. In addition, the USS *Nashville*, under Captain Tallant's command, was one of three ships sent to conduct humanitarian operations under Joint Task Force Liberia.

Like all citizens of Tennessee, I am proud of the historical importance of these events and how one of our namesake ships was critical to the success of this Nation's peacekeeping efforts in Iraq, Afghanistan and Liberia. Captain Tallant's leadership was integral to the *Nashville*'s contributions.

Prior to his service on the Nashville, Captain Tallant was the Executive Officer on the nuclear-powered aircraft carrier USS *Dwight D. Eisenhower*. Today, Captain Tallant has joined the private sector involved in the design of future nuclear aircraft carriers.

Captain Tallant is an example of the courage and commitment of our military and I ask my colleagues to join me in honoring Captain Tallant for his meritorious and distinguished service to his fellow sailors and our Nation.

THE NATIONAL WOMEN'S RIGHTS HISTORY PROJECT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. SLAUGHTER. Mr. Speaker, today I am proud to celebrate the accomplishments of our foremothers by introducing the National Women's Rights History Project Act.

In contemporary American society, women enjoy rights to education, wages, and property ownership. However, it was only 85 years ago that women were finally granted the right to vote. Yet few Americans have any real knowledge of the long struggle to obtain the rights that we take for granted today. The National Women's Rights History Project Act will provide Americans with the opportunity to learn more about the female heroes that fought tirelessly to secure these rights.

On July 19, 1848, a group of activists including Elizabeth Cady Stanton, Lucretia Mott, and Mary Ann M'Clintock convened the first Women's Rights Convention at Wesleyan Chapel in Seneca Falls, New York. The Women's Rights Convention heralded the beginning of a 72-year struggle for suffrage. During the Convention, 68 women and 32 men signed the Declaration of Sentiments, which was drafted to mirror the Declaration of Independence and set out such radical notions like women's freedom to own property, receive an education, and file for divorce.

In 1851, a second women's rights convention was held in Akron, Ohio. It was at this convention that Sojourner Truth delivered the famous "Ain't I A Woman?" speech. The woman's suffrage movement, however, was not solely limited to organized conventions. Under the leadership of Elizabeth Cady Stanton and Susan B. Anthony the National American Women Suffrage Association (NAWSA) was formed.

Susan B. Anthony also established the Equal Rights Association to refute ideas that women were inferior to men and fight for a woman's right to vote. In 1872, Susan B. Anthony and other women voted in the presidential election, and were arrested and fined for illegal voting. At her trial, which attracted nationwide attention, Susan B. Anthony made a speech that ended with the slogan "Resistance to Tyranny Is Obedience to God". She also campaigned for the rights of women to own property, to keep their own earnings, and to have custody of their children. I am especially proud that it was in Rochester, New York that Susan B. Anthony fought so hard for the rights that women throughout this country rely on today. In fact, in 1900, she persuaded the University of Rochester, in my Congressional District, to admit women.

In the early 1900s, a new generation of leaders joined the women's suffrage movement, including Carrie Chapman Catt, Maud Wood Park, Lucy Burns, Alice Paul, and Harriot E. Blatch. During this era, the Women's Rights movement increased its momentum by organizing marches, pickets and other protests. Suffragette Alice Paul and other activists began chaining themselves to the White House fence and participating in hunger strikes to gain the attention of Congress.

The struggle for women's suffrage was not easy, and oftentimes it was made more difficult as a consequence of public misinformation and fear. Consider these remarks which, in 1912, appeared in the New York Times under the title, "The Uprising of Women":

"The vote will secure to woman no new privilege that she either deserves or requires . . . Women will get the vote and play havoc with it for themselves and society, if men are not wise and firm enough and it may as well be said, masculine enough, to prevent them."

If by playing havoc, the New York Times meant becoming the single most sought after voting block in the country that often determines the outcome of elections, I guess they were right.

Because of the persistent dedication of Susan B. Anthony and other remarkable leaders, women persevered. Although Susan B. Anthony was not alive to see it, the efforts of the women's rights struggle came to fruition when the Nineteenth amendment to the U.S. Constitution, giving women the right to vote, was finally passed by Congress on June 4, 1919, and ratified on August 18, 1920.

We have clearly come a long way in 85 years—and we still have a long way to go. We must work to continue the momentum that started in Seneca Falls, by not only ensuring that all women vote, but that they do so with an understanding of the long fight to obtain this right and with a sense of responsibility to do their part in the struggle for women's equality.

To honor these important women, the National Women's Rights History Project Act will establish a trail route linking sites significant to the struggle for women's suffrage and civil rights. It also will expand the current National Register travel itinerary website, "Places Where Women Made History," to include additional historic sites. Finally, this bill will require the Department of Interior to establish a partnership-based network to offer financial and technical assistance for interpretive and educational program development of national women's rights history.

The women of this country have fought tirelessly to achieve equitable rights for our grandmothers, our mothers, ourselves, and our daughters. It is my hope that this bill will provide Americans with the opportunity to learn more about the female leaders who struggled to secure these rights.

Mr. Speaker, I encourage all Members to join me in celebrating their accomplishments by National Women's Rights History Project Act today.

HONORING THE INTERNATIONAL CHILDREN'S FESTIVAL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 35th year of the International Children's Festival, held in Fairfax County, Virginia.

The International Children's Festival is produced by the Arts Council of Fairfax County in cooperation with the Wolf Trap Foundation for the Performing Arts and the National Park Service. Since 1971, the Festival has allowed children from all over the world to come together and share cultural traditions through the international language of the arts. The inaugural event attracted 7,000 spectators, volunteers and performers. In two years the event became the International Children's Festival, which was extended to a two day event and nearly doubled its audience.

Many celebrities have served to make the event a success, and to bring attention to a worthy cause. Past participants include First Lady Nancy Reagan and Bob McGrath, also known as "Bob of Sesame Street". Some previous highlights have included the twentieth annual International Children's Festival themed, "The Americas, a Rainbow of Colors". This festival featured performers from North, South, and Central America. In the following years, performers from Europe, Jordan, Uganda, Zimbabwe, Siberia, Taiwan, and the Republic of Uzbekistan attended the festival giving the children an even wider appreciation of the arts from around the globe. Since 1971, groups from over 35 countries have participated in the festival. This year's event features international youth performers from Georgia, India, Mexico, and Nigeria. While many have traveled far to contribute, it has also remained close to its roots showcasing a variety of cultural arts performed by student groups from throughout the Washington metropolitan area.

Mr. Speaker, in closing, I would like to commend and congratulate the International Children's Festival on its 35th year. The Festival has enriched many lives, truly meriting recognition. I call upon my colleagues to join me in applauding the International Children's Festival's past accomplishments and in wishing it continued success in the many years to come.

COMMENDING JUDY AND ALAN ROOTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's distinguished citizens, Judy and Alan Rooth. On Sunday, September 25, 2005, Judy and Alan will be honored for their exemplary and dedicated service to our community and to the State of Israel. Their praiseworthy efforts will be recognized at the Northwest Indiana-Israel Dinner of State, as they receive the Jerusalem Medal. The Special Guest speaker is Dr. Mitchell Bard, executive director of the American-Israeli Cooperative Enterprise.

Judy Rooth is completing her fourth year as president of the Jewish Federation. She previously served as the Federation's Women's Division Campaign co-chair for 3 years, and she also chaired the Jewish Community Services of the Federation. Judy is a lifetime member of Hadassah and has served as board secretary for Congregation Beth Israel. She also served on the boards of Kneseth Israel and CBI. Judy is also active in the Kneseth Israel Sisterhood.

Alan Rooth has served on various committees and also as an officer of several organizations. He was vice president of the Jewish Federation and also served as vice president and co-president of Kneseth Israel. Alan served as the chairman of the Annual Walks for Israel. He has also served on the Kneseth Israel Board and Congregation Beth Israel for a total of 20 years. Alan is the School Board chairman of both Kneseth Israel and Congregation Beth Israel.

The Jerusalem Medal is given each year to worthy recipients who demonstrate their dedication and service to Israel, the State of Israel Bonds, the Jewish community, and their own community at large. The Rooths are most certainly worthy recipients of this year's award. The Jewish Federation Community Building will be filled Sunday night with friends and family who have been blessed with the opportunity to know and work with Judy and Alan Rooth and who wish to celebrate with them as they receive the Jerusalem Medal.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Judy and Alan Rooth for receiving the 2005 Jerusalem Medal. Their dedicated service to both the State of Israel and our Northwest Indiana community is commendable and admirable. No government, leader, or military can safeguard the twin blessings of freedom and opportunity without the labors of dedicated, conscientious citizens. Their service and devotion to Indiana's First Congressional District deserves the highest commendation, and I am proud to represent them in Congress.

HONORING HERSHA ARNOLD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to honor the accomplishments of a friend and fellow West Virginian, Hersha Arnold, who recently was given the prestigious Jerry Maldavir Award by the American Cancer Society.

Hersha has been a tireless advocate for public awareness about the risks of cancer, prevention, serving cancer survivors, and many other activities. She has been a leader in her local community, the State of West Virginia and the South Atlantic region for the American Cancer Society.

In addition to her efforts for the American Cancer Society, Hersha has been a diligent volunteer for several causes including running a camp for children with cancer and serving as a strong leader for other State initiatives.

Hersha is a wonderful leader in her community and an invaluable asset to the efforts of improving cancer awareness in the State of West Virginia. We need more people like Hersha to attain the goal of eradicating cancer by 2015. It is with great pride that I am able to recognize my friend and fellow West Virginian for her significant contributions.

RECOGNIZING AND HONORING 100TH BOMB GROUP OF THE 8TH AIR CORPS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to recognize and honor the 100th Bomb Group of the 8th Air Corps. Having a history filled with grand achievements, it is with great pride that I commend these brave soldiers for their service and sacrifice during America's greatest war in history, World War II.

Flying its first mission in June 1943, the 100th Bomb Group concentrated its military efforts against airfields, submarine facilities, and aircraft industries in both France and Germany. During this time, the coalition was active in many valiant air raids including the bombing of Rujkan, Norway, which delayed the completion of heavy water for the German atomic bomb. Throughout eight noble missions to Germany, the troop experienced their heaviest losses, earning them the nickname, "The Bloody Hundredth." The 100th Bomb Group of the 8th Air Corps, however, did not lose hope. The group went on to fight in many renowned battles of World War II, including the Battle of the Bulge and the allied invasion of Normandy, which came to be known as D-day.

Overall, this courageous troop flew 306 missions, lost 229 planes and sacrificed 785 men which were either killed or deemed Missing in Action, MIA. On April 20, 1945, the group flew its last combat mission to Oranienburg, Berlin, with no losses.

The freedom of the United States of America has depended upon the courage of men and women like the 100th Bomb Group, 8th Air Corps, for over 200 years. As members of the greatest military in the world, their time and efforts did not go unnoticed. The 100th Bomb Group received two Presidential Unit Citations for their efforts in Regensburg and Berlin, Germany, as well as the French Croix de Guerre with Palm for their distinguished service in France during World War II.

On October 1, the 100th Bomb Group of the 8th Air Corps will meet in Pittsburgh, PA, to celebrate its 60th anniversary and renew relationships of its members.

Mr. Speaker, I hope my colleagues will join me in celebrating the 100th Bomb Group of the 8th Air Corps on its 60th anniversary of the year of their final combat mission.

RECOGNIZING BOB McGRATH FOR HIS CONTRIBUTIONS TO THE INTERNATIONAL CHILDREN'S FESTIVAL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize Bob McGrath for his commitment to educating and entertaining children and for his contributions to the International Children's Festival.

Mr. McGrath is most often referred to as "Bob on Sesame Street" where he has performed for 34 years, but he is also an accomplished musician and successful author. He began his professional career singing and recording with the Robert Shaw Chorale and Fred Waring's Pennsylvanians. He later spent five years as the featured tenor soloist on Mitch Miller's series, "Sing Along With Mitch", and traveled to Japan to expand his resume ultimately resulting in a career that has afforded him the opportunity to appear with over 100 symphony orchestras. His successful children's albums have sold over half a million copies, and some have received recognition from the Parents' Choice Award and the American Library Association. He has also utilized his talent by writing children's books. For example, Oops! Excuse Me Please! And Other Mannerly Tales has educated countless children about the importance of manners. Mr. McGrath's other books have effectively taught children life skills, and most have received tremendous acclaim.

Among his many professional accomplishments, Mr. McGrath has dedicated his time to serve as Chairperson of National UNICEF day, host of the United National celebration for the "Rights of the Child", and host for World Children's Day at the UN General Assembly. Most notably, he has generously acted as host and consultant for seventeen consecutive years for the International Children's Festival held in Vienna, Virginia. Each year the International Children's Festival is produced by the Arts Council of Fairfax County in cooperation with the Wolf Trap Foundation for the Performing Arts and the National Park Service. Since 1971, the Festival has allowed children from all over the world to come together and share cultural traditions through the international language of the arts. Much of the success of the Festival can be attributed to Mr. McGrath's efforts and expertise.

Mr. Speaker, in closing, I would like to thank Mr. McGrath for his continued support of the International Children's Festival. I call upon my colleagues to join me in recognizing his accomplishments, and wish him the best of luck in all future endeavors.

CONGRATULATING CROATIAN SONS LODGE NUMBER 170 ON 98TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 98th Anniversary and Golden Member banquet on Sunday, October 16, 2005.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved 50 years of membership, This year's honorees that have attained 50 years of membership include: James Andrew Blaney, Mary Ann Ciochina, Ann Fadell (deceased), Patricia Janjecic, Mary Ann Kasperan, Leonard J. Klarich, Margaret M. Lacko, Gloria J. Miller, Marie Morgan, Theresa Peretin, Johanna M. Petruch, Janis Marie Ramirez, Steve John Ratajec, Matthew Sedey, Petar Seibal, Thomas Sencaj, Vilma Stipancic, Kathy R. Sut, Margaret Jean Tomich, Roy P. Vale, Steven J. Vician, Magdaline M. Wagner, Carole J. Waters, Paul William Yurkas, John Zamko, Bernard Zemen, and Helen Zemen.

These loyal and dedicated individuals share this prestigious honor with approximately 455 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The Banat Tamburitza Orchestra will perform at this gala event. A formal dinner banquet at 3:30 in the afternoon will end the day's festivities.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge president Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

HONORING THE ACCOMPLISHMENTS OF DR. ELIZABETH SPANGLER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to honor the accomplishments of a friend and fellow West Virginian, Dr. Elizabeth Spangler.

On August 27, 2005, Dr. Spangler became the first woman to take office as President of the West Virginia State Medical Association. Prior to her installation, Dr. Spangler held other leadership roles within the State Medical Association including Vice President and Vice Speaker for the Association's House of Delegates.

Dr. Spangler first began her career in health care as a graduate from Mercy Hospital School of Nursing in Springfield, Massachusetts. After practicing as a registered nurse for 23 years, she earned her medical degree from the Marshall University School of Medicine, and then completed her residency in internal medicine at the West Virginia University School of Medicine, Charleston Division.

In 1989, after 8 years as a primary care provider and medical director at Health Right Clinic of Charleston, Dr. Spangler was named medical director of medical affairs at Charleston Area Medical Center. She has held other medical management positions including medical director of the School Health Services Home Health Agency; Vice President of Clinical Affairs for outpatient services at CAMC, and interim Chief Medical Officer at Carelink Health Plus. Finally, in 1999, she was named Vice President for Medical Affairs and Chief Medical Officer for CAMC.

Dr. Spangler's list of accomplishments has grown over the years to include fellowship in the College of Medical Quality and membership in the American College of Physicians, the American College of Physician Executives, and the American Medical Association.

Dr. Spangler continues to be a distinguished leader in the medical community and a rolemodel for women in West Virginia and across the nation. She is a devoted contributor to her community and her state. Dr. Spangler is to be highly commended for her accomplishments and West Virginia is fortunate to have her as a leader in the health care community.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. MALONEY. Mr. Speaker, on September 13, 2005, I was unavoidably detained and missed rollcall votes numbered 465, 466, and 467. Rollcall vote 465 was on the motion to suspend the rules and agree to SCONRES 26, a bill honoring and memorializing the passengers and crew of United Airlines Flight 93. Rollcall vote 466 was on the motion to suspend the rules and pass H.R. 3649, the

Sportfishing and Recreational Boating Safety Amendments Act. Rollcall vote 467 was on the motion to suspend the rules and pass S. 276, the Wind Cave National Park Boundary Revision Act.

Had I been present I would have voted "yea" on rollcall votes 465, 466, and 467.

ACKNOWLEDGING EUGENE P. SINCLAIR, M.D.

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. SENSENBRENNER. Mr. Speaker, I rise today to acknowledge one of my constituents, Eugene P. Sinclair, M.D., as he completes his term as President of the American Society of Anesthesiologists, a 100 year old national professional organization currently representing over 39,000 anesthesiologists.

Founded in 1905, ASA is the predominant professional organization representing medically trained anesthesiologists. Since its founding, ASA has been the leader in the development of patient safety standards and guidelines for the delivery of safe patient care before, during and after surgery. The ASA's efforts on behalf of the specialty have been acknowledged by both the medical and lay press alike. Both The Institute of Medicine (IOM), in its 1999 report on medical errors, and the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), in its report on improving the medical liability system and preventing patient injury, recognized the successes of organized anesthesiology in improving patient outcomes. In June, the Wall Street Journal, in a front page article, reported on the unique role ASA and anesthesiologists have played in addressing patient safety in the delivery of anesthesia and in reducing their liability costs, holding up anesthesiologists as a model for other specialties to follow.

Dr. Sinclair received his medical degree from Marquette University School of Medicine in Milwaukee, Wisconsin. After medical school, he served in the U.S. Army's distinguished 101st Airborne Division in Ft. Campbell, Kentucky for 3 years. Following his military service, Dr. Sinclair completed his anesthesiology residency at the Milwaukee County General Hospital and the VA Hospital in Wood, Wisconsin.

Dr. Sinclair is currently Chief, Anesthesia Service at the Orthopedic Hospital of Wisconsin. He has been active in the Wisconsin Society of Anesthesiologists, the Milwaukee Society of Anesthesiologists and the State Medical Society of Wisconsin and Milwaukee Country Medical Society.

For ASA, Dr. Sinclair has served as president-elect, first vice president, speaker of the ASA House of Delegates, delegate, and director. He has also served on numerous Society committees and task forces including the committees on quality management and ambulatory surgical care and the task forces on office-based anesthesia and practice management.

During his year as ASA President, Dr. Sinclair devoted countless hours to the pursuit of knowledge, consensus and education regarding the rare but highly publicized problem of awareness under general anesthesia. He also fostered partnerships with many other leading national medical organizations who share the common goal of improved safety and quality of care for the surgical patient.

These are extremely challenging yet rewarding times for anesthesiologists as they shepherd the most vulnerable of patients—from the tiniest babies to the frailest of the elderly—through the most intricate and, in many cases, life-saving, surgical procedures.

Mr. Speaker, I ask my colleagues to join me today in recognizing Eugene Sinclair, M.D., for his notable career achievements, his exemplary leadership, and his dedication to patient safety.

50TH ANNIVERSARY OF THE FRANKENMUTH, MICHIGAN BEAUTIFICATION COMMITTEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. KILDEE. Mr. Speaker, I am happy to rise before you today, and to ask my colleagues in the 109th Congress to please join me in celebrating the 50th anniversary of the Frankenmuth, Michigan Beautification Committee. On Wednesday, September 14, civic and community leaders will join Frankenmuth residents to commemorate this momentous occasion.

The Frankenmuth Beautification Committee was created in 1955 by Village Superintendent Herbert L. Keinath, his wife Edna, Village President Otto Trinklein, former Village President Carl Satow, and Councilman M.F. "Hick" Leslie. These individuals envisioned a group working as one to promote, cultivate, and enhance the city's natural beauty. The original Committee consisted of 11 dedicated pioneers who laid a foundation and structure for the organization: Ed Daenzer, Ellen Felgner, Lena Stromer, Edna Keinath, Liz Zeilinger, Police Chief Henry Zinck, Reverend August Kehrberg, Oscar Rau, Carl Rupprecht, Howard Mueller, and Wally Bronner. Since its inception, nearly 100 Frankenmuth residents have served as part of the Committee.

As the organization has grown over the years, so have its projects. Originally, the Committee's tasks included planting petunias and placing Christmas decorations on Main Street. Today they, with the cooperation of area businesses and organizations such as the Zehnder family, Greater Frankenmuth Area Community Foundation, Wallace & Irene Bronner and Family Foundation, Frankenmuth Women's Club, and many others, are responsible for thousands of floral arrangements, banners and flags, flower baskets that have become one of the city's signature products, and an awe-inspiring display of holidays lights and displays that have become one of the state's largest tourist attractions. In addition, the Committee, under the leadership of Mayor James Wickson, commemorates Arbor Day each year with the donation and planting of more than 100 trees, every year since 1963.

Mr. Speaker, I would also like to acknowledge perhaps Frankenmuth's greatest natural resource, its people. It is the generosity of business owners who donate money and resources, the spirit of community exhibited by its caring residents, and the pride in ownership they all possess, that make Frankenmuth such a warm and welcoming environment, and a wonderful place in which to live. I am grateful to have men and women such as these in my district. Once again, I ask the House of Representatives to join me in congratulating the Frankenmuth Beautification Committee on its 50th Anniversary.

TRIBUTE TO LANCE CORPORAL JOSHUA BUTLER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the bravery and heroism of Lance Corporal Joshua Butler of the United States Marine Corps. Lance Corporal Butler's valiant and selfless actions during his tour of duty in Iraq make him a true American Hero.

On the morning of April 11, 2005, only three days after his twenty-first birthday, Lance Corporal Butler helped thwart an insurgent attack against the Marines of India Company stationed at Camp Gannon, near the Syrian border. While standing guard in a lookout tower, an explosive-laden dump truck charged the camp's gate. Lance Corporal Butler opened fire on the truck, causing it to swerve and miss the gate before exploding.

Even though the explosion threw Lance Corporal Butler to the ground and covered him with debris, he quickly returned to his feet in time to intercept an armored fire truck manned by two suicide bombers bearing down on the camp. Again, Lance Corporal Butler opened fire on the bombers, sending over 100 rounds into the fire truck. The truck detonated without being able to breach Camp Gannon's gate. So powerful was this second explosion, that it sent debris over 400 yards away and hurled Marines from their bunks.

Despite a third suicide bomber attack and over 30 armed insurgents, who at one point cowered behind a group of school children, the Marines at Camp Gannon were able to escape serious injury in large part because of the courageous actions of Lance Corporal Butler. "Butler—that day, that Marine—that's the critical error the insurgents made. They thought they could keep the Marine's heads down. But he gets back up," remarked camp commandant Captain Frank Diorio.

The actions of Lance Corporal Butler and his fellow Marines on April 11th make me proud of our men and women in uniform and grateful for their service. I ask my colleagues to join me in commending Lance Corporal Joshua Butler for his heroism and thanking him for his patriotic dedication to this great nation.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. CONAWAY. Mr. Speaker, due to a death in the family, I missed rollcall votes on September 6th, 7th, and 8th. Had I been in Washington, I would have voted:

"Yea," on rollcall No. 454, H. Res. 360, commemorating the 60th anniversary of V–J Day and the end of World War II in the Pacific.

"Yea," on rollcall No. 455, S.J. Res. 19, calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

"Yea," on rollcall No. 456, H.R. 365, to allow United States Courts to conduct business during emergency conditions, and for other purposes.

"Yea," on rollcall No. 457, H.R. 3169, to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

"Yea," on rollcall No. 460, H.R. 3673, further Emergency Supplemental Appropriations, Hurricane Katrina, 2005.

"Yea," on rollcall No. 461, H.R. 3669, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood Insurance program.

"Yea," on rollcall No. 462, H.R. 3668, student Grant Hurricane and Disaster Relief Act.

"Yea," on rollcall No. 463, H. Res. 428, expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina.

"Yea," on rollcall No. 464, H. Res. 427, relating to the terrorist attacks against the United States on September 11, 2001.

UGANDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. TOWNS. Mr. Speaker, I rise today to express our Nation's gratitude for the contribution made by the people and government of Uganda to the relief efforts in the wake of Hurricane Katrina.

Minister of Foreign Affairs Sam Kutesa was in Washington recently when he announced that his country was donating $200,000 to the Bush-Clinton Katrina Fund. Expressing his government's sympathies toward the people affected by Hurricane Katrina, Minister Kutesa said: "We know that, under the guidance of the two former presidents, money collected by the Bush-Clinton Katrina Fund will go where it is needed most and where it can be used best."

While a contribution of $200,000 may seem small in comparison to the vastness of the hurricane's destruction, please keep in mind that Uganda is a small country that has also suffered its share of devastation.

Americans must remember the terror and oppression of the Idi Amin regime, which came to an end in 1979 but its effects are still being felt. The ruthless dictator Idi Amin deliberately destroyed Uganda's economy and infrastructure and displaced hundreds of thousands of people from their homes and businesses.

In 1986, after a long civil war, President Yoweri Museveni came into office with promises to stabilize the country, facilitate economic growth, and restore dignity and humanity to the political process. In the years since, he has largely lived up to those promises, although—like any country trying to emerge from decades of tyrannical government—Uganda still has problems that need to be addressed.

Uganda's contribution to the recovery efforts after Hurricane Katrina should be seen in the context of the bonds of friendship between our two countries. Uganda is a key regional ally in the global war on terror, and through the efforts of President Museveni and his government, East Africa is a more stable place today than it was twenty years ago.

Indeed, Uganda has faced its own, homegrown terrorism, in the form of the brutal Lord's Resistance Army, which has raped and pillaged the northern part of Uganda and terrorized the population there. Led by religious zealot Joseph Kony, the Lord's Resistance Army kidnaps children and forces them to be soldiers in a pointless war against their own families and neighbors. There is a very good reason that the Lord's Resistance Army has consistently been listed as a major terrorist organization by the State Department's annual publication, Patterns of Global Terrorism.

Uganda also faces a terrorist insurgency by the smaller, but no less deadly, Allied Democratic Forces. The ADF, as it is known, extends its tentacles beyond Uganda: several of its members were captured in Afghanistan fighting for the Taliban and al-Qaeda, and they are now interned by the U.S. Government at Guantanamo Bay.

With all this in mind, our gratitude toward Uganda and its people, and particularly toward President Museveni, should be clear and strong.

Mr. Speaker, it recently became my pleasure to become the co-chair of the Congressional Caucus on Uganda. I encourage all Members of this body to consider joining the caucus so that they can study more closely the U.S.-Ugandan bilateral relationship and learn more about how Uganda and the United States can work together on matters of mutual concern.

Finally, Mr. Speaker, I ask that an article entitled "Uganda Is Latest African Donor of Relief to Hurricane Katrina," by Washington File staff writer Jim Fisher-Thompson, be entered into the RECORD. This article treats in more detail some of the issues I have just described.

[From the Washington File]

UGANDA IS LATEST AFRICAN DONOR OF RELIEF TO HURRICANE KATRINA—FOREIGN MINISTER KUTESA DESCRIBES $200,000 DONATION

(By Jim Fisher-Thompson)

WASHINGTON.—Uganda has joined other African nations responding to devastation caused by Hurricane Katrina with a donation of $200,000 for relief and rebuilding efforts in New Orleans and communities along the Gulf of Mexico coast.

Visiting Ugandan Foreign Minister Sam Kutesa told the Washington File September 7 that the government of President Yoweri Museveni and the people of Uganda "feel with you and sympathize with you at this time of sorrow. We know you have lost dear ones, as well as considerable property. And we want Americans to know we are thinking of them and are standing shoulder to shoulder with them."

The official made a point of mentioning the donation was not just a pledge but that the money would be transferred immediately to the Bush-Clinton Katrina fund.

Hurricane Katrina struck the U.S. Gulf Coast August 29. The storm and subsequent flooding have devastated parts of Louisiana, Mississippi and Alabama and left thousands homeless.

A statement released by the Ugandan Embassy September 8 announcing the donation quoted Museveni as saying, "The United States has been generous in responding to natural and humanitarian disasters all over the world, including in Africa. Uganda has more than once been the beneficiary of this generosity and justice requires us to aid the people in Louisiana, Mississippi and Alabama who have lost their homes and loved ones."

President Bush named his father, a former president, and former President Bill Clinton to head up fund-raising efforts for reconstruction that may cost more than $150 billion. The hope is they can duplicate their very successful fund-raising efforts for victims of the devastating tsunami that struck South Asia in December 2004.

Kutesa said, "We know that under the guidance of the two former presidents money will go where it is needed most and where it can be used best."

Uganda joins other African nations contributing to Katrina relief including: Djibouti, $50,000; Gabon, $500,000; and Kenya, $100,000.

Noting the symbolic value of the Uganda donation matched against the immense sums needed for reconstruction, Kutesa told the Washington File, "America has been very generous in helping Uganda fight HIV/AIDS and developing its economy. So it is only right that we try to help as much as we can. We wish we could do more but we are limited."

Kutesa said, "We know what human tragedy can mean. Unfortunately in Africa much of it has been man-made instead of natural. The human tragedies of Idi Amin and Milton Obote, for example, led to the deaths of more than 800,000 Ugandans" in the late 1970s and early 1980s.

Now, he said, Uganda is one of the best friends America has in Africa and "we look forward to strengthening our relations as we both cope with the aftermath of disasters that have struck our countries."

Kutesa's next stop in America is New York City, where he said he will participate in the annual United Nations General Assembly meeting the week of September 13–17. President Museveni plans to attend with a number of other African leaders.

A highlight of the U.N. gathering, Kutesa said, will be a meeting of the foreign ministers of the Democratic Republic of Congo, Rwanda and Uganda in a tripartite peace process for eastern Congo begun two years ago with the help of the U.S. State Department. After Burundi recently joined, the

Great Lakes peace effort is now called the "3 plus 1" talks.

50TH ANNIVERSARY OF THE ST. FRANCIS DE SALES CATHOLIC HIGH SCHOOL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize a milestone anniversary in the life of a school in our district. St. Francis de Sales Catholic High School is a college preparatory school operated by the Oblates of St. Francis which has been educating young men since 1955. On Sunday, September 18, 2005, the school, alumni, friends, and our community will celebrate the school's 50th anniversary.

St. Francis was the first college preparatory high school in Toledo and is well known for its academic excellence. Nearly all of its students go on to higher education. The school offers advanced placement courses so that more than half of graduating seniors complete their high school education with college course credit. As a result of this coursework, St. Francis has been named a College Board School.

In addition to academic excellence, the school fosters a spirit of involvement that encourages participation in extra-curricular activities. St. Francis boasts champion athletic teams as well as a wide array of clubs in addition to a fine music department. Religious instruction is required all four years and students can regularly be found volunteering their time and talents in service to our community.

Though the majority of students are Catholic, St. Francis' student body is comprised of students from all Christian faiths, Muslim and Jewish, Hindu, and all socio-economic backgrounds. This is a feature which makes the school uniquely different from others, and truly one of the school's strengths.

St. Francis de Sales, the gentleman saint, taught his flock "The person who possesses Christian meekness, is affectionate and tender toward everyone; he is disposed to forgive and excuse the frailties of others; the goodness of his heart appears in a sweet affability that influences his words and actions, and presents every object to his view in the most charitable and pleasing light; he never admits in his discourse any harsh expression, much less any term that is haughty or rude. An amiable serenity is always painted on his countenance. . . ."

The school which bears his name in Ohio's Ninth District and which we today celebrate strives to imbue this same teaching in its students. It is echoed in the motto of the school: Suaviter et Fortiter, mildly and firmly.

Today we recognize over a half century of the spiritual, intellectual, and social guidance of thousands of young men, known in our community as the Knights of St. Francis de Sales. Godspeed, Knights! Onward to another 50 years of excellence.

HONORING THE ASSISTANCE LEAGUE OF BOISE

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to recognize the Assistance League of Boise and commend them on all of their efforts to help local children. The League has established a program called Operation School Bell. This program distributes new clothing, a new coat, and an age appropriate hygiene kit to children who would not have these essential items otherwise.

We will never be able to measure what this program achieves. If Operation School Bell did not exist, these children would not have new clothes to wear to school. The enhanced self-esteem each child receives can't be measured, but is noticed by all who participate.

When a child feels good about how they look and fit in, they perform better at school, are happier people, and are less likely to get into trouble. This impact on our society is tremendous.

I want to thank and congratulate all who participate in the League to make this possible. You truly touch lives and it does not go unnoticed.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. NEY. Mr. Speaker, on September 8, 2005, I was unable to be present for rollcall vote No. 464, on the motion to suspend the rules and agree to H. Res. 427. Had I been present, I would have voted "yes" on rollcall vote No. 464.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. GALLEGLY. Mr. Speaker, on Tuesday, September 13, 2005, I was unable to vote on the motion to suspend the rules and agree to S. Con. Res. 26, Honoring and memorializing the passengers and crew of United Airlines Flight 93 (rollcall 465); on the motion to suspend the rules and pass H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act (rollcall 466); and on the motion to suspend the rules and pass S. 276, the Wind Cave National Boundary Revision Act (rollcall 467). Had I been present, I would have voted "yea" on all three measures.

RECOGNIZING ROBERT JAEB

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the passing of Mr. Robert A. Jaeb of Temple Terrace, Florida.

Born in Saskatchewan, Canada, Mr. Jaeb moved to Florida in 1936. Following his marriage to the former Lorena Morrill in 1941, Robert and his wife started a small grocery store. While Robert served in the Army in the Pacific Theater during World War II, Lorena ran their store. Her efforts, and their efforts together following Robert's return from the War, enabled them to grow their store into the Shop'N Go convenience store chain, a large and successful enterprise throughout Florida and Georgia.

Following the sale of the Shop'N Go chain in 1985, Mr. and Mrs. Jaeb were very involved in local civic and philanthropic affairs, including an extremely generous donation to the Tampa Bay Performing Arts Center. The family was also very involved in the charitable efforts of organizations like the United Way, the Florida Sheriff's Association Youth Ranches, All Children's Hospital in St. Petersburg and the University Community Hospital in Tampa.

While Robert and his wife Lorena found material success in life, it was their desire to give back to those less fortunate that endeared them to their community and to their peers. Robert's faith guided him to make donations for the construction of churches throughout the world. When asked about the reasons for his philanthropic efforts, Robert stated, "You know, I often wondered why God allowed me to make so much money, and I know it's because I was supposed to give most of it away."

Mr. Speaker, I know that his wife Lorena, his family, friends and loved ones miss his presence but are heartened to know that Robert has passed on to a better place.

CHRISTOPHER R. GETZ

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. KILPATRICK of Michigan. Mr. Speaker, I am proud to recognize and congratulate Mr. Christopher R. Getz from Grosse Pointe, Michigan for his selection in the top 5 rounds of the 2005 Major League Baseball Draft.

Being drafted by a Major League Baseball club is a rare accomplishment that only 1,500 high school and college ball players across the country ever achieve, but to be selected in the first five rounds is truly a triumph. Only 1 of 150 is drafted. I am proud to have such a distinguished athlete from a city in my district.

Christopher attended Grosse Pointe South High School, excelling in baseball and setting records for batting average, doubles, stolen bases, saves and more. In 2001, Christopher led his team to a state championship against Grand Ledge.

He attended Wake Forest and was ranked one of the best second baseman in America by Baseball America in his freshman year.

Christopher later attended the University of Michigan where he continued to shine. Some of his numerous accolades include NCAA Division 1 District V player of the year, All-Big Ten second baseman for two consecutive years, and selection to the all-tournament team at the big ten championship. Christopher finished his college career with an astounding .355 batting average.

With his numerous awards and impressive statistics it is no surprise Christopher was selected in the first five rounds of the Major League Baseball draft to the Chicago White Sox. I am proud to recognize Christopher as an impressive ballplayer and constituent, and I wish him the best of luck in the Major Leagues.

TRIBUTE TO HARVEY HADDIX

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. OXLEY. Mr. Speaker, there have been many memorable pitching performances in the history of major league baseball. But no pitcher was ever better for as long a time in a single game than Harvey Haddix the night he pitched 12 perfect innings. His legacy will be celebrated in his native Champaign County on September 18 with the dedication of an Ohio Historical Marker in Westville, where he played his first organized ball. Harvey Haddix was a consummate baseball professional. He was a three-time All-Star and Gold Glove winner who played for five teams in a career that lasted from 1952–1965. He was later a successful pitching coach. Harvey will forever be known in baseball lore for the game he pitched for the Pittsburgh Pirates against the Milwaukee Braves on May 26, 1959. Batter by batter, he shut down a powerful Braves team that boasted hitters like Hank Aaron, Eddie Mathews, and Joe Adcock. 27 batters came up, 27 made out—a virtuoso accomplishment that would have set off a great celebration in any other game. But the Pirates couldn't score either, so Harvey was forced to extend his masterpiece into the tenth, eleventh, and twelfth innings. It finally came to an end in the thirteenth inning when the Braves scored a single run to win the game, 1–0. The story in the sports pages the next day was that a pitcher had "lost" a perfect game. But the real story of Harvey Haddix's amazing game has to do with the lesson that he taught all of us about the joy of competition. When you give your personal best, long past the point when it may seem you've given all you can, you'll always be respected as a winner. Indeed, just one season later, this "hard luck" pitcher won two games, including Game 7, in the 1960 World Series as his Pirates improbably defeated the favored New York Yankees. That was probably just baseball's way of evening things out. Harvey Haddix was born in Medway and resided in Springfield at the time of his death in 1994. As a fellow Ohioan and manager of the Republican Congressional Baseball team, I am especially proud of the honor that Harvey Haddix brought to baseball and our part of the state. The dedication of a historical marker on what would have been his 80th birthday is a fitting tribute to a ballplayer whose name will always be part of the storied history of our national pastime.

A TRIBUTE TO FRANKIE MUSE FREEMAN A CIVIL RIGHTS ATTORNEY AND COMMISSIONER FOR AMERICA'S PRESIDENTS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Frankie Muse Freeman, a lawyer from Missouri who has fought a long and historic battle in defense of civil and human rights for all Americans. Her dedication and service to our nation as a civil rights attorney and Commissioner of Civil Rights for a long line of American Presidents, aptly earns her a place in the Missouri Walk of Fame and the privilege of being honored today before Congress.

Dr. Freeman has been engaged in the practice of law since June 1949. In addition to being an outstanding attorney, she has held four presidential appointments. President Lyndon B. Johnson nominated her as the first woman to serve as a Commissioner of the U.S. Commission on Civil Rights. Presidents Nixon, Ford and Carter subsequently reappointed her. She served as a Commissioner for 16 years, and later as Inspector General for the Community Services Administration during the Carter Administration. President Carter, in thanking her for her service to the Civil Rights Commission, stated that "You have insisted that this nation must follow policies and reflect an unequivocal commitment to the goal of equal opportunity for all, in all walks of life. . . You are one of our Nation's truly great leaders in the field of civil rights."

Committed to justice, Dr. Freeman joined 15 Federal officials in forming a bipartisan Citizens Commission on Civil Rights to monitor the Federal Government's enforcement of laws barring discrimination. She has extensive experience in the areas of housing, civil and probate law, and in civil rights. She has represented individuals, major corporations, not-for-profit organizations, and state and municipal agencies. A landmark in her career occurred in 1954 when she argued and won the case challenging racial segregation in public housing in St. Louis.

She strives to empower others to always be prepared and be active participants in today's society. Leading by example, Dr. Freeman has devoted many hours to the Howard University Board of Trustees, National Council on Aging, National Council of Negro Women, Girl Scouts of the United States of America, Board of Directors of the Urban League of Metropolitan St. Louis, Board of the United Way of Greater Saint Louis, Board of the Greater St. Louis Chapter of the United Nations Association and the Trustee Board of Washington Tabernacle Baptist Church. She is also a past president of Delta Sigma Theta Sorority, Inc.

Mr. Speaker, Dr. Freeman is among my heroes and I am proud to salute her for her many lasting contributions to both our local St. Louis community and to our nation. Her outstanding leadership and sincere commitment to justice makes her more than worthy of receiving our recognition and I urge my colleagues to join me in commending Dr. Frankie Freeman.

ON HURRICANE KATRINA AND THE FEDERAL GOVERNMENT RESPONSE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. STARK. Mr. Speaker, I rise today to note that failure of leadership and gross incompetence of key officials has led to thousands of unnecessary deaths. To then take this tragedy and attempt to blame the victims, or suggest that they're taking advantage of the situation, is beneath contempt.

The catastrophe on the Gulf Coast shows how vulnerable this country is because of unaccountable, ineffective leadership; a weakened, over-stretched government; and rising poverty and economic dislocation.

The only way to make good of the horrors of this hurricane and the bungled response is to heed the lessons offered:

Some jobs require more than good intentions and the President's trust. It is inexcusable that people with no emergency management experience fill top positions at the Federal Emergency Management Agency.

Four years after 9/11, we are no better equipped to save lives in an emergency. Our domestic infrastructure and readiness have paid a severe price in favor of fighting two wars while cutting taxes.

We cannot rely solely on local governments and charities. A strong, well-funded federal government is critical.

If government fails, millions of impoverished Americans are as vulnerable to natural disasters as people in the poorest countries of the world. The horrific photographs of the aftermath of the hurricane make that point all too clear. Meeting all Americans' health care, education, job training, and housing needs should be at the top of our agenda every day, not just in response to a disaster.

I hope that the crisis of conscience brought by coverage of this hurricane will convince everyone in Congress and around the country to do their part to change the reckless policies that have exacerbated this disaster.

HONORING THE 100TH ANNIVERSARY OF THE SAYVILLE FIRE DEPARTMENT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. ISRAEL. Mr. Speaker, I rise to offer my sincere congratulations to the Sayville Fire Department in celebration of their 100th Anniversary.

The Sayville Fire Department was formed in 1905 with the merger of three independent fire companies. Two of those original companies, the Sayville Hook & Ladder Company No 1, formed in 1878 and the Resolute Hose Company No 1, formed in 1891 are still active today.

The first firehouse, built in 1878, still stands and is used today as a private home. The present Fire Headquarters for the Department was built in 1938 and enlarged in 1994. If you were to visit the Sayville Fire Headquarters, you'd find original hook & ladder trucks and hose reels from the 1800s on display.

Today, the Sayville Fire Department proudly protects 16,000 people living in an area of 4.5 square miles. It operates out of two stations and protects a primarily residential area. Approximately 120 firefighters volunteer their time for the department.

While there have been many developments since 1905, the mission still remains the same. The brave men and women of the Sayville Fire Department are proudly serving their community by saving lives and protecting property.

IN HONOR OF ELIZABETH TERWILLIGER'S 96TH BIRTHDAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Elizabeth Terwilliger on the occasion of her 96th birthday. Known as Mrs. T, her philosophy is to teach children to love nature because people take care of what they love.

Fifty years ago, Mrs. T settled in Marin County, California and sought to teach her own children to love nature. Her inquisitive and thoughtful approach to teaching with a new understanding of seeing nature soon led to more children joining their excursions.

Anyone who has been on one of her excursions will remember her contagious joy and enthusiasm for all the plants and animals of Marin.

The Elizabeth Terwilliger Nature Foundation was founded in 1975, and is now part of the nonprofit environmental education organization WildCare. WildCare and Terwilliger Nature Guides continue Mrs. T's work and reach over 40,000 children and adults annually.

Mrs. T did not stop at teaching others to love nature, she actively engaged in protecting it as well. She helped to save the Richardson Bay Preserve, develop bicycle paths, and build a footbridge at Muir Beach. Inducted into the Marin Women's Hall of Fame, designated a "Rara Avis" by the San Francisco Enquirer and Chronicle, starring in several films and her own newspaper column is just a sampling of her numerous achievements.

Mr. Speaker, it is my pleasure to honor Elizabeth Terwilliger, whose love of nature and desire to teach others to share that love leaves a legacy that is part of the fabric of our community. Mrs. T's commitment has touched so many lives in her 96 years, and those lives will continue to educate future generations about nature and protection of the environment.

ON INTRODUCING THE FAIR WAGES FOR HURRICANE VICTIMS ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, today I am introducing the Fair Wages for Hurricane Victims Act. This legislation reverses the unconscionable proclamation by the President last week to suspend Davis-Bacon prevailing wage protections for workers in certain areas affected by Hurricane Katrina.

The Davis-Bacon Act requires that Federal contractors pay their workers at least the prevailing wage—simply the wage that is typical for their kind of job in their community. The prevailing wage requirement ensures that the Federal Government does not drive down workers' wages when it spends taxpayer dollars. The President's suspension of the Act is the wrong policy in the wrong place at the wrong time. Many of the workers subjected to these wage cuts have lost everything—their homes, their property, their jobs, and even family members. The best way to help them rebuild—not just the Gulf Coast but their lives—is to provide them with a decent job at a fair wage. America owes it to the victims of Hurricane Katrina that they can play a role in cleaning up and rebuilding their devastated communities at a wage that will allow them and their families to get back on their feet.

Suspending the Davis-Bacon Act, however, means that Federal contractors receiving tens of billions of taxpayer dollars can pay their workers whatever wage they can get away with. Lower pay not only means unnecessary further hardship for working families, it means less quality work for taxpayer dollars. It means bigger profits for big contractors at the expense of working families. It means less money being pumped into the local economy, as local workers have less money to spend. As a New York Times editorial, which I attach to this statement for the record, succinctly put it, the President's suspension of the Davis-Bacon Act is "a shameful proclamation."

The Fair Wages for Hurricane Victims Act will restore Davis-Bacon prevailing wage protections to the workers who have lost so much. The victims of Katrina are not a source of cheap labor for big contractors looking for big profits. They are American workers whose hard work and commitment to rebuilding must not be undervalued.

I urge the President to rescind his executive order on Davis-Bacon, and in lieu of his taking such action I strongly urge my colleagues to support my bill and I urge its speedy passage.

[From the New York Times, Sept. 10, 2005]

A SHAMEFUL PROCLAMATION

On Thursday, President Bush issued a proclamation suspending the law that requires employers to pay the locally prevailing wage to construction workers on federally financed projects. The suspension applies to parts of Louisiana, Mississippi, Alabama and Florida.

By any standard of human decency, condemning many already poor and now bereft people to subpar wages—thus perpetuating their poverty—is unacceptable. It is also bad for the economy. Without the law, called the Davis-Bacon Act, contractors will be able to pay less, but they'll also get less, as lower wages invariably mean lower productivity.

The ostensible rationale for suspending the law is to reduce taxpayers' costs. Does Mr. Bush really believe it is the will of the American people to deny the prevailing wage to construction workers in New Orleans, Biloxi and other hard-hit areas? Besides, the proclamation doesn't require contractors to pass on the savings they will get by cutting wages from current low levels. Around New Orleans, the prevailing hourly wage for a truck driver working on a levee is $9.04; for an electrician, it's $14.30.

Republicans have long been trying to repeal the prevailing wage law on the grounds that the regulations are expensive and bureaucratic; weakening it was even part of the Republican Party platform in 1996 and 2000. Now, in a time of searing need, the party wants to achieve by fiat what it couldn't achieve through the normal democratic process.

In a letter this week to Mr. Bush urging him to suspend the law, 35 Republican representatives noted approvingly that Presidents Franklin Roosevelt, Richard Nixon and the elder George Bush had all suspended the law during "emergencies." For the record, Mr. Roosevelt suspended it for two weeks in 1934, to make time to clear up contradictions between it and another law. Mr. Nixon suspended it for six weeks in 1971 as part of his misbegotten attempt to control spiraling inflation. And Mr. Bush did so after Hurricane Andrew in 1992, two weeks before he was defeated by Bill Clinton, who quickly reinstated it after assuming the presidency.

If Mr. Bush does not rescind his proclamation voluntarily, Congress should pass a law forcing him to do so.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. OWENS. Mr. Speaker, I was absent on Tuesday September 13, 2005 due to a unavoidable circumstances in my Congressional District. Had I been present, I would have voted: "Yea" to S. Con Res. 26—Honoring and memorializing the passengers and crew of United Airlines Flight 93; "Yea" to H.R. 3649—the Sportfishing and Recreational Boating Safety Amendments Act and "Yea" to S. 276—the Wind Cave National Park Boundary Revision Act.

MARSHALL UNIVERSITY'S FUNDRAISING EFFORTS FOR HURRICANE KATRINA RELIEF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RAHALL. Mr. Speaker, this past weekend, the overwhelming generosity of West Virginians, in the wake of the devastation caused by Hurricane Katrina continued on the campus of Marshall University in Huntington, West Virginia. As part of a fundraising effort spearheaded by various campus organizations and coordinated with the American Red Cross, fans attending the Marshall-Kansas State football game were asked to "Bring a Buck", just one dollar, to aid the victims of Hurricane Katrina.

From the crowd of nearly 37,000 fans, a volunteer army of students, faculty and staff were able to raise more then $520,000 in just a matter of hours. This volunteer force of over 150 individuals, including Marshall President Stephen J. Kopp, spread out around the stadium with members of the local Red Cross chapter to accept donations as fans arrived at the game.

Thanks must be given to the many student organizations who volunteered their time and efforts to make this happen. Groups participating in the "Bring a Buck" event were: Student Government Association; Biology Club, Delta Sigma Theta, Student Ambassadors; Pre-AMSA (American Medical Student Association); Honors 101; Circle K; Campus Crusade for Christ; Phi Mu; Gamma Beta Phi; Alpha Tau Omega; Athletics, Staff and Recreational Sports.

The hard work and determination of these students to help out their neighbors in the Gulf region inspired Marshall Alumni, members of the Marshall University Foundation, Inc., the Board of Directors and others to rise to the challenge of "Bringing a Buck" and more. In one case, an anonymous donation of $250,000 was made, inspiring other donors to give as much as $25,000 each.

I applaud Student Body President Michael Misiti's challenge to other higher education institutions in the country to match Marshall's fundraising total. This sentiment was echoed by Governor Joe Manchin, who was at the game and issued his own challenge to the other 49 governors to work with their universities and colleges to sponsor a "Bring a Buck" event during upcoming football games.

This generous outpouring of support for the victims of Hurricane Katrina from West Virginians is not surprising. In fact, this is just the latest response by Marshall University as part of Thunder Relief 2005, a joint effort by students, faculty and staff in response to the devastation from the disaster in Louisiana, Alabama, Mississippi, and Florida.

From waiving all application and late fees for displaced students, to offering free online courses, to coordinating through the Marshall medical school with medical personnel in hurricane-stricken areas who need assistance, Marshall University has not hesitated in doing their part to help out their fellow Americans.

We in the Mountain State have had our share of devastating floods and are familiar with the needs of those most affected by this tragic disaster. I am proud of the generous spirit of humanity being shown by my fellow West Virginians and I am proud to call the Mountain State my home.

HONORING JAMES AND VIRGINIA LAWRENCE, 2005 ANGELS IN ADOPTION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. COOPER. Mr. Speaker, it gives me great pleasure today to recognize and pay tribute to this year's Angels in Adoption awardees from the Fifth District of Tennessee—James and Virginia Lawrence. This honor is given by the Congressional Coalition in Adoption to extraordinary individuals, like the Lawrences, who have made a tremendous difference in the lives of foster children.

In 1992, after raising four biological children, James and Virginia Lawrence welcomed into their home their first foster child. Little did they know that this decision would be the first step in what would become a life-long commitment to helping needy children. Over the last twelve years, the Lawrences have tirelessly devoted their lives to caring for, loving, and supporting more than 200 children who have come into their home through Tennessee's foster care system.

The Lawrences stand out as foster parents for two reasons: their absolute devotion to the children who come into their home, and their tireless work to reunite children with their birth parents. According to Mrs. Lawrence, many of the birth parents "needed parenting themselves. We taught many of them how to be parents, by providing counsel, offering advice and by our example." Whenever it became clear that returning to a birth parent was not a good option for one of their foster children, the Lawrences knew what to do—they simply adopted the child. Mr. and Mrs. Lawrence have extended their loving family by adopting Alisa, now 24, Peggy, 21 and Shelby, 18.

Mr. Lawrence said that, before retiring from the city's police force, he was greatly affected by the many children taken from their families. That experience moved him and his wife to open their home to children in need of a healthy, secure home environment. He added that, "helping children has been a blessing for him and his wife as well." Virginia Lawrence said that, "having the kids around keeps your heart beating another day." She continues to teach the four foster children currently in their home the independent living skills they'll need to build a promising and rewarding life.

The Lawrence's big hearts, patience and devotion is evidenced by the countless number of children they have reached out to over the years; and in their willingness to continue opening their doors to young people in need of a warm, secure and loving home.

On behalf of the Fifth District of Tennessee, I congratulate and thank the Lawrences for setting a wonderful example of what it means to make a difference in the community and in the lives of our most vulnerable children. I hope we'll all reflect on the Lawrence's model "of ordinary people, doing extraordinary things" as we reach out to help those affected by the devastation of Hurricane Katrina.

CELEBRATING THE BIRTH OF OSIRIS CHRISTOPHER EARL NURSE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Shannon and Courtney Nurse on the birth of their new baby boy. Osiris Christopher Earl Nurse was born on September 13, 2005, at 10:24 p.m., weighing 6 pounds, 2.4 ounces, and measuring 19.5 inches long. Osiris has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His father Courtney is a tremendous help to my staff and countless other people throughout Capitol Hill. Today, we are pleased to celebrate Osiris' healthy birth and welcome him to Washington.

INTRODUCING A BILL ESTABLISHING THE KATRINA COMMISSION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with my colleague from New Jersey, Representative MENENDEZ, to introduce legislation establishing the Katrina Commission to examine and evaluate the Federal Government's response to Hurricane Katrina and assess our ability to respond to future large-scale disasters. We are proud that our legislation is the companion bill to S. 1622 which was introduced last week in the Senate by our colleagues Senators CLINTON and MIKULSKI.

While the long-term impact of Hurricane Katrina will be felt for years, our evaluation of the Federal Government's response to, and preparation for, this and other major disasters—natural and man-made—must begin immediately.

Mirrored after the 9–11 Commission, the Katrina Commission will consist of 10 members with no more than 5 being from either the Republican or Democratic parties, thus ensuring an independent and diverse make-up of commission members. The Katrina Commission will be afforded the same powers which the 9–11 Commission enjoyed and will be tasked at finding the answers to the critical questions that we all have. These include but are not limited to:

Were we adequately prepared to respond to a disaster of this magnitude? Are we any more prepared today than we were before Katrina?

What plans were in place before Katrina made landfall to meet power, utility, and telecommunications needs following the storm? What plans are in place for future disasters?

What was the availability of adequate resources to meet the needs of displaced individuals and families, including temporary housing, medical services and facilities, transportation, and food and water supplies?

Did our Federal disaster response plans consider the needs of all communities? What plans existed to ensure that underserved communities reached safety before and after Katrina?

How effective was the Federal Government in its rescue and other life-saving techniques?

Was the Federal response to Hurricane Katrina efficiently coordinated with State and local governments? Was it adequate and appropriate in size and scope?

What improvements do the Executive and Legislative Branches need to make to increase the efficiency and effectiveness of our disaster response programs?

Mr. Speaker, my Congressional District received the brunt of three major hurricanes last year. As I said earlier today, certainly our first priority has to be to rescue those who are still alive and provide them with housing, medical attention, food, and water. However, as the Gulf Coast turns to the recovery and rebuilding processes, the billions that Congress will spend will not be enough to fix the problems that exist within FEMA.

Based on my own personal experience dealing with FEMA and its director over the last year, I warn the Members of this body that the problems you see today are just the tip of the iceberg—and it has nothing to do with the magnitude of the disaster.

Inconsistency in FEMA regulations, constant reinterpretations of the Stafford Act, Federal officials treating local emergency operations centers like revolving doors, lack of coordination, and FEMA's fluid and unclear chain of command are just a few of the many significant and real problems that Floridians dealt with last year and are still dealing with today.

I have literally begged the committees of jurisdiction in this body to hold hearings on these shortcomings. I even introduced bipartisan legislation in March with our colleague, CLAY SHAW, to address a slew of institutional problems within FEMA that we experienced first-hand last year.

Yet every time we take our concerns to the committees, we're told, "It's not a big enough problem to consider on its own." Well, Mr. Speaker, is the problem big enough now? How many people must die in a disaster before something becomes a "big enough problem" in this Congress?

Accountability is the only way to restore integrity in a broken system. An independent commission is the first step in repairing our disaster response system, which we all now know is woefully inadequate.

I ask for my colleague support for this legislation, and I urge the House Leadership to bring it swiftly before the House for its consideration.

TRIBUTE TO LEWIS PLATT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of Lewis Platt, the leading Director of the Board of the Boeing Company and the former Chairman, CEO, and President of Hewlett Packard, who died unexpectedly on Thursday, September 8, 2005.

With Lew's death, our nation has lost one of the leading lights of the business world, a prominent member of the Silicon Valley community, and a wonderful human being.

Lew's death at the age of 64 is a shock to those of us who were privileged to work with him and know him well. He was a person whose example and guidance will be greatly missed. His decency, his integrity, and his common touch made him stand out in a business world known for the archetypal hard-charging executive.

Lew's legacy will be most closely linked with Hewlett Packard, where he worked for more than 30 years. He began his career there as an engineer and rose through the ranks to lead the company from 1992 to 1999 as its CEO.

Lew was a product of the "HP Way," the "walking-around" style of management pioneered by Bill Hewlett and David Packard that encouraged employees to bring their ideas to top management. He embraced the HP Way and was known to eat lunch regularly with employees in the company's cafeteria. He eschewed the privileges enjoyed by most executives of major corporations and unlike most, he always flew coach.

He knew the dividends that the HP Way could bring, and he was able to guide the company to tremendous growth during his tenure. Business Week named him Top Manager in 1995. Lew was also a pioneer in working to elevate women to top executive posts and was recognized with the Catalyst Award in 1991 for his efforts.

In writing about Lew this Monday, Business Week praised him again: "Platt was respected, admired, and just plain liked by HP employees, customers, and even rivals. Platt was genuine, self-effacing, and honest. He was quick to give personal accolades to others, and to accept criticisms . . . with grace."

It was his integrity, I think, that brought Boeing to seek his leadership at a time when it was beset with controversy at its highest levels. Leading the company's Board, he was able to provide critical stability when it was needed most.

Mr. Speaker, I had the pleasure to know Lew Platt and to work with him. He was a gentle man with a superb intellect. He was taken from us too soon and had so much more to give, but he leaves a rich legacy of family, of leadership and of extraordinary contributions to our community and our country. I ask my colleagues to join me in honoring the life and work of this good man and extending to his wife and entire family our deepest and sincere sympathy.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. HINOJOSA. Mr. Speaker, I was unavoidably delayed in meetings with my constituents. Had I been present, I would have voted "yes" on Roll Call 465, 466, and 467.

INVESTIGATING THE KATRINA CATASTROPHE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RANGEL. Mr. Speaker, I rise today in support for the implementation of an independent and bipartisan commission that will lead a thorough investigation that will pinpoint what went wrong before, during and in the wake of Hurricane Katrina.

Long before Hurricane Katrina hit land as a category five hurricane, engineers, environmentalists and military personnel have known for years that a strong hurricane, like Katrina could devastate bowl-shaped New Orleans, prompting questions about why more was not done in advance to mitigate the damage or respond more effectively in the storm's wake. For years, scientists have warned local, state and federal officials that the strength of a storm like Katrina would threaten the integrity of the 287 year old levee system and could cause massive flooding of the New Orleans area, if the system was not properly improved and maintained.

Now, as survivors are slowly evacuated and are receiving the help they so direly need, the world is beginning to ask some pertinent questions. They are legitimately questioning the efficacy of the responses from each level of government, especially the slow and inadequate response of FEMA and the Federal government whose policies and government cutbacks might be responsible for the loss of thousands of lives. How does an event such as the Katrina Catastrophe occur when there was previous knowledge that the levees were in disrepair?

The U.S. Army Corps of Engineers had been working with local officials to strengthen the city's defenses in case of a massive storm, but federal funding for improving the levee system and implementing other projects to keep water from overtaking New Orleans decreased under the Bush administration. The Corps of Engineers responsible for maintenance had approximately $114 million worth of hurricane protection projects, however with federal funding down 44 percent; no new contracts for construction had been awarded since early in fiscal year 2004.

Why? The Iraq war took priority over domestic disaster prevention. As a result, the money needed to strengthen national infrastructures against natural disasters was transferred into the President's budget to fund homeland security and the war on Iraq. Also, our National Guard who is responsible for protecting our homeland from the threat of disaster was greatly affected by this administration's policies. As people begged through news cameras for food, water and shelter, our National Guardsmen were far and few in between. Most of them were fighting and continue to fight in Iraq. Most importantly, much of the equipment and materials needed, like the Guard's high water vehicles, re-fuelers and generators required to execute rescue missions, provide food, water and medicine to those trapped on their roofs or in attics were transported to Iraq.

In addition, the Bush administration made significant structural changes to the Federal Emergency Management Agency (FEMA), shifting funds away from pre-disaster preparation and implementing policies promoting outsourcing of relief efforts to private companies. With regards to Louisiana, FEMA denied Louisiana funding for pre-disaster preparation, which would provide the means for items that would better equip the local government for a storm such as Katrina. Meanwhile, top officials of FEMA were forewarned that cutting cost would result in a slow response times in cases of emergencies, which took place in the wake of the hurricane.

Although the federal government's response and policies aided in this resulting tragedy, the local and state governments should not be left without responsibility. Although the Mayor had issued a mandatory evacuation of the city, given the economic background of much of New Orleans' citizens many of them did not have the means to evacuate. Why wasn't there transportation provided? Moreover, there didn't seem to be a well formulated "worst-case scenario" evacuation and rescue plan beyond the Superdome and the Convention Center, which would facilitate a more mellifluous process of communication between the state and local officials, and the citizens of New Orleans.

The brave citizens of New Orleans and the people of this nation want answers. We need to find out what went wrong on every level, so that we will be well equipped to efficiently handle another event like Hurricane Katrina and prevent something like this from happening in the future. I am in full support of an independent, bipartisan commission, similar to the 9/11 commission that would investigate and assess the efficacy of responses by each level of government. This commission would establish why leaders ignored urgent warnings that New Orleans would be destroyed if it sustained a direct hurricane hit. This body would assess why the notion that if a mass evacuation occurred, thousand of poor people would be left behind without any means of escape was ignored; and why the protective levees were not strengthened despite expert predictions that they would not withstand a major hurricane. In addition, the breakdown in communication and coordination between local, state and federal agencies urgently needs to be investigated, especially now that we are under constant threat of terrorist attacks.

Lastly, the actions of FEMA and its director Michael Brown who revealed his ineptitude when he appeared not to know that thousands of victims were stranded inside the New Orleans Convention Center, under deplorable conditions, despite reports about it on news broadcastings, must be thoroughly examined.

Most importantly I want to stress that this commission must be independent and bipartisan, no administration could credibly investigate such an immense failure on its own watch. We owe it to the flood victims of New Orleans to give them truthful answers as to why this event took place and to assure our citizens that tragedies like this will never happen again.

TRIBUTE TO MS. AUDREY BERRY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Ms. Audrey Berry. This week, Ms. Berry will be retiring from the U.S. Department of Energy (DOE) where she served for over 12 years at DOE's Grand Junction Office on Colorado's Western Slope.

Her work at DOE, as well as her long career in public service, demonstrates her dedication and commitment to community concerns and enhancing the quality of life for those in Colorado, the Rocky Mountain region and across the country.

Serving as a Public Affairs Specialist at DOE's Grand Junction Office since January 25, 1993, Ms. Berry consistently has demonstrated a high level of performance. At this position she successfully engaged the communities surrounding DOE's Fernald and Mound Sites in Ohio and the Rocky Flats Site near Denver, Colorado in the establishment of Local Stakeholder Organizations, which provide opportunities for the public to comment on and be involved with the ongoing monitoring of the cleanup at these former nuclear weapons production facilities. She also helped develop a successful transition strategy for public participation at DOE sites that are slated for closure.

Ms. Berry also was instrumental in establishing one of the first DOE Site Specific Advisory Boards (SSAB) in November 1993 for the Monticello uranium mill tailings remediation site in Monticello, Utah. She developed the application for perspective members and interviewed applicants; managed the budget for the duration of the SSAB; provided DOE-Headquarters with required reports and action; organized meetings, was the liaison between the members, DOE, the U.S. Environmental Protection Agency, and the State of Utah; followed up on action items; was responsible in attempting to meet diversity requirements, and resolved issues of concern. Ms. Berry also was instrumental in disbanding the SSAB when the mission was completed. Her involvement with the community of Monticello continued for six years.

Also at the Monticello site, Ms. Berry organized, developed and implemented the plan to transfer DOE property located at the Monticello site to the City of Monticello for recreational use. Utilizing the General Services Administration and National Park Service's "Lands to Park" Program, the property was successfully transferred in June 2000.

Ms. Berry also supported numerous projects assigned to DOE's Grand Junction Office. During her tenure, she developed public participation plans and established outstanding relationships with numerous stakeholder groups, including congressional, state and local officials, tribal members, special interest groups, citizen's advisory boards, the media, and individual citizens. In order to successfully interface with the multiple contacts she enjoyed, Ms. Berry possessed a broad technical knowledge of all of the assigned projects.

Ms. Berry also organized and conducted numerous workshops and conferences for DOE's Grand Junction Office. Most notably, four Long Term Stewardship Workshops were held, each with 225 to 300 attendees. And, she organized a Stakeholders Conference on Worker Transition and Legacy Benefits for DOE's Office of Legacy Management. This effort was especially important and noteworthy. She recognized, as do many at DOE, that providing health care and benefits for people who worked at DOE sites—sites that involved the handling of hazardous materials—is an important obligation that we as a nation owe to these workers. Her attention to detailed plans has assured successful and well-attended events and helped promote policies to address worker transition issues and public involvement regarding the long-term integrity of cleanup and closure of DOE sites.

Ms. Berry has been the recipient of at least 16 various awards, namely Special Act Awards, Individual Incentive Awards, and Group Awards during her tenure with DOE's Grand Junction Office.

Before joining DOE in 1993, she served as the Western Slope Office Director for Colorado Senator Tim Wirth. At this position, she helped constituents address issues and concerns with federal programs and policies. Prior to working for Senator Wirth, she performed the same service to citizens of Colorado's Western Slope in Representative Ray Kogovsek's office when he represented the 3rd Congressional District in Colorado.

Ms. Berry's work at all of these offices underscores her deep commitment to service for the communities she has served. What's especially impressive has been her personal touch—the way that she interacts with people so that they are included in policy decisions and treated with seriousness and respect. In so doing, she has been effective in getting the job done and involving the public and various stakeholders. Her accomplishments and style are models for the type of quality in public service that we all can seek to emulate.

I am sure that Ms. Berry will remain active in issues of importance to communities along Colorado's Western Slope or wherever life takes her. I wish her much future success.

PENN STATE FAYETTE CELEBRATES ITS 40TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. MURTHA. Mr. Speaker, I am pleased to recognize Penn State Fayette, The Eberly Campus as it celebrates its 40th anniversary in 2005–2006. From its humble beginnings to its present status, Penn State Fayette had played a key role in the social, cultural, and economic development of Fayette County.

Penn State first came to scenic Southwestern Pennsylvania following the establishment of the Pennsylvania Cooperative Extension Service and its county agricultural agents in 1907. In 1934, Penn State established an Undergraduate Center in Uniontown that provided the first two years of a college education to area residents "location bound" and/or unable to afford studies at the University Park campus. This Center closed in 1940 as the nation turned its attention to the approaching war. However, Penn State returned to Southwestern Pennsylvania with undergraduate educational programming on June 1, 1965, when it opened the Fayette campus to serve the residents of Fayette, Greene, Somerset, Washington, and Westmoreland Counties. Penn State Fayette began by first offering classes in several buildings in downtown Uniontown. Then, in 1968 the Fayette Campus Advisory Board acquired 27 acres of the Garner Farm, located between Uniontown and Connellsville.

Since that time, the campus has grown to about 100 acres and 10 buildings: the renovated Eberly Building (named for Orville S. Eberly), the University House (once the Garner home), the Williams Building (the redesigned student center named for J. Lewis Williams), a state-of-the-art library, a gymnasium, an engineering building, the Biomedical Technology Building, and several other farm and maintenance buildings.

Penn State Fayette now has five baccalaureate degrees in Administration of Justice; Nursing; Human Development and Family Studies; Letters, Arts, and Sciences; and Business Administration. Penn State Fayette also offers nine associate degrees: Architectural Engineering Technology; Electrical Engineering Technology; Business Administration; Human Development and Family Studies; Letters, Arts, and Sciences; Information, Sciences; and Technology; Nanofabrication Manufacturing Technology, Science, and Nursing.

Responding to urgent statewide needs in 1987, Penn State Fayette established a training and certification program for emergency medical technicians. Today the Continuing Education Department offers credit, non-credit, and management development courses both on campus and off campus at the Uniontown Mall, United Parcel Services in New Stanton, and Somerset Hospital, Uniontown Hospital and Frick Hospital.

The faculty at Penn State Fayette fulfill two roles for the student body with their commitment not only to teaching but also to advising. The faculty have received national and University awards for teaching, research, community outreach, and performance in English, art, philosophy, history, physics, chemistry, administration of justice, and engineering technology. The size of the student population allows for personal interaction between instructors and students, and the dedication of the faculty makes this interaction a tremendous aid to learning.

The many campus activities and events contribute to an atmosphere of unity. Over twenty-five clubs and organizations match the interests of almost every student. The intramural organizations include eight different sports occurring year round. Students have access to a large, well-equipped library, a state-of-the-art engineering building with a CAD lab, new computer labs, a student activity and cafeteria facility, multimedia rooms, and a fully equipped gymnasium. For various activities and events, the campus possesses video-conferencing capabilities, Internet connectivity, and satellite communications. In addition, the campus' Coal and Coke Heritage Center preserves coal-mining related artifacts, interviews and other memorabilia from the area.

Many campus enhancements have marked the last few years at Fayette. Fayette opened the BioMedical Technology Building, housing the science and nursing programs, in July of 1999. During the fall of 2001, the University reopened Eberly Building, which had been shut down for one year to transform it into one of the most technological state-of-the-art learning environments in the world. The renovations have proven to be a great success and feature many new technologically advanced facilities, including a Corporate Training Center, a new Information, Sciences and Technology (IST) lab, a technology center, a new Administration of Justice (ADMJ) crime lab, art facilities and a child-care center, the Cub's Den. In the fall of 2002, the theater in the Williams Building was remodeled and renamed Swimmer Hall.

In August 2005, a new community center was opened. This 52,000 sq. ft. addition to the campus includes a 1,500-seat NCAA gymnasium, racquetball courts in the center and an auxiliary gym. In addition, a 450-seat auditorium and the new cafeteria are housed in the community center. This center promises to provide top facilities for athletic, cultural and civic events. The 2004–2005 school year saw the dedication of our new Cultural Center as well as the new Student Center.

Again I offer my congratulations to Penn State Fayette for reaching the milestone of its 40th anniversary and I am confident that with such excellent programs the campus will continue to be a vital asset to the region for another 40 years and beyond.

HONORING MINNESOTA BOY SCOUTS AND LEADERS ON THEIR RECEIPT OF THE MEDAL OF MERIT AND THE NATIONAL CERTIFICATE OF MERIT

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor five Minnesota Boy Scouts and their two adult leaders as they receive the Medal of Merit and the National Certificate of Merit from the Boy Scouts of America. On September 18, 2005, Michael Daw, Eric Erfanian, David Fink, Derek Rossberg, Jim Spohn, John Spohn, and Tim Spohn will receive these awards for their heroic efforts to help save the life of another adult leader, Laurie Jedamus. An additional adult leader, Emilie Entrikin, will receive the National Certificate of Merit.

On August 18, 2004, the five Boy Scouts and four adult leaders began a week-long trek into the Boundary Waters Canoe Area (BWCA) in northern Minnesota. On the third night of the trip, Laurie Jedamus developed epiglottitis, a very dangerous throat infection that progressed to the point that, by the next morning, Jedamus had difficulty breathing. The Scouts and their leaders decided that medical attention was necessary and began the difficult expedition back out of the BWCA. The weather started to deteriorate, with 40 mph winds, two-foot waves and trees blowing down, but the Scouts and their leaders made the 11-mile trip, crossing 14 lakes and 13 long, steep portages (where they had to carry their 50 pound bags and 70 pound canoes) in six hours; usually a two-day trip. Jedamus stayed in the hospital for two days and made a complete recovery.

Mr. Speaker, these Scouts and their leaders exemplify the outstanding act of service and exceptional character that embody the Medal of Merit. Their courage and perseverance under trying conditions helped save the life of one of their leaders. On behalf of the Sixth District of Minnesota, I would like to extend my congratulations on receiving this most deserving award. It is community members like these Scouts and their leaders who help make Minnesota great.

TRIBUTE TO ELEANOR FARRAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the life and legacy of Eleanor Farrar who passed away at the age of 79, on August 25, 2005 from breast cancer. She was a founder and former Vice President of the Joint Center for Political Studies.

Born Eleanor Schneider in Vienna, Austria, Dr. Farrar immigrated to New York with her family in 1939, when she was 14. She received an undergraduate degree in political science from Mount Holyoke College in 1946, a master's degree in political science from the Johns Hopkins University School of Advanced International Studies in 1947 and a PhD in international relations from the London School of Economics in 1952.

From 1954 to 1963, Ms. Farrar lived in Pakistan and Cambodia, working as a lecturer in political science and international relations at the University of the Panjab, Forman Christian College, both in Pakistan and the University of Karachi.

When she returned to the United States, she taught political science at Howard University, where she met Eddie N. Williams, who had served as a reserve officer in the Foreign Service, and Kenneth B. Clark, the psychologist whose work on the self-esteem of black students in segregated public schools became essential to the U.S. Supreme Court's decision in the monumental case Brown vs. Board of Education. She worked with the two men in attempts to increase the participation of blacks in the Foreign Service.

Subsequently, in the 1960's and 1970's, Eleanor Farrar worked as the director of Clark's think tank, the Metropolitan Applied Research Center. In 1970, however, that think tank entered into a partnership with Howard University to establish the Joint Center for Political Studies, established to provide training and technical assistance to black elected officials.

Ms. Farrar served as the organization's Vice President for twenty two years. The Joint Center for Political Studies has become nationally known for its research on minority economic and social issues and black political participation.

She leaves behind four children, Jon, Cynthia, Andrew, and Erin; two siblings; and seven grandchildren.

Eleanor Farrar will always be remembered as "a woman of profound strength of character, who expressed her commitment to the study of race relations and development of sound policies with every endeavor she undertook." She will be truly missed.

CAMBRIA CITY MISSION CELEBRATES 75TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. MURTHA. Mr. Speaker, I congratulate the Cambria City Mission as it celebrates its 75th year of serving the Johnstown community physically, mentally, materially, and spiritually. The non-denominational mission is entirely financed by contributions from local churches, community service groups and generous individuals; operating without government assistance and following its Mission purpose for the last 75 years:

"To promote the Christian way of life and build character by teaching the gospel of Jesus Christ. To provide spiritual inspiration through worship services and educational activities. To improve the home life of the community through boys' and girls' clubs and camps. To mold a greater love for country through an understanding of its opportunities and challenges."

Through the years, the Mission has experienced many growing pains and undergone many changes, but the commitment to its purpose stands firm.

The Mission was founded in 1930 by the First Presbyterian Church of Johnstown as a Home Mission project. Bertha Bell, a member of the church, was asked to be the first executive director. She rented a storeroom at 602 Board Street, and began her work in December of 1930. When the Great Depression affected all communities, including Johnstown, the Mission ministered to all who came for help. Food was prepared and served daily for hungry children who came after school, and clothing was distributed to families who were in need.

Today, in addition to Sunday school classes for children and adults, the mission also provides Sunday worship Bible study, craft, sewing and knitting classes and meeting facilities. Mother-daughter and father-son banquets are held annually, as well as vacation Bible school. Camp Harmony and Camp Allegheny remain the high points for the children of the Mission.

As the programs and attendance at the Mission expanded, the need for larger facilities fulfilled with the 1958 purchase of a double house at 906–908 Broad Street. However, the building burned in 1970. A new building was completed in 1972, and although it was severely damaged by the Johnstown flood of 1977, the building was restored and reopened in 1984.

Again I offer my congratulations to the Cambria City Mission and its interdenominational board of directors representing many churches in the Johnstown area.

CLEVELAND GREAT BOOKS BEGINS 60TH CONSECUTIVE YEAR

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today to inform you that the Cleveland Great Books group will begin its 60th consecutive year this fall of 2005 in gathering to discuss the classics in literature.

People have been reading great books for many centuries. The technique of asking questions and probing for an understanding of the problems they deal with was used by Socrates in ancient Athens, Greece.

In modern times, it is thought that the formation of discussion groups for the purpose of discussing the Great Books was started after the First World War by John Erksine. In 1927, Mortimer Adler helped launch 15 adult education courses in New York City to discuss the Great Books. In 1930, Robert Hutchins and Mr. Adler introduced Great Books seminars into the undergraduate curriculum at the University of Chicago. Soon, across the United States ordinary laymen with a love for literature began to form and lead Great Books seminars in their local communities. Such a group formed here in Greater Cleveland.

This group first met on October 8, 1946 at the East Cleveland Public Library. That first opening session involved a discussion of the Declaration of Independence. It was chosen by the original leader Frank P. Whitney. Today, Betty Gaetjens is the sole remaining member from that first night.

In 1972, the group moved their discussions to the present-day location of the Cleveland Heights Noble Road Library. However, the practice of meeting twice monthly for nine months would remain the same; during the same summer recess, members would read a book to be discussed at the first meeting in the fall.

When the members gather on September 20, 2005 to discuss Homer's "The Odyssey," it will mark the beginning of the 60th continuous year of this Great Books discussion group. The current members of this group are: Pam Bryson, Kathleen Colacarro, Fred Damankos, David Fogarty, Betty Gaetjens, Ray Habian, Sally Hanley, Maureen Hollander, Linda Jones, Charles Lally, Ed Lampman, Frank Lavallo, William Malloy, Anne Meissner, Jane Melbourne, Howard Montgomery, Renee Paolino, Matthew Paolo, Jackie Perkovic, Lois Rowland, Milena Salehar, Nick Smith, Lisa Sturgis and Harvey Weiss.

As they begin their 60th year, members look forward to exchanging ideas with all the enthusiasm of that first night in October of 1946. They will converse freely, think with greater clarity and perception, and come away with a more profound insight which they did not have before.

CONYERS AMENDMENT TO H.R. 3132 IS BAD PUBLIC POLICY

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. CONAWAY. Mr. Speaker, today, I voted against the H.R. 3132, The Children's Safety Act of 2005. As a cosponsor and ardent supporter of most of the important provisions in this bill, I reluctantly voted against it. Most legislation of any substance contains both good and bad provisions. As a member of the U.S. House of Representatives, I continually use my best judgment to determine whether the good provisions outweigh the bad provisions of a bill. I could not, in good conscience, vote in favor of a bill in which the "bad" of creating hate crimes law, outweighed the "good" of strengthening protections for our children.

The Conyers Amendment added so-called "hate crimes legislation" which is bad public policy. This provision has no place in a bill that was designed to address violence, sexual abuse and other exploitation of children. I believe that every crime is a hate crime, and therefore, no individual or group of individuals deserves special treatment under the law. I am also concerned that "hate crimes" legislation such as the Conyers Amendment, may lead to the creation of "thought crimes" in the not too distant future.

My plea to the members of the Other Body is for them to not include the Conyers Amendment in their version of the Child Protection Act. I also urge for the House Conferees to strip the Conyers Amendment from the final bill.

IN OPPOSITION TO THE CONYERS AMENDMENT TO H.R. 3132

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. MILLER of Florida. Mr. Speaker, this afternoon, the House passed an amended version of H.R. 3132, The Children's Safety Act of 2005. The bill as sent to the floor by the Judiciary Committee represented a tough crackdown on pedophilia and other sex offenses. The bill modifies the national sex offender registration program, expands the use of DNA to identify and prosecute sex offenders, increases penalties for sexual offenses against America's children, and makes other much-needed modifications and expansions of federal law relating to child safety.

Before the bill passed, however, an amendment by Rep. JOHN CONYERS (D-MI) was added, drastically altering this bill. I voted against the Conyers amendment, and its passage forced me to vote against final passage of the bill.

The Conyers amendment creates a Federal offense for hate crimes. I believe that the proponents of hate crimes legislation have good and honorable intentions. They would like to see less bigotry and more good will in American society. While I share that goal, I believe

Congress should decline the invitation to enact hate crimes legislation for both constitutional and practical reasons.

The U.S. Constitution created a federal government of limited powers. Most of the federal government's "delegated powers" are set forth in Article I, Section 8. The Tenth Amendment was added to make it clear that the powers not delegated to the federal government "are reserved to the States respectively, or to the people."

Crime is serious problem, but under the U.S. Constitution it is a matter to be handled by state and local government. In recent years, Congress has federalized the crimes of gun possession within a school zone, carjacking, and wife beating. All of that and more has been rationalized under the Commerce Clause. The Commerce Clause is not a blank check for Congress to enact whatever legislation it deems to be "good and proper for America." The Conyers Amendment is simply beyond the powers that are delegated to Congress. Today, the House exacerbated the errors of past Congresses by federalizing more criminal offenses

Not to mention the fact that the Conyers language isn't going to prevent anything. Any thug that is already inclined to hurt another human being is not going to lay down the gun or knife because of some new law passed by Congress; they've already made a conscious decision to disregard basic homicide statutes. The notion that any federal hate crime law will prevent brutal killings is preposterous.

For the proponents of hate crime laws, the dilemma is this: if some groups (women, gays, vegans, runners, whatever) are left out of the "hate crime" definition, they will resent the selective depreciation of their victimization. On the other hand, if all victim groups are included, the hate crime category will be no different than "ordinary" criminal law.

Federalizing hate crime law will not increase tolerance in our society or reduce intergroup conflict. I believe hate crime laws may well have the opposite effect. The men and women who will be administering the hate crime laws (e.g. police, prosecutors) will likely encounter a never-ending series of complaints with respect to their official decisions. When a U.S. Attorney declines to prosecute a certain offense as a hate crime, some will complain that he is favoring the groups to which the accused belongs (e.g. Hispanic males). And when a U.S. Attorney does prosecute an offense as a hate crime, some will complain that the decision was based upon politics and that the government is favoring the groups to which the victim belongs (e.g. Asian Americans)

Perhaps the most dangerous element of federalized hate crime law is its approach to the notion of thought crimes. But once hate crime laws are on the books, the law enforcement apparatus will be delving into the accused's life and thoughts in order to show that he or she was motivated by bigotry. What kind of books and magazines were found in the home? What internet sites were bookmarked in the computer? Friends and coworkers will be interviewed to discern the accused's politics and worldview. The point here is that such chilling examples of state intrusion are avoidable because, as noted above, hate crime laws are unnecessary in the first place.

But above all else, I cannot comprehend why anyone would believe that the Conyers hate crimes language makes our children any safer from sexual predators. Would it have prevented John Couey from assaulting and heinously murdering Jessica Lunsford? I don't believe it would have.

Our children deserve strong anti-pedophilia laws that meet basic constitutional thresholds and it's our responsibility to deliver that to them. Therefore I implore my Senate colleagues to step up and give the presence of the Conyers language in H.R. 3132 the scrutiny that it warrants. Should they pass a clean Children's Safety Act, I look forward to removing the Conyers language in conference and supporting the clean Conference Report.

TRIBUTE TO ALAN A. REICH—FOUNDER AND PRESIDENT EMERITUS OF THE NATIONAL ORGANIZATION ON DISABILITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to my dear friend Alan A. Reich, who retired recently as President of the National Organization on Disability (N.O.D.), which he founded. For the past 23 years, Alan provided extraordinary leadership as the leader of NOD, which is one of the leading non-governmental organizations promoting disability rights in the United States and, through its World Committee on Disability, around the world as well. Alan retired earlier this year after nearly a quarter century of extraordinary leadership, and he has been named President Emeritus of the organization.

Mr. Speaker, Alan Reich has been an outstanding human rights and disability rights leader, whose courageous work has had an impact on people with disabilities around the world. In recognition of his leadership, President George H.W. Bush awarded Alan the George Bush Medal in a ceremony at the Kennedy Center here in Washington on July 25 of this year. The George Bush Medal recognizes leaders who seek to fulfill the promise of the Americans with Disabilities Act (ADA) to all Americans and who encourage the spirit of the ADA throughout the world. The award ceremony in July was held in connection with the 15th anniversary of the signing of the ADA by President George H.W. Bush in 1990.

Alan certainly epitomizes the high goals of the ADA, and I cannot imagine a more fitting recipient of this award. In commenting on Alan's extraordinary leadership, former President Bush said: "As the Honorary Chairman of N.O.D. and its World Committee, I've observed first-hand Alan's tenacious commitment to providing hope and opportunity for millions of people with disabilities, not only in this country but also worldwide."

Mr. Speaker, Alan Reich joined the disability community over 40 years ago as a result of a swimming accident, and he has used a wheelchair since that time, but he refused to permit his disability to constrain his boundless energy and commitment to worthy causes. Alan has been at the center of progress on disability issues—including public awareness, disability programs and promoting important legislation—and has made groundbreaking contributions toward uniting and engaging the community of people with disabilities. His outstanding abilities to move disability rights issues forward first became apparent as the founder of the U.S. Council for the International Year of Disabled Persons in 1981. He became the first wheelchair user to address the United Nations General Assembly when he called on the international organization to declare 1981 the U.N. International Year of Disabled Persons.

While President of N.O.D., Alan built the coalition of disability groups that successfully fought for the inclusion of a statue of former President Franklin Delano Roosevelt in his wheelchair at the FDR Memorial in Washington, DC. He also spearheaded the critical survey research with Harris Poll Surveys that tracks the progress of Americans with disabilities in key areas of life. In addition, Alan is the founder and Chairman of the World Committee on Disability—the international arm of N.O.D., which further underscores the worldwide reach of his contributions. He is a founder of the World Committee's Franklin D. Roosevelt International Disability Award, which recognizes nations for progress toward the United Nations' goals for disabled persons. I should add, Mr. Speaker, that my wife Annette and I are honored to be members of the World Committee on Disability.

A graduate of Dartmouth College, Oxford University and Harvard University, and former all-American track star and varsity football player, Alan has had a distinguished career in the business, government, and nonprofit sectors. Alan served as U.S. Deputy Assistant Secretary of State for Educational and Cultural Affairs. In this position, he developed international exchange programs to further mutual understanding. He also held the position of Deputy Assistant Secretary of Commerce for East-West Trade and Director of the Bureau of East-West Trade, where he was credited with the expansion of U.S. commercial relations with the People's Republic of China, the Soviet Union and the countries of Eastern Europe. Prior to his outstanding career as a public servant, Alan was an executive in manufacturing management and corporate long-range planning with the Polaroid Corporation.

Mr. Speaker, I would like to express my appreciation and the appreciation of this house to Alan Reich for his dedication and commitment to securing the equal participation and full inclusion of people with disabilities in all aspects of life. In many capacities, Alan has changed the world's approach to disability and made groundbreaking contributions to uniting the disability movement. For that, our entire nation is deeply grateful to him and extends every good wish to him and his family.

CELEBRATING THE BIRTH OF ELIZABETH ROSE LAPIERRE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Amy Rose and Steve LaPierre of Fairfax, Virginia, on the birth of their beautiful baby girl. Elizabeth Rose LaPierre was born on September 14, 2005, at 1:50 p.m., weighing 7 pounds and 12 ounces. She has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. FORTENBERRY. Mr. Speaker, on Tuesday, September 13, 2005, I was unavoidably detained and thus missed rollcall votes Nos. 465, 466, and 467. Had I been present, I would have voted "aye" on all three votes.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 15, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 19

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, and Francis Rooney, of Florida, to be Ambassador to the Holy See.

SD–419

SEPTEMBER 20

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Emil W. Henry, Jr., of New York, to be Assistant Secretary for Financial Institutions, Terry Neese, of Oklahoma, to be Director of the Mint, and Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, all of Department of the Treasury.

SD–538

Energy and Natural Resources

To hold hearings to examine climate change science and economics, focusing on the current state of climate change scientific research and the economics of strategies to manage climate change, including the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

SD–366

Judiciary

To hold hearings to examine the taking of homes and other private property relating to the Kelo Decision.

SD–226

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

2:30 p.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center.

SD–562

SEPTEMBER 21

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the status of the World Trade Organization negotiations on agriculture.

SR–328A

9:30 a.m.

Environment and Public Works

Fisheries, Wildlife, and Water Subcommittee

To hold hearings to examine the Endangered Species Act and the role of States, Tribes and local governments.

SD–406

Indian Affairs

To hold an oversight hearing to examine Indian gaming.

SR–385

Judiciary

To hold hearings to examine able danger and intelligence information sharing.

SD–226

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine what lessons have been learned to secure U.S. transit systems relating to the London terrorist attacks.

SD–342

SEPTEMBER 22

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the financial services industry's responsibilities and role in preventing identity theft and protecting sensitive financial information.

SD–538

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 435, to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

SD–366

SEPTEMBER 28

2:30 p.m.

Indian Affairs

To hold an oversight hearing to examine Indian housing.

SR–485

SEPTEMBER 29

10 a.m.

Indian Affairs

To hold hearings to examine proposed Duck Valley Reservation, Shoshone Paiute Tribes, Water Rights Settlement.

SR–485

POSTPONEMENTS

SEPTEMBER 21

2 p.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service.

SR–328A

HOUSE OF REPRESENTATIVES—*Thursday, September 15, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, source of inalienable rights and savior and protector of Your people, as the Nation is deeply moved to compassion for the people of the gulf coast region, the President of the United States has issued a proclamation: Tomorrow, Friday, September 16, 2005, will be considered a National Day of Prayer and Remembrance for the victims of Hurricane Katrina.

Lord, we pray that Members of Congress, laying all political persuasion aside, will gather with their people over this coming weekend and be prayerfully united with those who have died, those who grieve over so many losses, and all who suffer because of this tragic event which has touched the soul of the South, so rich in spirituals, music, history, and gifted writers.

May You be praised, Lord, by all who gather this weekend in mosques, synagogues, churches, and homes to honestly pray for their brothers and sisters in need. May You be glorified in their glorious response of contributors of goods, money, and service, and by so many volunteers who wish to come to their aid.

May Your Holy Name be revered these days and for years to come by the perseverance of Americans, united to alleviate the suffering and build a future for the poor, the homeless, the jobless, and the widow and orphan.

This we pray now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MURPHY) come forward and lead the House in the Pledge of Allegiance.

Mr. MURPHY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

> H. Con Res. 67. Concurrent resolution honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five requests for 1-minutes on each side.

HURRICANE KATRINA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, many people have spent time since Hurricane Katrina devastated the gulf coast attempting to place blame on various agencies and elected officials. I would like to take a moment to focus instead on the positive developments that are occurring down there. Day by day, we are seeing improvements, both big and small..

After Katrina, 80 percent of New Orleans was covered in water; now the flood waters have receded to 30 percent and are continuing to recede. Over the weekend, trash collection began in the city, and those who remained behind are already cleaning up their neighborhoods.

In Biloxi, Mississippi, the harbor opened for the first time since Katrina hit. The Coast Guard is now allowing limited commercial traffic, an important step in the recovery of the region. Utility companies are now reporting that around 131,000 homes and businesses are still without power, down from over 800,000.

I am hopeful that some of the other side of the aisle will set aside their partisan barbs and start focusing on the progress that is being made. Fingerpointing does not help the families who lost their homes or loved ones.

INTRODUCING THE DISASTER PREPARATION AND LOCAL ACTION NOW ACT OF 2005

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, Hurricane Katrina highlights the need for disaster preparedness. Across the country, everyone is asking: Are we prepared?

Every level of government is reexamining how we can make our communities more disaster resistant. In James Lee Witt's FEMA, we had a tool to make that happen: Project Impact. This proven program brought together local leaders, citizens, and businesses to prepare for and protect themselves against the worst that nature could throw at them; and at the Federal level funding worked to leverage support from private sources, multiplying their effectiveness.

Unfortunately, this administration unwisely tossed aside Project Impact and broke a model that had worked so well. Today, I will introduce legislation to bring Project Impact back to life. The Disaster Plan Act will reauthorize FEMA's predisaster mitigation grant program. None of us can stop natural disasters from happening, but we can and we must be prepared for what happens when a disaster occurs. Project Impact was a program that worked in a FEMA that worked, and now we need to bring it back.

SAVING LIVES AND DOLLARS IN HEALTH CARE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, each week I come before Congress to remind my colleagues of areas of health care where we can save lives and money. This week I want to mention that timely prenatal care, or medical care for women before pregnancy, can also save lives and money. One million American women deliver babies annually without receiving prenatal care, and in the United States more than 250,000 low birth weight infants are born each year who may subsequently have higher risk for various handicaps, heart defects, respiratory illnesses, et cetera. Women who are diabetic or are depressed have higher risk for this. The average costs in investing to help save these risks can save us between $1 and $4 when providing prenatal care and reducing neonatal intensive care costs later. It is a good investment for America to continue, and public-private partnerships are a way of continuing to do this.

I recommend Congress continue to look favorably on funding those programs that help provide prenatal care to continue to save lives and money.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For further information, I suggest my colleagues go to my Web site, murphy.house.gov, to learn about this and other ways that we can save lives and dollars in health care costs.

CALLING FOR A BIPARTISAN COMMISSION ON KATRINA

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, in the wake of Hurricane Katrina, the fingerpointing continues. Today's New York Times reports on its interview with former FEMA head Michael Brown. In the interview, Mr. Brown blames Louisiana's Governor and Homeland Security Director Chertoff for inaction in responding to the crisis.

Mr. Brown's statements can probably be discounted as the words of a disgraced individual trying to save face, but the facts speak for themselves: government at all levels failed in the wake of Katrina's devastation. A KnightRidder story makes it clear based on a 2003 Presidential directive that Homeland Security Director Chertoff is the line authority for natural disasters, yet for 36 hours he was nowhere to be found.

Questions need to be answered, not to fix blame but to fix a problem. For example, how were Mr. Brown and his political deputies, all with no experience in disaster response, appointed as head of FEMA? Why did it take so long to get food and water to New Orleans? To answer them, this body should create a bipartisan commission of experts to investigate the failures and flaws in the system just like we did during 9/11, just like we did during Pearl Harbor.

Mr. Speaker, hundreds died. Tens of thousands have lost everything. Billions will be spent rebuilding the infrastructure. The stakes are simply too high to not know what went wrong. Americans do not want Pollyannish speeches or a whitewash. They want answers and results. Mr. Speaker, we need a bipartisan 9/11-style commission not only to find out what went wrong but to give us recommendations to fix the problem.

CONFIRM JUDGE ROBERTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday a judge in San Francisco ruled the Pledge of Allegiance, which we just said, is unconstitutional. Again, it is disturbing how a judge can strike down a voluntary act of patriotic expression. Any reading of the founding documents reveals that the first amendment was written to guarantee the right of expression. That should allow for public displays and proper expressions of faith in the public square. It also certainly allows for voluntary expressions of patriotism. But certain judges are ignoring it.

The Constitution established the judiciary as a coequal branch of government, not as the final and supreme authority. The hearings on Judge Roberts' nomination to the Supreme Court underscore the importance of confirming judges who understand this. We must maintain the proper checks and balances which our Founders designed. It is time for Congress and the President to stand up to the courts which have seized so much power to themselves. Ultimately, the survival of our constitutional republic will depend on it.

CALLING FOR INDEPENDENT COMMISSION REGARDING HURRICANE KATRINA

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the House today is going to vote to create a special congressional committee on preparedness and response to Hurricane Katrina. My question is, why do we need a special committee? That is our job, anyway. We have a lot of committees in the House that are supposed to be doing that every day all year.

What we need to do is see what happened. Let us have an independent commission to check both the executive branch's response and also the congressional branch. We need somebody to come from the outside and check both our test and our homework. Let us not have a sham or a whitewash.

SCHOOLYARD FIGHT OVER THE LADY NAMED KATRINA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, a fight broke out in one of the public high schools in Houston, Texas, this week between numerous recent evacuees from Louisiana and students from the Texas high school. Several were arrested. The tension and energy between the "displaced" and the "hometowners" should be channeled in a productive way. As a former judge in Houston, I believe these culprits should be held accountable for their attitudes and their attitudes need to be adjusted.

At the end of class on Friday, the Louisiana kids should be put back on a yellow school bus and sent back to New Orleans to spend the weekend cleaning up their hometown from the mess left by Katrina. The Texas students should spend the weekend at the Astrodome helping the thousands of volunteers in the relief effort. Then when both sides arrive back at school on Monday morning, they should have a different attitude about cooperation.

The schoolyard fight is similar to those here in the Capitol who gripe, complain, moan and groan and put blame on others for the Katrina disaster, but do nothing personally to help. Cease the fighting words and rhetoric and get on with the rebuilding, refurbishing, and renewal of our Nation.

□ 1015

NEED TO CREATE AN INDEPENDENT COMMISSION TO EXAMINE HURRICANE KATRINA

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, later today the House will have under consideration legislation to create a select bipartisan committee to investigate the preparation and response to Hurricane Katrina. This would be a good commission if, in fact, it was bipartisan. But it is not bipartisan in the sense that both parties do not have equal access to the information or subpoena power or equal numbers on the committee to do the investigation.

Therefore, what we really need is a 9/11-type commission. The public overwhelmingly supports a 9/11 commission, an independent commission to look at what the failures were that led to the devastation of Hurricane Katrina, an independent commission that can look at the administration, can look at the Congress of the United States, because both bodies, both entities, made decisions.

The Republican leadership in the administration, the Republican leadership in the Congress made decisions about resources, about talent, about personnel, about the deployments and all of the rest of this.

The idea now that they can come and investigate themselves, and they alone can hold the subpoena power, is a horrible mistake on behalf of the victims of Katrina and the American people. It should be rejected, and we should have a 9/11-type commission.

RECOGNIZING THE PHILANTHROPIST MRS. PAT SEAMANS WALKER

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize one of Arkansas' most generous philanthropists, Mrs. Pat Seamans Walker.

Next week, Pat will be presented with the prestigious Arkansas Children's Award. There is good reason Pat is receiving this honor. Since Pat and her late husband Willard founded the Willard and Pat Walker Foundation in 1986, she has made it her goal to improve the quality of life in communities across Arkansas.

It is impossible to list all of the donations that the Walkers have made over the years in the short amount of time allotted to me. I would, however, like to give my colleagues a brief description of Pat's generosity.

Over the years, her foundation has given millions to educational institutions in Arkansas, millions to health care research and community health care centers in Arkansas, and hundreds of thousands of dollars to community libraries in the Third District of Arkansas.

Mr. Speaker, the examples that I have given are just a few of Pat Seamans Walker's gifts to Arkansas. Arkansas is extremely appreciative of her generosity. She certainly deserves this prestigious award, and I congratulate her on this honor.

COMMUNICATION FROM LEGISLATIVE ASSISTANT OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from Angelle Kwemo, Legislative Assistant of the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 12, 2005.

Hon. J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE KWEMO,
Legislative Assistant.

PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time on the legislative day of Thursday, September 15, 2005, for the Speaker to entertain a motion that the House suspend the rules relating to the bill H.R. 3768.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 440 is a modified open rule that provides for full consideration of H.R. 889, the Coast Guard and Maritime Security Act of 2005.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill and makes in order only those amendments that are preprinted in the CONGRESSIONAL RECORD or are pro forma amendments for the purpose of debate.

H.R. 889 was reported by voice vote from the Committee on Transportation on May 17, 2005. The bill provides for the reauthorization of Coast Guard activities for the coming fiscal year.

H.R. 889 has the strong bipartisan support from members of the Transportation Committee, and I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for again bringing legislation to the floor that has support from both sides of the aisle.

The Coast Guard is critical to our defense against terrorism and our response to natural disasters. Along the gulf coast, the Coast Guard rescued thousands of people from flooded areas in the aftermath of Hurricane Katrina. Many of these people were saved in daring rescue attempts from rooftops or trees.

We all mourn the loss of life caused by Hurricane Katrina, and we do not yet know what the final death toll will be. It is clear, however, that the loss of life would have been much greater without the heroic efforts of the U.S. Coast Guard.

The U.S. Coast Guard has the primary responsibility of securing ports from our oceans to inland rivers and has the job of providing maritime security across the country. Given the added responsibility of the Coast Guard in the post-September-11 world, we must ensure that the agency has the adequate personnel to maintain their readiness for both homeland security and for response to natural disasters.

It is clear that the Coast Guard faces many challenges in the homeland security and rescue missions. The GAO noted earlier this year that some stations need additional boats or staff to meet Coast Guard readiness standards and goals.

This legislation maintains a force of 45,500 personnel and authorizes funding for Integrated Deepwater Systems and for sustaining legacy vessels. The bill also requires a report to Congress on the implementation of the Integrated Deepwater Program that is modernizing the Coast Guard's fleet. These actions will allow the Coast Guard to continue to meet its mission to protect the public and our economic interests in the Nation's ports and waterways.

I would like to thank the Coast Guard and all of the many members of the Coast Guard, retirees and volunteers who have worked with the Coast Guard in heroic efforts surrounding Hurricane Katrina. Their ongoing efforts and their ongoing energy that is providing the ability to rebuild and refortify that wonderful part of our country are to be congratulated.

I would like to thank the leaders of the Transportation and Infrastructure Committee for bringing this legislation to the floor and hope that my colleagues will join me in support for the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me the time, and I yield myself such time as I may consume.

I rise today in support of the Coast Guard reauthorizion bill. As my colleague previously noted, the rule permits Members who preprinted their amendments in the CONGRESSIONAL RECORD to offer those amendments. I appreciate that this opportunity was afforded to Members.

I am, nevertheless, disappointed that the preprinting of amendments was even required. Despite the majority's claims, this legislative procedure which they call open is actually restricted. It is not an open rule because every Member is not permitted to offer any germane amendment.

Mr. Speaker, first established in 1915, the Coast Guard is responsible for patrolling the more than 12,400 miles of coastline in the United States. Nearly 2,000 of these miles are located in my home State of Florida.

Today, the more than 100,000 active personnel, reservists, civilian and volunteer members of the Coast Guard auxiliary are America's front line guarding our seas, shores, ports and borders. In South Florida, the auxiliary volunteers play a critical role in promoting boating safety and awareness in our communities. They assist in search and rescue operations and work every day to make South Florida the recreation hotspot that it is.

The underlying legislation authorizes $8.7 billion for the programs of the Coast Guard in fiscal year 2006. This includes some $1.6 billion for its Integrated Deepwater System to assist the Coast Guard to upgrade an aging fleet of ships and aircraft and improve the technologies it utilizes.

With three major international shipping and cruise ports located within just miles of my district, the Deepwater System is critically important to Coast Guard operations in Florida and elsewhere.

The Coast Guard works tirelessly to protect the ships and individuals who utilize our ports in this Nation and in my district. Port Everglades, Palm Beach and Miami and Dania.

I am pleased that the committee has determined this program worthy of such critical funding, and I express my hope that the Committee on Appropriations will fund IDS at its authorized level.

The authorization bill also permits the Coast Guard to establish Naval Vessel Protection Zones offshore, and it increases the number of active duty personnel in the Coast Guard to 45,500. The bill also doubles the duration of time that Coast Guard Reservists may be called up to active duty from 60 to 120 days over a 1-year period.

While the increase in active personnel is certainly needed so that the Coast Guard can continue to accomplish its mission, the change highlights a growing problem facing our Armed Forces. That is, America's all-volunteer military has become increasingly dependent upon the extended call-ups of Reserves.

The war in Iraq has indeed made recruiting more difficult for our armed services, but so have the diminishing benefits and pay we offer to our soldiers and the health care services we extend to our veterans. This Congress, so quick to wrap itself in the American flag, continues to underpay our soldiers and shortchange our veterans. With a track record like this, who can blame a soldier for not re-enlisting and a veteran who questions her country's commitment to her well-being now that she is out of the military?

☐ 1030

Mr. Speaker, on behalf of this body, I thank the Coast Guard, as I am sure all of our colleagues do, for its service and commitment to the security of our great Nation. I am proud to offer my support for the Coast Guard and the underlying legislation.

Before ending, Mr. Speaker, I do want to make mention that during this time of great division and nastiness in Congress, it is commendable that the Committee on Transportation and Infrastructure was able to work in a truly bipartisan fashion. While our fellow citizens in the gulf States begin to rebuild their lives, they should take note of the bipartisanship and cooperation that went into crafting the underlying legislation.

As the author of legislation establishing an independent commission to evaluate the Federal, State and local governments' responses to Hurricane Katrina and with the support of more than 150 Members of this body and 75 percent of the American people, at least in one poll, it had been my hope that a similar willingness would have existed amongst my majority colleagues to address that issue. Unfortunately, as the American people have learned in the past 2 weeks and will find out again later this morning, no such willingness exists.

We can come together today and create an independent, bipartisan Katrina Commission with an equal number of Republicans and Democrats on it who will not be subject to political influence and partisanship. I implore my Republican colleagues to rise above the rancor in this body, follow the example set today by the chairman and ranking member of the Committee on Transportation and Infrastructure and establish an independent Katrina Commission.

The majority's unwillingness to establish such a commission will leave us woefully incapable of reforming our current disaster preparedness and response programs. If the last 5 years have taught us anything, it is that this Congress is unwilling to police itself or this administration. The only viable option is an independent commission.

In support of the Coast Guard, I ask that all of us look at the extraordinary work that they are doing and have done in the gulf coast region. We must know that every time one of those helicopters lifts and rescues victims from this awful tragedy that the time for that propeller is running out and these are already aging crafts. It is critical that we allow the Coast Guard the sufficient funding in order that they may revamp, restore, rehabilitate, and purchase the appropriate equipment to patrol our Nation's shores.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Florida for yielding me time.

Mr. Speaker, in the course of a normal year, the Coast Guard rescues 5,000 people. In the last 16 days they have saved more than 33,000 lives. We have all marveled at the daring rooftop rescues, the heroism, the professionalism that they have demonstrated.

Since Hurricane Katrina hit the gulf coast, the men and women of the Coast Guard have been working backbreaking long hours, pushing themselves and their equipment to operational limits. In some cases they have used sledge hammers and axes to break through rooftops to rescue trapped residents. They have been delivering food, water, and medicine to those in need. They have responded to 284 fuel spills. And the Coast Guard's chief of staff, Thad Allen, has brought much needed order and structure to the relief efforts. It has truly been one of the Coast Guard's finest hours, and all America is profoundly grateful.

What Americans do not know is that even before the destructive power of Katrina hit the gulf coast, the Coast Guard had pre-positioned a number of aircraft and ships in the area ready to launch search and rescue efforts as soon as the weather cleared. In fact, the very first rescue occurred when the eye of the storm passed over the region, and it happens that that first rescue was from a helicopter based at Air Station Cape Cod in my district, and I am proud.

The Coast Guard was ready. But also what most Americans do not realize is that the Coast Guard operates the second oldest naval fleet in the world. Their ships and planes are so old they are euphemistically described as "legacy assets." Many of these legacy assets are riddled with structural defects, putting Coast Guard personnel and the people who call on them for help at risk, like the nine crew members aboard the cutter *Storis* that was built in 1942 who were nearly killed when the davit lowering their lifeboat ripped away from the steel superstructure, crashing them into the frigid Bering Sea. The rescuers, in fact, had to be rescued.

Remember last year the Coast Guard's main search and rescue helicopter, the *Jayhawk*, experienced inflight engine failures at a rate of 329 mishaps per 100,000 flight hours. The FAA-acceptable standards is one per 100,000 flight hours. These failures limit the JAYHAWK's ability to hover and place the lives of its crew, passengers, and those below in grave danger. The same helicopters are flying over the skies of the gulf coast right now.

The indisputable fact is that the demands on the Coast Guard have vastly outpaced its resources, and that is why it is incredibly important that we accelerate the Deepwater program and encourage the purchase of additional cutters and aircraft, as my friend from Florida has indicated.

As negotiations on the conference report for the homeland security appropriations bill continue, I implore our colleagues to bear this in mind and do all that they can do to give the Coast Guard the financial resources it needs to speed up, accelerate the Deepwater program.

It is essential if the Coast Guard is to continue to honor their motto of "Semper Paratus."

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts (Mr. DELAHUNT) put it so well when he indicated that the Coast Guard is overburdened and underprepared. It is our responsibility to ensure that we do better.

On the scale of our armed services, the Coast Guard is always an afterthought, it seems, when it comes to resources. But in terms of what they do immediately with reference to the 12,000 miles of shores that they patrol, it is critical that we have clear understanding of their needs.

I have been on Coast Guard cutters, as have many of my colleagues. I have seen them in their rescue operations for persons who are not even American citizens, risking their lives and sometimes suffering loss themselves trying to ensure that others are protected in a proper manner. They do an outstanding job and their Deepwater program will help them to do an even better job than they are doing. It is not fair to send people up in aircraft that are legend related in terms of their age and usage.

It is critical that we pass this measure, and I believe that it will pass overwhelmingly; and I hope that the future of the Deepwater program will be appropriately funded by this Congress so that the Coast Guard will have in its possession the necessary personnel and material in order to do the job to keep this Nation safe.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge all of my colleagues to support this fair rule and the bipartisan legislation which provides critical funding to improve our Nation's coasts and ports.

I think it is very timely that we are addressing this legislation today because the Coast Guard has done an exemplary job in rescuing the many victims of Hurricane Katrina; and we need to ensure, as my colleague has said, that they have the necessary resources to continue their mission.

I believe all Members should be able to support this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H. RES. 437, ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 439 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 439

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 439 is a closed rule providing for 1 hour of debate for consideration of H. Res. 437, a resolution establishing a select bipartisan committee to investigate the preparation for and response to Hurricane Katrina.

The rule waives all points of order against consideration of the bill and provides one motion to recommit which may not contain instructions.

Mr. Speaker, the human suffering and physical damage wrought by Hurricane Katrina is heart-wrenching and overwhelming. We all know that very well. Lives have been lost and uprooted. Families are separated without homes and without jobs.

Our initial focus has been on restoring hope and rebuilding community on the gulf coast. With great urgency Congress came together and with virtual unanimity passed legislation to fund the very important relief efforts. Over $60 billion has been appropriated so far. Also critical has been the outpouring of support and generosity from fellow Americans and very importantly from 94 countries around the world. From small businesses to large corporations, people are pitching in.

That said, as President Bush has stated, there were aspects of the immediate response to Hurricane Katrina that were not acceptable. He said that this week, and I am sure that it will be made clear in the remarks that he gives to the Nation this evening.

Already we have seen the head of the Federal Emergency Management Agency resign. Clearly, many lessons are to be learned from what has happened. As debris is removed, water recedes and homes are rebuilt, we in Congress must now assume our very serious and consequential constitutional oversight role of the executive branch and Federal agencies so that we can find out exactly what went wrong and what went right in the early response to Hurricane Katrina.

□ 1045

We need to get to the bottom of what happened, when it happened and why it happened.

Mr. Speaker, to fulfill our oversight responsibility, we are following precedent and honoring tradition by creating a bipartisan select committee to look at the response of the government to Hurricane Katrina. This select committee will allow us to take a sober, serious, nonpartisan look at the development, coordination and execution of relief by State, local and Federal authorities.

At the same time, we must take great care not to interfere with the ongoing Hurricane Katrina recovery efforts. Critical personnel are still on the ground and actively involved in a time-sensitive, decision-making process. Congress can help uncover a better way forward, but it should not disrupt the progress that is being made at this moment.

Mr. Speaker, this rule serves as the most practical vehicle by which to consider this critically important legislation. I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Tuesday, President Bush said that he took responsibility for the recent failure of the Federal Government to fulfill its ultimate duty of saving the lives of its own people within its own borders.

But what does responsibility mean? If it means anything, it means the sincere concern for what has happened under his watch. It means stopping at nothing to find out why a Nation led by officials who claim to care about keeping Americans safe presided over a recovery effort which left behind so many innocent men, women and children as they were crying out for help. It means caring about the truth, and it means putting people before politics.

Today, this Congress has to offer the American people its own definition of responsibility. The appalling aftermath of Hurricane Katrina, which swept over citizens from Louisiana to Alabama to Mississippi, was the product of a combination of failures: failures of planning, failures of execution, failures of accountability. It is the responsibility of this body to examine why our Federal Government was behind so many of those failures.

There is only one way to do this and only one path the public will respect, only one route to producing real answers to real questions which the American people will trust. We need a 9/11-type commission for Hurricane Katrina. The 9/11 Commission was our government's response to the tragedy of September 11, 2001; and after an exhaustive study, it produced a report that was trusted by the American people and by the members of our government.

This trust was earned. The 9/11 Commission was not beholden to any interests besides those of its own integrity and the good of the country.

This honorable response to the tragedy of September 11 puts to shame what has been proposed today in the wake of Hurricane Katrina. What was perhaps our Federal Government's greatest failure to date to defend life at home is being met with a failure of leadership and openness and honesty in this Chamber today.

The Republican leadership of the House and Senate has called for the creation of an overtly partisan congressional committee to investigate the government's pre- and post-Katrina actions. They have specified that it would be a committee appointed by Republicans, with a Republican majority. They would give Republicans control of every aspect of the proceedings, and they alone would control who would be subpoenaed. They alone would control which documents could be examined, and they alone would control the scope of the investigation. They would have the power to take the investigation in any direction they chose, with no checks, no balances and no incentives to get real answers. They have nominated the fox to guard the hen house.

Mr. Speaker, I do not object to such a plan because Republicans would be in control as opposed to Democrats. I object to it because it is the Republican Party which controls the levers of government and, as such, manages FEMA and the Department of Homeland Security and every other Federal institution which must be examined.

The conflicts of interest that are present are so obvious that it is incredible anyone would deny them, but the members of the majority do not only do this, but they put forth one justification after another for their plan, each one less convincing than the one before it. They tell us that the structure of the committee is based on precedent and cite the bipartisan commission which investigated the Iran-Contra affair as evidence of this. Never mind that in that situation a Republican President was being investigated by a Democratically controlled committee, eliminating the political pressure to sweep truths under the rug.

Last night, in the Committee on Rules, they told us, rather incredibly, that nobody is better to evaluate in this body than its own Members. But the American people do not believe that. After all, accountability has not exactly been the hallmark of this Republican leadership.

This majority did not investigate those who concealed the Department of Health and Human Services' real estimate of how much the 2003 Medicare legislation that we passed would cost. It did not investigate the role of top Bush campaign contributors in writing Vice President CHENEY's energy plan. It did not investigate the Valerie Plame scandal. It did not investigate what led to our dehumanizing and shameful treatment of detainees at Guantanamo Bay in Cuba and Abu Ghraib in Iraq.

Why did these investigations not take place? The majority has no answer, except promising to us that this time things will be different.

Last night, the chairman did offer his personal assurances again and again that the commission would allow the Democrats to ask questions. It probably never occurred to us that we would not have been able to do that, but this is ultimately a promise that he cannot keep.

Only allowing a hand-picked group of witnesses to be questioned prejudices the investigation before it has even begun. If a true interest in a fair, open, thorough and independent investigation runs that deep with my Republican colleagues, why not just create the independent panel?

That is the central question I have for my colleagues today. Why will you not support the creation of an independent commission? What are you afraid of? The American people clearly had faith in the 9/11 Commission model. Why do you not?

A commission controlled by the politicians of one party charged with investigating itself will face tremendous internal political pressure to eliminate embarrassing truths from the public eye, to defer blame and to hide facts. That is the fundamental truth, because we all know how politics works.

Politics, by the way, is exactly why those recent scandals I just mentioned were never investigated.

Is the creation of an independent commission an abdication of our responsibility? Absolutely not. In fact, exactly the opposite is the case. If we intentionally create a partisan, political investigation, that, Mr. Speaker, would be an abdication of our responsibilities.

The American people need answers, they need true accountability, and the only way that we can live up to our responsibility and give them answers they can trust is through an independent commission.

The public already overwhelmingly supports the creation of such an independent commission by 76 percent, and over 160 Members of this body, representing more than 100 million of our Nation's people, have already supported the creation of such a commission through a substitute resolution by the gentleman from Florida (Mr. HASTINGS), my colleague. Its findings would not just help us to prevent another terrible disaster from taking place, they would also help our government to regain its credibility in the eyes of the public.

A Newsweek poll from earlier this week found that fully 57 percent of the general population has doubts that government officials will respond well the next time a disaster strikes. Those doubts would not be reduced until people believe that a real, independent investigation of Katrina has taken place. But the findings of the congressional commission being proposed by the Republican leadership will be forever tainted by the pervasive public belief that details were overlooked or truths hidden for political reasons. We have plenty of evidence to believe that.

Mr. Speaker, 2 weeks ago, our government missed an opportunity to rise to the occasion when it was sorely needed. The consequences were worse than we could have imagined. We cannot afford to miss another opportunity here today, and we object to the fact that this resolution is titled "bipartisan commission" because, truly, there will not be one.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

As I prepare to yield to my friend from Charleston, let me just say that the short answer to the question posed by my friend from Rochester about why it is we would not establish a commission, it is very clear. Article 1, section 8 of the Constitution states it, that we have to do our job. We have the responsibility to deal with this issue.

There are very important questions that have been raised by Democrats and Republicans and people from the outside community; and we, as the representatives of the people, have the responsibility to get to the bottom of this. That is what the establishment of this bipartisan committee is, in fact, going to do.

Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Charleston, West Virginia (Mrs. CAPITO), my very good friend and hard-working member of the Committee on Rules.

Mrs. CAPITO. Mr. Speaker, I rise today in support of the creation of a select bipartisan committee to investigate the preparation for and response to Hurricane Katrina.

As representatives, we are elected by the American people, and it is our duty to ensure that the numerous Federal agencies of which we have oversight and that we fund on an annual basis serve the taxpayers efficiently and effectively, and I think from the images that we have seen and from the reports from that area of the country, we have had serious problems.

This is a job best performed by the elected leaders of the United States. We are charged with the responsibility of oversight. We can be trusted by our constituents to find the truth.

To those who are critical of the makeup of this committee, I say to them, the United States Congress has responded in similar fashion 41 times, most recently with the formation of the Select Committee on Homeland Security in 2002 and 2003.

Mr. Speaker, we must form this bipartisan committee quickly so that the Members from both sides of the aisle can begin the vital task of finding the problems that plagued the response to Hurricane Katrina on the local, State and Federal levels. If we fail to act expeditiously and devolve into finger pointing and bickering, we are putting other areas of our Nation at greater risk. Mother Nature will not wait for the United States Congress to act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to the rule and to the underlying resolution.

The Federal response to Hurricane Katrina was absolutely unacceptable. The American people deserve to know what went so terribly wrong and what we must do to make sure it never, ever happens again.

Unfortunately, the partisan committee being proposed by the Republican majority will not give the American people any confidence that Congress is asking tough questions and demanding straight answers.

Apparently, Mr. Speaker, after the flood comes the whitewash.

For over 4 years, the Republican majority has refused at every turn to hold the Bush administration accountable for its mistakes. There has been no meaningful oversight, no tough investigations on anything.

Instead, Congress has turned a blind eye, and the bill we have before us represents more of the same.

The gentleman from Florida (Mr. HASTINGS), our colleague, has a different approach, a better approach. The commission established by his legislation would be truly independent, and its recommendations would carry far more weight. This independent commission would be similar to the 9/11 panel that was such an effective, meaningful force for change.

Because what the American people deserve at the end of this process is a document that does not necessarily agree with everything I say or does not cover the President's back, which is what the Republicans are trying to do today, but that actually helps fix the problems that Hurricane Katrina exposed.

Let me be clear, Mr. Speaker. The purpose of the commission established by the gentleman from Florida's (Mr. HASTINGS) bill is not simply to assign blame. Rather, an independent commission would take a tough, honest approach to an incredibly complicated problem.

Pre-identifying vulnerable areas, strategically deploying resources, anticipating potential stumbling blocks as we prepare for disasters, these need to be the guiding principles of our national response plan. An independent commission would produce recommendations that enhance our national response plan and enable FEMA to be structured appropriately.

Furthermore, this commission will show whether or not, as I believe, FEMA lacked appropriate leadership, leadership with experience in disaster management, and then recommend ways in which the agency can be better prepared, both in terms of personnel and resources. Unlike the President, I do not think Brownie did a heck of a job. An effective response to a disaster or crisis cannot happen unless the best qualified people are coordinating the efforts, equipped with the best resources.

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The partisan committee put forward by the Republican majority just does not cut it. Instead, it would be made up of Members of Congress, and there are three problems with that approach:

First, there are some Members whose time would be better spent dealing with the immediate recovery and reconstruction needs created by the hurricane. Second, Republican politicians would be "investigating" other Republican politicians. And, third, some of the problems we saw in the gulf coast include bad funding choices made by Congress itself.

Mr. Speaker, the Federal Government's response to Hurricane Katrina was a national disgrace. The job of this Congress is not to run interference for the Bush administration; it is to do what is best for the American people. Seventy-six percent of the public want an independent commission because, quite frankly, they do not trust the Republican majority to do it right. They have a pattern of sweeping problems under the rug, of turning everything into a political fight. That pattern has to stop, and we can stop it today.

Mr. Speaker, I urge my colleagues to reject this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and as I prepare to yield to my friend from Moore, Oklahoma (Mr. COLE), I want to say to my good friend from Massachusetts that it is very clear that Members of the United States House of Representatives do have the ability to deal with a disaster and at the same time engage in a very, very important investigatory process.

It is also very important to note that this is not going to simply be Republicans asking questions of other Republicans. As I said earlier, and I know my friend from Rochester raised this when she said it was nice of me to say that Democrats would have the opportunity to ask questions, but we know that Democrats, by virtue of this being a bipartisan committee, will be able to be deeply involved and engaged in this process as well.

Once again, I think it is important to note, as my colleague and friend from West Virginia said, that we are the elected representatives of the American people and this is our constitutionally mandated responsibility which we should not pass on to someone else.

Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE), a hard-working member of the Committee on Rules.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of House Resolution 439 and in support of the underlying resolution.

Mr. Speaker, the minority objects to House Resolution 437 on the basis that the bipartisan committee it creates will be inherently unbalanced and unfair. One suspects they believe it will be unfair largely because while they will have full rights of representation on the committee in question, they will inevitably be the minority on any panel that fairly represents the composition of both the House of Representatives and the other body.

It would be easy and entertaining to lampoon the consistency of the so-called Party of the People rejecting a committee composed of the elected representatives of the American people in favor of one made up of individuals who are both unelected and unaccountable to the voters of this country, but I will avoid that temptation.

Frankly, there are deeper issues here. The first is our faith as individuals in the efficacy of democracy itself. As the minority in this House for 11 years, I fear my friends on the other side of the aisle have lost their faith in the American people, because of the choices they have made at the ballot box in recent years. Having served as a member of a seemingly permanent minority in the Oklahoma State Senate earlier in my career, I understand the frustration on which that sentiment is based.

However, as adherents to the ideals of democracy, we should trust that over time the people will get it right and that if our views are sound, they will prevail. In the meantime, our job is to argue our point of view in the court of public opinion and accept the outcome at the polls when the verdict is rendered.

The second issue at stake here is the wisdom of empowering people who are neither elected nor accountable to perform the task our Constitution assigns to the elected representatives of the American people. Frankly, I share the sentiments Winston Churchill famously voiced when he said "democracy is the worst form of government, except for all those others that have been tried."

Mr. Speaker, it is fundamentally unsound and undemocratic to turn over the function of congressional oversight to a group of individuals who have neither been elected by the people nor accountable to the people for their actions or recommendations. Appointing a commission is the easy way out. It is a way for us, the representatives of the people, to avoid our responsibilities. Its members, however expert and well-intentioned, did not design or create the agencies and processes we wish to examine in connection with Hurricane Katrina. We did. Similarly, they will not be responsible for reforming these agencies or finding the solutions to our current problems. Those duties belong to the elected representatives of the American people.

My colleagues on the other side of the aisle often complain there is insufficient congressional oversight. This is our chance to exercise that oversight, and the voters will surely hold all of us accountable for how well we do the job.

My fellow Members, let us have faith in the American people, our democratic institutions, and ourselves. Let us do the job we were elected to do, rather than hand it off to those who were neither asked nor chosen by the American people to govern their affairs. I urge support of House Resolution 439 and the underlying House Resolution 437.

Ms. SLAUGHTER. Mr. Speaker, if an independent commission is an abdication of our authority, why did we all vote unanimously to establish the 9/11 Commission?

Mr. Speaker, I am pleased to yield 5½ minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER), the distinguished ranking Democratic member on the House Committee on Rules, for yielding me this time.

A footnote right there, Mr. Speaker. I hope the irony is not lost on the House that the gentlewoman, a New York Member, is being lectured to about homeland security issues and why there is no need for an independent Katrina commission. New Yorkers were told 3 and 4 years ago that there was no need for an independent commission on 9/11.

I note peripherally that the distinguished chairman of the Committee on Rules has other business and has left the floor; but I was prepared to ask him, and perhaps his replacement in the chair for the majority can answer for me, what did the House of Representatives do in the last 3 years with reference to the tragedy of 9/11? What we wound up doing, because the victims and New York pressed forward, was establishing an independent commission.

The chairman pontificates that we should exercise our constitutional mandate; and so does his replacement, my friend and colleague on the Committee on Rules, say what our constitutional duty is. Every one of us is mindful of our constitutional duty. But are you then prepared to admit that we did not exercise it correctly in the 9/11 Commission period and that is why the 9/11 Commission came into existence in the first place?

Last year, as we all know, four hurricanes ravaged my home State of Florida and some of the gulf coast. Three of them literally destroyed parts of the district that I am privileged to represent. In the immediate and long-term aftermath, our communities saw FEMA's shortcomings. We saw that a once-reliable agency had been placed on the back burner as an afterthought in the Department of Homeland Security. Natural disaster preparedness and response programs have become trapped in a homeland security bureaucracy.

FEMA has lost its focus, and Floridians and others know that. Our delegation literally begged the committees of jurisdiction to hold hearings on what we saw in Florida. I even introduced bipartisan legislation in March with our colleague on the majority side, the gentleman from Florida (Mr. SHAW), to address what we perceived to be FEMA's largest problems. Yet every time we took our concerns to the committees, we were told it is not a big enough problem to consider on its own. Our staff was told we do not think that an oversight hearing is needed.

Well, Mr. Speaker, what America saw in the gulf coast resembles the Federal Government's absolute incompetence that Florida saw last year. Despite a whole lot of lip service, nothing has changed.

The 9/11 Commission was created to provide a full and complete accounting of the 2001 terrorist attacks. Implicit in this mandate is the simple fact that Congress alone would not or could not provide such a full and complete accounting. There is no reason to expect that the Republican Katrina commission will do any better.

That is why I and the gentleman from New Jersey (Mr. MENENDEZ) and 156 of our colleagues yesterday introduced H.R. 3764, legislation establishing a real independent commission, immune from political influence and absolute partisanship. And while they cannot officially cosponsor our bill, a significant part, 76 percent, of the American people agree with us. They question this Congress' ability to exercise real oversight and are calling for an independent and bipartisan Katrina commission.

Supporting the American people's concerns, you, Mr. Speaker, said at one point, and I quote, "Our party controls the levers of government. We're not about to go and look beneath a bunch of rocks to try to cause heartburn." Put another way, Mr. Speaker: we helped create this mess, and we are not going to be able to investigate it ourselves. So forgive me, Mr. Speaker, if I question the majority's ability to conduct effective oversight with this type of political candor.

Substantively, the Republican plan is partisan. And because my colleagues say it is bipartisan does not make it so. It is inadequate. In stark contrast to the 9/11 Commission, Republicans outnumber Democrats on the majority's partisan Katrina commission. In contrast to the 9/11 Commission, which was given 18 months to do its job, the majority's partisan Katrina commission is only given 5 months. As the chairman put it last night, do it quick, do it fast. Quickly, he said.

Despite the 9/11 Commission's $15 million budget to do its job, the majority's commission they propose is only given $500,000.

Footnote right there. What about the committees of jurisdiction already in existence in Congress? And what about creating a circus atmosphere that drains resources from this Congress do you not understand?

Shamefully, the House will not have an opportunity to vote on the Hastings-Menendez independent Katrina commission legislation, because Republicans have blocked us from offering it. Just as they always do, Republicans block what they cannot defeat.

Despite what Republicans will suggest, today's debate is not about politics. It is about the need for truth to assure the American people that we all know their needs. For my constituents, it is about the failures of this Congress, and for others it is about the failures in New Orleans and in the States and at the Federal Government. It is about saving lives and rebuilding communities.

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent to temporarily control the time of the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, I just want to make a couple of quick points, and then I will reserve the balance of my time.

I would disagree very strongly with my good friend from Florida about the 9/11 Commission. There were, in fact, many investigations in this Congress about the tragedy that took place on 9/11, the Permanent Select Committee on Intelligence amongst them. We did actually do oversight.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I beg to differ with the gentleman about what the Permanent Select Committee on Intelligence did. I serve on the Permanent Select Committee on Intelligence. The Senate Select Committee on Intelligence conducted an investigation; the House did nothing.

Mr. COLE of Oklahoma. Reclaiming my time, Mr. Speaker, and I respect the opinion of my good friend from Florida, but I think there was oversight.

But I would actually agree with his fundamental point in the sense that I think oversight is more effectively done by the elected representatives of the people, by the appropriate people who are responsible for implementing the solution. I do not think we should take that model and follow it again here.

I also would suspect that the situation between a deliberate attack on the United States and a natural disaster are very different.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, when Hurricane Katrina came ashore and ravaged the gulf States and the levees in New Orleans, Americans united in their support of those in need and the communities devastated by this terrible disaster. As Katrina passed over the gulf States and in the days that followed, Americans saw firsthand the devastation and human suffering that resulted. We were also eyewitnesses to the tragedy of hundreds of thousands of people who had escaped the wrath of the terrible storm only to then be stranded in the Superdome, the convention center, or trapped on the roofs, surrounded by rising flood waters with little in the way of food, water, or medical care. Mr. Speaker, we saw and felt the ensuing heartbreak. Mothers became separated from their children, elderly parents were unaccounted for, and siblings were trying to look after each other.

With the passage of time, our outrage and frustration set in. Reporters and the media managed to get to the heart of the disaster; yet there was little sign of our Federal relief efforts. Just as the American people united to aid the victims of Katrina, so too must Congress. Our constituents demand no less. They are more interested in getting answers than pointing fingers. They want to know that we are finding solutions and making recommendations to ensure our responses are never again at a snail's pace.

It is time for Congress, as part of the Federal Government, and therefore an element of the relief response, to shoot straight with the American people. An independent commission, removed from the partisan fray, is better positioned to find answers. Why were we not preparing our responses to Katrina near land? Where was the coordination between Federal, State, and local efforts? There are many questions that must be answered and an independent commission is a means that can provide the answers.

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We saw the successful implementation following the tragedy of September 11, and following this model Congress will reassure the American people the answers that the independent commission finds and the recommendations they make are ones in which the Nation can trust.

I know my constituents are closely following this. My hometown of Sacramento lies in a floodplain at the confluence of two great rivers and faces the constant threat of floods. If we find ourselves in dire circumstances, can my constituents be assured that they can count on prompt Federal Government response?

This is not a blame game. I am not interested in pointing fingers, nor are the American people. They are more interested in identifying areas of weakness and making the necessary improvements. This is about preventing another tragedy similar to what we witnessed in New Orleans and the gulf States. We must ensure that the Federal Government does its job of protecting the American people, and with an independent commission we will do so.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in opposition to House Resolution 437. This resolution puts a partisan congressional committee in charge of the investigation.

The rule that has been offered does not allow for meaningful debate. It also does not allow for an amendment offered by the gentleman from Florida (Mr. HASTINGS) that would create an independent commission to investigate this catastrophe. I am also an original cosponsor of that amendment. Letting Congress investigate the government failures of Hurricane Katrina is like letting the fox guard the hen house. We are not protecting what we need to protect, and there will be a lot more questions than answers in the end.

More than ever, the last 2 weeks have shown that we need an independent assessment of what happened. Where did the Federal Government go wrong? What could the State and locals have done better? What happened to citizens' preparedness?

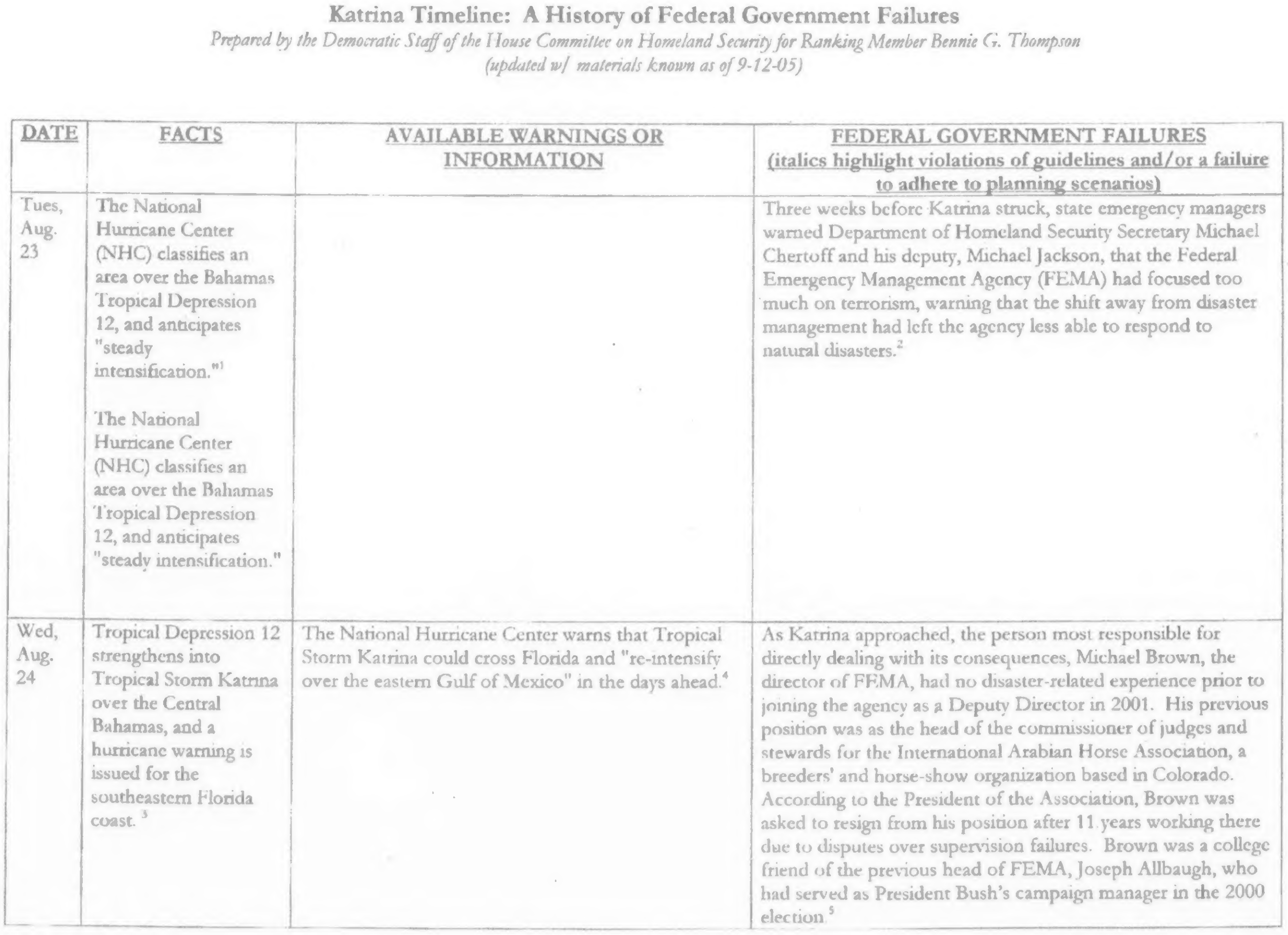
In my role as ranking member of the Committee on Homeland Security, I have looked for answers and have tried to put together a timeline of events. I am submitting with my statement today for the RECORD a timeline that the staff of the committee has put together for me showing what happened compiled from public sources. This document shows the complexity of the issues and the need for an independent assessment of what happened.

I do not understand the opposition from the other side of the aisle against creating an independent commission that the American people have asked for. It was done, with opposition from Republicans, after 9/11; it was done after Pearl Harbor; and after the Khobar Towers terrorist attacks. We have always had it. Indeed, the type of commission proposed by the gentleman from Florida (Mr. HASTINGS) and others has historically been used after large events that affect the country. Why not here? What does Congress want to protect? What is Congress trying to hide?

After 9/11, Congress did the right thing. On September 20, they sent the largest contingent ever to travel to New York City to view the devastation of the World Trade Center and console the families of the victims. It has been nearly 3 weeks since Hurricane Katrina hit the gulf Coast, and there have been no official congressional delegations to the region.

Mr. Speaker, what do we have to hide? Indeed, I have twice requested the Committee on Homeland Security to travel to the area and was refused. I was told that it did not make good sense for Congress to go down and conduct oversight and fact-finding missions at the time. Yet we went to New York, but now we cannot go to my area of the country.

Now we want Congress to take charge of this investigation. For the good of the Nation, let us put aside partisan politics and not create a strawman committee. I encourage a vote against the rule so we can consider the independent commission option, give it a vote and let the American people know we are listening to their requests.



Katrina Timeline: A History of Federal Government Failures

Prepared by the Democratic Staff of the House Committee on Homeland Security for Ranking Member Bennie G. Thompson
(updated w/ materials known as of 9-12-05)

DATE	FACTS	AVAILABLE WARNINGS OR INFORMATION	FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios)
Tues, Aug. 23	The National Hurricane Center (NHC) classifies an area over the Bahamas Tropical Depression 12, and anticipates "steady intensification."[1] The National Hurricane Center (NHC) classifies an area over the Bahamas Tropical Depression 12, and anticipates "steady intensification."		Three weeks before Katrina struck, state emergency managers warned Department of Homeland Security Secretary Michael Chertoff and his deputy, Michael Jackson, that the Federal Emergency Management Agency (FEMA) had focused too much on terrorism, warning that the shift away from disaster management had left the agency less able to respond to natural disasters.[2]
Wed, Aug. 24	Tropical Depression 12 strengthens into Tropical Storm Katrina over the Central Bahamas, and a hurricane warning is issued for the southeastern Florida coast.[3]	The National Hurricane Center warns that Tropical Storm Katrina could cross Florida and "re-intensify over the eastern Gulf of Mexico" in the days ahead.[4]	As Katrina approached, the person most responsible for directly dealing with its consequences, Michael Brown, the director of FEMA, had no disaster-related experience prior to joining the agency as a Deputy Director in 2001. His previous position was as the head of the commissioner of judges and stewards for the International Arabian Horse Association, a breeders' and horse-show organization based in Colorado. According to the President of the Association, Brown was asked to resign from his position after 11 years working there due to disputes over supervision failures. Brown was a college friend of the previous head of FEMA, Joseph Allbaugh, who had served as President Bush's campaign manager in the 2000 election.[5]

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			In comparison, the Clinton-era FEMA Director, James Lee Witt, headed the Arkansas office of emergency services before he was tapped by Clinton in 1993 to run FEMA.[6]
Thurs, Aug. 25	4 p.m.: Katrina officially becomes a Category 1 hurricane, according to the National Hurricane Center.[7] 7 p.m.: Lumbering ashore in south Florida, Katrina causes nine deaths and kills power to more than 1.2 million people.[8] 11 p.m.: Hurricane Katrina came ashore with 80 mph winds between Hallandale Beach and North Miami Beach. Despite being over land for more than four hours, Katrina's maximum sustained winds are still being clocked at 75 mph.[9] Gov. Jeb Bush declares a state of emergency in	Katrina is forecast to be "a dangerous hurricane in the northeastern Gulf of Mexico in about three days."[11]	The top two aides at FEMA most responsible for assisting Mr. Brown, acting deputy director Patrick Rhode and acting deputy chief of staff Brooks Altshuler, both lacked emergency management experience before being appointed to their positions. In fact, both individuals had worked in the White House's Office of National Advance Operations, which arranges the president's travel and scripts his appearances.[12] In comparison, Clinton-era FEMA Director Witt's top to aides both ran regional FEMA offices for at least three years before assuming senior positions with the agency in Washington.[13]

DATE	FACTS	AVAILABLE WARNINGS OR INFORMATION	FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios)
	Florida.[13]		
Friday, Aug. 26	5 a.m.: After weakening briefly to a tropical storm, Katrina regains hurricane status and moves on to the Gulf of Mexico.[14] 11:30 a.m.: The hurricane is upgraded to Category 2, with the storm's feeder bands continuing to pound the lower Florida Keys.[15] 4 p.m.: The National Hurricane Center warns that Katrina is expected to reach dangerous Category 4 intensity before making landfall in Mississippi or Louisiana. [16] Hours later, in anticipation of a possible landfall, Louisiana Gov. Kathleen Blanco declares a state of	Katrina is forecast to move directly over the warm loop current of the Gulf of Mexico, "which is like adding high-octane fuel to the fire."[20] Forecasters say that the storm could make landfall anywhere from the Florida Panhandle to New Orleans as early as Monday, possibly as a Category 4 storm.[21]	Even as it make efforts to prepare to respond to the storm, FEMA works with much reduced resources. Since joining the Department of Homeland Security in 2003, FEMA's core budget, which includes disaster preapredeness and mitigation, has been cut each year. Depending on the final budget for Fiscal Year 2006, the cuts will have been between 2% and 18%. As a result of the cuts, FEMA staff have been reduced by 500 positions to 4,735. Additionally, FEMA eliminated 1 of its 3 emergency management teams, which are charged with overseeing relief efforts in a disaster.[22] Additionally, the Government Accountability Office found that the Bush Administration has sought to spend far more on terrorist preparedness than natural disaster preparedness: "Almost 3 of every 4 grant dollars appropriated to DHS for first responders in fiscal year 2005 were for 3 primary programs that had an explicit focus on terrorism…For fiscal year 2006, the Administration has proposed spending almost $3.4 billion for homeland security preparedness grants, continuing DHS's emphasis on terrorism and spending about 3 of every 4 dollars or about $2.6 billion for terrorism-focused grant programs."[23]

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	emergency. [17] In declaring a state of emergency, Gov. Blanco requests additional forces from the federal government.[18] Gov. Barbour of Mississippi declares a state of emergency.[19]		
Sat, Aug. 27	Katrina is upgraded to a Category 3, or major hurricane,[24] and a hurricane warning is issued for Louisiana's southeastern coast, including New Orleans and Lake Pontchartrain, and for the northern Gulf coast.[25] During the day, residents of Louisiana's low-lying areas are told they must evacuate; residents in other low-lying areas are urgently advised to do so. [26] President Bush declares a state of emergency in	Max Mayfield, director of the National Hurricane Centre says: "I've been here 33 years, and we've always been concerned about New Orleans. I had to let the mayor know that this storm has the potential not only to cause large property damage, but large loss of life if people don't make the right decision."[36] Chris Sisko, a meteorologist at the Centre, says of New Orleans: "With them sitting well below sea level, this is a potential set up for a catastrophic event that has never been seen before."[37] Katrina is now a Category 3 hurricane on the Saffir-Simpson scale and Katrina is expected to make "landfall in southeastern Louisiana in 48-60 hours."[38] Forecasters warn of "storm surge flooding of 15 feet above normal tide levels… Locally as high as 25 feet along with large and dangerous battering waves."[39]	On August 27 – two days before Katrina hit – President Bush issued an order that "**authorizes the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to coordinate all disaster relief efforts.**" The order specifies that "FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency."[40] ➢ Jane Bullock, former FEMA chief of staff, said, "**The moment the president declared a federal disaster, it became a federal responsibility**…. The federal government took ownership over the response."[41] ➢ Bullock's view is consistent with the DHS website, which states plainly, *"In the event of a terrorist attack, natural disaster or other large-scale emergency, the Department of Homeland Security will assume primary responsibility ... for ensuring that emergency response professionals are prepared for any situation. This will entail* ***providing a coordinated, comprehensive federal response to any large-scale crisis and mounting a swift and effective recovery***

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	Louisiana.[27] Gov. Haley Barbour declares a state of emergency in Mississippi.[28] Highways leading out of New Orleans are filled with bumper-to-bumper traffic. Several major interstates are converted to one-way routes away from the city.[29] A total of eleven people die in Florida due to Katrina.[30] New Orleans Mayor Ray Nagin declares a state of emergency and urges residents in low-lying areas to evacuate.[31] A mandatory evacuation is ordered for Hancock County, east of New Orleans on the Mississippi Gulf Coast.[32]		***effort.”***[42] Under Section 5170b(c)(1) of the Stafford Act, 42 USC § 5121, once an area reaches a state where it may ultimately quality for certain disaster assistance, at the Governor's request, the president can send Department of Defense military units to the area “for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property.” However, major numbers of DOD ground troops did not arrive in New Orleans until a much later date. **President Bush's weekly radio address concentrates on Gaza withdrawal and the Iraqi Constitution. He neglects to mention Hurricane Katrina.**[43]

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	11:00 p.m.: The National Hurricane Center issues a hurricane warning from Morgan City, Louisiana, to the Alabama-Florida border, an area that includes New Orleans. A warning means that hurricane conditions are expected within the warning area within the next 24 hours.[33] Mayor Ray Nagin of New Orleans advises people to leave the city: "Ladies and gentlemen, this is not a test. This is the real deal. Do all things you normally do for a hurricane but treat this one differently because it is pointed towards New Orleans."[34] Gov. Blanco asks the federal government to declare an emergency and help save lives and property.[35]		

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Sun, Aug. 28	2:00 a.m.: The storm strengthens to Category 4 with 145-mph winds.[44] 7:00 a.m.: Hurricane Katrina intensifies to Category 5, the worst and highest category on the Saffir-Simpson scale with winds near 160 mph and growing.[45] 10:00 a.m.: As Katrina hits 175 mph winds; New Orleans Mayor Ray Nagin orders mandatory evacuations as the storm seems to beat a direct path to the city.[46] Alabama Governor Bob Riley declares a state of emergency.[47] Lines form at gas stations and outside the Superdome, which takes in thousands of refugees.[48] From his Texas ranch,	A 4pm hurricane warning says: "Maximum sustained winds are near 165mph with higher gusts. Katrina is a potentially catastrophic category five hurricane…"[57] Based on the size and track of the storm, computer models predict flooding across parts of the New Orleans.[53] Ivor van Heerden, director of the Louisiana State University Public Health Research Centre, says: "This is what we've been saying has been going to happen for years... Unfortunately, it's coming true." New Orleans "is definitely going to flood."[54] Jeff Hingle, Placquemines Parish Sheriff, refers to Hurricane Betsy, a category two hurricane that struck Louisiana in 1965: "After Betsy these levees were designed for a category three... These levees will not hold the water back."[55] Some of those unable or unwilling to leave New Orleans spend the night in shelters—including the Superdome.[56] Approximately 30,000 evacuees gather at the Superdome with roughly 36 hours worth of food.[57] Now a Category 5 hurricane, Katrina "is a large hurricane that will affect a large area…. Preparations should be rushed to completion."[58]	According to the general in charge of Joint Task Force Katrina, Louisiana and other states began asking for additional National Guard troops on Sunday, August 28.[59] Yet, these troops do not arrive in large numbers until substantially later in the week. (note: The National Guard's Timeline for response to Katrina claims that LA and MS requested additional forces on August 31, not August 28).[60] Although thousands of New Orleans residents had no cars with which to leave New Orleans before or after Katrina struck, when asked about the estimated thousands of deaths in the city, in an interview on 9/1, FEMA Director Brown, said, "Unfortunately, that's going to be attributable to a lot of people who did not heed advance warnings."[61]

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	the president declares a state of emergency for Mississippi, Florida and Alabama.[49] FEMA sends water, food and other supplies to staging centers in Georgia and Texas. [50] President Bush urges people to heed evacuation orders and holds a teleconference with disaster management officials.[51]		
Mon. Aug. 29	4 a.m.: Hurricane Katrina is downgraded to a strong Category 4 storm.[62] 6 a.m.: Weather report warns of storm surges of 28ft and says: "Extremely dangerous category four Hurricane Katrina preparing to move onshore near southern Plaquemines Parish, Louisiana... **Some levees in the Greater New Orleans area**		**On the same day Katrina strikes, President Bush calls Secretary Chertoff from Air Force One to talk with him about immigration issues.[81] He also shares a birthday cake photo-op with Senator John McCain.[82] In the morning he visits an Arizona resort to promote Medicare drug benefits,[83] and in the afternoon he goes to a California senior center for a similar discussion.[84]** About 5 hours after Katrina makes landfall, FEMA Director Brown sent a memo to Mr. Chertoff asking for permission to send at least 1,000 additional DHS employees to the hurricane impact area. According to the Associated Press, "Before then, FEMA had positioned smaller rescue and communications teams across the Gulf Coast. But officials acknowledged the first department-wide appeal for help came only as the storm raged." Mr. Brown's Memo acknowledges that it may take 48 hours to get the 1,000 employees to the area, and another 7

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	could be overtopped."[63] 7 a.m.: Katrina makes landfall on the Louisiana coast between Grand Isle and the mouth of the Mississippi River. [64] 11a.m. Katrina makes another landfall near the Louisiana-Mississippi state line with 125 mph winds. [65] Late in morning the 17th Street Canal levee is breached, leading to the flooding of a "vast swath of central New Orleans."[66] **The Times-Picayune headline on the breach (published the next day) read: "Catastrophic Storm Surge Swamps 9th Ward, St. Bernard Lakeview Levee Breach Threatens to Inundate City."**[67] By the end of the day,		days to get 2,000 more employees to the area. According to a DHS spokesman, "[i]nstead of rescuing people or recovering bodies, these employees would focus on helping victims find the help they needed." Mr. Brown's memo also told employees that they would be expected to "convey a positive image of disaster operations to government officials, community organizations and the general public."[85] The DHS spokesman explained that the 48 hour waiting period was needed because the employees had to obtain training before they were sent to the area.[86] Mr. Brown's memo also stated: "We will want to identify staff with specialized skills such as bilingual capabilities, Commercial Driver's License (CDL), and logistics capabilities."[87] On 9/29, Mr. Brown also reminds fire and rescue services outside Louisiana, Mississippi and Alabama not to send in emergency workers unless they are specifically requested.[88] Yet over the next few days FEMA reportedly turned down vital assistance, including the following examples: ➢ Days before Katrina stuck, Chicago drew up a list of resources it could provide in the event of a disaster, including 100 police officers, 36 fire department personnel, 8 emergency medical health experts, more than 130 public health staffers, 140 sanitation staffers, dozens of trucks, and two boats. As of late last week, FEMA had requested only one thing from Chicago—a single tanker truck.[89] ➢ 500 Floridian airboaters were ready to help rescue people stranded in flooded homes, but FEMA turned them down.

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	two major flood-control levees are breached, and the National Weather Service reports "total structural failure" in parts of New Orleans. A section of the roof of the Louisiana Superdome, where 10,000 people are taking refuge, opens. Many are feared dead in flooded neighborhoods still under as much as 20 feet of water. [68] In Mississippi, dozens are dead and Gov. Haley Barbour describes "catastrophic damage" along the coast. More than 1.3 million homes and businesses in Louisiana, Mississippi and Alabama were without electricity, according to utility companies. [69] President Bush makes emergency disaster declarations for	Max Mayfield, director of the National Hurricane Center, said FEMA Director Brown and other top federal officials were briefed as much as 32 hours in advance of landfall that Hurricane Katrina's storm surge was likely to overtop levees and cause catastrophic flooding. "They knew that this one was different," Mayfield said.[77] According to CNN, "Reuters reported that in 2004, more than 40 state, local and volunteer organizations practiced a scenario in which a massive hurricane struck and levees were breached, allowing water to flood New Orleans. Under the simulation, called 'Hurricane Pam,' the officials 'had to deal with an imaginary storm that destroyed more than half a million buildings in New Orleans and forced the evacuation of a million residents.'"[78] In 2002, the New Orleans Times-Picayune ran a 5-part series exploring the vulnerability of the city to a hurricane, including specifically the possibility of levees breaching and causing massive floods.[79] A catastrophic flood triggered by a hurricane hitting New Orleans was one of 3 disaster scenarios considered most likely to hit the U.S. by a 2001 FEMA report.[80]	➢ 20 sheriff's deputies from Loudon County, VA were turned down by FEMA. ➢ FEMA would not permit the Jefferson Parish president to accept 3 tanker trucks of water donated by Wal-Mart, as well as 1,000 gallons of diesel fuel stored in a nearby Coast Guard vessel. In a press conference later in the week, DHS Secretary Chertoff said that **the levee breach that flooded New Orleans was a "perfect storm" that "exceeded the foresight of planners,"** who did not expect both a powerful hurricane and a breach of levees that would flood New Orleans. He added that authorities assumed that "there would be overflow from the levee, maybe a small break in the levee. The collapse of a significant portion of the levee leading to the very fast flooding of the city was not envisioned."[90] ➢ *However, "The National Planning Scenario 10: Natural Disaster—Major Hurricane," which was used by DHS to determine what level of preparedness state, local and federal entities needed for certain disasters, included the planning assumption that the* ***"20-foot storm surge has breached and overtopped flood control and hurricane protection works."***[91] ➢ *Additionally, National Planning Scenario 10 included the planning assumption that* ***"Major portions of the MMA [major metropolitan area] become flooded."***[92] Furthermore, according to the Los Angeles Times, Lt. Gen. Carl Strock, the Corps commander, conceded on 9/3 that the government had known the New Orleans levees could never withstand a hurricane higher than a Category 3. Corps officials shuddered, he said, when they realized that Katrina was barreling down on the Gulf Coast with the vastly greater

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	Louisiana and Mississippi, freeing up federal funds. [70] Officials estimate 80 percent of New Orleans residents obeyed the order to evacuate. The Coast Guard rescues 1,200 people from the flood waters.[71] At least eight Gulf Coast refineries shut down or reduce operations.[72] Airports close in New Orleans, Baton Rouge, La., Biloxi, Miss., Mobile, Ala., and Pensacola, Fla.		destructive force of a Category 5 — the strongest type of hurricane. Washington, he said, had rolled the dice.[93] Rather than come up with the extra millions of dollars needed to make the city safer, officials believed that such a devastating storm was a small probability and that, with the level of protection that had been funded, "99.5% of the time this would work." Unfortunately, Strock said, "we did not address the 0.5%."[94] Additionally, since President Bush took office in 2001, his yearly flood control budgets have asked for $166 million for Louisiana flood control projects, even though local flood control officials and Senator Landrieu (D-LA) have asked for just short of $500 million. While Congress did not fully meet needs, it disagreed with President Bush and provided about $250 million.[95] *The overwhelming problems that occurred at a major shelter such as the Superdome should have also been prepared for, as National Planning Scenario 10 included the planning assumption that* ***"[s]helters throughout the region are also filled to capacity."***[96] *National Planning Scenario 10 also included the planning assumption that evacuation routes would close:* ***"All transportation routes are damaged to some degree, and the port facility has also been adversely affected."***[97]

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	Hundreds of flights are canceled or diverted.[73] Carlos Gutierrez, the Commerce Secretary, calls to congratulate the National Hurricane Centre on its accurate forecasting. "If that is not a superb forecast, I don't know what is," says Mayfield, the centre's director.[74] Gov. Blanco repeats a warning not to re-enter New Orleans and tells President Bush, "I need everything you got."[75] Mayor Nagin orders the police to begin search and rescue operations in heavily flooded areas.[76]		
Tues, Aug. 30	10:00 a.m.: Katrina becomes a tropical depression about 25 miles south of Clarksville, Tenn.[98] 6:00 p.m.: Death toll in Biloxi-Gulfport area of Mississippi exceeds		Despite the fact that the 17th Street Canal levee broke on Monday morning in a way that was so obvious that Times-Picayune reporters were able to research and write an extensive story on the large-scale flooding (see facts above),[114] Secretary **Chertoff was unaware of that breach until Monday night or Tuesday morning.** In a "Meet the Press" interview on 9/4, he said: "It was on Tuesday that the levee--may have been overnight Monday to Tuesday-- that the levee started to break. And it was midday Tuesday that I became

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	100. Alabama reports two fatalities.[99] More than 12,000 people are in the Superdome.[100] Louisiana Governor Kathleen Blanco says everyone still in New Orleans - an estimated 50,000 to 100,000 people who remained during the hurricane- must be gotten out.[101] Rescuers in helicopters and boats pick up hundreds of stranded people in New Orleans, and reports of looting emerge.[102] The New Orleans international airport is reopened for relief flights.[103] Mayor Nagin estimates that 80 percent of the city is underwater.[104] New Orleans is left with no power, no	Severe looting reported throughout the day. A New Orleans Councilwoman said: "The looting is out of control. The French Quarter has been attacked. We're using exhausted, scarce police to control looting when they should be used for search and rescue while we still have people on rooftops." Senator Landrieu witnesses looting while flying in a helicopter over the city. A tourist says "It's downtown Baghdad."[112]	aware of the fact that there was no possibility of plugging the gap and that essentially the lake was going to start to drain into the city. I think that second catastrophe really caught everybody by surprise."[115] **Rather than taking over hurricane recovery efforts, President Bush speaks in the morning at the Naval Air Base in San Diego to commemorate the anniversary of V-J Day, though he does briefly discuss Katrina's impact.[116] Afterwards, Bush plays guitar with country singer Mark Willis.[117] At the end of the day, Bush returns to Crawford, Texas for one more night of vacation.[118]** A Pentagon spokesman says that although 6,000 National Guard personnel from Louisiana and Mississippi who would otherwise be available to help deal with the aftermath of Hurricane Katrina are in Iraq, the states have adequate National Guard units to handle the hurricane needs. He claims there are 6,500 available in LA, 7,000 in MS, 10,000 in AL, and 8,200 in FL, along with 1,600 Guard troops near Atlanta who could be sent if necessary.[119] Yet security remains unstable in New Orleans until much later in the week. The U.S. military starts to move ships and helicopters to the region at the request of the Federal Emergency Management Agency.[120] The Pentagon announces it will send five ships, though four are several days away.[121] ➢ FEMA and the Navy's failures to better pre-positioning ships – or at least dispatch them earlier – violate two key principals in the National Response Plan, which state: ○ *"Recognizing that Federal and/or national resources are required to augment overwhelmed State, local, and tribal response efforts, the NRPCIA establishes*

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	drinking water, dwindling food supplies, and fires - and steadily rising waters from major levee breaches.[105]		*protocols to pre-identify and rapidly deploy key essential resources (e.g., medical teams, urban search and rescue teams, transportable shelters, medical and equipment caches, etc.) that are expected to be urgently needed/required to save lives and contain incidents.'*[122] ○ *"Federal support must be provided in a timely manner to save lives, prevent human suffering, and mitigate severe damage. This may require mobilizing and deploying assets before they are requested via normal NRP protocols.'*[123]
	In Mobile, Alabama, the storm pushed water from Mobile Bay into downtown, submerging large sections of the city. [106]	New Orleans city hospitals flood.[113]	*National Planning Scenario 10 included the planning assumption that* ***"Many hospitals have sustained severe damage and those that are open are overwhelmed."***[124]
	The New Orleans city government regroups in Baton Rouge. [107]		
	About 40,000 people are in American Red Cross shelters, not including those in New Orleans Red Cross Shelters. [108]		
	White House announces President Bush will cut short his 5 week vacation and return to White House on Wednesday, August 31. [109]		

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	Governors from Louisiana, Alabama and Mississippi have called up 7,500 troops.[110] Mayor Nagin evacuates the city government to Baton Rouge.[111]		
Wed, Aug. 31	6:00 a.m.: The Bush administration says it will release oil from petroleum reserves to help cut gas prices.[125] 1:15 p.m.: Mayor Ray Nagin of New Orleans estimates hundreds, maybe thousands, dead in his city.[126] 7:30 p.m.: Mayor Nagin orders 1,500 police to focus on stopping looting instead of searching for survivors.[127] Mayor Nagin calls for a total evacuation and says that some sick or ill people may be moved to the convention center.[128]	Senator Landrieu, who was on the scene in Louisiana, found that just like on 9/11/01, first responders in New Orleans and other affected areas were unable to communicate with each other or city leaders. By Wednesday, she described the situation as follows: "A police chief in a city talking to a mayor in a city wasn't happening while this was going on because their cellphones were down and their radios didn't communicate."[141]	*The National Response Plan (NRP) recognizes that the Department of Homeland Security has special responsibilities when there are catastrophic circumstances, such as the problems Senator Landrieu witnesses. These catastrophic circumstances include those with "significant disruption of the area's critical infrastructure, such as energy, transportation, telecommunications, and public health and medical systems"*[144] *National Planning Scenario 10 included planning assumptions about the difficulty of conducting effective rescues:* ***"Hundreds of people are trapped and require search and rescue. Until debris is cleared, rescue operations are difficult because much of the area is reachable only by helicopters and boats."***[145] *Under National Planning Scenario 10, damage to critical infrastructure sectors was expected and therefore efforts should have been underway immediately to assess damage to communications and other vital systems:* ***"Wind and downed trees have damaged nearly all of the electric transmission lines within the MMA. Most communications systems within the impacted area are not functioning due to damage and lack of power."***[146]

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	Looting grows dramatically, with people using a forklift to smash into one pharmacy.[129] Military transport planes carry seriously ill and injured patients to Houston.[130] New Orleans pump stations are all offline.[131] FEMA has deployed 39 medical teams to set up field hospitals under tents, and mobilized 1,700 trailer trucks.[132] U.S. Health and Human Services Secretary Mike Leavitt declares a federal health emergency throughout the Gulf Coast, sending in medical supplies and workers.[133] The entire region is declared a public health emergency amid fears of diseases that could	At 11:09 pm the Times-Picayune posts a story stating that there are "3,000 or more evacuees stranded at the convention center—and with no apparent contingency plan or authority to deal with them[.]" The report describes a "steady stream of often angry or desponded people" who "trickled" towards the convention center. Some had been there since Tuesday morning "but had received no food, water or instructions."[142] Conditions continue to deteriorate at the Superdome: "A 2-year-old girl slept in a pool of urine. Crack vials littered a restroom. Blood stained the walls next to vending machines smashed by teenagers.... 'We pee on the floor. We are like animals,' said Taffany Smith, 25, as she cradled her 3-week-old son, Terry.... By Wednesday, it had degenerated into horror.... At least two people, including a child, have been raped. At least three people have died, including one man who jumped 50 feet to his death, saying he had nothing left to live for. There is no sanitation. The stench is overwhelming."[143]	FEMA does not learn about the convention center evacuees until Thursday.[147] Although there are 500 National Guard troops patrolling the Superdome, they have "limited resources and no infrastructure," who are "living like [the evacuees] are living."[148] ➢ *Secretary Chertoff's inability to supply basic medical, nutritional and other emergency needs for the evacuees in the Superdome and elsewhere demonstrates a failure to follow the National Response plan, which states: Recognizing that Federal and/or national resources are required to augment overwhelmed State, local, and tribal response efforts, the NRPCIA establishes protocols to pre-identify and rapidly deploy key essential resources (e.g., medical teams, urban search and rescue teams, transportable shelters, medical and equipment caches, etc.) that are expected to be urgently needed/required to save lives and contain incidents.*[149] FEMA Director Brown says the storm caused the kind of damage the agency was expecting and that plans were in place: "That category four hurricane caused the same kind of damage that we anticipated. So we planned for it two years ago. Last year, we exercised it. And unfortunately this year, we're implementing it."[150] Secretary of State Condoleeza Rice attends a Broadway show in New York (and is booed there for failing to attend to Katrina matters).[151] Secretary Chertoff holds news conference, where he says that

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	spread because of the contaminated, stagnant water.[134] Evacuations from the Louisiana Superdome to the Houston Astrodome begin. About 20,000 people are expected to be transferred from New Orleans to the Astrodome in Houston, TX. The first busloads of victims leave the Superdome for the Astrodome in Houston, more than 350 miles away.[135] Governor Blanco asks the White House to send more help.[136] The U.S. Army Corps of Engineers estimates it will be at least 30 days or more before New Orleans will be pumped out. [137] Five offshore Louisiana oil rigs are reported		he is "extremely pleased by the response."[152]

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	missing and two more are adrift. [138] President Bush flies over the region on his way back to Washington and convenes a federal task force.[139] Gov. Blanco says that everyone must be evacuated from the Superdome within two days and calls for a day of prayer.[140]		
Thurs, Sept. 1	Over 200 buses arrive to transport Superdome residents to the Astrodome in Houston, but thousands of newly emerged hurricane victims take their places, with crowds swelling to 25,000.[153] New Orleans Mayor Nagin issues a "desperate SOS" asking for help dealing with the lawlessness and devastation in his		**In a morning television interview, President Bush says: "I don't think anybody anticipated the breach of the levees. They did anticipate a serious storm. But these levees got breached. And as a result, much of New Orleans is flooded. And now we are having to deal with it and will."**[174] ➢ *However, National Planning Scenario 10 included the planning assumption that the "20-foot storm surge has breached and overtopped flood control and hurricane protection works."*[175] ➢ *Additionally, National Planning Scenario 10 included the planning assumption that* ***"Major portions of the MMA [major metropolitan area] become flooded."***[176]

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	city.[154]		
	President Bush asks Congress for $10.5 billion in funds.[155]	According to the New York Times, "chaos and gunfire had hampered efforts to evacuate the Superdome."[169]	DHS Secretary Chertoff said in a 9/1 interview that there were **"crowd control issues"** at the Superdome, but it was "secure."[177]
	Senate and House officials prepare a $10 billion emergency aid package.[156]	Evacuees report numerous uncollected corpses in the Superdome.[170]	FEMA Director Brown says uncollected corpses have "not been reported to me, so I'm not going to comment. Until I actually get a report from my teams that say, 'We have bodies located here or there,' I'm just not going to speculate."[178]
	The death toll in Mississippi hits 126.[157] Looting, carjacking and other violence spreads, and the military decides to increase National Guard deployment to 30,000.[158]	A tourist stranded at the Ritz Carlton in downtown New Orleans says "[National Guard" are invisible. We have no idea where they are. We hear bits and pieces that the National Guard is around, but where? We have not seen them. We have not seen FEMA officials. We have seen no one."[171]	Secretary Chertoff claims "we have 2,800 National Guard in New Orleans as we speak today."[179]
	Crowds at the Superdome swell to 30,000, with another 25,000 at the convention centre where conditions continue to deteriorate.	Mayor Nagin said: "I continue to hear that troops are on the way, but we are still protecting the city with only 1,500 New Orleans police officers, an additional 300 law enforcement personnel, 250 National Guard troops, and other military personnel who are primarily focused on evacuation."[172]	Mr. Brown said: "I actually think the security is pretty darn good. There's some really bad people out there that are causing some problems, and it seems to me that every time a bad person wants to scream of cause a problem, there's somebody there with a camera to stick it in their face."[180]
	Outside the New Orleans Convention Center, the sidewalks are packed with people without food, water or medical care, waiting	Superintendent P. Edward Compass III of the New Orleans Police Department said armed thugs had taken control of the secondary makeshift shelter at the convention center. He added that the criminals repelled 8 squads of 11 officers each that he had sent to secure the place and that rapes and assaults were unimpeded in the neighboring streets as criminals	Secretary Chertoff said there were **"isolated incidents of criminality"** in New Orleans, even though by that time there were numerous reports of widespread looting, robbery, gunfire, and even rape.[181] As late as Thursday, 9/1, DHS Secretary Chertoff said he was unaware that there were thousands of New Orleans residents

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	for buses that do not come.[159] Homeland Security Secretary Michael Chertoff announces that another 4,200 National Guard troops trained as military police will be deployed to New Orleans over the next three days. [160] Louisiana Gov. Kathleen Blanco requests the mobilization of 40,000 National Guard troops. [161] The evacuation of patients from Charity Hospital was halted Thursday after the facility came under sniper fire twice. physician at the hospital said that despite the incidents staff members and patients were eager to get out after three days with no water and electricity and sparse	"preyed upon" passers-by, including stranded tourists.[173]	stranded at the convention center who didn't have food or security, even though national news outlets were reporting on the distress of thousands of refugees there.[182] FEMA Director Brown admits that **the federal government did not know until Thursday that thousands of survivors without food or water had taken shelter at the city's convention center, despite a day of news reports**.[183] "We learned about that (Thursday), so I have directed that we have all available resources to get to that convention center to make sure thye have the food and water and medical care that they need," he says.[184] Mr. Brown also said: "Considering the dire circumstances that we have in New Orleans – virtually a city that has been destroyed – that **things are going relatively well**."[185] Mr. Brown also says: "I've had no reports of unrest, if the connotation of the word unrest means that people are beginning to riot, or you know, they're banging on walls and screaming and hollering or burning tires or whatever. I've had no reports of that."[186] *Continuing problems in New Orleans, especially leading up to and after Nagin's "SOS," demonstrate a failure to follow the National Response Plan (NRP). Under the NRP, as the "primary Federal official" for domestic incident management, "the Secretary is also responsible for coordinating Federal resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any of the following four conditions applies: . . . (2) the resources of State and local authorities are overwhelmed[.]*[187] *Furthermore, the NRP recognizes that "Standard procedures outlined in the NRP regarding requests for assistance may be expedited or, under*

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	food rations.[162] Doctors at two New Orleans hospitals plead for help, saying their food, water and power are almost gone. Helicopters evacuate up to 600 patients but an estimated 1,500 others are left behind.[163] Officials close the Reliant Astrodome in Houston to further New Orleans evacuees shortly before five more busloads arrived. Although the passengers initially were told they would have to re-board the buses and go to Huntsville, officials relented and allowed at least one busload of 67 passengers to stay.[164] Elsewhere, 76,000 people are in Red Cross shelters. [165] Bush asks his father,		*extreme circumstances, temporarily suspended in the immediate aftermath of an incident of catastrophic magnitude, pursuant to existing law.'*[188] Secretary of State Condoleeza Rice buys several thousand dollars of shoes while shopping in New York City.[189] Late in the afternoon on Thursday, 9/1, the Homeland Security Department finally contacts the airline industry to ask for help with evacuating storm victims.[190]

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	and former President Clinton, to lead a fund-raising campaign for victims.[166] Texas agrees to take in 75,000 people.[167] 600 massive sand bags arrive to help shore up the broken levees of New Orleans.[168]		
Fri, Sept. 2	10:15 a.m.: Bush lands in Mobile, Ala., to tour affected areas on foot and by air.[191] President Bush meets with Mayor Nagin and Gov. Blanco and visits the 17th Street Canal breach.[192] 11:30 p.m.: Houston's Astrodome, which had been accepting busloads of evacuees from New Orleans, has no more room. Buses are diverted to other areas of Texas.[193] 11:45 p.m.: First		National Guard trucks carrying supplies to the Superdome did not arrive until almost noon on Friday, 9/2—3 and ½ days after Katrina struck.[203] **During his tour of hurricane stricken areas, President Bush tells FEMA Director Brown, "Brownie, you're doing a heck of a job."[204]** Bush's tour of Louisiana delays 3 tons of food ready for delivery by air to refugees.[205]

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	National Guard trucks arrive with supplies at the Superdome.[194] President Bush acknowledges the failure so far of government relief efforts, saying "the results are not acceptable."[195] House passes $10.5 billion for emergency relief, Bush signs it.[196] A large convoy of relief supplies arrives at the New Orleans Convention Center.[197] Commercial airlines begin flying people out of the city, and the Superdome begins to empty.[198] An explosion at a chemical storage facility sends a column of acrid smoke into the sky- other scattered fires break out.[199]		

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	Secretary Chertoff announces a total of 6,500 National Guard troops will arrive in New Orleans within 3 days; by day's end, nearly 20,000 National Guard troops are stationed in Louisiana and Mississippi.[200] The Houston Astrodome is declared full, and Texas opens up two more centers for people displaced by Katrina.[201] Gov. Blanco meets with President Bush, who proposes to assume control of the state's National Guard Forces.[202]		
Sat, Sept. 3	President Bush orders 7,200 more soldiers and marines to the Gulf Coast, and the National Guard sends an additional 10,000 as well.[206]		**President Bush personally blames state officials for the Katrina response problems:** "[T]he magnitude of responding to a crisis over a disaster area that is larger than the size of Great Britain has created tremendous problems that have strained state and local capabilities. The result is that many of our citizens simply are not getting the help they need."

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	The last evacuees at the New Orleans' Superdome are evacuated.[207] Firefighters battle two fires along the Mississippi River waterfront, where 50-foot flames engulfed an industrial district. [208] The Army Corps of Engineers brings in pumps and generators from around the nation to help get New Orleans pumps back on line and bail out the city. [209] FEMA says more than 25,000 residents have been evacuated out of the city of New Orleans.[210] The U.S. Coast Guard says that since Katrina hit, it has rescued a total of 9,500 people. [211] The New Orleans		➢ *Yet the National Response Plan (NRP) makes it clear that DHS has substantial Federal responsibilities in a disaster: "The Secretary of Homeland Security is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. HSPD-5 further designates the Secretary of Homeland Security as the 'principal Federal official" for domestic incident management."[215] Furthermore, the NRP adds that 'Notification and full coordination with States occur, but the coordination process should not delay or impede the rapid mobilization and deployment of critical Federal resources."[216]* ➢ *Additionally, the NRP recognizes that DHS still has substantial responsibilities when there are catastrophic incidents where "The response capabilities and resources of the local jurisdiction (to include mutual aid from surrounding jurisdictions and response support from the State) may be insufficient and quickly overwhelmed. Local emergency personnel who normally respond to incidents may be among those affected and unable to perform their duties."[217]* Mr. Chertoff says, "There has been, over the last few years, some specific planning for the possibility of a significant hurricane in New Orleans with a lot of rainfall, with water rising in the levees and water overflowing the levees."[218]

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	police report that 200 of their 1,500 officers have walked off the job in frustration, and two others have committed suicide.[212] The U.S. Labor Department announces an emergency grant of up to $62 million US, to provide work for dislocated workers in the devastated parts of Louisiana - it's expected the grants will provide as many as 10,000 temporary jobs.[213] Gov. Blanco rejects the White House proposal and asks the National Guard to focus on security.[214]		
Sun, Sept. 4	Health and Human Services Secretary Michael Leavitt says the death toll from the hurricane will be in the thousands.[219] Water and air rescue efforts continue in		

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	New Orleans; the U.S. Coast Guard said it has rescued more than 17,000 people, almost twice as many as it had saved in the previous 50 years combined, but that thousands of people remain stranded.[220] A Eurocopter AS 332 Super Puma helicopter flown by a civilian company crashes during rescue operations in New Orleans. No evacuees are aboard, and the pilot and crew are rescued. [221] New Orleans Mayor Ray Nagin announces plans to move traumatized police and firefighters out of the city so they can receive medical and psychological treatment. [222] Carnival Cruise Lines announces it will cancel		

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	cruises on three of its ships so they can be used to house about 7,000 Katrina victims.[223] Governor Kathleen Blanco declares a state of public health emergency, and says the Louisiana death toll will likely be in the thousands.[224] Gov. Blanco's staff rebukes the White House, remarking that: "they wanted to negotiate an organizational chart."[225] A shelter in Biloxi, Miss., is closed after more than 20 residents fall ill, possibly with dysentery.[226] Mayor Nagin begins offering five-day vacations to city emergency workers.[227] President Bush visits a Red Cross center and		

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	orders American flags around the world flown at half-staff until Sept. 20.[228]		
Mon, Sept. 5	Suburban Jefferson Parish, across the 17th Street Canal from the levee breach that flooded much of New Orleans, begins allowing residents to return temporarily to retrieve their belongings. [229] The New Orleans police now say 500 of their officers are unaccounted for, and reinforcements arrive from around the United States. [230] The U.S. Army Corps of Engineers finishes patching a levee breach on the 17th Street Canal in New Orleans and announce that they have begun pumping water out of the city's streets.[231]		Mr Chertoff tells journalists that Hurricane Katrina was a "breathtaking surprise" and says it was "that perfect storm of a combination of catastrophes [that] exceeded the foresight of the planners, and maybe anybody's foresight."[238] Mr Chertoff said that planners were prepared for an "overflow from the levee, maybe a small break in the levee" but "the collapse of a significant portion of the levee leading to the very fast flooding of the city was not envisioned."[239] Mr Mayfield disputes the comments of Mr Chertoff and Mr Brown: "They knew that this one was different. I don't think Mike Brown or anyone else in Fema could have any reason to have any problem with our calls... They were told... We said the levees could be topped."[240]

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	President Bush makes his second visit to the stricken region since Katrina struck, meeting with Louisiana Gov. Kathleen Blanco and other officials at the state's relief headquarters in Baton Rouge.[232] Former presidents Bush and Clinton announce a fund for victims, similar to the one they spearheaded following the Asian tsunami.[233] The U.S. military dispatches 4,700 more active-duty troops to join relief efforts by Tuesday, up from the 2,500 announced Saturday.[234] British Petroleum says it has restarted oil production at some of its Gulf of Mexico facilities which had been shut due to the		

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	hurricane.[235] South Korea and Australia voice frustration that U.S. relief efforts have prevented them from rescuing their citizens.[236] Gov. Blanco is surprised to learn of Mr. Bush's visit while preparing to leave for Houston.[237]		
Tues, Sept. 6	Mayor Nagin reissues the mandatory evacuation order.[241] With Congress, President Bush announces an inquiry into the federal response and asks for $51.8 billion in relief aid.[242]		
Wed, Sept. 7	Mayor Nagin orders the New Orleans Police to begin removing residents by force.[243] President Bush sends Vice President Cheney		

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	to join "the blitz of administration officials visiting the region."[244]		
Thurs, Sept. 8	Gov. Blanco says equipment she requested from the federal government a week before had yet to arrive.[245] In a short televised speech, the President remarks to hurricane survivors, "The government is going to be with you for the long haul."[246]		
Fri, Sept. 9	White House announces President Bush's intention to visit the region for a third time.		

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Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, time and time again here on the floor of the House I hear speeches: "We will never forget 9/11; we will better prepare and defend America."

But the most basic lesson of September 11, where we tragically lost so many first responders in the collapse of the towers, was that they lacked secure interoperable communications. They could not talk and communicate with those first responders, and many died needlessly. We have not learned that most basic of lessons.

In fact, President Bush this year zeroed out Federal assistance to local communities for secure interoperable communications. How quickly some have forgotten, yet they say it will never happen again.

Well, Hurricane Katrina was not a terrorist attack, but the Federal response was worse and degraded from the capabilities that we had on 9/11. On that day, FEMA was a high-functioning, independent, professionally run agency. Today, it is subsumed into this gigantic morass of the homeland security bureaucracy, downgraded to subagency level with a political hack as its director, and most of the professional staff has resigned and gone on to run State management agencies around the country. There are still some good professionals there, but the leadership, appointed by the White House, and the fact it was subsumed in the bureaucracy at the insistence of the Republican majority and the White House, they took away its independent agency status.

We had a vote on the floor to restore its independent agency status. We predicted these problems, but they opposed that amendment. Now they want to investigate themselves. Will the other side of the aisle fess up, like the White House never does, that they were wrong to follow the lead of the White House to downgrade this agency, to politicize it, subsume it in a huge bureaucracy, and that we are less capable than we were on 9/11 to respond to these types of disasters? I think not.

Mr. Speaker, we need an independent agency outside of this highly partisan body. They will not admit to those mistakes. There were certainly mistakes made at the local level, and they will probably highlight those, and those should be rectified, too. But all mistakes should come out, the failings of the Federal Government, the State government, and the local governments, with an independent, nonpartisan commission. That would be greatly preferable to this coverup that is going to go on here.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Marietta, Georgia (Mr. GINGREY), a hard-working member of the Committee on Rules.

Mr. GINGREY. Mr. Speaker, I thank the chairman' for yielding me this time.

Mr. Speaker, I rise in strong support of House Resolution 437. I think we are completely doing the right thing for the right reasons.

I have heard the other side of the aisle argue that what is the hurry, you are rushing to create an oversight committee and let us wait a couple of months. I want to point out to my friends on the other side of the aisle that we are still in the hurricane season. In fact, we are just getting into the hurricane season, and we need to get this investigation going as soon as possible. It is very important that we not wait. We have a 5-month opportunity to study this problem and find out exactly where the responsibilities lie.

The other side of the aisle also is suggesting that this is a Republican majority investigating a Republican administration. I point out we were not focusing just on the Federal aspects of this, as they would like us to do, but we are also focusing on the local and State aspects of this. There are Democrats and Republicans all up and down the line. This is not a partisan thing. This is a way to do it. This is what Congress has a responsibility to do and has done 41 times over the last 30 or 40 years. I could name any number of instances. My colleagues on the other side of the aisle know that is true.

The creation of an outside independent commission, as they call it, they are calling for doing that and spending an additional $5 million to $10 million. We do not need to do that. We have the staff within this Congress on both sides of the aisle, both in the majority and on the minority, and hopefully we would not spend more than $500,000 to get this work done and get it done in a bipartisan fashion. That is why we call it the Select Bipartisan Committee to Investigate the Preparation for and the Response to Hurricane Katrina. I am fully in support of that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, for so many reasons my colleagues on this side of the aisle have articulated, this resolution should be rejected. Because it is neither bipartisan in terms of its authority, nor bipartisan in terms of its power, nor bipartisan in terms of its subpoena power. That will all rest with the majority.

The question that must be answered is how is it that FEMA, which 5 years ago was a world-class agency that was being praised by Republicans and Democrats alike, by local officials, by governors, by mayors, by the international community, who were coming and visiting and taking lessons from FEMA, how in 5 years was that agency so incredibly hollowed out that it could not respond to Hurricane Katrina?

This President and this administration made some horrible decisions about putting political hacks and their cronies in charge of the agency that is in charge of the safety of the people of the United States, whether it is western fires, earthquakes, floods, tornadoes or hurricanes. He appointed political hacks. Is he going to investigate that himself, as he says?

This Congress, powerful Members of the Senate and the House, made decisions about using FEMA as a honey pot to take resources out of and divert them elsewhere. The Committee on Appropriations chairmen of both houses, the leadership, the Republican leadership of both houses, are they going to investigate that themselves?

That is like asking Enron to investigate corporate ethics, baseball to investigate steroids, DICK CHENEY to investigate energy policy. It just cannot happen, and the American people know that. That is why, when they are asked on this question, 75 percent of the American people want a 9/11 Commission. They want a 9/11 Commission because they saw that the 9/11 Commission was the only way that the citizens of this country were going to get the answers, not the answers the politicians wanted them to get, and that is what this bipartisan, phony committee is about. They want to give you the answers they want you to get. The citizens want the answers to the questions that they want to ask.

The power in our democracy is with the citizens, and the citizens want a citizens' committee. They want a citizens' committee to answer these questions because the questions are going to have to be asked of a Republican President, a Republican Congress, a Democratic mayor, a Democratic governor, a Republican governor and that simply will not be able to be done.

The President has said he takes responsibility. The question that must be asked is: Did he act responsibly as the President of the United States to protect the people of this country? So far, the question is a resounding, no.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the ranking member, the gentlewoman from New York (Ms. SLAUGHTER), for yielding me this time and commend the members of the Committee on Rules for their important work on this subject, particularly the gentleman from Florida (Mr. HASTINGS) who is the author of the legislation, along with the gentleman from New Jersey (Mr.

MENENDEZ), the chairman of our caucus, on legislation which will bring truth to this situation, an independent commission, modeled after 9/11, respected by the American people.

Following the tragedy of 9/11, the American people expected and deserved the truth. People of New York and New Jersey were strong advocates for such a commission. The people in Louisiana and Mississippi and the gulf region are displaced. They are trying to put their lives back together. They have lost their homes, their jobs, their livelihoods, their communities. They really do not have time to lobby Congress for an independent commission.

But our country is grateful to the 9/11 families because they not only gave us that commission to review that terrible tragedy that befell our country, they gave us a tradition of transparency and finding the truth and holding people accountable and hoping to do so in a way that prevents future loss of life.

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We endanger the American people when we ignore the truth. So on behalf of the people in the region, I plead with my colleagues in this body to reject any sham committee. Supposedly bipartisan; not so. Supposedly bicameral; not so. One thing we know, it is a vehicle to whitewash, to whitewash, and not have a true look into what went wrong.

There was a natural disaster, a terrible natural disaster in the gulf coast States. It was compounded by a manmade disaster because the Federal response of FEMA fell so very, very short. And FEMA, now its Director has resigned, but FEMA is fraught with problems systemically throughout it.

That does not mean that many, many people who work for FEMA and many people, our first responders, police and fire, health care providers in the area and volunteers from every walk of life did not rise to the occasion. They certainly did, and we commend them for the sacrifice they were willing to make to rescue others in the time of the immediate recovery. But there are so many unanswered questions; and instead of having a sham, why can we not have a real commission to look into this?

So the choice on the floor today, we have heard all of this discussion over and over. The fact is that we should be spending our time figuring out how we are going to help the people of the region rebuild their communities, to create jobs, to educate their children, to rid themselves of the toxic, literally toxic, environment, and that is the situation that they are in there. Instead, we are wasting the public's time on a subject that is unworthy of this tragedy, and it did not have to be.

I certainly respect the congressional role of oversight. We have called for it over and over again, whether it was the war in Iraq or the price gouging at the pump of gasoline for America's consumers, whether it is Abu Ghraib or Guantanamo. Name it. There are so many subjects that this Congress has been delinquent in its duty in doing oversight. So I fully support congressional oversight by the committees of jurisdiction.

In order to expedite help to the region, I suggested to the Speaker that we have a truly bipartisan committee that could streamline how we would go forward. At the time, I intended it just to be on the positive side, and that was early, when Katrina was just hitting, and then when we saw things go wrong, we added the charge that we would see what went wrong. So the idea of this Congress having a role in terms of oversight in a bipartisan special committee is one that I supported. I suggested it.

But what the Republicans came back with was really a slap in the face to the people who were affected in the region. We owe them the truth. Why is this Congress afraid of the truth? Over and over again. Iraq, name it, price at the pump, why is this Congress afraid of the truth? Sometimes it is really important, as we try to find our common ground, we stand our ground where we cannot find that common ground, but we always have to come down in favor of the people, to yield on points. Because we are here to get a job done. Maybe not exactly the way we would want to get it done, but get a job done. So now, today, the Republicans are putting up an obstacle to doing just that.

So I urge my colleagues to honor the sacrifice, the situation, that has affected the people in the region by at least telling them the truth and vote against this committee today, to vote against this committee, to say come back to the drawing board when they want to have honesty in what we are doing. But, first and foremost, we must have a truly independent commission, again, in the manner of the 9/11 Commission that took testimony, that issued a report, that gave transparency and openness to the process and gave some level of truth to the American people.

Because the people in the gulf States, many of them affected are poor and economically disadvantaged and not as sophisticated, perhaps, as some of the people stricken with grief in the New York/New Jersey area at the time of 9/11, and in Pennsylvania and in the Pentagon. Because these people are of a different economic status and because they are living in shelters and the rest and not really able to speak for themselves to the Congress of the United States, we, the House Democrats, will speak for them in asking for the truth and appealing to our Republican colleagues for us to work together in a completely nonpartisan way to help meet their needs.

I know that some Members have visited the region, certainly those affected. The gentleman from Mississippi (Mr. TAYLOR) spoke with such eloquence on the floor yesterday. Senator LANDRIEU, in the Senate last week, brought the Nation to tears with her presentation on what she saw in her beloved State of Louisiana. And the gentleman from Louisiana (Mr. JEFFERSON) has told us firsthand of what he has seen there. The gentleman from Mississippi (Mr. THOMPSON), our ranking member on the Committee on Homeland Security, spoke from authority in standing on the committee but experience as a Mississippian. They know because they see firsthand.

I could only see secondhand, joining the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Texas (Mr. AL GREEN), the gentleman from Texas (Mr. GENE GREEN), going to Houston to meet with the victims of Katrina in the Astrodome and also in the George R. Brown Convention Center. We saw children, little children, adorable little babies that we could hold in our arms, and 90-year-old great grannies, all of them, not the little babies, they did not speak for themselves, but their older siblings said, "We want to go home."

They praised the hospitality, the warmth, the generosity of the people of Houston. And they are to be commended. As I said when I was in Houston, I do not know of any city in America that could have risen to the occasion so quickly and so compassionately as Houston. Mayor White, Judge Eckels, the Commissioner of Harris County; Representative Noriega, so many people in the community came together to help the victims of Katrina. But still, with all of the respect that they extended to their guests, with all the health care, with all the care and feeding, still, of course, there is no place like home.

So let us find out how we can bring these people home. And a good way to have them come home and have confidence in the future that, should another hurricane strike, and we know that it will, that the precautions will have been taken, the accountability will be assigned, and that the people will be protected. We can do that by finding the truth. We can find the truth with the gentleman from Florida (Mr. HASTINGS), the gentleman from New Jersey's (Mr. MENENDEZ) commission, Senator CLINTON leading the way in the Senate on this important issue, and we can do it by rejecting this committee.

I stand open and welcome to any cooperation with the Republicans when the Speaker is ready to cooperate on true bipartisanship, true openness, and true accountability to the American people.

With that, I just close again to say that our hopes and prayers are always with the people of the region. It is our resolve that they will be made whole as soon as possible, and that has to be a bipartisan commitment.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I ask for a "no" vote on the previous question so I can amend the rule and allow the House, instead of H. Res. 437, to consider H.R. 3764, which creates an independent 9/11-like commission to investigate the events involving Hurricane Katrina. I offered this amendment in the Committee on Rules last night, but, sadly, it was rejected.

I want to reiterate that 76 percent of Americans in a recent ABC/Washington Post poll preferred that a commission of outside experts, similar in nature to the 9/11 Commission, and, in fact, I wish for the same people, to investigate the devastating events surrounding Hurricane Katrina, and that is not just Democrats that were asked. Sixty-four percent of Republicans in that same poll said they, too, supported an independent commission to investigate the government's preparedness and response effort.

Please vote "no" on the previous question so we can authorize an independent commission that will not be influenced by partisan politics instead of a Republican-controlled committee investigating the failings of a Republican-controlled administration. Too many people's lives were turned upside down because of the failure of governmental officials to adequately prepare for and respond to the impact of Hurricane Katrina. Let us not fail them a second time.

I urge a "no" vote.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we deal with this great challenge, one cannot help but think back to the days following one of the most tragic events in our Nation's history, that being, of course, the attacks on the World Trade Center, flight 93 going down in Pennsylvania and, of course, the plane hitting the Pentagon. We all know that, following that tragedy, Democrats and Republicans came together. They came together committed to ensuring that we would never see the kind of terrorist threat that happened on September 11 hit the United States or our allies or anyone in the world again. And that really embarked us upon this massive global War on Terror, and that has been the focus of the Federal Government. We know that the top priority on September 11, 2001, became this bipartisan goal of trying to deal with the global War on Terror.

Mr. Speaker, I am very proud of the Democrats in this House who have come together in a bipartisan way to work with Republicans in our shared goal of winning the global War on Terror. It is an important struggle, and it is one which many say will last beyond our lifetimes, but I am convinced that Democrats and Republicans will continue to work together to ensure that we win that global War on Terror.

We know that 2½ weeks ago we faced another kind of disaster. It was a natural disaster that hit our fellow Americans, our fellow citizens, on the gulf coast. And we know that, as we sit here today, another hurricane, Hurricane Ophelia, continues to pose a threat in the Carolinas. And I will tell the Members, as I stand here at this moment, Mr. Speaker, I live constantly with the prospect of a massive earthquake hitting the largest, most important State in the Union, which I am proud to represent here.

We in California deal with the threat of fires on a regular basis. I represent the Angeles National Forest, and that threat is a very serious one. And in the wake of those fires following that, we, of course, have terrible mudslides which impact tremendous numbers of people.

We have gone through disasters in the past. Obviously, as President Bush has said, this is the worst natural disaster in our Nation's history, Hurricane Katrina. But we have faced many, many struggles. In California, one of the most prominent was the Northridge earthquake on January 16 of 1994. I know my friend from San Francisco, the distinguished minority leader, suffered the Loma Prieta quake.

And I will say that, having gone through all of this, Mr. Speaker, it is absolutely absurd, it is absurd, to believe that any Member of this House, that any Member of this House would not want to get to the truth of exactly what happened in the case of Hurricane Katrina.

□ 1145

Now, earlier this week, President Bush came forward and said that he takes full responsibility for the Federal Government's problems when it came to the preparation for and the response to Hurricane Katrina. Just yesterday, Governor Blanco, the Democratic Governor of Louisiana, said that she takes responsibility for what took place in her State.

Now, Mr. Speaker, we have a Republican President and a Democratic Governor coming forward and saying they take responsibility for their roles in the governments that they serve, the Federal Government and the State government.

The gentleman from Illinois (Speaker HASTERT) has come forward saying that it is very important for us to work in a bipartisan way. He has tried to work with the minority leader to make sure that, in appointing this select committee, we will have a chance to work in a bipartisan way. Speaker HASTERT has just called for members of the Committee on Appropriations to go to the gulf coast to look at this situation and to report back to us, because the very important responsibility of oversight right now that the Committee on Appropriations has over the $60 billion-plus that we, in a bipartisan way, have appropriated to deal with this, needs to be addressed. So this notion that there is not a bipartisan commitment to get to the bottom of this is absolutely ludicrous.

I want to make sure that if my State faces an earthquake, a fire, a mudslide that we are able to have the best response possible. I will tell my colleagues that this bipartisan committee is something that I think can play a very important role in ensuring that for all of us who face the prospect of a disaster in our States that we will be able to address it in a better way.

Mr. Speaker, I am a proud institutionalist. I know that is not a popular thing to say; but I serve on the Committee on Rules, and by virtue of that, I think it makes me an institutionalist. This is my 25th year serving here, and I am proud of the role that I have been able to play in trying to address very important institutional concerns, and we have been able to address many issues in a bipartisan way.

Now, I will acknowledge that, on occasion, the Committee on Rules can be a very partisan place; but on occasion we also can be very bipartisan. We just reported out a rule that enjoyed strong bipartisan support dealing with Coast Guard reauthorization, and passage of rules like that are noncontroversial, they do not get attention, and those are things that we have worked on. In fact, I would argue that we do more things coming out of even the Committee on Rules in a bipartisan way than we do the things that we do that are very, very strident and partisan. But if you look at other committees around this place, Mr. Speaker, such as the Committee on Transportation, the Committee on Energy and Commerce, the Committee on Financial Services, you can go right down the line, Democrats and Republicans come together to address major public policy concerns that are out there.

Now, Mr. Speaker, everyone wants to make sure that no one suffers again as the people have along the gulf coast. I do feel for our colleague MARY LANDRIEU in the other body, and the gentleman from Mississippi (Mr. TAYLOR); but I also think it is important for us to note that in the other body, our colleague TRENT LOTT lost his home. We have seen tremendous loss from people like the gentleman from Louisiana (Mr. JINDAL) on our side. So the point is that this is a disaster which has impacted Democrats and Republicans, and that is why I believe that it is incumbent upon us.

Because article I, section 8 of the U.S. Constitution makes it very clear that we have the responsibility for congressional oversight, oversight of the executive branch; and this bipartisan select committee, Mr. Speaker, will focus not just on the Federal Government. It will focus on State government, on local governments, on even private entities that have been involved in this process.

Accountability is something that an independent commission will not have anything to do with. The 9/11 Commission was not accountable at all. We are accountable as the elected representatives of the American people to the American people. And I think that it is very clear that moving quickly is the right thing to do. The reason that I believe that it is important for us to move quickly is that, as I said, Hurricane Ophelia is at this moment posing a threat to the Carolinas, and there are other disasters on the horizon.

I believe that Democrats and Republicans should come together. The Speaker, again, has reached out to the Democratic leader and very much wants to have appointments made, and Democrats will be able to ask any question that they want; they will be able to participate in the process of bringing witnesses before the committee. Again, everyone wants to make sure that we take the steps to ensure that this never happens again.

Mr. Speaker, I urge my colleagues to support this rule. I urge my colleagues to support the underlying legislation which will establish this very important committee so that we can address this question and ensure that the American people will not go through what we have seen happen in the last several weeks.

The amendment previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 439, THE RULE FOR H. RES. 437 THE SELECT COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

AMENDMENT TO H. RES. 439 OFFERED BY REP. SLAUGHTER (NY)

Amendment in nature of substitute:

Strike all after the resolved clause and insert:

"*Resolved*, That immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3764) to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit."

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 18, as follows:

[Roll No. 471]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen

Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wu
Wynn

NOT VOTING—18

Barton (TX)
Beauprez
Bishop (UT)
Doggett
Doolittle
Hinchey
Istook
Jindal
Jones (OH)
Melancon
Nadler
Rogers (MI)
Rothman
Schwarz (MI)
Solis
Tanner
Weiner
Woolsey

□ 1213

Mr. SCOTT of Virginia and Mr. BACA changed their vote from "yea" to "nay."

Mr. BARTLETT of Maryland changed his vote from "nay" to "yea."

Stated for:

Mr. SCHWARZ of Michigan. Mr. Speaker, on rollcall No. 471 I was inadvertently detained. Had I been present, I would have voted "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 193, not voting 19, as follows:

[Roll No. 472]

AYES—221

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wu
Wynn

NOT VOTING—19

Barton (TX)
Beauprez
Bishop (UT)
Hinchey
Istook
Jindal
Jones (OH)
Lewis (GA)
Melancon
Miller (FL)
Murtha
Nadler
Rogers (MI)
Rothman
Shays
Tancredo
Tanner
Weiner
Woolsey

□ 1225

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAYS. Mr. Speaker, on rollcall No. 472 I was inadvertently detained. Had I been present, I would have voted "aye."

Mr. MILLER of Florida. Mr. Speaker, I missed rollcall vote No. 472 on September 15, 2005. This was a suspension vote on agreeing to the resolution H. Res. 439—a resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

If present, I would have voted rollcall vote No. 472, Establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina—"aye".

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3684

Mr. FLAKE. Madam Speaker, I ask unanimous consent that the name of the gentleman from Tennessee (Mr. WAMP) be removed as a cosponsor of my bill, H.R. 3684.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

KATRINA EMERGENCY TAX RELIEF ACT OF 2005

Mr. McCRERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina, as amended.

The Clerk read as follows:

H.R. 3768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Emergency Tax Relief Act of 2005".

SEC. 2. DESIGNATION AS EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

TITLE I—GENERAL TAX RELIEF PROVISIONS

SEC. 101. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.

Clause (i) of section 1033(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied by substituting "5 years" for "2 years" with respect to property which—

(1) is located in an area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina, and

(2) is compulsorily or involuntarily converted as a result of such hurricane,

but only if substantially all of the use of the replacement property is located in any such area.

SEC. 102. SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS FOR RELIEF EFFORTS RELATED TO HURRICANE KATRINA.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), qualified disaster contributions shall not be taken into account for purposes of subsections (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in paragraph (1) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—If the aggregate amount of qualified disaster contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified disaster contributions made during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED DISASTER CONTRIBUTIONS.—For purposes of this section, the term "qualified disaster contribution" means any charitable contribution (as defined in section 170(c) of such Code)—

(1) made during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code) for relief efforts related to Hurricane Katrina, and

(2) with respect to which the taxpayer has elected the application of this section.

In the case of a partnership or S corporation, the election under paragraph (2) shall be made separately by each partner or shareholder.

SEC. 103. MILEAGE RATE FOR CHARITABLE PURPOSES RELATED TO HURRICANE KATRINA.

(a) MILEAGE RATE FOR CHARITABLE PURPOSES RELATED TO HURRICANE KATRINA.—Notwithstanding subsection (i) of section 170 of the Internal Revenue Code of 1986, in the case of the use of a vehicle described in subsection (f)(12)(E)(i) of such section for provision of relief related to Hurricane Katrina, the standard mileage rate for purposes of such section shall be 70 percent of the standard mileage rate for business purposes prescribed by the Secretary for purposes of chapter 1 of such Code which is in effect on the date of the contribution.

(b) APPLICATION.—Subsection (a) shall apply only with respect to contributions made before January 1, 2007.

SEC. 104. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of qualified nonbusiness debt of a qualified individual by an applicable entity (as defined in section 6050P(c)).

(b) QUALIFIED NONBUSINESS DEBT.—For purposes of this section, the term "qualified nonbusiness debt" means any indebtedness other than indebtedness incurred in connection with a trade or business.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means any natural person who was a resident (as of August 28, 2005) of, or who owned real property (as of the date of such discharge) in, any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(d) EXCEPTION FOR REAL PROPERTY OUTSIDE DISASTER AREA.—Subsection (a) shall not apply to any discharge of indebtedness to the extent that real property constituting security for such indebtedness is located outside of the area described in subsection (c).

(e) DENIAL OF DOUBLE BENEFIT.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of the Internal Revenue Code of 1986.

(f) APPLICATION.—This section shall not apply to discharges after December 31, 2006.

SEC. 105. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

(a) IN GENERAL.—In the case of financing provided with respect to a qualified Hurricane Katrina recovery residence, subsection (d) of section 143 of the Internal Revenue Code of 1986 shall be applied as if such residence were a targeted area residence.

(b) QUALIFIED HURRICANE KATRINA RECOVERY RESIDENCE.—For purposes of this section, the term "qualified Hurricane Katrina recovery residence" means any residence if such residence is located in an area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2007.

SEC. 106. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 107. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 and 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by $500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed $2,000, reduced by the amount of the reduction under this section for all previous taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer in any prior taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this subsection, the term "Hurricane Katrina displaced individual" means, with respect to any taxpayer for any taxable year, a natural person who—

(1) was (as of August 28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina,

(2) is displaced from the person's residence located in the area described in paragraph (1), and

(3) is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

SEC. 108. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means any individual who was (as of August

28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) Earned Income.—For purposes of this section, the term "earned income" has the meaning given such term under section 32(c) of such Code.

(d) Special Rules.—

(1) Application to joint returns.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual,

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) Uniform application of election.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) Errors treated as mathematical error.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) No effect on determination of gross income.—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

SEC. 109. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury, or his delegate, may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose dependency exemptions or child credits or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

SEC. 110. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) In General.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) Hurricane Katrina Employee.—For purposes of this section, the term "Hurricane Katrina employee" means any individual who, on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area.

(c) Special Rules for Determining Credit.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply, and

(2) except in the case of an employee of the employer (within the meaning of section 51 of such Code) on August 28, 2005, or an employee initially hired after such date, section 51(i)(2) of such Code shall not apply.

(d) Application of Section.—This section shall apply only to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who—

(1) is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, and

(2) who begins work for the employer during the 2-year period beginning on August 29, 2005.

(e) Hurricane Katrina Disaster Area.—For purposes of this section, the term "Hurricane Katrina disaster area" means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

TITLE II—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS

SEC. 201. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS UPON FEDERAL DECLARATION OF NATURAL DISASTER.

(a) In General.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(G) Distributions from retirement plans upon federal declaration of natural disaster.—

"(i) In general.—Any qualified disaster-relief distribution.

"(ii) Aggregate limitation.—The aggregate amount of payments or distributions received by an individual which may be treated as qualified disaster-relief distributions for any taxable year shall not exceed the excess (if any) of —

"(I) $100,000, over

"(II) the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years.

"(iii) Amount distributed may be repaid.—

"(I) In general.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

"(II) Treatment of repayments for distributions from eligible retirement plans other than IRAs.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(III) Treatment of repayments for distributions from IRAs.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(IV) Application to governmental section 457 plans.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

"(iv) Qualified disaster-relief distribution.—For purposes of this subparagraph, the term 'qualified disaster-relief distribution' means any distribution—

"(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

"(II) which is made during the 1-year period beginning on the date such declaration is made.

"(v) Qualified disaster area.—For purposes of this subparagraph, the term 'qualified disaster area' means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.".

(b) Exemption of Distributions From Trustee to Trustee Transfer and Withholding Rules.—Paragraph (4) of section 402(c) of such Code (relating to eligible rollover distribution) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by inserting at the end the following new subparagraph:

"(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).".

(c) Conforming Amendments.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and".

(2) Section 403(b)(7)(A)(ii) of such Code is amended by inserting "sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G))," before "or".

(3) Section 403(b)(11) of such Code is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for distributions to which section 72(t)(2)(G) applies.".

(d) Effective Date.—The amendments made by this section shall apply to distributions received after August 28, 2005.

SEC. 202. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.

(a) In General.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) Special Rules.—

(1) Application to governmental section 457 plans.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined)

(2) Certain rules to apply.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) Qualified Individual.—For purposes of this section, the term "qualified individual" means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

(d) Hurricane Katrina Disaster Area.—For purposes of this section, the term "Hurricane Katrina disaster area" means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

SEC. 203. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) Recontributions.—

(1) In general.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of such Code, as the case may be.

(2) Treatment of repayments.—

(A) Treatment of repayments for distributions from eligible retirement plans other than IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) Treatment of repayments for distributions from IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) Definitions.—For purposes of this section—

(1) Qualified distribution.—The term "qualified distribution" means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii), 403(b)(11)(B), 457(d)(1)(A)(iii), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) Disaster declaration date.—The term "disaster declaration date" means the date on which the President designated the area as a Hurricane Katrina disaster area.

(3) Hurricane Katrina disaster area.—The term "Hurricane Katrina disaster area" means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

SEC. 204. LOANS FROM QUALIFIED PLANS IN CONNECTION WITH HURRICANE KATRINA.

(a) Increase in Limit on Loans not Treated as Distributions.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 202(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 203(b)(2))--

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(2) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(b) Delay of Repayment.—In the case of a qualified individual (as defined in section 202(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

SEC. 205. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE III—EXTENSION OF CERTAIN PROVISIONS TO FLORIDA AND OTHER AFFECTED AREAS

SEC. 301. EXTENSION OF CERTAIN PROVISIONS TO FLORIDA AND OTHER AFFECTED AREAS.

(a) In General.—The following provisions shall be applied as if they did not include the phrase "individual or individual and public":

(1) Section 101 of this Act (relating to extension of replacement period for nonrecognition of gain).

(2) Section 104 of this Act (relating to exclusion of certain cancellations of indebtedness), but only if the discharge is on account of Hurricane Katrina.

(3) Section 105 of this Act (relating to special rules for mortgage revenue bonds), but only with respect to residences damaged as a result of Hurricane Katrina.

(4) Section 106 of this Act (relating to suspension of certain limitations on personal casualty losses).

(5) Section 107 of this Act (relating to additional exemption for housing Hurricane Katrina displaced individuals).

(6) Sections 108 and 109 of this Act (relating to special rule for certain family related benefits), but only with respect to individuals dislocated from their residence by reason of Hurricane Katrina.

(7) Title II of this Act (relating to penalty free use of retirement funds in the case of

natural disasters) and section 72(t)(2)(G) of the Internal Revenue Code of 1986 (as added by section 201 of this Act).

(b) CLARIFICATION OF SCOPE OF PROVISIONS RELATING TO CHARITABLE CONTRIBUTIONS.—The provisions of sections 102 and 103 shall apply to relief efforts related to Hurricane Katrina whether or not such efforts are carried out in an area directly impacted by Hurricane Katrina.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Louisiana (Mr. JEFFERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of the Katrina Emergency Tax Relief Act of 2005. I want to thank my colleagues on both sides of the aisle for their work and support in moving this critical legislation quickly to the House floor. In particular, I want to thank the members of the Committee on Ways and Means, the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from New York (Mr. RANGEL), and all the members of the Louisiana delegation for their continued assistance in crafting hurricane-related legislation.

This bill is the Committee on Ways and Means' second installment of providing targeted relief for individuals and families hurt by Hurricane Katrina. These tax provisions are aimed at easing the financial burdens of people of the region as they begin to rebuild their lives.

The bill also address the generosity of many Good Samaritans across the country who have opened up their homes to individuals and families displaced by the hurricane. H.R. 3768 would provide a special $500 income tax deduction for those who are providing temporary housing. In addition, the Katrina Emergency Tax Relief Act encourages cash donations to help victims by relaxing some restrictions regarding how much charitable contribution can be deducted on an individual's tax return.

H.R. 3768 continues the efforts of this Congress to bring immediate relief to these individuals and families devastated by Hurricane Katrina.

□ 1230

Madam Speaker, last week, the members of the Committee on Ways and Means on both sides of the aisle acted quickly, and the House passed the TANF Emergency Response and Recovery Act. That bill will provide aid by cutting down red tape and bringing more Federal dollars to the affected areas through the Temporary Assistance for Needy Families program, with the welfare program.

The Committee on Ways and Means continues to look at programs within our jurisdiction and how they might be used to assist those affected by Hurricane Katrina. I expect that we will bring to the House floor additional legislation in the coming weeks. We know that the people and businesses of New Orleans and the gulf coast areas hit by Katrina will rebuild, and we are committed to helping them do that.

Today, Congress will vote on much-needed tax relief for the affected areas. I urge my colleagues to support this legislation so we can quickly work with our colleagues in the Senate and further demonstrate that this Congress stands ready to help those most affected by Hurricane Katrina.

Madam Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Madam Speaker, I yield myself such time as I may consume.

First, I want to thank the gentleman from Louisiana (Mr. MCCRERY), my friend and colleague, for joining me in introducing this important piece of legislation. I also want to thank the gentleman from California (Mr. THOMAS), the chairman of the committee, and the gentleman from New York (Mr. RANGEL), our ranking member, for their swift action in bringing this bill to the floor, as well as the members of the Committee on Ways and Means.

I also would be remiss if I failed to thank both the Republican and Democratic staff of the committee for their extraordinary bipartisan effort to put this tax package together in such a timely way.

Madam Speaker, the Katrina Emergency Tax Relief Act of 2005 provides much-needed aid and comfort to the victims of Hurricane Katrina and the many thousands of good Samaritans who have opened their arms, wallets and homes to provide food, clothing, shelter and medical care and other necessities to the thousands of Americans who have been uprooted in the wake of this horrible storm.

As we have all seen, while Hurricane Katrina was indiscriminate in the destruction it wrought, the unprecedented property damage, human toll and economic loss fell disproportionately on the backs of our poorest and most vulnerable citizens.

A disproportionate share of the damage in my hometown of New Orleans was meted out on parts of our great city that were already extraordinarily economically disadvantaged. The poverty, disability and economic disenfranchisement in these areas in no small way were factors in the extraordinary loss of life and property experienced by my constituents.

For this reason, I am grateful that the bill we consider today provides important relief to these vulnerable families.

First, families who have been displaced in the wake of Hurricane Katrina are held harmless against the loss of critical economic security and benefits. Damage caused by the hurricane has displaced hundreds of thousands of individuals, who are temporarily living with family, friends or good Samaritans.

Under current law, a prolonged change in their living situation could affect their eligibility for various tax benefits. The proposal allows individuals the option of using their 2004 income tax returns to calculate their child credit and the Earned Income Tax Credit on their 2005 tax returns. This special rule applies to individuals who lived in areas eligible for individual assistance from the Federal Government as a result of the disaster as of August 28, 2005.

The proposal also grants the U.S. Treasury Department authority to ensure that taxpayers do not lose dependency exemptions or child credits for 2005 due to temporary relocations.

In many areas of the gulf coast devastated by Hurricane Katrina, including my hometown of New Orleans, the EITC is a vitally important part of many families' economic security. This bill ensures the continuing eligibility of the thousands of families displaced by Katrina.

Second, the legislation ensures that the victims of Hurricane Katrina are able to account fully for the losses they have suffered in the aftermath of the hurricane. Moreover, it exempts the value of forgiven mortgages and other debt from taxable income. These two very important provisions demonstrate compassion by prohibiting the IRS from kicking these families when, for many of them, they are at the lowest points in their lives.

Madam Speaker, this Act also provides an added measure of financial security to the many victims of this storm by providing them with added flexibility to access the savings they have set aside in 401(k) plans and individual retirement accounts without the usual penalties. In a time when so many have lost jobs and, consequently, their paychecks, denying or penalizing access to their savings is inappropriate, and this bill recognizes that.

As I have said repeatedly over the past 2 weeks, the recovery, reconstruction and revival of the gulf coast region, and particularly New Orleans, will require an unprecedented Federal commitment.

The bill we will pass today takes two important steps toward that recovery.

First, the bill expands the availability of low-interest mortgages for the building and purchasing of homes in the affected areas. We all understand that the most solid foundation for the economic security of our Nation's families is homeownership. By lifting some of the restrictions on the use of mortgage revenue bonds, this bill will help to build a solid economic foundation for the families whose lives have been turned upside down by Hurricane Katrina.

In addition, the Katrina Emergency Tax Relief Act also provides targeted incentives for returning businesses and new businesses to employ the thousands of hardworking Americans who have been displaced or lost jobs to Hurricane Katrina. By encouraging businesses to hire workers from the affected areas, this bill takes another very important step toward our uniform goal of rebuilding and resettling New Orleans and other areas tragically struck by the hurricane.

Finally, Madam Speaker, the legislation we consider today recognizes the important contributions that goodhearted and generous Americans have made to the recovery effort. By increasing the value of the charitable deductions and providing relief to the thousands of Americans who have opened their homes to my constituents who have lost theirs, this bill is an important expression of gratitude from this Congress to the American people for rising to the challenge of Hurricane Katrina in truly extraordinary ways.

Madam Speaker, the efforts of my colleagues in providing the relief we need in the gulf coast has been unparalleled to any I have witnessed during my tenure in Congress. For that, I am extraordinarily grateful. However, we still have a long row to hoe before we have achieved the full recovery that I know we all want. I look forward to working with each of you in the coming weeks and months as we rise to the challenge of ensuring that, like the Phoenix of myth and fable, New Orleans rises from the devastation of Hurricane Katrina as a bright, shining model of American ingenuity and opportunity.

Madam Speaker, I reserve the balance of my time.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a distinguished member of the Committee on Ways and Means.

Mr. FOLEY. Madam Speaker, I want to particularly thank the gentleman from Louisiana (Chairman McCRERY) and the gentleman from California (Chairman THOMAS) and others for their collaborative efforts in helping the victims of Katrina. It has been a horrific time for America to witness on TV what those fine folk in Mississippi, Alabama, Florida and Louisiana have endured.

It really brings out the best in America, the character, the courage, the ability to help their neighbor, and here on the floor, we are providing relief by virtue of the Tax Code.

I want to specifically thank the gentleman from Florida (Mr. SHAW) and the gentleman from Florida (Mr. MARIO DIAZ-BALART), our colleagues who brought to the committee a very urgent need of helping Floridians as well.

The three States that were dramatically impacted have been visualized on TV, but Katrina did start off the coast of Florida, off the Bahamas and made its way through southern Florida, Dayton, Broward Counties. They suffered significant damage. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), our colleague, as well lent a hand in trying to see that our constituents were brought whole in this effort as well.

The chairman was specific in providing targeted relief for those that were directly impacted by the storm, and we applaud that. No tax relief measure should be a grab bag for others to dip into simply because they thought they were close to a proximity of damage.

In this bill, we establish criteria that there is significant and real damage, not perceived, not illusory, but real damage. Forgiveness of debt if, in fact, your home has been decimated and you have to discharge the mortgage obligation, relieving that would be a gain under the Tax Code for a person that has not only lost their home, had their mortgage foreclosed but is being considered by the IRS for gain on that asset simply because they got a forgiveness of debt.

Ability to reach into your IRA for the specific use in this emergency. The IRA is an important asset for future financial strengthening of all persons' assets. So we do not let people just go into the account, but it is strictly provided for on the case of emergency.

So I applaud this bill. The gentleman from Louisiana (Mr. JEFFERSON), my colleague, I know has suffered himself personally. We are delighted that we worked in a bipartisan spirit to bring about relief for the very people that have suffered so much.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a distinguished member of the Committee on Ways and Means.

Mr. CARDIN. Madam Speaker, let me thank the gentleman from Louisiana (Mr. JEFFERSON) for his leadership in focusing what we can do to help the victims of Katrina. I want to thank the gentleman from Louisiana (Mr. McCRERY) for his leadership on the committee.

This is exactly what we need to do. Obviously, all of us were devastated by what happened with Katrina and the failure of our government to respond in a timely and effective way, and people who were vulnerable paid a very heavy price.

What this bill does is try to deal with the problems of the victims of Katrina by looking at our Tax Code. Our first priority today must be to help those who were devastated by Katrina, and this bill looks at the Tax Code to find ways in which we can be helpful. I applaud the specific provisions that are in it because I think it will help.

To deal with the practical problems such as residency, people who now live in different parts of the country would not comply with the technical requirements in our Tax Code on residency, which is required to take advantage of some of the tax provisions. This bill provides the needed relief.

Our colleague, the gentleman from Louisiana (Mr. JEFFERSON), talked about the Earned Income Tax Credit, a very important tool to help low-wage families in this Nation. This bill will make sure that those who are entitled to that relief, who were affected by Katrina, will continue to be able to receive that help.

Along with the forgiveness of loans which is taking place, if we do not pass this bill, there could be tax consequences to that.

We provide incentives in this bill for individuals who have opened up their homes to take in those who are now without a home, and we provide full deductibility for personal casualty losses, as we should.

For job opportunity, we expand the Work Opportunity Tax Credit, as we should do, and we now make it easier for individuals to be able to give cash donations to the victims of Katrina.

Bottom line, Madam Speaker, is this bill takes care of some of the practical problems that our Tax Code could not anticipate as a result of Katrina, and I want to thank the leadership on both sides of the aisle for expediting the process to bring this bill forward so that we can try, in a constructive way, to make it easier for those who were victimized by this horrible hurricane.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), another distinguished member of the Committee on Ways and Means.

Ms. HART. Madam Speaker, I thank the chairman and also the gentleman from California (Chairman THOMAS) and the gentleman from New York (Ranking Member RANGEL) and my colleagues of the Committee on Ways and Means for finding some creative and very practical ways to help the victims of Hurricane Katrina.

Since it was one of the deadliest disasters, or the deadliest disaster, in U.S. history, it has left countless individuals without the most basic needs, and the American people's response has been historic, with millions being donated in time and money, nearly $800 million already donated privately to the relief effort on top of government assistance.

Unfortunately, despite this outpouring, the people in the communities in Louisiana, Mississippi and Alabama still need help. H.R. 3768 will help these families rebuild their lives in a number of different ways.

One, it will encourage even more private help from individuals. It encourages more cash donations by individuals by allowing them to deduct more of the contributions that they give.

It will also encourage more deductions by corporations. Under current law, they can only deduct 10 percent of those donations. That is waived under this bill.

It increases the opportunity for people to provide more physical help by increasing the reimbursement rate for mileage for those who actually will spend their gasoline getting to places to help, ways that people can get involved personally.

Also, those who have had savings, who are going to need to tap it, who have been victims, are assisted in accessing their own money. It was mentioned earlier that people can access their IRAs without the penalty that they currently would have for accessing that money before their retirement. It is important for us to allow these victims access to whatever they can get, whatever assets they can get to help them get their lives back on track sooner.

I think it is the least that we can do to address some very simple but very practical issues via this bill.

Mr. JEFFERSON. Madam Speaker, I reserve the balance of my time.

Mr. McCRERY. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Madam Speaker, I thank the gentleman for the time.

I just want to remind Members, as we move forward with yet another piece of legislation which has taken a little longer to craft because it becomes more structural in dealing with the Tax Code, as we had indicated when we came back from our summer district work period, we will probably have another piece of legislation which will deal with more additional structural assistance that takes a little longer to craft dealing with the reconstruction portion of assistance.

I took the time at the microphone this morning to indicate to my colleagues how frustrating this process has been.

□ 1245

More than a week ago, this House moved swiftly, in a bipartisan way, to simply open up the pipeline that had money already in it as direct assistance to individuals under the targeted assistance for families, or the TANF program. That bill moved off the floor of the House without even a recorded vote, and it has not yet been taken up by the Senate.

The procedure of putting a hold on legislation, which is an individual or a group of Senators' way of stopping the process, has been exercised by Members of the Senate. And I want to indicate to people how outrageous that procedure is on a bill which should have been moved last week to assist people. I take the time on this floor to say this particular legislation, a bit more structured, we had an extra week to think it out, being moved again on a bipartisan basis should not be subject to a hold in the Senate.

If the Senate cannot get its act together to move legislation, then simply allow the House's bipartisan effort to go forward. These people need help. That area needs help. The House has moved in a bipartisan way and the Senate has obstructed the movement of needed legislation by allowing even in normal times the somewhat unseemly procedure of holds by individuals or groups of Senators, but on this legislation it is unconscionable.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 3 minutes to my colleague and friend, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Madam Speaker, I want to thank the members of the Committee on Ways and Means for bringing this to the floor. As you know, south Mississippi, south Louisiana suffered a catastrophe of biblical proportions; and there is really no other way to describe it. A 30-foot wall of water hit south Mississippi, resulting in the breaking of the floodgates in New Orleans.

Whole communities, the city of Waveland, it is pretty fair to say no longer exists. The city of Bay Saint Louis, probably 80 percent of the people in that town lost their homes. In portions of Harrison County, in Pass Christian and Biloxi, there are entire blocks leveled, with one person not able to distinguish the parts of furniture from his house with the parts of furniture from another.

I consider myself a deficit hawk. I have voted against almost every tax bill that came to this floor because I did not want to see the deficit go up by the $2 trillion it has. This is different. I felt that those bills took care of the wealthiest Americans. I think this bill takes care of the neediest Americans. It is truly a step in the right direction when we have so much to do.

One of the fights that the gentleman from Louisiana (Mr. MCCRERY) and all of us from the affected area will have is to help those people who could never have conceived they would flood with their insurance needs. They had wind insurance. They are now being told it did not cover a flood, and places that had never flooded in recorded history of the Europeans coming to America flooded. They are being left out in the cold. We have to find a way to help them.

There is going to be, based on the Florida experience, a number, probably in the tens of thousands of people, who will be told by FEMA that their house has been 51 percent destroyed and, by regulation, it has to be bulldozed. And then it is complicated by, I am told, based on the Florida experience, the insurance companies who will go to them and say FEMA says there is only 51 percent destruction, so we are only going to give you 51 percent of what you thought your premium was. So if you had a $100,000 house, it is bulldozed; but you only get $51,000 in payment. We have to fix that. We cannot let that happen again. There are too many hard-working people who are looking to Congress for leadership.

I do not say this often, because I did vote for the war in Iraq and I share in the responsibility for every one of those Americans who were wounded there and everyone who died there, but on a daily basis we hire Iraqis to clean the streets, just to give them something to do and give them a chance at life. On a daily basis we are fixing sewer lines in Iraq. On a daily basis we are building schools in Iraq. We need to do for our fellow Americans what we so willingly do for the Iraqi people.

So I thank the committee for this great step in the right direction. It is such a, quite frankly, small step on such a monumental journey that we have to take; but it is at least a step in the right direction, and thank you for doing it.

Mr. McCRERY. Madam Speaker, I can assure the gentleman from Mississippi that I agree with his remarks, and there will be more coming from this Congress.

Madam Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), another member of the Committee on Ways and Means.

Mr. HAYWORTH. Madam Speaker, I thank my colleague from the Committee on Ways and Means for yielding me this time.

Members of this House from States directly affected by this natural disaster have come to this floor and spoken eloquently and movingly of the needs their constituents have. Just as a natural disaster does not distinguish partisanship, so too has this House moved forward to deal effectively and, yes, as a consequence of the Tax Code and the nature of what we do, methodically and sequentially to deal in a thoughtful and compassionate manner with what we confront as a people and as a Nation.

By the same token, Madam Speaker, Americans from coast to coast and beyond have opened their hearts, opened their homes, and opened their pocketbooks to help their fellow Americans in need. And as these are the worst of times for so many affected by this natural disaster, in many ways the best of America comes through with this compassionate impulse to help others. Fittingly and properly, many of the actions we take in this legislation are targeted directly at the people whose lives have been changed and affected by this storm, but also we take into account the generosity of fellow Americans and, in dealing with the Tax Code, a couple of provisions that we need to emphasize that affect people not only who call the gulf coast home but help those around the Nation.

Briefly, the fact that we are providing tax relief for housing assistance to dislocated persons; the fact that we are encouraging cash donations by individuals and by corporations, and moving in a way to encourage yet more giving by the incredibly compassionate people known as Americans is something that should be lauded and something that I believe will go a long way in Americans helping Americans and this House, as a collective body, reaching out to help those Americans most in need.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I thank the gentleman for yielding me this time and for his courtesy in permitting me to speak on this proposal. I applaud what the committee has done, moving forward with specific tax relief that is going to make a difference for people in this devastated area.

I am hopeful that this will signify the start of a creative effort on the part of a number of committees, people on both sides of the aisle, to figure out ways that we can have assistance that is commensurate with the challenge and, in fact, employs some of the techniques that we have used in other parts of the world.

Some of us visited the tsunami-ravaged area days after that devastation, and we saw on the ground people in Indonesia, in Sri Lanka, and in Thailand that were being put to work virtually overnight with a cash-for-work program that had people doing essential labor-intensive work that made the community better so that the recovery could proceed.

I would hope the creativity, ingenuity, and bipartisan spirit demonstrated by the Committee on Ways and Means on these important provisions could be extended to other committees, other parts of our organizational efforts here to have a program so that every able-bodied person in the three States who wants to be able to work restoring their community is given that opportunity. It will be far cheaper in the long run than employing expensive contracts from people out of State, and it will give people a sense of ownership and involvement, and it will get money circulating in those devastated local economies.

Madam Speaker, I am hopeful that we will be able to use the creativity to bring other people together for a planning effort that involves the people in Mississippi, in Alabama, and in New Orleans, because we are going to be putting at least another $100 billion on the ground. We ought to make sure that this is not just a monument for rapid Federal reaction. It should be a model, for the very first time on this scale, taking this blank slate and working with the people who had their lives turned upside down, and making them full partners in putting the pieces back together.

Mr. McCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER), a distinguished member of the Committee on Appropriations.

Mr. WICKER. Madam Speaker, I thank my friend for yielding me this time.

Madam Speaker, forces have been marshaled from across the Nation and, indeed, from around the globe to assist in the relief and recovery from Hurricane Katrina. But the biggest asset in this effort is not the Federal Government; it is the generosity of our fellow citizens. From the corner lemonade stands to the corporate board rooms, people are opening their hearts, homes, churches, and their pocketbooks to assist in the relief efforts. Donations continue to pour in to countless nongovernmental organizations and to the faith community as we begin to take stock in the breadth of Katrina's destruction.

According to the 2004 generosity index, based on IRS statistics, Mississippi is the most charitable State in the country. Now we find ourselves in need of charity. It is something we take great pride in back home, that we are the leader in generosity; and with that in mind, I am thankful to see that the provisions of H.R. 3724, the charitable donation legislation I introduced last week, have been included in the relief package.

Under current law, the amount of individual or corporate deductions is now capped. This bill includes provisions to lift those caps for Katrina-related donations. In doing so, we are unleashing the awesome power of the American public and our capacity to care for our own.

This past weekend, I was part of a caravan of trucks and vans loaded with supplies from north Mississippi to several churches in the ravaged portions of my State. While I saw the pain on the faces of those who had lost so much, I also saw a determination that is strong among our people. We are already working hard on recovery and rebuilding, spurred on by the compassion and generosity of so many Americans. This bill will help provide individuals affected by this tragedy with the charitable assistance they need.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL), a distinguished member of the Committee on Ways and Means and whose family has donated generously to our food relief efforts in the affected area.

□ 1300

Mr. EMANUEL. Madam Speaker, I would like to thank both my colleagues who serve on the Ways and Means Committee who are from Louisiana and the affected area.

As you look at the overall part of this bill, both from the charitable piece to also helping the families, whether that is on debt forgiveness, dislocation as relates to building a home, and also their own family income or casualty loss, finally the Tax Code is beginning to reflect America's values: When something happens to an American, all Americans pull together to help those individuals affected restore their lives, rebuild their communities, and get back on with their own lives.

I want to isolate a particular part of this bill which deals with the Earned Income Tax Credit. I have introduced a bill with Senator OBAMA in the Senate that would fast-track the Earned Income Tax Credit and child credit and other educational credits to affected individuals. There is a precedent for this. During 9/11, the United States Congress fast-tracked the authority and allowed the Secretary of Treasury to get to affected families during 9/11 the child credit. In the same way, we should get to the Earned Income Tax Credit, the child credit, as well as educational credits like the Hope Scholarship to affected individuals on a fast-track basis so they, as a family, can get their lives restored, families who have children, families who work.

These are all for individuals who have worked and who have paid their taxes, ensuring that they get the benefits and credits that are due to them. It would lock in and ensure that the Secretary of Treasury would fast-track and get those resources to these families and allow them to establish themselves again and get their income moving again.

One of the most important things we are going to talk about in another tax bill is helping businesses get their feet on the ground. The Earned Income Tax Credit, the child credit, other educational credits help families get their feet on the ground, going again, and operating as a family.

Today's provisions, whether it is Earned Income Tax Credit, whether it deals with the forgiven debt, whether it deals with the charity, whether it deals with deductibility for personal casualty, it reflects all of our values that we as Americans act as one in a time of need.

I compliment both of my colleagues from Louisiana, my colleagues from Mississippi, and others in Alabama from affected areas working on this legislation, the bipartisanship here, and hope that would spread to other parts of this Congress as we work on other pieces of legislation. I hope to work with them in the future on the legislation that Senator OBAMA and I introduced so we can not only help families use the 2004 tax that they submitted, their tax forms, but also that we now direct the Secretary of Treasury to fast-track those checks so those families can actually get moving.

Mr. McCRERY. Madam Speaker, I would compliment the gentleman from Illinois for his thoughts on speeding relief to the people most in need; and, of course, the bill before us today does take some steps toward protecting those who are on the EITC already, to make sure that changed circumstances that they might encounter as a result of the disaster do not affect their eligibility for those checks. We are doing that in this legislation, but the gentleman makes an excellent point about the need for those checks to arrive in a speedy manner. I look forward to discussing that with the gentleman.

Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I thank the gentleman from Louisiana (Mr. McCRERY), the gentleman from Louisiana (Mr. JEFFERSON), and I rise in support of this bill, but I would like to make a cautionary point. I have been a long advocate of the charitable points in this bill, and I think they are very important. After 9/11, however, what we saw was charitable giving diverted from people all over America into New York City.

If the giving is not sacrificial above and beyond what you already give, there are going to be children who are hungry, people without homes, people who cannot get the drug addiction assistance, juveniles who cannot find a place to go, people who cannot get immunized all over America as the money just pours into one region. Sometimes the unintended consequences of giving a preferential advantage in charitable giving over others can drive this trend even more.

As I have talked to different groups in my district who have poured down into this region, this is not a 3-month project or a 2-day project, this is going to be 7 to 9 years as they reorient their mission programs as they try to do this. We need to make sure that the broader Charitable Giving Act is passed as well so that we do not dry up charities around the country and other people who are hurting in other areas are abandoned.

I strongly favor all the incentives in this bill. I believe we absolutely need to do it in this region, but we also need to make sure that the same charitable options are there for the rest of the country, where they are not getting $60 billion of assistance and probably $200 billion more that is desperately needed. Because if you are hungry, if you are hurting, it is the same no matter what city you are in, and we need to make sure this charitable giving applies to the whole Nation, not just here. I am strongly in support of this, but I hope we can move an additional bill so we do not have an unintended consequence coming out of this bill.

Mr. JEFFERSON. Madam Speaker, I yield myself the balance of my time. I again want to thank my colleague from Louisiana (Mr. McCRERY) and others who have worked so carefully on this bill. This has been an important debate, an important discussion about where this Congress is going and how it is helping out and the generosity of this Congress as we tackle these important issues and the difficult issues back home.

To those who say this is not a huge step forward, I should say to them that it is huge for the people who are involved. We take to heart the remarks made by Mr. EMANUEL, the bill that he and Mr. OBAMA are pushing to get this relief out fast. I think it is very important.

This is a huge step, but it simply is not the last step. It is far from the last step in providing relief to our region. We want this Congress to walk along with us as we make one step after another toward realizing the vision of restoring our area and rebuilding it to a new, better, higher place.

I look forward to this walk with this Congress over the next months and years. I hope that we will stay engaged as fully as we are in these early days throughout this lengthy process.

Madam Speaker, I yield back the balance of my time.

Mr. McCRERY. Madam Speaker, I yield myself the balance of my time.

I would be remiss if I did not thank the Bush administration, the Department of Treasury and the IRS for administratively doing a great many things that they could do without legislation to make sure that the needs of the victims of Hurricane Katrina are met vis-a-vis the Tax Code. I want to thank the administration for their important work on this subject as well.

I also want to reiterate my thanks to the gentleman from Louisiana (Mr. JEFFERSON) for working so closely with me and my staff to craft these very important individual tax provisions that, thanks to the leadership on both sides of the aisle, we have been able to bring to the floor in such a speedy manner.

Lastly, I would thank the chairman of the Committee on Ways and Means for lending the full support of his staff to this effort over the past couple of weeks. That will continue for some time to come.

I urge all Members to support this important legislation and get this needed relief to individuals who were affected by Hurricane Katrina.

Mr. THOMAS. Madam Speaker, I submit the following correspondence for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 15, 2005.
Hon. JIM NUSSLE,
Chairman, Committee on the Budget, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN NUSSLE: I am writing concerning H.R. 3768, the "Katrina Emergency Tax Relief Act of 2005," which is scheduled for floor consideration today. Section 2 of the bill designates that any provision affecting receipts, budget authority, or outlays in the bill will be for emergency purposes pursuant to H. Con. Res. 95, the budget resolution for fiscal year 2006. Thus, the Committee on Ways and Means shares jurisdiction with the Committee on the Budget on this provision.

I recognize the Committee on the Budget's jurisdictional interest in Section 2 of the bill, but ask that you allow H.R. 3768 to go forward. I agree that by allowing the bill to be considered, the Committee on the Budget does not relinquish any jurisdiction over H.R. 3768 or similar legislation. I would also support your request to be represented on a conference on H.R. 3768, if one should become necessary.

Finally, I will include my letter and your response in the Congressional Record during floor consideration of the measure.

Best regards.

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, September 15, 2005.
Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: In recognition of the desire to expedite floor consideration of H.R. 3768, the Katrina Emergency Tax Relief Act of 2005, the Committee on the Budget agrees to waive its right to consider this legislation. H.R. 3768, as introduced on September 14, 2005, contains subject matter that falls within the legislative jurisdiction of the Committee on the Budget pursuant to rule X of the Rules of the House of Representatives. Section 2 of the bill, relating to the designation of provisions of the bill as emergency requirements pursuant to section 402 of H. Con. Res. 95, is of jurisdictional and substantive interest to this Committee.

The Committee on the Budget appreciates the Ways and Means Committee's recognition of our jurisdictional interest in section 2. The Budget Committee also appreciates your offer to support any request we might make to be represented on the conference for H.R. 3768. Finally, the Committee on the Budget recognizes that the Committee on Ways and Means retains sole jurisdiction over all provisions of H.R. 3768 other than section 2.

I will include our letters in the Congressional Record during floor consideration of the measure.

Sincerely,

JIM NUSSLE,
Chairman.

Mr. McCRERY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. McCRERY) that the House suspend the rules and pass the bill, H.R. 3768, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCRERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3768, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER. Madam Speaker, pursuant to House Resolution 439, I call up the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 437

Resolved,

SECTION 1. ESTABLISHMENT.

There is hereby established the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (hereinafter referred to as the "select committee").

SEC. 2. COMPOSITION.

(a) The select committee shall be composed of 20 members appointed by the Speaker, of whom 9 shall be appointed after consultation with the Minority Leader. The Speaker shall designate one Member as chairman.

(b)(1) The Speaker and the Minority Leader shall be ex officio members of the select committee but shall have no vote in the select committee and may not be counted for purposes of determining a quorum.

(2) The Speaker and the Minority Leader each may designate a leadership staff member to assist in their capacity as ex officio members, with the same access to select committee meetings, hearings, briefings, and materials as employees of the select committee and subject to the same security clearance and confidentiality requirements as staff of the select committee.

SEC. 3. INVESTIGATION AND REPORT.

The select committee is authorized and directed to conduct a full and complete investigation and study and to report its findings to the House not later than February 15, 2006, regarding—

(1) the development, coordination, and execution by local, State, and Federal authorities of emergency response plans and other activities in preparation for Hurricane Katrina; and

(2) the local, State, and Federal government response to Hurricane Katrina.

SEC. 4. PROCEDURE.

Rule XI of the Rules of the House of Representatives, including the items referred to in paragraphs (1) and (2), shall apply to the select committee:

(1) Clause 2(j)(1) of rule XI (guaranteeing the minority additional witnesses).

(2) Clause 2(m)(3) of rule XI (providing for the authority to subpoena witnesses and documents).

SEC. 5. JOINT OPERATIONS.

The chairman of the select committee, in conducting the investigation and study described in section 3, shall consult with the chairman of a Senate committee conducting a parallel investigation and study regarding meeting jointly to receive testimony, the scheduling of hearings or issuance of subpoenas, and joint staff interviews of key witnesses.

SEC. 6. STAFF; FUNDING.

(a)(1) To the greatest extent practicable, the select committee shall utilize the services of staff of employing entities of the House. At the request of the chairman in consultation with the ranking minority member, staff of employing entities of the House or a joint committee may be detailed to the select committee to carry out this resolution and shall be deemed to be staff of the select committee.

(2) The chairman, upon consultation with the ranking minority member, may employ and fix the compensation of such staff as the chairman considers necessary to carry out this resolution.

(b) There shall be paid out of the applicable accounts of the House $500,000 for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 7. DISSOLUTION AND DISPOSITION OF RECORDS.

(a) The select committee shall cease to exist 30 days after filing the report required under section 3.

(b) Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

The SPEAKER pro tempore. Pursuant to House Resolution 439, the gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

GENERAL LEAVE

Mr. DREIER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 437.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this debate that we are beginning here is about a very clear choice that is before us. Will we take the responsibility delegated to us as Members of the People's House by the framers of our Constitution to ask the hard questions, admit our mistakes and improve our Nation's government for the benefit of all? Or will we rely on proxies to do our work for us because we have judged ourselves incapable of carrying out our constitutional duty to ensure that we are providing for the general welfare, which is what the preamble of the Constitution clearly states we have a responsibility to do.

I, for one, believe as James Madison, the father of our Constitution, did, that the Constitution vests this responsibility with us. I am ready to accept the challenge as a Member of the House of Representatives. I believe that we have already started this work.

Last night, in the Committee on Rules, many of my Democratic colleagues asked excellent questions. The gentlewoman from New York (Ms. SLAUGHTER), my friend from Rochester, asked very thoughtful and important questions that need to be raised. I noted that the gentlewoman from Sacramento, California (Ms. MATSUI) similarly asked some very, very good questions that should be posed to those dealing with the preparation for and the aftermath of Hurricane Katrina.

Just yesterday the governor of my State, Pete Wilson, and I should say the former governor of my State, Pete Wilson, testified. I do know very well that we have a new governor. His name is Arnold Schwarzenegger. I should say for the RECORD. But Pete Wilson testified before the Senate Committee on Homeland Security and Governmental Affairs. It was a hearing that they held on recovering from Hurricane Katrina, and he did this to share his experience and very valuable lessons that he learned from dealing with many, many very, very difficult challenges, disasters that we faced in California, earthquakes, fire, mudslides, the devastation that we faced.

I will tell Members that Pete Wilson handled every single one of those challenges in his 8 years as governor extraordinarily well, and we learned tremendously from the tragedies that we faced in those instances.

□ 1315

As he said, obviously while nowhere near the scale of Hurricane Katrina, and we all know that Hurricane Katrina has been described as the worst natural disaster to ever hit our country, some of the things that were faced in California, there were terrible California floods in January of 1997 that resulted in eight deaths, the evacuation of 120,000 people, relocation of 55,000 people to 107 shelters, damage or destruction of 30,000 residences and 2,000 businesses, and total damage estimates at about $2 billion. That in 1997.

I talked earlier today, during the rule considering the establishment of this committee, about the Northridge earthquake in 1994, and it resulted in 51 deaths and injured over 9,000 people, left 22,000 people homeless.

The interesting thing, as we look at these figures, is we all know that they pale in comparison to the tragedy of Hurricane Katrina. But, Madam Speaker, I will tell the Members that these were learning experiences for us. One of the things that was most impressive to me and one of the things that we have already found here to be very beneficial was the fact that the private sector has stepped forward and is in many ways doing things the government cannot do. And I think it is often joked about the fact that the private sector is there, ready to meet a need, a need that the government in no way could meet.

We know that for an emergency response like that we faced, clearly the government had to step in. When I say government, I am talking about the local government, the State government, and the Federal Government as well. The Federal Government, obviously, is not the first. It is really the last step. We know that State and local governments have the responsibility to make those recommendations to the Federal Government and then bring them in. We also know that at virtually all these levels of government, we have heard the leadership, from President Bush when it comes to the Federal Government, to Governor Blanco in Louisiana, state that things were not handled as well as they could have been; and both President Bush and Governor Blanco, Republican and Democrat, have taken responsibility for dealing with this situation.

I mentioned the fact that we learned things, and I mentioned the private sector. And one example that I like to point to, and I have got this right here, is in the 1994 Northridge earthquake, we had the Santa Monica Freeway collapse over La Cienega Boulevard. The Santa Monica Freeway is the most traversed interstate in the country. A quarter of a million vehicles a day go on the Santa Monica Freeway right over the La Cienega off-ramp. And the earthquake took place in January of 1994, and I happened to be by there, and one of the police officers let me go up, and I actually took a chunk of the Santa Monica Freeway. This has been sitting in my living room out in California for a long period of time. Most people think it is a piece of the Berlin Wall, but it is actually from the Santa Monica Freeway. We can see the rebars here, and this is obviously the freeway itself. And when it collapsed, we saw Southern California, clearly the most populous spot in the Nation, come to a standstill because of the importance of Interstate 10, the Santa Monica Freeway there.

Some projected that it would take as much as a year or 2 years to repair this freeway that had collapsed over La Cienega Boulevard. And Governor Wilson stepped up to the plate and did everything that he could to provide incentives to ensure that it got completed. He wrote a piece on this the day before yesterday in The Wall Street Journal in which he referred to the fact that people said it would take a long period of time.

They looked and established this contract with the Myers Company and they were told that they would have a $200,000 fine for every day beyond what they had contracted for if they did not complete it, but they got a $200,000 bonus, Madam Speaker, for every day that they got this completed earlier than had been projected.

As I said, some predicted it would take a year or 2 years to complete this. Madam Speaker, in 66 days the Santa Monica Freeway reopened, working 24 hours a day, 7 days a week.

This is the kind of incentive that we need to put in place to ensure that they deal with this circumstance. And, ironically, Interstate 10 is the exact same route that is going into New Orleans that collapsed following Hurricane Katrina and the breaking of the levees.

So I think that we have the ability to respond, to deal with this, and the United States Congress is in a position to make sure that we look at encouraging the most creative ways to address this challenge, look in a bipartisan way at these problems.

And we have set guidelines. We have got deadlines. But, obviously, if it is necessary, those can be moved if it is essential. But we have a desire to ensure that, as an institution, we come together as the elected representatives of the American people to do our job. And I am convinced that we are going to have the ability to do that, and we look forward to seeing Members of both political parties join this very important effort, and I am convinced that they will be able to look at all levels of government and the private sector and get to the bottom of that.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, high talk from the majority follows the abysmally low performance of the Federal organizations that they oversee and that our people trusted to protect them in their hour of need. And today we are told it is our constitutional duty to find out why the government was so unable to protect life here at home during and after Hurricane Katrina.

I would like to remind our friends on the other side that one of our constitutional duties as representatives of the will of the people is actually to represent the will of the people of the United States. So let the record show that as of today, according to the Republican leadership, the will of the American people no longer matters.

The fact that 76 percent of the citizens of our Nation want an independent commission to investigate the Katrina disaster does not mean a thing. The fact that over 60 percent of Republicans want an independent commission does not register with them either. Apparently, the people of the United States are to be patted on the head and told, Do not worry. We will find out what happened here.

The fact that thousands of men, women, and children are dead; the fact that hundreds of thousands more have become evacuees in the richest country in the world shows that we do not have everything under control. The fact that we cut corners and underfunded those responsible for maintaining the levees that protected New Orleans by tens of millions of dollars only so that later thousands of lives would be needlessly lost, tens of billions of dollars would have to be spent cleaning up the mess left behind shows that we do not have anything under control. That is really a case of being penny wise and pound foolish.

And now, to show how seriously it takes its constitutional responsibility to get the government back on track, to show that it is not interested solely in rhetoric but also in results, the majority has seen fit to create a partisan political body, which we all know will care more about the political survival of the leadership than the actual survival of the people.

How do we know this? Because the committee put forth by the majority is intentionally designed to be partisan. It has a Republican majority. It includes subpoena power controlled by the majority. And the scope of the investigation will be the whim of the leadership of the majority. The idea of having a truly bipartisan commission to investigate the tragedy was never seriously entertained. If it was, joint subpoena power would exist in this bill, as would joint control of the committee's operation, scope, and direction.

Instead of this, platitudes promising cooperation and shared power have filled this hall, leaving no room for a resolution calling for either a truly bipartisan committee or, what would be infinitely better, the creation of an independent commission which will actually eliminate politics from what will otherwise be an incredibly politicized investigation.

All of this is obvious to nearly every observer, and yet the leadership tells the Democrats if we are objecting to their Republican-first agenda, we, the Members of the minority, are being partisan. Apparently, in the wake of disaster comes hypocrisy.

Along with its assurances of a fair and honest investigation of the failures of the Federal response to Katrina, assurances which are the product of wishful thinking as opposed to a sincere review of recent history, the majority puts forth empty arguments in favor of this bill.

We created the Department of Homeland Security and FEMA, so only we can investigate it, they argue. That means that this leadership also helped to create the systemic problems which caused DHS and FEMA to fail. What exactly is their incentive to publicize their lack of vision and errors in judgment?

As the gentleman from California (Mr. GEORGE MILLER) said earlier today, it would be like nominating Enron to investigate stock fraud because they helped to perfect it, and it would not make much sense.

But the gentleman from California (Mr. DREIER) told us this morning that none of this matters. It would be absurd, he says, to think that any Member of this body would not want to get to the bottom of the failures. Madam Speaker, more absurd things happen in this House all the time. For example, some might say that appointing a man with absolutely no experience in emergency management to head the Federal Emergency Management Association was absurd, and yet nobody challenged that appointment until it was far too late.

Madam Speaker, I do not mean to say that the chairman and his colleagues do not care about improving our national preparedness for a future emergency, because I know that they do; but the fact that political pressures have in the past and will again in the future distort and in some cases destroy investigations of government failings when the investigations are carried out by us, this is so obvious that it should be beyond question.

The only real question left before us today is why does the majority find an independent commission to investigate the tragedy so objectionable? Would any of them like to claim here that the 9/11 Commission was a mistake? They all voted for it. Should we reject the findings of that body? Should we here and now state that because it was not run by those managing the government on September 11, 2001, for that reason, what it discovered was illegitimate? Is there anyone here who would like to state for the record that the creation of the 9/11 Commission was an abdication and denial of our constitutional responsibility as Members of the House of Representatives?

Not one Member of this body would make such a claim, and yet the majority makes this claim about the creation of a similar body to investigate what happened on the gulf coast.

There is only one explanation for it. Dare I say this absurd stance is control. The majority wants to keep the investigation under its control so it can make sure that the answers that the committee produces toe the party line. Thinking about crass political considerations when Americans are dying and are homeless, that, and only that, is an abdication of our constitutional responsibilities as Members of this Congress.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I yield time to my friend from Pasco, I would just like to say over the last 24 hours I have been hearing about this ABC/Washington Post poll to which my friend from Rochester has regularly referred, and I have actually taken the opportunity to look closely at the poll itself.

We all know that when one looks at a public opinion poll, it depends on how the question is asked. We continue to hear that 76 percent of the American people support an independent commission and they do not want Congress to take this action. Actually, I looked at the poll itself, and I would like to enlighten my friend from Rochester, if I might. Question No. 19 says: "The Republican leaders of Congress have called for a full-scale congressional investigation of the government's hurricane preparedness and response effort. Apart from this investigation, would you support or oppose an investigation by an independent commission like the one that investigated the 9/11 attacks?" Seventy-six percent support that. Well, of course. Who would not support that? Who would not be supportive of that notion? But we continue that somehow the American people oppose having Congress do its job and they only want this independent commission of unelected people to do their job.

Then one has to look at Question No. 18 just before that. And I hesitate to raise this, but the fact that this public opinion poll has been continually utilized as the bible when it comes to consideration of our legislative proposal here, Question No. 18 says: "Do you think Democrats who criticize the way the Bush administration has handled the hurricane response mainly want to find out what went wrong or mainly want to use the issue for political advantage?" And, Madam Speaker, 60 percent said that Democrats want to use this issue for political advantage rather than trying to get at what went wrong.

I would have never brought this up, Madam Speaker, had I not heard that 76 percent of the American people are opposed to having Congress do its job and instead want an independent commission.

Madam Speaker, I yield 3 minutes to the very distinguished gentleman from Pasco, Washington (Mr. HASTINGS), subcommittee chairman from the Committee on Rules and the chairman of the Committee on Standards of Official Conduct.

□ 1330

Mr. HASTINGS of Washington. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise today in support of House Resolution 437 to establish a select bipartisan committee to investigate the preparation for and the response to Hurricane Katrina.

Madam Speaker, Congress has an important constitutional role to play in providing oversight to the executive branch and Federal agencies. But more importantly, Congress has a responsibility to the people we represent to investigate the preparation and response efforts to Hurricane Katrina and make recommendations on how we can better prepare and respond to disasters in the future.

Madam Speaker, some of my colleagues on the other side of the aisle oppose the idea of a bipartisan congressional committee held accountable to the people and by the people who elect us. But, Madam Speaker, a bipartisan investigative committee held directly accountable by the people is exactly what is needed

Because we never know when or where the next disaster will strike, it is vital that Congress move swiftly to investigate how local, State, and Federal governments, along with the private relief agencies, can better communicate with one another and coordinate the relief efforts. America must be better prepared to handle disasters in the future.

Madam Speaker, I am saddened that hours after Hurricane Katrina rescue and recovery efforts began, lawmakers were publicly pointing fingers rather than focusing on how to help the victims. Clearly, clearly in hindsight there are things that could have been done better. Only now that victims have been rescued and their immediate basic needs are being met is it appropriate that an investigation of what happened begin.

There is no question that Hurricane Katrina caused great devastation, the magnitude of which becomes more evident every day. But, Madam Speaker, one of America's greatest strengths is our long-standing tradition of pulling together in times of need.

I am proud that in my home State of Washington, which is located 2,500 miles from Louisiana and the gulf coast, families are reaching out to help those affected. Communities are collecting food, clothing, and cash donations. For example, Washington apple growers have contributed truckloads of world-class apples to people living in Mississippi and the other hard-hit areas and throughout America. Families are opening up their homes, businesses are employing dislocated workers, citizens are traveling to the gulf coast region to help with recovery and rebuilding efforts, and schools are teaching children who have been displaced from their schools, homes, and friends.

America has been challenged by natural disasters in the past, and we will no doubt be challenged by disasters in the future. Only by Republicans and Democrats working together in a bipartisan fashion will the best interests of our Nation prevail.

Madam Speaker, there is much to be learned from this disaster. We must examine what worked, what did not, and what we need to do to be better prepared. The primary focus of this bipartisan investigative committee should be that we should begin to prepare for the disasters ahead and not to assign blame. I, therefore, urge my colleagues to support House Resolution 437.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR), a man who knows of what he speaks.

Mr. TAYLOR of Mississippi. Madam Speaker, I recently heard the gentleman who represents Hollywood speaking about how it is somehow fair that the only Member of this body that I know of who was there on Ground Zero, who rode with the National Guard to distribute food because FEMA so thoroughly screwed up, who realizes that if it were not for the United States military doing FEMA's job for them, people would have starved to death, people would have died of dehydration, hospitals would not have gotten needed medical supplies, that I will not be allowed to subpoena witnesses.

So as a Member of this body who was elected by as good a margin as anyone else here, I do object that I could not ask for a witness, that I could not subpoena a witness to deliver the message that needs to be delivered about the lessons learned in Mississippi. We do not need to make the same mistakes when the next hurricane hits.

The bottom line is FEMA did make horrible mistakes that came very close to costing people their lives. FEMA could have avoided millions of dollars in unnecessary aerial replenishment of people that we could get trucks to, because they insisted on one point of delivery in a county where very few people still had cars that were running and those that had cars that ran could not get gasoline.

FEMA could have sent thousands of people on their way to their families in other parts of the State, but did not bring gasoline in for them. There are a number of mistakes that we never need to make again as a Nation. And I would hope that I would have the opportunity to subpoena some of the people that need to speak on this. It does not need to be Bush-bashing; it does not need to be anybody-bashing. It needs to be an honest account of what happened.

But how can we do that when one of the people that was at Ground Zero cannot ask questions of witnesses, cannot subpoena witnesses? Is that really fair? Does that really get to the solution of the problem? I do not think so. I think our Nation works best when we work together, and a 9/11-type commission composed of whoever needs to be subpoenaed is what we need to do.

At the end of the day, I am going to vote for a commission no matter how bad, because something is better than nothing; but the American people deserve for us to do it right.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Let me just respond to a couple of points. First of all, under consideration of the establishment of this select committee, we will be operating under the standard rules of the House. The standard rules of the House allow not individuals, but allow a committee to come together and determine who is subpoenaed. And I will tell my colleagues that I know with absolute certainty that the people who are providing the leadership of this committee will clearly want to be in consultation with the Democrats, with members of the minority to ensure that any witness who could help get to the bottom of this problem, to the root of this problem is called before the committee.

And I will tell my colleagues why. I do not represent Hollywood, California, by the way, I should say for the record; I represent areas around Hollywood in suburban Los Angeles, an area that has been impacted by a wide range of disasters.

I think it is absolutely reprehensible to believe that any Member of this House, Democrat or Republican, would want to do anything that would jeopardize the ability to find out exactly what happened leading up to Hurricane Katrina and exactly what happened in the aftermath of Hurricane Katrina. So I can assure my colleagues that I am convinced that everyone is determined to do that.

I should say that, as I sat down, one of my staff members reminded me that I mentioned this poll from The Washington Post and ABC that is the model, I guess, that we are following for the establishment of this committee; and even though it said that 60 percent of the American people believe that the Democrats would use this issue for political advantage rather than trying to get to the root of this problem, I do not believe it for one minute. I hesitate to say that the American people are wrong, but I will tell my colleagues this: I do not believe that the American people are right when they claim, to a number of 60 percent, that Democrats do not want to get to the root of this problem, which is what they have said in this much-hailed ABC News-Washington Post poll.

Mr. TAYLOR of Mississippi. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Speaker, given the gentleman's desire to see that we get to the bottom of this, given that the gentleman is elected by a majority of the people from California, and given that I am elected by a majority of people in the most affected area, does the gentleman not think it would be fair that I would have the same right, as someone from the affected area, to subpoena witnesses as the gentleman from the west coast of this country would have?

Mr. DREIER. Madam Speaker, reclaiming my time, I will say that that is exactly what exists. The rules of the House that apply for the subpoena process for other committees in the House will apply similarly for this new select committee that is charged with dealing with this circumstance.

Madam Speaker, I am happy to yield 2 minutes to the gentleman from Lafayette, Louisiana (Mr. BOUSTANY), another individual who was victimized by Hurricane Katrina.

Mr. BOUSTANY. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise in strong support of the resolution to create a bipartisan, bicameral congressional committee to investigate the local, State, and Federal response and preparation to Hurricane Katrina. As a member of the Louisiana delegation, I am not interested in polls. I want prudent deliberation, and I want substantive action.

Congress has the obligation and duty to conduct a thorough investigation to provide the American people with answers. The investigation must be expeditious and thorough, without interfering with the recovery efforts. The idea of an independent commission is not the best option.

It is the responsibility of Congress to look at the Federal agencies this body created to respond to disasters. It is the responsibility of Congress to identify the deficiencies and correct them.

As a result of the 9/11 Commission, Congress responded with legislation based on their recommendations. Now is the time for Congress to provide scrutiny on how the law was implemented.

A separate so-called independent commission would simply be a redundant step. The American people demand prompt answers and solid solutions to the bureaucratic and legal hurdles that were impediments to the response to Hurricane Katrina. I personally experienced these.

As a member of the Louisiana delegation, I also believe that the Members from impacted regions must have a participating voice in the investigation to provide firsthand knowledge of frustrations and impediments that our offices confronted. It is urgent that deficiencies in command, control, communication, and response be corrected. A bipartisan, bicameral congressional committee for oversight and investigation is the first step.

I urge my colleagues to support this resolution so that Congress can exercise its duty and obligation to the American people.

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Speaker, I rise in strong opposition to this partisan resolution that spits in the face of the American people's call for a robust inquiry that is independent of politics.

Yesterday's report by the 9/11 Commission provides data to back up what every American learned by watching the government's dismal response to Hurricane Katrina: that 4 years after 9/11, our Nation is still not prepared to respond to a major crisis, in this case a disaster that had been predicted, game-played in an exercise run by FEMA, and which we knew about 24 hours in advance.

As the relief and recovery process continues and the rebuilding process begins, the American public must have complete confidence that their government is up to the task. Unfortunately, the Republicans have chosen to play politics and flaunt the will of the American people by instead proposing a select committee that is not bipartisan, that will not have an equal number of Democrats and Republicans, and will not have bipartisan subpoena power.

Let us be honest. How can the American people trust this Congress to not only investigate this administration but also Congress itself? Because the actions of the Congress are definitely one of the things that needs to be investigated. The Republican Congress was responsible for cutting the budget of FEMA and the funding for the levees around New Orleans. An outside evaluation of Congress's actions is needed, not an internal review.

Can the American public all of a sudden expect the Congress to investigate this administration after 4 years of basically no congressional oversight? Yes, the rules of the House have been used to stifle honest, robust inquiry. This is the Republican Congress that has not conducted true oversight hearings into the decision to go to war in Iraq, the lack of a success strategy in Iraq, the outing of a CIA operative, among many others.

So we can stick our heads in the sand and pretend the government has handled the recovery well and basically do nothing, or we can appoint a truly independent commission to help avoid these mistakes in the future. The vast majority of the American public supports the establishment of an independent, bipartisan commission so that the inquiry focuses on the facts instead of getting bogged down in partisan politics.

That is why the gentleman from Florida (Mr. HASTINGS) and I introduced legislation to establish an independent, bipartisan commission modeled after the successful 9/11 Commission to investigate the government's response to Hurricane Katrina and make recommendations for reforming the Nation's disaster response system.

The commission would be charged with evaluating what the government could have done to avoid the mistakes that exacerbated the crisis faced by hundreds of thousands of Americans along the gulf coast and caused untold loss of life. I mean, how is it possible, for example, that 4 years after September 11, our local first responders still do not have interoperable communications systems that can talk with each other as they carry out their lifesaving work? That is why the commission would have the full authority to question the government officials, examine government documents, and hold public hearings.

Finally, I want to remind my colleagues that despite overwhelming public support, it took months to overcome White House opposition and establish a 9/11 Commission, basically only getting the President and the Republican Congress to that point by dragging them along, kicking and screaming. We have heard all the same lame excuses we heard today as we did when we were trying to establish the 9/11 Commission.

Today, there is unanimous agreement that the commission had the courage to ask the tough questions that Congress did not and that developed reforms that, if implemented, would make our Nation safer. That is what we need to do. Let us create an independent commission. Let us not deceive the American people through this committee that will do absolutely nothing to get to the bottom of the problem.

□ 1345

Mr. DREIER. Madam Speaker, I have listened to these terms: "sticking our head in the sand"; "ignoring the problem." I have no idea what anyone is talking about when they say things like that. It is absolutely absurd to believe that any Member of this institution does not want to do everything possible to ensure that we find out what happened leading up to Hurricane Katrina and what has happened since Hurricane Katrina has hit.

Because we, at this moment, live with the threat of Hurricane Ophelia off the Carolinas, so we are moving as expeditiously as possible to get this bipartisan committee put together, where the committee itself will determine how someone is subpoenaed, just as is the case with every committee.

I hope very much that the gentleman from Mississippi is appointed to serve as a member of this select committee. He obviously has strong feelings. He has made it very clear that, as someone who was victimized by Hurricane Katrina, he should in fact be able to subpoena; and I can assure him, under the standing rules of the House, as a member of the committee, if the minority leader chooses to appoint him to that committee, he will be able to participate in determining who testifies before that committee.

So we are in this together, Madam Speaker, whether Members like it or not.

Again, I do not believe that Washington Post poll that the Democrats want to use this for political gain. I believe the Democrats, along with Republicans, want to find out exactly what has created this challenge at all levels of government and even in the private sector, with which we are contending at this point.

Madam Speaker, I yield such time as he may consume to the gentlemen from Florida (Mr. SHAW).

Mr. SHAW. Madam Speaker, reading the resolution, it simply says that there is hereby established a select bipartisan committee to investigate the preparation for and the response to Hurricane Katrina.

There is so much we can learn, so many missteps, but so many things that were done right. And I think it is time for us to come together.

I have served in this body now 25 years; and in that 25 years, a little over half of it was under a Democrat House and Democrat leadership, Tip O'Neill, Jim Wright, three Speakers in all on the Democrat side. And I can tell you, the ratio of this committee, we would have just rejoiced in getting 9 out of the 20 spots during that period of time. I think it is tremendously fair, and I think the Speaker has been very fair in what he has talked about.

Now anyone in this House that would suggest that any Member of this House or any Member of either party would whitewash or push something under the rug that could mean the life and death of the American people or the destruction of property because it is politically expedient, I just cannot imagine that. I cannot imagine that possibly happening.

There is going to be good people appointed to this committee, and they are going to be people that really care. And I think after they look at it and after this report comes out, the American people will have faith once again in their Government.

You know, criticism has always been made suggesting that Congress cannot have oversight over the laws that we pass ourselves. What do we do every day? We do that in committees every day. We have hearings. I do not care whether it is a Ways and Means Committee, the Appropriations Committee, Transportation Committee, whatever committee we are talking about, we are constantly examining and reexamining the laws that we have passed and the laws that have been passed by previous Congresses. That is our job. That is what we are supposed to do. And for us to suggest or for me to suggest that we need to push this off to some independent body and not do it ourselves does not make a whole lot of sense.

And, by the way, one of the recommendations that came out of the independent body from 9/11 was to put FEMA under Homeland Security. Now everybody is clamoring, saying that was a mistake. I think it was a mistake, and I think we need to very closely examine what we are doing.

We need to do something else, too. We have appropriated an awful lot of money to be spent down in that area, and we are going to appropriate a lot more. I think the President estimated that it could be $200 billion. And we have to watch and see how that money is being spent.

We saw FEMA make some big mistakes in the past down in Miami Dade County, where they were paying for funerals last year where there was not a hurricane. They were paying for funerals where there was not even a corpse. They were paying for all kinds of things, and that area should have been actually taken out of the disaster relief area when it was passed.

So this committee has a big, big job; and it should be done in the Congress. I do not want an oversight committee, independent of the Congress, not elected people, that are overseeing it and seeing how this money is being spent. $200 billion of American taxpayers' money.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, Democrats want to make sure that we help the victims of Katrina first; secondly, we want to make sure that there is oversight on the money that we are spending, a lot of money; and, thirdly, we want to have an oversight, meaningful, in depth, honest, searching, courageous as to why the Federal Government was so inept in its response and so late.

The good news is that the men and the women of the National Guard, the Coast Guard and other elements of the Federal Government are now acting so courageously and effectively. That is what we want, and that is why we oppose this bill which would create a partisan congressional committee to investigate the inept Federal response to Katrina. Because we believe it is imperative to establish an independent commission modeled on the highly regarded 9/11 Commission.

I will ask my friend who chairs the Rules Committee, who used to come to this floor on a regular basis and say, when Democrats were in the majority, why will you not allow us to consider an alternative? Are you afraid that the majority of this House will say, yes, a commission is the right way to go? Are you afraid that you cannot keep your Members in line? Are you afraid and therefore do not give us an amendment, do not give us a motion to recommit with instructions?

What is the fear? It is the fact that you are so focused on not having meaningful oversight, of keeping it in-house, of not having independence, that you do not allow us and the American public's representatives to have that alternative considered on the floor.

Ladies and gentlemen, oppose this resolution and continue to demand an independent commission, just as the American people want. We did it with 9/11. We can do it with Katrina. We can do the work that the people expect us to do. Vote against this resolution.

Madam Speaker, let no one be mistaken about why Democrats oppose this legislation.

We oppose this bill—which would create a partisan congressional committee to investigate the inept Federal response to Hurricane Katrina—because we believe it is imperative to establish an independent commission modeled on the highly regarded 9/11 Commission.

We are not alone.

In fact, a Washington Post-ABC news poll revealed this week that 76 percent of Americans support an independent commission.

Some Republicans support such a commission, as well.

Just this week, the Republican Senator VITTER of Louisiana—whose constituents were directly affected by this devastating hurricane—expressed his support for a commission.

Yet, Madam Speaker, this Republican majority today has denied Democrats the opportunity to even consider the bill offered by Mr. HASTINGS, which would create such an independent commission to investigate the local, State and Federal response.

Let's be clear: There is not bipartisanship coming from the other side of the aisle regarding the creation of real oversight.

The Speaker and Senate majority leader announced this proposal without even consulting Democrats.

The reality is, if this Republican majority were charged with investigating the actions of a Democratic administration, there is no doubt in my mind that its oversight would be real and vigorous.

But as the columnist David Broder pointed out recently: "Majority Republicans see themselves first and foremost as members of the Bush team—and do not want to make trouble by asking hard questions."

This majority has refused to conduct oversight over this administration during the last 4 years.

Why should we believe that it is prepared to fulfill its constitutional responsibilities now? We have no basis for believing that. And, that is why an independent commission is needed.

I urge my colleagues to vote against this bill.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, calling this partisan Republican scheme "bipartisan" reminds me of those tinhorn dictators who attempt to mask their authoritarian regimes by calling their countries "democratic."

We need an independent citizens commission like the 9/11 Commission to explore the failures of every level and every branch of Government. The administration and its House Republican cohorts oppose this independent citizens commission just as they opposed the 9/11 Commission and just as the administration erected roadblocks to that Commission's work at every turn.

I say to them: Save the stonewall to rebuild the levees. With thousands stranded, this administration would not lead, and now it wants its buddies in the Congress to lead the cover-up.

As with the formation of the 9/11 Commission, if enough Americans get informed and demand a genuine, independent investigation, we can end this Republican charade.

Our safety demands real accountability. With such incompetence and indifference, what reason is there to believe that what we have witnessed might not happen in our own backyard, that the fate of those we saw in New Orleans would not be the fate of other people, be they poor folks in the Rio Grande Valley from hurricane, flooding or any other disaster, be it human-caused or natural or both? Without knowing objectively what, why, and how the rescue mission failed, there is no way to ensure that the horror that we have seen would not be repeated in our own communities.

There is nothing to prevent these folks from having all of the congressional investigations, all of the budget hearings that they want to have. What we are asking for today is that you not have a sham "bipartisan" commission. You bring in the citizens from around the country and have the kind of independent inquiry that led to a best-selling book, by the 9/11 Commission.

We owe it to the dead, to the displaced, to all who could become the next victims of a catastrophe to support a true and genuine, independent inquiry.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the Homeland Security Committee and ranking member of the First Responder's Committee.

Mr. PASCRELL. Madam Speaker, and so it continues. This is a partisan, counterfeit commission if I have ever seen one proposed today, and I have two simple questions: Will the administration escape accountability again? And the second question is this: Will the administration get away with another failure?

Please note the word "escape". In fact, if you look in the Bible, the Old Testament, Leviticus, chapter 16, verse 8, we find the origin, the etymology of the word scapegoat, the goat that departs.

In scripture, you had two goats. One was sacrificed for our sins; the other escaped, was let go. That is from the English word scapen, the Old English, a form of escape.

So, Brownie, he was sacrificed, and yesterday all of his minions resigned, all of these people that were hired. We better have an objective review of what happened. We better have an objective view, or else we are never going to get to the truth.

This is the most redactive, the most secretive administration in the history of the United States. It has nothing to do with political partisanship either. None whatsoever.

We have seen it repeatedly. This is the administration that can show negligence, ineptitude, and dangerous arrogance without ever enduring the burden of even limited liability. Policy disasters abound, yet culpability is never encountered.

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No one who has followed the workings of this body believes that a commission made up of apologists will ever hold the administration accountable for anything.

This is far too important for business as usual. I implore my colleagues to vote against the bill, to demand the creation of a truly independent commission. It worked 4 years ago. It will work now.

I do not think there is anything wrong with this. And when you talk about the ability to subpoena, the majority will have the right to oversee whether we can subpoena particular people. This is phony. All we ask for is to let us come together. We agree we need to send help down there. We are doing our best, both sides of the aisle.

Let us have an independent review of what has happened and what is going on. We are talking about people's lives here.

Mr. DREIER. Madam Speaker, coming together is what this is all about. This is a bipartisan committee that has been proposed by the Speaker, and we look forward to seeing those minority Members who are going to be part of this process.

Madam Speaker, I yield 2 minutes to the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), the very distinguished chairman of our Subcommittee on Budget and Process Reform.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a curiosity to see how our friends on the other side of the aisle have now discovered, it seems like they discovered the Mediterranean today when they say that independent commissions in their view, so-called independent commissions, are not political.

It is not by chance, Mr. Speaker, that the first article of the United States Constitution created the Congress, article I created the Congress. Among the duties of the Congress, constitutional duties of the Congress, is the responsibility of oversight.

When a so-called independent commission is created, we have to ask ourselves, who funds the independent commission? Congress, created by the first article of the Constitution with the duty of oversight.

Who appoints, Mr. Speaker, the so-called independent commissions? Congress or if Congress authorizes the President, the President authorizes. The decision is ours. Ours is the duty under the Constitution to investigate. Ours is the duty to carry forthwith oversight.

What we are doing today is trying to do our duty in creating a bipartisan committee of this House with the solemn obligation of investigating this tragedy, this ongoing tragedy that is going on now in the gulf States, and to do so as soon as possible.

I am proud of the fact that the House is bringing forth this measure today, proud to support it; and I ask all of my colleagues to do so as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I want to address the House on this subject that is before us today. I have served in the Congress for 30 years, the first 19 in the majority, the last 11 in the minority, so I have seen life from both sides. And let me tell you, today is one of the low moments.

We have just experienced a national tragedy that has caused immeasurable pain to countless Americans, and yet here in the House of Representatives, nothing seems to have changed. The House is not rising above raw partisanship even in a time of national tragedy.

Republicans are saying, well, we should just trust them because they have created something they are calling bipartisan. Well, the right way to create something that is bipartisan is for the two parties to talk. Instead, the Republicans met among themselves without talking to the Democrats and have proposed this select committee on a take-it-or-leave-it basis.

The majority cannot define bipartisanship for the minority. The majority has to make the real effort and be willing to do some work, maybe hard work with the minority to achieve bipartisanship.

Well, why are we suspicious? They did not talk to us. The committees in the House and the Senate that have oversight jurisdiction were starting to hold hearings and suddenly the Republican leadership said, well, we are going to have a House-Senate committee. And suddenly it is not a House-Senate committee; it is a select committee.

Well, look at the record how Republicans have done oversight. Have we really looked at how the White House used the intelligence, as faulty as it was, that was the basis for going to war in Iraq? No, we have not had hearings on that. We have not looked at that.

Has the House looked at the question of the outing of a CIA agent by people in the White House in order to punish her husband who was critical of the Iraq war? No, no hearings on that.

The actuary working for this administration withheld from Congress on the costs of the Medicare prescription drug bill. Should we not try to find out what happened? Both Republicans and Democrats were denied the facts before we voted on the bill. No, nothing on that.

We had more hearings when the Republicans were in charge and there was a Democratic administration on whether President Clinton misused his Christmas card list for political purposes. That meant 7 or 8 days of hearings. But we cannot get hearings on these important subjects. And now we are told there is a bipartisan committee, a select committee, that is going to look into this matter.

Well, if you really wanted bipartisanship, I say to my Republican friends who run the House, you need to at least talk to the Democrats and make an effort. But when you do not make an effort and you have a record of abusing the power that you have in running this institution and ignoring the oversight responsibilities on really important matters in order to protect a Republican administration from possible embarrassment, we have no confidence whatsoever that we are going to get to the facts of what went wrong in dealing with Hurricane Katrina.

We need to rise above this raw partisanship and join together, if not on an independent commission which I think makes the most sense, at least on a committee that is equally divided, with the powers equally divided, where the intent is to work together. But we looked at what is being proposed, and the only conclusion that many of us can reach is that this is going to be a committee to pretend to do an investigation but not find out the truth.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, following Hurricane Katrina there are many questions that must be answered. To answer them this body should create a bipartisan commission of experts to investigate the failures and flaws of the system just like we did after 9/11, which I would like to remind my colleagues led to enactment of legislation that helped this country protect itself because the process had integrity.

The enacting and recommended legislation also received bipartisan support. The purpose of a 9/11-like independent commission is not to fix blame, but to fix a problem. And what we are debating today is not sufficient because if it were truly bipartisan, it would be bipartisan from this point of origin. And the beginnings of this commission, or the beginnings of this select committee, do not bode well for what was intended as a bipartisan effort by both Democrats and Republicans to find out what happened and what needs to be done.

Rather than debate a bipartisan commission, what we are debating today will amount to nothing more than a whitewash because of the long list of items that my colleague from California (Mr. WAXMAN) just mentioned. From the intelligence failures to the true cost of the prescription drug bill, all these missed opportunities were left purposefully and consciously, not looked into, not asked into. If you do not think you have a problem, you will not fix a problem.

Mr. Speaker, hundreds have died, thousands have lost everything, billions will be spent rebuilding the infrastructure and people's lives. The stakes are simply too high not to know what went wrong.

Look what happened today in the New York Times. Michael Brown, the former head of FEMA, talked about where the Louisiana Governor failed, but also talked about where Secretary Chertoff failed. Brown's statement can probably be discounted somewhat as sour grapes, but recent stories by KnightRidder and others raised serious questions. KnightRidder raised questions about whether Mr. Chertoff delayed the Federal response. Memos were written to him, and according to a Presidential directive, he had authority and control and did not act for over 36 hours and was nowhere to be found.

While everyone has blamed Mr. Brown, it was Mr. Chertoff who was responsible for managing the national response plan according to the Presidential directive.

At the same time, an independent commission could monitor the contracts awarded during the reconstruction. Already a disturbing trend has emerged of awarding no-bid contracts, reconstruction contracts, to politically connected firms.

USA Today points out many of these companies have been fined millions of dollars for overbilling the government during hurricane rebuilding efforts and other government projects. In fact, one company is fined a $3.2 million fine for what they overcharged during Hurricane Hugo. So the same cronyism that led to Mr. Brown's appointment is now guiding the awarding of contracts to the rebuilding of New Orleans.

We need a 9/11-type commission, an independent commission, that basically takes the facts where they lead them, has the integrity of this body and the American people and the confidence so they can recommend the changes. Because after 4 years from September 11, what we saw and over the last 3 weeks is not the best of America in the sense of government's response. We saw the best of America from the American people, and we now need a commission to make sure that we finally fix our response for when a natural disaster or other type of disaster hits this country. We need a bipartisan 9/11-style commission.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I never rise on this floor addressing the question of Hurricane Katrina without thanking all of the enormous outpouring from Americans of charity and concern, particularly commenting on my city and my State that have welcomed now almost 245,000 survivors into the State of Texas and now close to 100,000-plus in Houston, in my congressional district and other congressional districts in the area.

One of the first things I did in visiting those survivors in the Astrodome was to apologize on behalf of the Federal Government. Each meeting I subsequently went to and each time I was able to touch a survivor or hear their story of pain, I again apologized for the complete collapse and ineffectiveness of our ability to deploy in advance of Hurricane Katrina, to be able to be on the ground with resources whether they be the National Guard or the military or FEMA or anyone else that might have contributed to the saving of lives or, in fact, providing the survivors with a pathway out of Mississippi or Alabama or New Orleans.

So I accept and respect the apology and the acceptance of responsibility by the President, by the Governor and anyone else who chooses to do so, because the Federal Government is a safety net; and I think Americans understand that. But, Mr. Speaker, moving checkers on a checker board is not, in fact, a solution to our problem. So we cannot make, if you will, anew something that is broken.

The idea of a commission similar to the 9/11 Commission speaks volumes for the accuracy and the responsibility that so many elected officials have spoken about. Be reminded that the 9/11 Commission working in a bipartisan fashion, equal numbered in population, if you will, reflecting different views, was able to bring out the dirty laundry but also the good points. They reminded us that one of the key elements of failure in 9/11 was the lack of interoperability. As a member of the Homeland Security Committee of the Congress, I believe a 9/11-type Commission for Hurricane Katrina would pay tribute to the survivors and deceased alike and provide America with the necessary truth!

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

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Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me time.

My heart and the hearts of those I represent are with all who have been devastated by Hurricane Katrina. We know a bit about what it is like to have devastating loss in a flood. The City of Grand Forks flooded in 1997. Fifty-seven thousand people were evacuated, but the Federal response was immediate and lives were saved. Here, the Federal response failed and lives were lost. We need to know why.

This is about learning what happened so it never happens again; and no Republican controlled, no congressional, partisan hearing process could ever get to the bottom of it. We need an independent commission. It literally is a matter of life and death, no partisan whitewash. We need an independent commission so we learn what happened so it never happens again. Lives are at stake.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlewoman from New York for the time.

The citizens of Louisiana, Mississippi and Alabama deserve nothing less than the citizens of New York and New Jersey and Connecticut, those in Pennsylvania and our own Pentagon who received an independent commission, one that was heralded for its results and for its independence and its ability to work together. It served as both healing the Nation and bringing people together.

The citizens of those States, the residents of the city of New Orleans deserve the same as the great City of New York. The citizens who were stranded in the Superdome or in the convention center deserve nothing less than what this Nation received with an independent commission.

The spouses of so many of our Members, who have not been recognized at all, deserve nothing less than to make sure the efforts that have gone on already and the answers that everybody seeks are provided by an independent commission, an independent commission blessed by both the gentleman from Illinois (Mr. HASTERT) and the gentlewoman from California (Ms. PELOSI), coming together in the way that we should as a country.

We all stand prepared to work together. The citizens of Louisiana and Mississippi and the great City of New Orleans deserve nothing less.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the United States of America has gone through the worst natural disaster in our Nation's history. Time and time again, we have been hearing people say that. It is unimaginable what people have gone through. I have to admit I cannot imagine the suffering. I have seen it on television, I have heard it reported by my colleagues on both sides of the aisle who have been victimized themselves, but it is impossible, it is impossible to imagine how horrible this has been.

We do know one thing, both President Bush, Republican, and the Democratic governor of Louisiana, Governor Blanco, said that mistakes were made leading up to Hurricane Katrina and mistakes were made in the aftermath of Hurricane Katrina. Everyone has acknowledged that.

We have an opportunity, we have an opportunity to come together, as we have in previous disasters, and deal with it, meet our constitutionally mandated responsibility for oversight of the executive branch to investigate and look at what happened at all levels of government, local government, State government, the Federal Government, even the private sector. We have a chance, Mr. Speaker, now to do that.

That is exactly what the gentleman from Illinois (Speaker HASTERT) has proposed, working with our colleagues in the other body, to come together with a committee that will allow Members of both political parties to raise any question that they want, to allow this committee to have the authority to subpoena witnesses, bring them forward. I have to say that it is very obvious to me that this is our chance to do it.

We are dealing with a hurricane right now in the Carolinas. We are dealing with other potential disasters on the horizon. I believe I have a responsibility to the people whom I represent. I have a responsibility to all the American people, just as we all do, to make sure that the problems that we faced leading up to and in the aftermath of Hurricane Katrina never happen again.

Mark my words, everyone, Democrat and Republican alike, wants to ensure that we are able to address those concerns. That is exactly what the establishment of this commission will do.

I am perplexed, Mr. Speaker, with the arguments that I have heard from my colleagues on the other side of the aisle. They want to increase their level of participation, they want to be able to get to the bottom of this, and yet they are saying let us give up our responsibility under article 1, section 8 of the Constitution that charges us with this duty.

This is our responsibility. This is a very important part of the reason the American people elected us as representatives, to come here and do their bidding, to do their job, to make sure that we find the answers to these very important questions.

I hope that we will be able to have that sense of solidarity, and so I am saying on behalf of the gentleman from Illinois (Speaker HASTERT), I know that he looks forward to having our colleagues on the other side of the aisle appointed, along with those who he will appoint to serve on this very important committee, and with that, with our quest of trying to ensure that we never go through what we have gone through in the past several weeks, I urge support of this very important resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Res. 437, establishing a select bipartisan committee to investigate the preparation and response for Hurricane Katrina.

We have all spent much of the past two weeks witnessing and examining the aftermath of this catastrophic disaster. It has become increasingly clear that local, State, and Federal Government agencies failed to meet the needs of the residents of Louisiana, Mississippi, and Alabama. Now it's this Congress's job to figure out why, and to make sure we as a country are better prepared for the future.

First and foremost, our thoughts and prayers go out to the hurricane's victims, their families, and their friends. The loss of life, of property, of livelihoods and dreams has been enormous. And we salute all Americans who have stepped to the plate to help in any way they can.

Congress has a responsibility to conduct oversight, but at this stage, the oversight needs to conduct oversight in a manner that does not interfere with rescue and relief efforts. Many questions need to wait; no one wants to take people away from the massive job at hand.

But I also think some issues can and should be looked at now. Members want to begin doing oversight, and the American people are demanding it as well.

The formation of a bipartisan select committee, composed of Members from the numerous House committees that bear responsibility for various aspects of our Nation's failure to respond to this disaster, would enable this Congress to take a thoughtful.

Whatever the threat, Katrina has forced officials across America to take another look at disaster plans that may not be as solid as they previously thought.

It has forced officials across America to take another look at the laws and regulations governing disaster response to identify ways to cut bureaucratic red tape in order to respond as quickly as possible.

This is not the time to attack or defend government entities for political purposes. This is a time to do the oversight we're charged with doing. Our goal should be to investigate aggressively what went wrong and what went right. We'll do it by the book, and let the chips fall where they may.

It's hard not to point fingers and assign blame in the aftermath of tragedy. I understand human nature, and I understand politics. But I think most Americans want less carping and more compassion. I think most Americans want a rational, thoughtful, bipartisan review of what went wrong and what went right. I think most Americans want to know we'll be better prepared the next time.

It remains difficult to understand how government could respond so ineffectively to a disaster that was predicted for years, and for which specific dire warnings had been issued for days. If this is what happens when we have advance warning, I shudder to imagine the consequences when we do not. If ever there were a time for leaders at all levels of government to come together and review and coordinate their emergency plans, it's now.

Some people are suggesting that only an independent body could properly investigate the Katrina tragedy. I think that point of view diminishes this House and the Members of this House. The voters didn't send us here to appoint commissions to do our jobs for us.

All over this country Americans are digging deep and making sacrifices. If we can't lead this Country then let's at least follow their lead and stand up and do our job.

Mr. HONDA. Mr. Speaker, I rise in strong opposition to House Resolution 437, legislation that proposes to establish a partisan committee to investigate the Bush Administration's clumsy response to Hurricane Katrina. This Congress has a proven history of lax oversight of the Administration, and I do not believe it can be trusted in this case to undertake a truly independent and probing inquiry.

Like most Americans, I welcomed the resignation of FEMA director Michael Brown. He proved himself grossly under-qualified for the important job of FEMA chief, the key position for coordinating governmental response to domestic catastrophes. His previous professional experience with the Arabian Horse Association proved inadequate training for the awesome challenges any FEMA chief can expect to face. Mr. Brown's appointment to this critical position, when compared to his woeful qualifications, reveals a disturbing willingness to place cronyism over competence.

Mr. Brown's unjustifiable appointment to FEMA is not the only outrage in the Katrina tragedy. President Bush himself has acknowledged his own failure and that of the entire Bush Administration. As the floodwaters rose and the cries went out from stranded victims, George Bush seemed not to notice. Only when his handlers realized the gravity of the situation—days after federal action could have pre-empted untold numbers of deaths—did the President rouse himself from the vigors of ranch life and deign to respond. This he did by cutting his five-week vacation short by two days, and dipping the wing of Air Force One as he jetted by.

The American people witnessed the Bush Administration negligent response to Hurricane Katrina, and they want a full account of the political and systemic shortfalls that contributed to the inept and late federal response. That is why so many Americans oppose a partisan committee like the one proposed in this legislation. In fact, 71 percent of the public said that the proposed congressional investigation would "get bogged down in politics" rather than "focusing on the facts."

Such skepticism is well-founded. The Republican majority of this Congress consistently refuses to ask tough questions of the Administration or hold it responsible for its misguided policies and outright dishonesty. The Congress, for example, did not probe the Administration's faulty rationale for war with Iraq, unlawful disclosure of a CIA agent's identity, deceptive cost estimates for its prescription drug proposal, and unethical dealings with energy lobbyists. Having turned a collective blind eye to these wrongdoings, there is no reason to believe that Congress will suddenly reverse course and put national interests above their political loyalty to President Bush.

A recent poll revealed that 76 percent of Americans support the creation of an independent commission akin to the one formed by Congress after the September 11 terrorist attacks. My Democratic colleagues and I have proposed just such a commission to examine the conduct of the Federal Government, including the Congress, before, during, and immediately after Hurricane Katrina swept through the Gulf Coast region.

Many in Washington, DC prefer a partisan inquiry into the Federal Government's response to the worst disaster in a Nation's history, but my constituents have been clear: the government's response was appalling and they want a full and independent investigation. They want to know the truth, so that in the future, such tragedies are minimized and responded to with speed, skill, and experience.

Mr. LEVIN. Mr. Speaker, this is a very important debate for our country. I cannot imagine anything more important to the American people than an independent investigation of why the response to Hurricane Katrina fell so short of expectations. We need a full accounting of what went wrong at all levels of government so such failures don't happen again.

I support the appointment of a non-partisan, independent commission—modeled after the successful 9/11 Commission—to investigate the response to Hurricane Katrina. An independent commission is the only way to get to the bottom of this. The commission would look into every aspect of the preparation and response to Hurricane Katrina, and let the chips fall where they may. The American people have made it clear this is what they want as well. A new Washington Post/ABC poll found that 76 percent of the public supports the creation of an independent commission. The Leadership of the House badly misreads the public mood when it disregards the clear wishes of the American people for a non-partisan investigation. We need to look at our government's weaknesses and correct them.

I oppose the straightjacket procedure under which the House is considering this legislation. The Majority calls this a "Select Bipartisan Committee," but the legislation was drafted behind closed doors with no input from Democrats. This is bipartisanship? The Leadership of the House will not even allow Democrats the opportunity to offer a substitute and have a straight up-or-down vote on it. Is the Majority's position so weak that it cannot withstand a debate?

I don't think the American people are going to have much patience for partisanship on this issue. They want answers and a measure of public accountability, not a partisan whitewash. There are hard questions to be asked about the slow, disorganized, and woefully inadequate response to a natural disaster that left a major U.S. city uninhabitable.

The proposal before the House calls for a House investigation that would be completely controlled by the Republican party. Republicans would outnumber Democrats on the Committee 11 to 9. There would be no bipartisan subpoena power. With all due respect, this would be an investigation in name only. It would have no credibility with the American people. You can't have a comprehensive and fair investigation when the people controlling that investigation have a vested interest in the outcome.

I urge the House to reject this unfair procedure and reject the very partisan investigation it seeks to establish.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H. Res. 437, which would establish a partisan committee to investigate the Hurricane Katrina preparation and response. I agree with the vast majority of the American people, who favor an independent commission of experts similar to the 9/11 Commission.

Perhaps the American people, like me, are skeptical of the investigative integrity of the Republican Majority. After all, these are the same people who took more than 140 hours of testimony to investigate whether the Clinton White House misused its holiday card database but less than five hours of testimony about prisoner abuse in Iraq. The Downing Street Memo has sent shockwaves through the world and confirmed our worst fears about the Iraq war sham, but mum's the word from Republicans in Congress. You also won't find a single committee hearing about Valerie Plame, no-bid Halliburton contracts, or U.S. citizens being imprisoned without a trial.

However, now they say that we should trust them to do a thorough investigation and not hide any damaging evidence regarding the woefully inadequate response to Katrina. Given their history, I think the American people deserve better than an empty promise. It is an insult to the thousands of dead, the victims of rape at the Convention Center, the people who waited five days for buses that never came and so many others who suffered needlessly, to suggest that one year before an election, this Republican Congress is going to pursue indictments not only of their President, but of themselves.

After all, the senior Members of Congress who would populate this Committee are the same ones who advocated moving FEMA into the Homeland Security Department, zealously pursued the downsizing of disaster prevention and response programs, starved wetlands restoration and Army Corps of Engineers funding, and presided over rising poverty rates that make Americans all the more vulnerable.

These foxes have already systematically dismantled the henhouse, sat idly by while the hens suffered, and now want to appoint a committee of foxes to find out what went wrong. I vote no on this ridiculous proposal.

Mrs. MCCARTHY. Mr. Speaker, Hurricane Katrina took an enormous personal toll on thousands of families across Louisiana, Mississippi and Alabama, many of whom are now relocated in neighboring states and need to begin rebuilding their lives. Congress' first priority must be to ensure the evacuees have the necessary resources.

We must also determine why the Federal response, led by FEMA and the Department of Homeland Security failed to recognize the urgency of the situation. Americans may have died because of the Federal Government's slow response. This is unacceptable.

Today, the House passed legislation in support of a bipartisan committee to investigate the Federal Government's response to Hurricane Katrina. Unfortunately the committee will not truly be bipartisan because it will be selected and led by the Republican leadership, which may be inclined to place blame on local officials while overlooking mistakes made by the Bush Administration. This will not give us the objectivity that we need. We must have an independent panel modeled after the 9/11 Commission.

It is not a question of Members being capable of serving on a committee, but I fear their political affiliations will cause many Americans to doubt the validity of their conclusions and findings. Americans no longer trust their elected officials to set aside politics and develop objective conclusions identifying personnel and policy that failed us during Katrina and what can be done to remedy our emergency infrastructure failures.

The 9/11 commission put politics aside and delivered concise and direct conclusions about failings in our intelligence infrastructure. We need to again appoint a similar non-partisan commission to ensure what happened in New Orleans never happens again and this begins with the response and actions of FEMA and the Department of Homeland Security.

I was pleased that Congress acted quickly to appropriate funds for the states and victims of the disaster. Congress has the responsibility to ensure that FEMA and the Department of Homeland Security use this aid appropriately to help those harmed by Katrina.

Since the creation of the Department of Homeland Security there have been detailed instances of contracting fraud and waste. In an effort to prevent this practice in the future, I have cosponsored legislation that calls for the creation of an Inspector General for Natural Disaster Response and Reconstruction within the Department of Homeland Security. The Inspector General will have one responsibility, to conduct, supervise, and coordinate audits and investigations of the treatment and handling of Federal funds by any organization providing relief to Katrina. This will ensure the funds are reaching those most in need and ensure tax dollars are not wasted.

On a positive note, I congratulate my Long Island colleague, Congressman PETER KING, for being named Chairman of the Homeland Security Committee. With his experience working with Federal and local in the aftermath of the 9/11 terrorist attacks and serving on the Committee since its inception, PETER is more than qualified to lead. I am confident he will show the same dedication for rebuilding the Gulf Coast that he has demonstrated for rebuilding his hometown and trust he will work bipartisanly when deciding how to use Federal resources in response to Katrina as he has in the fight with the war on terror.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 439, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) was on his feet.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 440 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 889.

☐ 1424

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, authorizes funding levels for the Coast Guard in fiscal year 2006 and makes several changes to current law related to the Coast Guard and to the maritime transportation system.

This bill is the result of a bipartisan effort; and I greatly appreciate the efforts of the bill's original co-sponsors, the gentleman from New Jersey (Mr. LoBIONDO), the subcommittee chairman; the gentleman from Minnesota (Mr. OBERSTAR), the full committee ranking member; and the gentleman from California (Mr. FILNER), the subcommittee ranking member.

This bill provides the Coast Guard with the necessary resources and authorities to protect the safety and security of lives and property on U.S. waters.

H.R. 889 authorizes a funding level of nearly $8.7 billion for the Coast Guard for fiscal year 2006. This authorization level includes an amount of $1.6 billion to accelerate the delivery of new vessels and aircraft as part of the deepwater program. The Coast Guard's legacy fleet is deteriorating at an unacceptable rate, endangering the safety of the Coast Guardsmen on board and the general public.

We must provide the Coast Guard with these new assets, and I urge my colleagues to support full funding for this program this year and in future years.

As this body's only licensed mariner and the representative of the State that includes more than half of this Nation's coastline, I recognize the importance of making certain that the Coast Guard has the tools necessary to carry out its many and varied missions.

Earlier this year, the Coast Guard responded to a major oil spill in my State and in the district of subcommittee chairman, the gentleman from New Jersey (Mr. LoBIONDO). While the Coast Guard has recently received a great deal of attention for its important homeland security missions, we must be mindful of the requirements of the Coast Guard's equally important traditional missions.

Mr. Chairman, all of us recognize the exceptional work done by the Coast Guard, often under dangerous conditions in Alaska and all around this Nation.

Mr. Chairman, as I am reminded with the Katrina hurricane, the outstanding agency that worked the best and did their job with honor and dignity was the United States Coast Guard. I am very proud to be affiliated with them, and I urge the strong support of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

As the gentleman from Alaska (Mr. YOUNG) indicated, this legislation is in the great spirit of our committee, a bipartisan product. We worked together long and hard to bring to the House a reauthorization of the Coast Guard.

I commend the gentleman from New Jersey (Chairman LoBIONDO), the chairman of the subcommittee, for his dedication, his commitment to the Coast Guard, and for not only legislative reasons but for personal reasons. The gentleman has a long history with the Coast Guard.

I concur with the gentleman from Alaska (Chairman YOUNG). Flashing across television screens, across the country since the onslaught of Hurricane Katrina has been the extraordinary accomplishment of the U.S. Coast Guard in responding to the needs of citizens stranded, devastated by the storm.

Some 32 years ago, I took the opportunity to spend a day with the 8th Coast Guard district commandant and his staff and reviewed the entire range of operations of district 8 in their 26-State area of responsibility, not just New Orleans or the gulf. It is 26 States up to Mississippi, Ohio, Missouri, Illinois, the river system for which that district has jurisdiction.

The men and women of the Coast Guard are extraordinarily dedicated, skilled, professional, committed to their work. I walked through every stage of their preparation for the homeland security responsibilities that the Coast Guard carries out, as well as the aids to navigation, search and rescue, drug interdiction, immigration responsibilities that the 8th Coast Guard district shoulders and carries out so effectively.

On Saturday, August 28, aircraft from air stations in New Orleans, Houston and Mobile flew over the destroyed gulf coast and over New Orleans. They immediately began lifting survivors, transporting them to safety and calling for reinforcements. But as the devastating scope of the disaster became known, every Coast Guard air station around the U.S. began sending aircraft and extra air crews to support the rescue operations.

The Coast Guard had equipment 24 hours a day on scene. Cutters and crews were brought in.

☐ 1430

The buoy tenders were necessary. All aids to navigation were just blown to smithereens: either sunk, devastated, smashed, or some of them blown way inland. The Coast Guard had to go back and redeploy all those aids to navigation.

The air station for the Coast Guard in New Orleans was flooded. Its roof, or a great deal of the roof at any rate, was peeled back. The Coast Guard Air Facility Mobile had damage to their roof, lost their operation space, their maintenance space, power, and telephone communications. Station Gulfport of the Coast Guard was destroyed. The Integrated Support Command in New Orleans was flooded and destroyed. Buoys and aids to navigation throughout the region of the gulf just smashed, and pushed way off station in most cases.

The vessel traffic service radar in Burwick Bay was destroyed. The Coast Guard even had to evacuate their eighth district headquarters in New Orleans and move to Saint Louis. Nonetheless, the Coast Guard rescued 6,500 people. 6,500 people. Rescue swimmers, and we saw this on our screens, were dropped from helicopters to collect people from houses, to maneuver around power lines, hack through attic roofs with axes, and endure foul and contaminated water. One helicopter crew saved 150 people in one shift; another 100 people in a single shift.

The Coast Guard saw that the storm was coming. They have prepared for it year after year after year, for this or any kind of storm. Training for the Coast Guard is not just an exercise on paper nor on computers, as I saw as I walked through each of the stations at District 8. It is real life, day to day. And because of that professionalism, the chairman and I both argued on this floor 3 years ago that the Coast Guard should not be put in the Department of Homeland Security. It ought to be kept in its status within the Department of Transportation with a considerable degree of latitude to carry out their responsibilities. Unfortunately, our commonsense counsel was not heeded in the shaping of the Department of Homeland Security.

The Coast Guard, nonetheless, overcame bureaucracy to respond to the needs of people in sharp contrast to the disarray of FEMA, which left Americans startled, stunned, disgusted and, ultimately, the President in a position to recall his director of FEMA and to redirect operations and bring a new leader in. We did not see any of that with the Coast Guard. In fact, the Coast Guard was asked to dispatch an admiral to take over and run the rescue operations in the gulf.

We keep adding responsibilities to the Coast Guard, but we do not provide them with sufficient personnel, equipment, and funding; and that is what this legislation will do. It will authorize $8.7 billion for the upcoming fiscal year for the Coast Guard. Of that amount, $5.6 billion is for operating expenses; $1.9 billion for the acquisition, construction and improvement program, part of which is the Integrated Deepwater System to replace their cutters and their aircraft, to keep older ships and aircraft operating; $24 million for research and development; $35.9 million to remove and alter bridges that are obstructions to safe navigation; and $12 million to clean up environmental and pollution problems at Coast Guard facilities.

When I was elected to Congress and took office in 1975 and served on the Merchant Marine and Fisheries Committee and on the Subcommittee on Coast Guard and Maritime Transportation, along with the gentleman from Alaska (Mr. YOUNG), who preceded me by a term, that is where we developed our friendship and relationship over these many years. There were 35,000 officers and enlisted personnel in the Coast Guard in that year. Today, and in the intervening years, we have added 27 new functions for the Coast Guard, but there are only now 40,000 Coast Guard personnel. They have increased only 5,000 in the last 31 years. Yet we expect the Coast Guard to carry out all these 27 new functions, plus their historic functions, with this rather limited personnel and limited budget.

We make a big step forward today by increasing the funding, providing substantially for the acquisition of equipment that the Coast Guard needs and, hopefully, to support the personnel that they require to carry out their functions.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I want to thank the gentleman from Minnesota for his comments.

This budget, although it appears large, is not large enough. The reality is, and I was just sitting here and thinking about it, that the Forest Service budget is $7 billion, and they do not produce anything. They do not save any lives, and they spend $7 billion for what, I do not know. But just to give some comparisons, this really should be more. This is the biggest increase we have ever had, but it should be more for the duties we have given the Coast Guard.

The Coast Guard has 27 new challenges and duties we require of them through this Congress, and only 5,000, I believe, more personnel in the deal; and they have never been funded correctly.

Mr. Chairman, I yield the balance of my debate time to the gentleman from New Jersey (Mr. LoBIONDO), and pending that I ask unanimous consent that the gentleman be permitted to control this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. LoBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I want to thank Chairman YOUNG for his attention and leadership on this issue. I want to thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from California (Mr. FILNER). I think this is one committee and one area where we are probably a role model for the rest of the Congress to look at in terms of the way we have come together in a bipartisan way to recognize the needs and form a consensus and conclusion.

Chairman YOUNG outlined some of the basics of the bill, the $8.7 billion that we are authorizing. He talked a little bit about Operation Deepwater, and I want to sort of reemphasize a little of that. We are asking for $1.6 billion for the Deepwater System, which will result in the complete recapitalization of the Coast Guard. If there were ever a time and a need for it, it is now.

While we have not talked about homeland security that much in the wake of Katrina, the Coast Guard's primary mission has been that of maritime anti-terrorism and homeland security. They are not able to conduct that mission with assets that are failing on a more regular basis, and every day Coast Guardsmen must deal with the reality and the possibility of asset failures that put the safety of the personnel and the success of their missions in jeopardy.

This is an opportunity for us, in an authorization bill, to clearly state how important we think it is for the Coast Guard to have the right assets to go along with the extraordinary training and dedication they are bringing to the mission. This is a very good step forward, and I would urge all my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. FILNER), the ranking member on the Subcommittee on the Coast Guard and Maritime Transportation.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me this time and for all his expertise, his help, and his mentoring on these and other transportation issues for so long. I thank the gentleman from New Jersey (Mr. LoBIONDO) for his leadership on the subcommittee, and of course, the chairman, the gentleman from Alaska (Mr. YOUNG), on the full committee.

Mr. Chairman, I agree with the gentleman from New Jersey (Mr. LoBIONDO) when he said this is a committee that is working well together. The collegiality, the input that is provided from our side is greatly appreciated, and the mutual respect is evident. So we thank the Chair of both the subcommittee and the full committee for that.

Mr. Chairman, I have never been more proud of the men and women that serve in the United States Coast Guard than in recent weeks. What we have seen are valiant men and women stepping up to the plate and saving thousands of Americans from the destructive flood waters brought by Hurricane Katrina. The Coast Guard, whose motto is "Semper Paratus," always ready, was prepared and ready to respond to this storm. Before levees ever broke, the Coast Guard was flying additional helicopters and extra air crews to the gulf region. Once the storm hit, their air crews and boat crews were operating 24 hours a day to save their fellow citizens.

The best decision that the President has made in the past 2 weeks was to place Vice Admiral Thad Allen in charge of the emergency response to the Katrina disaster. To the Coast Guard, being prepared to respond to a disaster is not just a paper exercise to sit on a shelf when the big one hits. Being prepared is something they do every day. They develop relationships with State and local government officials. They know who in the private sector can help provide resources quickly to respond, and they make decisions quickly so they can implement an effective response.

What we know to date of Katrina is that the Coast Guard has saved over

12,000 lives with their air resources and over 11,000 lives were saved by boats and other surface resources. They evacuated over 9,000 people to hospitals. When the storm passed, they remained on the scene helping to clean up the mess and protect the environment. In New Orleans, they are coordinating the cleanup of 15 significant oil spills. The Coast Guard is helping to coordinate the removal of sunken ships and barges.

Mr. Chairman, the Coast Guard has responded with all of the resources at their command to this disaster. It is time for the House of Representatives to respond to the Coast Guard by ensuring they have the resources they need to carry out their missions in the coming year and to continue to help American citizens, whether it is a disaster on the scale of Katrina or in a boating accident, to which they respond thousands of times.

H.R. 889 authorizes a total of $8.7 billion for the Coast Guard in the coming fiscal year. It includes $5.6 billion for operating expenses and almost $2 billion for acquisition, construction, and improvement. Funding for the Integrated Deepwater System is increased above the President's request to make sure this vital system stays on schedule.

I want to thank Chairman YOUNG and Subcommittee Chairman LoBIONDO for including my request for $39 million to establish an additional helicopter interdiction tactical squadron, or HITRON, on the west coast. Currently, the Coast Guard operates only one HITRON squadron out of Jacksonville, Florida. We need another on the west coast to protect the eastern Pacific Ocean and interdict vessels attempting to smuggle drugs into the United States. The east coast squadron has interdicted over $6 billion in drugs to date, and I think we can do even more on the west coast.

So I thank the Chair for working on this bill so cooperatively. I thank the Coast Guard for not only responding to Katrina but for the work they do every day in all of our districts, whether it is search and rescue, cleaning up oil spills, interdicting drugs, or enforcing our fishery laws.

Mr. Chairman, I hope every one of my colleagues votes for this bill.

Mr. LoBIONDO. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

□ 1445

Mr. CARNAHAN. Mr. Chairman, I want to thank the leaders and Members on both sides of the aisle who have worked together to bring this bill to the floor today.

I rise in support of our Nation's Coast Guard and the heroic men and women who serve our country with distinction.

The Coast Guard and Maritime Transportation Act is an important authorization for our country and for our citizens, as we have seen so vividly in the last few weeks. From protecting our natural resources to providing maritime security and national defense, the Coast Guard's duties are broad in scope, and the performance of those duties has never been more important. The authorizations in this bill for operations, acquisitions, and maintenance of the fleet seek to serve our constituents by allowing the Coast Guard to protect citizens along America's waterways, including the Mississippi River district I represent in Missouri, and especially now in the gulf coast.

I would particularly like to take this moment to thank the Coast Guard unit at the Port of St. Louis and all the units in the Coast Guard District 8, covering 26 States, that were headquartered in New Orleans that have temporarily been moved to St. Louis. In St. Louis, the unit led by Commander Susan Engelbert, Coast Guard personnel, and auxiliary volunteers up and down the Mississippi mobilized with unprecedented speed and purpose to assist those communities devastated by Katrina. These men and women conducted search and rescue missions under extreme and dangerous conditions and often risked their lives, just as they have done in countless hurricanes and floods across our country.

In the gulf, in the last 2 weeks of constant work and sweat, those Guard personnel helped make things safer and more secure. With little sleep or rest, they performed their duties helping their fellow Americans in their time of need. Commander Engelbert said it best when she stated how proud she was of the men and women of the U.S. Coast Guard's Port of St. Louis: They saved lives. They made a difference.

For their dedication and their actions, they deserve our thanks. The U.S. Coast Guard is a shining example of how well a Federal agency can perform with its flexibility, speed, and expertise. I urge my colleagues to support this vital authorization bill.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise in strong support of the Coast Guard and Maritime Transportation Act of 2005, a bill that will provide the men and women of the Coast Guard with equipment and tools that they need to monitor and protect our coastal waters.

In keeping with our efforts to improve the Federal Government's ability to prevent and respond to potential mass incidents, whether caused by terrorists, an act of nature, or human error, H.R. 889 will maintain the Coast Guard's traditional mission of water safety while also improving its ability to contribute to our Homeland Security. To that end, H.R. 889 includes provisions from the Delaware River Protection Act, a bill Representatives LoBIONDO, CASTLE, ANDREWS, SAXTON, and I co-authored in the aftermath of the November 2004 oil spill in the Port of Philadelphia.

The Athos I oil spill caused an estimated $200 million in damages, injured wildlife, and temporarily impeded trade and traffic. It served as a costly reminder that the Port of Philadelphia contributes significantly to our region's economy and that we cannot afford, for economic and environmental reasons, to put it in harm's way.

Under this legislation, strong but necessary steps will be taken to prevent a similar incident in the future. However, we cannot stop there. We must consider other activities in our ports and waterways that might impact the region. That is why I am grateful to the gentleman from New Jersey (Mr. LoBIONDO) for including at my request a provision requiring the Coast Guard to conduct a vulnerability assessment of a proposal to turn an LNG, liquefied natural gas, peak shaving plant into an LNG import terminal in my district in Port Richmond, Philadelphia.

Since coming to Congress, I have been committed and outspoken about implementing innovative solutions to our Nation's energy needs by promoting more efficient use of traditional sources of energy as well as making substantial new investments in discovering and bringing to market new energy resources. I support improved efficiency standards and enforcement of environmental standards so we can reduce consumption of foreign oil; and I led an effort on this floor to accelerate the research, development, and deployment of new energy technologies. These are critical steps we must take to ensure our Nation's access to the energy that we need to power the 21st century.

There is no doubt that LNG can play a role in efforts to diversify sources of energy and supplement our national gas supply and production. However, due to the inherent volatility of LNG, there is concern that LNG tankers and storage locations will be marked as a potential target by terrorists. Their presence on the Delaware also raises the risk of another major spill occurring in the river. There is no doubt that an incident of an LNG tanker would be devastating to the people of Philadelphia, a city home to 1.2 million people, as well as those living in the surrounding suburbs, and in the States of New Jersey and Delaware. Therefore, we must ensure that LNG tankers and facilities are situated safely and appropriately to protect our citizens from a potential catastrophic event.

In the case of Port Richmond, we must thoroughly examine the economic and safety variables before allowing LNG tankers to travel up the Delaware River, under Benjamin Franklin Bridge, and passing alongside Center City Philadelphia while carrying 200,000 meters of LNG.

A vulnerability assessment will ensure that all elements of the proposal are examined and weighed so we can determine what is best to ensure public safety as well as meet the region's energy demands.

I thank the gentleman from New Jersey (Mr. LoBIONDO) for so willingly working across party lines to do what is best for our region and for his continued leadership on issues concerning the Delaware River. I also thank his staff for working with us throughout the drafting process. I urge a "yes" vote on H.R. 889.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. TERRY) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The Committee resumed its sitting.

Mr. LoBIONDO. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), an admirer of the Coast Guard.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from New Jersey (Mr. LoBIONDO), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from California (Mr. FILNER), and the gentleman from Michigan (Mr. HOEKSTRA) for their work on this bill. There could not be a more opportune time to bring this important legislation to the House floor than today with the aspects of Hurricane Katrina.

The heroic and steadfast efforts of the Coast Guard in the wake of Katrina, the worst natural disaster this Nation has ever faced, should be commended by all. This recent tragedy demonstrates how important it is to authorize and fund vital programs that are contained in the Coast Guard bill we are discussing today. This bill will help the Coast Guard to continue to effectively carry out their mission.

I represent a district that is almost completely surrounded by water, so I understand the importance of a Coast Guard that has the resources to assist our coastal communities.

There is one provision included in the bill that is particularly important to me and my northern Michigan district. It directs the Commandant of the Coast Guard to convey the Cutter *Mackinaw* to the City and County of Cheboygan, Michigan, for purposes of a museum.

The U.S. Coast Guard Cutter *Mackinaw* is scheduled to be decommissioned in 2006. The Cutter *Mackinaw*, whose home port has been Cheboygan, Michigan, has served the State of Michigan and the entire Great Lakes region for over 60 years.

The conveyance of the Cutter *Mackinaw* to Cheboygan is both a tribute to the ship that protected Michigan's water and shores and cleared the ice paths for the Nation's mariners. This ship will now serve as an educational resource to help people better understand the history of the vessel, the Coast Guard and the maritime history of the Great Lakes. In this role, it is imperative that Michigan keep this historic treasure.

I see no better way to honor the life and name of the cutter than to retire it as a museum to its home port in the Mackinaw Straits area. This Coast Guard treasure will be a valuable cultural and educational benefit for generations to come.

Once again, thanks to the men and women of the United States Coast Guard for their work in saving lives in the aftermath of Hurricane Katrina.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise to engage in a colloquy with the gentleman from New Jersey (Chairman LoBIONDO).

Mr. Chairman, as the gentleman from New Jersey is aware, Congress in 2002 during the last reauthorization of Coast Guard activities enacted into law authorization for the Coast Guard to transfer a parcel of land at Point Pinos, California, to the City of Pacific Grove. Over the last 3 years, the city has worked with the Coast Guard to finalize the arrangements, but the land has yet to be transferred. The delay has frustrated city officials, prevented the reuse of the land, and burdened the Coast Guard with maintenance and security of a facility they no longer need.

Mr. Chairman, I would ask the chairman if he is aware of the problem and whether anything can be done to expedite the closure to this issue and the transfer of the property.

Mr. LoBIONDO. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Chairman, I thank the gentleman for rising on this matter. I am perplexed as to why this transfer has not yet occurred and concerned that it has not yet occurred.

I have been told that the Department of Homeland Security needs to delegate the land transfer authority to the Coast Guard in order to complete and carry out this provision. I will work with the gentleman from California (Mr. FARR) to see that the transfer of this land to the City of Pacific Grove occurs in a timely manner.

Mr. FARR. Mr. Chairman, I appreciate the offer of assistance from the chairman and look forward to working with him to get this done.

Ms. PELOSI. Mr. Chairman, as the House considers the Coast Guard and Maritime Transportation Act, we have the opportunity to commend the men and women of the Coast Guard for their extraordinary achievements in response to Hurricane Katrina.

On Sunday, August 28, as soon as the hurricane passed over the Gulf of Mexico, the Coast Guard launched into action. Battling winds that were still blowing at gale force, Coast Guard aircraft immediately began rescuing desperate survivors clinging to rooftops in flooded Gulf Coast coastal communities.

After the Hurricane hit the Gulf Coast and as the enormity of the disaster became apparent, every Coast Guard air station in the country began sending help—aircraft or crews or both—to the devastated areas to conduct search and rescue missions. The numbers speak for themselves: across the region, the Coast Guard saved or evacuated 33,500 people; one helicopter crew rescued 150 during a single shift on duty; another crew rescued 110.

In New Orleans alone, working day and night for seven days, Coast Guard helicopters saved close to 6,500 lives, 4,700 of them by hoisting people from their perilous perches up into helicopters. Coast Guard crews dodged debris, hacked through roofs and windows, and waded in filthy water to reach survivors.

Although Coast Guard facilities in the disaster area had been damaged by the storm and floods, and many Coast Guard men and women had lost their own homes, they pushed past all obstacles to carry out their mission.

It was not just the members of the air and rescue teams that made this extraordinary effort possible: mechanics worked tirelessly to service aircraft and send them back into the field as quickly as possible. Supply and logistics personnel worked around the clock to restore hurricane-damaged facilities to use. Auxiliary volunteers rallied to the call of duty. As the storm receded, assessments of oil spills and critical infrastructure began.

The Coast Guard's accomplishments shine all the brighter in contrast to FEMA's lethally slow response. There are many good men and women working for FEMA too, but they were hampered by weak, inexperienced, and ineffective leadership, and by the exodus over the past several years of many seasoned disaster relief experts who could no longer tolerate the disintegration of the agency.

With this legislation, we are building upon the strengths and successes of the Coast Guard. Thank you to Vice Admiral Thad W. Allen for taking over relief operations in the disaster area. Thank you to the men and women of the Coast Guard who responded to this disaster from all around the country, from Florida to Seattle, from Boston to my own city of San Francisco. With all our hearts, we thank you.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard and Maritime Transportation Act of 2005, and to express my strong support of the bill. It authorizes $8.7 billion for the Coast Guard for fiscal 2006, which will be used to perform the essential duties of the U.S. Coast Guard in the areas of homeland security, maritime safety, law enforcement, and environmental protection.

Mr. Chairman, I want to highlight a provision that I offered and was accepted by the Committee that directs the Coast Guard to conduct a study of the pollution in Newtown Creek caused by underground oil spills in Brooklyn, N.Y.

Newtown Creek is a 3.5 mile long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. The State of New York has ruled that the Creek does not meet water quality standards under the Clean Water Act. It is the single most polluted waterway in New York City, and its banks are home to the largest oil spill in the United States. The spill is 150 percent the size of the *Exxon-Valdez* spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the Creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operated along the banks of the Creek by the predecessors to ExxonMobil, BP/Amoco and Chevron-Texaco. To date, 8.7 millions gallons have been cleaned but estimates indicate it will take at least 25 more years to finish the remediation, primarily conducted by ExxonMobil under a 1990 consent agreement with the New York State Department of Environmental Conservation.

Even though it has been over 25 years since the oil spill was detected, the public health and safety risks associated with the oil spill are still unknown.

The legislative intent of the amendment that directs the Coast Guard to study Newtown Creek (Creek) is for the Coast Guard to revisit the findings of its July 1979 report entitled "Investigation of Underground Accumulation of Hydrocarbons along Newtown Creek," and address the following issues:

The actual current size of the Greenpoint Oil Spill (Spill) and the extent to which oil from each refinery site contributes to the Spill.

The extent and severity of surface water pollution and sediment contamination from the Spill, and methods to prevent further seepage into the Creek.

The Spill's impact on existing conditions in the Creek including but not limited to low levels of dissolved oxygen and high levels of bacteria.

The interaction between pollution from the Spill and pollution from other sources in the Creek including but not limited to Combined Sewer Overflow Pipes and the Newtown Creek Sewage Treatment Plant.

The extent to which oil and contaminated sediments in the Creek disperse into New York Harbor.

The extent to which the Spill has affected aquatic species in the Creek and Harbor, and methods to prevent further harm.

The extent to which the Spill has affected groundwater in the surrounding area, and methods to prevent further harm.

The extent and severity of contaminated soil in the area affected by the Spill, and methods to prevent further harm.

Any public health issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

Any safety issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

The extent to which the current remediation efforts are sufficient, and any new technologies or approaches that could accelerate product recovery and/or improve the scope of the remediation.

I would like to express my thanks to Chairman YOUNG, Mr. OBERSTAR, Chairman LOBIONDO, and Mr. FILNER for their willingness to work with me on this very important yet often overlooked issue. The country will benefit from renewed Federal attention on this oil spill, the largest in the country.

Additionally, I would like to thank both the Democratic and Republican staff of the Transportation Committee and the Subcommittee on the Coast Guard and Maritime Transportation. In particular, Ward McCarragher and John Cullather of Mr. OBERSTAR's staff and Fraser Verrusio and John Rayfield of Mr. YOUNG's staff were very helpful.

Mr. ENGEL. Mr. Chairman, let me start by stating my sheer admiration for the men and women of the United States Coast Guard. Their performance during and after Katrina was phenomenal and they deserve our gratitude and praise.

I rise to thank the Chairs and Ranking Members of the Transportation Committee and its Coast Guard subcommittee. A year ago, they worked with me to add language to the Coast Guard authorization bill requiring the Coast Guard and Department of Homeland Security to do a security assessment of the Indian Point nuclear power plant. As that bill moved through the process, this study was expanded to all nuclear power plants in the United States. I am pleased to report that DHS plans on releasing this report very soon—perhaps even this week. While I am well aware that security for nuclear plants is a sensitive matter and fully understand that this might require that parts of this report be classified, it is my hope that the report would contain unclassified sections to permit those around the nuclear plants to gain a better understanding of how our government is protecting them.

We know for a fact that Al Qaeda has the plans of U.S. nuclear power plants. We know that these facilities are a target. We, the Congress and the rest of the federal government, have a responsibility to ensure the safety and security of these plants and our citizens. I am hopeful that the analysis in this report will help us as we make policy decisions about how best to safeguard these facilities.

There is no doubt about the awesome power of nuclear energy. It provides 20 percent of the Nation's electricity. However, if a terrorist group were successful in causing major damage to a plant or its cooling ponds, then the impact would be devastating on a scale we dare not imagine.

We know that on 9/11 one of the planes flew over Indian Point nuclear power plant in New York and that the terrorists had plans nuclear plants in their possession. While I will continue to call for Indian Point to be closed, until that day, I will work to ensure it is as safe and secure as is humanly possible. This report will be an important step toward protecting Indian Point and all nuclear power plants sitting on major waterways.

Again, I thank Chairman YOUNG, Chairman LOBIONDO, Ranking Member OBERSTAR and Ranking Member FILNER for their assistance and support.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank Chairmen YOUNG and LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work in bringing this bill to the floor.

The Coast Guard has been protecting our shores for more than 200 years, and has done an outstanding job. The Coast Guard was the first Agency to react to the terrorist attacks on September 11th, and within minutes was guarding our ports and bridges, and directing maritime traffic out of New York. Right now they're in the Gulf region evacuating victims and cleaning up neighborhoods. And we now have a Coastie heading the recovery effort.

Like many Members, I had major concerns when they moved the Coast Guard into the Department of Homeland Security because I feared that it would prevent them from doing their core missions of Search & Rescue, Drug Interdiction, and Enforcing Maritime and Fisheries Laws. We now know that they can also get caught up in the red tape of the Department of Homeland Security, and we need to keep the Department's feet to the fire, so they don't stand in the way of the Coast Guard's traditional mission.

Fortunately the Transportation Committee realizes how important the Coast Guard is, and we are providing them $861 million more than the Administration. This is just one more example of where the money being sent to Iraq could be used right here by our own Coast Guard.

I encourage my colleagues to support full funding for the Coast Guard. It's simply the right thing to do for America.

Mr. ROTHMAN. Mr. Chairman, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005. This legislation could not come up for our consideration at a better time. We have all seen the phenomenal rescues made by the United States Coast Guard during their efforts to save the lives of thousands of victims of Hurricane Katrina. I am sure that the more than 23,000 people who have been rescued by the Coast Guard and all Americans join me in thanking and commending the approximately 3,300 Coast Guard men and women who have been working around the clock to locate, rescue, and assist their victims of this natural disaster.

Over the past few weeks we have seen the Coast Guard at their very best, but the Coast Guard's daily operations should not go unnoticed. We rely on the Coast Guard to patrol and protect our nation's waters everyday. They help to secure our nation's ports, harbors, and seaways and ensure the safety of our waterways. The Coast Guard, however, does not just have a domestic role. Many members of the Coast Guard have been deployed overseas to fight in the War in Iraq.

From the Jersey Shore, to the waters in Alaska, to the Gulf Coast, to Iraq, the men and women of the Coast Guard serve our nation with bravery and honor. We must provide them with the resources they need to ensure that they can continue their multifaceted mission. I once again thank every member of the Coast Guard for their service and sacrifice for our nation. I urge all of my colleagues to vote in favor of H.R. 889.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to offer my strong support today for H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

Over the last several weeks the Coast Guard has been in the national spotlight for the outstanding work it has done to aid in the recovery and relief efforts for Hurricane Katrina victims along the Gulf coast.

While the response of many agencies has been scrutinized, the Coast Guard has not been one of them.

The Coast Guard has been responsible for saving 33,000 lives—six times the number of lives the Coast Guard saved in 2004—since Katrina hit, coordinating pollution response with the Environmental Protection Agency, the state of Louisiana and local industries, and managing the megashelters in my hometown of Houston, Texas, where tens of thousands of the evacuees found relief following the storm.

Coast Guard Lieutenant Joe Leonard and the units in Houston have done an incredible job in managing these shelters that received thousands of people a day in the days following Katrina.

But relief efforts are just a part of what the Coast Guard does.

The Coast Guard, which is a part of the Department of Homeland Security, is the lead federal agency for maritime homeland security.

The Homeland Security Act of 2002 specifies five homeland security missions for the Coast Guard: ports, waterways, and coastal security; drug interdiction; migrant interdiction; defense readiness; and other law enforcement duties.

With regard to port security, the Coast Guard is responsible for evaluating, boarding, and inspecting commercial ships approaching U.S. waters, countering terrorist threats in U.S. ports, and helping protect U.S. Navy ships in U.S. ports.

The Port of Houston, which handles more foreign tonnage than any other port in the United States, is in the district I represent, and the Coast Guard provides the security necessary to protect the Port, as well as the people of Houston.

Mr. Chairman, I would again like to thank the Coast Guard for its excellent work in the Katrina relief efforts, and urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. LoBIONDO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard and Maritime Transportation Act of 2005".

The CHAIRMAN. Are there amendments to section 1?

AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. LoBIONDO. Mr. Chairman, as the designee of the gentleman from Alaska (Mr. YOUNG), I offer amendment No. 11, and I ask unanimous consent that I be permitted to offer the amendment at this point in the reading.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. LoBIONDO:

At the end of title I add the following:

SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), $60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.

Section 3 of title 14, United States Code, is amended by striking "Upon the declaration of war or when" and inserting "When".

SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage, are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) Transfer and Disposal of Property.—

(1) In general.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) Treatment of proceeds.—Any amounts received by the United States as proceeds of management or disposal of property by the Secretary under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) Qualified Property.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) Subject to Appropriations.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

SEC. 405. REPORT.

(a) In General.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) Areas of Review.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert "of 1990" after "Oil Pollution Act".

At the end of title IV add the following:

SEC. 413. DETERMINATION OF THE SECRETARY.

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period "before an administrative law judge"; and

(2) by adding at the end the following:

"(5) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary's determination.".

SEC. 414. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

SEC. 415. MOVEMENT OF ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

"(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).".

SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) General Inspection Exemption.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

"(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

"(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

"(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.".

(b) Other Inspection Exemption and Watch Requirement.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking "or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" and inserting "or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title".

SEC. 417. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard $400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 418. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) Licenses and Certificates of Registry.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) Merchant Mariners' Documents.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

SEC. 422. TEMPORARY CENTER FOR PROCESSING OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 424. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

At the end of the bill add the following:

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) FACILITIES DESCRIBED.—The facilities described in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—That area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—That area described in the December 30, 1975, listing on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—That area described as the remaining National Forest System uplands within the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) CAPE HINCHINBROOK LIGHT STATION.—That area described in the November 1, 1957, survey prepared for the Coast Guard, comprising approximately 57.4 acres.

(c) MAPS.—

(1) REQUIREMENT TO PREPARE.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(2) CORRECTIONS AND MODIFICATIONS.—In preparing such maps, the Commandant of the Coast Guard, with the approval of the Secretary of Agriculture, may make corrections and minor modifications to the lands described or depicted to facilitate Federal land management. Such maps, as so corrected or modified, shall have the same effect as if enacted in this section.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating under subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be deemed transferred from and no longer part of the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer to the Secretary of Agriculture, without consideration, any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System, if—

(A) the Secretary of the Interior cannot identify and select an eligible entity in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(2)) within 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w–8) or other applicable surplus real property disposal authority.

(g) PRIORITY.—In selecting an eligible entity to which to convey, under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), land referred to in subsection (b), the Secretary of the Interior shall give priority to any eligible entity, as defined in section 308(e) of that Act (16 U.S.C. 470w-7(e)) that is the local government of the community in which the land is located.

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration.

(b) EFFECTUATION OF TRANSFER.—A transfer under this subsection shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. Such transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of any transfer pursuant to this subsection, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131), and section 703 of the Alaska National Interests Lands Conservation Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect to the property transferred under this subsection, the Secretary of Agriculture—

(1) may identify an eligible entity to be granted an easement or other special use authorization and, in doing so, the Secretary of Agriculture may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)(1)); and

(2) may grant an easement or other special use authorization to an eligible entity, for no consideration, to approximately 31 acres as described in the map entitled "Tree Point Light Station," dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and National Monument resources;

(C) public safety; and

(D) such other terms and conditions deemed appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified within 3 years after administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h–2(b)).

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled "Cape St. Elias Light Station," dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of the enactment of this Act; or

(2) any other release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of the enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) MAINTENANCE OF NAVIGATION FUNCTIONS.—The transfer under subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—RESPONSE

SEC. 601. SHORT TITLE.

This title may be cited as the "Delaware River Protection Act of 2005".

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

"(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

"(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.".

SEC. 603. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

"(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

"(i) $1,550 per gross ton for an incident that occurs in 2005;

"(ii) $1,900 per gross ton for an incident that occurs in 2006; or

"(iii) $2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

"(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

"(i) $1,350 per gross ton for an incident that occurs in 2005;

"(ii) $1,500 per gross ton for an incident that occurs in 2006; and

"(iii) $1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or"; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking "$10,000,000" and inserting "$14,000,000"; and

(ii) in clause (ii) by striking "$2,000,000" and inserting "$2,500,000".

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

"(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.".

SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 605. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking "RIVERA," and inserting "RIVERA and the T/V ATHOS I;"; and

(2) by adding at the end the following:

"SEC. 7002. SUBMERGED OIL PROGRAM.

"(a) PROGRAM.—

"(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

"(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

"(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

"(C) The development of techniques to detect and monitor submerged oil.

"(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

"(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

"(b) DEMONSTRATION PROJECT.—

"(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

"(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

"Sec. 7002. Submerged oil program.".

SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the "Committee").

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the "Commandant") completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107–295) is amended—

(1) in section 407—

(A) in the heading by striking "**LOWER COLUMBIA RIVER**"; and

(B) by striking "$987,400" and inserting "$1,500,000"; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

"Sec. 407. Maritime fire and safety activities.".

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LoBIONDO. Mr. Chairman, I rise in strong support of this amendment and on behalf of the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER), and thank them for working so closely with us on this amendment.

One of the key provisions of this amendment is it authorizes an additional $60 million for the Coast Guard's fiscal year 2005 for funds spent on responding to Hurricane Katrina which are not being reimbursed. Failure to reimburse the Service for the work it has done in New Orleans means that other Coast Guard missions will suffer.

The amendment also temporarily extends existing mariner documents and vessel certificates for mariners and vessels whose paperwork was held in New Orleans and establishes a temporary center for the processing of new mariner documents. Because of the effects of the hurricane on the Coast Guard facilities and the need for new mariners to aid in reconstruction efforts, these temporary actions are necessary to ensure the smoothest possible return to normal operations of the important maritime industry in the Mississippi River and the Gulf of Mexico.

Another important provision in this amendment is the Delaware River Protection Act, legislation that I introduced with a number of my colleagues to guard against another oil spill like the one that we suffered last November in the Delaware River. The bill unanimously passed the House in June, but, unfortunately, the other body has yet to act.

The Delaware River Protection Act would require persons to notify the Coast Guard in the event that an object is released into U.S. waters that could cause an obstruction to navigation. The Coast Guard and the Army Corps of Engineers have found three very large objects in the area of the Delaware where the Athos I ran aground last November. Had the notification requirement been in place at the time any of these objects had been released into the water, the Coast Guard could have marked the location of these objects and had them removed.

This provision will improve maritime safety and will protect the environment and the economies of our local communities by preventing similar collisions in the future.

The Delaware River Protection Act also directs the President to adjust liability limits for vessel owners to reflect changes in the Consumer Price Index since 1990 and establishes a research program to develop and test technologies to detect and remove submerged oil from U.S. waterways. This amendment will enhance the Federal Government's oil spill prevention and response capabilities.

I would like to thank in particular the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), the gentlewoman from Pennsylvania (Ms. SCHWARTZ), and a host of others, along with our chairman and the ranking member for working to include this. I urge everyone to support this amendment.

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AMENDMENT OFFERED BY MR. OBERSTAR TO AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. OBERSTAR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR to amendment No. 11 offered by Mr. LOBIONDO:

In the proposed section 413—

(1) strike "is amended" and all that follows through "paragraph (3)" and insert "is amended in paragraph (3)"; and

(2) strike "; and" and all that follows through the end of the section and insert a period.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, the purpose of my amendment is to square what we are doing in the Coast Guard reauthorization for background checks with what we have already done in the Transportation Security Administration with respect to felony convictions of personnel to be hired by the agency in the TSA legislation concerning governing aviation.

There is no limitation on the authority of the Secretary of Homeland Security to go back beyond 7 years into the job applicant's background for convictions relating to espionage, sedition, treason, murder, conspiracy to attempt crimes; and we ought to have the same provisions in the Coast Guard security responsibilities and not prohibit the Secretary to go back beyond 7 years to look for violations that relate to espionage, sedition, treason, and crimes listed in our Homeland Security Act that relate to terrorism or State laws that are comparable.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding to me.

My concern is, very frankly, this has been in the manager's amendment for 3 months, and it is not new, but my big concern, and I understand he is trying to make it uniform with, I believe, the airline industry; is that correct?

Mr. OBERSTAR. The airline provisions, yes; and the HAZMAT section as well.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, the other concern I have is the Homeland Security Act itself that we passed out of our committee had this provision in it, 7 years; and what I do not want is to preclude someone from being employed in a port, that, if there has been a felony created that is not terrorist related, sabotage related, or secession related, he be precluded from being able to be hired.

Some people say if he is a felon, he should not be hired. I can tell the Members that the business I am in, a lot of people in their earlier years probably got into some sort of trouble sometime, but they are not terrorists. These people are trying to make a good living, trying to provide for society and trying to be helpful to this Nation and are not a threat. I do not want someone unable to obtain employment because of beyond 7 years, 15 years, 20 years, and have that person not be eligible to be employed.

The gentleman has heard this argument before. I believe he was on the Committee on Homeland Security meeting when I presented that, and it was adopted, and it passed on this floor. In fact, it is in the bill. It has not become law because, as the gentleman knows, we have not gone to conference with the Senate.

So I understand what the gentleman is trying to do, but I ask two things from him: if he would consider not offering the amendment, withdrawing it, or not asking for a vote on it, and we will not have a vote on it, or we will, in turn, take care of this in conference, because he and I are going to be on the conference. I know what he is trying to do, but I do not want someone to be punished because they are really good citizens today.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I agree with the chairman about not reaching back. We confronted this issue in aviation in the legislation implementing the recommendations of the Pan Am 103 Commission requiring 10-year criminal background checks but not going further than that and having consideration of amnesty for those who paid their dues to society. We faced that.

But what we are dealing with here, as we did in the Maritime Security Act, the Port Security Grants Act, as we know it, is to allow the Secretary to go back for espionage, for sedition, for treason, for items that are related to security matters. The law applies to felonies in which the Secretary decides the individual is a terrorism security risk.

If the chairman is saying withhold on the amendment this time and we will work to include this language with these limitations in the conference, I will take the chairman at his word.

Mr. YOUNG of Alaska. Mr. Chairman, that is what I expect to do. And, again, I think we can work this out. I am just so concerned that, yes, those that have or did have a potential to sabotage and sedition, et cetera, they should not be employed.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Alaska. Mr. Chairman, other than that, I do not want to have the inability to have someone hired, because they can do the job. So we can work it out.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I concur in that concern, but I do want to have uniformity of application of law in the security arena, and I think the chairman agrees with that.

I further do not believe, Mr. Chairman, that we would have intervention by the Homeland Security if we struck this language from the manager's amendment because then it would not be subject to their jurisdiction. However, the chairman is an honorable man. He and I have had many agreements on a handshake, and we have worked things out.

Mr. YOUNG of Alaska. The gentleman has my word on it, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise in support of the manager's amendment to the Coast Guard and Maritime Transportation Act of 2005. The amendment includes some very important provision that were previously passed by this chamber in a bill called the Delaware River Protection Act. The Delaware River Protection Act was primarily authored and introduced earlier in the year by my esteemed colleague, Congressman FRANK LOBIONDO. I was pleased to be a cosponsor of that legislation and I am greatly pleased that the language is included in the manager's amendment. The language is part of a bipartisan effort to protect the ecologically and economically significant Delaware River waterway. In November 2004, the hull of the oil tanker, *Athos*, was torn open by a submerged object and spilled an estimated 265,000 gallons of oil into our river. The cleanup efforts have cost at least $167 million thus far and the impact to the wetlands will be felt for years to come. We must prevent such tragedies from occurring in the future, as it is an economic as well as an environmental imperative; the Delaware River must remain open to commercial traffic. The language in the Delaware River Protection Act, which will now be part of the Coast Guard and Maritime Transportation Act, is a strong step to secure this precious resource.

This language increases the liability limits on single-hull tankers under the Oil Pollution Act, thereby encouraging the adoption of more robust double-hull tankers. In addition, it requires mandatory reporting of objects that are lost overboard to the Coast Guard. There are also provisions to prepare for the contingency of another spill by updating the current response plan, establishing a committee to report to Congress on ways to improve oil spill response and prevention, and establishing a pilot project on the Delaware to test techniques to recover submerged oil. I commend Congressman LOBIONDO for his diligent work on this important effort. I also thank my colleagues, Representatives ALLYSON SCHWARTZ, JIM SAXTON, and MIKE CASTLE for their input and support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.
Sec. 202. International training and technical assistance.
Sec. 203. Officer promotion.
Sec. 204. Coast Guard band director.
Sec. 205. Authority for one-step turnkey design-build contracting.
Sec. 206. Reserve recall authority.
Sec. 207. Reserve officer distribution.
Sec. 208. Expansion of use of auxiliary equipment to support coast guard missions.
Sec. 209. Coast Guard history fellowships.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Treatment of ferries as passenger vessels.
Sec. 302. Great Lakes pilotage annual ratemaking.
Sec. 303. Certification of vessel nationality in drug smuggling cases.
Sec. 304. LNG Tankers.

TITLE IV—MISCELLANEOUS

Sec. 401. Technical corrections.
Sec. 402. Authorization of junior reserve officers training program pilot program.
Sec. 403. Transfer.
Sec. 404. Long-range vessel tracking system.
Sec. 405. Report.
Sec. 406. Training of cadets at United States Merchant Marine Academy.
Sec. 407. Marine casualty investigations study.
Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.
Sec. 409. Deepwater implementation report.
Sec. 410. Helicopters.
Sec. 411. Reports from mortgagees of vessels.
Sec. 412. Newtown Creek, New York City, New York.

The CHAIRMAN. Are there amendments to section 2?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,586,400,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,903,821,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended;

(B) $1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems; and

(C) $284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $35,900,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $12,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $119,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 for the years ending on September 30, 2005, and September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training for fiscal year 2006, 2,500 student years.

(2) For flight training for fiscal year 2006, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2006, 350 student years.

(4) For officer acquisition for fiscal year 2006, 1,200 student years.

The CHAIRMAN. Are there amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—COAST GUARD

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(d) As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.".

SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by amending the section heading to read as follows:

***"§ 149. Assistance to foreign governments and maritime authorities"**;*

(2) by inserting before the existing undesignated text the following new subsection designation and heading: "(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—"; and

(3) by adding at the end the following new subsection:

"(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.".

(b) CLERICAL AMENDMENT.—The item related to such section in the analysis at the beginning of chapter 7 of title 14, United States Code, is amended to read as follows:

"149. Assistance to foreign governments and maritime authorities.".

SEC. 203. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(f) The Secretary may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.".

SEC. 204. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b)—

(A) by amending the first sentence to read as follows: "The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications."; and

(B) in the second sentence, by striking "a member so designated" and inserting "an individual so designated";

(2) in subsection (c)—

(A) by striking "of a member" and inserting "of an individual"; and

(B) by striking "of lieutenant (junior grade) or lieutenant" and inserting "determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual";

(3) in subsection (d), by striking "A member" and inserting "An individual"; and

(4) in subsection (e)—

(A) by striking "When a member's designation is revoked," and inserting "When an individual's designation is revoked,"; and

(B) by striking "option:" and inserting "option—".

(b) Current Director.—The individual serving as Coast Guard band director on the date of the enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary to be most appropriate to the qualifications and experience of that individual.

SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) In General.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"§677. Turnkey selection procedures

"(a) Authority to Use.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

"(b) Definitions.—In this section:

"(1) The term 'one-step turn-key selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

"(2) The term 'construction' includes the construction, procurement, development, conversion, or extension, of any facility.

"(3) The term 'facility' means a building, structure, or other improvement to real property.".

(b) Clerical Amendment.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 676 the following:

"677. Turnkey selection procedures.".

SEC. 206. RESERVE RECALL AUTHORITY.

Section 712(a) of title 14, United States Code, is amended—

(1) by inserting ", or to aid in prevention of an imminent," after "during";

(2) by striking "or" before "catastrophe";

(3) by inserting ", act of terrorism as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15)), or transportation security incident as defined in section 70101 of title 46" after "catastrophe";

(4) by striking "thirty days in any four-month period" and inserting "60 days in any 4-month period"; and

(5) by striking "sixty days in any two-year period" and inserting "120 days in any 2-year period".

SEC. 207. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) in subsection (a), by inserting after the first sentence the following: "Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve."; and

(2) in subsection (b), by striking so much as precedes paragraph (2) and inserting the following:

"(b)(1) The Secretary shall, at least once each year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.".

SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.

(a) Use of Motorized Vehicles.—Section 826 of title 14, United States Code, is amended—

(1) by designating the existing undesignated text as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof, to tow Federal Government property.".

(b) Appropriations for Facilities.—Section 830(a) of title 14, United States Code, is amended by striking "or radio station" and inserting "radio station, or motorized vehicle" each place it appears.

SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.

(a) Fellowships Authorized.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

"§197. Coast Guard history fellowships

"(a) Fellowships.—The Commandant of the Coast Guard shall prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

"(b) Eligible Individuals.—An individual shall be eligible under this subsection if the individual is a citizen or national of the United States and—

"(1) is a graduate student in United States history;

"(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

"(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

"(c) Regulations.—The regulations prescribed under this section shall include—

"(1) the criteria for award of fellowships;

"(2) the procedures for selecting recipients of fellowships;

"(3) the basis for determining the amount of a fellowship; and

"(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.".

(b) Clerical Amendment.—The analysis at the beginning of such chapter is amended by adding at the end the following:

"197. Coast Guard history fellowships.".

The CHAIRMAN. Are there amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.

(a) Ferry Defined.—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (10a) the following:

"(10b) 'ferry' means a vessel that is used on a regular schedule—

"(A) to provide transportation only between places that are not more than 300 miles apart, and

"(B) to transport only—

"(i) passengers, or

"(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.".

(b) Passenger Vessels That Are Ferries.—Section 2101(22) of title 46, United States Code, is amended—

(1) by striking "or" after the semicolon at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end the following:

"(D) that is a ferry carrying a passenger.".

(c) Small Passenger Vessels That Are Ferries.—Section 2101(35) of title 46, United States Code, is amended—

(1) by striking "or" after the semicolon at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following:

"(E) that is a ferry carrying more than 6 passengers.".

SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.

Section 9303 of title 46, United States Code, is amended—

(1) in subsection (f) by striking "The" and inserting "Before March 1 of each year, the"; and

(2) by adding at the end the following:

"(g) The Secretary shall ensure that the number of full-time equivalent employees assigned to carry out this section is not less than 4.".

SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended in the matter following subparagraph (C) by striking "denial of such claim of registry" and inserting "response".

SEC. 304. LNG TANKERS.

(a) Program.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States-flag vessels.

(b) Amendment to Deepwater Port Act.—Section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the following:

"(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag-vessels.".

(c) Report.—Within 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section.

The CHAIRMAN. Are there amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—MISCELLANEOUS

SEC. 401. TECHNICAL CORRECTIONS.

(a) Requirements for Cooperative Agreements for Voluntary Services.—Section 93(a)(19) of title 14, United States Code, as amended by section 201 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031), is amended by redesignating subparagraphs (1) and (2) in order as subparagraphs (A) and (B).

(b) CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.—Section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1037) is amended by inserting "of title 14" after "chapter 17".

(c) RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.—Section 93(a) of title 14, United States Code, as amended by sections 201 and 217 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031, 1038), is amended by redesignating paragraph (y) as paragraph (24).

(d) CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.—Section 302 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1041) is amended by striking "of 1972".

(e) TECHNICAL CORRECTION OF PENALTY.—Section 4311(b) of title 46, United States Code, as amended by section 406 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1043), is amended by striking "4307(a)of" and inserting "4307(a) of".

(f) DETERMINING ADEQUACY OF POTABLE WATER.—Section 3305(a) of title 46, United States Code, as amended by section 416(b)(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1047), is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.

(g) RENEWAL OF ADVISORY GROUP.—Section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1049) is amended by striking "of September 30, 2005" and inserting "on September 30, 2005".

(h) TECHNICAL CORRECTIONS RELATING TO REFERENCES TO NATIONAL DRIVER REGISTER.—

(1) AMENDMENT INSTRUCTION.—Section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058) is amended in the matter preceding subparagraph (A) by striking "7302" and inserting "7302(c)".

(2) OMITTED WORD.—Section 7302(c) of title 46, United States Code, as amended by section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058), is amended—

(A) by inserting "section" before "30305(b)(5)"; and

(B) by inserting "section" before "30304(a)(3)(A)".

(3) EXTRANEOUS U.S.C. REFERENCE.—Section 7703(3) of title 46, United States Code, as amended by section 609(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058), is amended by striking "(23 U.S.C. 401 note)".

(i) VESSEL RESPONSE PLANS FOR NONTANK VESSELS.—

(1) CORRECTION OF VESSEL REFERENCES.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1067), is amended by striking "non-tank" each place it appears and inserting "nontank".

(2) PUNCTUATION ERROR.—Section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1068) is amended by inserting close quotation marks after "each tank vessel".

(j) PUNCTUATION ERROR.—Section 5006(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(c)), as amended by section 704(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1075), is amended by inserting a comma after "October 1, 2012".

(k) CORRECTION TO SUBTITLE DESIGNATION.—

(1) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(2) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following:

"VII. MISCELLANEOUS .... 70101".

(l) CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1078), are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such Act (Public Law 108-293; 118 Stat. 1078), are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.

(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking "section 70120" and inserting "section 70119".

(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking "section 70120" and inserting "section 70119".

(5) In the analysis at the beginning of the chapter, by striking the items relating to sections 70117 through the second 70119 and inserting the following:

"70117. Firearms, arrests, and seizure of property.
"70118. Enforcement by State and local officers.
"70119. Civil penalty.
"70120. In rem liability for civil penalties and certain costs.
"70121. Withholding of clearance.".

(m) AREA MARITIME SECURITY ADVISORY COMMITTEES; MARGIN ALIGNMENT.—Section 70112(b) of title 46, United States Code, as amended by section 806 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082), is amended by moving paragraph (5) two ems to the left, so that the left-hand margin of paragraph (5) aligns with the left-hand margin of paragraph (4) of such section.

(n) TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.—Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking "hull" the second place it appears.

(o) EFFECTIVE DATE.—This section shall take effect August 9, 2004.

SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the "Secretary") may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.

(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to Camden County High School—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Camden County High School to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and Camden County High School.

(2) AUTHORIZED PAY.—

(A) IN GENERAL.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) PAYMENT TO SCHOOL.—The Secretary shall pay to Camden County High School an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

(C) NOT DUTY OR DUTY TRAINING.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.

SEC. 403. TRANSFER.

Section 602(b)(2) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1051) is amended by striking "to be conveyed" and all that follows through the period and inserting "to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana.".

SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) PILOT PROJECT.—Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems pursuant to section 70115 of title 46, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for fiscal year 2006 to carry out the pilot program authorized under subsection (a).

SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets described in subsection (b) to carry out the Coast Guard's missions including search and rescue, illegal drug and migrant interdiction, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

SEC. 406. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(f)) is amended—

(1) in paragraph (2) by striking "and" after the semicolon at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) on any other vessel considered necessary or appropriate or in the national interest.".

SEC. 407. MARINE CASUALTY INVESTIGATIONS STUDY.

(a) STUDY.—Within 3 months after the date of enactment of this Act, the Commandant of the Coast Guard shall enter into an agreement with National Institute for Occupational Safety and Health for a study of the Coast Guard marine casualty investigation program to examine the extent to which marine casualty investigations and reports—

(1) result in information and recommendations that prevent similar casualties;

(2) minimize the effect of similar casualties, given that it has occurred; and

(3) maximize lives saved in similar casualties, given that the vessel has become uninhabitable.

(b) INCLUDED ELEMENTS.—To promote the safety of all those who work on or travel by water and to protect the marine environment, the study shall include consideration of—

(1) the adequacy of resources devoted to marine casualty investigations considering caseload, training and experience of marine casualty investigators, and duty assignment practices;

(2) investigation standards and methods, including a comparison of the formal and informal investigation processes;

(3) use of best investigation practices considering transportation investigation practices used by other Federal agencies and foreign governments, including the British MAIB program;

(4) marine casualty data base management and use of casualty data and information as an input to marine casualty prevention programs;

(5) the extent to which marine casualty data and information have been used to improve the survivability and habitability of vessels involved in marine casualties; and

(6) any changes to current statutes that would clarify Coast Guard responsibilities for marine casualty investigations and report.

(c) REPORT TO CONGRESS.—The study, along with its findings and recommendations, shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months after entering into a contract with the Institute.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $625,000 to carry out the study required by this section.

SEC. 408. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

SEC. 409. DEEPWATER IMPLEMENTATION REPORT.

Within 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the Integrated Deepwater Program that includes—

(1) a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of such program;

(2) a projection of the remaining operational lifespan of each legacy asset;

(3) a detailed justification for each modification in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the program; and

(4) a total cost of the program that aligns with the revised mission needs statement for the program.

SEC. 410. HELICOPTERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may in accordance with this section acquire or lease up to four previously used HH–65 helicopters or airframes (or any combination thereof) that were not under the administrative control of the Coast Guard on January 1, 2005.

(b) DETERMINATION AND CERTIFICATION.—The Secretary shall not acquire or lease any previously used HH–65 helicopters or airframes under subsection (a), until the end of the 90-day period beginning on the date the Secretary notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Secretary has—

(1) determined that acquiring or leasing such previously used helicopters or airframes, and making any modifications to such helicopters or airframes that are needed to ensure those helicopters and airframes meet the design, construction, and equipment standards that apply to H-65 helicopters under the administrative control of the Coast Guard on May 18, 2005, is more cost-effective than acquiring or leasing an equal number of MH–68 helicopters; and

(2) certified that the helicopters and airframes will meet all applicable Coast Guard safety requirements.

SEC. 411. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking "owners, masters, and charterers" and inserting "owners, masters, charterers, and mortgagees".

SEC. 412. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—Of the amounts provided under section 1012 of the Oil Pollution Act, the Coast Guard shall conduct a study of public health and safety concerns related to the pollution of Newtown Creek,. New York City, New York, caused by seepage of oil into Newtown Creek from 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Coast Guard shall transmit to Congress a report containing the results of the study.

AMENDMENT NO. 13 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. YOUNG of Alaska:

At the end of Title IV add the following:

SEC. . Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

"(4) Paragraph (1) of this subsection and Section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under Section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under Section 70105 of this title, when required."

Mr. YOUNG of Alaska. Mr. Chairman, it is well established under current law that foreign workers may work on U.S. flag vessels on international voyages to conduct various non-watchstanding functions. These personnel are not considered seamen. This amendment will confirm the legality of this practice.

Also, the amendment clarifies that personnel must possess a transportation security card, when required under the Maritime Transportation Security Act, and I urge Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. YOUNG of Alaska:

Add at the end of title IV the following:

SEC. . ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) TREATMENT OF SECRETARY APPROVAL.—

(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 91–190 (42 U.S.C. 4332(2)).

(2) DEFINITION.—(A) In this subsection, the term "community development plan" means a plan, prepared by a community development quota group for the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), that describes how the group intends to—

(i) harvest its share of fishery resources allocated to the program; and

(ii) use the harvest opportunity, and any revenue derived from such use, to assist communities that are members of the group with projects to advance economic development.

(B) In this subsection, no plan that allocates fishery resources to the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is a "community development plan".

Mr. YOUNG of Alaska. Mr. Chairman, this amendment approves established National Marine Fisheries Service policy regarding the process for approving community development plans in small Alaska communities. The amendment does not in any way change the manner in which these fishery resources are distributed to, or the total amount of fish allocated to, eligible communities. This is a good amendment. It is asked for and the agency itself suggested that we do offer it, and I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. YOUNG of Alaska:

Add at the end of title IV the following:

SEC. . QUOTA SHARE ALLOCATION.

(a) IN GENERAL.—The Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implemented under section 801 of title VIII of division B of Public Law 108–199 is amended to require that—

(1) Blue Dutch, LLC, shall receive crab processing quota shares equal to 1.5 percent of the total allowable catch for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery; and

(2) the Program implementing regulations shall be adjusted so that the total of all crab processing quota shares for each fishery referred to in paragraph (1), including the amount specified in paragraph (1), equals 90 percent of the total allowable catch.

(b) APPLICABILITY.—Subsection (a) shall apply, with respect to each fishery referred to in subsection (a)(1), whenever the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment assures that if a new quota becomes available in certain Alaska fisheries, a portion of it will be distributed to a vessel which currently has no qualifying catch history. This amendment corrects an inequity without taking quota from existing vessels. If no new quota is made available through the normal management process, then the additional vessel does not receive any quota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

Mr. BOYD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a moment to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and their staffs for working with me to include as part of the manager's amendment the text of the substance of House Resolution 372 which will transfer ownership of St. Marks Lighthouse from the Coast Guard to the U.S. Fish and Wildlife Service.

This lighthouse, Mr. Chairman, was built in the 1820s and today still serves as an acting navigational aid for vessels on the Apalachee Bay. This old lighthouse has survived, Mr. Chairman, many wars and many storms, and we were going to lose the building itself if this transfer was not made.

I want to thank again the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, for their help in accomplishing this.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, for myself, and I know I speak for the gentleman from Alaska (Chairman YOUNG), we are happy to accommodate the gentleman's concern.

I am particularly an aficionado of lighthouses. I think they have played an extraordinary role in the navigation maritime history of America, but lighthouses also played an extraordinary and important role in the development of commercial navigation, air navigation in the United States.

In the early days of aviation, the lighthouse service set up lighthouses on land with million-candle-powered lights with an arrow pointing to the next lighthouse where the nighttime flyer could chart his course and fly safely to a destination. Lighthouses really made maritime navigation safe, but they made aviation navigation safe as well. So preserving such a piece of history is really important, and I am really glad the gentleman has brought it to the attention of the committee.

Mr. BOYD. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. We are always blessed to have the benefit of someone who has as much knowledge as the gentleman from Minnesota (Mr. OBERSTAR) does.

□ 1515

This lighthouse that has been addressed in this manager's amendment is still serving as a navigational aid to air transportation and also to maritime navigation.

AMENDMENT NO. 10 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SOUDER:

At the end of title IV add the following new section:

SEC. . ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.

There are authorized to be appropriated $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

Mr. SOUDER. Mr. Chairman, I rise to ask my colleagues' support for this amendment which would authorize critical resources for our drug interdiction efforts which directly impact the U.S. Coast Guard.

I first want to commend the gentleman from New Jersey (Chairman LOBIONDO) for his leadership and efforts in providing much-needed support to the Coast Guard.

Recently, more than ever, the Coast Guard has demonstrated its unique multimission role as the world's premier maritime service. The recent devastation caused by Hurricane Katrina along our gulf coast has been well documented, and our sympathies are extended to those who have lost so much.

However, out of the destruction and despair come many positive stories, and one of the best stories to emerge from this disaster has been the heroic work of our Coast Guard.

Hurricane Katrina ravaged Coast Guard stations in Gulfport and Pascagoula, Mississippi; and looters wrecked part of its New Orleans base. But that did not stop the Coast Guard from sending out rescue helicopters, cutters, and small boats on dangerous and exhausting missions to save lives and clear waterways after the hurricane ravaged the gulf coast since August 29.

To date, the Coast Guard has coordinated the search and rescue efforts that resulted in over 33,000 lives saved and evacuated to date. Coast Guard helicopters and boat crews from around the country responded and have heroically risked their lives in some of the most challenging and dangerous circumstances of recent times.

As a military, multimission maritime service, the Coast Guard performs a unique blend of humanitarian, law enforcement, regulatory, and military missions and responsibilities providing maritime security, maritime safety, protection of natural resources, and national defense services.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources and a member of the Committee on Homeland Security, I am very aware of the critical role performed by the Coast Guard in drug interdiction and homeland security.

In fiscal year 2004, the Coast Guard seized a record 240,519 pounds of cocaine worth approximately $7.3 billion. To date, in fiscal year 2005, the Coast Guard has seized over 290,000 pounds of cocaine worth an estimated $8.8 billion.

As Hurricane Katrina has made abundantly clear, our country needs a strong and robust Coast Guard, and Congress needs to ensure that we are putting the right tools and equipment in the very capable hands of Coast Guard men and women so that they may continue to deliver the robust maritime safety and security America expects and deserves.

The Coast Guard's Deepwater recapitalization project plays an absolutely critical role in building a more ready and capable 21st century Coast Guard equal to the challenges we face today and anticipate tomorrow.

It is vitally important to our national drug control strategy and our national security, as well as protecting our Nation's citizens from natural disasters such as Hurricane Katrina, that the Deepwater project be accelerated and that there be more Coast Guard ships and aircraft to respond to the many critical missions of the Coast Guard.

I offer this amendment to improve upon these drug seizure totals by authorizing the State Department's Bureau of International Narcotics and Law Enforcement Affairs to acquire a refueling vessel for the benefit of U.S. and allied drug interdiction agencies, such as the U.S. Coast Guard and the U.S. Navy, operating in the eastern Pacific region. According to testimony provided by the Coast Guard, the Department of Defense, the Office of National Drug Control Policy, and other agencies, drug traffickers have increasingly pushed their routes into that area farther and farther west.

We have three Coast Guard vehicles that operate there. One is usually trying to come in, one is going back, and only one is out in this huge zone running up with all of the cocaine and heroin coming in from Colombia because we do not have a refueling vessel there.

U.S. vessels have no capability of refueling in that area and, thus, cannot operate for any significant length of time. The drug traffickers, by contrast, have developed their own sophisticated refueling system and can now simply bypass our interdiction forces. Today, we face an almost unique situation in drug interdiction history: we now have more intelligence about drug trafficking than we have assets to act on it, meaning we know it is coming, we know where it is, but we cannot get it; meaning that we have to watch helplessly while some shipments of poisonous narcotics are brought into the U.S.

The Coast Guard's motto, "Semper Paratus," meaning always ready, has been earned through the courage and actions of the members of the Coast Guard. I am happy to say that this amendment will help ensure that future Coast Guard members can live up to that motto.

Again, I thank the gentleman from New Jersey (Chairman LoBiondo) for his leadership in support of the Coast Guard, and I urge my colleagues to support this amendment.

Mr. LoBIONDO. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Chairman, we are very happy to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Souder).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. Markey:

In subtitle A of title IV, add at the end the following new section:

SEC. . SECURITY AND SAFETY REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) Security and Safety Review.—The Commandant of the Coast Guard shall conduct a comprehensive security and safety review of the proposed construction, expansion, or operation of a waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships, including proposed shipping routes to or from the facility.

(b) Preparation of Report.—Upon completion of a review under subsection (a), the Commandant of the Coast Guard shall prepare a report setting forth the results of the review and including any recommendations for measures that the Commandant believes are necessary to ensure the public safety and security of the proposed facility and the transportation routes to and from the facility, or to mitigate any potential adverse consequences.

(c) Results of Review.—The Commandant of the Coast Guard shall provide to each Federal agency responsible for licensing, approval, or other authorization for the relevant construction, expansion, or operation, and to Congress, a report prepared under subsection (c), and shall also provide the information in such report, to the extent consistent with the protection of public safety and security, to affected State and local officials and the public.

(d) Reports to Congress.—

(1) Summary of actions taken.—Not later than 6 months after a report is provided under subsection (d), the Commandant shall transmit a report to Congress summarizing any action taken by the facility owner or by any appropriate Federal or State agency in response to the Commandant's recommendations contained in such report. If no action has been taken to implement such a recommendation, the Commandant shall report on the reasons why no action has been taken, and shall include views on the failure to take the recommended actions.

(2) Implementation status report.—The Commandant shall transmit an additional implementation status report to Congress every 6 months until all of the recommendations contained in the Commandant's report prepared under subsection (c) have been implemented, or the Commandant concludes that implementation is no longer necessary and provides an explanation of the reasons for this determination.

(e) Requirement for Approval of Construction or Expansion of Urban Liquefied Natural Gas Facilities.—

(1) Requirement.—No person may construct or expand any urban waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships unless the Commandant of the Coast Guard has approved such construction or expansion. The Commandant shall not approve any such construction or expansion if, as a result of the review conducted pursuant to subsection (a), the Commandant determines that the proposed facility, or the expansion of the existing facility, would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

(2) Civil penalty.—Any person who violates paragraph (1) shall be liable for a civil penalty in an amount not to exceed $1,000,000 for each day of such violation.

(3) Savings clause.—Except as provided in paragraph (1), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

Mr. MARKEY. Mr. Chairman, I have an amendment which deals with a huge issue which is going to unfold in our country over the next decade, and that is the indisputable need for our country to have a large importation of liquefied natural gas into our country. In New England, already 20 percent of our natural gas is in the form of liquefied natural gas. It comes from overseas. This is a good thing, and it is something that has to expand, not only in New England but all across our country.

The good news is that in the year 2001, there were only two LNG facilities licensed in the United States, one of them in Everett, Massachusetts, in the middle of my congressional district. This is something, however, which is a legacy from a period that existed before 9/11. There are now 30 proposed additional LNG facilities in the United States, and nine of them have already been licensed.

The question going forward now is not do we need more LNG; the question is how will we have the importation of LNG be done consistent with homeland security principles. And here is the issue: in Boston, right here, coming in a couple of times a month, at least, comes this huge tanker right through the middle of Boston. That is East Boston High School right above it. Outside of Manhattan, this is the most densely populated part of the United States.

Now, we cannot do anything about this facility. It is there. Maybe over time we can phase it out, but it is going to be there. The issue is, going forward, what will be the role of the Coast Guard, the Coast Guard which, in this picture, is escorting this LNG tanker right into Boston Harbor, which has to shut down every time one of these tankers comes in? What should the role of the Coast Guard be?

What my amendment says is this: since we are going to have this large importation of LNG in terminals all across our country in the next generation, let us: One, require the Coast Guard to prepare a report on any measures needed to ensure public safety and security of the proposed facility and transportation routes to and from the facility; and, two, require the Coast Guard to report on any action taken by the facility owner or by appropriate Federal and State regulators in response to any findings or recommendations made by the Coast Guard with respect to the proposed facility, including what measures have been put in place to mitigate potential risks; and, third, require the Coast Guard to approve any construction or expansion of an LNG facility before it can go forward, and direct the Coast Guard to not approve any such construction or expansion if it determines that the proposed facility or the expansion of the existing facility would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

We know that if that tank was exploded, if the tanks that are on the land where the tanker is going to unload the LNG, that the event would be catastrophic in the middle of the city of Boston; but the same would be true across the whole country. The Sandia Laboratories, in studying an incident that could occur with a tanker such as this, sees a radius of upwards of 2,000 feet that would have levels of heat and fire that would burn buildings, damage steel tanks and machinery; and one can imagine what would happen to every human being inside that radius.

So, for me, to leave it to the Federal Energy Regulatory Commission to have exclusive jurisdiction over where one of these facilities is sited, without taking into account what the Coast Guard will have to do as a part of the Department of Homeland Security in safeguarding that shipment, is, in a post-9/11 period, reckless. In a post-New Orleans period, it is reckless.

We must give the people who live in these densely populated areas the benefit of the doubt that the Coast Guard would raise the questions about homeland security, about what would happen if there were a terrorist attack, and then suggest perhaps that the facility be built offshore, and that there be a pipeline brought in, that the facility be built in a more remote area of the State and a pipeline be built to bring it down; but it should be the Coast Guard, the agency of expertise.

I urge an "aye" vote to protect public safety in all communities where LNGs will be imported in the generation ahead.

Mr. LoBIONDO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would significantly add to the Coast Guard's mission responsibilities by requiring the service to regulate the construction and expansion of liquefied natural gas facilities. Coast Guardsmen and -women do not have the expertise and background to inspect building plans as they would be required to do under this amendment.

In addition, this amendment would in many ways duplicate the efforts already undertaken by the States and the Federal Energy Regulatory Commission to regulate these facilities. With the current situation, I question the addition of significant shore-side responsibilities to the Coast Guard's wide scope of missions. We have heard about what they have been expected to do, we have heard their missions have been expanded by some 27 items, that their personnel is not there, that their funding is not there; and I reiterate that they do not have the expertise and background to inspect these building plans and do the job that is required under this amendment.

I urge all of my colleagues to oppose this amendment.

Mr. McGOVERN. Mr. Chairman, I am pleased to rise in support of this amendment, and I would like to commend my colleague, the gentleman from Massachusetts (Mr. MARKEY), the dean of our delegation, for his leadership on this issue. Years ago the gentleman from Massachusetts (Mr. MARKEY) played a critical role in the passage of the Pipeline Safety Act, which stressed the need for the remote siting of LNG terminals; and since then he has continued to be a national leader and advocate for the needs and safety of our communities.

This is a commonsense amendment that we have before us today. I can tell my colleagues firsthand that the current system does not work. In my district there has been a proposal to construct an LNG storage tank in the middle of Fall River. The site itself would be just 1,200 feet from homes with over 9,000 people living within a 1-mile radius of the tank. Immediately, community and State officials sounded off the alarm. They pointed to environmental concerns, and there are a lot of environmental concerns with the siting in this area, which FERC just dismissed without ever conferring with the EPA.

They also pointed out the fact that if this facility would be constructed, the tankers would have to go under three different bridges in the river, and all three bridges would have to be shut down for a period of time for safety concerns. And the problem with that is that neighboring communities would then be denied access to hospitals that are located in Fall River and other emergency facilities. Again, FERC totally ignored that.

The community raised security concerns which were supported by a report prepared by counterterrorism expert Richard Clarke talking about the potential threat to the community in the case of a terrorist attack or an accident. Yet the Department of Homeland Security was never included in the review process. In fact, despite repeated requests from members of the Massachusetts and Rhode Island delegations, officials from Homeland Security have yet to comment on the site, let alone visit the site.

□ 1530

Instead, they referred our request to the Coast Guard, which is only required to present its recommendation prior to the actual construction of the LNG tanks. So in the end, without any coordination with the necessary Federal agencies, FERC approved the construction of the LNG storage tank in Fall River, Massachusetts.

Now it was only after the Navy intervened, pointing to additional threats to national security, that FERC finally took a step back and are now deciding whether to consider an appeal by the State of Massachusetts.

This one case in Fall River illustrates a larger problem. Our current system fails to ensure a thorough review of all of the issues surrounding LNG sites; and the Markey amendment, by bringing the Coast Guard to the table before new LNG sites are approved, I think is a necessary step in that direction.

As our Nation's energy demands continue to grow, we must work to ensure that adequate energy sources are available; and I would be the last person to argue otherwise. We do need additional LNG facilities in this country. But we must be mindful that our public health, security and safety are not disregarded in the process.

I have never had a more maddening experience in my life than dealing with

FERC. They did not consider, let alone discuss, any of the issues that were raised by the Commonwealth of Massachusetts, by our governor or by local officials or by local public safety officials. They went ahead and approved this and justified the approval without considering any of the evidence that was brought before them, evidence, quite frankly, that points to major security concerns.

I think that what the gentleman from Massachusetts (Mr. MARKEY) has done here is proposed an amendment that, you know, should not be controversial. I think all of us here should want to make sure that these facilities are sited in the safest possible areas.

I have a prediction. That is, in the not-too-distant future, some homeland security chief is going to weigh in on this and recommend that LNG facilities not be sited in heavily populated areas and that, instead, they be sited in areas that are not in the middle of a growing urban area or offshore them because of the safety concerns.

So this amendment should be approved. I would hope that my colleagues would join with me in supporting the Markey amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Under the agreement that we have in committee, we do not support amendments that one or the other side disagrees with; and I support the committee position. I do want to observe, however, that this amendment is relatively benign. Had it been drafted differently, I think it easily could have been accepted.

The Coast Guard does have largely this authority. And while the chairman of the subcommittee has expressed a concern about the Coast Guard being drawn afield from its normal mission in looking into on-land facilities, actually if the Coast Guard felt there were a problem with their existing authority they could do what the gentleman's amendment proposes to direct them to do, they could say, look, we think this is a security problem or a safety problem and inspect it. And, in fact, any contractor with an ounce of sense would invite the Coast Guard in and say look at it before we go ahead.

I do want to observe, however, there is new technology that may make such facilities unnecessary in the short term and long term.

During this storm of Katrina in the gulf, an LNG facility offloaded 3 billion cubic feet of natural gas 100 miles offshore because the tanker had on board the new regassification technology that allows it to make the conversion necessary to discharge from the ship; and with 8-foot seas, they were able to discharge 3 billion cubic feet of natural gas. With the rate at which natural gas prices are rising, I think we need more of that capability.

I certainly sympathize with my colleagues in Massachusetts along Fall River who do not want to see one of these LNG ports in their river, close to human population, with all of the potential, but this is not the appropriate place to make that fix.

Mr. SHIMKUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to be brief. The issue is we have fought this amendment before. There is a critical demand for natural gas in this country. The Coast Guard, as has already been stated, is already involved in this process. They establish access control measures. They establish security measures for cargo handling and delivery. They provide surveillance and monitoring. They ensure security communications. They create security incident procedures. They coordinate with local, State and Federal authorities to respond to security incidents, personnel training and drill requirements and identify a facility security officer who is responsible for ensuring compliance with the facility security plan. So the Coast Guard is already doing a lot of these intercoastal activities.

In addition to the U.S. Coast Guard, the LNG terminal safety and security are subjected to additional layers of Federal oversight. FERC and the Department of Transportation are responsible for exercising regulatory authority over LNG facilities.

This country can no longer continue down the route of saying we want to use energy, but we do not want any energy brought into this country. We just cannot. It kills our manufacturing base. We are no longer competitive.

Now we are paying $10 per million Btus for natural gas use, when our opponents, our competitors worldwide like Russia pay 95 cents. How can we compete? We have to have energy.

If we cannot drill in our own country, if we cannot explore, if you are going to put the whole Continental United States off limits, we have to import liquefied natural gas. We can do it. We have done it safely. We can do it economically.

The Coast Guard is involved. And to say that this is not an attempt to stop LNG facilities on the United States is just a false premise. I reject it.

Now we have had this amendment numerous times and tried to stop the development of LNG facilities during the energy bill. We have defeated it every time, and we are going to defeat it now.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Markey amendment. As the gentleman from Illinois (Mr. SHIMKUS) just mentioned, we have been through several attempts in the energy bill to recognize the NIMBY, not in my back yard movement, against LNG. You cannot have it both ways.

This House spoke overwhelmingly to say that we need and will support more natural gas supply within the United States by beating or not adopting the Markey amendments in the energy bill, which I think is the proper place to discuss the topic of liquefied natural gas and its safety.

And, by the way, what we adopted in that energy bill is a streamlined process that does give FERC the ultimate authority on permitting and siting but also in that bill mandates to FERC that they have to take into account the safety concerns. It is stated right there in black and white. They have to adopt or they have to take into account the safety concerns, the procedural concerns from both the local, the county, the State governments and all of the Federal agencies, including the Coast Guard, that are involved in this process.

As the gentleman from Illinois (Mr. SHIMKUS) mentioned, the Coast Guard is already part of the process. It has jurisdiction over part of the safety plan that makes sure that the ships are safely brought in to the port facility. It escorts those ships, in fact. You know, I just have got to say that we have got to get away from this NIMBY mentality here.

Right now, we are paying $10 per Btu for natural gas. Mexico is a fraction of it. We look at what we use natural gas for in the United States, it is not just heating our homes. Eighty percent of the homes in Nebraska are heated with natural gas. I would presume that the majority of homes along the East Coast are heated with natural gas.

Go tell your folks that you are in favor of their natural gas heating bill going up by 30 or 40 percent this December, January and February. Because that is what we are looking at.

But, also, it is a major element in cost in manufacturing, manufacturing chemicals, manufacturing fertilizer; and I am telling you our farmers in Nebraska cannot withstand the price increases that they are going to have to incur with fertilizer. Chemical plants are pulling out of the United States to avoid the high cost of natural gas.

We need this product in the United States. Let us keep it as this body has already decided with the streamlined approach that already incorporates all of the safety concerns from all of the local and State and Federal agencies.

Let us join the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and all of the others that are in opposition to this amendment.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, first of all, let me clear up some misinformation which has been disseminated out here on the House floor. We have, in fact, not debated this issue ever before in the House.

What happened in the energy bill was that the Republican majority made a determination that they were going to remove governors and mayors from the decision-making process as to where an LNG facility can be sited. Until August of 2005, mayors and governors had a say. Now they do not because of the energy bill.

Now we all know that when and if a catastrophic event occurs, people in our country have learned not to depend upon the Federal Government. They know that the first call has to go to the local fire, the local police. That is who they are going to call, and they have good reason to after what happened in New Orleans. I do not think any city or town is going to repeat the mistake which New Orleans made in waiting for Department of Homeland Security to respond.

But let us just say for the sake of discussion that we are going to remove the mayor and we are going to remove the governor from any say on where an LNG facility can go in the most densely urban populated parts of this State. What my amendment says is, at least allow the Federal Government to have a role. At least allow the Department of Homeland Security to have a role. But the Republican majority says, no, we are only going to allow the Federal Energy Regulatory Commission, which has no jurisdiction over homeland security, no responsibility to look at the public safety issues, they alone will look at these issues.

Well, you know, the recriminations which have taken place in the last 2 weeks all turn on one question. Why didn't people listen to the Corps of Engineers? Why didn't we give more protection to those people in that community? But we all know that the Corps of Engineers was ignored, that their warnings were ignored.

What the majority Republican party wants to do is to tell the Coast Guard, we do not want to have your view on where an LNG facility should be sited if you are going to tell us you disagree with the energy decision.

It should be all energy. No homeland security at all. No protection for the people who will be living in the mile or two around that facility. Now that, ladies and gentlemen, is what this debate is all about.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Nebraska (Mr. TERRY) and, by the way, each of them could not try harder to get more geographically far away in Nebraska and Illinois from the coastline, our experts today. Mark Twain used to say, an expert is anyone who lives more than 1,000 miles away from a problem, and we have got two experts here today telling us on the coastline what we need.

Well, what we need, ladies and gentlemen, is the Coast Guard to make a determination as to whether or not they can protect against a catastrophic event, and what they are saying is no Coast Guard, no governor, no mayor, nobody but the energy companies. That is what it is all about. It is about the energy companies.

Yes, we need a doubling, yes, we need a tripling, a quadrupling of LNG in our country.

☐ 1545

I have the number one facility in America in my district. We need it in New England more than anyone else. But as a homeland security issue, it should have the Coast Guard making a determination as to whether or not it can be protected against a terrorist attack. And if an alternative is possible offshore or in a more remote area of that State, then they should be given the right to participate in that decision.

If you just leave it to the energy companies, which is what the Republicans want to do, this is just a continuation of their energy bill, letting the consumers get tipped upside down because the energy companies do not want to spend a few extra bucks to add into homeland security, the same way as the catastrophic events of New Orleans were just over saving a few bucks.

Well, this is your chance to do something about LNG facilities in densely populated areas, to give a say to the Coast Guard, rule out your Governor, rule out your mayor, but at least the Coast Guard, at least a part of the Federal Government should be part of this. If you want a Federal solution to the energy problem, you also have to have a Federal component to homeland security in 2005.

Al Qaeda is not taking a break. Al Qaeda is out there. Al Qaeda used the Boston LNG terminal as the route to bring in their Al Qaeda agents.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Richard Clarke in his book said on September 11, 2001 when he was asked to take over in charge of all homeland security response, his first thought was shut down the port of Boston, call the Coast Guard commandant there. That is where Abdul Meskini and the other al Qaeda agents had come in on the LNG tanker from Algeria into Boston Harbor. That is how they got here. Abdul Meskini is in prison right now for the LAX millennium bombing plot.

So let us not kid ourselves. They are coming for urban areas. They are coming for the high-impact areas. They are coming for LNG facilities. They are coming for nuclear facilities. They want to use airplanes. They want the biggest event possible. They want London. They want Madrid. They want New York. They want L.A.

They want the big urban populated areas. Let us not kid ourselves. Vote "aye" on the Markey amendment. Give the Coast Guard the homeland security ability to be able to make a decision to protect the citizens of our country.

Mr. ANDREWS. Mr. Chairman, I rise in support of the amendment offered by my esteemed colleague, Congressman MARKEY. His amendment seeks to protect the citizens of our cities and towns from the potential threat posed by liquefied natural gas, LNG, tankers traversing our waterways.

I fully grasp the need to import additional quantities of fuel, particularly natural gas. Our energy supplies are dwindling and have been further hampered by the recent events in the Gulf. However, I must question the haste of our efforts to import LNG without the proper planning to ensure the public's safety. As it stands now, the Federal Energy Regulatory Commission, FERC, has the preeminent authority in siting these LNG facilities. The recently passed Energy Bill even included a provision that usurped State's rights in the siting process. The problem here is that FERC is an agency concerned with energy policy, yet they have limited expertise in security and public safety. In the past, we could rely on individual States to make security decisions, but now that authority is in jeopardy.

The most prudent action we can take at this time to ensure the safety and security of our citizens is to bolster the power of the Coast Guard. While the Coast Guard is already involved in siting LNG facilities, this amendment offered by Congressman MARKEY would give the Coast Guard the specific direction they need to properly and thoroughly examine risks posed to the public.

There is no doubt that LNG will become an increasing part of our Nation's energy supply. Moreover, there will be some prospective sites that are suitable for LNG facilities and others that are not. I am not here to make a judgment on any specific sites. Rather, I want the professionals in the Coast Guard to do the security analysis. Our energy needs cannot take precedent over the safety of our citizens. Once again, I support Mr. MARKEY's amendment and I urge my colleagues to include it in the final bill.

Mr. BISHOP of New York. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) requiring the U.S. Coast Guard to conduct a comprehensive risk assessment of waterfront facilities transferring liquefied gas, LNG, and proposed shipping routes for LNG tankers. I appreciate Mr. MARKEY's leadership and advocacy for the safety and welfare of Americans potentially affected by "siting" or expanding floating and shore-based LNG terminals.

Importantly, the Markey amendment does not refute the need for more LNG terminals or a greater supply of natural gas. Rather, the amendment simply requires an assessment of whether terminals are safely located and sufficiently remote from city centers and highly populated areas. It also directs terminal owners and operators how to best mitigate risks.

The Coast Guard is a firm pillar of our homeland security and national security defenses. It is therefore uniquely prepared to assess the risk of siting LNG terminals upon our Nation's waterways and shorelines. Well-versed in the safety and security needs of our local ports and harbors, we must build upon the Coast Guard's success as the trusted steward of our shores.

Accordingly, Mr. Chairman, the Markey amendment gives the Coast Guard the right to challenge the safety of an LNG proposal during the siting or expansion process. To that end, I strongly encourage my colleagues to vote for the Markey amendment in order to give the Coast Guard the last word in terminal siting and thereby maximize Federal preparedness against possible accidents or terrorist attacks upon LNG terminals.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOSSELLA:

At the end of title IV add the following:

SEC. . VOYAGE DATA RECORDER REQUIREMENTS.

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

§3507. Voyage data recorders

(a) The Secretary shall prescribe regulations that require that a passenger vessel described in section 2101(22)(D) carrying more than 399 passengers shall be equipped with a voyage data recorder approved in accordance with the regulations.

"(b) Regulations prescribed under subsection (a) shall establish—

"(1) standards for voyage data recorders required under the regulations;

"(2) methods for approval of models of voyage data recorders under the regulations; and

"(3) procedures for annual performance testing of voyage data recorders required under the regulations.

"(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary $1,500,000 each fiscal year.".

(b) DEADLINE FOR REGULATIONS.—The Secretary (as that term is used in chapter 35 of title 46, United States Code) shall initiate the prescribing of regulations under section 3507(a) of title 46, United States Code, as amended by this section, by not later than 6 months after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"3507. Voyage data recorders.".

Mr. FOSSELLA. Mr. Chairman, I thank the chairmen of the subcommittee and the full committee for their efforts here.

First at the outset, let me commend the great men and women of the United States Coast Guard for what they do. In Staten Island and Brooklyn, we are privileged that they are watching the Port of New York and the hundreds, if not thousands, of personnel who dedicate their lives to helping us and saving many and protecting us. And after a very aggressive summer boating season, many of them have been redeployed to the gulf region and serving once again with honor and distinction and rescuing many and really serving full support to the United States Coast Guard.

The amendment I have offered today deals with what happened several years ago in Staten Island. On October 15, 2003, the Staten Island Ferry boat, the *Andrew J. Barberi*, was on a regularly scheduled trip from Manhattan to Staten Island, as it does 365 days a year; but on that day, it collided with the maintenance pier at the Staten Island Ferry Terminal. The tragic accident resulted in the death of 11 people, 11 innocent people with over 70 injured, many severely.

Despite the exceptional report issued by the National Transportation Safety Board, which conducted a very thorough investigation, we still do not know the full story of what happened on that tragic day. The N.T.S.B. concluded a probable cause of the incident was "the assistant captain's unexplained incapacitation."

The unwillingness of those with knowledge of what happened in the wheelhouse to talk unfortunately ensures that the full story of that tragedy will never be known.

In light of these circumstances, the amendment I have offered today requires that voyage data recorders, or VDRs, not too unlike the famous, or infamous, black boxes that exist in every airplane cockpit, be installed in ferries carrying more than 399 passengers.

For a point of fact, that is probably more than 50 ferry boats nationwide. The devices are similar to the black boxes. In addition to recording all communication and navigation data in a ship's wheelhouse, the devices can also be used to track vessels en route and determine whether or not a ship is veering off course, which would have arguably prevented this tragic accident as well.

In addition to helping determine whether or not ships may be on a dangerous course, the devices also provide critical information in the event of future accidents that will give investigators a more complete understanding of events and in helping investigators understand root causes, such as greatly assist them in offering recommendations for safety improvements.

The amendment sets forth very practically to allow these VDRs in passenger ferries of 399 or more passengers. The Staten Island Ferry in and of itself carries tens of thousands people every day.

I think it is a commonsense measure. Furthermore, I want to commend the chairmen of both the full and the subcommittee for agreeing to continue to dialogue, to figure out ways we can prevent such accidents from occurring.

One of the other issues that clearly happened here was the pilot in control basically provided fraudulent physicals. And we need to find a way that we can effectively protect the public from those pilots, and I would argue physicians that provided false medicals to allow people who really do not belong in a wheelhouse to be responsible for the lives of tens of thousands of people on a daily basis.

I urge support of this commonsense amendment.

Mr. LoBIONDO. Mr. Chairman, I am prepared to accept the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate that the majority is going to accept the amendment. We have previously agreed on the outcome.

Voyage data recorders are as important as they are in aviation. The flight data recorder, the voice data recorder in the cockpit helps us to understand outcomes of accidents or causes of accidents in investigating the tragedies in aviation.

The Coast Guard is working with the IMO to amend the Safety of Life At Sea Convention to require voyage data recorders for ships in the international service. But doing so for newly built ships, those that are under construction is one thing. The cost can be absorbed in the construction of the vessels. But older vessels that do not have automated engine rooms, do not have automated sensors are going to result in a huge cost, as much as $300,000 I have heard from vessel owners to retrofit vessels.

So in accepting the gentleman's amendment, we must also have language when we get through conference, in the conference report, about somehow alleviating the cost on older vessels just as we do in aviation. There are ways of phasing in newer technology in aviation, the flight data recorder that records up to 150 parameters of operations of an aircraft, for example. We give airlines time and manufacturers time to incorporated the new technology into newer general aircraft.

I just raise this as a caution because I know the chairman has great concern for the financial effects on maritime navigation of actions we take in committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. LORETTA SANCHEZ of California:

Page 25, line 15, strike "**REPORT**" and insert "**REPORTS**".

Page 25, line 16, strike "IN GENERAL.—" and insert "ADEQUACY OF ASSETS.—".

Page 26, after line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's non-homeland security missions and homeland security missions, as those terms are defined in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468). Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I ask unanimous consent to modify this amendment with the modification placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 2 offered by Ms. LORETTA SANCHEZ of California:

In lieu of the matter proposed to be inserted at page 26, line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review.

Ms. LORETTA SANCHEZ of California (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, my amendment would have the commandant of the Coast Guard review and report on whether the currently authorized level of active duty personnel is adequate for carrying out all the Coast Guard's missions, including its newly expanded homeland security missions.

In the wake of Hurricane Katrina, we have seen how much our country relies on our Coast Guard. Currently, there are 2,400 Coast Guard members on the ground working on rescue and recovery efforts in the gulf coast, and to date they have saved over 33,000 lives.

The Coast Guard's contribution to disaster response is extremely valuable, and it is only one part of what the Coast Guard's broad mission is, which includes port, waterways and coastal security, recreational boater safety, search and rescue, illegal drug and migrant interdiction, aids to navigation, and the protection of our natural resources.

In the last couple of years, the Coast Guard security mission has grown exponentially as they work to secure our Nation's ports, our ships, and the cargo. But despite these growing responsibilities, the Coast Guard's authorized active duty personnel level is the same as it was in the early 1990s.

In the "Department of Homeland Security's Inspector General Fiscal Year 2003 Report" on the mission performance of the Coast Guard, the demand for experienced and trained Coast Guard personnel was cited as one of the major barriers to improving and sustaining mission performance. So we must ensure that the Coast Guard has the personnel resources to achieve their broad and their very complex security missions while maintaining high performance on all of their other missions.

I would like to thank the chairman and ranking member and their staff for working with me on this issue, and I ask for my colleagues' support of this amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the intent and purpose of the gentlewoman's amendment and her deep conviction in offering it, her concern that the Coast Guard undertake these evaluations and which the Coast Guard does as a matter of routine. But I think this will put a spotlight on this function of the Coast Guard and give a new urgency, especially in the aftermath of Hurricane Katrina, in these new homeland security responsibilities to which the gentlewoman has referred, to do a more thorough and current evaluation of the Coast Guard active duty personnel strengths and impacts on their homeland security missions, as well as the traditional historic function of the Coast Guard.

I appreciate the gentlewoman's amendment.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I appreciate the support of my good friend from Minnesota.

Mr. LoBIONDO. Mr. Chairman, as modified, we are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. INSLEE:

At the end of title IV add the following:

SEC. . REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

Mr. INSLEE. Mr. Chairman, I appreciate the Chair's assistance on this.

We are offering this amendment in an attempt to address an inequity in the committee's clear desire, it is the committee's clear desire to have operation and maintenance costs available as outlined in the Maritime Transportation Security Act for coverage under this grant program.

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After talking with the Congressional Research Service and with the Department of Homeland Security, it is clear that, at a practical level, on the ground at our ports, these costs, including overtime compensation for State patrol officers, are not being covered, despite the committee's best efforts.

The Department of Homeland Security, however, responds to legislation passed by the Committee on Appropriations and takes a narrow view that operations and maintenance costs are not eligible to be covered.

I believe that the chairman is of a like mind and believes that operations and maintenance costs during times of increased alert, expenses like extra operators for screening equipment, overtime for security officers, and additional K-9 bomb units, should be eligible for reimbursement by the Federal Government. I am asking for the chairman's help in addressing these issues.

These Federal security mandates place an undue burden on our ports, which are part of the lifeblood of our economy. We need to help them.

Mr. LoBIONDO. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Chairman, is the gentleman withdrawing his amendment and asking for a colloquy?

Mr. INSLEE. Yes.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. OBERSTAR. Mr. Chairman, before the gentleman makes that request, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman is proposing a very thoughtful amendment and making a very reasonable request, that the Secretary reimburse local port authorities, facility operators, State and local agencies when the security threat goes above green, if it goes to yellow, orange or red, and there are additional costs shouldered by local governments, that the Federal Government should pick up 50 percent of that cost. Is that the thrust of the amendment?

Mr. INSLEE. Mr. Chairman, that is the thrust of the amendment.

Mr. OBERSTAR. If the gentleman will further yield, that is generally what our concern is, that they should not shoulder all these additional costs. I think there should be some way that we can reach accommodation when we go to conference with the other body on accommodating the gentleman's concern.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, as hard as it is for me, I am going to support the gentleman's amendment, but my concern when I look at it is we have got to make sure that this does not come out of the Coast Guard's budget. It either comes out of Homeland Security or some other arena, and that is what we can work out in this bill when we put it in. Because I do not want the Coast Guard's budget to take money and go into it when they raise that alert state.

So I think the gentleman has got a good idea, and I am more than willing to work with him and see if we can solve it. I agree with the gentleman. Because when they put us on a higher alert, even though it might not even be in the arena of a port, it is a national higher alert, and it is a huge cost, and they have to carry that burden.

As long as we get the money from some other source than the Coast Guard, I am highly in support of it.

Mr. INSLEE. Mr. Chairman, we appreciate the gentleman from Alaska's (Mr. YOUNG) comment.

I would yield to the gentleman from New Jersey (Mr. LoBIONDO) if he wanted to make a further comment, but the gentleman from Alaska (Mr. YOUNG) seems to have covered the map.

Mr. LoBIONDO. Mr. Chairman, if the gentleman will further yield, still with the understanding that the gentleman from Washington (Mr. INSLEE) is going to withdraw the amendment, I commend the gentleman from Washington for his strong concern about the increased costs to local ports involved in complying with the Maritime Transportation Safety Act.

These same concerns were on the minds of the members of the Committee on Transportation and Infrastructure when we first passed the Act in 2002. We had extensive discussions about it, and at that time we authorized a port security grant in the Act.

Unfortunately, as the gentleman has pointed out, it seems that the Department is not following the intent of the law, and that is a problem, and that is a mistake we would like to correct.

We pledge, myself and the gentleman from Alaska (Mr. YOUNG), to work with the gentleman and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER) to continue as we move along with this bill to ensure that the port security grant program follows the criteria that we set out in the Maritime Transportation Safety Act. We will be very pleased to work with the gentleman on that.

The CHAIRMAN. Is there objection to the gentleman from Washington's unanimous consent request to withdraw the amendment?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MARKEY:

Add at the end the following new title:

TITLE .—REQUIREMENTS FOR MARITIME TRANSPORTATION SECURITY PLANS AND ASSESSMENTS

SEC. 01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.

Section 70103(b)(2) of title 46, United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

"(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business:

"(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;".

SEC. _02. REQUIREMENTS FOR UNITED STATES FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.

Section 70102(b) of title 46, United States Code, is amended—

(1) in paragraph (1)(C) by inserting after "contingency response," the following: "chemicals or processes used by a facility that could be replaced with alternative chemicals or processes that could reduce the health, environmental or economic consequences associated with a transportation security incident in a manner that would not significantly impair the ability of the facility to conduct its business,"; and

(2) in paragraph (4) by striking "includes" and inserting "adequately addresses".

Mr. MARKEY. Mr. Chairman, I will notify the majority that I intend on withdrawing my amendment, but I just wanted to make this commonsense suggestion at this time that perhaps we could continue to discuss and work on in the months ahead.

My amendment deals with the reality that, especially in coastal areas, that there are huge containers of very dangerous chemicals and other toxic chemicals that are stored in those coastal areas right onshore and that, in many instances, those particular toxic materials have a now more modern, substitutable chemical which could be used in order to achieve the same purposes for the industries within our country.

What my amendment says is that when the Coast Guard writes an area maritime transportation security plan, it will now be required to list facilities located within the area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, but the Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or other sensitive areas that might have important economic or national security significance so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessment for these facilities, as required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and it will also have to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its national maritime transportation security plan.

Finally, if the Department of Homeland Security agrees to accept the facility's own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own.

Hurricane Katrina taught us a lesson. They will probably have to level a couple of hundred thousand homes in New Orleans, largely because of the toxic materials that have now infiltrated into those homes. Here we have an opportunity moving forward to make sure that we are reducing the most toxic chemicals, even as we substitute other chemicals that can be used in the very same processes to keep our American economy humming.

Mr. Chairman, the events of the past few weeks have served as a wake-up call in so many areas of our lives. We've learned just how vulnerable some of our cities are to Mother Nature, how vulnerable our oil and gas infrastructure is, and, frankly, how vulnerable we all are as we contemplate the implications of our failed response to Hurricane Katrina to future terrorist attacks that will come with no National Weather Service warnings and could be even more devastating.

While the debate over how we can ensure that we move more quickly and efficiently to respond to the next Katrina or 9/11 will wait until another day, there are aspects of the bill in front of us today that can be changed to increase the chances that the potential consequences of such a catastrophe are minimized.

We have learned, for example, that the hurricane has rendered several gulf coast refineries inoperable, and in some cases this may be the status quo for months. We have also learned that the extent to which the hurricane caused breaches in these and other facilities storing toxic chemicals is not yet clear—the very preliminary EPA tests show highly elevated levels of lead and other toxic materials in some areas of New Orleans, and EPA is really only just beginning its environmental sampling process. We may be looking at an environmental catastrophe that requires an enormous amount of money to remediate, in addition to all the other reconstruction and relief costs.

And, though the hurricane was certainly a catastrophe in and of itself, the reality is that a terrorist attack on just one facility containing toxic chemicals could have led to even more fatalities. According to a recent Congressional Research Service report I requested, there are about 50 facilities in Louisiana at which a worst-case release could put 100,000–999,999 people at risk, as well as 2 facilities that could impact more than 1 million people. In Florida, there are more than 20 facilities at which a worst-case release could put 100,000–999,999 people at risk and 7 facilities that could impact more than 1 million people, and in Mississippi, there are 2 facilities at which a worst-case release could put 100,000–999,999 people at risk. Nationwide, more than 100 facilities pose a risk to more than 1 million people—an attack on or major natural disaster near any of these facilities could result in widespread deaths, injuries and environmental contamination.

While some of the chemicals stored in these facilities are necessary to the products or processes being undertaken there, others are not. For example, a 2003 report entitled "Eliminating Hometown Hazards" by Environmental Defense lists several wastewater treatment facilities in Louisiana that use chlorine in amounts that could place hundreds of thousands of people at risk, even though safer and economically competitive alternatives exist and are currently in use elsewhere. Press reports indicate that many wastewater treatment facilities in the areas impacted by Hurricane Katrina have been disabled, but it is unclear as to the status of the stores of toxic chlorine that must have been onsite. Another 2003 report entitled "Needless Risk: Oil Refineries and Hazard Reduction" by the U.S. PIRG Education Fund describes a cost-effective alternative to hydrofluoric acid, which is used by many refineries, including Chalmette Refining in New Orleans which reportedly has 600,000 pounds of hydrofluoric acid stored on site. According to the Energy Information Administration and press reports, the Chalmette facility spilled tens of thousands of barrels of oil into the surrounding neighborhoods and could be closed for months, but it is unclear as to the status of the stores of hydrofluoric acid that must have been onsite.

The Maritime Transportation Security Act addressed some of the security concerns associated with chemical facilities located at or near ports and waterways. As the damage assessment and remediation associated with Hurricane Katrina proceeds, I believe that we need to focus not just on cleaning up the damage, but also on trying to reduce the consequences of similar damage occurring in the future, be it due to hurricanes, earthquakes or terrorist attacks. Other legislation may address the need to strengthen the levee system surrounding New Orleans so that future hurricanes can't breach them as easily—my amendment seeks to reduce the potential environmental consequences associated with a future breach of the facilities that house toxic materials.

Specifically, my amendment makes the following common-sense changes to the Maritime Transportation Security Act:

When the Coast Guard writes its Area Maritime Transportation Security Plans, it will now be required to list facilities located within the area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack.

The Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or in other sensitive areas that might have important economic or national security significance, so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessments for these facilities as required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and will also have to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its National Maritime Transportation Security Plan.

Finally, if the Department of Homeland Security agrees to accept a facility's own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own.

Hurricane Katrina taught us that we can't ignore the experts' warnings forever—sooner or later, being shortsighted will catch up to us, and as we've seen, the price we may pay may be both costly and to some extent avoidable. My amendment incorporates some of the experts' warnings on chemical facility security into existing requirements for these facilities. Let's not be short-sighted again. I urge my colleagues to support my amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

First, let me suggest that the statement they are going to bulldoze down thousands and thousands of homes because of Katrina that were not blown down is not true. The EPA gave us a briefing. The gentleman should have sat in on it. If he did not know, they found little toxicity in the water. There was nothing there that was being harmful. There could be mildew, but it is not from the toxicity in the water. I do not like to use the statement. Overexaggeration is not good for debate.

Secondly, may I suggest it is the Coast Guard being required to do another mission, taking from the Coast Guard's real mission and requiring them to do something that should be done with EPA or Homeland Security but not the Coast Guard.

I can tell the gentleman, he serves on the Committee on Homeland Security. I serve on that committee, and I can tell everybody on that committee and this committee, you are not going to whittle away at the Coast Guard having to do things that did not have to do with the mission to begin with. That is not going to happen on my watch.

The idea that the Coast Guard will be required to find an alternative fuel or alternative toxic chemical in place of another, that is the EPA's job, not the Coast Guard.

I do not know why the gentleman does not offer it to the energy bill or to the homeland security bill or some other bill. But why muddy the waters of the Coast Guard and require them again to have another mission? They have enough missions on their plate right now.

I do believe this is a mischievous amendment. I believe that most of it could actually be done in the communities in which they live. I believe that the port cities can make those decisions themselves. Why should the Coast Guard have to do this, taking money away from the mission they should be doing, that search and rescue, saving our seamen, attending to our fishing pirates, doing the things they are charged to do?

I am not going to add another responsibility to this Coast Guard. I had hoped the gentleman would withdraw his amendment. He has made his other statements. He can put this on another piece of legislation. He can argue, but this is a bill we have put together bipartisanwise. It is a bill agreed to by the gentleman from Minnesota (Mr. OBERSTAR) and myself and the gentleman from California (Mr. FILNER) and the gentleman from New Jersey (Mr. LOBIONDO), and it is a bill that should be left intact.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN (Mr. GINGREY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, I want to begin just by stating that we were briefed by the EPA yesterday and that the EPA has indicated that they have only just begun sampling and that they have, in fact, found highly elevated levels of lead, e.coli and other toxic substances. We are only at the beginning of this entire story.

If I may say to the gentleman from Alaska, I know what the gentleman is saying about making amendments on this issue to other bills. He has to understand the frustration of being in the minority in this institution.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield, try 22 years of being in the minority. That is longer than the gentleman has been in the minority.

Mr. MARKEY. Mr. Chairman, I know that the gentleman has now been able successfully, I would say, to have all of his amnesia treatments be completely accepted by his system because I do not think he can really appreciate how many times I have gone before the Committee on Rules and asked for an amendment on this subject, on the energy bill, on the homeland security bill. So it is out of frustration, and I will admit that, it is out of frustration that I attempt to make it on the Coast Guard bill.

The gentleman has some good points, but this is a point that should be raised, and it should be raised especially in the aftermath of New Orleans and the toxicity that is now rampant throughout that community. There is just the need for us to have this discussion, and it is a Coast Guard mission in general, safety and security, although I accept the gentleman's point that the EPA would be the point on that, but it is difficult for the minority to have amendments successfully accepted on any issue that deals with the EPA out here on the House floor.

That is the reason I raise the point, and that is the reason I announced I was going to ask unanimous consent to withdraw it as well, so the point would be made that it is an important subject. It should be made in other bills. This was an aperture that I was taking advantage of to really just begin the process of political education, although I know that political activation and political implementation are much further down the line and dependent upon the goodwill of the Committee on Rules and the Republican leadership that we have an amendment like that.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will further yield, I do hope the gentleman will withdraw the amendment for numerous reasons.

I have to acknowledge one thing. He has been allowed to offer this amendment because I asked for an open rule. I did ask for an open rule because I knew the gentleman and some other people wanted an opportunity to use the platform to bring up this type of subject, and I respect that. I just suggest respectfully that this is not the bill to do this on, and I really request the gentleman to think about withdrawing the amendment.

Mr. MARKEY. Mr. Chairman, if I may reclaim my time, I appreciate the fact that it is an open rule; and, from a rules perspective, even a blind squirrel finds an acorn once in a while. So I am out here, and all of a sudden I run into an open rule; and, believe it or not, for me, it is just you have got to make hay when the sun shines, my father used to say. So this is just my opportunity to be able to make the case, knowing at the end of the day that there were other bills that were more appropriate and agencies that had more expertise to be able to do the subject, and at the end of the day knowing that the Coast Guard will be the agency that deals with the consequences of something not being done.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

☐ 1615

AMENDMENT NO. 6 OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. GINGREY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 254, not voting 16, as follows:

[Roll No. 473]

AYES—163

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonner
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Napolitano
Neal (MA)
Obey
Ortiz

Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Roybal-Allard
Royce
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—254

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tauscher
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Barton (TX)
Beauprez
Bishop (UT)
Calvert
Cooper
Cunningham
Istook
Melancon
Miller, Gary
Nadler
Olver
Pickering
Rogers (MI)
Rothman
Tanner
Taylor (NC)

□ 1639

Messrs. EVERETT, GERLACH, DELAY, McHENRY, GILCHREST, SWEENEY, OSBORNE, AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WASSERMAN SCHULTZ changed their vote from "aye" to "no."

Messrs. FATTAH, BRADY of Pennsylvania, JONES of North Carolina, and RANGEL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. GINGREY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. GINGREY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, pursuant to House Resolution 440, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

REQUEST TO LIMIT VOTING TIME

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to limit voting time to 5 minutes, if ordered, on final passage.

The SPEAKER pro tempore. The Chair cannot entertain that request without prior notification to the Members.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 889 will be followed by a 5-minute vote, if ordered, on adoption of H. Res. 437.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 474]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee

Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Barton (TX)
Beauprez
Berman
Bishop (UT)
Calvert
Cooper
Cunningham
Ford
Istook
Melancon
Miller, Gary
Nadler
Olver
Pickering
Rogers (MI)
Rothman
Tanner
Taylor (NC)

□ 1658

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. PUTNAM). The pending business is the de novo vote on adoption of House Resolution 437.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 475]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NOT VOTING—21

Baca
Barton (TX)
Beauprez
Berman
Bishop (UT)
Calvert
Cooper
Cunningham
Ford
Gallegly
Istook
Melancon
Miller, Gary
Musgrave
Nadler
Olver
Pickering
Rogers (MI)
Rothman
Tanner
Taylor (NC)

□ 1706

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 889, the Clerk be authorized to correct section numbers, punctuation and cross-references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from Alaska?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 889.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

AMENDMENT PROCESS FOR H.R. 2123, SCHOOL READINESS ACT OF 2005

Mr. SESSIONS. Mr. Speaker, the Committee on Rules may meet the week of September 19 to grant a rule which would limit the amendment process for floor consideration of H.R. 2123, the School Readiness Act of 2005. The Committee on Education and the Workforce ordered the bill reported on May 18 and filed its report with the House on June 16.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 1 o'clock on Tuesday, September 20. Members should draft their amendments to the text of the bill as reported by the Committee on Education and the Workforce.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the schedule for the week to come, and I am pleased to yield to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the distinguished whip for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. The final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will consider additional legislation under suspension of the rules, as well as two measures under a rule: H.R. 2123, the School Readiness Act of 2005, and H.R. 250, Manufacturing Technology Competitiveness Act of 2005.

Mr. HOYER. Mr. Speaker, I thank the majority leader for that information.

First of all, on the general proposition for the month of October, we had had discussions last week; and it is clear that the second week of October, it will not be practical to meet because of the various important dates on that week. The first week was somewhat in flux at that point in time.

Could the majority leader bring us up to date on where currently the thinking of the leader's office is on where we will be on the first week of October?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. As the gentlemen knows, the Rosh Hashanah holiday falls in the middle of that week: and while we wanted to plan the voting schedule for that week around that holiday, and we are still trying to do that, we still believe it may be necessary for the House to be in session at some point in that week.

Mr. HOYER. Mr. Speaker, I thank the gentleman. I realize the problems of doing that; but many of our Members, particularly those who come from far away, are concerned about traveling on that Wednesday, as the gentleman knows, which makes it problematic because we will have to be very late Thursday. We will obviously accommodate what the majority believes it is going to do.

In that regard, last week, we had thought we probably, or might, be in tomorrow. We are not going to be in tomorrow. Can the majority leader give us a view on what might be the status of next Friday? I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. At this point we believe that we can complete the legislation we have scheduled for next week by Thursday night of next week. However, however, given the still fluid situation in the gulf coast area, we are not yet prepared to cancel the session next Friday.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am presuming, and there was some discussion about this last week, that at some point in time in the next couple of weeks, we are going to have to do some sort of continuing resolution. Is that the gentleman's belief as well? I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank my friend for yielding. Yes, the way things look, the gentleman knows that we have passed all of our appropriations bills out of the House and did so before July 4. The Senate does not have the same schedule, and it is quite obvious to all of us that they will not be able to get all of their appropriations bills across their floor in a timely manner. So we do anticipate to do some sort of CR before the end of this month. Whether it is next week or the following week, we do not know yet.

Mr. HOYER. Mr. Speaker, does the gentleman have any thoughts at this point in time regarding the length of time of the initial CR that we would consider? I yield to my friend.

Mr. DELAY. I thank the gentleman for yielding. No, I have not been advised by the Committee on Appropriations as to what they are thinking. I am sure they will start having those discussions with the Senate and the gentleman's leadership starting next week, because we are going to have to deal with that issue.

Mr. HOYER. I thank the gentleman.

The GSE, the GSE bill was initially, our thought was that would be on the floor this coming week.

□ 1715

The gentleman from Massachusetts (Mr. FRANK), the ranking Democrat on the Committee on Financial Services, is on the floor and has been very involved in this bill.

I am not sure you even know this, but the gentleman from Massachusetts (Mr. FRANK) informs me that there are very significant sums that would be available to the gulf area for housing in the GSE bill, which will be regular order, and the benefit would be that this money would be available, and we know we are going to have to spend money in that area.

Can you tell me why the GSE bill is not on the floor? This deals, as you know, with Fannie Mae and Freddie Mac.

Mr. DELAY. Well, we do understand that this bill came out of the Committee on Financial Services I think with a vote of 65 to 5.

It is a bill that is anticipated, and we really want to bring it to the floor. To be quite honest with you, we have some Members on this side of the aisle that are still wanting to negotiate some changes in that bill before we bring it to the floor: and we are in that process. As soon as we can get a consensus of where our Members are on that bill, then we will bring it to the floor.

Mr. HOYER. Mr. Speaker, if the gentlemen from Texas (Mr. DELAY) does not object, let me yield to the gentleman from Massachusetts (Mr. FRANK), the ranking member, because I know he has worked very hard with the gentleman from Ohio (Mr. OXLEY), as you well know, in a very bipartisan way. You mentioned 63 to 5, 65 to 5; and so we did not perceive there to be much opposition to the bill.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Speaker, we did obviously get overwhelming consensus in the committee; and the vote among the Republican members of the committee was something 6 to 1 in favor of the bill. By the way, we have had some negotiation since, as the gentleman from Texas (Mr. DELAY) knows because he has been participating in them.

Some of the objections of some of the more conservative Members have been accommodated. Some safeguards were put in. Not everything was done that we liked on our side. We have been trying to be conciliatory, although people obviously had the power to go ahead.

Then, most recently, we decided this is a way to get money, if this bill were to pass quickly, to do housing so badly needed in the gulf area, frankly bypassing some of the normal problems you would have in terms of the need for regulations at OMB.

It would not go on the deficit. There has been a lot of concern about relief efforts that add to the deficit. This would be hundreds of millions of dollars, because it comes from the profits of Fannie Mae and Freddie Mac, not on the deficit.

The only other point I would say, and I would hope the majority would have something to say about it, he said people do not like some things about the bill. Well, as I read the Constitution, I did not find the word negotiation in private among the majority party as part of article I.

I thought bringing bills to the floor and having debates and votes was the way to do it. Now I understand you want to establish some limits. But I do think we are reaching the point where democracy is suffering.

A bill adopted in an open process with hearings and debates in committee and amendments passes 65 to 5. It has been, what, months since that bill was voted out of committee; and there have been some negotiations.

The notion that the bill cannot come to the floor until all but three Members of the majority are satisfied really flies in the face of democracy. If there are differences, what is the objection to letting the majority of the House of Representatives vote? We are not enormously far apart.

I have voted in the past for this thing called Reg-Neg, negotiated regulations. I do not think it ought to displace democracy. We have a bill that has an overwhelming vote in committee. There are some legitimate differences. Why cannot we let democracy work, and then, whichever side wins, the bill passes and hundreds of millions of dollars are available for the gulf.

Mr. HOYER. Reclaiming my time, I know the leader understands those were largely rhetorical questions.

The gentleman from Massachusetts (Mr. FRANK), however, does express a view that a bill that can be very helpful to us that came out 65 to 5, overwhelming agreement, came out months ago. We do hope that this bill can be brought to the floor, certainly before, hopefully if not the end of next week, the week following. Because we believe it is the kind of legislation that people would be proud of. Democrats and Republicans came together, worked on it, came out with a bill, and it is a very good bill.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentlewoman from California (Ms. WATERS), the ranking member of the Subcommittee on Housing, has said giving assurance to the people of New Orleans, the poorer people in particular of New Orleans, and, frankly, a lot of African American people, that we will be committed to rebuilding the city so they can come back home is very important. The longer we delay on this bill, the longer we delay giving people what is very important reassurance at a critical time.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I appreciate the gentleman yielding.

The bill that passed out of committee, by the way, would do nothing for New Orleans, nor would it do anything for the disaster relief in Alabama or Mississippi either.

What the gentleman from Massachusetts (Mr. FRANK) is referring to is a negotiation that has been ongoing to create, out of this building fund, at the GSEs an opportunity to change the bill and allow housing to be built in these devastated areas. That is the process around here. It is democracy when Members are negotiating a change to the bill; and in changing that bill in the way that has been suggested and supported, obviously, by the gentlemen from Massachusetts (Mr. FRANK) other Members ought to have the opportunity to look at this bill and negotiate a bill that would receive the same sort of ratio here on the floor, rather than having a contentious battle on the floor and writing the bill on the floor.

We try our best to write bills in committee, but when the bill changes from committee to the floor, negotiations are created, and we are in the process of those negotiations, and that is the way this process works. The gentleman from Massachusetts has been here a lot longer than me, and he understands that.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, one of the things I have been terribly worried about is the inability of Congress to move quickly to do something about the victims of Katrina. I am very, very worried that we are going to be seen as a body that cannot get its act together when we are confronted with this terrible disaster. We have an opportunity to utilize resources that will not be taken from our budget. We have an opportunity to use substantial resources that could be applied toward the rebuilding of homes, to getting people started again; and if we keep fumbling and if we keep fiddling, then we are going to come under great criticism because we are not doing what we can do.

So I would just simply urge all of my colleagues, do not play with this. There are people who are suffering and people who are depending on us. We have got a great way by which to provide real assistance. Let us get it done.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I guess the gentlewoman from California (Ms. WATERS) forgets or has a short memory. I think we came into special session to spend $10.5 billion just a few days after the disaster hit, came back the next week and spent $51 billion to go to immediate relief.

We have passed some six to eight bills in the last few days that directly affect people and their ability to get their lives back together. I do not think anybody, and certainly not this House, is dragging its feet on anything.

What the gentlewoman is talking about is a process that, frankly, will take months to get the money that we are talking about in order to build the houses that she wants; and being able to negotiate a few weeks or days to get this bill right and not get it wrong I think is very much the responsible way to proceed.

Mr. HOYER. Mr. Speaker, reclaiming my time.

I appreciate the majority leader's response. There obviously is a difference of view of how soon that those dollars could flow from the ranking member of the subcommittee and the ranking member of the full committee.

You mentioned days. I would certainly hope it could be days. Because I think we would all be advantaged in a bill, particularly if we could pass it with the overwhelming majority that was received both in the subcommittee and in the full committee.

Moving on, Mr. Leader, in addition to the bills you have listed for next week, do you anticipate any Hurricane Katrina-related legislation will come to floor? And if so, will those bills go through the committee of jurisdiction and be considered under rules on the floor that allow full debate?

You mentioned, as a preface to that, obviously almost all of us voted for the $52 billion. But I think everybody on the floor was concerned about the level of information we had about what had been spent of the $10 billion, how much was going to be spent, on what, of the $52 billion.

In that context I ask that question.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the total of $62 billion that we have authorized FEMA to spend is designated already in present law. FEMA already knows what they can and cannot spend that money on, and that I know has created some frustrations with people. You cannot have it both ways. You cannot say this is too much money, and we do not know how to spend it, yet be frustrated when FEMA is complying with the law and when they are spending the money. That creates a problem.

As the gentleman knows, the problem is we have a disaster unlike we have seen in this country, not just the hurricane but the displacement of hundreds of thousands of people for a very long period of time and displaced not just out of the area but out of their State, which has created new concerns and new problems; and we are trying to address those immediately.

But the administration is addressing many of these issues within the law through waivers or redesigning certain programs, and a lot of it is being taken that way. But there are some things that we must do. The committees, hopefully working in a bipartisan way, are looking at all of those kinds of issues; and that is where the six or eight bills that we have passed over the last 2 weeks have been coming from.

Understanding that those students, for instance, that may have lost their Pell Grants, in anticipation of going to universities that have closed, need some fix. We fixed that. We tried to develop a system where we could make available more TANF funds earlier, and we fixed that. We went down the line fixing those things that we thought needed fixing immediately. We are still working on others.

I have to tell you that the Senate does not see it the same way, and they are sitting on these bills and not passing them, and I would urge all Members of the House to contact their Senators and talk to them about picking up these bills and passing them, because they are incredibly important to people that need these changes.

Mr. HOYER. Mr. Speaker, reclaiming my time. I thank the leader for that observation and information.

I would urge the leader, as we bring additional bills to the floor, that we give the opportunity to have these bills fully considered by the floor. We want to move them. We want to move them quickly.

The overwhelming majority of us on both sides of the aisle have voted for all of the bills that you just referenced on the theory, as you said, that we need to move ahead on the Pell Grants and TANF and on the dollars themselves, on liability issues.

But the failure to give full consideration to them, assuming full consideration does not mean days and weeks delay but a full day of consideration of these pieces of legislation, we believe is appropriate, particularly if we deal with another very large money bill.

We hope it goes through committee, and we hope it comes to the floor with an opportunity for Members to make suggestions in forms of amendment, either cutting or adding or shifting, as the case may be, those resources. Because we think that is, you know, the theory of the process is, our collective judgments are better than our individual judgments. And that is what democracy is.

□ 1730

Mr. DELAY. The gentleman is absolutely right, and I hope Members will pay attention to this unusual process that we are using. The gentleman is right. To what extent we can, we ought to use regular order, but these are unusual times. And there are things that need to be done immediately. And I do not think the people that have been devastated by this disaster want us to wait a week to vet things and that kind of stuff, particularly if you were one of those students that was trying to get into another university and could not transfer your Pell grant to that other university. I think they are appreciating that we are trying to move as quickly as possible so they can do that. That is just one example of many examples.

The point is that we are trying to do this in a bipartisan way. If there are ranking members that are not being consulted, then I want to hear about it. Members should understand that we are trying to get it out to the Members and we are more than willing to hear anything from anybody, so they should be working through their ranking member and on our side of the aisle, their full committee chairman. But there are some things that we need to get to the floor as quickly as possible.

At any rate, it is taking several days to get these bills done so Members have an opportunity to participate and have their input. We are going regular order on most of the bills, but there are some that need attention immediately; and that is why we moved quickly in consultation and cooperation with the other side of the aisle. And we thought these were all bills that had everybody's consent because we even checked with the Senate, we checked with the administration, and we thought these bills could move quickly. Unfortunately, the Senate sees it differently.

Mr. HOYER. I thank the gentleman. I would simply add again that as the gentleman indicated, trying to go regular order, obviously, both sides understand that these are things we need to move with great dispatch so we can help the people that need help and get it to them when they need the help. We are all for that.

On the supplemental, the President has indicated there is going to be a need for another supplemental. Do you know when we might consider such a supplemental; how much that supplemental might be for? And if we start considering it early, while the $52 billion is still available to be expended to assist those, it will give us a little bit of time to go through the process that the gentleman indicates is the best process.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding. I do not know, other than in the press, and in many of these issues the press has gotten it wrong, that there has been any supplemental suggested by the President of the United States. He has not contacted my office. As far as I know, he has not contacted the Speaker's office, nor the chairman of the appropriations office about another supplemental. Quite the contrary. They are trying to avoid having another supplemental and trying to spend the money properly and get it to the people that need it. So I am not aware of any supplemental certainly in the short term.

Mr. HOYER. I thank the gentleman for that information.

Now, there is some speculation about an energy bill being considered. Obviously, gasoline prices are extraordinarily high. The American public is very concerned about their energy costs, about the policies of this country. Do you anticipate an energy bill coming to the floor any time within the next 2 weeks or 3 weeks?

Mr. DELAY. I appreciate the question, because Members need to be aware that the Committee on Energy and Commerce is working on a fuel bill to try to address the concerns, particularly of supply and the lack of refining in this country.

The gentleman knows that there were a lot of issues that were dropped out of the energy bill that was signed by the President about a month ago that would be having an effect right now. We are going to revisit those issues.

There are other issues that have come to mind. People are starting to understand that as the cold weather starts closing in on us that the cost of fuel oil is going to be astronomical, that the increase in electricity costs are going to be astronomical. The cost of natural gas is going up, and we all understand that supply is the real problem; and we are going to try to address that and hopefully address it as soon as we can, do it in regular order, and bring it to the floor for consideration of this House.

Mr. HOYER. I thank the gentleman. Do you have any idea what "as soon as possible" is, the time frame? Next 3 weeks, next month, late October, November? Do you have any idea on that?

Mr. DELAY. There is really no way of knowing. It is really up to the committee and how fast they can do their work. I might say that the chairman of the committee's wife is having a baby today so that has created a problem. Not for him, but for our schedule. So they are working as hard and as fast as they can, and it is incredibly important for us to deal with this issue as soon as possible.

Mr. HOYER. Reclaiming my time, and I agree with you that is not a problem. Please convey the Democratic congratulations to the chairman and more importantly his wife, the mother.

Two last bills I will ask you about, Mr. Leader, and I appreciate the time we are taking on this. Reconciliation: There was a discussion about putting off reconciliation. We have put off reconciliation at least until the end of the month, as I understand it probably until October. Can you tell me whether or not we still anticipate reconciliation moving forward and, if so, are there going to be two bills? One the $35 billion in mandatory spending cuts among which is $10 billion in Medicaid cuts, and/or the $70 billion in tax cuts that was included in the budget reconciliation instructions.

Mr. DELAY. I appreciate the gentleman yielding and for the question. The gentleman probably knows that I think today the Committee on the Budget has sent a notice to the House that they have postponed the process until the end of October because of what is facing us now. We thought it would be better to do that, and the Committee on the Budget agreed. And so this process will not even be started until the middle of October.

As the gentleman also knows, the budget that was passed by the House allows for two bills, one an entitlement reform bill and another a tax bill. We anticipate taking advantage of both and trying to reform entitlement spending so that real money is getting to real people that need it. And we also anticipate some sort of tax bill because we feel like, particularly under the present circumstances, to continue this good economy that we have got, we hope to enhance it even more.

Mr. HOYER. Reclaiming my time, the last bill I would ask you about is the subject matter that has been one of the biggest subjects that we have been considering this year. The President put it on the agenda, the Social Security privatization, private accounts act. Can you tell me whether or not we anticipate a Social Security bill coming to create private accounts or privatize in some way Social Security coming to the floor this year.

Mr. DELAY. The Committee on Ways and Means remains focused on developing a comprehensive retirement security package. And I still hope that the House will be able to consider legislation in this area before we end this session. That is about as much as I am informed as to where the bill is, what is in it, and when it will come.

Mr. HOYER. I thank the gentleman. Let me say on behalf of the minority, the Democrat side of the aisle shares your concern and commitment to assuring retirement security for our people. As you know, we strongly disagree with the suggestion that has been made by the administration with reference to the creation of private accounts and what we perceive as privatizing parts of Social Security. But I want you to be assured that we share your view that we want to make sure that retirement accounts are secure and that Americans have opportunities to participate in the creation of retirement accounts. I thank the gentleman for his observation.

ADJOURNMENT TO MONDAY, SEPTEMBER 19, 2005, AND HOUR OF MEETING ON TUESDAY, SEPTEMBER 20, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 20, 2005, for morning hour debates.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 445) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mrs. Schmidt to rank after Mr. Fortenberry.

Committee on Government Reform: Mrs. Schmidt to rank after Ms. Foxx.

Committee on Homeland Security: Mr. King of New York, Chairman; Ms. Ginny Brown-Waite of Florida to rank after Mr. Dent.

Committee on Transportation and Infrastructure: Mrs. Schmidt to rank after Mr. Boustany.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO THE UNITED STATES ON SEPTEMBER 20, 2005

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 237) expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 237

Whereas for more than 50 years an ironclad relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic benefit to both nations;

Whereas the United States and Taiwan share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress;

Whereas Taiwan has demonstrated its unequivocal support for human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, rule of law, and free and fair elections routinely held in a multiparty system;

Whereas the upcoming September 20, 2005, visit to the United States of Taiwan's President Chen Shui-bian is another significant step in broadening and deepening the friendship and cooperation between the United States and Taiwan;

Whereas on September 20, 2005, Taiwan's President Chen Shui-bian will be presented the Human Rights Award by the Congressional Human Rights Caucus for his efforts in promoting tolerance, democracy, and human rights;

Whereas Taiwan's President Chen Shui-bian will bring a strong message from the Taiwanese people that Taiwan will cooperate and support the United States campaign against international terrorism and efforts to rebuild and bring democracy and stability to Afghanistan and Iraq; and

Whereas the Government of Taiwan has donated $2 million to the Government of the United States to help with relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) offers its warmest welcome to President Chen Shui-bian of Taiwan upon his visit to the United States on September 20, 2005;

(2) asks President Chen Shui-bian to communicate to the people of Taiwan the support of Congress and of the American people;

(3) recognizes that the visit of President Chen Shui-bian of Taiwan to the United States is a significant step toward broadening and deepening the friendship and cooperation between the United States and Taiwan;

(4) recognizes the commitment and efforts of President Chen Shui-bian of Taiwan to maintain the peace and stability in the Taiwan Strait;

(5) congratulates President Chen Shui-bian on his receiving the Human Rights Award from the Congressional Human Rights Caucus; and

(6) thanks President Chen Shui-bian and the government and people of Taiwan for their contribution to relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. CHABOT:

In the first clause of the preamble, strike "iron-clad relationship" and insert "enduring friendship".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Ohio (Mr. CHABOT).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 15, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

I will make the determinations required by Rule VIII.

Sincerely,
WILLIAM J. JEFFERSON,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3763

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3763.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REPORT CONTAINING RECOMMENDATIONS OF DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–56)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission pursuant to sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, 104 Stat. 1810, as amended. That report includes changes referenced in errata sheets submitted to me by the Commission, including the enclosed errata sheets dated September 8, September 9, September 12, and September 13, 2005.

I note that I am in receipt of a letter from Chairman Principi, dated September 8, 2005, regarding a district court injunction then in effect relating to the Bradley International Airport Air Guard Station in Windsor Locks, Connecticut. Chairman Principi's letter states that, as a result of that injunction, "you should consider the portion of Recommendation 85 . . . that recommends realignment of the Connecticut 103rd Fighter Wing withdrawn from the Commission's report." The Chairman's letter further states that "[i]f the court's injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission's report." On September 9, 2005, the United States Court of Appeals for the Second Circuit granted a stay of the district court's injunction. Because the injunction is no longer in effect, Recommendation 85 in its entirety is part of the Commission's report.

I certify that I approve all the recommendations contained in the Commission's report.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 15, 2005.*

KATRINA RELIEF

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I look forward to hearing the President address the Nation this evening on our plan to be certain that America's Gulf Coast States continue to receive the assistance they need to rebuild.

I want him to know that Tennessee is doing our part to help those that are affected by Katrina. The past few days I have talked about some of the good work our west and middle Tennessee organizations have done to assist the recovery effort.

Today I want to thank our Clarksville and Montgomery County, Tennessee, volunteers and organizations, especially those providing food, like Urban Ministries, Loaves & Fishes, and the Department of Human Resources. The Hilldale Church of Christ and the Cumberland Baptists Association are providing shelter. The Salvation Army Thrift Store and First Call For Help have provided clothing.

☐ 1745

We have seen Gateway Health System and our County Health Department assist with medical care.

Austin Peay State University has opened their doors, and they are receiving displaced students.

Mr. Speaker, in the aftermath of the hurricane, we have seen ordinary Americans do extraordinary things. I want to thank our Tennessee communities for pitching in.

GAZA PULLOUT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, Israeli Prime Minister Ariel Sharon has shown bold leadership. Prime Minister Sharon took a significant risk to both his political future and personal safety to organize the Israeli pullout of Gaza.

Thousands of Israelis were moved from their homes in Gaza to give peace a chance. With no guarantees from the Palestinians, the Israelis moved all that was important to them, moved their home, their goods, including the remains of their families and friends.

Mahmoud Abbas and the Palestinian Authority must show leadership and root out radical terrorist groups like Hamas. Israel took the first step in the hope of developing a lasting peace with the Palestinians. Abbas must confront violence against Israelis, eliminate the terrorist infrastructure, disarm and arrest those involved in terrorist plots and institute democratic reforms in all Palestinian-controlled areas.

Mr. Speaker, Prime Minister Sharon showed bold leadership and courage. Now the Palestinians must act.

AIRLINE EMPLOYEES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, yesterday, two cornerstones of the airline industry filed for bankruptcy. The headlines this morning talk about Delta and Northwest and the customers, but what should be on the front page are headlines about the employees. The employees are the ones who will be impacted the most. Delta and Northwest combined have over 90,000 employees, and that number does not include the retirees who will also have to deal with this issue.

People who have worked a lifetime to retire comfortably are now in jeopardy of having their promised benefits cut by 75 percent. Can you imagine that, 75 percent?

Delta and Northwest Airlines are the latest casualties in a competitive airline industry, and these recent Chapter 11 filings are a symptom of a greater problem and must serve as a wake-up call for all of us. Employees must have the flexibility to choose how they wish to secure their retirements if legacy carriers are to remain in the industry. This means IRAs and 401(k)s, the power to secure your retirement should be in your own hands.

Mr. Speaker, the news today affects all of us, and I ask my colleagues to support comprehensive airline pension reform so these employees retain a more secure future.

IN MEMORY OF JUDGE MARC WESTBROOK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, South Carolina has lost a judicial statesman with the death of Judge Marc Westbrook. In dedicating the Lexington County Courthouse main courtroom in his honor, Marc was fondly recognized as a loving father, devoted husband, dedicated son, conscientious legislator and brilliant judge. These accolades are truer today than ever before.

Judge Westbrook is a role model and mentor of integrity and competence for young lawyers who served as clerks, such as my son Alan and my Chief of Staff Eric Dell. In addition to his passing, we give tribute to his law clerk Randall Davis, Junior, who also sadly was killed in yesterday's traffic accident.

The Wilson family, especially our oldest son Alan, who considered the judge an uncle, extends its deepest sympathies to his wife, Linda; his sons, Thad and Richard; his father, Herb; his sister, Dottie; his beloved granddaughter, Abby; and his additional family members. We also express our deepest sympathies to the Davis family and his father Randy and sister Julie.

In conclusion, God bless our troops, and we will never forget September 11.

APPOINTMENT OF HON. MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 20, 2005

The SPEAKER pro tempore (Mr. DAVIS of Kentucky) laid before the House the following Communication from the Speaker:

> WASHINGTON, DC,
> *September 15, 2005.*
>
> I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 20, 2005.
>
> J. DENNIS HASTERT,
> *Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will proceed to recognize Members for Special Order speeches without prejudice to possible further legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE COMING CATEGORY 5 FINANCIAL HURRICANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the tragic events of abject poverty in New Orleans revealed on national TV by Katrina's destruction were real eye-openers for many. These scenes prompted two emotional reactions. One side claimed Katrina proved there was not enough government welfare and its distribution was based on race. The other side claims we need to pump billions of new dollars into the very agency that failed, FEMA, while giving it extraordinary new police powers. Both sides support more authoritarianism, more centralization, and even the imposition of martial law in times of natural disasters.

There is no hint that we will resort to reason now that the failed welfare policies of the past 60 years have been laid bare. Certainly no one has connected the tragedy of poverty in New Orleans to the flawed monetary system that has significantly contributed to the impoverishment of a huge segment of American society.

Congress reacted to Katrina in the expected irresponsible manner. It immediately appropriated over $60 billion with little planning or debate. Taxes will not be raised to pay the bill, fortunately. There will be no offsets or spending reductions to pay the bill. Welfare and entitlement spending is sacrosanct, spending for the war in Iraq and the military industrial complex is sacrosanct, but there is no guarantee that gracious foreign lenders will step forward, especially without raising interest rates. This means the Federal Reserve and the Treasury will print the money needed to pay the bills.

The sad truth is that monetary debasement hurts the poor people the most, the very people we saw on TV after Katrina. Inflating our currency hurts the poor and destroys the middle class, while transferring wealth to the ruling class. This occurs in spite of the good intentions and the misplaced compassion.

We face a coming financial crisis. Our current account deficit is more than $600 billion annually. Our foreign debt is now more than $3 trillion. Foreigners now own over $1.4 trillion of our Treasury and mortgage debt. We must borrow $3 billion from foreigners every business day to maintain our extravagant spending. Our national debt is now increasing over $600 billion per year; and, guess what, we print over $600 billion per year to keep the charade going. The national debt is approaching $8 trillion, but there is a limit, and I am fearful we are fast approaching it.

Runaway inflation is a well-known phenomenon. It leads to political and economic chaos of the kind we witnessed in New Orleans. Hopefully, we will come to our senses and not allow that to happen, but we are vulnerable, and we have only ourselves to blame.

The flawed paper money system in existence only since 1971 has allowed for the irresponsible spending of the past 30 years. Without a linkage to gold, the Washington politicians and the Federal reserve have no restraints placed on their power to devalue our money by merely printing more to pay the bills run up by the welfare-warfare State.

This system of money is a big contributing factor in the exporting of American jobs, especially in the manufacturing industries.

Since the last link to gold was severed in 1971, the dollar has lost 92 percent of its value relative to gold, with gold going from $35 an ounce to $450 per ounce.

A major adjustment of the dollar and the current account deficit can come anytime, and the longer the delay the greater the distortions will be in terms of a correction. In the meantime, we give leverage to our economic competitors and our political adversaries, especially China.

The current system is held together by a false confidence in the U.S. dollar that is vulnerable to sudden changes in the economy and political events.

This is my suggestion to my colleagues. Any new expenditures must have offsets greater in amount than the new programs. Foreign military and foreign aid expenditures must be the first target. The Federal Reserve must stop inflating the currency merely for the purpose of artificially lowering interest rates to perpetuate a financial bubble.

This policy allows government and consumer debt to grow beyond sustainable levels, while undermining incentives to save. This, in turn, undermines capital investment, while exaggerating consumption. If this policy does not change, the dollar must fall, and the current account deficit will play havoc until the house of cards collapse.

Our spending habits, in combination with our flawed monetary system, if not changed will bring us a financial whirlwind that will make Katrina look like a minor storm. Loss of competence in the dollar and the international financial system is a frightening possibility, but it need not happen if Congress can curb its appetite for buying the people's support through unrestrained spending.

If Congress does not show some sense of financial restraint soon, we can expect the poor to become poorer; the middle class to become smaller; and the government to get bigger and more authoritarian—while the liberty of the people is diminished. The illusion that deficits, printing money, and expanding the welfare and warfare states serve the people must come to an end.

RECOGNIZING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, today, in the Committee on International Relations a remarkable thing happened. Not one but two resolutions recognizing the facts of the Armenian genocide passed out of the committee with strong bipartisan support, indeed with the support of both the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member.

One of those resolutions I introduced to recognize the first genocide of the 20th century, the genocide which claimed the lives of 1.5 million Armenian men, women and children. The facts of that genocide are clear. The facts of genocide are incontrovertible. They are borne out in thousands of pages of documents in our own archives. They are borne out in the words and the transmitted telegrams of our Ambassador, Henry Morgenthau, at the time.

The only obstacle that the Congress has faced, and it has been a formidable one, in recognizing the Armenian genocide is the resistance of the Republic of Turkey, the well-documented efforts of its powerful lobbyist, and the feeling of some that, by recognizing what all historians have recognized, that we will somehow jeopardize our relations with an ally.

□ 1800

I have never taken issue with the fact that Turkey is an ally to the United States. It is an ally. It is at a strategic crossroads. It is an important member of NATO. At the same time, we cannot equivocate about the murder of 1.5 million people; and the differences that we have had with Turkey, and they have been considerable, over a whole host of issues have not ruptured our relationship.

During the run-up to the Iraq war, many of my colleagues will remember, we sought the permission of Turkey to allow American and Coalition ground forces to enter Iraq through Turkey. The Turkish Parliament voted on that, and they voted against it. That was of enormous significance to this country.

As a result of that, we could not open that second northern front; as a result of that, many melted away to the Iraqi population, many of the insurgents that we now fight with so bitterly. That had enormous consequences, but it did not end the relationship with the United States, and recognition of the historic facts of the genocide will not end the relationship with Ankara, either. There are strong mutual interests at stake which will transcend the recognition of the historic facts.

In the past, American leaders have recognized the genocide. Ronald Reagan spoke eloquently of the facts of the genocide. Winston Churchill in his memoirs documents the murder of hundreds of thousands of Armenians in a crime at the time that was unequaled. Yet here we are, fresh from recognizing, as indeed we should and as indeed we must, the genocide going on in Darfur, but unwilling to recognize the murder of 1.5 million Armenians.

What does that say about American policy? Can our policy be that we will recognize genocide when it is committed by the politically impotent, as in the case of Sudan, but not in the case of the politically powerful as in the case of the Ottoman Empire and its Turkish successors? This certainly cannot be the policy of the United States. We must recognize unequivocally that, beginning in 1915, 1.5 million people were murdered merely because of who they were as a people, the very definition of genocide.

With the passage of these resolutions, with the support of the chair and the ranking member, with the overwhelming support on both sides of the aisle in committee, I hope that we can get a vote on the House floor, something we have not had in more than a decade, so that we can once again reestablish the moral authority and clarity that comes with recognizing genocide, past or present, foe or friend, alike. I urge the Members of this House to join in an effort to call upon the leadership to hear the genocide resolution, and I hope the leadership will heed that call.

ANGELS IN ADOPTION AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, this week we have had a lot of focus on various sad issues, but there was a wonderful situation that occurred in Washington this week: people came from all over the country for a program called Angels in Adoption.

There was a wonderful couple from the fifth district who came to receive the Angels in Adoption award, George and Brenda Ball. I nominated them for this award and had the opportunity to talk with them and meet with them while they were here. They are a wonderful couple who have taken into their home a lot of children who need love and care, and I would like to share parts of an article written about them from the Winston-Salem Journal and hold them up to ourselves and to others for the great work that they are doing. They live in a little town called Tobaccoville, and here is part of the article:

"When George and Brenda Ball hear of a child in trouble, they open their arms. Never mind that, before they married in 1980, he had already raised five children and she had raised three. Never mind that they are great grandparents in their 60s. Their house still rings with the voices of children. Over the past 19 years, they have cared for about 30 foster children and adopted seven of them, most with special needs. They plan to adopt their current foster child, an 18-month-old girl . . .

"'I see it as an award for Forsyth County and North Carolina and for all the foster parents and adoptive parents,' Brenda Ball said. 'I'm just thrilled to death.'

"The Balls took in their first foster child, Kelly, in 1986. 'We just didn't have any children in the home,' Brenda Ball, said. 'We kept hearing all these horrible stories about children being abused and neglected.'

"The decision to adopt Kelly was a hard one, she said. 'We weren't sure we were ready to commit the rest of our lives to having children around,' but they did not want to put Kelly through any more heartache so they decided to keep her. Kelly is now 21 and married. After Kelly, the decision to adopt became easier.

"Next came Eugene, 22, who now lives nearby with his biological mother. The Balls have always encouraged their adopted children to stay in touch with their biological families and are willing for them to be reunited if the parents are able to care for them.

"With Kelly and Eugene in the house, Brenda Ball decided to retire from her job in reservations with U.S. Airways. George Ball is retired from the Winston-Salem/Forsyth County schools, where he was an assistant supervisor in housekeeping, and from the Air Force.

"'We made the decision that, with all their needs, it was more important to be here for them,' Brenda Ball said. 'We just decided that children needed us more than we needed the money.'

"And the children kept coming. The Balls asked for children with medical problems because they knew they could handle them. Most of their adopted children had mild to severe medical problems caused by premature births and the effects of alcohol and drugs that their biological mothers used when they were pregnant.

"George Ball, 68, roller blades and plays basketball with the children. His wife stays on the move.

"The Balls have served as surrogate parents to the children in their neighborhood. 'I never know when I cook a meal how many will sit there or how many shifts will run,' she said.

"She is happy to think that her children are not among the many who have to worry about where their next meal will come from, or who move every month when the rent comes due, or who lie awake at night listening to their parents fight over drugs. 'There is nothing sadder than a kid wanting a family,' she said. 'That is why I have ended up having eight.'"

We are so fortunate to have wonderful people like George and Brenda Ball and all the Angels in Adoption, and I salute them tonight.

FEMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I have before me a speech given by James Lee Witt who was the director of the Federal Emergency Management Agency during the Clinton administration. It is actually testimony given on May 22, 2004. I think it is very relevant to the debate we had here today about what went wrong and how we are going to fix it and how we are going to understand what went wrong.

Basically, Mr. Witt predicted what happened. Here is some of his testimony.

Particularly on this issue of Department of Homeland Security and FEMA as an independent agency as the organization that responded for 8 years to the American people's needs in a customer-serviced focused way, that has been destroyed. It is not there now. It is buried down in the bottom of a huge bureaucracy. It now has no communications within the agency itself, nor does it have communications with State and local government where, before, we had a partnership working with State and local governments.

There is not even communications from FEMA headquarters in Washington to their 10 regional offices. FEMA employees call me constantly. They have got so many vacant offices within FEMA headquarters now that I doubt they could respond to a catastrophic event.

This was testimony on May 22, 2004. Because, when we left in 2001, FEMA was ranked as one of the top agencies in the Federal Government to work for. Just recently in the Washington Post, it was ranked dead last at 28. The morale within the agency is so bad some of the senior level people have quit, some that have the historical knowledge and capabilities to respond, recover, repair, everything the agency did. Our Nation right now suffers on the interoperability of public safety communications. It is zero.

This is James Lee Witt, May 22, 2004, talking about the state of the Federal Emergency Management Agency that this administration had said of the former director, Brownie, you're doing a great job. Of course, Brownie is now gone. But it is a much bigger problem than Brownie, the political hack appointed by the President to head this agency, which had been downgraded, underfunded, and basically dismissed by the Bush administration. It is a problem that is of tremendous magnitude.

Today, the House voted to investigate itself. I doubt that we will get an honest report out of the Republican majority here.

We offered an amendment on the floor. We said: if you put FEMA into this bureaucracy, you will degrade its capabilities. On a virtually partisan line vote, I think 10 brave Republicans voted with us, that amendment was rejected. I guess we were a little bit wrong. It is even worse and quicker than we could have thought that FEMA has been destroyed. It is extraordinary.

I hear so many speeches on the floor every night. One gentleman ended tonight with: "We will never forget 9/11." We will not forget 9/11? What was the most basic lesson of 9/11 that killed many first responders who could have survived? The fact that they did not have secure interoperable communications. And what has the response of this administration been? The President recommended zero dollars to assist local communities, sheriffs, police, fire, emergency personnel to purchase interoperable or upgrade to interoperable communications in his budget this year. And the appropriations moved through this House doing the same.

Now, my colleagues will say, oh, no one could have anticipated this, and how could we have known, and this was a disaster of untold magnitude, and those local officials, they did not do their job. But it is actually the Congress that has to bear a lot of the responsibility here. It was the Congress that agreed with the politically motivated plan out of the White House to stick FEMA into the Homeland Security bureaucracy. It was the Congress that agreed with the President to cut the budget of FEMA, to cut the disaster teams from three to two. And we wonder why they could not respond and why people died unnecessarily?

We need a fair and honest evaluation and investigation comparable to the 9/11 Commission to unearth the facts around this. There are things that need to be done besides restoring FEMA to an independent, professionally led agency status with a robust budget. We are also entering into the greatest rebuilding effort and restoration and relief effort in the history of our country. We need to see that those monies will not be misspent; that those monies will not go to crisis profiteers; that they will get to the people and the communities that need it and the rebuilding will be done appropriately; that we will invest in the infrastructure that was not invested in to protect New Orleans.

And it is not unique to New Orleans. I have jetties failing in the State of Oregon. The Corps of Engineers has no money to fix them. If they fail much more, it will cost 10 times as much to rebuild them. I have a dam that was failing in my district, and the corps had to scramble all around the country to find the money to begin to rebuild that dam. It is not their fault. Congress has not given them the funds, and the President has not recommended the funds to protect the American people from disaster.

So we need to invest not only in a reconstructed FEMA but also in a more robust budget for the Corps of Engineers for prevention. And we need to make certain the dollars we are borrowing, because every dollar of this is borrowed, are spent wisely. And maybe we should reconsider the tax cuts for people who earn over $300,000 a year and have estates worth $600,000. Maybe they should contribute to the recovery effort too.

IN MEMORY OF WILBUR MYRICK, A GREAT AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

Mrs. MYRICK. Mr. Speaker, I come to the floor tonight to honor the memory of a great American, my father-in-law, Wilbur Myrick. He saw a lot of change during his 95 years on this Earth.

He lived during the time when indoor plumbing replaced outhouses and water wells, when wooden stoves were replaced by electric stoves, and when food no longer needed to be cooked fresh, but could be refrigerated and cooked in a microwave. He saw transportation change from a wheel and wagon to cars, buses, and then airplanes. And he even saw a man walk on the Moon. He saw great medical advances like the eradication of smallpox and the treatment of life-threatening diseases with advanced medicine and surgery. He saw communications change from mail to telephones to faxes and to e-mail.

He lived through World War I, World War II, Korea, Vietnam, the gulf war, and the war on terror. He saw America rise to a world superpower, and he saw the Iron Curtain spread across Europe only to see it crumble years later. He saw the tragedy at Pearl Harbor and the tragedy on 9/11. He saw leaders like Churchill and Roosevelt.

In his later years, Wilbur still kept up with current events. He would sit and watch C–SPAN and call me about specific bills. He could quote the bill number and tell me what it was and what it would do, and then he would ask what were we going to do about it.

☐ 1815

It taught me a lot about him and how much he loved America. If only we had more Americans like Wilbur Myrick. At a time when most Americans are filled with apathy, he stood out as an example of who we should all strive to be. He was filled with hope, hope for a better tomorrow and for a better America.

Perhaps the best words to be said about him are from his granddaughter, Mia Myrick Alderman:

"My grandfather died last night.

"Granddaddy was old, very old. His 96th birthday is just over a month away. He is no longer languishing in a convalescent home, his body giving out more every day. He is free again and with the others, the others who have gone before him. My grandmother, his wife, who called him 'Myrick.' His large family, including a sister who died during the 1918 flu epidemic when my grandfather was 9 years old. He did not get sick and all by himself he cared for his family and their farm. A strong 9-year-old, my grandfather grew to be a strong man.

"He was not a complicated man. I do not know much about his life before me. I am the oldest of his five grandchildren, seven great-grandchildren and four great-great-grandchildren, but I know all about my granddaddy, who was just 51 when I was born.

"My grandfather is just another old man to die in a small North Carolina town called Weldon. One of many who die every day, but to me he was a magical, special person. He was not in any way unique compared to all the other old men in Weldon, but when I went to visit my grandfather as a child he was very unique to me: His North Carolina-Virginia border accent; those southern sayings; the way he hugged me and laughed; the way his house and even the earth around his house smelled; the things he knew, secrets I thought only granddaddy knew, like how to thump a watermelon to see if it is ripe. I find myself doing that any time I buy one. I am not sure how it works, but I believe in magic. I loved my grandfather.

"I remember sitting on his lap as a very small child touching the black hair on his arm and I loved him. The last time I saw my grandfather in the hospital, I held his hand and looked at the hair on his arm, now barely there and I knew he would soon be free.

"When my grandfather died I lost forever a person and a culture that was magical and unique. Fascinating to me as a child and with me always in my child heart. My grandfather was a very unique and important man to me and I wanted to do this one last thing for him.

"As another old man from a little town called Weldon dies, so does my granddaddy, a very important man."

STORMS DO NOT RECOGNIZE STATE BOUNDARIES, WHY DOES FEMA?

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today, first of all, to thank the gentleman from New York (Mr. RANGEL), the gentleman from California (Chairman THOMAS) and the gentleman from Louisiana (Mr. MCCRERY). It is because of their flexibility and sensitivity that the residents of Florida who suffered damage as a result of Hurricane Katrina are one step closer to getting emergency tax relief for those affected by the hurricane.

Today, we provided emergency tax relief for Floridians affected by Hurricane Katrina as well as for those affected in our neighboring States to our west. I am so pleased to have been able to come together with my Florida colleagues, Messrs. Foley, Diaz-Balart, and Shaw to make this possible.

As a Member of Congress that represents South Florida, I can empathize with the victims of Hurricane Katrina because my home, South Florida, has been struck by numerous hurricanes and is threatened by them every year.

The scenes of the destruction throughout Louisiana, Mississippi and Alabama have reminded South Floridians of the devastation of Hurricane Andrew, a Category 5 hurricane which struck South Florida 13 years ago.

The pain of those who lost loved ones, their homes, their pets, and who now find themselves in temporary housing, thousands of miles from home, their pain is palpable and every Floridian's heart goes out to them. However, I rise tonight to call the Nation's attention to something that I think has been overlooked, understandably, by the Nation, and that is the plight of those residents in Florida who suffered damage because of Hurricane Katrina.

Hurricane Katrina's first victim was Florida as it struck the Broward and Miami-Dade counties as a Category 1 storm on August 25, leaving hundreds of damaged or destroyed homes in its wake. Many of the farmers and agricultural workers that grow and tend these crops that were damaged will be out of jobs or will lose significant income this year as a result of this storm.

Craig Fugate, Florida's emergency management chief, told FEMA officials last week that the State expects the loss of over 2,000 farm-related jobs in Miami-Dade County alone. Okra, malanga, sweet potato and cassava crops have been destroyed, he said, resulting in about a $492 million loss.

That is why it came as a surprise to many homeowners in Florida when FEMA announced that it would not be providing individual assistance to residents of Florida who suffered damage as a result of Hurricane Katrina. I want to make it very clear what the effect of this decision means to the residents of South Florida who suffered damage in Hurricane Katrina.

This year, this is what FEMA will not pay for after Hurricane Katrina struck Florida. This woman here, who has had the roof ripped off her house and most of her possessions water damaged: FEMA's response to her, You are on your own, good luck.

How about this family here? This woman is standing in water up to her knees. Her cars are halfway submerged. These are not fancy cars. These are later model, 10-year-old cars. What was FEMA's response to her family's request for assistance? The same as it was to the people in New Orleans during the first days following Hurricane Katrina's aftermath when it hit the Gulf States: You are on your own.

My question to FEMA is this: Storms do not know State boundaries, so why does FEMA?

FEMA has set an arbitrary and discretionary threshold of 800 homes that have been destroyed or badly damaged as a result of Hurricane Katrina. Let me reiterate this is a purely discretionary number. Title 44 in the Code of Federal Regulations states, "There is no set threshold for recommending individual assistance."

It is estimated that more than half of the residents who need assistance with storm recovery in Broward and Miami-Dade counties live on less than $20,000 a year. Yet FEMA denied Federal aid to those who qualified. Most of the mobile home residents in Broward impacted by Katrina are primarily uninsured or underinsured.

My State has been hit by six hurricanes over the past year and a half. This is a constant plague that the residents of Florida deal with, and the denial of aid to those in need is irresponsible and unconscionable.

I introduced legislation last week that calls on FEMA to provide the much-needed assistance to the residents of Florida who are victims of Hurricane Katrina. I plead with my colleagues, as we did today with the Katrina Tax Relief bill, let us make sure we do not turn our backs on the first victims of Hurricane Katrina and give help to those in need, regardless of State line.

VALLE VIDAL PROTECTION ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Valle Vidal Protection Act of 2005. The Valle Vidal is located in the heart of the Sangre de Cristo Mountains in northern New Mexico and is home to abundant populations of Rocky Mountain wildlife, including the largest herd of elk in our State. This "living valley" is an incredibly important ecological treasure whose value lies in its wilderness and natural beauty, not in its finite supply of energy.

The Valle Vidal is a special place for New Mexicans and people from around the world who come to relax in its alpine majesty and enjoy outdoor recreation and sporting opportunities. Boy Scouts from all over the country have come to the adjacent Philmont Scout Ranch for decades and each year spend thousands of hours doing conservation work and earning merit badges in the Valle Vidal.

Over the past 2 years, I have followed closely numerous events concerning the Valle Vidal. I have traveled to the Valle Vidal to witness its beauty, spoken with my constituents and others from the State, tracked political developments, and reviewed regulatory or policy initiatives undertaken by this administration. I have also received thousands of calls, e-mails, faxes, and letters against drilling and practically none in support of it. As a result, I have come to the inescapable conclusion that the Valle Vidal should be protected from oil and gas development.

The modern history of the Valle Vidal dates back to 1841 when Mexican Governor Manuel Armijo granted 1.7 million acres, the largest single landholding in the western hemisphere, to Guadalupe Miranda of Taos and a French trapper named Carlos Beaubien. This land grant, which included the 100,000 acre piece now known as Valle Vidal, is probably the most famous ever made by Mexico. It later became known as the Maxwell Land Grant after Lucien Bonaparte Maxwell, a Kansan who married Beaubien's daughter and later became the sole owner of the vast property.

Thirty years ago, the Pennzoil Company purchased nearly 500,000 acres of this land, which they used as a hunting park. Pennzoil maintained the area as such until 1982 when it donated a 100,000-acre parcel of it to the Federal Government, which was at the time the largest donation in Forest Service history. Interestingly, no drilling was ever done in the Valle Vidal when Pennzoil owned it. What an ironic travesty it would be for the government to now turn its back on this unique gift and allow the area to be blighted.

I do not want the Valle Vidal to be opened up for drilling. New Mexicans and thousands of Americans are overwhelmingly against drilling in the refuge. These concerned citizens realize that the Valle Vidal's minimal contribution to our energy needs now is not worth despoiling such an important ecological and watershed system. The consequences are just too great.

Moreover, many of my constituents, as confirmed by recent economic studies, recognize that the protection of special public lands like Valle Vidal is good for local economies; and, in fact, exploration of these places for a few hours of energy will hurt long-term economic growth and community sustainability.

Fundamentally, drilling in the Valle Vidal to create more energy is a false choice. We must consider alternative and more effective measures for solving our Nation's energy needs. For example, an increased use of renewable fuels and improved fuel efficiency standards would contribute greatly to solving many energy-related problems. The key is to make the best renewable and alternate energy systems competitive with today's nonrenewable sources of energy so they can be developed for use in the United States and even for sale abroad. We simply cannot hope to drill our way to energy independence. The fact that this special place is being targeted for oil and gas leasing radically demonstrates what is wrong with this administration's energy policies.

In this case, the Forest Service's commitment to a leasing environmental impact statement, before the agency has even prepared a forest plan amendment, demonstrates that legislative action is necessary to ensure that the Valle Vidal's nonmineral resources and values are given the attention and protection they deserve. Moreover, the Forest Service, even with irrefutable reason to do so, is without the legal authority to permanently protect this special place from mineral development.

New Mexico is home to a strong oil and gas industry which I openly support. I believe there are many places suitable for oil and gas drilling. Valle Vidal, however, is not one of them.

Mr. Speaker, to that end, today I am introducing the Valle Vidal Protection Act to permanently protect the Valle Vidal from mineral extraction. In so doing, my legislation does not interfere with the Forest Service's Forest Plan Amendment process. That process is allowing the Forest Service to exercise its expertise and listen to the people and thereby establish a long-term management plan for the Valle Vidal commensurate with its importance as a critical component of our natural and cultural heritage. In my view, which I know is shared by many of my constituents, the Valle Vidal's ecological health and integrity should be restored and protected and enjoyed to the utmost by current and future generations.

Mr. Speaker, I urge my colleagues both in the New Mexico delegation as well as in the entire Congress to join me in passing this legislation and protecting the Valle Vidal permanently. This ecosystem is too valuable to the people of New Mexico and the nation, and the energy gains too miniscule to justify the potential damage to this pristine area. We must protect it.

VICENTE FOX, HURRICANE LOOTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, it seems tonight is the night for many of us to talk about the hurricane and the disastrous effects it has had on our country. I heard earlier a couple of my Democratic colleagues berating the majority leader about hurry up with money, hurry up and get it done.

We want to help our friends on the Gulf Coast, but it is also important that we do it sensibly and we pay some attention to the taxpayers here. Just yesterday, in Atlanta, one of the FEMA cards for $2,000 was used to buy a handbag. I guess you need a handbag if you are in dire straits, but this one was a Louis Vuitton, which does not mean much to me, except it was an $800 handbag. That is ludicrous. That is not what the American people expect for us to let happen.

□ 1830

We will be rebuilding the gulf coast States for years to come. We will do so with both public and private moneys, with cost estimates now running into the hundreds of billions of dollars. Estimates are that at least a half million Americans from the affected areas have permanently lost their jobs as their workplaces are totally destroyed.

Mr. Speaker, we do want to help these people. We must help these people. It makes perfect sense that we ought to employ as many of these folks as possible in the rebuilding effort of the gulf coast. It is for their personal good we do that, and it is for the good of the country.

Last week, the President approved a temporary waiver of Davis-Bacon labor rules for exactly that purpose, to allow many of these individuals to participate in federally funded reconstruction projects as general labor helpers. They cannot do that under Davis-Bacon. We need to follow that up with providing whatever vocational training is necessary to allow displaced workers to gain the skills necessary to fully participate in these reconstruction efforts.

Let us do two things at once here.

We need a revival of the Civilian Conservation Corps from the 1930s for this unprecedented national emergency. We should offer every able-bodied displaced person an immediate training wage of $10 an hour on top of whatever other Federal benefits they may be receiving, and full-time participation in this if they are receiving Federal benefits should be mandatory for all except the elderly or disabled. People who can work and yet will not help themselves should not ask other taxpayers to do it for them. There is good-paying work here for years for every able-bodied American who needs a job if we do the right thing. This has a great potential to build careers.

But there is already somebody else with an eye for these construction jobs. Mexican President Vicente Fox. " 'The reconstruction of that city,' " meaning New Orleans. " 'and of that region is going to require a lot of labor,' Mr. Fox said of New Orleans, Mississippi, and Alabama. 'And if there is anything Mexicans are good at, it is construction.' " That is a quote from the New York Times, September 5.

While we appreciate the disaster aid assistance Mexico is providing by sending a military convoy across our southern border, we cannot afford to pay them back with American jobs of our hurricane victims. Rebuilding our gulf coast with labor from Mexico would divert a large part of the estimated $200 billion cost to rebuild, paid for by the American taxpayers, out of our economy and into "foreign remittances," the monies sent back to Mexico from the United States by illegal immigrants. These "remittances" have now surpassed oil revenues as the number one source of income for Mexico. This is drawn directly out of our economy.

We should not allow our national tragedy to become Mexico's gain.

The time for talk should be over. The time for pleas for the administration to simply enforce the law should be over. Every police and sheriff's department in this Nation should begin vigorously enforcing immigration law while in the course of their routine duties. For every illegal worker not employed to rebuild the gulf coast, there is a ready job for the hundreds of thousands of legal American residents who just lost their jobs in this tragedy.

The CLEAR Act that we just reintroduced has an excellent chance of passing this session; and, if it does, the Federal Government will be responsible for paying 100 percent of these local law enforcement costs for immigration law enforcement efforts.

Hardship has a way of bringing families together. If there is anything positive that can come from such an incomprehensible disaster as Hurricane Katrina, it could likely be in forcing us to come back together to help defend each other, instead of letting potential taxpayer-funded jobs for storm victims to be looted by illegal immigrant labor cheered on by Mexican President Vicente Fox.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2005 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act. This status report is current through September 2, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95, the conference report on the budget resolution. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of budget authority and outlays for discretionary appropriations for fiscal year 2005 with the total of "section 302(b)" suballocations among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures reported by the Appropriations Committee that would breach its section 302(a) discretionary action allocation of new budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(On-budget amounts, in millions of dollars)

	Fiscal year 2005	Fiscal years 2005–2009
Appropriate Level:		
Budget Authority	2,078,456	(1)
Outlays	2,056,006	(1)
Revenues	1,483,658	8,519,748
Current Level:		
Budget Authority	2,076,534	(1)
Outlays	2,056,107	(1)
Revenues	1,484,105	8,596,434
Current Level over (+) / under (−):		
Appropriate Level:		
Budget Authority	−1,922	(1)
Outlays	101	(1)
Revenues	447	76,686

[1] Not applicable because annual appropriations acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of $1,922,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 (if not already included in the current level estimate) would cause FY 2005 outlays to further exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2005 in excess of $447,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $76,686,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(Fiscal years, in millions of dollars)

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	0	0	400	400
Current Level	0	0	0	0
Difference	0	0	-400	-400
Energy and Commerce:				
Allocation	0	0	1,525	1,525
Current Level	0	0	2,004	1,942
Difference	0	0	479	417
Financial Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Government Reform:				
Allocation	0	0	50	50
Current Level	0	0	0	0
Difference	0	0	-50	-50
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	0	0	6	6
Current Level	0	0	0	0
Difference	0	0	-6	-6
Resources:				
Allocation	6	6	45	45
Current Level	0	0	0	0
Difference	-6	-6	-45	-45
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	3,488	0	12,238	0
Current Level	1,603	8	27,787	376
Difference	-1,885	8	15,549	376
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	554	64	1,800	1,558
Current Level	81	45	417	415
Difference	-473	-19	-1,383	-1,143

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(A) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(B) SUBALLOCATIONS

(In millions of dollars)

Appropriations Subcommittee	302(b) Suballocations[1]		Current level reflecting action completed as of September 2, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	n.a.	n.a.	18,689	18,844	n.a.	n.a.
Defense	n.a.	n.a.	352,127	398,270	n.a.	n.a.
Energy & Water Development	n.a.	n.a.	30,533	30,107	n.a.	n.a.
Foreign Operations	n.a.	n.a.	18,892	25,898	n.a.	n.a.
Homeland Security	n.a.	n.a.	38,469	31,925	n.a.	n.a.
Interior-Environment	n.a.	n.a.	28,469	26,994	n.a.	n.a.
Labor, HHS & Education	n.a.	n.a.	143,180	141,773	n.a.	n.a.
Legislative Branch	n.a.	n.a.	3,545	3,785	n.a.	n.a.
Military Quality of Life-Veterans Affairs	n.a.	n.a.	80,263	76,417	n.a.	n.a.
Science-State-Justice-Commerce	n.a.	n.a.	58,438	57,956	n.a.	n.a.
Transportation-Treasury-HUD-Judiciary-DC	n.a.	n.a.	67,873	117,669	n.a.	n.a.
Total (Section 302(a) Allocation)[1]	840,036	929,520	840,478	929,638	442	118

[1] Appropriations Committee has not submitted the subcommittee allocations since the restructuring of the committee.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, Sept. 15, 2005.
Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through September 2, 2005. This report is submitted under section 308(b) and in aid of section 311 ofthe Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concucrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2005, Part III (Public Law 109-35);

The Surface Transportation Extension Act of 2005, Part IV (Public Law 109-37);

An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (Public Law 109-39);

The Surface Transportation Extension Act of 2005, Part V (Public Law 109-40);

The Interior Appropriations Act, 2006 (Public Law 109-54);

The Energy Policy Act of 2005 (Public Law 109-58);

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59); and

The Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-61).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director

Enclosure.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Enacted in previous sessions: [1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,191,357	1,102,621	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous sessions:	2,074,408	2,055,930	1,484,024
Enacted this session:			
Authorizing Legislation:			
Surface Transportation Extension Act of 2005 (P.L. 109-14)	16	0	0
TANF Extension Act of 2005 (P.L. 109.19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109-20)	15	0	0
Junk Fax Prevention Act of 2005 (P.L. 109-21)	0	0	*
Surface Transportation Extension Act of 2005, Part III (P.L. 109-35)	3	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109-37)	5	0	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109-39)	0	0	*
Surface Transportation Extension Act of 2005, Part V (P.L. 109-40)	2	0	0
Energy Policy Act of 2005 (P.L. 109-58)	0	0	40
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59)	1,562	8	0
Appropriations Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Tsunami Relief, 2005 (P.L. 109-13) [2]	−1,058	4	41
Interior Appropriarions A 2006 (P.L. 109-54)	1,500	120	0
Total, enacted this session:	2,126	177	81
Total Current Level [2,3]	2,076,534	2,056,107	1,484,105
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Current Level Over Budget Resolution	n.a.	101	447
Current Level Under Budget Resolution	1,922	n.a.	n.a.
Memorandum:			
Revenues, 2005-2009:			
House Current Level	n.a.	n.a.	8,596,434
House Budget Resolution	n.a.	n.a.	8,519,748
Current Level Over Budget	n.a.	n.a.	76,686
Resolution Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109-7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109-8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $83.140 million in budget authority and $33.034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13), and $10,500 million in budget authority and $1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-61).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes: n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

Source: Congressional Budget Office.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2006 AND THE 5-YEAR PERIOD FY 2006 THROUGH 2010

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2006 and for the five-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through September 2, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2006 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(On-budget amounts, in millions of dollars)

	Fiscal year 2006	Fiscal years 2006–2010
Appropriate Level:		
Budget Authority	2,144,384	(1)
Outlays	2,161,420	(1)
Revenues	1,589,892	9,080,006
Current Level:		
Budget Authority	1,354,534	(1)
Outlays	1,665,799	(1)
Revenues	1,607,200	9,176,258
Current Level over (+) / under (−):		
Appropriate Level:		
Budget Authority	−789,850	(1)
Outlays	−495,621	(1)
Revenues	17,308	96,252

[1] Not applicable because annual appropriations acts for fiscal years 2007 through 2010 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2006 in excess of $789,850,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2006 in excess of $495,621,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2006 in excess of $17,308,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2006 through 2010 in excess of $96,252,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(Fiscal years, in millions of dollars)

House Committee	2006		2006–2010 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	100	100	500	500
Current Level	0	0	0	0
Difference	−100	−100	−500	−500
Energy and Commerce:				
Allocation	100	100	2,000	2,000
Current Level	141	231	2,283	2,240
Difference	41	131	283	240
Financial Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Government Reform:				
Allocation	50	50	50	50
Current Level	0	0	0	0
Difference	−50	−50	−50	−50
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	6	6	6	6
Current Level	0	0	0	0
Difference	−6	−6	−6	−6
Resources:				
Allocation	8	8	50	50
Current Level	0	0	0	0
Difference	−8	−8	−50	−50
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	3,027	0	4,107	0
Current Level	3,444	36	36,374	520
Difference	417	36	32,267	520
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	350	346	1,537	1,914
Current Level	175	192	406	440
Difference	−175	−154	−1,131	−1,474

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(A) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(B)

(In millions of dollars)

Appropriations Subcommittee	302(b) Suballocations as of June 22, 2005 (H.Rpt. 109–145)		Current level reflecting action completed as of September 2, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	16,832	18,691	7	5,399	−16,825	−13,292
Defense	363,440	372,696	27	126,306	−363,413	−246,390
Energy & Water Development	29,746	30,273	36	11,092	−29,710	−19,181
Foreign Operations	20,270	25,080	0	17,091	−20,270	−7,989
Homeland Security	30,846	33,233	0	14,762	−30,846	−18,471
Interior-Environment	26,107	27,500	26,159	28,760	52	1,260
Labor, HHS & Education	142,514	143,802	19,166	98,279	−123,348	−45,523
Legislative Branch	3,719	3,804	3,804	3,809	85	5
Military Quality of Life-Veterans Affairs	85,158	81,634	−2,170	16,515	−87,328	−65,119
Science-State-Justice-Commerce	57,453	58,856	0	23,080	−57,453	−35,776
Transportation-Treasury-HUD-Judiciary-DC	66,935	120,837	4,223	70,800	−62,712	−50,037
Unassigned	0	430	0	0	0	−430
Total (Section 302(a) Allocation)	843,020	916,836	51,252	415,893	−791,768	−500,943

STATEMENT OF FY 2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(In millions of dollars)

	Budget Authority
Appropriate Level	23,158
Current Level:	
Elk Hills	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Payment to Postal Service	0
Section 8 Renewals	0
Shipbuilding and Conversion, Navy	0
Total	0
Current Level over (+) / under (−) Appropriate Level	−23,158

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, Sept. 15, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2006 budget and is current through September 2, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concucrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2006:

An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (Public Law 109–39);

The Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53);

The Interior Appropriations Act, 2006 (Public Law 109-54);

The Legislative Branch Appropriations Act, 2006 (Public Law 109-55);

The Energy Policy Act of 2005 (Public Law 109-58);

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59); and

The Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109–61).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a.	n.a.	1,607,650
Permanents and other spending legislation	1,351,021	1,318,426	n.a.
Appropriation legislation	0	382,272	n.a.
Offsetting receipts	−479,872	−479,872	n.a.
Total, enacted in previous sessions:	871,149	1,220,826	1,607,650
Enacted this session:			
Authorizing Legislation:			
TANF Extension Act of 2005 (P.L. 109–19)	148	165	0
Junk Fax Prevention Act of 2005 (P.L. 109–21)	0	0	*
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109–39)	0	0	−1
Dominican Republic-Central America-United States Free Trade Aggreement Implementation Act (P.L. 109–53)	27	27	3
Energy Policy Act of 2005 (P.L. 109–58)	141	231	−588
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59)	3,444	36	9
Appropriations Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13)[2]	−39	−21	11
Interior Appropriations Act, 2006 (P.L. 109–54)	26,211	17,301	122
Legislative Branch Appropriations Act, 2006 (P.L. 109–55)	3,804	3,185	0
Total, enacted this session:	33,736	20,924	−450
Entitlements and mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	449,649	424,049	n.a.
Total Current Level[2,3]	1,354,534	1,665,799	1,607,200
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Current Level Over Budget Resolution	n.a.	n.a.	17,308
Current Level Under Budget Resolution	789,850	495,621	n.a.
Memorandum:			
Revenues, 2006–2010:			
House Current Level	n.a.	n.a.	9,176,258
House Budget Resolution	n.a.	n.a.	9,080,006
Current Level Over Budget Resolution	n.a.	n.a.	96,252
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

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[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $30,757 million in outlays from funds provided in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13), and $7,750 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-61).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes. n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

Source: Congressional Budget Office.

IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, as the International Atomic Energy Agency meets on Monday to determine whether to refer Iran to the Security Council, the United States must clearly and firmly state its position on Iran.

Iran's clandestine nuclear weapons program has been in the works for the past 2 decades. As a member of the Nuclear Nonproliferation Treaty, all of Iran's nuclear activities must be constantly monitored by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its treaty obligations.

Mr. Speaker, Iran's actions over the past 18 years are clearly directed toward building a nuclear weapons capability. Yet Iran calls upon the western countries to trust Iranian intentions. But how could we possibly do that, Mr. Speaker? Iran claims its nuclear program is intended only for peaceful purposes, but that claim is simply not credible.

Iran has the world's second largest proven natural gas reserves and huge crude oil reserves as well. It is neither cost effective nor expedient to develop nuclear capabilities for Iran's energy needs.

The world must not be so naive in this grave situation. We must look at Iran's past and present actions as the most reliable indication of its true intent.

For years, since the early 1990s, Iran has persistently stated its need for nuclear weapon development. Its newly elected president pledged that he will continue to support Hezbollah's struggle against "the enemies of Islam." He has even vowed to reinforce Hezbollah; and he announced just today, Mr. Speaker, that his country is prepared to provide nuclear technology to other Islamic nations.

Mr. Speaker, the spiritual adviser to and supporter of the president, Ayatollah Misbah Yazdi, issued a call for the public to join the swelling ranks of Iran's homegrown suicide bombers, stating that "Suicide operations are the peak of the nation and the height of its bravery." And President Ahmadinejad himself has equated martyrdom with art and made known his ambition to spread his government's Islamic ideology to the world.

Mr. Speaker, the possibility of the regime in Iran having indigenous nuclear capability is a recipe for destruction that is simply unthinkable, and we absolutely must not make the cataclysmic error of believing that those now ruling in Iran have only peaceful purposes in developing nuclear capabilities.

Iran attempts to allay international concerns, pledging that its nuclear program will be subject to inspection by the International Atomic Energy Agency. Yet this assurance is completely unassuring when we put it in the context of 18 years of unremitting deception in the IAEA's ineffectiveness. Iran has violated its obligations and forfeited its credibility.

On Sunday, Iran's Foreign Minister Mottaki warned that referral to the UN Security Council would be a political no-win situation with "certain consequences affecting Iran's decisions." It is totally disingenuous for Iran to appeal to the West's conscience in this regard. Iran has set on a course that it has never wavered from, and it is seeking only to buy time. Mr. Speaker, the International Atomic Energy Agency should refer Iran to the Security Council.

It goes unnoticed, Mr. Speaker, that it is the Iranian people who are suffering the most as a result of this radical clerical regime. The people of Iran should know that they have at least this Nation's unequivocal support to take the stand that they have yearned for for so many years. This support should be stated openly, clearly, and repeatedly.

Regardless of what the International Atomic Energy Agency decides, United Nations policy should be clear. It should be articulated, and it should be open support for the freedom-loving people of Iran to establish a restored Iran, an Iran that contributes to its people and to the world, as it classically has done. What is required, Mr. Speaker, as Assad Homayoun has articulated, is "legitimization through recognition" and the people of Iran will rightfully have the resolve and recourse to establish a government by the people and for the people. This is a day we all should look forward to with gratitude to the good people of Iran.

Mr. Speaker, as the International Atomic Energy Agency meets to determine in the next days whether to refer Iran to the Security Council, the United States must clearly—and firmly—state its position on Iran.

Iran's clandestine nuclear weapons program has been in the works for the past two decades. As a member of the Nuclear Non-Proliferation Treaty, all of Iran's nuclear activities are treaty-bound to be constantly safeguarded by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its obligations under the Nuclear Non-Proliferation Treaty.

Iran's actions over the past 18 years are clearly directed toward building a nuclear weapons capability. The Iranians have already built a pilot uranium enrichment facility and are currently completing a huge facility capable of producing enough highly enriched uranium to produce forty nuclear weapons per year.

Iran has secretly imported 18 tons of uranium yellowcake from China and constructed a conversion facility to produce uranium hexafluoride gas for enrichment.

Iran has also experimented with separating plutonium, and are presently building a heavy water reactor.

Further, it has now been reported that Iran has experimented with polonium. Polonium is a radioactive isotope with only one principal use: to trigger a nuclear explosion.

Further, Mr. Speaker, analysis by the U.S. Department of State released as of August 2005 states that "the United States believes that Iran has manufactured and stockpiled blister, blood, and choking chemical agents, and weaponized some of these agents into artillery shells, mortars, rockets and aerial bombs in contravention to the Chemical Weapons Convention.

In July, Iran announced that it succeeded in developing solid fuel technology for ballistic missiles, which can be launched with almost no warning, far more quickly and reliably and with greater accuracy than those with liquid fuel.

In August, Iran resumed converting uranium to gaseous state. This is a step that precedes enrichment which then can produce nuclear material usable both as fuel in nuclear reactors and as material for an atomic bomb.

Mr. Speaker, Iran calls upon the Western countries to trust Iranian intentions, but how could we possibly do that?

Iran's claim is that its nuclear program is intended for peaceful purposes only—to produce electricity. That claim is simply not credible. Iran has the world's second largest proven reserves of natural gas, along with huge crude oil reserves. It is neither cost effective nor expedient to develop nuclear capabilities for Iran's energy needs.

The world must not be so naive in this grave situation—we must look at Iran's past and present actions. They are the most reliable indications of its true intent.

For years—since the early 1990's, Iran has persistently maintained the need for nuclear weapon development. Ali Akbar Hashemi-Rafsanjani, who some hail as a "moderate", has repeatedly stated that nuclear development was a "necessity." Rafsanjani has also stated that "If a day comes when the world of Islam is duly equipped with the arms Israel has in possession, the strategy of colonialism would face a stalemate because application of an atomic bomb would not leave any thing in Israel but the same thing would just produce damages in the Muslim world." What frightening words.

Iran is in violation of numerous treaties—and continues its patterns of deceit. Iran is trying to create a Euro dominated exchange of oil, and has a strategic economic relationship with China.

Iran suppresses its people with the harshest and most brutal kind of treatment. Just last Tuesday, September 6th, prosecutors' offices in provincial centers announced that "Women who violate Iran's strict Islamic dress code will be flogged immediately"—they will appear before an Islamic judge immediately after arrest to receive a sentence, which is usually 100 lashes in public.

Its newly elected President Mahmoud Ahmadinejad pledged that he will continue to support Hezbollah's struggle against the "enemies of Islam." He has even more recently vowed to reinforce Hezbollah.

And, Mr. Speaker, the spiritual advisor to and supporter of President Ahmadinejad, Ayatoilah Misbah Yazdi, has issued a call in an Iranian newspaper for the public to join the swelling ranks of Iran's homegrown suicide bombers, stating that "Suicide operations are the peak of the nation, and the height of its bravery." And President Ahmadinejad himself has stated that "Is there art that is more beautiful, more divine, and more eternal than the art of martyrdom?" The Iranian President has said that his ambition was to spread his government's Islamist ideology to the world.

Mr. Speaker, the possibility of the regime in Iran having indigenous nuclear capability is a recipe for destruction that is unthinkable. And we absolutely must not make the cataclysmic error of believing that those now ruling in Iran have only peaceful purposes in developing nuclear capabilities.

Mr. Speaker, Iran is attempting to allay international concerns, pledging that its nuclear program will be subject to inspection by the International Atomic Energy Agency. Yet this assurance is completely unassuring when put in the context of 18 years of unremitting deception, and the IAEA's ineffectiveness. Iran has violated its obligations and forfeited its credibility. We must not allow this defiant threat to the world to pass by unnoticed. The IAEA should refer Iran to the Security Council. The world cannot allow the current ruling regime of Iran to obtain and develop indigenous nuclear capability.

It goes unnoticed, Mr. Speaker, that it is the Iranian people who are suffering the most as a result of this radical clerical regime. It seems all too possible that Iran wishes to develop nuclear capability to stifle international support for an Iranian popular revolt as much, and possibly more so, than to counter an Israeli nuclear "threat". The people of Iran should know that they have this nation's support—unequivocal support to take the stand that they have yearned for, for so many years. This support should be stated openly, clearly, and repeatedly.

Regardless of what the IAEA determines—Security Council or not, United States' policy should be clear, articulated support for the freedom-loving people of Iran to establish a restored Iran, an Iran that contributes to its people and the world, as it classically has done.

What is required, Mr. Speaker, as Dr. Assad Homayoun the President of the Azadegan Foundation has articulated, is "legitimization through recognition" and the people of Iran will rightfully have the resolve and recourse to establish a government—by the people and for the people. That is a day we should all look forward to, with gratitude to the good people of Iran.

HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, yesterday, this body passed the gentleman from Michigan's (Mr. CONYERS) hate crime bill with very little notice. Some here were heard to say, oh, well, they will just take it out in conference. However, there is a decent chance that will not happen.

It is true that people who act out of hate can and do cause devastation and severe hurt. There is no question about that. Those who cause such harm deserve and should be punished severely. As a former judge, I have sentenced and severely punished people acting out of hate, including signing legal orders that the perpetrators should be put to death.

Ironically, the cases often cited as a basis for creating hate crime laws usually include the horrible dragging death of the African American in Texas or the poor young man in Texas who was killed for being a homosexual. The main perpetrators in those cases got the death penalty that I believe they deserved. Those were cases in which no hate crime law would have made any difference whatsoever; yet they are constantly cited as a reason for it.

In the dragging death case, I personally might support punishment by allowing the victim's despondent family to choose the rope or chain and the terrain over which to drag the heartless defendant to inflict the death penalty. But the hate crime laws do not offer a more painful form of capital punishment. The one yesterday certainly does not, so it would have had absolutely no effect on the very cases its proponents often herald as poster examples.

What was done yesterday created a vague, ambiguous Federal offense which sends a message that random, senseless acts of violence are far more preferable in our society than such acts with a motive. Never mind that sociopaths or antisocial personalities who commit random, senseless acts of violence are unlikely to be rehabilitated. They will not get punished under this new law passed out of this House yesterday.

This new hate crimes bill that passed yesterday, this body said to the world that "sexual orientation" and not just "gender," which should be respected, but "gender identity," whatever that is, are in the same category as those unfortunate individuals who have suffered because of the color of their skin or their religious preference.

Have the Members ever stopped to think about the words "sexual orientation"? Regardless of what definition they may give those words, when we pass laws, the words used create an exceptional chance that at some point down the road someone is going to say the words mean exactly what they say. In the case of "sexual orientation," someday someone can look at those words and say they have the very meaning they state: That includes those who are sexually oriented towards animals, those who are sexually oriented towards corpses, those who are sexually oriented towards children. That is abominable. But someday those words could be cited by some appellate court as having their very plain meaning, not just the meaning that is socially or culturally accepted at the time they were passed.

There is another aspect that is not discussed or debated but is coming some day through this new law. It is true that the law addresses crimes of violence or attempted crimes of violence. However, under Article 18 U.S. Code 2(a) of the Federal Criminal Code, "whoever aids, abets, counsels, commands, induces, or procures" a crime's commission is punishable just as if he is the principal.

Do the Members understand what that means? Let me ask my colleagues if a Christian, Jewish, or Muslim religious leader teaches and preaches that homosexuality is wrong or is a sin and someone in the leader's flock commits a crime against a person who chooses to practice such acts, has the religious leader counseled or induced such an act through his or her teaching? Someday someone will say so, and ministers will be arrested for their preaching. They will be said to have incited such conduct through hateful teaching. As a matter of fact, some people already blame religious leaders for acts of violence in such cases, and I do not defend any minister who encourages such conduct. That should be punished.

☐ 1845

They are wrong. But having harshly sentenced people who have committed crimes of hate, and also those who have committed crimes at random, cold-blooded, heartless thugs, I can tell my colleagues that the victims and their loved ones in all of these cases are all traumatized and distraught and deserving of sympathy and compassion.

So what is the message our great hate crime legislation sends? Apparently, through hate crime legislation, we are simply saying to the world, if you are really going to hurt me, please, please do not hate me. Instead, make it a random, cold-blooded, senseless act of violence. That is what we prefer in this country, according to this bill.

VICTIMS OF SEXUAL PREDATORS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE. Mr. Speaker, this past week, we have been reaping the destruction of a hurricane that brought the wind and rain and flooding of a natural and national disaster. But we have been for years reaping the greater destruction of a hurricane that continues to bring the wind, rain, and floods of the effects of child predators on America. We are talking about the murder of America's children by those child predators who live among us.

The children I am referring to tonight have all been kidnapped, murdered, some sexually assaulted, and some are still missing. It is because of them, Mr. Speaker, we passed the Child Safety Act yesterday.

Tonight, I will read just a few names of those children, the roll call of the dead: Cary Ann Medlin, 8, Tennessee; Nicole Parker, 8; California; Chris Byers, 8, Tennessee; Sherrice Iverson, 7, Nevada; Amanda Brown, 7, Florida; Christina Long, 13, Connecticut; Michelle Vick, 14, Washington; Maryann Measles, 13, Connecticut; Amber Hagerman, 9, Texas; Adam Walsh, 6, Florida; JonBenet Ramsey, 6, Colorado; Danielle Van Dam, 7, California; February the 1st, 2002.

This, Mr. Speaker, is a photograph of Danielle Van Dam. She was 7 when she was abducted and murdered in California on February 1, 2002. She grew up in Sabre Springs, California. She loved coloring, playing with dolls, and writing and drawing in her journal. Danielle was a piano player and active in her Girl Scout troop. Her friends' parents described her as strong-headed, but very obedient. She loved sleepovers with her friends. Her father, Damon Van Dam, described Danielle as a caring, studious child who adored her family.

Danielle Van Dam was last seen alive when her father tucked her into bed on February 1, 2002. Danielle's parents reported her missing the next morning after her mother went to wake her up; she was not there.

Almost a month later, Danielle's decomposed, brutalized body was found. Searchers found her on February 27 in a lot full of trash 25 miles from San Diego, California. David Westerfield was the only neighbor that was not home the morning Danielle Van Dam was discovered missing. Investigators recovered child pornography from his home. His home was two doors from the Van Dam family. This child predator lived in the neighborhood. The motive for her abduction was sexual.

Authorities also said they found traces of Danielle's blood in Westerfield's motorhome and was on an article of his clothing. He was charged with murder, kidnapping, and possession of child pornography. Two days before Danielle disappeared, she had sold Girl Scout cookies to Westerfield. He was sentenced to death, and he is currently in San Quentin on death row, where he ought to be.

There are more, Mr. Speaker. Christopher Meyer, 10, Illinois; Mary Mount, 10, Connecticut; Jeannie Singleton, 8, Michigan; Kenny Dawson, 11, Virginia; Jackson Carr, 6, Texas; Troy Ward, 6, Utah; Brittany Lochlear, 5, North Carolina; Bradley Lions, 6, Washington; Brianna Jackson, 5 months, Alabama; Tommy Gibson, 2, Oregon; Rosy Tapia, 6, Utah; Rosie Gordon, 10, Virginia; Richard Stetson, 11, Maine; Jeralee Underwood, 11, Idaho; Samantha Runnion, 5, California, July 2002.

Samantha, like all of these others, Mr. Speaker, was a real person. She was a real child that lived in America. She was a beautiful and bright and joyful little girl. It is said she loved to read and write stories, paint, draw, play with guitar, sing, and dance. Most of all, she loved to play games with her family and friends. She liked Peter Pan and Hercules. She approached each day as a new adventure, eager to learn and play. She looked forward to growing up, being a teacher and a mommy.

Samantha was playing a board game with her 5-year-old friend when a man drove up. The two children were seated on a short wall about 150 feet from Samantha's home. The man got out of his car next to the girls and asked them to help him find his dog. Samantha and the man spoke to each other for a minute, but then he grabbed her and drove off in his car. She was last seen, Mr. Speaker, screaming and kicking, saying, "Tell my grandma, tell my grandma." She was saying this to her 5-year-old friend. This 5-year-old ran to the house and was able to give a good description of the man and his car.

She was found a day later. Alejandro Avila kidnapped, sexually molested, and brutally murdered Samantha Runnion. He left her body on the side of a road 50 miles north of her home. A day later, he was arrested charged with kidnapping, sexual assault, and murder.

Just one year before he kidnapped Samantha, Avila was accused of molesting two other young girls. This past July he was convicted and sentenced to death for the murder, kidnapping, and sexual assault of this little girl, Samantha Runnion. He is awaiting execution and, hopefully, justice will not be delayed or prolonged.

There are others, Mr. Speaker. Shelby Barrackman, 3, Texas; Jamaree Coleman, 2 months, Georgia; Destiny Marie Flores, 4, Texas; Cecil Turner, 2, California; Jared Kitchen, 1, Michigan; Kendrick Broadway, 5, Missouri; Amy Sue Seitz, 2, California; LaTonya Wilson, 7, Georgia; Jennifer Noon, 5, Connecticut; John Short, 3, New York; Richard Short, 7, New York; Timothy Wiltsey, 5, New Jersey; Summer Rogers, 5, Oregon; Deborah Palmer, 8, Washington; Carlie Brucia, 11, Florida; February 1, 2004.

Mr. Speaker, Carlie, a little girl from Florida of the age of 11, disappeared February 1, 2004. Her grandmother described her as blond and bubbly, affectionate, a great hugger. When she was in New York, she loved to go to the movies with her dad, go shopping, and go out for ice cream. Her favorite ice cream was mint chocolate chip. Her grandmother said, I always had that in the house when she visited me. When she was at our house, she would shoot baskets in the driveway with her Aunt Ginny, play softball in the back yard with her Aunt Catelyn and the rest of the family.

She liked music. She was especially fond of Jennifer Lopez and knew all the words of all the songs that Jennifer Lopez sang. Carlie liked to help her dad at home, especially when the family was over for dinner. She pitched right in and helped with the serving and cleaning up. Here grandmother says, I can just picture her now, loading the dishwasher. She was a very good student, voted most popular, and a math whiz at McIntosh Middle School.

Carlie disappeared February 1, 2004, while walking home from a friend's slumber party in Sarasota, Florida. A surveillance camera behind a car wash taped Carlie's abduction. The sixth grader may have walked through the car wash's parking lot as a shortcut to her home in her neighborhood. Carlie's remains were found 5 days later, just a few miles from where the car wash was. The defendant: Joseph Smith. The Sarasota Police Department questioned Joseph Smith after they received tips from anonymous sources. He had been in their custody the day after Carlie was abducted on an unrelated parole violation. A woman who said she lived with Smith was one of the tipsters who contacted the police.

Of course, he refused to admit any involvement with the disappearance until later when the investigators questioned him more and he told them where he had hidden her body. On February 6, 2004, it was announced that Carlie's body had been found. Mr. Speaker, she had been brutally murdered and thrown in a church parking lot just miles from her home.

Joseph Smith was a 37-year-old car mechanic, father of three who had been arrested at least 13 times in Florida since 1993. He had been previously charged with kidnapping and false imprisonment, and he was held in custody as the main suspect of the murder of this little girl, Carlie. On February 20, Smith was indicted on a first-degree murder charge and separate charges of kidnapping, capital sexual battery, and others were filed by Florida's attorney general's office. He had previous convictions: aggravated battery, carrying a knife, possession of heroin, possession of drugs without prescriptions, possession of cocaine, and attempts to obtain controlled substances by fraud.

Mr. Speaker, thanks to the gentlewoman from Florida (Ms. HARRIS), part of the Child Safety Act includes legislation that is a result of Carlie's murder. Joseph Smith, on the other hand, is scheduled to stand trial on the kidnapping and murder charges of Carlie Brucia on November 7. Prosecutors are seeking, and rightfully so, the death penalty. Until then, he will be in the county jail where he has been housed since his arrest.

Mr. Speaker, I can continue with more names of real kids in America: Adam Finch, 4, Florida; Harley Hall, 6 months, South Carolina; James Hargon, 4, Mississippi; Tahisha Clay, 6, California; Elizabeth Byrd, 8, Arizona; Maile Gilbert, 6, Hawaii; Tracy Neef, 7, Colorado; Isaiah Lewis, 3 months, Michigan; Tara Huffman, 5, Illinois; Patricia Miles, 6, Arkansas; Alonzo Daniels, 4, Utah; Brittany Hendrickson, 7, Ohio; Danny Davis, 4, Utah; Amy Yates, 8, Georgia; Dylan Groene, 9, Idaho; May 16, 2005.

Mr. Speaker, to my left is a photograph of Dylan at the age of 9 and his sister, Shasta, at the age of 8. This is his story: Dylan liked to be outdoors. He liked camping, fishing, and catching crawdads. He also liked to play games on his Play Station. He loved playing with his sister.

Dylan and his sister, Shasta, were declared missing on May 16, 2005 after police found the beaten and bound bodies of their mother, their older brother, and their mother's boyfriend. Authorities believe that Joseph Edward Duncan, III, a registered sex offender, abducted Shasta and Dylan from their home and held them for 7 weeks at a primitive camp site in the vast forests of Montana. According to Shasta, Duncan repeatedly molested the children and eventually he killed Dylan. Shasta was discovered on July 2 at a local restaurant with Duncan. Two days later, human remains were discovered at that primitive, remote, western Montana camp site and on July 10, the remains were identified as Dylan Groene, this person, 9 years of age.

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Investigators have not really told us exactly what they believe happened to Dylan or how long they believe the boy was alive after the children's mother, 13-year-old brother and her boyfriend were beaten to death, but they have given us some information.

Sheriff Rocky Watson has said that he believes the motives for the killings, of course, was to acquire these two children as sex objects. Watson always said authorities believe the family was chosen at random, but the attack was carefully planned.

The police have interviewed Shasta a couple of times, and the details are agonizing, and they are slow in being revealed, but she has provided certain information that is astonishing. Dylan, when he was 9, like the others that I have mentioned, was a real person. He wanted to live like all kids, but he never made it to his tenth birthday, because of this criminal, this individual by the name of Joseph Duncan, III.

Joseph Duncan, by the time he was 16, he had committed 13 sexual assaults. In 1980, Duncan was arrested for breaking into a neighbor's house, stealing guns and then accosting a 14-year-old and sexually assaulting him at gunpoint.

He was convicted of the rape and sentenced to a maximum of 20 years in the penitentiary. However, in lieu of prison, somebody sent Duncan to the Sex Offender Treatment Center at Western State Hospital. An evaluation at Western State Mental Hospital found that Duncan, who was then 17, met the definition of a sexual psychopath, so Western State Hospital had given up on Duncan.

Then, at 19, he announced that he wanted to leave treatment and serve the rest of his time in the penitentiary. So he received 14 more years for the rape and sexual assault and 3 more for parole violations. When he got out of the penitentiary, he moved to Fargo, North Dakota.

Then, after leaving the penitentiary, he decided to create a blog on the Internet. Many of the entries appear to focus on his own sexual abuse crimes, and he seemed to be proud of it. It also shows us his rage over how sex offenders are treated in our community.

Brenda Grone and her boyfriend, Mark McKenzie, and the 13-year-old Slade Grone were killed in their home sometime on May 15 by Joseph Edward Duncan, III. They were beaten to death with a hammer.

Duncan, after kidnapping Shasta, he told her and explained to her what he did to these three before he murdered them. He said he watched the house and specifically had watched her for 2 or 3 days. At night, he would sneak up to the house and peer into the windows. He said it was real simple to kidnap them and kill the other three.

He said he used a night vision goggle to learn about the family's layout before breaking into the home. And he bragged to Shasta about killing her family with a hammer, and he even taunted her with the hammer that he had used to kill her family.

Duncan was charged with first-degree murder, first-degree kidnapping in the bludgeoning deaths of this family. He is awaiting trial.

Dylan, four-foot, 60 pounds, blond crew-cut, blue eyes and 9 years of age when he was murdered.

I continue, Mr. Speaker.

Carol Dougherty, 9, Pennsylvania; Sarah Pryor, 9, Massachusetts; Jennifer Short, 9, Virginia; Anthony Martinez, 10, California; Michelle Norris, 7, Rhode Island; Roxann Reyes, 4, Texas; Brandon Dyson, Jr., 1, California; Benjamin Brenneman, 12, California; Mary Lou Olsen, 10, from California; Joshua Walden, 10, Tennessee; Constance Carrillo, 8, Ohio; Louis Peytonn, Jr., 5, Arkansas; Janet Perkins, 9, Missouri; Charlie Keever, 13, California; Megan Kanka, 7, New Jersey, July 29, 1994.

Mr. Speaker, this is Megan Kanka, 7, from New Jersey. In July of 1994, she disappeared. She grew up in the quiet suburban Hamilton township of New Jersey. She was a chatty little girl who loved chocolate chip ice cream, cookies and milk.

In July of 1994, at the age of 7, Megan, an enthusiastic animal lover, was lured into a neighbor's home, 100 feet from her own door. Once again, another child predator living in our neighborhoods. She went over to his house with the hopes of seeing his new puppy he claimed he had. That neighbor, unknown to Megan's parents, was a convicted sex offender.

The chatty little girl rode her bike over to Jessie Timmendequas' home. He told her that he had a puppy, but it was too young to go outside, so she needed to go inside to see it. Of course, there was no puppy. It was a lie.

The defendant, Timmendequas, was a previously convicted sex offender, and he sexually assaulted Megan. Then, like the others, he murdered her.

When he got her into the house, he tried to kiss her, but she attempted to escape. So he strangled Megan with a belt. He says he slammed her head into the dresser and strangled her. He sexually assaulted her. He tied two bags over her head. Mr. Speaker, he tied two bags over her head. He put her body into a toy box, and he drove his pickup truck to a nearby park with her in the toy box. He sexually assaulted her again and dumped her body into a patch of high weeds.

In the hours following Megan's disappearance, a massive search effort took place all over the quiet Hamilton township of New Jersey. The red and blue lights of police cars filled the once quiet suburban neighborhoods.

Police were instantly drawn to Timmendequas' home after learning that he and his roommates were both convicted sex offenders. They immediately questioned him, and only 1 day later, he confessed and led the police to Megan's body.

His history? Well, he had a criminal history of sexual assault of children. In 1979, Timmendequas pled guilty to the attempted and aggravated sexual assault of a 5-year-old girl in New Jersey. He was given a suspended sentence. Mr. Speaker, that means, in simple terms, he did not go to jail.

But somebody recommended that he get counseling for his sexual assaults. He did spend 9 months in the Middlesex Adult Correction Center.

Then, in 1981, he pled guilty in regard to the sexual assault of a 7-year-old girl. He was imprisoned for 6 years.

In May of 1997, he was sentenced to death for the murder of Nichole Kanka. He remains on death row in New Jersey State Prison in Trenton. Hopefully, justice will be done, and he will see his maker soon.

In honor of Megan's memory, a section of the Child Safety Act creates the Megan Nichole Kanka and Alexandra Nichole Zapp Community Notification Program. This program requires appropriate officials to notify the communities within 5 days of a change of a registered sex offender's information.

Megan's parents had no idea that a sex offender was living across the street from them in their quiet suburban neighborhood. Hopefully, the Child Safety Act will rectify this in the future, and parents will know who lives among them.

Kelly Albright was 12 when she disappeared in Kansas; James Francis Connelly, 15, from Illinois; Sandy Hoyt, 14, from Connecticut; Andrea Harriet Sax, 16, from Illinois; Tamika Turks, 7, from Indiana; James David Richards, 15, California; Stacey Sue Simpson, 4, Georgia; Tyrna Middleton, 14, Ohio; Clifford Grant Sheppard, III, 11, Alabama; Reginald Brown, 16, Illinois; Carla Jo Otto, 14, from Michigan; Lori Ann Hill, 14, Ohio; Carmen Joy Otto, 10, from Michigan; Jacob Wetterling, 11, from Minnesota, October 27, 1989.

Mr. Speaker, Jacob Wetterling, this is a photograph of him. He lived to the age of 11, and then he was kidnapped and hasn't been seen since. He was born on February 17, 1978. He grew up in St. Joseph, Minnesota, with his parents, Patty and Jerry Wetterling, and his three bothers and sisters.

On the night of October 27, 1989, Jacob and his brother, Trevor, and a friend rode their bikes to a local convenience store to pick up a movie and a snack. On the way home, a man wearing a mask carrying a gun stopped the boys on a dark stretch of road less than a mile from Jacob's home. The gunman, wielding a pistol, told the boys to throw their bikes into a nearby ditch and lay face down on the ground. He then asked each of the boys their age. After the boys responded, he instructed Jacob's brother and friend to run into the woods and not look back or he would shoot them both.

As they ran away, they glanced back to see the gunman grab Jacob's arm. When they reached the wooded area and turned around again, the gunman and Jacob had disappeared into the night.

Local police were called to the scene of the abduction minutes later, and a search ensued that involved hundreds of volunteers, local law enforcement, the FBI and others. To date, law enforcement and Jacob's family still do not know what happened to Jacob or his abductor or where they are now.

Sixteen years later, and the Wetterlings refuse to change their phone number or move from their four-bedroom home in hopes that Jacob would come back some day. He would be 27 this year.

Mr. Speaker, in 1994, the Jacob Wetterling Crimes Against Children Sexually Violent Offender Registration Act was passed as a part of the Federal Violent Crime Control and Law Enforcement Act of 1994 by Congress. This requires States to implement a sex offender and crimes against children registry.

Part of the Children's Safety Act that was passed yesterday amends the Jacob Wetterling Act that was passed in response to his kidnapping. It improves the sex offender registration and notification program on many levels. It seeks to ensure that sex offenders register and keep current where they reside, work and where they go to school. It creates a national sex offender database and requires that it be on-line and easily accessible to everyone in this country.

The law also expands community notification requirements and creates harsher punishments for sex offenders.

I would like to continue, Mr. Speaker.

Jonathan Sellars, 9, California; Charlie Stevens, 12, Georgia; Christina Benjamin, 13, Texas; Brittany Billette, 1, Michigan; James Bryan King, 14, Texas; John Pius, 13, New York; Lacy Chandler, 16, California; Amy Rachelle Schulz, 10, from California; Lazaro Figueroa, 3, Florida; Mickey David Niles, 7, Texas; Christe Rogers, 14, Florida; Naja Smallwood, 5, Pennsylvania; Sarah Cherry, 12, Maine; Stephen Wicks, 10, Colorado; and Jetsetta Gage, 10, Iowa, March 25, 2005.

Mr. Speaker, this is Jetsetta Gage, 10. She was kidnapped and sexually assaulted and murdered this year, in 2005, in Iowa, Cedar Rapids. According to news reports, Jetsetta Gage's goal each day was to give 20 compliments to people. She wanted to give them to her teacher. She gave them to a cab driver who took her to school. She gave them to her grandmother and anybody that came into her view.

Her mother said that she was friendly, and she liked to say hi to everyone. She would come up to you and say, you look nice today. She would tell everyone that, even strangers. The adults who knew Jetsetta described her as bubbly, a happy girl. She would wear colorful but mismatched outfits. She loved the outdoors, and she loved her mother and her grandmother.

Trina Gage was attending classes at Hamilton College the night her daughter was taken. Roger Bentley, a family friend, went to the Gage's home on the evening of March 25 of this year supposedly to fix the car. While there, he kidnapped Jetsetta.

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He took her to an abandoned mobile home in rural Johnson County about 45 miles south of Jetsetta's Cedar Rapids home in Iowa. In the darkness of the night he sexually abused her. He bound her feet. He suffocated her by putting a plastic bag over her heard. Twelve hours after killing and kidnapping Jetsetta, authorities came to the mobile home, and Roger answered the door with blood stains still on his clothes. Officials searched the home and they found the little girl's body.

Jetsetta's mother, Trena Gage, had met Roger Bentley through his brother James Bentley whom she had dated several years ago. Court documents suggest that Jetsetta was sexually abused over a 2-year period by this James Bentley. James Bentley, well, he had already been arrested and charged with sexually assaulting Jetsetta in two counties. He is scheduled for trial on October 3 in Linn County. The second trial on the same charges follows in November 3 in Benton County.

His brother Roger was charged with first degree murder and first degree kidnapping in the death of Jetsetta. His trial is scheduled for November 28 of this year. Hopefully, justice will be served in both of these cases.

Shaun Jenkins, 5, from Pennsylvania. Kevin Wooden, 6, from Louisiana. Anthony Carter, 9, from Georgia. Durga Owens, 8, Alaska. Laura Arroyo, 9, California. Donald Todd, 13, from California. Angela Barnes, Washington, D.C., 14. Mary Angela Comacho, 8, Texas. Michael Lyons, 8, California. Mary Jennifer Love, 6, Ohio. Diana Hernandez, 7, Nevada. Liana Sandoval, 1, Arizona. Angie Housman, 9, Missouri. Samuel Rice, 9, Florida. Polly Klass, 12, California, October 1993.

Mr. Speaker, this is Polly Klass, 12. She, like the others, kidnapped. She was born in January of 1981 in Fairfax, California. When she grew up she liked Mel Gibson as her favorite actor. She also liked a football player, a guy by the name of Joe Montana. She liked to read Archie comics and Judy Blume books. She liked popcorn and hot fudge sundaes. She had two cats, Spooky and Milo. She enjoyed performing in school plays and had dreams of becoming an actress. She loved music and she was active in the school band, but on the night of October 1, 1993, Polly Klass was hosting her first sleepover party with two of her friends.

When Polly went to retrieve pillows from another room, she was confronted by a large hulking man armed with a knife. The man, Richard Allen Davis, threatened to kill all the girls if they did not do as he told them to. Davis made his way into the bedroom of the 12-year-old Polly Klass and he tied her up with her two sleepover companions and then he abducted her.

When Polly's body was found later, she had been brutally sexually assaulted and strangled to death. Davis is a career criminal whose life has a twisted tangle of much violence and criminal activity. A few days after Polly's abduction, Davis confessed to the murder and led the police to her body. After a trial, he was found guilty of first degree murder. He was sentenced to death, as he should have been.

Perhaps the most telling part of Polly's story is this: according to Polly's father, she had always had a fear of the dark. She had trouble sleeping unless there was a night light on. As many children are, she was scared of the boogey man and the possibility of being kidnapped.

It is unfortunate, Mr. Speaker, in our culture too many kids go to sleep afraid of the boogey man, like Richard Allen Davis. It was something that she had discussed often with her parents, and her father Mark recalls with bitter irony how he had assured his daughter that everything would be all right and that he would be there to protect her.

Mr. Speaker, there are more children, there are many more in this country. Tonight I have just listed a few, a few over 100.

Felicia Elliot was 8 in Arkansas. Mary Caussin, 6, in Michigan. Jason Verdow, 9, in Florida. Marcia Trimble, 9, in Tennessee. Christi Meeks, 5, in Texas. Michael Cameron Rainey, 14, in Nevada. Shelby Barrackman, 3, in Texas. Adam Benjamin Clark, 6, Arizona. Jenny Waltz, 16, California. Molly Ann Bish, 16, Massachusetts. Jessica Lunsford, 9, Florida. February 23, 2005, this year, just a few months ago.

Mr. Speaker, we have all seen this photograph of Jessica Lunsford with her pink hat. She was 9 years of age this year. She had a lot of spunk. She was always smiling.

When Jessica walked into the room, she was always having a good time. She and her grandmother collected dolls together. She loved people. She loved purple, and she loved pink.

Jessica liked to do cheerleading and gymnastics. She and a friend were going to have a band, but they did not have any instruments, only a microphone, so they just decided to sing and to dance. She liked doing karaoke. She liked doing it with her friends. She also liked to ride bikes. And even though Jessie had several two-wheeled bikes, the one she liked riding best was an old three-wheeler with no brakes that her grandpa Archie had given her.

She loved jewelry. She liked shoes. She liked putting on clothes and she liked putting clothes on her dog, Corky, and she loved make-up. She liked music. She liked to sing and dance. And she always said, I love you.

Her father, Mark Lunsford, will always remember his last hug from her. Mr. Speaker, I have had the opportunity to meet Mark Lunsford and to talk to him at length. He is a good person. He loved his daughter, and he says he will never get over the fact that he lost his daughter the way that he did.

John Couey, the criminal, well, he was a convicted sex offender and he was living in a mobile home within eyesight of the Lunsford home. On February 24 of 2005, he snuck into the Lunsford home and he stole Jessica from her bed. He took her to his place and Couey said he watched for the police and noticed that they went to the Lunsford home.

He then, Mr. Speaker, did the following: he chose to sexually assault her. When he was not sexually assaulting her, he stuffed her in a closet in his habitation. When he was through having his way with her, Mr. Speaker, he says he did the following: he decided it was time to get rid of this little girl, so he took stereo wire and tied her feet and her hands. He then wrapped her inside two plastic garbage bags. He dug a hole in his yard and as he said, he threw her in a hole. He buried her alive.

When she was found days later, Mr. Speaker, she had poked her fingers through the plastic bags seeking air.

John Couey, well, he was a registered and convicted sex offender with a long criminal history. It included 24 arrests and went back more than 30 years. A section of the Children's Safety Act that we passed yesterday establishes the Jessica Lunsford Address Verification Program. Although Couey was a registered sex offender, the address that he lived in and where he had kidnapped and taken Jessica was not the address that he had used when he was a registered sex offender. He had changed address and had not told anybody.

The Jessica Lunsford Verification Program under the Child Safety Act authorizes verification and requires mailing verification of child molesters anywhere in the country every 30 days.

Since Jessica's death, Mark Lunsford has made it his mission to protect other children and families. Mark Lunsford started the Jessica Marie Lunsford Foundation to help children in crisis and to inform people about the dangers of child predators. We are thankful that Mark Lunsford, this father, this good guy from Florida, came here to Congress and went door to door talking to people about the murder, abduction, and assault of his daughter and changed the minds of many so this bill, the Child Safety Act, would pass.

Mr. Speaker, the House did pass the Child Safety Act yesterday, thanks to the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER). Many, many people were involved in the preparation and drafting of this legislation, people on both sides of the aisle, Republicans and Democrats. Because, Mr. Speaker, child safety is not a partisan issue. It is a people issue. It is an American issue. And it is important that we continue to focus on those people that do our children harm.

We know that sex offenders live among us. The risk of attack to our children grows every day. There are approximately 550,000 convicted sex offenders in the United States. We know that 100,000 of these people who have been convicted are lost in the system. We do not know where they are, where they are hiding in the United States, because they failed to have registered in communities required under current law. We do not know where they work, where they live, or what they are up to.

We know that statistics show that in this country one out of every five girls and one out of every 10 boys are sexually exploited before they reach adulthood. We also know that only 35 percent of these incidents are ever reported.

According to the Department of Justice, one out of every five children receive unwanted sexual solicitations online from their computers. And we know that 67 percent of all the victims of sexual assault are kids. So the Child Safety Act of 2005 is a comprehensive legislation to address those people who commit crimes and to try to stop the epidemic of violence and sexual abuse against our children.

We know that these crimes are not confined to any one neighborhood, any area of the country, but these types of crimes are everywhere. Federal action is needed to solve the increasing dangerousness and widespread problems of violence against children. The legislation that we passed yesterday, which I was proud to be a co-sponsor of, reforms our sex offender registration and notification laws.

It is aimed at preventing crimes against children through a coordinated law enforcement approach that includes broadening the definition of these crimes. It increases reporting requirements for new offenders. It increases the penalties for those convicted of sexual assault. It requires States to share information about sex offenders in their States. Because, Mr. Speaker, what occurs is someone will leave the penitentiary in some State. They will register under that State law, but then they will cross States lines, and they will disappear in that second State.

That is what happened to many of these children that I mentioned tonight: registered sex offenders crossed State lines. Now we will be able to keep up with them when they cross State lines because failure to register when they move to that new State is a Federal offense. It is a Federal offense where they can go to a Federal penitentiary for up to 20 years for failure to notify law enforcement, the community, the media about their new residence.

This Child Safety Act will also enhance punishments for sex offenders who reoffend. It will require sex offenders to register and notify people in the newer neighborhoods where they move. It will require verification monthly. It will require or allow citizens Internet access to the child predators that live among them. It will create Web sites to search for sex offenders in communities, and it will require and expand sex offenses covered by registration and notification to include the military and crimes that occurred against American kids overseas.

These are some of the many, many requirements of this new law, Mr. Speaker. It will expand, in addition, law enforcement's use of DNA to solve criminal activity of these predators. This comprehensive legislation hopefully, Mr. Speaker, will send a message to those who live among us that wish to commit crimes against our children.

Portions of this law, Mr. Speaker, are named after children. I hope we get to the point in this country that we quit naming laws after murdered children. Hopefully, that day will come.

Mr. Speaker, I have four kids, three girls and a boy. I have three grandkids, one born last week. And as a parent I am very, very protective of my children. All parents are. Children are, as the Good Book says, a blessing to parents. And the worst thing that any parent can comprehend and the thing that we dread the most is the loss of a child at any age.

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To lose a child under any circumstances is tragedy. To have a child kidnapped, assaulted and murdered in their youth is something that parents cannot comprehend, but it happens in America.

Mr. Speaker, in this Capitol, we have throughout these great hallways paintings and photographs of important people, people in our history that have done things for our country. They are of all persuasions, all parties, all races and both sexes. But I say, Mr. Speaker, that if we had on these same walls the photographs of the murdered children in our country, that this Capitol, this enormous building does not have the room for all of their photographs. We should remember who they are, their names and how they lived.

We have done a lot in this country, organizations such as the National Children's Alliance here in Washington, D.C., the umbrella organization that takes care of sexually exploited children throughout the offense and after the offense is over with and helps them in court.

One of those organizations is Children's Assessment center in Houston, Texas, one of the best advocate centers for children anywhere in the country. There are many of those, and it is unfortunate we have to have those to protect our children and take care of their needs after they are exploited.

Mr. Speaker, these children have something in common. The last person on earth that these kids saw was not their mother, not their father, not their friends, not their grandparents. The last person they saw on earth was the killer, the person who stole their life in their youth. We hope, Mr. Speaker, that when we pass from this life to the next we are surrounded by the people who care about us, the most important people in our life, but not so with these children. They were surrounded by the person, the predator, that preyed on them and stole their life and their existence.

Mr. Speaker, we have been talking a lot about resources the last few weeks, things that have happened in the country, the hurricane, but we need to remember one important factor. The greatest resource in this country is our children. They are the greatest natural resource that we have, and we should be as concerned about what happens to them and what predators do to them as we are about other resources and the disappearance of them.

The darkest of history will report the blackness in the souls of those who have committed these crimes against our children. Those barbarians that kidnap, sexually assault and pillage and murder our children will be held personally accountable for their evil choices.

It has been said in the scriptures that for whoever causes harm to a little child, it would have been better for him with a heavy millstone hung around his neck he would have been cast into the sea. Well, we do not throw child molesters in the sea. We claim to be too civilized for that, but we will throw them into the sea of accountability, the sea of consequences, the sea of humiliation and the sea of punishment. They have sown the wind of harm, shame, injury and murder. They will reap the whirlwind of justice and intolerance.

Mr. Speaker, I was a prosecutor in Houston, Texas, for 8 years. I still have in my office this photograph. This was Kevin Wanstrath. He was murdered in May of 1980. He was 14 months old. The people who took his life, took the life of his mother and his father and his grandmother saw justice. Two of them received the death penalty, and they have been executed. The other two received prison terms in the Texas penitentiary.

But, Mr. Speaker, Kevin was born the same year my son was born, Curt. Curt is a big ole strapping boy. I still call him my boy, and at times I look at my son Curt and wonder what could have happened and how Kevin could have turned out. I keep this photograph in my office as I have since that murder to remember that what we are about in this culture is to protect our greatest resource, children.

After serving 8 years in the district attorney's office, I got to be a judge in Houston for 22 years and saw 25,000 felonies during that time. Many of those were child predators, and I learned, as we all now know, a couple of things about child predators.

We know that most of them when they get out of the penitentiaries in our country they do it again. That is just a historical fact. They repeat their ways. They repeat their criminal activity against our kids.

Mr. Speaker, we do not need to give them therapy as some say. They need to be kept away from our kids. Yet that is why we build the penitentiaries, to house those individuals who seek and destroy our children.

We also know, Mr. Speaker, that most of them get out. You see, they are model prisoners when they are in the penitentiaries, so they usually come up for parole. They get parole rather early, but at least they all eventually return to society, but they want to remain anonymous in our communities.

Mr. Speaker, child molesters are not what we sometimes think of as an individual walking around with a trench coat. They do not look like that at all. They look like anybody else in our communities, and it is time that we in this country quit excusing the conduct of child predators. For whatever reason they choose to commit a crime, they must be held accountable for that.

Too often in this country we have become the land of excusable conduct. We excuse somebody's conduct because something bad happened to them when they were a kid. That is certainly no excuse for committing a crime against a child today. We can no longer live in the land of excusable conduct. We must hold people accountable for what they do.

Mr. Speaker, when a cow is born in the United States on some ranch in Texas or Montana or Kansas, we track that calf until that calf ends up as a steak on somebody's supper table. We do that for public safety. We want to make sure there is nothing wrong with that beef.

Mr. Speaker, now we are going to track child molesters when they leave the penitentiary indefinitely. We should raise at least the safety of our children to the same level as the safety of the beef that we eat and protect them from those child molesters.

Mr. Speaker, as stated by a couple of the kids, their fear each night is to be abducted by some bogeyman, and so we lock ourselves up in our homes. We put the bars on the windows. We have the alarms in our rooms to protect us from the bogeyman, those child predators.

Mr. Speaker, it is time that we quit being imprisoned in our own homes and our children imprisoned in their homes, and it is time that we make child molesters our prisoners rather than us continuing to be their prisoners.

So to the child molesters, we will state this wisdom, we will send this word, we will spread this warning. Leave our children alone or face a lifetime of severe, unpleasant and unrelenting consequences.

Mr. Speaker, we are not judged by the way we treat the rich, the famous, the powerful, the important. We are judged by the way we treat the innocent, the weak, the children of our community; and it is time that we focus on what is important for them rather than maybe on other issues in our culture.

So it is our resolve, Mr. Speaker, as a Nation, to those child predators, we say, you cannot run, you cannot hide, you cannot avoid justice. Because as injustice hopefully will soon fade away, justice will rule this day. That is just the way it is.

30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House of Representatives; and, also, we would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader; and also the gentleman from Maryland (Mr. HOYER), the whip; and the gentleman from New Jersey (Mr. MENENDEZ), the caucus chairman; and the gentleman from South Carolina (Mr. CLYBURN) who is our vice chair, and all of the hardworking Members of this Congress.

I think it is important for us to remember, and I think in a few short minutes the President will address the country from New Orleans and the French Quarter, about the Federal commitment to the hurricane-devastated areas. He will be in Louisiana, but I would assume he will also be addressing Mississippi, Alabama and some of the other surrounding areas that were affected by Katrina.

I will tell you, Mr. Speaker, that I think it is important that we look at the contrast of what exactly the Federal commitment will be. There has been a lot of words, a lot of Federal jet fuel burned of the President and the Vice President going down to the affected area. There has been a lack of organized congressional visits for us to even understand what those people are going through in the South.

We are going to be talking a little bit about, the 30 Something Working Group, the Federal commitment and the response not only to rescue and recovery but also the response to a national tragedy.

There have been some good statements and some very disturbing statements, and I think the Members need to realize what has been said, what has been done and what has not been done.

I think it is important, if we are going to follow through on some of these statements that have been made here on this floor, if we are going to follow through on what the President would say tonight in another 20 minutes to the country, are we going to be here for the long haul or are we going to give the people affected in the South what we call here in Washington, D.C., the Potomac two-step?

Are we going to try to ride this media cycle out?

Are we going to allow big-time contractors to go down, make a bucket of money on the back of tragedy and cut the wages for those very same people that were victims? Are we going to allow that to happen?

Are we going to allow this House, in a vote that we took today, that I voted against, not that I am not in solidarity of the reason why we wanted to put together a select committee of the oversight of what happened in Hurricane Katrina, but the fact that the people of the South are not getting what the 9/11 families got and the American people got after 9/11.

So there is a reason I think why we are heading off, and there are strange votes that are taking place. We say we do not want to politicize the process, but we step out on politics. We say we want to get to the truth, either it be city or parish or State or Federal Government, but, better yet, we take congressional action that does not even carry the language to allow us to get to the truth, does not have the bipartisan not only flavor but bipartisan language.

If we are going to do something in the Congress to find out where government failed, where nonprofit failed and not have a 50-50 relationship with the majority side to be able to get to the truth, we are going to see partisan votes on that select committee.

I stand with the Democratic leader and I know many of the 30 Something Working Group stand with the Democratic leader as it makes to not even making an announcement now, even if we are going to appoint Members to that select committee because I will tell you 710 lives that have been lost. Better yet, we are going to appoint a committee just like it is regular business here in the Congress. Also, the largest supplemental, I must add, in the history of the Congress and this country, outside of a war supplemental. Some are saying it will go to $200 billion.

□ 1945

Well, if it goes to $200 billion, what will be the Federal commitment in the end? A, we know the people that will be working in the rebuilding process that are victims of this hurricane will not receive the prevailing wage because Davis-Bacon has been waived. They will not receive what other Federal contractors will receive using Federal money. We know that from the beginning. We are going to shortchange them from the beginning. We know they need money to rebuild, yet we are going to do that.

The whole issue, when it comes right down to it, I say to my colleague from Ohio, is that the Federal commitment is about tomorrow, a national day of prayer over at the cathedral, and that is fine, we can pray for them. But we are the Congress. We are supposed to act on behalf of those individuals that cannot stand for themselves. So I want to come out tonight and say that individuals that are in the affected area, I believe the country needs to rally around them and demand a 9/11-like commission.

We are going to let politicians stand in judgment of politicians? We are going to let a majority party stand in judgment of the majority in the executive branch? The same party that says, oh, we will get to the bottom of this, even if it is embarrassing? Well, people have lost their lives, yet we are going to sit around here as though it is another day at the office? I think not.

There are individuals right now that have mold in their homes, and individuals right now that still do not have even the simple opportunity to bury their dead. There are children right now that are lost in the hundreds, and yet it is just another day at the office? Excuse me, but I have a problem with that.

Over in the other body across the hall yesterday there was a vote that went down on a partisan party line. One individual from the State, one of the affected States, did not even vote on the amendment, and that amendment called for, down to the last sentence, a 9/11-like commission.

It is very, very unfortunate that partisan politics has found its way into this national tragedy. The only reason why this Congress is getting away with it is the fact that these individuals who have lost their lives are poor. The individuals' homes that are still under water are poor. That is the reason why. So who are we, as a country, to go somewhere else and start talking about what other people should be doing when we are not doing it?

Now, I am not saying the American people are not doing it. I am saying the leadership here in this Congress is not doing it. And if they can sleep well by doing that, so be it. But I will say this, that I believe the American spirit will rise on behalf of these individuals who are living in shelters right now and who do not even know what is happening to them.

I think the reason why people are saying, well, we are moving expeditiously and we are trying to do this, that and the other, and we want to make sure people get accountability, is that these are poor individuals, who, by the way, work every day but who may not have the education that the brokers and the stock folks and all of those folks had in 9/11. Now, I supported that 9/11 Commission, and we are better because of it. We are better because there was a 9/11 Commission.

There were families that came to this Congress. It was not the first idea of the Congress or the administration to have a 9/11 Commission, but thank God that those family members on behalf of their families who had lost their lives took whatever money they had, came to this Congress and made it happen. The only difference between the 9/11 families and these families down south is the fact they had a little more money and had a little more influence. And God bless them for having it.

But I will say right now, Mr. Speaker and my colleagues, that we have to stand for these individuals that cannot stand for themselves. That is why we are here. We are not here to represent the haves and haves more; we are here to represent the individuals that cannot afford to come here. We are here to represent those who got up early one Tuesday morning voting for representation so that they would be represented in this House, so that Democrats and Republicans alike would be represented in this House and Independents would be represented and those that are too young to vote would be represented.

We come here and stand as though it is business as usual while the body count still goes up, the death toll and the misery. So I do not know how long this media cycle is going to go on. I just do not know. I do not know how long the press will stick with this issue to keep it in the forefront, but we cannot leave these individuals behind. We have to be resilient; and we have to make sure, even if it costs criticism from individuals who may say, well, what do you want us to do? We want you to do the right thing. We want you to pass a resolution that has some teeth in it.

Mr. Speaker, this resolution 437 is a select committee that we cannot even get people to come and talk to us. We have to ask them to come talk to us. So I say to my colleague that this is going to be one of those things, like the Committee on Ways and Means, with partisan votes up and down; like the Committee on Armed Services, partisan votes up and down; like the Committee on Appropriations, partisan votes along party lines. We cannot allow that to happen.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I think my colleague is exactly right. What happened here today, H. Res. 437, is a tragedy. What happened right here on this floor today is a tragedy for the exact reason the gentleman just mentioned.

Now, for those people who are at home and who may not completely understand the whole situation, this body is run by the majority party, which is the Republican Party. And the majority party appoints to the committees members to the Committee on Ways and Means, the Committee on Appropriations, the House Homeland Security Committee, the Subcommittee on Foreign Operations, Export Financing, and Related Programs, and all these different committees and subcommittees. The majority appoints more people to the committee than the minority, so they basically control the committee process in the House of Representatives.

Now, some committees have subpoena powers and they can subpoena witnesses. But they will only subpoena witnesses that the majority party wants to subpoena. If the minority party would want to subpoena somebody, they could not because they could not get the power out of the committee without majority party votes. So the majority rules.

What is happening in this Congress and in the House and in the Senate is that the Republican Party controls both Chambers. So the Democrats in the minority have no subpoena power. And what has happened over the past few years here, and the great example is the later Clinton years, with Ken Starr, with the House Committee on Government Reform, the Republican Party that controlled this Chamber, they were the ones conducting the investigation into President Clinton because they had the subpoena power and they had the opportunity to do it.

So what we were trying to say, what the minority party was trying to say, the Democrats were trying to say with H. Res. 437, is this select committee that will oversee and look at how the screwups went about down in the gulf coast should be equal. It should be Democrats and Republicans both having equal subpoena power to oversee the process, because the record for the majority party over the past few years has been atrocious.

Now, let us look at a couple of things. We have talked here many, many times regarding the war, with the weapons of mass destruction, all the prewar intelligence. Has anybody looked into this in a real way, in depth? Subpoenaed witnesses? Anybody? No. Has anybody been fired? No. How about the Medicare bill that we passed at 3 in the morning. Everyone was told here it was $400 billion. It ends up being 700 or $800 billion after we already voted for it.

This majority party does not have the credibility, I say to my colleague, the credibility to oversee what is going on here because they are going to do nothing but whitewash this thing. Get out the Brillo pads because we are going to scrub this thing clean, and nothing is going to happen and the country is going to be worse off for it. So, my colleagues, H. Res. 437 is a joke. It is a joke. And there will not be proper investigation.

I just could not believe the debate on the floor today. The gentleman from Mississippi (Mr. TAYLOR), a Democrat who lost his home, for God's sake, was here. He is saying, should he not, as a representative of a State in a congressional district that lost lives and homes and property and everything else, should he not be able to subpoena somebody, just like every other Member of Congress, if I am on that committee? Or should the Democrats, who many lost constituents of the 700-some that we lost, and some of those people were actually represented by Democrats, should the minority party not have the opportunity to subpoena somebody?

But, no, this thing is going to get scrubbed. Where is the transparency? Where is the equal opportunity? Where is the bipartisanship? What this bill says is there is going to be nine Democrats and 11 Republicans.

Mr. MEEK of Florida. It is a select committee. It does not have any subpoena power. You cannot subpoena anyone.

Mr. RYAN of Ohio. There is not even subpoena power.

Mr. MEEK of Florida. I mean, it is like, Will you please come and talk with us?

Mr. RYAN of Ohio. This thing is a paper tiger. It is going to be a song and dance. So let us get ready. Get out the music and the popcorn because this is going to be nothing but a dog and pony show.

I do not think anything is going to happen here, and it is going to be consistent with a lot of the other pieces of legislation that either came through this body or did not get reviewed.

So I just want to say to my colleague from Florida how disappointed I am, how disappointed the Democrats are, and I encourage the gentlewoman from California (Ms. PELOSI), our minority leader, to continue her stance and not appoint anybody to this committee. This is a toothless tiger. It is a washing machine to clean up this mess politically. I hope that our leader stands her ground and our leadership and our party stand their ground and just say that this is a joke and to appoint people to this committee would literally be contributing to the problem and lending our credibility to this issue, which I think is a joke.

Mr. MEEK of Florida. Mr. Speaker, let me just say this in order to clarify the whole issue on subpoenas. In section 5 it calls for joint operations, and it comes down to the majority party. The majority, basically, the bottom line, are the only people that can actually subpoena. So your statement was correct, the minority view on the committee or the Democratic view on the committee, if we wanted a particular individual to be subpoenaed, could not be subpoenaed if we are not in the majority to be able to do so.

Mr. RYAN of Ohio. Unless the majority wanted to help us.

Mr. MEEK of Florida. Of course. And that is in section 5 of the joint operations. But let me just say this. If there was an equal 50–50 power on the committee, then, obviously, there would be time for compromise. Okay, if you want to subpoena this witness, we want to subpoena that witness, and let us just compromise. Even though we do not fully agree, we will get our members to vote for it.

But let me just say this. I think that it is important for us to remember that this is not the only battle as it relates to making sure that this never, ever happens again, especially after a 9/11 bill passed through, Homeland Security given all this authority, FEMA having the resources to pre-stage the equipment and to be able to move in for it to ever happen again. Whether it is something the Governor did not do in Mississippi or Louisiana or Alabama, or something that the mayor did not do in the town, wherever it may be, Gulfport, New Orleans, what have you, we have to get to the bottom of it.

Americans are pouring their hearts out and their money out, and we are using their taxpayer dollars to send down to the affected areas, and rightfully so, without the proper oversight and without any real congressional review. If a Member of Congress wanted to go down and see exactly what the Federal response was, you cannot go on what we call a congressional visit, go down there on a CODEL. No, you cannot. You have to find your own way down. Good luck, Charlie. You find your own way down there. Catch a bus if you can, or hitch a ride with a friend, or take money out of your own pocket and go.

I happened to get down there on the relief flight taking food and necessities down. That is how I got into the affected area.

□ 2000

The American people can take it for what it is. This is a coordinated campaign. Unfortunately, I do not believe it as a campaign. I see it preventing lives in the future from being lost. I cannot help but look at exactly what is going on.

U.S. News and World Report, "What went wrong?" We will never know.

Another edition, U.S. News and World Report, "Who Screwed Up?" We will never know.

Newsweek, "Poverty, Race, Katrina, Lessons of a National Shame." We will never learn because the majority does not want to learn.

Some may be saying that the 30 Something Working Group, they are on the floor are talking about the majority party's failings with regards to leading and this national tragedy. This is not an issue of being partisan. This is an issue of telling the truth. The bottom line is we always talk about what would be different if we were in the majority.

Well, the Democratic leader, the gentlewoman from California (Ms. PELOSI), recommended with the council of ranking members said, let us come back from our break and go into session and give FEMA what it needs to be able to respond to this national tragedy. Number one, it is a shame that FEMA was out of money.

What did they say? The House leadership said, no, we will be back; do not worry about it.

A day later, the President got called out on it. Time was awasting. That means maybe FEMA did not have what it needed to be able to respond to people stuck in the Superdome and in shelters.

And in Mississippi, where I went, in Hancock County, they had sanctioned looting. It was sanctioned because they had no food and no water. It was not a situation where they said, fine, electricity is off, we do not have a lot of law and order going on, so we are going to go into this store and take things. These are individuals who work every day.

Second point, the Democratic leader said we need to make sure that we have a FEMA director that knows what he is doing. This one does not. He needs to step down. Because, obviously, if he was there the day before the storm and his administration was there before the storm and they watched this come in, knowing what the National Weather Center has done, and I am speaking from fact. I went down to Miami, just south of my district in Miami, and met with the director of the Hurricane Center last Friday. He was here before the Committee on Science this week and testified. He told the officials that the levees would break. A Category 4 or Category 5 storm, they will break, so it was not secret.

He called the mayor of New Orleans on Saturday night before the storm and said, Mr. Mayor, your levees potentially will break. The mayor put out the order early Sunday morning, mandatory evacuation. We knew there would be massive flooding from the simulation pattern a year prior to this storm. The officials all knew. They knew within FEMA. The State and city folks knew. The levee board knew.

Mr. RYAN of Ohio. Everybody knew.

Mr. MEEK of Florida. And people died. I think it is important. I think it is important that Mike Brown hung around. The President went down and told Michael Brown that he was doing a good job.

Mr. Speaker, people died. I am not saying that he needs to wear that on his back, but the bottom line is somebody appointed him to that position with no experience whatsoever. It is like me leaving this room, leaving this floor and saying to the gentleman from Ohio (Mr. RYAN), well, you know, I am going to carry out open heart surgery. I know nothing about it, but I stayed in a Holiday Inn Express last night.

You do not get qualifications based upon we need to fill a position, not a FEMA position. That played around, and finally the administration took him out under pressure, not only pressure from the Democratic leader but from the media who started focusing on him, saying things were going poorly because we still do not have good leadership there. He came back to Washington, and he resigned.

Then we called for this 9/11 Commission-like legislation to pass to make sure that this never happens again, never happens again. Not natural disasters, we have no control over that. That is an act of God. But when it comes down to governance and responsibility and making sure if you are poor, middle class or wealthy in this country that this government will govern on your behalf, and that did not happen. The response to that request was we are going to put together a select committee, we are going to make sure that there is a majority influence on it as relates to the Republican leadership side, and we will not get to the bottom of what happened.

Will we have a lot of show and a lot of folks getting excited in the select committee? I am pretty sure they will have it. But what I am saying, independent individuals, I am talking about people who understand emergency management, individuals who understand weather, regular citizens from the affected areas. Regular citizens were on the 9/11 Commission, a Democratic and Republican appointment, co-chairs, to look at this and professionalize our response on all levels. That will not happen, not right now.

I think it is important that the American people, Members of Congress, no matter what community you represent, if you believe in making sure that people get the same representation, for us to have a 9/11 Commission, and I must add and say to the gentleman from Ohio (Mr. RYAN), and we come to the floor to talk about what we should be doing and how we should be doing it or what we are doing on this side of the aisle, it is important for us to know the facts. This is the same Congress in the majority that the 9/11 families came up here, and they voted down two opportunities to set up a 9/11 Commission. This is the same Congress, until it just became overbearing that there were major mistakes in our intelligence, major mistakes and flags, and they are still finding stuff because of the 9/11 Commission that could have saved lives.

Better yet, we came to this floor, the 9/11 bill came to the floor, and we have better intelligence, better communications between Federal, local and State agencies because of their work. It is one of the best pieces of legislation that has passed this floor. So now the difference between the 9/11 families and what has happened down in the South is the fact that these individuals are poor, that they are still in the recovery process, and they have not been heard from yet. They have not been heard from. I think it is important that we give those individuals voice.

I am not saying just Democrats that are concerned about individuals that are affected in affected areas. I am talking about Members of Congress giving them voice to allow them to not ever go through this again and also make sure that they do not become victims when we have contractors with no restraints, no-bid contracts. They can run the tab up to whatever they can run it up to, and then the President is going to waive Davis-Bacon which allow the people in the recovery process to receive minuscule wages, not what they would ordinarily get from Federal procured work.

I think it is important. The differences:

A. coming back here in session, it would have happened without hesitation if Democrats were in the majority.

B. Michael Brown would have gone to another job long before because the pressure, and there probably would have been a vote to remove the director, putting pressure on the White House to get someone more qualified.

C, we would have a 9/11-type commission appointed today to start pulling itself together to do the work and make sure this never happened began.

D, the procurement issue, it would not be an issue because there would be proper oversight. These are very serious issues.

The only reason I am saying Democratic leadership versus Republican leadership, because that is exactly the direction we are going in now. The votes that are going down here are partisan votes, not votes on behalf of what we know. We are not talking about a Truman Commission or something that happened 20 or 40 something years ago. We are talking about a 9/11 Commission that is still doing its work, and it is the same administration and the same majority side in Congress.

I am asking for the Members of this House on both sides of the aisle and for the American people not to give up on these poor people. That is the bottom line. Do not give up on them. They are not giving up on us. The American people, community after community, are taking care of the evacuees, taking care of these Americans, but we need to make sure that the government that they pay taxes to, that their children are fighting in a war for, making sure that they are not left behind because they do not have the economic means to be able to come up here to Washington and say we want a commission, we want it now, we want to make sure this never happens for my husband, my neighbor, for my family, for a family member or just someone who is unrepresented in this process.

Mr. RYAN of Ohio. Mr. Speaker, The Washington Post reported, just to support the gentleman's argument, five of the eight top Federal management agency officials came to their posts with virtually no experience in handling disasters and now lead an agency whose ranks of seasoned crisis managers have thinned dramatically since 9/11. Five of the top eight FEMA people had no emergency management experience at all. What did we think would happen if we had this kind of tragedy?

I still say it had a lot to do with the number of electoral votes in Louisiana and Mississippi than anything else. Because if it was Florida, with all due respect, they would have been there with billions of dollars prior to. If it was an election year, everybody would be down there, and the President's brother would be running around campaigning.

I think it is terrible that we have this kind of cronyism going on. We understand. We are not simpletons. We know that a President appoints his friends who make a lot of donations to posts in the executive branch. We know that. That is how it goes. But to appoint these people to FEMA? During a rise in hurricanes? Come on. It is irresponsible.

As far as the committee goes, as far as having a committee, CNN Gallup Poll taken a few days ago, 70 percent of the American people supported an independent panel to investigate our response to Hurricane Katrina. That is 70 percent of the American people, 70 percent of those responding. I think it is important for this body to recognize that this toothless tiger, this paper tiger that we passed today, H. Res. 437, is not what the American people want. They want an independent investigation, bipartisan, equal power among both parties to investigate it so there is no coverups, no whitewashing going on. That is what the American people want.

Mr. Speaker, I would like to start talking about something that I think is very important. We are going to do this. This country is going to make sure that we rebuild. The problem that we were talking about with the administration is a big hurdle for us. The money is another hurdle. I cannot believe that with all of the challenges that we have right now in this country that this President cannot go to the wealthiest Americans, his top campaign contributors, and ask them to give back just a wee little bit of their tax cut that they got over the past 4 or 5 years, just a wee little bit to help us fund Hurricane Katrina, to help us fund the war.

We are giving millionaires hundreds of thousands of dollars back, and our deficit is ballooning. Now, today, it is reporting we are going to need another $50 billion to keep the war fund going. We are already hundreds of billions of dollars into the war, and now we have Hurricane Katrina. Hindsight is 20-20, but you do not get into elective wars that bog you down because you just never know what is going to happen.

□ 2015

We do not overextend ourselves, because we do not know when a Katrina is going to happen, when a national tragedy is going to happen. That is prudent leadership.

And now we are running budget deficits as far as the eye can see. We are borrowing the money from the Chinese and the Japanese. We are giving our country away, and we have got to pay interest on it. And one would think, and I hope, as the President is talking right now, that somewhere in his speech he has the guts to ask the wealthiest people in the country to help us here because we need help.

I ask the President to take the leadership role that the American people have given him and have the guts to ask the wealthiest people in the Nation to help us rebuild the gulf coast, to help us fund this elective war that he got us into. We pay them back. They have got their tax cuts. We do not even have to take all of them back. We just need a few hundred billion dollars to pay for the war and to pay for Katrina. Have the guts to ask them for it. If they are in the health care industry, I am sure they are doing okay. If they are in the oil industry, I am sure they are doing just fine. Record profits as far as the eye can see in the oil industry. The greatest quarterly profits: billions and billions and billions of dollars for BP and a lot of these other folks. The big money people are doing okay. But those little kids on the covers of those magazines, those are the ones that we need to help. And to not have the courage to ask the wealthiest people in the country to help out, I think, is poor leadership.

So I think as much as we are talking about restructuring and trying to figure out what we are going to do and how we are going to make the government run more efficiently and how we are going to take care of FEMA and fix the problems that we have been talking about here the past few weeks, a component of that is what are we going to do with our budget deficit. Because, again, this was something we have been talking about with the 30-somethings for months and months and years even now. So I ask the President to please ask these people to contribute. They are the only ones doing really well in the country right now. Ask them to help out.

I am sure in the gentleman from Florida's (Mr. MEEK) district, as in my mine, people who do not have a lot of disposable income are the ones bringing the canned goods. And I am not saying that the wealthy people are not doing it. Of course they are. But right now our government needs funds, and we need the wealthiest in the country to contribute. And we have got to have a President that is willing to ask them to help out. And to see the disparity between those who have and those who do not highlighted through this whole tragedy, I think, really is a call for all of us in public office, especially those in high-ranking leadership positions, like the President, to make the proper request; and we need to ask those who have been doing very well to contribute to this fund.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, we have central time in the affected area, eastern time. I know that the President is going to be on 8 o'clock central, but he is going to be on at 9 o'clock eastern. But, obviously, he will be coming on very shortly. But I think it is important that it is not the words he is going to share with the American people tonight. It is the action. We have to look at the action or the lack thereof that has been taken thus far.

Flying down, reviewing the devastation, talking to families, we have to go far beyond that. We have to make sure that Members of this Congress feel what we feel here on this floor tonight, having an opportunity to touch these individuals.

And I just want to say, Mr. Speaker, this is a picture of, I may say, very fortunate individuals. This is a FEMA trailer down in Hancock County, Mississippi. I am standing there talking to one of the FEMA part-time workers. And there is a row of people actually behind us. There are maybe 10 phones in this trailer. But these individuals waited about 2 hours, and that is the short line, to get the assistance. They say that it should be 48 hours, 72 hours when it goes into their bank account. Many of these individuals, some of them returned back because they applied 3 days earlier and they still did not receive the assistance.

But I think it is important for us to realize, Mr. Speaker, that he mentioned the poll about putting an independent commission together. Because it is one thing to be able to say I will do my investigation and we will make sure that this never happens again and the gentleman from Ohio (Mr. RYAN) is my good friend and I am going to make sure that he did what he was supposed to do. I do not think we are going to get down to the real truth about how we can avoid this from happening in the future, the governmental response, also making sure that the nonprofit agencies that we tie in with, that they did what they were supposed to do.

As it relates to the evacuation of poor people, there was a bill dropped down today on the Democratic side of the aisle that called for a response plan, an evacuation plan for the poor, for the elderly, for the individuals that need assistance the most, because what we saw in New Orleans, what we saw in Louisiana, what we saw in Mississippi, the individuals that were left behind were the individuals who did not know where their next $5 was going to come from or were waiting on their check to come in or did not have a car to get out, and it is catastrophic.

So for us to be the last standing superpower, for us to have a President that we call the leader of the Free World, and for us to allow this to happen to Americans is shameful. That is not what I am saying. That is what weekly periodicals are saying. That is what the headlines on newspapers are saying. That is what everyday Americans are saying.

Some folks say it has a lot to do with the fact that people just did not listen to us. Well, there are a lot of people who did listen, and there are a lot of people that are somewhere else, at a cousin's house right now; but their homes are gone. Many of them did not even have insurance because their homes were paid for or they could not afford it.

Mr. Speaker, the bottom line here tonight is that we cannot allow business as usual or "the establishment" to sweep this under the carpet. We are not saying that blood is on anyone's hands. We are not saying that. What we are saying is that we cannot afford for it to happen again. That is the bottom line.

So I think, Mr. Speaker, before we leave here tonight, we need to make sure that we give the e-mail address out. We need to make sure that Members know on both sides of the aisle that we have a responsibility to stand for these individuals. If somebody wants to do something, I think they need to help these individuals in the South. They need to help these individuals who do not have the means to come to Washington to organize themselves and ask for a government-sanctioned, funded independent commission to be able to make sure that someone's husband or wife does not run out of oxygen because the levees broke and because we could not reach them and that instead they sat in their homes for 3 days and perished.

On their memory, on behalf of them, make sure that does not happen again. Like in the charity hospital where 35 or 40 folks perished because the levees broke and we could not do anything, and we come to find out that those individuals did not even drown. They just expired. They did not get health care. The power ran out. The generator was out. All of this could have been avoided. All of this could have been avoided with the proper oversight and governance. So we need individuals that are professionals in this field to make sure that this never happens again.

Mr. Speaker, I will just go ahead and say for those individuals that felt that the resolution that we passed today was the best thing since sliced bread and they are on the plane on the way back to their districts or what have you, off for the weekend, that they did their part, now they go home and do what they have got to do in their district, that is fine. But I think they should have a conscience, a conscience on the fact that these individuals are not getting their just due, and they are not getting represented, and they are not getting what they deserve as Americans.

They are not refugees. They are Americans; and I will tell the Members right now, if we leave these individuals behind, if we leave these individuals behind, because I am going to tell the Members right now I do not think the American public will allow that to happen. I am going to be positive on this. When one is a leader and they say, okay, we thought we did something, maybe we need to revisit this thing one more time. I think that is important. And if one is in power to be able to make that happen, then so be it.

The 1964 Civil Rights Act, the 1965 Voting Rights Act never would have been if it were not for the people out in the streets making it happen. If it were not for black and white people of goodwill saying that somebody like me can have an opportunity to come to the Congress and give a Special Order to talk about the very individuals who cannot represent themselves; if it were not for those individuals, white and black, people in the North saying something is not right in the South and we are going to risk our lives to get the attention of the government that they pay taxes to allow them to have the kind of representation they deserve, this is far deeper than the resolution on the last day of a work week.

The last vote we take, and folks go home like it is another day at the office, I am sorry. If these individuals had the means to be able to make the political contributions, maybe they would get the attention of the majority of the House. I am talking about majority on both sides of the aisle. Maybe it would be different. But all they did was they voted for representation, and they salute the same flag that we solute every day here in this House, and they deserve the representation.

I am disturbed, Mr. Speaker. I am disturbed, by the fact they are partisan votes that are going on the other side of the Congress and in this House as though it is just another piece of legislation. It is something we disagree on. Americans have lost their lives. Americans are displaced. Children are displaced. People ran out of oxygen. Folks ran out of insulin. People are wrapped up on the side of the road, and bodies are still floating; and we leave on our way to a picnic like it is nothing.

Maybe all of us have made our contributions to the best 501(c)(3) or the relief effort that we wanted to. I know I have. But I will tell the Members this: it goes far beyond that. It goes far beyond that.

So I think the 30-something Working Group has to continue to do our part. We have to continue to do our part.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, he highlighted a point. This outfit that is in the executive branch right now, it is all politics. It is all politics all the time. It is not about policy. It is all about politics and trying to keep the Republicans in the majority. And I think when we see that five out of eight of the top appointments at FEMA are political hacks, I think when we look at passing a drug bill that does not have any cost controls for the drugs, does not allow for reimportation, all politics all the time. Weapons of mass destruction, go through all the war information we had before, all politics all the time. How do we sell this to the American people? Whether it is true or not, irrelevant. We need to go to war, and we are going to say whatever we have to say to get it done.

Now, as the gentleman mentioned earlier, talking about Davis-Bacon, Davis and Bacon were two Republican Members of Congress who passed a prevailing wage law that allows for when Federal money is being spent in a certain area that the Feds will pay the prevailing wage of that area for the workers. Because if they are paying Federal money, then they should obviously be paying for whatever the going rate is in that area.

So what the President did was he repealed the prevailing wage provision, basically saying that we are not going to have any oversight over the contractors. We are going to send them billions of dollars. Halliburton is going to get their money. We are going to pay them whatever we have got to pay them, $50 billion, $100 billion without any oversight from a bipartisan commission here; and at the same time as we are not overseeing what the contractors are doing. We are going to repeal the basic provision that allows for workers to at least make a decent wage in that area.

And today in the Hill newspaper, these gentlemen from Americans for Tax Reform are saying that this repeal will make it obvious that Davis-Bacon is nothing but dead weight. So here these guys are wasting all of their time, all their energy on putting the screws to the workers, guys in New Orleans that are now living in Baton Rouge or in Mississippi or in Houston who want to go back home and help rebuild their community and make the going rate in their community, the prevailing wage in their community, and these guys are wasting all their time and energy trying to screw them to the wall instead of overlooking and seeing what Halliburton is doing.

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We are using the same administrative process with the reconstruction of Katrina as we have been using in the war, which wasted billions of dollars, no oversight of Halliburton, no oversight of all of these people who make tremendous contributions back to the President; and to have the audacity, with the great human tragedy that is there and the human suffering there, to say that you are going to waste your time and your energy making sure the workers do not get their fair share because that is dead weight, that is wasteful government spending.

These are the people who are going to go back and be able to actually do some work. It is tremendous. It is unbelievable. It is all politics all the time with these guys, and this is just one more component of that. They want to get rid of the unions, they want to get rid of prevailing wage. This one gentleman in here, he says something along the lines of it is a waste of money because the Federal money will go to the worker and if it is a union worker, the union worker will pay union dues per hourly wage. You have to be kidding me. These union workers pay like 5 cents an hour to go for the union dues, 10 cents an hour, it depends on what union you are in. But to say that this is somehow going to bankrupt the government by paying a gentleman or a woman the prevailing wage and, at the same time, billions and billions and billions are getting wasted without any kind of oversight from a select committee in Congress is a joke, and I think it just keeps reinforcing "all politics all the time."

Mr. MEEK of Florida. Mr. Speaker, the gentleman is 110 percent right. The gentleman from Ohio mentioned an issue about being nonpartisan and being, I would say, third-party validators, I just want to make sure we are clear. On the commission procedural vote here on this House floor that was voted down, for us to have this week, voted down for us to have a 9/11 kind of a commission, I believe that was today; and yesterday, there is an article, and I will give it to the Members just in case they were not watching the Senate, www.sfgate.com, there is an article: "Senate Kills Bid For Katrina Commission."

Now, let me tell my colleagues something. This is nothing that we did; this is something that the majority did. If they wanted to get to the bottom of it and to make sure that it never happens again and to make sure that Americans do not have to watch the horror, the horror of people dying and bodies floating, not because of Katrina, but because of lack of response, because the levee broke and because of a lack of administrative duties and governance on all levels; if we do not want that to happen again, why are we not passing a 9/11 kind of commission for the people in the gulf States?

They do not want to hear a speech. They do not need to hear, oh, we are going to do this, that, and the other. We are at war right now. We have men and women right now with sand in their teeth and bombs blowing up every day around them, away from their families, some have family in the affected area. I just want to give credit where credit is due; some of them had an opportunity to come back and check on their families. But let me just say, we have to go far beyond allowing business as usual.

I call on the Members and the American people again not to allow this to be swept under the carpet, not to allow individuals to sit up here and set the deck because these individuals are poor. We are better than that, and I know that we are going to do it.

Mr. Speaker, I want the gentleman from Ohio to give our e-mail address out. I know our hour is coming to a close. But I will tell my colleague, I am encouraged. I am encouraged because the American people, some 70 percent of them say they want an independent commission, and it is not a partisan issue. Those are Democrats and Republicans. I am encouraged that the democratic leader, the gentleman from California (Ms. PELOSI) is willing to stand in there against the wind for what the American people believe in and not allow business as usual. I am encouraged. I am encouraged by the fact that people are not only praying on behalf of these individuals, but the American people have taken action on behalf of them, making sure that they have the things that they need. Throughout the country people are bringing people into their homes, paying rent for them as they are displaced at this particular time. I am encouraged. I am encouraged by the fact that these victims, many of them have praying grandmothers to make sure that they are even able to stand up and go through the trials and tribulations that they have gone through and they still go through. I am encouraged by that.

So, I say that every time that we have an opportunity to come to this floor and speak as free Americans in this democracy, we are going to give those individuals voice. I am glad that there is some leadership on this floor that sees the importance in that.

Mr. RYAN of Ohio. Mr. Speaker, I am going to make a prediction. The hour is late, but I am going to make a prediction. The American people will not allow, will not allow the Republican Party to get away with having another white wash. They are not going to allow them to scrub this up and cover this up and clean it up without having proper oversight. Seventy percent of the people in this country want an independent commission to look at this, or a bipartisan commission to look at this. And I think until that happens, the Republican Party will continue to get pressure from the American people.

I think the gentlewoman from California (Ms. PELOSI) is going to stand strong. And, quite frankly, again, we should not appoint anybody to this commission. Eleven Republicans, nine Democrats, we do not have an ounce of power on this thing, and we will get slammed just like we do every day down here, and the end result will be a FEMA that continues to be inept and inadequate in its response to natural disasters.

So I say that the American people, that 70 percent of them who want this independent commission will not let this go, will not let the corruption and the cronyism continue. Mr. Speaker, 30somethingdems@mail.house.gov., send us an e-mail. We will be back here next week for a couple more nights and keep hammering away. We are not going to let go until we get the kind of commission that the American people want, that is only fair, and that will best fix the problems that we have in FEMA right now, because it will have proper oversight.

Mr. MEEK of Florida. Well said. I say to the gentleman. I thank my colleague for joining me in this (special order) this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COOPER (at the request of Ms. PELOSI) for today after 2 p.m.

Mr. TANNER (at the request of Ms. PELOSI) for today on account of a family funeral.

Mr. ISTOOK (at the request of Mr. DELAY) for today on account of observing relief operations from Hurricane Katrina.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today on account of illness.

Mr. PICKERING (at the request of Mr. DELAY) for today after 12:30 p.m. on account of traveling to his district with the President of the United States to survey hurricane damage.

Mr. ROGERS of Michigan (at the request of Mr. DELAY) for today on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mrs. MYRICK, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, September 20 and 21.

Mr. GUTKNECHT, for 5 minutes, September 22.

Mr. POE, for 5 minutes, September 20, 21, and 22.

Mr. NUSSLE, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. THOMPSON of Mississippi and to include extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $3,034.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 276—An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, September 19, 2005, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3909. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005-06 Early Season (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3910. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3911. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3912. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander, Central Population (RIN: 1018-AT68) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3913. A letter from the Assistant Secretary, Land and Minerals Management, OSM, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-124-FOR] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3914. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Evaluation of Economic Exclusions From August 2003 Final Designation (RIN: 1018-AU06) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3915. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing Roswell springsnail, Koster's springsnail, Noel's amphipod, and Pecos assiminea as Endangered with Critical Habitat (RIN: 1018-AI15) received August 12, 1005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3916. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Monterey Bay and Humboldt Bay, CA. [COTP San Francisco Bay 04-003] (RI: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-05-072] (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Humboldt Bay Bar Channel and

Humboldt Bay Entrance Channel, Humboldt Bay, CA [CGD11-05-006] (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-102] (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Rock Island, IL [CGD08-05-025] (RIN: 1625-AA9) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA [CGD05-05-041] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Skidaway Bridge (SR 204), Intracoastal Waterway, mile 592.9, Savannah, Chatham County, GA [CGD07-04-124] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA [COTP San Francisco Bay 05-006] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-05-031] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Massalina Bayou, Panama City, FL [CGD08-05-040] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Alexandria, VA and Oxon Hill, MD [CGD05-05-093] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Curtis Creek, Baltimore, MD [CGD05-05-094] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-05-080] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York, New York Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-079] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-078] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Carquinez Strait, Martinez, CA [CGD11-05-019] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Petaluma River, Blackpoint, CA. [CGD11-05-023] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-061] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulations; Berwick, Bay, (Atchafalaya River) Morgan City, Louisiana [CGD08-05-029] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Pascagoula River, Pascagoula, Mississippi [CGD08-05-033] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Baldwinsville Fireworks, Baldwinsville, N.Y. [CGD09-05-108] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Northerly Island, Chicago, IL [CGD09-05-118] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, Maryland [CGD05-05-101] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project. [CGD13-05-033] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Irish Festival Currach races, Lake Michigan, Milwaukee, WI. [CGD09-05-115] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Program Analyst, FAA, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-20799; Directorate Identifier 2004-NM-264-AD; Amendment 39-14212; AD 2005-16-07] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30447; Amdt. No. 3124] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establish Class D Airspace; Front Range Airport, Denver, CO [Docket FAA 2005-20248; Airspace Docket 05-AWP-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Federal Airways; AK [Docket No. FAA-2004-19851; Airspace Docket No. 04-AAL-13] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Compulsory Reporting Point; MT [Docket No. FAA-2005-21907; Airspace Docket

No. 05-ANM-11] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of Class C and Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of the Class D and Class E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Abilene Municipal Airport, KS [Docket No. FAA-2005-21871; Airspace Docket No. 05-ACE-25] received August 23.2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Storm Lake, IA [Docket No. FAA-2005-21337; Airspace Docket No. 05-ACE-16] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency for Restricted Area R-2531; Tracy, CA [Docket No. FAA-2005-21957; Airspace Docket No. 05-AWP-8] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace: Brunswick, ME; Correction [Docket No. FAA-2005-21141; Airspace Docket No. 05-AEA-11] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2005-20873; Directorate Identifier 2005-NM-026-AD; Amendment 39-14213; AD 2005-16-08] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 25, 35, and 36 Airplanes [Docket No. FAA-2005-20798; Directorate Identifier 2004-NM-257-AD; Amendment 39-14214; AD 2005-16-09] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives: Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2005-21088; Directorate Identifier 2004-NM-267-AD; Amendment 39-14215: AD 2005-16-10] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-21184; Directorate Identifier 2004-NM-111-AD; Amendment 39-14211; AD 2005-16-06] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 206A and 206B Helicopters [Docket No. FAA-2005-21230; Directorate Identifier 2004-SW-51-AD; Amendment 39-14209; AD 2005-16-04] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself, Mr. McKeon, Mr. Tiberi, Mr. George Miller of California, Mr. Kildee, and Mr. Hinojosa):

H.R. 3784. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3785. A bill to amend the Internal Revenue Code of 1986 to exempt from personal use rules the use of vacation property as a residence for persons displaced by Hurricane Katrina; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. McCrery, Mr. Jefferson, Mr. Alexander, Mr. Jindal, Mr. Boustany, Mr. Melancon, and Mr. Wicker):

H.R. 3786. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Ms. Linda T. Sánchez of California, Ms. Kaptur, Mr. McGovern, Ms. Baldwin, Mr. Rush, and Ms. DeLauro):

H.R. 3787. A bill to direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs; to the Committee on Education and the Workforce.

By Mr. COLE of Oklahoma (for himself, Mr. Boehner, Mr. Jindal, Mr. Baker, Mr. Alexander, Mr. Boustany, Mr. Wicker, Mr. Pickering, and Mr. McKeon):

H.R. 3788. A bill to permit the Secretary of Education to waive the consecutive service requirements of the loan forgiveness program for teachers whose employment is interrupted by the major disaster caused by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3789. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and the Workforce.

By Mr. KIND:

H.R. 3790. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate income tax overpayments to support relief efforts in response to Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mrs. Capps, and Ms. Baldwin):

H.R. 3791. A bill to provide for the deferment of acquisition of petroleum for the Strategic Petroleum Reserve under certain circumstances; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio (for himself and Mrs. Capps):

H.R. 3792. A bill to provide for the establishment of a Gasoline Availability Stabilization Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CAPPS:

H.R. 3793. A bill to ensure that predisaster hazard mitigation continues beyond 2005; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself and Mr. Rush):

H.R. 3794. A bill to require the Secretary of Housing and Urban Development to make single family properties held by the Department pursuant to foreclosure under the FHA mortgage insurance program available for occupancy by families displaced by Hurricane Katrina; to the Committee on Financial Services.

By Mr., FERGUSON (for himself, Mr. Pickering, Mr. Chocola, Mr. Inslee, Mr. Gerlach, Mr. Wilson of South Carolina, Mr. Holden, and Mr. Van Hollen):

H.R. 3795. A bill to amend title XVIII of the Social Security Act to modify the definition of outpatient speech-language pathology services in order to recognize speech-language pathologists as suppliers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the

Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORD:

H.R. 3796. A bill to establish the AmeriCorps Disaster Relief Corps to carry out national service projects that address the needs arising from the consequences of Hurricane Katrina, and other major disasters and emergencies; to the Committee on Education and the Workforce.

By Mr. GOHMERT (for himself, Mr. HOSTETTLER, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. SHADEGG, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. GUTKNECHT, Mr. TANCREDO, Mr. GOODE, Mr. MCHENRY, Mr. FEENEY, Mr. CHABOT, Mr. MARCHANT, and Mr. BARTLETT of Maryland):

H.R. 3797. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space for the United States Government until January 1, 2007; to the Committee on Transportation and Infrastructure.

By Ms. GRANGER:

H.R. 3798. A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the monthly rates of the basic allowance for housing and the cost-of-living allowance for members of the uniformed services in response to sudden increases in energy and gasoline prices; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas:

H.R. 3799. A bill to provide for the establishment of an independent, Presidentially-appointed Commission to assess the circumstances related to the damage caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself and Mr. LATOURETTE):

H.R. 3800. A bill to amend title XIX of the Social Security Act to extend for 1 year the qualified individual (QI) program of Medicare cost-sharing assistance to low-income Medicare beneficiaries; to the Committee on Energy and Commerce.

By Mr. LAHOOD:

H.R. 3801. A bill to reduce temporarily the duty on sulfentrazone; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself, Mr. GEORGE MILLER of California, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mr. ISRAEL, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Ms. SCHWARTZ of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. WATT, Mr. PAYNE, Mr. JEFFERSON, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. OWENS):

H.R. 3802. A bill to provide student loan forgiveness to the surviving spouses and parents of the victims of Hurricane Katrina; to the Committee on Education and the Workforce.

By Mrs. MCCARTHY:

H.R. 3803. A bill to amend the Internal Revenue Code of 1986 to allow certain surviving spouses to exclude up to $500,000 of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mrs. MCCARTHY:

H.R. 3804. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for expenses related to identity theft; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. RYAN of Ohio, and Mrs. MCCARTHY):

H.R. 3805. A bill to establish within the Office of the Inspector General of the Department of Homeland Security the Special Office of the Inspector General for Natural Disaster Response and Reconstruction; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Government Reform, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 3806. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mr. NEY:

H.R. 3807. A bill to amend the Clean Air Act to create a uniform national standard for gasoline, to eliminate "boutique" fuels, to require the Secretary of Energy to construct, and sell to private businesses, 15 new gasoline refineries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEY:

H.R. 3808. A bill to amend title 18, United States Code, to provide criminal penalties for price gouging during times of disaster; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. MELANCON, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. BACA, Mr. HOLDEN, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. CASE, Mr. CUELLAR, Mr. DAVIS of Tennessee, Ms. HERSETH, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. CARDOZA, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. BUTTERFIELD, Mr. COSTA, Mr. SALAZAR, Mr. BOSWELL, Mr. CHANDLER, Mr. ORTIZ, Mr. FILNER, Mr. BARROW, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. POMEROY, Mr. BECERRA, Mr. OBERSTAR, Mr. GRIJALVA, Mr. REYES, Ms. CORRINE BROWN of Florida, and Ms. KAPTUR):

H.R. 3809. A bill to respond to Hurricane Katrina and other natural disasters in 2005 that adversely affect food assistance, agricultural producers and households, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3810. A bill to establish a Special Inspectors General Council for Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 3811. A bill to terminate the effect of laws prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activities for any area of the Outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Mr. POMBO:

H.R. 3812. A bill to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3813. A bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself and Mr. MCHUGH):

H.R. 3814. A bill to ensure that highway safety signs within 5 miles of a border checkpoint in the United States are bilingual; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Mr. PASCRELL, and Mr. MEEK of Florida):

H.R. 3815. A bill to ensure that communities are prepared for evacuation in case of a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado:

H.R. 3816. A bill to reestablish the Federal Emergency Management Agency as an independent agency and to require that its Director be adequately qualified; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 3817. A bill to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself and Mr. UDALL of New Mexico):

H.R. 3818. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System lands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. RUSH, Mr. PUTNAM, and Mr. COLE of Oklahoma):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress that the United States should expand trade opportunities with Mongolia by initiating negotiations to enter into a free trade agreement with Mongolia; to the Committee on Ways and Means.

By Mr. ISSA:

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HALL (for himself, Mr. BROWN of Ohio, Ms. HARRIS, Mr. ISSA, Mr. LEVIN, Ms. GRANGER, Ms. DELAURO, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Ms.

BALDWIN, Mr. COOPER, Mr. WAXMAN, and Mr. DINGELL):

H. Res. 444. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. DELAY:

H. Res. 445. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. MALONEY:

H. Res. 446. A resolution recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA in preparing for the launch of Space Shuttle Discovery on STS-114; to the Committee on Science.

By Mr. BROWN of Ohio (for himself, Ms. MILLENDER-MCDONALD, and Ms. SLAUGHTER):

H. Res. 447. A resolution permitting the use of the frank for mailings which include solicitations for charities responding to a major disaster which is the subject of a Presidential declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H. Res. 448. A resolution recognizing the suffering of both Israelis and Palestinians and acknowledging the sacrifices made in the interest of peace by the Israeli settlers who left the Gaza Strip voluntarily, and for other purposes; to the Committee on International Relations.

By Mr. TIERNEY (for himself and Mr. LEACH):

H. Res. 449. A resolution to create a select committee to monitor and investigate the awarding and carrying out of contracts related to the relief and reconstruction efforts in response to Hurricane Katrina; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GONZALEZ:

H.R. 3819. A bill For the relief of Vicente Beltran Luna; to the Committee on the Judiciary.

By Mr. LINDER:

H.R. 3820. A bill to clarify section 1511 of the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Ways and Means.

By Mr. PASTOR:

H.R. 3821. A bill for the relief of Alejandra Arias Martinez; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3822. A bill for the relief of Milton De Jesus Marroquin; to the Committee on the Judiciary.

By Mr. WEXLER:

H.R. 3823. A bill for the relief of Alcibiades Velasquez Olarte, Paulina Garzon de Velasquez, Luis Eduardo Velasquez Garzon, Sandra Pena Escobar, Nicholas Jose Velasquez Pena, Luis Felipe Velasquez Pena, Miguel Antonio Velasquez Garzon, Rocio Suarez Mendez, Michelle Camila Velasquez Suarez, Maria Hilma Velasquez Garcon, Teresa Velasquez Garcon, Sandy Paola Olarte Velasquez, Flor Ines Velasquez Garzon, Ramon Domingo Claro Correa, Sebastian Camilo Claro Velasquez, Marina Velasquez Garzon, and Clara Imelda Velasquez Garzon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mr. REYES.

H.R. 145: Mr. MCCOTTER.

H.R. 146: Mr. MCCOTTER.

H.R. 147: Ms. WASSERMAN SCHULTZ, Mr. STUPAK, and Ms. VELÁZQUEZ.

H.R. 226: Mr. MEEKS of New York, Mrs. MCCARTHY, and Mr. LARSON of Connecticut.

H.R. 302: Mr. WU.

H.R. 331: Mr. ENGLISH of Pennsylvania.

H.R. 356: Mr. TAYLOR of North Carolina and Mrs. SCHMIDT.

H.R. 363: Ms. CARSON, Mr. LANTOS, Mr. BERRY, and Ms. SLAUGHTER.

H.R. 376: Mr. REYES.

H.R. 445: Mr. MARSHALL.

H.R. 551: Mr. CAPUANO.

H.R. 552: Mr. CONAWAY.

H.R. 583: Mr. LATOURETTE, Mr. GERLACH, and Mr. TIBERI.

H.R. 691: Ms. FOXX.

H.R. 698: Mr. KING of Iowa and Mr. CONAWAY.

H.R. 759: Mr. CAPUANO and Ms. VELÁZQUEZ.

H.R. 813: Mr. GRIJALVA and Mr. LARSON of Connecticut.

H.R. 819: Mr. GENE GREEN of Texas.

H.R. 874: Mr. GOODE.

H.R. 885: Mr. MARKEY, Mr. BILIRAKIS, Mr. WATT, and Mr. FORTUÑO.

H.R. 896: Mr. SMITH of Washington.

H.R. 920: Mr. BRADY of Texas.

H.R. 923: Mr. BOUSTANY.

H.R. 925: Mr. HERGER and Mr. CALVERT.

H.R. 1002: Mr. RYAN of Ohio, Mr. WEXLER, and Mr. PRICE of North Carolina.

H.R. 1100: Mr. MARCHANT.

H.R. 1121: Mr. KNOLLENBERG.

H.R. 1131: Mr. LAHOOD, Mrs. TAUSCHER, Mr. STARK, Mr. DICKS, and Mr. PETERSON of Minnesota.

H.R. 1153: Ms. DELAURO and Mr. JEFFERSON.

H.R. 1201: Mrs. DAVIS of California.

H.R. 1204: Mr. BISHOP of New York, Mr. GILLMOR, and Mr. TOM DAVIS of Virginia.

H.R. 1282: Mr. BROWN of Ohio, Mr. ORTIZ, and Mr. WAMP.

H.R. 1298: Mrs. JONES of Ohio, Mrs. CAPPS, and Mr. BURTON of Indiana.

H.R. 1329: Mr. PASCRELL, Mr. MENENDEZ, Mr. EVERETT, Mr. PAYNE, Mr. MILLER of North Carolina, Mr. SABO, Mrs. DAVIS of California, and Ms. BERKLEY.

H.R. 1376: Mr. LOBIONDO.

H.R. 1390: Mr. GENE GREEN of Texas, Mr. LANTOS, Mr. REYES, and Ms. LINDA T. SÁNCHEZ OF CALIFORNIA.

H.R. 1409: Mr. TOWNS.

H.R. 1426: Ms. BEAN.

H.R. 1522: Mr. RYAN of Ohio.

H.R. 1545: Mr. MEEK of Florida.

H.R. 1548: Mr. PAUL, Mr. UPTON, Mr. KINGSTON, Mr. COSTA, and Mr. LEWIS of Kentucky.

H.R. 1558: Mr. EVERETT.

H.R. 1598: Mr. BISHOP of Georgia.

H.R. 1607: Ms. HART.

H.R. 1634: Mr. WESTMORELAND.

H.R. 1691: Mr. PETRI, Mr. RYAN of Wisconsin, Mr. OBEY, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. SENSENBRENNER, and Mr. KIND.

H.R. 1707: Mr. PALLONE, Mr. DOGGETT, and Mr. FRANK of Massachusetts.

H.R. 1749: Mr. KING of Iowa, Mr. GOODE, and Mrs. MUSGRAVE.

H.R. 1770: Mrs. CAPITO.

H.R. 1851: Mr. HOLDEN.

H.R. 1898: Ms. HARRIS.

H.R. 1986: Mr. SHADEGG.

H.R. 2014: Mr. MOORE of Kansas.

H.R. 2045: Mr. SOUDER.

H.R. 2121: Mr. MCCOTTER, Mr. TERRY, Mr. BEAUPREZ, and Mr. PAUL.

H.R. 2209: Mr. POMEROY and Mr. STUPAK.

H.R. 2211: Mr. BROWN of South Carolina.

H.R. 2238: Ms. HERSETH.

H.R. 2258: Mrs. WILSON of New Mexico.

H.R. 2317: Mr. HONDA, Mr. SODREL, Mr. REYES, Mr. BARTLETT of Maryland, Mr. LEWIS of Georgia, Mr. WELDON of Florida, and Mr. BRADY of Texas.

H.R. 2356: Mr. SANDERS, Mr. ROHRABACHER, Mr. MORAN of KANSAS, and Mr. VAN HOLLEN.

H.R. 2363: Mr. ROHRABACHER, Mr. HERGER, Mr. ISSA, and Mr. CALVERT.

H.R. 2389: Mrs. SCHMIDT.

H.R. 2533: Mr. OSBORNE, Mr. STUPAK, and Mr. PETERSON of Minnesota.

H.R. 2631: Mr. MEEKS of New York.

H.R. 2661: Mr. EDWARDS.

H.R. 2662: Ms. NORTON.

H.R. 2669: Mr. EVERETT, Mrs. TAUSCHER, and Mr. PAYNE.

H.R. 2673: Mr. VAN HOLLEN.

H.R. 2679: Mr. MCCOTTER, Mrs. MUSGRAVE, and Mr. MARCHANT.

H.R. 2694: Mr. REYES.

H.R. 2759: Mrs. MCCARTHY.

H.R. 2803: Mr. GILLMOR, Mr. RAHALL, Mr. BILIRAKIS, and Mr. CHOCOLA.

H.R. 2804: Mr. MICA.

H.R. 2823: Mr. GARRETT of New Jersey.

H.R. 2830: Mr. BARTLETT of Maryland.

H.R. 2926: Mr. BAIRD.

H.R. 2951: Mr. COSTA.

H.R. 2952: Mr. SESSIONS and Mr. CUNNINGHAM.

H.R. 2989: Mr. WALDEN of Oregon and Mr. CANNON.

H.R. 2990: Mr. ENGLISH of Pennsylvania.

H.R. 3005: Mr. CUNNINGHAM, Mr. DAVIS of Alabama, Mr. DENT, Mr. FORTUÑO, Mr. AL GREEN of Texas, Mr. HOLDEN, Mrs. JONES of Ohio, Mr. PLATTS, Mr. RYAN of Ohio, Mr. SERRANO, and Mr. UDALL of Colorado.

H.R. 3034: Mr. SHERMAN.

H.R. 3042: Mr. WAXMAN.

H.R. 3096: Mr. TIERNEY.

H.R. 3098: Mr. TERRY, Mr. BERMAN, Mr. BEAUPREZ, Mr. MOORE of Kansas, Mr. GARY G. MILLER of California, Mr. GINGREY, Mr. PALLONE, Mr. ISSA, Mr. CUNNINGHAM, and Mr. CARTER.

H.R. 3103: Mr. SHERMAN and Ms. WATSON.

H.R. 3128: Ms. PELOSI and Ms. ROS-LEHTINEN.

H.R. 3135: Mr. REYNOLDS.

H.R. 3138: Mrs. MALONEY.

H.R. 3162: Mr. BRADY of Texas.

H.R. 3163: Mr. PAUL.

H.R. 3260: Mr. GRIJALVA and Mr. JEFFERSON.

H.R. 3301: Ms. HART and Mr. HOBSON.

H.R. 3323: Mr. THOMPSON of California and Mr. HOLT.

H.R. 3334: Mr. SIMMONS, Mr. WYNN, Ms. SLAUGHTER, Ms. SCHWARTZ of Pennsylvania, Mr. CARNAHAN, Ms. ESHOO, Mr. HONDA, Mrs. NAPOLITANO, Mr. DOGGETT, Mr. WICKER, and Mr. HOLT.

H.R. 3352: Mrs. NORTHUP.

H.R. 3361: Mr. GARY G. MILLER of California.

H.R. 3385: Mr. SESSIONS, Mr. HAYWORTH, and Mr. PRICE of North Carolina.

H.R. 3422: Mr. PETERSON of Minnesota.

H.R. 3430: Mr. GUTKNECHT.

H.R. 3444: Mr. MILLER of Florida.

H.R. 3478: Mr. BARTLETT of Maryland, Mr. OTTER, Mr. ABERCROMBIE, and Mr. SODREL.

H.R. 3511: Mr. HALL.

H.R. 3532: Mr. KILDEE.

H.R. 3555: Mr. OWENS, Mr. MCDERMOTT, and Mr. GRIJALVA.

H.R. 3559: Mr. BOUCHER, Mr. HINCHEY, Mr. KANJORSKI, Mr. ALLEN, Mr. BISHOP of New York, Mr. VISCLOSKY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 3560: Ms. SCHAKOWSKY.

H.R. 3561: Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. PASTOR, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, and Ms. VELÁZQUEZ.

H.R. 3576: Ms. ZOE LOFGREN of California.

H.R. 3579: Mr. CROWLEY, Mr. PALLONE, Mrs. MCCARTHY, Mr. CLEAVER, and Mr. BILIRAKIS.

H.R. 3583: Mr. CROWLEY.

H.R. 3585: Mrs. MUSGRAVE.

H.R. 3639: Mr. KANJORSKI and Mr. RAHALL.

H.R. 3656: Ms. MILLENDER-MCDONALD and Ms. ESHOO.

H.R. 3659: Mr. SHERMAN.

H.R. 3667: Mr. GALLEGLY and Mr. DAVIS of Illinois.

H.R. 3690: Ms. PELOSI and Ms. CORRINE BROWN of Florida.

H.R. 3693: Mr. KUHL of New York.

H.R. 3697: Ms. MATSUI and Mr. KENNEDY of Rhode Island.

H.R. 3698: Ms. SCHAKOWSKY, Ms. SOLIS, and Ms. ESHOO.

H.R. 3708: Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. OWENS, and Mr. ETHERIDGE.

H.R. 3711: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. OWENS, and Mr. FILNER.

H.R. 3712: Mr. OWENS.

H.R. 3714: Mr. FOLEY and Mr. BOUSTANY.

H.R. 3717: Mr. DAVIS of Tennessee, Mr. MILLER of Florida, and Mr. SHUSTER.

H.R. 3737: Mr. SMITH of Washington and Mr. SOUDER.

H.R. 3742: Mr. CRENSHAW and Mr. YOUNG of Florida.

H.R. 3748: Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. BURGESS, Ms. WOOLSEY, Mr. DELAHUNT, Mr. FORTUÑO, Mr. SESSIONS, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. MENENDEZ, Mr. EVANS, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, Mr. TOWNS, Mr. MICHAUD, Mr. BACHUS, Mr. DAVIS of Illinois, and Mrs. MCCARTHY.

H.R. 3760: Ms. NORTON and Mr. SCOTT of Virginia.

H.R. 3763: Ms. LORETTA SANCHEZ of California, Mr. ROSS, Ms. HOOLEY, Ms. HARMAN, Mr. LIPINSKI, Mr. CASE, Mr. CLAY, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. DAVIS of Alabama, and Mr. MEEK of Florida.

H.R. 3764: Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. LARSON of Connecticut, Mr. BUTTERFIELD, Ms. NORTON, Mr. VISCLOSKY, Mr. COOPER, Mr. FATTAH, Mr. ORTIZ, Mr. RAHALL, and Mr. DAVIS of Alabama.

H.R. 3769: Mrs. CHRISTENSEN, Mr. BROWN of Ohio, and Mr. MCGOVERN.

H.R. 3773: Mr. JEFFERSON.

H.R. 3774: Mr. MARKEY, Mr. OWENS, Mr. NADLER, Mr. LEWIS of Georgia, Mr. FARR, and Mr. AL GREEN of Texas.

H.R. 3776: Ms. FOXX and Mr. JONES of North Carolina.

H.J. Res. 55: Mr. EVANS and Mr. MCDERMOTT.

H.J. Res. 57: Mr. GRAVES.

H.J. Res. 61: Mr. ALEXANDER, Mr. BISHOP of Georgia, Mr. KUHL of New York, Mr. CARDIN, Mr. FARR, Mr. CASTLE, Mr. BASS, Mr. OSBORNE, Mr. WEXLER, Mr. MILLER of Florida, Mrs. MILLER of Michigan, and Ms. SOLIS.

H. Con. Res. 42: Mrs. WILSON of New Mexico.

H. Con. Res. 50: Mrs. BLACKBURN.

H. Con. Res. 85: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 195: Mr. STRICKLAND, and Ms. LEE.

H. Con. Res. 210: Mr. SCOTT of Georgia, Mr. DOGGETT, Mr. OWENS, Mr. HIGGINS, Mr. LIPINSKI, Mr. TOM DAVIS of Virginia, and Mr. RAMSTAD.

H. Con. Res. 222: Mr. FITZPATRICK of Pennsylvania and Mr. CONAWAY.

H. Con. Res. 228: Ms. HART, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. SIMMONS, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. SCOTT of Georgia, Mr. BURTON of Indiana, Mr. MORAN of Virginia, Mr. HALL, Ms. MATSUI, Ms. BORDALLO, Mr. ORTIZ, Mr. BRADLEY of New Hampshire, Mr. MARKEY, Mr. RUSH, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WYNN, MR. DAVIS of Florida, Mr. DINGELL, Mrs. CAPPS, Mr. NADLER, Ms. KAPTUR, Mr. ALLEN, Mr. CLEAVER, Mr. MCHUGH, Mr. KENNEDY of Rhode Island, Mr. REYES, MR. LEVIN, Mr. COOPER, Mr. KILDEE, Ms. MCCOLLUM of Minnesota, Mr. BROWN of Ohio, and Mrs. MCCARTHY.

H. Con. Res. 230: Mr. RANGEL, Mr. BERMAN, Mr. INSLEE, Mr. FORBES, Mr. CARTER, Mr. MEEKS of New York, and Mr. MCCOTTER.

H. Con. Res. 231: Mr. SMITH of Washington.

H. Con. Res. 237: Mr. ACKERMAN, Mr. STARK, and Mr. WU.

H Res. 24: Ms. ROS-LEHTINEN.

H. Res. 192: Mr. BROWN of Ohio.

H. Res. 215: Mr. BACHUS and Mr. BARTLETT of Maryland.

H. Res. 220: Mr. LEACH, Mr. BARRETT of South Carolina, Mr. PETERSON of Minnesota, and Mr. EVANS.

H. Res. 261: Ms. WOOLSEY, Mr. BAKER, Mr. BOUSTANY, and Mr. LOBIONDO.

H. Res. 276: Mr. HINCHEY, Mr. SMITH of Washington, and Ms. SOLIS.

H. Res. 295: Mr. SKELTON.

H. Res. 316: Ms. PELOSI, Mr. FERGUSON, Ms. SCHAKOWSKY, Mrs. BONO, Mr. OTTER, Mr. DOGGETT, Ms. LORETTA SANCHEZ of California, Mr. SIMMONS, Mr. KUCINICH, Mr. HOYER, Mr. BECERRA, Mr. WYNN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. CUNNINGHAM, Mr. GERLACH, Mr. EVANS, Mr. FRELINGHUYSEN, Mr. TOWNS, Mrs. TAUSCHER, Mr. GENE GREEN of Texas, Mr. PORTER, Ms. KAPTUR, Ms. VELÁZQUEZ, and Mr. BACA.

H. Res. 323: Mr. MCHUGH and Mrs. KELLY.

H. Res. 325: Mr. HIGGINS.

H. Res. 368: Mr. SMITH of Texas and Ms. SCHWARTZ of Pennsylvania.

H. Res. 409: Mr. FLAKE, Mrs. MUSGRAVE, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 415: Mr. MCNULTY.

H. Res. 441: Mr. GENE GREEN of Texas and Mr. JEFFERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3684: Mr. WAMP.

H.R. 3763: Mr. PRICE of Georgia.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. MARSHALL on House Resolution 270: Brian Baird.

SENATE—*Thursday, September 15, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, source of goodness, forgive our departures from Your plans. We have desired to rule and not to serve. We have wanted to avenge ourselves and not forgive. We have focused on getting and not giving, on speaking and not listening. We have been too busy to spend time with You, and the voice of conscience has condemned us. We have learned too little from our mistakes. Forgive us not because of our goodness but because of Your mercy.

Today, bless our Senators with Your peace. Help them to honor You with their thoughts and actions. Prepare each of us for a future of hope and trust. We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a few moments, we will return to the consideration of the Commerce-Justice-Science appropriations bill. We are very close to an agreement which will allow us to finish that bill at an early hour today. The two managers have worked diligently over the course of the last week and this week—it has been now 2 weeks on the bill—and we are now ready to proceed to final passage after we dispose of a few remaining issues. I expect that we will line up a series of stacked votes beginning sometime around 10:45 or 11 this morning, and we will alert Senators once we lock in that time.

Once we complete the Commerce-Justice-Science appropriations bill, we will start consideration of the Agriculture appropriations bill. Senators should begin preparing for that bill and I encourage Senators to notify their respective chairman and ranking member if they intend to offer amendments. It is helpful for the two leaders and the bill managers to know in advance what amendments will be offered so that we can proceed in an orderly way.

HISPANIC HERITAGE MONTH

Mr. FRIST. Mr. President, I rise today to recognize the monthlong celebration honoring the heritage of Hispanic Americans. That monthlong celebration begins today.

Nearly 40 years ago, Congress authorized President Lyndon Johnson to proclaim National Hispanic Heritage Week. Two decades later, George Herbert Walker Bush expanded the celebration to 4 weeks. National Hispanic Heritage Month was born. Every year we set aside a month to pay special regard to the contributions of Hispanic Americans.

Over the centuries, Hispanic Americans have profoundly affected the course of human history. Their influence predates the birth of our Nation, tracing back to the first footsteps of Spanish explorers now more than 400 years ago.

DeSoto and his men were the first to discover the mighty Mississippi. Coronado's expedition unearthed the Grand Canyon. DeAnza blazed a trail from Mexico to California's Pacific coast.

Since the dawn of early explorers, millions of men and women from Mexico, Puerto Rico, Cuba, Central America, South America, and Spain have continued the tradition of settling in America. They have come in search of freedom, peace, and prosperity, and they have gotten far more than they sought.

Through the ages, Hispanic Americans have left an indelible mark on the history, the culture, and the values of our Nation. It is those values and contributions that we celebrate.

Some names stand out. David Barkley was the first Hispanic American to receive the Congressional Medal of Honor. Barkley voluntarily swam the frosty Meuse River in France during World War I to gather information behind enemy lines. He gave his life to our country, drowning on his swim back to land.

Luis Alvarez, a Nobel Prize recipient, revolutionized the safety of air travel by inventing the ground control radar system for aircraft landings.

Ellen Ochoa was the world's first Hispanic-American astronaut.

Sara Martinez Tucker, who I had the opportunity to meet at a dinner I recently hosted, her story intrigued me so much. A native of Laredo, Sara worked her way up from humble beginnings to be the first Hispanic female to hold an executive position at AT&T. Time Magazine recently named her one of the top 25 most influential Hispanic Americans. But most important is what she has done to help other Hispanic Americans realize their own dreams. As CEO of the Hispanic Scholarship Fund, she has grown the scholarship fund from $3 million tenfold to $30 million in scholarship money distributed every year, and she is not stopping there. Sara wants to nearly double the percentage of Hispanics with college degrees by 2010, and I believe with her determination, she will accomplish just that.

David Barkley, Luis Alvarez, Ellen Ochoa, Sara Martinez Tucker, Alex Rodriguez, Nancy Lopez, Richard Serra, Rita Hayworth, Cesar Chavez, Alberto Gonzales, Jose Gonzalez—I mention Jose because he has a special place in my heart. Jose was the chief surgical resident at Massachusetts General Hospital when I was in my training in Boston. I was an intern at the time. Jose walked me through my very first hernia operation, an operation I have performed many times since that first occasion, an occasion which I remember vividly, an operation I continue to perform in Africa on medical mission work.

The list goes on. There are doctors, entrepreneurs, public servants, athletes, artists, philanthropists, scientists, scholars. In all of these professions, in all of these fields, the huge contributions that have been made in the past, all have contributed to that rich fabric of American life. We are a more vibrant nation and we are a more vibrant people because of it.

These names stand out, but there are many others, large and small, who move America forward every day. They are the countless heroes who have fought in our wars, who work in our hospitals, who teach in our schools, and who serve in our Government. Many have come to America with a simple hope of a better life and through hard work they have achieved that goal. We honor their character, their determination, and their enduring optimism.

It is the spirit of the American character which gives flight to the American dream and has fueled the progress of our great Nation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Today as we begin a monthlong celebration of Hispanic heritage, I join with all Americans in recognizing the invaluable role of Hispanic Americans in shaping and enriching these United States.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

Kerry/Landrieu amendment No. 1695, to strengthen the loan, procurement assistance, and management education programs of the Small Business Administration in order to help small businesses and homeowners hurt by Hurricane Katrina meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as I mentioned a few moments ago, we will begin voting sometime around 10:45 or 11. The plans are being finalized, and we will be back with a more specific announcement as to when that time will be as we address the amendments.

MEETING PRESIDENT ALVARO URIBE OF COLOMBIA

Mr. FRIST. Mr. President, on a separate issue, I want to take the opportunity to mention a meeting I am honored to be hosting later today with Colombian President Alvaro Uribe, who is visiting our country and who will be here with us in the U.S. Capitol. He has served as Colombia's President since his election in 2002 and has done a remarkable job. I have had the privilege of meeting with President Uribe during visits, both here in Washington as well as on a trip that I took to Colombia in January of 2004. Throughout his term, the President has enjoyed high levels of popular support. He has earned it. He deserves it. He ran on the platform of public security and he has delivered.

Since his election, Colombia has seen significant decreases in homicides, decreases in crime, decreases in acts of terrorism. Coca and poppy cultivation have decreased by over a third while he served in office. President Uribe has worked hard to promote greater respect for the rule of law, institute judicial reform, and improve Colombia's record on human rights.

Colombia is one of our Nation's strongest allies and our close partnership is key to advancing U.S. interests in the Western Hemisphere. Colombia is the third most populous country in Latin America after Brazil and Mexico. Because of its size and strategic location, Colombia is a key player in regional issues. In addition, it has played an active role in multilateral institutions such as the United Nations and the Organization of American States.

The close bilateral relationship that America enjoys with Colombia centers on our efforts to counter terrorism and stop illicit drug traffic. Together, our two countries are working hard to promote stability and promote security, to promote prosperity in Colombia and the region. I look forward to discussing all of these issues with the President this afternoon.

At the top of the list, we will address the President's efforts to defeat Colombia's insurgent groups. Three main illegal armed groups operate in Colombia: The Revolutionary Armed Forces of Colombia, FARC; the National Liberation Army, or ELN; and the United Self-Defense Forces of Colombia, known as AUC. All three thrive on the illegal narcotics trade. The U.S. Secretary of State has designated all three groups as foreign terrorist organizations. For years, FARC, ELN, and AUC have terrorized the Colombian people with bombings, murders, kidnappings, extortion, hijackings, and the list goes on. They have kidnapped dozens of American citizens, and they have murdered at least 10.

Their drug-sponsored terrorist activity has created destabilizing effects on Colombia and the region and threatens the United States. The U.S. Drug Enforcement Administration estimates that more than 80 percent of the worldwide powder cocaine supply and approximately 90 percent of the powder cocaine smuggled into the United States is produced in Colombia. Colombian producers also account for 50 percent of the heroin entering the United States. The United States spends hundreds of millions of dollars each year in Colombia to train the counternarcotics forces, shore up their civilian counterdrug efforts, and help provide crop alternatives for farmers. We are getting results.

Aerial eradication alone has cut coca and poppy cultivation by a third since 2001.

Human rights is another topic that the President and I and leadership will be discussing. Members of Congress have repeatedly and rightly voiced concerns about continuing human rights violations in Colombia. FARC, ELN, and AUC are notorious culprits. I hope to learn more about how President Uribe plans to demobilize these troops and address allegations of human rights abuses within Colombia's Armed Forces.

The United States and Colombia have worked hard to build a solid foundation for a close, cooperative relationship. I look forward to hearing the President's ideas on how we can continue to work together on all of these issues of huge concern. I urge my colleagues in the Senate to continue to support President Uribe in his efforts, his convictions, his determination to fight the illicit drug trade, strengthen the rule of law, expand economic opportunity and foster peace and stability in his country and in the region.When we strengthen the security of our neighbors, we increase our security at home.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I ask unanimous consent that the pending amendments be set aside so I may call up amendment No. 1718.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1718

Mr. KYL. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1718.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KYL. Madam President, let me briefly describe what this amendment does, and then I understand the representative of the minority will interpose an objection.

This is an amendment that embodies a bill to prohibit Internet gambling and permit the enforcement of that prohibition. Most States, if not all

States. already have laws on the books that prohibit Internet gambling. The problem is that those bills are difficult to enforce by the individual State attorneys general because the Internet is ubiquitous—it is across the State lines—and the attorney general in Arizona can't go to Montana and enforce such prohibition in that State.

About 10 years ago, the State Attorneys General Association came before our subcommittee and asked for this Federal legislation so that there could be a national enforcement that would enable them to give force to all of the different States' laws prohibiting Internet gambling. We have worked on this now for a decade, and twice the legislation has passed the Senate. Twice the legislation has passed the House of Representatives, each time in somewhat different form. But we have never been able to get the two bodies to pass legislation in the same year in order to effectuate that.

It is very troublesome because the process by which we have to consider legislation makes it very difficult for something like this to get floor time and have a week or several days on the floor to debate back and forth, get it passed, and do the same thing with the House and then work out a conference committee and the like. That is why we have had to resort to attaching amendments such as this to appropriations bills or other bills that are on the floor already and moving forward so that we can gain consideration of this issue. It is not particularly contentious. It is certainly not partisan. The legislation has enjoyed wide bipartisan support in both bodies.

Let me briefly describe it. All it does is it allows banks and credit card companies to do what most of them are already doing voluntarily; that is, simply not honoring a credit card debt for Internet gambling. When some Internet gambling site in Aruba, for example, submits the bill to Master Charge or Bank of America and says, Joe Blow here gambled away $1,000 of his money, put it on the credit card, and you now owe that to our Internet gambling site in Aruba, the bank or credit card company says, No. That was against the law. You can't do that. We are not paying.

It has had some effect on these operations. But to show you why it hasn't had enough, when we started a decade ago, there were 20-some sites. Today, there are over 2,000 sites. The amount of money was relatively insignificant back then. Now it is hundreds of billions of dollars. It is incredible.

A Harvard law professor described this kind of Internet gambling with regard to kids doing it on the Internet. He said it is like the crack cocaine of gambling; it is so addictive; there is no supervision.

We have gambling in Las Vegas, Atlantic City, and on Indian reservations, and it is tightly supervised and regulated. Even our subcommittee found testimony from the New Jersey Gambling Commission and said one reason we can do it is we highly regulate it. But there is no way to regulate these offshore sites. That is why it is against the law in every State.

We have a Federal act called the Wire Act which prohibits horse gambling. That is now being done on the Internet. There is a means of enforcing existing law in a meaningful way and ensuring that all of the State laws can be enforced as well. I want to indicate who is in favor of this, and then I will allow the process here to occur.

Obviously, sports groups are very concerned about the adulteration of sports. We have seen it in college sports. Even one of the universities in my State was involved in a point-shaving scandal not too long ago. Why did this young athlete involved have to shave points in the games in which he played? It was because he got into trouble with gambling debts.

The NFL, Major League Baseball, the National Hockey League, National Baseball Association, National Collegiate Athletic Association, and the NCAA strongly support this legislation because they understand that if Internet gambling becomes part of their sports, nobody can count on those sports being pure. There is always the possibility that they have been adulterated by gambling.

There are a lot of groups. The National Gambling Commission called for legislation such as this, and a lot of the groups that testified before that Commission are also strongly in support. The National Coalition Against Gambling Expansion and groups such as the Family Research Council, Focus on the Family, Concerned Women for America, the Christian Coalition, United Methodist Church, Southern Baptist Convention, together with their co-members of the National Council of Churches, and the National Coalition Against Gambling Expansion—it includes a whole host of organizations.

Madam President, I ask unanimous consent to have this list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

SUPPORTERS

National Football League, Major League Baseball, National Hockey League, National Baseball Association, and National Collegiate Athletic Association.

Family Research Council, Focus on the Family, Christian Coalition, Concerned Women for America, National Coalition Against Gambling Expansion, United Methodist Church, and Southern Baptist Convention.

Together with their co-members of The National Council of Churches, which includes:

African Methodist Episcopal Church, The African Methodist Episcopal Zion Church, Alliance of Baptists, American Baptist Churches in the USA, and The Antiochian Orthodox Christian Archdiocese of North America.

Diocese of the Armenian Church of America, Christian Church (Disciples of Christ), Christian Methodist Episcopal Church, Church of the Brethren, and The Coptic Orthodox Church in North America.

The Episcopal Church, Evangelical Lutheran Church in America, Friends United Meeting, Greek Orthodox Archdiocese of America, Hungarian Reformed Church in America, International Council of Community Churches, Korean Presbyterian Church in America, Malankara Orthodox Syrian Church, and Mar Thoma Church.

Moravian Church in America Northern Province and Southern Province, National Baptist Convention of America, National Baptist Convention, U.S.A., Inc., National Missionary Baptist Convention of America, Orthodox Church in America, Patriarchal Parishes of the Russian Orthodox Church in the U.S.A., and Philadelphia Yearly Meeting of the Religious Society of Friends.

Polish National Catholic Church of America, Presbyterian Church (U.S.A.), Progressive National Baptist Convention, Inc., Reformed Church in America, and Serbian Orthodox Church in the U.S.A. and Canada.

The Swedenborgian Church, Syrian Orthodox Church of Antioch, Ukrainian Orthodox Church of America, and United Church of Christ.

The National Thoroughbred Racing Association.

Mr. KYL. This is a page and a half of religious institutions in support of this legislation.

Even groups that also are involved in sports that do involve some form of gambling, such as the National Thoroughbred Racing Association, understand that for their sport to remain pure—and it is highly regulated, as well—for them not to have the taint of gambling, they support this kind of legislation.

It has been very frustrating for me because there is such broad-based support, it makes such sense. It is so dangerous, especially for the kids in our society. We have a very tight bill. It is quite similar to the bill that got through the Committee on Banking last year. The various groups directly involved in this are supportive of the legislation, or at least are not in opposition.

It is time to get this done before this phenomenon explodes any further and—and I underline this—before the lobbying money of these groups defeats it again. I will not name names, but people who are today in trouble with the law were partially responsible for the defeat of this legislation previously.

This kind of money should not be brought to bear as a special interest on our bodies to keep us from adopting important legislation such as this. That is why I have attempted to use the appropriations bill that is before the Senate as the vehicle to bring up this matter again. I understand from a purely technical parliamentary point of view it is incumbent upon the distinguished ranking member of the subcommittee to interpose a rule XVI objection. I understand that. I appreciate her need to maintain the committee jurisdiction and the process.

However, I note in conclusion we have legislated on appropriations bills in the past. So this is not something that has never been done before. I had hoped we would be permitted to do it in this case because of the importance of the issue, the fact that there is a very large consensus to get this done. It is very difficult to do it any other way. I am disappointed we are not able to do it at this time.

When the objection is interposed, I ask the Presiding Officer's indulgence to direct a brief inquiry to the ranking member of the subcommittee.

Ms. MIKULSKI. Madam President, I wish to acknowledge the validity of the fact that the Senator from Arizona has worked long and hard on this issue and sees this as a consumer protection issue, and protection-of-our-sovereignty issue also.

Without taking any prejudice on the merits of the amendment, I have to make a point of order under rule XVI that the amendment does constitute general legislation on an appropriations bill and is not in order.

Mr. KYL. With the Presiding Officer's indulgence, I ask a question, and I appreciate that the ranking member may not know the answer to this question.

Can the ranking member advise me who it is that is requiring the imposition of this so I can speak to that Senator or those Senators to try to reach some kind of an accommodation so we can take this matter up in the future?

Ms. MIKULSKI. Madam President, I say to my friend and member of the Judiciary Committee, I do not know. I truly do not know. I do know that these parliamentary mechanisms were worked out at the leadership level.

Mr. KYL. I appreciate that. I appreciate the words of the ranking member and make this point that this will proceed in some way at some time when we find out who is making the objections, if anyone. It may simply be a procedural matter to preserve the committee's jurisdiction.

We will proceed. It will become law at some point at some time. I ask my colleagues on both sides of the aisle, if you have problems with this legislation, please let me know so we can try to work on those problems. There should be no reason we cannot move forward. We will be back. The next time I am back, I hope there is no one who is interposing an objection.

I appreciate the comments of the ranking member.

Ms. MIKULSKI. I call for the ruling.

The PRESIDING OFFICER. The point of order is sustained. The amendment fails.

The Senator from New Mexico.

AMENDMENT NO. 1706

(Purpose: To previde funds for educational assistance to individuals and schools impacted by Hurricane Katrina)

Mr. BINGAMAN. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I call for consideration of amendment No. 1706.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself, and Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1706.

Mr. BINGAMAN. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. I ask unanimous consent that Senators LAUTENBERG and CORZINE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, this amendment deals with a most urgent matter. It is an amendment I offer on behalf of myself, Senator LANDRIEU, Senator REID, Senator KENNEDY, Senator MIKULSKI, Senator DODD, Senator AKAKA, Senator CLINTON, Senator MURRAY, Senator DAYTON, Senator SCHUMER, Senator LIEBERMAN, and as I mentioned, Senators LAUTENBERG and CORZINE.

The purpose of the amendment is to provide some level of temporary and immediate short-term relief to local school districts and communities that have been devastated by Hurricane Katrina. With great sadness, all of us, I am sure, have watched the faces of children who have been impacted by this terrible tragedy. Some of those children have literally lost everything. They have lost their family members, they have lost their homes, their schools, and their entire communities.

Officials in the Department of Education estimate there are 330,000 children from Louisiana, Mississippi, and Alabama, who have been displaced by Hurricane Katrina. Many of these children are now homeless and have taken up residence in emergency shelters in one State or another.

I am confident everyone in the Senate wants to do what is right by these children. What has happened at the State and local level is amazing to watch, the way communities have come out to assist; the way families, individuals, volunteers, nonprofit organizations have come to the assistance of these children. Continuing the education of these children needs to be a top priority.

Right now, there are hundreds of thousands of children from New Orleans and Gulfport and Biloxi and Pascagoula who are sitting at desks. Some of those are in Baton Rouge, some in Houston, some in Wichita, or Albuquerque, Memphis, Olympia, or even Philadelphia. These schools have not only opened their doors to these displaced children, they have also provided these students with classrooms, with teachers, with books, with supplies, with equipment and, most importantly, with a quality education.

The obvious question is, What are the resources they are calling upon to do this? We know many of our school districts already face significant fiscal constraints. How can we expect these school districts to educate hundreds of thousands of additional children without additional resources?

We should act now and provide some immediate relief to assist the transition of these students into their new and, hopefully, temporary classrooms. I am, however, very concerned that some of the ideas that have been discussed, at least in news accounts, are problematic and could get us into a difficult circumstance in Washington.

For example, the Washington Post had an article that some believe this tragedy is a new opportunity to proceed with a large-scale voucher system and use these children to experiment on how to implement a voucher system. That would be a very unfortunate course to follow. As everyone in this Senate knows, when the subject of vouchers comes up, we have a great deal of disagreement. We should not be debating new experimental ways of providing educational assistance as part of our effort to assist these children in these circumstances.

Another example of a concern, a problem that I have seen reference to, is the suggestion in one piece of legislation that we should require these displaced students to wear identifying insignia to differentiate them from the other students in their new schools. Obviously, there are all sorts of reasons we should not visit that kind of a requirement on these students at this point.

The officials at the State level, at the local level, and at the Federal level, are just beginning to assess the magnitude of the devastation that has been experienced. Unfortunately, we have already begun to see the extent of the damage to some of the schools on the gulf coast. I understand the New Orleans School District, in particular, has been almost completely destroyed. Many schools in the region are still completely flooded and remain underwater and will have to be rebuilt completely. Others suffered extensive water and wind damage and remain unsafe.

Last week the HELP Committee received testimony from Dr. Diane Roussel, the superintendent of schools in Jefferson Parish, LA, which has 85 schools, 51,000 students, 3,600 teachers, that lies south of New Orleans. It was directly in the path of Katrina. Dr. Roussel testified that in Jefferson Parish, much like the rest of Louisiana, the local tax base provided for much of the district's resources, and any surpluses the district had have now been expended. Jefferson Parish and many other school districts impacted by Hurricane Katrina are totally out of money, are not able to pay their teachers, are not able to conduct school in any way.

Dr. Roussel said in her testimony:

> Money is not always the answer to solving the ills of our public schools, but when you are talking about equipment, supplies, rebuilding, and maintaining a teaching workforce, money is the answer.

Communities cannot thrive without their schools. Families will not return to these communities if their children do not have a place to go to school. Local businesses cannot survive if those families do not return to those communities.

Rebuilding the schools has to be a first priority, not a last priority. These communities need our help now. The extent of the devastation is known by all, or at least we are beginning to know.

Let me mention one other area of great concern that we try to address in this amendment, the issue of displaced college students. There are literally tens of thousands of displaced college students. The colleges in the New Orleans area have been devastated by this storm. I am very encouraged to see the way other States, other educational institutions have stepped up to provide assistance.

In my own State of New Mexico, we have some examples of that. New Mexico State University has welcomed the University of New Orleans baseball team to Las Cruces. Members of the University of New Orleans baseball team will be going to school at New Mexico State University and playing baseball there as the New Orleans team.

The Federal Government needs to step up to the plate and do all it can, and do so right now. The amendment does not attempt to meet all the needs we will be identifying resulting from this catastrophe, but it does begin the process. It does indicate that the Senate believes it needs to be a priority to provide some immediate relief. These communities need to know now that we are willing to act to help them.

It provides temporary assistance to school districts experiencing unexpected increases in their student populations because of Katrina. It provides funds, grants to school districts, it facilitates the temporary placement of students in elementary and secondary schools within their jurisdiction, and it helps to ensure that quality instruction is available.

This is a very worthwhile amendment and one that we should adopt as part of this first appropriations bill being considered since we have returned from the August recess. I hope very much my colleagues will agree to add this to the bill.

I understand there will be a point of order raised in connection with this, but I urge my colleagues to vote with me to override that point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I call for the regular order with respect to amendment No. 1665.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1713 TO AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1713 to amendment No. 1665.

The amendment reads as follows:

> (Purpose: To provide that funds must be used in a manner consistent with the Bipartisan Trade Promotion Authority Act of 2002)
>
> Strike all after "SEC. 522." and insert the following: "None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—
>
> "(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;
>
> "(2) to avoid agreements that—
>
> "(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or
>
> "(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and
>
> "(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.".

Mr. GRASSLEY. Madam President, what I have tried to do in this second-degree amendment is correct some flaws in the Dorgan amendment. My amendment is also meant to ensure that we maintain the strength of our trade remedy laws.

My amendment makes it clear that no funds may be used to negotiate trade agreements that do not enable the United States to preserve our ability to enforce rigorously our trade laws, including antidumping and safeguard laws.

Quite obviously, if we have laws on our books to protect our economy from unfair competition, every Senator wants to make sure those laws are rigorously enforced, including antidumping and safeguard laws.

In addition, under my amendment, our trade negotiators must avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially for dumping and subsidies. This pertains to a situation if they would lessen the effectiveness of domestic and international safeguard provisions.

My amendment is a good amendment which will ensure our trade remedy laws remain strong and that U.S. workers have effective protection against unfair import competition.

The underlying amendment I am amending, the Dorgan amendment No. 1665, purports to do the same thing. And it might. But it also has some very serious—and perhaps, hopefully, unintended—consequences. The Dorgan amendment says no funds may be used "to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices. . . ."

Now, that sounds pretty good. But if you look at this amendment a little deeper, you can see that it has serious problems. Such a sweeping amendment would prohibit our negotiators from entering into trade agreements even if the trade agreement resulted in stronger trade remedy laws.

For example, if we could not negotiate bilateral agricultural safeguards similar to those we have recently negotiated in our bilateral agreements with Chile and Australia—and these are only two examples—or maybe even in the plurilateral agreement, such as passed by the Senate, CAFTA—we could not negotiate multilateral agreements such as the OECD steel negotiations that could strengthen our trade remedy laws.

At the same time, the Dorgan amendment would severely hamper our ability to negotiate trade agreements that benefit U.S. exporters.

Now, that may be a well-intended position of my friend from the agricultural State of North Dakota—and I work with him on a lot of agricultural legislation—but it is a slippery path where we cannot even discuss trade remedies even if those discussions end up strengthening some of these remedies, such as in the case of CAFTA and Australia and Chile.

It will happen that our trade partners will respond by demanding other items be taken off the table. In other words, once we go to the table in good faith to negotiate, and we start saying, "This is not negotiable, that is not negotiable," then you could understand that trading partners are all going to have their pet projects off the table. If we want to negotiate strengthening some remedies, as we did in the case of Australia, Chile, we could not do that. So I am trying to correct some of the inadequacies within this amendment.

Of course, when you start getting things taken off the table—the United States takes something off; the European Union takes something off; India takes something off—it has to have all items on the table in order to protect the economic interests of the United States. Particularly I found that going back to the Uruguay Round of trade negotiations, you had to have everything on the table to win any benefit for American agriculture.

The amendment by my friend from North Dakota would only serve to hamstring our negotiators, particularly if those negotiators want to strengthen our positions, as we did in Australia and Chile. And this amendment would be doing it at a time just as we are pushing the Europeans, we are pushing the Brazilians, we are pushing the G20 group, the G10 group—and for that matter I think we are pushing every other G-numbered group you can think of—to get some help for the American economy, which comes from negotiations to get down trade barriers, to get all of these groups, Europeans, Brazilians, G20, G10, G-everybody, serious and start making meaningful concessions in these negotiations, especially for the benefit of American agriculture.

Today, foreign agricultural markets are among the most protected sectors in world trade. Global tariffs on agriculture average about 62 percent. The United States, I believe, is about 11 percent. Thus, America's farmers and ranchers have much to gain if we can deliver a comprehensive, multilateral trade agreement that lowers tariffs across the board and forces subsidizing nations to harmonize and reduce their tariffs.

Let me quantify that: 62-percent worldwide average of tariffs up here of other countries; the United States at 11 percent down here. We bring these other countries down to ours, or down part way to ours; or if we bring ours down lower, as they bring theirs down lower. Common sense dictates a win-win situation for our farmers.

Because of some of these concerns as to the Dorgan amendment that I have raised about maybe the inability to even strengthen some of our trade remedies, as we did in Australia and Chile, many groups have been concerned. This amendment by my distinguished friend from North Dakota has been before the Senate now for about 4 days, so a lot of other groups have written to me about their opposition because they are concerned about it: the American Farm Bureau, the Business Roundtable, Coalition of Service Industries, the Comprehensive Market Access Coalition, the Emergency Committee for American Trade, the National Association of Manufacturers, the National Foreign Trade Council, the U.S. Chamber of Commerce, the U.S. Council for International Business, and, lastly—and one that is very important to the upper Midwest—the Corn Refiners Association.

All of these groups I have listed have expressed their strong opposition to the Dorgan amendment and I would hope would be satisfied with the amendment I have put before the Senate.

Even more important than those who want this bill to become law, the administration has weighed in strongly against the Dorgan amendment. I would like to quote from a letter I received from our Commerce Secretary, Mr. Gutierrez, and our U.S. Trade Representative, former Congressman and now Ambassador Rob Portman:

> . . . Senator DORGAN's amendment would undermine our efforts to protect our workers and firms from unfair trade practices and to open foreign markets to America's goods and services. . . . the amendment would prevent us from negotiating agreements to improve protections against unfair trade practices where the current rules may not be fully effective.

Then they go on to say:

> The amendment could also prevent us from negotiating stronger disciplines on foreign subsidies and protections for U.S. exporters against abuses by foreign users of trade remedy laws.

In fact, the Secretary and the Ambassador feel so strongly about the damages this amendment could do, they sent a letter saying they would recommend that the President veto the Commerce-Justice-Science appropriations bill if the Dorgan amendment is included.

So the bottom line: the choice is pretty simple. If Senators want to take away an opportunity to strengthen trade remedy laws, in effect, hamper our negotiators, and at the same time ensure a veto of this bill, a veto of a bill that is very important, then support the Dorgan amendment. But if Senators want to preserve strong trade remedy laws, and even opportunities to make them stronger, and avoid a veto, then please support my second-degree amendment.

I urge my colleagues to carefully consider the stakes in this vote. I think the stakes are high. There is a way to both preserve and improve our trade remedy laws, also a way of avoiding a Presidential veto, and that would be voting for my amendment No. 1713, which is a second-degree amendment to the Dorgan amendment No. 1665.

I do not know whether the Senator from North Dakota intended to not give our negotiators an opportunity to strengthen our trade remedy laws, as we did in Australia and Chile, but my amendment will take care of that oversight.

I yield the floor.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, my colleague from Iowa, Senator GRASSLEY, has offered a second-degree amendment to the amendment I have pending dealing with our trade laws. This amendment is just fine, as far as I am concerned. I hope everyone will support it. It restates what is already in the underlying bill. It reminds me of those days when, as a young boy, I used to buy magic kits and they would have vanishing ink. You would write it and then you wouldn't see it. There was nothing there. So we have these vanishing ink amendments that mean nothing, say nothing, do nothing. I am for it. We apparently will have an opportunity to vote on the Grassley amendment. I hope we will have side-by-side opportunities to vote on the Grassley amendment that does nothing, and then an amendment that does something, something that stands up for the economic interests of the American people.

This is probably one of the only institutions in the entire world in which failure is deemed a success, and the more failure, the more we ought to do of it, according to the philosophy of some here in the Senate.

This chart shows our trade deficits, the red ink. This is the record trade deficit of last year, and it is going to be higher now. This is a description of how much we are buying from abroad more than we are selling abroad and, therefore, a description of how many American jobs are being sent abroad. That is what it means. Every single day—today is Thursday—we buy $2 billion more from other countries in goods and services than we sell to other countries. That means every single day someone outside of this country ends up with a $2 billion claim against America. American assets, American securities, American property.

Does it matter? To some it doesn't. Some think this is wonderful. They are like hogs in a corncrib; they can't get enough of this. Why? Because as we move American jobs overseas and fire American workers and then hire workers in Bangladesh or Indonesia or China, and pay them 33 cents an hour to make bicycles and trinkets and trousers and shirts and shoes, and send them to the big box retailers in America in Toledo and Los Angeles and Chicago and Fargo, the consumer gets to go in and buy an Etch A Sketch for $9.99 or a shirt for $9.99.

What a wonderful thing that is that the consumers get to buy a cheap shirt made in Indonesia or China, a shirt that used to be made by an American worker who got fired. Because we buy all of that merchandise, goods and services from abroad every day, and because China ships $170 billion more of it to our country in 1 year than it buys from our country, it means American jobs are leaving in wholesale numbers.

So this is what results, massive trade deficits, getting worse and worse, and nobody seems to care. This body, the White House, the entire Congress seems to sleep through it all. It is kind of a "Rip Van Winkle" public policy strategy. Why? Because there is not one person here who is going to lose their job over it. There is not one person wearing suspenders, not one person wearing a blue suit or smoking a cigar who is going to lose their job because jobs are outsourced to Indonesia or China. It is working folks. Bob Wills of the Texas Playboys—I have quoted him often in a song from 1941 which says: The little bee sucks the blossom, the big bee gets the honey. The little guy picks the cotton, the big guy gets the money.

So it is all of this red ink for America and jobs moving overseas which is represented as a foundation of injury to American workers and profits to those who can pole-vault over all of those nuances in public policy, such as child labor laws, minimum wages, environmental laws, the right to organize.

Well, the small trade amendment I have offered to this bill that caused such an apoplectic seizure yesterday so that we could not continue to vote, that small trade amendment I offered, does the following: It says there is a trade negotiation going on in a place called Doha. Not many have been to Doha. It is not a secret why trade negotiations are held behind closed doors in Doha because if they held them in any major city in the world there would be traffic jams with protesters, people concerned about what this is doing to their jobs.

There is a negotiation going on in Doha, and in that negotiation other countries have objected to something we have done in this country. We have something called antidumping laws to try to protect American businesses, American farmers, American workers. If other countries decide, look, we are going to target the American marketplace, there is only one American marketplace on this Earth of ours, we are going to target it because we want to go in and dump products at below cost, destroy the domestic industry, and then we will have the entire market to ourselves in the United States. If they try to do that, it is unfair trade. That is unfair trade.

So we have something called antidumping laws that would take action against those countries that try to engage in unfair trade. We also have laws that deal with countervailing duties if a country is deeply subsidizing its product in order to dump it into the U.S. marketplace. So we have protections for American businesses, American workers, American farmers, American ranchers.

At the trade negotiation in Doha, other countries are demanding that we get rid of the protections that exist that would prohibit dumping of products into our marketplace. They demand that we get rid of these protections. Our trade negotiators have said, all right, everything is on the table to be negotiated. It should not be, and I do not agree that it should be, and so I have introduced an amendment that says nothing in this act that funds our U.S. trade ambassador's office or the Commerce Department should allow them or can allow them to engage in negotiations that will weaken the basic protections that exist in this country that require trade fairness.

The White House has issued a veto notice if my amendment should pass. Curious and strange that a provision that stands up for the economic interests of our country would engender a threatened veto from the White House.

The Cato Institute has sent around the following, and they can be counted on, by the way, to provide aggressive support. They have everything except the pompoms to be bona fide cheerleaders. As we get in deeper and deeper trouble, these folks think moral failure represents success. Here is what the Cato Institute says: This amendment—speaking of my amendment—is highly irresponsible, shortsighted, opportunistic, and severely detrimental to the U.S. economic interests and the conduct of U.S. trade and foreign policy.

I do not know, but as I read that work, it seems they do not support my amendment.

The United States hopes to open foreign agricultural, nonagricultural, and service markets. To achieve those goals, it must be willing to reform its agricultural and antidumping policies. What does that mean? The United States must be willing to reform its policies on antidumping and agricultural policies? Interesting, is it not?

This is what the Cato Institute is really saying: We have to get rid of these protections that exist in current law in this country to protect American workers and American business. We have to get rid of that because others do not like it, so let us negotiate it away. If it hurts farmers, so what. I mean, that is the attitude. Talk about elitists. A lot of people throw around the term "elitists."

If it hurts farmers and ranchers, so what; just negotiate away the protections that currently exist for farmers and ranchers in international trade, protections incidentally that are seldom implemented because we have trade officials who do not have a will, a backbone, or a nerve. Aside from those anatomical deficiencies, they exist in law. Now we have people who want to negotiate away the basic protections.

My colleague has come to the floor to offer a second-degree amendment, the purpose of which is to kill the basic premise of what I am trying to do. The second-degree amendment is interesting, and I was at first thinking curious, but it is not curious because it is simple. It simply restates that which is in current law. It will do nothing to prevent our negotiators from doing what they say they are able to do in the current Doha negotiations, which is to negotiate away the basic protections that exist for our farmers, our ranchers, our businesses, and our workers.

The Cato Institute further says: If Senator DORGAN is unhappy with the final text of the Doha agreement, should it come to fruition, he can vote against its passage.

Well, one can do that for sure. The only thing one cannot do is they cannot amend it. Why? Because this Congress, with the support of Cato and the President, decided what would be smart for all of us to do is put all of us in a straitjacket and decide beforehand that we will give fast-track trade authority for people to negotiate—in this case in Doha—behind closed doors, in secret, and the product they bring back to this institution will not be able to be amended. We are able to amend almost anything else, including nuclear arms agreements, but trade agreements, no; no, because those are negotiated in secret. And when they come back, they come back under something called fast track. So there are no amendments, even to correct the obvious deficiencies.

We have had almost this exact scenario previously. It occurred in 2002, May 14, my birthday, incidentally. We had an amendment on the floor of the Senate by Senator DAYTON and Senator CRAIG, a bipartisan amendment, that would have done essentially the same thing. It said there is no fast-track authority for any trade agreement that comes back in which our negotiators have negotiated away the basic protections, the antidumping laws and so on, that exist for our farmers, ranchers, and businesses. That passed with 61 votes. It was true then that I believe either Senator GRASSLEY or Senator BAUCUS offered another amendment that was kind of a cover amendment, and that passed 98 to 0 because it did not particularly mean much. It set up objectives but objectives that are similar to a strainer, enough holes so that whatever one wants to put through it goes through it.

So Senator GRASSLEY now has a second-degree amendment that says: Let us all agree to that which we previously agreed to that does not do anything.

So sign me up. If there is a list, let me be signed up real quick to say: Let me agree to that which was previously agreed to that does nothing. And then we will have a vote on my amendment that says: Let us stand up for the economic interests of this country; let us stand up for the economic interests of businesses and workers and insist to other countries that the right way to do trade is fair trade. If it is not fair, then every country has a right to use its remedies to address and take action against unfair trade.

I mentioned yesterday we very seldom take any kind of action under any circumstances. We do not ever take trade action. We did once against Europe recently. We slapped the Europeans with tariffs on truffles, goose liver, and Roquefort cheese. That scared the devil out of the Europeans. This big old strong country decided to take action against Europe. We are going to single out truffles, Roquefort cheese, and goose liver.

That is hardly the "John Wayne" approach to dealing with what we understand and know to be unfair trade.

This represents a crisis. This represents a real problem, and nobody seems to care very much. My amendment is an attempt to prevent further damage in the new negotiations. It is not, as the Cato Institute insists, that I do not believe in trade. I believe in expanded trade. I believe it makes sense to have expanded trade, provided it is fair. I believe trade ought to try to lift other countries up, not press American workers and firms down.

Perhaps there will come a time when we will look back and say: Why did we not understand what this meant to our country? Why did we not understand the danger that buying $2 billion a day from abroad more than we send abroad in exports, the danger that portrayed to our economy? Why did we not understand that? Why did we not catch it? Why did somebody not blow the whistle on it?

My hometown is 400 people, and we had a whistle similar to a lot of hometowns. We have a fire whistle, but it is also used for other purposes. Every noon, the whistle blew in my hometown. Every day at 6 the fire whistle blew in my hometown. Every day at 10 the whistle blew. We had the fire whistle blowing three times in a town of 400 people. Small towns did that to signal that it is 12. Everybody in town should know it is 12, the fire whistle is blowing. We do not have any signals around here.

I would like to see somebody blow a whistle around here at some point. When do you blow the whistle—at a $700 billion, $800 billion, $1 trillion trade deficit in 1 year? We had people doing gymnastic exercises earlier this week because the trade deficit in the past month, I think it was announced last Friday, was only 57-plus-billion dollars in 1 single month, the fifth worst trade deficit in history, and people said: What a great thing that is. It actually improved a little from the month before momentarily.

My only point is, I think that those who are content to sleep through what is a growing American crisis do no favors to American workers and American business and certainly do no favors to future economic opportunity in this great country of ours. This country is measured in terms of its wealth, not by what it consumes but rather by what it produces, and if we do not stand up for producers to insist and demand fair trade, yes, ranchers and farmers, manufacturers and businesses, we do not have the strength and backbone to do that, if we are content to let people with tiny, little glasses and big degrees go halfway around the world, behind closed doors, and negotiate in secret trade agreements that continue to give us this kind of performance and move American jobs overseas and undermine American business and undermine American farmers and ranchers, then this Senate and this Congress ought to hang its head.

We can do a lot better, and should, and the place to start the first baby step, in my judgment, is to start with two things: Vote for the Grassley second-degree amendment that says we agree with which we have previously agreed and want to vote yes for something that does nothing, but it does not harm anything, so we will all vote yes and then vote for the amendment that I have offered—it has been now pending for almost a week—that does stand up for this country's economic interests. It does not impede fair trade or free trade. It demands and insists that we have the right to protect ourselves when others will use trade practices to injure our country, our workers, our manufacturers, our farmers, our ranchers. So we will vote at some point and my hope is that those who feel as I do will support the amendment I have offered for the reasons I have described.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1713, AS MODIFIED

Mr. SHELBY. Mr. President, I now ask unanimous consent that the Grassley amendment No. 1713 be modified to be a first-degree amendment and that at 11:45, the Senate proceed to a vote in relation to the Grassley amendment No. 1713, as modified, to be followed by a vote in relation to the Dorgan amendment No. 1665, with no amendments in order to the amendments prior to the votes and with 2 minutes of debate equally divided prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT 1713, AS MODIFIED

At the appropriate place, insert:

"SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

"(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

"(2) to avoid agreements that—

"(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

"(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

"(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.".

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The question is on agreeing to Grassley amendment No. 1713, as modified.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the Grassley amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey Mr. (CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—99

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn

Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—1

Corzine

The amendment (No. 1713, as modified) was agreed to.

AMENDMENT NO. 1665

The PRESIDING OFFICER (Mr. THUNE). There are now 2 minutes equally divided on the Dorgan amendment.

Who seeks time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have spoken previously on this amendment. I will not prolong the debate. This amendment is very simple. It says that our negotiators, in negotiating a new trade round, shall not be allowed to negotiate the weakening of the basic protections in our trade law, antidumping laws, countervailing duties, the protections that protect American ranchers and farmers and businesses and workers. We must stand up for the economic interests of this country.

The reason this amendment is necessary is because it has been widely announced that our negotiators are prepared to agree with others to lay on the table the weakening of our basic protections, such as antidumping laws and countervailing duties. That would injure this country, move more jobs outside of this country, hurt farmers, ranchers, businesses, and workers.

I hope support for this amendment will send a very strong signal to those who are negotiating these trade treaties.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask my colleagues to vote against this amendment, No. 1, because Commerce Secretary Gutierrez and Mr. Portman, our Trade Representative, have said they are going to recommend a veto of the bill if the Dorgan amendment is adopted.

Also, I have these organizations that have sent a letter in opposition to the amendment. The organizations include the American Farm Bureau Federation, the American Peanut Product Manufacturers, Inc., the American Soybean Association, the Corn Refiners Association, the Distilled Spirits Council of the United States, the Food Products Association, the Grocery Manufacturers Association, the International Dairy Foods Association, the National Cattlemen's Beef Association, the National Chicken Council, the National Corn Growers Association, et cetera, et cetera—with about eight more I could read.

We have adopted my amendment now. We have a policy that is broad to make sure things are not weakened, but if they want to be strengthened, they can be strengthened, as well, as we don't take a lot of things off the negotiating table. If we are going to be successful in agriculture, we have to have a broad number of issues on the table to get any success for agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—39

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Chambliss
Clinton
Coburn
Collins
Conrad
Craig
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Nelson (FL)
Pryor
Reid
Rockefeller
Salazar
Sarbanes
Shelby
Snowe
Specter
Stabenow

NAYS—60

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Cochran
Coleman
Cornyn
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Kyl
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Obama
Reed
Roberts
Santorum
Schumer
Sessions.
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—1

Corzine

The amendment (No. 1665) was rejected.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1719 THROUGH 1721, EN BLOC

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments I now send to the desk be considered and agreed to en bloc. These amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1719

(Purpose: To provide $5,000,000 in the Southwest United States for hiring officers dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs)

On page 120, line 24, after the colon insert the following: "*Provided further*, That of the funds provided under this heading, $5,000,000 may be expended for hiring officers in the Southwest United States dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs:".

AMENDMENT NO. 1720

(Purpose: To provide funds for economic adjustment and development to areas impacted by Hurricane Katrina)

On page 147, line 5, strike "$283,985,000" and all that follows through line 6 and insert the following: $483,985,000, to remain available until expended: *Provided*, That $200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

On page 147, line 10, strike "$30,939,000: *Provided*" and insert the following: $40,939,000: *Provided*, That $10,000,000 shall be for salaries and expenses of carrying out section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*

AMENDMENT NO. 1721

(Purpose: To permit certain health professionals who are displaced by Hurricane Katrina to provide health-related services under the medicare, medicaid, SCHIP, and Indian Health Service programs in States to which such professionals relocate)

At the appropriate place, insert the following:

SEC. . WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.) and under Indian Health Service programs, regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (d), and not be affirmatively barred from practicing in that State;

(3) have been evacuated from Louisiana or Mississippi as a result of Hurricane Katrina; and

(4) have applied, prior to March 31, 2006, for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) EVIDENCE OF LICENSURE.—

(1) IN GENERAL.—A State may develop a process to verify the licensing credentials of a health professional to which this section applies if the professional has no official evidence of licensure in his or her possession.

(2) FRAUD.—An individual who wilfully provides any false or misleading information to a Federal, State, or local official for purposes of being covered under the provisions of this section shall, in addition to any State penalties that may apply, be subject to a fine, as determined appropriate by the Attorney General in accordance with title 18, United States Code.

(d) STATES DESCRIBED.—The States described in this subsection are Louisiana and Mississippi.

(e) LIMITATION.—A health professional may only elect to utilize the provisions of this section for a single 90-day period.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

(g) DEFINITION.—In this section, the term "health-related services", as such term is applied to health professional under this section, means services provided by a health professional that are consistent with the scope of practice of the professional in the State in which such professional is seeking licensure or certification.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise for the purpose of making a unanimous consent request for a piece of legislation that is within my jurisdiction, and then, also, as a favor to another person, to make a unanimous consent request. Before I make that unanimous consent request, I would like to make a short statement, and then have Senator BAUCUS make a short statement before I proceed to the unanimous consent request. May I go ahead?

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY TAX RELIEF FOR HURRICANE KATRINA VICTIMS

Mr. GRASSLEY. Mr. President, on Tuesday night, Senator BAUCUS and I introduced a package of tax relief measures designed to help the victims of Hurricane Katrina both in the short and long term.

We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport, and other hurricane-hit areas. We are pleased that the Members of the affected region join us in this effort, including Senators LOTT, LANDRIEU, VITTER, COCHRAN, and SHELBY.

The immediate relief package will help get short-term aid to the hurricane victims by encouraging food donations and the employment of displaced persons, as two examples.

For those who have suffered casualty losses, we have liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property.

We also want to help protect Katrina victims from undeserved IRS harassment.

We expect to see prompt action by Congress on this tax relief package. We need to get these tax incentives on the books and help Katrina victims make a fresh start.

After this package is completed, our focus in the committee will be on longer term tax incentives to help rebuild homes and businesses. We are looking at depreciation changes, tax-exempt bond authority, and enterprise zone initiatives.

Life will never be the same for our fellow citizens in the gulf region, and what we have all seen over the last 2 weeks will stay in the hearts and minds of all of us for years to come.

With this first initiative from the Finance Committee, a bipartisan initiative—and I thank Senator BAUCUS for his extreme cooperation, in fact, even leadership in getting this to where it is now—this first initiative—and there are going to be more in other areas where we have jurisdiction—we want the victims in all the affected areas to know they can count on us to create a set of measures that will help return vitality and vigor to the gulf region.

Mr. President, I defer now to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my colleague, Senator GRASSLEY, the chairman of the Finance Committee. We believe that Congress must act quickly. We bypassed the usual committee process. Senator GRASSLEY and I sat down with our staffs and said: What can we do right away to help Katrina victims? What can we do to help the States and get something passed very quickly?

Time is of the essence, clearly. We decided that people needed cash. So we have enacted several provisions in this legislation which allows people to have more cash or ways so they do not have to make payments that otherwise they would have to make.

Second, we are trying to help ease some of the dire housing conditions in the affected areas. We have provisions which allow people to take an exemption for taking in Katrina victims. We think that will help significantly.

We are also helping by giving incentives to employers so they can more quickly hire people and, if they cannot hire them, we are going to make sure we get more dollars into former employees' pockets.

This is a start. We clearly have to do more. I very much hope that later on today we can pass legislation with respect to Medicaid assistance. Senator GRASSLEY and I have been working very hard in both these areas. In the not too long term, we obviously are going to bring up a package for long-term assistance—enterprise zones, increasing appreciation acceleration, bonding authority—to help rebuild the infrastructure.

I thank Senator GRASSLEY very much for his help. I also thank him very much for helping clear some objections to this bill on the other side. There were two Republican holds on this bill today. I had hoped to bring this bill up this morning and get it passed. We did have some holds. I thank very much the Senator from Iowa for his help in getting those holds released so we can get this bill passed.

I also hope, as I mentioned, we can get the Medicaid bill passed today. This is the week. We have to pass this legislation. We, as Senators, cannot get too wrapped around the axle. We cannot be too concerned about how the I's are dotted or the T's are crossed. We have to act. Congress will meet another day. We can make up differences. We can amend legislation in future days if something is not quite perfect either today or in the next couple of days. Let's not let perfection be the enemy of the good here.

This is good legislation. We are getting this tax package passed. That is good. I very much hope we can get the Medicaid package passed. It is good, too.

I urge all of us to work together and rise to the occasion. This is an emergency. Let's get this legislation passed—not only this package but the Medicaid package as well.

Again, I thank Senator GRASSLEY for working to get those holds on the bill removed so we could get this legislation passed.

I am proud to announce that Saturday is the Senator's birthday. So I hope this will be a good birthday present for the Senator, to get both of these bills passed today so we can, on this coming Saturday, know that a couple days earlier, the chairman of the Finance Committee got legislation passed that did some good for people in the affected area.

Mr. President, I thank the chairman for helping.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, obviously, I thank Senator BAUCUS for the personal comment he made about my upcoming birthday. More importantly, once again, we have had such smooth working relationships on these two very important bills. Our staffs have cooperated very closely. There has been some compromise but not a lot because I think we are all going in the same direction.

Mr. President, I ask unanimous consent, pursuant to the remarks I made and the remarks Senator BAUCUS has made, that the Committee on Finance be discharged from further consideration of S. 1696 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1696) to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I thank Senate Finance Chairman GRASSLEY and Ranking Member BAUCUS for their extraordinary work, to so expeditiously draft this important legislation in a bipartisan manner. This package will provide immediate tax relief to those directly affected by this incredible disaster.

As we have rightfully focused on rescuing, reuniting and rebuilding, we must also make sure to take care of our strained military families. The first and best definition of patriotism is keeping faith with those who wear our uniform. That means giving our troops the resources they need to keep safe while they are keeping us safe. And it means supporting our troops at home as well as abroad.

More than 40 percent of military reservists and National Guard memberssuffer pay cut when they are called to defend our Nation, including those serving in the gulf coast today. These citizens serve nobly. They are much more than weekend warriors. Currently, there are over 140,000 reservists called up for active duty in the war against terrorism and over 10,000 of these reservists and guardsman are from Louisiana, Alabama, and Mississippi. Over 50,000 National Guard members have been called up to assist with Hurricane Katrina.

Many of these reservists are being hit with a double-whammy. After recent service in Iraq or Afghanistan, they are coming home to an area that has been devastated. The all-volunteer Army depends on these reservists. They have been serving our country with distinction and pride for many years, and should not be penalized financially for their honorable service.

Businesses on the gulf coast want to do the right thing for their employees. But in the wake of this disaster, most just can't afford it. This legislation will help businesses do the right thing. The bill will provide an employee retention credit which provides a 40 percent tax credit for wages paid up to $6,000 after August 28, 2005 and before December 31, 2005. This credit will help employers in the gulf coast who pay employees that are not able to work because the business was either damaged or destroyed and pay reservists and guardsmen that worked for them right up to the time before they were deployed.

For the last couple of years, Senator LANDRIEU and I have worked on legislation to provide assistance to businesses that employ reservists who have been called up to active duty. That legislation would provide tax credits to employers who pay reservists wages that are above their military pay and to help with the costs of hiring replacement workers. I thank Chairman GRASSLEY and Ranking Member BAUCUS for working with me to include wages paid to eligible reservists and guardsman as part of the employee retention tax credit.

The Hurricane Katrina tax relief legislation helps our reservists and the businesses that employ them to ensure that our great tradition of citizen soldiers does not fade or end because of the effect service can have on work and family in this time of crisis.

I am also pleased that this tax package has a set of provisions to encourage charitable giving. We have all been overwhelmed by the generosity and compassion of the American people, who have sacrificed their time and money, sent food and supplies south by the truckload, and even opened up their homes to strangers. This provision will make giving easier, particularly by allowing rollover contributions from IRA accounts.

This legislation is the right thing to do in the face of this disaster. It can help make sure our reservists' families don't have to sacrifice beyond their means while our brave men and women are away from home helping other families. This legislation can make it easier for the incomparable generosity of the American people to continue by easing some restrictions on charitable giving.

Again, I thank Senators GRASSLEY and BAUCUS for their efforts on this package.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that the bill be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1722) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 1696), as amended, was read the third time and passed.

Mr. GRASSLEY. Mr. President, as I said, I have another request I want to do for other Members.

SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3649, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, that the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

The amendment (No. 1723) was agreed to, as follows:

(Purpose: To make technical corrections to Public Law 109-59)

SEC. . CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109-59.

Notwithstanding section 1102(c) (4) (A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.

The bill (H.R. 3649), as amended, was read the third time and passed.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I further ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HISPANIC HERITAGE MONTH

Mr. MARTINEZ. Mr. President, I was honored to join Majority Leader FRIST in cosponsoring S. Res. 238 recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation. S. Res. 238 passed the Senate by unanimous consent today, September 15, the kickoff of a month-long celebration and observation of Hispanic-American strength and culture in this country.

Diversity truly represents the best of America, a nation where each of us can be proud of our ancestry, our heritage, and our native language, yet a nation where we at the same time can stand together with our neighbor, regardless of our own background, and all call ourselves Americans.

Hispanic Americans have much to be proud of and much to celebrate. I have said this before, but I am so proud to have been elected the first Cuban American in the Senate. I feel a great weight of responsibility in representing not only the Cuban-American community and the great State of Florida but in a way the entire Hispanic-American community in our country. I know my colleague from Colorado, Senator SALAZAR, must feel the same weight of responsibility. I am very honored to serve in this Senate with him.

As I like to say, in America, when you work hard and play by the rules, anything is possible. This year, Judge Alberto Gonzales was sworn in as our Attorney General.

Alberto Gonzales is the first Hispanic American to ever serve in one of the four elite Cabinet posts in Government—Defense, Treasury, State and Attorney General, which he now proudly occupies. He is an inspiration for our next generation. The second Cuban American to serve in the President's Cabinet also took office this year—Secretary Carlos Gutierrez at the Department of Commerce. I was proud to support both their nominations.

We have made great strides in breaking into the highest echelons of Government. And although I do not want to employ any litmus test of ethnicity, there would indeed be much to celebrate if our next Supreme Court nominee became the first Hispanic-American Justice of the Supreme Court.

Hispanic pride in our heritage has helped many look to their past for strength and use this strength to forge a better future for ourselves and our families in all facets of American life. Our achievements have greatly influenced America's policymaking, its economy, and the medical and artistic fields.

In fact, we should also point out that many Hispanic Americans proudly serve in our Armed Forces during this time of need. In fact, many have given their last measure of sacrifice, while others have suffered serious injuries.

But moving to other fields, now-deceased Cuban-American business leader and former chief executive officer of Coca-Cola Roberto Goizueta climbed the corporate ranks and helped Coca-Cola remain one of the premier brands around the world. Nobel Prize winner Severo Ochoa discovered the process that allows humans to create RNA in a test tube.

My close and personal friend, Congresswoman ILEANA ROS-LEHTINEN, became the first Hispanic-American woman and first Cuban-American to be elected to the U.S. Congress. And within the artistic field, Brazilian artist Romero Britto, whose concern for the youth of the world, combined with social and political sources, has had his work appear in over 60 national and international publications.

Just like throughout the Nation, the Hispanic community within Florida continues to grow rapidly, and our creativity and ingenuity keep contributing to American culture. Hispanic American and owner of NGI Solutions, Martha Korman, is making significant economic contributions to the greater Tampa area.

Puerto Ricans, like Orange County Commissioner Mildred Fernandez, climbed the ranks and is working to encourage homeownership and growth of small businesses in the Orlando region.

Like many other Hispanics, Cuban-American Gus Machado began with nothing but a dream and dedicated himself to his business and his community, making him today the owner of the number one Ford car dealerships in the Miami area. In Jacksonville, FL, Dr. Javier Garcia-Bengochea made his mark as the innovator of several instruments and systems used to improve spinal surgeries.

And in Florida, just this week, a young man named Marco Rubio was named the first Cuban-American Speaker in the Florida House of Representatives, and, I might add, the first Hispanic American. I know that he is going to be a great leader and voice for the State of Florida, and a great role model for our next generation of Hispanic Americans who want to make a difference.

We are proud to be Americans. We gladly stand together with all Americans of all races, creeds, and beliefs in this great country that we call home.

Our goal in observing Hispanic Heritage Month is not to set ourselves apart, but to ask our fellow citizens to join us in celebrating our culture, our heritage, and our achievements.

With great pride we celebrate the pioneers in our Nation and in Florida during this National Hispanic Heritage Month.

We pay tribute to America's diversity and honor the countless contributions Hispanics have made throughout the history of this great country.

And finally, we celebrate the values of the Hispanic-American community—family, faith, liberty, love of this country and love of our roots.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE KATRINA

Mr. MARTINEZ. Mr. President, it has been 3 weeks since Hurricane Katrina came ashore bringing with her a wide swath of damage. Her winds whipped structures to devastation, her rains destroyed thousands of agricultural crops, and, sadly, the force of this storm resulted in death.

While I rise to speak of Hurricane Katrina, I do want to focus my remarks on the devastation this storm brought to the State of Florida. We all know of the devastation on the Gulf Coast States of Alabama, Mississippi, and Louisiana. Before that, Katrina paid a costly and deadly visit to the State of Florida. Florida suffered 14 deaths and over $1 billion in damages.

The Governor declared a state of emergency and evacuations took place. As you may recall, last year, Florida was visited by four serious hurricanes. By the time Katrina hit, we already had received over 150 percent of the normal rainfall for the year. And more rain brought about a substantial amount of flooding.

Before Katrina came to Florida, we had been visited by, as I said, four hurricanes last year. Over 10 percent of Florida's homes were damaged. The storm displaced tens of thousands of people into shelters, and today over 20,000 Floridians are still living in some form of transitional housing.

The backlog of roof repair is so severe that we are sending our children to schools that are developing mold problems. Whole sectors of our agricultural industry are devastated. Frankly, it will take years to replant and renourish those crops.

I wish to take a few moments to mention that even though the people of my State are still recovering from the effects of Katrina and Dennis and Charley, Frances, Ivan, and Jeanne—even though folks are still living in trailers outside of their homes that have blue tarps on their roofs, Floridians are proudly pitching in to help the people of the gulf coast region.

Sarasota, FL, is sending teams of 140 trained Red Cross volunteers in 2-week cycles and in some cases longer than that. These volunteers are headed to the very areas where evacuees are streaming out. There is no power, no clean water, no hot showers. They are bringing evacuees back with them to Sarasota County—over 300 so far.

Early this week, I had occasion to visit the Red Cross center in Orlando. Over 200 people are volunteering their services there, as hundreds and expected thousands of evacuees are coming into that central Florida area, where they are finding that the hotel industry has made arrangements for them to receive temporary housing in the area of many hotels, and, at the same time, the community is pouring out their love and their care in helping find jobs and dealing with issues of physical as well as mental health, as well as incorporating children into the school system.

The Tampa Incident Management Group has sent 22 members to Hancock County, MS, where they have worked 16-hour days for 7 days. The group included emergency management personnel, firefighters, logistical support, public information officers, police, and crisis counselors. One of the members of the Hardee County EOC, Mr. Richard Shepard, says he felt a responsibility to go to Mississippi because he needed to give something back for all the help he had received last year.

The South Florida Urban Search and Rescue Team, comprised of 80 firefighters from agencies throughout Miami-Dade and Broward Counties, returned home after spending nearly 2 weeks helping Hurricane Katrina victims in the gulf coast.

A group of Bascom Palmer Eye Institute ophthalmologists is heading to Baton Rouge this week aboard the institute's 40-foot Vision Van to treat displaced victims of Hurricane Katrina who have lost eyeglasses and suffered other vision problems because of the storm.

The Panama City Boatmen's Association sent a three-truck convoy to Louisiana and Mississippi. Among the supplies: 150 cases of water, 80 cases of Gatorade, and 10 large bags of dog and cat food because the evacuees said they had something to eat, but their pets were literally starving.

Similar stories can be heard from throughout the State of Florida. Members of our Armed Forces and our National Guard have also answered the call and sought to help. But I want to particularly talk about a Florida resident and Navy pilot. LT J.G. Bale Dalton is a member of Helicopter Sea Combat Squadron 21—the Blackjack Squadron out of San Diego. When the call came through that hurricane relief was needed, his squadron flew helicopters across the country in order to be there in time for them to help. Now his father, who is my dear and longtime friend—currently my general counsel—Skip Dalton, has allowed me to read a little bit from his communications in those first few frantic days.

Writes LT J.G. Bale Dalton, on September 3:

> My first flight into New Orleans was incredibly hectic. We went due east from Pensacola, so I was not able to see any of the Mississippi coast. The scene was chaos. Hardly anyone was able to get into the city on the ground, and the water was still rising. Helicopters from all services and even civilians were operating in the area, rescuing people and bringing food and supplies to rally points.
>
> An airborne command and control element P-3 was tasking airplanes as fast as they could, but most often they were not able to give more than a GPS coordinate and a "good luck."

Another entry from September 3:

> We were sent to a nursing home to remove what we thought were invalid older people. What we found was a small island of land with a field large enough to land three helicopters around what used to be a nursing home. We moved approximately 50 people—all families that were directed by New Orleans police to that spot.

September 4:

> No rest for the weary. After returning to work with about five hours of rest (not sleep, just time from landing to briefing again) we again began to build a picture of what was going on.
>
> People that had been stranded since the day the storm hit were beginning to come out of the woodwork. It was obvious that the first priority was to save people from the rising tides.
>
> I went back into New Orleans later that day with a mission to find fire buckets and begin putting out fires.

Here is another entry from later that day:

> We attempted to hoist people from an apartment complex into our helicopter, but were refused when they saw an ambulance a few blocks away that they were going to try to swim to.
>
> Hard to understand for me, but I am sure the thought of being hoisted up on a wire to a helicopter is a scary prospect for most people. We moved from that area to an affected area in the northern part of the city to begin evacuating another group of people gathered by the police. We landed on a tennis court to get these people. They had not had food or water for five days.

I could go on and on with stories of Floridians helping out in the gulf coast, providing relief, aid, assistance, and, as you heard in the case of Navy LT J.G. Bale Dalton, rescuing people from the rising tides. But dramatic as these stories are, they are not unusual. This is what America is all about. If there is a need, Americans are there to help.

Given the impact of the stories and images of the devastation, I understand how our hearts and minds are turned to these current problems. But I am humbly here to ask that we simply do not overlook the fact that there has been a lot of suffering in Florida, that we, too, have suffered significant losses as a result of four very difficult hurricanes last year—an unprecedented number of major hurricanes to hit, crisscrossing the State of Florida—only to be revisited again by Hurricanes Dennis and Katrina this year. The extent of hurricane damage from last year was severe. In fact, we continue to try to dig out from under it.

Affordable long-term housing is one of the serious problems we are facing in Florida not only because of so much housing stock, particularly the affordable type, that was damaged last year, but now with the influx of evacuees into the State, some real long-term problems are beginning to present themselves. I have contacted the President and Agriculture Secretary Mike Johanns. I have talked with FEMA and my colleagues in the Senate. We have received some measure of assistance, but we must continue to look forward to the time when all Floridians will be made whole and when life will begin to be normal again for all Floridians.

Katrina did pay us a devastating visit in the early part of that storm. So while we continue to pour our hearts out to those in the gulf coast, I do have to hope that the people of Florida will not be forgotten, as we seek to make all of the necessary decisions for the relief and recovery not only short term and medium term, but where Florida is now in the long term, when the needs of long-term housing, the needs of long-term health care problems, the needs of reconstruction of public facilities, such as schools, become all the more necessary.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

FEDERAL COMMUNICATIONS COMMISSION'S REORGANIZATION

Mr. STEVENS. Mr. President, earlier today, the Federal Communications Commission Chairman, Kevin Martin, created a new FCC bureau dedicated to public safety and homeland security functions. The new FCC bureau will be named the Public Safety and Homeland

Security Bureau and will handle issues that are currently spread over several separate FCC bureaus and offices. For instance, it will handle enhanced 911 calls. It will handle priority emergency services, an emergency alert system, disaster management coordination, and communications infrastructure protection.

My generation relied on radio. Now all of us have different forms of communications. But there was no uniform communication mechanism such as radio was back in the 1930s or 1940s. Chairman Martin's reorganization recognizes the change in the technologies that can be used for emergency communications.

I commend the FCC, under Chairman Martin, for its leadership in directing the Universal Service Program to play a significant role in rebuilding the communications infrastructure, something that they have announced today also. Since its inception, the focus of the Universal Service Program has been on ensuring that all Americans are connected and able to communicate. As the citizens of Louisiana and Mississippi rebuild and return to their homes, they need to know that they can pick up their phones and make a call, which is why we have universal service. The steps that the FCC announced today, giving priority to rebuilding activities using universal service funds will help both in the short and long term.

The FCC is using these universal service funds temporarily to support wireless handsets, coupled with a package of free minutes for evacuees and people still in the affected area that are without telephone service. The FCC is also helping health care providers and the Red Cross shelters by modifying the health care program to double discounts for public and nonprofit health care providers. The FCC is allowing health care providers to submit new or revised universal support applications—requests for the money—for 2005, since their needs have obviously changed.

On the rebuilding front, universal service will help schools reconnect to the Internet, consumers reconnect to their phones, and telephone companies to rebuild. Specifically, the FCC is designating schools and libraries struck by the hurricane to receive the highest level of priority under the E-Rate Program for 2005 and 2006. They are allowing schools and libraries serving evacuees to amend their 2005 application to account for the unexpected increase in population. They are using the Link-Up Program to provide support to pay the cost of reconnecting consumers to the network as the disaster-struck area is rebuilt. And they are providing BellSouth flexibility to use high-cost model support to rebuild wire centers affected by the hurricane.

In other words, this is a unique use of universal service funds. It took courage to do so. I am proud to hear of the FCC's willingness to work around the clock to assist companies in the affected areas with needed waivers. I also commend the FCC for its plans to establish the new Public Safety and Homeland Security Bureau. We have all seen the devastation and communications outages caused by the massive flooding and the storm surge.

Certainly, we will have to look at improving our Nation's alert and disaster warning systems as well as our communications interoperability. As chair of the Commerce Committee in the Senate, along with my cochair and good friend, Senator DAN INOUYE of Hawaii, I intend to work closely with my colleagues in the Senate and the House, the FCC, and others on these issues. We will pursue permanent solutions. Chairman Martin and the FCC members deserve credit for having acted so rapidly to deal with the disaster-related issues before us today.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006 CONTINUED

Ms. MIKULSKI. Mr. President, pretty soon we will be coming to the last round of amendments to the Commerce-Justice-Science appropriations bill. When he is on the floor, I will thank, publicly and personally, the distinguished Senator from Alabama, Mr. SHELBY. We certainly worked on a bipartisan basis to move this bill, to accomplish national objectives, and to respond to the compelling human and financial needs of our neighbors in the Gulf States. Moving this legislation has been enjoyable because there has been such a spirit of bipartisan cooperation. Senators have worked on their amendments. They have offered them jointly. In a few minutes, we will be voting on an amendment by Senator SNOWE of Maine and JOHN KERRY of Massachusetts to help small business, particularly, in relation to Katrina. That has been the example throughout.

As the ranking member on this new subcommittee, I hope the spirit of the Senate, in moving forward on this bill, will be the spirit of the Senate all the time. We need more of that. We need more civility. We need more collegiality and more of that spirit of "let's get it done" and "let's get it done together."

There were many issues that were new to me, at least the depth of the national problem. We are all familiar with Katrina. One of the things that came up was the whole methamphetamine issue, which seems to have the country in its grips, to listen to the Senators from North Dakota talk about what it means in a rural State, to listen to other Senators who have come in either with individual projects or with national issues. Again, in a spirit of bipartisanship, Senators DAYTON and CHAMBLISS came in with a request to restore over $200 million to fight this scourge that seems to be gripping people at all economic levels. The methamphetamine issue has reached epidemic levels. That bipartisan support added money to the budget and added resources for local communities.

Another champion, of course, was the Senator from Washington, Ms. CANTWELL. She offered an amendment for $20 million on the Hot Spot Program. Where are the real hotspots of meth? We worked with her to adopt that amendment. We thank her and particularly the Senator from Minnesota, Senator DAYTON, the Senator from Georgia, Mr. CHAMBLISS, for being strong advocates. Every other Senator came to me and said: We are glad this is in the bill.

Senator CANTWELL, focusing on the hotspots, sends vital Federal support to law enforcement officers and first responders who are on the frontlines of the meth epidemic. Actually, those crime fighters have a great friend in Senator CANTWELL.

We thank everyone who has helped move this legislation. We are looking forward to moving to final passage. We have two more amendments, and then we will move to final passage. Again, the spirit of the Senate has been wonderful. We are meeting real needs—whether it is Katrina, fighting the methamphetamine epidemic, providing weather services, and so on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to a vote on or in relation to Snowe-Kerry amendment No. 1717, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. For the information of my colleagues, we are now down to one or two outstanding issues. That is good news in the Senate on a Thursday afternoon. During the next vote, we will try to finalize those amendments. Senator MIKULSKI and I, the managers of the bill, have been working with everybody in the Senate to try to move the bill forward. It is our expectation that we will quickly proceed to passage of the bill. I, therefore, alert all Senators now that they should remain close to the Chamber, following this upcoming vote, hopefully for final passage.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, once again, we are coming now to the final aspects of this bill. We have been able to achieve this because of the wonderful bipartisan support that existed between Senator SHELBY, myself, and our staffs. We want to thank them for doing that. I will thank them as we go into wrapup.

Our colleagues, we thank them again for their cooperation in moving the amendments, working on a bipartisan basis. And now as we go to the Snowe-Kerry amendment and the vote, we ask Senators who have those outstanding amendments to consult with the floor and leadership staff, and ourselves as well, because we think we could have a vote—not promptly but expeditiously—after the conclusion of the Snowe-Kerry amendment.

Again, I say to my colleagues to come, vote, stick around, let's work together, and we can finish our bill. People need this bill. It funds the FBI. It funds Katrina help. It funds the methamphetamine help about which we have been talking, and our very important Weather Service. There are so many provisions in it.

I yield the floor and look forward to the vote.

AMENDMENT NO. 1717

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Ms. SNOWE, for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, and Mr. TALENT, proposes an amendment numbered 1717.

(The amendment is printed in the RECORD of Thursday, September 14, 2005, under "Text of Amendments.")

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1717.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—4

Corzine
Lott
Thune
Vitter

The amendment (No. 1717) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1695

Mr. KERRY. Mr. President, the pending business, I believe, is my original amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, let me say quickly I thank my colleagues, and I thank Senators SNOWE and LANDRIEU and VITTER for their work on this amendment. I think the Senate has made a very important statement today about what can be done and what we need to do to respond immediately to the small business needs with respect to Katrina and people impacted across the country.

This amendment details virtually everything in the Kerry-Landrieu amendment, from disaster loan deferments to financial assistance for small businesses and farmers struggling to afford the high prices of gasoline, natural gas, and heating oil. It expands on assistance to small businesses that have SBA 504 loans for buildings or equipment, or for those who will need them. It includes agreed upon language to make sure the money is appropriated to carry out the assistance. And it retains a critical grant program to the states to get money into the hands of small businesses that need immediate access to capital to stay afloat until they get other more comprehensive loans or insurance reimbursements.

For all the good this amendment will do, I am disappointed that two very important provisions were not included. I am against taking out the funding for the Federal government's largest small business loan program, the 7(a) Loan Guarantee Program, that would reduce fees on borrowers and lenders. Even before the destruction of Hurricane Katrina and its impact on our economy, small businesses were struggling with higher insurance premiums, higher energy prices, and higher prices for capital because of rising interest rates. We should not be adding to their expenses by raising loan fees. As I said yesterday, according to a document from the Small Business Administration, since the Administration raised fees in that program, loans to Hispanics have declined by 14 percent. With Katrina causing problems well beyond the state lines of Louisiana, Mississippi, Alabama, Florida, and Texas, those small businesses need relief too. We asked our colleagues, at the very least, to include language that would reduce fees if the SBA overcharges borrowers or lenders, or if there are excess appropriations. They would not agree. They also eliminated the provision that directed the SBA to assume payments for SBA 7(a) and 504 loans that victims had before the Hurricane but cannot now pay. To help these business owners make ends meet, and to avoid defaults or worse, it is my hope that these small businesses will make use of the provision we put in the amendment that allows them to refinance existing business debt with low-cost SBA disaster loans.

Hopefully, because this bill may well be tied up for a period of time, it may be possible to break this amendment out and add to it a couple of components that were not in it today.

We hope to do that. We obviously will work with both sides to do it in the same bipartisan fashion.

This morning Senator LANDRIEU met with some of the top members of the business community of New Orleans. They are very afraid for those small businesses that have to lease, contract, move, and they are afraid of losing for a long period of time, if not forever, the small business base of their community. What the Senate has done today is to address that need in a very realistic and helpful way. I thank my colleagues for doing so.

With that stated, my original amendment, which we now combined into this one, is no longer necessary. I ask unanimous consent it be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I yield the floor, but first let me thank Senator MIKULSKI and Senator SHELBY also for their long forbearance in this effort. I appreciate it.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1678

Mr. LIEBERMAN. Mr. President, I call up my amendment if it has not already been placed in order. It is amendment No 1678.

The PRESIDING OFFICER. Amendment No. 1678 is the regular order.

Mr. LIEBERMAN. This amendment is an attempt to apply an offer of financial relief to victims of Hurricane Katrina in very personal ways to answer the questions that hundreds of thousands of people in the gulf coast region are now asking themselves, by extending current programs or creating a couple of new ones.

Let me be more specific. This amendment would say to folks who suffered this hardship that they can meet their immediate needs for housing and other assistance because we are going to waive the caps and State cost-sharing requirements under the Stafford Program. It would allow survivors of Katrina to cover rent or mortgage payments, if they are suffering financial hardship; that is, by reinstatement of the mortgage or rental program.

It would extend the time that these people can apply for unemployment insurance to 90 days. It would impose a moratorium on obligations for paying student loans and other payments on Federal loans in the immediate aftermath of a hurricane. It would authorize people to take money out of their retirement plans to keep themselves going without having to pay a penalty. And it would extend and expand eligibility for food stamps and WIC programs.

Finally, for victims of Hurricane Katrina and survivors living in the area of hardship, it would extend the bankruptcy protections under current law that would otherwise soon go out of effect with the adoption of the recent Bankruptcy Act.

This is the stuff of enabling people to put their lives back together. It is very human, it is very personal, it is real, and it is very urgently needed.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. Is there further debate?

AMENDMENT NO. 1706, WITHDRAWN

Ms. MIKULSKI. Mr. President, before we move to the vote on the amendment of the Senator from Connecticut, I ask unanimous consent to withdraw Bingaman amendment No. 1706.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.

I ask for regular order.

AMENDMENT NO. 1678

Mr. ENSIGN. Mr. President, what is the regular order?

The PRESIDING OFFICER. The pending question is on Lieberman amendment No. 1678.

Mr. ENSIGN. Mr. President, I make a point of order that the Lieberman amendment violates rule XVI.

Mr. LIEBERMAN. Mr. President, pursuant to the notice properly filed, I move to suspend the rule with respect to this amendment, No. 1678, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1716, 1724, AS MODIFIED, AND 1725

Mr. SHELBY. Mr. President, we have three additional amendments that have been cleared on both sides of the aisle. I send those amendments to the desk, and I ask unanimous consent that the amendments be considered and agreed to, and the motion to reconsider be laid upon the table. This has been cleared with the distinguished Senator from Maryland.

Ms. MIKULSKI. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1716

(Purpose: To extend the provisions an expiring provision of the Universal Service Antideficiency Temporary Suspension Act)

At the appropriate place, insert the following:

SEC. ——. EXTENSION OF UNIVERSAL SERVICE FUND EXEMPTION FROM THE ANTIDEFICIENCY ACT.

Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2005," each place it appears and inserting "December 31, 2006,".

AMENDMENT NO. 1724, AS MODIFIED

(Purpose: To reduce fees on loans to small businesses)

At the end of title V, add the following:

SEC. 5____. SMALL BUSINESS FEES.

(a) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

"(C) LOWERING OF FEES.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

"(I) the Administrator may reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

"(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

"(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.".

AMENDMENT NO. 1725

(Purpose: To provide additional funding for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services)

On page 121, line 19, after the semicolon insert "of which not less than $1,200,000 shall be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services;".

AMENDMENT NO. 1716

Ms. SNOWE. Mr. President, I rise today along with Senator INOUYE, co-chairman of the Committee on Commerce, Science & Transportation, to discuss amendment to safeguard the Universal Service Fund, or USF, the institution that allows rural and low-income Americans to obtain affordable telephone service, allows America's schools and libraries to provide Internet access to all segments of society through the E-Rate program, and permits rural health care providers to obtain telecommunications and Internet services at reduced rates. The concept of Universal Service has been with us nearly as long as the telephone itself, and this amendment today marks one key step in ensuring that this vital policy remains intact in the 21st Century.

Before I go into the merits of the amendment, I want to assure my colleagues that this amendment touches upon an issue that has been in discussion for a long time. In fact, it is almost identical to legislation, S. 241, which I introduced early in the 109th Congress along with, Senator ROCKEFELLER and the chairman and co-chairman of the Commerce, Science and Transportation Committee, Senators STEVENS and INOUYE. A total of 41 cosponsors are on the bill today. Countless telecommunications companies and educational organizations have also endorsed the bill. Moreover, the Senate Commerce Committee held a hearing this past spring to discuss the need for such legislation.

I stand before you today offering this amendment because our time is running out. As I will explain more in a moment, the exemption of the Universal Service Fund from the Anti-Deficiency Act is about to expire. If it is not extended soon, the programs supported by the Universal Service Fund will be in jeopardy.

The amendment today pertains specifically to the Universal Service Administration Company, or USAC, the private, nonprofit corporation that Congress created to administer the USF. Both this amendment and S. 241 are very similar to S. 2994, a bill that I introduced during the 108th Congress and that was passed right before adjournment as part of a larger telecommunications package, H.R. 5419. That bill temporarily exempted USAC from complying with new, arbitrarily imposed accounting rules that had severely disrupted the E-Rate program and threatened to cause huge spikes in consumers' telephone bills. Many will recall that hundreds of millions of dollars in E-Rate funding for schools and libraries stayed unissued for months because of the accounting rule change, and immediate action was necessary to resolve the problem.

According to USAC's Federal regulators, these new accounting rules needed to be imposed to ensure that the USF was compliant with the Federal Anti-Deficiency Act, a law which prevents Government agencies from incurring financial obligations beyond the amount that has been appropriated to them by Congress. However, USAC, in administering the USF, does not receive any appropriated funds from Congress. Rather, the USF is funded by a regular disbursement, on a more or less monthly basis, of moneys derived from a surcharge placed on the revenue generated from interstate telephone calls. The existence of this predictable revenue stream negates any of the risks and concerns that the Anti-Deficiency Act was designed to prevent.

After government accounting rules were imposed on USAC last year, the entire E-Rate program was frozen. On the eve of the start of the school year, this program—which has enabled 93 percent of schools and libraries in the country to hook up to the Internet—was unable to review and act upon the funding recommendations of thousands of applicants. Many recipients of E-Rate funding actually shut off their Internet connections because they had no money available to maintain service. In order to alleviate this problem, Congress decided last fall to exempt the USF from the Anti-Deficiency Act for 1 year until a permanent solution to this problem was found. Senator ROCKEFELLER and I decided to pursue a 1-year exemption in order to ensure speedy passage of the legislation before adjournment, so that schools and libraries could receive their funding again. Today's legislation provides a second extension of the exemption until a permanent solution is found.

Clear precedent exists for such an exemption. Numerous other Federal programs already are exempt from complying with the Anti-Deficiency Act, including the National Park Service and the Conservation Trust. Moreover, an exemption is the rational solution to ensure that this problem does not continue to recur. As I previously mentioned, an exemption is particularly appropriate in this instance because the USF has a funding mechanism different from most Federal programs. The USF functioned very well for many years utilizing the Generally Accepted Accounting Principles used by the entire American business world. Trying to engraft special government rules onto USF is akin to forcing a square peg into a round hole. And the result would be another stoppage in E-Rate—and likely the USF Rural High Cost Fund as well—and also a spike in the USF surcharge on consumers' telephone bills.

Last year we undertook a bipartisan effort among members on the committees of jurisdiction in both Houses of Congress to enact a temporary exemption for the USF from unnecessary, burdensome regulations. In undertaking that effort we worked closely with the Federal Communications Commission, and enjoyed widespread support among the telecom industry, educators, and State and local governments. The temporary extension that we worked so hard to pass has almost expired. We must extend the exemption 1 more year so that the Universal Service Fund can continue to support rural consumers, schools, libraries, hospitals and low-income households.

Mr. SHELBY. Mr. President, I further ask unanimous consent that following the disposition of the Lieberman amendment, the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate; provided further that the amendment to the title then be agreed to, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that following the first vote there be 2 minutes equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, reserving the right to object, only to say that as we move to the closing of this bill, I want to thank Senator SHELBY and his staff for all the many courtesies. It has been an outstanding way to move this bill.

I do not object to the Senator's request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to suspend the rules for the consideration of amendment No 1678. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "nay."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 52, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Corzine
Landrieu
Lott
Thune
Vitter

The PRESIDING OFFICER. On this vote, the ayes are 43, the nays are 52. Two-thirds of the Senators voting, not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CSTARS

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project being undertaken by the University of Miami: The Center for Southeastern Tropical Advanced Remote Sensing, or CSTARS. This state-of-the-art system will perform real-time analysis from multiple satellites of the ocean, atmosphere, environment and weather around the Gulf of Mexico, Caribbean and the Southeastern U.S.

Every year, Florida and the entire Southeast must prepare itself for hurricane season. People around the Nation and the world have seen the devastation wrought by Hurricane Katrina in Louisiana, Alabama and Mississippi. The images we are seeing daily on television are horrific and greatly disturbing, and we all are hurting for the victims of this tragedy. Last year, four hurricanes hit Florida within 5 weeks, causing billions in damage, which we are still digging out of. Many scientists predict that we are seeing the beginning of 20 to 30 years of storms of this magnitude.

The information available through CSTARS will greatly enhance our ability to monitor storms and the conditions in which they develop by observing ocean temperatures, wind speed and air pressure. After storms, CSTARS can provide rapid assessments of urban and coastal infrastructure and coastline damage. Programs like CSTARS are vital for states that regularly have to prepare for these storms and recover from the damage left in their wake.

Additionally, CSTARS can assist our comprehension of inland water levels, pollution, vegetation growth, coastal erosion, ocean currents, volcanic activity and much more. It is a deserving program, and I hope that this Senate is able to find the funds necessary to support it.

Ms. MIKULSKI. I say to my colleague from Florida that I understand the importance, to the Gulf states and the Nation, of providing funding for research and analysis of weather systems. The Senator from Florida has been a leader on this issue. While in these tight budget times, we are unable to fund every worthy program, I will continue to work with him to ensure that our Nation has the very best research available to understand hurricanes and other environmental concerns.

Mr. NELSON of Florida. I thank the Senator from Maryland for her knowledge of this issue and her readiness to work with me on it.

VIRGINIA KEY MARINE LIFE SCIENCE BUILDING

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project by both NOAA and the University of Miami.

Virginia Key, FL is the home of two important NOAA programs dealing with the oceans and fisheries and the home to the University of Miami Rosentiel School of Marine and Atmospheric Science. Because of their proximity, overlap in focus, and the quality of the research at both NOAA and the Rosentiel School, the two have developed a close, mutually beneficial working relationship.

As the Rosentiel School has grown in prominence it has also grown in size to over 500 professors, graduate students, researchers and staff, and can no longer fit in its current facilities. The school had considered relocating, but moving away from Virginia Key would weaken the relationship between it and NOAA. That is why last year Congress found it appropriate to pass a bill authorizing NOAA to grant land to the University of Miami to construct a new Marine Life Science Center in Virginia Key.

This new center would be home to both the Rosentiel School and NOAA staff, allowing their collaboration to continue and to grow. The research performed on marine habitats, fishery economics, ocean chemistry and tropical meteorology will be brought together in a modern facility where it can be presented and shared.

Currently, planning is underway to develop this center, and I believe we should assist NOAA and the University of Miami with the design and schematic plans of this joint facility. Once design plans are in place, the University of Miami plans to finance the building construction through non-Federal funds. Once completed, up to 50 percent of the space will be used by NOAA.

Ms. MIKULSKI. It is wonderful to see collaboration between the Federal Government and our Nation's top universities, and we should support those efforts whenever possible. In these tight budget times, it is difficult to fund every deserving project such as this one. I will work with the Senator from Florida so that we can find ways to further partnerships like these.

Mr. NELSON of Florida. I thank the Senator from Maryland for her assistance and I look forward to working with her.

PROJECT SAFE NEIGHBORHOODS

Mr. CORNYN. Mr. President, I rise today to voice my strong support for the remarkable crime-prevention results from the President's Project Safe Neighborhoods initiative. We must ensure that adequate appropriations continue to fully support this productive crime-fighting effort.

I am concerned that the appropriations bill we are considering today makes no provision for the State and local grant program of Project Safe Neighborhoods, an important component of the President's initiative, and I am not alone. A number of our colleagues share my concern that this important program for fighting crime in our streets and in our neighborhoods should be funded adequately.

I am pleased that my friend from Alabama, Senator SESSIONS, joins me today. Does the Senator share this concern?

Mr. SESSIONS. Yes I do, and I appreciate the comments of the Senator from Texas. In Alabama, we have enjoyed great successes from the implementation of Project Safe Neighborhoods and its State and local grant program for which full funding is important. What would represent sufficient funding for this important program?

Mr. CORNYN. The President requested in his budget $73,800,000 for State and local grants. And according to the Department of Justice, in order for Project Safe Neighborhoods to continue as a flagship gun crime reduction initiative, the $73.8 million dedicated to the Project Safe Neighborhoods State and local grant program, is essential.

The State and local grants are critical to the success of the President's Project Safe Neighborhoods program. The grants support the removal from our streets and our neighborhoods of these criminals who use guns to carry out their crimes.

The idea did not start in Washington. Indeed, the first program of its kind saw enormous success in Richmond, VA, where crime was significantly reduced as gun crime prosecutions increased substantially.

When I was Attorney General of Texas, I joined with then-Governor Bush to launch Texas Exile, modeled after Richmond's Project Exile. This Texas program also met with extraordinary success, providing local prosecutors the funds necessary to get more than 2,000 guns off the streets, and to issue more than 1,500 indictments for gun crimes. This resulted in almost 1,200 convictions during the first 3 years of the program's existence.

When President Bush came to Washington, he built upon our success in Texas by making Project Safe Neighborhoods one of his top priorities. He launched the Project Exile program nationally, providing desperately needed resources to combat gun-related crimes to jurisdictions throughout our country.

In the short time this initiative has been up and running, the results have been astonishing. Project Safe Neighborhoods' prosecution, prevention, and deterrence efforts have helped fuel historical lows in gun crime across America as well as a 30-year low in the violent crime victimization rate. Over the past 4 years, Federal gun crime prosecutions have increased by 76 percent and virtually all of these criminals spend time in prison. For example, 94 percent of those originally charged with a Federal gun crime received prison terms in fiscal year 2004.

The administration has devoted over $1.3 billion to implement Project Safe Neighborhoods since its inception in 2001. These funds have been used to hire almost 200 new Federal prosecutors dedicated to gun crime and to provide grants to hire approximately 540 new State and local gun prosecutors. The additional Federal funding for these State and local gun prosecutors, as well as the associated community outreach efforts and other initiatives are critical to the success of the program and to the national reduction of violent crime.

As the Senator mentioned, the program as implemented in Alabama has enjoyed significant successes, isn't that right?

Mr. SESSIONS. That is absolutely right. In fact, in 2002, all of the U.S. Attorney's Offices in Alabama kicked off Alabama ICE, which stands for Isolate the Criminal Element. It is a partnership among Federal, State, and local law enforcement officials designed to help get guns out of the hands of convicted felons.

As an example, the number of indictments for the Middle District of Alabama is expected to reach 110 by the end of this fiscal year, up from 15 in 2001. The program allows law enforcement to charge convicted felons with felonies through the Federal court system if found in possession of a gun, or in possession of a gun during violent or drug trafficking crimes. If charged at the State level, a convicted felon would likely be charged with a misdemeanor if found in possession of a gun.

And the results have been exceptional. As I said, Alabama ICE was first implemented in Alabama in April 2002. During the first 11 months of 2003, the number of violent crimes in Montgomery showed significant decreases. Criminal homicides decreased 45 percent, robberies 10 percent, aggravated assaults 16 percent, and domestic violence aggravated assaults 43 percent.

I know the Senator must have countless examples from his home State of Texas; isn't that right?

Mr. CORNYN. Examples from my home State of Texas clearly demonstrate that Project Safe Neighborhoods is working. Consider:

The Northern District of Texas has shown a 31 percent increase in the number of Federal gun cases opened in 2004 over 2003. The Project Safe Neighborhoods Task Force continues to work harmoniously and effectively in contributing to the reduction of gun-related crimes citywide and in the targeted neighborhoods.

PSN prosecutions in the Northern District of Texas have targeted some of the worst gun offenders, and have resulted in safer neighborhoods within the district. For example, in August 2002, the Dallas Division coordinated a long-term gang investigation under the PSN Program with the ATF and the Dallas Police Department. The investigation resulted in two separate indictments charging 18 gang members with being involved in a drug trafficking conspiracy, crack cocaine, along with other street gang members.

And the efforts of the Western District of Texas to energize Project Safe Neighborhoods through effective partnering with State and local law enforcement are demonstrated most clearly by their impressive prosecution statistics. They have seen a 74 percent increase in prosecutions from fiscal year 2000 to fiscal year 2004, and a 13 percent increase in the past fiscal year.

That is why I am so concerned that there was no funding included in this appropriations bill. While I appreciate any effort this body might take to embrace fiscal discipline, I question the efficacy of choosing to eliminate a program that is saving thousands of lives nationwide as opposed to many other less critical projects and programs.

I am pleased the senior Senator from Alabama, who has been working so hard on this Commerce-Justice-Science appropriations bill is here with us. I ask Senator SHELBY, is this something that he believes we can work to resolve in conference given the difficulty in making changes at this time?

Mr. SHELBY. I would like to thank the Senator from Texas and my colleague from Alabama for their willingness to work with me to resolve their concerns. This program, as with many programs for which we struggle to find adequate funding, is important. This program received no appropriation in the fiscal year 2005 conference report. I understand related funding has been appropriated in the House CJS bill and I will work to address the concerns of my colleagues as the appropriations process moves forward.

Mr. SESSIONS. I would like to thank my friend from Alabama and I offer any assistance that I or my staff can give as you work on this important issue for us.

Mr. CORNYN. I would like to thank my colleagues. The Project Safe Neighborhoods program serves as a model of coordinated Government efforts, with Federal, State and local governments sharing the burden of prosecuting criminals and coordinating their resources to do so. At a time when some Federal agencies are struggling to coordinate efficiently with State and local governments, the Project Safe Neighborhoods program serves as a model of efficiency and effectiveness.

I appreciate that Senator SHELBY points out that the State and local grant program received no appropriation in fiscal year 2005, an unfortunate reality that gives me even greater concern about the future of the Project Safe Neighborhoods program. It is now even more critical that in conference we find the funds necessary to continue this program that so clearly has reduced rates of violent crime and victimization across our country.

NATIONAL WATERBORNE DISEASE RECOGNITION AND DISASTER PREPAREDNESS PROGRAM

Mr. SCHUMER. Mr. President, I rise today to engage my friend, the Senator from Maryland who serves as the ranking member of the newly formed appropriations subcommittee on Commerce, Justice, and Science, in a colloquy regarding a program of national importance, and its inclusion in the fiscal year 2006 CJS appropriations bill. I thank my friend for her service in this body and for her tireless and passionate work on this bill. I particularly want to thank her for showing support for several projects of significant importance to New York State. The aftermath of Hurricane Katrina has left much of the gulf region under toxic floodwaters. I would like to secure funding for a National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center in Elmira, NY. This waterborne disease recognition program has been funded by the EPA for the past 3 years but was not included in the President's fiscal year 2006 budget. Funding for this important program through NOAA will be essential for ongoing disaster relief efforts in the gulf region, as well as preparedness efforts for future natural disasters or water terrorism events.

It is obvious that there will be long-term medical and public health challenges ahead for the gulf region resulting from the massive water contamination event associated with Katrina. The medical risks for the gulf residents and first responders will include gastrointestinal syndromes resulting from waterborne exposure to biological agents such as Hepatitis A, E. coli from fecal contamination, and waterborne parasites. Exposure to a diverse array of toxic chemical contaminants from industrial sites, oil and gas installations, and household chemicals may lead to long-term health effects yet to be determined. This National Waterborne Disease Recognition and Disaster Preparedness Program is a one-of-a-kind program that has a proven track record of delivering high-quality, cost-effective educational interventions to communities throughout the United States, addressing waterborne disease recognition, natural disaster preparedness, and water terrorism readiness.

Ms. MIKULSKI. We have all become aware of the dangers of exposure to contaminated water and the health risks to residents, first responders and volunteers. Many challenges lay ahead, as flooded gulf communities continue to pump out this contaminated water as we speak.

Mr. SCHUMER. The National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center is uniquely situated to address these challenges. This program will assist Federal disaster response efforts by providing technical assistance to the Department of Homeland Security, the EPA, CDC, and Department of Defense regarding water quality management, waterborne diseases, and the health effects of water contamination. It also provides educational training and support for local and regional healthcare providers to enhance accurate diagnosis and management of people with exposure to waterborne agents. I am hopeful that as the CJS appropriations bill moves forward that we may work together to see if this important issue can be addressed in conference.

Ms. MIKULSKI. I thank the Senator from New York for bringing this program to my attention and I will work with him to find ways to further this important program.

NOAA'S NATIONAL WEATHER SERVICE

Mr. NELSON of Florida. The people of Florida and the nation owe NOAA's National Weather Service a debt of gratitude for their work last year predicting the four hurricanes that hit Florida and the southeast and this year for their work predicting Hurricanes Dennis and Katrina. The National Weather Service website had more than 9 billion hits during the four storms last year. That site provided vital information to the people of Florida as they prepared their homes and evacuated their families from the path of the hurricanes. For these reasons, I want to thank the distinguished chairman and ranking member of the Commerce-Justice-Science appropriations bill, Senators SHELBY and MIKULSKI, for working with me to ensure that the National Weather Service's ability to continue to provide the American people with weather forecasts and warnings through the internet and other sources will not be undermined or limited. I agree with the chairman of the Senate Subcommittee on Disaster Preparedness and Prediction, Senator DEMINT, that the National Weather Service deserves an "A" for its predictions about Hurricane Katrina.

Mr. SHELBY. I agree with the Senator from Florida. NOAA's National Weather Service has the unique expertise and responsibility to provide the nation with general weather and flood warnings and forecasts to protect life and property. The National Weather Service shall have the continued flexibility to disseminate these warnings and forecasts in all formats necessary to ensure timely delivery to the taxpayers. Furthermore, I want to commend the National Oceanic and Atmospheric Administration for their exceptionally accurate Katrina forecasts.

Ms. MIKULSKI. Let me be clear, I am absolutely opposed to efforts to privatize the weather service. The National Weather Service must continue to provide forecasts and warnings through its website and other sources without limitation. The National Weather Service provides critical information to our citizens and saves lives and livelihoods and it must continue to do so.

NATIONAL SCIENCE FOUNDATION

Mr. ENSIGN. Mr. President, as a fiscal conservative there are very few areas in which I believe Federal funding should be increased. One of those few areas, however, is that of the National Science Foundation.

Funding of the National Science Foundation should be a national priority.

Congress established the National Science Foundation in 1950 with the broad mission "to promote the progress of science; to advance the national health, prosperity, and welfare; and to secure the national defense." In this capacity, NSF plays a critical role in underwriting basic research at colleges, universities, and other institutions throughout our Nation.

Basic research supported by NSF in chemistry, physics, nanotechnology, genomics, and semiconductor manufacturing has brought about some of the most significant innovations of the last 20 years.

For example, the World Wide Web, magnetic resonance imaging and fiber optics technology all emerged through basic research projects that received NSF funding.

Research supported by NSF accounts for approximately 40 percent of non-life-science basic research at U.S. academic institutions while representing less than 4 percent of the Federal funding for R&D. Support for NSF's efforts to fund basic research is particularly important due to the impact of such research on innovation and global competitiveness.

To remain globally competitive in the 21st century, the United States must continue to lead the world's innovation. Innovation fosters the new ideas, technologies, and processes that lead to better jobs, higher wages and a higher standard of living. While innovation is the key to the future, basic research is the key to future innovation. And today, the future of basic research appears vulnerable.

Over the last 30 years, Federal funding in support of basic research has remained flat in constant dollars and decreased by 37 percent as a share of GDP. Especially given increased competition from nations like China and India, failure to support the NSF and basic research creates a serious long-term risk for our nation. U.S. competitiveness in global markets and the creation of good jobs at home rely increasingly on the cutting edge innovation that stems from high-risk basic research. U.S. technological leadership, innovation, and jobs of tomorrow require a commitment to basic research funding today.

Congress approved and President Bush signed the National Science Foundation Authorization Act of 2002. That Act authorized funding for NSF at appropriate levels, but funding for NSF has consistently lagged behind the amounts authorized. In fiscal year 2005, NSF received funding that was approximately $2 billion less than authorized. In fiscal year 2006, we are considering funding NSF at levels approximately $3 billion less than authorized.

As we consider funding priorities on the CJS bill and in the future, I urge the chairman, ranking member, and my fellow colleagues to make it a priority to fund NSF and to support increased basic research.

Mr. SHELBY. Mr. President, I thank my colleague from Nevada and recognize the importance of the basic research done through NSF. I share his interest in basic research funding and look forward to working with him to strengthen our Nation's capabilities through basic research.

Mr. ENSIGN. I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting the basic research done at NSF in our country.

STEM EDUCATION FUNDING

Mr. SALAZAR. Mr. President, I am deeply concerned about the status of science education funding in the Commerce, Justice, and Science appropriations bill. I commend Chairman SHELBY and Ranking Member MIKULSKI of the Commerce, Justice, and Science Appropriations Subcommittee for their hard work on this bill. With full recognition of the challenging task they have faced in ensuring adequate funding for so many needed projects, I am compelled to take a moment to address a growing crisis in America.

The educational programs for the STEM disciplines—science, technology, engineering, and mathematics—are essential for America's future competitiveness and are severely underfunded. As a result, America's STEM education is falling behind. United States international test scores in science and mathematics remain unacceptably low. At the same time, countries in Europe and Asia are investing crucial resources into their own research and education infrastructure to ensure future world market success. These factors combine to make American businesses look to move overseas for high-tech workers, outsourcing our jobs and our competitiveness.

This problem is multi-faceted. We have to provide today's teachers with the skills and materials they need to teach these disciplines well. We have to attract new teachers to the field—the teachers of tomorrow. We have to research ways to teach science and math to find out how this material is best learned and how interest in these fields is best promoted. It is in the best interest of our Nation to address each of these issues and it will require a greater investment on the part of our Federal Government.

Unfortunately, in too many ways, we seem to be pointed in exactly the wrong direction. I find it especially troubling that the National Science Foundation's Education and Human Resources Directorate has seen significant setbacks in the fiscal year 2006 proposed budget.

The Math and Science Partnership Program, which awards competitive grants to build a bridge between higher education and K-12 math, science, and engineering educators has achieved excellent results and has endeavored to improve learning in mathematics and science for all K-12 students. For fiscal year 2006, we are seeing this highly successful program slowly phased out of NSF. I would like to thank the chairman and ranking member of the committee for providing an additional $4 million above the request by the President, but also note that in the past 2 years more than half of the funding for this program has been cut, from $139 million 2004 to the $64 million proposed in this bill for fiscal year 2006.

Furthermore, the Research, Evaluation, and Communication, REC, division, which works to increase the number of students obtaining college degrees in STEM and to support educational research projects on college degree attainment in STEM, has also been cut. Results from REC research areas such as physics education have led to teaching methods that more than double the information learned and retained by our college students when compared with traditional methods. But REC has been cut from $60 million in 2005 to a mere $33.8 million in this proposal.

These are just a few examples, but it is not the entire story. Taken as a whole these cuts are extremely troubling because they will have long-lasting impacts.

I ask that both the chairman and the ranking member of the Commerce, Justice and Science Appropriations Committee work to protect and increase STEM education funding in conference.

This is not a partisan issue. It is the future of our country and the success of our children that concerns me, and, I trust, concerns my colleagues as well.

Ms. MIKULSKI. Mr. President, I share the views of my colleague from Colorado. Money is tight, but our future competitiveness as a nation hangs on our ability to educate our future scientists and engineers.

It is important to make sure that we encourage our children to take interest in science, technology, engineering and math. It is important to make sure we provide our teachers with the appropriate tools and training so our children will keep that interest. And it is important to research how our students learn science, and to research the best ways to teach them these disciplines.

I would like to see science education funding returned to at least last year's levels and will work toward that goal in conference.

I respectfully join the Senator from Colorado and also ask the Chairman of the Commerce, Justice, and Science Appropriations Subcommittee to help me reach that goal.

Mr. SHELBY. Mr. President, I thank my colleagues from Colorado and Maryland and recognize the importance of their interest in funding science education. I share their interest in supporting education funding at NSF and will work to find opportunities for science education funding during conference.

Mr. SALAZAR. Mr. President, I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting and improving science education in our country.

AERONAUTICS FUNDING

Mr. ALLEN. Mr. President, I would like to engage my colleague, Chairman SHELBY in a colloquy on the state of our government's funding for aeronautics research and development and the importance of the discipline to our Nation's national security and economic competitiveness.

Mr. SHELBY. Mr. President, I would be happy to do so.

Mr. ALLEN. As my colleague from Alabama may know, aeronautics research at NASA has played an integral role in our country's unrivaled military air power and until recently, our dominance of the commercial aviation market. Specifically, NASA engineers have developed innovations such as shaping for stealth: multi-axis thrust vectoring exhaust nozzles integrated with aircraft flight-control systems; fly-by-wire flight control technologies; high-strength and high-stiffness fiber composite structures; and tilt-wing rotorcraft technology. These breakthroughs have contributed to American security and economic prosperity.

Mr. SHELBY. Mr. President, I understand Senator ALLEN has had a long-time interest in this issue and appreciate the point he is making with regard to the benefit of aeronautics research and development to our national defense and our economy.

Mr. ALLEN. I thank my colleague and would further argue that aeronautics is a vital and important science to our country. The U.S. aerospace and aviation industry employed 2 million workers in 2001. These workers earn incomes that are 35 percent higher that the average income in the U.S. Further, despite a recent decline in market share, U.S. commercial aviation is one of the few areas of U.S. manufacturing where we actually have a positive balance of trade.

Mr. SHELBY. I would tell my colleague I agree that we must find ways to support sciences and disciplines that contribute positively to the United States trade relationship with its partners.

Mr. ALLEN. Yet, even as our national security and economy are dependent on the breakthroughs in aeronautic research and developments, in recent years, NASA has significantly reduced its investment in this vital science. The administration's 2006 budget proposes to cut over $700 million out of NASA's aeronautics budget over the next 5 years. That will reduce the effective levels of NASA's aeronautic investment to about half the level it is today—and today's level is about half the level which existed—adjusted for inflation—that the U.S. made just a decade ago.

Moreover, the President's budget called for eliminating NASA's entire "vehicle systems" program—the very initiative that over the last five decades has provided major technology advances that have been used on every major civil and military aircraft over that period of time.

The last two administrations have consistently reduced NASA's aeronautics funding and allowed a valuable competency and the human resource to atrophy and now the U.S. is second to the Europeans in aircraft sales.

I would like to point out that there have been a number of well researched, thoughtful reports on the importance of aeronautics research to our economic and national security. The National Institute of Aerospace recently released a comprehensive study that outlines priorities and funding requirements to meet the challenges we face from foreign competition and realize the innovations and breakthroughs of the future. Specifically, the report finds that NASA's aeronauts budget requires an average 5-year increase of $885.5 million over the fiscal year 2005 levels. This proposed budget would bring NASA's aeronautics programs back to 1998 levels when factoring inflation. Further, the NIA report finds that NASA is uniquely suited to carry out this kind of research, given its vast infrastructure and world-class. Importantly, the report follows by noting that the outcome of aeronautics research adds to the nation's wealth, not to any particular aviation company.

I understand we are not going to make those types of commitments in the fiscal year 2005 Commerce, Justice and Science Appropriations bill. However the House version of this measure includes some additional funding for aeronautics programs within NASA. The House provision would appropriate $54 million above what the President requested in his fiscal year 2006 budget recommendation to the Congress. This relatively small increase would maintain aeronautics funding at levels appropriated in fiscal year 2005.

Mr. SHELBY. Mr. President, I am aware that our House counterparts have appropriated funding for NASA aeronautics programs at the fiscal year 2005 levels.

Mr. ALLEN. I would respectfully request that Chairman SHELBY and the other Senate conferees to this bill give all due consideration to the arguments we have made today and to the possibility of adhering to the House provision on fiscal year 2006 for NASA's aeronautics programs.

Mr. SHELBY. I say to Senator ALLEN that I will give every consideration to his request when we begin conferencing this bill.

Mr. ALLEN. I offer my sincere appreciation for Chairman SHELBY's willingness to work with me on this issue which is vitally important for America's security and leadership in aeronautics innovation. He has been accommodating to my concerns and creative in trying to find a way to address our country's aeronautics needs for the coming fiscal year.

Mr. SHELBY. I thank my colleague for his interest in this legislation and his work on this issue.

Mr. ALLEN. Thank you Mr. President. I yield the floor.

Mr. GRASSLEY. Mr. President, I want to offer a few observations with respect to Stabenow amendment No. 1688 to H.R. 2862, which was accepted by the Senate yesterday, as modified, and elaborate on why I supported this amendment.

As my colleagues well know, I have long supported the legalization of prescription drug importation in this country. In fact, I have sponsored a bill to legalize the importation of prescription drugs. That bill is S. 334, the Pharmaceutical Market Access and Drug Safety Act of 2005. I want to thank Senators DORGAN, SNOWE, KENNEDY, and MCCAIN for working with me to carefully develop legislation that I could fully support. I worked very closely with my colleagues to draft S.334 in way that does not create any litigation risk with respect to any of our trade agreements. We achieved that in S. 334. I believe S. 334 is fully consistent with the terms of our trade agreements, including our agreements with Singapore, Morocco, and Australia.

The Stabenow amendment is not limited to pharmaceutical patents. That concerns me. I believe the international trade obligations of the United States allow us to apply a special rule of patent exhaustion to pharmaceutical patents as long as we respect the principles of national treatment and most-favored-nation treatment. I hope that the Stabenow amendment will be further refined in conference so that its scope is limited to pharmaceutical patents.

By legalizing the importation of prescription drugs we will increase competition and keep the domestic pharmaceutical industry more responsive to consumers. Drug companies will be forced to reevaluate their pricing strategies, and American consumers will no longer be forced to pay more than their fair share of the high cost of research and development for new innovative pharmaceuticals. Prescription drug importation legislation has been stalled in Congress for far too long. My support for the Stabenow amendment is intended to help kickstart the legislative process, so we can pass prescription drug importation legislation without any more delay. The American people deserve no less.

Mrs. STABENOW. Mr. President, I rise today to thank Senators SHELBY and MIKULSKI and their staff for their aid in including an amendment that my colleague, Senator VITTER, and I offered. I also am pleased that Senators DORGAN, MCCAIN, DURBIN, LEVIN, SCHUMER, FEINGOLD, KOHL, and SNOWE cosponsored this amendment.

Our amendment simply matches a provision in the House's appropriation bill that prohibits the US Trade Representative from inserting anti-drug-importation language into free trade agreements. Our provision will remove a huge obstacle to creating a meaningful drug importation plan.

One of yesterday's headlines was that the cost of health insurance for working Americans climbed 9.2 percent this year, far outpacing both general inflation and workers' pay increases, according to a nationwide survey by the Kaiser Family Foundation.

On average, health insurance for a family cost $10,880 this year, with the employer paying $8,167 and the worker $2,713, the survey found. The total cost almost exactly matches the total annual earnings of a person working full time at the minimum wage, the survey noted.

One of the key drivers of health care is the cost of prescription drugs. Rising drug costs place a huge financial burden on all Americans: from our senior citizens on fixed incomes, to working families without insurance, to small businesses with high health plan costs, to hospitals struggling to stay afloat, to states grappling with Medicaid drug costs. In April of this year, AARP reported last week that wholesale prescription drug costs rose an average of 7.1 percent last year. There is no way that our health system, our citizens, our government, and our taxpayers can continue to endure these increases year after year.

And these rising costs have an enormous health consequence for us, too. Prescription drugs are not like other products. They can do wonderful and amazing things but only if you can afford them. We might be able to make do and not buy a new pair of shoes, but we cannot off our medicine.

Because my home State borders Canada, I know what a difference reimportation has on people's lives. For years, I have joined my fellow Michiganians on their bus trips to Canada for medicine. What I discovered on my bus trips was almost unbelievable. Across Michigan's three bridges to Canada, my constituents have been able to buy safe, FDA-approved drugs at a fraction of the cost. For example, the cholesterol-lowering drug Lipitor is about 40 percent less; ulcer medication Prevacid is 50 percent less; and anti-depression medication Zyprexa is 70 percent less.

Today, the majority of Americans recognize that drug importation is a fair trade issue. They know that drug makers already bring drugs manufactured in other nations back into the U.S. And FDA inspectors go all over the world to inspect manufacturing lines that will produce drugs that ultimately will be brought into the U.S. I think many Americans would be surprised to learn that their drugs might be made in China, India, or Slovakia. In fact, one quarter of all drugs consumed by Americans were made in other nations and brought into the U.S.

But unfortunately for the millions of Americans who are struggling to afford their medication, PhRMA also has recognized that drug importation is a trade issue. According to its lobbying disclosures, PhRMA has actually lobbied the U.S. Trade Representative, our government's top international trade official, more than it lobbied the FDA, which directly oversees the industry's products. The Center for Public Integrity reported that PhRMA has contacted USTR more than any other lobbying organization.

That lobbying has paid off. Provisions in three different Free Trade Agreements with Singapore, Australia, and Morocco have created new patent rights for prescription drugs that would make it a violation to import drugs from those nations. Although none of the drug importation bills pending before the Senate propose importing drugs from all of those nations, these provisions are setting a dangerous precedent.

USTR has testified before Congress that new legislation on drug importation "could give rise to an inconsistency between U.S. law and a commitment under this trade agreement."

Worse, we are also hurting the ability of citizens in other nations to produce generic drugs. CAFTA contains language that will dramatically limit millions of patients' access to these low-cost, high-quality alternatives. In many Central American nations, brand-name drugs cost 22 times more than their generic equivalents.

This has already caused unrest. For example, HIV/AIDS patients in Guatemala have demonstrated against changes in their nation's generic-drug manufacturing laws as a result of CAFTA. Does this make any sense when we are trying to push for more resources to fight global AIDS?

Senators VITTER, MCCAIN, and I introduced a bill in July that would prohibit such unfair language as well as make sure that consumer voices—our voices—are heard in free trade negotiations regarding pharmaceutical issues. This bill has been endorsed by numerous groups including Consumers Union and the Center for Policy Analysis on Trade and Health.

The amendment accepted yesterday merely says that USTR should not adopt language creating obstacles to drug importation. The Stabenow-Vitter amendment is a fair compromise. We need to have an open discussion about drug importation—it shouldn't be decided for us as a provision in an unamendable trade agreement.

This amendment is not an attack on intellectual property or enforcing trade agreements. I am very concerned about enforcing our patents and ensuring other nations respect our companies' intellectual property. In fact, I am a cosponsor of Senators SPECTER and LEAHY's legislation on intellectual property.

Nothing in this amendment would preclude USTR from negotiating strongly-worded trade agreements that would protect and preserve our nation's patents and intellectual property. But surely USTR can negotiate and fight for language that isn't a back-handed way of blocking drug importation.

We know that, if given the chance, we can pass a good drug importation bill with bipartisan majorities in both houses of Congress. The bill that I have co-sponsored with Senators DORGAN, SNOWE, MCCAIN, and others would reduce total drug spending in the U.S. by about $50 billion over the 2006-through-2015 period.

But if USTR continues to insert provisions against importation into our trade agreements—agreements that are supposed to help American consumers—then our hard work will be for nothing.

The drug makers have a complete monopoly on those prescription drugs. No one else—doctors, pharmacists, patients, and employers—has the same opportunity to purchase those FDA-approved drugs at low prices. Again, only the drug makers can bring in these safe, FDA-approved drugs. We need to change this policy.

Ms. MIKULSKI. Mr. President, I would like to thank Senator CANTWELL for tireless leadership in the fight against meth. Methamphetamine abuse has reached epidemic levels across our country, and by working to ensure that we don't shift the burden onto local communities, Senator CANTWELL has given State and local law enforcement an important ally. Accepting her amendment to add $20 million to the hotspots program brings funding for meth State and local enforcement to $80 million. Coupled with the bipartisan addition of $43 million of meth authorization dollars that Senator CANTWELL cosponsored and other meth-related funding, this bill makes an enormous Federal commitment to help our State and local effort to fight the meth battle. Senator CANTWELL's amendment sends vital Federal support to law enforcement officers and first responder on the front lines of the meth epidemic everywhere. These crimefighters need more funds to help combat this dangerous drug, and Senator CANTWELL has fought to give them resources they need. I appreciated her work to improve this bill, as do countless law enforcement officers across America.

Mr. President, as part of H.R. 2862, the fiscal year 2006 Commerce, Justice, Science Appropriations bill, the Senate has included comprehensive relief assistance for small business harmed by Hurricane Katrina. I am glad we were able to come to agreement on a bipartisan package and I thank Senators SNOWE, KERRY, VITTER and LANDRIEU for their work and for ensuring that we could move forward to pass these provisions so vital to small businesses in the Gulf Coast. One of the key differences between the Snowe-Vitter and Kerry-Landrieu amendments was that the latter included appropriations for the 7(a) Loan Guarantee Program. Our support of the compromise Hurricane Katrina small business package should not be interpreted as our taking a position today on whether to include appropriations for the 7(a) Loan Guarantee Program. While we were not able to address the 7(a) program today, I am aware that there is $79 million included in the House version of our bill for the 7(a) program and that we will be addressing this issue in conference. I look forward to working with my colleagues to ensure that the 7(a) program continues to provide access to capital to small businesses across the Nation.

Mr. President, we are now coming to the end of our bill. We thank the leadership for all the help and support they gave us, and also working with the Judiciary Committee to accommodate their schedule.

This is the first time this subcommittee has come out with a bill. We are a newly constituted committee. I have had the chance to work with someone I had worked with in the House. Chairman SHELBY and I worked together in the same committee in the House of Representatives. Now we are together in Appropriations. I thank him for working with me in such a collegial and consultive way.

Also, his staff is outstanding: Katherine Hennessey, Jill Long, Nancy Perkins, Art Cameron, Allen Cutler, Shannon Hines, and Ryan Welch.

I also thank my staff: Paul Carliner, Kate Fitzpatrick, Gabrielle Batkin, and Alexa Sewell, who is not here today because she has a new baby.

So I thank everyone because I think we are about to pass a good bill. I think the Senate can be very proud of this bill because we support law enforcement at all levels in our communities. We support technology and development and scientific discovery. And working with agencies such as the National Weather Service, we save lives and livelihoods.

So I am ready to move to final passage and, once again, express my appreciation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will try to be brief. We are getting toward the end.

I am pleased we have completed consideration of this 2006 Commerce-Justice-Science appropriations bill. This is not an easy bill, as everyone knows. With such broad jurisdiction, this bill attracts a lot of attention—sometimes too much—on the Senate floor and throughout the process.

It is our job—Senator MIKULSKI's and mine, with the help of leadership on both sides—to ensure the bill addresses my colleagues' concerns and effectively supports the operations of its Federal agencies. We have tried to do this. I think we have.

I thank my colleagues for understanding this and for working with us to ensure the viability of this bill, both here in the Senate and in conference.

I believe overall this is a good bill. It reflects the priorities of this body, and it addresses the needs of the Nation. Some needs are now more urgent than others, as we know in the wake of Hurricane Katrina, and we have and will continue to make adjustments in the Small Business Disaster Loan Program, the Economic Development Administration's Public Works Grants, and the National Oceanic and Atmospheric Administration's hurricane-related programs.

We will take this bill to the House of Representatives in conference. We have only a short time left in the year, as the leader keeps telling us. We will do our best to get a conference report to the President as soon as we can.

I also offer my thanks to the distinguished Senator from Maryland, Ms. MIKULSKI, for all of her work and the work of her staff. We have worked together for years. Without us working together in a bipartisan spirit, we would not be where we are today. She and her staff have worked with our side of the aisle in a truly bipartisan manner, and it is reflected in the bill.

I also thank Senator COCHRAN, chairman of the full committee, for all of his work and advice. It has been appreciated. I also thank the leaders, Senators FRIST and REID, and the floor staff, especially Dave Schiappa, Bill Hoagland, and my staffer, Katherine Hennessey, and others. They did an excellent job helping us move this bill along, and we are in their debt.

I thank the Chair.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a very few seconds we will proceed to passage of the CJS bill. I congratulate the two managers for the outstanding job they have done, Senators SHELBY and MIKULSKI. They patiently stayed on the floor day and night working through the amendments. We thank them for their efforts. It has been a matter of a lot of patience, in part due to the coordination with the Judiciary Committee and those hearings. In a few moments after passage of the bill, we will be turning to the Agriculture appropriations bill. The managers are here. They will be making their opening statements, but we will not have rollcall votes later today. Tomorrow we have an important congressional delegation traveling to the Gulf States. In addition, we have a delegation attending a celebration for the national day of prayer and remembrance. Therefore, we will not be in session on Friday. We will return on Monday. We will have a vote Monday, late afternoon, at approximately 5:30. We will alert all Members when that vote is locked in.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senate from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—91

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—4

Coburn
Enzi
Inhofe
Thomas

NOT VOTING—5

Corzine
Landrieu
Lott
Thune
Vitter

The bill (H.R. 2862), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. SHELBY. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the title amendment is agreed to.

The Senate insists on its amendments, requests a conference with the House, and the Chair appoints Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. BOND, Mr. COCHRAN, Ms. MIKULSKI, Mr. INOUYE, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. HARKIN, Mr. DORGAN, and Mr. BYRD conferees on the part of the Senate.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate has approved H.R. 2862, the fiscal year 2006 appropriations bill providing vital funding for the Departments of Commerce and Justice and related agencies. I am, however, disappointed about the fact that this bill underfunds some important priorities. I am also disappointed that the Senate rejected several worthy amendments that would have improved this bill and helped to meet our obligations to the victims of Hurricane Katrina.

Whether we call police officers "law enforcement" or "first responders," I believe that Congress, in partnership with States and local communities, has an obligation to provide State and local law enforcement with the tools, technology, and training they need to protect our communities. I am deeply concerned about proposed cuts in Federal funding programs for our nation's law enforcement officers. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing and Problem Solving, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also support funding for the Byrne grant program, which provides funding to help fight violent and drug-related crime, including support to multi-jurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, in particular with regard to fighting the spread of methamphetamines.

Unfortunately, not everyone sees it that way. Once again this year, the administration's budget proposal would have drastically cut the COPS Program, and would have eliminated all funding for the Byrne grant program. I have already supported efforts to restore this funding through the budget process, and am proud to continue to fight in the appropriations process to make sure that state and local law enforcement receive the Federal grants that they need and deserve. We should be doing more, not less, to support our local law enforcement. In particular, I was proud to support Senator BIDEN's amendment that provided additional COPS funds for the hiring of local police officers, an aspect of the COPS Program that has been dramatically cut back. The amendment also would have provided $19 million to help find children displaced by Katrina and reunite them with their families, and to support victims of domestic violence and sexual assault affected by Katrina. I regret the Senate's decision to reject this amendment.

On the other hand, I am pleased that an amendment offered by Senators DAYTON and CHAMBLISS to increase Byrne/local law enforcement block grant funding by $275 million was accepted. This amendment, which I cosponsored, restores funding for these important programs to fiscal year 2003 levels, and I hope it will be retained in conference.

While I strongly support the efforts of Senator STABENOW to address the need for first responders to have interoperable communications capabilities, I could not support her amendment. My colleague from Michigan rightly notes that making sure that all of our first responders can communicate with each other must be a priority for our Nation, and I admire her efforts to advance this cause. However, 4 years after September 11 tragically highlighted this vitally important issue, we still do not have unified national interoperable communications standards. Without these standards, there is no guarantee that a new $5 billion grant program for equipment would create the interoperable communication system we need and that our first responders and communities deserve. When spending such massive amounts of money and such a large percentage of all first responder funding on this new program, we must make sure that we are spending the money wisely. Without standards we cannot meet this test and that is why I regretfully voted against this amendment.

I am disappointed that the Senate did not adopt the amendment I cosponsored offered by Senator CLINTON that would have created a commission to investigate and identify the problems with the governmental response to Katrina. Hurricane Katrina and its aftermath devastated the gulf region and exposed serious flaws in our Nation's response capabilities. While the crisis prompted untold acts of heroism and compassion that continue to this day, it also revealed gaping holes in the Government's reaction and ability to stop, reduce, or mitigate the effects of this terrible disaster.

We need answers. We need answers about what went right, what went wrong, and what we can do to make sure our response is better to future disasters. We need a serious inquiry unimpeded by political considerations or posturing, and I believe an independent commission is the right way to do that. Our Nation and this Senate have been willing to spend tens of billions of dollars in the last 4 years to address our disaster response capabilities. Hurricane Katrina showed that those capabilities still can't provide Americans with the protection and safety they deserve. We need the serious rethinking and reassessment a Katrina commission could provide so that we can effectively address our nation's critical response needs. That is why I hope the Senate will soon reconsider establishing such a commission.

In closing, I want to note my disappointment that the bill fails to address problems with media concentration. I have long been concerned about concentration and vertical integration in the radio industry, which was one of the reasons I opposed the Telecommunications Act of 1996 that relaxed many ownership restrictions. I feel that consolidation has the strong potential for limiting creativity, localism and diversity on our airwaves. In 1998, twice in 2001 and again in September 2002, the Federal Communications Commission, FCC, published reports on the changes in the radio industry as a result of the 1996 act. These reports showed significant consolidation nationally and in local markets. For example in 1996, the largest radio group owned less than 65 stations; by 2002 the largest radio group had more than 1,200 stations.

I proposed a modest amendment to require the FCC to update and provide Congress with a report on consolidation in the radio industry that the FCC last produced 3 years ago. I was disappointed that I was denied even the opportunity to get a vote on my amendment. As New York Attorney General Eliot Spitzer's recent payola settlement shows, there continue to be problems with the radio industry and therefore there is a need for updated information about the state of the industry so that Congress can decide how to address these problems.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2744, the Agriculture appropriations bill. I further ask that the committee-reported substitute be agreed to as the original text for purposes of further amendment and that no points of order be waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes. The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I

[AGRICULTURAL PROGRAMS

[OFFICE OF THE SECRETARY

[For necessary expenses of the Office of the Secretary of Agriculture, $5,127,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

[EXECUTIVE OPERATIONS

[CHIEF ECONOMIST

[For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,539,000.

[NATIONAL APPEALS DIVISION

[For necessary expenses of the National Appeals Division, $14,524,000.

[OFFICE OF BUDGET AND PROGRAM ANALYSIS

[For necessary expenses of the Office of Budget and Program Analysis, $8,298,000.

[HOMELAND SECURITY STAFF

[For necessary expenses of the Homeland Security Staff, $934,000.

[OFFICE OF THE CHIEF INFORMATION OFFICER

[For necessary expenses of the Office of the Chief Information Officer, $16,462,000.

[COMMON COMPUTING ENVIRONMENT

[For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $124,580,000 (reduced by $40,000,000) (reduced by $2,000,000) (reduced by $855,000) (reduced by $21,000,000) to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

[OFFICE OF THE CHIEF FINANCIAL OFFICER

[For necessary expenses of the Office of the Chief Financial Officer, $5,874,000: *Provided*, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

[OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

[For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $811,000.

[OFFICE OF CIVIL RIGHTS

[For necessary expenses of the Office of Civil Rights, $20,109,000.

[OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

[For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $676,000.

[AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

[(INCLUDING TRANSFERS OF FUNDS)

[For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $183,133,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, $147,734,000, and for buildings operations and maintenance, $35,399,000: *Provided*, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

[Hazardous Materials Management

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,644,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

[Departmental Administration

[(INCLUDING TRANSFERS OF FUNDS)

[For Departmental Administration, $23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

[Office of the Assistant Secretary for Congressional Relations

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,821,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

[Office of Communications

[For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,509,000: *Provided*, That not to exceed $2,000,000 may be used for farmers' bulletins.

[Office of the Inspector General

[For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $79,626,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

[Office of the General Counsel

[For necessary expenses of the Office of the General Counsel, $38,439,000.

[Office of the Under Secretary for Research, Education and Economics

[For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $598,000.

[Economic Research Service

[For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $75,931,000.

[National Agricultural Statistics Service

[For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $136,241,000, of which up to $29,115,000 shall be available until expended for the Census of Agriculture.

[AGRICULTURAL RESEARCH SERVICE

[Salaries and Expenses

[For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,035,475,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political sub-division, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest.

[None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

[Buildings and Facilities

[For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $87,300,000, to remain available until expended.

[Cooperative State Research, Education, and Extension Service

[Research and Education Activities

[For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $661,691,000 (increased by $855,000), as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $178,807,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,255,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $37,704,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $92,064,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,038,000; for competitive research grants (7 U.S.C. 450i(b)), $214,634,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,187,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $4,500,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,500,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,645,000 (increased by $855,000); for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,312,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $39,773,000, of which $2,750,000 for the Research, Education, and Economics Information System and $2,173,000 for the Electronic Grants Information System, are to remain available until expended.

[None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

[NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

[For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $12,000,000, to remain available until expended.

[EXTENSION ACTIVITIES

[For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $444,871,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $62,409,000; payments for the pest management program under section 3(d) of the Act, $10,000,000; payments for the farm safety program under section 3(d) of the Act, $4,563,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,978,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $444,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $33,868,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for necessary expenses of Extension Activities, $16,531,000.

[INTEGRATED ACTIVITIES

[For the integrated research, education, and extension grants programs, including necessary administrative expenses, $15,513,000, as follows: for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $1,000,000, to remain available until September 30, 2007 for the critical issues program, and $1,513,000 for the regional rural development centers program; and $12,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

[OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

[For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $5,935,000 (increased by $1,875,000), to remain available until expended.

[OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

[For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $724,000.

[ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[SALARIES AND EXPENSES

[(INCLUDING TRANSFERS OF FUNDS)

[For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $823,635,000 (increased by $18,885,000), of which $4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $38,634,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $33,340,000 shall be available for a National Animal Identification program: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

[In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

[BUILDINGS AND FACILITIES

[For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,996,000, to remain available until expended.

[AGRICULTURAL MARKETING SERVICE

[MARKETING SERVICES

[For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $78,032,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

[Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

[LIMITATION ON ADMINISTRATIVE EXPENSES

[Not to exceed $65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

[FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

[(INCLUDING TRANSFERS OF FUNDS)

[Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

[PAYMENTS TO STATES AND POSSESSIONS

[For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

[GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $38,400,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

[LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

[Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

[OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

[For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $590,000.

[FOOD SAFETY AND INSPECTION SERVICE

[SALARIES AND EXPENSES

[For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $837,264,000, of which no less than $756,152,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

[OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

[For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $635,000.

[FARM SERVICE AGENCY

[SALARIES AND EXPENSES

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,023,738,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

[STATE MEDIATION GRANTS

[For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), $4,250,000.

[DAIRY INDEMNITY PROGRAM

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

[AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,600,000,000, of which $1,400,000,000 shall be for guaranteed loans and $200,000,000 shall be for direct loans; operating loans, $2,116,256,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans, $266,256,000 shall be for subsidized guaranteed loans and $650,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,020,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

[For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,960,000, of which $6,720,000 shall be for guaranteed loans, and $10,240,000 shall be for direct loans; operating loans, $134,317,000, of which $36,360,000 shall be for unsubsidized guaranteed loans, $33,282,000 shall be for subsidized guaranteed loans, and $64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, $81,000.

[In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $305,127,000, of which $297,127,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

[Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

[RISK MANAGEMENT AGENCY

[ADMINISTRATIVE AND OPERATING EXPENSES

[For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $77,806,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

[CORPORATIONS

[The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

[FEDERAL CROP INSURANCE CORPORATION FUND

[For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

[COMMODITY CREDIT CORPORATION FUND

[REIMBURSEMENT FOR NET REALIZED LOSSES

[For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

[HAZARDOUS WASTE MANAGEMENT

[(LIMITATION ON EXPENSES)

[For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

[TITLE II

[CONSERVATION PROGRAMS

[OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

[For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $744,000.

[NATURAL RESOURCES CONSERVATION SERVICE

[CONSERVATION OPERATIONS

[For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $793,640,000 (reduced by $20,000,000), to remain available until March 31, 2007, of which not less than $10,457,000 is for snow survey and water forecasting, and not less than $10,547,000 is for operation and establishment of the plant materials centers, and of which not less than $27,312,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

[WATERSHED SURVEYS AND PLANNING

[For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $7,026,000.

[WATERSHED AND FLOOD PREVENTION OPERATIONS

[For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $60,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed $25,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

[WATERSHED REHABILITATION PROGRAM

[For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $27,000,000 (increased by $20,000,000), to remain available until expended.

[RESOURCE CONSERVATION AND DEVELOPMENT

[For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,360,000, to remain available until expended: *Provided*, That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed $3,411,000 shall be available for national headquarters activities.

[TITLE III

[RURAL DEVELOPMENT PROGRAMS

[OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

[For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $627,000.

[RURAL COMMUNITY ADVANCEMENT PROGRAM

[(INCLUDING TRANSFERS OF FUNDS)

[For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $657,389,000, to remain available until expended, of which $38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $88,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, $6,200,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $1,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $17,500,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

[RURAL DEVELOPMENT

[SALARIES AND EXPENSES

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $152,623,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

[RURAL HOUSING SERVICE

[RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,821,832,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,140,799,000 shall be for direct loans, and of which $3,681,033,000 shall be for unsubsidized guaranteed loans; $35,969,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,000,000 for section 524 site loans; $11,500,000 for credit sales of acquired property, of which up to $1,500,000 may be for multi-family credit sales; and $5,048,000 for section 523 self-help housing land development loans.

[For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $170,837,000, of which $129,937,000 shall be for direct loans, and of which $40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,521,000; section 515 rental housing, $45,880,000: section 538 multi-family housing guaranteed loans, $5,420,000; multi-family credit sales of acquired property, $681,000; and section 523 self-help housing and development loans, $52,000: *Provided*, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $455,242,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

[RENTAL ASSISTANCE PROGRAM

[For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $650,026,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $20,000 per project for advances to non-profit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: *Provided further*, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act.

[MUTUAL AND SELF-HELP HOUSING GRANTS

[For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[RURAL HOUSING ASSISTANCE GRANTS

[For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $41,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[FARM LABOR PROGRAM ACCOUNT

[For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $32,728,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

[RURAL BUSINESS-COOPERATIVE SERVICE

[RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $34,212,000.

[For the cost of direct loans, $14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2006, for the Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

[In addition, for administrative expenses to carry out the direct loan programs, $4,719,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

[RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

[(INCLUDING RESCISSION OF FUNDS)

[For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $25,003,000.

[For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $4,993,000, to remain available until expended.

[Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $18,877,000 shall not be obligated and $18,877,000 are rescinded.

[RURAL COOPERATIVE DEVELOPMENT GRANTS

[For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $24,000,000 (increased by $40,000,000), of which $500,000 shall be for cooperative research agreements; and of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,000,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which not to exceed $15,500,000 (increased by $40,000,000), to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

[RURAL EMPOWERMENT ZONES AND ENTERPRISE

[COMMUNITY GRANTS

[For grants in connection with second and third rounds of empowerment zones and enterprise communities, $10,000,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): *Provided*, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

[RENEWABLE ENERGY PROGRAM

[For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $23,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

[RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,100,000,000; Treasury rate direct electric loans, $1,000,000,000; guaranteed under-writing loans pursuant to section 313A, $1,000,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $424,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $125,000,000.

[For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $6,160,000, and the cost of telecommunications loans, $212,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

[In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,907,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

[Rural Telephone Bank Program Account

[(INCLUDING TRANSFER OF FUNDS)

[The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

[For administrative expenses, including audits, necessary to continue to service existing loans, $2,500,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

[Of the unobligated balances from the Rural Telephone Bank Liquidating Account, $2,500,000 shall not be obligated and $2,500,000 are rescinded.

[Distance Learning, Telemedicine, and Broadband Program

[For the principal amount of direct distance learning and telemedicine loans, $50,000,000; and for the principal amount of direct broadband telecommunication loans, $463,860,000.

[For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $25,750,000, to remain available until expended, of which $750,000 shall be for direct loans: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

[For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $9,973,000, to remain available until expended: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

[In addition, $9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

[TITLE IV

[DOMESTIC FOOD PROGRAMS

[Office of the Under Secretary for Food, Nutrition and Consumer Services

[For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $599,000.

[FOOD AND NUTRITION SERVICE

[Child Nutrition Programs

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $12,412,027,000, to remain available through September 30, 2007, of which $7,224,406,000 is hereby appropriated and $5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to $5,235,000 shall be available for independent verification of school food service claims.

[Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

[For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,257,000,000, to remain available through September 30, 2007: *Provided*, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That only the provisions of section 17(h)(10)(B)(i) shall be effective in 2006; including $14,000,000 for the purposes specified in section 17(h)(10)(B)*(i)*: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That on or after October 1, 2005, or the date of enactment of this act, whichever is later, any individual seeking certification or recertification for benefits under the income eligibility provisions of section 17(d)(2)(iii) of the Child Nutrition Act of 1966 shall meet such eligibility requirements only if the income, as determined under title XIX of the Social Security Act, of the individual or the family of which the individual is a member is less than 250 percent of the applicable nonfarm income poverty guideline: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

[Food Stamp Program

[For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $40,711,395,000, of which $3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

[Commodity Assistance Program

[For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $178,797,000, to remain available through September 30, 2007: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107-171, such funds shall remain available through September 30, 2007.

[Nutrition Programs Administration

[For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $140,761,000.

[TITLE V

[FOREIGN AGRICULTURAL SERVICE

[Salaries and Expenses

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $148,224,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

[Public Law 480 Title I Direct Credit and Food for Progress Program Account

[(including transfers of funds)

[For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $65,040,000, to remain available until expended.

[In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $3,385,000, of which $168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $3,217,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

[Public Law 480 Title I Ocean Freight Differential Grants

[(including transfer of funds)

[For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $11,940,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

[Public Law 480 Title II Grants

[For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,107,094,000, to remain available until expended.

[Commodity Credit Corporation Export Loans Program Account

[(including transfers of funds)

[For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

[McGovern-Dole International Food for Education and Child Nutrition Program Grants

[For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

[TITLE VI

[FOOD AND DRUG ADMINISTRATION

[Salaries and Expenses

[For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,837,928,000: *Provided*, That of the amount provided under this heading, $305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; $40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $444,095,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $519,814,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $178,713,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $243,939,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,152,000 shall be for the National Center for Toxicological Research; (7) $58,515,000 shall be for Rent and Related activities, of which $21,974,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $134,853,000 shall be for payments to the General Services Administration for rent; and (9) $117,060,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That of the funds provided herein for other activities, $5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony on the President's 2006 budget request before the Committee on Appropriations of the House of Representatives: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

[In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

[In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

[Buildings and Facilities

[For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $5,000,000 to remain available until expended.

[INDEPENDENT AGENCIES

[Commodity Future Trading Commission

[For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $98,386,000, including not to exceed $3,000 for official reception and representation expenses.

[FARM CREDIT ADMINISTRATION

[Limitation on Administrative Expenses

[Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

[TITLE VII—GENERAL PROVISIONS

[(including rescission of funds)

[Sec. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

[Sec. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

[Sec. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

[Sec. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to $8,000,000 in the low pathogen avian influenza program for indemnities, up to $1,500,000 in the scrapie program for indemnities, up to $33,340,000 in animal health monitoring and surveillance for the animal identification system, up to $3,009,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)); Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $1,565,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

[SEC. 705. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

[SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

[SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

[SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

[SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

[SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

[SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

[SEC. 713. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

[SEC. 714. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

[SEC. 715. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

[SEC. 716. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

[SEC. 717. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

[SEC. 718. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

[(1) creates new programs;

[(2) eliminates a program, project, or activity;

[(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

[(4) relocates an office or employees;

[(5) reorganizes offices, programs, or activities; or

[(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which-ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

[(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

[SEC. 719. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

[SEC. 720. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2007 appropriations Act.

[SEC. 721. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

[SEC. 722. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

[SEC. 723. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such

Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

[SEC. 724. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "$27,998,000" and inserting "$28,498,000".

[SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

[(1) agricultural commodities to—

[(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

[(B) households in the communities, particularly individuals caring for orphaned children; and

[(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

[SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kane County, Illinois, Indian Creek Watershed Flood Prevention Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,000,000 and Hickory Creek Special Drainage District, Bureau County, Illinois, not to exceed $50,000.

[SEC. 727. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

[SEC. 728. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

[SEC. 729. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

[SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

[SEC. 731. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

[SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

[SEC. 733. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

[SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 154,500 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

[SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,012,000,000 (increased by $40,000,000).

[SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

[SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

[SEC. 738. None of the funds made available in fiscal year 2005 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

[SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $120,000,000 made available by section 6401(a) of Public Law 107–171.

[SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

[SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838 et seq., in excess of $258,000,000 (reduced by $13,000,000).

[SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107–171 in excess of $60,000,000 (reduced by $17,000,000).

[SEC. 743. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107–171 in excess of $83,500,000 (reduced by $10,000,000).

[SEC. 744. With the exception of funds provided in fiscal year 2005, none of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107–171.

[SEC. 745. None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

[SEC. 746. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107–171 in excess of $51,000,000.

[SEC. 747. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

[SEC. 748. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

[SEC. 749. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 in excess of $60,000,000.

[SEC. 750. Agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

[SEC. 751. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in fiscal year 2006 shall remain available until expended to cover obligations made in fiscal year 2006, and are not available for new obligations.

[SEC. 752. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to implementation of interim final regulations regarding vendor cost containment in accordance with the provisions set forth in section 17(h)(11)(G) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits or is in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966.

[SEC. 753. There is hereby appropriated $1,000,000, to remain available until expended, for a grant to the Ohio Livestock Expo Center in Springfield, Ohio.

[SEC. 754. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of $6,000,000 (7 U.S.C. 1524).

[SEC. 755. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of $12,000,000, as authorized by Public Law 106–224 (7 U.S.C. 7624 note).

[SEC. 756. Notwithstanding 40 U.S.C. 524, 571, and 572, the Secretary of Agriculture may sell the US Water Conservation Laboratory, Phoenix, Arizona, and credit the net proceeds of such sale as offsetting collections to its Agricultural Research Service Buildings and Facilities account. Such funds shall be available until September 30, 2007 to be used to replace these facilities and to improve other USDA-owned facilities.

[SEC. 757. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

[SEC. 758. None of the funds appropriated or otherwise made available by this Act shall be used for the implementation of Country of Origin Labeling for meat or meat products.

[SEC. 759. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

[(1) the City of Bridgeton, New Jersey, the City of Kinston, North Carolina, and the City of Portsmouth, Ohio as rural areas for the purposes of Rural Housing Service Community Facilities Program loans and grants;

[(2) the Township of Bloomington, Illinois (including individuals and entities with projects within the Township) eligible for Rural Housing Service Community Facilities Programs loans and grants; and

[(3) the City of Lone Grove, Oklahoma (including individuals and entities with projects within the city) eligible for Rural Housing Service Community Facilities Program loans and grants.

[SEC. 760. The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

[SEC. 761. The counties of Burlington and Camden, New Jersey (including individuals and entities with projects within these counties) shall be eligible for loans and grants under the Rural Community Advancement Program for fiscal year 2006 to the same extent they were eligible for such assistance during the fiscal year 2005 under section 106 of Chapter 1 of Division B of Public Law 108–324 (188 Stat. 1236).

[SEC. 762. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, $32,000,000 is hereby rescinded.

[SEC. 763. None of the funds provided by this Act shall be used to pay salaries and expenses and other costs associated with implementing or administering section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the 2006 reinsurance year.

[SEC. 764. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

[SEC. 765. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

[SEC. 766. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $7,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

[SEC. 767. It is the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by section 442 of the Plant Protection Act (7 U.S.C. 7772) to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.

[SEC. 768. None of the funds made available in this Act may be used—

[(1) to grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act for any voting member of an advisory committee or panel of the Food and Drug Administration; or

[(2) to make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

[SEC. 769. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127).

[SEC. 770. None of the funds made available by this Act to the Secretary of Agriculture may be used, after December 31, 2005, to purchase chickens, including chicken products, under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, unless the Secretary shall take into account whether such purchases are in compliance with standards relating to the wholesomeness of food for human consumption, pursuant to section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)).

[This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,127,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,539,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,524,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,298,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $1,166,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,726,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $128,072,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,874,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: Provided further, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $821,000.

Office of Civil Rights

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Civil Rights, $20,109,000.

Office of the Assistant Secretary for Administration

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $676,000.

Agriculture Buildings and Facilities and Rental Payments

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $187,734,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, $147,734,000, and for buildings operations and maintenance, $40,000,000: Provided, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

Hazardous Materials Management

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,000,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

Departmental Administration

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $23,163,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

Office of the Assistant Secretary for Congressional Relations

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,846,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

Office of Communications

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,509,000: Provided, That not to exceed $2,000,000 may be used for farmers' bulletins.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $81,045,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $40,263,000.

Office of the Under Secretary for Research, Education and Economics

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $598,000.

Economic Research Service

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $78,549,000.

National Agricultural Statistics Service

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $145,159,000, of which up to $29,115,000 shall be available until expended for the Census of Agriculture.

Agricultural Research Service

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,109,981,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $160,645,000, to remain available until expended.

Cooperative State Research, Education, and Extension Service

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $652,231,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $178,707,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,205,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $37,477,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $110,281,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,158,000; for competitive research grants (7 U.S.C. 450i(b)), $190,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $833,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,078,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $992,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $2,976,000, to remain available until expended (7 U.S.C. 2209b); for a higher education agrosecurity education program (7 U.S.C.

3351), $750,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,456,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $990,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,600,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,472,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $992,000; for aquaculture grants (7 U.S.C. 3322), $3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,312,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $2,232,000; and for necessary expenses of Research and Education Activities, $38,193,000, of which $2,424,000 for the Research, Education, and Economics Information System and $1,928,000 for the Electronic Grants Information System, are to remain available until expended.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $12,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $453,438,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $275,520,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,247,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $62,909,000; payments for the pest management program under section 3(d) of the Act, $9,920,000; payments for the farm safety program under section 3(d) of the Act, $4,563,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, $2,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,478,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $440,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,760,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $33,643,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $2,646,000; and for necessary expenses of Extension Activities, $22,443,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $55,784,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $45,784,000, including $12,867,000 for the water quality program, $14,847,000 for the food safety program, $4,167,000 for the regional pest management centers program, $4,464,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,389,000 for the crops affected by Food Quality Protection Act implementation, $3,106,000 for the methyl bromide transition program, and $1,874,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $992,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $744,000, to remain available until September 30, 2007 for the critical issues program, and $1,334,000 for the regional rural development centers program; and $10,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $5,888,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $724,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $807,768,000, of which $4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $39,900,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $32,932,000 shall be available for a National Animal Identification program: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $76,643,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $3,847,000, of which not less than $2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $38,443,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $602,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $836,818,000, of which no less than $751,457,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2006 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act $5,000,000, available until September 30, 2007, shall be obligated to include the Humane Animal Tracking System as part of the Field Automation and Information Management System following notification to the Committees on Appropriations, which shall include a detailed explanation of the components of such system: Provided further, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $635,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,043,555,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,250,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $4,250,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,608,000,000, of which $1,400,000,000 shall be for guaranteed loans and $208,000,000 shall be for direct loans; operating loans, $2,033,000,000, of which $1,100,000,000 shall be for unsubsidized guaranteed loans, $283,000,000 shall be for subsidized guaranteed loans and $650,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $17,370,000, of which $6,720,000 shall be for guaranteed loans, and $10,650,000 shall be for direct loans; operating loans, $133,380,000, of which $33,330,000 shall be for unsubsidized guaranteed loans, $35,375,000 shall be for subsidized guaranteed loans, and $64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, $80,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $317,137,000, of which $309,137,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $73,448,000: Provided, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $744,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses to carry out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $819,561,000, to remain available until expended, of which not less than $11,000,000 is for snow survey and water forecasting, and not less than $11,847,000 is for operation and establishment of the plant materials centers, and of which not less than $28,156,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $5,141,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $60,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed $27,199,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $27,313,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,228,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $635,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $705,106,000, to remain available until expended, of which $86,770,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $528,115,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $496,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $992,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $90,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $26,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,464,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $6,500,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $140,000 shall be made available to conduct a feasibility study; $3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; $26,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which $100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed $35,000 per community, for the completion of comprehensive community safe water plans; not to exceed $18,250,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,600,000 shall be for Rural Community Assistance Programs and not less than $850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed $13,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, $20,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $28,000,000 shall be transferred to and merged with the "Rural Utilities Service, High Energy Cost Grants Account" to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $164,773,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,927,581,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,000,000,000 shall be for direct loans, and of which $3,681,033,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $90,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,000,000 for section 524 site loans; $11,500,000 for credit sales of acquired property, of which up to $1,500,000 may be for multi-family credit sales; and $5,048,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $154,800,000, of which $113,900,000 shall be for direct loans, and of which $40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,238,000; repair, rehabilitation, and new construction of section 515 rental housing, $41,292,000; section 538 multi-family housing guaranteed loans, $5,420,000; multi-family credit sales of acquired property, $681,000; section 523 self-help housing and development loans, $52,000: Provided, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30, 2006, shall be carried over until September 30, 2007, and made available for such housing projects only in the State of Alaska.

For additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, $16,500,000, to remain available until expended: Provided, That funding made available under this heading shall be used to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $465,886,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $653,102,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, no less than $8,976,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a four-year period: Provided further, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended.

RURAL HOUSING VOUCHER PROGRAM

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), $16,000,000, to remain available until expended: Provided, That such vouchers shall be available to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of the voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable for section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds).

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $43,976,000, to remain available until expended: Provided, That $2,976,000 shall be made available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $29,607,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $34,212,000.

For the cost of direct loans, $14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2006, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That of such amount made available, the Secretary may provide up to $1,500,000 for the Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $6,656,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $4,993,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $4,993,000 shall not be obligated and $4,993,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $24,988,000, of which $500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,488,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which $15,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $12,400,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): Provided, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $23,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,700,000,000; Treasury rate direct electric loans, $1,000,000,000; guaranteed underwriting loans pursuant to section 313A, $1,500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $425,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $6,160,000, and the cost of telecommunications loans, $212,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,933,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to continue to service existing loans, $2,500,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $550,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $35,000,000, to remain available until expended: Provided, That $10,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $11,825,000, to remain available until September 30, 2007: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $10,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $599,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $12,412,027,000, to remain available through September 30, 2007, of which $7,224,406,000 is hereby appropriated and $5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That up to $5,235,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,257,000,000, to remain available through September 30, 2007, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2006; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $40,711,395,000, of which $3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental

Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); The Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $179,935,000, to remain available through September 30, 2007: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2007: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $140,761,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $147,868,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $65,040,000, to remain available until expended: Provided, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than $5,000,000 in local-currency funding support for rural electrification development overseas.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $3,385,000, of which $168,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $3,217,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $11,940,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,150,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $1,839,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,841,959,000: Provided, That of the amount provided under this heading, $305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; $40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $450,179,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $515,430,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $178,714,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $245,770,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,152,000 shall be for the National Center for Toxicological Research; (7) $58,515,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration for rent; (8) $134,853,000 shall be for payments to the General Services Administration for rent; and (9) $117,559,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $7,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $98,386,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under

12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships: Provided further, That up to an additional 5 percent of the amount of this limitation may be expended for expenses associated with unforeseen termination applications, upon a finding of extraordinary circumstances by the Federal Credit Administration Board.

TITLE VII

GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Hereafter, funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available for uniforms or allowances as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Hereafter, funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, low pathogen avian influenza program, up to $32,932,000 in animal health monitoring and surveillance for the animal identification system, up to $2,993,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. Hereafter, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this or any other Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Hereafter, not to exceed $50,000 of the funds appropriated by this or any other Act to the Department of Agriculture (excluding the Forest Service) shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 710. Hereafter, loan levels provided in this or any other Act to the Department of Agriculture shall be considered estimates, not limitations.

SEC. 711. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 712. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 714. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 715. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 716. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 717. (a) Hereafter, none of the funds appropriated by this or any other Act to the agencies funded by this Act, or provided from accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) Hereafter, none of the funds appropriated by this or any other Act to the agencies funded by this Act, or provided from accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) Hereafter, the Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 718. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees *on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2006 appropriations Act.*

SEC. 720. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 721. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 722. Hereafter, notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 723. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "$27,998,000" and inserting "$29,998,000".

SEC. 724. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider the City of Butte/Silverbow, Montana and the designated Census track areas for the Upper Kanawha Valley Enterprise Community, rural areas for purposes of eligibility for rural development programs.

SEC. 725. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Matanuska River erosion control project in Alaska, Little Otter Creek project in Missouri, the Manoa Watershed project in Hawaii, the West Tarkio project in Iowa, and the Coal Creek project in Utah.

SEC. 726. Hereafter, none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 727. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 728. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 729. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7).

SEC. 731. Hereafter, agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 733. Hereafter, the Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of the Treasury, are not required to establish obligations and outlays for those investments, provided those investments are insured by the Federal Deposit Insurance Corporation or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the United States Department of the Treasury.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 150,000 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,017,000,000.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

SEC. 738. None of the funds made available in fiscal year 2006 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $120,000,000 made available by section 6401(a) of Public Law 107-171.

SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107–171 in excess of $47,000,000.

SEC. 742. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, $32,000,000 is hereby rescinded.

SEC. 743. Not more than $10,000,000 for fiscal year 2006 of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107–171.

SEC. 744. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107–171 in excess of $51,000,000.

SEC. 745. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 746. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 747. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426–426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 748. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 in excess of $60,000,000.

SEC. 749. Hereafter, agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

SEC. 750. Funds made available under section 12401 and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year, and are not available for new obligations.

SEC. 751. There is hereby appropriated $1,500,000, to remain available until expended, *for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.*

SEC. 752. Notwithstanding any other provision of law—

(1)(A) the Alaska Department of Community and Economic Development shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska; and

(B) the Alaska Department of Community and Economic Development shall be allowed to pass the grant funds through to the local government entity that will provide water and sewer service to the hospital;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an "essential community facility" for rural Alaska;

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the median household income level in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State;

(4)(A) the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri; and

(B) the Natural Resources Conservation Service is authorized to provide 100 percent of the engineering assistance and 75 percent cost share for construction cost of the project; and

(5) any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 753. Hereafter, notwithstanding the provisions of the Consolidated Farm and Rural Development Act (including the associated regulations) governing the Community Facilities Program, the Secretary may allow all Community Facility Program facility borrowers and grantees to enter into contracts with not-for-profit third parties for services consistent with the requirements of the Program, grant, and/or loan: Provided, That the contracts protect the interests of the Government regarding cost, liability, maintenance, and administrative fees.

SEC. 754. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 755. None of the funds provided in this Act may be used for salaries and expenses to carry out any regulation or rule insofar as it would make ineligible for enrollment in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) land that is planted to hardwood trees as of the date of enactment of this Act and was enrolled in the conservation reserve program under a contract that expired prior to calendar year 2002.

SEC. 756. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 757. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading "Rural Community Advancement Program" in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 758. There is hereby appropriated $1,000,000, to remain available until expended, to carry out provisions of section 751 of division A of Public Law 108–7.

SEC. 759. There is hereby appropriated $500,000 for a grant to Alaska Village Initiatives for the purpose of administering a private lands wildlife management program in Alaska.

SEC. 760. There is hereby appropriated $2,250,000, to remain available until expended, for a grant to the Wisconsin Federation of Cooperatives for pilot Wisconsin-Minnesota health care cooperative purchasing alliances.

SEC. 761. Hereafter, notwithstanding any other provision of law, effective with funds made available in fiscal year 2004 to States administering the Child and Adult Care Food Program, for the purpose of conducting audits of participating institutions, funds identified by the Secretary as having been unused during the initial fiscal year of availability may be recovered and reallocated by the Secretary: Provided, That States may use the reallocated funds until expended for the purpose of conducting audits of participating institutions.

SEC. 762. The Secretary of Agriculture is authorized and directed to quitclaim to the City of Elkhart, Kansas, all rights, title and interests of the United States in that tract of land comprising 151.7 acres, more or less, located in Morton County, Kansas, and more specifically described in a deed dated March 11, 1958, from the United States of America to the City of Elkhart, State of Kansas, and filed of record April 4, 1958 at Book 34 at Page 520 in the office of the Register of Deeds of Morton County, Kansas.

SEC. 763. There is hereby appropriated $5,000,000 to carry out the Healthy Forests Reserve Program authorized under Title V of Public Law 108-148 (16 U.S.C. 6571-6578).

SEC. 764. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 765. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of $12,000,000, as authorized by Public Law 106-224 (7 U.S.C. 7624 note).

SEC. 766. (a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

(b) LIMITATIONS.—

(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

(A) Evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

(B) A certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection (2).

(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

(c) FEES.—

(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.

SEC. 767. Notwithstanding any other provision of law, to provide for consistent regulation of consumer contact lenses, no funds appropriated in this or any other Act may be used in this and each fiscal year hereafter for the approval for sale in the United States of any contact lens produced by a manufacturer unless that manufacturer certifies that it does not discriminate in the distribution of, or restrict consumer access to, any contact lenses it produces, markets, distributes, or sells, and makes any such lenses *available in a commercially reasonable and nondiscriminatory manner directly to and generally within all alternative channels of distribution: Provided, That for the purposes of this section, the term "alternative channels of distribution" means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other distribution alternative without regard to whether it is associated with a prescriber, and the term "manufacturer" means the manufacturer and its parents, subsidiaries, affiliates, successors and assigns.*

SEC. 768. (a) IN GENERAL.—Hereafter, the Secretary of Health and Human Services, on behalf of the United States may, whenever the Secretary deems desirable, relinquish to the State of Arkansas all or part of the jurisdiction of the United States over the lands and properties encompassing the Jefferson Labs campus in the State of Arkansas that are under the supervision or control of the Secretary.

(b) TERMS.—Relinquishment of jurisdiction under this section may be accomplished, under terms and conditions that the Secretary deems advisable,

(1) by filing with the Governor of the State of Arkansas a notice of relinquishment to take effect upon acceptance thereof; or

(2) as the laws of such State may otherwise provide.

(c) DEFINITION.—In this section, the term "Jefferson Labs campus" means the lands and properties of the National Center for Toxicological Research and the Arkansas Regional Laboratory.

SEC. 769. Section 204(b)(3)(A) of the Child Nutrition and WIC Reauthorization Act of 2004 (118 Stat. 781; 42 U.S.C. 1751 note) is amended by striking "July 1, 2006" and inserting "October 1, 2005".

SEC. 770. (a) Section 18(f)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(1)(B)) is amended—

(1) by striking "April 2004" and inserting "June 2005"; and

(2) in clause (ii), by striking "66.67" and inserting "75".

(b) The amendments made by subsection (a) take effect on January 1, 2006.

SEC. 771. There is hereby appropriated $1,250,000 to the National Agricultural Imagery Program to acquire one meter natural color digital ortho-imagery of the entire state of Utah.

SEC. 772. Notwithstanding any other provision of law, for eligibility to participate in the Environmental Quality Incentives Program (EQIP), a producer is deemed to have an interest in a farming or ranching operation whether the source of income for that operation is derived from crops or livestock owned by that producer, or owned by another and raised by that producer.

SEC. 773. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank, except in the event of liquidation or dissolution of the telephone bank during fiscal year 2006, pursuant to section 411 of the Rural Electrification Act of 1936, as amended, or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 774. There is hereby appropriated $2,000,000 to carry out Section 120 of Public Law 108–265 in Utah and Wisconsin.

SEC. 775. There is hereby appropriated $700,000 to provide administrative support for a world food hunger organization: Provided, That none of the funds may be used for a monetary award to an individual.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006".

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that all after the enacting clause be stricken; that the text of H.R. 2744, Calendar No. 141, the Senate committee-reported bill, be inserted in lieu thereof, considered as original text for the purpose of further amendments, and that no points of order be waived by reason of this agreement.

The PRESIDING OFFICER. That order has been entered.

Mr. BENNETT. Mr. President, I am pleased to bring before the Senate for myself and the ranking member of the subcommittee, Senator KOHL, the fiscal year 2006 appropriations bill for Agriculture, Rural Development and related agencies. This bill contains the funding for the Department of Agriculture, the Food and Drug Administration, and the Commodity Futures Trading Commission. It also sets a limitation on the funding for the Farm Credit Administration, although no appropriated funds are provided for that agency.

The bill is at our 302(B) budget authority allocation of $17.348 billion, and it is within our outlay allocation of $18.816 billion. It is the product of more than 7 months' examination of the administration's budget proposal and many requests from Senators and other stakeholders. It was approved unanimously by the subcommittee and the full committee and is the product of a completely bipartisan effort with contributions from Senators on both sides of the aisle.

Since I have been the chairman of this subcommittee, I have had the pleasure of working with Senator KOHL and his excellent staff and have learned a great deal from that experience. For the record, I thank them for the excellent and professional way in which they have helped us craft this bill. This is truly a bipartisan effort. There has been a minimum of difficulty and bickering. This is a tribute to Senator KOHL and the staff he has assembled on his side, as well as the staff that made themselves available to me. I express my gratitude to him and to all of the staffers involved; also, the members of the subcommittee and the full committee who have cooperated with us in producing the unanimous report at both levels.

We commonly refer to this as simply the "Ag appropriations bill," but it has a much wider impact on American citizens than just agriculture. The largest portion of the funding in this bill, whether discretionary or mandatory, goes to nutrition and feeding programs for mothers and children both in low-income groups and in senior citizens. We often think of the Agriculture appropriations bill entirely in terms of farmers, so I wish to make the point that this bill funds the feeding and nutrition program for those I have described.

It is also a consumer protection bill for food, drugs, and medical devices. It is an export promotion bill for our farmers and food manufacturers. It is a conservation and natural resources bill, and it is a bill to promote the economic development of rural America.

The budget authority allocation is $516 million more than last year's level, which sounds good if one is looking for more spending. Last year, we had a $406 million one-time saving that is not available this year. So when one nets those two numbers out, this bill is virtually identical to the previous allocation.

Also, we should note that the administration budget proposes $177 million in user fees contingent on authorization, which was sent to the authorizing committee only 3 weeks ago and has not been considered. So those user fees also reduce the total amount of the bill. That is why I say in general terms, this bill is level funding of the previous year.

I should point out that the previous year was below the year before that. So at least as far as this subcommittee of the Appropriations Committee is concerned, we are not expanding the Federal budget or adding to the deficit by increasing every year. We are either going down or, at best, holding steady.

We do thank Chairman COCHRAN for the allocation that gives us the $516 million more than that I talked about. Because of the other factors I have described, it is absolutely essential to keep us effectively holding steady.

At this time when we are concerned about homeland security, I will outline the homeland security increases that are in this bill. There is $10 million for the National Agricultural Pest Information Systems; provides $166.5 million for food defense activities at FDA. This is an increase of $16.6 million over fiscal year 2005. In addition, the committee continues to fund FDA counterterrorism activities related to medical product countermeasures at $57.2 million.

We provide $13 million for the Food Emergency Response Network in USDA and FDA to integrate the Nation's food testing laboratories for the detection of threat agents in food at the local, State, and Federal levels. We fund the completion of the National Animal Disease Center. Those are the increases in the funding levels for terrorism.

Food safety, we have an increase of $36.2 million, and this includes full funding for food inspection. BSE surveillance—BSE is the more appropriate name for what the press calls mad cow disease—as well as humane slaughter. As far as animal health programs are concerned, we provide full funding for BSE surveillance and an increase for the detection of low pathogenic avian influenza.

In the area of the research and education program, there is $1.167 billion to support research, education, and extension activities at America's land grant colleges and universities. We have learned that is the backbone of research in agriculture, and that is why we continue to fund that particular area. We also fund 1890 institutions—those are the historically Black land grant colleges—as well as tribal colleges and schools of forestry.

There is approximately $1.1 billion for the Agricultural Research Service, adding money for research in animal diseases, human nutrition, and food safety. Then there is $59 million to complete funding for the National Animal Disease Center located in Ames, IA. This is a project that we have been involved in for some years, and with this appropriation it will finally be completed.

For the farm assistance programs, there is $3.7 billion for farm loans; conservation programs, $963 million for conservation and watershed activities; and in the area of rural development, we have $454 million for water and waste water grants; $5 billion for low-income housing; over $1 billion in loans and grants for small rural businesses; $6.2 billion for rural electrification and telecommunications loans; and $550 million for broadband loans.

In the area of domestic food programs, WIC funding, Women and Infant Children, $5.257 billion; and for food stamps, $40.7 billion. These are very large numbers. This is the area I spoke of earlier where the bulk of the appropriations go, and for those who are concerned about these areas of nutrition for people in need, both funding levels provided will meet the expected caseload.

Foreign assistance, we have $147.868 million; PL–480 title II funds, $1.150 billion; and the McGovern-Dole program, $100 million.

Now let us turn for just a moment to the Food and Drug Administration: FDA, $1.841 billion; the medical device review is getting $7.8 million above fiscal year 2005; counterterrorism food safety, $16.6 million above fiscal year 2005; and drug safety, $5 million above fiscal year 2005.

With respect to the limitations on mandatory programs where we have looked for savings, we have two goals: one, to do no serious harm and, No. 2, in whatever limitations are there, that they be fair. We believe we have met both of those goals.

This was the work of the subcommittee and the full committee in the normal course of events, and then, of course, Katrina came along. So I think it is appropriate that we make some comments about what may or may not be in this bill with respect to the hurricane disaster in the southern part of the United States.

This bill does not have provisions directly tied to that disaster, having been written before the disaster came along, but it does provide much of the resources USDA will need to help the victims of that disaster, resources that were built into the normal course of events. There is money for food stamps, WIC, and food safety, as I have described. There is conservation recovery and rural housing, as I have described. Many of the people who were hurt, particularly I believe in Mississippi, are going to be facing rural housing challenges. USDA can continue its very commendable efforts to assist those in need with the existing authorities as it has with the funds provided in this bill.

The States affected by Hurricane Katrina are all major beneficiaries of these programs. For that reason, I urge my colleagues to help us get this bill passed by the Senate as soon as possible. We should not deal with all of Katrina with supplemental funds when there are funds in the pipeline in the normal fashion that can be of assistance.

We have had a number of requests from Senators on both sides of the aisle regarding matters that came up after this bill was passed by the Appropriations Committee back in June. I and my staff and Senator KOHL and his staff are working on a managers' amendment to address these requests, and I will be offering that amendment later during the consideration of this bill.

I appreciate the attention of the Senate to this outline of where we are.

AMENDMENT NO. 1726

I send an amendment to the desk on behalf of myself and Senator KOHL.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself and Mr. KOHL, proposes an amendment numbered 1726.

Mr. BENNETT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 154, line 20, after "Iowa,", insert the following:

"the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois,"

On page 167, line 22, strike "(a)" through and including "required fee." on page 170, line 11, and insert the following:

"The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:

"SEC. 316. EXTENSION OF PERIOD OF EXISTING GUARANTEE.

"(a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

"(b) LIMITATIONS.—

"(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

"(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

"(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

"(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

"(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection paragraph (2).

"(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

"(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

"(c) FEES.—

"(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

"(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

"(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.".

Mr. BENNETT. I am happy to yield to my ranking member, good friend, and full partner, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today in support of the fiscal year 2006 appropriations bill for Agriculture, Rural Development, and Related Agencies. This year, the Agriculture Subcommittee received a budget allocation of $17.3 billion, the first budget increase in several years. Along with our increased allocation, however, came increased spending requirements and critical priorities that, in the end, left us with essentially the same funding level as last year. Thanks in no small part to the hard work of Senator BENNETT and his staff, I believe we have put together a bill that all Senators should be able to support without hesitation.

Before I discuss the bill at hand, however, I believe we would be remiss to not express our deepest sympathies to all of those affected by Hurricane Katrina. It seems almost unfair to plan for a year ahead, knowing there are people still trying to figure out their next hours and days. We are aware that so much remains to be done to help these people, and while we do not include funding for specific items related to that disaster in this bill, we are working with USDA to ensure that immediate help in the form of food and housing is being provided, and will work to make sure that when a disaster supplemental is passed, all possible help that can be provided by the USDA and FDA will most certainly be included.

In the bill at hand, however, here are a few of the highlights.

With the recent discovery—the first of its kinds—of BSE resulting from a cow born in the United States, it is important to note that this bill fully funds the President's request for all mad cow disease prevention and detection activities within the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Food and Drug Administration. This will allow USDA and FDA to continue enhanced inspections of cattle, and to work to ensure the continued prevention of BSE in this country.

Not to diminish the other important work of keeping our food and drug supply safe done by those agencies, I would like to point out that the Food Safety and Inspection Service received an increase of nearly $20 million above last year's level, which will provide for 7,690 food safety inspectors. The Food and Drug Administration received an increase of nearly $35 million, including nearly $17 million for counterterrorism activities, nearly $8 million for increased medical device review, and $5 million for increased drug safety activities.

The importance of the conservation and watershed programs cannot be overstated, especially in light of recent events. This bill provides $963 million for the Natural Resources Conservation Service; $820 million for conservation operations, $5 million for watershed surveys and planning; $60 million for watershed and flood prevention programs; $27 million for the watershed rehabilitation program, and $51 million for resource conservation and development.

In rural development, the bill provides adequate funding for programs to meet priority needs for rural communities including business development, water and waste assistance, affordable rural housing, electric, telephone and broadband connections, and essential community facilities. The bill also provides a safety net to preserve rural multi-family housing and prevent low-income rural residents from being displaced from Government financed rental housing projects due to recent market and legal developments.

For the WIC Program, the bill provides $5.25 billion, an increase of nearly $22 million from last year's level. Although this amount is less than what the administration originally requested, changes in participation and food cost estimates allowed these savings, and the amount provided ensures full access to this program using the most up-to-date estimates. This funding level is supported by the administration, as well as noted hunger advocacy groups, all of whom have worked with the committee in determining the proper and adequate WIC funding level. This amount includes a contingency reserve of $125 million, $20 million for improved computer systems, and $15 million for breastfeeding support activities. Further, we did not include the President's proposals to limit Medicaid eligibility restrictions, nor lower the cap on nutrition services administrative funding. All other nutrition programs were funded at or above the President's request level, including $40.7 billion for food stamps, $12.4 billion for child nutrition programs, nearly $109 million for the Commodity Supplemental Food Program, and $140,000,000 for The Emergency Food Assistance Program.

This bill also does not neglect our responsibilities to help other countries. The Foreign Agricultural Service received an increase of $11 million this year. The PL–480 program, which supplies U.S. commodities to fight hunger in other countries, is funded at $1.15 billion, and the committee did not accept the administration's proposal to shift some of these funds to USAID. The McGovern-Dole program, which provides food for impoverished schoolchildren in other countries, receives $100 million.

Overall, as I have previously stated, we were able to do everything that everyone wanted us to do. However, I think that Senator BENNETT has done a good job in making sure that this bill addresses the most important needs that we have. I would like to thank him again, as well as Jon Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, and Stacy McBride on his staff for their hard work and dedication. They exhibited professionalism and a strong work ethic throughout this entire process, and worked seamlessly with my staff, for which I am also thankful.

I strongly support this bill, and I encourage all Senators to vote in favor of it.

I look forward to debating and passing this bill on the Senate floor and moving one step further toward providing USDA and FDA funds for fiscal year 2006 in the regular order. I encourage all Senators with amendments to this bill to file them early and to work with Senator BENNETT and myself and our staffs to deal with any and all amendments that come up.

I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. I ask unanimous consent the Senate now proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

OUR CONSTITUTION

Mr. CARPER. Mr. President, I rise to talk about the importance of our Constitution. In Delaware, we are reminded of that every year, at least once a year, on December 7, because that is Delaware Day. In Delaware, we celebrate on December 7, the day in 1787 when Delaware became the first State to ratify the Constitution. For one whole week, Delaware was the entire United States of America. After a week or so, we opened it up and let other States in, including South Carolina. For the most part, we have been pleased with the way things turned out.

This year, Constitution Day is going to be commemorated not just in Delaware on December 7 but across the country on September 17. That will be Saturday. That is actually the day the Constitution was apparently signed back in 1787, up in Philadelphia.

If you visit the Senate today and all this week and you come into one of the galleries, if you walk in, they will give you a copy of the Constitution. Today I was bringing in some visitors, from Dover, DE, and I was given a copy of the Constitution with the amendments thereto. I was reminded that this commemoration of our Constitution for this Saturday was made possible by one of our colleagues in the Senate, ROBERT BYRD, who carries with him every day a copy of the Constitution a little bit smaller than this one. You have probably seen it, Mr. President. He pulls it out every now and then and waves it in our faces to remind us what it is all about. It is because of his love, really devotion, to the Constitution that we will be having a special commemoration on Saturday. I thank Senator BYRD for doing that.

I am a Delawarean who treasures what our Constitution does. It is the basic law of our land, the law on which all the other laws are built. The Constitution which is becoming the longest lived Constitution in the history of the world and the Constitution most replicated by every nation on Earth is the one we celebrate this Saturday.

I wish to take a couple of moments to share and remind us again how the Constitution is introduced. It starts off—many of us know these words. In fact, many of us as schoolchildren, and our children as well, had to learn the preamble to the Constitution, which reads as follows:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

"We the people," those three words encapsulate the very essence of what makes America so wonderful. By presenting a united front, our Founding Fathers told the world that they stood together when creating this great country. I believe we need to recapture their spirit of reconciliation and to focus our energies on healing the rift that has developed in our current political climate, a rift that goes back to the beginning of this administration, the previous administration, and, frankly, for some time before that.

We have seen how powerful America can be when all of our citizens unite to focus on a common goal. During this upcoming weekend, Saturday, September 17, I urge all Americans—not just my children who are in high school; not just other schoolchildren, but I urge all Americans from all walks of life to pause and contemplate principles that form the cornerstone of this great democracy of ours. By understanding our past, I believe we can navigate toward a better future and truly honor the philosophy and spirit of our Founding Fathers.

The first 10 amendments to the Constitution are called the Bill of Rights. They lay out some of the liberties that we take for granted, but people in other places around the world would love to have these liberties. They do not and maybe they never will. I hope they will.

But our Constitution has, among other liberties, the freedom to bear arms. It has the right to say what is on our mind. In fact, there are newspapers, television stations, our radio stations—all of us enjoy freedom of speech. People can vote for whomever they want. If they like the job we are doing, they can reelect us; if they don't, they can throw us out and put somebody else in these seats. They can run for the job themselves.

They have a right to a jury by their peers. They have a right to be protected from unlawful searches without an order of a judge. There are all kinds of protections in our Constitution.

There is one given a little attention here lately, given a decision by a district court judge out in California. The question it raises is in the press of late, in the last 24 or 48 hours—again, I might add—the question of whether or not the Pledge of Allegiance to our flag, where we say "one nation under God," is indeed constitutional.

I would have us go back to the beginning of our Nation's history, when we were born as a nation. I would have us remember, when the first President, George Washington, was sworn into office and they finished the ceremony—I think it was in New York City—they didn't break up and go off to a bunch of inaugural balls. As I recall, they went to church.

Several years before that when they were up in Philadelphia and were trying to hammer out the Constitution itself, whenever they got into an especially difficult place, they would sometimes call a halt to what they were doing and pray about it. They actually began a lot of their sessions with prayers, much as we begin our session in the Senate and over at the House of Representatives.

The folks who gathered up in Philadelphia all those years ago did not want to have a State religion. They didn't want to have a "Church of America." They didn't want to have our version of the Church of England. They wrote that in the Constitution, literally in the first amendment. This is the way the first amendment starts:

> Congress shall make no law respecting an establishment of religion.

If we go over the copy of the Constitution that we shared with the folks coming into the Senate today as visitors, we read the language alongside the raw language of the amendment and it says these words:

> The first amendment protects religious freedom by prohibiting the establishment of an official or exclusive church or sect.

I am not a lawyer, certainly not a constitutional lawyer. But I think I can read. When I read literally the words of the Constitution, I believe what our Founding Fathers were trying to do is to make sure we don't establish in this country a church that somehow is sanctioned by the Government. They just didn't want to go there. Seeing what happened in some other countries, they didn't want to have any part of that.

Having said that, our Founding Fathers were a religious people. They were people of faith, and they drew on their faith, frankly, in drawing up this document and trying to resolve their differences in reaching the core on this Constitution.

The Pledge of Allegiance, I don't believe, existed when those folks were working on the Constitution. In fact, the words "under God" were only added, I believe, in 1954, some 51 years ago. I would ask, given the reliance on faith and people calling on their faith in 1787 when drafting the Constitution, how would they feel about a Pledge of Allegiance that said, "one nation under God"? My guess is they would feel pretty good about it. Rather than saying that we ought to strike that language "under God," they would probably say we ought to keep that in, and I would have to agree with them.

We will hear more about this issue going forward, I am sure. Hopefully, when we do, we will think back not just about the Constitution and what the words actually say in the first amendment, but we will also think back to the way people comported themselves and how they drew on their faith in 1787 as they wrestled with drafting this document and coming to consensus on this document. I think they would want the words "one nation, under God" to be in the Pledge of Allegiance if we were to have one.

We have all said it hundreds, probably thousands, of times. I think we got it right in 1954, and I think we ought to leave it that way.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from South Carolina.

PLEDGE OF ALLEGIANCE

Mr. DEMINT. Mr. President, I appreciate the Senator from Delaware speaking about our Constitution and religious freedoms because I would like to follow up on his remarks. This week, Americans watching the confirmation hearings of Judge John Roberts witnessed something unique about his character, something we had seen before but that is now undeniable—his humility. I believe humility is a virtue that we should all feel as Americans. We should be humble in light of the blessings that we have in this great country, humble in light of the courage of our Founders, and humble in light of the wisdom of the drafters of the Constitution.

This country was founded on religious freedom by our Founding Fathers, many of whom were deeply religious. They wanted to create a place where they could worship without fear of persecution. Unfortunately, the Federal district court declared yesterday that the phrase "under God" in our Pledge of Allegiance was unconstitutional. This is deeply troublesome and is no less irrational than it would be to declare the Constitution itself unconstitutional.

The ruling by the Federal court in California is yet another example of the hostility by many activist judges toward a time-honored tradition. This tradition has been defended by numerous Justices, including Justice O'Connor, who said that eliminating such references would sever ties to a history that sustains this Nation even today.

The Pledge of Allegiance began in 1892 as a patriotic exercise, expressing loyalty to our Nation. It is a part of an American tapestry of time-honored and historically significant traditions that have come under attack in this country. By international standards, we are a young country. Yet we seem so quick and so willing to throw out parts of our heritage that our Founders recognized as important. "One nation under God" is no more the establishment or endorsement of religion than our national motto, "in God we trust," which is here above our door and above the Speaker's chair on the other side of the Capitol; or the phrase "God bless America," the closing words often used by the President when making public comments or speeches.

The Declaration of Independence states that our rights are inalienable for one reason, because we are endowed by our creator with these rights. All of our references to God are the ways the Government properly and constitutionally acknowledges our religious heritage.

We are a great nation, but we are also one nation under God. We are filled with people who know how fortunate we are and how different our lives could be elsewhere.

This is why it is important that we are reminded and that our children are reminded to be humble. Reciting that the United States is one nation under God is a statement of humility, a way of acknowledging that even as a world superpower, we recognize there is something bigger than we are, that our freedoms in this country come from God—not from Government. If we expel God from our public life, and if we lose humility that comes with the belief in a creator, our children and grandchildren will inherit an arrogant nation that has little hope for the future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

CHURCH AND STATE

Mr. BENNETT. Mr. President, I have followed with interest the remarks of the Senator from Delaware about the Founding Fathers. Like him, I am unburdened with a legal education, but like him I believe I can read the English language, and that I have spent some time studying not only the Constitution but the history behind it. In the spirit of the remarks that have been made here, I add a few comments of my own.

It is very clear to me from studying the history of the first amendment that the primary concern of the Founders was to prevent the creation of State churches in the various States. There was never any movement to have a national church, but there were movements on the part of some of the individual States to have State churches. One of the reasons for the fact that there was not a national movement was that different States were dominated by different religions.

For example, the Puritans who came to what became the State of Massachusetts came to flee persecution they found in Europe. Then once they had established their colony in Massachusetts, they proceeded to persecute those who didn't agree with them. One of them, Roger Williams, went over to found what is now the State of Rhode Island, and created in Rhode Island a bastion of religious liberty about which the Senator from Rhode Island instructed a group of us at noon today. I found his presentation to be very interesting and worthwhile.

So a national religion covering all 13 States united in the United States of America was never in the cards. But there were some who felt that individual States might adopt a State church in that particular State, in one particular State or another. The Founding Fathers in the first amendment made it clear that there must not be a State church in any of the individual States. That was the driving force behind the words in the first amendment.

There are those in today's society who read the first amendment and its prescription of freedom of religion to mean that the Government should guarantee everyone freedom from religion, that the Government should vigorously put down any reference to religion that takes place in the public square.

I think that is a misreading of the Founders' intention, and I think that particular notion is behind the recent court ruling that has given rise to the speeches we have heard here on the floor.

I want to make one other observation about this, as long as I have the floor. America is known as a religious country. As I travel abroad and deal with some of our European friends, I find many of them to be perplexed by that. Indeed, one religious commentator said to me that if you are religious in Europe, you will be treated with disdain. Europe has now entered its post-Christian era.

That is a very interesting statement, to think that Europe went through a pre-Christian era, then a Christian era, and now it is in a post-Christian period.

When you go throughout the great cities of Europe and look at the many churches, you find that most of them have been turned into concert halls, or tourist attractions, and they are not used for religious purposes anymore.

So why is Europe turning away from religion where America remains a strongly religious nation? I am sure there are many reasons, but the one that strikes me as cogent is the fact that we have never had a State church here in America. That means religions in America have had to compete for adherence in the public square on the basis of their doctrine, on the basis of their humanity and compassion, on the basis of their attractiveness to those who might want to affiliate with them, whereas in Europe you are required by law to join a particular church in a particular country.

When the government and the church become intertwined together in that fashion, even to the point where the government provides funds for the church, that makes it unnecessary for the church to appeal to its adherents sufficiently that they will support it out of their own pocketbook, you get a corruption of both.

It was very interesting to me to travel to Russia after the Soviet Union collapsed and spend some time talking with Russian officials about this very issue. The Russian Parliament had passed an act which I believed was violative of the notion of freedom of religion and I went over to visit with them to talk to them about it.

After having visits with members of the Duma as well as members of the Yeltsin administration and their justice department, I was assured they would lean on the concept of freedom of religion and that the law would not be used in any way to persecute certain religions that had come in from outside, once the Iron Curtain was over and religions were made welcome there.

But the interesting conversation out of all of that in the context of what I am saying here came from some individuals who were talking about the role of the Russian Orthodox Church in Russian life. After the fall of the Soviet Union, the Russians were making an effort to identify themselves once again as something other than Communists, trying to figure out who they were, asking the fundamental question: What does it mean to be a Russian? Of course, the members of the Russian Orthodox Church hierarchy said being a member of the Russian Orthodox Church is important to being a Russian, but they also said we do not want to be a State church again. We have been there, and we know how debilitating it is for the church to have government involvement in our affairs and to have government financing our affairs.

As we have this debate over the words that go into the pledge—a debate that I think will ultimately be settled in the courts one way or the other, and if the precedent is as it has been, the words "under God" will be retained in the pledge—let us take the occasion to remember why we have such religious strength in this country. It is the fact that we have had freedom of religion, and we have had different denominations competing in the public square for their various adherents and not depending upon the Government for funding or direction, unlike many of the countries in Europe.

America is not in its post-Christian era the way Europe is, and, ironically, I think one of the reasons is because America has never had a government dictation of what that would mean, what religion ought to be. But again, even as we celebrate freedom of religion, I hope we don't go so far as to have Government dictate freedom from religion and tell us that we must in some way or other, however subtle, persecute people of faith.

I had the honor of receiving an honorary degree at one of our universities, and the commencement speaker was the Catholic bishop of the area served by that university. He made the point that he respects, and it is required by our Constitution to respect, all of those who disagree with him and have made the choice not to worship anyone. But he said, I only ask in return that they extend to me the same respect for the fact that I have chosen to worship and that they do not use Government affairs to persecute me for having chosen to believe, just as I say we must not use Government agencies to persecute those who have chosen not to believe.

I yield the floor.

Mr. TALENT. Mr. President, I am here today to discuss a resolution, strongly disapproving of the recent decision by the U.S. District Court for the Eastern District of California that the Pledge of Allegiance is unconstitutional. I am hopeful that the Senate will pass this resolution later today.

The Pledge of Allegiance is a record of American values and history and the words of the Pledge still resonate in the convictions of Americans today.

For more than 50 years, the Pledge of Allegiance has included references to the flag, to our country having been established as a union "under God," and to this country being dedicated to securing "liberty and justice for all." The Senate believes, as recognized in a resolution passed unanimously in 2003, that the Pledge is a fully constitutional expression of patriotism.

However, some of our courts have either no respect for or understanding of these American traditions.

Several years ago—June 26, 2002—in what has become an infamous case, the Ninth Circuit Court of Appeals in San Francisco ruled the Pledge of Allegiance to be unconstitutional when recited voluntarily because it uses the phrase "one nation under God."

On June 14, the Supreme Court at least temporarily preserved the phrase "one nation under God," in the Pledge of Allegiance, ruling that the plaintiff could not challenge the patriotic oath because he did not have standing in the case. This procedural ruling did not directly address whether the pledge recited by generations of American schoolchildren is constitutional. It left the Pledge vulnerable to another challenge.

Not unsurprisingly, on January 3, 2005, the same plaintiff and four others filed a second suit in the Eastern District of California challenging again the words "under God" in the Pledge.

Yesterday, the Eastern District of California refused to dismiss the case, holding instead that the Ninth Circuit's ruling in 2002—that the words "under God" were unconstitutional—was still good law. The effect of the court's ruling is that the Pledge has been deemed unconstitutional in three Sacramento-area school districts. This issue will likely be appealed to the Ninth Circuit again.

We are a nation of many faiths and beliefs. Tolerance for dissent is one of our great American values. But so is our common conviction that America is a nation that seeks the will and enjoys the protection of Divine Providence. The fact that some might disagree with that conviction is not a reason to deprive the rest of us of our right to affirm it in the Pledge.

I hope this body will join me in expressing support for the constitutionality of the Pledge of Allegiance by passing this resolution that the Senate strongly disapproves of yesterday's decision by the U.S. District Court for the Eastern District of California.

The PRESIDING OFFICER. The Senator from Illinois.

HURRICANE KATRINA

Mr. DURBIN. Mr. President, in a few hours President Bush will speak to our Nation about Hurricane Katrina, a catastrophe that has devastated the gulf coast and left all Americans deeply shaken.

For nearly a week, the entire world watched in horror as tens of thousands of American citizens trapped by the floodwaters pleaded for rescue, for food, water, and medicine. This didn't happen only in New Orleans. It happened in Slidell, in Jefferson Parish, in Pass Christian, LA, in Biloxi and Gulfport, MS, and countless other communities along the gulf coast. The devastation was so widespread.

We watched in stunned disbelief—hard to imagine that we were viewing our country, our neighbors as a great American city was turned into a toxic lake by a disaster that had been predicted for years. We saw families clinging desperately to roofs, pleading to be rescued. People died trapped in the attics of their homes. Sick and elderly American citizens died, abandoned, in nursing homes. Babies died in their mothers' arms. Bodies floated in rivers and decomposed in plain view. The images we saw didn't even look like America. They looked like some foreign land. Yet we knew it was our America.

We don't have any idea how many lives Katrina claimed. The numbers may reach hundreds, maybe thousands. We do know that Katrina was the greatest natural disaster America has ever experienced. One million of our fellow Americans have been displaced from their homes by this hurricane. Many lost their homes, their jobs, their communities, everything they owned. They are scattered today across America, living in emergency shelters, living with families and friends, and living with compassionate strangers. Many still don't know what has become of their family members, or whether they even survived.

A short time ago, our leader, Senator HARRY REID of Nevada, and Congresswoman PELOSI of California from the other Chamber, spoke about what they hoped to hear the President say tonight. I want to take a few minutes to talk about what I—and I believe many Americans—hope to hear from the President this evening.

First, let me tell you what I hope the President will not say. I hope the President's message to America is not divisive and ideological. Some are counseling the President to pursue that course. The lead editorial in this morning's Wall Street Journal gives you a sense of what those words may be like. It tells the President to "get back on the political and intellectual offensive" as if we are in some kind of a political campaign here when it comes to dealing with this great tragedy.

The solutions the Wall Street Journal proposes for New Orleans and the gulf coast are all out of the "Ownership Society" notebook—vouchers for health care and education, tax credits, no sense of community, no sense of shared purpose. Remember the motto of this "Ownership Society" that we hear from the Wall Street Journal. Their motto is to remember that we are all in this alone. But America knows better. That tone, those solutions, we have heard them so many times. When in doubt, the Wall Street

Journal camp and those who follow it attack the liberals, the trial lawyers, anyone with different ideas.

Then, their ultimate universal solution for every catastrophe, every challenge and every problem: cut taxes on the rich. That is a cliche that will not work. It is a program that has failed. It is one that we shouldn't turn to.

For the good of America, it is time to stop attacking these perceived political enemies and start attacking the real problems: incompetence, cronyism, poor planning, poverty, inadequate health care and housing, and overwhelmed schools.

What do we need in America? What do we need from the President? Two words: unity and community.

Two days ago, President Bush said he takes personal responsibility for the Federal Government's disastrous response to Hurricane Katrina. The Governor of Louisiana said the same thing yesterday. So be it. They have accepted responsibility.

We need to know what happened. We need to know where we failed. But the finger-pointing should end as of today.

I commend the President for acknowledging that the buck stops at the Oval Office. Harry Truman had that famous sign on his desk: "The buck stops here." And the President, with his acknowledgment, said as much 2 days ago.

But responsibility is a word. What we need is accountability. Americans are united in our desire to help our fellow citizens, who have lost so much in this disaster, rebuild their lives and rebuild communities. It is in our national interest. More important, it is part of our national character. Americans do not turn their backs on their neighbors.

We want answers about the future of the gulf coast. But we also want and deserve answers as to how this catastrophe unfolded—not to point fingers of blame but to make sure we understand the shortcomings of government at a moment when America needed it the most.

Something terrible happened on the gulf coast. Government at all levels failed. The most basic test of government is to protect its people. Instead, we had unnecessary death, destruction, suffering, and loss. How could it happen in America?

After the London subway bombings in July, we called for increased spending for rail security in this country. There was a vote on it, but the administration said no. They said rail security was the responsibility of State and local governments.

In an interview with the Associated Press, Secretary Chertoff of the Department of Homeland Security explained that he could not focus on every threat. Then he said something which I am sure he regrets:

> The truth of the matter is, a fully loaded airplane with jet fuel, a commercial airliner, has the capacity to kill 3,000 people. A bomb in a subway car may kill 30 people.

I am certain the Secretary would like to be able to retract those words. Then he said:

> When you start to think about your priorities, you're going to think about making sure you don't have a catastrophic thing first.

Those are the words of Secretary Chertoff after the London subway bombing. Those were his words 6 weeks before Hurricane Katrina.

We are committed to the future of New Orleans and the gulf coast. But the American people also want to know what happened before and after Katrina hit. Why were we not prepared for such a catastrophe? How could our government at all levels have been so unprepared to respond? What did Congress do wrong? What did the Senate do wrong? What did each agency of government do wrong? What has been done with the billions of dollars we have spent on disaster preparedness since September 11?

We have created a new agency, and we have brought new agencies from other parts of the government under that roof. We have tried to make it leaner and meaner and more effective. Yet when tested with Hurricane Katrina, it failed.

If our government can't save us from a disaster that has been predicted for years—from a blip on the radar which was seen 48 hours before it caused any destruction in the gulf area how will this government save us from a terrorist attack with no warning whatever?

Asking those questions is not "playing the blame game." It is accountability. It puts a responsibility on my shoulders as a minority Member of the Senate as much as any other Member of the Senate.

Hurricane Katrina has shaken our faith in our ability of the government to protect us. The only way to restore it is to get down to the bottom line and ask the hard questions.

You may recall after September 11 there was a suggestion that we have an independent nonpartisan commission to analyze what went wrong. Why didn't our intelligence agencies gather the information to warn us in advance? There was resistance to that idea from the White House. Yet we pressed forward. And the motivating force behind it was not only popular opinion but the surviving families of those who died on September 11. Those husbands and wives and extended family members came together and forced the creation of the 9/11 Commission.

We need another commission. We need an independent, nonpartisan commission in the mode and style of the 9/11 Commission. The force behind it should be the same: families coming together—those who have lost loved ones, those who have lost their homes and lost their communities—to demand of this government accountability at all levels: legislative, executive, local, State, and Federal.

It is regrettable; we had a chance to do this yesterday. Senator HILLARY CLINTON of New York, who certainly understands the disaster of September 11, as does her colleague, Senator SCHUMER, said let's put together this Katrina commission, this independent, nonpartisan commission. Unfortunately, it failed on a party-line vote yesterday in the Senate.

But that is not the end of the story. We will be back. We will be back with this commission proposal until we clearly do have an independent commission we can trust to analyze the situation.

Wouldn't it be great tonight if the President, on national television, says he now understands we need a Katrina commission? And that it should be independent and nonpartisan, just like the 9/11 Commission? That would be a great way to start.

There will be an independent inquiry into Hurricane Katrina because the American people will demand it.

I hope the President tonight will announce that he supports a bill that Republican chairman SUSAN COLLINS of Maine, and Democrat Senator JOE LIEBERMAN of Connecticut have introduced to increase Federal funding for the special inspector general that monitors reconstruction in Iraq so that office can also oversee spending on Hurricane Katrina relief and reconstruction.

The Katrina reconstruction effort will be the most ambitious Federal investment effort since the New Deal, the largest-ever Federal expenditure on a natural disaster. The special inspector general has the expertise and infrastructure in place now to monitor the billions of dollars of Federal funds that will be needed and make sure the taxpayers' dollars are not wasted.

FEMA has never had a sum of money like $60 billion. Trust me, having seen government at work for many years, you have to get up to speed and you have to have accountability or money will be wasted. Victims will not be helped when they should be.

In addition, Senators OBAMA, CARPER, and COBURN have proposed their own idea, a creation of a chief financial officer to monitor financial management of the departments involved in Katrina reconstruction. I encourage the President to endorse this proposal, as well.

We know that the $62 billion in emergency funds Congress has already approved for Katrina over the last two weeks is a down payment. We're told that the President tonight will ask for another $50 billion, and the final cost of this catastrophe could reach $200 billion—more than we have spent in 3 years in Iraq to date.

Already we have heard troubling reports about contracts being awarded for Katrina work. Listen to this headline from Monday's Wall Street Journal:

> No Bid Contracts Win Katrina Work. White House Uses Practices Criticized in Iraq Rebuilding for Hurricane-Related Jobs.

That is a very disappointing headline. To think we would go down the same path of waste and abuse we have seen in Iraq now in our own country with Hurricane Katrina is unacceptable.

The lead in the story says:

> The Bush Administration is importing many of the contracting practices blamed for spending abuses in Iraq as it begins the largest and costliest rebuilding effort in United States history.

This was printed in the Wall Street Journal in their news. It is not some political document. It is their analysis. The story says:

> The first large-scale contracts awarded to Hurricane Katrina, as in Iraq, were awarded without competitive building, using so-called 'cost-plus' provisions that guarantee contractors certain profits regardless of how much they spend.

The article quotes a contracting expert at George Washington University Law School who says:

> You can easily compare FEMA's internal resources to what you saw in the early days of the Coalition Provisional Authority in Iraq: A small, underfunded organization taking on a Herculean task under tremendous time pressure. This is almost by definition a recipe for disaster.

Last week, the President signed an Executive order to cut the pay for construction workers on Katrina reconstruction projects. Think about that for a second.

First, the wage scales in the South and Louisiana and Mississippi, in particular, are very low anyway. Imagine you were a construction worker and your home or community was devastated by Katrina. You are now trying to put your life and your family back together. You say to your family, "the good news is I do construction work and, boy, we will need a lot of that."

The first thing the White House announces, "we will cut that worker's pay." So the first thing we do for the workers who have lost their homes and lived through the devastation of Hurricane Katrina is to give them a smaller paycheck. Already, the wage scales are low in this part of the country. The White House wants to cut them to even lower levels.

The Executive order waives the Davis-Bacon law of 1931. Interestingly enough, it is a provision in the law that is supported by management as well as labor to make certain that you have skilled and qualified workers building buildings and bridges and communities that will last and not fall apart.

Construction workers in New Orleans earn an average of $10.31 an hour, which is 25 percent below the national average already. They are paid so low now they cannot afford what many workers can buy across America. Now President Bush wants to pay these workers, many of whom have to rebuild their homes and their lives from scratch, he wants to pay them even less. And the White House reportedly is going to do the same thing for service workers on Katrina construction projects.

The first decision the President makes about Katrina reconstruction is to order a pay cut for workers who are trying desperately to rebuild their lives and support their families.

But not everyone is being asked to sacrifice. Joe Allbaugh was President Bush's campaign manager in the year 2000. From there he became Director of FEMA under the President. Then he hired his old college roommate, Mike Brown, a familiar name to most Americans.

Today, Mr. Allbaugh has left the Federal Government. He is a lobbyist. One of his clients, a company called the Shaw Group, has already received two $100 million no-bid contracts for Katrina work—one from the Army Corps of Engineers to pump flood water out of New Orleans, and the other from FEMA for construction and management for emergency housing for Katrina victims.

The Shaw Group has updated its Web site, and it reads "Hurricane Recovery Projects—Apply Here!"

Now, another one of Mr. Allbaugh's clients, Kellogg, Brown & Root Services, a subsidiary of—you guessed it—Halliburton, formally headed by Vice President CHENEY, is doing repair work at Navy facilities in Mississippi damaged by Katrina. It received the contract for that work despite the fact that the Pentagon auditors have questioned hundreds of millions of dollars in charges for their work in Iraq. The same companies under investigation for ripping off taxpayers in Iraq are being awarded no-bid contracts for Katrina.

The President would serve the Nation well tonight if he says that we are going to put an end to this daisy chain of favorable contracts to old friends. It would be better if he would say that we are going to focus on making sure that taxpayers get the most for the money that is being spent on this reconstruction, and also that we are going to help the displaced workers in the region first—not well-connected private contractors. We want to make certain those workers struggling to put their lives back together are the highest priority for Katrina reconstruction work.

If workers need the training to take on the jobs, they should get it. They should be paid a decent wage for their labor, not a dime less.

State and local governments should receive priority over private contractors. And when private contractors are used for Katrina cleanup and reconstruction, we need strict oversight for every single dollar.

Katrina is a national tragedy. It shouldn't be an opportunity for profiteering.

There are other things we hope to hear from the President.

Yesterday, the cochairman of the independent September 11 Commission released a report showing most of its important recommendations still have not been implemented 4 years after September 11.

According to Gov. Tom Kean, the Republican Governor of New Jersey who was chair of this Commission:

> The same mistakes made on September 11 were made over again [in Hurricane Katrina], in some cases even worse.

Americans want to hear from their President how their Government intends to ensure that we are as protected as we can be from terrorist attacks, natural disasters, and other potential catastrophes, such as nuclear accidents and disease outbreaks, we are going to get it right.

Americans want to know that the National Guard has what it needs to respond to emergencies at home.

I asked a question the other day of the Secretary of Defense. I am not sure he was happy with it. But I asked him: How far can we stretch the National Guard? In my State, 70 percent of the National Guard men and women have already served in Iraq or are currently serving there.

Now, of those who have come home, 1 out of every 10 are headed to the gulf coast. Many of them returned from Iraq a few months ago. They were getting reacquainted with their families and rebuilding their lives, taking care of their homes and undertaking new responsibilities in their communities, new jobs.

Now, with that spirit of voluntarism, they have stepped forward. But the obvious question is: How many times can we ask the National Guard to rise to this national challenge? How are we going to meet the recruiting goals when we are asking so much of these men and women?

Guardsmen, Coast Guard members, and so many others have been the heroes of Hurricane Katrina. They have saved thousands and thousands of lives, at great risk. But the Guard's efforts were hampered by the fact that 3,000 Guard members from Louisiana and 4,000 from Mississippi were in Iraq, with their equipment, their humvees, their trucks, their helicopters.

The Army National Guard was woefully underequipped before the Iraq war started. It had only 75 percent of the equipment it needed. Today, more than half of the National Guard's equipment is either overseas or in need of major repair.

Now, we are watching Hurricane Ophelia off the coast of North Carolina. We pray it will not cause anywhere near the damage that it might. But we are positioning emergency personnel and the National Guard to respond.

Time and time and time again, we turn to our National Guard men and women. The obvious question is: How often can we ask them to perform this heroism? I think that is a legitimate question to ask this administration. When disaster strikes, the Guard is forced to move its people and equipment from farther away. As it does, it takes precious time and delays response.

The Guard estimates its equipment needs at $14 billion today to upgrade the equipment of the National Guard to where it needs to be. The President's budget recommendation, is it $14 billion for National Guard equipment? It is $1 billion. So we are not preparing homeland security by equipping the National Guard with what they need today.

National Guard members do not lack for courage or commitment. They lack for equipment. The President should tell the American people tonight that he plans to ensure that the National Guard has what it needs to protect us at home.

Let me move to another issue that is affecting families and businesses across America. The average price of gasoline today is $1.40 higher than it was 4 years ago; for a gallon of gas, $1.40 more. Oil companies are announcing record profits. According to the Boston Herald, ExxonMobil is set to announce $10 billion in profits this quarter, after almost $8 billion in profits for the last quarter. They are making $110 million a day, and you know it because when you fill up your gas tank, you take a look at what you are paying. This money, frankly, is far in excess of what you should have to pay. These companies have had more in profits and more in net income than any companies in recent history in our country.

In Illinois, and across America, families have opened up their wallets for the victims of Hurricane Katrina. They should not have their pockets picked by a group of greedy oil companies.

Tonight, America wants to hear from President Bush the steps he is going to take to protect America's families and businesses from unfair price gouging by oil companies. I certainly hope the President is willing to take them on. What steps will the President support to develop alternative fuels so we can reduce our dependence on foreign oil? What can our Nation do to make certain we do not have to walk hand in hand with Saudi sheiks begging them for their oil for our economy? I hope the President will address that this evening.

Americans also want to hear President Bush explain how we are going to pay for the reconstruction of the gulf coast without shortchanging important national priorities and without burying our children and grandchildren in debt.

In the 1990s, under President Clinton, we eliminated the Federal deficit. The Government was running a surplus. And we were actually paying down the national debt so our kids' mortgage, our national mortgage would be lower.

In the last 4 years, under President Bush's watch, our national debt has increased by $3 trillion. That is a 50-percent increase in the cumulative debt of America's entire history—50 percent under President Bush.

The Federal Government has to borrow $2 billion every morning just to keep operating. Some are predicting the cost of Hurricane Katrina could push the deficit up to $400 billion this year. We are looking at a flood of red ink this year and for years to come.

Yet, incredibly, there are those who think our top priority now should be cutting taxes for wealthy Americans. Imagine, no President in our history ever, of any administration, has cut taxes in the midst of a war.

This President continues to cut taxes as our deficits reach historic levels. And now, with Hurricane Katrina, we still hear Republicans on the other side of the aisle saying: Well, we have to give a tax break to the wealthiest Americans by eliminating the estate tax.

Accountability means responsibility. It means leadership. Tonight, when the President speaks to the Nation, he should announce he will refuse to sign any bill eliminating the estate tax or any other tax cut that provides a windfall for the very wealthiest among us, until we provide it for the neediest among us, the victims of Hurricane Katrina.

Let me conclude by reminding my colleagues of a statement of Bill Cohen. Bill is a former Republican Senator from Maine and former Secretary of Defense under President Clinton. Here is what he said. This is "the Cohen Rule":

> Government is the enemy—until you need a friend.

The other day I read a variation of this rule. It was said by Senator TRENT LOTT, who is viewed as a very conservative Republican in this Chamber. Here is what Senator TRENT LOTT said:

> You're a fiscal conservative—until you get hit with a natural disaster.

In addition to houses and lives, one of the things swept away by Hurricane Katrina for many Americans was the myth of this "ownership society," which we have heard from the most conservative think tanks in Washington and from this administration. That is the point of view that says that less Government is always better, and we are all better off when we watch out for ourselves and our own families only and don't worry about the other guy.

For many of the victims of Hurricane Katrina, the only thing less Government meant was less protection. What Americans need is not necessarily less Government, but smarter Government. We need a Government that is strong enough to protect us overseas and protect us at home, a Government rooted in the most basic American moral values, a tradition that goes back to the earliest days of our Nation: banding together in times of need, to do for each other what none of us can do alone—using our common wealth for the common good.

Americans want a Government that says: We are all in this together, not: We are all in this alone.

We have seen so much heroism from so many people during Hurricane Katrina. We have seen the overwhelming kindness of Americans toward the survivors, the overwhelming, spontaneous outpouring of contributions from people across America—from the major corporations with their millions of dollars to the kids on the corner selling lemonade—all of them trying to do their part to help their neighbors, the most vulnerable in America, the victims of Hurricane Katrina.

America is yearning for a leadership and a leader that will speak to that spirit of unity and community. We will listen closely tonight for it.

The "ownership society" is not the right answer—it never was. Nor is using this national tragedy to try to divide Americans a good idea, when we yearn to be drawn together, not pulled apart.

We understand there are some challenges so enormous that none of us acting alone can meet them. We believe in sharing our blessings and our burdens. We believe in shared sacrifice.

There was a story in the Washington Post last weekend, the headline was "The Nation's Castaways." It was a story about some of the people who were left behind to fend for themselves in New Orleans when the floods came.

The reporter described a man who felt so guilty about the pita bread, water, and juice that he looted from a Wal-Mart to feed his family that he kept a list, so he can pay it back later. "I feel like an American again," the man said on TV after help finally began to arrive. "I thought my country had abandoned me."

Government at all levels failed during Hurricane Katrina, and tens of thousands of Americans were left with that same terrible fear—that their country had abandoned them. But we know from experience that when Americans pull together, we can overcome any obstacle. We have done it so many times in our history.

The urgent task facing the President tonight, and facing every leader in Government, facing every Senator, including this Senator, is to show the American people, not just in words but with actions, that we will not allow this tragedy to be repeated.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Minnesota.

Mr. DAYTON. Mr. President, I have come to the floor to join with the distinguished assistant Democratic leader in his conscientious and continuing concern for the victims of Hurricane Katrina.

I have seen the Senator from Illinois on the floor day after day, raising these questions, addressing these concerns. I understand tomorrow the Senator is going to New Orleans to tour the area personally, with Senate leadership, to see what needs to be done there to address the human suffering. I hear in his voice, and know from his longstanding commitment to the people of Illinois, the depth of his own heartfelt concern for their problems and his passion for their suffering and to do what we can, what we must, to address those problems.

I look forward to hearing from the Senator next week, after his return from New Orleans and that area, as to what we can do more effectively—all of us as leaders in the Senate, all of us working together, all of us as Americans, not as Democrats or Republicans, not as partisans but as patriots—on behalf of all the people in need.

I share his concern. What prompted me to come to the floor is I heard the Senator speaking about some of the difficulties in getting some of the necessary information in order to perform our responsibilities as Senators. I share that frustration, or at least let me express my own frustration because as a member of the Senate Committee on Homeland Security and Governmental Affairs which has, under the Senate's organizing resolution, the responsibility and the authority to oversee the Department of Homeland Security as well as FEMA, the Federal Emergency Management Agency, which is under that agency, I have been confounded and enormously dismayed by the unwillingness of the Senate Republican leadership to permit that committee to do what it is responsible to do, which is to hold oversight hearings and to understand what is happening, what is not happening down in that flood-ravaged part of the country, and also to find out what must be done not to look at just failures—also, you hear about successes—not to point fingers of blame, but to exercise our oversight responsibility, particularly given that we have now, this body, at the President's request, appropriated almost $63 billion of taxpayers' money to address these critical emergency needs.

I do not question the need to act quickly. And we have done so. But to deliver that much money—Federal taxpayers' dollars—to the responsible agencies without any oversight, without any questions asked or answers provided about what is being done with that money, and particularly to hear the Senator from Illinois describe published reports of sole-source contracting with organizations that have political connections with the President's former campaign manager, I find it to be shocking and appalling we have not exercised that responsibility.

I would ask the leader, and others responsible for these decisions, about when we will be holding public hearings in that committee to authorize our proceeding to do so with those who are directly responsible for the recovery efforts.

None of us wants to disrupt the recovery efforts in the southern part of the country. Lord knows, they have been disrupted enough already by what has failed to be done there, without any involvement by any of us. But I find it perplexing that Cabinet secretaries who have enough time to appear on Sunday talk shows and who are also clearly not in Louisiana or Mississippi day and night, 7 days and nights a week around the clock, have, while they are here in Washington, not a single hour available to appear before our committee in a public setting and answer the questions I have, that I know other members of the committee have, and that the American people have. We deserve—most importantly, the American people deserve—answers to these important questions.

Yesterday, we had, after now 2½ weeks since those levees failed in New Orleans, the very first public hearing of this committee. We had a former Governor of California, a former mayor of Grand Forks, ND, a couple of other wonderful former public servants who have expertise from their own past experiences, but not a single one of the people on that panel had any responsibility for the public response to Hurricane Katrina. Similarly, not a single person with public responsibility for that response was willing to appear on that committee.

It was 9 days ago that we had before a number of us Senators 10 Cabinet secretaries, the Chairman of the Joint Chiefs of Staff, and the head of the National Guard to brief us on the situation right here in the Capitol, but they were not willing to appear in a public setting, even though there was not a single word spoken in that briefing that could not and should not have been witnessed and heard by the American people.

A week ago we had the Director of Operations for FEMA and the Deputy Commandant of the Coast Guard appear before the Committee on Homeland Security and Government Affairs, but they would not appear in a public setting. The briefing was behind closed doors. The public and press could not witness what they had to say. We have not yet, on this committee or any other committee that I am aware of—certainly none on which I serve, including Armed Services—had a single administration official willing to appear before us in a public setting and provide us with the information we desire, to allow us to ask questions and to provide answers in front of the committee and the American people. I find that unacceptable.

Again, I urge the Republican leadership of the Senate to authorize that committee to proceed as we are responsible to do, to join us and members of the committee, insist that the administration provide us their top officials. When they are not in New Orleans or Mississippi, when they are here in Washington, come up for an hour, an hour once, to begin with. Keep each of those Cabinet secretaries who were present 9 days ago, ask each one of them to come up and tell us in a public setting what their agency is doing to respond, what do they need from us, whether it is funding, legislation, removal of regulations, restrictions—tell us what you need from us in order to be more responsive and more effective in the Federal response to the emergency that persists. Come before us in a public setting, as public officials, as those who are responsible for the Federal response. Let us ask the questions we must to fulfill our oversight responsibilities, and let's start providing some public answers to the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTION DAY

Mr. FRIST. Mr. President, on Saturday, the Nation will observe the 218th anniversary of the signing of the U.S. Constitution.

In previous years, September 17 has been designated "Citizenship Day"—a day on which all Americans were encouraged to pay special attention to the rights and responsibilities of citizenship.

This year, for the first time, we celebrate September 17 as "Constitution Day and Citizenship Day." This special focus on the Constitution came about as a result of an initiative sponsored by our senior colleague from West Virginia. The Consolidated Appropriations

Act for Fiscal 2005 provides that each educational institution receiving Federal funds during a fiscal year will conduct a program of its own devising on the Constitution. Also, each Federal department and agency, in connection with this special day, will make available educational materials on the Constitution for its employees.

Today, we have placed on the desk of each Senator two documents. The first is an annotated copy of the Constitution. The second contains the record of the 1787 constitutional convention as pertains to the powers and responsibilities of the United States Senate. In the spirit of this first Constitution Day, I hope all my colleagues will take the time to examine both of these fundamental documents.

HISPANIC HERITAGE MONTH

Mr. DURBIN. Mr. President, I rise today to honor the work and achievements of Hispanic Americans. Every year since 1968 Americans have formally recognized the importance of Hispanic heritage and the contributions of Latino members of society. Hispanic Heritage Month allows the Nation's 41 million Latinos, along with all Americans, to celebrate Latino community and culture.

As the fastest growing population in America, Hispanics have the potential to significantly impact society through their hard work, commitment to faith and closely-knit families. Aida Gianchello is one of the Latina Americans who are changing the world. Aida founded the Midwest Latino Health Research, Training and Policy Center at the University of Chicago at Illinois. From this Center, Aida works within the Latino community and with the public health network to address health problems that disproportionately affect Latinos, including life-threatening diabetes, asthma and hypertension.

This morning, I had the pleasure of meeting three women from Illinois about to graduate from the National Hispana Leadership Institute. Juanita Irizarry is the executive director of Latinos United, a housing policy and advocacy organization in the Chicago area. Eva Serrano is director of community and school partnerships at Aurora University. Elena Tijerina is a partner at Lucent Technologies. These are powerful women, already participating in civic, business and community affairs, moving forward in leadership. We are lucky to have them in Illinois.

I also must mention my friend Al Galvan. Al is a veteran of World War II and the founder of the first Hispanic organization for Hispanic American veterans. The Illinois Hispanic Chamber of Commerce recently bestowed its life-time achievement award on Al Galvan.

Despite the remarkable accomplishments of many Hispanic leaders, Hispanic Americans still face daunting challenges, including the 14 million who do not have health coverage, as well as dangerously low levels of income. But they are rising to face these challenges—the rate of minority enrollment in post-secondary institutions continues to grow, as does the number of small businesses owned by Latinos. Leaders are recognizing the problems faced particularly by Latinos and are offering specific solutions. Aida Gianchello led the charge to serve struggling neighborhoods in Chicago by setting up three diabetes-focused self-care centers which each reach about a thousand residents a month, many undocumented and uninsured.

Individual efforts, like those of the Illinois leaders I have mentioned here today, make me proud to acknowledge the work and achievements of Latinos throughout Illinois and the country. It is only with the continued dedication and appropriate appreciation of Hispanic Heritage that the Latino culture will grow and thrive in America.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 1, 2005, a man was beaten outside his home in Destin, FL. According to police, the apparent motivation for the attack was that the man was gay.

I would note that yesterday in the House, hate crimes legislation was passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

HONORING OUR ARMED FORCES

ARTHUR RAY MCGILL

Mrs. LINCOLN. Mr. President, today I rise with a heavy heart to honor the life of SGT Arthur Ray McGill. It is the story of a carefree and loving young man from northwest Arkansas, who was devoted to his family and always put them above all else. It is also the story of a trustworthy and brave soldier, who honorably served his Nation in uniform, and ultimately gave his life in the name of freedom.

Sergeant McGill spent most of his childhood in the small Arkansas town of Decatur. Those who knew him best would describe him as a quiet and patient young man who was always considerate of others and treated them with respect. He attended Decatur High School and although he left after his 10th grade year, he went on to earn his general educational development diploma at the age of 17. Soon after, he joined the Arkansas National Guard, where he would serve for 6 years prior to enlisting in the U.S. Army in November of 2002.

In his free time, "Ray" or "Big Country," as he was known to friends and family, had a love for archery and could often be found playing video games or reading the comic books of his favorite superhero, Spiderman. But above all, his greatest love was his family, particularly his 7-year old daughter Kaylee. Her welfare was her father's greatest concern, and she knew that he could always be counted on to protect and care for her as best he could.

Sergeant McGill reported for duty in January of 2003 and was deployed for service in Operation Iraqi Freedom. He was one of the soldiers in the initial waves of American troops into Baghdad, and served in the area until that August. Sergeant McGill returned to Iraq in January of 2005. In explaining his decision to reenlist for a second tour of duty to his loved ones, Sergeant McGill spoke of his feeling of being needed in Iraq, and that he was simply doing his part and was proud to do so. He would also speak of his future after the Army, when he hoped to study criminal justice, buy a home, and become a member of the U.S. Border Patrol in New Mexico.

Throughout his military service, Sergeant McGill's hard work and dependability quickly earned him the respect and loyalty of his fellow soldiers. They even began calling him "Tizzley," a combination of a teddy bear and a grizzly, which aptly described the 6'6" soldier who had a heart of gold. Though the comradeship with his fellow soldiers grew, Sergeant McGill was still a world away from his family and they were never far from his mind. While in Iraq, he had a habit of sending gifts and money back home to provide for them and spoke to them often by phone or through instant messenger on his computer. To make him feel a little closer to home, he also brought a CD-ROM to Iraq, which he spent a good deal of his free time enjoying; it contained over 500 issues of "The Amazing Spiderman" and was never far from his side.

Tragically, Sergeant McGill was killed on July 19 when a roadside bomb exploded near his vehicle while he was patrolling through the streets of Baghdad. Back in Arkansas, friends and family came to show their respects and bid farewell to their fallen soldier, as his flag-draped coffin was buried at

Fayetteville National Cemetery. Kaylee, who had been the love of her father's life, was presented with an American flag and her father's dog tags, as well as the Bronze Star and Purple Heart he had earned through his courageous service to our Nation.

Although her father may no longer be with us, I am hopeful that these items will forever remind her of the courageous and honorable way he lived his life. Words cannot adequately express the sorrow felt in the hearts of the family and loved ones of Arthur Ray McGill, but I pray they can find solace knowing that his spirit will forever live on in the examples he set and the many lives he touched.

HURRICANE KATRINA

Mr. DOMENICI. Mr. President, I rise to address Hurricane Katrina—what we have been doing and what we should do next. Much has been said on this floor about good, and bad, responses to Hurricane Katrina.

This morning I would like to reflect on the good responses. I would like to mention a few stories of self-sacrifice and generosity made by some people from my home State of New Mexico. A team from Sandia National Laboratory's and Los Alamos National Laboratory's National Infrastructure Simulation Analysis Center is helping to determine the impact of Hurricane Katrina on electric power infrastructure and oil and gas infrastructure. The Office of Naval Research deployed an Expeditionary Unit for Water Purification from Alamogordo to create potable water from brackish water in Mississippi. Evacuees have been welcomed to our State. In one of the many shows of financial generosity by New Mexicans, the Sandia Pueblo has donated $1 million to the American Red Cross. As another example, earlier this month two Dona Ana County Commissioners plan to donate their salaries for the rest of this year, totaling almost $12,000, to Katrina victims.

Many law enforcement officers, firefighters, and other first responders from across the country are aiding in recovery efforts. One such group is from Bernalillo County, NM. The Bernalillo County Sheriff's Office and Fire Department sent 43 individuals to New Orleans, including 3 civilians and my good friend Darren White, who is the Sheriff in Bernalillo County. The Bernalillo County team spent several days on airboats, searching for survivors. At one point, the Sheriff was thrown from the boat into the toxic floodwaters covering New Orleans. He was sent to a decontamination center, but the experience did not deter him from his mission. Instead, he stayed in New Orleans to continue helping with the team's rescue efforts, which saved more than 200 people. Stories like this make me extremely proud of New Mexico's brave law officers.

The list does not end there. The New Mexico Disaster Medical Assistance Team provided medical care in Louisiana. Task Force New Mexico, made up of 412 National Guardsmen, is helping a Louisiana parish get back on its feet. New Mexico Task Force One, an elite search and rescue team, assisted in recovery efforts. This team may sound familiar because New Mexico Task Force One was sent to the Pentagon following the September 11 attacks to help with rescue and recovery efforts there.

Finally, I would like to quote a September 12, 2005 USA Today news clipping I found particularly striking. A "disaster response director for the San Juan County Red Cross watched as two young boys from Farmington emptied their piggy banks . . . the boys were determined to send their money, $32 total, to victims of Hurricane Katrina." The parents of these two Farmington, New Mexico boys should be very, very proud of their sons. I certainly am.

This, of course, is not an exhaustive list of New Mexico's contributions to Hurricane Katrina relief efforts, and I know that these stories are not unique to my home State. Many people across the country have responded with similar acts of courage and kindness. I would like to take this opportunity to say thank you to all of the people from New Mexico and from across the country who are helping with Katrina relief and recovery efforts.

I would also like to mention a few of the many Federal actions taken in response to Hurricane Katrina. Mr. President, 50,000 people have been rescued, and 53 million liters of water and 22 million meals have been distributed. U.S. military personnel, Federal law enforcement officers, and other Federal employees have gone to the gulf coast to help people like Sheriff White with rescue, recovery, and security efforts. Federal agencies have provided millions of dollars in grants for emergency energy assistance, agricultural aid, Head Start programs, and job creation. The Federal Government has done much more, including appropriating more than $62 billion in emergency funding for the gulf coast region.

It should be noted that these billions of dollars are being provided for immediate needs; the monies do not include funds for any long term rehabilitation or reconstruction projects along the gulf coast. However, such sums will be needed soon, as we face the most difficult long-term situation that America has ever confronted on her own soil. Rehabilitating and reconstructing the Gulf Coast will take several years and several billions of dollars. I believe the proper way to organize and coordinate these efforts is by creating an office that will work with leadership in the affected area to coordinate Federal, State, and local actions and report on reconstruction efforts.

I am not asserting that control should be taken away from the States and cities that were directly impacted by Katrina. Nor am I advocating that this person should play any role in reviewing the local, State and Federal responses to Katrina or in recommending any policy changes that may need to be made because of those responses.

However, I do believe we need someone who can oversee the numerous Federal projects and Federal funds that will be associated with the rebuilding efforts.

Creating such an office is not without precedence. I was here in 1972 when the Mid-Atlantic States were flooded by rainfall from Tropical Storm Agnes. These floods caused the costliest natural disaster in U.S. history at the time. President Nixon had the foresight to appoint Frank Carlucci, his Deputy Director of the Office of Management and Budget, to serve as his "personal representative" to the disaster area created by Agnes. Mr. Carlucci coordinated the multistate, multi-agency rebuilding efforts associated with Tropical Storm Agnes.

I believe that a similar office is needed now to oversee the long-term, multistate rebuilding efforts associated with Katrina, and I have urged President Bush to create such an office by Executive Order. We are facing an important time in this country, and we must carefully choose how to proceed. I am convinced that the creation of a central office to coordinate the gulf coast rehabilitation is the proper way to move forward.

BACK TO SCHOOL AND THE NO CHILD LEFT BEHIND ACT

Mr. FEINGOLD. Mr. President, students, teachers, and school personnel across Wisconsin and around the country are settling in for a new school year. Regrettably, thousands of students and teachers in the hurricane-ravaged gulf coast region have no schools to which they can return. According to the Louisiana Department of Education, schools in six parishes have been destroyed or are too damaged to reopen, and more than 240,000 students from that State alone have been displaced as a result. The Federal Department of Education estimates that a total of more than 370,000 students across the region have been displaced, and many of them will have to spend the entire school year attending a different school.

I commend the school districts around the region and around the county, including in Wisconsin, that have opened their doors to students who have been displaced as a result of Hurricane Katrina and the ongoing devastation left in her wake. While the start of the school year usually means getting new school supplies, renewing friendships that may have lapsed over the summer months, and embarking on new courses of study, for the students displaced by Katrina, starting school may be the first step in restoring a sense of routine and a small measure of normalcy. Many of these students are separated from family members and friends and from familiar teachers, counselors, coaches, and other school personnel as they begin classes in another district or in another State. We should make every effort to assist the schools that are welcoming them with open arms as they work to make this transition as smooth as possible.

For these reasons, last week I sent a letter to the Secretary of Education, which I am pleased was cosigned by the senior Senator from Illinois, Mr. DURBIN, asking that the administration request dedicated education funding for schools in the affected areas and for the States and school districts that are enrolling these displaced students. Our letter also requested that the Secretary use her statutory authority to waive for 1 year the accountability provisions in the No Child Left Behind Act for the schools in the affected areas and for the school districts that are enrolling the displaced students.

Hurricane Katrina and its aftermath also remind us of the importance of the availability of school counselors, psychologists, and social workers. These personnel work with teachers, administrators, and parents to ensure that students have the resources and tools they need to meet the challenges of the classroom and of everyday life. In times of great stress or disaster, such as a hurricane, these professionals are even more important as they help students cope with the tragedy that they and their loved ones and friends—or family members or friends who lived in the affected area—are experiencing.

This natural disaster underscores the need to provide adequate resources to ensure that schools have the ability to recruit and retain school counselors, psychologists, and social workers in numbers that are appropriate to meet the needs of their students. I share the concern expressed by so many around my State that tight budget constraints and new Federal mandates are forcing school districts to make the difficult decision to cut some of these important positions. And many of those districts that are able to maintain these positions are unable to hire enough counselors, psychologists, and social workers to meet the recommended student to professional ratios for those positions. I will talk more about the importance of providing promised Federal funding for education programs later in my statement, but I just wanted to touch on this issue here.

As we witness the concerted effort by so many local school districts and States to provide education for students displaced by Hurricane Katrina, we are reminded that throughout our Nation's history, the education of our children has been viewed as a largely local and state responsibility, and the Federal Government has wisely left decisions affecting our children's day-to-day classroom experiences up to the schools, districts, school boards, and State education agencies that bear the responsibility for—and most of the cost of—educating our children. Historically, when the Federal Government has stepped in, it has been to ensure that children receive an equal opportunity for a good education by protecting the rights of all children and by providing additional resources for schools and for such related activities as teacher training.

The Federal Government has a long history of supporting local and State governments in their effort to provide a high quality public education for each child. And we have such an opportunity now to support local efforts by providing funding to the states and school districts that have been affected by Hurricane Katrina. I support such efforts, which rightly respect the importance of maintaining local control of education. For that reason, I opposed the No Child Left Behind Act, NCLB, which the President touts as one of his top domestic achievements, going so far as to call it "the most important Federal education reform in history." I respectfully disagree with the President's assessment of this law, the effects of which are beginning to reverberate throughout Wisconsin and throughout the country.

As I travel around Wisconsin each year to host listening sessions in each of our 72 counties, I hear time and again from frustrated teachers, administrators, parents, and others about the negative effect that NCLB is having on education in Wisconsin. And the people of Wisconsin are not alone in their concern about the consequences of this law. A recent article in the St. Petersburg Times notes that "[i]t's not unusual for states to chafe at federal rules. But the state revolt against the federal law that filled America's classrooms with standardized tests is unprecedented. Forty-seven states are questioning, opposing, or rebelling against the most sweeping education reform in a generation."

In Utah, for example, the State legislature passed and the Governor signed into law a bill that clarifies that State education policy has precedence over Federal education laws. Colorado is allowing individual school districts to "opt out" of NCLB. And the State of Connecticut recently filed a lawsuit in Federal court that argues that the law is illegal because it constitutes an unfunded Federal mandate on States and school districts. The National Education Association had previously joined with a number of local affiliates and school districts from around the country in filing a similar lawsuit.

It is important to note that the Department of Education has made some effort to provide flexibility on some areas of this law in response to a flood of requests from States and school districts around the country. But this flexibility has been narrow in scope and has largely ignored the central concerns of States and school districts, including insufficient Federal resources to help schools comply with the law and the likelihood that no State or district—now matter how great their efforts or their educational progress—will be able to keep up with the law's ambitious accountability provisions, including the well-intentioned yet almost wholly unachievable requirement that all students be proficient in reading and math by the 2013–2014 school year.

While I think we all agree that schools should be held accountable for results, I and many Wisconsinites oppose the testing-centered mandates in the NCLB. I support some aspects of this law, such as increased funding for title I and for afterschool programs. I opposed this legislation, however, because it takes decisions regarding the frequency of testing out of the hands of local school districts. As educators, students, and parents across the country know all too well, this law mandates that students be tested in reading and math in grades 3–8 beginning during this, the 2005–2006 school year. Further, the law mandates that students be tested in science at least once in grades 3–5, 6–9, and 10–12 beginning in the 2007–2008 school year.

This top-down, one-size-fits-all approach to testing is not good for Wisconsin students or schools. Washington does not know best when it comes to making decisions such as this, and states and school districts are rightly concerned about the effect that this additional layer of testing will have on classroom education.

Connecticut, for example, has requested and has been repeatedly denied permission from the Department of Education to continue to test its students every other year instead of every year as is mandated by NCLB.

And it is troubling that the results of these tests are central to determining whether a school, district, or State is considered to be "in need of improvement" or "failing" academically. It is also troubling that the corresponding Federal sanctions for schools deemed to be "in need of improvement" or "failing" will actually take badly needed money from those very schools. And these sanctions are being imposed despite the fact that the Federal Government has not provided the resources to help these school succeed that were promised as part of NCLB. I am deeply concerned that the President's budget requests for each of the fiscal years since NCLB was enacted have not provided the funding levels promised by that law, and have, in fact, provided no funding for a number of important programs included in that law.

I began to hear concerns from Wisconsinites more than 4 years ago when the President first proposed his education initiative, and these concerns have only increased as my constituents continue to learn first hand what this law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are rightly troubled by the focus on testing that is the centerpiece of the President's approach.

In response to these concerns, in past years I introduced with Senator JEFFORDS and others the Student Testing Flexibility Act, which would have allowed States and school districts that are meeting their adequate yearly progress, AYP, goals to waive the additional layer of testing required by NCLB, thus allowing them to maintain their existing testing programs. In addition, this bill would have allowed States to keep the federal money allocated for developing and administering these new tests and to use that money to help those schools and districts that are not meeting their AYP goals. While we have not reintroduced the bill this year, we remain committed to restoring to States and local school districts the decisions over the frequency and magnitude of testing.

In addition, earlier this year I sent with some of my colleagues a letter to the chairman and ranking member of the Health, Education, Labor, and Pensions Committee requesting that the committee have a series of hearings on how the ongoing implementation of the NCLB is affecting schools and districts. We asked that these hearings focus on issues that are being raised by our constituents, including: the unique circumstances of rural and smaller school districts; the long-term effects that meeting the one-size-fits-all AYP provisions will have on students, schools, and school districts; the concern and likelihood that nearly all public schools may not be able to meet the goal of 100-percent proficient scores on reading and math tests by the 2013–2014 school year, even if those schools show a steady increase in student achievement each year; the NCLB sanctions structure; the effect that Federal funding that is well below the agreed-upon authorization levels for crucial programs such as title I and special education is having on schools' ability to meet NCLB and State standards; the need for additional Federal funding for professional development, recruitment and retention, and for additional training for paraprofessionals, so that States and school districts can comply with requirements for having highly qualified teachers and paraprofessionals; the toll that preparation for the new federally mandated tests is having on, and will have on, the ability of teachers to spend time on innovative and exciting approaches to instruction and assessment, the instruction time available for nontested subjects, such as social studies, art, music, and physical education, the strength of State academic standards, and the morale of students and educators; the ongoing efforts to align the NCLB and the Individuals with Disabilities Education Act; the unique challenges that the accountability provisions pose for students with limited English proficiency; and the implementation of the supplemental services provisions, including implications for Federal civil rights law.

It is critically important that we understand the practical effect of NCLB on the everyday classroom experiences of students and teachers. I have heard from many educators who are already seeing a narrowing of curricula and increased teaching to the test in preparation for the federally mandated tests in reading and math. One of the purposes of public education is to ensure that students have a well-rounded curriculum that gives them the skills that they need to succeed in life. I remain concerned that the approach encapsulated in NCLB will produce a generation of students who know how to take tests, but who don't have the skills necessary to become successful adults. Test-taking has a place in public education, but it should not be the role of the Federal Government to tell schools how and when to require tests.

I am particularly disturbed that this appears to be only the tip of the testing iceberg. In his fiscal year 2006 budget request, the President proposed expanding this testing program to additional high school grades. We should not expand the NCLB testing mandates through the budget and appropriations process, and I am pleased that neither the House-passed nor the Senate reported Labor-Health and Human Services-Education appropriations bill includes this funding.

Students, teachers, and schools are more than a test score, and education should be a well-rounded experience that is not narrowly focused on ensuring that students pass a test to help their schools avoid being sanctioned by the Federal Government. Standardized tests measure performance on a particular day under particular circumstances. These tests do not make allowances for outside factors such as test anxiety, illness, worry about a troubled home situation, or even the fact that the child taking the test may not have eaten that day. To measure the performance of a school and its teachers and students on two test scores per grade does a disservice to these same students, teachers, and schools. And to compare the test scores of this year's third graders to those of next year's third graders does not provide an accurate picture of educational progress.

I will continue to monitor the effect of the No Child Left Behind Act on Wisconsin students, and I hope that the debate on this law, both in my State and nationally, will result in meaningful changes to this deeply flawed law that will ensure that each child is given the opportunity to succeed and that each school has the resources necessary to give these students that opportunity.

PROTECTING RELIGIOUS FREEDOM

Mr. SANTORUM. Mr. President, here in the United States we cherish and protect religious freedom. Citizens of this great Nation exercise this freedom in many places—in their homes, in their workplaces and many more. But no place is more commonly the location of reflection and prayer than the house of worship—be it the church or synagogue, mosque or temple. The houses of God are infused with sanctity—not because of their architecture or their art or even holy books housed in them—they are sacred because it is where we men and women go to connect to something larger than themselves. We go there to seek comfort and peace. This is, of course, not only true of houses of worship in this country, but throughout the world. It is thus with a heavy heart that I come to the floor today to describe and to deplore the desecration of synagogues that was perpetrated earlier this week in Gaza.

After painful deliberations in Israel's Cabinet, the government of Israel decided to leave standing nineteen synagogues in its twenty-one communities throughout the Gaza Strip rather than lending a hand to their destruction. Despite official Israeli requests to protect the sanctity and security of the holy sites after it courageously withdrew from Gaza, the Palestinian Authority rejected out of hand any responsibility and refused to protect the structures from arsonists and looters. In fact, a Palestinian police officer, tasked with keeping the peace, shirked his responsibility and allowed the mobs to torch the synagogues, claiming, "The people have a right to do what they're doing."

Those acts should offend all people of good conscience. We know too well that where houses of God are desecrated, threats to man's liberty and life are soon found. As a nation founded by those seeking freedom from religious persecution, we know that governments must actively protect their citizens' religious freedom. And they have a sacred obligation to protect buildings not because they are made of stone, glass and wood but out of respect for the worship of God that occurs inside them.

Houses of worship, central fixtures in any community, are places where people gather to serve and worship God.

seek his counsel. and share common religious experiences. As an American who strongly values religious freedom, I am appalled by the actions of Palestinians who desecrated holy sites and I deplore the total abdication of leadership demonstrated by the Palestinian Authority.

[On this day in 1963,] a bomb exploded at the Sixteenth Street Baptist Church in Birmingham, AL. And it took until 2001, almost 40 years later, but. we prosecuted and convicted a man responsible. It pains me as I think of such horrific acts occurring and I am proud that in America we not only have the right to worship freely but where we fully prosecute perpetrators of such crimes to the fullest extent.

The lawlessness in the streets of Gaza, the lack of human rights, and the disrespect shown to holy sites by the Palestinian Authority is in marked, stark contrast to the way Israel has treated mosques and Christian holy sites. Following the torching of synagogues in Gaza, Israel increased security at Arab mosques. We need no further proof of the difference between lawful, civilized nations and those that have no place in the family of nations. A government that fails to honor religious sites and, worse, lacks the ability to restrain its citizens from committing such heinous acts demonstrates it is not yet a partner to peace and not yet interested in normal relations with our great friend, the State of Israel.

Rabbi Tzvi Hersh Weinreb, Executive Vice President of the Union of Orthodox Jewish Congregations of America said, "The destruction of a synagogue is akin to a knife being thrust into our very being. When synagogues are destroyed, with either the connivance or lack of action of a governing authority, we can only ask, what kind of government is this?"

All Americans of good will, of all faiths, ethnicities and nationalities feel such pain. I commend and join President Bush who yesterday condemned the desecration of the synagogues in Gaza and hope that all Members of this great body do the same.

NOMINATIONS OF STEWART A. BAKER AND JULIE L. MYERS

Mr. AKAKA. Mr. President, regrettably, I was detained at a Veterans' Affairs Committee business meeting which precluded my presence at an important nomination hearing before the Homeland Security and Governmental Affairs Committee on two critical nominations for key positions within the Department of Homeland Security. The Senate has the responsibility to ensure that the best qualified and most able people serve our country. I ask unanimous consent that my statement for that hearing be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you Chairman Collins. I wish to add my welcome to Mr. Baker, Ms. Myers, and their families and friends.

You are both here because you wish to continue your careers in public service by serving as Assistant Secretaries in the Department of Homeland Security (DHS). These positions demand individuals who have demonstrated extensive executive level leadership and the ability to manage a sizable budget and diverse workforce. Mr. Baker, if confirmed, you will be the first DHS Assistant Secretary for Policy, and you will help define the role of the Office of Policy.

Ms. Myers, you have been nominated to lead Immigration and Customs Enforcement, an agency that is currently facing significant financial and human resource management challenges.

While every nomination considered by the Senate is important, I believe that today's hearing will be watched carefully by the American people, who are looking to this Committee to make sure we ask the appropriate, and sometimes tough, questions. The people of Hawaii, like all Americans, want to make sure that those leading DHS have the necessary experience and qualifications.

The creation of DHS in 2003 was the largest reorganization of the federal government since the Department of Defense was established in 1947. The merging of 22 legacy agencies into a single agency has created management challenges that DHS will face for years to come. Because of these significant challenges, DHS needs strong leaders. A qualified candidate must possess extensive experience managing people and budgets in addition to having experience in immigration or law enforcement or intelligence.

I am especially concerned about the current state of ICE, which is the second largest federal law enforcement agency with a $4 billion budget and over 15,000 employees in over 400 offices around the world.

ICE has extraordinary reach, extraordinary responsibilities for our national security, and extraordinary problems.

Financial difficulties have resulted in hiring freezes and reductions in training, bonuses, and travel. ICE's financial crisis has resulted in DHS reprogramming $500 million in FY 04 and FY 05 funds and requesting an additional $267 million in the April 2005 emergency supplemental. Despite assurances that ICE's financial problems have been resolved, DHS Inspector General Richard Skinner testified in July 2005 that ICE cannot properly account for millions of dollars every month due to its deficient financial management system. This financial crisis has had an adverse impact on the readiness and morale of the ICE workforce.

ICE needs strong, experienced leadership to repair these management problems.

Mr. Baker, the Administration has submitted legislation to the Congress that this Committee is now considering which would create the position of an Undersecretary for Policy. According to Secretary Chertoff's transmittal letter to the Congress on his proposal, dated July 13, 2005, the new Office of Policy "will lead a unified, mission-focused policy approach" and will include a number of existing units, such as the Office of International Affairs, the Special Assistant to the Secretary for Private Sector Coordination, the Border and Transportation Security Policy and Planning Office, elements of the Border and Transportation Security Office of International Enforcement, the Homeland Security Advisory Committee, and the Office of Immigration Statistics. In addition, the Secretary is proposing to add a strategic policy planning office and a refugee policy coordinator.

This is an enormous range of new responsibilities and will require someone with extensive management experience and vision.

I would argue that the key focus of this office should be on strategic planning. Given the nature of the Department's enormous size and breadth of responsibilities, someone is needed who can provide focus and direction to the mission of preventing and responding to terrorist attacks and natural disasters.

Mr. Baker, you are being nominated for the position of Assistant Secretary with the expectation of moving into the Undersecretary position should the Congress pass the reform proposal. One of the issues this Committee will have to address is whether you will need to be reconfirmed at a later date for that higher position should you be confirmed for the Assistant Secretary position.

One of the lessons learned from the Hurricane Katrina response is that the senior officials of an agency should have demonstrated leadership skills. The positions of Assistant Secretary for ICE and Assistant Secretary for Policy are no exception.

I would like to draw the attention of my colleagues to one measure of leadership skills: the standards the Office of Personnel Management has developed for the government's career Senior Executive Service (SES).

To qualify for an SES position, a candidate must possess the following five executive qualifications: leading change; leading people; being results driven; having business acumen; and building coalitions/communications.

SES candidates demonstrate these qualifications through experience in key executive skills such as leading others to rapidly adjust organizational behavior and work methods; supervising and managing a diverse workforce; developing strategic human capital management plans; establishing performance standards and plans; managing the budgetary process; overseeing the allocation of financial resources; and developing and maintaining positive working relationships with internal groups and external groups such as Congress, the Office of Management and Budget, and the White House.

These qualifications and experiences help ensure that the federal government's senior executives have the ability to establish a clear vision for the organization and to drive others to succeed. While political appointees are not required to meet these qualifications, I believe it would be difficult for an agency head to be successful without them.

I look forward to this opportunity to hear from Mr. Baker and Ms. Myers. Thank you Madam Chairman.

TRIBUTE TO GENERAL RICHARD B. MYERS

Mr. ROBERTS. Mr. President, I rise today to recognize and pay tribute to General Richard B. Myers, Chairman of the Joint Chiefs of Staff, for his lifetime of service and unfaltering dedication to the United States Armed Forces and our country.

As both a soldier and a leader, spanning 40 years of military service, General Myers contributions to our peace and security, and that of our children and grandchildren, are a remarkable hallmark in military history. During trying times, under sometimes harsh scrutiny, and with high national security stakes at hand, General Myers has repeatedly shown his Kansas common sense, leading our military through two wars and a host of other challenges with a steady hand.

Dick Myers was well prepared for leadership. Born in Kansas City, MO, in 1942, General Myers graduated from Shawnee Mission North High School and attended Kansas State University, where he enrolled in the Air Force ROTC and was commissioned second lieutenant in 1965. After his commissioning, General Myers entered pilot training at Vance Air Force Base, Oklahoma. As a command pilot, he logged over 4,000 flying hours, including 600 combat hours over Vietnam and Laos. Serving in a wide variety of assignments over the next several decades, General Myers assumed the duties of Vice Chairman of the Joint Chiefs of Staff in March 2000.

On October 1, 2001, just weeks after the September 11 terrorist attacks, General Myers was named the 15th Chairman of the Joint Chiefs of Staff. As the first Vice Chairman to ascend to the office, General Myers served as the principal military advisor to the President, the Secretary of Defense, and the National Security Council, and played a critical role in the planning and execution of the Global War on Terrorism, including the important Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom.

During General Myers tenure as the chairman, he was constantly faced with unique challenges and responsibilities with both frustrating and emotional circumstances, from the worst terrorist attacks on the United States in our proud history to fighting overseas wars against terrorists and the enemies of freedom and democracy. Yet, despite all of the challenges, General Myers maintained a positive, forward looking determination and attitude, and never faltered in his responsibility to our men and women serving in the armed forces today.

General Myers' tenure and accomplishments were not limited to the Global War on Terrorism, including operations in Iraq and Afghanistan. Under General Myers' leadership, the Joint Staff produced a far-reaching National Military Strategy, complemented by a National Military Strategic Plan for the War on Terrorism, to guide the Armed Forces for the challenges of the 21st Century. This strategy serves as a template for the Global War on Terrorism, and was and will be truly instrumental in bringing freedom to the people of Iraq and Afghanistan.

General Myers also oversaw the establishment of the United States Northern Command, or NORTHCOM, the first combatant command responsible for the homeland defense of the continental United States. As part of this effort, the chairman advocated joint war fighting among the services and called on the entire U.S. Government to expand the culture of jointness in the interagency and international communities. General Myers has truly shown great leadership in his efforts to transform and modernize the military.

General Myers should also be recognized for his humanitarian role—a mission many times missing from the headlines. In late 2004, in response to the horrific events surrounding the Indian Ocean Tsunami, General Myers oversaw "Operation Unified Assistance", the largest coordinated and executed military humanitarian relief effort since the Berlin Air Lift. Designed to enable more than 15,000 Department of Defense personnel, 130 aircraft, and 20 United States Navy warships to distribute more than 400,000 gallons of water, 2,000 tons of food, and almost 3,000 tons of other supplies to those in need, the mission was a success.

General Myers' impeccable service and brave leadership are also reflected in the awards and decorations he has received throughout his career. General Myers is the recipient of the Defense Distinguished Service Medal with two oak leaf clusters, Distinguished Service Medal, Legion of Merit, Distinguish Flying Cross with oak leaf cluster, Meritorious Service Medal with three oak leaf clusters, Air Medal with eighteen oak leaf clusters, Air Force Commendation Medal, Joint Meritorious Unit Award with four oak leaf clusters, and Air Force Outstanding Unit Award with "V" device with three oak leaf clusters.

Mr. President, today I have mentioned but a few of General Richard Myers' numerous accomplishments. I not only consider General Myers a strong military leader, in times of both war and peace, and a critically important person in the defense of our great Nation, I am privileged to call him a friend and a colleague. I have often said that if I were in a gunfight on Front Street in Dodge City, KS, during our States' pioneer days, there is no person I would rather have by my side than Richard Myers. I know that a grateful Nation shares my appreciation for the general—a courageous and honorable man and a strong and steadfast military leader during a truly trying time, and I know my colleagues join me in paying tribute to him and his wife Mary Jo for the years they have dedicated to our country and to the betterment of the United States Armed Forces. General Myers, we wish you well.

ADDITIONAL STATEMENTS

TRIBUTE TO CPT WILLIAM "BILL" MARCLEY

• Mr. DEMINT. Mr. President, today I wish to congratulate CPT William F. "Bill" Marcley for his 38 years of service and commitment to saving lives and advancing emergency medical services.

Bill began this selfless work in 1967 after he and his wife were involved in a serious car accident, by turning the experience into an opportunity to serve as a volunteer on the Inter-City First Aid Squad in Lake Park, FL. After helping establish paramedic systems in four counties in Florida, Bill and his family moved to South Carolina in 1977, where he would serve three counties over the next 28 years in many capacities, including director of Fairfield County EMS and EMS Operations Manage in my home county of Greenville.

In addition to his full-time positions, Bill has found time to serve his community as United Way Coordinator for the Department of Public Safety, chairman of "Operation Heartbeat" for the American Heart Association, EMT instructor at Greenville Technological College, and he annually conducts over 100 special programs promoting public safety and emergency medical service education.

On behalf of myself and the State of South Carolina, I thank and commend Captain Marcley for the many contributions he has made in the lives of countless South Carolinians. Although he officially began his retirement on September 9, 2005, I know that his service to South Carolina is far from over, and I wish him and his wife, Arlene, many more happy and productive years together.•

TRIBUTE TO PAT BOONE

• Mr. INHOFE. Mr. President, I rise today to pay tribute to acting and music legend Pat Boone.

While most of us remember him as one of the greatest singers of the 1950's, he is also known for his abiding Christian faith and strong moral standards which have sustained him throughout his life even during the height of his career in the entertainment industry.

Today, Mr. Boone is the spokesman for the 60 Plus Association, a nonpartisan senior citizens advocacy group.

He recently was interviewed by John Gizzi with Human Events. I ask to have printed in the RECORD an article titled "Pat Boone on Politics, Porn, and the Death Tax".

The article follows.

[From Human Events Online, Aug. 19, 2005]

PAT BOONE ON POLITICS, PORN AND THE DEATH TAX

(By John Gizzi)

Pat Boone, 71, is one of America's most beloved entertainers. In the 1950s, he was the nation's second most popular singer after Elvis Presley. His hits, "April Love" and "Love Letters in the Sand," were No. 1 for six and seven weeks respectively. He starred in 15 movies, including Journey to the Center of the Earth and State Fair. Long an active conservative Republican, Boone is currently spokesman for the 60 Plus Association. Last week, Boone spoke with Human Events Political Editor John Gizzi.

You have always been known in Hollywood as a conservative and a Christian. In 1961, in fact, you, Ronald Reagan, Roy Rogers and John Wayne addressed Dr. Fred Schwartz's all-Southern California anti-Communist rally. Has it become more difficult for someone [in Hollywood] to be a conservative and a Christian today?

PAT BOONE: I was not involved politically at that time. Then, I felt so strongly about anti-communism and I did read Fred Schwartz's book and then came his crusade at the sports arena. What Schwartz said in his book [You Can Trust the Communists—To Be Communists] made perfect sense to me. The phrase, "Better Red Than Dead," was sweeping college campuses at the time.

When my time came to say a few words, I quoted that sentiment. I said I've got four little girls and if it ever came to that, although I pray it never will, I would rather see my four daughters blown to heaven in an atomic blast than caught in the hell of a Communist United States.

It impressed Reagan and he quoted that a number of times, beginning by saying, "I once heard a young father say." That's what occurred that night.

My activism and my being very outspoken never abated after that and it has cost me as an entertainer. There is a visceral antipathy that producers, hirers and firers have. I feel myself in the other direction. I have feelings I have to control of anger and total disregard for certain actors and outspoken people in our business that I think are ruining American culture.

Do you care to name any names?

BOONE: When Norman Lear started People For the American Way, he asked to meet with me. He wanted me to be the voice of People For the American Way—its spokesman. He knew I had considerable influence and a high-profile among Christians and Middle America.

I said to him: "Look, I understand why you have these feelings. You want to promote your point of view. But your main concern is with the Christian right, isn't it?" He said, "That's right." I said, "I know you've been openly critical of [Rev.] Jerry Falwell. I know Jerry, although I'm not a member of the Moral Majority. He feels that what you're doing and saying and promoting is at least as harmful for America as you feel his point of view is. So why don't we get you two guys together? I have a feeling that so many of your concerns are similar. Since I know him, I think he'd be willing to meet with you."

Lear said, "No, I wouldn't meet with him." When I asked him why, he said, "He'll just quote Scripture and I don't know anything about that. I'm not going to meet with him." When he left, he knew I wasn't going to be his spokesman.

I'm on the unpopular side in the entertainment community. A number of entertainers, Jonathan Winters for one, say to me, "Boone, I believe everything I ever hear you say. But I don't dare say it." Now, here's a comedian who'll say anything if it's funny, but when it comes to politics or spiritual things, he knows that he's written off if he were to express himself as emphatically as he would really like to.

Why have you signed on with the 60 Plus Association, and why do you believe its premier cause, abolishing the estate tax, is so critical?

BOONE: [60 Plus President] Jim Martin, a former Marine and longtime friend of the President, contacted me and asked me if I wanted to join him and his organization. I had been asked to be a spokesman for a number of seniors' groups, but I put it off because I wasn't ready or willing to be considered a senior. Several years ago, in a 10K race here in Los Angeles, I chose a very public moment in front of the network affiliate cameras to come out of the closet and admit I am a senior. Since then, I haven't been reluctant to let people know that, yes, I am a senior and I do feel very concerned about Social Security and the economy and medical costs.

I have considered for many years that this estate tax is absolute robbery. You already pay taxes, you save money, you've been a good citizen and a responsible person, you save up something, maybe it compounds, but you've already paid tax on it. Now, when you have the poor judgment to die, the government steps in and says, "Thank you for doing that all these years. We'll take half of that." And maybe your folks have to sell the business and the house.

When Bing Crosby's [first] wife Dixie died [in 1952], going back that far, he had to sell assets to pay the estate tax. On top of losing his wife, he was losing assets on which he already paid taxes. I read this was the case and asked him, and he said, "Oh yes. You can't get away from the long arm of the IRS."

Some say that hip-hop, acid rock and similar modern music is destructive. Do you agree that a lot of it is harmful?

BOONE: Oh, yes, I've been very vocal about that, too. The culture is being dragged into the gutter, and the ones doing it are not just the performers, but the record company executives. It's calculated on their part because they realize there's some fascination, as we used to be fascinated with Jimmy Cagney in the gangster movies. But in the movies, the criminals always got caught and punished.

The executives found some years ago that this "gangsta rap" music was being bought and played by kids out in the suburbs. These are the well-to-do kids, not the black kids in the ghetto areas. They were not the ones subscribing to it and making this music so successful. It was the kids driving BMWs that their dads gave them that were playing it very loud and rattling windows of the houses they were going by. They've made a multi, multi-million dollar business out of it.

What's the answer to this? Are you talking about censorship?

BOONE: I had a real head-to-head with Robert Blake one night on the Merv Griffin Show about censorship. I said that no society can survive without some form of censorship. He said, "You're crazy. We don't have censorship. That's bad." I replied, "Wait a minute. The traffic light at the corner is a form of censorship. It says you stop so that someone else can go. And then you have your turn to go." We have laws on the books that prevent you from standing up in a theater and yelling, "Fire," or from walking down the street and opening your trench coat and exposing yourself. There are laws that tell you that you can't do certain things and that's what a society does to protect itself.

I believe we need censorship. I don't think the arts we call the arts—literature, movies and certainly not the airwaves—should be exempt from the rules society makes to protect itself. It's the sensibilities of kids and the females we used to call ladies we're talking about. Thanks to "Sex and the City" and this other stuff, they can be just as profane and filthy as men.

I've watched segments of "The Sopranos," and I just get so sick of the glamour. Talk about Cagney and Bogart. We're making national heroes out of gang bosses.

I do advocate censorship for a healthy society with three provisos: that it be majority-approved, self-imposed and voluntary. The "voluntary" and "self-imposed" may sound like the same thing. The society agrees that we need to protect ourselves, and there are certain bounds beyond which we don't want the public to be exposed to filth. But we will make the rules in a voluntary, majority-approved way. And they can be changed by majority opinion.

I have felt that a healthy society should draw some lines in the dirt and say, "You cannot cross over this line. You cannot say certain words on public television and cable or anything that's going to reach sensibilities. We are going to do something to defend our kids and our ladies and our families." But it's something you just can't even talk about in the entertainment industry. But I say, how are we going to protect ourselves if we don't demand responsibility?

One final point—friends in California say that you were urged to run for Congress as a Republican in 1968. Why didn't you do it?

BOONE: That was back when I had all of my kids at home. I just knew that it would be totally time-consuming and if I were elected, I'd have to do the job. I thought I could get elected. But I also knew if I was elected, I would do my best to be a good congressman. However, it would be very disruptive of my family life because I would spend a lot of time away from family. And also, I could never go back to being an entertainer.●

RECOGNIZING SAN BERNARDINO'S TEAM INLAND

● Mrs. BOXER. Mr. President, I rise today to acknowledge the accomplishments of some incredibly focused and dedicated young athletes from southern California. This year, the members of Team Inland placed third in the Nike National Youth Basketball Tournament, became the Amateur Athletic Union, AAU, West Coast National Champions, and won the AAU Southern Pacific Division 1 Regional Tournament.

Team Inland is a nonprofit organization based in the city of San Bernardino. It is comprised of 11-year-olds, who commit their time to prepare for numerous weekend basketball tournaments throughout the year. In 2005, they won 77 percent of their games, earning impressive placements in many tournaments.

Making Team Inland's achievement even more meaningful is the fact that team members excelled academically while striving to meet their athletic goals, each maintaining a minimum 3.0 grade point average. It is clear that these young people have set high standards for themselves and put forth tremendous effort to meet them.

The members of 2005 Team Inland are: Marquise Drumwright, Ejiro Ederaine, Tyler Ervin, Quinton Lilley, Jordan Mathis, Myles Pearson, Isaiah Pooler, Kameron Presley, Chandler Scott, Justin Snavely, Dominique Walker, and Arther Ley Williams.

The Team Inland players have demonstrated their immense potential to achieve. I hope you are heartened, as I am, to learn of young people striving for personal excellence. I extend my sincere congratulations to Team Inland and thank them for their great team spirit.●

HONORING WESTERN KENTUCKY NATIONAL MERIT SEMIFINALISTS

● Mr. BUNNING. Mr. President, I pay tribute and congratulate five seniors within the region of West Kentucky, who have been recognized as National Merit Semifinalists. Their recent national recognition has given Kentucky reason to be proud.

The semifinalists are Mary Broadbent from Paducah Tilghman High School, Kyle Brockman from Heath High School, Sara Chen from Tilghman High School, Allison Crawford from Lone Oak High School, Callie Dowdy from Murray High School, Nicholas Ledgerwood from Heath High School, and Joseph Moore from Graves County High School. These students will go on to compete later this year for status as a National Merit Finalist and possible college scholarships.

I hope that you will join me today in both recognizing and congratulating these five high school seniors in their academic achievement. Their dedication and academic excellence serves as an example and inspiration for students throughout the Commonwealth of Kentucky. I wish them continued success throughout their academic careers.●

RETIREMENT OF KEN BUECHE FROM THE COLORADO MUNICIPAL LEAGUE

● Mr. SALAZAR. Mr. President, I rise to note the retirement of a Colorado leader: Ken Bueche, executive director of the Colorado Municipal League. On September 30, Ken Bueche is retiring as executive director of the Colorado Municipal League, a statewide association of 265 member cities and towns.

Ken Bueche earned his undergraduate degree from Colorado State University and his J.D. and Masters in Public Administration from the University of Colorado. In 1963, Ken came to CML as a law clerk and by 1974 rose to become the league's executive director, a position he has held now for more than 30 years.

He has been a long-time believer that local governments are closest to the people and often produce the best solutions for local challenges. He has helped lead the way for Colorado municipalities to streamline local tax collections, shore up their pension funds for first responders, and in 1982 launched a feasibility study that led, in 1982, to the establishment of a self-insurance pool that saves tax dollars and provides affordable insurance for cities, towns and special districts.

Ken was the first recipient of the Leo C. Riethmayer Public Administrator of the Year Award from the University of Colorado. He has served on the Board of Directors of the National League of Cities and is considered one of the deans of the State municipal league executive directors corps.

Ken and his wife, Bernice, have five children and four grandchildren. Finally, after more than 30 years of diligent service to the people of Colorado, touching virtually every one of their lives, he will be able to delve back into the joys of his family.

I wish him all the best in his future, for he has given Colorado's cities and towns his very best for over three decades. He has been lauded as "a quiet Colorado legend," and he will be missed by all those who have worked alongside him.●

CONGRATULATING PHELPS ELEMENTARY SCHOOL AND ST. RAPHAEL THE ARCHANGEL

● Mr. BUNNING. Mr. President, today I rise to congratulate two outstanding Kentucky schools of distinction. Phelps Elementary School of Phelps and St. Raphael the Archangel of Louisville are recipients of the 2005 Schools of Distinction Award. This honor is presented nationally to 20 schools, of kindergarten through 12th grade, which have demonstrated exceptional commitment to achievement and innovation in education.

Phelps Elementary School and St. Raphael the Archangel were selected from more than 3,000 participating schools nationwide. Both schools were chosen as winners based on merit in each of 10 categories: overall academic achievement, literacy, science, mathematics, teamwork, leadership, collaboration, professional development, technical excellence and technical innovation. Phelps Elementary School was recognized for outstanding science achievement while St. Raphael the Archangel was recognized for outstanding professional development.

For their efforts the two schools will each be rewarded with a $10,000 cash grant along with their school representatives receiving an all-expense paid trip to Washington, DC, to participate in an awards ceremony. These two schools represent the best in educational excellence and innovation. It is truly an honor to commend Phelps Elementary School and St. Raphael the Archangel as two of the finest schools in the Commonwealth of Kentucky.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission pursuant to sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, 104 Stat. 1810, as amended. That report includes changes referenced in errata sheets submitted to me by the Commission, including the enclosed errata sheets dated September 8, September 9, September 12, and September 13, 2005.

I note that I am in receipt of a letter from Chairman Principi, dated September 8, 2005, regarding a district court injunction then in effect relating to the Bradley International Airport Air Guard Station in Windsor Locks, Connecticut. Chairman Principi's letter states that, as a result of that injunction, "you should consider the portion of Recommendation 85 . . . that recommends realignment of the Connecticut 103rd Fighter Wing withdrawn from the Commission's report." The Chairman's letter further states that "[i]f the court's injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission's report." On September 9, 2005, the United States Court of Appeals for the Second Circuit granted a stay of the district court's injunction. Because the injunction is no longer in effect, Recommendation 85 in its entirety is part of the Commission's report.

I certify that I approve all the recommendations contained in the Commission's report.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 15, 2005.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 276. An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina.

At 6:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3132. An act to make improvements to the national sex offender registration program, and for other purposes.

H.R. 3408. An act to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

H.R. 3736. An act to protect volunteers assisting the victims of Hurricane Katrina.

The message also announced that the House has passed the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3132. An act to make improvements to the national sex offender registration program, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society; to the Committee on the Judiciary.

H. Con. Res. 240. Concurrent resolution supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was discharged from the Committee on Finance, amended, and ordered placed on the calendar:

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3751. A communication from the Commissioner, Social Security Administration, transmitting, the report of a draft bill entitled "Social Security Amendments of 2005" received August 31, 2005; to the Committee on Finance.

EC-3752. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report entitled "The African Growth and Opportunity Act (AGOA) Competitiveness Report"; to the Committee on Finance.

EC-3753. A communication from the Secretary, Health and Human Services, transmitting, pursuant to law, a report entitled "Utilization and Beneficiary Access to Services Post-Implementation of the Inpatient Rehabilitation Facilities Prospective Payment System (IRF PPS)"; to the Committee on Finance.

EC-3754. A communication from the Secretary, Health and Human Services, transmitting, the Administration's draft proposals that would protect and strengthen the financing of the Medicaid program, as described in the President's Fiscal Year 2006 Budget; to the Committee on Finance.

EC-3755. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Conditions for Payment of Power Mobility Devices, Including Power Wheelchairs and Power-Operated Vehicles" (RIN0938-AM74) received on August 31, 2005; to the Committee on Finance.

EC-3756. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program: State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2005" (RIN0938-AO04) received on August 31, 2005; to the Committee on Finance.

EC-3757. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Differential Earnings Rate for 2004 under Section 809" (Rev. Rul. 2005-58) received on August 22, 2005; to the Committee on Finance.

EC-3758. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 411(d)(6) Protected Benefits" ((RIN1545-BC26)(TD 9219)) received on August 22, 2005; to the Committee on Finance.

EC-3759. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—July 2005" (Rev. Rul. 2005-63) received on August 31, 2005; to the Committee on Finance.

EC-3760. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stranded Cost No Rule" (Rev. Proc. 2005-61) received on August 31, 2005; to the Committee on Finance.

EC-3761. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Revenue Procedure 2002-49" (Rev. Proc. 2005-62) received on August 31, 2005; to the Committee on Finance

EC-3762. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Staggered Remedial Amendment Period Revenue Procedure" (Rev. Proc. 2005-66) received on August 31, 2005; to the Committee on Finance.

EC-3763. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interaction of section 420 and the Code and section 101 of the Medicare Prescription Drug Improvement and Modernization Act of 2003" (Rev. Rul. 2005-60) received on August 31, 2005; to the Committee on Finance.

EC-3764. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Collected Excise Taxes: Duties of Collector" ((RIN1545-BB75)(TD 9221)) received on August 31, 2005; to the Committee on Finance.

EC-3765. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under Section 951 for Determining Pro Rata Share" (RIN1545-BD49)(TD 9222) received on August 31, 2005; to the Committee on Finance.

EC-3766. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Value of Life Insurance Contracts when Distributed from a Qualified Retirement Plan" ((RIN1545-BC20)(TD 9223)) received on August 31, 2005; to the Committee on Finance.

EC-3767. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005-31 relative to waiving prohibition on United States Military assistance with respect to Cambodia; to the Committee on Foreign Relations.

EC–3768. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005-26 relative to waiving prohibition on United States Military assistance with respect to the Dominican Republic; to the Committee on Foreign Relations.

EC–3769. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commodity Supplemental Food Program (CSFP)—Plain Language, Program Accountability, and Program Flexibility" (RIN0584–AC84) received August 22, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3770. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to providing financial assistance to the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under the Cooperative Forestry Assistance Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3771. A communication from the Secretary of Agriculture, transmitting, the report of draft bills relative to changes to the Commodity Credit Corporation funded Farm Bill programs, crop insurance and Food Stamp programs and requests authority to charge fees for several activities; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3772. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Iron-Tungsten-Nickel Shot as Nontoxic for Hunting Waterfowl and Coots" (RIN1018–AT87) received on August 22, 2005; to the Committee on Energy and Natural Resources.

EC–3773. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Eighth Annual Report on Federal Agency Use of Voluntary Consensus Standards and Conformity Assessment"; to the Committee on Homeland Security and Governmental Affairs.

EC–3774. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of action on a nomination and the discontinuation of service in the acting role for the position of Assistant Secretary for Veterans Employment and Training; to the Committee on Health, Education, Labor, and Pensions.

EC–3775. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing and Disclosure of Beneficial Ownership Reports" (RIN1557–AC75) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 360. A bill to amend the Coastal Zone Management Act (Rept. No. 109–137).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN (for himself and Mr. MARTINEZ):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 1707. A bill for the relief of Abraham Jaars, Delicia Jaars, and Grant Jaars; to the Committee on the Judiciary.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. VITTER, Mr. LIEBERMAN, Mr. BOND, Mr. CARPER, Mr. WARNER, Mrs. CLINTON, Mr. CHAFEE, Ms. LANDRIEU, Ms. MURKOWSKI, and Mr. THUNE):

S. 1708. A bill to modify requirements relating to the authority of the Administrator of General Services to enter into emergency leases during major disasters and other emergencies; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. VITTER, Mrs. CLINTON, Mr. CHAFEE, Mr. LIEBERMAN, Mr. WARNER, Mr. CARPER, Mrs. BOXER, Ms. LANDRIEU, and Ms. MURKOWSKI):

S. 1709. A bill to provide favorable treatment for certain projects in response to Hurricane Katrina, with respect to revolving loans under the Federal Water Pollution Control Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself and Mr. CRAPO):

S. 1710. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. VITTER):

S. 1711. A bill to allow the Administrator of the Environmental Protection Agency to waive or modify the application of certain requirements; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 1712. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LUGAR:

S. 1713. A bill to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments; to the Committee on Foreign Relations.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. CHAFEE, Ms. MURKOWSKI, Mr. THUNE, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. CARPER, and Mrs. CLINTON):

S. 1714. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes; read the first time.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ:

S. Res. 239. A resolution supporting the goals and ideals of Infant Mortality Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ALLEN, Mr. BURR, Mr. COBURN, Mr. VITTER, Mr. BUNNING, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. DEWINE, and Mr. BIDEN):

S. Res. 240. A resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes; considered and agreed to.

By Mr. JEFFORDS:

S. Res. 241. A resolution designating September 2005, as "Leukemia, Lymphoma, and Myeloma Awareness Month"; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. DOMENICI, Mr. FRIST, Mr. STEVENS, Mr. INHOFE, Mr. SANTORUM, Mr. ISAKSON, Mr. BURNS, Mr. BUNNING, Mr. BROWNBACK, Mr. GRAHAM, Mr. ENSIGN, Mr. THOMAS, Mr. MCCONNELL, Mr. CRAPO, Mr. DEMINT, Mr. ALLARD, Mr. GREGG, Mr. ALEXANDER, Mr. ENZI, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, Mr. HATCH, Mrs. HUTCHISON, Mr. BOND, Mr. CHAMBLISS, Mr. VOINOVICH, and Mrs. DOLE):

S. Res. 242. A resolution to express the sense of the Senate that the President should appoint an individual to oversee Federal funds for the Hurricane Katrina recovery, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr. CORNYN, Mr. BROWNBACK, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BUNNING, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENSIGN, and Mr. KYL):

S. Res. 243. A resolution expressing Support for the Pledge of Allegiance; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. CORZINE, Mr. NELSON of Florida, Mr. PRYOR, and Mr. CONRAD):

S. Res. 244. A resolution expressing support for the Pledge of Allegiance; considered and agreed to.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. CORNYN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 314, a bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by reforming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 503

At the request of Mr. BOND, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 627

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 769

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 793

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 793, a bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1049

At the request of Mr. FRIST, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1049, a bill to amend title XXI of the Social Security Act to provide grants to promote innovative outreach and enrollment under the medicaid and State children's health insurance programs, and for other purposes.

S. 1099

At the request of Mr. SHELBY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1099, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1197

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1294

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1294, a bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

S. 1306

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1306, a bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 1308

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1308, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1309

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1417

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1417, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1442

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1442, a bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes.

S. 1489

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1496

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1530

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1530, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1557

At the request of Mr. COBURN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1557, a bill to amend the Public Health Service Act to provide for a program at the National Institutes of Health to conduct and support research in the derivation and use of human pluripotent stem cells by means that do not harm human embryos, and for other purposes.

S. 1563

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1563, a bill to amend title XIX of the Social Security Act to protect and strengthen the safety net of children's public health coverage by extending the enhanced Federal matching rate under the State children's health insurance program to children covered by medicaid at State option and by encouraging innovations in children's enrollment and retention, to advance quality and performance in children's public health insurance programs, to provide payments for children's hospitals to reward quality and performance, and for other purposes.

S. 1648

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1648, a bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1696

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1696, a bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S.J. RES. 23

At the request of Mrs. CLINTON, her name was added as a cosponsor of S.J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

S. RES. 238

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 238, a resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation.

At the request of Mr. FRIST, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nevada (Mr. REID) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 238, supra.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1678

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 1678 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1695

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1695 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1706

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1706 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1717

At the request of Ms. SNOWE, the names of the Senator from Missouri (Mr. TALENT), the Senator from Massachusetts (Mr. KERRY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 1717 proposed to H.R. 2862, an Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. PRYOR, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1717 proposed to H.R. 2862, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself and Mr. MARTINEZ):

S. 1706. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise to bring the Senate's attention to a bill I introduced today, the Long-Term Care Act of 2005.

Baby boomers will begin to turn 65 years old in 2010 and by 2030, all 77 million baby boomers will have reached retirement age and the over 65 population will have doubled. The practicality of these conditions will require the Federal Government and most State governments to spend more money on health care. Presently, Federal and State Governments are spending billions of dollars to ensure the health and well-being of our fellow citizens.

In one sector of the health care arena where costs are dramatically rising is in the area of long-term care. In 2000, spending on long-term care was estimated at $123.1 billion and it is expected to triple to $346.1 billion by 2040. Currently, 70 percent of long-term care costs are spent on nursing home care. The average cost of nursing home care is $178 per day or $60,000 per year. That is a significant burden on Federal and State Governments as well as the thousands of individuals who pay for that care out of pocket.

In addition, almost 75 percent of nursing home care is publicly funded. Medicaid spends about 58.7 percent on long-term care while Medicare spends 14.7 percent. According to the Council for Affordable Health Insurance, by the year 2030, Medicaid's nursing home expenditures are expected to reach $130 billion a year.

If more people purchased private long-term care insurance, we could reduce Medicaid's future institutional-care expenses by more than $40 billion each year, while giving those who are insured alternatives to nursing homes, including home care, adult daycare, foster care and assisted living. Congress has taken steps to give individuals more power to pay for their health care services such as long-term care. One such outstanding measure was the creation of Health Savings Accounts, HSAs.

I was pleased to support the passage of the Medicare Modernization Act. This landmark legislation created health savings accounts, which are a new way that people can pay for unreimbursed medical expenses such as deductibles, copayments, and services not covered by insurance like long-term care. Eligible individuals can establish and fund these accounts when they have a qualifying high deductible health plan and no other health plan, with some exceptions. The beauty of these plans is that they have tax advantages such as deductible contributions; tax-exempt withdrawals if the individual uses the money for medical expenses; and tax-exempt account earnings.

I am confident that with the creation of health savings accounts, individuals and families will be encouraged to set money aside for their health care expenses and give individuals the means to pay for health care services of their own choosing, without being constrained by insurers or employers. Unfortunately, health savings accounts are relatively new and most individuals will not have the built up funds in their HSA to pay for a number of costly health care expenses such as long-term care insurance and that is why we need to provide other options to help pay for this important investment.

Currently, thousands of Virginians and millions of Americans are saving in their retirement plans to have a comfortable life once they become seniors, be it 401(k) and 403(b) accounts. These savings plans help prepare individuals for their future retirement or any unforeseen circumstance that may arise. Indeed, over 47 million Americans have 401(k) accounts with $1.8 trillion saved. In addition, 6.4 million Americans have 403(b) accounts, amounting to over $590 billion saved.

These are untapped funds that individuals should be allowed to use to help pay for their future health care needs. Current tax law and some retirement plans allow individuals, in extreme circumstances, to withdraw funds from their retirement accounts, but more often than not, a 10 percent excise tax applies for early withdrawal. In my opinion, that tax precludes the ability or desirability of individuals to provide for their and their families well-being and that is why I have introduced legislation to provide a new health care option to help address this unfortunate circumstance.

My legislation, the Long-Term Care Act, will allow individuals to use their 401(k) and 403(b) plans to purchase long-term care insurance with pretax dollars at any age and without early withdrawal penalty. Under the Long-Term Care Act, the consumer has the option to purchase long-term care insurance at the most appropriate amounts for their own needs and their spouses.

Today, only 6 percent of Americans own a long-term care policy. One of the reasons behind this dismally low figure is that individuals wait too long to purchase long-term care insurance. In fact, purchasing long-term care insurance at age 65 is about twice as expensive as purchasing it age 55. That is why we must encourage individuals to plan for their future health care needs and purchase long-term care insurance at an early age. By purchasing long-term care insurance at a younger age, individuals will be saving money in the long run and not depleting their life savings.

Our country is heading towards a demographic meltdown on long-term care costs. It is simply unsustainable for individuals and the government to maintain the current rate of spending without further endangering the state of health care in the United States.

Preparing for future costs of health care is something that every American should be doing. Long-term care insurance is one way for Americans to plan for periods of extended disability without burdening their families, going bankrupt, or relying on government assistance.

Every American should be preparing for future health care costs and it is important that we encourage people to take responsibility today for those costs, be it with the purchase of long-term care insurance or investment in a health savings account. If Virginians and Americans fail to act, it will result in an increased and unsustainable financial burden on the Federal Government and taxpayers.

My legislation, the Long-Term Care Act, is a commonsense approach that will encourage individuals to plan for their future health care needs and help make long-term care insurance more affordable. While this may not be the solution for some people, it is another option for the millions of Virginians and Americans to help provide for their health and well-being or the health and well-being of loved ones. I look forward to the Senate's action on this legislation because it not only encourages Americans to plan for their future health needs but will also help sustain the viability of our Nation's health care system. I thank you for your time and I yield the floor.

By Mr. SANTORUM (for himself and Mr. CRAPO):

S. 1710. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill to remove the current cap on the number of reverse mortgages that can be insured by the Federal Housing Administration (FHA). This legislation will ensure that eligible seniors have access to this important tool that allows them to continue to meet their expenses at a time when they have a reduced income. I am very pleased to be joined in this effort by Senator CRAPO, who is an original cosponsor of this legislation.

I represent a State with the second largest senior population in the United States. Many of these seniors have worked hard throughout their years and own their own homes. Many of them are also at a time in their lives when they are having trouble making ends meet. Reverse mortgages allow senior homeowners to convert part of their home equity into tax-free income. The homeowner receives payments from the lender rather than making monthly payments as with a regular mortgage. The homeowner may receive the money in one lump sum, fixed monthly payments, a line of credit, or a combination of these. These funds can be used by seniors to pay for expenses, while allowing them to stay in their own homes as long as possible. A reverse mortgage helps make services like home healthcare, adult daycare and assisted living a possibility for more American seniors. It can also be used to pay for needed home repairs and other living expenses.

Unfortunately, there is currently a statutory limitation on the number of FHA-insured reverse mortgages that can be issued. This cap has already been increased as the aggregate number of FHA-insured reverse mortgages came close to reaching the cap. Unless it is removed completely, many seniors may be denied the use of this program, which can help to make their later years more stable and comfortable. For this reason, I am pleased to introduce this legislation to permanently remove the current cap.

I am also pleased to be working on this proposal with my colleague from Pennsylvania, Representative MICHAEL FITZPATRICK, who has introduced this legislation in the House. I am very hopeful that the 109th Congress will act to pass this important legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reverse Mortgages to Help America's Seniors Act".

SEC. 2. ELIMINATION OF CAP ON NUMBER OF MORTGAGES INSURED.

Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (g), by striking the first sentence; and

(2) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation".

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 1712. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Security Management Restructuring Act of 2005".

SEC. 2. DEPUTY SECRETARY OF HOMELAND SECRETARY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "DEPUTY SECRETARY" and inserting "DEPUTY SECRETARIES";

(B) by striking paragraph (7);

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) VACANCY IN OFFICE OF SECRETARY.—

"(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

"(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

"(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

"(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.".

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking "**UNDER SECRETARY**" and inserting "**DEPUTY SECRETARY OF HOMELAND SECURITY**";

(2) in subsection (a)—

(A) by inserting "The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs." before "The Secretary";

(B) by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management";

(C) by striking paragraph (7) and inserting the following:

"(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department."; and

(D) by striking paragraph (9), and inserting the following:

"(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department."; and

(3) in subsection (b)—

(A) in paragraph (1), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; and

(B) in paragraph (2), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

"(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

"(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

"(A) extensive executive level leadership and management experience in the public or private sector;

"(B) strong leadership skills;

"(C) a demonstrated ability to manage large and complex organizations; and

"(D) a proven record in achieving positive operational results;

"(2) shall serve for a term of 5 years, but may be removed by the Secretary of Homeland Security based upon an unsatisfactory annual determination under paragraph (5);

"(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

"(4) shall enter into a publicly available annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

"(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).".

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

"Sec. 701. Deputy Secretary of Homeland Security for Management.".

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

"Deputy Secretary of Homeland Security for Management.".

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes; read the first time.

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Sunset provision.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE

Sec. 101. Waivers and other actions.
Sec. 102. Providing additional support for students affected by Hurricane Katrina.
Sec. 103. Immediate aid to restart school operations.
Sec. 104. Use of 2004–2005 child count for ESEA and IDEA funding for sending local educational agencies.
Sec. 105. Payments for receiving local educational agencies.
Sec. 106. Teacher and paraprofessional reciprocity; delay.
Sec. 107. Assistance for homeless youth.

TITLE II—HIGHER EDUCATION

Sec. 201. Definitions.
Sec. 202. Waiver authority and modifications to certain provisions of the Higher Education Act of 1965.
Sec. 203. General waiver authority and required consultation.
Sec. 204. Notice of waivers, modifications, or extensions.

TITLE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES

Subtitle A—Assistance for Children With Disabilities

Sec. 311. Definitions.
Sec. 312. Use of 2004–2005 numbers of children for IDEA funding for sending states.
Sec. 313. Support for local educational agencies receiving children affected by Hurricane Katrina.

Subtitle B—Assistance for Individuals With Disabilities

Sec. 321. Rehabilitation Act of 1973.
Sec. 322. Assistive Technology Act of 1998.

TITLE IV—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990

Sec. 401. Short title.
Sec. 402. Waiver authority to expand the availability of services under Child Care and Development Block Grant Act of 1990.
Sec. 403. Technical assistance and guidance.
Sec. 404. Authorization of appropriations.

TITLE V—HEAD START PROGRAMS

Sec. 501. Definitions.
Sec. 502. Income eligibility and documentation waivers.
Sec. 503. Technical assistance, guidance, and resources.
Sec. 504. Authorization of appropriations.

TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT

Sec. 601. Department of Education Inspector General audit and report

SEC. 2. SUNSET PROVISION.

The provisions of this Act (other than section 202(b)) shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 2006.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE

SEC. 101. WAIVERS AND OTHER ACTIONS.

(a) CURRENT WAIVER AND OTHER AUTHORITY.—The Secretary of Education is encouraged to exercise the maximum waiver authority available or exercise other actions for States, local educational agencies, and schools affected by Hurricane Katrina with respect to the waiver authority or authorization of actions provided under the following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.):

(1) Section 1111(b)(3)(C)(vii) of such Act (20 U.S.C. 6311(b)(3)(C)(vii)).

(2) Section 1111(b)(7) of such Act (20 U.S.C. 6311(b)(7)).

(3) Section 1111(c)(1) of such Act (20 U.S.C. 6311(c)(1)).

(4) Section 1111(h)(2)(A)(i) of such Act (20 U.S.C. 6311(h)(2)(A)(i)).

(5) Section 1116(b)(7)(D) of such Act (20 U.S.C. 6316(b)(7)(D)).

(6) Section 1116(c)(10)(F) of such Act (20 U.S.C. 6316(c)(10)(F)).

(7) Section 1125A(e)(3) of such Act (20 U.S.C. 6337(e)(3)).

(8) Section 3122(a)(3)(B) of such Act (20 U.S.C. 6842(a)(3)(B)).

(9) Section 5141(c) of such Act (20 U.S.C. 7217(c)).

(10) Section 7118(c)(3)(A) of such Act (20 U.S.C. 7428(c)(3)(A)).

(11) Section 9521(c) of such Act (20 U.S.C. 7901(c)).

(b) REPORT ON WAIVERS.—Not later than December 31, 2005, the Secretary of Education shall prepare and submit a report on the States requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 102. PROVIDING ADDITIONAL SUPPORT FOR STUDENTS AFFECTED BY HURRICANE KATRINA.

(a) GRANTS AUTHORIZED.—From amounts appropriated under subsection (d), the Secretary of Education is authorized to make grants to eligible local educational agencies to enable such agencies to provide, to students displaced or affected by Hurricane Katrina—

(1) supplemental educational services consistent with the definitions, criteria, and amounts established under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)); or

(2) additional programs and activities under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.) relating to 21st century community learning centers.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term "eligible local educational agency" means—

(1) a local educational agency in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; or

(2) a local educational agency that enrolls a significant number of students displaced from an area where a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina, as compared to the total student enrollment in the schools served by the agency.

(c) INTERACTION WITH THE ESEA.—

(1) SUPPLEMENTAL EDUCATIONAL SERVICES.—An eligible local educational agency providing services described in subsection (a)(1) may provide such services to a student displaced by Hurricane Katrina regardless of the status of the school such student attends under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(2) SPECIAL RULE.—Section 9534(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7914(a)) shall apply to the services, programs, and activities funded under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2006.

SEC. 103. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) PAYMENTS AUTHORIZED.—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make payments in accordance with subsection (c), in November of 2005, to local educational agencies in Louisiana, Mississippi, and Alabama that serve schools certified by the Secretary as being located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) ELIGIBILITY AND CONSIDERATION.—In determining whether to award a payment under this section, or the amount of the payment, the Secretary of Education shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the payment is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) APPLICATIONS.—Each local educational agency desiring a payment under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a payment under this section shall use the payment for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) rental of mobile educational units and leasing of neutral sites or spaces;

(E) initial replacement of instructional materials and equipment, including textbooks;

(F) redeveloping instructional plans, including curriculum development;

(G) initiating and maintaining education and support services; and

(H) such other activities related to the purpose of this section that are approved by the Secretary.

(2) PROHIBITIONS.—Payments received under this section shall not be used for any of the following:

(A) Construction or renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in restarting or re-opening schools.

(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000,000 for fiscal year 2006.

SEC. 104. USE OF 2004-2005 CHILD COUNT FOR ESEA AND IDEA FUNDING FOR SENDING LOCAL EDUCATIONAL AGENCIES.

In calculating funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for the 2006–2007 school year for a local educational agency, the Secretary of Education shall use the child count applicable for such agency that was calculated for the 2004–2005 school year if—

(1) such agency serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina; and

(2) such agency, for the 2006–2007 school year, has a net loss of students as compared with the 2004–2005 school year.

SEC. 105. PAYMENTS FOR RECEIVING LOCAL EDUCATIONAL AGENCIES.

(a) PAYMENTS AUTHORIZED.—

(1) IN GENERAL.—Not later than December of 2005 and not later than 5 months after the date of the first payment made under this paragraph, the Secretary of Education shall make payments to eligible local educational agencies in accordance with subsection (d) to enable the agencies to improve the instruction of the displaced students served by the agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible to receive a payment under paragraph (1) if the agency serves an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student who enrolled in such school.

(b) DEFINITION OF DISPLACED STUDENT.—In this section, the term "displaced student" means a student who enrolled in an elementary school or secondary school (including a charter school) served by a local educational agency because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) NUMBER OF STUDENTS.—Not later than December 15, 2005, and April 15, 2006, each eligible local educational agency shall submit to the Secretary of Education documentation that indicates the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools) served by such agency, including the number of displaced students who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(d) AMOUNT OF PAYMENTS.—The amount of a payment under subsection (a) for an eligible local educational agency shall equal the sum of—

(1) 50 percent of the product of the number of displaced students (not including displaced students who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) served by such agency as described in subsection (c) times the average per-pupil expenditure for the most recent fiscal year for which the information is available (but not earlier than fiscal year 2003) in the State in which such agency is located, and

(2) 50 percent of the product of the number of displaced students served by such agency who are assisted under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) as described in subsection (c) times 125 percent of the average per-pupil expenditure for the most recent fiscal year for which the information is available (but not earlier than fiscal year 2003) in the State in which such agency is located.

(e) DISPLACED STUDENTS NOT TO COUNT FOR ESEA AND IDEA FUNDING.—In calculating funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) and part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a local educational agency that receives a payment under this section, the Secretary of Education shall not count, for purposes of calculating such funding under such parts, displaced students served by such agency for whom a payment is received under this section.

(f) USE OF FUNDS.—A local educational agency receiving a payment under this section shall use such payment to enhance instructional opportunities for displaced students who enroll in elementary schools and secondary schools served by such agency, which uses may include—

(1) providing instructional services to such students;

(2) paying the compensation of personnel, including teacher aides, to provide instructional services to such students; and

(3) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing neutral sites or spaces.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000,000 for fiscal year 2006.

SEC. 106. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) TEACHER AND PARAPROFESSIONAL RECIPROCITY.—

(1) TEACHERS.—

(A) AFFECTED TEACHER.—In this subsection, the term "affected teacher", means a teacher who is displaced due to Hurricane Katrina to a State that is different from the State in which such teacher resided before Hurricane Katrina.

(B) IN GENERAL.—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Higher Education Act of 1965 (20 U.S.C. 7801(23)), on or before August 22, 2005, in the State in which such teacher resided before Hurricane Katrina.

(2) PARAPROFESSIONAL.—

(A) AFFECTED PARAPROFESSIONAL.—In this subsection, the term "affected paraprofessional" means a paraprofessional who is displaced due to Hurricane Katrina to a State that is different from the State in which such paraprofessional resided before Hurricane Katrina.

(B) IN GENERAL.—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided before Hurricane Katrina.

(b) DELAY.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 107. ASSISTANCE FOR HOMELESS YOUTH.

(a) IN GENERAL.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) EXCEPTION AND DISTRIBUTION OF FUNDS.—

(1) EXCEPTION.—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) DISBURSEMENT.—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on need, as determined by the Secretary, and such State educational agencies shall distribute funds to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000.

TITLE II—HIGHER EDUCATION

SEC. 201. DEFINITIONS.

In this title:

(1) AFFECTED BORROWER.—The term "affected borrower" means an individual who—

(A) was in repayment on a loan made, insured, or guaranteed under part B, D, or E of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.; 1087aa et seq.) on

August 22, 2005, or enters or entered repayment after August 22, 2005 and before June 30, 2006; and

(B)(i) lives or lived in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) due to the effects of Hurricane Katrina; or

(ii) worked, as of August 22, 2005, in such an area.

(2) Affected institution.—The term "affected institution" means an institution of higher education, as defined in section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002) located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(3) Affected student.—The term "affected student" means a student who was enrolled on August 29, 2005 in an affected institution.

(4) Distance education.—

(A) In general.—The term "distance education" means a course or program that uses 1 or more of the technologies described in subparagraph (B) to—

(i) deliver instruction to students who are separated from the instructor; and

(ii) support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously.

(B) Inclusions.—For the purposes of subparagraph (A), the technologies used may include—

(i) the Internet;

(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(iii) audio conferencing; or

(iv) video cassette, DVDs, and CD-ROMs, provided that they are used in a course in conjunction with the technologies listed in clauses (i) through (iii).

(5) Secretary.—The term "Secretary" means the Secretary of Education.

SEC. 202. WAIVER AUTHORITY AND MODIFICATIONS TO CERTAIN PROVISIONS OF THE HIGHER EDUCATION ACT OF 1965.

(a) Waiver of Grant Repayments by Students.—Notwithstanding section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b), the Secretary shall waive the amounts that students would otherwise be required to return to the Department of Education with respect to any grant assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for an affected student who was unable to attend, or whose attendance was interrupted, because of the impact of Hurricane Katrina on the student or an affected institution.

(b) Extension of Period for Repayment of Student Grant Assistance by Affected Institutions.—An affected institution shall calculate the amount of Federal Pell Grant funds and Federal Supplemental Educational Opportunity Grant funds that the affected institution is required to return in accordance with section 484B of the Higher Education Act of 1965, but the Secretary shall grant an extension until June 30, 2010, for the return of the funds to the Department of Education. If any affected institution does not return such grant funds in full by the July 1, 2010, the Secretary shall work out a repayment schedule with the affected institution that may include payment of interest. The Secretary may assess a penalty for failure to return such grant funds in full by July 1, 2010, or for failure to make a payment in accordance with a repayment schedule.

(c) Temporary Loan Deferment for Affected Students Who Do Not Enroll in Another Institution.—With respect to a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, an affected student who does not enroll in another institution of higher education at any time during the period beginning on August 22, 2005, and ending on and June 30, 2006, and is not eligible for an in-school deferment, shall be placed in deferment status for that period.

(d) Extension of Period for Return of Loan Proceeds to the Lender or the Perkins Loan Fund by Affected Institutions.—An affected institution shall calculate the amount to be credited to outstanding balances on loans made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, but shall have until June 30, 2006 to remit the funds to the appropriate account or lender. If records related to such balances or loans were destroyed or are inaccessible as a result of Hurricane Katrina, affected institutions are encouraged to use additional sources of information regarding such balances or loans, such as information from lenders and guaranty agencies. In the event an affected institution does not remit such amounts as required under the preceding sentence, the Secretary shall hold the affected student harmless, and shall make a payment on behalf of the affected student and take such action as the Secretary determines necessary to recover the amounts from the affected institution, including interest and penalties, as the Secretary determines appropriate.

(e) Authority To Exceed Annual Loan Limits.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall permit an affected student to exceed the annual loan limits under part B, D, or E of title IV of the Higher Education Act of 1965 by an amount not greater than the applicable loan limit for such student under such part during the period beginning on July 1, 2005 and ending on June 30, 2006.

(f) Waiver Authority To Facilitate Use of Federal Work-Study Funds.—The Secretary is authorized—

(1) to make whatever arrangements the Secretary determines are necessary and feasible in order to transfer Federal work-study funds under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) from an affected institution to an institution of higher education that enrolls an affected student during the 2005-2006 award year; and

(2) with respect to the Federal work-study funds that are transferred to an institution of higher education in accordance with paragraph (1), to waive all of the non-Federal share requirements under such part for the institution of higher education that enrolls the affected student during the 2005–2006 award year.

(g) Forbearance.—Notwithstanding the provisions of part B, D, or E of title IV of the Higher Education Act of 1965, a lender, the Secretary, or an institution of higher education is authorized to provide not more than 1 year of forbearance to an affected borrower without documentation.

(h) Professional Judgment.—A financial aid administrator shall be considered to be making an adjustment in accordance with section 479A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087tt(a)) if the financial aid administrator makes the adjustment with respect to the calculation of the expected student or parent contribution (or both) for an affected student, or for a student or a parent who resides or resided on August 22, 2005, or was employed on August 22, 2005, in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina. The financial aid administrator shall adequately document the need for the adjustment. The Secretary is authorized to simplify such documentation for institutions of higher education that receive a significant number of affected students as compared to the total student enrollment at the institution.

(i) Modification of Part A of Title II Grants Authorized.—The Secretary is authorized to approve modifications to the requirements for Teacher Quality Enhancement Grants for States and Partnerships under part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), at the request of the grantee—

(1) to assist States and local educational agencies to recruit and retain highly qualified teachers in a school district located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina; and

(2) to assist institutions of higher education, as defined in section 101 of such Act (20 U.S.C. 1001), located in such area to recruit and retain faculty necessary to prepare teachers and provide professional development.

(j) Waiver Authority To Modify Authorized Uses of TRIO, GEAR-UP, Part A or B of Title III, and Other Grants.—The Secretary is authorized to modify the required and allowable uses of funds under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq., 1070a–21 et seq.), under part A or B of title III (20 U.S.C. 1057 et seq., 1060 et seq.), and under any other competitive grant program, at the request of an affected institution or other grantee, with respect to affected institutions and other grantees located in an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(k) Authority To Extend or Waive Reporting Requirements Under Section 131(a).—The Secretary is authorized to extend reporting deadlines or waive reporting requirements under section 131(a) of the Higher Education Act of 1965 (20 U.S.C. 1015(a)) for an affected institution.

(l) Distance Education Student and Program Eligibility.—

(1) Program eligibility.—Notwithstanding section 102(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(3)), an institution of higher education, other than a foreign institution, that offers education or training programs principally through distance education shall be considered to meet the definition of an institution of higher education under section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002) if such institution—

(A) has been evaluated and determined to have the capability to effectively deliver distance education programs by an accrediting agency or association that—

(i) is recognized by the Secretary under part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099a et seq.); and

(ii) has evaluation of distance education programs within the scope of its recognition, as described in section 496(n)(3) of the Higher Education Act of 1965 (20 U.S.C. 1099b(n)(3));

(B) is otherwise eligible to participate in programs authorized under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(C) has not had its participation in programs under title IV of the Higher Education Act of 1965 suspended or terminated within the previous 5 years; and

(D) has not had, or failed to resolve, an audit finding or program review finding under the Higher Education Act of 1965 during the 2 years preceding the year for which the determination is made that, following any appeal to the Secretary, resulted in the institution being required to repay an amount that is equal to or greater than 25 percent of the total funds the institution received under the programs authorized under title IV of the Higher Education Act of 1965 for the most recent award year.

(2) STUDENT ELIGIBILITY.—Notwithstanding any provision of the Higher Education Act of 1965, an affected student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

SEC. 203. GENERAL WAIVER AUTHORITY AND REQUIRED CONSULTATION.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may waive or modify any statutory provision of the Higher Education Act of 1965 or any regulation implementing such Act as the Secretary determines necessary in connection with the emergency or major disaster that was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(2) ACTIONS AUTHORIZED.—In carrying out paragraph (1), the Secretary is authorized to waive or modify any provision described in paragraph (1) as the Secretary determines necessary to ensure that—

(A) administrative requirements placed on affected students, affected borrowers, institutions of higher education, lenders, guaranty agencies and grantees are minimized to the extent possible without impairing the integrity of the higher education programs under the Higher Education Act of 1965, to ease the burden on such participants; or

(B) institutions of higher education, lenders, guaranty agencies, and other entities participating in the student financial assistance programs under title IV of the Higher Education Act of 1965, that serve an area in which an emergency or major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina, may be granted temporary relief from requirements that are rendered infeasible or unreasonable due to the affects of Hurricane Katrina, including due diligence requirements and reporting deadlines.

(b) CONSTRUCTION.—Nothing in this section shall be construed to allow the Secretary to waive or modify any applicable statutory or regulatory requirements pròhibiting discrimination in a program or activity, or in employment or contracting, under existing law (in existence on the date of the Secretary's action).

(c) CONSULTATION.—Prior to granting any waiver or modification under this section, the Secretary shall consult with the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives with respect to waivers or modifications under this section.

SEC. 204. NOTICE OF WAIVERS, MODIFICATIONS, OR EXTENSIONS.

(a) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall publish in the Federal Register a notice of the waivers, modifications, or extensions granted under section 202 or 203.

(b) TERMS AND CONDITIONS.—The notice described in paragraph (1) shall include information on the waivers, modifications, and extensions granted under section 202 or 203, and shall include the terms and conditions to be applied in lieu of the statutory and regulatory provisions waived, modified, or extended under section 202 or 203, respectively.

TITLE III—EMERGENCY AND DISASTER ASSISTANCE TO INDIVIDUALS WITH DISABILITIES

Subtitle A—Assistance for Children With Disabilities

SEC. 311. DEFINITIONS.

In this subtitle:

(1) IN GENERAL.—The terms "child with a disability", "local educational agency", "related services", and "special education" have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) AFFECTED BY HURRICANE KATRINA.—The term "affected by Hurricane Katrina", when used with respect to an individual, means an individual who resides or resided on August 22, 2005 in, or is or was enrolled on August 22, 2005, in a school located in, an area in which the President has declared that a major disaster or emergency exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina.

(3) INFANT OR TODDLER WITH A DISABILITY.—The term "infant or toddler with a disability" has the meaning given such term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

SEC. 312. USE OF 2004–2005 NUMBERS OF CHILDREN FOR IDEA FUNDING FOR SENDING STATES.

(a) IN GENERAL.—In calculating funding under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) for the 2005–2006 school year and the 2006–2007 school year for a State that meets the requirements of subsection (b), the Secretary of Education shall use data from the 2004–2005 school year to determine the number of children in such State for the purposes of—

(1) subsections (a) and (d)(3) of section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411(a) and (d)(3));

(2) section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419), if such State is eligible to receive an allocation under such section; and

(3) section 643(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1443(c)).

(b) SENDING STATES.—A State qualifies under this section if such State—

(1) includes an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; and

(2) for the 2005–2006 school year or 2006–2007 school year, has a net loss of students attending the schools located in the State, as compared with the 2004–2005 school year.

SEC. 313. SUPPORT FOR LOCAL EDUCATIONAL AGENCIES RECEIVING CHILDREN AFFECTED BY HURRICANE KATRINA.

(a) FLEXIBILITY FOR LOCAL EDUCATIONAL AGENCIES.—Notwithstanding any other provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), for a fiscal year in which funds are appropriated under this section, the Secretary of Education shall provide a portion (as determined by the Secretary) of such funds to an eligible local educational agency for the purpose of providing early intervening services, as described in section 613(f) of such Act (20 U.S.C. 1413(f)), to a student who is affected by Hurricane Katrina—

(1) if the student has not been identified by such agency as needing special education and related services but has been identified as needing additional academic and behavioral support; or

(2) if the student's record of receiving special education and related services are not available but the parent or guardian of the student certifies that the student received special education and related services at the student's preceding school, until such time as an eligibility determination under section 614 of such Act (20 U.S.C. 1414) can be made, except that early intervening services under this paragraph shall not be provided for more than 90 days unless the school and parent or guardian agree that progress is being made toward obtaining the eligibility determination.

(b) RULE OF CONSTRUCTION.—In the case of a child with a disability who is affected by Hurricane Katrina and whose records are available to the local educational agency, nothing in this section shall be construed to supersede the transfer provisions of section 614(d)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)(C)).

(c) LIMITATION.—An eligible local educational agency providing early intervening services under this section shall ensure that such services do not interfere with the special education and related services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to a child with a disability who is not affected by Hurricane Katrina and is enrolled in a school served by the eligible local educational agency.

(d) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that enrolls a student who is affected by Hurricane Katrina and who relocates to a school served by the local educational agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006.

Subtitle B—Assistance for Individuals With Disabilities

SEC. 321. REHABILITATION ACT OF 1973.

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term "affected State" means a State that contains an area, or that received a significant number of individuals who resided in an area, in which the President has declared that a major disaster exists.

(2) EMERGENCY.—The term "emergency" means an emergency declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance £Act (42 U.S.C. 5170), related to Hurricane Katrina.

(3) INDIVIDUAL WITH A DISABILITY.—The term "individual with a disability" has the meaning given the term in section 3 of the

Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(4) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA.—The term "individual with a disability affected by Hurricane Katrina" means an individual with a disability who—

(A) resided on August 22, 2005 in an area in which the President has declared that a major disaster exists; and

(B) resides in an area in which the President has declared that an emergency or major disaster exists.

(5) MAJOR DISASTER.—The term "major disaster" means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(b) REALLOTMENTS OF FUNDS.—

(1) IN GENERAL.—In realloting funds to States under section 110(e)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(e)(2)) for fiscal year 2005 the Secretary shall give preference to affected States.

(2) WAIVERS.—If the Secretary reallots funds under section 110(e)(2) of the Rehabilitation Act of 1973 to an affected State for a fiscal year, the State may submit an application to the Commissioner of the Rehabilitation Services Administration requesting a waiver of non-Federal share requirements applicable to programs under title I of such Act (29 U.S.C. 720 et seq.) for that fiscal year. The Commissioner shall develop criteria for granting or denying such applications.

(c) COMMUNITY DEVELOPMENT APPRENTICESHIPS.—An affected State that receives reallotted funds as described in subsection (b) may use the funds to pay for apprenticeship programs (which may include training, mentoring, or job shadowing opportunities) that contribute to the economic growth and development of communities, to enable individuals with disabilities affected by Hurricane Katrina to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on August 22, 2005.

SEC. 322. ASSISTIVE TECHNOLOGY ACT OF 1998.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms defined in section 321(c) have the meanings given the terms in that section.

(2) ASSISTIVE TECHNOLOGY DEVICE.—The term "assistive technology device" has the meaning given the term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

(b) PROGRAMS.—An affected State that receives a grant under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003) may submit an application to the Commissioner of the Rehabilitation Services Administration requesting authority, for a 90-day period, to use the funds made available through the grant for device reutilization programs, device loan programs, and device demonstrations, described in that section and for programs that directly provide assistive technology devices purchased by or donated to the State, in order to enable individuals with disabilities affected by Hurricane Katrina to replace assistive technology devices that were damaged or lost in the emergency or major disaster involved. The Commissioner shall develop criteria for approving or denying such applications.

(c) USE OF FUNDS.—An affected State that, in accordance with authority received under subsection (b), uses funds made available through such a grant for activities described in subsection (b) during the 90-day period described in subsection (b) may treat such funds as having been used to carry out activities under section 4(e)(2) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(e)(2)), for purposes of meeting the use of funds requirements of section 4(e) of such Act (29 U.S.C. 3003(e)).

(d) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to affected States with approved applications under subsection (b) to enable the States to carry out programs described in subsection (b) in order to enable individuals with disabilities affected by Hurricane Katrina to replace assistive technology devices as described in that subsection. In the case of a State that receives a grant under this paragraph, the State may obligate the funds made available through the grant during the 90-day period applicable to the State under subsection (b).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for fiscal year 2006, to remain available as necessary to permit obligations described in paragraph (1).

TITLE IV—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990

SEC. 401. SHORT TITLE.

This title may be cited as the "Child Care Disaster Assistance Act of 2005".

SEC. 402. WAIVER AUTHORITY TO EXPAND THE AVAILABILITY OF SERVICES UNDER CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) AUTHORITY.—For such period (ending not later than March 31, 2006), and to such extent as the Secretary of Health and Human Services considers to be appropriate, the Secretary may waive the provisions described in subsection (b) for any area with respect to which the President has determined that an emergency, or a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), exists, related to Hurricane Katrina, for the purpose of providing child care services to children orphaned, or of families displaced, as a result of Hurricane Katrina.

(b) PROVISIONS.—The provisions referred to in subsection (a) are provisions of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

(1) relating to income limitations on eligibility to receive child care services for which assistance is provided under such Act;

(2) relating to work requirements applicable to eligibility to receive child care services for which assistance is provided under such Act;

(3) requiring the application of section 658G to States in which an area described in subsection (a) is located;

(4) requiring a copayment or other cost sharing by the families that receive child care services for which assistance is provided under such Act; and

(5) preventing children designated as evacuees from receiving priority for child care services for which assistance is provided under such Act, except that children residing in an area and currently receiving services on August 22, 2005 shall not lose such services in order to accommodate evacuee children.

SEC. 403. TECHNICAL ASSISTANCE AND GUIDANCE.

The Secretary may assist States to provide technical assistance and guidance to child care providers who are licensed and regulated, as applicable, by the States, in order to enable the providers to provide child care services for children and families described in section 402(a).

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to provide for child care services for children and families described in section 402(a) as provided for in section 402, and to carry out section 403, $112,000,000 for fiscal year 2006.

TITLE V—HEAD START PROGRAMS

SEC. 501. DEFINITIONS.

In this title:

(1) CHILDREN AFFECTED BY HURRICANE KATRINA.—The term "children affected by Hurricane Katrina" means a child who is not older than 5 and who resides or resided on August 22, 2005, in an area in which the President has declared that a major disaster exists.

(2) IMPACTED HEAD START AGENCIES.—The term "impacted Head Start agency" means a Head Start agency receiving a significant number of children from an area in which a major disaster has been declared.

(3) MAJOR DISASTER.—The term "major disaster" means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

SEC. 502. INCOME ELIGIBILITY AND DOCUMENTATION WAIVERS.

The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children affected by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded under the Head Start Act.

SEC. 503. TECHNICAL ASSISTANCE, GUIDANCE, AND RESOURCES.

The Secretary shall provide technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide technical assistance, guidance, and resources through other regional offices of the Administration, at the request of such offices, that administer impacted Head Start agencies) to Head Start agencies in areas in which a major disaster has been declared, and to impacted Head Start agencies, to assist the agencies involved in providing Head Start services to children affected by Hurricane Katrina.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to provide for Head Start services (including Early Head Start services) to children affected by Hurricane Katrina as provided for in section 502, and to carry out section 503, $45,000,000 for fiscal year 2006.

TITLE VI—DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT

SEC. 601. DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT.

(a) IN GENERAL.—The Inspector General of the Department of Education (referred to in this section as the "Inspector General") shall conduct an audit and investigation of each program carried out by the Department of Education that includes response and recovery activities related to Hurricane Katrina.

(b) WEEKLY REPORT.—Not less frequently than once a week, the Inspector General shall provide a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives listing the audits and investigations initiated pursuant to subsection (a).

(c) STATUS REPORT.—Not later than 6 months after the date of enactment of this section, and biannually thereafter until the audits and investigations described in subsection (a) are complete, the Inspector General shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the full status of the activities of the Inspector General under this section.

(d) COOPERATIVE VENTURES.—In carrying out this section, the Inspector General is encouraged to enter into cooperative ventures with Inspectors General of other Federal agencies.

Mr. KENNEDY. Mr. President, it is an honor to join the chairman of the HELP Committee, Senator ENZI, in introducing a bill to bring much needed support and relief to students, educators, and schools affected by Hurricane Katrina. The assistance cannot come too soon.

I want to thank the chairman and his staff for all their hard work and for working together with us to deliver this relief as quickly as possible.

We are all familiar with the devastation that hurricanes can cause to communities. In the past, some of the most destructive storms temporarily closed schools in those communities. Yet those closures were fairly limited and brief. In the aftermath of Hurricane Andrew in 1992, the Army, Navy, and National Guard joined in helping to repair classrooms and reopen school doors in about 3 weeks. Last year, Florida schools damaged by Hurricane Charley reopened within a month, and students were quickly back on track in their classrooms.

But Hurricane Katrina became a different type of devastation, and the magnitude of its damage is vastly more extensive.

More than 700 schools and 30 colleges and universities have been damaged and destroyed. Almost all of them have been closed at least temporarily. Many of them will not open until January at the earliest. Some are in danger of not reopening at all.

The number of students affected is staggering. The estimated total population of displaced elementary and secondary students is 373,000. Over 100,000 college students have been affected by the disaster, and 18,500 Head Start or Early Head Start children have been affected.

These are not just statistics. From this disaster we have been reminded that we are all part of the American family. And we have a responsibility to help members of that family when they are in need.

Fortunately, America has begun to respond.

School districts across the country have pledged to accommodate displaced students in their schools. Colleges and universities are graciously opening their doors to such students. The Nation is grateful to the school principals and superintendents, and the college presidents and deans who have pledged their help.

But they need help as they struggle to accommodate these students. Congress must do our part to respond, to help these devastated communities get back on their feet and enable students to return to school. We need a response that is as caring and as generous as the American spirit.

Congress has a responsibility to do all it can to support the needs of students, educators, and schools. We need to direct efforts to all stages of education—from early childhood through college. Let's make sure that these elementary and secondary children don't lose a year of education and that these college students can pursue their postsecondary degrees. We need to act quickly to provide the support needed to cope with and overcome this tragedy and rebuild the future.

This bill begins the process by strengthening support for educational institutions affected by Hurricane Katrina. It addresses the needs of early education, elementary and secondary education, higher education, and students with disabilities.

Thousands of young children affected by Katrina need temporary space in safe and healthy settings. We must provide them with quality early childhood programs and facilities, until the children and their families can return to their homes and communities.

The bill facilitates enrollment in Head Start and Early Head Start by waiving income eligibility and other requirements, so that families affected by Katrina will be able to enroll their children more easily. It authorizes funds for affected Head Start centers—providing additional guidance, technical assistance, and resources.

We must do more to provide for elementary and high schools struggling to cope with the harsh reality of the aftermath of Hurricane Katrina. Because of closures and the inability to obtain and maintain records, we need to temporarily postpone reporting requirements at affected schools. We must also provide them with financial support while they are closed to ensure they have the financial stability to reopen.

The bill authorizes the Secretary of Education to waive reporting requirements, assessments, and school improvement and corrective action for states, local educational agencies, and schools affected by Hurricane Katrina.

It directs schools in the declared disaster area to use child count numbers collected during the 2004–2005 academic year in seeking Federal funds for the 2006–2007 school year. The Secretary is authorized to award special school reopening grants to districts and communities significantly affected by Hurricane Katrina. These grants will aid in the effort to retain highly qualified teachers, recover data, establish temporary facilities, and take other related steps necessary to reopen the schools. It also provides funds for afterschool services and supplemental educational services to states affected by Hurricane Katrina.

In addition, we need to acknowledge the efforts of school districts in Texas, Georgia, Florida, and other States that offer schooling to displaced students. School districts in those States deserve funds to help ease the transition of students into new schools, support basic instruction, and purchase books and materials. We need to help these schools temporarily expand their facilities to avoid overcrowding.

The bill authorizes the Secretary of Education to make payments to local educational agencies that enroll displaced students. To alleviate the demand for qualified teachers, the Secretary is authorized to encourage States to extend temporary reciprocity for certification of school personnel across State lines. Teachers certified as highly qualified in one State will be recognized as meeting this standard in other States as well. The bill also modifies title II of the Higher Education Act to target teacher recruitment and retention efforts to the changing needs of the area.

We must also help college students find temporary relief so they don't lose a semester or a year of college, and give them the financial assistance they need to continue.

Students unable to attend a college because of the disaster will be exempted from returning grant aid under title IV of the Higher Education Act. These students will be able to place outstanding loans in deferment for the remainder of the 2005–2006 academic year. Additionally, financial aid administrators will be encouraged to use greater flexibility in professional judgment in evaluating the needs of college students affected by Hurricane Katrina.

We must also consider the needs of borrowers. College graduates residing in the declared disaster area who lose their jobs deserve temporary relief on their loan repayments. The bill provides a deferment until June, 2006, during which borrowers will not need to pay down the principal on their student loans.

To ease the burdens faced by colleges and universities in the declared disaster area, the Secretary is authorized to waive various Federal reporting requirements for colleges and universities. Schools will have up to 5 years to return unallocated Pell grants and supplemental educational opportunity grants. If needed, the Secretary will be able to work with schools after the deadline to arrange a repayment schedule. The bill offers colleges a flexible timeline for crediting undisbursed student loans. Schools have until the end of the academic year or June 30, 2006, to return such funds.

To assist colleges in enrolling displaced students, the Secretary is authorized to make arrangements to transfer Federal work-study funds from affected institutions to receiving institutions.

Finally, we must not neglect the needs of children with disabilities, teachers, and schools providing special education. Hurricane Katrina has thrown many children and families into a situation of having lost or having no records to document their child's special education experience. In addition, many children who were previously not students under IDEA may very well become students under IDEA. The bill requires schools to provide early intervening services to all children who need academic or mental health support to benefit from school. This will allow the time for children to sort out an individual needs to be identified. The bill also permits States and local education agencies to use data from either the 2005 or 2004 fiscal years for reporting and funding purposes to accommodate enrollment fluctuations and guarantee funding for teachers and schools to remain stable.

States will also be able to guarantee continuing special education services to students who do not relocate to another State. States, under the Development Disabilities Act, will have the flexibility to use funds to replace assistive technology and durable medical equipment for individuals with disabilities, and under the Vocational Rehabilitation Act will have the flexibility to develop apprenticeship programs to educate people with disabilities to be part of reconstruction efforts.

In the weeks and months ahead, we must also focus on rebuilding and reconstructing the schools devastated by the tragedy so that, as soon as possible, children can return to schools fully stocked with the resources they need. We must also consider strategies to encourage students and educators to return to their schools.

Last week, Senator ENZI and I heard moving testimony in the HELP Committee from Dr. Diane Roussel, superintendent of schools in Jefferson Parish in Louisiana. The parish lies south of New Orleans and was in the direct path of Katrina, and the district's schools, students, and teachers were all severely affected by the disaster.

In her closing remarks, Dr. Roussel emphasized the importance, necessity, and urgency of reopening the schools in her district. When schools reopen, she said, people return. When schools reopen, business returns, and life begins to return to normal.

In the coming days and weeks, we must work to help life return to normal again for the hundreds of thousands of lives affected by Hurricane Katrina. This education bill is an impressive first step. I urge Congress to continue the work we begin today to meet the needs of the entire Gulf Coast community to reopen its schools.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 239—SUPPORTING THE GOALS AND IDEALS OF INFANT MORTALITY AWARENESS MONTH

Mr. MARTINEZ submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 239

Whereas infant mortality refers to the death of a baby before it reaches its first birthday;

Whereas the United States ranks 28th among industrialized nations in the rate of infant mortality;

Whereas in the United States, infant mortality increased in 2002, for the first time in more than 4 decades;

Whereas in 2002 the rate reached 7 deaths per 1,000 live births, which was the first increase since 1958;

Whereas the recent increase is a significant and troubling public health issue, especially for African American families, Native American families, and Hispanic families;

Whereas the infant mortality rate among African American women is more than double that of Caucasian women, according to a report produced by the National Healthy Start Association and by a related group supported by the health department of Allegheny County, in the State of Pennsylvania;

Whereas the Secretary of Health and Human Services has designated 2010, as the year by which certain objectives should be met with respect to the health status of the people of the United States;

Whereas such objectives, known as Healthy People 2010, include an objective regarding a decrease in the rate of infant mortality;

Whereas September 1, 2005, is the beginning of a period of several months during which there will be several national observances that relate to the issue of infant mortality, including the observance of October as Sudden Infant Death Awareness Month and November as Prematurity Awareness Month; and

Whereas it would be appropriate to observe September 2005, as Infant Mortality Awareness Month: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Infant Mortality Awareness Month in order to—

(1) increase national awareness of infant mortality and its contributing factors; and

(2) facilitate activities that will assist local communities in their efforts to meet the objective, as established by the Secretary of Health and Human Service in Healthy People 2010, that the rate of infant mortality in the United States be reduced to a rate of not more than 4.5 infant deaths per 1,000 births.

SENATE RESOLUTION 240—EXPRESSING THE SENSE OF THE SENATE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES AND URGING ACTION AGAINST ANTI-SEMITISM BY UNITED NATIONS OFFICIALS, UNITED NATIONS MEMBER STATES, AND THE GOVERNMENT OF THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. VOINOVICH, Mr. BROWNBACK, Mr. ALLEN, Mr. BURR, Mr. COBURN, Mr. VITTER, Mr. BUNNING, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. MARTINEZ, Mr. DEWINE, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas the Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the longest-serving member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.";

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and "recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . .";

Whereas in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the leadership of the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to report on acts of anti-Semitism at the United Nations and United Nations agencies by member states; and

(C) projects funded through the Middle East Partnership Initiative and United States overseas broadcasts should include efforts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

SENATE RESOLUTION 241—DESIGNATING SEPTEMBER 2005, AS "LEUKEMIA, LYMPHOMA, AND MYELOMA AWARENESS MONTH"

Mr. JEFFORDS submitted the following resolution; which was considered and agreed to:

S. RES. 241

Whereas blood-related cancers currently afflict more than 747,000 Americans, with an estimated 114,000 new cases diagnosed each year;

Whereas leukemia, lymphoma, and myeloma will kill an estimated 54,480 people in the United States this year;

Whereas the National Cancer Institute of the National Institute of Health is committed to the elimination of suffering and death due to cancer by the year 2015;

Whereas the Senate is similarly committed to the eradication of blood-related cancers and supports the treatment of people in the United States who suffer from them; and

Whereas the Senate will continue efforts to provide support at all levels for research and other efforts that will lead to a complete cure for leukemia, lymphoma, and myeloma: Now, therefore, be it

Resolved, That the Senate designates September 2005, as "Leukemia, Lymphoma, and Myeloma Awareness Month" to—

(1) enhance the understanding of blood-related cancers;

(2) encourage participation in voluntary activities to support education programs; and

(3) support the funding of research programs to find a cure for blood-related cancers.

SENATE RESOLUTION 242—TO EXPRESS THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD APPOINT AN INDIVIDUAL TO OVERSEE FEDERAL FUNDS FOR THE HURRICANE KATRINA RECOVERY, AND FOR OTHER PURPOSES

Mr. SESSIONS (for himself, Mr. DOMENICI, Mr. FRIST, Mr. STEVENS, Mr. INHOFE, Mr. SANTORUM, Mr. ISAKSON, Mr. BURNS, Mr. BUNNING, Mr. BROWNBACK, Mr. GRAHAM, Mr. ENSIGN, Mr. THOMAS, Mr. MCCONNELL, Mr. CRAPO, Mr. DEMINT, Mr. ALLARD, Mr. GREGG, Mr. ALEXANDER, Mr. ENZI, Mr. MARTINEZ, Mr. GRASSLEY, Mr. BENNETT, Mr. HATCH, Mrs. HUTCHISON, Mr. BOND, Mr. CHAMBLISS, Mr. VOINOVICH, and Mrs. DOLE) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 242

It is the sense of the Senate that the President, in order to efficiently coordinate and monitor spending, avoid duplication, and eliminate waste, fraud, and abuse, shall appoint an individual to oversee all federal work and the obligation of all federally appropriated funds for the purpose of Hurricane Katrina recovery, rehabilitation, and reconstruction.

SENATE RESOLUTION 243—EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. TALENT (for himself, Mr. FRIST, Mr. SANTORUM, Mr. MCCONNELL, Mr. CORNYN, Mr. BROWNBACK, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BUNNING, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENSIGN, and Mr. KYL) submitted the following resolution; which was considered and agreed to:

S. RES. 243

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in Newdow v. United States Congress that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in Newdow by a vote of 94–0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing the plaintiff's lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new Newdow case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government from establishing a religion;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas Congress, in 1954, believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union "under God", and to this country being dedicated to securing "liberty and justice for all";

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in Newdow, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in Newdow, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the Constitutionality of the Pledge of Allegiance.

SENATE RESOLUTION 244—EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. SALAZAR (for himself, Mr. CORZINE, Mr. NELSON of Florida, Mr. PRYOR, and Mr. CONRAD) submitted the following resolution; which was considered and agreed to:

S. RES. 244

Whereas Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas this Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to "God"; and

Whereas the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will review on appeal the decision of the District Court. Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in Newdow v. the Congress of United States of America, et al., holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1718. Mr. KYL proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

SA 1719. Mr. SHELBY (for Mr. KYL) proposed an amendment to the bill H.R. 2862, supra.

SA 1720. Mr. SHELBY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, supra.

SA 1721. Mr. SHELBY (for Mr. DURBIN (for himself and Mr. COBURN)) proposed an amendment to the bill H.R. 2862, supra.

SA 1722. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

SA 1723. Mr. GRASSLEY (for Mr. BOND (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

SA 1724. Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

SA 1725. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, supra.

SA 1726. Mr. BENNETT (for himself and Mr. KOHL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1727. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1728. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina.

SA 1729. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1730. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1731. Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1718. Mr. KYL proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, after line 14, insert the following:

SEC. 522. UNLAWFUL INTERNET GAMBLING.

(a) SHORT TITLE.—This section may be cited as the "Unlawful Internet Gambling Enforcement Act of 2005".

(b) FINDINGS.—Congress finds the following:

(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites.

(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

(c) PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.—

(1) IN GENERAL.—Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"§ 5361. Definitions

"In this subchapter, the following definitions shall apply:

"(1) BET OR WAGER.—The term 'bet or wager'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28;

"(D) includes any instructions or information pertaining to the establishment or movement of funds in, to, or from an account by the bettor or customer with regard to the business of betting or wagering; and

"(E) does not include—

"(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(a)(47)) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

"(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

"(iii) any over-the-counter derivative instrument;

"(iv) any other transaction that—

"(I) is excluded or exempt from regulation under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

"(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act (7 U.S.C. 16(e)) or section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 77bb(a); or

"(III) is conducted in accordance with the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.);

"(v) any contract of indemnity or guarantee;

"(vi) any contract for insurance;

"(vii) any deposit or other transaction with an insured institution; or

"(viii) any participation in a simulation sports game, an educational game, or a contest, that—

"(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

"(II) has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of sporting events; and

"(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants.

“(2) BUSINESS OF BETTING OR WAGERING.—The term ‘business of betting or wagering’ does not include a financial transaction provider, or any interactive computer service or telecommunications service.

“(3) DESIGNATED PAYMENT SYSTEM.—The term ‘designated payment system’ means any system utilized by a financial transaction provider that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

“(4) FINANCIAL TRANSACTION PROVIDER.—The term ‘financial transaction provider’ means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network.

“(5) INTERNET.—The term ‘Internet’ means the international computer network of interoperable packet switched data networks.

“(6) INTERACTIVE COMPUTER SERVICE.—The term ‘interactive computer service’ has the same meaning as in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(7) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5362 which the recipient is prohibited from accepting under section 5362.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(9) UNLAWFUL INTERNET GAMBLING.—

“(A) IN GENERAL.—The term ‘unlawful Internet gambling’ means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State in which the bet or wager is initiated, received, or otherwise made.

“(B) INTRASTATE TRANSACTIONS.—The term ‘unlawful Internet gambling’ does not include placing, receiving, or otherwise transmitting a bet or wager where—

“(i) the bet or wager is placed and received or otherwise made within a single State;

“(ii) the bet or wager is expressly authorized by and placed in accordance with the laws of such State, and such State's laws or regulations include—

“(I) age and location verification requirements reasonably designed to block access to minors and persons located outside of such State; and

“(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's laws or regulations; and

“(iii) the bet or wager does not violate any provision of the—

“(I) Interstate Horseracing Act (15 U.S.C. 3001 et seq.);

“(II) Professional and Amateur Sports Protection Act (28 U.S.C. 3701 et seq.);

“(III) Gambling Devices Transportation Act (15 U.S.C. 1171 et seq.); or

“(IV) Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

“(C) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

“(10) OTHER TERMS.—

“(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms ‘credit’, ‘creditor’, ‘credit card’, and ‘card issuer’ have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(B) ELECTRONIC FUND TRANSFER.—The term ‘electronic fund transfer’—

“(i) has the same meaning as in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a et seq.), except that such term includes transfers that would otherwise be excluded under section 903(6)(E) (15 U.S.C. 1693a(6)(E)) of that Act; and

“(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the same meaning as in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a et seq.), except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

“(D) INSURED INSTITUTION.—The term ‘insured institution’ means—

“(i) an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

“(ii) an insured credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752(7)).

“(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the same meanings as in section 5330(d) (determined without regard to any regulations issued by the Secretary thereunder).

“§ 5362. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

“No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

“(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

“(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

“(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

“(4) the proceeds of any other form of financial transaction, as the Secretary may prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

“§ 5363. Policies and procedures to identify and prevent restricted transactions

“(a) REGULATIONS.—Not later than 270 days after the date of enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to—

“(1) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means;

“(2) block restricted transactions identified as a result of the policies and procedures developed under paragraph (1); and

“(3) prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

“(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary shall—

“(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed—

“(A) to identify, block, or prevent the acceptance of the products or services with respect to each type of restricted transaction; and

“(B) not to disrupt the legal transactions of persons licensed to engage in the business of betting or wagering;

“(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

“(3) consider exempting restricted transactions from any requirement imposed under such regulations, if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions without significant disruption of legal business transactions.

“(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

“(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

“(A) identify and block restricted transactions; or

“(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

“(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

“(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that is subject to a regulation prescribed or order issued under this subchapter and blocks, or otherwise refuses to honor, a restricted transaction or a transaction that such person reasonably believes to be a restricted transaction, or as a member of a designated payment system relies on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a), shall not be liable to any party for such action.

“(e) REGULATORY ENFORCEMENT.—Regulations issued by the Secretary under this subchapter shall be enforced by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

“§ 5364. Civil remedies

“(a) JURISDICTION.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this subchapter or the rules or regulations issued under this subchapter by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this subchapter.

"(b) PROCEEDINGS.—

"(1) INSTITUTION BY FEDERAL GOVERNMENT.—

"(A) IN GENERAL.—The United States, acting through the Attorney General, or, in the case of rules or regulations issued under this subchapter, through an agency authorized to enforce such regulations in accordance with this subchapter, may institute proceedings under this section to prevent or restrain a violation or a threatened violation of this subchapter or such rules or regulations.

"(B) RELIEF.—Upon application of the United States under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter or the rules or regulations issued under this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

"(2) INSTITUTION BY STATE ATTORNEY GENERAL.—

"(A) IN GENERAL.—The attorney general (or other appropriate State official) of a State in which a violation of this subchapter allegedly has occurred or will occur may institute proceedings under this section to prevent or restrain the violation or threatened violation.

"(B) RELIEF.—Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

"(3) INDIAN LANDS.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), for a violation of this subchapter or the rules or regulations issued under this subchapter that is alleged to have occurred, or may occur, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703))—

"(i) the United States shall have the enforcement authority provided under paragraph (1); and

"(ii) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

"(B) RULE OF CONSTRUCTION.—No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

"(c) EXPEDITED PROCEEDINGS.—In addition to any proceeding under subsection (b), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this subchapter or the rules or regulations issued under this subchapter, upon application of the United States under subsection (b)(1), or the attorney general (or other appropriate State official) of an affected State under subsection (b)(2), in accordance with rule 65(b) of the Federal Rules of Civil Procedure.

"(d) LIMITATION RELATING TO INTERACTIVE COMPUTER SERVICES.—

"(1) IN GENERAL.—Relief granted under this section against an interactive computer service shall—

"(A) be limited to the removal of, or disabling of access to, an online site violating this subchapter, or a hypertext link to an online site violating this subchapter, that resides on a computer server that such service controls or operates, except that the limitation in this subparagraph shall not apply if the service is subject to liability under this section under section 5366;

"(B) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

"(C) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating this subchapter;

"(D) specify the interactive computer service to which it applies; and

"(E) specifically identify the location of the online site or hypertext link to be removed or access to which is to be disabled.

"(2) COORDINATION WITH OTHER LAW.—An interactive computer service that does not violate this subchapter shall not be liable under section 1084 of title 18, except that the limitation in this paragraph shall not apply if an interactive computer service has actual knowledge and control of bets and wagers and—

"(A) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

"(B) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

"(e) FACTORS TO BE CONSIDERED IN CERTAIN CASES.—In considering granting relief under this section against any payment system, or any participant in a payment system that is a financial transaction provider, the court shall consider—

"(1) the extent to which the person extending credit or transmitting funds knew or should have known that the transaction was in connection with unlawful Internet gambling;

"(2) the history of such person in extending credit or transmitting funds when such person knew or should have known that the transaction is in connection with unlawful Internet gambling;

"(3) the extent to which such person has established and is maintaining policies and procedures in compliance with rules and regulations issued under this subchapter;

"(4) the extent to which it is feasible for any specific remedy prescribed as part of such relief to be implemented by such person without substantial deviation from normal business practice; and

"(5) the costs and burdens that the specific remedy will have on such person.

"(f) NOTICE TO REGULATORS AND FINANCIAL INSTITUTIONS.—Before initiating any proceeding under subsection (b), with respect to a violation or potential violation of this subchapter or the rules or regulations issued under this subchapter by any financial transaction provider, the Attorney General, an attorney general (or other appropriate State official) of a State, or an agency authorized to initiate such proceeding under this subchapter, shall—

"(1) notify such person, and the appropriate regulatory agency (as determined in accordance with section 5363(e) for such person) of such violation or potential violation and the remedy to be sought in such proceeding; and

"(2) allow such person not longer than 60 days to implement a remedy for the violation or potential violation, consistent with the factors described in subsection (e), and in conjunction with such action as the appropriate regulatory agency may take, if such person takes reasonable steps within that 60-day period to prevent the occurrence of such violation or potential violation pending implementation of such remedy.

"§ 5365. Criminal penalties

"(a) IN GENERAL.—Whoever violates section 5362 shall be fined under title 18, or imprisoned for not more than 5 years, or both.

"(b) PERMANENT INJUNCTION.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

"§ 5366. Circumventions prohibited

"Notwithstanding section 5361(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

"(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

"(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

"§ 5367. Rule of construction

"No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"Sec. 5361. Definitions.
"Sec. 5362. Prohibition on acceptance of any financial instrument for unlawful Internet gambling.
"Sec. 5363. Policies and procedures to identify and prevent restricted transactions.
"Sec. 5364. Civil remedies.
"Sec. 5365. Criminal penalties.
"Sec. 5366. Circumventions prohibited.
"Sec. 5367. Rule of construction."

(d) INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.—

(1) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(A) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(B) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(C) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(2) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

SA 1719. Mr. SHELBY (for Mr. KYL) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:.

On page 120, line 24, after the colon insert the following: "*Provided further*, That of the funds provided under this heading, $5,000,000 may be expended for hiring officers in the Southwest United States dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs:".

SA 1720. Mr. SHELBY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:.

On page 147, line 5, strike "$283,985,000" and all that follows through line 6 and insert the following: $483,985,000, to remain available until expended: *Provided*, That $200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

On page 147, line 10, strike "$30,939,000: *Provided*" and insert the following: $40,939,000: *Provided*, That $10,000,000 shall be for salaries and expenses of carrying out section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*

SA 1721. Mr. SHELBY (for Mr. DURBIN (for himself and Mr. COBURN)) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:.

At the appropriate place, insert the following:

SEC. ___. WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.) and under Indian Health Service programs, regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (d), and not be affirmatively barred from practicing in that State;

(3) have been evacuated from Louisiana or Mississippi as a result of Hurricane Katrina; and

(4) have applied, prior to March 31, 2006, for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) EVIDENCE OF LICENSURE.—

(1) IN GENERAL.—A State may develop a process to verify the licensing credentials of a health professional to which this section applies if the professional has no official evidence of licensure in his or her possession.

(2) FRAUD.—An individual who wilfully provides any false or misleading information to a Federal, State, or local official for purposes of being covered under the provisions of this section shall, in addition to any State penalties that may apply, be subject to a fine, as determined appropriate by the Attorney General in accordance with title 18, United States Code.

(d) STATES DESCRIBED.—The States described in this subsection are Louisiana and Mississippi.

(e) LIMITATION.—A health professional may only elect to utilize the provisions of this section for a single 90-day period.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

(g) DEFINITION.—In this section, the term "health-related services", as such term is applied to health professional under this section, means services provided by a health professional that are consistent with the scope of practice of the professional in the State in which such professional is seeking licensure or certification.

SA 1722. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hurricane Katrina Tax Relief Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Hurricane Katrina disaster area.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS BY NATURAL DISASTER VICTIMS

Sec. 101. Penalty free withdrawals from retirement plans for victims of federally declared natural disasters.
Sec. 102. Income averaging for disaster-relief distributions related to Hurricane Katrina.
Sec. 103. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.
Sec. 104. Loans from qualified plans to victims of Hurricane Katrina.
Sec. 105. Provisions relating to plan amendments.

TITLE II—EMPLOYMENT RELIEF

Sec. 201. Work opportunity tax credit for Hurricane Katrina employee survivors.
Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

TITLE III—CHARITABLE GIVING INCENTIVES

Sec. 301. Temporary increase in limitation on individual and corporate charitable cash contributions.
Sec. 302. Tax-free distributions from individual retirement accounts for charitable purposes.
Sec. 303. Charitable deduction for contributions of food inventories.
Sec. 304. Charitable deduction for contributions of book inventories.
Sec. 305. Additional personal exemption amount for Hurricane Katrina houseguest.
Sec. 306. Increase in standard mileage rate for charitable use of passenger automobile.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

Sec. 401. Exclusions of certain cancellations of indebtedness for victims of Hurricane Katrina.
Sec. 402. Modification to casualty loss rules for victims of Hurricane Katrina.
Sec. 403. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.
Sec. 404. Special mortgage financing rules for residences located in Hurricane Katrina disaster area.
Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
Sec. 406. Special rule for determining earned income.
Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Disclosure to State officials of proposed actions related to exempt organizations.
Sec. 502. Dedication and use of certain fees.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act, the term "Hurricane Katrina disaster area" means an area—

(1) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

(2) which is determined by the President before such date to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS BY NATURAL DISASTER VICTIMS

SEC. 101. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.

(a) In General.—Paragraph (2) of section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(G) Distributions from retirement plans to victims of federally declared natural disasters.—

"(i) Distribution allowed.—Any qualified disaster-relief distribution.

"(ii) Amount distributed may be repaid.—

"(I) In general.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

"(II) Treatment of repayments for distributions from eligible retirement plans other than IRAs.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(III) Treatment of repayments for distributions from IRAs.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(IV) Application to governmental section 457 plans.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

"(iii) Qualified disaster-relief distribution.—Except as provided in clause (iv), for purposes of this subparagraph, the term 'qualified disaster-relief distribution' means any distribution—

"(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

"(II) which is made during the 1-year period beginning on the date such declaration is made.

"(iv) Dollar limitation.—

"(I) In general.—The term 'qualified disaster-relief distribution' shall not include any distributions with respect to any major disaster described in clause (iii)(I) to the extent the aggregate amount of such distributions exceeds $100,000.

"(II) Treatment of plan distributions.—If a distribution to an individual with respect to any such major disaster would (without regard to subclause (I)) be a qualified disaster-relief distribution, a plan shall not be treated as violating any requirement of this title merely because it treats such distribution as a qualified disaster-relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of controlled group which includes the employer) to such individual with respect to such major disaster exceeds $100,000.

"(v) Qualified disaster area.—For purposes of this subparagraph, the term 'qualified disaster area' means an area—

"(I) with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and

"(II) which is determined by the President to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.".

(b) Exemption of Distributions From Trustee to Trustee Transfer and Withholding Rules.—Paragraph (4) of section 402(c) (relating to eligible rollover distribution) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by inserting at the end the following new subparagraph:

"(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).".

(c) Conforming Amendments.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and".

(2) Section 403(b)(7)(A)(ii) is amended by inserting "sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (but only to the extent provided in section 72(t)(2)(G))," before "or".

(3) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for distributions to which section 72(t)(2)(G) applies.".

(4) Section 457(d)(1)(A) is amended by striking "or" at the end of clause (ii), by adding "or" at the end of clause (iii), and by adding at the end the following new clause:

"(iv) in the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), when the participant sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (but only to the extent provided in section 72(t)(2)(G)),".

(d) Effective Date.—The amendments made by this section shall apply to distributions received after August 28, 2005.

SEC. 102. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.

(a) In General.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) Special Rules.—

(1) Application to governmental section 457 plans.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined)

(2) Certain rules to apply.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) Qualified Individual.—For purposes of this section, the term "qualified individual" means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in connection with Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

SEC. 103. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) Recontributions.—

(1) In general.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) Treatment of repayments.—

(A) Treatment of repayments for distributions from eligible retirement plans other than IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term "qualified distribution" means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term "disaster declaration date" means the date on which the President designated the area as a Hurricane Katrina disaster area.

SEC. 104. LOANS FROM QUALIFIED PLANS TO VICTIMS OF HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 102(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 103(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(2) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 102(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

SEC. 105. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEE SURVIVORS.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee survivor shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE SURVIVOR.—For purposes of this section, the term "Hurricane Katrina employee survivor" means any individual who is certified as an individual who—

(1) on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area, and

(2) became unemployed as a result of Hurricane Katrina.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee survivor—

(1) section 51(c)(4) of such Code shall not apply,

(2) notwithstanding section 51(d)(12) of such Code, the certification under subsection (b) shall be made in such manner and at such time as determined by the Secretary of the Treasury, except that the certification shall be made by a person other than the such employee survivor or the employer (within the meaning of section 51 of such Code), and

(3) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee survivor, unless such employee survivor was an employee of the employer on August 28, 2005.

(d) APPLICATION OF SECTION.—This section shall apply to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who begins work—

(1) for an employer during the 1-year period beginning on August 29, 2005, or

(2) in the case of an individual who is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, for any employer during the 3-year period beginning on such date.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6.000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a Hurricane Katrina disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer—

(A) an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a Hurricane Katrina disaster area, or

(B) a Ready Reserve-National Guard employee of such eligible employer who is performing qualified active duty and whose principal place of employment immediately before the date on which such employee began performing such qualified active duty was in a Hurricane Katrina disaster area.

(3) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(4) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term "Ready Reserve-National Guard employee" means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code and who is performing qualified active duty.

(5) QUALIFIED ACTIVE DUTY.—The term "qualified active duty" means—

(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for Ready Reserve), or section

502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

(B) hospitalization incident to such duty.

(c) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986 of the shall apply.

(d) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of the Internal Revenue Code of 1986 and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY INCREASE IN LIMITATION ON INDIVIDUAL AND CORPORATE CHARITABLE CASH CONTRIBUTIONS.

(a) IN GENERAL.—In the case of qualified contributions made during the period beginning on August 29, 2005, and ending on December 31, 2005, in the case of any taxable year which includes any portion of such period—

(1) subsection (b)(1)(A) of section 170 of the Internal Revenue Code of 1986 shall be applied separately—

(A) first without regard to such contributions, and

(B) next with regard to such contributions by substituting "60 percent of the taxpayer's contribution base less the other contributions allowable under this paragraph for the taxable year" for "50 percent of the taxpayer's contribution base for the taxable year", and

(2) subsection (b)(2) of section 170 of such Code shall be applied separately—

(A) first without regard to such contributions, and

(B) next with regard to such contributions by substituting "15 percent of the taxpayer's taxable income less the other charitable contributions allowable for the taxable year" for "10 percent of the taxpayer's taxable income".

(b) QUALIFIED CONTRIBUTIONS.—For purposes of this section, the term "qualified contributions" means any charitable contributions (as defined in section 170(c) of such Code) made in cash to an organization described in section 170(b)(1)(A) of such Code.

(c) APPLICATION OF CARRYOVER RULES.—For purposes of section 170 of such Code—

(1) qualified contributions shall not be taken into account under section 170(d)(1)(A)(i) of such Code in determining the amount of the deduction allowable under such section with respect to such contributions, and

(2) to the extent qualified contributions increase the amount allowable under section 170 of such Code by reason of subsection (a), such contributions shall not be taken into account under section 170(d) of such Code.

(d) FISCAL YEAR TAXPAYERS.—In the case of a taxpayer whose taxable year ends after August 28, 2005, and before December 31, 2005, subsection (a) shall apply to only the one taxable year that the taxpayer elects.

SEC. 302. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

"(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution made after August 28, 2005, and before January 1, 2006, from an individual retirement account—

"(i) which is made directly by the trustee—

"(I) to an organization described in section 170(c), or

"(II) to a split-interest entity, and

"(ii) which is made on or after—

"(I) in the case of any distribution described in clause (i)(I), the date that the individual for whose benefit the account is maintained has attained age 70½, and

"(II) in the case of any distribution described in clause (i)(II), the date that such individual has attained age 59½.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

"(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts were distributed from all individual retirement accounts treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

"(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

"(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

"(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

"(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

"(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

"(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

"(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

"(iii) a charitable gift annuity (as defined in section 501(m)(5)).".

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

"(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

"(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

"(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

"(A) the amount of the deduction taken under section 642(c) within such year,

"(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

"(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

"(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

"(E) the total income of the trust within such year and the expenses attributable thereto, and

"(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to a trust for any taxable year if—

"(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

"(B) the trust is described in section 4947(a)(1).".

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

"(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

"(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

"(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

"(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.".

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions made after August 28, 2005.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2004.

SEC. 303. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) APPLICATION OF PARAGRAPH (3) TO CERTAIN CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

"(A) EXTENSION TO INDIVIDUALS.—In the case of a charitable contribution of apparently wholesome food—

"(i) paragraph (3)(A) shall be applied without regard to whether the contribution is made by a C corporation, and

"(ii) in the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer's net income for such taxable year from all trades or businesses from which such contributions were made for such taxable year, computed without regard to this section.

"(B) LIMITATION ON REDUCTION.—In the case of a charitable contribution of apparently wholesome food, notwithstanding paragraph (3)(B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of such property exceeds twice the basis of such property.

"(C) DETERMINATION OF BASIS.—If a taxpayer—

"(i) does not account for inventories under section 471, and

"(ii) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

"(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of apparently wholesome food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards or such lack of market and

"(ii) by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(E) APPARENTLY WHOLESOME FOOD.—For purposes of this paragraph, the term 'apparently wholesome food' has the meaning given such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this paragraph.

"(F) APPLICATION.—This paragraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after August 28, 2005.

SEC. 304. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES.

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

"(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

"(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

"(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

"(ii) AMOUNT OF REDUCTION.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property (as determined by the taxpayer using a bona fide published market price for such book) exceeds twice the basis of such property.

"(iii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books, but only if the requirements of clauses (iv) and (v) are met.

"(iv) IDENTITY OF DONEE.—The requirement of this clause is met if the contribution is to an organization—

"(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

"(II) described in section 501(c)(3) and exempt from tax under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)), which is organized primarily to make books available to the general public at no cost or to operate a literacy program.

"(v) CERTIFICATION BY DONEE.—The requirement of this clause is met if, in addition to the certifications required by subparagraph (A) (as modified by this subparagraph), the donee certifies in writing that—

"(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee's educational programs, and

"(II) the donee will use the books in its educational programs.

"(vi) BONA FIDE PUBLISHED MARKET PRICE.—For purposes of this subparagraph, the term 'bona fide published market price' means, with respect to any book, a price—

"(I) determined using the same printing and edition,

"(II) determined in the usual market in which such a book has been customarily sold by the taxpayer, and

"(III) for which the taxpayer can demonstrate to the satisfaction of the Secretary that the taxpayer customarily sold such books in arm's length transactions within 7 years preceding the contribution of such a book.

"(vii) APPLICATION.—This subparagraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after August 28, 2005.

SEC. 305. ADDITIONAL PERSONAL EXEMPTION AMOUNT FOR HURRICANE KATRINA HOUSEGUEST.

(a) IN GENERAL.—In the case of the a taxpayer's taxable year beginning in 2005, the amount allowed as a deduction in computing taxable income of the taxpayer under section 151 of the Internal Revenue Code of 1986 shall be increased by the lesser of—

(1) the product of—

(A) $500, and

(B) the number of Hurricane Katrina houseguests of the taxpayer, or

(2) $2,000.

(b) HURRICANE KATRINA HOUSEGUEST.—For purposes of this section, the term "Hurricane Katrina houseguest" means any individual—

(1) who would not otherwise qualify for an exemption amount with respect to the taxpayer for the taxable year,

(2) whose principal place of abode in a Hurricane Katrina disaster area was rendered uninhabitable after August 28, 2005, and

(3) is provided shelter for not less than 60 days after August 28, 2005, and before January 1, 2006, by the taxpayer in the taxpayer's principal place of abode.

(c) LIMITATION.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such shelter.

SEC. 306. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a passenger automobile for the period beginning on August 29, 2005, and ending before January 1, 2006, the standard mileage rate shall be 60 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS FOR VICTIMS OF HURRICANE KATRINA.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person by an applicable entity (as defined in section 6050P(c)(1)) if the discharge is by reason of the damage sustained by the taxpayer in connection with Hurricane Katrina.

(b) EXCEPTION.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(c) DENIAL OF DOUBLE BENEFIT.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of such Code.

(d) EFFECTIVE DATE.—This section shall apply to discharges made on or after August 29, 2005, and before January 1, 2007.

SEC. 402. MODIFICATION TO CASUALTY LOSS RULES FOR VICTIMS OF HURRICANE KATRINA.

In the case of an individual with a personal casualty loss which arises in connection with Hurricane Katrina—

(1) section 165(h)(2)(A) of the Internal Revenue Code of 1986 shall not apply, and

(2) in applying such section to other personal casualty losses during the taxable year, losses to which this section applies shall be disregarded.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.—Subparagraphs (A) and (B) of section 7508(a)(1) are amended to read as follows:

"(A) Filing any return of income, estate, gift, employment, or excise tax;

"(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;".

(b) APPLICATION TO VICTIMS OF HURRICANE KATRINA.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 29, 2005.

SEC. 404. SPECIAL MORTGAGE FINANCING RULES FOR RESIDENCES LOCATED IN HURRICANE KATRINA DISASTER AREA.

In the case of a residence located in a Hurricane Katrina disaster area, section 143 of the Internal Revenue Code of 1986 shall be applied with the following modifications to financing provided with respect to such residence within 3 years after the date of the disaster declaration:

(1) Subsections (d), (e) and (f) of such section 143 shall be applied as if such residence were a targeted area residence.

(2) Subsection (f)(3) of such section 143 shall be applied without regard to subparagraph (A) thereof.

(3) The limitation under subsection (k)(4) of such section 143 shall be increased (but not above $150,000) to the extent the qualified home-improvement loan is for the repair of damage caused by Hurricane Katrina.

This section shall apply only with respect to bonds issued after August 28, 2005, and before August 29, 2008.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Notwithstanding subsections (g) and (h) of section 1033 of the Internal Revenue Code of 1986, clause (i) of section 1033(a)(2)(B) of such Code shall be applied by substituting "5 years" for "2 years" with respect to property which is compulsorily or involuntarily converted as a result of Hurricane Katrina in a Hurricane Katrina disaster area, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means any individual who was (as of August 28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) EARNED INCOME.—For purposes of this section, the term "earned income" has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual,

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME.—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) DISCLOSURE OF PROPOSED ACTIONS RELATED TO CHARITABLE ORGANIZATIONS.—

"(A) SPECIFIC NOTIFICATIONS.—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

"(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

"(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

"(iii) the names, addresses, and taxpayer identification numbers of organizations which have applied for recognition as organizations described in section 501(c)(3).

"(B) ADDITIONAL DISCLOSURES.—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

"(C) PROCEDURES FOR DISCLOSURE.—Information may be inspected or disclosed under subparagraph (A) or (B) only—

"(i) upon written request by an appropriate State officer, and

"(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

"(D) DISCLOSURES OTHER THAN BY REQUEST.—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of Federal or State issues relating to the tax-exempt status of such organization.

"(3) DISCLOSURE WITH RESPECT TO CERTAIN OTHER EXEMPT ORGANIZATIONS.—Upon written request by an appropriate State officer, the Secretary may make available for inspection or disclosure returns and return information of an organization described in paragraph (2), (4), (6), (7), (8), (10), or (13) of section 501(c) for the purpose of, and to the extent necessary in, the administration of State laws regulating the solicitation or administration of the charitable funds or charitable assets of such organizations. Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

"(4) USE IN CIVIL JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.—Returns and return information disclosed pursuant to this subsection may be disclosed in civil administrative and civil judicial proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

"(5) NO DISCLOSURE IF IMPAIRMENT.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (4), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) RETURN AND RETURN INFORMATION.—The terms 'return' and 'return information' have the respective meanings given to such terms by section 6103(b).

"(B) APPROPRIATE STATE OFFICER.—The term 'appropriate State officer' means—

"(i) the State attorney general,

"(ii) the State tax officer,

"(iii) in the case of an organization to which paragraph (1) applies, any other State official charged with overseeing organizations of the type described in section 501(c)(3), and

"(iv) in the case of an organization to which paragraph (3) applies, the head of an agency designated by the State attorney general as having primary responsibility for overseeing the solicitation of funds for charitable purposes.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting "and section 6104(c)" after "section" in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended—

(A) in the matter preceding subparagraph (A), by inserting ", or any appropriate State officer (as defined in section 6104(c))," before "or any other person",

(B) in subparagraph (F)(i), by inserting "or any appropriate State officer (as defined in section 6104(c))," before "or any other person", and

(C) in the matter following subparagraph (F), by inserting ", an appropriate State officer (as defined in section 6104(c))," after "including an agency" each place it appears.

(3) The heading for paragraph (1) of section 6104(c) is amended by inserting "FOR CHARITABLE ORGANIZATIONS" after "RULE".

(4) Paragraph (2) of section 7213(a) is amended by inserting "or under section 6104(c)" after "6103".

(5) Paragraph (2) of section 7213A(a) is amended by inserting "or 6104(c)" after "6103".

(6) Paragraph (2) of section 7431(a) is amended by inserting "(including any disclosure in violation of section 6104(c))" after "6103".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

SEC. 502. DEDICATION AND USE OF CERTAIN FEES.

Notwithstanding section 202(c) of Public Law 108–89, the Secretary of the Treasury may retain and use fees from employee plan and exempt organization letter rulings and determination letters charged under section 7528 of the Internal Revenue Code of 1986—

(1) in fiscal years 2005 and 2006—

(A) for the administration of the provisions of, and amendments made by, this Act,

(B) to provide taxpayer assistance to any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, and

(C) to aid the Internal Revenue Service in repairing, rebuilding, and recovering from the damage to Internal Revenue Service offices, equipment, and support caused by Hurricane Katrina, and

(2) in any fiscal year after 2006—

(A) on oversight, enforcement, and administration by the Tax-Exempt and Government Entities Division of the Internal Revenue Service, and

(B) on oversight, enforcement, and administration of section 170 of such Code.

SA 1723. Mr. GRASSLEY (for Mr. BOND (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes: as follows:

SEC. . CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109–59.

Notwithstanding section 1102(c)(4)(A) of Public Law 109–59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108–447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: *Provided*, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108–447.

SA 1724. Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2862. An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title V, add the following:

SEC. 5_____. SMALL BUSINESS FEES.

(a) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

"(C) LOWERING OF FEES.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

"(I) the Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

"(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

"(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.".

SA 1725. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 121, line 19, after the semicolon insert "of which not less than $1,200,000 shall be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services;".

SA 1726. Mr. BENNETT (for himself and Mr. KOHL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On Page 154, line 20, after "Iowa,", insert the following:

"the Steeple Run and West Branch DuPage River Watershed projects in DuPage County, Illinois,"

On page 167, line 22, strike "(a)" through and including "required fee." on page 170, line 11, and insert the following:

"The Rural Electrification Act of 1936 is amended by inserting after section 315 (7 U.S.C. 940e) the following:

"SEC. 316. EXTENSION OF PERIOD OF EXISTING GUARANTEE.

"(a) IN GENERAL.—Subject to the limitations in this section and the provisions of the Federal Credit Reform Act of 1990, as amended, a borrower of a loan made by the Federal Financing Bank and guaranteed under this Act may request an extension of the final maturity of the outstanding principal balance of such loan or any loan advance thereunder. If the Secretary and the Federal Financing Bank approve such an extension, then the period of the existing guarantee shall also be considered extended.

"(b) LIMITATIONS.—

"(1) FEASIBILITY AND SECURITY.—Extensions under this section shall not be made unless the Secretary first finds and certifies that, after giving effect to the extension, in his judgment the security for all loans to the borrower made or guaranteed under this Act is reasonably adequate and that all such loans will be repaid within the time agreed.

"(2) EXTENSION OF USEFUL LIFE OF COLLATERAL.—Extensions under this section shall not be granted unless the borrower first submits with its request either—

"(A) evidence satisfactory to the Secretary that a Federal or State agency with jurisdiction and expertise has made an official determination, such as through a licensing proceeding, extending the useful life of a generating plant or transmission line pledged as collateral to or beyond the new final maturity date being requested by the borrower, or

"(B) a certificate from an independent licensed engineer concluding, on the basis of a thorough engineering analysis satisfactory to the Secretary, that the useful life of the generating plant or transmission line pledged as collateral extends to or beyond the new final maturity date being requested by the borrower.

"(3) AMOUNT ELIGIBLE FOR EXTENSION.—Extensions under this section shall not be granted if the principal balance extended exceeds the appraised value of the generating plant or transmission line referred to in subsection paragraph (2).

"(4) PERIOD OF EXTENSION.—Extensions under this section shall in no case result in a final maturity greater than 55 years from the time of original disbursement and shall in no case result in a final maturity greater than the useful life of the plant.

"(5) NUMBER OF EXTENSIONS.—Extensions under this section shall not be granted more than once per loan advance.

"(c) FEES.—

"(1) IN GENERAL.—A borrower that receives an extension under this section shall pay a fee to the Secretary which shall be credited to the Rural Electrification and Telecommunications Loans Program account. Such fees shall remain available without fiscal year limitation to pay the modification costs for extensions.

"(2) AMOUNT.—The amount of the fee paid shall be equal to the modification cost, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such extension.

"(3) PAYMENT.—The borrower shall pay the fee required under this section at the time the existing guarantee is extended by making a payment in the amount of the required fee.".

SA 1727. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

On page 20, between lines 13 and 14, insert the following:

(j) PROHIBITION ON PERMITS FOR AQUACULTURE.—

(1) DEFINITIONS.—In this subsection:

(A) AGENCY WITH JURISDICTION TO REGULATE AQUACULTURE.—The term 'agency with jurisdiction to regulate aquaculture' means—

(i) the Department of Agriculture;

(ii) the Coast Guard;

(iii) the Department of Commerce;

(iv) the Environmental Protection Agency;

(v) the Department of the Interior; and

(vi) the Corps of Engineers.

(B) REGIONAL FISHERY MANAGEMENT COUNCIL.—The term 'regional fishery management council' means a regional fishery management council established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)).

(2) PROHIBITION.—The head of an agency with jurisdiction to regulate aquaculture may not issue a permit or license to permit an aquaculture facility located in the exclusive economic zone to operate until after the date on which a bill is enacted into law that—

(A) sets out the type and specificity of the analyses that the head of the agency with jurisdiction to regulate aquaculture shall carry out prior to issuing any such permit or license, including analyses relating to—

(i) disease control;

(ii) structural engineering;

(iii) pollution;

(iv) biological and genetic impacts;

(v) access and transportation;

(vi) food safety; and

(vii) social and economic impacts of the aquaculture facility on other marine activities, including commercial and recreational fishing; and

(B) requires that a decision to issue such a permit or license be—

(i) made only after the head of the agency that issues the license or permit consults with the Governor of each State located within a 200-mile radius of the aquaculture facility; and

(ii) approved by the regional fishery management council that is granted authority under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) over a fishery in the region in which the aquaculture facility will be located.

SA 1728. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hurricane Katrina Tax Relief Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Hurricane Katrina disaster area.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS

Sec. 101. Penalty free withdrawals from retirement plans for victims of federally declared natural disasters.
Sec. 102. Income averaging for disaster-relief distributions related to Hurricane Katrina.
Sec. 103. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.
Sec. 104. Loans from qualified plans to victims of Hurricane Katrina.
Sec. 105. Provisions relating to plan amendments.

TITLE II—EMPLOYMENT RELIEF

Sec. 201. Work opportunity tax credit for Hurricane Katrina employee survivors.
Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

TITLE III—CHARITABLE GIVING INCENTIVES

Sec. 301. Temporary suspension of limitations on charitable contributions.
Sec. 302. Charitable deduction for contributions of food inventories.
Sec. 303. Charitable deduction for contributions of book inventories.
Sec. 304. Additional exemption for housing Hurricane Katrina displaced individuals.
Sec. 305. Increase in standard mileage rate for charitable use of passenger automobile.
Sec. 306. Mileage reimbursements to charitable volunteers excluded from gross income.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

Sec. 401. Exclusions of certain cancellations of indebtedness for victims of Hurricane Katrina.
Sec. 402. Suspension of certain limitations on personal casualty losses.
Sec. 403. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.
Sec. 404. Special mortgage financing rules for residences located in Hurricane Katrina disaster area.
Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
Sec. 406. Special rule for determining earned income.
Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

TITLE V—EMERGENCY REQUIREMENT

Sec. 501. Emergency requirement.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act, the term "Hurricane Katrina disaster area" means an area—

(1) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

(2) which—

(A) except as provided in subparagraph (B), is determined by the President before such date to warrant assistance from the Federal Government under such Act, and

(B) in the case of sections 201 and 202, is determined by the President before such date to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act.

TITLE I—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS

SEC. 101. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO VICTIMS OF FEDERALLY DECLARED NATURAL DISASTERS.—

"(i) DISTRIBUTION ALLOWED.—Any qualified disaster-relief distribution.

"(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—

"(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

"(II) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS

OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(III) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

"(iii) QUALIFIED DISASTER-RELIEF DISTRIBUTION.—Except as provided in clause (iv), for purposes of this subparagraph, the term 'qualified disaster-relief distribution' means any distribution—

"(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

"(II) which is made during the 1-year period beginning on the date such declaration is made.

"(iv) DOLLAR LIMITATION.—

"(I) IN GENERAL.—The term 'qualified disaster-relief distribution' shall not include any distributions for any taxable year to the extent the aggregate amount of such distributions exceeds $100,000, reduced by the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years.

"(II) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual with respect to any such major disaster would (without regard to subclause (I)) be a qualified disaster-relief distribution, a plan shall not be treated as violating any requirement of this title merely because it treats such distribution as a qualified disaster-relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

"(v) QUALIFIED DISASTER AREA.—For purposes of this subparagraph, the term 'qualified disaster area' means an area—

"(I) with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina, and

"(II) which is determined by the President before such date to warrant assistance from the Federal Government under such Act.".

(b) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—Paragraph (4) of section 402(c) (relating to eligible rollover distribution) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by inserting at the end the following new subparagraph:

"(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).".

(c) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and".

(2) Section 403(b)(7)(A)(ii) is amended by inserting "sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G))," before "or".

(3) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for distributions to which section 72(t)(2)(G) applies.".

(4) Section 457(d)(1)(A) is amended by striking "or" at the end of clause (ii), by adding "or" at the end of clause (iii), and by adding at the end the following new clause:

"(iv) in the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), when the participant sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G)),".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after August 28, 2005.

SEC. 102. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.

(a) IN GENERAL.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) SPECIAL RULES.—

(1) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined)

(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in connection with Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

SEC. 103. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—

(A) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term "qualified distribution" means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term "disaster declaration date" means the date on which the President designated the area as a Hurricane Katrina disaster area.

SEC. 104. LOANS FROM QUALIFIED PLANS TO VICTIMS OF HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal

Revenue Code of 1986) to a qualified individual (as defined in section 102(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 103(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(2) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 102(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

SEC. 105. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEE SURVIVORS.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee survivor shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE SURVIVOR.—For purposes of this section, the term "Hurricane Katrina employee survivor" means any individual who is certified as an individual who—

(1) on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area, and

(2) became unemployed as a result of Hurricane Katrina.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee survivor—

(1) section 51(c)(4) of such Code shall not apply,

(2) notwithstanding section 51(d)(12) of such Code, the certification under subsection (b) shall be made in such manner and at such time as determined by the Secretary of the Treasury, except that the certification shall be made by a person other than the such employee survivor or the employer (within the meaning of section 51 of such Code), and

(3) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee survivor, unless such employee survivor was an employee of the employer on August 28, 2005.

(d) APPLICATION OF SECTION.—This section shall apply to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who begins work—

(1) for an employer during the 6-month period beginning on August 29, 2005, or

(2) in the case of an individual who is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, for any employer during the 2-year period beginning on such date.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a Hurricane Katrina disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained in connection with Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer—

(A) an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a Hurricane Katrina disaster area, or

(B) a Ready Reserve-National Guard employee of such eligible employer who is performing qualified active duty and whose principal place of employment immediately before the date on which such employee began performing such qualified active duty was in a Hurricane Katrina disaster area.

(3) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(4) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term "Ready Reserve-National Guard employee" means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code and who is performing qualified active duty.

(5) QUALIFIED ACTIVE DUTY.—The term "qualified active duty" means—

(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

(B) hospitalization incident to such duty.

(c) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986 of the shall apply.

(d) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of the Internal Revenue Code of 1986 and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), section 170(b) of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of subsections (b) and (d) cf section 170 of the Internal Revenue Code of 1986.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in paragraph (1) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified contributions made during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED CONTRIBUTIONS.—For purposes of this section, the term "qualified contribution" means any charitable contribution (as defined in section 170(c) of such Code)—

(1) made during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code), and

(2) with respect to which the taxpayer has elected the application of this section.

In the case of a partnership or S corporation, the election under paragraph (2) shall be made separately by each partner or shareholder.

For purposes of subsection (b)(2), a contribution shall be treated as a qualified contribution only if the contribution is for relief efforts related to Hurricane Katrina.

SEC. 302. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORIES.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) APPLICATION OF PARAGRAPH (3) TO CERTAIN CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

"(A) EXTENSION TO INDIVIDUALS.—In the case of a charitable contribution of apparently wholesome food—

"(i) paragraph (3)(A) shall be applied without regard to whether the contribution is made by a C corporation, and

"(ii) in the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer's net income for such taxable year from all trades or businesses from which such contributions were made for such taxable year, computed without regard to this section.

"(B) LIMITATION ON REDUCTION.—In the case of a charitable contribution of apparently wholesome food, notwithstanding paragraph (3)(B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of such property exceeds twice the basis of such property.

"(C) DETERMINATION OF BASIS.—If a taxpayer—

"(i) does not account for inventories under section 471, and

"(ii) is not required to capitalize indirect costs under section 263A,

the taxpayer may elect, solely for purposes of paragraph (3)(B), to treat the basis of any apparently wholesome food as being equal to 25 percent of the fair market value of such food.

"(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of apparently wholesome food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards or such lack of market and

"(ii) by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(E) APPARENTLY WHOLESOME FOOD.—For purposes of this paragraph, the term 'apparently wholesome food' has the meaning given such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this paragraph.

"(F) APPLICATION.—This paragraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after August 28, 2005.

SEC. 303. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES.

(a) IN GENERAL.—Section 170(e)(3) (relating to certain contributions of ordinary income and capital gain property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

"(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether—

"(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

"(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

"(ii) AMOUNT OF REDUCTION.—Notwithstanding subparagraph (B), the amount of the reduction determined under paragraph (1)(A) shall not exceed the amount by which the fair market value of the contributed property (as determined by the taxpayer using a bona fide published market price for such book) exceeds twice the basis of such property.

"(iii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books, but only if the requirements of clauses (iv) and (v) are met.

"(iv) IDENTITY OF DONEE.—The requirement of this clause is met if the contribution is to an organization—

"(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

"(II) described in section 501(c)(3) and exempt from tax under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(3)), which is organized primarily to make books available to the general public at no cost or to operate a literacy program.

"(v) CERTIFICATION BY DONEE.—The requirement of this clause is met if, in addition to the certifications required by subparagraph (A) (as modified by this subparagraph), the donee certifies in writing that—

"(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee's educational programs, and

"(II) the donee will use the books in its educational programs.

"(vi) BONA FIDE PUBLISHED MARKET PRICE.—For purposes of this subparagraph, the term 'bona fide published market price' means, with respect to any book, a price—

"(I) determined using the same printing and edition,

"(II) determined in the usual market in which such a book has been customarily sold by the taxpayer, and

"(III) for which the taxpayer can demonstrate to the satisfaction of the Secretary that the taxpayer customarily sold such books in arm's length transactions within 7 years preceding the contribution of such a book.

"(vii) APPLICATION.—This subparagraph shall apply to contributions made after August 28, 2005, and before January 1, 2006.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after August 28, 2005.

SEC. 304. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 and 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by $500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed $2,000, reduced by the amount of the reduction under this section for all previous taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer in any prior taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this subsection, the term "Hurricane Katrina displaced individual" means, with respect to any taxpayer for any taxable year, a natural person who—

(1) was (as of August 28, 2005) a resident of any Hurricane Katrina disaster area,

(2) is displaced from the person's residence located in the area described in paragraph (1), and

(3) is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

SEC. 305. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a vehicle described in subsection (f)(12)(E)(i) for provision of relief related to Hurricane Katrina for the period beginning on August 29, 2005, and ending before January 1, 2007, the standard mileage rate shall be 70 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

SEC. 306. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) In General.—Part III of subchapter B of chapter 1 is amended by inserting after section 139A the following new section:

"SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) In General.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate established under such section, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) Application to Volunteer Services Only.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

"(c) No Double Benefit.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to the expenses under subsection (a).

"(d) Exemption From Reporting Requirements.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

"(e) Termination.—This section shall not apply to use of a passenger automobile after December 31, 2006.".

(b) Clerical Amendment.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139A the following new item:

"Sec. 139B. Mileage reimbursements to charitable volunteers".

(c) Effective Date.—The amendments made by this section shall apply to the use of a passenger automobile after the date of the enactment of this Act, in taxable years ending after such date.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS FOR VICTIMS OF HURRICANE KATRINA.

(a) In General.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person by an applicable entity (as defined in section 6050P(c)(1)) if the discharge is by reason of the damage sustained by the taxpayer in connection with Hurricane Katrina.

(b) Exception.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(c) Denial of Double Benefit.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of such Code.

(d) Effective Date.—This section shall apply to discharges made on or after August 29, 2005, and before January 1, 2007.

SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) Authority Includes Suspension of Payment of Employment and Excise Taxes.—Subparagraphs (A) and (B) of section 7508(a)(1) are amended to read as follows:

"(A) Filing any return of income, estate, gift, employment, or excise tax;

"(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;".

(b) Application to Victims of Hurricane Katrina.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) Effective Date.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 29, 2005.

SEC. 404. SPECIAL MORTGAGE FINANCING RULES FOR RESIDENCES LOCATED IN HURRICANE KATRINA DISASTER AREA.

In the case of a residence located in a Hurricane Katrina disaster area which replaces a residence destroyed by Hurricane Katrina or which is being repaired for damage caused by Hurricane Katrina, section 143 of the Internal Revenue Code of 1986 shall be applied with the following modifications to financing provided with respect to such residence within 3 years after the date of the disaster declaration:

(1) Subsections (d) of such section 143 shall be applied as if such residence were a targeted area residence.

(2) The limitation under subsection (k)(4) of such section 143 shall be increased (but not above $150,000) to the extent the qualified home-improvement loan is for the repair of damage caused by Hurricane Katrina.

This section shall apply only with respect to bonds issued after August 28, 2005, and before August 29, 2008.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Notwithstanding subsections (g) and (h) of section 1033 of the Internal Revenue Code of 1986, clause (i) of section 1033(a)(2)(B) of such Code shall be applied by substituting "5 years" for "2 years" with respect to property which is compulsorily or involuntarily converted as a result of Hurricane Katrina in a Hurricane Katrina disaster area, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) In General.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) Qualified Individual.—For purposes of this section, the term "qualified individual" means any individual whose principal place of abode was (as of August 28, 2005) in any Hurricane Katrina disaster area.

(c) Earned Income.—For purposes of this section, the term "earned income" has the meaning given such term under section 32(c) of such Code.

(d) Special Rules.—

(1) Application to joint returns.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual,

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) Uniform application of election.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) Errors treated as mathematical error.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) No effect on determination of gross income.—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1729. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744. making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. None of the funds made available by this Act may be used to provide funding to a research facility that purchases animals from a dealer that holds a Class B license under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

SA 1730. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . None of the funds made available by this Act may be used to approve for human consumption under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) any cattle, sheep, swine, or goats, or horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection under section 3(a) of that Act (21 U.S.C. 603(a)).

SA 1731. Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505 of such Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearings have been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, September 27, 2005 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1701, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; and S. 961, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send a copy of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Karen Billups or Amy Millet.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 15, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Keith E. Gottfried, of California, to be General Counsel of the U.S. Department of Housing and Urban Development; Mr. Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the U.S. and Foreign Commercial Service; Mr. Darryl W. Jackson, of the District of Columbia, to be Assistant Secretary of Commerce; Ms. Kim Kendrick, of the District of Columbia, to be Assistant Secretary of Housing and Urban Development; Mr. Franklin L. Lavin, of Ohio, to be Under Secretary of Commerce for International Trade; Mr. David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration; Mr. Keith A. Nelson, of Texas, to be Assistant Secretary of Housing and Urban Development; and Ms. Darlene F. Williams, of Texas, to be Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, at 2 p.m. to hold a hearing on U.S.-Indonesia Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 15, 2005, at 10:30 a.m. to consider the nominations of Stewart A. Baker to be Assistant Secretary, Department of Homeland Security, and Julie L. Myers to be Assistant Secretary, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Thursday, September 15, 2005 at 9:30 a.m., in the Hart Senate Office Building Room 216.

Witness List

Panel I: Stephen L. Tober, Esq., Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Portsmouth, NH; Tom Hayward, Esq., Past-Chairman, American Bar Association, Standing Committee on the Federal Judiciary, Chicago, IL; Pamela A. Bresnahan, Esq., DC Circuit Representative, American Bar Association, Washington, DC.

Panel II: The Honorable Dick Thornburgh, Former Attorney General of the United States, Former Governor of Pennsylvania, Counsel, Kirkpatrick & Lockhart Nicholson Graham, Washington, DC; The Honorable John Lewis, United States House of Representatives, D-GA-5th District; Jennifer Cabranes Braceras, Esq., Commissioner, U.S. Commission on Civil Rights and Visiting Fellow at the Independent Women's Forum, Boston, MA; Wade Henderson, Executive Director, Leadership Conference on Civil Rights, Washington, DC; Peter Kirsanow, Esq., Partner, Benesch, Friedlander, Coplay & Aronoff and Commissioner, U.S. Commission on Civil Rights, Cleveland, OH; The Honorable Nathaniel Jones, Retired Judge, U.S. Circuit Court of Appeals to the Sixth Circuit, Of Counsel, Blank Rome LLP, Cincinnati, OH.

Panel III: Maureen E. Mahoney, Esq. Partner, Latham & Watkins, Washington, DC; Carol M. Browner, Former Administrator, U.S. Environmental Protection Agency, Principal, The Albright Group, Washington, DC; Kathryn Webb Bradley, Esq., Senior Lecturing Fellow, Duke Law School, Durham, NC; Anne Marie Tallman, President and General Counsel, Mexican American Legal Defense and Education Fund, Los Angeles, CA; The Honorable Denise Posse-Blanco Lindberg, Judge, Third Judicial District Court, State of Utah, Salt Lake City, UT; Reginald M. Turner, Jr., President, National Bar Association, Detroit, MI.

Panel IV: Catherine E. Stetson, Esq., Partner, Hogan & Hartson, Washington, DC; Marcia Greenberger, Co-President, National Women's Law Center, Washington, DC; The Honorable

Bruce Botelho, Former Attorney General, State of Alaska, Mayor of Juneau, Juneau, AK; Rockerick Jackson, Coach, Ensley High School, Birmingham, AL; Henrietta Wright, Esq., Of Counsel, Goldberg, Godles, Wiener and Wright and Chairman of the Board Dallas Children's Advocacy Center, Dallas, TX; Beverly Jones, Lafayette, TN.

Panel V: The Honorable Charles Fried, Former Solicitor General of the United States, Beneficial Professor of Law, Harvard Law School, Cambidge, MA; Peter B. Edelman, Professor of Law; Co-Director, Joint Degree in Law and Public Policy, Georgetown University Law Center, Washington, DC; Patricia L. Bellia, Professor of Law, Notre Dame Law School, South Bend, IN; Judith Resnik, Arthur Liman Professor of Law, Yale Law School, New Haven, CT; Christopher S. Yoo, Professor of Law, Vanderbilt University Law School, Nashville, TN; David Strauss, Harry N. Wyatt Professor of Law; University of Chicago Law School, Chicago, IL.

Panel VI: Diana Furchtgott-Roth, Senior Fellow, Hudson Institute, Washington, DC; Robert Reich, University Professor and Maurice B. Hexter, Professor of Social and Economic Policy, Brandeis University, Waltham, MA; Rabbi Dale Polakoff, President, Rabbinical Council of America, Great Neck, NY; Susan Thistlethwaite, President, Chicago Theological Seminary, Chicago, IL; The Honorable John Engler, Former Governor of Michigan, President, National Association of Manufacturers, Washington, DC; Karen Pearl, Interim President, Planned Parenthood Federation of America, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, September 15, 2005, to mark up the following bills: Committee Print of S. 1182, Chairman Larry E. Craig, the "Veterans Health Care Improvements Act of 2005," incorporating original provisions and provisions derived from S. 1182, as introduced; S. 1177; S. 1189; and S. 1190; and S. 716, Ranking Member DANIEL K. AKAKA, the "Vet Center Enhancement Act of 2005. The markup will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that privilege of the floor be granted to John Ziolkowski, Fitzhugh Elder, Hunter Moorhead, Dianne Preece, Galen Fountain, Jessica Frederick, William Simpson, Tom Gonzales, Luke Johnson, Phil Karsting, as well as Stacy McBride, a detailee from the Food and Drug Administration to the Committee on Appropriations, during consideration of this H.R. 2744.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. FRIST. Mr. President, I will be running through a lot of business which reflects a tremendous amount of work over the last several hours, the last several days, much of it in response directly to the natural disaster of Katrina and its aftermath. There are a number of other bills that I will mention as well as we close tonight.

MEASURES READ THE FIRST TIME—S. 1715 AND S. 1716

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 1715) to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

A bill (S. 1716) to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

Mr. FRIST. I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

EMERGENCY TAX RELIEF

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3768, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1728) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 3768), as amended, was read the third time and passed.

VITIATION OF ACTION ON S. 1696

Mr. FRIST. Mr. President, I further ask unanimous consent that third reading and passage of S. 1696 be vitiated, and the bill be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 243, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 243) Expressing Support for the Pledge of Allegiance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENSIGN. Mr. President, I rise today to speak about yesterday's court decision which ruled that the Pledge of Allegiance is unconstitutional. I am concerned, but certainly not surprised, with this decision. And I am very concerned with the decision's implications.

It is time for us to take a stand against activist judges who seek to circumvent the will of the American people and who issue judgments flying in the face of decency and common sense. With all that is going on in our world today, to attack the Pledge of Allegiance because it contains a reference to God is ludicrous.

Most Americans were outraged when the Ninth Circuit Court of Appeals ruled that the Pledge of Allegiance was unconstitutional. Last year, the Supreme Court dismissed the case. The Supreme Court said that the plaintiff in the Pledge of Allegiance case did not have standing. The Court found that, because he was not the custodial parent, he could not object to his daughter's reciting the pledge of allegiance in school.

When that decision came down, many people, myself included, knew that it would only be a matter of time before the plaintiff, Michael Newdow, would be back. We were right. Yesterday, the Court, looking to the previous ninth circuit decision, ruled that the use of the simple phrase "under God" was a religious act. The Court found that a school policy involving the recital of the Pledge of Allegiance had a coercive religious effect.

I strongly disagree that the pledge is coercive. I also strongly disagree with the court's decision. The Pledge of Allegiance, in addition to containing a statement of common values and patriotism, recognizes historic facts behind our Nation's founding. There are so many references in America to God, our Creator. Those references can be seen in our currency, on public buildings, even in the Declaration of Independence which is displayed a few blocks from the Capitol in the National Archives.

This recent decision further emphasizes our Nation's need for judges who are respectful of people of faith and for judges who understand that America's continued reference, and reverence, toward the Creator are very important to our common culture.

Mr. SANTORUM. Mr. President, I rise in support of the resolution expressing the strong disapproval of the Senate to the September 14, 2005, decision by the U.S. District Court for the Eastern District of California in the case of Newdow, et al. v. The Congress of the United States of America, et.al.

This decision is a prime example of why we need to put judges on the bench who will strictly interpret the law and not legislate from the bench. Judges are not politicians. They are on the bench to hear the cases in front of them, not to pursue their own personal political agendas. We need more judges that will decide each case based on the facts and the law, not legislate from the bench.

Like most Americans, those of us who are not serving on the Judiciary Committee have watched intently as President Bush's nominee for Chief Justice of the Supreme Court has stood up to the over 21 hours of questioning. Judge John Roberts has been asked nearly 500 questions, and his responses have added to the more than 76,000 pages of documents concerning his Federal Government service. The hearings themselves have proved to be an incredible civics lesson for the American public, and to some extent the Senate, on the role of judges.

I have been very impressed with Judge Roberts, both when we met and in his considerable response during these hearings. He is a modest and humble man who I believe will be a credit to our judicial system. As he stated in his opening remarks, "[i]t is that rule of law that protects the rights and liberties of all Americans. It is the envy of the world. Because without the rule of law, any rights are meaningless." Judge Roberts believes in judicial restraint, adherence to the rule of law, as well as a posture of modesty and humility in a court.

I believe that Judge Roberts is the kind of judge that America needs—a fair, independent and unbiased judge committed to equal justice under the law. If confirmed, I am convinced that Judge Roberts will strictly interpret the law and not legislate from the bench. As he said yesterday, he does not come to the bench or to a case with an agenda or a platform. In fact, he reminded my colleagues that he was not a politician, and he is not going to advocate positions on issues to win votes.

Returning to the case at hand, I call on my colleagues to support this resolution. The Pledge of Allegiance is a unifying force in this Nation. It draws all of us, regardless of race, religion, gender, or national origin, together in support of the common good. At a time when we should be uniting to support our troops in Iraq and our neighbors in the Gulf States affected by Hurricane Katrina, it is a shame that an activist court is seeking to divide based on the principle of "I" or "me first," instead of pursuing the selfless principle of the common good. Just last Congress this body came together to support the current Pledge of Allegiance on a 94-0 vote. I hope that we will have the same bipartisan support again for this important issue, and I urge support of this resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 243

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in Newdow v. United States Congress that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in Newdow by a vote of 94–0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing the plaintiff's lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new Newdow case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government from establishing a religion;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas Congress, in 1954, believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union "under God", and to this country being dedicated to securing "liberty and justice for all";

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in Newdow, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

Resolved,

SEC. 1. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the Constitutionality of the Pledge of Allegiance. That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in Newdow, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

Mr. FRIST. Mr. President, this resolution that we passed is a Senate resolution expressing support for the Pledge of Allegiance. Because of the significance of this matter, I would like to read some paragraphs in the resolution and then the closing resolve section:

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in Newdow v. United States Congress that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in Newdow by a vote of 94–0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing plaintiff's lack of standing.

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California to challenge the words "under God" in the Pledge of Allegiance.

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the Newdow case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violates the Establishment Clause was still binding precedent . . .

Mr. President, the "whereas" clauses continue.

Resolved, That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in Newdow, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

This is an important Senate resolution, as is the one that follows this, S. Res. 244, which we will address shortly. Every morning in the Senate, we open with that pledge to the flag of the United States of America. It is an issue on which the Senate now speaks loudly in disagreement with the most recent findings.

The second resolution related to this issue is S. Res. 244.

EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 244, submitted earlier today by Senator SALAZAR.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 244) expressing support for the Pledge of Allegiance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas this Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to "God"; and

Whereas the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will review on appeal the decision of the District Court. Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in Newdow v. the Congress of United States of America, et al., holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorize and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

PELL GRANT HURRICANE AND DISASTER RELIEF ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3169, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3169) to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3169) was read the third time and passed.

Mr. FRIST. Again, Mr. President, this is one of several bills we are addressing tonight that reflect the Senate's response to those who have been adversely affected by this disaster. The bill we passed was specifically related to Pell grants, giving the Secretary of Education the waiver authority for students who are eligible for Pell grants, those students who have been adversely affected.

STUDENT GRANT HURRICANE AND DISASTER RELIEF ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3668, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3668) to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3668) was read the third time and passed.

TANF EMERGENCY RESPONSE AND RECOVERY ACT OF 2005

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3672, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3672) to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

There being no objection, the Senate proceeded to consider the bill.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) RELIEF FOR STATES AFFECTED BY HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, I rise today to raise some concerns about H.R. 3672, the TANF Emergency Response and Recovery Act of 2005 passed recently by the House of Representatives.

I regret that the House Ways and Means Committee did not have the benefit of the insights of those in Louisiana responsible for administrating this critical Federal program. Because if they did, I think that the bill might have been drafted very differently. I very much appreciate the leadership allowing me this opportunity to state these concerns for the record and am hoping that we can work together in the days and weeks ahead from this point on to be certain that these concerns are addressed.

Hurricane Katrina has left the Southeastern part of Louisiana in a state of emergency which, by all accounts will have significant and wide spread impact on our State and local economy. As a result, larger than expected numbers of individuals will be left without employment and in need of the services and support provided by the TANF program. It is precisely to address these circumstances, although I am not sure Members anticipated a disaster of this magnitude that compelled Congress to create a contingency fund in the 1996 Act. The purpose of the contingency fund was for States to be able to access additional funds in a time of need. But instead of availing ourselves of the funds contained in the contingency fund to carry us through this unexpected downturn, the House bill limits the use of these funds for nonrecurring, short term benefits to persons displaced by this disaster. I am afraid that this narrow definition of eligibility will stand in the way of people in need getting the support they deserve. I am pleased that the Grassley-

Baucus proposal would allow Louisiana access to these funds and allow my State to direct these funds to families in need.

In addition, it should be noted that while the House bill contemplates that some families affected by Hurricane Katrina will need some short term benefit that should be considered differently from regular welfare, it does not extend eligibility for these emergency benefits to all families in the affected States. I believe that we should extend this benefit to all families in need. I am pleased to note that the Grassley-Baucus welfare proposal would extend eligibility of "Hurricane Katrina Emergency TANF Benefits" for over a year to affected families in Louisiana, Mississippi and Alabama regardless of their circumstances prior to this disaster.

I will raise my final point in the form of a question to my good friend, the Senator from Iowa, Chairman GRASSLEY. The House bill includes a provision that provides that no penalty may be imposed against any of the States of Louisiana, Mississippi or Alabama for failure to repay a loan made to a State before October 1, 2007. Given the current financial conditions, our Governor is concerned about the State's long term ability to pay a loan of this size back in such a short time. They have been assured that the intent was for this provision to serve as a grant and that there is no penalty should they be unable to fully reimburse the Federal Government. Is that the Senator's understanding?

Mr. GRASSLEY. I understand that the Senator would like assurances that her State would not be penalized for failure to reimburse the Federal Government for funds to the State from the Federal Loans for State Welfare Program. I would point out that the House bill includes a provision that provides that no penalty may be imposed against the States of Louisiana, Mississippi or Alabama for failure to repay a loan made to a State before October 1, 2007. This provision provides that there will be no penalty for loans made during that time.

Furthermore, I appreciate the other comments from the Senator from Louisiana. While I think that the House passed bill represents a good faith effort on behalf of the House, I agree that it does not go far enough and that the delegations of the affected States should have been consulted as this bill was assembled. The collaborative process that we relied on with Senators from States directly affected by Hurricane Katrina has been invaluable as we have worked to assemble the disaster relief package that Senator BAUCUS and I announced yesterday.

I also recognize that my colleagues are concerned that the Senate's position on this issue be appropriately represented in a conference with the House.

I want to assure my colleagues these welfare provisions will be addressed during a conference with the House and that the Senate's position on these welfare provisions will be vigorously represented.

Mr. FRIST. I appreciate the comments from my colleagues. I support the chairman, and I too assure colleagues that these welfare provisions will be fully litigated in a conference with the House on a health and welfare disaster relief package.

I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The bill (H.R. 3672) was read the third time and passed.

RECOGNIZING 75TH ANNIVERSARY OF AMERICAN ACADEMY OF PEDIATRICS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 204 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas 2005 marks the 75th anniversary of the American Academy of Pediatrics (referred to in this resolution as the "Academy");

Whereas in 1930, 35 pediatricians founded the Academy to attain optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

Whereas in 2005, the Academy is the largest membership organization in the United States dedicated to child and adolescent health and well-being, with more than 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists belonging to its 59 chapters in the United States and 7 chapters in Canada;

Whereas, in addition to promoting good physical health, the Academy also promotes early childhood education, good mental health, reading, environmental health, safety, pediatric research, and the elimination of disparities in health care;

Whereas the Academy serves as a voice for the most vulnerable people in the United States by advocating for the needs of children with special health care needs, low-income families, victims of abuse and neglect, individuals in under-served communities, and the uninsured;

Whereas the Academy is dedicated to improving child health and well-being through numerous efforts and initiatives, including continuing medical education, the promotion of optimal standards for pediatric education, the authorship and dissemination of materials which advance its mission, and advocacy on improvements in child health;

Whereas the Academy promotes the use of evidence-based research and "best practices" to drive major improvements in child health and well-being, such as the use of immunizations to decrease the rates of infectious childhood diseases;

Whereas the Academy promotes the pediatric "medical home" as the most effective approach to guaranteeing the highest quality care for all children;

Whereas the Academy provides international leadership on child health issues, including translating child health materials into more than 40 languages;

Whereas Academy members have organized numerous child health initiatives at the State and community levels; and

Whereas, throughout its history, the Academy has been instrumental in the passage of several Federal child health laws, including poison prevention measures, the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), Federal child safety seat initiatives, the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), universal immunization, and the Best Pharmaceuticals for Children Act (Public Law 107–109): Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the American Academy of Pediatrics;

(2) supports the mission and goals of the Academy;

(3) commends the Academy for its commitment to attaining optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults;

(4) encourages the people of the United States to observe this anniversary and support the Academy on behalf of the children of the United States; and

(5) encourages the Academy to continue striving to improve the health and well-being of all infants, children, adolescents, and young adults of the United States.

REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 240, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 240) expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas the Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights; the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the longest-serving member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.";

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and "recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . .";

Whereas in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the leadership of the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to report on acts of anti-Semitism at the United Nations and United Nations agencies by member states; and

(C) projects funded through the Middle East Partnership Initiative and United States overseas broadcasts should include efforts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

LEUKEMIA, LYMPHOMA AND MYELOMA AWARENESS MONTH

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 241, which was introduced earlier today by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 241) designating September 2005 as Leukemia, Lymphoma and Myeloma Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JEFFORDS. Mr. President, I am here today to ask for my colleagues' support for a resolution designating September as Leukemia, Lymphoma and Myeloma Awareness Month. Today, I want to speak specifically about leukemia, a disease that affects nearly 200,000 Americans.

Leukemia is a devastating cancer of the blood that will kill almost 23,000 people this year alone. It is rare to find anyone today who does not know someone, a family member or a friend, who has battled leukemia. Recently, one of my former staff members, Jess Eiesland, was diagnosed with leukemia. He is only 28. He left my office in May of this year to follow in his father's footsteps and pursue a career in finance. On June 18th, Jess was diagnosed with Acute Myelogenous Leukemia, a form of the disease characterized by the uncontrolled production of immature white blood cells by the bone marrow. Jess is now back in South Dakota with his family and traveling to Minnesota to undergo an 11-week course of chemotherapy in preparation for a bone marrow transplant.

In comparison, Jess is one of the lucky ones. His leukemia was caught early and he has just learned that his sister, Laura, is a bone marrow match. This match will reduce Jess' risk of developing severe side effects from the transplant or rejecting the new cells. Only 30 percent of patients in need of a bone marrow transplant have a matching donor in their families. Others have to depend on the kindness of strangers who have registered their bone marrow types with the National Bone Marrow Registry and volunteered as donors. In honor of Jess, a bone marrow registration drive is being held in Room 124 of the Senate Hart building on Friday from 10 a.m. to 2 p.m.

Because of the risk of rejection associated with bone marrow transplants and the difficulty in finding donors, the National Institutes of Health and the private sector have developed other promising leukemia treatments, such as cord blood transplants and the pharmaceutical drug, Gleevec, the first of a slew of promising new drugs that target the underlying causes of the disease. To promote these innovative treatments, we must continue to support biomedical research. I applaud the efforts of our distinguished colleagues, Senators HATCH and DODD, who introduced legislation earlier this year that would encourage cord blood donations and registrations. This legislation has already been reported favorably by the HELP Committee and I hope the full Senate can take it up and pass it soon. Additionally, the Senate has requested a $1 billion dollar funding increase for the NIH in fiscal year 2006 to promote Federal research and innovation.

I urge my colleagues to support this resolution designating September as National Leukemia, Lymphoma and Myeloma Awareness Month. Doing so will further disseminate information regarding treatment innovations and will encourage Americans to become bone marrow or cord blood donors.

RECOGNIZING SEPTEMBER 2005 AS LEUKEMIA AND LYMPHOMA AWARENESS MONTH

Mrs. BOXER. Mr. President, I wish to express my support for designating September as Leukemia and Lymphoma Awareness Month. It is estimated that leukemia, lymphoma, and myeloma will kill 60,500 people in the United States this year and that 110,000 new cases are diagnosed each year. With more than 700,000 Americans living with blood cancers, it is crucial that we come together to reinvigorate our resolve and continuously intensify our fight for a cure.

I am pleased to join the Leukemia and Lymphoma Society in encouraging all to put aside time to reflect on what has been achieved so far in fighting blood cancers, spread lifesaving knowledge, and set our sights on progressive goals to advance our ability to support and treat those living with leukemia and lymphoma. Together, we can push forward critical research and keep the eradication of these diseases at the forefront of dialogue and education in our local and national communities.

I applaud the Leukemia and Lymphoma Society for its support of treatment and research. Such work is integral to our ability to understand these illnesses and energize our fellow citizens in this very worthy endeavor. The Leukemia and Lymphoma Society has provided an outstanding model of advocacy and paved the way for others to get involved.

I am pleased to invite my colleagues to join me in acknowledging Leukemia and Lymphoma Awareness Month. I hope that you will use this time as inspiration for continued thoughtful leadership on this critical health issue.

Mr. FRIST. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas blood-related cancers currently afflict more than 747,000 Americans, with an estimated 114,000 new cases diagnosed each year;

Whereas leukemia, lymphoma, and myeloma will kill an estimated 54,480 people in the United States this year;

Whereas the National Cancer Institute of the National Institute of Health is committed to the elimination of suffering and death due to cancer by the year 2015;

Whereas the Senate is similarly committed to the eradication of blood-related cancers and supports the treatment of people in the United States who suffer from them; and

Whereas the Senate will continue efforts to provide support at all levels for research and other efforts that will lead to a complete cure for leukemia, lymphoma, and myeloma: Now, therefore, be it

Resolved, That the Senate designates September 2005, as "Leukemia, Lymphoma, and Myeloma Awareness Month" to—

(1) enhance the understanding of blood-related cancers;

(2) encourage participation in voluntary activities to support education programs; and

(3) support the funding of research programs to find a cure for blood-related cancers.

PASSAGE OF H.R. 2862

Mr. FRIST. Mr. President, this afternoon, the Senate passed the Commerce, Justice, and Science appropriations bill with overwhelming bipartisan support. I want to thank my colleagues for their tremendous work on this legislation. This appropriations bill funds critical Government functions and includes significant Katrina-related measures.

Earlier this afternoon, I had the opportunity to thank both Senators SHELBY and MIKULSKI for their great leadership on this bill. There was a fair amount of juggling in terms of scheduling, given the fact that the Judiciary hearings were underway. Everybody showed good patience, and we produced a very good bill.

More than 350,000 families have been made homeless by the disaster that has unfolded over the last 2 weeks. The bill we passed today provides Federal housing assistance of up to $600 per family per month for up to 6 months to help those families get back on their feet. Families lost their homes, they have lost their communities, they have lost their jobs, and many families have lost everything. Their only possessions were contained sometimes in a single black plastic bag as they fled their homes.

These are extraordinary circumstances and they require extraordinary actions on our part. As you heard by the legislation that was passed, we are acting responsibly and aggressively in meeting the needs of those victims. Helping these families put a roof over their heads is one aspect of the real tragedy that has unfolded.

I thank people such as Senator SNOWE for her hard work to help the small businesses recover. All of these efforts are part of this larger effort to respond and respond aggressively.

Under the bipartisan leadership of Senator GRASSLEY and Senator BAUCUS, today the Senate passed a comprehensive tax relief package to help spur that economic process of getting people back on their feet and rebirth and regrowth.

The Grassley-Baucus legislation provides immediate and aggressive tax relief to help hurricane victims build their homes, restore their possessions, find housing, and find jobs. It allows them to dip into their retirement plans to cover short-term expenses without being penalized.

In addition, it promotes and rewards charitable giving. As we have seen over the last week and a half, Americans have poured out their hearts for the hurricane victims. In just over 2 weeks, private individuals and businesses have donated well over $700 million in contributions. That is increasing every day. It is truly a testament to the character of the American people, to that wonderful spirit of the American people, that selflessness, that unselfishness, their compassion, and their generosity.

Here in the Senate, we are working hard to reflect those values and to deliver swift and meaningful actions. Chairmen are working with ranking members to finish conversations so they can forward appropriate, well-thought-out Katrina legislation to myself and to the minority leader for possible Senate action, and Chairman ENZI is working with Senator KENNEDY on a series of temporary education law changes.

These measures will help tens of thousands of students affected by Katrina, as well as the school districts that are absorbing these displaced students.

Chairman COLLINS continues her work with Senator LIEBERMAN to cut through redtape and bureaucracy so that FEMA can quickly remove the vast amounts of debris that have been left in the disaster's wake.

Tomorrow, in 12 hours or so, Senator REID and I will be departing and leading a 14-Member Senate delegation to the gulf coast. Our purpose will be to survey the disaster sites in all three States affected by Katrina, to visit with people who have been so dramatically affected, both directly and indirectly, whose lives have been changed, to observe what is being done by local officials and State officials, as well as Federal officials on the ground.

The hurricane victims are the Senate's No. 1 priority, and it is reflected in the legislation that we are addressing and in the time spent both on the floor and by the various chairmen and ranking members on committees.

We are determined that the gulf coast will be able to recover and be rebuilt bigger, stronger, and more prosperous than ever before. It is going to require a lot of leadership from all sectors, at the private and public arena, and at Federal-State and local levels.

It is going to require the dedication of a lot of individuals.

I began today meeting with 100 or so leaders from across Louisiana who already had a previously scheduled meeting to come to Washington, DC. I met with Senator VITTER to listen to their ideas and their thoughts at the local level of how best to contribute to this rebuilding of this vital part of Louisiana.

Tomorrow, we will meet with people all along that southern coast of Mississippi as well. I will actually be going to Alabama as well. It is this dedication of individuals, the doers, the thinkers, people thinking inside and outside the box that I am convinced will lead to this revitalization and appropriate rebuilding. It is a massive undertaking, but this is America and we like our challenges big. We can respond in an appropriately big way. We will make history proud.

In about 30 minutes, the President will be addressing the Nation on many of these same issues. I look forward to hearing that address. I look forward to continuing to work in a bipartisan way. We have to keep things bipartisan as we work to develop meaningful, long-term solutions for the American people.

I had one big disappointment today, late this afternoon regarding receiving a letter from my counterpart, the Democratic leader, whom I know carefully considered the terms of the outcome, but I was disappointed in that the notification was that the Senate Democrats will boycott our proposal for a bipartisan joint congressional investigation into the government's response to Hurricane Katrina. It is clear the government has no greater responsibility than protecting the security and the lives of senior citizens, and in the aftermath of this devastating hurricane and the flood which followed we saw government at all levels not live up to expectations, and, really, fail at all levels.

It is our duty, and it is our responsibility in the Senate, in Congress, to analyze and to investigate, provide aggressive oversight in order to figure out what went wrong, in order to know what changes must be made and to make those changes quickly and responsibly and to keep what went wrong from ever, ever, happening again.

Congress is going to step up to this important responsibility. We have begun that in the actions over the last 2 weeks.

Under the proposal I gave the Democrat leader, we would appoint a select committee with the members of the Homeland Security and Governmental Affairs Committee as members who would participate. While the Democrat leader in his letter to me says he prefers to let the Homeland Security Committee lead the investigation and he will continue to support the committee's efforts, which I do, as well, he somehow feels the select committee that our leadership has proposed, which is made up of the very same members of that committee, Homeland Security and Governmental Affairs Committee, will somehow fail the American people or will somehow be partisan or will somehow not be independent.

To me, it is an abdication of our responsibility not to have this select committee specifically made up to analyze and to investigate what went wrong.

The proposal was modeled on some of the most serious investigations that Congress has ever taken. Looking back to the 1973 Watergate Committee, the 1986 Iran-Contra Committee, the 1994 and 1995 Whitewater Committee, and the 1997 campaign finance investigation, that is the model which I had proposed to the Democrat leader. Republicans in both the House and Senate are prepared to fulfill our constitutional obligations. I believe this boycott is irresponsible, it is an abdication of our responsibility. It begins to place partisan politics over finding answers for the American people.

We cannot wait 3 years for those answers. We need to investigate them and analyze the problems so we will have solutions in the short term, so we can quickly make changes and protect all Americans. In challenging times, our country expects its leaders to work together and not to engage in any sort of petty bickering that slows down the process. It is time to get it done. The American people deserve better.

I ask unanimous consent my proposal to Senator REID and his letter rejecting it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES.___

Resolved,

SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee administered by the Committee on Homeland Security and Governmental Affairs to be known as the "Special Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina" (referred to in this resolution as the "special committee").

(b) PURPOSES.—The purposes of the special committee are—

(1) to conduct an investigation and public hearings into, and study of—

(A) the development, coordination, and execution by local, State and Federal authorities of emergency response plans and other activities in preparation for Hurricane Katrina;

(B) the Federal, State, and local government response to Hurricane Katrina; and

(C) any other matter under the jurisdiction of the Committee on Homeland Security and Governmental Affairs to the extent that investigation of that matter assists the committee in its investigation under subparagraphs (A) and (B);

(2) to make such findings of fact and recommendations as are warranted and appropriate; and

(3) to fulfill the constitutional oversight and informational functions of the Congress with respect to the matters described in this section.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of—

(A) the members of the Committee on Homeland Security and Governmental Affairs; and

(B) the chairman and ranking member of [TO BE SUPPLIED].

(2) ADDITIONAL RULES.—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate that it determines are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

(b) ORGANIZATION OF SPECIAL COMMITTEE.—

(1) CHAIRMAN.—The chairman of the Committee on Homeland Security and Governmental Affairs shall serve as the chairman of the special committee (referred to in this resolution as the "chairman").

(2) RANKING MEMBER.—The ranking member of the Committee on Homeland Security and Governmental Affairs shall serve as the ranking member of the special committee (referred to in this resolution as the "ranking member").

(3) QUORUM.—A majority of the members of the special committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate. A majority of the members of the special committee, or one-third of the members of the special committee if at least one member of the minority party is present, shall constitute a quorum for the conduct of other business. One member of the special committee shall constitute a quorum for the purpose of taking testimony.

(c) RULES AND PROCEDURES.—

(1) IN GENERAL.—Except as otherwise specifically provided in this resolution, the special committee's investigation, study, and hearings shall be governed by the Standing Rules of the Senate and the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs.

(2) ADDITIONAL RULES.—The special committee may adopt additional rules or procedures not inconsistent with this resolution or the Standing Rules of the Senate if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures shall become effective upon publication in the Congressional Record.

SEC. 3. STAFF OF THE SPECIAL COMMITTEE.

(a) APPOINTMENTS.—To assist the special committee in the investigation, study, and hearings authorized by this resolution, the chairman and the ranking member each may appoint special committee staff, including consultants.

(b) ASSISTANCE FROM THE COMPTROLLER GENERAL.—The Comptroller General of the United States is requested to provide from the Government Accountability Office whatever personnel or other appropriate assistance as may be required by the special committee, or by the chairman or the ranking member.

SEC. 4. POWERS OF THE SPECIAL COMMITTEE.

The special committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate and section 705 of the Ethics in Government Act of 1978, including the following:

(1) SUBPOENA POWERS.—To issue subpoenas or orders for the attendance of witnesses or for the production of documentary or physical evidence before the special committee. A subpoena or order may be authorized by the special committee or by the chairman with the agreement of the ranking member, and may be issued by the chairman or any other member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or outside of the borders of the United States to the full extent permitted by law. The chairman, or any other member of the special committee, is authorized to administer oaths to any witnesses appearing before the special committee. If a return on a subpoena or order for the production of documentary or physical evidence is incomplete or accompanied by an objection, the chairman (in consultation with the ranking member) may convene a meeting or hearing to determine the adequacy of the return and to rule on the objection. At a meeting or hearing on such a return, one member of the special committee shall constitute a quorum. The special committee shall not initiate procedures leading to civil or criminal enforcement of a subpoena unless the person or entity to whom the subpoena is directed refuses to produce the required documentary or physical evidence after having been ordered and directed to do so.

(2) COMPENSATION AUTHORITY.—To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the special committee, or the chairman or the ranking member, considers necessary or appropriate.

(3) MEETINGS.—To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

(4) HEARINGS.—To hold hearings, take testimony under oath, and receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study.

(5) TESTIMONY OF WITNESSES.—To require by subpoena or order the attendance, as a witness before the special committee or at a deposition, of any person who may have knowledge or information concerning any of the matters that the special committee is authorized to investigate and study.

(6) IMMUNITY.—To grant a witness immunity under sections 6002 and 6005 of title 18, United States Code.

(7) DEPOSITIONS.—To take depositions and other testimony under oath anywhere within the United States, to issue orders that require witnesses to answer written interrogatories under oath. All depositions shall be conducted jointly by majority and minority staff of the special committee. A witness at a deposition shall be examined upon oath administered by a member of the special committee or an individual authorized by local law to administer oaths, and a complete transcription or electronic recording of the deposition shall be made. Questions shall be propounded first by majority staff of the special committee and then by minority staff of the special committee. Any subsequent round of questioning shall proceed in the same order. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer on the basis of relevance or privilege, the special committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling on the objection from the chairman. If the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(8) DELEGATIONS TO STAFF.—To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special committee, or the chairman with the concurrence of the ranking member, may delegate to designated staff members of the special committee the power to issue deposition notices authorized pursuant to this paragraph.

(9) INFORMATION FROM OTHER SOURCES.—To require by subpoena or order—

(A) any department, agency, entity, officer, or employee of the United States Government;

(B) any person or entity purporting to act under color or authority of State or local law; or

(C) any private person, firm, corporation, partnership, or other organization;

to produce for consideration by the special committee or for use as evidence in the investigation, study, or hearings of the special committee, any book, check, canceled check, correspondence, communication, document, financial record, electronic record, paper, physical evidence, photograph, record, recording, tape, or any other material relating to any of the matters or questions that the special committee is authorized to investigate and study which any such person or entity may possess or control.

(10) RECOMMENDATIONS TO THE SENATE.—To make to the Senate any recommendations, by report or resolution, including recommendations for criminal or civil enforcement, which the special committee may consider appropriate with respect to—

(A) the willful failure or refusal of any person to appear before it, or at a deposition, or to answer interrogatories, in compliance with a subpoena or order;

(B) the willful failure or refusal of any person to answer questions or give testimony during the appearance of that person as a witness before the special committee, or at a deposition, or in response to interrogatories; or

(C) the willful failure or refusal of—

(i) any officer or employee of the United States Government;

(ii) any person or entity purporting to act under color or authority of State or local law; or

(iii) any private person, partnership, firm, corporation, or organization;

to produce before the special committee, or at a deposition, or at any time or place designated by the committee, any book, check, canceled check, correspondence, communication, document, financial record, electronic record, paper, physical evidence, photograph, record, recording, tape, or any other material in compliance with any subpoena or order.

(11) CONSULTANTS.—To procure the temporary or intermittent services of individual consultants, or organizations thereof.

(12) OTHER GOVERNMENT PERSONNEL.—To use, on a reimbursable basis and with the prior consent of the Government department or agency concerned, the services of the personnel of such department or agency.

(13) OTHER CONGRESSIONAL STAFF.—To use, with the prior consent of any member of the Senate or the chairman or the ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such member of the Senate or other Senate committee or subcommittee, whenever the special committee or the chairman or the ranking member considers that such action is necessary or appropriate to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution.

(14) ACCESS TO INFORMATION AND EVIDENCE.—To permit any members of the special committee, staff director, counsel, or other staff members or consultants designated by the chairman or the ranking member, access to any data, evidence, information, report, analysis, document, or paper—

(A) that relates to any of the matters or questions that the special committee is authorized to investigate or study under this resolution;

(B) that is in the custody or under the control of any department, agency, entity, officer, or employee of the United States Government, including those which have the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States without regard to the jurisdiction or authority of any other Senate committee or subcommittee; and

(C) that will assist the special committee to prepare for or conduct the investigation, study, and hearings authorized by this resolution.

(15) REPORTS OF VIOLATIONS OF LAW.—To report possible violations of any law to appropriate Federal, State, or local authorities.

(16) EXPENDITURES.—To expend, to the extent that the special committee determines necessary and appropriate, any money made available to the special committee by the Senate to carry out this resolution.

SEC. 5. SALARIES AND EXPENSES.

(a) IN GENERAL.—A sum equal to not more than $500,000 for the period beginning on the date of adoption of this resolution and ending on February 15, 2006, shall be made available from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment of salaries and other expenses of the special committee under this resolution, which shall include not more than [$] for the procurement of the services of individual consultants or organizations thereof, in accordance with section 4(11).

(b) VOUCHER REQUIREMENT.—Payment of expenses shall be disbursed upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

SEC. 6. REPORTS; TERMINATION.

(a) COMPLETION OF DUTIES.—

(1) COMPLETION.—The special committee shall make every reasonable effort to complete, not later than February 15, 2006, the investigation, study, and hearings authorized by section 1.

(2) INTERIM REPORTS.—The special committee shall also submit to the Senate such interim reports as it considers appropriate.

(3) RECORDS.—All records of the special committee shall be transferred to the Committee on Homeland Security and Governmental Affairs on termination of the special committee.

(b) TERMINATION.—After submission of its final report, the special committee shall conclude its business and close out its affairs within 90 days.

SEC. 7. COMMITTEE JURISDICTION AND RULE XXV.

The jurisdiction of the special committee is granted pursuant to this resolution, notwithstanding the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate relating to the jurisdiction of the standing committees of the Senate.

SEC. 8. COORDINATION WITH HOUSE INVESTIGATION.

The chairman of the special committee, in conducting the investigation and study described in section 1, shall consult with the chairman of the House Select Committee Investigate the Response to Hurricane Katrina conducting the parallel investigation and study regarding meeting jointly to receive testimony, the scheduling of hearings or issuance of subpoenas, and joint staff interviews of key witnesses.

SEPTEMBER 15, 2005.

The Hon. WILLIAM FRIST,
Majority Leader, U.S. Senate, Washington, DC.

DEAR BILL: Thank you for providing me with your proposal to have the Senate establish a select committee to review this nation's preparation for and response to Hurricane Katrina. Like you, I believe it is vitally important that we learn why our government's leaders failed to perform one of their most essential and basic tasks—protecting the American people from natural or manmade disasters and swiftly coming to their aid when such incidents occur. The survivors of this tragedy and all Americans have a right to expect that their leaders will make every effort to understand what went wrong so that we can identify and implement the steps necessary to ensure that what we witnessed this past month in the Gulf Coast never happens again.

As you know, under regular Senate order, the Senate Committee on Homeland Security and Governmental Affairs would take the lead in any investigation of the government's actions on Katrina and other disasters. This committee has both the authority under Senate rules and the demonstrated expertise to conduct such an investigation. At the outset of our discussions about the best way for the Senate to proceed on this matter, I expressed my preference for letting this committee handle the Katrina investigation. I also said I would be willing to consider departing from regular Senate order to establish a select committee if I was confident such a committee could do a better job of providing the survivors and the American people the answers they deserve.

Unfortunately, after closely analyzing the proposal you presented to me earlier this week I have concluded it fails that critical test for one very simple reason. As currently drafted, I do not believe your proposed select committee will conduct an independent, non-partisan investigation that will take a hard look at actions by both the Bush Administration and this Congress. As a result, your proposal will not provide the American people the assurances that we have learned every lesson from this tragedy and have developed the corrective measures necessary to make our country more secure in the future.

Consequently, I will continue my push for an independent, blue ribbon commission similar to what we established in the wake of the terrorist attacks on September 11, 2001. Democrats and, ultimately, Republicans agreed that approach was the best way to help the American people understand why their government failed them that awful day. And the commission's findings were broadly supported and embraced by the American people and leaders of both parties because they understood that, unlike any congressional body, the commission was uniquely capable of asking tough questions of both the Administration and the Congress.

Senator Clinton has proposed that we follow this proven model in the case of Katrina and I have yet to hear a compelling reason why we should not. At the same time, I will also continue to support the Senate Governmental Affairs Committee's efforts to investigate Katrina. Chairman Collins and Ranking Member Lieberman have worked well together in a bipartisan manner in the past and I am confident they will continue to do so in the future.

I remain hopeful that you will eventually agree to work with me to establish a truly independent commission to provide the American people answers about why their government failed them and what steps can be taken to ensure it never happens again. The survivors of this tragedy and the American people deserve no less.

Sincerely,

HARRY REID,
U.S. Senate.

ORDERS FOR MONDAY, SEPTEMBER 19, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 2 p.m. on Monday, September 19. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business with the time equally divided until 3 p.m.

I further ask consent that at 3 p.m. the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today, as I mentioned earlier, the Senate did complete action on and overwhelmingly pass the Commerce-Justice-Science appropriations bill. Upon completion of the Commerce-Science-Justice appropriations bill, we began consideration of the Agriculture appropriations bill.

On Monday, we will resume consideration of this bill and, as always, I ask Senators to come forward and let us know if they intend to offer amendments. Our next votes will occur Tuesday morning, and we will probably begin voting very early Tuesday morning. We will be debating amendments on Monday; however, any votes that are ordered on Monday will be stacked to occur early on Tuesday morning.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 19, 2005, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:39 p.m., adjourned until Monday, September 19, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 2005:

DEPARTMENT OF STATE

MICHAEL R. ARIETTI, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

EXECUTIVE OFFICE OF THE PRESIDENT

KARAN K. BHATIA, OF MARYLAND, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE JOSETTE SHEERAN SHINER.

DEPARTMENT OF LABOR

EDWIN G. FOULKE, JR., OF SOUTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE JOHN LESTER HENSHAW.

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES S. GOODWIN, 4834

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROGER F. CLEMENTS, 2669

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

STEVEN J. ANDERSEN, 3951
JOSEPH T. BAKER, 7075
LUANN BARNDT, 9970
BRADLEY W. BEAN, 0143
PETER J. BROWN, 1961
DANIEL C. BURBANK, 7571
SCOTT A. BUSCHMAN, 0203
MICHAEL B. CERNE, 1648
DAVID A. CINALLI, 0412
AARON C. DAVENPORT, 3550
WILLIAM C. DEAL, 3118
VINCENT D. DELAURENTIS, 5614
PAUL E. DEVEAU, 6092
EDWARD N. ENG, 3328
STEPHAN P. FINTON, 9794
JOHN A. FURMAN, 1023
CRAIG A. GILBERT, 7796
HERBERT M. HAMILTON, 1539
JOHN T. HARDIN, 3557
THEODORE F. HARROP, 0840
DOUGLAS E. KAUP, 0845
ALGERNON J. KEITH, 0149
RICHARD M. KENIN, 0972
DAVID S. KLIPP, 0726
DAVID W. KRANKING, 6665

WILLIAM S. KREWSKY, 7454
GAIL P. KULISCH, 5594
CRAIG B. LLOYD, 2800
MICHAEL J. LODGE, 5151
DENISE L. MATTHEWS, 6541
JAMES L. MCCAULEY, 4313
CHARLES W. MELLO, 5334
DOUGLAS R. MENDERS, 6508
WAYNE A. MUILENBURG, 5014
JAMES J. OCONNOR, 3814
EDWARD W. PARSONS, 2584
ELISABETH A. PEPPER, 0838
BRIAN D. PERKINS, 3431
EDUARDO PINO, 5291
JOHN F. PRINCE, 0199
WILLIAM J. RALL, 6385
GARY C. RASICOT, 6819
JOHN J. SANTUCCI, 6033
NORMAN S. SCHWEIZER, 4695
DOUGLAS J. SMITH, 1836
TODD A. SOKALZUK, 8840
FREDERICK J. SOMMER, 6092
DAVID C. STALFORT, 4221
PAUL F. THOMAS, 4877
DAVID G. THROOP, 3486
PETER N. TROEDSSON, 3602
JOSEPH M. VOJVODICH, 6654
ROBERT P. WAGNER, 6718
ANDREW P. WHITE, 7100
MARCUS E. WOODRING, 3200
VANN J. YOUNG, 7671

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A):

To be colonel

JOHN M. ANDREW, 1255
MARTIN E. FRANCE, 8981

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM R. EVERETT, 4521
JOHN R. HOLLY II, 6457
JEFFREY J. JEROME, 0437
KEVIN M. JONES, 2051
LARRY W. MAHAR, 7697
ALAN W. PROFFITT, 9295
LLOYD V. SMALL, 9779
PETER D.P. VINT, 6775

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

STANLEY A. BLOUSTINE, 6104
KRAIG S. BOWER, 6057
MICHAEL A. MADSEN, 6750
BRYAN L. MARTIN, 9990
LEOPOLDO A. RIVAS, 8241
ELISABETH J. RUSHING, 9189

To be lieutenant colonel

HENRY H. CANTON, 2478
BARBARA A. CROTHERS, 5194
JEFFREY P. MAWHINNEY, 3000

To be major

TERRY D. NEVILLE, 4641

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DARIO A. BARRATO, 9789
DAVID L. JARRATT, 4731

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JERRY BROMAN, 4027
WENDELL J. FOX, 5690
CHARLES M. JENNESS, 3366
FRANKLIN E. TUTTLE, 0371

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID A. ACCETTA, 2687
CHRISTOPHER D. BAKER, 1453
KRISTIN M. BAKER, 8883
JEFFERY M. BALI, 9383
CARL M. BELGRAVE, 7451
JOHN E. BIRCHER IV, 2314
TIMOTHY D. BLAIR, 4326
LISA M. BLESKEBRISTOW, 9528
WALTON M. BROWN, 7133
JEFFREY S. BUCZKOWSKI, 7577
JAIME S. CHANEZ, 6421
DAVID W. CHESTERMAN, 3372
KEVIN M. COAKLEY, 0003
MICHAEL J. COBB, 0266
DANIEL D. COCKERHAM, 3307
WILLIAM E. COLLIGAN, 3047
RICARDO CRISTOBAL, 9490
JOHN F. CURLEY, 8309
THOMAS A. DAVIS, 5664
GUY M. DEWEES, 6367
RODNEY A. DUNHAM, 6864
ROBERT P. FABRIZZIO II, 4348
DERRICK B. FARMER, 4911
DANIEL R. FEEMSTER, 5413
NATHANIEL FLEGLER, JR., 9228
MARK W. GARRETT, 0616
CHRISTOPHER C. GARVER, 6324
MAURA A. GILLEN, 8876
PETER C. GIOTTA, 8061
BRYANT D. GLANDO, 7174
GREGORY W. GLOVER, 4982
CHARLES E. GRINDLE, 4721
ROBERT A. GUERRIERO, JR., 6958
TERRY A. GUILD, 6600
BRADLEY HARDER II, 6347
TAMMY A. HEATH, 9578
ELIZABETH M. HIBNER, 9464
JAMES P. HOLLEY II, 4243
ROBERT H. HOSS, 8066
JAMES W. HOWELL, JR., 0362
MARK V. HOYT, 0500
MICHAEL C. JOHNSON, 2868
JEFFREY A. JONES, 9280
LLOYD C. JONES III, 1326
WILLIAM D. JONES III, 0542
ROBERT S. KIMBROUGH, 5579
DANIEL J. KING, 3324
MARK E. KJORNESS, 5834
BERNARD F. KOELSCH, 5361
DUANE L. KRISTENSEN, 7912
CHRISTIAN T. KUBIK, 9219
PHILIP KWONG, 9598
MICHAEL T. LAWHORN, 1544
STEWART W. LILES, 4737
HOWARD Y. LIM, 4569
DAVID A. MARKOWSKI, 8624
PATRICK M. MARSHALL, 5336
RANDY A. MARTIN, 4896
JAMES T. MAYER, 8443
TROY D. MCKEOWN, 7971
ARIC W. MOSS, 1491
TIMOTHY E. MURPHY, 8081
ANDREW C. MUTTER, 0735
SHAWN M. NILIUS, 8558
MAUREEN J. OCONNOR, 9692
BRUCE PERRY, 9151
STACY P. PILGREEN, 3276
EDWARD C. PREM, 1280
STEVEN D. REHN, 2830
WILLIAM ROLDAN, 9528
CHRISTOPHER ROTH, 3052
JAMES E. ROZZI, 6733
LEE R. SALMON, 3030
MICHAEL J. SALUTO, 5447
RICHARD D. SANDERS, JR., 9686
TIMOTHY F. SELPH, 8010
JAC W. SHIPP, 2920
RICKY L. SIMMONS, 3834
PHILIP J. SMITH, 9432
SHARON E. SMITH, 5404
CLAIRE E. STEELE, 9073
TIMOTHY J. TALONE, 5240
DONALD P. TAYLOR, JR., 7890
WILLIAM D. THURMOND, 7550
ROBERT W. TURK, 4863
DAVID E. TUTTLE, 1069
MARK T. VANDEHEI, 4791
VINCENT M. WALLACE, 4578
CHRISTOPHER P. WATKINS, 9144
STEVEN R. WEIK, 2733
DANIEL WHALEN, 2905
DARIUS M. WHITE, 4465
GEORGE D. WINGFIELD, 4393
ROGER E. WRIGHT, 4599
PETER J. ZIOMEK, 9250

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

LYNETTE M. ARNHART, 2485
VERNON J. BAHM, 6843
GEOFFREY T. BALLOU, 1936
MICHAEL T. BARKETT, 4994
ROBERT L. BATEMAN III, 3728
DENNIS J. BAY, 6494
JAY E. BECKERMAN, 9621
ARNOLD A. BENNETT II, 0369
SHELLEY A. BERRYHODNE, 8592
MAURICE F. BOLDUC, JR., 0022
JAMES P. BOOTH, 4327
TERRELL C. BOYD, 0254
EDWARD T. BRESLOW, 6621
JAMES J. BRUHA, 9394
RYAN A. BRUNK, 1610
SUSAN F. BRYANT, 5478
TONYA R. BRYANT, 8912
JAMES D. BURDICK, 4747
ANTHONY P. BURGESS, 9714
MICHELLE BURKHART, 8499
TODD R. CALDERWOOD, 2729
TIMOTHY J. CALLAHAN, 7719
ROGER A. CASILLAS II, 8193
HAROLD P. CATES, 8429
KIM A. CHANEY, 5023
JAMES F. CHAPPLE, 9171
WANDA A. * CHATMAN, 6765
CHONGKIN CHIN, 7242
DWAYNE M. COFFMAN, 6933
WALTER P. COLE, 3239
GREGORY J. CONTI, 1157
WILLIAM D. CONWELL, 0304
DONALD M. COOK, 2413
STEVEN L. CREIGHTON, 9713
PHILIP D. CURETON, 0626
DAVID B. DELMONTE, 2009
RICHARD A. DELUDE II, 6709
CYNTHIA A. DILLARD, 6925
DAVID W. DINGER, 7345
DONNA M. DORMINEY, 9403
EDWARD W. DOUGHERTY, 0499
MARK J. DRABIK, 9693
NELSON L. EMMONS, JR., 8523
DAREN A. EPSTEIN, 8234
BARRY C. EZELL, 4060
ROBERT B. FLOERSHEIM, 7838
JAMES C. GALLUP, 4929
JOHN M. GEORGE, 4502
LOUIS C. GIAMMATTEO, 9662
THOMAS L. GIBBINGS, 6193
MICHAEL P. GILROY, 3054
KARL H. GINGRICH, 0247
JOHN G. GREAVES, 4562
JEFFREY S. GULICK, 8197
WILLIAM T. HARMON, 7292
DAVID J. HARTLEY, 7413
DALE L. HENDERSON, 6331
TODD M. HENRY, 4355
DARREN S. HOLBROOK, 3230
JOSEPH S. HORAB, 3051
DAVID HUDAK, 8743
KEITH W. HUNT, 9980
JAMES E. ILLINGWORTH, 3947
ROBERT G. IVY, 7314
DAVID J. KALB, 4342
BRYAN F. KARINSHAK, 8145
LISA M. KELLER, 0588
TODD E. KEY, 2822
ROBERT M. KOLB, 8744
ROBERT A. LAIDLAW, 6406
LISA J. LAMB, 9711
EMORY B. LEATHERMAN IV, 7835
KARL E. LINDQUIST, 1796
CARLOS M. LIZARDI, 5074
WILLIAM H. LYNCH, JR., 8939
KRISTIAN M. MARKS, 0448
BERTHA MAXIE, 0951
SCOTT E. MCCULLOCH, 2285
BRIAN R. MCCULLOUGH, 7076
NEAL F. MCINTYRE, 4058
EDWARD L. MCLARNEY, 9102
PAUL W. MILLARD, 2704
CHARLES R. MILLER, 2893
HOWARD T. MINNERS, 4899
DANIEL R. MONSIVAIS, 0075
KENNETH S. MURPHY, 5252
MICHAEL B. NELSON, 0240
CHRISTOPHER B. NICHOLS, 5542
SUZANNE C. NIELSEN, 7132
GERALD NIXON, 1306
FRANK R. NOCERITO, 8279
CHELSEA M. ORTIZ, 9547
JOHN C. PAGLIANITE, 0109
MICHEAL V. PANNELL, 3336
PETER K. PATACSIL, 9367
BRIAN A. PATTERSON, 9068
EDWARD G. PETHAN, 8578
DONOVAN D. PHILLIPS, 1043
MARK A. PHILLIPS, 8804
DIRK E. PLANTE, 1843
LEE A. POWELL, 8761
NOEL N. PRATAP, 7439
CHRISTOPHER N. PRIGGE, 0677
MICHAEL P. RAGAN, 7288
EDWARD K. RAWLINS, 6198
DANE D. RIDEOUT, 9601
THOMAS H. ROSELIUS, 8880
THOMAS J. ROTHWELL, 6053
RICHARD A. SCHUENEMAN, 4926
LISA A. SHAY, 8037
DANIEL M. SHRIMPTON, 6002
PHILIP H. SIMARD, 0149
MICHAEL W. SIMPSON, 4369
ALICIA G. SMITH, 0485
CHRISTOPHER P. SMITH, 8133
ROBERT M. SMITH, 1854
JAMES A. SPARKES, 4144
JOHN H. STEVENSON, 7938
DAVID S. STOKES, 2159
MARK D. TRIBUS, 5847
DAVID C. TRYBULA, 7650
LOUANN TUCKER, 7684
JOHN C. ULRICH, 7988
STEPHEN E. VALLEJOS, 5837
PAUL L. WEBBER, 4398
FLORIAN M. WEBSTER, 8039
DOUGLAS M. WEINER, 0417
GREGORY A. WHITE, 3458

CONNIE WILLIAMS, 5946
JOHN B. WILLIS, 4238
ISAIAH WILSON III, 0470
WILLIAM T. WINKLBAUER, 2870
MICHAEL A. WRIGHT, 1071
WADE S. YAMADA, 8183
EUGENE A. YANCEY III, 7441
DANIEL E. ZALEWSKI, 3242

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

DAVID M. ABBINANTI, 7377
ALFRED F. ABRAMSON III, 0505
JESUS AGUIRRE, 8162
MICHAEL D. AMMONS, 8697
PATRICK S. ANDERSON, 7694
BRUCE A. ARCHAMBAULT, JR., 8939
MICHAEL A. ASCURA, 2221
WILLIAM J. BAILEY, 2927
ANTONIO E. BANCHS, 0147
NATHAN D. BARRICK, 0357
ERIC A. BARTO, 0746
JOHN C. BASKERVILLE, 9659
PAUL J. BECKER, 1620
DAVID C. BERG, 3966
MICHAEL E. BILVAIS, 5372
RALPH T. BLACKBURN, 0626
EDWARD M. BONFOEY III, 4512
KARL W. BORJES, 0558
DAVID R. BRIGHAM, 2807
GREGORY J. BROECKER, 0494
JOHANNES BRONDUM, 9546
AARON M. BROWN, 3713
ANTONIO BROWN, 2532
CHRISTOPHER L. BROWN, 6634
HAROLD A. BUHL, JR., 6672
JOHN J. BURBANK, 4455
DAVIS L. BUTLER, 8989
LEO P. BUZZERIO, 7071
STEVEN C. CALHOUN, 4492
JAY T. CARR, 6201
BRYAN K. CHAPMAN, 4074
JAMES K. CHOUNG, 9531
DAVID S. COFFEY, 8871
RAYMOND K. COMPTON, 2063
JOHN P. CONWAY, 2443
JEFFREY R. COOPER, 4048
DENNIS V. CRUMLEY, 6535
PHILLIP R. CUCCIA, 7994
JEFFREY L. CULLEN, 3732
DAVID S. DANNER, 2148
GERALD R. DAVIS, JR., 8042
CHARLES P. DEASE, 4122
JAMES P. DELANEY, 7618
ROBERT A. DIONSIO, 1481
MICHAEL E. DONNELLY, 0245
JOHN D. DUMOND, 0960
ERNEST L. DUNLAP, JR., 4089
JOSEPH P. DUPONT, 1867
CHARLES J. EMERSON, JR., 8090
THEODORE M. EPPLE, 1744
WAYNE E. EPPS, 5775
TROY A. FABER, 2953
ROBERT L. FISHER, 5662
KEITH A. FLAIL, 6292
WADE A. FOOTE, 4324
EDWARD M. FORTUNATO, 1347
PETER C. FOWLER, 4987
TOD C. FURTADO, 1691
NORMAN H. FUSS III, 0358
TERESA M. GEDULDIG, 0625
DONALD F. GENTLES, 7425
GORDON L. GRAHAM, 7731
DAVID W. GRAUEL, 6071
COLL S. HADDON, 1281
PAUL T. HAENLE, 9519
ALLEN L. HAINES, 9084
TIMOTHY M. HALE, 0118
JOSEPH G. HALISKY, 6094
PATRICK D. HALL, 2865
BENJAMIN M. HARRIS, 3033
MARK A. HINDS, 9975
JOSEPH K. HITT, 2099
BRADLEY A. HOCEVAR, 2845
CLAYTON H. HOLT, 0074
ROBERT K. HOLZHAUER, 3083
LARRY L. HOMAN, 7016
TERRENCE L. HOWARD, 8015
TONIE D. JACKSON, SR., 5654
VERNON L. JAMISON, 4904
JENNIFER L. JENSEN, 0003
LAFONDA F. * JERNIGAN, 6320
JOHN W. JONES, 5256
MICHEL G. JONES, 8665
DAVID M. KACZMARSKI, 7657
MARK M. KARAS, 9498
RONALD L. KELLAR, 3187
DAVID A. KEMMERER, 5283
PETER K. KEMP, 3445
JOHN S. KIM, 7873
DOUGLAS J. KISER, 3157
HEINO KLINCK, 0672
MATTHEW KRISTOFF, 1278
TODD F. LAMB, 0262
JONATHAN D. LAU, 8215
ERNEST C. LEE, 6954
SEUNG J. LEE, 4672
DAVID A. LEINBERGER II, 4291
KEVIN L. LEONARD, 8482
BLAISE P. LIESS, 1536
THOMAS E. LIPPERT, 5722
MICHAEL S. LOFTON, 4954
PETER P. LOZIS III, 9054
ALEX P. LUCAS III, 8489
CHRIS L. LUKASEVICH, 4588
VINCENT F. MALONE II, 9905
PHILIP A. MARTINSON, 1563
JOHN W. MATLOCK, JR., 2989
JOHN C. MATTHEWS, 0865
SHANNON J. MCCOY, 6353
DAVID F. MCFADDEN, 9909
CHAD A. MCGOUGAN, 4476
ROBERT J. MCKENNA, 9509
RYAN P. MCMULLEN, 4241
DAVID B. MILLNER, 3281
STEPHEN T. MILTON, 4605
BRADLEY K. MITCHELL, 9345
ROBERT P. MOONEY, JR., 5677
ROBERT F. MORTLOCK, 5944
BRIAN P. MURPHY, 5381
MICHAEL W. NEWELL, 1420
THOMAS D. NEWMAN, 9449
DAVID A. OCONNELL, 2031
TOMAS E. OLIVA, 0165
RICHARD H. OUTZEN, 5446
DOUGLAS L. OYLER, 8475
GERRITT F. PECK, 0367
KEVIN S. PEEL, 0208
ERIC A. PHILLIPSON, 0902
RAYMOND D. PICKERING, 7791
ALLEN M. PILGRIM, 5520
JOHN R. PILLONI, 5865
JOHN F. POLLACK, 2541
PRISCILLA RAMSEY, 8573
SCOTT J. RAUER, 2742
LARRY J. REDMON, 6338
NICHOLAS R. REISDORFF, 8793
RICHARD M. REYNO, 3607
JON K. RICKEY, 9288
GIB S. RIGG, 8788
JASON W. ROBBINS, 0454
KENNETH L. ROBERTSON, 1051
WALTER R. ROBERTSON, 0107
KELVIN L. ROBINSON, 2672
RENE R. RODRIGUEZ, 4471
STEPHEN M. ROGERS, 2381
JAMES S. ROMERO, 9619
PAUL H. ROSS, 5228
MARTIN A. RYAN, 6645
THOMAS G. RYAN, 4250
DOUGLAS A. SCHUETZ, 8072
MATTHEW B. SCHWAB, 2067
LANCE E. SCOTT, 0098
JOHN E. SEAMON, 5908
TREVOR W. SHAW, 0259
ROBERT W. SHELTON, 4417
RODNEY E. SISSON, 0767
MARGARET A. SOSINSKI, 8281
JASON L. STINE, 7394
SCOT F. STINE, 8520
MARK W. STONE, 3903
MAYNARD J. SWEENEY, JR., 8701
BRENT A. THOMAS, 4158
TODD E. THOMAS, 0793
BRIAN L. THOMPSON, 6650
MICHAEL J. THURSTON, 0454
MICHAEL J. TICE, 8767
BRENDA K. TIONGSON, 9460
SANDRA L. VANNOLEJASZ, 2735
LAURA R. VARHOLA, 2369
JEFFERY L. VESTAL, 7380
KEVIN M. VOLK, 0448
GORDON T. WALLACE, 4849
CHARLES S. WALLS IV, 4664
KAREN P. WALTERS, 3283
THOMAS M. WEAVER, 4765
TY S. * WEAVER, 8985
MICHAEL K. WEGLER, 9323
JOHN W. WHATLEY IV, 9218
MATTHEW D. WHITNEY, 5912
STEPHEN T. WILLHELM, 9357
RICHARD L. WILLIAMS, 0371
ROBERT R. WILLIAMS, 6974
RODNEY V. WILLIAMS, 3654
GREGORY S. WINSTON, 0967
JOHN R. WITHERS, 0044
JEFFREY K. WOODS, 4640
WILLIAM T. WORLEY, 2590
WILLIAM R. WYGAL, 2159
DARRELL H. ZEMITIS, 3587
JORGE E. ZEQUEIRA, 1953
MICHAEL P. ZRIMM, JR., 9695
MARTIN A. ZYBURA, 8404

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MARY E. ABRAMS, 6571
WILLIAM E. ACHESON, 9715
JAMES E. ADAMS, JR., 4490
SKIP ADAMS, 7779
ROBERT C. AGANS, JR., 3780
JOHN S. AGOR, 4956
ALBERT L. ALBA, 4127
TIMOTHY P. ALBERS, 1599
MICHAEL T. ALEXANDER, 5821
LARRY D. ALLEN, 4031
STEVEN L. ALLEN, 0102
JOHN C. ALLRED, 3648
SCOTT R. ALPETER, 0214
EDWARD J. AMATO, 1413
JEFFERY A. ANDERSON, 1292
MATTHEW D. ANDERSON, 7266
RICHARD P. ANDRISE, 8649
JOSEPH D. ARMSTRONG, 8411
CHARLES B. ARNETT III, 1746
JOE E. ARNOLD, JR., 3426
QUINTON J. ARNOLD, 4908
WARREN S. ARONSON, 9966
BOBBY R. ATWELL, JR., 2185
CHRISTOPHER L. BABCOCK, 4783
DONALD R. BACHLER, 6320
JACQUELINE * BAEHLER, 2956
ROBERT L. BAILES, 5410
DAVID E. BAILEY, 8123
SCOTT R. BAKER, 8537
DONALD L. BALCH, 0300
JAMES F. BALL, 8986
MICHAEL J. BARA, 1486
JOHN C. BARBER, 9585
KEITH A. BARCLAY, 7906
ROBERT L. BARNES, JR., 0505
ROY W. BARNES, 0104
WILLIAM J. * BARNETT, 8743
JONATHAN R. BATTLE, 6500
GREGORY BAULDRICK, 9625
JOHN M. BAYER, 5024
STANLEY H. BECKFORD, 2980
GREGORY P. BEDROSIAN, 6090
GEORGE S. BELIN, 8956
RUTH BELLERIVE, 8932
TIMOTHY E. BELLON, 8624
PAUL G. * BELOBRAJDIC, 5580
GREGORY BENDEWALD, 3708
KENNETH W. BENIGNO, 8575
AMY E. BENNETT, 3984
JAMES T. BENSON, 2599
WILLIAM E. BENSON, 7910,
MARIA G. BENTINCK, 5900
NICHOLAS O. BERNHARDT, 1834
SCOTT J. BERTINETTI, 8943
CARTER J. BERTONE, 7318
JAMES A. BEST, 2741
JUDE P. BILAFER, 7211
CAROLYN S. BIRCHFIELD, 2748
BRIAN R. BISACRE, 5890
MANUEL BLANCO, 1378
GARY E. BLOOMBERG, 9030
SCOTT A. BODINE, 9930
SHANNON L. BOEHM, 9230
TIMOTHY J. BOEMECKE, 7046
JOHN V. BOGDAN, 6911
EDWARD T. BOHNEMANN, 4476
DOUGLAS A. BOLTUC, 3892
ERIK B. BORGESON, 6220
DWAINE K. BOTELER, 4799
DANIEL A. BOWMAN, 9711
ROBERT G. BOZIC, 6779
BRIAN M. BRANDT, 2757
ALLEN G. BRANNAN, 9445
GENE A. BRAVENEC, JR., 6749
JOSEPH M. BRAY, 8996
ROBERT D. BREM, 0781
KEVIN W. BREUERS, 8902
JEFFERY D. BROADWATER, 7552
WILLIAM T. BROOKS, 8234
DANIEL D. BROPHY, 2366
AUZZIE K. BROWN, 7964
TRACY BROWN, 7526
VICTOR S. BROWN, 5904
WILLIAM I. BROWN, 4507
XAVIER T. BRUNSON, 2250
DERRICK B. BRYANT, 3240
JAMES A. BRYANT, 8977
GLEN J. BUCHERT, 4884
DALE R. BUCKNER, 7770
JENNIFER G. BUCKNER, 4390
MARK S. BUEHLMAN, 6574
MART E. BUMGARNER, 9529
JOHN E. BURGESS, 0192
JONATHAN M. BURNS, 2740
TODD W. BURNS, 5811
WILLIAM L. BURRUSS III, 4709
MARK BURTNER, 0596
BICHSON BUSH, 4591
BRENT D. BUSH, 6115
TIMOTHY W. BUSH, 1218
MICHAEL P. BUSTEED, 5713
DWAYNE M. BUTLER, 7935
JEFFREY A. BUTLER, 5353
KELLY B. BUTLER, 4031
RODNEY S. BUTLER, 8339
ROBERT M. BUTTS, 6734
JOSEPH M. BYERS, 5018
THOMAS H. BYRD, 2106
MATTHEW P. CADICAMO, 5353
MARK T. CALHOUN, 4369
PATRICK M. CALLAHAN, 7382
SHANA J. CAMPBELL, 3473
STEPHAN A. CAPPS, 6086
THOMAS H. CARLISLE, 9034
RICHARD T. CARNEY, 7612
DONALD L. CARR, 1682
MATTHEW R. CARRAN, 8858
KELLY M. CARRIGG, 9111
KENNETH R. CASEY, 8752
TIMOTHY A. CHAFOS, 5685
JAY K. CHAPMAN, 2992

CURTIS CHARLESTON, 0698
DAVID L. CHASE, 7098
ANTHONY R. CHAVEZ, 7921
CHRISTOPHER K. CHESNEY, 4459
RONALD CHILDRESS, JR., 0937
SONG S. CHOI, 8227
DAVID A. CHRISTIE, 9655
JEFFREY D. CHURCH, 8848
JAMES L. CLARK, 0492
CHARLES COBBS III, 8317
BRIAN COLE, 7572
DARIN S. CONKRIGHT, 7818
JOHN A. CONWAY, 6613
MICHAEL J. CONWAY, 9713
PAUL J. COOK, 1208
TERRY P. COOK, 5634
BRIAN K. COPPERSMITH, 5705
JOSEPH R. CORLETO, 7343
JOHN T. CORNELIUS, JR., 7503
JOEL W. CORNELL, 6371
REGINALD W. COTTON, 2110
CLEMENT S. COWARD, JR., 8014
ERICK C. * CREWS, 6108
JOEL R. CROSS, 8652
MARY K. * CRUSAN, 9778
DIANE T. CUMMINSLEFLER, 6247
ROBERT W. CURRAN, 4879
PATRICK J. DAILEY, 2136
CHARLES J. DALCOURT, JR., 6041
GERALD N. DAMRON, 1168
PATRICK L. DANIEL, JR., 6587
EUGENE A. DANIELS, 2607
JAMES L. DANIELS, 6169
MARTIN J. DANNATT, 3611
STEPHEN A. DANNER, 9424
CHRISTOPHER D. DARE, 9394
LOREN J. DARMOFAL, 2759
MICHAEL R. DARROW, 0423
KIMBERLY J. DAUB, 7447
MICHAEL N. DAVEY, 1503
JOSEPH D. DAVIDSON, 6547
DAVID M. DAVIS, 9038
JENNY W. DAVIS, 2978
BRANDT H. DECK, 7547
JOHN D. DECK, 8099
JERRY W. DEJARNETT, 7355
DAVID L. DELLINGER, 5067
RICHARD A. DEMAREE, 3301
ANTHONY G. DEMARTINO, 8085
MICHAEL J. DEMPSEY, 7552
KEVIN M. DEREMER, 1965
EDWARD J. DESANTIS, 2624
MARK J. * DESCHENES, 2857
STEPHAN A. DEVILLE, 5448
BARRY C. DICKERSON, 5958
MARK A. DICKSON, 4074
FRANK J. DIEDRICK, 0265
DAVID D. DILKS, 4016
ANTHONY C. DILL, 5488
JEFFREY D. DILLEMUTH, 3689
ROBERT N. DILLON, 0860
MANUEL C. DIWA, 1190
THOMAS R. DITOMASSO, 1446
ALAN M. DODD, 9024
WADE R. DOENGES, 9332
JAMES W. DOEPP, JR., 4280
IGNATIUS M. DOLATA, JR., 9432
JOHN F. * DOWNEY, 1724
ROBERT H. DOYLE, JR., 1517
DANIEL E. DREW, 9943
MARLEAN C. DRUCE, 8798
JEFFREY W. DRUSHAL, 5066
THOMAS H. DUFFY, 8531
DANNY A. DULAY, 5450
JOHN F. DUNLEAVY, 5658
LARRY P. DUNN, 7429
MICHAEL R. DUNNING, 2610
KEVIN L. DURBIN, 5457
STEPHEN J. DURHAM, 3601
DAVID C. DUSTERHOFF, 0944
MICHAEL J. DUTCHUK, 4007
JOSEPH J. DWORACZYK, 8017
ADRIENNE M. ECKSTEIN, 3372
ROLAND M. EDWARDS, 9462
MARGARET J. EGAN, 1124
BRIAN S. EIFLER, 0568
JOHN W. EISENHAUER, 1622
MARK B. ELFENDAHL, 2947
DAVID J. ELL, 2180
STEPHEN A. ELLE, 9667
MATTHEW G. ELLEDGE, 8391
HAYES G. ELLIS, 3401
KRISTIN A. ELLIS, 9877
RICHARD A. ELLIS, 8856
ROBERT A. ELMORE, 2304
NORMAN C. ESTRELLA, 4904
GARY C. FAHRNI, 5998
JOHN J. FARIA, 6553
NATHANIEL W. FARMER, 5508
DOUGLAS M. FARRIS, 2845
MATTHEW D. FERGUSON, 3897
MATTHEW J. FERGUSON, 8332
JOHN D. FICKEL, 4348
PAUL J. FINKEN, 0420
NATALIE E. FINLEY, 8034
ROBERT F. FINN, JR., 9995
WILLIAM L. FISKE, 3960
DAVID S. FLECKENSTEIN, 3573
SAMUEL A. FLOYD III, 4994
TROY D. FODNESS, 2090
THOMAS H. FOLSE, 3038
ANDAMO E. * FORD, 5283
MICHAEL J. FORSYTH, 1130
ROBERT A. FORTE, 0432
KEVIN J. FOWLER, 1126
ALFRED E. FRANCIS, 9348
DAVID J. FRANCIS, 8849
PAUL H. FREDENBURGH, 0907
IVORY M. FREEMAN, 8819
REBECCA M. FREEZE, 7646
MICHAEL G. FREIBURGER, 5048
STEVEN R. FUSINETTI, 7279
MICHAEL P. GABEL, 4321
SEAN A. GAINEY, 0015
PAUL B. GALE II, 0998
MICHAEL P. GALLAGHER, 2883
KIMO C. GALLAHUE, 5478
JESSE D. GALVAN, 0275
DORIS L. GARCIA, 0296
HEATHER L. GARRETT, 2867
LOYE W. * GAU, 1486
NORMAND A. GAUTHIER, 6582
TIMOTHY J. GAUTHIER, 7439
JAMES A. GAVRILIS, 4138
HOLLY A. GAY, 9842
GREGORY A. GEHLER, 7387
WILLIAM A. GEIGER, 6014
DAVID A. GEORGE, 3429
LOYD A. GERBER, 8972
CHRISTOPHER J. GERVAIS, 6014
PIERRE D. GERVAIS, 8573
KENNETH C. GILL, 6814
STEVEN W. GILLAND, 2806
MICHAEL J. GILLETTE, 0509
ELUYN GINES, 4079
MAURICE E. GISSENDANNER, 2705
EARL R. GLOVER, 9847
FREDERICK V. GODFREY, 0173
JOHN C. GOETZ II, 7720
STUART P. GOLDSMITH, 3649
LORRI A. GOLYA, 7250
JESUS F. GOMEZ, 3931
BARBARA J. GOMOLL, 6350
GEORGE W. GONAS, 7741
GREGORY A. GONDECK, 7889
MATTHEW G. GOODMAN, 4448
MATTHEW D. GOODRICH, 5273
WILLIAM P. GRAHAM, 5071
CHRISTOPHER T. GRANFIELD, 3901
MARK A. GRAZDAN, 0844
MARK N. GRDOVIC, 6956
ANTHONY L. GREEN, 9074
STEPHEN J. GREEN, 6174
RICHARD G. GREENE, JR., 2754
WILLIAM N. GREENE, 5784
LEVY L. GREENHOWELL, 0356
KEVIN F. GREGORY, 3101
BRUCE E. GRIGGS, 6128
KEITHON C. GRIGSBY, 3584
JOHN P. GRIMES, 0098
STUART J. GUBLER, 6750
ZULMA I. GUERRERO, 7313
LEIF W. GUNHUS, 4744
GORDON D. GUTHRIE, 4770
OMAR F. GUTIERREZ, 5768
PETER M. HAAS, 1129
ROBERT B. HAINES, 0513
ELIZABETH N. HALFORD, 7299
BILLY V. HALL II, 5863
DOUGLAS J. HALL, 9307
MARK M. HALL, 5715
JOHN W. HALLAM, JR., 8745
JOEL E. HAMBY, 4634
GEORGE S. HAMONTREE III, 1162
ERIC D. HANDY, 5218
KEITH F. HANLEY, 1268
ROBERT M. HANLEY, 5712
FREDRICK J. HANNAH, 0259
JAMES R. HANSON IV, 3734
JOSEPH P. HANUS, 1977
STEPHEN L. HARDY, 8422
KENNY D. HARPER, 1917
KEITH R. HARRIS, 8726
LOUIS L. HARRIS, 8940
RANDALL L. HARRIS, 7400
JOE L. HART, JR., 0922
ERIC S. HARTER, 0500
CHARLES W. HARTFORD, 7675
ROBERT L. HATCHER, JR., 5839
DAVID A. HATER, 7671
RANDOLPH G. HAUFE, 8231
KENNETH A. HAWLEY, 3592
RANDALL I. HAWS, 8002
JOHN M. HAYNICZ, 0511
TIMOTHY P. HEALY, 1368
JAMES J. HEATHER, 1624
SCOTT W. HEINTZELMAN, 2376
KEVIN D. HENDRICKS, 0011
MATTHEW S. HERGENROEDER, 4136
DARYLE J. HERNANDEZ, 5452
JACQUELINE W. HESS, 0420
KEVIN C. HICKS, 3554
JAMES M. HIGGINS, 9041
TOMMY R. HIGGINS, 3859
GARY B. HILMES, 5557
JOHN C. HINRICHS, 6053
STEVEN L. HITE, 0122
JOHN B. HIXON, 7239
CHARLEY D. HOLSTEIN, JR., 7529
TIMOTHY J. HOLTAN, 8217
KENNETH R. HOOK, 6663
JOHN D. HOPSON, 5658
GARTH M. HORNE, 6079
CLAUDE E. HOUSE, 9811
MIGUEL D. HOWE, 9626
MARK G. HRECZUCK, 0953
CURTIS W. HUBBARD, 1801
JOHN C. HUGGINS, 8941
DARRELL H. HUNT, 0517
DANIEL S. HURLBUT, 4524
HEYWARD G. HUTSON, 3827
ROBERT W. HUTSON, 3834
PETER S. IM, 7335
JOSEPH M. IMORDE, JR., 3441
JERRY L. IVESTER, 7806
TERRY A. IVESTER, 9426
HUGO JACKSON, 0445
JEROME W. JACKSON III, 0138
MARK A. JACKSON, 1850
RANDLE K. JACKSON, 3779
RENE JACKSON, JR., 2454
VALERIE D. JACKSON, 8728
DOUGLAS E. JACOBSON, 2750
GREGORY M. JAKSEC, 2130
GREGORY K. JAMES, 5354
SELWYN R. JAMISON, 5789
JOHN M. JAMKA, 3978
JEFFREY J. JANOSIK, 3745
ALAN L. JANS, 9520
NANCY W. JEANLOUIS, 6867
BRETT C. JENKINSON, 5918
THOMAS D. * JESSEE, 0273
GREGORY R. JICHA, 2054
BERNARD JOHNSON, 6971
CHRISTOPHER B. JOHNSON, 3400
CHRISTOPHER S. JOHNSON, 3143
MORDECAI C. JOHNSON, 1659
JOEL S. JOHNSTON, 2945
CRAIG A. JONES, 7856
DAVID E. JONES, 1062
JOHN R. JONES, 0765
ROBERT A. JONES, 6348
JOHN E. JORDAN, 4087
JOSEPH R. JORDAN, 1515
JOSEPH W. JURKOVAC, 0568
BETH J. KALB, 8606
DAVID J. KAMMEN, 4429
KENNETH L. KAMPER, 9759
MATTHEW G. KARRES, 0238
CHRISTIAN M. KARSNER, 9345
DENNIS K. KATER, 5239
NICHOLAS W. KATERS, 4829
LAWRENCE D. * KATZ, 6536
AUSTIN KEATON, JR., 7267
VALERY C. KEAVENY, JR., 0660
TIMOTHY F. KEHOE, 1343
THOMAS D. KELLER, 3358
ROBERT L. KELLEY, JR., 2099
MARK B. KELLY, 1234
KEVIN E. KENNEDY, 3125
JUSTIN E. KIDD, 9199
HAIMES A. KILGORE, 8566
LOUIS S. KILMON, JR., 9163
DAVID T. KIM, 2473
MICHAEL K. KINARD, 4071
ROBERT E. KING, 9772
ANDREW D. KIRKNER, 5153
JANET L. KIRKTON, 6808
JEFFRY A. KLEIN, 4235
LEONA C. KNIGHT, 6237
JOACHIM W. KNISPEL, 9664
CARL D. KNOTTS, 6925
STEPHEN J. KONECNY, 8092
JOHN Y. KORNMAN, 4058
WILLIAM M. KRAHLING, 5456
CAMERON A. KRAMER, 0232
JOSEPH G. KREBS, JR., 5274
TROY D. KRINGS, 2106
ERIC J. KRUGER, 9843
MARK A. KRZECZOWSKI, 8205
KIMBERLY S. KUHN, 4924
JOSEPH E. LADNER, 3537
JEFFREY L. LAFACE, 9433
MARK H. LANDES, 6164
JOHN K. LANGE, 2972
RORIK W. LARSON, 2767
JOHN S. LASKODI, 8529
LESTER A. LAYMAN, 4963
BRUCE E. LEAHY, 5585
TIMOTHY J. LEAKE, 2690
KYLE E. LEAR, 4853
WILLIAM M. LEDBETTER, 2281
SIOBAN J. LEDWITH, 5090
MICHAEL P. LEFEBVRE, 9007
THEODORE M. LENNON, 4117
HUGO F. LENTZE, 4699
PERRY R. LEONARD, 5986
DAVID A. LESPERANCE, 2035
CHRISTOPHER LESTOCHI, 0458
JOEL J. LEVESQUE, 5788
DAVID S. LEVINE, 7925
MICHAEL A. LEWIS, 3837
LELAND A. LIEBE, 1354
MICHAEL T. LILLEY, 2867
GREG A. LIND, 0152
BERNARD R. LINDSTROM, 7666
LAURENCE C. LOBDELL, 8570
TROY A. LOEB, 7114
JAMES M. LOFFERT, 2030
ANDREW D. LOHMAN, 9153
SCOTT P. LOPEZ, 5108
ARTUR M. LOUREIRO, 4619
COLIN E. LOWE, 0487
JOHN M. LOWE, 3202
WILLIAM A. LUKASKIEWICZ, 4502
SON H. LUU, 8621

MICHAEL R. LWIN, 5617
TRENTON J. LYKES, 5180
ROBERT W. LYONS, 2173
THOMAS H. MACKEY, 6171
LOUANNE L. MADDOX, 1425
ANNE M. MAHANA, 5752
GREGORY S. MAHONEY, 7192
MICHAEL J. MAMMAY, 8845
WILLIAM J. MANGAN, 6152
STEPHEN C. MANNELL, JR., 7982
KENNETH R. MANNING, 8077
JAMES C. MARKERT, 6577
ERIC D. MARRATTA, 5450
EDGAR A. MARSHALL, 7978
TED L. MARTENS, 3123
MICHAEL E. MASLEY, 7604
MELINDA M. MATE, 1107
BENJAMIN M. MATTHEWS, 3889
PATRICK L. MATTHEWS, 2542
FRANK W. * MAUDIE, 0493
KEVIN M. MCALLISTER, 2889
ROBERT H. MCCARTHY III, 9505
DENISE I. MCCLURE, 5659
JUQITA D. MCCLURE, 4834
MARK A. * MCCOMBS, 8124
KENDRICK W. MCCORMICK, 8614
BRIAN T. MCCOY, 7327
GEORGE R. MCDONALD, 0555
PHILLIP N. MCDONALD, JR., 6759
JOSEPH P. MCGEE, 3336
HUGH M. MCGLOIN, 5030
DANIEL C. MCGUFFEY, 7429
STEVEN T. MCGUGAN, 6795
ROBERT A. MCGUIRE, JR., 4089
CHRIS E. MCINTOSH, 8972
OWEN E. MCKAY IV, 3365
KEVIN M. MCKENNA, 2498
SEAN P. MCKENNEY, 0188
ANTONIO MCKOY, 2139
JOSEPH S. MCLAMB, 2820
SCOTT A. MCLAUGHLIN, 6327
STANLEY D. MCMILLIAN, 8615
RONALD W. MCNAMARA, 7282
BRUCE B. MCPEAK, 7963
WILLIAM E. MCRAE, 4486
MICHAEL R. MCSWEENEY, 3379
EDWARD A. MEAD, 1376
ANGELA D. MEGGS, 7662
LESLIE A. MEHALL, 6313
SCOTT L. MEIER, 5136
ROBERT A. MENDEL, 7919
CORY A. MENDENHALL, 6559
MONICA MENDEZ, 4436
ROBERT L. MENTI, 9505
GENE D. MEREDITH, 3653
JOHN W. MERRIHEW, 3676
ERIC N. MILLER, 7491
JAMES D. MILLER, 3719
MARK A. MILLER, 8992
MONICA M. MILLER, 4881
RALPH E. MILLER, 4384
THOMAS E. MILLER, 3039
MATTHEW C. MINGUS, 9278
STEVEN M. MISKA, 8149
JONATHON R. * MOELTER, 7245
KEVIN J. MOFFETT, 3943
CHRISTOPHER O. MOHAN, 0031
PETER J. MOLIK, 0249
RICHARD J. MONAHAN, JR., 2463
ARMIDA MONTEMAYOR, 6862
PETER J. MOONS, 0052
DAVID W. MOORE, 6620
JAMES S. MOORE, JR., 3576
PASCAL F. MOORE, 7725
PETER R. MOORE, 9601
RICARDO O. MORALES, 4874
JOHN M. MORGAN, 8981
MICHAEL D. MORGAN, 0516
DANIEL L. MORRIS, 7064
DEBORAH S. MORRIS, 0024
SCOTT A. MORRISON, 3302
MICHAEL T. MORRISSEY, 3635
BRUCE D. MOSES, 6401
JAMES A. MOSSER, 8607
BERNARD L. MOXLEY, JR., 5920
MARTY L. MUCHOW, 1291
DANIEL M. MULCAHY, 8757
SEAN F. MULLEN, 3483
KEVIN J. MULVIHILL, 2659
MICHAEL D. MUMFORD, 8826
THOMAS B. * MURPHREE, 4464
MICHAEL J. MURPHY, 0257
THOMAS P. MURPHY, 8252
DAVID L. MUSGRAVE, 7167
JOHN H. MYERS, 2496
RONALD G. MYERS, 0998
KRISTINE V. NAKUTIS, 7095
JOHN C. NELSON, 0932
DAVID M. NERO, 1979
JONATHAN T. NEUMANN, 6037
CHARLES E. NEWBEGIN, 9128
ERIC J. NIKSCH, 9147
KYLE P. NORDMEYER, 4525
ANGIE D. NORMAN, 8411
DERRICK J. NORMAN, 6935
TIMOTHY P. NORTON, 5513
GARTH R. NOTEL, 6011
JOSEPH R. NOVACK, JR., 4920
GREGORY T. NUMANN, 6110
BENJAMIN M. NUTT, 6006
DAVID M. OBERLANDER, 7142
LAWRENCE P. OCONNELL, 9943
ANGELA M. ODOM, 8001
FRANK P. ODONNELL, 6078
FREDERICK M. ODONNELL, 9798
WESLEY R. ODUM, JR., 7599
WALTER S. OLENICK, 0340
DOUGLAS A. OLLIVANT, 6742
PAUL B. OLSEN, 6718
CHRISTIAN B. OROURKE, 8378
THOMAS W. OSTEEN, 0221
TROY D. OTTO, 3971
PAUL E. OWEN, 0398
WILLIAM G. OXTOBY, 4361
MARK A. PAGET, 7880
RICHARD P. PANNELL, 3828
JEFFERSON R. PANTON, 7460
ROBERT L. PARK, 3323
AMY J. PARKER, 4390
CHARLES N. PARKER, JR., 3328
DANIEL J. PARKER, 5647
STEVEN L. PARKER, 5313
KENNETH W. PARKS, 3749
LEON F. PARROTT, 2805
ROBIN E. PARSONS, 7841
JEFFREY S. * PASQUINO, 1940
DENNIS N. PASTORE, 7768
MICHAEL S. PATTON, 8765
DANNY L. PAYNE, 3266
JOHN J. PEACHER, 6200
TERRANCE S. PEARSON, 7188
WILLIAM R. PEASTER, 3917
MARK W. PEED, 4263
ALLAN M. PEPIN, 9287
LARRY D. PERINO, 9935
DALE G. PETERSEN, 2225
SCOTT A. PETERSEN, 5258
DANIEL J. PETERSON, 7993
KEVIN S. PETIT, 8909
JOHN P. PETKOSEK, 8689
SALVATORE J. PETROVIA, 8249
SHAWN A. PHILLIPS, 6272
HOWARD J. PICKETT, 3487
TIMOTHY J. PIKE, 5937
GEORGE S. PITT, 9673
BILLINGSLEY G. POGUE III, 0960
BENNIE J. POKEMIRE, 6732
ROBERT M. POLLOCK, 0009
SHANNON G. POOL, 3445
JOHN P. * POPPIE, 4583
JEANNE E. POWERS, 5875
JOHN S. PRAIRIE, 8246
ALAN R. PREBLE, 7511
DAVID A. PRIATKO, 4319
ERIC R. PRICE, 5808
JEFFREY R. PRICE, 6490
JUDITH M. PRICE, 4352
PARKER C. PRITCHARD, 9275
JEFFREY S. PROUGH, 4271
THOMAS A. PUGH, 8220
RICHARD S. QUAGLIATA, 3702
DOUGLAS L. RADDATZ, 8721
CAREY W. RADICAN, 4627
LOUIS B. RAGO II, 6406
MITCHELL L. RAMBIN, 7635
MICHAEL R. RAMIREZ, 5248
JON D. RANDEL, 1145
DAVID C. RASMUSSEN, 4989
ROBERT L. RASMUSSEN, JR., 2203
DAVID R. RAYMOND, 5372
KENNETH A. RECTOR, 6061
SCOTT W. REDD, 9411
MATTHEW D. REDDING, 6766
BRENTON E. REINHARDT, 1819
ERIC T. REINKOBER, 7437
BRETT E. REISTER, 3629
CARMEN M. REYESAGUAYO, 0035
JOHN W. REYNOLDS II, 5079
RICHARD G. RHYNE, 4330
DUANE L. RICHARDS, 0746
JOHN B. RICHARDSON IV, 2942
WARLINE S. RICHARDSON, 7588
RALPH J. RIDDLE, 3697
KENNETH R. RIGGSBEE, 8075
CHARLES C. RIMBEY, 9728
GLORIA A. RINCON, 3021
ANDREW S. RING, 8030
LARRY R. RITTER, 3560
PATRICK B. ROBERSON, 6778
ERIC R. ROBERTS, 7357
BORIS G. ROBINSON, 4831
LAWRENCE H. ROBINSON, 1217
HAZEL A. RODGERS, 4341
ANGIE RODRIGUEZTORRES, 4778
ELIZABETH B. ROGERS, 7458
EVERETT B. ROGERS III, 8286
ANDREW M. ROHLING, 7070
ROBERT W. ROOKER, 9973
RICHARD G. ROOS, 9108
GARY A. ROSENBERG, 9570
MELANIE L. ROWLAND, 7499
JOSEPH F. ROYBAL, 7806
DAVID J. RUDE, 1910
ROBERT P. RUFFOLO, 9397
WALTER T. RUGEN, 9462
JAMES A. RUPKALVIS, 1034
SAMUEL L. RUSSELL, 0116
ROOSEVELT SAMUEL, SR., 9260
JEFFREY M. SANBORN, 1267
FRANK N. SANDERS, 3824
JOHN A. SANDERS, 0451
THOMAS L. SANDS, JR., 1625
GEORGE H. SARABIA, 8312
ROBERT A. SAYRE, JR., 9746
SCOTT L. SCALES, 4570
CHRISTOPHER A. SCHIRNER, 4001
DANIEL E. SCHNOCK, 5815
MARK R. SCHOENEMANN, 6397
CHARLES W. SCHRADER, 4334
CHARLES G. SCHRETZMAN, 6251
BRADLEY W. SCHRIEWER, 2686
ADAM J. SCHROEDER, 9254
ERIC E. SCHWEGLER, 8654
JOHN M. SCOTT, 4563
TORY L. SCOTT, 9327
JAMES F. SEARS, 2342
THOMAS J. SEELIG, 2300
THOMAS W. SEIFERT, 0596
MICHAEL J. SELF, 2722
ROGER E. SEVIGNY, 6850
MARK C. SHADE, 2597
JEFFREY SHANNAHAN, 4499
STEVEN W. SHEA, 9944
EUGENE SHEARER, 2275
GEORGE A. SHELL, 8582
MARK L. SHEPARD, 7775
SETH L. SHERWOOD, 6462
BURTON K. SHIELDS, 1532
DUKE C. SHIENLE, 3625
MICHAEL S. SHROUT, 5527
JEROME T. SIBAYAN, 9961
JOHN W. SILKMAN, 0461
JEFFREY M. SILVASY, 9183
JOHN P. SILVERSTEIN, 3673
MARK T. SIMERLY, 2032
MICHAEL D. SIMLEY, 8968
SARA V. SIMMONS, 2780
THOMAS E. SIROIS, 4024
WAYNE A. SKILL, 9866
CLANNIE SMITH, 9292
CORY R. SMITH, 0629
DENNIS C. SMITH, 8552
DERRICK J. SMITH, 5178
GORDIE A. SMITH, 3387
JULIUS H. SMITH, 4582
MARK A. SMITH, 0313
MELODY D. SMITH, 6692
SPENCER L. SMITH, 6297
WILLIAM J. SMITH, 4154
ROY G. SNODGRASS, JR., 5285
ADAM C. SNOW, 0055
CRAIG T. SNOW, 3654
LYNDA M. SNYDER, 3494
EUGENE SNYMAN, 9911
KENT B. SOEBBING, 5850
GREGG C. SOFTY, 9305
BENJAMIN O. SOLUM, 7312
JAMES H. SOOS, 3254
JAMES E. SORENSEN, JR., 9552
SCOTT H. SOSSAMAN, 0099
ALLEN D. SOUKUP, 0331
DOMINIC J. SPARACIO, 0825
JACK R. SPARKS, 0189
SCOTT A. SPARKS, 5943
CHRISTOPHER S. SPEER, 3104
JAMES W. SPENCE, JR., 3026
NANCY SPENCER, 4788
KELLY C. SPILLANE, 4807
JAMES T. SPRACKLING, 8714
RICHARD D. SPRINGETT, 9893
JOHN P. STACK, JR., 4020
DEBORAH L. STAHLHUTH, 9138
JAMES B. STANFORD, 9502
PHILIP W. STANLEY, 1431
MURRAY P. STARKEL, 7485
JOSEPH E. STATON, 1080
THOMAS H. STAUSS, 0008
BETH T. STEELE, 0820
JOHN D. STEELE, 0898
MICHAEL STEFANCHIK IV, 6409
PETER A. STEINIG, 2176
DANIEL S. STEMPNIAK, 5023
GEOFFREY D. STEVENS, 4899
ROBERT W. STEVENS, 6919
JOHN P. STEVES, 3574
JOHN E. STEWART, 5555
MARTIN E. STOKES, 2363
ERIK L. STOR, 6928
DOUGLAS A. STRAKA, 1592
FREDERICK G. STROKER, 9294
CAROL L. STRONG, 7338
ADAM A. SUCH, 4531
BRUCE A. SULLIVAN, 1675
PATRICK T. SULLIVAN, 8018
FERN O. SUMPTER, 4597
DONALD P. * SUTTON, 8288
DANIEL L. SVARANOWIC, 6801
BRUCE R. SWATEK, 1878
KEITH J. SYLVIA, 6048
JOHN H. TAO, 1902
RANDY G. TATE, 5670
HORATIO S. TAVEAU, 4793
KIRK D. TAYLOR, 7545
MICHEAL D. TAYLOR, 3423
THOMAS R. TAYLOR, 1402
VINCENT X. * TELFARE, 4125
BRIAN J. TEMPEST, 8772
KIRA M. TERHUNE, 9860
RICHARD THEWES, JR., 4883
MICHAEL G. THILGES, 5919
MICHAEL R. THOMAS, 6064
GREG Z. THOMPSON, 9021
TOMMY G. THOMPSON, 5168
VINCENT D. THOMPSON, 3093
WILEY C. THOMPSON, 3528
MICHELE N. THOMPSONSHOATS, 5127

DAVID O. TIEDEMANN, 8052
GLENN A. TOLLE, 6184
JAMES K. TRAVER, 1704
CRAIG A. TRISCARI, 4190
MICHAEL F. TRONOLONE, JR., 0192
BONITA E. TROTMANARTIS, 8683
DAVID A. TROUTMAN, 8823
JAMES H. UTLEY II, 8629
EDWARD T. UTZ, 8140
DAVID T. VACCHI, 9383
LOYAL C. VANDYKE, 6411
CHRISTOPHER S. * VANEK, 6935
CHRISTOPHER T. VAUGHN, 4645
ALFREDO VERSOZA, 8364
SCOTT A. VEZEAU, 8366
GREG A. VIBBER, 9887
KEVIN A. VIZZARRI, 4333
DONNA L. VOELKEL, 6655
MATTHEW J. VOITHOFER IV, 5794
JOHN G. VOORHEES, JR., 8550
RODNEY K. WAGGONER, 9510
ANTHONY Q. WALKER, 1393
DONALD L. WALKER, 9777
HERMAN H. WALKER, 4299
ROBERT R. WALKER, 7982
STEPHEN R. WALKER, 8285
KENNETH L. WALKINGTON, 7543
JOSEPH P. WALSH, 8660
WILLIAM A. WALSKI, 5897
JAMES J. WALTON, 2931
GLENN A. WATERS, 4568
DALE E. WATSON, 5075
JOHN R. WATSON, 7018
JONATHAN E. WATSON, 6694
KENNETH D. * WATSON, 5928
ROBERT L. WATSON, JR., 7951
TIMOTHY F. WATSON, 5090
GREGORY S. WAY, 2471
DARRELL J. WEATHERFORD, 9328
ARTHUR G. WEEKS, 0728
NORMAN G. WEEKS, 0148
DEAN M. WEILER, 6922
WILLIAM B. WELSH, 1048
DARREN L. WERNER, 6476
KEVIN S. WEST, 8189
THOMAS G. WHARTON, 3617
BOOKER T. WHEELER, 2296
BRADLEY A. WHITE, 2862
JOHN C. WHITE, 6480
RICHARD E. WHITE, 5050
WILLIAM F. WHITE, 3811
DWIGHT D. WHITEHEAD, 5758
SAMUEL E. WHITEHURST, 4922
GEORGE W. WHITMIRE, 7389
ANTHONY K. WHITSON, 9904
ERIC R. WICK, 5241
PETER J. WILHELM, 3210
ARTIE S. WILLIAMS, 9859
BRIAN W. WILLIAMS, 8839
DERRIN E. WILLIAMS, 2363
WILBURN C. WILLIAMS, JR., 8515
WESLEY A. WINTERS, 7279
KEVIN J. WITHEE, 7268
ALAN D. WOODARD, 3182
JAMES A. WOODS, 4593
DOUGLAS D. WOOLLEY, 9516
WILLIAM S. WOZNIAK, 7735
DARRON L. WRIGHT, 2606
MICHAEL P. WRIGHT, 0378
JOHN P. WYMAN, 4462
PAUL H. YAGER, 7820
LEAFAINA O. YAHN, 8220
DENNIS W. YATES, 2065
HOWARD T. YATES, JR., 7059
RENEA C. YATES, 6954
KRISTOPHER J. YERGER, 0897
PAUL L. YINGLING, 5811
LELAND O. YOUNG, 8485
STANLEY R. YOUNG IV, 9271
LOUIS A. ZEISMAN, 7100
KARL D. ZETMEIR, 1457
CHRIS E. ZIMMERMAN, 1174
DANIEL J. ZIMMERMAN, 4147
X4796
X4548
X2350
X1867
X6471
X1195

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

RONALD J. WHALEN, 3540

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

VAUGHN C. WILHITE, 6110

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CYLE R. RICHARD, 3747
THOMAS J. STEINBACH, 9350

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS, AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

MICHAEL I. ALLEN, 2783
STANLEY D. ARNOLD, 1501
PAUL A. BLUNDELL, 6396
EARL T. BOWERS, 3195
ROBERT J. BROTT, 8887
JEFFREY A. BURBANK, 5766
JEFFREY L. CARTEE, 7003
BRIAN W. CHEPEY, 1191
HAROLD E. CLINE, 3526
DALE A. CODE, 7812
SCOTT C. CROSSFIELD, 3945
KEVIN M. DOLL, 1329
LYNDON S. FLUEGEL, 8370
ROBERT J. GLAZENER, 9205
DAVID V. GREEN, 3465
KENNETH L. HAFTORSON, 5965
LAWRENCE E. HAMRICK, JR., 9000
THOMAS S. HELMS III, 9025
ANTHONY W. HORTON, 6948
KENNETH J. HURST, 9897
DENNIS E. HYSOM, 4597
TERRENCE L. KESLING, 7053
CHUL W. KIM, 9710
YOUNG D. KIM, 1192
MERRELL D. KNIGHT, JR., 5546
RAJMUND KOPEC, 0679
YO S. LEE, 8424
DAVID W. LILE, 7673
PAUL D. MADEJ, 6891
KAREN L. MEEKER, 3746
DANIEL R. MIDDLEBROOKS, 0756
RAYMOND E. MOORE, JR., 8112
WILLIAM C. NICHOLAS, JR., 6724
DANIEL R. PETSCH, 6486
DARIN M. POWERS, 8811
DAVID M. RAMSEY, 4678
MICHAEL L. REEVES, 3877
GINA D. ROCHELLE, 9793
RORY A. RODRIQUEZ, 1360
DAVID SANTIAGOCRUZ, 3008
STEVEN L. SIMPSON, 9932
PHILIP T. SMILEY, 6399
ROBERT A. SMITH, 4744
JEFFREY L. SPANGLER, 2997
ALLEN W. STALEY, 5480
MATTHEW S. WYSOCKI, 6884

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JACQUELINE B. CHEN, 5748
RICHARD P. DUNCAN, 3990
STEPHEN R. INNANEN, 1621
ROSEMARIE P. KIRZNER, 5725
JAMES W. NESS, 7954
GARY W. TRYNISZEWSKI, 5038

To be captain

BRIAN L. ADAMS, 5900
MATTHEW L. AGIUS, 0659
NKENGE A. AMENRA, 7016
STEVEN R. BALLARD, 3384
JOHN B. BALMAN, 3554
TIMOTHY S. BATIG, 3143
DANIEL A. BELLIN, 7699
MISTY D. BLOCKER, 0517
HOOVER J. BULKEN, 8151
JASON K. BURRIS, 6063
CECILIA X. CHEN, 3074
RICHARD CLARK, 6769
MICHAEL N. CLEMENSHAW, 9124
KEVIN M. CRON, 8874
CHAD M. CRYER, 7259
PATRICK E. DAVIS, 6995
KENNETH B. DEKAY, 1783
RICHARD R. DELANEY, 0631
RAMONA A. DEVENEY, 4629
THOMAS C. DOWD, 1903
CHRISTOPHER H. FINCH, 2807
SUZANNE M. GILLERN, 2765
JOSE B. GOROSPE, 5307
THOMAS H. GRANT, 3322
REY D. GUMBOC, 7034
KEVIN B. GUTHMILLER, 8503
AATIF M. HAYAT, 8442
KENNETH S. HELGREN, 8490
TIMOTHY J. HEPLER, 0086
LINDA C. HIRD, 4993
JENNIFER M. HOFFMAN, 8942
JOHN K. HOFFMAN, JR., 2098
JACOB S. HOGUE, 8996
JAMES T. HSU, 4399
TIMOTHY V. JARDELEZA, 5999
JENNIFER S. KICKER, 9169
TRISTAN L. KNUTSON, 2497
JOHANNAH B. KONE, 2847
TINA M. KOPILCHACK, 2146
CHRISTOPHER M. KREBS, 3896
CLEMENS S. KRUSE, 5550
REED B. KUEHN, 6656
CLAYTON C. LANGDON, 4686
FELISA S. LEWIS, 5269
KIRK N. LIESEMER, 1267
GEORGE F. LIN, 6551
DEXTER L. LOVETT, 3667
GERALDINE LUBKEMAN, 4248
THOMAS R. MAGRA, 4343
TAMMY J. MANTZOURIS, 4384
TODD J. MCARTHUR, 4870
BRUCE C. MCGEE, 3850
JAY H. MCKENNA, 1204
MEGAN L. MCNICOL, 6291
GARRETT J. MEYERS, 4725
LUKE R. MICHELS, 4943
DEBORAH L. MOORE, 7129
MICHAEL R. MOORE, 0745
GARY L. MURVIN, 0926
ELISA D. OHERN, 7660
ANASTASIA M. PIOTROWSKI, 8557
AUTUMN M. RICHARDS, 7566
BETH A. SALYER, 7497
JASON E. SAPP, 0027
MICHAEL A. SHARMA, 9116
JUSTIN M. SHIELDS, 5801
EARL J. SMITH, 6610
MELBA STETZ, 2048
LEAH M. STROBEL, 7545
SHANE M. SUMMERS, 6292
LELAND D. TAYLOR, 6195
SARAH K. TAYLOR, 0527
BRETT J. THEELER, 0202
SAIOA TORREALDAY, 3182
ZACHARY S. TURNER, 7290
JAMES V. TWEDE, 2617
ERIC G. VERWIEBE, 4778
PATRICK J. VOORHEES, 3822
DAVID L. WAITE, 1465
JUSTIN M. WELLS, 5182
MICHAEL J. WILHELM, 2340
KAREN L. WILSON, 7167

To be first lieutenant

TIMOTHY K. BERTUCCO, 1756
SCOTT T. FESTA, 1239
LATONYA R. JONES, 7713
DONALD J. MCNEIL, 6958
CAMPOS R. I. ORTIZ, 8310
MOISES SOTO, 0317

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JEAN M. BRADY, 1197
IVETTE JUSTICE, 7328
SUE A. MCCANN, 6026
PATRICK B. POLK, 3580

To be captain

ROY W. ALABRAN, 8471
MARIE L. BANKS, 4331
REBECCA L. BURROWS, 8962
GLEN E. CARLSSON, 7441
MARGARET D. CECIL, 6333
EMETERIO L. CERBAS, 7242
RICHARD CLARK, 6769
ROBERT L. CORSON, 4190
SHIRLEY DANIEL, 6115
THOMAS J. DERION, 3905
NANCY A. EMMA, 3790
LINDA S. GOWENLOCK, 4532
GREGORY L. LARA, 8489
LESTER E. MACK, 3201
RESTITUTO Y. MALLARI, 6151
GENERA D. MILLER, 2602
DEBRA J. MURRAY, 7902
CAPETILLO E. ROSADO, 8676
DEBORAH G. SAVAGE, 2332
TYKE S. STEWART, 5835
RENA F. TRUMBULL, 1247

To be first lieutenant

RICKY A. EVANS, 5412
WINIFRED M. GRADY, 1504
ANITA E. JONES, 1810
NORMAN E. MORRIS, 7956
MESHELLE A. TAYLOR, 5921

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ROMAN B. REYES, 9193

To be captain

ROGER L. BALL, 4779
GEORGE A. BARBEE, 0332
STEVEN L. BRIGGS, 0260
ROBERT F. COLLINS, 5177
EARL K. DOWNS, 5887
JEFFREY P. GODWIN, 5806
ROBERT R. HOWES, 9142
ANTHONY A. JAMES, 7857
JOSEPH T. KLAPPERICH, 8158
SHAN M. KROGER, 8122
MARK E. LESTER, 3469
CHRISTOPHER A. LUSTER, 7662
CYNTHIA MCPHERSON, 6279

BRYAN W. MEECE, 6883
GEORGE S. MIDLA, 5537
JEFFREY C. MOTT, 3163
CHARLES A. NEAL IV, 3593
PATRICK W. ONEIL, 7961
WAYNE F. PILZ, 4067
PAUL G. ROGERS, 5249
BRENT R. THOMPSON, 1458
ARTHUR F. YEAGER, 8811

To be first lieutenant

TERRANCE T. FEE, 0433
JOHN P. FRASURE, 8395
CHRISTOPHER VAN WINKLE, 9845

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ANTHONY T. FEBBO, 2935

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be captain

JACK F. DALRYMPLE, JR., 7248
MARK E. DONAHUE, 1555
ELLEN M. JEWETT, 5635
JEFFREY M. NEVELS, 5760

To be commander

JAMES P. FLINT, 9855
DANIEL A. FREILICH, 4676
JACK E. HANZLIK, JR., 3399
KURT P. HARDY, 9231
LOUIS V. LAVOPA, 3349
MATTHEW J. E. LAWLESS, 2987
ANDREA L. SHORTER-EVANS, 6230
JEFFREY W. TIMBY, 9263

To be lieutenant commander

STEPHEN G. ALFANO, 4100
JEFFREY M. ALVES, 5674
JOEL M. APIDES, 3545
ANTHONY A. ARITA, 9561
ADAM W. ARMSTRONG, 9229
ROBERT C. BARBEE, 1624
JAMES S. BRUSKE, 7081
JANIS R. CARLTON, 1538
WALTER S. CARR, 8738
PETER R. CATALANO, JR., 0629
KEVIN E. CHESHURE, 4625
DENNIS J. FAIX, 0327
JULIE A. GINOZA, 0637
CARY E. HARRISON, 6205
RUSSELL B. HAYS, JR., 6130
CHRISTOPHER M. JACK, 8749
PATRICK R. LARABY, 6114
MICHAEL D. LEBU, 8694
CHAD A. LEE, 8743
GABRIEL LEE, 3429
JAMIE M. LINDLY, 1481
ROBERT J. LIPSITZ, 0680
CHRISTOPHER G. LYNCH, 5321
NATHANIEL R. MARLER, 8438
RYAN P. MATHERNE, 9181
FRITZI J. MCDONALD, 5819
LISA M. MCGOWAN, 7238
KEVIN M. OCONNOR, 7185
ANTHONY J. OPILKA, 7193
PAUL ORTA, 8994
CAMERON P. RATKOVIC, 5269
PAUL L. REED, 9605
GEORGE M. RICE, 1605
RICHARD SAM, 4622
ERIK J. SCHWEITZER, 8746
INGRID V. SHELDON, 7648
DANIEL J. SMELIK, 7161
SCOTT W. STUART, 8198
RAMBERTO A. TORRUELLA, 9903
THOMAS C. WALTER, 2148
FRED R. WILHELM III, 0932

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

OHENE O. GYAPONG, 1353
LESLIE C. L. HULLRYDE, 9376
HERBERT L. JOSEY, 1122
GARRETT D. KASPER, 2060
WILLIAM J. MARKS, 0844
PAULINE F. PIMENTEL, 9567
TAMSEN A. REESE, 8611
GARY L. ROSS, 9341
KATHLEEN M. SANDOZ, 1287
KEVIN R. STEPHENS, 3193

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRUCE W. BEAM, 0961
JEFFREY S. DIXON, 7764
LORA A. EGLEY, 5267
SHAWN G. GALLAHER, 7381
CARL S. JAMES, 8198
THOMAS B. KEEFER, JR., 1629
ERICA A. KRAFT, 7595
DEBORAH L. MABEY, 6167
DOUGLAS L. ROUSH, 0107
ADRIA R. SCHNECK-SCOTT, 2359
ANDREW J. SEXTON, 5896
KEIR D. STAHLHUT, 6598
KELLY E. TAYLOR, 2951
ALLON G. TUREK, 1945
CHARLOTTE A. WELSCH, 1239
SEAN P. YEMM, 3308

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SHEILA T. ASBURY, 0265
DARIAN CALDWELL, 2642
JOHN J. CALVERT, JR., 4113
ANDREA H. CAMERON, 6726
GALO E. CHAVES, 3077
GROVER N. CRAFT, JR., 9940
JOSE G. HERNANDEZ, 8393
NATHAN J. KING, 0366
LEE A. LEVELLS, 0302
JAMES F. LEVINESS, JR., 2349
DAISY M. LUTTRELL, 9741
STEVEN M. MILINKOVICH, 3235
ELENA G. PECENCO, 4989
FRED L. STEWART, 1370
CHRISTIAN A. STOVER, 7162
IVAN TERRY, 8765
JAMES V. WALSH, 2644

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KHARY A. BATES, 1950
JAMES M. BELMONT, 6550
FRANKLIN W. BENNETT, 7561
GRADY G. DUFFEY, JR., 7067
MITCHELL E. FILDES, 5356
RAMIRO E. FLORES, 6452
ARSENIO S. FRANCISCO, 7232
JAMES R. GALYEAN IV, 5938
ALBERTO A. GARCIA, 9445
GRANT GORTON, 7406
ELIZABETH M. HAMILTON, 4797
RICO R. HARRIS, 5431
WESLEY E. HENRIE, 1535
CARL C. HINK, 5329
WILLIAM J. HOLLIS, 6386
ROLANDO R. IBANEZ, 6930
BRETT D. INGLE, 7392
ANNETTE KELLY, 0452
STEVEN W. LEEHE, 3461
JOSE F. MONTES, 2414
ROBERT W. POSEY II, 9330
MICHELLE G. ROSEANO, 7669
BOBBY B. SAVANH, 7203
RODNEY L. SIMON, 7285
DAVID A. VONDRAK, 1024
JASON M. WALDRON, 3764
MATTHEW T. WILCOX, 8620
SEAN A. WILSON, 8770
AARON J. ZIELINSKI, 9843

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THANONGDETH T. CHINYAVONG, 6614
WILLIAM W. COOK, 7011
JOHN D. CZOHARA, 0925
TUAN Q. DANG, 3132
ANDREW R. DITTMER, 2337
PETER C. HAKEWESSELL, 8794
JASON S. JONES, 2919
KAMBRA R. JUVE, 9699
JONATHAN C. KALTWASSER, 1948
KRISTIAN P. KEARTON, 2847
JOHN E. LARSON, JR., 6864
JAMES A. LECOUNTE, 4265
JEFFREY L. LLOYDJONES, 9176
JOHN S. MARINOVICH, 3287
LISA M. MCLAUGHLIN, 9088
KENT A. MEYER, 5844
LLOYD M. MORNEAULT, 1860
STELLA B. NEALY, 2492
JASON A. PARISH, 2563
CALEB POWELL, JR., 1465
KURT L. ROHLMEIER, 6682
ANDRE N. ROWE, 8850
MARTIN J. SABEL, 2037
MICHAEL H. SANDERS, 3331
WILLIAM H. TROUTMAN, 2523
DAVID A. VALENTINE, 8383
DIEGO VELASCO, JR., 3076
JONATHAN J. VOJE, 7596
JAMES J. WATSON, 9774
WILLIAM E. WREN, JR., 9931

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RICHARD S. ARDOLINO, 7478
JON D. BRISAR, 8490
GINALYN N. BROCK, 4251
WILLIE D. BROWN, 5765
CHRISTOPHER D. CHUHRAN, 5211
PAUL D. CLIFFORD, 8809
KEITH P. DOUGLAS, JR., 3401
FRANK L. DUGIE, 5857
ROBERT C. ECHOLS, 9536
KEITH A. FELKER, 1669
CONSTANCE R. S. FERNANDEZ, 8088
JASON S. HALL, 3172
MANUEL A. HERNANDEZ, 3673
ANDREW R. HUNT, 3044
TODD D. JACK, 6116
JAY D. JAMISON, 0095
EUGENE T. KRAMER, 9253
CARA G. LAPOINTE, 8815
THOMAS J. MACK, 4591
CEDRIC J. MCNEAL, 8620
RAMIRO E. ORELLANO, 5236
STEVEN G. PLONKA, 0164
IRVING B. POLLARD, 5277
DAVID L. RAMTHUN, 5741
DEREK E. REEVES, 3370
LINDA K. REYNOLDS, 1115
SCOTT D. ROBERTS, 6533
CHARLES A. SCHLISE, 1140
AARON M. STETLER, 6517
JASON STRACQUALURSI, 1671
SCOTT P. TOMPKINS, 7753
JOSEPH B. TORREZ, 7809
ELIZABETH J. TOUSE, 5438
MICHAEL P. TOUSE, 7434
NICOLE M. TREEMAN, 5648
MARTIN C. WALLACE, 1730
ERIC L. WILLIAMS, 8484
TIMOTHY L. ZANE, 4095
BENJAMIN D. ZITTERE, 3411

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMIE W. ACHEE, 4046
JOSEPH W. BABB, 1117
JULIO BESS, 7176
BENJAMIN G. BLAZADO, 8652
ROBERT W. BOSHONEK, 1539
DANIEL M. BROOKES, 1495
BRY CARTER, 5184
ANN E. CASEY, 2574
LEONARD W. CAVER, 8397
EDMUND J. CHAFFEE III, 2071
COLIN W. CHINN, 5965
HAROLD T. COLE, 1332
SHAWN T. COLLIER, 1942
THOMAS COONEY, 1015
NICHOLAS C. CROMWELL, JR., 0822
ROBERT S. DAMSKY, 0541
MINJI DANIELS, 7082
DAVID W. FILANOWICZ, 7580
REGINALD F. HALL, 9874
RICHARD H. HARRISON, 0930
DAVID B. HAUSWIRTH, 1489
BRIAN C. HOERST, 2708
MARIANGEL IBARRA, 4803
BARRY L. JAMES, JR., 3830
THEODORE R. JOHNSON, 6005
MARC W. RATKUS, 5348
KEVIN S. ROBERTS, 5509
FREDERICK M. SANT, 1633
OWEN M. SCHOOLSKY, 5780
JOSEPH D. SEARS, 2524
DOUGLAS K. SHAMLIN, 2377
MATTHEW N. SMITH, 7553
SHERRILL D. STAMEY, 0568
ROBERT J. SUH, 5424
PAUL B. TRIPP, 1296
STEPHEN M. UGOLINI, 8045
CHRISTOPHER A. WEECH, 9220
DOUGLAS A. WHEATON, 0774
NORMAN B. WOODCOCK, 9136
HOLLY A. YUDISKY, 6195

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRIAN M. AKER, 6066
LEAH AMERLING, 4008
CHRISTOPHER R. ANDERSON, 4834
DEETTA L. BARNES, 8507
ENRIQUE C. BERNAL, JR., 6833
MICHAEL S. BERRY, 1224
JAMES L. BOND, 8349
KENNETH W. BURKE, JR., 5324
MICHAEL B. CAIMONA, 2655
JAMIE A. CALABRESE, 9446
ANDREW J. CAMPBELL, 9977
WILLIAM J. CHARAMUT II, 9776
RONALD M. COUTURE, 9807
KEVIN A. COX, 5879
JAY P. DEWAN, 1618
CURTIS D. DEWITT, 3143
STEVEN P. DUFFY, 1760
JOHN E. EAVES, JR., 3658
JASON K. EDGINGTON, 7363

JOSEF A. ELCHANAN, 6359
JASON C. ENGLISH, 4571
PATRICK J. FORD, 1031
EDWARD C. FOXWORTH, JR., 6896
ALEXANDER GONZALEZ, 8176
CARRIE L. GRAY, 6250
LARRY B. GROSSMAN, 8173
CHRISTOPHER W. HALL, 8955
SUSAN HLAD, 7747
MICHAEL E. HOBAUGH, 8039
ALAIN M. ILIRIA, 6824
JEFFERY M. KARGOL, 0503
PETER M. KOPROWSKI, 8754
TIMOTHY A. KUNKEL, 1896
PETER T. LAIRD, 8499
RENE LAVERDE, 8580
CHARLES D. LAZAR, JR., 3807
KIRK A. LEE, 7128
CHRISTOPHER J. LIEDQUIST, 0467
VICTOR B. MINELLA, 4293
MCADAM K. H. MOGHADDAM, 8079
JOHN S. MORELL, JR., 7442
SCOTT A. MOSEMAN, 9548
THOMAS A. MOSKO, 1976
STEPHEN E. MOTTER, 8785
SHAWN P. MOYER, 2904
THOMAS A. MURPHY, JR., 0427
MICHAEL L. NASON, 8675
DAVID K. NG, 8389
THOMAS A. PETERSEN, 8138
RONALD J. PIEPER, JR., 5067
ALLISON E. RITSCHER, 0650
CRAIG J. SCHLOTTKE, 4862
KRISTOFER J. SCOTT, 7152
RALPH B. SHIELD, 9724
DAVID K. SIDEWAND, 9159
JAMES R. SISCO, JR., 7740
JOSEPH M. SPAHN, 5991
PATRICK J. VEGELER, 2151
GEORGE A. WESTLAKE, 0430
DANNY A. WILLIAMS, 6342
ANDRE R. WILSON, 8609
JOSHUA B. WILSON, 3240
PAUL H. WILT, 7724
GARY WINTON, 9667
DAVID P. WOLYNSKI, 7216
RONALD E. YUN, JR., 6533

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID L. AAMODT, 6956
DAVID A. ABERNATHY, 8380
DEREK S. ADAMETZ, 4682
COY M. ADAMS, JR., 0988
JAMES P. ADAMS, 4852
JOHN E. AGER, 7809
ALBERT A. ALARCON, 0906
HILARY A. ALBERS, 3257
ERIC J. ALDERMAN, 5927
GREGORY G. ALLGAIER, 9523
CHARLES E. ALLISON, 9229
STEPHEN W. ALLUM, 9861
ROBERT W. ALPIGINI, JR., 3552
LUIS ALVA, 3237
JOSEPH A. AMARAL, 9425
ALEXANDER D. ANDERSON, 8160
KENNETH D. ANDERSON, 6911
JEREMY T. ANDREW, 6221
MATTHEW J. ANDREWS, 9603
WAYNE W. ANDREWS III, 1558
STEVEN W. ANTCLIFF, 9060
LONNIE L. APPLEGET, 4803
RICHARD M. ARCHER, 1036
SCOTT E. ARMSTRONG, 4080
PETER A. ARROBIO, 3344
DANIEL P. ARTHUR, 5688
AARON C. ASH, 8204
ROBERT S. ASHBURN, 0928
AARON R. AUSTIN, 8989
GEORGE J. AUSTIN, 6141
GREGORY L. BADGER, 4178
KENNETH N. BAGUSO, 3681
PHILIP M. BAHEN, 0237
JAMES D. BAHR, 2127
JASON W. BAILEY, 5842
DAVID S. BAIRD, 2126
LINDSEY J. BAKER III, 7512
PATRICK R. BALDAUFF, 3836
SAMANTHA D. BALDWIN, 9342
NATHAN A. BALLOU, 3839
DANIEL J. BALSINGER, 4565
PAUL V. BANDINI, 3430
CRAIG D. BANGOR, 7649
CHRISTOPHER M. BANKS, 6004
MATTHEW A. BARKER, 4914
MATTHEW R. BARR, 6661
LUKE A. BARRADELL, 3151
OSCAR A. BARROW, 4773
TOBIN P. BASFORD, 8936
MAXWELL C. BASSETT, 9800
LORY N. BATTAGLIA, 7309
GARTH A. BAULCH, 6944
JOSEPH W. BAYER, 8261
JEFFREY T. BEARDEN, 6704
MICHAEL P. BECKER, 5268
MICHAEL C. BECKETTE, 3306
ROBERT E. BELK, 7411
KENNETH R. BELKOFER, JR., 6171
BRIAN H. BENNETT, 9035
RICHARD C. BENTS, 9023
RYAN J. BERNACCHI, 3720
ROBERT A. BERNER, 0249
JEFFREY R. BESSLER, 0051
KEITH R. BIANDO, 0169
ANTHONY J. BILOTTI, 7364
JOHN F. BISCHOF, 7170
MARTY R. BISCHOFF, 4989
CARL M. BLAHNIK, 7739
JOHN E. BLANKENSHIP, 2914
ROBERT D. BLONDIN, 5137
KURT P. BOENISCH, 0929
CHRISTOPHER G. BOHNER, 6308
SHAWN A. BOHRER, 2514
MATTHEW R. BOLAND, 6993
TODD M. BOLAND, 5208
CHAD A. BOLLMANN, 5443
DEWUAN L. BOOKER, 5935
JAMES E. BOOMER, 8050
GEORGE C. BOROVINA, 6455
DONALD W. BOWKER, 0230
PATRICK W. BOYCE, 2985
ANNA E. BOYD, 6678
JOHN J. BRABAZON, 9952
JONATHAN J. BRADFORD, 0079
MATTHEW BRADSHAW, 5418
MICHAEL J. BRAND, 8294
MICHAEL D. BRASSEUR, 9953
ROBERT S. BRIDGES, JR., 2589
CHRIS T. BRINKAC, 5335
NEAL BRINN, 0724
DAVID S. BRINSON, 1820
CASEY C. BRONAUGH, 6954
MICHAEL J. BRONS, 5850
JAMIE M. BROOKS, 7948
ROBERT J. BROOKS, 0785
STEPHEN G. BROOKS, 6879
GREGORY K. BROTHERTON, 1152
LESTER A. BROWN, JR., 2205
RAY B. BROWN, 2870
RYAN D. BROWN, 7665
TODD M. BRUEMER, 3438
CORY S. BRUMMETT, 7888
EDWIN F. BRUSH III, 1804
ROBERT T. BRYANS, 6304
CHRISTOPHER G. BRYANT, 0029
RYAN J. BRYLA, 3077
CHRISTOPHER M. BUGG, 3694
MICHAEL A. BURCHIK, JR., 2788
RICHARD G. BURGESS, 5076
IAN P. BURGOON, 3676
RODMAN D. BURLEY III, 3207
SEAN M. BURROW, 6834
JAMIE F. BURTS, 6760
JOHN P. BUSER, 0748
WILLIAM C. BUSHMAN, JR., 3539
CHARLES J. BUSTAMANTE II, 1488
STEPHANIE J. BUTLER, 3721
JOSEPH C. BUTNER IV, 3795
JONATHAN M. BUTZKE, 7032
ERIC M. BUUS, 9896
DAVID W. BYRD, 9783
JOHNNIE L. CALDWELL, 7289
SHARIF H. CALFEE, 8612
MARK J. CALLARI, 1726
JASON G. CANFIELD, 8398
HUNG CAO, 1055
ADAM T. CARLSTROM, 2370
BRYAN K. CARMICHAEL, 8808
RICHARD W. CARNICKY, 7489
CHARMAINE A. CARR, 6381
JEFFREY A. CARROLL, 5824
GARY L. CAVE, 4627
RYAN C. CECH, 9142
JILL R. CESARI, 3022
WILL J. CHAMBERS, 6949
EDWARD M. CHANDLER, 7095
JOHN C. CHAUVIN, 6078
MICHAEL A. CHENOWETH, 3871
BRIAN J. CHEYKA, 9631
JEFFREY CHIANG, 2751
CLARK C. CHILDERS, 3006
JAMES C. CHITKO, 2358
MARC R. CHRISTINO, 9405
MICHAEL J. CLARK II, 1263
PATRICK B. CLARK, 1801
GABRIEL T. CLEMENS, 4793
PHILIP R. CLEMENT, 6355
DWIGHT L. CLEMONS II, 5671
CLINTON R. CODY, 3344
JOSEPH M. COLE, 7695
MATTHEW T. COLLINS, 4718
JAMES J. CONATSER, 5393
THOMAS G. CONROE, 8116
WILLIAM T. COOK, 1213
JOSEPH S. COOPER, 3897
TODD P. COPELAND, 4724
JEFFREY E. COTE, 8081
RICHARD G. COUTURE, JR., 2997
JOHN D. CRADDOCK, 2479
CLARKE F. CRAINE, 0622
J. S. CRAMER, 2407
GREGORY A. CRAWFORD, 2527
PAUL D. CRAWFORD, 6370
KENNETH T. CREAMEANS, 3604
MATTHEW M. CRISTO, 0839
JOHN L. CROGHAN, 7274
EDWARD M. CROSSMAN, 5541
MARK E. CROWE, 3350
PHILLIP D. CRUZ, 2811
MICHEAL P. CUMMINS, 0771
ROSS H. CUNNINGHAM, 4714
MATTHEW W. CUTTER, 2502
JEFFREY CYR, 8428
CRAIG L. DALLE, 9695
ROBERT V. DANIELS, 3432
WESLEY S. DAUGHERTY, 3467
WAYNE E. DAVEY, 1151
PORNCHAI DAVIDSON, 8380
WILLIAM M. DAVIS, 6347
COLIN P. DAY, 0419
MICHELE M. DAY, 5133
MARK R. DEBUSE, 6406
SAMUEL F. DECASTRO, 4666
BOYD C. DECKER, 2815
GEORGE K. DEMETRIADES, 1960
DUSTIN A. DEMOREST, 2355
JOHN W. DEPREE, 6653
JEFFREY A. DERMODY, 0887
PAUL C. DESAULNIERS, 2980
LANCE B. DETTMANN, 2455
GREGG C. DEWAELE, 2309
GREGORY P. DEWINDT, 0727
THEODORE T. DIAMOND, 6541
GRAHAME A. DICKS, 7601
CYNTHIA A. DIETERLY, 2283
JOHN A. DIGIOVACCHINO, 3432
AARON W. DIMMOCK, 7565
RICHARD L. DIVINEY, 0702
JAMES E. DOLING, 2791
THOMAS A. DONOVAN, 6969
BRIAN P. DOWNEY, 6984
BRETT W. DRESDEN, 9952
JEANPAUL E. DUBE, 3125
CHRISTOPHER S. DUDLEY, 5433
MATTHEW J. DUFFY, 7379
DEAN F. DUNLOP, 1872
RYAN K. DUNN, 4017
STEVEN G. DUTTER, 9572
ANTHONY S. DUTTERA, 6878
DARNELL S. EDWARDS, 4563
PETER J. EHLERS, 5221
MARK R. EHMANN, 9747
DAVID W. EISEN, 8443
RYAN K. EISENHARDT, 1967
TERESA E. ELDERS, 7656
SHANE ELLER, 0901
JOEL A. ELLINGSON, 5375
DAVID W. ERIKSEN, 9586
KIMBERLY D. ERNST, 0553
THOMAS A. ESPARZA, 5463
JESSE G. ESPE, 8892
JOSEPH D. ESPIRITU, 6022
ERIK C. ESTENSON, 6862
JAMES S. EVANS, 2167
MICHAEL A. EVANS, 1970
RICHARD A. EVANS, 8533
RUSSELL R. EVANS, 5830
WILLIAM F. EVANS, 8999
ROBERT J. EVERLING, 3472
HOWARD B. FABACHER II, 8030
BILLY K. FAGAN, 3529
LEMUEL D. FAGAN, 4493
TIMOTHY E. FAHEY, 6185
CHAD M. FALGOUT, 8858
WILLIAM L. FALLS, 3057
JEFFREY S. FARLIN, 0569
MICHAEL FARNSWORTH, 6810
MATTHEW W. FARR, 3949
DAVID K. FAUGHT, 3105
JOHN J. FAY, 7032
JOSHUA D. FELDMAN, 9112
CHARLES R. FERGUSON, 0456
JOHN E. FERRI, 0839
CHRIS J. FINOCCHIO, 7615
GREGORY W. FITZGERALD, 5690
ANDREW P. FITZPATRICK, 8249
BRIAN S. FITZPATRICK, 2258
DOUGLAS J. FLANNERY, 1052
JEFFREY J. FLOGEL, 9793
JESSE J. FLORES, 0213
JEREMY A. FOGT, 6254
TIMOTHY S. FONTANA, 2710
MATTHEW W. FOSTER, 2986
MICHAEL P. FOSTER, 6881
PATRICK M. FOSTER, 9115
KENNETH R. FRANKLIN, 1819
BRIAN G. FRECK, 6211
LUCAS L. FREEMAN, 9113
TODD M. FRIEDMAN, 6929
PAUL J. FRONTERA, 5973
MARC C. FRYMAN, 2516
MARTIN B. FUERST, 3721
DANIEL B. FUGAZZI, 4400
STEPHEN C. FULLER, 9789
PATRICK M. FUNK, 9164
ROBERT M. GALLAGHER, JR., 9662
KEITH A. GALLOWAY, 0668
WILMER B. GANGE, 5497
JASON D. GARDNER, 5255
SCOTT R. GARDNER, 4975
JASON M. GARRETT, 5244
KRISTOFER R. GASKO, 8377
DAVID E. GAUGLER, 6140
KURT M. GEISEN, 6028
RICHARD T. GENGLER, 7712
CHAD E. GEORGE, 1358
RUSSELL M. GERALDI, 9855
PATRICK M. GESCHKE, 9623
MATTHEW J. GEVO, 7108
MATTHEW G. GILLE, 9251
MICHAEL J. GILLIO, 4680
RUSSELL W. GIRTY, 1306
JOHN GIUSEPPE, 4231

DAVID M. GLASSMAN, 5910
ALFRED J. GLORIA, 3909
BENNET B. GOFF, 9858
DANIEL J. GOMEZ, 9103
JAMES M. GONZALEZ, 9924
NICHOLAS D. GOOD, 2693
GREGORY E. GOODMAN, 3983
JASON T. GOOGE, 5191
TADD H. GORMAN, 3905
BRET M. GRABBE, 9394
DOUGLAS GRABER, 5910
THOMAS J. GRADY, 9420
LINDSEY L. GRAVES, 5257
DAVID L. GRAY, 2066
JEREMY GRAY, 2328
ANTHONY S. GRAYSON, 7137
WILLARD T. GREEN, 3416
PETER L. GREENE, 1263
CURTIS J. GREGORY, 6141
ALEX R. GREIG, 7865
WILLIAM R. GREINER, 6017
CHRISTIAAN W. GROENEVELD, 2181
JULIE A. GRUNWELL, 5326
KURT P. GUIDRY, 2787
MICHAEL A. GUSSENHOVEN, 3849
JACOB R. GUTIERREZ, 3135
BLAIR H. GUY II, 4594
JEFFREY L. HAAS, 2586
BRIAN D. HAHN, 6739
JASON W. HAINES, 8235
ROBERT L. HALFHILL, 2376
LAWRENCE E. HALL, 2278
THOMAS J. HALL, JR., 7243
MARK A. HAMMOND, 1681
ARLEN J. HANLE II, 3899
JARED M. HANNUM, 5317
PATRICK D. HANSEN, 3150
CHRISTOPHER W. HANSHAW, 7644
RONALD R. HARDING, JR., 7334
JAMES W. HARNEY, 5062
MATTHEW M. HARPER, 5227
MICHAEL C. HARPER, 5897
ANTHONY F. HARRELL, 7055
JEFFREY D. HART, 8668
SCOTT B. HATTAWAY, 6507
KEVIN G. HAUG, 4858
BRADLEY S. HAWKSWORTH, 2859
AARON M. HAY, 6816
ANDREW P. HAYES, 7629
MARK C. HAZENBERG, 7908
JEFFREY L. HEAMES, 5790
THOMAS B. HECK, 9225
DAVID D. HEIN, 9555
KEVIN L. HEISS, 4374
KHARY W. HEMBREE, 3285
MARK R. HENDRICKSON, 1168
ROSEMARY HENSON, 1763
JAIME A. HERNANDEZ, 6294
NEIL A. HERNANDEZ, 6547
MICHAEL D. HIGGINS, 1503
CHRISTOPHER F. HILL, 0453
JESSE W. HILLIKER, 0499
STEVEN E. HNATT, 7819
CHRISTOPHER S. HOAGLAND, 6993
BRIAN R. HODGES, 5352
AARON C. HOFF, 7584
ERICA L. HOFFMANN, 2016
DANIEL J. HOGAN, 2994
KELLY J. HOLMES, 2338
ROBERT L. HOLMES, 8947
JONATHAN S. HOLMGREN, SR., 5177
JOHN S. HOLZBAUR, JR., 3782
JOHN O. HONEMANN, 3789
GERALD A. HOPEN, 4840
JOHN W. HOUSE, 9258
MALCOLM F. HOUSE, 7323
CHRISTOPHER J. HOVER, 4580
ADAM R. HUDSON III, 5772
FRASER P. HUDSON, 6505
DOUGLAS W. HUGGAN, 0946
LIAM M. HULIN, 5390
ROBERT M. HUNTINGTON, 6142
CHRISTOPHER N. HURST, 5872
ERIC P. ILLSTON, 9257
STEPHEN J. ILTERIS, 6707
JOHN J. ISAACSON, 3927
CHARLES B. JACKEL, 4286
JOSHUA S. JACOBSON, 1704
MICHAEL R. JARRETT, JR., 5242
MATTHEW P. JEFFERY, 8450
ALLEN P. JOHNSON, 7004
MICHAEL D. JOHNSON, 8162
NORMAN T. JOHNSON, 4410
STEPHEN O. JOHNSON, 6111
STEVEN A. JOHNSON, 3628
THADDEUS M. JOHNSON, 1231
IAN F. JOHNSTON, 7456
JAMES P. JOHNSTON, 5579
ANTHONY M. JONES, 2540
JENNIFER B. JONES, 3610
TYLER P. JONES, 9526
JAMES J. JUSTER, 1735
PRZEMYSLAW J. KACZYNSKI, 2001
LUCAS P. KADAR, 3496
ERIC E. KAROLI, 3048
MICHAEL K. KASLIK, 1761
DEBRA A. KAUFFMAN, 5741
JAMES F. KEATING, 7099
JAMES T. KEENE, 3785
ERIC S. KEISER, 8710
MARK R. KELLER, 4483
SCOTT D. KELLER, 9305
AARON R. KELLEY, 3747
ERIC S. KELLUM, 2308
JAMES R. KELLY, 9719
JOHN F. KELLY III, 6074
JOSEPH KEMP, 4984
DANIEL J. KEMPER, 8694
DOUGLAS E. KENNEDY, 4540
JAMES M. KENNEDY, 1140
JAMES P. KENNEDY IV, 1480
JAMES R. KENNY, 7158
BARRY F. KERTANIS, 0568
PAUL A. KESLER, 4162
HENRY S. KIM, 3187
JOHN J. KIM, 1007
PETER S. KIM, 0298
DERRICK W. KINGSLEY, 0599
TIMOTHY F. KINSELLA, JR., 1603
CHRISTOPHER E. KIRBY, 2369
RYAN P. KLAAHSEN, 9351
DALE D. KLEIN, 0459
BRIAN C. KNOLL, 2193
JOSEPH A. KNOOP, 8387
MILTON L. KNUDSEN, JR., 9685
MATTHEW S. KOERBER, 2613
HOWARD C. KOLB, 7813
DARAVANH V. KOLLASCH, 8040
THOMAS G. KORSMO, 1597
RICHARD K. KOSLER, 6093
JAMES P. KOTLYN, 1505
GADALA E. KRATZER, 0430
SVEN KRAUSS, 1835
TIMOTHY P. KRAY, 8544
LUKE R. KREMER, 2600
JOSEPH P. KRIEGER, 2945
NATHAN C. KRING, 8819
NICHOLAS A. KRISTOF, 6193
DAVID A. KUMMINGS, 4311
JOHN W. KURTZ, 4254
RODERICK O. KURTZ, 2814
MATTHEW J. LABERT, 1583
DAVID J. LAKAMP, 9575
DAVID P. LAMMERS, 2533
JEFFREY E. LAMPHEAR, 2042
ROBERT W. LANDIS, 6980
MICHAEL C. LANGBEHN, 7117
JASON A. LANGHAM, 8229
CHANDEN S. LANGHOFER, 9450
PAUL A. LANGLOIS, 8774
JESSE A. LANKFORD, 1851
KEITH A. LANZER, 4855
WILLIAM J. LARGE, 4764
BRETT A. LASSEN, 1454
GEORGE J. LATOUR III, 8404
GARY LAZZARO, 8971
RICHARD LEBRON, 0101
HAROLD D. LEDBETTER, 1593
PETER R. LEO, 1981
DARRELL S. LEWIS, 3122
GREGORY D. LEWIS, 8283
FREDERICK R. LICKFOLD, 5915
BENJAMIN H. LIEN, 8667
ANDREW G. LIGGETT, 7824
GLENN A. LININGER, 3779
ANTHONY C. LITTMANN, 9992
JOHN A. LO, 1704
BRIAN D. LONG, 5906
DAVID LOO, 6436
SEAN P. LOOFBOURROW, 1076
ANDREW P. LOTH, 9340
RONALD B. LOTT, JR., 3606
RAYMOND P. LOWMAN III, 8403
RODERICK L. LUCAS, 9927
MARK R. LUKKEN, 9605
JOHN M. LYDON, 5798
JAMES B. LYNCH, 6482
MELONY A. LYNCH, 9280
JOHN M. MAFFI, 2144
MICHAEL J. MAJEWSKI, 1709
JONI M. MAKAR, 2501
MICAH D. MANNINGHAM, 6884
WILLIAM T. MANSKE, 6566
DAVID R. MARKLE, 7104
SAMUEL L. MARSHALL, 1261
MICHAEL C. MARTIN, 9921
CHRISTOPHER E. MARTINEZ, 2161
JOE V. MARTINEZ, 1009
ERIC L. MASON, 2451
JAMES D. MASON, JR., 5873
BRIAN M. MASTERSON, 6130
MATTHEW A. MATO, 5170
EDWARD C. MAULBECK, 2548
NICOLE L. MAVERSHUE, 6643
THOMAS A. MAYS, 4478
RAY A. MCBRIDE II, 4918
J. D. MCBRYDE, 0427
MOLLY MCCABE, 0680
DAVID W. MCCALL, 7856
CHRISTOPHER M. MCCALLUM, 7471
ANTOINETTE M. MCCANN, 8982
RICHARD T. MCCARTY, 4543
WILLIAM R. MCCOMBS, 7886
LOUIS M. MCCRAY, 0368
KARRICK S. MCDERMOTT, 7030
TIMOTHY S. MCDONALD, 0753
JAMES R. MCIVER, 9375
DANIEL C. MCKAUGHAN, 9767
JUDSON E. MCLEVEY, 5478
DAVID P. MCMILLAN, 1787
DANIEL S. MCSEVENEY, 9001
BRYANT A. MEDEIROS, 6384
CARLOS A. MEDINA, 0941
ERIC T. MEIER, 2854
JEFFREY A. MELODY, 8809
THOMAS S. MENTZER, 0355
PEDRO R. MERCADO, JR., 6145
SAMUEL J. MESSER, 1643
MICHAEL P. MEYDENBAUER, 9886
MARK C. MHLEY, 7970
ANDREW K. MICKLEY, 2105
MARK A. MIDDLETON, 4937
JAY A. MIHAL, 4371
RICHARD S. MILLIOT, 9843
JENNIFER R. MILLS, 5608
MARC MILOT, 7413
CHAD J. MIRT, 2054
JEFFREY L. MISHAK, 9902
KELLY R. MITCHELL, 2742
KIMBERLY M. MITCHELL, 5332
JOHN C. MOE, 7875
STEPHEN E. MONGOLD, 1315
CARLOS A. MONREAL II, 4851
DYLAN MONTES, 6533
MICHAEL D. MOORE, 9671
REINALDO J. MORILLO, 1592
GREGORY L. MORRIS, 2444
FREDRIC A. MORRISON, 7849
JASON S. MORTON, 8639
JERRY E. MORTUS, 5771
MICHAEL C. MOSBRUGER, 8319
ZACHARY V. MOSEDALE, 3230
SAMUEL R. MOSER, 9301
DANIEL J. MOSIYCHUK, 5561
ANDREW N. MOULIS, 9306
CHRISTOPHER G. MOURSUND, 3943
TIMOTHY D. MULLER, 5915
JASON Q. MUNOS, 5367
BRENDAN G. MURPHY, 0740
JONATHAN R. MURPHY, 0182
WILLIAM G. MUSSER, 4510
THOMAS E. MYERS, 1611
CHRISTOPHER J. NARDUCCI, 6787
MICHAEL D. NASH, 9799
TERRENCE M. NAWARA, 5722
ERIK J. NEAL, 9000
JEFFREY A. NESHEIM, 2695
TODD J. NETHERCOTT, 2932
MARK C. NEWKIRK, 2549
MARK S. NIESWIADOMY, 9079
JAMES M. NORRIS, 0760
NATHAN E. NORTON, 7036
BRIAN J. NOWAK, 0075
THEODORE J. NUNAMAKER, 3121
JASON B. NUNEZ, 5058
ROBERT C. OBERLANDER, 8810
DAVID D. OBRIEN, 6196
JENNIFER N. OBRIEN, 9504
ANTONIO OCHOA, JR., 9548
CHRISTINE R. OCONNELL, 7152
FRANK E. OKATA, 4452
STEPHEN R. OKRESIK, 0951
BRIAN P. OLAVIN, 8043
BRIAN S. ONEILL, 4889
JOSEPH S. OPP, 0271
KEVIN J. OPPLE, 3115
STEVEN E. OSELAND, 3457
JOSHU OSMANSKI, 9141
KANAN C. OTT, 2618
MICHAEL R. OVERFIELD, 3799
RAYMOND P. OWENS III, 1162
JAMES C. PABELICO, 3789
JOSEPH A. PACCAPANICCIA, 1323
PAUL R. PAMPURO, 7730
CHARLES G. PAQUIN, 4966
RICHARD D. PARISER, 0761
BARRY R. PARKER, 3776
JACK S. PARKER, 9272
MATTHEW L. PARSONS, 0148
SCOTT A. PASIETA, 1723
RICHARD A. PATE, 9784
CRAIG C. PEARSON, 5863
DAVID J. PEARSON, 3818
BRYAN S. PEEPLES, 1179
DENNIS S. PENLAND, 0249
WILLIAM C. PENNINGTON, 6374
ANDREW PEREZ, 5923
ROBERT T. PETERSON, 8671
GREGORY T. PETROVIC, 4045
JOSEPH J. PEZZATO, 6980
TAM N. PHAM, 1689
BARTON L. PHILLIPS, 7501
KEVIN PICKARD, JR., 6466
STANLEY R. PIECHOTA, JR., 3287
ADAM S. PIEPKORN, 6799
STEPHEN J. PLATT, 0528
PAUL A. PLOWCHA II, 8374
DAVIDTAVIS M. POLLARD, 7065
JESSIE A. PORTER, 5863
ROBERT R. PORTER III, 5500
MATTHEW T. POTTENBURGH, 7096
RALPH F. POTTER, 1577
GLENN D. POWELL, 2594
CASEY J. POWERS, 0593
JASON W. PRATT, 0864
BRYAN S. PRICHER, 8415
DAVID E. PROCTOR, 8234
ANDRE R. PYATT, 7393
DIANE J. QUATTRONE, 3138
JOHN M. QUILLINAN, 7381
MARK A. QUINN, 3768
KEITH RADONIS, 7920
STEPHEN A. RAMIREZ, 4783
WILLIAM M. RANNEY, 7727
MATTHEW H. RANZ, 3503
ERIC W. RASCH, 4545

CLIFFORD C. RAUSCHENBERG, 9370
BRIAN P. REARDON, 8265
JOHN D. REARDON, 0830
MICHAEL A. REED, 5983
DOUGLAS M. REINBOLD, 7365
BRIAN E. REINHART, 9080
CHAD REITHMEIER, 7249
ROBERT H. REITZ, 3433
JOSHUA C. RENAGER, 5810
ROBERT T. REYES, 0494
TED C. RICCIARDELLA, 0969
RONALD P. RICH, 1308
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WILLIAM C. RICHARDSON, 5898
PETER J. RIEBE, 0502
JEREMY Y. RIFAS, 6979
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BRIAN D. RIVERA, 1985
JAMES F. ROACH IV, 3562
KEVIN K. ROACH, 0551
CHRISTOPHER A. ROBERTO, 3539
BRYAN C. ROBERTS, 4897
CLAYTON A. ROBINSON, 8585
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SEAN P. ROCHELEAU, 2856
MIKAEL A. ROCKSTAD, 4772
PETER G. RODGERS, 7805
GABRIELA RODRIGUEZ, 0838
STEPHEN W. ROELANDS, 0773
LOREN P. ROMEUS, 2152
RONALD B. ROSS, 4327
MICHAEL A. ROVENOLT, 4152
JAMES H. ROWBOTTOM, 9825
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JOSEPH C. RUZICKA, 1223
ROBERT A. SALVIA, 3647
JOSEPH M. SANCHEZ, 0264
CHARLES R. SARGEANT, 1300
CHRISTOPHER J. SARTON, 1884
GREGORY P. SAWTELL, 8282
ZOAH SCHENEMAN, 0759
JOHN A. SCHIAFFINO, 2365
TORSTEN SCHMIDT, 0541
JONATHAN L. SCHMITZ, 8618
PETER M. SCHNAPPAUF II, 6631
HARRISON C. SCHRAMM, 2307
BRIAN T. SCHRUM, 0687
STACY L. SCHWARTZ, 7572
MATTHEW R. SCORNAVACCHI, 4457
STEPHEN H. SCOTT, 5355
DEREK R. SCRAPCHANSKY, 2103
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WILLIAM D. SELK, 6996
ARVO SEPP, 2986
CHRISTOPHER C. SEROW, 4848
RICHARD E. SESSOMS, JR., 8426
LINDA C. SEYMOUR, 3058
ERIC A. SHAFER, 4606
TYLER SHERWIN, 8766
BRIAN W. SHIMKAVEG, 5256
JOSEPH T. SHULER, 3605
ADRIAN SIEBENHAAR, 6005
CALEB M. SIEMON, 6967
CHRISTOPHER S. SIMMONS, 3174
PETER M. SIWEK, 3619
SCOTT M. SMALL, 5734
BRYAN L. SMITH, 2460
CHRISTOPHER M. SMITH, 7274
DANIEL A. SMITH, 6230
DAVID J. SMITH, 9598
MATTHEW W. SMITH, 3623
MICHAEL A. SMITH, 8012
MIKEL L. SMITH, 7979
NATHAN A. SMITH, 1289
RYAN C. SMITH, 9552
WAYNE E. SMITH, 2893
KEVIN L. SNODE, 8100
MICHAEL D. SNOWDEN, 1306
MARK D. SOHANEY, 3107
PASIT SOMBOONPAKRON, 9108
ROBERT W. SPEIGHT, 1824
ROLF B. SPELKER, 1003
PHILIP D. SPILLER, JR., 9882
JASON C. STAPLETON, 1845
JOHN B. STAPLETON, 9467
MATTHEW J. STEENO, 2478
MICHAEL STEPHENS, 3800
Q. R. STERLING, 1534
SCOTT E. STERLING, 2771
BRADFORD T. STEVENS, 0090
JOEL G. STEWART, 4649
STANLEY K. STEWART, JR., 9548
JENNIFER L. STILLINGS, 1688
CHRISTOPHER R. STILLION, 3400
BRIAN M. STITES, 6356
RICHARD E. STOERMANN, 3955
BENJAMIN W. STONE, 2583
DANIEL C. STONE, 6848
DANIEL G. STRAUB, 9390
ANDREW J. STRICKLER, 2883
MARK S. STROTHEIDE, 2953
KYLE G. STRUDTHOFF, 2180
MICHAEL S. STUCKY, 8142
COLLIN C. SULLIVAN, 2661
NAGEL B. SULLIVAN, 8754
SHANE SULLIVAN, 1564
JEFFREY W. SUMMERS, 3654
JEFFREY J. SURRAN, 5481
CHRISTOPHER M. SUTTER, 1734
TORY J. SWANSON, 2475
MARK M. SWEENEY, 4825
BRIAN C. TADDIKEN, 2327
KENNETH S. TALLARICO, 9901
CHRISTOPHER P. TALLON, 4782
BRIAN J. TANAKA, 7369
JON P. TANGREDI, 3067
STEPHEN A. TANKERSLEY, 3426
SAMUEL J. TANNER, 8197
MATTHEW E. TARABOUR, 6148
PAUL M. TATE, 0201
BRADLEY M. TAYLOR, 4803
DAVID F. TAYLOR, 8061
ROBERT W. TAYLOR, 8604
DONALD I. TENNEY, 9727
RYAN T. TEWELL, 6744
THOMAS R. THOMA, JR., 2244
JOSEPH M. THOMAS, 3655
MICHAEL E. THOMAS, 9478
RODNEY A. THOMAS, 8131
STEVEN W. THOMAS, 2658
COREY E. THOMPSON, 8059
JOHN A. THOMPSON, 6467
MATTHEW E. THOMPSON, 7338
ANDREW J. THOMSON, 0557
RICHARD M. TOMS, 3735
BRIAN K. TONER, 9204
JOSEPH F. TORIAN, JR., 6108
KENT W. TRANTER, 6931
JENNIFER K. TREADWELL, 5040
BRYANT P. TROST, 0852
JOHN E. TURNER, 6824
JOHN D. TUTWILER, 2290
THOMAS A. ULMER, 4830
STEPHEN A. URES, 9136
RICKY M. URSERY, 0668
PHILIP G. URSO, 0079
JAMIE L. VALDIVIA, 9566
ALEXANDER VALENTIN, 8977
TOBY S. VALKO, 6497
JOHN F. VANJAARSVELD, 8517
MARGARET C. VASAK, 1541
BENTON K. VAUGHN III, 6137
MATTHEW J. VILLARREAL, 2777
JOHN W. VINYARD III, 1184
DONALD R. VOELBEL, 4569
DENNIS J. VOLPE, 4653
JOHN T. VOLPE, 1680
JONATHAN G. VOORHEIS, 0525
TODD R. VORENKAMP, 3679
DALE R. WAGGONER, 2397
DANIEL C. WALENT, 9364
DAVID M. WALLACE, 8025
ANTHONY W. WALLEY, 0545
TERRY R. WAMSLEY, 4031
WILLIAM K. WARREN, 5555
KEVIN J. WATKINS, 1206
LANDRY S. WATSON, 6546
MICHAEL L. WEATHERFORD, 6649
JASON D. WEDDLE, 0041
CHRISTOPHER K. WELLS, 6127
SHANNON J. WELLS, 8020
STEVEN P. WERNER, 3142
WILLIAM W. WERTZ, 1820
STEVEN C. WHEAR, 6218
RICHARD C. WHEELER III, 7058
CHADWICK J. WHITE, 2807
SAMUEL S. WHITE, 7158
RICHARD W. WHITFIELD, 3698
TIMOTHY B. WILKE, 5201
DARREN B. WILKINS, 9188
DEMETRIUS WILKINS, 1310
CHRISTOPHER M. WILLIAMS, 4643
JEFFREY S. WILLIAMS, 7202
KEVIN P. WILLIAMS, 3385
MARC K. WILLIAMS, 2509
MARIO N. WILSON, 1322
SHAWN C. WILSON, 3562
ALAN R. WING, 2462
HUGH E. WINKEL, 6943
THOMAS R. WINKLER, 4082
JEFEREY A. WINSLOW, 6881
ERNEST M. WINSTON, 0252
PATRICIA A. WITHERSPOON, 3383
MICHAEL R. WOHNHAAS, 2665
IAN S. WOLFE, 5517
JASON L. WOOD, 5804
PETER P. WOOD, 6341
MICHAEL D. WOODS, 1160
CHRISTIAN B. WUNSCH, 6808
COLLIN A. WYNTER, 4005
SCOTT A. YACH, 3839
CHRISTOPHER M. YOUNG, 9486
STEVEN M. YOUNG, 7155
PHILIP D. ZARUM, 6529
THOMAS A. ZDUNCZYK, 3890

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING SELENA STEALEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Selena Stealey is a dedicated young woman worthy of merit and recognition; and

Whereas, Selena Stealey has been acknowledged by the United States Government for her caring efforts toward Hurricane Katrina victims and their pets; and

Whereas, Selena Stealey should be commended for her excellence in collecting and raising pet supplies.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Selena Stealey for her outstanding accomplishment.

IN HONOR OF THE 100TH ANNIVERSARY OF THE GREEN BAY EAST—GREEN BAY WEST HIGH SCHOOL FOOTBALL GAME

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, today I would like to recognize Green Bay East and West High Schools as they prepare to celebrate their 100-year-old football rivalry this weekend.

The seed for this historic gridiron contest was planted a century ago, on November 30, 1905. Football fans from across the region came out in droves to support their teams, and their enthusiasm quickly spilled out into the surrounding communities. Now, one hundred years later, it is one of the most intense and emotional high school sporting events in the state of Wisconsin and the nation.

For many years the football game between East and West High School was the largest public event in the city, with only Green Bay Packer games drawing a larger crowd. The celebration in Green Bay this weekend is one of community and pride, where friends and family can come together to reflect on the traditions of school spirit, kinship and community.

Mr. Speaker, it's my pleasure to recognize this historic football game and pay tribute to the one hundred years of tradition surrounding it. On behalf of the residents of Wisconsin's 8th Congressional District, I say congratulations and best of luck to both teams this weekend!

CONGRATULATIONS TO MR. GEORGE MARTI

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. EDWARDS. Mr. Speaker, George Wesley Marti was born in Oak Grove, Texas in southern Tarrant County, the son of John and Lula Bell Marti. Driven by the great influence of his grandmother and fascination with radio, George Marti had a vision and developed a business plan at the young age of thirteen that involved establishing a radio station in the city of Cleburne, Texas.

In 1937, three years after the original formulation of his business plan for a Cleburne radio station, George Marti earned his Radio Telephone 1st Class Operator's License and Amateur Radio License, at the age of sixteen. Entering the United States Marine Corps in 1942, George Marti later enrolled in the Radio Material School of the Naval Research Laboratory in Washington, DC. George Marti graduated from this training, in 1943, the first in his class, and proceeded to serve on the maiden voyage of the USS *Freland*, later taking command of the communications for Marine Air Group 13 in American Samoa.

After being discharged in 1945, George Marti realized his vision of opening a radio station in Cleburne, Texas, with the on air debut of KCLE in April of 1947. Marti Electronics began to manufacture full time the Marti Remote Pickup System of his own invention that allowed reporters to broadcast remotely for the first time without the installation of telephone wires. By 1994, "The Marti," was operating in more than 80 percent of the world's radio stations.

George Marti established the Marti Foundation in 1988 in order to provide college scholarships to students of Johnson County that could otherwise not afford to go to college. The Marti Foundation has provided 551 scholarships in its 17 year history, and is currently supporting over 100 students at this very moment. Marti Foundation scholarships enjoy a 95 percent graduation rate.

In addition to his many accomplishments as Mayor of the City of Cleburne, Texas from 1974 to 1986, George Marti has been named the National Association of Broadcasters' 1991 Engineer of the Year, in 2002 the first inductee to the International Charolais Association Hall of Fame, in 2002 the first inductee to the Texas Association of Broadcasters' Hall of Fame.

George Marti continues a long history of service and devotion to his home of Johnson County, and is a most valued and regarded citizen of Cleburne, Texas.

I am proud to call George Marti my friend.

MARKING THE 100 YEAR CELEBRATION OF THE CITY OF AMMON, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to join with the community of Ammon, Idaho, in celebrating the city's 100th anniversary. This important milestone has been reached through the hard work and tenacity of the early settlers as well as the vision and spirit of today's citizens.

The City of Ammon is located to the east of the City of Idaho Falls in Bonneville County. It is one of east Idaho's fastest growing communities. Early settlers would hardly recognize the flourishing business district and the numerous residential developments. The population of Ammon now exceeds 10,000, with a median age of only 28 years for its residents. Many young families are enjoying the ambiance of a small town as well as the convenience of living within a few miles of a large metropolitan center. Their enthusiasm and willingness to volunteer time and energy are helping the community to grow and prosper. A multitude of new businesses are joining the older more established ones of Ammon's early years to develop a vibrant, thriving economy.

Mr. Speaker, I would like to congratulate all those who have been involved in the "100 year celebration of the City of Ammon". I know many of the citizens of Ammon and have enjoyed their friendship over the years. I have worked with Mayor Ard on projects to better the City of Ammon, and I wish him and all the members of the community well as they begin an exciting second hundred years.

A PROCLAMATION RECOGNIZING ALLEN R. STANFORD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Allen R. Stanford has been recognized as the 2006 Recipient of the "Excellence in Leadership Award" by the Inter-American Economic Council; and

Whereas, Allen R. Stanford has been acknowledged for his performance and leadership in the areas of finance and investments; and

Whereas, Allen R. Stanford should be commended for his service as the CEO of the Stanford Financial Group based in Houston, Texas.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Allen R. Stanford for his outstanding accomplishments.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF THE LIFE OF DR. VANG POBZEB

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, today I would like to commemorate the life of Dr. Vang Pobzeb, an extraordinary man who recently passed away on August 23, 2005 after a life of passionate service to human rights and Hmong people across the globe.

Dr. Pobzeb began his activism in the mid-1970s and was among the first to achieve national recognition in the Hmong American Community. In 1987 he founded the Lao Human Rights Council—an organization devoted to improving the living conditions of Hmong people both in Laos and the U.S. Dr. Pobzeb was a tireless advocate for a people and culture that faced tremendous persecution, and he took every opportunity to remind the international community of the plight of the Hmong people in Laos. I was proud to work together with him, time and time again, in this fight.

Mr. Speaker, it is my distinct honor to commemorate the life of such an incredible man. Dr. Pobzeb was truly an exemplar of compassion and dedication, and on behalf of the citizens of Wisconsin's Eighth Congressional District, I offer my condolences to his family, and pay tribute to his life of activism and sacrifice.

CONGRATULATIONS AND BEST WISHES TO FATHER LAWRENCE SOLER

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. EDWARDS. Mr. Speaker, I rise today to recognize a champion of the Waco, Texas community, Reverend Lawrence Soler. I would like to extend my most sincere thanks and congratulations to Father Soler for his principled service and dedication to the needs of his parishioners. We are celebrating Rev. Soler's 50th year in the priesthood.

Rev. Lawrence Soler has served as Pastor of Sacred Heart Church for over 27 years. He also served as Pastor of St. Francis Church for several years. During his tenure at Sacred Heart Church, Rev. Lawrence Soler directed the fundraising and construction of a new $1.2 million dollar sanctuary to accommodate the ever-increasing Catholic community of south Waco. In the last 2 years, he directed the fundraising and construction of a new Parish Activity Center also.

During his service at Sacred Church, he has conducted thousands of marriages, baptisms, confirmations, and communions. The work of Reverend Soler is a model of selfless service and sacrifice. His generous spirit and tireless efforts on behalf of the community have undoubtedly touched countless lives.

It is my privilege to honor the contributions of Reverend Lawrence Soler and I personally want to thank him for the shining example has given to us all and wish him well in his future endeavors.

Thank you my friend.

A TRIBUTE TO ROSEMARY CHILDREN'S SERVICES

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor Rosemary Children's Services of Pasadena, CA, upon its 80th anniversary.

In 1920, Mrs. Emma Spear and the women of the Pasadena Shakespeare Club established a shelter program for abused, neglected or abandoned teenage girls in Pasadena, because the only alternative at that time was juvenile hall. Rosemary Cottage opened in April of 1920 and could house 10 girls and a housemother. Their name came from William Shakespeare's "Hamlet" "There's Rosemary, that's for remembrance; pray you, love, remember."

In 1928, a new "Cottage" was built and made available to 19 teenage girls. In the 1940s, Rosemary Cottage introduced treatment services, improved their property and hired social workers to meet the United Way standards. Rosemary's group home program was launched in 1967 by the generous donation of a home from Robert Romberger. The group homes program was the first step in teaching independent living skills to teenage girls in placement situations. Since then, three other group homes have been acquired and can house up to 43 at-risk girls.

Rosemary Children's Services help hundreds of children of all ages. Along with their excellent residential program, they provide foster care to nearly 400 girls and boys in Southern California, many of whom have been the victims of neglect, sexual, or physical abuse. They sponsor a school that provides specialized education in a small structured environment and their mental health program includes out-patient services for teenage girls, individual and group therapy, exercise programs, artistic activities and training in various life skills.

I am greatly honored to recognize Rosemary Children's Services for its 80 years of loving care and support to countless children in our community, and I ask all Members to join me in congratulating Rosemary Children's Services for their remarkable achievements.

A PROCLAMATION RECOGNIZING MARION GATEWOOD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, Marion Gatewood has been recognized for being inducted into the Muskingum County Farm Bureau Hall of Fame; and

Whereas, Marion Gatewood has been acknowledged for his dedication and commitment to farming by the members of the Muskingum County Farm Bureau; and

Whereas, Marion Gatewood should be commended for his outstanding dedication to Muskingum County and for his exceptional knowledge and contributions to their farming community.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Marion Gatewood for being inducted into the Muskingum County Farm Bureau Hall of Fame.

COMMENDING THE GENEROSITY OF GALENA PARK, CHANNELVIEW, AND SHELDON ISD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commend the generosity three school districts in our Congressional District have shown to our neighbors in Mississippi.

Galena Park ISD, Channelview ISD, and Sheldon ISD have united and adopted Pascagoula public schools in Mississippi. Twenty-three Galena Park Schools, eleven Channelview Schools and seven Sheldon ISD schools are collecting donations to provide school supplies clothing and other necessities to students in Pascagoula.

Pascagoula serves almost 9,000 students at 16 campuses. Reports indicate that two schools were completely destroyed by Hurricane Katrina. The rest of the Pascagoula campuses sustained severe roof and window damage.

In addition to sending badly needed resources to Pascagoula, Galena Park, Channelview and Sheldon ISD have also enrolled hundreds of students from Louisiana and Mississippi.

I'd like to thank the leadership and staff at these three school districts for opening their doors to the children who have been affected by Katrina. I wish the best to our neighbors in Mississippi, Louisianna and Alabama as they rebuild their lives.

TRIBUTE TO MS. REEVES DIXON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SERRANO. Mr. Speaker, it is with deep sympathy that I rise today to give a final goodbye to a wonderful woman who dedicated her life to helping others live well. Ms. Reeves Dixon passed away on September 2, 2005. She was a fine woman and will be sorely missed by all who knew her.

This daughter of the Bronx life's resume is long and impressive but I want to take a moment to highlight the important contributions she made to the people of my community.

Since 1980 Reeves worked with the 163rd Street Improvement Council, serving first as the Assistant Executive Director and later as its President and CEO. As CEO of the 163rd Street Improvement Council Reeves pushed the organization to plan, design, develop and implement affordable housing and support services that focused on meeting the housing and human services needs of the residents of the Southeast Bronx.

Most of the Council's clients have incomes below the median level. In an effort to help empower these low income families the council offers an integrated program which provides quality and affordable housing through direct assistance that includes support services, education, advocacy, placement and referral. The Council helps to increase self esteem and self determination and decrease dependency on government subsidies. Under her strong leadership the Council moved from a budget of $400,000 to a multi-million dollar organization. Its growth not only demonstrated the great need for such an organization in the Bronx but also the strong leadership and vision of Reeves.

This past week the world watched in disbelief as Hurricane Katrina destroyed a major American city. While this storm will go down in history as the worst natural disaster to strike this Nation, it had much more significance. Katrina forced Americans to remove the wool that many had placed over their eyes to face the grim reality that there are millions of people in this country who live in utter poverty. Perhaps now Americans will realize the great responsibility they have to uplift those who are most vulnerable in our society. The life of Reeves Dixon is a shining example of how every American should lead his/her life—working to uplift her/his fellow man. Reeves understood that her community, much like the Nation as a whole, could not survive if its most vulnerable citizens were not protected. As a result she spent her life empowering others.

Although Reeves has passed on, the many good works that she did will continue to benefit the lives of others for generations to come. Surely that is the mark of great life. For her unyielding spirit and kind heart I ask my colleagues to join me in saying goodbye to a dear friend and role model to us all—Ms. Reeves Dixon.

A SALUTE TO DR. BILLY TAYLOR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CONYERS. Mr. Speaker, as Dean of the Congressional Black Caucus, and Chairman of the Jazz Forum and Concert that occurs during the Congressional Black Caucus Foundation's Annual Legislative Conference, I rise to salute the lifetime achievements of one of the most distinguished artists in American music history, Dr. Billy Taylor. The following biography, found on the Kennedy Center's web site, chronicles a career of accomplishment deserving of such high recognition, and of this body's thoughtful attention and respect:

"Billy Taylor arrived in New York City on a Friday evening in 1942. He headed for Minton's Playhouse in Harlem, where he was heard by one of his idols, tenor saxophonist, Ben Webster. The following Sunday Taylor began his professional career, playing with Webster's quartet at the Three Deuces alongside Webster, Big Sid Catlett and Charlie Drayton. During this time, Billy was Art Tatum's protege and Jo Jones was his 'appointed guardian.'"

Taylor worked with Machito's Afro-Cuban band, replaced Erroll Garner in the Slam Stewart Trio, and became a member of the Don Redman Orchestra, the first American jazz band to tour Europe after World War II (1946). He also played on Broadway in Billy Rose's "The Seven Lively Arts," opened for Billie Holiday in "Holiday on Broadway," and played in the pit band for "Blue Holiday," starring Ethel Waters, Mary Lou Williams and the Katherine Dunham dancers.

He played a lot of solo gigs along the northeast corridor—the Earle Theater in Philadelphia, The Royal Theater in Baltimore, the Howard Theater in DC and the Apollo in NYC. In 1949 he got a call to sub for Al Haig with Charlie Parker and Strings at Birdland. This was the beginning of his two-year stint as house pianist at that legendary jazz club. He played with everybody—Charlie Parker, Dizzy Gillespie, Miles Davis, Oscar Pettiford, Art Blakey, Milt Jackson, Zoot Sims, Roy Haynes, and Kenny Dorham among others. Often playing opposite such bands as Duke Ellington, Count Basie, Stan Kenton and Lennie Tristano, his tenure at Birdland was one of Taylor's greatest learning experiences.

Billy made some recordings with his own group during the early 1950's for such labels as Prestige, Riverside, ABC Paramount, Impulse!, Sesac, Mercury and Capital Records. He also recorded albums with Quincy Jones, Sy Oliver, Mundell Lowe, Neal Hefti, Eddie 'Lockjaw Davis', Sonny Stitt, Lucky Thompson, Coleman Hawkins and Dinah Washington. He even started his own music publishing company, Duane Music, Inc.

Also about this time Taylor started writing about jazz and giving lectures/clinics to music teachers interested in teaching jazz. He began to witness first-hand, the serious lack of funding for the arts and humanities and began to focus on radio and television in order to gain better exposure for America's classical music. He helped to facilitate many local and national broadcasts featuring jazz artists in live performances. Some in broadcast studios, others in nightclubs, dance halls, and hotels. In 1958 he was named Musical Director of the first series ever produced about jazz, "The Subject Is Jazz" (NET). His house band for these 13 programs included Doc Severinsen, Tony Scott, Jimmy Cleveland, Mundell Lowe, Earl May, Eddie Safranski, Ed Thigpen and Osie Johnson. Guests included none other than Willie "The Lion" Smith, Duke Ellington, Langston Hughes, Jimmy Rushing, Bill Evans and Aaron Copeland among others.

During the 1960's Taylor was working regularly with his trio and hosting his own daily radio show on New York's WLIB. He was making guest shots on various TV shows and recording for Capital Records, when the Beatles began to nip at the heels of Taylor and other highly successful members of the Capital family like Frank Sinatra, Nat King Cole, and Peggy Lee. Rather than continue to be neglected, Taylor opted to forget about recordings for the time being and concentrate on radio and television. His success on WLIB led to a post at the popular WNEW, playing jazz for their affluent middle-of-the-road audience. He continued to perform as well during this period, usually with his trio and sometimes with larger ensembles.

In the early 1970's, Taylor was named Musical Director for the popular daily television show, The David Frost Show. Many feel he had the best jazz band on TV at that time. They played an hour jazz concert every night for the studio audience, and at least twice a week, Frost booked guests like Louis Armstrong, Count Basie, or Buddy Rich to play and be interviewed. Two recordings were made with Taylor's band on the Frost show before the show came to an end three and a half years later. Billy Taylor returned to WLIB, this time as program director of the station and began to build the largest jazz audience in New York City. Simultaneously he had his own local television program on New York's Channel 47. It was about this time that Taylor was offered an opportunity to enroll in the doctoral program at the University of Massachusetts at Amherst. He had been an adjunct professor at C. W. Post College in New York and a visiting professor at Howard University, and felt the need to organize his teaching materials so that they might be more effectively used by others. After a few years of intense study, he earned his combined Masters and Doctorate in Music Education (1975). But he sorely missed playing and writing music. He had been appointed to the National Council for the Arts by President Nixon in 1970, and although this was a tremendous honor, the amount of time required to be an effective arts advocate took precious time away from practicing his music. Nonetheless, he tackled the task at hand, alongside his distinguished colleagues, Maurice Abravenel, Eudora Welty, Beverly Sills, and Nancy Hanks, who were doing so much to help make the arts available to everyone. It was a highly productive and rewarding period for Taylor, but not especially creative, musically.

Sometimes things work themselves out in mysterious ways. Maurice Abravenel commissioned Taylor to write "Suite For Jazz Piano and Orchestra"; T. J. Anderson commissioned him to write "Make A Joyful Noise"; the University of New Hampshire commissioned him to write a dance suite, "For Rachel"; the Kentucky Symphony asked him to write "Impromptu." And so, Taylor began to write jazz for ensembles that were larger than his trio. He composed the musical score and lyrics for an off-Broadway production of Wole Soyinka's "The Lion and The Jewel," and some dance music for the original production of "Your Arms Are Too Short To Box With God." (To date, Billy Taylor has over 350 songs to his credit, including the popular, "I Wish I Knew How It Would Feel To Be Free," which has been recorded by various artists and served as an anthem for the civil rights movement. His latest work, "Urban Griot," is detailed under the Soundpost section of this website.)

All the while, Billy Taylor continued his work in broadcasting, as Musical Director for Tony Brown's Black Journal Tonight (PBS); and from 1977–1982, as host of NPR's most listened to jazz program of its time, "Jazz Alive."

By the end of the 1970's he was touring with his trio more than ever, but playing fewer and fewer jazz clubs, which had become crowded, overpriced and excluded young people. Realizing the need to bring his music to a broader audience, Taylor began to focus more on performing in larger venues such as concert halls and performing arts centers, which were a welcome change.

In the early 1980's, Taylor was tapped by Charles Kuralt to become arts correspondent for the popular television program, "CBS Sunday Morning." Still at that post today, he has profiled over 250 well-known and not-so-well-known members of the jazz community. (He received an Emmy Award for his profile on Quincy Jones.) It was during this time that Billy also decided to start his own record company (Taylor Made), but after producing five albums, he realized that it was the music he wanted to be involved in, not the business. He continued his work as a performer both on the bandstand and on television & radio as well. He hosted his own jazz piano show for Bravo, "Jazz Counterpoint," which featured such artists as George Shearing, Marian McPartland and Ramsey Lewis, along with two different NPR radio series, "Dizzy's Diamond," and "Taylor Made Piano," which traced the history of jazz using the piano to tell the story. Based upon Dr. Taylor's book, "Jazz Piano," "Taylor Made Piano" won a Peabody Award and generated more requests for tapes than any previous NPR program. As the 80's drew to a close, Billy Taylor signed with GRP/Impulse, making some of his most popular recordings, including the re-release of My Fair Lady Loves Jazz (arranged by Quincy Jones), It's A Matter of Pride, Dr. T (featuring Gerry Mulligan) and Homage (featuring the Turtle Island String Quartet) which received a Grammy nomination in 1996.

During the 90's Dr. Taylor was named Artistic Advisor for Jazz to the Kennedy Center for the Performing Arts in Washington, D.C. Since 1994, under the umbrella of Jazz at the Kennedy Center, Taylor has developed one acclaimed concert series after another including the Art Tatum Pianorama, the Louis Armstrong Legacy series, the annual Mary Lou Williams Women in Jazz Festival, Beyond Category, Betty Carter's Jazz Ahead and the Jazz Ambassadors Program. His nationally broadcast NPR series, "Billy Taylor's Jazz at the Kennedy Center" is recorded live and features a mix of performances, audience Q & A, and conversations with musical guests. (see the Education/Residencies section of this website). Billy pioneered this play a little, talk a little format in the early 80's, with his "Jazz Models & Mentors" series, presented four times a year at New York's Metropolitan Museum of Art. Taylor performs regularly with his current trio (Chip Jackson/bass & Winard Harper/drums) as well as with his long time friend, pianist Ramsey Lewis. When he's not touring, composing or recording, he can be found in classrooms throughout the country, conducting master classes, workshops and lecture/demonstrations. As he approaches his 80th birthday, Billy Taylor remains vigorously dedicated to nurturing jazz and creating new forums and opportunities for the artists who perform it. He encompasses that rare combination of creativity, intelligence, vision, commitment and leadership, all qualities that make him one of our most cherished national treasures."

In March 2005, Dr. Taylor retired from concert performance.

A PROCLAMATION RECOGNIZING ROB VERNON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. NEY. Mr. Speaker:

Whereas Rob Vernon has been a dedicated president of the Muskingum County Farm Bureau worthy of merit and recognition; and

Whereas, Rob Vernon should be rewarded for his passion and commitment toward farming; and

Whereas, Rob Vernon should be commended for the excellence and devotion with which he served the county of Muskingum.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Rob Vernon for his outstanding accomplishments.

RELIGIOUS LEADERS SPEAK OUT ON BUDGET

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. PRICE of Georgia. Mr. Speaker, our national budget and spending bills reflect our government's values and priorities, and in recent years those priorities have been skewed heavily in favor of helping the rich and eroding protections for the poor. Our country's religious leaders recognize that danger, and for the second time this year have issued statements calling on our government to truly care for the least among us and to abide by a budget and spending plan that reflects the higher values and morals of our country. I would like to submit for the RECORD a letter from the leaders of many of the major Protestant churches in our country and another by the National Council of Jewish women calling on Congress not to abandon the poor in the aftermath of Katrina. The budget reconciliation process should not be used to further reduce funding for education, food stamps, health care, and other critical domestic priorities while spending twice that amount in tax cuts for the wealthiest among us.

THE EPISCOPAL CHURCH, USA, EVANGELICAL LUTHERAN CHURCH IN AMERICAN, PRESBYTERIAN CHURCH (U.S.A.), UNITED CHURCH OF CHRIST, UNITED METHODIST CHURCH.

SEPTEMBER 13, 2005.

DEAR MEMBERS OF CONGRESS: As leaders of our respective denominations, we have long sought an end to the injustices inherent in poverty. We have never seen these injustices born out so vividly in our own country as in the aftermath of Hurricane Katrina. The devastation wrought by Katrina has exposed the anguished faces of the poor in the wealthiest nation on the planet. These faces, precious in the eyes of God, cause us to remember that racial disparities and poverty exist in almost every community in our nation. They also compel us to set before Congress once again our concerns for the FY '06 federal budget and its impact on people living in poverty. With renewed urgency, we call on Congress to stop the FY '06 federal budget reconciliation process immediately.

We believe our federal budget is a concrete expression of our shared moral values and priorities. Congress rightly and quickly responded in appropriating needed funds to ensure an adequate initial response to Hurricane Katrina. Our denominations have mobilized and are responding in prayer and financial support and direct service to those in need. Yet, just as disaster struck the Gulf Coast, the U.S. Census Bureau reported in very particular detail that poverty in the United States is growing. The annual report, Income, Poverty, and Health Insurance Coverage in the United States: 2004 showed that 37.0 million people lived in poverty in 2004, an increase of more than one million people since 2003.

In April, during consideration of the budget resolution we wrote to Congress that, "As we view the FY '06 Federal Budget through our lens of faith this budget, on balance, continues to ask our nation's working poor to pay the cost of a prosperity in which they may never share." It is clear that programs such as Medicaid and the Food Stamp Program that were slated for cuts by Congress will in fact have greater burdens placed on them as a result of Hurricane Katrina. These programs are not simply entitlements or "government hand-outs," they represent the deep and abiding commitment of a nation to care for the least among us.

Believe us when we tell you that even before Hurricane Katrina or the Census Bureau's report, neither we nor our friends of other faiths had the resources to turn back the rising tide of poverty in this country. The FY '06 reconciliation bill that is working its way through the authorizing committees will send more people searching for food in cupboards that, quite frequently, are bare.

We commit ourselves to working for economic policies infused with the spirit of the One who began his public ministry almost 2,000 years ago by proclaiming that God had anointed him "to bring good news to the poor."

The Most Reverend FRANK T. GRISWOLD,
Presiding Bishop and Primate of the Episcopal Church, USA.
The Right Reverend MARK HANSON,
Presiding Bishop of the Evangelical Lutheran Church in America.
The Reverend Dr. CLIFTON KIRKPATRICK,
Stated Clerk of the General Assembly, Presbyterian Church (U.S.A.).
The Reverend JOHN H. THOMAS,
General Minister and President, United Church of Christ.
JAMES WINKLER,
General Secretary, General Board of Church and Society, United Methodist Church.

NATIONAL COUNCIL OF JEWISH WOMEN URGES NEW NATIONAL PRIORITIES IN KATRINA'S WAKE

NEW YORK, SEPT. 12, 2005.—In the aftermath of Hurricane Katrina, National Council of Jewish Women (NCJW) President Phyllis Snyder issued the following statement:

We have watched with alarm the tragedy that continues to unfold in New Orleans and the Gulf Coast as a result of Katrina. Our hearts go out to all of the people who have suffered from this disastrous hurricane—those who have lost loved ones, homes, livelihoods, and their communities.

We applaud the efforts of the individuals who have worked day and night to rescue and provide relief to those victimized by Katrina. So, too, we salute the countless volunteers, many of whom are from NCJW, working to assist evacuees who have relocated to their communities.

This is a tragedy compounded by the grave mistakes made by the very people and institutions charged with keeping us safe. We urge the establishment of an independent commission of inquiry with adequate budget authority and subpoena power to investigate this catastrophe. It is important that this effort rise above partisan politics in order to determine exactly what went wrong and to make recommendations for the future.

Recovering from Katrina will necessitate measures that go well beyond the immediate cleanup and rebuilding tasks. This disaster has exposed the fault lines of race and poverty in our society that we all knew existed but which have been ignored, especially in recent years.

NCJW calls upon our leaders and lawmakers to realign their priorities, and we pledge to redouble our efforts to ensure that this happens. We must prioritize funding to address human needs over tax cuts that disproportionately benefit the wealthy and drain vital budgetary resources. We must act to address the vestiges of racism that linger in our society. And we must act to ensure that the communities that rise from the rubble embody a new vision of equality and social justice.

H.R. 3673, SECOND EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO MEET IMMEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRICANE KATRINA, 2005

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SULLIVAN. Mr. Speaker, I rise today to offer my sincerest condolences and sympathies to the victims of Hurricane Katrina. With the recent devastation of Louisiana, Mississippi, and Alabama, our Nation has reached a state of emergency. My thoughts and prayers are with those who have been tragically uprooted from their communities, or have lost loved ones in the path of the destruction. I wholeheartedly support the effort to provide food, water, and daily necessities to these victims, as well as the long-term effort to rebuild our Gulf Coast and house the now-homeless.

As we move forward with the effort to provide for families and to rebuild, it is Congress' job to ensure that federal aid and taxpayer dollars are spent appropriately and are reaching the truly needy. Last week, the Federal Emergency Management Agency was spending just over $500 million a day, an unprecedented rate, and over the weekend spending reached $2 billion a day. Over $60 billion in emergency appropriations has been allocated, a record for disaster relief, and Congress is expected to authorize more funds in the coming weeks.

I strongly urge that future spending bills for Hurricane Katrina include controls on how the money will be spent; that this spending is offset with reductions in other programs, just as Congress did following the California earthquake and the Oklahoma City bombing; and that Federal resources are allocated for rebuilding only where State and local governments and the private sector cannot provide the funds.

Additionally, I encourage accountability and meticulous record keeping within the federal organizations funding the emergency and rebuilding efforts. I feel it is imperative that the Department of Homeland Security and other related agencies help these citizens and rebuild these towns, but in a financially responsible manner, ensuring every dollar is spent wisely and fairly in an effort to best help the victims of this tragedy. In this time of disaster, it is important that we do not saddle future generations with unmanageable debt, but rather work together to exercise fiscal responsibility.

RECOGNIZING OFFICER ROBERT FERRARA

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mrs. KELLY. Mr. Speaker, I stand here today to honor a dedicated and heroic public servant from the Nineteenth Congressional District of New York. We nearly lost one of our finest citizens when Town of Chester Police Officer Robert Ferrara was critically injured while serving in the line of duty.

Officer Robert Ferrara, age 34, was seriously wounded on the night of July 20, 2005, when a drunk driver smashed head-on into his police vehicle. He suffered multiple fractures throughout his body including: a punctured lung, a ruptured spleen, a lacerated liver, a kidney abrasion, and a laceration to his head.

Officer Ferrara has dutifully served the Town of Chester since 1999 as a police officer. Previously, he spent 4 years working as a Deputy Sheriff with the Orange County Sheriffs Office. In addition to his public service, Officer Ferrara is the dedicated father of a 7-year-old girl.

Officer Ferrara's relentless determination and resolve to overcome tragedy has served as a guiding light. His willpower and inner strength have touched his family, his friends, and even those who never met him but have heard of his courage. His community has been inspired by Officer Ferrara. Over 200 people recently participated in a blood drive in his honor, with some waiting in line for hours.

Officer Ferrara deserves recognition for he symbolizes the likes of an exemplary officer and diligent public servant possessing an unwavering commitment to serving others and protecting the well-being of the community.

A PROCLAMATION IN MEMORY OF LOUIS MENDELSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Louis Mendelson; and

Whereas, Louis Mendelson will certainly be remembered by all those who knew him because of his upright character; and

Whereas, Louis Mendelson was born and raised in Bellaire, Ohio and owned the former Berman's Mens Store in Bellaire; and

Whereas, Louis Mendelson was active in many endeavors in his community as a member of the Temple Shalom Synagogue in Wheeling, West Virginia, a member of the Bellaire Area Chamber of Commerce, and Bellaire Kiwanis Club; and

Whereas, Louis Mendelson will be remembered and honored for his public service as a U.S. Army Veteran of World War II.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Louis Mendelson.

CONTRIBUTIONS OF NORTH TEXANS TO HURRICANE KATRINA RELIEF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize and commend the compassionate contributions of North Texans towards the hurricane relief efforts. During the past two weeks, televisions across the nation have brought into our living rooms images of the terrible destruction and suffering caused by Hurricane Katrina. Obviously our hearts ache at seeing our fellow Americans in desperate need, struggling at first just to survive, and now beginning to put their lives back together, one piece at a time. This desperation and despair, however, has not gone unanswered. Americans have come together in the past weeks, giving new meaning to the word "community," and the North Texas community has been a leader in this endeavor.

The City of Dallas and the surrounding areas have served as models of compassion, generosity, and leadership as North Texas has welcomed thousands who have been so tragically displaced by the hurricane into our neighborhoods and communities. So many sectors have given so selflessly of their time and resources to those in desperate need: city and county administrations, transit agencies, faith-based institutions, educational institutions, private and non-profit sector entities, and regular citizens have answered humanity's greatest call.

The American Red Cross in North Texas has come to the aid of thousands of evacuees here in Dallas, providing much needed meals and beds. Volunteers at the Call Center of the Dallas Emergency Operations Center have fielded thousands of calls, helping to organize this massive relief effort. Transportation has been generously provided by Dallas Area Rapid Transit, who have distributed over 3500 transit passes to evacuees, and the Dallas Water Utilities Distribution Division has assisted by providing pallets and personnel at the Dallas Convention Center.

The area's first responders have acted with bravery and selflessness. The Dallas Police Department has committed over 300 officers to support evacuee operations. The Texas State Guard has provided invaluable medical and shelter management services, deploying over 250 guardsmen to the Convention Center and Reunion Arena shelters alone. Fire Rescue and EMS personnel have lent their expertise to the relief effort at shelters throughout Dallas, and nearly two thousand patients have been served.

The Surgeon General of the United States, Richard Carmona, has described medical operations in Dallas as "nothing short of astounding," and Mr. Justo Hernandez, the coordinating officer on site with the Federal Emergency Management Agency, has reported that, in his 17 years of service with the agency, FEMA has never been as well received as it has in Dallas. Louisiana State Representative Derrick Shepherd described the effort as a "first-class administration of a difficult administration" and New Orleans Mayor Ray Nagin stated, "People are doing great work everywhere in Texas".

Clearly, world renowned Texas hospitality has lived up to its reputation. The spirit of the North Texas community is strong and kind, and I commend all North Texans who have contributed toward the restoration of hope for their fellow man.

RECOGNIZING CHRISTIANSBURG, VIRGINIA CHIROPRACTOR FOR SERVICE TO THE CHIROPRACTIC PROFESSION

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. BOUCHER. Mr. Speaker, next week, the American Chiropractic Association—the nation's largest professional association for doctors of chiropractic—will elect a new Chairman of the Board of Governors at their annual conference in St. Paul, Minnesota. The outgoing Chairman, the chair since 2003, is a constituent of mine who practices in Christiansburg, Virginia: Doctor of Chiropractic, George B. "Mac" McClelland.

Dr. McClelland is a 1969 graduate of National College of Chiropractic and has practiced chiropractic for more than 30 years. He was elected chairman of the Board of Governors during ACA's 40th Annual Business Meeting in Albuquerque, New Mexico, September 20, 2003.

Dr. McClelland has been extremely involved in the chiropractic profession for many years. He has served on the ACA Board of Governors since 1999, and on its executive committee for the past two years. Prior to being elected to the Board, Dr. McClelland served as ACA's Virginia Delegate for 18 years. In addition, Dr. McClelland is a current member of ACA's Council on Orthopedics and has been a member of ACA's Council on Roentgenology and its Council on Sports Injuries. He served as national chairman of ACA's Managed Care Committee from 1996 to 1999.

Dr. McClelland has also been extremely active with the Foundation for Chiropractic Education and Research (FCER) and currently serves as its vice president, as well as a member of its Research Committee, Board of Trustees and President's Council. In addition, he was FCER president from 1990 to 1996.

Dr. McClelland has been recognized for his service and significant contributions to the chiropractic profession. He is a two-time recipient of the VCA Chiropractor of the Year Award and has also received a Special Service Award and a Lifetime Achievement Award from the VCA. In 1997, he received ACA's first Delegate of the Year Award, and he has also received the Chairman's Award, the President's Award, a Meritorious Service Award and a Distinguished Service Award from the ACA. In 1985, he was awarded an honorary Fellow of the International College of Chiropractic degree.

Dr. McClelland, a Vietnam veteran and avid golfer, lives in Blacksburg, Virginia with his wife, Susan. He has two children. Fall Saturdays find Mac and Susan's home decked out in Virginia Tech maroon and orange.

Mr. Speaker, I am proud to have Dr. McClelland as a constituent and even prouder of his more than 30 years of service to patients throughout Virginia.

HONORING CONSTITUTION DAY

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. BOEHNER. Mr. Speaker, I rise today to recognize the United States Constitution's 218th anniversary.

On September 17, 1787, 39 delegates from 12 states convened in Philadelphia to outline the powers of a new government—a government that for the first time in world history would exercise its authority from powers loaned to it by its citizens, not the other way around. It represented a sea change from centuries of belief that every person's right to his property was somehow the state's to grant or to confiscate.

John Adams once said, "The moment that the idea is admitted into society that property is not as sacred as the Laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist." I believe that every American that swears to defend the Constitution is obliged to defend that sacred right. Unfortunately, there exists a depressing trend, highlighted by the Supreme Court's recent 5–4 decision in Kelo v. New London, where those who think "government knows best" gain and property rights yield.

With the death of the late Chief Justice William Rehnquist, America is once again presented with a test of her character. A new Chief Justice must be appointed. He or she will bear the responsibility for defending a document that has generally succeeded in securing individual liberty for 218 years. From what I have learned about Judge Roberts, I am optimistic that he will rise to the occasion. I can only hope that the Senate will too. The Constitution is far too valuable for politics.

IN SUPPORT OF POW/MIA RECOGNITION DAY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HIGGINS. Mr. Speaker, I rise in respect of National POW/MIA Recognition Day. The brave sacrifices made by our Nation's veterans have protected the liberty of millions of Americans, and have brought freedom to countless individuals throughout the world. Today is a day for our Nation to humbly thank and remember those who have given up their freedom to protect our own.

Hundreds of thousand of Americans have been interned at the hands of their captors; many of these men and women are alive in our country today, and more than 88,000 remain missing from World War II, the Korean War, the Cold War, Vietnam, the Persian Gulf, Somalia, Kosovo, Afghanistan and Iraq. Today, our Nation thanks these brave individuals who have protected our freedom while losing their own and we renew our commitment to the families of those who are still missing by promising to do everything possible to account for their loved ones.

On September 16, 2005, I ask our Nation to salute American POWs and those honorable men and women missng in action, and I urge my colleagues to fly the flag of the National League of POW/MIA Families, a black and white banner symbolizing America's missing.

CELEBRATING THE 60TH ANNIVERSARY OF SAN JOAQUIN MEMORIAL HIGH SCHOOL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate San Joaquin Memorial High School on this ceremonious day in celebration of their 60th anniversary.

San Joaquin Memorial High School deserves congratulations for their dedication to providing their students with a superior education and making the tuition very affordable for many families in the Fresno area. With a 154 graduating class of 2005 nearly all of their students plan to attend colleges or universities. Over the past 15 years San Joaquin

Memorial High School graduates' average college enrollment is higher than 98 percent and many of their graduates advance to the top universities in the nation.

The School was founded in 1945 and was given the name "Memorial," and school colors, "red, white, and blue," to serve as a living reminder of the men and women from the San Joaquin Valley who gave their lives in the service of their country. San Joaquin Memorial High School has been an exceptional addition to our community and serves as a model High School for other schools in the area.

San Joaquin Memorial High School strives to offer an academically challenging curriculum designed to stimulate critical thinking, to develop individual capabilities, to seek the truth in information and to gain wisdom in knowledge. They also believe that they can help their students recognize the uniqueness of the self and offer an environment conducive to personal growth. The students at San Joaquin Memorial High School are empowered to become self-disciplined and with their discipline they donate much of their time to community service in an effort to better society for the public, their school and their church.

They have continued to develop and modernize their facilities from its three original classroom buildings in 1945. A part of their Mission Statement is to give "service to the poor." With their hard work and dedication to supplying the San Joaquin Valley with an enormous amount of consideration and compassion for others they will surely continue to thrive in the Valley for many years to come.

PETITION TO RELEASE ROMAN CATHOLIC FAITHFUL FROM CHINESE PRISONS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. WOLF. Mr. Speaker, upon the 50th anniversary of the Communist government assault on the Roman Catholic Church in Shanghai, I wish to submit for the RECORD a letter from the Cardinal Kung Foundation to Chinese President Ju Hintao. The Cardinal Kung Foundation advocates on behalf of the persecuted underground Catholic church in China.

SEPTEMBER 1, 2005.

President HU JINTAO,
People's Republic of China, c/o Ambassador Yang Jiechi, Embassy of the People's Republic of China, Connecticut Avenue, NW Washington, DC.

DEAR PRESIDENT HU: September 8, 2005 will be remembered as your historical first visit to the United States and to Yale University as the President of the People's Republic of China. The world will be eagerly listening to your vision for China. However, September 8, 2005 is also being observed by 12 million Roman Catholics in China and millions more worldwide as the 50th anniversary of the unjust and brutal assault on the Roman Catholic Church in Shanghai when the Chinese government simultaneously arrested the late Bishop Ignatius Kung Pin-Mei, at the time the Roman Catholic Bishop of Shanghai, 21 priests, 2 nuns, and approximately 300 Roman Catholics for practicing their Roman Catholic religion.

Today, fifty years later, we commemorate and weep silently about this gross injustice and tragedy that your government had inflicted upon these innocent Catholic religious and faithful. All of them were sentenced to 10-30 years and even to life imprisonment. In honor of these bloodless martyrdoms, the late Pope John Paul II secretly (in pectore) elevated Bishop Kung Pin-Mei to a Cardinal in 1979 while he was still in jail and publicly proclaimed him a cardinal in 1991 amidst a 7-minute standing ovation before an audience of 7,000 people.

Since 1949 when your government took over China, literally tens of thousands of Roman Catholic bishops, priests, nuns, and their faithful have been imprisoned for 5, 10, 20, 30 or even 40 years. Many of them, such as Bishop Fan Xueyan of Baoding (34 years in solitary confinement), died in jail. Some of them are still in jail on this date or have vanished after they were arrested. Many of them were released after a very long period in jail. Some of those released are still living in China or in other parts of the world. Some, such as Cardinal Kung Pin-Mei, whom the late Pope John Paul II called "this noble son of China and of the Church" (30 years in solitary confinement and 2.5 years in house arrest), and Archbishop Dominic Tan Yee-Ming of Canton (24 years in jail without a trial), have since died.

It does not matter if these prisoners are dead or living today. They are still considered criminals because the "criminal" charges against them were never erased by your government.

There are thousands more like Cardinal Kung, Bishop Fan and Archbishop Tang. They are all loyal citizens of China and they love China.

Mr. President, you have the power and the leadership to bring modern China into an era of true religious freedom. Mr. President, you also have the wisdom and historical acumen to realize that a country without religious freedom is never peaceful and constructive. You know the importance of changing the world's perception of China's human rights policy for the better and you can do it. And, we pray that you will do it.

The Chinese government has justifiably exonerated numerous political prisoners in the past. On this 50th anniversary of the unjust and brutal assault of the Roman Catholic Church in Shanghai described above, the Cardinal Kung Foundation appeals to you once again, as we have appealed to your Ambassador Yang Jiechi on March 23, 2005, that all these prisoners, including Cardinal Kung, Bishop Fan and Archbishop Tang and many others, both living and dead, be officially and posthumously exonerated of so called crimes of which the Chinese government falsely and unjustly accused them, some as long as five decades ago. We also appeal to you to release all current religious prisoners from prison and labor camp as per the attached list. By your doing so, the reputation of these living and dead religious prisoners of conscience in China can be restored. Those who are still living can at least once again enjoy equal treatment in the society. To do so will be a powerful testimony to the Chinese government's respect for and adherence to human rights and liberty. To do so will also prove that China is honoring the spirit of the Olympic Games that you will have the honor of hosting in 2008.

God love you.

Thank you.

Yours truly.

JOSEPH KUNG,
President, Cardinal Kung Foundation.

CONGRATULATING NED McGINLEY ON THE OCCASION OF HIS SERVICE AS NATIONAL PRESIDENT OF THE ANCIENT ORDER OF HIBERNIANS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Ned McGinley, of Wilkes-Barre, Pennsylvania, who is serving his second, two-year, term as national president of the Ancient Order of Hibernians.

Born in Pittston, Pennsylvania, Ned graduated from Wilkes College in 1966. He was captain of the wrestling team and was named All American in 1963. Married for 36 years to his wife, Maryellen, the couple has three children and five grandchildren.

A school teacher for 31 years in the Wyoming Valley West School District, Ned is now athletic recruitment coordinator for King's College in Wilkes-Barre. A member of the AOH since 1978, Ned served in numerous leadership roles within the organization. In June, 2002, he was elected national president without opposition. Having visited Ireland 25 times in the past 16 years, Ned has been devoted to furthering the Peace Process in Northern Ireland.

He is a strong proponent of the Hibernian Charity Corporation, instituted in 2005, to bring tax deductible contributions to Project St. Patrick, stipends for religious vocations and support for the Hibernian Hunger Project.

Under Ned's leadership, the AOH is working to introduce a resolution on the Molly Maguires to the Pennsylvania legislature. The AOH is convinced that the Irish men convicted of crimes in the Pennsylvania coal fields of Luzerne and Schuylkill Counties in the 1870s were denied legal due process during their trials. During Ned's term of office as national president, the AOH has called upon the Irish Republican Army to renounce violence in its struggle for a united Ireland. Last July, the IRA agreed to do that and limit itself to using the political process to achieve goals.

Mr. Speaker, please join me in congratulating Ned McGinley for his devoted service to the Ancient Order of Hibernians, a proud organization committed to preserving Irish history and culture and to promoting Irish values.

WINNING THE WAR IN IRAQ

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HENSARLING. Mr. Speaker, last night while participating in a special order hour, I misspoke and substituted the name of my wonderful wife Melissa for that of my young daughter Claire. I would like to reiterate how proud I am of our brave men and women in uniform and of their contributions to keeping American families safe.

SUPPORT FOR OUR COAST GUARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. FILNER. Mr. Speaker, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, and in strong support of the U.S. Coast Guard.

Mr. Speaker, I have never been more proud of the men and women that serve in the United States Coast Guard. In the past 2 weeks, these valiant men and women have shown their dedication to our Nation. In the aftermath of Hurricane Katrina, the Coast Guard was the very first government entity to arrive. The Coast Guard is solely responsible for saving thousands of Americans from the destruction and flood waters brought by Hurricane Katrina.

The Coast Guard, whose motto is Semper Paratus, always ready, was prepared to respond to this storm. Before levees ever broke, the Coast Guard was flying additional helicopters and extra aircrews to the Gulf region. Once the storm hit, the Coast Guard air and boat crews were operating 24 hours a day to save their fellow citizens.

The best decision that the President has made in the past 2 weeks is to place Vice Admiral Thad Allen in charge of the emergency response to the Katrina disaster. To the Coast Guard, being prepared to respond to a disaster is not just a paper exercise to sit on the shelf when the big one comes. Responding to emergencies and tragedies is a part of the daily routine for the Coast Guard. By working to create relationships with State and local government officials, and those in the private sector, the Coast Guard has the resources to respond in times of crisis. To date, the Coast Guard has saved over 12,500 lives with their air resources, and in using boats or other surface transportation methods has saved over 11,500 lives. They have also evacuated over 9,400 people to hospitals.

And when the storm had passed, they remained on the scene helping to cleanup the mess and protect the environment. In New Orleans, they are coordinating the cleanup of 15 significant oil spills, and helping to coordinate the removal of sunken ships and barges.

Mr. Speaker, the Coast Guard has responded with all of the resources at their command to the Katrina disaster. It is time for the House of Representatives to respond to the Coast Guard by ensuring they have the resources they need to carry out their missions in the coming year.

Mr. Speaker, I am honored to have joined with my Committee Chairman, Mr. LOBIONDO, in crafting language in this bill that not only provides the appropriations and authorizations for the Coast Guard, but more importantly, gives proper recognition and gratitude for their efficient response to the Hurricane disaster. Make no mistake of it, Mr. Speaker, while there was confusion and chaos, it was the Coast Guard that was there, on the ground saving lives.

IN REMEMBRANCE OF REPRESENTATIVE LLOYD MEEDS

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. LARSEN of Washington. Mr. Speaker, today we mourn. We also remember. We mourn the loss of a public servant who worked to make government the best it could be. We remember his accomplishments and celebrate his legacy.

And we take heart in the memories that we share of this great man.

Congressman Lloyd Meeds was not a distant politician. He was a friend and a neighbor whose public work was devoted to maintaining and improving our unique quality of life for generations to come. He was, in the words of his colleague Congressman Morris Udall, "a workhorse rather than a showhorse", a "glutton for the tough, detailed work that so many of us shun."

These words paint an accurate picture of a true public servant and statesman. And they set a standard of excellence for those of us now serving in Congress.

Congressman Meeds's tough, detailed work played a major role in creating Head Start and the Youth Conservation Corps. He took a stand as one of the first to support Title IX, the law that bans gender discrimination in our schools.

He set an example for me personally with his work to preserve and protect land for future generations by brokering the North Cascades Act that created the North Cascades National Park and the Alpine Lakes Wilderness. He later worked for a resolution to ensure passage of the Alaska National Interest Lands Conservation Act, a vital piece of legislation that will protect some of the most pristine land in the United States for generations to come.

His accomplishments were many, and his commitment to the Pacific Northwest was unyielding. That commitment certainly did not end when he left Congress.

The State of Alaska declared February 28, 2005 "Lloyd Meeds Day" as a heartfelt thank-you for the Congressman's lifetime of effort on behalf of the environment and Native Americans.

This is the legacy of Congressman Lloyd Meeds—a passionate and tireless advocate for the causes he embraced.

We mourn a loss today. Congressman Meeds will be missed. The foundation he laid, however, provides the basis for the diversity and strength we see in our communities today.

PERSONAL EXPLANATION

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ISTOOK. Mr. Speaker, my absence today from the House chamber is due to my traveling to New Orleans and Oklahoma City to assess the damage and relief efforts in the wake of Hurricane Katrina. My return to Washington, DC is not possible until after conclusion of today's legislative business. As a member of the Committee on Appropriations and the vice chair of the Subcommittee on Homeland Security I am involved in the direct funding of our government's efforts in saving lives, stabilizing this devastated area, restoring order, mitigating still uncertain conditions, and beginning the rebuilding process that can assist in returning prosperity and making people whole. During my visit to New Orleans, I will witness firsthand the scope of the devastation, observe relief operations, and meet with some of the more than 2,100 members the Oklahoma Army National Guard serving in New Orleans. My trip concludes with my traveling to Oklahoma City to meet with hurricane evacuees and relief workers.

Since Hurricane Katrina made landfall on the Gulf Coast August 31, Oklahomans have been at the forefront of relief efforts. Since August 30, the Oklahoma National Guard has supplied four U860 Blackhawk helicopters, airlifted tens of thousands of pounds of food and water to New Orleans and supplied much-needed security and rescue efforts in the midst of looting and flooding that followed the hurricane's landfall. Oklahomans have also opened up their homes and businesses to help the relief effort, and have worked with the Red Cross in opening shelters for those evacuees throughout Oklahoma.

INTRODUCING LEGISLATION TO ESTABLISH A SPECIAL INSPECTORS GENERAL COUNCIL FOR HURRICANE KATRINA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. PLATTS. Mr. Speaker, I rise today to introduce legislation to establish a Special Inspectors General Council for Hurricane Katrina. As Members of Congress charged with overseeing the operation and accountability of the Federal government, we have a responsibility to ensure that all funds we authorize and appropriate are spent for their intended purposes. In the wake of the terrible devastation caused by Hurricane Katrina, we have already appropriated more than $60 billion for the immediate relief effort, and this amount is, no doubt, only the beginning. These funds must be spent in a way that ensures that the people in the affected areas of Louisiana, Mississippi, and Alabama are able to recover.

Assuring accountability for relief and recovery projects is imperative. The public's trust in their government has been shaken in the aftermath of this disaster. We must assure the American people that we are being appropriately prudent with their money. Any dollar lost to fraud or waste is a dollar that does not make it to someone who is in need. This funding is too important to be misspent, and that is precisely why I am introducing this legislation today.

As Chairman of the Subcommittee on Government Management, Finance, and Accountability, I have seen firsthand the good work of agency inspectors general. Their unique relationship with both the agencies they oversee and the Congress, to whom they report, provides an ideal check on the system. Inspectors general have long stood as a bulwark against fraud and mismanagement.

While some in the Congress have called for the appointment of one Special IG to oversee hurricane relief funding, this proposal raises concerns. The most troubling aspect of the legislation is a requirement that this Special IG be appointed by the Secretary of the Department of Homeland Security within three days. This is contrary to the intent of the Inspector General Act. The IG Act requires that an IG with this much authority—one who would potentially oversee the expenditures of up to $200 billion—be appointed by the President with the advise and consent of the Senate. Under the Special IG proposal, we would face the unworkable problem of having several IGs with Senate confirmation reporting to a political appointee who reports to one cabinet secretary.

The response to Hurricane Katrina will involve the full breadth of Federal resources. It will touch nearly every Federal agency. What we need is a coordinated response from the IGs now in place throughout government. We need IGs with institutional knowledge unique to their own agencies to work together under the leadership of the Department of Homeland Security. This Council will draw on the resources of over 5,000 auditors and investigators who are already in place today.

The hurricane relief money is being spent right now. It is important that this coordination begin as quickly as possible. We cannot take a chance on a single Special Inspector General who mayor may not have the depth and breadth of knowledge to ensure full accountability at all the Federal agencies that will be part of this effort. We have no time for a learning curve, especially when we have the ability to leverage the considerable resources already available. A Special IG Council will enable this important work, which in many cases is already underway, to be completed in the most effective manner.

HONORING THE BEDFORD GAZETTE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to honor the Bedford Gazette, a daily newspaper serving Bedford County, Pennsylvania. On September 21, 2005, the Bedford Gazette will celebrate its 200th anniversary. A solid institution in Bedford, I grew up with the Gazette in our family's home.

While there is no definitive list of the oldest newspapers in the United States that are still published under their original names, it is believed the Bedford Gazette is among the 30 oldest newspapers in the country. The motto of the paper: "Published continuously since 1805. One of America's oldest newspapers" stakes its historical claim. What began as a four page weekly containing mainly political reports and stories has grown to publish daily since 1950.

As with so much of my district, Bedford, Pennsylvania has had a front seat to American history. The Bedford Gazette was there as eyewitness, recording the first steps of a new nation, and there are documented reports of Gazette editors as players in that history. One editor wrote of playing billiards with John Brown when he stayed in Bedford (under an assumed name) on his way to Harper's Ferry, West Virginia, to carry out his infamous raid. Another Gazette editor announced to the country that Pennsylvanian James Buchanan would not seek re-election to the U.S. Presidency. The proximity of the famous Bedford Springs Hotel allowed the Gazette access to centuries of America's movers and shakers. Presidents James Polk, Zachary Taylor, William Henry Harrison, John Tyler, James Garfield, Dwight D. Eisenhower, and Ronald Reagan all spent time at the Hotel and the Gazette was there to record it.

The Frear family of Bedford has a long history with the Gazette. In 1935 Hugo Frear became editor of the paper, and when he volunteered for service in the U.S. Navy during World War II, his wife Virginia stepped in and ran the paper herself. His son Ned would become editor, serving for 30 years and eventually his grandson Chris would take the reins for another 10. All in all, three generations of the Frear family were owners, publishers, and editors for almost 60 years.

Mr. Speaker, I am proud to recognize the historical milestone of the Bedford Gazette, a newspaper found on all kitchen tables across the county, including my own. The Bedford Gazette is more than just a daily newspaper. It is an established tie connecting Bedford's rich history and promising future.

NADER STATEMENT ON ROBERTS NOMINATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CONYERS. Mr. Speaker, for decades Ralph Nader has forced Washington to confront crucial issues that otherwise might be swept under the rug. True to form, he now has called to our attention an important question regarding the candidacy of John Roberts to be Chief Justice of the United States. His statement to the Senate Judiciary Committee on that nomination raises issues in many areas important for all of us in Congress. Important areas of focus are access to the courts.

Mr. Nader's statement follows:

WASHINGTON, DC,
September 12, 2005.

Mr. Chairman and members of the Senate Judiciary Committee, thank you for the opportunity to submit testimony on the nomination of Judge John G. Roberts Jr. for the position of Chief Justice of the Supreme Court of the United States. I ask that this statement be made part of the printed hearing record.

In 1994 I testified before the Senate Judiciary Committee on the nomination of Stephen G. Breyer by President Clinton to be an Associate Justice of the Supreme Court of the United States. In that testimony I called attention to the importance of balance in the way our laws handle the challenges of corporate power in America.

I said: "For our political economy, no issue is more consequential than the distribution and impact of corporate power. Historically, our country periodically has tried to redress the imbalance between organized economic power and people rights and remedies. From the agrarian populist revolt by the farmers in the late 19th and early 20th century, to the rise of the federal and state regulatory agencies, to the surging trade unionism, to the opening of the courts for broader nonproperty values to have their day, to the strengthening of civil rights and civil liberties, consumer, women's and environmental laws and institutions, corporate power was partially disciplined by the rule of law.:"

Today it is more important than ever for all Supreme Court Justices and, in particular, the Chief Justice of the Supreme Court to have the inclination and wisdom to realize that our democracy is being eroded by many kinds of widely reported systemic corporate excesses. Giant multinational corporations have no allegiance to any country or community, and the devastation and other injustices they visit upon communities throughout the United States and around the globe have outpaced the countervailing restraints that should be the hallmark of government by, for and of the people. Unfortunately, the structure and scope of these hearings are not likely to devote a sufficient priority to the corporate issues of our times.

In 1816 Thomas Jefferson wrote: "I hope we shall . . . crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country." Imagine his reaction to the corporate abuses of Enron Corp., HealthSouth Corp., Tyco, WorldCom or Adelphia Communications Corp. to name only a few, along with the drug, tobacco, banking, insurance, chemical and other toxic industries. The corporate crime and greed of today tower over the abuses of the "moneyed corporations" of Jefferson's day. The economic power of giant corporations is augmented by a flood of Political Action Committee (PAC) money and other donations that shape the quality and quantity of debate in our country and consequently drive our society to imperatives that are increasingly more corporate than civic.

You will hear about Judge Roberts from several perspectives, but it is safe to assume that questions and testimony about Judge Roberts' views on corporate power and the rule of law will be inadequate given the broad and profound impact giant corporations have on our democracy. An important procedural and substantive corollary is the important role our civil justice system plays in expanding the frontiers of justice and in giving individuals the ability to hold "wrongdoers" accountable in a court of law. "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice," said the famous jurist, Learned Hand.

Unfortunately, powerholders, corporations and other institutions which are supposed to be held accountable by the civil justice system, are striving to weaken, limit and override the province of juries and judges. Some companies, led by insurers, have used expensive and focused media to promote the view that civil juries are too costly and too unpredictable. This narrow and short-sighted perspective is contrary to the long-standing tenets of our democracy and in particular the Seventh Amendment to our Constitution.

The civil jury system of the United States embraces a fundamental precept of tested justice: ordinary citizens applying their minds and values can and do reach decisions on the facts in cases that often involve powerful wrongdoers. This form of direct citizen participation in the administration of justice was deemed indispensable by this nation's founders and was considered non-negotiable by the leaders of the American revolution against King George III. But the civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterrence of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of the few authoritative reservoirs of advancing standards of responsibility between the powerful and the powerless—whether between companies and consumers, workers, shareholders and community or between officialdom and taxpayers or citizens in general. Knowing the evolution of the common law and the civil jury provides compelling and ennobling evidence of this progression of justice. Chief Justice William Rehnquist wrote, " The founders of our Nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign, or, it might be added, to that of the judiciary."

As the hearing unfolds, I suggest that the members of the Judiciary Committee devote some time to areas beyond those that are traditionally the focus of witnesses and questioning by Committee members and ask fundamental questions about the views of Judge Roberts, a former corporate lawyer at Hogan & Hartson, regarding corporate power and the civil justice system.

In the spirit of expanding the criteria by which the Committee and the public can measure Judge Robert's judicial and civic philosophy, I offer the following questions for you to pose to the nominee. Some of the questions are narrowly focused and some are broad-gauged. But, in their totality they constitute the broad kind of "litmus test" that should be applied in selecting and confirming all judges. In short, does the nominee, having met the threshold requirements of competency, believe that the rule of law should be used to broaden and deepen, procedurally and substantively, our democracy—even if it means the rights of the giant corporation or powerful interests must be circumscribed to protect the rights of the individual citizen and of our communities—rural or urban, large or small?

In pursuing its own line of questions, the Committee should not let its exploration of the nominee's views be artificially restricted. Judicial nominees have given two reasons for refusing to answer questions, but these reasons are contradictory. First, they say, if they publicly express their views, it will compromise them if the issue comes before the Court. Second, they say, judges do not decide legal issues in a vacuum: they only decide a concrete dispute in a specific adversarial context. Accordingly, some nominees claim it's silly or inappropriate, for example, to say whether they believe the Constitution protects the right to abortion, because Justices don't decide cases by asking such abstract questions. They face a particular statute, challenged by a particular party directly affected in a particular way, and the resolution of that dispute will turn on all those particulars.

This second response has a degree of merit—and undercuts the first reason for refusing to answer most questions. Precisely because neither nominees nor the public can know in what context issues will reach the Court (if at all), it is not problematic for nominees to discuss their views. They should not say how they would decide an actual pending case, but, short of that, it is fine for them to discuss issues because that in no way commits them to taking sides in any actual dispute—such disputes are invariably context-specific. For example, a nominee may be asked about the doctrine that treats a corporation as a "person" entitled to various constitutional rights. His or her thoughts on this issue will not tell us what he or she will do if such an issue is raised in a case before the Court. The latter may depend on the nature of the corporation (nonprofit? media? multi-national?), the nature of the claimed right, and much more.

Moreover, even if the nominee testifies that he or she disapproves the doctrine, as a Justice the nominee may hold that the question is settled law. Or if a nominee says that he or she agrees with the doctrine, a new circumstance—or a party making a new argument—may lead the nominee to hold otherwise. Nothing a nominee says guarantees that he or she will decide any case any particular way. Nothing that is said has to be fixed in stone. Judges do give opinionated public speeches, do they not?

It may be wondered whether, in light of the above, any purpose is served by asking the nominee his views. The answer is yes. It's no secret that nothing a nominee says binds the nominee once he or she receives an office with life tenure. Nominees can't and shouldn't be bound. But especially with a nominee who has a limited public record, the hearings provide some basis for gauging the nature and quality of his ideas, about his philosophy of due process for example. At any rate they have that potential—if Senators do their job and do not accept a nominee's self-serving refusal to answer questions.

At the outset, it would behoove the Committee to establish the parameters the nominee will use in fashioning responses to your questions by asking:

What criteria are you using to determine if you will directly answer or not answer questions posed to you by members of the Senate Judiciary Committee?

If the Court has recently ruled on a matter, will you provide the Committee with your views on the Court's ruling?

If a matter is long settled, will you provide the Committee with your views on the Court's ruling?

Once this baseline has been established, the following questions should shed light on nominee's approach to some major issues of our day.

1. Lloyd Cutler, speaking as a prominent corporate attorney, once said: "There is one point I want to make clear: we believe in the arguments that we make." Do you believe the arguments you have made on behalf of your corporate clients?

2. Do you believe limits on television station ownership abridge the free speech rights of corporate broadcasters?

3. What is your view of the First Amendment rights of the listeners being paramount to those of the broadcasters as articulated by the Court in *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969)?

4. Do you see a problem when corporations are treated as equal participants, with every right to use their First Amendment rights to dominate public policy debates such as those that occur in state and local referenda?

5. Do you believe the Court should uphold state and Congressional limits on corporate political expression in order to equalize contributions to public debates?

6. Do you believe that a strict reading of the Constitution provides for the treatment of corporations as "persons" under the law for purposes of equal protection, freedom of speech or due process of law? And, if so, what in the Constitution's text provides a basis for this belief?

7. Many observers complain that law firms representing large corporations routinely abuse the discovery process in order to delay and harass their opponents. Have you observed that phenomenon? If so, what should be done about it?

8. In 1986, in *Pacific Gas & Elec. Co.* v. *Public Util. Comm'n of Cal.*, 475 U.S. 1 (1986) the Supreme Court (5 to 3) struck down a state regulation as violating a utility company's "right of conscience" under the First Amendment. What makes the case particularly unsettling is its disconnectedness to opinions past and future. As Justice Rehnquist observed in his lengthy dissenting opinion in the case, "the two constitutional liberties most closely analogous to the right to refrain from speaking—the Fifth Amendment right to remain silent and the constitutional right of privacy—have been denied to corporations based on their corporate status." Do you think it makes sense to attribute a right of conscience to a commercial corporation?

9. Would any trade agreement, such as GATT, NAFTA, or CAFTA ever require Senate ratification as a treaty?

10. Does the President have complete discretion to determine whether an international trade or other agreement must be submitted to the Senate for two-thirds treaty approval? If not, what are the criteria that determine when an international agreement must be submitted to the Senate for two-thirds treaty approval?

11. Are there limits on Congress' power to strip federal courts of jurisdiction over a particular issue? If so, what are such limits?

12. Do you believe victims of defective products that meet federal standards should be limited from recovering damages from the manufacturers of the defective products?

13. Do you believe Congress should federalize and pre-empt state products liability common law in any or all sectors?

14. Plaintiffs' trial lawyers have been blamed by their corporate critics for all sorts of problems with the economy and legal profession. Do you believe that those representing injured persons in product liability and medical malpractice cases are harming America?

15. So-called tort-reform is aimed at restricting the amount of non-economic damages, such as pain and suffering, a party can receive. Are you concerned that this interferes with the traditional role of juries and judges to find facts and mete out appropriate justice?

16. Do you believe the use of the government contractor defense should be limited in nonmilitary procurement? If so, how?

17. Some people say the Ninth Amendment can play no substantive role in protecting rights, that it's merely a statement of principle or reminder of limited government. Do you agree?

18. A number of legal scholars argue that the 11th Amendment has been interpreted by the Court to shield states from liability for wrongdoing in a way that blatantly contravenes the original intention of the Amendment. Are you familiar with that scholarship and do you find it persuasive?

19. In what circumstances, if any, is it appropriate for a contractual arbitration clause to contract away substantive contract law, tort, or statutory rights? For instance, can an arbitration clause require arbitration of a worker's Title VII rights and at the same time limit the worker's compensatory damages to $200,000? Can that same clause require the loser to pay the winner's attorney's fees? Can that clause require that the parties to arbitration bear their own attorney's fees?

20. Describe the presumption against preemption of state law. Does it apply in some or all instances where federal law is said to preempt state law?

21. Is the presumption against preemption of state law (by federal law) similar to the plain statement rule that demands that Congress speak with unmistakable clarity if it wishes to override the states' sovereign immunity? If the presumption against preemption is not similar to the plain statement rule, explain how it is different?

22. How is the presumption against preemption applied in cases where federal regulatory law (regulating, for instance, drugs, boats, pesticides, motor vehicles, and the like) is said to preempt state tort law that provides monetary remedies to compensate for injuries caused by a product that the federal government regulates?

23. Do you believe Congress should preempt the state-law-based medical malpractice system?

24. What are your views on the "American rule" as opposed to the English rule under which the losing party in litigation generally pays the winner's costs, including attorney's fees?

25. What has been your reaction or views on Congressional funding levels for federally funded legal services programs over the last two decades? Should government be responsible for funding representation for poor people in civil litigation where important property or liberty interests are at stake? Or should that be mainly or entirely a private function?

26. Some scholars and judges believe that "Originalism" is the only principled method of constitutional interpretation. Do you agree?

27. Do you believe that a declaration of war by Congress is Constitutionally required for the United States to engage in war?

28. Does a Congressional delegation of the war-making discretion to the President in the form of a war resolution meet the test of of Article One, Section Eight of the Constitution?

29. What level of equal protection scrutiny was applied in Bush v. Gore, 531 U.S. 98 (2000)?

30. What is the precedential effect of Bush v. Gore? In other words, what kinds of equal protection claims does Bush v. Gore control or apply to? After Bush v. Gore, may a political entity (city, county, state) holding an election use more than one type of voting methodology (paper ballots, standard machines, punch cards, etc.) knowing that the error rates (whether through undercounts or otherwise) are different from one methodology to another?

31. Is there a need to amend our open government laws to make the President subject to them in whole or in part? Would such amendments be constitutional?

32. Do you believe arguments before the Supreme Court should be televised in the way C-SPAN televises Congressional deliberations?

33. In your view, is the Freedom of Information Act functioning properly at this time? If not, what are the major problems facing the Act?

34. In Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health and Human Resources, 532 U.S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change (the catalyst theory) in the defendant's conduct is entitled to attorney's fees. Does the rejection of the catalyst theory of fee recovery in the Supreme Court's Buckhannon decision apply across-the-board to federal fee-shifting statutes? If not, to what kinds of fee-shifting statutes is it likely to apply and to what kinds is its application more doubtful?

35. Brian Wolfman, Director of the Public Citizen Litigation Group notes, "The Bush administration says that Buckhannon applies to [Freedom of Information Act] FOIA cases, even though Congress stated explicitly, when it enacted FOIA, that fees should be available when FOIA cases settle. The Bush Justice Department has consistently argued to expand Buckhannon to every pro-consumer and civil rights statute in every conceivable situation." What approach (or approaches)' to statutory construction of Congressional enactment was evident in the Supreme Court's Buckhannon decision? How would you describe the reliance on (or lack of reliance on) legislative history in the majority's reasoning in that case? Do you believe the Bush Justice Department is applying the Buckhannon decision correctly?

36. From both a legal (constitutional) and practical perspective, what is your view of the trend in the federal judiciary toward releasing more of its opinions in "unpublished" form, i.e., where the relevant court accords no precedential effect to the decision for other cases?

37. Should federal judges attend seminars which are funded by private corporations (or by foundations that are funded by such corporations) that have matters of interest to the corporations before the courts?

38. Do you believe a government attorney, in a subordinate position, should be forced (under penalty of discharge) to work on a case or argue a position that he or she believes is illegal, unconstitutional or unethical? Or should government lawyers have a "right of conscience" like other professionals?

39. What kinds of participation in civic life may federal judges continue to be involved in once they assume their judicial positions?

40. How many hours or what percent of their work time do you think partners in major firms should devote to pro bono work each year?

41. How many hours on average did you bill per year as a partner and at what rates?

42. How many hours on average did you bill per year as an associate?

43. What was the nature of your pro bono work and approximately how much time per year did you devote to pro bono work?

44. Corporate attorneys and legal scholars have written books and articles decrying unethical or fraudulent billing practices in large corporate law firms. An article in the Summer 2001 Georgetown Journal of Legal Ethics titled Gunderson Effect and Billable Mania: Trends in Overbilling and the Effect of New Wages states that unethical billing practices are "a pervasive problem in law firms across the country"—do you agree?

45. Did you ever observe unethical billing practices when you were in private practice?

46. If so, what was the nature of and who were the protagonists of such practices?

I hope these questions, whether asked orally or submitted to the nominee in writing for response, spark a robust, constructive debate between the Committee members and the nominee. Such exchanges should provide the Senate and the larger public with insights into how Judge John G. Roberts will, if confirmed as Chief Justice, perform his duties.

RECOGNIZING DR. ROBERT W. DARTER OF SAINT HELENA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Dr. Robert Darter of Saint Helena, California for his 40 years of public service on the Saint Helena Library Board of Trustees, making him one of the longest serving members.

A native of Northern California, Dr. Darter earned his Bachelors of Science in Public Health from the University of California at Berkeley. He received both his M.S. in Microbiology and his M.D. from Northwestern University in Chicago.

Dr. Darter has become a household name in Saint Helena. A beloved and highly revered doctor throughout the community, Dr. Darter has helped care for and protects the health of his fellow Napa Valley citizens for nearly half a century.

Despite the uncompromising and exhausting demands of his profession, Dr. Darter has continued to devote his life to the betterment of our community. He has worked with numerous organizations including the Boy Scouts of America and Kiwanis Club of Saint Helena.

For the past 40 years Dr. Darter has played an integral role on the Saint Helena Public Library's Board of Trustees, the past 29 of which he has served as Chairman. With his leadership, dedication and forward thinking personality the Saint Helena Public Library has made considerable advances, including two building expansions, the first in 1979 and the second in 1999. He is currently working to designate neighboring land for future expansion campaigns, which will enable our library to continue enriching our community with the best possible resources.

I'm sure Dr. Darter's wife, Jan, and their five children Robert, Michael, James, John and Kimberley are all extremely proud of him.

Mr. Speaker, it is appropriate that we thank Dr. Robert Darter for his years of hard work and dedication to my hometown, Saint Helena. On behalf of my fellow colleagues I wish to extend my sincerest gratitude to Dr. Darter for all that he has done and continues to do for our community. Thank you, Dr. Darter.

HISPANIC HERITAGE MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise in honor of Hispanic Heritage Month and pay tribute to the extraordinary contributions that Hispanics make to America year-round. This month-long celebration begins on September 15, the anniversary of the independence of 5 Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. This anniversary commemorates the day these countries declared their independence from colonial rule, and continues to represent unity for all Latinos in the U.S. and in Latin America.

Throughout the month we celebrate the Hispanic community and pause to reflect on Hispanic values—faith, family, and patriotism. These values are American values. The Hispanic dream—the hope of a better future—is the American dream. There are more than 41 million Hispanic-Americans, and their hard work, deep faith and closely-knit families have made America a better and stronger country. As a Nation, we must advance initiatives that support empowerment and opportunity for all.

During this month, I am pleased to recognize the efforts of groups in Maryland's Eighth Congressional District that work to enrich the lives of Hispanic-Americans. An example of one such group is CASA de Maryland. The Ford Foundation and the National Council of La Raza, NCLR named CASA de Maryland "Affiliate of the Year" in recognition of its hard work and dedication to providing services that improve the lives of Latinos and others in Montgomery and Prince George's Counties.

As we honor the achievements of Hispanics, we know that celebrating the Hispanic community for one month a year is not enough. All Latinos deserve a real opportunity to achieve the American dream, whether they have been here for generations or have just arrived on our shores.

IN HONOR OF THE 3RD ANNUAL HISPANIC HERITAGE DINNER AND DANCE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HIGGINS. Mr. Speaker, on Saturday night, September 17, 2005, the 3rd Annual Hispanic Heritage Dinner and Dance will take place. I would like to congratulate the three organizations that worked hard to put this dinner together, Hispanics United of Buffalo, the Hispanic Women's League, and the Latino Business Owners Association (LBOA).

Hispanics United of Buffalo has worked hard in this community, providing assistance, while instilling pride, promoting rights, and allowing people to have a chance at a better life, by offering services unheard of being offered in the Hispanic community. Such services advocated by the agency include access to proper nutrition, adequate housing, affordable health care, meaningful employment, and equal educational opportunities. Since its inception, HUB has aided the Hispanic community by being a first step into a better, more prosperous community, not just for Hispanics nor simply for the West Side but for everyone in this city and for that I commend them.

The Hispanic Women's League, was formed in 1979 by a group of women to respond to issues affecting Hispanic women in Western New York. The primary commitment of the league has been to maintain a scholarship fund established to grant financial support to Hispanic/Latina women pursuing higher education. If it were not for the efforts of this organization, the next generation of leadership for the community would not be secure, by providing a chance at higher education to youth in the Hispanic community; The Hispanic Women's League has ensured the future of the Hispanic community is a bright one and for that I would like to commend you.

The Latino Business Owners Association (LBOA) has become a sound and strong organization that serves existing and startup businesses in our community. It is the anchor of support in the business community with Leadership and Guidance. Aiding entrepreneurship in the Hispanic community, the LBOA is on the frontline of economical prosperity, providing credibility and an overall positive future for the community it has vowed to aid, and for this I commend you.

These three organizations play vital roles in the destiny of this community, and I know that their tireless efforts will continue to have a positive impact and play a major role in this city for years to come.

RECOGNIZING HISPANIC HERITAGE MONTH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize the celebration of Hispanic Heritage Month and to recognize the importance of democracy in the Americas.

Hispanic Heritage Month runs from September 15th to October 15th each year and is an occasion for all Americans to recognize the invaluable achievements and contributions that Hispanic Americans have made to our nation. The first day of Hispanic Heritage Month also marks the anniversary of independence for six Latin American countries—Mexico, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

Hispanic Americans are members of a rapidly expanding and increasingly influential community in this nation, and they have played a vital role in shaping our nation's culture. They have contributed to every aspect of enhancing our society including serving as leaders in business, government, law, science and the arts. Additionally, they have sacrificed in the defense of this nation's freedom by serving in every major American conflict. Currently more than 10 percent of our active duty force is of Latino descent.

During this month's celebration, it is important to take time to recognize the value of the role Hispanics have taken in the democratic process both here in the United States and abroad. Hispanics in this country have taken an active role in democracy by increasing voter participation and striving to be model citizens, truly meriting recognition. Hispanic Americans' dedication to democracy is an extension of their strong commitment to community, hard work, and family unity.

Mr. Speaker, in closing, I call upon my colleagues to join me in recognizing and celebrating National Hispanic Heritage Month.

STATEMENT ON HOW TO END THE WAR IN IRAQ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, on September 15, 2005, I prepared the following statement during a hearing organized by Rep. LYNN WOOLSEY on how to end the war in Iraq:

Good morning. Thank you, Chairwoman WOOLSEY for your leadership in holding this important hearing. 1,896 of our brave young men and women have died in Iraq. By some counts, up to 100,000 innocent Iraqis have perished in a war that was based on false premises. It was wrong to go in from the start and it is wrong to stay. And it is counterproductive to U.S., Iraqi and regional interests, as Iraq heads closer to an all-out civil war.

The U.S. presence in Iraq is fueling the insurgency, and has turned Iraq into a training ground for the insurgents. The insurgency is growing stronger by the day and attack tactics are becoming more advanced. Iraqi rebels have refined their bomb-making skills. According to a CIA assessment from this past June, the Iraq war was likely to produce a dangerous legacy by dispersing to other countries Iraqi and foreign combatants more adept and better organized that they were before the conflict.

It is not only our soldiers who are falling victim to this insurgency. Just yesterday it was reported that almost 150 Iraqis died and 500 were wounded in coordinated attacks of at least a dozen suicide bombings in Baghdad. 114 of those people were Shiite day laborers in Baghdad, lured into a minibus by a suicide bomber with the promise of work. This was the second deadliest suicide bombing since the war began. Al-Zarqawi's Sunni militant group, Al Qaeda in Mesopotamia, claimed responsibility in statements released over the group's website that said the bombings signified that "the battle to avenge the Sunni people of Tal Afar has started." Later, an audiotape released over the Internet that was said to be from Al-Zarqawi declared a "full-scale war on Shiites around Iraq, without mercy."

One year ago today, it was reported that a National Intelligence Estimate produced for President Bush in the summer of 2004 on the political, economic and security situation in Iraq determined that at best, stability in Iraq would be tenuous, and at worst, there were trend lines that pointed to a civil war.

Now today, as fears of civil war in Iraq are becoming realized, it is clear that the worst scenario predicted is coming true. The U.S. presence in Iraq in only making the conflict worse, as it is strengthening tensions between the Sunni militants and the Shiite majority, and serving to strengthen the insurgency.

The Iraqi constitution and the run-up to the October 15 referendum on the constitution has been a central point of concern for the Sunnis, who feel that the constitution will institutionalize their reduced role in Iraq. Tensions between Sunnis and Shiites have increased recently and the attacks yesterday in Baghdad only emphasize that point. Yet the constitution is widely perceived to have a large U.S. footprint. Adnan Pachachi described how U.S. Ambassador Zalmay Khalilzad participated in most meetings for the constitution and was not neutral. Despite the Sunnis wanting to continue negotiations on the constitution, according to Mr. Pachachi, Ambassador Khalilzad was interested in seeing the draft constitution done and sent to the National Assembly as soon as possible in order to prove that US policy has succeeded in Iraq.

Furthermore, the U.S. presence has served to attract and recruit terrorists into Iraq, to fight the U.S. and what they consider to be the U.S.-backed government of Iraq. The insurgents' attacks are becoming more advanced through their practice on U.S. soldiers and now they are applying these improved tactics on the Shiite majority.

The U.S. presence is strengthening tensions within Iraq. There is no better time to leave than now—before the situation worsens. Iraqis themselves have asked for it. On June 23, 83 members of Iraq's newly elected National Assembly signed a petition calling for a timetable for the withdrawal of foreign troops.

A member of the Assembly, Abdul-Rahman al-Neeimi, told the paper that American forces "have used all possible means in order to provoke sectarian strife in Iraq, but have failed thanks to God." He concluded by saying, "We tell the occupation forces: Hands off the Iraqi people and let us heal our wounds by our own means."

It is time for this Congress to put aside the partisan differences that have occurred over the war and to come together in a plan where we can unify to take steps to withdraw our troops from Iraq and to take steps to heal the breach that the war has created between America and the world community. NEIL ABERCROMBIE, WALTER JONES, RON PAUL and I introduced a bipartisan bill calling for the withdrawal of U.S. forces from Iraq, and an announcement of the withdrawal by December 31, 2005. I believe that while a number of factors must come into play for a successful withdrawal, which I hope will be highlighted here today, merely announcing the withdrawal will start to reverse the increasingly disastrous course in Iraq.

IN LASTING MEMORY OF RAY BRAXTON MARTIN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to commemorate the life and legacy of Ray Braxton Martin. Ray died on August 21, 2005 in Pine Bluff, Arkansas. Born on November 23, 1919 in the town of Rison, Arkansas, Ray graduated as co-valedictorian with his twin brother, Roy, from Rison High School in 1937.

Ray and his brother dedicated 31 years to Martin Brothers Gas Company. Ray is perhaps best remembered in Rison for his service to the Election Commission for nearly 35 years. It was imperative to Ray that local elections were carried out with the utmost integrity and honesty. Ray's impressive list of community activities include the Superintendent of Rison Baptist Church Sunday School where he was also a deacon, a 32nd degree Mason, past President of Arkansas Butane Association, and past Chairman of the Board of Trustees for Henderson State University. As you can see, Ray spent a lifetime giving back to his community.

An avid Rison Wildcat football fan, Ray will be remembered by many in the Rison community for nearly six decades as the voice of the Wildcats. In 1995, Ray and his brother were honored for their dedication to the Rison School District when the school district designated a 'Ray and Roy Martin Week' to honor a half century of service. Ray truly set a high bar of community service for us all to aspire to.

Ray was a dear friend of mine and my heartfelt condolences go out to Ray's wife, Mary Ethel, their daughters, Cindy and Hilda; their grandsons, Marty, Russ, and Jason; and their great-granddaughters, Lindsey and Ella. While Jim may no longer be with us, his legacy and his spirit will always live on in all the lives he touched.

TRIBUTE TO JESS F. GRANONE

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Jess F. Granone for his many years of outstanding service as Executive Director of the U.S. Space and Missile Defense Technical Center (SMDTC). Mr. Granone is leaving the position, which he assumed in May of 1999.

As director of SMDTC, he has been responsible for managing the day-to-day research, development, test, and evaluation activities for the Army's space and missile defense technology program. He has ensured that the command's efforts are balanced and integrated to support the Army, the Missile Defense Agency, and the Program Executive Office for the Air and Missile Defense.

Mr. Speaker, Mr. Granone began his career in missile defense as an engineer in the Joint Anti-Tactical Missile Project office in the mid-1980s. He has participated in numerous international defense initiatives in conjunction with NATO, Israel, and Japan, as well as numerous special assignments such as Chairman of the U.S. Army Missile Review Board.

Some of Mr. Granone's accomplishments include developing SMDC's first integrated technology program for Directed Energy, developing the first ever KATYUSHA rocket shot down by a laser system, and developing the Army's science and technology research efforts related to space and office products. Mr. Granone was also instrumental in starting the Rapid Aerostat Initial Deployment System program.

Through his many years of service, Mr. Granone has received numerous awards for his accomplishments. Most notably, he has received the Senior Executive Service Presidential Rank Award, the Meritorious Civilian Service Award, the Superior Civilian Service Award, and a Letter of Commendation from the Secretary of Defense.

Mr. Speaker, on behalf of the people of Alabama's 5th Congressional District, I rise today to express my gratitude to Jess Granone for his service to our military and our Nation.

TRIBUTE TO THOMAS M. DEVANNEY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Thomas M. Devanney for his many years of outstanding service to our military and our Nation.

Mr. Devanney is currently the Acting Program Director for the Ground-Based Midcourse Defense Joint Program Office. In this capacity, he is responsible for the Ground-Based Midcourse Defense element of the Ballistic Missile Defense System.

Including his service in the GMD Joint Program office, Mr. Devanney has over thirty years of military and civilian missile system acquisition experience. Through his many years of service, Mr. Devanney has served in a variety of roles including the Chief of Missiles and Air Defense Systems in the Pentagon, Deputy PEO for Army Tactical Missiles and the Project Manager for the TOW Heavy Antitank Weapon Systems. He also served two overseas tours with the HAWK Air Defense System, and tours in Germany, Korea, and Vietnam.

Upon retiring from the Army, Mr. Devanney entered the private sector with Alliant Techsystems, Inc. He held several key positions, including Director of the Warheads and Munitions Business Segment.

For his many accomplishments, Mr. Devanney has received numerous prestigious awards. Most notably, he has received the Presidential Rank Award for Meritorious Executives, the Exceptional Civilian Service Award, the Distinguished Service Medal, the Legion of Merit Award, and the Bronze Star Medal.

Mr. Speaker, on behalf of the people of Alabama's 5th Congressional District, I rise today to express my gratitude to Thomas Devanney for his extraordinary service to our military and our Nation.

IN HONOR OF JOYCE L. FIGGS, PRESIDENT OF THE LADIES AUXILIARY OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Joyce Figgs, the outgoing President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA). In addition to logging more than 46 years of service to the Delmar Ladies Auxiliary, Joyce has also served several terms as President of the Delmar chapter.

From 1991–1993, Joyce served as the Ladies Auxiliary President in Wicomico County, Maryland. After a successful term in the Free State, thankfully, Joyce shifted her talents to Delaware and in 1993, was elected President of the Sussex County Ladies Auxiliary.

In 1994, Joyce was inducted into the Del-Mar-Va Hall of Honor, an illustrious and fitting tribute. However, her service would not stop with this induction. Joyce would serve additional terms as President of the Del-Mar-Va Firemen's Association Ladies Auxiliary from 1996 to 1997 and President in Wicomico County until 2003.

As you know, firefighters are of critical importance to our society. In order to be as effective as possible, they require dedicated and organized supporters. During her tenure, Joyce has led the Auxiliary in these areas admirably.

In closing Mr. Speaker, I would like to recognize Joyce Figgs for her exceptional career of service and dedication. LADVFA 1st Vice-President Barbara Rossiter and 2nd Vice-President Florence Legates join me in congratulating Joyce on her service as President of the LADVFA.

TRIBUTE TO MS. ELOUISE ASHFORD COLEMAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a friend and fellow South Carolinian, Ms. Elouise Ashford Coleman. After 35 years of tireless dedication to the students of South Carolina, Ms. Coleman is celebrating her retirement on Saturday with friends and family.

Ms. Coleman received her early public school education in Fairfield County, graduating from McCrorey-Liston High School in 1966. She then matriculated at Vorhees College, receiving a Bachelors of Arts in Mathematics in 1970. Ms. Coleman began her educational career shortly thereafter. First, as a math teacher at Winnsboro High School in Fairfield County, and later, as a math teacher at Columbia High School, in Columbia, South Carolina. She taught at Columbia High for 19 years, during which time she received a Master's degree in Education from the University of South Carolina.

Ms. Coleman left the classroom in 1994 upon accepting the position of Assistant Principal at Columbia High School. It is from this position that Ms. Coleman is retiring after serving as an administrator for 11 years. She will be sorely missed as she begins her well deserved retirement.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Ms. Elouise Ashford Coleman. She has given of her time and talents for 35 years as an educator in my home state. The contributions she has made to her community and to the educational system will leave lasting impressions on the lives she has touched. I wish her continued success and Godspeed.

INDIAN PRIME MINISTER APOLOGIZES TO SIKHS FOR GENOCIDE OF 1984—INDIA MUST FREE KHALISTAN AND ALL OCCUPIED TERRITORIES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. TOWNS. Mr. Speaker, recently the Prime Minister of India, Manmohan Singh, apologized to the Sikhs for the massacres of Sikhs that took place in November 1984. Over 20,000 Sikhs died in that massacre just in Delhi. Meanwhile, Sikh police officers were locked in their barracks and the state television and radio were encouraging more Sikh bloodshed.

This is a sad chapter in the history of India and it is appropriate that the Government has finally admitted its own culpability and apologized for this atrocity. These kinds of admissions are always welcome. But Prime Minister Singh's apology is 21 years too late and it is only a baby step in the direction of justice. And an apology for the military attack on the Golden Temple in June of that year is still not forthcoming.

Mr. Speaker, there are families of those who died in this massacre who have still never been compensated in any way. We know that no compensation can bring back their loved ones, but at least it can help make their lives better. India must compensate the victims' families if this apology is serious. It must also bring to justice the officials responsible for the massacre. These are necessary steps for the apology to be taken as anything more than mere empty words.

But there is something else that India must do as well. It must make proper restitution to the whole Sikh Nation for this massacre and its many other atrocities against the Sikhs.

How do you pay such a huge debt, Mr. Speaker? How do you pay back an entire nation for atrocities against it? On October 7, 1987, the Sikh Nation declared its independence, declaring the new country of Khalistan. Since then, India has continued to occupy Khalistan. Over half a million Indian troops still carry out this brutal occupation to this day. These troops must be withdrawn and India must recognize the sovereignty of a free and independent Khalistan. That is how it can compensate the Sikh Nation.

Now, Mr. Speaker, the Indian Government maintains that there is no support for Khalistan among the Sikhs in Punjab, despite large marches that have occurred as recently as June demanding Khalistan. In June, 35 Sikhs were charged with a crime. Their offense? They made some speeches and raised the Khalistani flag. To quote my friend Dr. Gurmit Singh Aulakh, president of the Council of Khalistan, "Is asking for freedom a crime in a democracy?"

So if India is democratic and there is no support for Khalistan, then why is the Indian Government afraid to have a vote on the matter? Why not simply have a vote and prove it? It is time for the United States to hold India's feet to the fire on its proclaimed democratic principles. We must stop our aid to India until it respects human rights and ceases activities such as the Delhi massacre, the arrests of activists for raising a flag, and the like. And we must demand self-determination for the people of Khalistan, Kashmir, Nagaland, and all the suppressed, captive nations of South Asia. In a democracy you cannot rule against the will of the people, and the essence of democracy is the right to self-determination. It is time to press India, the self-proclaimed "world's largest democracy," to do the right thing and let the people have their freedom.

Mr. Speaker, I would like to insert the Council of Khalistan's press release on Prime Minister Singh's apology into the RECORD at this time. Thank you.

WASHINGTON, DC, Sept. 14, 2005.—Indian Prime Minister Manmohan Singh has formally apologized to the Sikh Nation for the genocide against the Sikhs in November 1984 in which over 20,000 Sikhs were killed in Delhi alone while Sikh police were locked in their barracks and Indian radio and television called for more Sikh blood.

"We appreciate the Prime Minister's apology," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "It is more than any other Indian leader has done, but it is too little, too late—21 years too late, in fact." The Council of Khalistan leads the struggle to liberate the Sikh homeland, Khalistan, which declared its independence from India on October 7, 1987. "We need to see if this apology is sincere or just another propaganda ploy by the Indian government." However, he noted that the Indian government's military attack on the Golden Temple, the center and seat of Sikhism, in June 1984 was more important to the Sikh Nation. "Where is the apology for that?," he asked.

"India must pay full and appropriate restitution to the families and bring the officials responsible to justice," Dr. Aulakh said. "But the most appropriate and important restitution that can be made to the Sikh Nation is to withdraw all Indian forces from Khalistan and allow it to enjoy its independence," he said. "Only then can the Sikh Nation live in peace, dignity, and freedom, secure in the knowledge that these kinds of incidents will not happen again," he said. "If India and Prime Minister Singh truly believe in freedom and democracy, they have a moral obligation to withdraw from Khalistan and all the nations they occupy, such as Kashmir, Nagaland, and others," he said.

Professor Darshan Singh, a former Jathedar of the Akal Takht, has said, "If a Sikh is not a Khalistani, he is not a Sikh." The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Bodos, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." According the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial.

"The flame of freedom still burns bright in the hearts of Sikhs despite the deployment of over half a million Indian troops to crush it," Dr. Aulakh said. "Last year, Punjab Chief Minister Amarinder Singh signed a bill cancelling the agreements that allowed the diversion of Punjabi water to non-riparian states. The bill asserted the sovereignty of Punjab. Sardar Atinder Pal Singh, another former Member of Parliament, held a seminar on Khalistan in Punjab. It was well attended and featured outstanding presentations, including one by Professor Gurtej Singh, IAS, Professor of Sikhism," he said. "There have been several marches through Punjab demanding the establishment of an independent Khalistan. India is on the verge of disintegration," he said.

Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple on the anniversary of the Golden Temple attack in the presence of over 30,000 Sikhs. Warrants have been issued for their arrest. The flag of Khalistan was also raised on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail. Dr. Aulakh demanded that India release all the people arrested for hoisting the flag and drop all charges against all these individuals. "Is it a crime to demand freedom in a democracy?," he asked. "Is this the freedom of speech that is guaranteed under India's constitution?"

History shows that multinational states such as India are doomed to failure. The collapse of countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is a polyglot like those countries, thrown together for the convenience of the British colonialists. It has never been a single nation. It is doomed to break up as they did. Steve Forbes, writing in Forbes magazine, said that India is a multinational, multiethnic, multireligious, multicultural, multilinguistic state that is doomed to disintegrate like the Austro-Hungarian Empire. "India is not a homogeneous state," Forbes wrote. "Neither was the Austro-Hungarian Empire. It attacked Serbia in the summer of 1914 in the hopes of destroying this irritating state after Serbia had committed a spectacular terrorist act against the Hapsburg monarchy. The empire ended up splintering, and the Hapsburgs lost their throne." India is doomed to fall apart just as Austria-Hungary and the others did.

"We must continue to pray for and work for our God-given birthright of freedom." Dr. Aulakh said. "While this apology is a small first step, only a free Khalistan will satisfy the Sikh Nation," he said. "We must continue to work until this goal is achieved."

IN MEMORY OF RYAN BRANDT YOUNG

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. BURGESS. Mr. Speaker, I rise today to remember former Navy SEAL Ryan Brandt Young, a 32-year-old native of Halfway, MD, for serving our country in Iraq.

Young was based in southern Iraq as a security contractor for Triple Canopy and worked with the Bureau of Diplomatic Security. He was killed Wednesday, September 7, when a bomb went off in the lead vehicle of a motorcade escort from the airport to the U.S. Embassy in Basra.

In my recent visit to Iraq, Young was a member of the detail that protected my mission. His group watched over the delegation as we traveled into dangerous territory. I was fortunate enough to have met him and honored to have him protect our unit. He was courageous, thoughtful and a true American. Today, I would like to recognize and celebrate his life. He made up his mind when he was only 14 that he would someday be a Navy SEAL, and he certainly achieved that goal. Eight of Young's 13 years in the Navy were spent as a SEAL.

His mother talked to him just 10 days before the bombing, and she described him as very happy, very up, and I think we could learn a great deal from him. It was my honor to have met Ryan Brandt Young. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

STATEMENT TO COMMITTEE ON GOVERNMENT REFORM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, on September 15, 2005, I submitted the following statement during a hearing in the Committee on Government Reform entitled, "Back to the Drawing Board: A First Look at Lessons Learned from Katrina":

Good morning. Thank you, Chairman Davis, for agreeing last week to hold hearings in this Committee on what went wrong with the government response to Hurricane Katrina. This Committee is the most important venue within the House of Representatives for federal government oversight and I am grateful for your leadership. Interestingly, this first hearing will not focus on Hurricane Katrina and the disaster in New Orleans and the surrounding area, but will focus on 3 other cities that are vulnerable to a natural disaster or terrorist attack: Los Angeles, Miami and Washington, D.C. Further, the hearing is intended to examine the local response to crisis, rather than the federal response, to determine how prepared we are to handle another disaster.

Local, state and federal government all play key roles in handling a disaster and disaster relief, but let's face it: the federal government has the largest resources and should have the greatest ability to deal with a serious disaster in our nation. The first lesson we have learned from Katrina is that this proved not to be the case. The federal government was slow to act and the disaster was far too great for city and state government to handle alone.

The second lesson we have learned from Katrina is that we have not learned the lesson from the Iraq war regarding Halliburton. Halliburton overcharged the government at the taxpayer's expense during the Iraq war. Days after Katrina struck, Halliburton was one of the earliest companies awarded no-bid contracts, to repair 3 different Navy facilities in Mississippi. The flawed contracting procedures of the Iraq war are rearing their ugly head in the recovery of Hurricane Katrina. Congress has already appropriated $62 billion so far and more is surely to come. Yet the contracts awarded have been cost-plus and no bid contracts, lacking oversight and transparency.

There is an infinite number of issues on the federal level that seriously need to be explored. Why aren't more steps being taken to hire local displaced workers to rebuild their towns and cities? How has the merger of FEMA into the Department of Homeland Security played a role in FEMA's ability as an agency? Why didn't FEMA's Hurricane Pam study—contracted out to IEA to investigate what would happen if a hurricane hit the gulf coast—better prepare the federal response to the Katrina disaster?

As Chairman Davis indicated, however, we'll get into more of these federal issues at future hearings.

A very important local issue that should be considered today is the morality of establishing a mandatory evacuation when there are people who lack the ability to evacuate. We saw this in New Orleans with Hurricane Katrina. Everyone was forced to evacuate, but not everyone could. There were people in hospitals and nursing homes and people too poor and without cars that were simply left behind. How were these people supposed to leave? How might there have been better emergency plans in place to facilitate the evacuation of these citizens? In one reported story, a dead body was left to decay for over 2 weeks in the Algiers neighborhood of New Orleans, despite swarms of local police, Louisiana state troopers and the Army. Residents believed that law enforcement officials left the body there purposely to encourage the residents to evacuate. If their belief is true, such a practice is truly shameful and must be addressed.

Another issue related to local government observed in New Orleans with the enforced racism that occurred through the application of two standards of justice by law enforcement officials. Local law enforcement reportedly allowed white armed vigilantes to ride throughout the city but would not allow the same for black residents. According to Malik Rahim, a community organizer who recently ran for city council in New Orleans, "If a white person was taking something, he was taking food for his family. But if a black was taking something, he was looting." Rahim further described how the white vigilantes were shooting blacks in his neighborhood under the guise that they were protecting his neighborhood, and were even bragging about it. He said he never before seen New Orleans come so close to breaking into a race riot.

If a race riot had broken out in New Orleans the crisis situation there would have become far more disastrous. How can local governments ensure that one standard of justice is applied equally in times of disaster?

I hope this hearing will address the many concerns raised and what changes are necessary in the local planning for disasters in other large cities. Moreover, I look forward to the series of hearings that this Committee intends to hold that will specifically look at the federal response to Hurricane Katrina.

IN LASTING MEMORY OF MAYOR PAUL B. CHOATE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor of the life and legacy of Mayor Paul B. Choate, who passed away at the age of 71 on August 5, 2005. Mayor Choate was born on May 28, 1934 in Lonoke, Arkansas.

Mayor Choate graduated in 1957 from the State Teacher's College and taught school in Paris, Arkansas. He was also a retired biologist with the Arkansas Game and Fish Commission. In 1967, Mayor Choate moved to Hempstead County and distinguished himself as the first juvenile judge and helped to establish Medical Park Hospital in Hope where he served as a Hempstead County Memorial Hospital Board member.

Mayor Choate was an economic ambassador for the small town of Blevins. As Mayor, he updated the city's sewer system, helped to bring industry to the city, and acquired one of only four generators obtainable from the state for Blevins during the horrific ice storm of 2000 that paralyzed much of Arkansas.

Perhaps what drove Mayor Choate the most was preaching the gospel of Jesus Christ. In Blevins, he was a founding minister of the World of Faith Church and a pastor at the Marlbrook Baptist Church for 7 years.

Mayor Choate truly led an exemplary life and will forever be remembered for his dedication to his family, his community, and the church. My deepest sympathies go out to his wife, Pamela D. Young Choate, their four sons, David, Roy, Timothy, and Andrew, his brothers, William King and Lee King, his sister, Julia, his eight grandchildren and ten great grandchildren.

TRIBUTE TO MAJOR GENERAL JOHN W. HOLLY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CRAMER. Mr. Speaker, I rise today to recognize the outstanding career and contributions of Major General John W. Holly. General Holly is retiring from his position as Deputy Director of the Missile Defense Agency, the Program Executive Officer for Ballistic Missile Defense System, and the Director of the Joint National Integration Center.

Prior to assuming his current position, General Holly was the Program Director of the Missile Defense Agency's Ground-based Midcourse Defense (GMD) Joint Program Office.

General Holly was an integral part in the development, construction, initial testing, and deployment of the nation's GMD system, which gives our nation new and advanced capabilities to defend itself against long-range ballistic missile attacks.

Mr. Speaker, I would like to thank General Holly for his work developing our nation's defense capabilities against incoming missile threats. I strongly believe that his efforts have significantly contributed to the defense of our nation.

During General Holly's time in Huntsville, I enjoyed working with him as he led the development of the Ground-Based Missile Defense system. I know his leadership and dedication will be sorely missed.

Mr. Speaker, on behalf of everyone in North Alabama, I rise to express my gratitude to Major General John W. Holly for his many years of service in our nation's military.

IN HONOR OF RAY STEVENS, PRESIDENT OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Ray Stevens, the outgoing President of the Delaware Volunteer Firemen's Association (DVFA). During his tenure, Ray has served with distinction in a variety of positions within Delaware's Fire Service.

Originally joining the Selbyville, Delaware Volunteer Fire Company in July of 1967, Ray remains an active member to this day. From 1968 through 1971, Ray served as the 1st and 2nd Assistant Chief of the Selbyville Delaware Volunteer Fire Company. In 1972, he served as the Chief of the Selbyville Fire Company, a post he would hold again from 1996–1997.

In his 38 years, Ray has served the Selbyville Fire Company in a variety of other positions, including work as Assistant Treasurer, a 32-year stint as an Engineer, and his current work as both a human resources officer and a safety officer. After serving as President of the Selbyville Fire Company, Ray moved to the Sussex County Volunteer Firemen's Association, where he would serve as President from 1999–2000.

As you know, firefighters are of critical importance to our society. In order to be as effective as possible, they require dedicated and organized supporters. Over the past year, Ray has exemplified these qualities and effectively led the DVFA. For his hard work, both the State of Delaware and the United States of America are indebted to him.

Mr. Speaker, in closing, I would like to congratulate Mr. Stevens on his exceptional career of service and dedication. DVFA 1st Vice-President and incoming President Ken Pyle and 2nd Vice-President Alan Robinson join me in congratulating Ray on his service as President of the DVFA.

IN HONOR AND REMEMBRANCE OF FATHER JOHN C. DALTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Father John C. Dalton, Pastor Emeritus of Holy Name Church of Cleveland, Ohio, whose love, kindness and faithful service to the people of Cleveland will be remembered always.

Pastor Dalton entered St. Mary's Seminary in 1943 and was ordained into the priesthood in 1948. For sixty-five years, Pastor Dalton served the people of our community, young and old. He baptized more than 2,000 parishioners and united 545 couples in marriage. At Holy Name parish, Pastor Dalton tended to the spiritual and humanitarian needs of the parishioners, and extended his assistance out into the community.

Pastor Dalton's vision and focus on uplifting his community manifested itself along Broadway Avenue and beyond, where he led efforts to improve Holy Name church and school, and even helped out in the construction of new ball fields. His compassion, patience and love for others reflected throughout his life of service, from tenure as teacher, to his position as Associate Director of Services for the Deaf; to his neighborhood activism and work as a counselor within self-help groups. Even following his retirement, Pastor Dalton continued his life-long mission of regular visits to hospitals and the homebound, offering comfort and support to our most vulnerable citizens.

Mr. Speaker and Colleagues, please join us in tribute and remembrance of Father John C. Dalton, Pastor Emeritus of Holy Name Parish of Cleveland. Pastor Dalton's steadfast service to others, framed by compassion, understanding, and a warm smile, offered healing, hope and faith to all of us. I extend my deepest condolences to the family of Pastor Dalton, to the parishioners of Holy Name Church, and to the entire Broadway Avenue community. Pastor Dalton will be deeply missed by everyone who knew and loved him well, yet his light and love will always serve as a guiding force throughout our community and will radiate forever along Broadway Avenue and far beyond.

IN LASTING MEMORY OF ROBERT COMPTON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of Robert "Bob" Compton of El Dorado, Arkansas. Mr. Compton passed away on Saturday, August 6th at the age of 76.

A graduate of Hendrix College in 1949 and the University of Arkansas Law School in 1952, Mr. Compton was an agent with the Federal Bureau of Investigation and in 1970 ran for the Democratic nomination for Governor of Arkansas. Additionally, Mr. Compton was a Special Associate Justice and Special Chief Justice of the Arkansas Supreme Court and served as Special Chairman of the Arkansas Public Service Commission.

A member of the Arkansas Bar Association and President from 1975–1976, Mr. Compton distinguished himself among his colleagues as an outstanding attorney. This is further evidenced by his receipt of the Arkansas Outstanding Lawyer Award in 1988, a classroom dedicated in his name at the University of Arkansas School of Law in May 2004, and the Arkansas Bar Foundation Award for Excellence in June 2004.

Mr. Compton was a respected attorney and was dedicated to his family, community and state. Bob was a good friend who inspired me through his wise counsel, deeds and actions, just as he has so many others over the years. Bob leaves the City of El Dorado and the State of Arkansas a better place because of his many contributions.

Bob Compton truly led an exemplary life and developed a profound respect for our legal system. My deepest sympathies go out to his wife, Margaret Compton, their sons, Robert C. Compton, Jr. and Walter Knox Compton, their daughter, Cathleen Compton, and their grandchildren, Maggie, Whitley, Jackson, and Tyler.

TRIBUTE TO AMY SURGINER LIGON NORTHROP

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Amy Surginer Ligon Northrop on the occasion of her 100th birthday. Born September 28, 1905 in Dixiana, South Carolina, Mrs. Northrop became a successful entrepreneur, owning several businesses, including a thriving beauty shop and a laundromat in Columbia, South Carolina.

Mrs. Northrop, a pioneer among African American businesswomen, attended grade school in Dixiana and St. Ann Episcopal School in Cayce, South Carolina. She received her bachelor's degree from Allen University in Columbia, South Carolina, where she later established a scholarship named after her and her late husband, John. With a boundless thirst for knowledge, she furthered her education at Tennessee State University, South Carolina State University, Almanella School of Beauty Culture, and the Manhattan Trade School in New York.

Broadening her knowledge of life and mankind through travel, Mrs. Northrop was at various times, a resident of Pennsylvania, New Jersey, and New York. With her foresight and vision, she opened a beauty shop in Brooklyn, New York. She relocated to South Carolina in 1935 and opened Amy's Beauty Shop. In 1936, she became a member of the South Carolina State Cosmetology Association and the first clinic for the association was held at her business. When the Columbia Citywide Cosmetology Association was organized in 1938, Mrs. Northrop became one of the charter members.

In 1941, she successfully negotiated affiliation with the National Beauty Culturists League for the Columbia association. She became a state organizer at a national beauticians' convention and organized beauticians throughout the State. Her interest in cosmetology led to extensive travel throughout the United States, Canada, and Mexico.

Mrs. Northrop has received numerous certificates and awards for her outstanding contributions to the field of cosmetology. In 1945, she received the great honor of being the first African American state inspector of beauty shops in South Carolina. A tireless civic leader, Mrs. Northrop founded Gamma Epsilon, a chapter of the Alpha Chi Pi Mega Sorority, whose first members were beauticians from Charleston, Sumter, Kingstree, and Myrtle Beach, South Carolina.

As an entrepreneur, she was successful in securing the purchase of property on Clark Street in Columbia as a headquarters for the city's beauticians' association. She later helped to secure the land on Fontaine Road where the State Cosmetology Headquarters, the Margarette H. Miller Cosmetology Center, now stands.

Mrs. Northrop is a life member of Mt. Pisgah African Methodist Episcopal Church in Dixiana, South Carolina, where she organized the Youth Church, the Pull Together Club, the National Council of Negro Women, and the NAACP. In 1997, she relocated to the Washington, DC area to live with her niece and nephew, Rose and Edgar Crook, and worships with them at Shiloh Baptist Church. She continues to maintain strong ties to South Carolina, however, and visits as often as she can.

Mr. Speaker, I ask that you and my colleagues join me in saluting Mrs. Amy Surginer Ligon, one of South Carolina's and America's finest citizens, as she celebrates her 100th birthday.

COUNCIL OF KHALISTAN CONVENTION TO BE HELD OCTOBER 7 TO 9 IN DETROIT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. TOWNS. Mr. Speaker, the Council of Khalistan will be holding its annual convention in Detroit next month. It will be held from October 7 through October 9. This is a very appropriate date because Khalistan declared its independence from India on October 7, 1987 and the Council of Khalistan was formed at that time to lead the struggle to liberate Khalistan, a struggle that continues to this day, 18 years later.

It is outrageous that this struggle has had to go on so long, but the Council of Khalistan has been tireless in keeping it going and keeping the flame of freedom for the Sikh nation burning. I salute them on their convention and I wish them success both with their convention and with their efforts to bring freedom to the Sikh people.

It is time for India to get out of Khalistan and allow the people there to live in freedom. Until then, Mr. Speaker, we should stop our aid and trade with India and demand self-determination for the people of Khalistan, for the Kashmiris, as India promised in 1948, for the people of Nagaland, and for all the people and nations of South Asia. That is the only way to bring peace and stability to that troubled region.

IN MEMORY OF RONALD HYATT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. BURGESS. Mr. Speaker, I rise today to remember former Marine Ronald Hyatt, of Calera, Alabama for serving our country in Iraq.

Hyatt was based in southern Iraq as a security contractor for Triple Canopy and worked with the Bureau of Diplomatic Security. He was killed Wednesday, September 7th when a bomb went off in the lead vehicle of a motorcade escort from the airport to the U.S. Embassy in Basra.

In my recent visit to Iraq, Hyatt was a member of the detail that protected my mission. His group watched over the delegation as we traveled into dangerous territory. I was fortunate enough to have met him and honored to have him protect our unit. He was courageous, thoughtful and a true American. Today, I would like to recognize and celebrate his life.

He will be remembered as a family man, a former Marine, a reserve, and to those who knew him, just one of those guys you never forget. Please keep his wife, Robin, and their four small children in your thoughts.

It was my honor to have met Ronald Hyatt. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

IN HONOR AND REMEMBRANCE OF JUDGE ANDREW BOYKO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge Andrew Boyko, dedicated husband, father and grandfather, friend and mentor, and WWII Navy Veteran. Judge Boyko's professional career as Municipal Judge, law director and assistant prosecutor in the City of Parma, reflects a legacy of grace and excellence that extended from the courtroom to the community.

Judge Boyko's unwavering work ethic and sense of service to others characterized who he was and how he lived his life. He grew up in Cleveland, graduated from West Tech High School in 1941, and served as a Navy Corpsman during WWII. After the war, he graduated from John Carroll University and in 1955, Judge Boyko earned a law degree from Cleveland-Marshall College of Law.

In the early 1960's, he settled in Parma with his family, where he served as an assistant prosecutor until 1963, when he was elected to the post of law director. Judge Boyko's political ingenuity shone through when he orchestrated a bid for the post of law director for the City of Parma through a write-in campaign, successfully clinching the Democratic Party's nomination. He served as law director until 1987, when he was appointed to the municipal bench, where he served until his retirement in 1993. Although his professional achievements were significant, family and community were a consistent priority in Judge Boyko's life. He was an active member of numerous civic organizations, including the Elks Club, American Legion Post 572, Municipal Judges Association and the Citizens League, and he served on the Board of the Parma Savings Association. Judge Boyko embraced his heritage through his involvement at St. Andrew Ukrainian Catholic Church, where he headed the Ukrainian Youth League.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Judge Andrew Boyko. His commitment to his family and to his community defined his life, and he will be greatly missed by those who knew and loved him well. I extend my deepest condolences to his wife of 55 years, Eve; to his sons, Chris, Tim, Greg and Jeff; to his ten grandchildren; to his brothers, Michael and Nicholas; and to his extended family members and many friends. Judge Boyko's life was lived with joy, energy and in service to others. His unyielding integrity and faith in our legal system will continue on as a guiding force of truth, fairness and justice for all.

A TRIBUTE TO THE CAREER OF JUDGE EDWARD THOMAS SMITHERMAN, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to recognize the contributions of Judge Edward Thomas Smitherman, Jr. to Hot Springs, Arkansas and congratulate him on his retirement.

For more than 16 years, Judge Smitherman served on the bench of the 18th Judicial Circuit-East, both as a circuit and chancery judge. He served with distinction as the circuit's first administrative judge, a member of the Ad Hoc Committee on Uniform Reporting of Case Information, and as chairman of the Board of Certified Court Reporter Examiners. Judge Smitherman has also given back to the Hot Springs community by serving on several civic boards including the Hot Springs Optimist Club, the Area Council of Aging, the Boys Club, the Salvation Army and the Hot Springs School Board.

I wish Judge Smitherman the best of luck and success in future endeavors and safe travels in his retirement.

IN HONOR AND REMEMBRANCE OF ROBERT L. LEWIS, FOUNDER OF CUYAHOGA COMMUNITY COLLEGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Robert L. Lewis, beloved husband, father, friend and United States Veteran. Mr. Lewis leaves behind a brilliant legacy that reflects his personal passions and professional accomplishments as admired attorney, educator, author and longtime activist on behalf of the performing arts and educational opportunity for all.

Mr. Lewis was born and raised in New York. As a young boy, he performed song, dance and comedy routines with his family on the vaudeville circuit. His formal education in public school did not begin until age 12. Extremely bright, Mr. Lewis quickly ascended through the grade levels. He graduated from high school at age 15 and enrolled in college at age 16. Following his service in the army in Europe during World War II, Mr. Lewis studied law at Western Reserve University in Cleveland and graduated in 1948 with a law degree.

Mr. Lewis joined the law firm of Ulmer, Berne, Laronge, Glickman and Curtis and retired in 1996 after 46 years of outstanding work with the firm. He worked as a professor at Case Western Reserve University's Mandel Center for Nonprofit Organizations, and also taught corporate and contract law courses at what was then Cleveland Marshall Law School.

Throughout his adult life, Mr. Lewis maintained an unwavering focus on raising the lives of others into the light of possibility and achievement. He volunteered his time as past president of the Association of Governing Boards of Colleges and Universities; board member with PACE (Program for Action by Citizens in Education), and served on the board of the Fairmount Center for the Creative and Performing Arts.

His passion and belief that higher education should be affordable for everyone manifested itself in 1963 with the establishment of Cuyahoga Community College (CCC), an institution that continues to be a significant source of educational and career opportunities for thousands of students each year. Mr. Lewis served on the CCC Board of Trustees for 18 years and Chairman of the Board for 4 years. He also served as CCC's "resident scholar," and taught courses in Greek mythology and drama.

Mr. Speaker and colleagues, please join me in honor, remembrance and gratitude to Mr. Robert L. Lewis, whose life was defined by his steadfast commitment to his family, his significant contribution to our community and his boundless energy in promoting the performing arts and securing educational opportunities for everyone. I offer my condolences to his wife of 42 years, Joanne; his daughters, Pavia and Clea; his sons, Paul, David and Brian; his nine grandchildren and his extended family members and many friends.

The kindness, vision, energy and personal and professional excellence that flowed from the gracious life of Mr. Lewis will continue to serve as a fountain of learning and strength for the students and educators at Cuyahoga Community College, and his legacy will continue to raise our entire community into the light of hope, possibility and opportunity for all.

RETIREMENT OF VICTOR A. MODEER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to recognize and honor Vic Modeer upon his retirement from the Illinois Department of Transportation, IDOT. For the past 20 years, Vic Modeer has served with utmost distinction at the IDOT.

After graduating from the Louisiana State University and receiving a masters in civil engineering from Purdue University, Vic worked in the private sector for a contractor and consultants prior to his employment at IDOT. Once at IDOT, he worked his way up from various positions within the Division of Highways to eventually become the director of Highways and chief engineer. IDOT's Division of Highways is a vast organization with over 5,000 employees, a $490 million operating budget, and a $4.5 billion construction budget.

While serving as the district engineer and as director of Highways, Vic was instrumental in overseeing many important highway projects in my congressional district and across the entire State of Illinois. As director of Highways, he helped lead IDOT to be the first State department of transportation in the Nation to meet and become certified under the process and quality management standards of the International Organization of Standardization, ISO 9001:2000. This is indicative of the dedication Vic and his staff have shown for professionalism, product quality, public accountability, and customer satisfaction.

Vic met the challenges of budget constraints and significant staff reductions during his tenure as director with a typical can-do attitude. He reorganized the division, improved communications, engineered process efficiencies to make up for lost work force, and employed innovative management and training methods to maintain productivity and continue delivering the highway program as promised, with no reduction in service, despite the loss of nearly 20 percent of his staff to early retirement and other attrition between 2002 and 2005.

Mr. Modeer's participation in numerous professional organizations, including the AASHTO Standing Committee on Highways and the Task Force with Transportation Security, his service as a Navy veteran from Desert Storm serving in Saudi Arabia with the Seabees as an officer in the U.S. Navy Civil Engineer Corps, his long list of publicized articles regarding geotechnical engineering as well as teaching numerous engineering classes at Louisiana State University and Southern Illinois University at Edwardsville exemplify the strength of his leadership.

Mr. Speaker, I know my colleagues join me in offering congratulations and gratitude for his long and successful career at the IDOT. Vic Modeer's meritorious service to Illinois and to our country will have a lasting legacy not only in steel and concrete, but his true legacy will be with the people who served with him and the lives he has helped and touched. I wish him well and hope he continues to achieve happiness, health and success in his future endeavors.

IN LASTING MEMORY OF JOHN H. JOHNSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to the life and legacy of John H. Johnson. Born in 1918 in Arkansas City, AR, Mr. Johnson passed away on August 8 at the age of 87. Mr. Johnson has set an example for us all by being both an entrepreneur and a philanthropist. I would like to recognize Mr. Johnson's lifetime of contributions to Arkansas and our Nation.

Mr. Johnson began his distinguished career in 1942 as editor and publisher of Negro Digest. Just 3 years later, he began publishing Ebony Magazine, one of the most influential African-American magazines in the world, with a $500 loan. Mr. Johnson later became the founder, publisher, and chairman of Johnson Publishing Company, the world's largest African-American owned publishing company.

In 1982, Mr. Johnson was the first African-American to be named on the Forbes list of the 400 wealthiest Americans. Mr. Johnson's long list of awards and achievements include: the Black Journalists' Lifetime Achievement Award in 1987, the Wall Street Journal/Dow Jones Entrepreneurial Excellence Award in 1993, the Presidential Medal of Freedom in 1996—the highest honor this Nation gives to a citizen, the Arkansas Business Hall of Fame Award in 2001, the Vanguard Award in 2002, and the Trumpet Award in 2002.

Arkansas City and the University of Arkansas at Pine Bluff have worked together to create the John H. Johnson Cultural and Education Museum. On May 21 of this year, this museum was dedicated in Desha County, AR. The museum captures Mr. Johnson's life by restoring his boyhood home and includes period memorabilia, printed material, and video chronicles. I know it was a tremendous honor for Mr. Johnson to return to his home and see the great tribute dedicated in his honor.

I am deeply saddened by Mr. Johnson's death. His dedication, entrepreneurial spirit, and legacy will continue in Arkansas for the years and decades ahead. My heartfelt condolences go to his wife, Eunice, and their daughter, Linda Johnson Rice, and their granddaughter, Alexa Rice.

IN HONOR OF STANLEY M. FISHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Stanley M. Fisher, devoted family man, accomplished attorney, friend and mentor to many, and first-ever recipient of the Lifetime Achievement Award, bestowed upon him by the Northern District of Ohio Chapter of the Federal Bar Association. This premier mark of excellence reflects Mr. Fisher's multifaceted service in the legal profession, service framed by achievement, integrity and heart.

After graduating from Oberlin College and the University of Michigan Law School, Mr. Fisher worked as a clerk for the 6th Circuit with Chief Judge Charles Simon and later for Justice Potter Stewart, before Justice Stewart was appointed to the U.S. Supreme Court. Equipped with unwavering commitment, steadfast integrity and expertise, Mr. Fisher's work serves as a source of knowledge, strength and advocacy throughout all levels of the justice system. His significant service within the Federal Bar Association, FBA, extends from his role as past President of the Northern District of Ohio, lifetime member of the FBA Board of Directors, and most notably, the first Ohioan to serve as National President of the FBA.

In 1983, Mr. Fisher was appointed as an Ohio Commissioner with the National Conference of Commissioners on Uniform State Laws by then Governor, Richard Celeste. He was reappointed by Ohio Governors Voinovich and Taft. Mr. Fisher's talent and conviction have impacted cases from Ohio to our Nation's Capitol. President Clinton appointed Mr. Fisher to the Federal Service Impasse Panel in 1992. For 10 years, he handled mediation and arbitration cases, directing each grievance from preparation to resolution. Mr. Fisher continues his work as a local and national mediator and is currently serving his second term as a member of the American Arbitration Association Advisory Council.

Mr. Speaker and colleagues, please join me in honor and recognition of Stanley M. Fisher, for his outstanding and continued excellence as attorney, guide and leader within the legal profession. His unwavering focus on the balanced scales of justice serves to protect legal equity throughout our American system of justice, from Cleveland, to Washington, DC and beyond.

IN LASTING MEMORY OF REPRESENTATIVE NAP MURPHY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of a great Arkansan and a devoted public servant, State Representative "Nap" Napoleon Bonaparte Murphy. Representative Murphy passed away on August 23rd at the age of 83. He worked for nearly 50 years as the owner of a successful car dealership in Hamburg, Arkansas, but is better remembered for his colorful personality and career dedicated to helping the people in his community from the Arkansas State Legislature.

Representative Murphy was born on September 26, 1921, in Crossett, Arkansas. After moving to Hamburg in 1948, he bought the Main Street Esso Station and just 4 years later, he purchased the local Ford Dealership. Representative Murphy was elected to the Arkansas House of Representatives in 1959, serving just one term before returning to Hamburg to run his business, and was re-elected in 1963 where he served until his retirement in 1995. Representative Murphy served as the distinguished Chairman of the House Agriculture and Economic Development Committee.

I had the pleasure of knowing Representative Murphy when I served in the Arkansas State Senate. He was a dynamic character who would begin and end every legislative session wearing his white suit and black bowtie. He had a great love for bluegrass music and enjoyed playing the banjo, mandolin, guitar, and fiddle.

Arkansas will certainly miss this great politician from humble beginnings and I will miss his sense of humor and dedication to our state. My condolences go out to Nap's son, Jimmy, his daughter, Ila Murphy Campbell, his eight grandchildren and two greatgrandchildren.

FREEDOM FOR OSCAR MARIO GONZÁLEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Oscar Mario González, a political prisoner in totalitarian Cuba.

Mr. González is an independent journalist and pro-democracy activist in totalitarian Cuba. His peaceful, pro-democracy activities and truthful articles have helped the world to learn the facts about the nightmare that is the Castro regime. Unfortunately, the dictatorship forcefully represses those who bravely support freedom and rise in resistance to the despotic regime.

According to Reporters Without Borders, on March 24, 2005, Mr. González was summoned and questioned by regime agents, who threatened that he would not be able to see his family again if he continued practicing as an independent journalist. Despite these gangster tactics and heinous threats, Mr. González continued to demand basic human rights for the people of Cuba.

As part of the tyrant's heinous July 2005 crackdown on peaceful pro-democracy opponents, on July 22, Mr. González was arrested as he tried to participate in a peaceful demonstration outside the French Embassy in Havana, demanding the release of political prisoners in Cuba. As part of this vicious crackdown, approximately 33 brave opponents were arrested at home, on their way to the demonstration or on the sidelines of the gathering.

According to CubaNet, Mr. González has been charged with violating Law 88. This is the same sham law that the tyrannical regime used to wrongly convict many of the pro-democracy activists arrested in March 2003.

Mr. González is a brilliant example of the heroism of the Cuban people. Despite incessant repression, harassment, incarceration and abuse, he remains committed to the conviction that freedom of the press and democracy are the inalienable right of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Mr. González, who represent the best of the Cuban nation.

Mr. Speaker, let me be very clear, Mr. González is languishing in the grotesque squalor of the gulag because he desires freedom for all Cubans. My Colleagues, we must demand the immediate and unconditional release of Oscar Mario González and every political prisoner in totalitarian Cuba.

WELCOMING TAIWAN'S PRESIDENT CHEN

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. BROWN of Ohio. Mr. Speaker, the president of Taiwan, Chen Shui-bian, will be making a stop in Miami en route to Central America later this month. He will stop overnight in San Francisco on his return to Taiwan.

I am sorry that he won't be stopping in Washington, DC. Many of my colleagues and I hope that in the future he and other Taiwanese leaders will be able to visit our capital.

President Chen has been in office for more than 5 years. During his tenure as president, he has been able to unite Taiwan, stabilize cross-strait relations, seek social harmony and reinvigorate the economy.

To maintain cross-strait peace and stability, he reacted calmly to China's enactment of its provocative antisecession law last March.

Under his presidency, Taiwan's global competitiveness increased and the nation now ranks as one of the world's top economies.

On the international front, President Chen made several state visits to diplomatic allies. In April he went to the Vatican City to pay final respects to the late Pope John Paul II. During his brief stopovers in Miami and San Francisco this September, I hope my colleagues will take the time to visit with President Chen. President Chen is the leader of a young but prosperous democracy, and our mutual love of freedom can only be strengthened by these visits.

Taiwan is one of America's most important allies. Taiwan is also our trading partner and friend. Whenever America has need, Taiwan is there. They have contributed to the Twin Towers Fund, the Pentagon Memorial Fund and most recently, Taiwan gave two million dollars to help victims of Hurricane Katrina.

Mr. Speaker, we must also remember Taiwan's unique role in maintaining peace and stability in the Asian Pacific region. To have permanent peace in the region, the United States should urge Taiwan and China to resume peaceful dialogue and exchanges.

We should also encourage Taiwan's participation in the World Health Organization and the United Nations. Taiwan is a vibrant democracy, and I hope the entire world will recognize its people's love of freedom.

I hope all Members of Congress will join me in welcoming President Chen as he transits through the United States.

IN HONOR AND RECOGNITION OF DENNIS MORTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dennis Morton, committed public servant, Vietnam War Veteran, and friend and mentor to many, upon the occasion of his retirement, following 32 years of dedicated service within the U.S. Department of Housing and Urban Development. Mr. Morton's tenure at HUD reflects vision, ingenuity, endless energy and strong leadership, all focused on ensuring the availability of quality housing for the most vulnerable individuals of our society—our struggling and our poor.

Mr. Morton's service at HUD began in 1977, when he was hired as a Realty Specialist in the Housing Management Division. Mr. Morton concentrated his efforts on all phases of acquisition, purchase and restoration of multifamily properties. As they have for decades, these properties exist as a basic yet vital need for thousands of residents in Cleveland and beyond—a dignified and safe place to call home.

Even though HUD has reorganized several times since its inception, Mr. Morton's unwavering focus on transforming bankrupt multifamily properties into vibrant structures, has provided quality housing for thousands of citizens of all ages, from young families to the elderly. From Realty Specialist, to Public Trust Officer, to Director of the Federal Housing Authority Multifamily Program Center Office in Cleveland, Mr. Morton directed the acquisition and rehabilitation of numerous public and senior housing units, including Longwood Apartments, Reserve Square and the award-winning Arbor Park Village.

Mr. Speaker and Colleagues, please join me in honor and recognition of Dennis Morton, whose dedicated work as a HUD administrator has provided a safe home for the most vulnerable residents of our community. Mr. Morton's legacy at HUD will continue to serve as a brilliant example for all those who will follow in his path. His vital contribution continues to offer shelter, dignity, and for many, the necessary support for their journey toward personal independence.

CONGRATULATING PHILLIP'S FLOWERS AND GIFTS ON BEING NAMED 2005 "RETAILER OF THE YEAR" BY THE ILLINOIS RETAIL MERCHANTS ASSOCIATION (IRMA)

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate my friends at Phillip's Flowers in Westmont, Illinois. On September 21, the Illinois Retail Merchants Association, IRMA will honor Phillip's Flowers as the 2005 "Retailer of the Year" for its commitment to quality, customer service, and floral industry improvement.

Phillip's Flowers deserves to be recognized and honored in this way for its many accomplishments. In the 82 years since James and Helen Phillip started Phillip's Flowers, it has grown to become a Chicago area institution. Since 1923, the founders and their offspring have grown and improved the business to the point where it now ranks among the top 20 florists in the country in terms of delivery volume. In the 1980's, Phillip's helped launch a cooperative delivery program to expand the business's service reach throughout the region and nation. And its service on the American Floral Endowment Board and the Society of American Florists has helped shape the floral industry as a whole. These accomplishments alone are worthy of this high honor.

Mr. Speaker, when the late Pope John Paul II visited Chicago in 1979, Phillip's Flowers was selected to supply more than 17,000 chrysanthemums for the occasion. When Chicago Magazine ran its 2002 Readers Choice Awards, Phillip's Flowers was chosen as "Chicago's favorite florist." And when IRMA in 2001 selected the top Retailers of the 20th Century, Phillip's was honored among them. These honors and superlatives are reserved for only the finest businesses, and Phillip's Flowers has clearly deserved them.

But perhaps most important of all, Phillip's has provided beautiful flowers for many of my constituents' most important moments in life—weddings, bar and bat mitzvahs, and special birthdays and anniversaries.

I congratulate Phillip's Flowers on receiving the "Retailer of the Year" award, and I wish the people of Phillip's the very best wishes for continued success in the years to come.

IN RECOGNITION OF 100 YEARS OF CATHOLIC SECONDARY SCHOOLS IN GRAND RAPIDS, MICHIGAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. EHLERS. Mr. Speaker, I rise today to acknowledge the 100th anniversary of the Catholic Secondary Schools (CSS) of Greater Grand Rapids, Michigan, which are located in the Third Congressional District of Michigan, which I proudly represent.

The Catholic schools have a long and illustrious history in our area, serving thousands of children and their families for the past century. The Catholic Secondary Schools of Greater Grand Rapids are pioneering coeducational high schools whose conception, growth, and evolution were driven largely by the desire to offer students a quality, Catholic education. Catholic Central High School opened its doors in September 1906, as Catholic Central for boys and Sacred Heart Academy for girls. Established by Bishop Joseph Richter, with the support of Father Robert W. Brown of St. James and Father John Schmitt of St. Andrew, the first graduating classes consisted of 7 boys and 20 girls. The decision to open a central Catholic high school, let alone a coeducational one, was unprecedented in the Nation at that time. Later growth led to the opening of West Catholic High School in 1962.

This innovative diocesan co-educational school would survive both world wars, the Great Depression, fire, financial stress and clergy shortage. Along the way it inspired hundreds of other schools nationwide and grew into two schools with multiple facilities. The 2 high schools have produced more than 27,000 graduates and thousands of community leaders.

The 2005–06 school year marks the centennial anniversary of Catholic high school education in Grand Rapids, Michigan. Catholic Central and West Catholic's success represents the united effort of the bishop, parish clergy, teaching Sisters and parents. Together they were the foundation that helped realize the dream of having a Catholic high school education in Grand Rapids. This centennial is a true celebration and testament to the enduring resilience of Catholic high school education in Grand Rapids.

Graduates of the CSS have entered into religious life; careers in medicine, dentistry, pharmacy, law, education and coaching, accounting, banking, engineering and retailing and many other walks of life, contributing in a positive, moral, generous and caring fashion to the communities in which their homes and businesses are located, particularly West Michigan.

For nearly a century, the mission of the CSS of Greater Grand Rapids has been to empower students to define their vision and pursue their goals with confidence, competence and Christian generosity. In an environment deeply rooted in faith formation, student achievement and appreciation of God-given talents, Catholic Central and West Catholic students are challenged to become fully integrated persons who lead through service. CSS, in dynamic partnerships with families, alumni and the community, promote learning for everyone, encourage understanding and embracing of diversity, and establish a foundation for life-long learning.

Please join me in honoring the 100th anniversary of the Catholic Secondary Schools of Greater Grand Rapids.

IN RECOGNITION OF THE ROYAL FAMILY AND PEOPLE OF THAILAND

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ROHRABACHER. Mr. Speaker, I rise today to acknowledge and thank the people, especially the royal family, of Thailand.

In my lifetime, the people of Thailand, guided by a benevolent and wise royal family, have been among America's best friends. Throughout the ups and downs of the Vietnam era, the Thai's have stood with us steadfastly, even when it was uncomfortable for them to do so. They have also played a tremendous humanitarian role by taking in refugees from tyranny from all directions.

Their generosity and friendship is recognized, respected and appreciated. In a time when millions of Americans are suffering the disastrous affects of Hurricane Katrina, they have stepped forward to offer a helping hand. They have donated thirty tons of humanitarian goods such as food and blankets. It is inspiring to see that there are countries who appreciate our help in their times of need and are expressing it by helping our distressed people now.

To the people and royal family of Thailand—thank you. Your compassion and friendship is much appreciated.

INTRODUCTING A BILL TO MAKE FEMA AN INDEPENDENT AGENCY HEADED BY A QUALIFIED DIRECTOR

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to reestablish the Federal Emergency Management Agency (FEMA) as an independent agency, and to require that its Director be someone with appropriate training and experience.

The undeniable shortcomings of the federal response to the tragic effects of Hurricane Katrina have shown that FEMA' s most recent director, Michael Brown, was not qualified for the Job—in fact, he really was in over his head. Now that he has resigned, Congress should begin the process of strengthening FEMA and assuring Americans that Federal emergency management efforts will be handled by a capable and effective leader.

As a first step, I think we should revisit and reverse our decision to fold FEMA—formerly an independent agency—into the Department of Homeland Security (DHS).

I was never completely comfortable with that decision. When the House considered the legislation to establish the new Department, I voted for an amendment (offered by the gentleman from Minnesota, Mr. OBERSTAR) to keep FEMA independent. I did so because, as I said at the time, I feared FEMA's core mission and focus would be lost in the new bureaucracy.

It was argued that FEMA—as the central agency in charge of disaster response and emergency management—should constitute the heart of the new DHS. But FEMA had been primarily engaged in and especially effective at responding to natural hazards, not terrorism. We should have left FEMA outside the new department, or at a minimum transferred its Office of National Preparedness to the new department, while leaving FEMA's Disaster Response and Recovery and Mitigation Directorates intact

Although the independent-FEMA amendment failed, I voted for the overall bill while expressing the hope that "the President will continue to work with the Congress to make sure the agencies moved to the new Department will be supported in their many other important duties even as they focus anew on their security roles."

Unfortunately, recent events have given horrific proof that I hoped in vain and that my fears were well-founded.

Therefore, the bill I am introducing today will reestablish FEMA as a separate agency. It also will require that its Director be a person with appropriate formal training and at least two years of experience as the head of a disaster-management agency of either a State or a political entity—a city, county, or other area—smaller than a state but with a population of at least one million people.

To provide continuity and insulation against politics, a director, once nominated by the President and confirmed by the Senate, would serve a 6-year term—although of course, as an Executive Branch official he or she would be subject to the direction and control of the President and thus could be removed by the President.

Reorganizing FEMA is only part of the necessary actions to respond to the tragedy and devastation on the Gulf Coast. But I think it is a necessary part, and I think this bill would help us be better prepared for the next emergency.

TEXAS DISTRICT AND COUNTY ATTORNEYS ASSOCIATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. POE. Mr. Speaker, I rise today to honor the 100th meeting of the Texas District and County Attorneys Association. The men and women who serve the state of Texas as prosecutors are the foundation of the criminal justice system. As a prosecutor for 8 years and a district judge for 22 years, I witnessed firsthand the remarkable dedication to the law that is exhibited by county and district attorneys and their staffs. Texans are truly privileged to have such an extraordinary group of legal minds who have answered the call to public service.

On November 2, 1905, less than 50 prosecutors met in Dallas, Texas at the first meeting of the Texas District and County Attorneys Association. In 1970, the TDCAA re-organized for the purpose of offering training and technical assistance to prosecutors. The TDCAA has made great strides since that time, currently providing training to two-thirds of the prosecutors and staff in Texas. The 2005 meeting will take place in Corpus Christi, with more than 1100 prosecutors and staff members in attendance.

Mr. Speaker, I am proud to be a lifetime member of the Texas District and County Attorneys Association. Our district and county attorneys make communities safer while holding criminals accountable for their actions, and I commend the TDCAA for setting the bar with regards to training prosecutors. I wish the Texas District and County Attorneys Association all the best as they look forward to another 100 years of success.

TRIBUTE TO WERNER SCOTT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, there are few things I enjoy more in this job than getting the opportunity to shine the spotlight on truly deserving people who serve as a source of inspiration to the rest of us. Werner Scott of Irving, Texas, is one of those people, and I would like to pay tribute to him today.

Werner Scott is the founder and President of Advantage Marketing Group (AMG), and is recognized as a visionary in the world of enterprise and sports marketing responsible for initiating many ground breaking concepts.

Werner's credits include the brand positioning of Dallas Cowboys superstar Emmitt Smith, yielding "Brand Emmitt", "Emmitt Zone" and "Emmitt Zone For Kids" franchises. He has also worked with several corporations like American Airlines, Frito-Lay, and Bank One Texas, providing strategic market development expertise.

Under his guidance, AMG was the key architect in staging the NFL Run To Daylight and the NFL Fast Man competitions, and working with NBC Sports to produce the ongoing Bayou Classic, the Super Bowl of Black College Football.

Prior to finding AMG, Werner started his career in 1979 in brand marketing and sales holding a number of posts with Xerox and never looked back. He climbed through the ranks at Xerox becoming an invaluable executive within the organization from 1979–1985.

A distinguished military and honor graduate from New Mexico State University, Werner majored in human resources management, with a minor in marketing sales.

Werner Scott has not only overcome tremendous challenges in this competitive industry, but he is a brave person who stands by the courage of his convictions. He has a strong passion for civic and charitable organizations including, The Open Doors Foundation, Academies of Excellence, and the Center for the Study of Sports in Society.

He is a truly extraordinary human being, and it is my hope that others will be inspired by his determination to succeed and the strength of his spirit.

CELEBRATING THE BIRTH OF CHARLOTTE RILEY CALLAHAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Jenni and Paul Callahan, natives of Greenville, South Carolina, on the birth of their beautiful baby girl. Charlotte Riley Callahan was born in Alexandria, Virginia, on September 15, 2005 at 8:36 a.m., weighing 7 pounds, 14 ounces and measuring 21.5 inches long. She has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future.

Her father Paul serves as a Legislative Correspondent in my office and is a tremendous asset to the Second District of South Carolina. His strong work ethic, attention to detail, and pleasant personality make him a treasured member of my staff. Today, I am pleased to congratulate the Callahan family on Charlotte's birth.

A TRIBUTE TO SAMUEL L. JACKSON

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Ms. MATSUI. Mr. Speaker, today I rise to honor Samuel L. Jackson, a man who through hard work and dedication has become one of the most successful and well-respected attorneys in the state of California. As his friends, family and colleagues gather to pay tribute to Mr. Jackson's remarkable career and to celebrate his retirement, I ask all my colleagues to join me in saluting this great American success story.

Sam was born in 1947 in Pensacola, Florida. At the age of four, Sam's parents separated. Thereafter, Sam's mother, Annette, raised her six children alone while working two jobs. Mrs. Jackson taught her children that education was the key to success, and Sam graduated from high school in segregated Pensacola, Florida. However, despite the fact that Sam was on the honor roll for nearly all of his childhood, he was unable to attend college immediately due to the lack of scholarship money available to graduates of all-black high schools.

To earn money for college, Sam joined the United States Air Force, where he served honorably from 1966 until 1970. Sam's military career included stateside service at Mather Air Force Base in Sacramento and Travis Air Force Base in Fairfield, as well as thirteen months in Vietnam. After receiving numerous medals, ribbons, and awards, Sam was honorably discharged, and returned home to enroll at Sacramento City College.

While still in the Air Force and stationed at Mather, Sam served as best man in a friend's wedding, accompanying the bride's sister Esther. The next time Sam and Esther walked down the aisle together, it was as bride and groom. They married in 1970 upon his return from Vietnam, and recently celebrated their 35th anniversary. Sam and Esther have one child, Andre Reginald.

After earning his Associate of Arts degree from Sacramento City College, Sam continued his education at California State University, Sacramento. He received his Bachelor of Arts degree in only three years of college study, despite working full time for the United States Postal Service throughout his undergraduate career. After concluding his undergraduate education, he proceeded to law school at McGeorge School of Law, where he graduated in 1977.

As a first-year lawyer that same year, Sam was hired as a Sacramento Deputy District Attorney. After two years of working in this capacity, he decided that civil litigation suited him better. Sam obtained a lateral appointment to the position of Deputy City Attorney in 1979, and was promoted to the top of the deputy attorney hierarchy in the minimum amount of time allotted for such advancements.

In 1994, after fifteen years of distinguished service in the City Attorney's office, Sam was appointed by the Sacramento City Council as the 36th City Attorney in Sacramento's history. He has held that post for over 11 years, but last year Sam notified the City Council that he would be retiring no later than December 30, 2005.

Along with his impressive career achievements, Sam has also made substantial contributions to Sacramento through community involvement. The highlight of his community service occurred in 1981, when he undertook the management of a little league baseball team that had never enjoyed a winning season. As to be expected, Sam led the youngsters to a dominating 18–4 record by emphasizing teamwork and respect for others.

Mr. Speaker, as Sam's friends, family, and colleagues gather to celebrate his admirable career, I am honored to pay tribute to one of Sacramento's most selfless and dedicated citizens. Although his legal career may be over, Sam's involvement in his community is, fortunately for us, far from complete. I ask all of my colleagues to join with me in wishing Samuel L. Jackson continued success in all his future endeavors.

COAST GUARD YARD, BALTIMORE, MD

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. RUPPERSBERGER. Mr. Speaker, It is my honor to rise today to call special attention to the United States Coast Guard and in particular the Coast Guard Yard in Baltimore.

I have always said that I considered the U.S. Coast Guard to be America's secret weapon. After their heroic efforts played before us in the wake of Hurricane Katrina, I believe the secret is out. For over two hundred years, our nation's Coast Guard has patrolled and protected our coast lines, which today totals over 95,000 miles. Fulfilling incredible missions including maritime security, search and rescue, drug interdiction, search and rescue, and recreational boater safety, all Americans are indebted to our Coasties for their dedication and service each and every day.

And for over a century, Coast Guard Yard in Baltimore has served as the backbone of the Coast Guard providing its primary shipbuilding and major repair facility.

I am proud to represent the Yard and the admirable people who work there. Their commitment to the quality of work, excellence, vision and ingenuity makes this Yard an invaluable asset to the Coast Guard. Ship building and repairs require special individuals with highly specialized skills. This is a vanishing art form, particularly for a working Yard and workers that continually live up to the motto of "Service to the Fleet."

For budgetary reasons, the Coast Guard and Yard are planning to cut 50 full time employee positions from the Yard. While I understand our difficult economic times, I am concerned that such a decision would be made when we are fighting a war on terrorism both here at home and abroad. There should be no doubt about the abilities and capabilities of the Coast Guard, and the personnel at the Yard are a vital link in that chain.

This week we will consider H.R. 889, the Coast Guard and Maritime Transportation Act of 2005. I offered an amendment to this legislation that would have restored $9 million in funding to the Coast Guard Yard FY06 Budget to safeguard those highly specialized jobs. I am concerned that the loss of these skills in the Yard will not only harm my district and the local economy, but it will have a negative impact on the Coast Guard's ability to fulfill its missions in the future. Shipbuilders are not a dime a dozen and you cannot simply call your local temp agency for a new one. These are skills that require apprenticeships and work over years to master. When these jobs leave the area, I worry if we will be able to get them back should we need them at a future date.

Now is not the time to cut corners and jobs in this specialized workforce. Now is the time when we should fully fund the needs of the Coast Guard including the Yard to help them do their jobs and protect Americans.

The Coast Guard Yard in Baltimore has played an enormous role in Operation Enduring Freedom and Operation Iraqi Freedom. Reservists have provided port security in the Persian Gulf, allowing our troops and humanitarian aid to move in safely. They've been involved in telecommunications, boarding operations and search and rescue. The Yard also answered an urgent request from the U.S. Army and Marine Corps to quickly repair over a dozen old style bridge erection boats. These boats were refurbished and shipped to Iraq, allowing bridges to be built over the inland rivers permitting the transportation of personnel and supplies.

I am so proud of the work that has been accomplished at the Yard and the contributions that have been made. It is vitally important that we give them the tools and the money that they need to operate effectively and efficiently. I regret that the House Committee on Rules failed to make my amendment in order to restore this critical funding and I would hope my colleagues on both sides of the aisle will join me in this fight in the future to correct this mistake.

IN HONOR OF PRESIDENT CHEN SHUI-BIAN'S VISIT TO THE UNITED STATES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SESSIONS. Mr. Speaker, Taiwan President Chen Shui-bian will be staying for two nights in Miami en route to Central America; on his way back to Taiwan he will be staying overnight in San Francisco. During the last five years as president of Taiwan, Chen has gone on several state visits including trips to some of Taiwan's diplomatic allies. Last April President Chen visited the Vatican City to pay final respects to the late Pope John Paul II. I hope President Chen's stopovers in America this September will be both restful and useful to the exchange of ideas between himself and some of his American friends and supporters.

As a friend of the Taiwanese people, I believe that Taiwan has been unjustifiably denied its proper recognition in the international community. Taiwan is a sovereign state; it is a constructive global citizen and a dynamic democracy. Yet it is not a member of the United Nations. As the United Nations celebrates its 60th anniversary this year, it is time for the UN General Assembly to re-examine the issue of Taiwan's membership. I therefore urge my colleagues, friends and supporters of Taiwan to speak up on the issue of Taiwan's bid to join the UN. The world must not allow China, an authoritarian state, to continue to deny Taiwan UN membership.

As for Taiwan's relations with the United States, Taiwan enjoys the support of both the Bush Administration and Congress. U.S. presidents have all committed the United States to the Taiwan Relations Act and pledged support for Taiwan if it were to be attacked by China. Congress has also passed legislation voicing its support of Taiwan. In the mean time, the United States has continued to sell military articles to Taiwan in accordance with Taiwan's defense needs. In addition, we appreciate our strong trade relations with Taiwan. This September a Taiwan agricultural goodwill mission is touring the United States, pledging to buy up to more than $3.1 billion of U.S. wheat, soybeans, corn and hide in 2006 and 2007. A letter of intent signing ceremony between members of the Taiwan mission and U.S. grain exporters was held on September 14 on the Hill.

Trade relations aside, the Taiwanese people have been standing firmly behind the United States after 9/11. Their government has made every effort to protect U.S. interests in Taiwan and cooperated with our intelligence agencies. It made monetary contributions to the Twin Towers Fund, the Pentagon Memorial Fund and most recently gave $2 million to victims of Hurricane Katrina. Other signs of friendship include Taiwanese people sending their brightest students to study at our colleges and universities and a great majority of their tourists choosing to spend their dollars in American destinations.

As President Chen passes through America this September, we'd like him and his people to know that we greatly appreciate his country and have great fondness for his people and their friendship for us.

CELEBRATING 100 YEARS AT HANDLEY CHURCH OF CHRIST

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Handley Church of Christ for celebrating its 100th anniversary. This is a great accomplishment, and I am proud to have an establishment such as this in the 26th Congressional District of Texas.

In 1905, J. Dan Thomas invited several families to meet at his house for a worship service; this was the first meeting of the congregation of the Handley Church of Christ. Soon after, the congregation grew and became too large for the Thomas home.

Throughout the years, the congregation continued to grow and with that came the need for more space. In 1919, the church moved to a frame building with seating for 60 people. With church membership listed as 150, there was still not sufficient room. The congregation has since stayed on that property and continually added to and remodeled the building.

Today, the sanctuary will seat 1,000 people and the property includes an educational building as well as a building consisting of classrooms. The church will commemorate its 100 years by unveiling a Texas State historical marker.

As its founders intended, the Handley Church of Christ endures today as an example of a pioneer institution which has adapted itself to new surroundings and times without compromising traditional beliefs and values. As one of Tarrant County's oldest churches, it occupies an important place in the Handley community today as a symbol of endurance, stability and service.

Congratulations to the congregation at Handley Church of Christ on their anniversary. One hundred years of worship is a milestone to be celebrated.

AN EXCELLENT OP-ED ARTICLE ON HURRICANE KATRINA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention an excellent op-ed article that appeared last week in the New York Times by David Brooks titled, "Katrina's Silver Lining." The op-ed article points out that the devastation which occurred earlier this month along the Gulf region now presents us with the challenge to address the roots of poverty in the United States.

Poverty was the underlying cause of the tragedy that occurred in Louisiana a couple of weeks ago. Many of the people who were unable to evacuate did not have the economic means to flee the hurricane that destroyed their city and countless lives. An individuals financial circumstance should not get in the way of life and death decisions. Low-income families should not be forced to risk their safety and well-being simply because they do not have the financial means to protect themselves.

Addressing the tragedy that occurred in New Orleans will take more than rebuilding the city's infrastructure. In order to ensure that the human suffering that has occurred never happens again, we need to address the high rates of poverty that exist in this Nation.

Every American should have the right to live a better life. We must ensure that everyone has the ability to adequately care for their families. Moreover, we need to ensure that every American has access to educational opportunities which lead to greater outcomes. And we must ensure that no one is forced to make a life and death decision based on their financial circumstance.

Early estimates suggest that thousands of Americans may have perished as a result of Hurricane Katrina and the events that occurred after the storm, while many others were injured. The families that were forced to remain in Louisiana during the storm have finally been evacuated and now faced with the difficult task of rebuilding theirs lives. Sadly, many of them are also desperately searching for missing loved ones.

In the wake of this disaster, let us move forward with an aggressive agenda to eradicate poverty in the United States. Let us rise to the challenge that Hurricane Katrina presented to us by removing the hurdles that force too many families to live in poverty. We can do this. The survivors of Hurricane Katrina, and the millions of other Americans who are living in poverty, deserve nothing less.

[From the New York Times, Sept. 8, 2005]

KATRINA'S SILVER LINING

(By David Brooks)

As a colleague of mine says, every crisis is an opportunity. And sure enough, Hurricane Katrina has given us an amazing chance to do something serious about urban poverty.

That's because Katrina was a natural disaster that interrupted a social disaster. It separated tens of thousands of poor people from the run-down, isolated neighborhoods in which they were trapped. It disrupted the patterns that have led one generation to follow another into poverty.

It has created as close to a blank slate as we get in human affairs, and given us a chance to rebuild a city that wasn't working. We need to be realistic about how much we can actually change human behavior, but it would be a double tragedy if we didn't take advantage of these unique circumstances to do something that could serve as a spur to antipoverty programs nationwide.

The first rule of the rebuilding effort should be: Nothing Like Before. Most of the ambitious and organized people abandoned the inner-city areas of New Orleans long ago, leaving neighborhoods where roughly three-quarters of the people were poor.

In those cultural zones, many people dropped out of high school, so it seemed normal to drop out of high school. Many teenage girls had babies, so it seemed normal to become a teenage mother. It was hard for men to get stable jobs, so it was not abnormal for them to commit crimes and hop from one relationship to another. Many people lacked marketable social skills, so it was hard for young people to learn these skills from parents, neighbors and peers.

If we just put up new buildings and allow the same people to move back into their old neighborhoods, then urban New Orleans will become just as rundown and dysfunctional as before.

That's why the second rule of rebuilding should be: Culturally Integrate. Culturally Integrate. Culturally Integrate. The only chance we have to break the cycle of poverty is to integrate people who lack middle-class skills into neighborhoods with people who possess these skills and who insist on certain standards of behavior.

The most famous example of cultural integration is the Gautreaux program, in which poor families from Chicago were given the chance to move into suburban middle-class areas. The adults in these families did only slightly better than the adults left behind, but the children in the relocated families did much better.

These kids suddenly found themselves surrounded by peers who expected to graduate from high school and go to college. After the shock of adapting to the more demanding suburban schools, they were more likely to go to college, too.

The Clinton administration built on Gautreaux by creating the Moving to Opportunity program, dispersing poor families to middle-class neighborhoods in five other metropolitan areas. This time the results weren't as striking, but were still generally positive. The relocated parents weren't more likely to have jobs or increase their earnings (being close to job opportunities is not enough—you need the skills and habits to get the jobs and do the work), but their children did better, especially the girls.

The lesson is that you can't expect miracles, but if you break up zones of concentrated poverty, you can see progress over time.

In the post-Katrina world, that means we ought to give people who don't want to move back to New Orleans the means to disperse into middle-class areas nationwide. (That's the kind of thing Houston is beginning to do right now.)

There may be local resistance to the new arrivals—in Baton Rouge there were three-hour lines at gun shops as locals armed themselves against the hurricane victims moving to their area—but if there has ever been a moment when people may open their hearts, this is it.

For New Orleans, the key will be luring middle-class families into the rebuilt city, making it so attractive to them that they will move in, even knowing that their blocks will include a certain number of poor people.

As people move in, the rebuilding effort could provide jobs for those able to work. Churches, the police, charter schools and social welfare agencies could be mobilized to weave the social networks vital to resurgent communities. The feds could increase earned-income tax credits so people who are working can rise out of poverty. Tax laws should encourage business development.

We can't win a grandiose war on poverty. But after the tragedy comes the opportunity. This is the post-Katrina moment. Let's not blow it.

COMMENDING DEPAUL UNIVERSITY'S RESPONSE TO HURRICANE KATRINA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in proud recognition of DePaul University of Chicago. Founded in 1898, DePaul is the nation's largest Catholic University. This institution has a long history of public service, and is continuing this tradition in its extraordinary response to Hurricane Katrina by offering compassion, assistance, and educational opportunities to students affected by this national crisis.

Once it became clear that Hurricane Katrina would disrupt the education of thousands of students attending universities located along the Gulf Coast, DePaul University opened its doors. As of September 9, DePaul had accepted 150 displaced students.

DePaul has offered special tuition grants to their visiting students, requesting that they make tuition payments to their home university. DePaul has also taken steps to secure additional financial aid for these students.

The students at DePaul have also taken action to help victims of Hurricane Katrina. By September 9, these students had raised more than $5,000 to purchase supplies to be sent to the Gulf Coast. Many campus groups, including student athletes, Student Leaders Emerging, S.A.V.E, and DePaul chapters of the NAACP and Target Hope, have organized relief efforts. Other DePaul students are exploring ways to assist displaced Gulf Coast residents who have migrated to Chicago after evacuating from their homes.

Mr. Speaker, our Nation is faced with an unprecedented challenge. Caring for the victims of Hurricane Katrina and helping them rebuild their lives will require the dedication of all Americans. I am proud of the efforts of the students, faculty and administration of DePaul University in response to this national tragedy, and of similar efforts in colleges and universities throughout Chicago and across the country.

HONORING EVA HALLER AND COUNTERPART INTERNATIONAL

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mrs. CAPPS. Mr. Speaker, I rise to recognize a great organization, Counterpart International, and a tireless advocate, Eva Haller.

For 40 years Counterpart International has done extraordinary work, first helping South Pacific countries move from colonialism to independence, and then expanding their efforts to assist the growth of democracy in Africa, Latin America, Eurasia, and around the Caribbean. This global organization's strategy is to engage people in their own communities through education and exchange programs that teach the skills necessary for citizens to strengthen their homeland's independence from within.

Counterpart also brings together and draws upon the support of governments, corporations, and individuals to accomplish this goal. Their approach relies on "smart partnerships" which engage all sectors and benefit all participants. These two principles increase the likelihood of success where other development programs fail.

Another key element in Counterpart's success is my dear friend and constituent Eva Haller. As a board member of Counterpart she has emphasized a focus on women, the environment, and preservation of cultures. She is a passionate and tenacious advocate for all people who need help, be they children, poverty stricken families, or the populations of far off land struggling to become free. With her international outlook she knows that those of us who live in the United States, the wealthiest country in the world, have a special duty to be generous with our time, money, and cares.

Eva is a tremendous example for us all to live up to and I am proud to recognize the incredible work that she does on her own and with Counterpart International. It is no accident that the organization will honor Eva, among others, at its 40th anniversary benefit reception in New York on September 21. In these trying times there is more and more need for the leadership that Eva and Counterpart International exemplify.

THE POVERTY LEVEL IN OUR NATION IS UNACCEPTABLE—IT IS TIME FOR A CHANGE

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CUMMINGS. Mr. Speaker, I rise tonight to talk about poverty in our nation—the harsh reality of which played out painfully for all of the world to see after Hurricane Katrina struck the Gulf Coast region.

The televised images of hardship, death and despair from New Orleans may have opened the doors to this nation's reservoir of compassion—but something more than a momentary outpouring of conscience will be required to keep those doors from slamming shut again once the television spotlights dim.

Hurricane Katrina and its aftermath revealed the harsh realities of poverty in America. The heartbreaking visions of lost children searching for their families, elderly people trapped in their homes, diabetics suffering without their insulin and corpses floating in the streets have the potential to become a transforming event.

That potential will be realized, however, only if Americans of conscience join together in a national movement to end poverty in America.

Once again, a generation of Americans must find within ourselves the courage, optimism and organizational skills that will allow us to demand an end to the poverty that underscored the New Orleans tragedy—and to make permanent our demand for positive change.

The road toward achieving this goal must begin, as all missions of change begin, in our personal experience as a people. Consider two families who have been transformed by the New Orleans disaster—whom I will call the Jones and Smith families. I am using fictitious names and relaying a blended story to protect their privacy—but quite frankly Mr. Speaker their stories are a common refrain from the Katrina fallout.

Prior to this storm, Mr. and Mrs. Jones lived in public housing with their three children. Neither parent had a high school diploma and—as a result—they lived in a neighborhood surrounded by unemployment and poverty.

If it had not been for Hurricane Katrina, the Jones family might never have met the Smiths, a middle-aged couple who live in an upscale suburban home hundreds of miles away.

The Smiths were haunted by the suffering that they were witnessing on their television screen. Called to take action by their church, they reached out to the Jones family and gave them a place to live in the basement of their home. The impact of their generosity has been profound.

Before the storm and the flood, Mr. Jones had been unemployed due to layoffs at the New Orleans oil refinery where he had worked. Now, one of Mr. Smith's neighbors, a lumber yard supervisor, has given Mr. Jones a job—and the Smiths are helping the Jones family research GED programs that can help them get even better jobs.

Across America, churches and good people like the Smiths are coming together to provide the shelter, warm meals, clothing and other help that will allow many of the survivors of Hurricane Katrina to rebuild their lives. School districts have opened their classrooms to the more than 372,000 students displaced by the storm. Government and non-profit organizations are holding job fairs to help those who have been displaced find employment.

We cannot remake the past, but we can give meaning to the staggering toll of those who have suffered and died as a result of this national tragedy. That is what the Smith family is doing, and they deserve our applause.

Yet, if the debacle in New Orleans is truly to become a "tipping point" that guides this nation toward a more just and humane society, something more than individual acts of compassion will be required.

Consider these facts. In New Orleans before the storm, three out of every ten residents lived below the poverty line—and at least 37 million Americans (including 13 million American children) are now living in poverty nationwide.

In fact, the number of Americans falling into poverty increased again last year for the fourth straight year. While the economy grew 3.8%, median income has remained flat for the fifth straight year at $44,389. Income inequality is at an all time high with 50.1 percent of income going to the top 20 percent of households—where only the top 5 percent of income earners saw an increase in real income gains in 2004 according to the Economic Policy Institute.

Mr. Speaker, it is an undisputable fact that many of the victims of Hurricane Katrina were victims of poverty and neglect.

However, I believe like many of my colleagues that they should not have to wait for our compassion until another disaster brings with it their televised deaths in our streets.

At the federal level, we must demand that those who now control both the Congress and the White House back up the words of compassion that they speak. That is why I have joined House Minority Leader NANCY PELOSI in urging that the House Republicans set aside their plan to cut the federal budget by $35 billion to help pay for another $70 billion tax cut for the rich.

Americans need to know that, while the Republican leadership expresses compassion for this nation's poorest citizens, they are planning to cut $10 billion from Medicaid, $9 billion from federal student aid, and additional tens of billions of dollars from the federal food stamp program, public housing assistance, Head Start, public education and job training programs.

As a nation, we can do better than this. Shortly after the New Orleans tragedy touched our Nation, I offered this challenge to the Bush Administration and its allies in the Congress.

"We cannot allow it to be said by history," I declared at a Washington press conference, "that the difference between those who lived and those who died in the great storm and flood of 2005 was nothing more than poverty, age or skin color."

This, I submit, is the continuing challenge of poverty in America—a challenge that will continue to test the moral fabric of our Nation. I applaud my colleague Representative BARBARA LEE, for her tireless efforts to shine a bright light on America's economic disparities and resultant poverty. I hope that her bill H. Con. Res. 234, serves to allow us to begin to discuss and to address solutions to ending poverty in this country. To do so, I firmly believe that we have to rethink how our federal fiscal and social policies are lending significantly to the poverty problem.

A moral people would take up this challenge. A moral people would understand that it is time for a change.

TIME TO ESTABLISH AN INDEPENDENT HURRICANE KATRINA COMMISSION

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. CLAY. Mr. Speaker, this is to register my support for the legislation, H.R. 3764, to establish an independent commission to study the Federal Government's response to Hurricane Katrina.

The disaster brought by Hurricane Katrina is indisputable. The failure of government agencies and elected officials to effectively minimize the suffering and death of the victims in the Gulf Coast is indefensible.

History will record the Katrina disaster as a turning point in this nation's history. When the waters rose and the levees burst, the world watched as thousands of sick and elderly Americans, thousands of poor families with young children cried out for food and water. American citizens who trusted the advice of the government were abandoned in an evacuated city without food or water, without plumbing, without law enforcement, without transportation and without hope. The pictures we saw were nothing short of unbelievable. Mr. Speaker, in September 2005 the image of America was forever changed in the eyes of the entire world.

As a nation we can no longer pretend that all Americans have the opportunity to share in the wealth of this great nation. The winds of Katrina exposed the truth to all Americans and to all the world.

The very least this body must now do is to abandon the partisanship that has stifled public policy making for too many years. We are elected officials and our first responsibility is to represent the people—not to represent political parties. There should be no disagreement that whatever government did or did not do in response to Hurricane Katrina, we did not do our best. The mission failed. And it was not the failure of one person or the failure of one government agency or the failure of any political party—it was a collective failure. Now we must come together to do everything humanly possible to make certain that this never, ever happens again.

Mr. Speaker, we must establish an Independent Katrina Commission to assess the federal government's response to this hurricane and to determine what we must do to effectively respond to future large-scale catastrophes. The people of this nation expect nothing less. It would be stupid and it would be senseless for this body to even consider doing otherwise.

I implore my colleagues to remember the thousands of American citizens whose trust in our government was destroyed when their livelihoods were lost, their homes were washed away and the poor and the sick were left all alone to die. It will take a generation or more for most of the victims and their families to mend; this Congress must do everything possible to support them. The recovery of our nation is at stake. We must work to ensure that Katrina remains the single greatest natural disaster in our history. We need an Independent Katrina Commission to restore faith in this government and to ensure that we never again experience a preventable disaster.

RELATING TO THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. HONDA. Mr. Speaker, I would like to recognize and honor the more than 3,000 lives that were lost on one of the most tragic days in our history, September 11, 2001. Four years after this dreadful day, our Nation continues to mourn the loss of so many friends and family members, whose lives were cut short by previously unthinkable acts of terror.

In remembrance of the bravery of the passengers and crew on United Airlines Flight 93, I strongly supported Senate Concurrent Resolution 26, which pays tribute to their heroic efforts. Their decisive and brave decision to overtake the September 11 terrorists likely saved the lives of countless Congressional Members and staffers, as well as the U.S. Capitol or White House from almost certain destruction.

The San Jose community I represent was especially saddened by the loss of Captain Jason Matthew Dahl, the pilot of Flight 93 and a true American hero. Jason grew up in San Jose, and his parents used to deliver milk to Hillsdale Elementary School, where I served as principal. His courage and the courage of the passengers and crew of Flight 93 was reflective of the spirit displayed in abundance by so many Americans that day. Establishing a memorial as called for in Senate Concurrent Resolution 26 will be a permanent tribute to the 40 selfless individuals of Flight 93 who overcame fear and mobilized into action to defend their fellow Americans.

I hope that Congress will show that same kind of strength and focus in defense of our homeland. The campaign against terrorism will be a long-term engagement, but we owe it to the families of the victims of 9/11 to use all appropriate tools to ensure that such a tragedy will never happen again.

RECOGNIZING HISPANIC HERITAGE MONTH

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. TIBERI. Mr. Speaker, I rise today in celebration of National Hispanic Heritage Month, and in special recognition of Hispanics in central Ohio and throughout our country.

During this designated month, America celebrates the culture and traditions of our friends and neighbors with Hispanic roots. Hispanics are now the largest minority group in the United States. The 2000 Census found that 35.3 million people identified themselves as Hispanic American. That represents a 58 percent increase from the 1990 Census.

Beyond the data, the reality is that Hispanics are an integral part of America's social fabric. I am proud that the State of Ohio is home to more than 217,000 residents of Hispanic/Latino descent. Hispanic Americans continue to make great strides in education, employment, health, homeownership, and economic mobility. This is a result of a set of values that includes a strong work ethic, family values, and service to community.

Hispanic Americans in central Ohio serve the community in numerous capacities. In particular, recent immigrants unfamiliar with the English language are served by Spanish interpreters who help provide them access to health care, education, legal assistance and other vital services. Mi Directorio Hispano, a business directory, and Spanish newspapers in central Ohio, like La Voz Hispana, connect Hispanics with the community and keep them informed. The Ohio Hispanic Coalition, a nonprofit outreach organization, and the Ohio Commission of Hispanic/Latino Affairs serve as advocates for the needs of Hispanic people and help to promote good relations among the community-at-large.

Mr. Speaker, the Hispanic community is a vital part of central Ohio and our country. As we move forward as a nation, it is important to pursue policies that can further expand opportunities for Hispanic Americans. I ask all of my colleagues to join me in support and in honor of Hispanic Americans, their culture and traditions, and their work and service that contribute to the greatness of this Nation.

CREATION OF AN INDEPENDENT HURRICANE KATRINA COMMISSION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise to support the creation of an independent commission to investigate the preparedness and response to the overwhelming devastation and loss of life from Hurricane Katrina and in opposition to the creation of a partisan select committee.

I cosponsored Congressman HASTINGS (R–WA) bill to create an independent commission because it is the right thing to do. The 9/11 Commission proved successful in investigating all branches and levels of government and offered concrete suggestions to Congress to correct breaches in our national security. The Hastings bill follows that model and presents the best option for a thorough, impartial investigation into the federal response to Hurricane Katrina.

An independent commission is the best approach to this task, as it would allow a higher degree of impartiality and independence than a partisan select committee. I expect the Commission to conduct a through investigation of all the people and agencies involved by questioning everyone directly involved in the decision-making process, including the White House Homeland Security Secretary Michael Chertoff and former FEMA director Michael Brown. In addition to investigating the federal government's response to this horrendous natural disaster, the Commission should also determine if our country is adequately prepared to respond to another disaster of this magnitude, as well as serve the needs of all communities potentially affected. This Commission should also provide recommendations regarding improvements to the Executive and Legislative branches that would increase the efficiency and effectiveness of disaster response.

Congress also has a constitutional duty to use its full oversight authority through the committee hearing process to assess the federal government's responsibilities and response to this disaster. We, in North Carolina, have plenty of experience with hurricanes and natural disasters, and we know that we must first rely on our state and local authorities to plan and prepare, but we make these plans with the knowledge that the federal government will back us up when we are overwhelmed.

Congress must make sure that the federal response agencies appreciate and understand their responsibilities to the states in the event of a disaster. Congress must hold the Administration to the highest standards of professionalism and vigorously conduct our constitutional obligation for oversight of these agencies. We must restore the professional integrity of FEMA to protect the American people from natural disasters as well as terrorist attacks.

Mr. Speaker, our country has worked to increase its preparedness for four years since that tragic day in September 2001, and it appears our efforts have failed. We must work swiftly to correct past mistakes so that we can ensure the safety of all Americans during a time of crisis.

TRIBUTE TO HISPANIC HERITAGE MONTH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to National Hispanic Heritage Month. During this month, America celebrates the traditions, ancestry, and unique experiences of those who trace their roots to Mexico, the countries of Central and South America, the Caribbean and Spain and we thank them for the many contributions they have made to this nation.

Unlike any other country on earth, America thrives on its ability to attract people of all faiths, colors and creeds to reside within its borders. Such mixing of cultural knowledge and experiences has helped this country to become the greatest nation the world has ever known. Moreover, as a Puerto Rican, I am very proud of the contributions Hispanics have made and continue to make to this cultural mosaic.

Hispanic influence on American culture is evident from every aspect of American life including music, film, food, arts, sports and politics. Economically, culturally, and politically, Latinos are an integral part of our nation. As we celebrate this special month I would like to pay special tribute to those who were Hispanic trailblazers and helped to bring the rich culture of the Hispanic people to the United States. As a Hispanic Member of Congress, I along with the rest of the Congressional Hispanic Caucus, follow in the footsteps of great pioneers such as Joseph Marion Hernandez who became the first Hispanic to serve as a member of the United States Congress in 1822. Roberto Clementé, Celia Cruz, Raul Julia and countless others helped to open doors in their respective fields enabling the Hispanics of today to share their rich history and culture with all Americans.

As we forge ahead in the 21st century we must continue to work to guarantee that America is not only rich with diversity but equality as well. I am committed to ensuring that Hispanics are able to enjoy a higher standard of living for generations to come. It is important that Hispanics become home owners, attend institutions of higher learning, earn higher wages and receive quality healthcare. The success of this nation depends upon the success of all its citizens.

Mr. Speaker, for their many contributions to our nation and culture, and for their unyielding drive to achieve the American dream, I ask my colleagues to join me in paying tribute to Hispanic Americans during Hispanic Heritage Month.

IN RECOGNITION OF THE 40TH ANNIVERSARY OF NAPA SOLANO HEAD START

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, my colleagues Mrs. TAUSCHER and Mr. THOMPSON of California and I rise today to recognize the tremendous contributions made to Napa and Solano Counties in California by Child Start, Inc. (CSI) as that organization celebrates its 40th anniversary. CSI is a single purpose child and family services agency that operates the Head Start program in this two-county region.

Head Start began in Napa County in 1965, and in 1986 its cachment area expanded to include neighboring Solano County. In 2000, CSI was formally incorporated as the legal entity overseeing the Head Start programs.

CSI strives to create partnerships with parents and public, private and corporate entities to promote social, economic and intellectual growth for families and to promote community change that values each child and family in their diversity and supports them with dignity, pride and compassion.

The Head Start programs in the two-county area serve over 1,000 children and their families. Their successful projects include central and home-based child development activities, children's literacy projects, an early childhood education program and Early Head Start.

Early Head Start provides comprehensive services to pregnant women, infants and toddlers. The Therapeutic Child Care Center in Napa serves families in a center-based infant mental health model. Home-based services are provided in collaboration with Healthy Moms and Babies, Black Infant Health and Child Have, all very successful local programs.

In March 2005 the National Head Start Association recognized CSI as one of the top 40 outstanding Head Start programs in the United States and in August 2005 the California Head Start Association presented CSI with a Distinguished Program Award.

Mr. Speaker, CSI is an invaluable part of the social service network in Napa and Solano Counties and it is appropriate that we acknowledge CSI at this time for its many contributions to our communities.

PERSONAL EXPLANATION

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Ms. HARMAN. Mr. Speaker, on Wednesday, September 14, 2005, I was unavoidably absent from the House of Representatives during rollcall votes 468 and 469. Had I been present, I would have voted "no" on rollcall vote 468 and "aye" on rolllcall vote 469.

IN RECOGNITION OF THE YEAR OF THE MUSEUM

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Ms. MCCOLLUM of Minnesota. In 2006, American museums will celebrate 100 years as a profession with a prominent place in U.S. society. The recognition of 2006 as the Year of the Museums will allow Congress and the American people to have the opportunity to formally recognize and celebrate the many contributions our Nation's museums continue to make to our culture and life.

Thank you to Congresswoman SLAUGHTER and Congressman SHAYS, co-chairs of the Congressional Arts Caucus, for taking the leadership in introducing this resolution. As a member of the Congressional Arts Caucus and of the National Council on the Arts, as well as a Representative for a Congressional District rich in the arts and humanities, I am proud to be a cosponsor.

Museums encourage the participation in and appreciation of the arts and humanities. They connect citizens to increasingly diverse world and help to preserve a community's culture and history.

Museums also play a critical role in providing children and youth with opportunities that enhance their education in arts and humanities, by providing hands-on learning experiences. Relationships between museums, schools, colleges and universities, and other community organizations ensure that children, youth, students, and adults all have access to objective and educational information that enhance and broaden our understanding of the world we live in.

Without museums, the historical preservation of, as well as the display of and care for, artistic pieces, artifacts, and living specimens would not be possible. Museums exist to connect people with art, history, and culture.

In my District, more than a dozen museums contribute to the historical preservation and artistic expression of their communities, including the American Museum of Asmat Art, the Bell Museum of Natural History, the Como Zoo and Marjorie McNeely Conservatory, the Dakota County Historical Museum, the Gibbs Museum of Pioneer and Dakota Life, the Goldstein Museum of Design, the Jackson Street Roundhouse Museum, the Minnesota Children's Museum, the Minnesota History Center's Museum, the Minnesota Museum of American Art, the Minnesota Wing Commemorative Air Force Museum, the New Brighton History Center Museum, the Schubert Club and Museum of Musical Instruments, the Science Museum of Minnesota, and the Twin City Model Railroad Museum.

Our communities count on our nation's museums, as well as our art and humanities organizations, to help educate, engage, and delight our citizenry and to strengthen our local economies. It is with great pride and appreciation for the role of museums in our communities that I submit this statement for the official United States CONGRESSIONAL RECORD.

TESTIMONY OF RALPH NADER REGARDING THE CONFIRMATION OF SUPREME COURT NOMINEE JUDGE JOHN ROBERTS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today on behalf of an honorable gentleman from my home state of Connecticut, Mr. Ralph Nader, to submit for the RECORD a copy of testimony that he earlier submitted to the Senate Judiciary Committee's hearing regarding the confirmation of Supreme Court Chief Justice Nominee Judge John Roberts.

Mr. Chairman and members of the Senate Judiciary Committee, thank you for the opportunity to submit testimony on the nomination of Judge John G. Roberts Jr. for the position of Chief Justice of the Supreme Court of the United States. I ask that this statement be made part of the printed hearing record.

In 1994 I testified before the Senate Judiciary Committee on the nomination of Stephen G. Breyer by President Clinton to be an Associate Justice of the Supreme Court of the United States. In that testimony I called attention to the importance of balance in the way our laws handle the challenges of corporate power in America.

I said:

"For our political economy, no issue is more consequential than the distribution and impact of corporate power. Historically, our country periodically has tried to redress the imbalance between organized economic power and people rights and remedies. From the agrarian populist revolt by the farmers in the late 19th and early 20th century, to the rise of the federal and state regulatory agencies, to the surging trade unionism, to the opening of the courts for broader nonproperty values to have their day, to the strengthening of civil rights and civil liberties, consumer, women's and environmental laws and institutions, corporate power was partially disciplined by the rule of law."

Today it is more important than ever for all Supreme Court Justices and, in particular, the Chief Justice of the Supreme Court to have the inclination and wisdom to realize that our democracy is being eroded by many kinds of widely reported systemic corporate excesses. Giant multinational corporations have no allegiance to any country or community, and the devastation and other injustices they visit upon communities throughout the United States and around the globe have outpaced the countervailing restraints that should be the hallmark of government by, for and of the people. Unfortunately, the structure and scope of these hearings are not likely to devote a sufficient priority to the corporate issues of our times.

In 1816 Thomas Jefferson wrote: "I hope we shall . . . crush in its birth the aristocracy of our moneyed corporations, which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country." Imagine his reaction to the corporate abuses of Enron Corp, HealthSouth Corp., Tyco, WorldCom or Adelphia Communications Corp to name only a few, along with the drug, tobacco, banking, insurance, chemical and other toxic industries. The corporate crime and greed of today tower over the abuses of the "moneyed corporations" of Jefferson's day. The economic power of giant corporations is augmented by a flood of Political Action Committee (PAC) money and other donations that shape the quality and quantity of debate in our country and consequently drive our society to imperatives that are increasingly more corporate than civic.

You will hear about Judge Roberts from several perspectives, but it is safe to assume that questions and testimony about Judge Roberts' views on corporate power and the rule of law will be inadequate given the broad and profound impact giant corporations have on our democracy. An important procedural and substantive corollary is the important role our civil justice system plays in expanding the frontiers of justice and in giving individuals the ability to hold "wrongdoers" accountable in a court of law. "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice," said the famous jurist, Learned Hand.

Unfortunately, powerholders, corporations and other institutions which are supposed to be held accountable by the civil justice system, are striving to weaken, limit and override the province of juries and judges. Some companies, led by insurers, have used expensive and focused media to promote the view that civil juries are too costly and too unpredictable. This narrow and short-sighted perspective is contrary to the long-standing tenets of our democracy and in particular the Seventh Amendment to our Constitution.

The civil jury system of the United States embraces a fundamental precept of tested justice: ordinary citizens applying their minds and values can and do reach decisions on the facts in cases that often involve powerful wrongdoers. This form of direct citizen participation in the administration of justice was deemed indispensable by this nation's founders and was considered non-negotiable by the leaders of the American revolution against King George III. But the civil jury is more than a process toward bringing a grievance to resolution. The civil jury is a pillar of our democracy necessary for the protection of individuals against tyranny, repression and mayhem of many kinds and for the deterrence of such injustices in the future. Our civil jury institution is a voice for and by the citizenry in setting standards for a just society. Jury findings incorporated in appellate court decisions contribute to one of the few authoritative reservoirs of advancing standards of responsibility between the powerful and the powerless—whether between companies and consumers, workers, shareholders and community or between officialdom and taxpayers or citizens in general. Knowing the evolution of the common law and the civil jury provides compelling and ennobling evidence of this progression of justice. Chief Justice William Rehnquist wrote, "The founders of our Nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign, or, it might be added, to that of the judiciary."

As the hearing unfolds, I suggest that the members of the Judiciary Committee devote some time to areas beyond those that are traditionally the focus of witnesses and questioning by Committee members and ask fundamental questions about the views of Judge Roberts, a former corporate lawyer at Hogan & Hartson, regarding corporate power and the civil justice system.

In the spirit of expanding the criteria by which the Committee and the public can measure Judge Robert's judicial and civic philosophy, I offer the following questions for you to pose to the nominee. Some of the questions are narrowly focused and some are broad-gauged. But, in their totality they constitute the broad kind of "litmus test" that should be applied in selecting and confirming all judges. In short, does the nominee, having met the threshold requirements of competency, believe that the rule of law should be used to broaden and deepen, procedurally and substantively, our democracy—even if it means the rights of the giant corporation or powerful interests must be circumscribed to protect the rights of the individual citizen and of our communities—rural or urban, large or small?

In pursuing its own line of questions, the Committee should not let its exploration of the nominee's views be artificially restricted. Judicial nominees have given two reasons for refusing to answer questions, but these reasons are contradictory. First, they say, if they publicly express their views, it will compromise them if the issue comes before the Court. Second, they say, judges do not decide legal issues in a vacuum: they only decide a concrete dispute in a specific adversarial context. Accordingly, some nominees claim it's silly or inappropriate, for example, to say whether they believe the Constitution protects the right to abortion, because Justices don't decide cases by asking such abstract questions. They face a particular statute, challenged by a particular party directly affected in a particular way, and the resolution of that dispute will turn on all those particulars.

This second response has a degree of merit—and undercuts the first reason for refusing to answer most questions. Precisely because neither nominees nor the public can know in what context issues will reach the Court (if at all), it is not problematic for nominees to discuss their views. They should not say how they would decide an actual pending case, but, short of that, it is fine for them to discuss issues because that in no way commits them to taking sides in any actual dispute—such disputes are invariably context-specific. For example, a nominee may be asked about the doctrine that treats a corporation as a "person" entitled to various constitutional rights. His or her thoughts on this issue will not tell us what he or she will do if such an issue is raised in a case before the Court. The latter may depend on the nature of the corporation (nonprofit? media? multi-national?), the nature of the claimed right, and much more.

Moreover, even if the nominee testifies that he or she disapproves the doctrine, as a Justice the nominee may hold that the question is settled law. Or if a nominee says that he or she agrees with the doctrine, a new circumstance—or a party making a new argument—may lead the nominee to hold otherwise. Nothing a nominee says guarantees that he or she will decide any case any particular way. Nothing that is said has to be fixed in stone. Judges do give opinionated public speeches, do they not?

It may be wondered whether, in light of the above, any purpose is served by asking the nominee his views. The answer is yes. It's no secret that nothing a nominee says binds the nominee once he or she receives an office with life tenure. Nominees can't and shouldn't be bound. But especially with a nominee who has a limited public record, the hearings provide some basis for gauging the nature and quality of his ideas, about his philosophy of due process for example. At any rate they have that potential—if Senators do their job and do not accept a nominee's self-serving refusal to answer questions.

At the outset, it would behoove the Committee to establish the parameters the nominee will use in fashioning responses to your questions by asking:

What criteria are you using to determine if you will directly answer or not answer questions posed to you by members of the Senate Judiciary Committee?

If the Court has recently ruled on a matter, will you provide the Committee with your views on the Court's ruling?

If a matter is long settled, will you provide the Committee with your views on the Court's ruling?

Once this baseline has been established, the following questions should shed light on nominee's approach to some major issues of our day.

1. Lloyd Cutler, speaking as a prominent corporate attorney, once said: "There is one point I want to make clear: we believe in the arguments that we make." Do you believe the arguments you have made on behalf of your corporate clients?

2. Do you believe limits on television station ownership abridge the free speech rights of corporate broadcasters?

3. What is your view of the First Amendment rights of the listeners being paramount to those of the broadcasters as articulated by the Court in Red Lion Broadcasting Co. v. FCC, 395 U. S. 367 (1969)?

4. Do you see a problem when corporations are treated as equal participants, with every right to use their First Amendment rights to dominate public policy debates such as those that occur in state and local referenda?

5. Do you believe the Court should uphold state and Congressional limits on corporate political expression in order to equalize contributions to public debates?

6. Do you believe that a strict reading of the Constitution provides for the treatment of corporations as "persons" under the law for purposes of equal protection, freedom of speech or due process of law? And, if so, what in the Constitution's text provides a basis for this belief?

7. Many observers complain that law firms representing large corporations routinely abuse the discovery process in order to delay and harass their opponents. Have you observed that phenomenon? If so, what should be done about it?

8. In 1986, in Pacific Gas & Elec. Co. v. Public Util. Comm'n of Cal., 475 U.S. 1 (1986) the Supreme Court (5 to 3) struck down a state regulation as violating a utility company's "right of conscience" under the First Amendment. What makes the case particularly unsettling is its disconnectedness to opinions past and future. As Justice Rehnquist observed in his lengthy dissenting opinion in the case, "the two constitutional liberties most closely analogous to the right to refrain from speaking—the Fifth Amendment right to remain silent and the constitutional right of privacy—have been denied to corporations based on their corporate status." Do you think it makes sense to attribute a right of conscience to a commercial corporation?

9. Would any trade agreement, such as GATT, NAFTA, or CAFTA ever require Senate ratification as a treaty?

10. Does the President have complete discretion to determine whether an international trade or other agreement must be submitted to the Senate for two-thirds treaty approval? If not, what are the criteria that determine when an international agreement must be submitted to the Senate for two-thirds treaty approval?

11. Are there limits on Congress' power to strip federal courts of jurisdiction over a particular issue? If so, what are such limits?

12. Do you believe victims of defective products that meet federal standards should be limited from recovering damages from the manufacturers of the defective products?

13. Do you believe Congress should federalize and pre-empt state products liability common law in any or all sectors?

14. Plaintiffs' trial lawyers have been blamed by their corporate critics for all sorts of problems with the economy and legal profession. Do you believe that those representing injured persons in product liability and medical malpractice cases are harming America?

15. So-called tort-reform is aimed at restricting the amount of non-economic damages, such as pain and suffering, a party can receive. Are you concerned that this interferes with the traditional role of juries and judges to find facts and mete out appropriate justice?

16. Do you believe the use of the government contractor defense should be limited in nonmilitary procurement? If so, how?

17. Some people say the Ninth Amendment can play no substantive role in protecting rights, that it's merely a statement of principle or reminder of limited government. Do you agree?

18. A number of legal scholars argue that the 11th Amendment has been interpreted by the Court to shield states from liability for wrongdoing in a way that blatantly contravenes the original intention of the Amendment. Are you familiar with that scholarship and do you find it persuasive?

19. In what circumstances, if any, is it appropriate for a contractual arbitration clause to contract away substantive contract law, tort, or statutory rights? For instance, can an arbitration clause require arbitration of a worker's Title VII rights and at the same time limit the worker's compensatory damages to $200,000? Can that same clause require the loser to pay the winner's attorney's fees? Can that clause require that the parties to arbitration bear their own attorney's fees?

20. Describe the presumption against preemption of state law. Does it apply in some or all instances where federal law is said to preempt state law?

21. Is the presumption against preemption of state law (by federal law) similar to the plain statement rule that demands that Congress speak with unmistakable clarity if it wishes to override the states' sovereign immunity? If the presumption against preemption is not similar to the plain statement rule, explain how it is different?

22. How is the presumption against preemption applied in cases where federal regulatory law (regulating, for instance, drugs, boats, pesticides, motor vehicles, and the like) is said to preempt state tort law that provides monetary remedies to compensate for injuries caused by a product that the federal government regulates?

23. Do you believe Congress should preempt the state-law-based medical malpractice system?

24. What are your views on the "American rule" as opposed to the English rule under which the losing party in litigation generally pays the winner's costs, including attorney's fees?

25. What has been your reaction or views on Congressional funding levels for federally funded legal services programs over the last two decades? Should government be responsible for funding representation for poor people in civil litigation where important property or liberty interests are at stake? Or should that be mainly or entirely a private function?

26. Some scholars and judges believe that "Originalism" is the only principled method of constitutional interpretation. Do you agree?

27. Do you believe that a declaration of war by Congress is Constitutionally required for the United States to engage in war?

28. Does a Congressional delegation of the war-making discretion to the President in the form of a war resolution meet the test of Article One, Section Eight of the Constitution?

29. What level of equal protection scrutiny was applied in Bush v. Gore, 531 U.S. 98 (2000)?

30. What is the precedential effect of Bush v. Gore? In other words, what kinds of equal protection claims does Bush v. Gore control or apply to? After Bush v. Gore, may a political entity (city, county, state) holding an election use more than one type of voting methodology (paper ballots, standard machines, punch cards, etc.) knowing that the error rates (whether through undercounts or otherwise) are different from one methodology to another?

31. Is there a need to amend our open government laws to make the President subject to them in whole or in part? Would such amendments be constitutional?

32. Do you believe arguments before the Supreme Court should be televised in the way C–SPAN televises Congressional deliberations?

33. In your view, is the Freedom of Information Act functioning properly at this time? If not, what are the major problems facing the Act?

34. In Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health and Human Resources, 532 U S. 598 (2001) case, the Court rejected the argument that a party that has failed to secure a judgment on the merits or a court-ordered consent decree, but has nonetheless achieved the desired result because the lawsuit brought about a voluntary change (the catalyst theory) in the defendant's conduct is entitled to attorney's fees. Does the rejection of the catalyst theory of fee recovery in the Supreme Court's Buckhannon decision apply across-the-board to federal fee-shifting statutes? If not, to what kinds of fee-shifting statutes is it likely to apply and to what kinds is its application more doubtful?

35. Brian Wolfman, Director of the Public Citizen Litigation Group notes, "The Bush administration says that Buckhannon applies to [Freedom of Information Act] FOIA cases, even though Congress stated explicitly, when it enacted FOIA, that fees should be available when FOIA cases settle. The Bush Justice Department has consistently argued to expand Buckhannon to every pro-consumer and civil rights statute in every conceivable situation." What approach (or approaches) to statutory construction of Congressional enactment was evident in the Supreme Court's Buckhannon decision? How would you describe the reliance on (or lack of reliance on) legislative history in the majority's reasoning in that case? Do you believe the Bush Justice Department is applying the Buckhannon decision correctly?

36. From both a legal (constitutional) and practical perspective, what is your view of the trend in the federal judiciary toward releasing more of its opinions in "unpublished" form, i.e., where the relevant court accords no precedential effect to the decision for other cases?

37. Should federal judges attend seminars which are funded by private corporations (or by foundations that are funded by such corporations) that have matters of interest to the corporations before the courts?

38. Do you believe a government attorney, in a subordinate position, should be forced (under penalty of discharge) to work on a case or argue a position that he or she believes is illegal, unconstitutional or unethical? Or should government lawyers have a "right of conscience" like other professionals?

39. What kinds of participation in civic life may federal judges continue to be involved in once they assume their judicial positions?

40. How many hours or what percent of their work time do you think partners in major firms should devote to pro bono work each year?

41. How many hours on average did you bill per year as a partner and at what rates?

42. How many hours on average did you bill per year as an associate?

43. What was the nature of your pro bono work and approximately how much time per year did you devote to pro bono work?

44. Corporate attorneys and legal scholars have written books and articles decrying unethical or fraudulent billing practices in large corporate law firms. An article in the Summer 2001 Georgetown Journal of Legal Ethics titled Gunderson Effect and Billable Mania: Trends in Overbilling and the Effect of New Wages states that unethical billing practices are "a pervasive problem in law firms across the country"—do you agree?

45. Did you ever observe unethical billing practices when you were in private practice?

46. If so, what was the nature of and who were the protagonists of such practices?

I hope these questions, whether asked orally or submitted to the nominee in writing for response, spark a robust, constructive debate between the Committee members and the nominee. Such exchanges should provide the Senate and the larger public with insights into how Judge John G. Roberts will, if confirmed as Chief Justice, perform his duties.

A TRIBUTE TO EDA KAMINSKI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 2005

Mr. LANTOS. Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of a truly extraordinary woman, Eda Kaminski, who passed away on September 6, 2005. We celebrate her remarkable life for the perseverance, tenacity and grit that helped her survive four German concentration camps and the resilience and resourcefulness that allowed her to prosper when she immigrated to America.

Eda was born in the mountain village of Zawoja, Poland on July 22, 1916. She was married in 1939 to Salek Künstler in Krakow two days before the Germans invaded Poland and began the Second World War. Their daughter, Anita was born in 1942 and fortunately was smuggled out before the Krakow ghetto was destroyed. Eda and her husband were sent to Plaszow. The Germans separated Eda from Salek and later murdered him. Eda struggled and survived Auschwitz and Bergen-Belsen, where many of those too sick to work were sent. The camp was liberated by British troops in April 1945.

After the war Mrs. Kaminski found Anita hidden by a Catholic family in Krakow. Even though she had a sister who lived outside of London, most of Eda's family was killed in the Holocaust. Without resources or help, Eda and Anita moved to a Displaced Persons camp in Selb, Germany. It was there that she met her husband Reuven Kaminski and finally in 1949, they immigrated to New York to begin a new life. Their son, Harvey Kaminski became a successful financier in the New York area. Her daughter, Anita K. Epstein, came to Washington and pursued a successful career in government relations.

Mr. Speaker, her truly incredible and inspiring story was chronicled in the Washington Post on September 20, 2003. I ask that the text of the article be included in the CONGRESSIONAL RECORD. Once again, I ask my colleagues to join me in honoring her extraordinary life.

IN THE HOLOCAUST, HIDE-AND-SEEK WAS NO GAME

(By Reilly Capps)

Under glass in the new exhibit at the U.S. Holocaust Museum is a letter. It was written in 1943 by Eda Kunstler, a prisoner in Plaszow, Poland, the same forced-labor camp where Schindler's list saved a thousand lives. Eda was hoping to save just one life, her baby daughter's, when she wrote these words to a stranger:

"Dear madam,

"I beg you, you are a mother as well, save my child. God will reward you and I will pay you as well. Remember that the child has wealthy parents, and that if we survive you will have everything we promised. . . . Give her food and keep her clean. That is all that a child needs. My child is bathed every day at 8:30, is fed and then placed on her side and she will sleep until 5 or 6 AM. She is fed every three hours, a roll dipped in water, or a roll with butter and sugar, a lot of sugar. . . ."

She prayed her daughter, Anita, would survive. The little girl was born into the Krakow ghetto in late 1942, and so was already a miracle, a little bundle of life amid the canyons of death. Maybe there would be another miracle, Eda thought, and Anita would survive the ghetto's liquidation. Maybe her husband had been right. He was a rational man, the wealthy co-owner of a leather factory, and he told her that babies weren't useful to the Nazis, that the baby would be killed instantly, that the baby's only chance was in hiding. He told her all these things as he pried the little girl from her arms.

"I didn't want to give it," Eda says now, "but he took the baby."

He slipped the baby in a canvas sack, got in a taxi and headed for the gentile side of town, where a Catholic woman named Zofji Zendler waited. With a fake birth certificate, Zendler changed Anita's name to Anya and passed her off as her own. She even took her to church. Which was how it came to pass one Sunday in Krakow that a 3-month-old Jewish girl was baptized Catholic and therefore saved.

According to the museum, more than a million children were killed during the Holocaust, but tens of thousands were hidden during the war and thousands of those survived.

Little Anita is now 60 years old. She's married, has two children of her own, and she cries when she looks at the letter, which is part of "Life in Shadows: Hidden Children and the Holocaust," scheduled to open to the public today. It's written carefully, in Polish. There are no water marks on it, even though her mother was crying as she wrote it.

"Each one of us that survived has a story," says Anita Epstein, a lobbyist in Washington. "It is very powerful. It's very strong for me. Too much. I have to do it in pieces."

The exhibit is almost entirely little pieces, small things that played a small part in some incredible stories. There's a sweater worn by an 8-year-old girl as she cowered in the sewers for more than a year. A wardrobe in which a small boy hid from inspectors. Words from a diary written by an adolescent girl as she hid in an attic in Amsterdam.

"In so many ways, the stories of children's experiences are powerful for everyone—for parents, for children, for the general visitor," says museum curator Steven Luckert. "It deals with so many different emotions: separation, fear, play, education, tough choices."

Flora Singer was 10 years old when the German tanks rolled into Belgium. Her cousin Nounou was just a baby. Singer was hidden in a secret apartment and in a convent by the legendary Father Bruno, who saved hundreds of children. But not Nounou.

"My mother begged my aunt to let Nounou be hidden, because Father Bruno was willing to hide him also," says Singer. She says her mother said to her aunt: "You can go, but at least let Nounou be hidden." My mother could not convince her to go to another place, or let Nounou go with Father Bruno.

"The next time my mother came to the apartment with food, maybe five, six days later, the Gestapo had a seal on the door, you know: 'Property of the Third Reich.' My mother ran in and grabbed the photos of the family." One of those photos is displayed in the new exhibit. It's Singer and Nounou, her hands on his arms. They're all smiles.

Singer lives in Montgomery County and volunteers at the museum, but life has never been as simple as it was the day that picture was taken.

"I am here, and [Nounou] is not, and I still can't believe it, even to this day. I say, 'How come I escaped?' It's an enormous feeling of responsibility."

For Eda Kunstler, it was an enormous feeling of guilt. She felt guilty in Plaszow, and in Auschwitz, and she thought of her daughter every single day in both places. And then she got to Bergen-Belsen, and she was too tired to think of anything at all.

Eda survived Bergen-Belsen, survived hunger, survived typhus, even as every member of her family, including her husband, perished. She lives in Queens now, 86 and all alone, but she remembers returning to Poland to look for her only living relative, her daughter.

She found her on a stoop in Katowice, eating a roll and frankfurter. There were 20 kids hanging around, but Eda could tell right away which girl was hers.

"I am your mother," she told her daughter.

"No, you are not my mother," Anita said. "My mother is inside."

Eda cried, because she knew the letter had worked.

"Dear Madam, my husband and I are convinced and believe that you will save our wonderful child . . . be her mother and give her love, because I her mother cannot give her anything."

HOUSE OF REPRESENTATIVES—*Monday, September 19, 2005*

The House met at noon and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 19, 2005.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of this Nation and the universe:

In 1787 the United States Constitution was written. The text itself was completed on September 17 of that year. As the law of this land, it still serves as the foundation upon which the three branches of government stand. It remains the measurement of all laws of the courts and the embodiment of the principles which all government officials and citizens promise to uphold and defend. By Divine Providence may this document be preserved always.

May Your omnipresent Spirit bring to light and freshness in our day all the Constitution contains and directs. Its first three words—"We the people"—affirm that the government of the United States exists to serve its citizens. As the world's longest surviving written charter of government, may it be a guiding signal to other nations and peoples. As the solemn expression of this country's identity, may it be brought to fruition by the people of this Nation who live law-abiding lives and foster a more perfect Union, work to establish justice, and ensure domestic tranquility every day of their lives.

We beg for Your grace, Almighty God, to do this for our good, the common good shared with others, and to give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 16, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 16, 2005, at 10:25 a.m.:

That the Senate passed without amendment H.R. 3169.

That the Senate passed without amendment H.R. 3668.

That the Senate passed without amendment H.R. 3672.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore THORNBERRY signed the following enrolled bills on Friday, September 16, 2005:

H.R. 3169, to provide the Secretary of Education with waiver authority for students who are eligible for Pell grants who are adversely affected by a natural disaster;

H.R. 3668, to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster;

H.R. 3672, to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3169. An act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3668. An act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster. .

H.R. 3672. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 15, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 804. To exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. National Flood Insurance Program Enhanced Borrowing Authority Act of 2005.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 12 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 20, 2005, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first, second and third quarter of 2005, pursuant to Public Law 95–384

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. YOUNG O. KIM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 30 AND AUG. 6, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Young O. Kim	7/30	8/03	Japan		1,632.00		[3] 6,246.08				7,878.08
	8/03	8/06	South Korea		1,074.00						1,074.00
Committee total											8,952.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation cost is inclusive for both countries.

J. DENNIS HASTERT, Chairman, Aug. 23, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. WILLIAM KOETZEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 15 AND AUG. 24, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
William Koetzle	8/15	8/18	Sweden		1,938.15		(3)				1,938.15
	8/18	8/18	Norway		232.00		(3)				232.00
	8/18	8/18	Finland		1,288.28		(3)				1,288.28
	8/21	8/24	Germany		1,511.76		(3)				1,511.76
Committee total											4,970.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, Sept. 8, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 31 AND AUG. 10, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Donald Manzullo	7/31	8/10	China		2,431.69		(2)				2,431.69
Adam Schiff	7/31	8/10	China		2,216.25		[3][4] 386.00				2,602.25
Marsha Blackburn	7/31	8/10	China		1,408.52		(3)				1,408.52
Madeleine Bordallo	7/31	8/10	China		2,141.24		(3)				2,141.24
Ed Case	7/31	8/10	China		2,118.26		[3][4] 386.00				2,504.26
Ben Chandler	7/31	8/10	China		2,118.26		[3][4] 386.00				2,504.26
Louie Gohmert	7/31	8/10	China		2,192.36		[3][4] 386.00				2,578.36
Sheila Jackson-Lee	7/31	8/10	China		2,118.26		[3][4] 386.00				2,504.26
Steve King	7/31	8/10	China		2,118.26		[3][4] 386.00				2,504.26
John Mica	7/31	8/10	China		2,192.36		[3][4] 386.00				2,578.36
Dennis Moore	7/31	8/10	China		2,118.26		[3][4] 386.00				2,504.26
Tim Ryan	7/31	8/10	China		2,118.26		[3][4] 386.00				2,504.26
Lucas Hatzis	7/31	8/10	China		1,814.67		[3][4] 386.00				2,200.67
Committee total											30,966.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] This is Commercial air, Lijiana to Chengdu.

J. DENNIS HASTERT, Chairman, Sept. 8, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, MONGOLIA AND CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 30 AND AUG. 8, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Hon. David Dreier	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Hon. Edward R. Royce	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Hon. Bobby Rush	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Hon. Thomas M. Reynolds	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Hon. Adam Putnam	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Hon. Tom Cole	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Hon. Bill Livingood	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Scott Palmer	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Mike Stokke	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Ted Van Der Meid	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Bryan Harbin	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Chris Walker	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Rachel Perry	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Martha Morrison	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Dwight Comedy	7/30	8/02	Japan		1,212.00		(3)				1,212.00
Hon. J. Dennis Hastert	8/02	8/04	Mongolia		423.00		(3)				423.00
Hon. David Dreier	8/02	8/04	Mongolia		423.00		(3)				423.00
Hon. Edward R. Royce	8/02	8/04	Mongolia		423.00		(3)				423.00
Hon. Bobby Rush	8/02	8/04	Mongolia		423.00		(3)				423.00
Hon. Thomas M. Reynolds	8/02	8/04	Mongolia		423.00		(3)				423.00
Hon. Adam Putnam	8/02	8/04	Mongolia		423.00		(3)				423.00
Hon. Tom Cole	8/02	8/04	Mongolia		423.00		(3)				423.00
Hon. Bill Livingood	8/02	8/04	Mongolia		423.00		(3)				423.00
Scott Palmer	8/02	8/04	Mongolia		423.00		(3)				423.00
Mike Stokke	8/02	8/04	Mongolia		423.00		(3)				423.00
Ted Van Der Meid	8/02	8/04	Mongolia		423.00		(3)				423.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, MONGOLIA AND CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 30 AND AUG. 8, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bryan Harbin	8/02	8/04	Mongolia		423.00		(3)				423.00
Chris Walker	8/02	8/04	Mongolia		423.00		(3)				423.00
Rachel Perry	8/02	8/04	Mongolia		423.00		(3)				423.00
Martha Morrison	8/02	8/04	Mongolia		423.00		(3)				423.00
Dwight Comedy	8/02	8/04	Mongolia		423.00		(3)				423.00
Hon. J. Dennis Hastert	8/04	8/08	China		1,232.00		(3)				1,232.00
Hon. David Dreier	8/04	8/08	China		1,232.00		(3)				1,232.00
Hon. Edward R. Royce	8/04	8/08	China		1,232.00		(3)				1,232.00
Hon. Bobby Rush	8/04	8/08	China		1,232.00		(3)				1,232.00
Hon. Thomas M. Reynolds	8/04	8/08	China		1,232.00		(3)				1,232.00
Hon. Adam Putnam	8/04	8/08	China		1,232.00		(3)				1,232.00
Hon. Tom Cole	8/04	8/08	China		1,232.00		(3)				1,232.00
Hon. Bill Livingood	8/04	8/08	China		1,232.00		(3)				1,232.00
Scott Palmer	8/04	8/08	China		1,232.00		(3)				1,232.00
Mike Stokke	8/04	8/08	China		1,232.00		(3)				1,232.00
Ted Van Der Meid	8/04	8/08	China		1,232.00		(3)				1,232.00
Bryan Harbin	8/04	8/08	China		1,232.00		(3)				1,232.00
Chris Walker	8/04	8/08	China		1,232.00		(3)				1,232.00
Rachel Perry	8/04	8/08	China		1,232.00		(3)				1,232.00
Marth Morrison	8/04	8/08	China		1,232.00		(3)				1,232.00
Dwight Comedy	8/04	8/08	China		1,232.00		(3)				1,232.00
Committee totals					45,872.00						45,872.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, Aug. 23, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Randy Neugebauer	4/7	4/8	Germany		264.00		(3)				264.00
	4/8	4/10	Jordan		508.00		(3)				508.00
	4/10	4/11	Iraq				(3)				
	4/11	4/12	Germany		264.00		(3)				264.00
Hon. Henry Cuellar	4/22	4/24	Columbia		568.00		(3)				568.00
	4/24	4/26	Costa Rica		438.00		(3)				438.00
Hon. Earl Pomeroy	5/6	5/8	Jordan		508.00		(3)				508.00
	5/8	5/8	Iraq				(3)				
	5/8	5/9	Qatar		148.00		(3)				148.00
	5/9	5/10	United Kingdom		165.00		(3)				165.00
Hon. John Salazar	5/6	5/8	Jordan		508.00		(3)				508.00
	5/8	5/8	Iraq				(3)				
	5/8	5/9	Qatar		148.00		(3)				148.00
	5/9	5/10	United Kingdom		165.00		(3)				165.00
Elizabeth Parrer	5/2	5/6	Uraguay		1,102.00		6,614.15				7,716.15
Ryan Weston	5/2	5/6	Uraguay		1,102.00		6,614.15				7,716.15
John Goldberg	5/2	5/6	Uraguay		1,102.00		6,614.15				7,716.15
Chairman Bob Goodlatte	6/24	6/27	Canada		357.00		(3)				357.00
Hon. Jeff Forten Berry	6/24	6/27	Canada		38.53		(3)				38.53
Hon. Randy Neugebauer	6/24	6/27	Canada		357.00	(3)	838.98				1,195.98
Hon. Steve King	6/24	6/27	Canada		357.00		(3)				357.00
Hon. Jo Bonner	6/24	6/27	Canada		357.00		(3)				357.00
Hon. Frank Lucas	6/24	6/27	Canada		357.00		(3)				357.00
Josh Maxwell	6/24	6/27	Canada		357.00		(3)				357.00
Richard Thomson	6/24	6/27	Canada		357.00		(3)				357.00
John Goldberg	6/24	6/27	Canada		357.00		(3)				357.00
Alise Kowalski	6/24	6/27	Canada		357.00		(3)				357.00
Bill Imbergamo	6/24	6/27	Canada		357.00		(3)				357.00
Nona Darrell	6/24	6/27	Canada		357.00		(3)				357.00
Committee total					10,955.53		20,681.43				31,636.96

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB GOODLATTE, Chairman, July 25, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Kay Cranger	4/07	4/12	Jordan		$1,180.00			(3)			$1,180.00
Hon. Jim Kolbe	4/14	4/15	Honduras		213.00						213.00
	4/15	4/17	Nicaragua		452.00						452.00
	4/17	4/19	Jamaica		520.00						520.00
Misc. Embassy Costs								(3)	2,089.00		2,089.00
Hon. Nita Lowey	4/14	4/15	Honduras		213.00						213.00
	4/15	4/17	Nicaragua		452.00						452.00
	4/17	4/19	Jamaica		520.00						520.00
Misc. Embassy Costs								(3)	2,089.00		2,089.00
Hon. Carolyn Kilpatrick	4/14	4/15	Honduras		213.00						213.00
	4/15	4/17	Nicaragua		452.00						452.00
	4/17	4/19	Jamaica		520.00						520.00
Misc. Embassy Costs								(3)	2,089.00		2,089.00
Hon. Sam Farr	4/14	4/15	Honduras		213.00						213.00
	4/15	4/17	Nicaragua		452.00						452.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/17	4/19	Jamaica		520.00						520.00
Misc. Embassy Costs								(3)	2,089.00		2,089.00
Hon. John Carter	4/14	4/15	Honduras		213.00						213.00
	4/15	4/17	Nicaragua		452.00						452.00
	4/17	4/19	Jamaica		520.00						520.00
Misc. Embassy Costs								(3)	2,089.00		2,089.00
Robert Blair	4/14	4/15	Honduras		213.00						213.00
	4/15	4/17	Nicaragua		452.00						452.00
	4/17	4/19	Jamaica		520.00						520.00
Misc. Embassy Costs								(3)	2,089.00		2,089.00
Hon. Joseph Knollenberg	3/19	3/27	China		2,528.00						2,528.00
	3/27	3/31	Hong Kong		1,744.00						1,744.00
	4/1		USA					(3)			
Hon. David L. Hobson	3/30	4/01	France		250.00						250.00
	4/1	4/05	Netherlands		750.00						750.00
Misc. Embassy Costs								(3)	2,155.66		2,155.66
Hon. Michael Simpson	3/30	4/01	France		250.00						250.00
	4/01	4/05	Netherlands		750.00						750.00
Misc. Embassy Costs							(3)		2,155.66		2,155.66
Hon. Dennis Rehberg	3/30	4/01	France		250.00						250.00
	4/01	4/05	Netherlands		750.00						750.00
Misc. Embassy Costs							(3)		2,155.66		2,155.66
Terry Tyborowski	3/30	4/01	France		256.00						256.00
	4/01	4/05	Netherlands		744.00						744.00
Misc. Embassy Costs							(3)		2,155.66		2,155.66
Kevin Cook	3/30	4/01	France		256.00						256.00
	4/01	4/05	Netherlands		744.00						744.00
Misc. Embassy Costs							(3)		2,155.66		2,155.66
Dixon Butler	3/30	4/01	France		250.00						250.00
	4/01	4/05	Netherlands		750.00						750.00
Misc. Embassy Costs							(3)		2,155.66		2,155.66
Robert Blair	3/27	3/30	Ukraine		1,158.00						1,158.00
	3/30	4/02	Israel/West Bank		921.00						921.00
Commercial Airfare							7,383.00				7,383.00
Rodney Bent	3/30	4/02	Israel/West Bank		921.00						921.00
Commercial Airfare							6,168.00				6,168.00
Hon. Alexander M. Crenshaw	3/23	3/25	Egypt		578.00						578.00
	3/25	3/26	Jordan		359.65						359.65
	3/27	3/29	Israel		724.00						724.00
	3/29	3/30	Cyprus		780.58						780.58
	3/30	3/30	Lebanon		67.00						67.00
	3/31	4/01	Belgium		790.00		(3)				790.00
Hon. Jim Moran	4/22	4/24	Colombia		568.00						568.00
	4/24	4/26	Costa Rica		438.00		(3)				438.00
Hon. Maurice Hinchey	4/22	4/23	Costa Rica		116.74						116.74
	4/23	4/24	Colombia		284.00						284.00
	4/24	4/26	Costa Rica		438.00						438.00
Commercial airfare							1,378.10				1,378.10
Hon. Michael Simpson	4/30	5/01	Kuwait		565.10						565.10
	5/01	5/02	Jordan		427.10						427.10
	5/02	5/04	Germany		236.30		(3)				236.30
Hon. Jim Kolbe	5/29	5/31	Israel		940.00						940.00
	5/31	6/01	Cyprus		387.00						387.00
	6/01	6/03	Turkey		668.00						668.00
	6/03	6/04	Ireland		486.00		(3)				486.00
Hon. Nita Lowey	5/29	5/31	Israel		940.00						940.00
	5/31	6/01	Cyprus		387.00						387.00
	6/01	6/03	Turkey		668.00						668.00
Commercial airfare							1,994.66				1,994.60
Hon. David Price	5/29	5/31	Israel		940.00						940.00
	5/31	6/01	Cyprus		387.00						387.00
	6/01	6/03	Turkey		668.00						668.00
	6/03	6/04	Ireland		486.00		(3)				486.00
Hon. Marion Berry	5/29	5/31	Israel		940.00						940.00
	5/31	6/01	Cyprus		387.00						387.00
	6/01	6/03	Turkey		668.00						668.00
	6/03	6/04	Ireland		486.00		(3)				486.00
Hon. Roger Wicker	5/29	5/31	Israel		940.00						940.00
	5/31	6/01	Cyprus		387.00						387.00
	6/01	6/03	Turkey		668.00						668.00
	6/03	6/04	Ireland		486.00		(3)				486.00
Elizabeth A. Phillips	5/29	5/31	Israel		940.00						940.00
	5/31	6/01	Cyprus		387.00						387.00
	6/01	6/03	Turkey		668.00						668.00
	6/03	6/04	Ireland		486.00		(3)				486.00
Rodney Bent	5/29	5/31	Israel		940.00						940.00
	5/31	6/01	Cyprus		387.00						387.00
	6/01	6/03	Turkey		668.00						668.00
	6/03	6/04	Ireland		486.00		(3)				486.00
Jennifer Miller	5/29	5/31	Israel		940.00						940.00
	5/31	6/01	Cyprus		387.00						387.00
	6/01	6/03	Turkey		668.00						668.00
	6/03	6/04	Ireland		486.00		(3)				486.00
Committee total					47,296.47		16,923.76		25,467.96		89,688.19

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JERRY LEWIS, Chairman, July 25, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEY AND INVESTIGATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY LEWIS, Chairman, July 22, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Israel, March 28 – April 1, 2005:											
Hon. Jim Saxton	3/28	4/1	Israel		1,158.00						6,447.65
Commercial transportation							5,289.65				
Hon. Geoff Davis	3/28	4/1	Israel		1,158.00						1,158.00
Commercial transportation							5,551.50				5,551.50
Thomas Hawley	3/28	4/1	Israel		1,158.00						6,222.15
Commercial transportation							5,064.15				5,064.15
Visit to France, The Netherlands, Great Britain With Codel Hobson, March 29 – April 5, 2005:											
Hon. Kendrick B. Meek	3/30	4/1	France		1,040.64						1,040.64
	4/1	4/5	The Netherlands		2,115.02						2,115.02
	5/5	4/5	Great Britain								
Visit to Jordan, Iraq, Germany With Codel Osbome, April 7 – 12, 2005:											
Hon. Jeb Bradley	4/7	4/11	Jordan		762.00						762.00
	4/9	4/9	Iraq								
	4/11	4/12	Germany		382.00						382.00
Hon. Mark Udall	4/7	4/11	Jordan		762.00						762.00
	4/9	4/9	Iraq								
	4/11	4/12	Germany		382.00						382.00
Visit to Jordan, Iraq With Codel Granger, April 8 – 12, 2005:											
Hon. Susan Davis	4/8	4/12	Jordan		1,180.00						1,180.00
	4/11	4/11	Iraq								
Visit to Columbia, Costa Rica With Codel Burton, April 22 – 26, 2005:											
Hon. Joe Wilson	4/22	4/24	Columbia		568.00						568.00
	4/24	4/26	Costa Rica		438.00						438.00
Visit to Czech Republic, Russia, Bulgaria, May 6–10, 2005:											
Hon. Joe Wilson	5/6	5/7	Czech Republic		356.00						356.00
	5/7	5/9	Russia		714.00						714.00
	5/9	5/10	Bulgaria		121.00						121.00
Commercial transportation							6,253.40				6,253.40
Hon. Madeleine Bordallo	5/6	5/7	Czech Republic		356.00						356.00
	5/7	5/9	Russia		714.00						714.00
	5/9	5/10	Bulgaria		121.00						121.00
Commercial transportation							6,253.40				6,253.40
Delegation expenses	5/6	5/7	Czech Republic						1,504.21		1,504.21
	5/7	5/9	Russia						6,826.00		6,826.00
	5/9	5/10	Bulgaria						362.52		362.52
Visit to Jordan, Iraq, Qatar, United Kingdom, May 6–10, 2005:											
Hon. Robin Hayes	5/6	5/7	Jordan		508.00						508.00
	5/7	5/8	Iraq								
	5/8	5/9	Qatar		148.00						148.00
	5/9	5/10	United Kingdom		360.00						360.00
Hon. Todd Akin	5/6	5/7	Jordan		508.00						508.00
	5/7	5/8	Iraq								
	5/8	5/9	Qatar		296.00						296.00
	5/9	5/10	United Kingdom		195.00						195.00
Visit to Haiti, May 15–16, 2005:											
Hon. Kendrick B. Meek	5/15	5/16	Haiti		328.00						328.00
Commercial transportation							1,069.40				1,069.40
Visit to Venezulea With Codel Burton, May 23–24, 2005:											
Hon. Loretta Sanchez	5/23	5/24	Venezuela		238.00						238.00
Commercial transportation							2,156.10				2,156.10
Visit to Israel, Lebanon, Turkey, Cyprus, Ireland With Codel Kolbe, May 29–June 4, 2005:											
Hon. Jeff Miller	5/29	5/31	Israel		940.00						940.00
	5/31	6/1	Cyprus		387.00						387.00
	6/1	6/3	Turkey		668.00						668.00
	6/3	6/4	Ireland		486.00						486.00
Hon. Susan Davis	5/29	5/31	Israel		940.00						940.00
	5/31	6/1	Cyprus		387.00						387.00
	6/1	6/3	Turkey		668.00						668.00
	6/3	6/4	Ireland		486.00						486.00
Visit to Iraq, Jordan, United Kingdom, May 29–June 1, 2005:											
Hon. Curt Weldon	5/30	6/1	Jordan		762.00						762.00
	5/31	5/31	Iraq								
Hon. Jeff Miller	5/30	5/31	Jordan		508.00						508.00
	5/31	5/31	Iraq								
Hon. Joe Wilson	5/30	5/31	Jordan		508.00						508.00
	5/31	5/31	Iraq								
Douglas Roach	5/30	5/31	Jordan		508.00						508.00
	5/31	5/31	Iraq								
Henry J. Schweiter	5/30	5/31	Jordan		508.00						508.00
	5/31	5/31	Iraq								
Visit to Cuba, June 25, 2005:											
Hon. Duncan Hunter	6/25	6/25	Cuba								
Hon. Ken Calvert	6/25	6/25	Cuba								
Hon. K. Michael Conaway	6/25	6/25	Cuba								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Robin Hayes	6/25	6/25	Cuba								
Hon. John J. H. "Joe" Schwartz	6/25	6/25	Cuba								
Hon. Joe Wilson	6/25	6/25	Cuba								
Hon. Madeleine Bordallo	6/25	6/25	Cuba								
Hon. Dan Boren	6/25	6/25	Cuba								
Hon. G.K. Butterfield	6/25	6/25	Cuba								
Hon. Ellen Tauscher	6/25	6/25	Cuba								
Hon. Jim Cooper	6/25	6/25	Cuba								
Robert L. Simmons, II	6/25	6/25	Cuba								
Hugh N. "Rusty" Johnston	6/25	6/25	Cuba								
Henry J. "Jim" Schweiter	6/25	6/25	Cuba								
Jeff Green	6/25	6/25	Cuba								
Mark Lewis	6/25	6/25	Cuba								
Joshua C. Holly	6/25	6/25	Cuba								
Committee total					23,822.66		31,637.60		8,692.73		69,217.14

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, July 29, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Harold Ford	05/29	05/31	Jordan, Iraq		508.00		(3)				
Committee totals					508.00						508.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JIM NUSSLE, Chairman, July 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. C.L. 'Butch' Otter	4/29	4/30	Ireland								
	4/30	5/1	Kuwait		565.10						565.10
	5/1	5/3	Iraq								
	5/3	5/4	Jordan		427.10						427.10
	5/4	5/5	Germany		236.30						236.30
Andrew Snowdon	5/30	6/3	France		1,236.00		2,061.09				3,297.09
Thomas Feddo	5/30	6/3	France		1,236.00		2,061.09				3,297.09
Christopher Knauer	5/30	6/3	France		1,236.00		2,061.09				3,297.09
Colleen O'Keefe	6/27	6/30	Brazil		1,123.00		7,176.66				8,299.66
Christopher Knauer	6/27	7/2	Brazil		1,386.00		6,565.15				7,951.15
Hon. Cliff Stearns	6/24	6/27	Canada		357.00				1,417.12		1,774.12
Committee total					7,802.50		19,925.08		1,417.12		29,144.70

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, Aug. 17, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Melvin Watt	05/27	05/29	Norway		422.03		(3)				422.03
	05/29	05/31	Finland		838.28		(3)				838.28
	05/31	06/02	Russia		871.11		(3)				871.11
Hon. Michael Fitzpatrick	05/30	05/31	Jordan		508.00		(3)				508.00
Hon. Mark Kennedy	05/29	05/30	Korea		368.00				368.00		736.00
	05/30	06/01	Beijing, PRC		330.00		142.68		472.68		945.36
	06/01	06/03	Shanghai, PRC		330.00				330.00		660.00
	06/03	06/04	Thailand		175.00		12.12		187.12		374.24
	06/04	06/06	Taiwan		336.00		6,119.58		6,536.59		12,992.17
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, July 29, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kristin Amerling (3)	02/21	03/01	China		894.00		5,908.58				6,802.58
Committee total					894.00		5,908.58				6,802.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Amended.

TOM DAVIS, Chairman, July 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
R. Nick Palarino	5/19	5/23	Jordan		548.00		5,298.21				5,846.21
	5/23	5/23	Iraq								
	5/23	5/24	Jordan		137.00						137.00
Hon. Tom Davis	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/01	Venezuela		283.00						283.00
	6/01	6/03	Colombia		468.00						468.00
M. Susie Schulte	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/01	Venezuela		283.00						283.00
	6/01	6/03	Colombia		468.00						468.00
Ronald Martinson	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/01	Venezuela		283.00						283.00
	6/01	6/03	Colombia		468.00						468.00
A. Haywood	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/01	Venezuela		283.00						283.00
	6/01	6/03	Colombia		468.00						468.00
Hon. Candice Miller	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/01	Venezuela		283.00						283.00
	6/01	6/03	Colombia		468.00						468.00
Hon. C.L. "Dutch" Ruppersberger	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/01	Venezuela		283.00						283.00
	6/01	6/03	Colombia		468.00						468.00
Hon. Carolyn Maloney	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/01	Venezuela		283.00						283.00
	6/01	6/03	Colombia		468.00						468.00
J. Marc Wheat	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/01	Venezuela		283.00						283.00
	6/01	6/03	Colombia		468.00						468.00
Hon. Christopher Shays	5/19	5/23	Jordan		548.00						548.00
	5/23	5/23	Iraq								
Committee totals					11,097.00		5,298.21				16,395.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, July 27, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER COX, Chairman, Aug. 2, 2005.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Blaine Aaron	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
David Abramowitz	4/27	4/30	Chile		569.00		3,231.15				3,800.15
Hon. Gary Ackerman	5/29	5/31	Israel		940.00						940.00
	5/31	6/1	Cyprus		178.00						178.00
	6/1	6/2	Turkey		668.00		1,944.66				2,612.66
David Adams	5/29	5/31	Israel		940.00						940.00
	5/31	6/1	Cyprus		178.00						178.00
	6/1	6/2	Turkey		668.00						668.00
	6/2	6/3	Ireland		486.00		(3)				486.00
Douglas Anderson	3/29	3/31	China		482.00						482.00
	3/31	4/3	South Korea		903.00						903.00
	3/29	4/3					[4] 6,369.75				6,369.75
Hon. John Boozman	3/30	3/30	Iraq								
	3/31	3/31	Ethiopia		136.00						136.00
	3/31	4/1	Uganda		157.00						157.00
	4/1	4/1	Tanzania								
	4/1	4/2	Turkey		111.00						111.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Patrick Brennan	4/2	4/4	Belize		432.00		2,060.11				2,492.11
Hon. Dan Burton	4/23	4/24	Colombia		284.00						284.00
	4/24	4/26	Costa Rica		438.00		(3)		[5] 7,143.37		7,581.37
	5/23	5/24	Venezuela		283.00		1,394.93				1,677.93
Malik Chaka	3/20	3/25	Zimbabwe		526.00						526.00
	3/25	3/29	Mozambique		708.00						708.00
	3/29	3/30	Tanzania		226.00						226.00
	3/30	4/1	Djibouti		606.00						606.00
	3/19	4/2					[4] 11,470.70				11,470.70
Karen Christopoulos	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Hon. William Delahunt	4/15	4/16	Haiti		214.00		1,036.15				1,250.15
	5/23	5/24	Venezuela		283.00		2,620.17				2,903.17
Jim Farr	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Dan Freeman	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Daniel Getz	4/22	4/24	Colombia		568.00						568.00
	4/24	4/26	Costa Rica		438.00		(3)				438.00
	5/30	6/1	Venezula		466.00						466.00
	6/1	6/4	Peru		645.00						645.00
	5/30	6/4					[4] 2,763.76				2,763.76
Hon. Mark Green	5/28	5/30	Jordan		508.00						508.00
	5/29	5/30	Iraq				(3)				
Hon. Henry Hyde	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		1,058.83						1,058.83
	5/31	6/2	Russia		871.11		(3)				871.11
Hon. Darrell Issa	4/22	4/24	Colombia		568.00						568.00
	4/24	4/26	Costa Rica		438.00		(3)				438.00
	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		838.28						838.28
	5/31	6/2	Russia		871.11		(3)				871.11
Bob King	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		844.34		(3)				844.34
Sheila Klein	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Hon. Tom Lantos	5/21	5/23	United Kingdom		956.00		7,593.52				8,549.52
	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		838.28						838.28
	5/31	6/2	Russia		817.56		(3)				817.56
John Lis	5/25	5/27	Belgium		690.00						690.00
	5/27	5/29	Slovenia		260.00						260.00
	5/29	6/4	Georgia		1,770.00						1,770.00
	5/25	6/4					[4] 8,055.62				8,055.62
Don MacDonald	3/29	3/31	China		482.00						482.00
	3/31	4/3	South Korea		903.00						903.00
	3/29	4/3	Round Trip Airfare				5,844.00				5,844.00
Caleb McCarry	4/22	4/24	Colombia		468.00						468.00
	4/24	4/26	Costa Rica		338.00		(3)				338.00
Hon. Betty McCollum	6/4	6/8	United Kingdom		1,572.00		8,882.15		[5] 1,066.43		11,520.58
James McCormick	5/28	5/29	Thailand		182.00						182.00
	5/29	5/30	Nepal								0.0
	5/30	6/1	India		590.00						590.00
	6/1	6/3	Pakistan		465.00						465.00
	6/3	6/4	India		295.00						295.00
	6/4	6/5	Pakistan		191.00						191.00
	6/5	6/6	Thailand		182.00						182.00
	5/28	6/5					[4] 9,339.52				9,339.52
Matthew McLean	5/29	5/31	Costa Rica		422.00				[5] 139.33		561.33
	5/31	6/2	Honduras		346.00						346.00
	6/2	6/4	Nicaragua		295.00						295.00
	5/29	6/4					[4] 2,838.65				2,838.65
John Mackey	5/29	5/31	El Salvador		482.00						482.00
	5/31	6/1	Venezuela		283.00						283.00
	6/1	6/3	Colombia		468.00		(3)				468.00
Alan Makovsky	5/21	5/23	United Kingdom		956.00		6,127.52				7,083.52
Pearl Alice Marsh	3/20	3/25	Zimbabwe		526.00						526.00
	3/25	3/29	Mozambique		708.00						708.00
	3/29	3/30	Tanzania		135.00						135.00
	3/30	4/1	Djibouti		606.00						606.00
	3/19	4/2					[4] 11,075.00				11,075.00
	4/1	5/4	France		1,378.00		6,124.09				7,502.09
Hon. Gregory Meeks	4/24	4/26	Costa Rica		438.00		947.60				1,385.00
	5/23	5/24	Venezuela		283.00		2,383.15				2,666.15
Tom Mooney	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		758.08						758.08
	5/31	6/2	Russia		871.11		(3)				871.11
Francis Miko	5/29	6/4	Georgia		1,770.00		8,306.00				10,076.00
Eleanor Nagy	3/29	4/2	Switzerland		1,140.64		6,530.36				7,671.00
James Nichol	5/29	6/1	Georgia		885.00		8,176.94				9,061.94
Paul Oostburg Sanz	5/30	6/1	Venezuela		418.00						418.00
	6/1	6/2	Honduras		148.00						148.00
	6/2	6/4	Nicaragua		243.00						243.00
	5/30	6/4					[4] 3,155.24				3,155.24
Yleem Poblete	4/27	4/30	Chile		774.00		3,231.15				4,005.15
Patrick Prisco	3/30	4/1	Bosnia		516.00						516.00
	4/1	4/2	Austria		298.00						298.00
	3/30	4/2					[4] 5,528.32				5,528.32
Sue Schiesser	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Doug Seay	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Hon. Chris Smith	3/31	4/2	Switzerland		842.00		6,001.36				6,843.36
Linda Solomon	5/27	5/29	Norway		422.03						422.03

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Cliff Stammerman	4/15	4/16	Haiti		214.00		1,036.15				1,250.15
	5/30	6/1	Venezuela		466.00		1,437.26				1,903.26
Sam Stratman	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Hon. Thomas Tancredo	5/6	5/8	Jordan		508.00						508.00
	5/7	5/8	Iraq		0.0						0.0
	5/8	5/9	Qatar		296.00						296.00
	5/9	5/10	United Kingdom		195.00		(3)				195.00
Mark Walker	5/30	6/1	Venezuela		466.00						466.00
	6/1	6/4	Peru		645.00						645.00
	5/30	6/4					[4] 2,763.76				2,763.76
Hon. Diane Watson	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		775.63						775.63
	5/31	6/2	Russia		739.02		(3)				739.02
Hon. Gerald Weller	4/2	4/4	Belize		432.00		1,769.11				2,201.11
	4/22	4/24	Colombia		568.00						568.00
	4/24	4/25	Costa Rica		219.00		(3)				219.00
Hon. Robert Wexler	5/31	6/2	Turkey		656.00		6,530.74				7,186.74
Judy Wolverton	5/27	5/29	Norway		422.03						422.03
	5/29	5/31	Finland		710.00						710.00
	5/31	6/2	Russia		871.11		(3)				871.11
Committee total					74,973.57		156,568.59		8,349.13		239,891.29

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

[4] Round trip airfare.

[5] Indicates delegation costs.

HENRY J. HYDE, Chairman, July 26, 2005.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Rick Renzi	04/01	04/05	South America		676.00		(3)				676.00
Robert Myhill	04/01	04/05	South America		676.00		(3)				
Hon. Peter Hoekstra	05/07	05/10	Europe		616.00						
Commercial airfare							6,345.52				6,961.52
Hon. Jane Harman	05/18	05/19	Europe		274.00						
	05/20	05/21	Europe		884.00						
Commercial airfare							7,546.39				8,704.39
Jeremy Bash	05/18	05/19	Europe		274.00						
	05/20	05/21	Europe		884.00						
Commercial airfare							7,033.39				8,191.39
Hon. Robert Cramer	06/02	06/04	South America		702.00		(3)				702.00
	06/05	06/06	South America		283.00		(3)				283.00
Hon. Michael Rogers	06/02	06/04	South America		702.00		(3)				702.00
	06/05	06/06	South America		283.00		(3)				283.00
Robert Myhill	06/02	06/04	South America		702.00		(3)				702.00
	06/05	06/06	South America		283.00		(3)				283.00
Kathleen Reilly	06/02	06/04	South America		702.00		(3)				702.00
	06/05	06/06	South America		283.00		(3)				283.00
Committee total											29,149.30

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. curr.ncy is used, enter amount expended.

[3] Military air transportation.

PETER HOEKSTRA, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JULY 31, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Chairman, July 22, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Todd Willens	5/20	5/23	Switzerland		1,725.23		7,178.22				8,903.45
Dave Whaley	6/17	6/27	Korea		2,290.00		4,463.48				6,753.48

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					4,015.23		11,641.70				15,656.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD W. POMBO, Chairman, July 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Mica	4/3	4/5	Italy		1,038.52		(4)				1,038.52
Hon. Lincoln Davis	4/9	4/11	Jordan		508.00		(3)				508.00
Hon. Lincoln Davis	4/11	4/12	Germany		264.00		(3)				264.00
Hon. Corrine Brown	4/12	4/25	Togo		645.00		6,965.20				7,610.20
Robert Faber	5/21	6/4	Germany		2,050.00		985.69				3,035.69
Hon. James Oberstar	5/26	6/2	Slovenia		2,874.00		3,707.29				6,581.29
Committee total					7,379.52		11,658.18				19,037.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Transportation was included in first quarter.

DON YOUNG, Chairman, Aug. 2, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 8 AND APR. 25, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Beauprez	04/08	04/11	Jordan		762.00		(3)				762.00
	04/09	04/09	Iraq				(3)				
	04/11	04/11	Germany		122.00		(3)				122.00
Hon. Ron Lewis	04/22	04/24	Colombia		468.00		(3)				468.00
	04/24	04/25	Costa Rica		169.00		273.55				442.55
Committee total					1,521.00		273.55				1,794.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

WILLIAM M. THOMAS, Chairman, July 29, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 1, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOC HASTINGS, Chairman, Aug. 4, 2005.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3959. A letter from the Secretary, Department of Agriculture, transmitting a draft bill, "to authorize the Secretary of Agriculture, at the request of a participating State, to convey to the State, by quitclaim deed, without consideration, any land or interests in land acquired within the State under the Forest Legacy Program"; to the Committee on Agriculture.

3960. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3961. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 03-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3962. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of June 30, 2005, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

3963. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3964. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on International Relations.

3965. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under section 451 of the Foreign Assistance Act of 1961, to provide assistance to the United Nations Democracy Fund; to the Committee on International Relations.

3966. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3967. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3968. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3969. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3970. A letter from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting the Department's Annual Progress Report to Congress, covering interagency activities and DoC-specific activities between May 2004 and May 2005, pursuant to Public Law 106—107, section 5; to the Committee on Government Reform.

3971. A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3972. A letter from the Chief Human Capital Officer/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3973. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3974. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2007, prepared in compliance with OMB Circular No. A-11; to the Committee on Government Reform.

3975. A letter from the Coordinator, Forms Committee, Federal Election Commission, transmitting revisions to FEC Form 5, Report of Independent Expenditures Made and Contributions received, and Instructions for FEC Form 5, Instructions for FEC 6, and FEC 10, 24-Hour Notice of Expenditures from Candidates's Personal Funds and Instructions for FEC Form 10; to the Committee on House Administration.

3976. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, "to authorize the Secretary of the Interior to enter into cooperative agreements to protect park natural resources through collaborative efforts on lands inside and outside of National Park System units"; to the Committee on Resources.

3977. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996, pursuant to 28 U.S.C. 2266(b) and (c); to the Committee on the Judiciary.

3978. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the tenth annual report on amounts paid to telecommunications carriers and manufacturers during FY 2004, and estimates of amounts expected to be paid in the current fiscal year, pursuant to Public Law 103-414; to the Committee on the Judiciary.

3979. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2002 and 2004 Biennial Reports on the Effectiveness of Violence Against Women Act Grant activities, pursuant to Public Law 106-386, section 1003; to the Committee on the Judiciary.

3980. A letter from the Director, Office of Government Relations, Smithsonian Institution, transmitting a copy of the "Annual Proceedings of the One-Hundred Twelfth Continental Congress" of the National Society of the Daughters of the American Revolution, pursuant to 36 U.S.C. 153107; to the Committee on the Judiciary.

3981. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777–200 and -300 Series Airplanes [Docket No. FAA-2004–19764; Directorate Identifier 2004–NM–02–AD; Amendment 39-14182; AD 2005-14-05] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3982. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2005-20870; Directorate Identifier 2004-NM–180–AD; Amendment 39–14174; AD 2005–13-37] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3983. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC–8–100, DHC–8–200, and DHC–8–300 Series Airplanes [Docket No. FAA-2005-20852; Directorate Identifier 2004–NM–240–AD; Amendment 39-14175; AD 2005-13-38] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3984. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F–A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A(C-21A), and 36 Airplanes [Docket No. FAA–2005–20872; Directorate Identifier 2004-NM-271-AD; Amendment 39-14173; AD 2005–13–36] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3985. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321–100 and -200 Series Airplanes [Docket No. FAA-2005–20755; Directorate Identifier 2004–NM–244–AD; Amendment 39–14176; AD 2005–13–39] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3986. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Models HC-B3TN-2, HC-B3TN-3, HC-B3TN–5, HC–B3MN–3, HC–B4TN–3, HC–B4TN–5, HC–B4MN–5, HC–B4MP–3, HC–B4MP–5, and HC-B5MP-3 Propellers [Docket No. FAA-2005-21735; Directorate Identifier 2005-NE-22-AD; Amendment 39–14189; AD 2005–14–12] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3987. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. FAA-2005–20861; Directorate Identifier 2005–NM–020–AD; Amendment 39–14170; AD 2005–13–33] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3988. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and -300 Series Airplanes [Docket No. FAA-2005-20079; Directorate Identifier 2004–NM–147AD; Amendment 39–14163; AD 2005–13–26] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3989. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737–100, -200, and -200C Series Airplanes [Docket No. 2002-NM-289-AD; Amendment 39-14167; AD 2005-13-30] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes [Docket No. FAA–2005-20660; Directorate Identifier 2004-NM-242-AD; Amendemnt 39-14166; AD 2005-13-29] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes [Docket No. 2001–NM–89–AD; Amendment 39–14165; AD 2005–13–28] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, –400, and –500 Series Airplanes [Docket No. FAA–2004–19533; Directorate Identifier 2004–NM–31–AD; Amendment 39–14164; AD 2005–13–27] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes [Docket No. FAA–2005–20871; Directorate Identifier 2004–NM–212–AD; Amendment 39–14169; AD 2005–13–32] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC–9–10 Series Airplanes; Model DC–9–20 Series Airplanes; Model DC–9–30 Series Airplanes; Model DC–9–40 Series Airplanes; Model DC–9–50 Series Airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) Airplanes; Model MD–88 Airplanes [Docket No. FAA–2004–19809; Directorate Identifier 2003–NM–284–AD; Amendment 39–14155; AD 2005–13–18] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Series Airplanes [Docket No. FAA–2004–18716; Directorate Identifier 2003–NM–240AD; Amendment 39–14156; AD 2005–13–19] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes [Docket No. 2001–NM–296–AD; Amendment 39–14171; AD 2005–13–34] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3997. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3–60 Airplanes [Docket No. 2003–NM–127–AD; Amendment 39–14168; AD 2005–13–31] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3998. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AvCraft Dornier Model 328–100 and –300 Airplanes [Docket No. FAA–2005–20869; Directorate Identifier 2004–NM–09–AD; Amendment 39–14139; AD 2005–13–03] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3999. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avcraft Dornier Model 328–100 and –300 Airplanes [Docket No. FAA–2005–20866; Directorate Identifier 2004–NM–258–AD; Amendment 39–14140; AD 2005–13–04] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4000. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes [Docket No. FAA–2005–20757; Directorate Identifier 2004–NM–192–AD; Amendment 39–14142; AD 2005–13–06] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4001. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700 & 701) Series Airplanes and Model CL–600–2D24 (Regional Jet Series 900) Series Airplanes [Docket No. FAA–2004–19754; Directorate Identifier 2004–NM–181–AD; Amendment 39–14138; AD 2005–13–02] (RIN: 2120–AA64) August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4002. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747–400F Series Airplanes [Docket No. FAA–2004–19678; Directorate Identifier 2004–NM–62–AD; Amendment 39–14141; AD 2005–13–05] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4003. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) TFE731–2 and –3 Series Turbofan Engines [Docket No. FAA–2004–18496; Directorate Identifier 2004–NE–04–AD; Amendment 39–14143; AD 2005–13–07] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4004. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA–2005–20865; Directorate Identifier 2003–NM–103–AD; Amendment 39–14145; AD 2005–13–08] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4005. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182T, T182T, 206H, and T206H Airplanes [Docket No. FAA–2005–20438; Directorate Identifier 2005–CE–03–AD; Amendment 39–14147; AD 2005–13–10] (RIN: 2120–AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4006. A letter from the Commission, United States International Trade Commission, transmitting the Commission's report entitled, "The Year in Trade 2004: Operation of the Trade Agreements Program," prepared in conformity with Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

[Filed on Sept. 16, 2005]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. House Resolution 375. Resolution requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq; adversely (Rept. 109–223). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. House Resolution 408. Resolution requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq; adversely (Rept. 109–224). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. House Resolution 419. Resolution directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 109–225). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on September 16, 2005]

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration. H.R. 1461 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO (for himself, Mr. CARDOZA, Mr. WALDEN of Oregon, Mr. BERRY, Mr. RADANOVICH, Mr. ROSS, Mrs. CUBIN, Miss MCMORRIS, Mr. THOMPSON of Mississippi, Mr. BROWN of South Carolina, Mr. BACA, Mr. GRAVES, Mr. COSTA, and Mr. GIBBONS):

H.R. 3824. A bill to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes; to the Committee on Resources.

By Mr. MURPHY:

H.R. 3825. A bill to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building"; to the Committee on Government Reform.

By Mrs. MALONEY:

H. Res. 450. A resolution recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle Discovery on STS-114; to the Committee on Science.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 47: Mr. MARCHANT and Mr. PETERSON of Minnesota.

H.R. 752: Mr. CROWLEY.

H.R. 864: Mr. ENGEL.

H.R. 998: Ms. PRYCE of Ohio.

H.R. 1262: Ms. ZOE LOFGREN of California, Mr. KENNEDY of Rhode Island, and Mr. PETERSON of Minnesota.

H.R. 2017: Mr. DENT.

H.R. 2037: Mr. SAXTON.

H.R. 2412: Mr. HINCHEY.

H.R. 2874: Mr. PRICE of North Carolina.

H.R. 2877: Ms. ZOE LOFGREN of California.

H.R. 2962: Mr. SPRATT and Mr. WYNN.

H.R. 3042: Mr. OLVER.

H.R. 3128: Mr. HINCHEY.

H.R. 3306: Mr. ALLEN.

H.R. 3638: Mr. HOLDEN, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. MCNULTY, MR. DOYLE, and Mr. ACKERMAN.

H.R. 3708: Mrs. MCCARTHY, Mr. MCNULTY, and Mr. HONDA.

H.R. 3749: Mr. PETRI and Mr. BLUMENAUER.

H.R. 3762: Mr. BROWN of Ohio, Mr. WELDON of Pennsylvania, Mr. DELAHUNT, Ms. LEE, Mr. CASE, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. HONDA, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Ms. ROYBAL-ALLARD, and Mr. SCHIFF.

H. Con. Res. 190: Mr. INGLIS of South Carolina.

H. Res. 367: Mr. FILNER and Mr. DOYLE.

H. Res. 410: Mr. BERRY.

SENATE—*Monday, September 19, 2005*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our Lord, sustainer of all life. This week, as we remember the ratification of our Constitution, remind us that without You we are powerless. Sometimes we feel like collapsing beneath the challenges. When we try to face temptations alone, we too often are defeated. When we seek to meet sorrow without Your presence, our wounds remain unhealed. We are too often fascinated by evil and bored by goodness.

Without You, Lord, we not only cannot know what is right but have no power to do it. Empower the Members of this body today with the blessings of Your presence. Be with each of them to help, to guide, to comfort, and to sustain; grant that whatever light may shine or shadow fall, they may walk in Your wisdom. Keep us all in Your will until we reach our journey's end.

We pray in the Name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will open with a period for morning business for 60 minutes. Following that time, the Senate will resume consideration of the Agriculture appropriations bill which we began last Thursday. While we have no votes today, I encourage Members who intend to offer amendments to notify the bill managers and begin offering their amendments this afternoon. We will stack votes for Tuesday morning and hope to finish this bill early this week.

MEASURES PLACED ON THE CALENDAR—S. 1715 AND S. 1716

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1715) to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

A bill (S. 1716) to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 3 p.m. with time equally divided.

The Senator from Massachusetts is recognized.

HURRICANE KATRINA

Mr. KENNEDY. Mr. President, I thank the majority leader for taking the parliamentary steps that are going to permit us to consider some emergency help and assistance for New Orleans and the gulf area, in the area of education in particular. We are going to have more to say about that in a very short period of time. We want our friends there to know help really is on the way, particularly in the areas of education and health.

On Friday, 13 of my colleagues and I visited the stricken city of New Orleans and the gulf coast to see Katrina's devastation firsthand and hear from the affected residents. Like so many millions of Americans, I have been moved by the news coverage of Katrina and her brutal aftermath for the past 3 weeks. But nothing I have seen on television, nothing I have read in the newspapers, and nothing I have heard from the survivors we have embraced in Massachusetts could prepare me for the staggering scope of the devastation when witnessed firsthand.

The destruction is massive in its scope. In many areas, the destruction is total. Much of New Orleans is a ghost town. Troops and police patrol eerily quiet streets. The desolation is frighteningly real.

At least 40 percent of New Orleans was devastated by the calamity. We could see the high water marks on buildings, far above our heads. Debris is strewn everywhere. Massive amounts of muck, black as ink and ringed with the rainbow swirls of oil and chemicals, cover everything.

For so many of our fellow citizens—from New Orleans and throughout the gulf region—there is nothing to return to. In Mississippi, entire communities are completely gone. All that is left of entire blocks is the concrete slabs where families once lived. Even the old oaks that graced Mississippi's historic shoreline for generations could not withstand Katrina's wrath.

Survivors' stories are heartwrenching. Three babies died at the New Orleans convention center from heat exhaustion. A first responder at the convention center found he was the only doctor for 10,000 people. Dozens of elderly residents died of heat stroke or kidney failure. One woman waded through the floodwaters to Charity Hospital, floating her husband's body alongside her on a door.

In Pass Christian, MS, the police heroically stayed behind and braved the storm to rescue as many people as they could. Finally, as the flood waters were rising, they saved themselves by climbing onto the roof of the police station and watched their cruiser below tossed by the surging tide.

Rescue workers we spoke with there found some 80 bodies—many in the attics of their homes, dead after desperately trying to claw their way through the roof to survival. Scratch marks were visible on the rooftops.

The city's mayor is still missing. But the city attorney has been named acting mayor and has stepped up as a leader with determination and compassion, helping people recover and rebuild their lives.

So much has been destroyed. But the spirit of the people we met remains strong. Like Job of the Old Testament, these people have had everything they own and cherish torn from their grasp. But they are determined to recover and rebuild their lives. They still have hope—and we must do all we can to help them.

I was inspired by the heroism of the relief workers, the military, the churches, neighbors, friends, strangers—all coming together to support those in need—truly America at its best. Those we met on Friday were physically and emotionally exhausted. There still does not seem to be enough time each day to help all those who need our aid—not enough energy to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

heal the many broken hearts. Relief workers have suffered broken bones, sprained ankles, sunburns, dehydration, and infections from the contaminated floodwaters.

But they press on, for they know there is so much remaining to be done. Those we met have an unyielding determination to rebuild that treasured region and rejuvenate its unique spirit. The work they do every minute, every hour, every day since Katrina struck, helps us all—our whole American family. They need to know that we are listening, and that we hear their concerns. We will not ignore them or put them aside. They deserve our leadership and our support, and we must prove to them that we are equal to the task.

My wife Vicki and her family hail from the New Orleans area, and Vicki lived several years in the city. Her family's deep roots there lend a special perspective to our concerns about the many affected by this terrible storm. Such a treasured and vibrant part of our Nation deserves nothing less than our best efforts as Senators to help it rebuild better than ever.

States across the country are responding, and I am proud of Massachusetts's efforts. Almost 500 Army and Air National Guard soldiers and airmen from our State have been sent to provide direct support to the hurricane victims as part of Operation Helping Hand. They are performing functions as diverse as security, command and control, law enforcement, communications, medical care, including mental health care, and spiritual guidance. The Massachusetts Guard has also activated an additional 150 persons for indirect support, staffing the joint operations center and helping with logistics and airlifts. We have shipped more than 200 tons of cargo using 17 aircraft, including humvees, trucks, trailers, generators, a field ambulance, meals ready to eat, water, cots, tents, and medical supplies.

There are almost 200 evacuees now living at Camp Edwards on Otis Air Force Base on Cape Cod. We have enrolled them in health care plans, helped children find their parents, offered mental health counseling, and enabled those who qualify for veterans benefits and Social Security benefits to continue to receive them without interruption or delay—anything to make them feel welcome and at home.

For the evacuees who express interest in staying in Massachusetts, we are working with local housing authorities to have them placed in our towns, and the Black Ministerial Alliance has welcomed them into our congregations. FEMA will pay for plane tickets anywhere in the United States to reunite the evacuees with their family and friends.

Finding employment for evacuees and schooling for their children are top priorities, and Massachusetts businesses and schools are eagerly lending a hand. Some have already found employment, and a job fair at the base has helped others.

Massachusetts colleges have been eager to pitch in as well. Sixty public, private, and community colleges have enrolled over 1,000 displaced students and offered to assist them with financial aid. Displaced undergraduates will be able to attend public colleges and universities tuition-free. And many campuses have offered to expedite admission, waive fees, and help secure housing. UMass Amherst has already enrolled more than a dozen undergraduate students and is housing them in local hotels until more permanent housing is secured. Boston University has accepted 321 displaced students. Boston College has accepted 150 students from Loyola and Tulane. Amherst is taking in students from Xavier and Tulane. Amherst and Williams College have invited faculty from Xavier to join their campuses for the semester.

Katherine Barnett, a graduate student from Tulane, is now attending Boston University. "I didn't think attending BU was going to be an option, but everyone there has been totally great." she said.

When the tsunami struck Indonesia in December, and when earthquakes devastated Armenia, El Salvador, and Iran, the courageous team of health professionals from Massachusetts General Hospital was always among the first to respond. The team's response to Katrina is no different. Dr. Susan Briggs from Massachusetts General is leading the effort. She told me progress is being made with the team's two mobile clinics, and they are reaching those in more remote areas. But in New Orleans, they are discovering many new storm-related medical needs as people begin to return to the city.

Three medical teams from Boston and one team from Worcester have been on the scene since the earliest hours of the disaster, and they have kept up a steady pace. Additional truckloads of medical supplies left Massachusetts at 5 o'clock this morning for the gulf.

I talked with a wonderful doctor at Mass General, Dr. Larry Bronner. He talked about calling up Broderick Chevrolet and saying they needed three big trucks for transport. The founder of that automobile distributorship said:

> You tell us where you want the trucks and when you want the trucks; you've got the trucks.

That is typical of the kind of reaction across the board in my State, and I know in many others.

Now they are involved in a 35-hour trip down to New Orleans, even as we talk this afternoon.

As we traveled in New Orleans and Mississippi, I was heartened by the spirit of determination to overcome this disaster and improve the lives of those most affected. I saw it on the faces of those who stayed behind to help with rescue and relief efforts, just as I have seen it in the faces of those who have had to leave all they know and go to safe havens across the country. It is the same spirit of determination that will carry them down the long road to rebuilding.

The residents of the gulf region and New Orleans take pride in their cities and towns. They want to lead the way in reviving their own communities. That should not be ignored.

First and foremost, this means we cannot have big businesses and outside contractors taking over the process of rebuilding. Local businesses, big and small, should get the lion's share of the work. And local people should get the lion's share of the jobs.

The businesses and residents of New Orleans should rebuild New Orleans. Bay St. Louis should rebuild Bay St. Louis. Their communities should rebuild their communities. Pass Christian should rebuild Pass Christian, and we should be there to help.

Community leaders I spoke with in New Orleans mentioned the 9/11 families and their ability to band together as a voice for change, successfully pressuring the White House and Congress to form the independent 9/11 commission. Katrina survivors, they told me, don't need veto power over every proposal to rebuild their region, they just need a voice in the rebuilding of their own communities.

There has been much discussion of the economic despair of those who were stranded in New Orleans and other areas, because they did not have the resources to escape the storm and flood. An enormous tragedy has afflicted a forgotten segment of our society, and it shames us all that in a country as rich as ours, we were not able to provide for the safety and security of all our citizens, but allowed race and class to devastate them.

Our collective effort for rebuilding and reconstruction is an opportunity to make amends for decades of neglect, and genuinely address the needs of those most direly affected by this disaster.

Estimates of the Federal Government's investment in this rebuilding effort are now as high as $200 billion. We must be certain that these funds go to the rebuilding of the new Gulf Coast and not to the accounts of the biggest contractors with the best political connections. The enormous job of rebuilding New Orleans and the gulf coast must be done right.

The national government can help most by seeking to develop a common plan for the redevelopment of the region. We should have a commission on which everyone has a say—mayors, governors, community leaders, business leaders, citizens, the Federal Government—everyone. There should be hearings throughout the area to listen to the people's views of the kind of future they want. We should listen to the people of New Orleans on how they wish to revive the vitality of that special city. We should involve the best flood control engineers, the best community and urban development specialists, the best city planners, the best of everything. Redevelopment should not be determined by the biggest most powerful contractors. We need to work from a shared vision for the future in which we all do our part to build the new gulf coast.

I commend President Bush for making the rebuilding of this damaged region a high priority for the Federal Government, and I believe a commission would give all of us the plan we need to get the job done right.

We must cultivate and promote public-private partnerships that are so important to successful community redevelopment. Already, many organizations are setting about the business of rebuilding in the gulf coast region. Private companies such as Starwood Hotels and Resorts in New Orleans have already set a re-opening date of November 1, and local small business owners are beginning to set up shop again. National and local philanthropic organizations such as the Baton Rouge Area Foundation are beginning to examine the long-term housing needs of the area. National efforts such as those of ACORN are underway to organize residents who have been displaced and given them a fair voice and fair representation in the process.

All of these groups and many others are key partners in the Federal, State, and local efforts to rebuild the gulf coast communities devastated by Hurricane Katrina.

It is essential, too, for contracts for rebuilding to include training for local people to do the jobs. That means training local residents for debris removal, environmental clean-up, construction trades and other skills necessary to get the region back on its feet.

Billions of Federal dollars will be devoted to the effort. We must make sure that it is the residents of the region that benefit through jobs and training.

We must give urgent attention to the few hospitals and clinics that are still operating, but they are working with reduced staff and few resources. Many, like East Jefferson General Hospital in the New Orleans area, do not have the resources to remain open much longer without government help..

We should also give urgent attention to schools, to help that few that can reopen to do so, and to build new ones that can become the anchors for new communities.

We must also make sure that we rebuild in a thoughtful way, drawing on the many lessons that we have learned from this disaster and other efforts at community building.

We need to build water control systems that will be able to withstand giant hurricanes and floods in the future. We need to rebuild roads and sewers and power lines and whole public transportation systems. We need to restore the ecological resources of the region.

The rebuilding process should not merely involve reproducing structures and systems in the way that they existed before the hurricane and flood. The people of the region have an opportunity to create better water control systems to ensure that this does not happen again. They have a chance to improve schools and rely on technologies necessary in the new economy. They have a chance to build the gulf economy of the future—and in doing so to improve the entire Nation's economic destiny. They have a chance to build a new economy that works for everyone—with diverse housing and more job opportunities.

This new economy will of course still include a vibrant tourism industry, and there will continue to be jobs for the many service workers who call New Orleans home. A local union representative stressed to me that New Orleans can't just be a city in which only millionaires can afford to live.

I am deeply concerned that the Department of Labor in Washington has taken harmful steps that will hurt the effort to revive the region. They have said that the big outside contractors moving into the area can pay construction workers sub-standard wages. These workers have lost everything, and they are desperate to rebuild their homes and their lives and their communities. Yet now these giant contractors can come in from outside and deny fair wages.

We are talking about $8-, $9- and $10-an-hour wages. That is what the prevailing wage is for basic construction trades in Mississippi, Alabama, and Louisiana. That doesn't sound like exorbitant wages for workers who are putting in a hard day's work. It sounds like fair wages to me—rather than bringing in outside workers who are going to work for depressed wages—not even the minimum wage.

This is important.

The Department of Labor also says these big contractors don't have to reach out to minority workers. The greatest devastation is for the poor, poor white and poor black, and we want to make sure that those workers—white and black—are going to have opportunities. But the idea that they are waiving all requirements to try to include local participation does not make sense.

Yet more than 40 percent of the people of New Orleans are African-Americans. They represent a vast share of the people in the shelters who are left with nothing. How can the Labor Department say that these outside contractors can come into Louisiana and Mississippi and thumb their nose at African-American workers there?

That, too, is gravely wrong. In his speech to the Nation last Thursday, President Bush acknowledged that we must address the legacy of poverty as we rebuild. But authorizing substandard wages and turning our back on minority workers is not the way to meet that goal.

We have the ability in Congress to help New Orleans and the gulf coast area to rebuild themselves better than ever. All we need is the will to do it. I have talked with my colleagues from the region in their offices and I listened to them on Friday as we saw the storm-ravaged areas. Senators LANDRIEU, VITTER, LOTT, COCHRAN, SESSIONS, and SHELBY are determined to get the gulf coast back up on its feet, and I have appreciated the opportunity to discuss this with them.

I appreciate, also, the leadership that Senator ENZI has provided on this issue as chairman of the Health, Education, Labor and Pensions Committee. Under his leadership, we introduced a strong bipartisan relief measure on education that should be before the Senate very soon. And we hope to have measures to meet the health and employment needs very soon.

Senator LANDRIEU in particular has been an inspiration to us all. She was tireless in her efforts to expedite the Federal response to the hurricane and is extraordinary in her resolve to help New Orleans recover. Her strength is a comfort to her constituents—and to the Nation.

Senator FRIST, our leader, deserves praise as he returned briefly to his earlier career as Dr. FRIST. I truly admire his courageous efforts to provide medical care in the early days at the makeshift hospital at the New Orleans airport.

Friday was not a one-time visit; it was just one day, but it will be a day I will not forget. We will not simply move on to a new issue tomorrow. This wound in our Nation runs deep, and our response must be equal to the task. The hurricane destroyed communities, but it did not and could not destroy their spirit. They will rebuild, and we will help them to the very best of our ability, because in the end, we are one Naion, one people, one family. It is in this way that we can best tap the true wealth of Nation. We must get it right.

Mr. President, I ask unanimous consent to be able to proceed for 4 more minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SANDY FELDMAN

Mr. KENNEDY. Mr. President, I am sad to inform the Senate of the passing of a true giant in the world of education, Sandy Feldman, who headed the American Federation of Teachers. Sandy was a fighter for schoolchildren every day of her very productive life. She was determined to make a difference, especially to the millions of disadvantaged children in our schools—and she did. She inspired some many young people to become teachers. She helped them understand that teaching was not just a job, but it was a calling.

Sandy, you leave a proud and rich legacy. You will be an inspiration to students and teachers for many years to come.

We love you, and you will be missed but never, ever forgotten.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF JUDGE JOHN G. ROBERTS, JR.

Mr. SPECTER. Mr. President, I have sought recognition to speak about the confirmation of Judge John G. Roberts, Jr., to be Chief Justice of the United States.

Mr. President, no vote cast by a Senator in this body is more important than a vote cast on the confirmation of a Supreme Court Justice, with the exception of a declaration of war, or a resolution authorizing the use of force.

The confirmation process for Chief Justice is obviously somewhat more important than that for Associate Justice. It is even more important in the context of Judge Roberts who is 50 years old and has the potential to serve for decades in that very key position, as the second youngest Chief Justice in the history of the country and the 17th Chief Justice in our Nation's history.

Judge Roberts comes to this position with an extraordinary academic record—3-year graduate of Harvard College summa cum laude, magna cum laude in the Harvard Law School, and an illustrious career in private practice and government service. He argued some 39 cases before the Supreme Court of the United States.

We have examined some 76,000 documents. We have looked at his participation in some 327 cases in the Court of Appeals for the District of Columbia Circuit, where he was confirmed by the Senate 2 years ago by unanimous consent. We have seen his briefs in the Solicitor General's Office, and we have heard some 31 witnesses regarding his nomination. These included a witness from the American Bar Association, which rated him unanimously well qualified, the highest recommendation possible. The remaining thirty witnesses, who were chosen equally by the Democrats and the Republicans, testified at length about Judge Roberts' career. We know a great deal about Judge Roberts.

Based on all of these proceedings, including 17 hours of testimony before the committee, it is my judgment he is well qualified to be Chief Justice of the United States. I intend to vote aye when his nomination is called before the Senate.

He has taken a position that a judge should be modest and should look for stability in the law. On a number of occasions in his testimony before the committee, he emphasized the point that judges are not politicians and that judges ought not inject their own personal views into the law.

He commented about the flexibility of the law, saying that principles such as equal protection and due process were meant to last through the ages and have a flexible quality. He said, "They [referring to the framers] were crafting a document that they intended to apply in a meaningful way down through the ages."

While he would not accept the specific language of Justice John Marshall Harlan II that the Constitution is a living thing, he did testify that the language of liberty and due process has broad meaning as applied to evolving societal conditions.

He talked very directly when questioned about the right of privacy. He said that Griswold v. Connecticut, which established the right of privacy, was correctly decided. That case overturned the state law prohibiting the use of contraceptives for married people. He also said the holding of Griswold would apply to single people as well as to married people under the Eisenstadt decision.

When it came to the critical question of Roe v. Wade, I did not ask him whether he would affirm or reject the Roe doctrine. I did not do so because I believe it is inappropriate to ask a nominee how he would decide a specific case.

As chairman, it was my view that any member could ask the nominee any question that the member chose to, and the nominee would be free to respond as he chose. Beyond refraining from specifically asking whether he would affirm or overrule Roe v. Wade, others and I questioned him extensively about the import of stare decisis, the Latin term meaning "let the decision stand." He emphasized that stare decisis was a very important principle in the law and that even where a justice might consider Roe wrongly decided, it takes more to overturn a precedent than simply to conclude it was wrongly decided initially. Because—and this is Arlen Specter speaking, not Judge Roberts—where the case has stood for some 32 years and has been reaffirmed most emphatically in Casey v. Planned Parenthood, it has become, as some have called it, a super precedent.

I then made the point that the Supreme Court had taken up the issue so that Roe could have been reversed, overruled on some 38 occasions. Should it come before the Court again, perhaps the balance of the 38 cases would make super-duper precedent to uphold Roe.

The question remains as to how he will rule. Nobody knows that for certain.

The one rule that seems to be the most prevalent one is the one of surprise. He testified extensively about his concern for civil rights. He talked about affirmative action. He agreed with Justice O'Connor that the impact of the people in the practical everyday world was of considerable importance. I questioned him about his participation in the case of Romer v. Evans, where he lent some counsel to the lawyers who were arguing the case involving gay rights and he participated in support of gay rights.

His partner at Hogan and Hartson, Walter Smith, had this to say about Judge Roberts' participation in that case. Mr. Smith said that "every good lawyer knows that if there is something in his client's cause that so personally offends you morally, ligiously, or if it so offends you that you think it would undermine your ability to do your duty as a lawyer, then you shouldn't take it on, and John wouldn't have. So at a minimum he had no concerns that would rise to that level."

I then asked Judge Roberts if he agreed with Mr. Smith's analysis and if he would have refrained from helping in that situation, and he said: "I think it's right that if it had been something morally objectionable, I suppose I would have."

His support of gay rights is not an insignificant consideration in our evaluation of his views of civil rights.

Judge Roberts made quite a point of contending that he had answered more questions than most, and I think to some extent he did. He articulated the standard that he would answer the questions unless the case was likely to come before the Court. Some of his predecessors have refused to answer any questions at all.

As I have said, from time to time, when Justice Scalia appeared before the Judiciary Committee, he wouldn't answer much. Even prisoners of war are compelled to give their name, rank, and serial number; Judge Scalia would only give his name and rank. He wouldn't give his serial number. I say that in a metaphor. Justice Scalia would not say if he would uphold Marbury v. Madison, which is an 1803 decision establishing the supremacy of the Supreme Court, the duty of the Supreme Court, and the responsibility and authority of the Court to interpret the Constitution.

Judge Roberts did comment on Griswold and Eisenstadt and quite a number of specific cases as he went along. There were some cases where he would not answer where I candidly thought he should have answered, but my rule is that the Senator asks the questions, the nominee responds, and it is a political judgment as to whether the nominee has responded sufficiently to warrant or merit confirmation or the Senator's vote.

For some time now, I have expressed my concern, a concern which was shared by the distinguished Senator from Ohio, Senator DEWINE, who now occupies the chair of the Presiding Officer. Senator DEWINE raised a line of questions, as I did. I raised a question about the case of United States v. Morrison where the Supreme Court declared part of the legislation unconstitutional, legislation designed to protect women against violence. I pointed to the very extensive record on surveys in 21 days and 8 separate reports. The Court, in a 5-to-4 decision, determined that the legislative record was insufficient, but it seemed to me that it was probably the case that the record was more than sufficient. This is what I consider to be an encroachment on congressional authority. The majority opinion, after reviewing that record, said it was insufficient because they disagreed with the congressional "method of reasoning."

The question I have about that is, Who are they—the Supreme Court Justices—to say that their "method of reasoning," is superior to ours? What happens when you leave the columns of the Senate, which are directly aligned with the columns of the Supreme Court, and walk across the green? Is there some superiority of competency there? The dissent pointed out that the majority opinion was saying that there was some sort of unique judicial competence on the method of reasoning. The inference there is that there is some congressional incompetence. I reject that. And I believe the Constitutional separation of powers rejects that.

Where there is an expansive record, as we had in United States v. Morrison, it ought to have been upheld. It is a derogation of congressional authority and insulting to question our method of reasoning.

I asked him about the two cases where the Supreme Court interpreted the Americans With Disabilities Act 3 years apart, 2001 and 2004. In Garrett v. Alabama, by a 5-to-4 decision, the Court ruled unconstitutional the part of the Americans with Disabilities Act which protected against discrimination in employment; and then, 3 years later, in Tennessee v. Lane, again by a 5-to-4 vote, the Supreme Court upheld the application of the section of the Americans With Disabilities Act concerning access to public accommodations for a paraplegic who had to crawl up the steps to get to a courtroom. The records were identical as to both of the sections in the same act. You had the same voluminous record presented.

In dissent, in the Lane case, Justice Scalia called it a "flabby test." He said that where the Court has used a standard of what they called "congruence and proportionality," that it was ill-advised. Justice Scalia said the Court was really making itself the taskmaster of the Congress and, in effect, treating us like schoolchildren.

Now, where did this test, "congruence and proportionality," come from? It came out of thin air. In 1997, in the Boerne case where the Court declared the Religious Restoration Act unconstitutional, they came up with this test which has not a scintilla of objective meaning. How can the Congress figure out what it is that the Supreme Court has in mind? They go 5 to 4 on one title of the Americans with Disabilities Act and 5 to 4 the other way on another title of the Americans with Disabilities Act. Frankly, I thought the committee and the Senate were entitled to answers on those questions, but Judge Roberts declined to answer.

That is a work in process. We are not putting that one down. There are some things which the Congress can do about that to assert congressional power, and it will be pursued.

On the issue of Judge Roberts being Chief Justice, it is an intriguing prospect for a man of 50 to take over the Court where Judge Stevens is 35 years his senior; Justice Scalia is 18 years his senior; even Justice Thomas, the youngest of those on the Court at the moment, is 7 years his senior. I asked Judge Roberts about that, both in the informal session in my office and in the Senate hearing. He described his work as being an advocate before the Court as a "dialogue among equals." I thought that was a fascinating evaluation.

In the Supreme Court—and I have had occasion to be there three times—a lawyer stands on one level, and the Court is on a higher level. I do not exactly perceive it personally as a dialogue among equals, but I consider it fascinating that he did. Perhaps when you have been there 39 times, the level of inequality levels out. But he has an opportunity, from his vantage point, knowing the Justices, as he does, having been there so long, and having been a clerk for Justice Rehnquist when he was an Associate Justice back in 1980, to do something about these 5-to-4 decisions.

There was a discussion about what Chief Justice Earl Warren did in bringing the Court together. When he was appointed Chief Justice in 1953, he molded a unanimous opinion in Brown v. Board of Education—if not the most important case in the Court's history certainly one of the most important cases, and one of the most contentious cases.

However today we see a plethora of 5-to-4 decisions—a recent case involving the Americans with Disabilities Act being one illustration, but there are many others; you had the Ten Commandments cases this year where the Court said it was OK for the State of Texas to have the Ten Commandments on a tower but unconstitutional for Kentucky to display the Ten Commandments indoors, in two decisions whose results absolutely defy logic or are inexplicable.

I have also been troubled by the modern tendency to have so many concurrences and dissents. Before the Judiciary Committee held hearings regarding the detainees at Guantanamo Bay, I read three Supreme Court opinions from June of 2004. They were a maze of confusion as you tried to work your way through them. One was a plurality opinion. Only four Justices could agree. They did not have the opinion of the Court, and the other cases were replete with multiple opinions as well.

Currently you have a situation where Justice A will write a concurring opinion, joined by Justice B; and then Justice B will write a concurring opinion, joined by Justice A and Justice C. You wonder, why so many opinions? Judge Roberts commented and testified he thought that was a matter the entire Court should work on, and certainly one he would pledge to work on himself.

The subtle "minuet" of the confirmation hearings for Judge Roberts turned bombastic and contentious at times, but he always kept his cool and responded within reasonable parameters. The Judiciary Committee and the full Senate cannot be guarantors that Judge Roberts will fulfill our's or anyone's expectations. The Court's history is full of Justices who have surprised or disappointed their appointers or inquisitors. But the process has been full, fair, and dignified.

I think Judge Roberts went about as far as he could go in answering the questions and declining to answer questions on cases likely to come before the Supreme Court. When you consider all of the factors—his academic record, his professional record, his record on the court of appeals, the witnesses who testified who have known him intimately—it is my judgment he is well qualified and should be confirmed as the next Chief Justice of the United States, the 17th Chief Justice of the United States. When the roll is called, I intend to vote yea.

I ask unanimous consent that the full text of my statement be included in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOOR STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF JUDGE JOHN ROBERTS TO BE CHIEF JUSTICE OF THE UNITED STATES

After listening to Judge John Roberts testify for nearly 17 hours and then hearing from 31 witnesses, some for and some against his nomination, I have decided to vote to confirm him to be Chief Justice of the United States.

Except for a declaration of war or its virtual equivalent, a resolution for the use of force, no Senate vote is more important than the confirmation of a Supreme Court justice; and this vote has special significance because it is for Chief Justice and the nominee is only 50 years old with the obvious potential to serve for decades.

Judge Roberts comes to the committee with impeccable credentials. He was graduated summa cum laude from Harvard College in only 3 years, and magna cum laude from the Harvard Law School. Following his graduation from law school, Roberts obtained prestigious clerkships with Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit and then Associate Justice William H. Rehnquist.

Judge Roberts subsequently embarked on a distinguished career in public service, serving as an Associate White House Counsel in the Reagan administration and Principal Deputy Solicitor General in the George H.W. Bush administration. While in the Solicitor General's Office and then in private practice with the firm of Hogan & Hartson, Judge Roberts argued 39 cases before the U.S. Supreme Court, earning a reputation as one of the finest appellate advocates in the Nation.

When Judge Roberts was appointed to his current position on the U.S. Court of Appeals for the D.C. Circuit, he earned the highest rating from the American Bar Association and enjoyed broad bipartisan support in being confirmed by unanimous consent.

A threshold question, beyond his academic and professional qualifications is how a man at 50 from outside the Court can effectively function as Chief Justice. His previous clerkship on the Court and the 39 cases he has argued there give him an intimacy with the Court that few outsiders enjoy. He knows the Court and the other Justices know him. Concerned about his relative youth, I questioned Judge Roberts about how he would feel becoming Chief Justice of a Court where one member was 35 years his senior, and the next youngest, still some 7 years older. Judge Roberts' answer impressed me. He said that, while in private practice, he approached his arguments before the Court as a "dialogue of equals." When he viewed oral arguments in that light, considering himself to be their equal, he projected the kind of confidence that he would be comfortable and consider himself up to the job of Chief, who is the "first among equals."

I also questioned him about the role the Chief Justice should play in bringing about consensus on the Court. I have been troubled by the numerous 5 to 4 decisions and the proliferation of concurrences and plurality opinions that often leave lower courts, lawyers, and litigants wondering about what the Court actually held. I therefore asked:

"Judge Roberts, let me [ask about] the ability which you would have, if confirmed as Chief Justice, to try to bring a consensus to the Court. You commented yesterday about what Chief Justice Warren did on *Brown v. Board of Education*, taking a very disparate Court and pulling the Court together. As you and I discussed in my office, there are an overwhelming number of cases where there are multiple concurrences. A writes a concurring opinion in which B joins; then B writes a concurring opinion in which A joins and C joins. In reading the trilogy of cases on detainees from June of 2004 to figure out what we ought to do about Guantanamo, it was a patchwork of confusion. I was intrigued by the comment which you made in our meeting about a dialogue among equals, and you characterized that as a dialogue among equals when you appear before the Court, and they are on a little different level over there. Tell us what you think you can do on this dialogue among equals to try to bring some consensus to the Court to try to avoid this proliferation of opinions and avoid all these 5–4 decisions. . . ."

Judge Roberts responded:

"I . . . think . . . it's a responsibility of all of the Justices, not just the Chief Justice, to try to work toward an opinion of the Court. The Supreme Court speaks only as a Court. Individually, the Justices have no authority. And I do think it should be a priority to have an opinion of the Court. You don't obviously compromise strongly-held views, but you do have to be open to the considered views of your colleagues, particularly when it gets to a concurring opinion. I do think you do need to ask yourself, what benefit is this serving? Why is it necessary for me to state this separate reason? Can I go take another look at what the four of them think or the three of them think to see if I can subscribe to that or get them to modify it in a way that would allow me to subscribe to that, because an important function of the Supreme Court is to provide guidance. . . . I do think the Chief Justice has a particular obligation to try to achieve consensus consistent with everyone's individual oath to uphold the Constitution, and that would certainly be a priority for me if I were confirmed."

SPECTER QUESTIONING, SEPT. 14, 2005

Given the unusual combination of his qualifications and experience, including extensive personal contact with the other justices, he has the unique potential to bring consensus to the Court and to reduce the numerous repetitious and confusing opinions.

The Judiciary Committee conducted a thorough and fair confirmation hearing for Judge Roberts. He answered questions before the committee for nearly 17 hours. Committee members, both Democrats and Republicans, stated the hearings were conducted in a fair manner with ample time for questions. Although historically the majority party reserves more witnesses for itself than it grants to the minority party, I made the decision to break with precedent and divide the number of witnesses evenly between the parties—1 neutral witness from the ABA, 15 witnesses chosen by the majority, and 15 witnesses chosen by the minority. This testimony, combined with Judge Roberts's extensive record—76,000 pages of documents from his service in the Reagan and Bush administrations, 327 cases decided by Judge Roberts while on the D.C. Circuit, thousands of pages of legal briefs from Judge Roberts's service in the Solicitor General's Office and in private practice, and dozens of articles and interviews by Judge Roberts—provided the committee and now the full Senate ample basis to evaluate Judge Roberts's qualifications to serve as Chief Justice of the United States.

During his hearing, Judge Roberts addressed a wide variety of subjects. On the key issue of whether the Constitution is a static document or one which has the flexibility to adapt to changing times, he said "they (the framers) were crafting a document that they intended to apply in a meaningful way down the ages." While he would not accept Justice Harlan's language of a "living thing," he testified that the language of "liberty" and "due process" have broad meaning as applied to evolving societal conditions.

At the same time, however, he did not answer all the questions I would have liked him to respond to. I questioned Judge Roberts closely about his views with respect to congressional authority to remedy discrimination under the 14th amendment. I asked him how the Supreme Court could possibly have struck down the private remedy the Congress created in the Violence Against Women Act in view of the extensive congressional record, which—

"showed that there were reporters on gender bias from the task force in 21 States and eight separate reports issued by Congress and its committees over a long course of time . . . there was a mountain of evidence."

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

In light of that record, I asked:

"What more does the Congress have to do to establish a record that will be respected by the Court? . . . Isn't that record palpably sufficient to sustain the constitutionality of the Act?"

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Judge Roberts, however, declined to comment, explaining that ". . . I don't want to comment on the correctness or incorrectness of a particular decision."

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Although I pushed him to answer my question, observing that the case was long over, and the specific facts unlikely to come before the Court again, Judge Roberts declined to answer because of his view that:

"the particular question you ask about the adequacy of findings . . . is likely to come before the Court again. And expressing an opinion on whether the Morrison case was correct or incorrect would be prejudging those cases that are likely to come before the Court again."

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

In fact, the most Judge Roberts would say is that:

"the appropriate role of a judge is a limited role and that you do not make the law, and that it seems to me that one of the warning flags that should suggest to you as a judge that you may be beginning to transgress into the area of making a law is when you are in a position of re-evaluating legislative findings, because that doesn't look like a judicial function. It's not an application of analysis under the Constitution. It's just another look at findings."

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

On the very important question of conflict between the Congress and the Supreme Court, I was dissatisfied with his responses on the Court's derogation of Congress' "method of reasoning" and the Court's recent improvisation of the meaningless "congruence and proportionality" standard. In discussing the Americans with Disabilities Act, I pointed out to him the problem of the Court issuing 5 to 4 decisions in two cases with identical records going entirely opposite ways within 3 years. With respect to the *Garrett* case, where Ms. Garrett, who had breast cancer, sought relief under the ADA for employment discrimination, I explained:

"The Court in 2001 said that the title of the Disabilities Act was unconstitutional, 5-4, on employment discrimination. Then 3 years later, you have the case coming up of Lane, the paraplegic crawling up the steps, accommodations, 5-4, and the Act is upheld."

Yet, "the record in the case was very extensive—13 congressional hearings, a task force that held hearings in every State, attended by more than 30,000 people, including thousands who had experienced discrimination."

Despite these extensive factual findings, however, the Court employed the "congruence and proportionality" test, a test Justice Scalia criticized as "flabby," to strike down a portion of the act.

I asked Judge Roberts:

"Isn't this congruence and proportionality test, which comes out of thin air, a classic example of judicial activism . . .?"

Judge Roberts acknowledged the applicable precedents, but when asked whether he agreed with Justice Scalia's sentiments, stated:

"I don't think it's appropriate in an area—and there are cases coming up, as you know, Mr. Chairman. There's a case on the docket right now that considers the congruence and proportionality test."

He declined to answer the question. He did, however, state that:

"If I am confirmed and I do have to sit on that case, I would approach that with an open mind and consider the arguments. I can't give you a commitment here today about how I will approach an issue that is going to be on the docket within a matter of months."

SPECTER QUESTIONING, WEDNESDAY, SEPT. 14, 2005

Although I was disappointed that Judge Roberts did not answer some of my questions, still, I believe that he went somewhat beyond the usual practice of answering just as many questions as he had to in order to be confirmed. Many nominees decline to answer if the issue could theoretically or conceivably come before the Court.

Judge Roberts, however, went further, testifying:

"And the great danger of courts that I believe every one of the Justices has been vigilant to safeguard against is turning this into a bargaining process. It is not a process under which Senators get to say I want you to rule this way, this way, and this way. And if you tell me you'll rule this way, this way, and this way, I'll vote for you. That is not a bargaining process. Judges are not politicians. They cannot promise to do certain things in exchange for votes. . . . Other nominees have not been willing to tell you whether they thought *Marbury* v. *Madison* was correctly decided. They took a very strict approach. I have taken what I think is a more pragmatic approach and said if I don't think that's likely to come before the Court, I will comment on it . . . it is difficult to draw the line sometimes. But I wanted to be able to share as much as I can with the Committee in response to the concerns you and others have expressed, and so I have adopted that approach."

SCHUMER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Judge Roberts explained:

"If I think an issue is not likely to come before the Court, I have told the Committee what my views on that case were, what my views on that case are."

KYL QUESTIONING, SEPTEMBER 14, 2005

Of course, as with all nominees, there are circumstances in which it would be inappropriate for Judge Roberts to take a position. Since I believe it is inappropriate, for example, to ask about an issue realistically likely to come before the Court, I did not ask whether he would sustain or overrule *Roe* v. *Wade*. Instead, I asked about his views on stare decisis, or precedents, and what factors—how long ago decided, stability, reliance, legitimacy of the Court—he might rely on to decide whether he would vote to depart from a precedent.

In addressing his respect for stare decisis, Judge Roberts explained:

"I would point out that the principle goes back even farther than Cardozo and Frankfurter. Hamilton, in *Federalist No. 78*, said that, 'To avoid an arbitrary discretion in the judges, they need to be bound down by rules and precedents.' So even that far back, the Founders appreciated the role of precedent in promoting evenhandedness, predictability, stability, the appearance of integrity in the judicial process.

SPECTER QUESTIONING, SEPT. 13, 2005

When I inquired about his application of these principles to *Roe*, he noted that, "it's settled precedent of the court, entitled to respect under principles of stare decisis." When I pressed Roberts to explain what he meant by that in the context of *Planned Parenthood of Southeastern Pennsylvania* v. *Casey*, where the Court said: "that to overrule *Roe* would be a 'surrender to political pressure,' and 'would subvert the Court's legitimacy,'" he explained that "as of 1992, you had a reaffirmation of the central holding in *Roe*. That decision, that application of the principles of stare decisis, of course, itself a precedent that would be entitled to respect under those principles."

I called Judge Roberts' attention to the fact that *Casey* had been labeled a super-precedent because different judges had reaffirmed *Roe* after almost two decades. I then suggested that, since the Supreme Court did not overrule *Roe* when it had the opportunity to do so in 38 subsequent cases, it was entitled to classification as a "super-duper precedent." Again, he was noncommittal.

Judge Roberts consistently reiterated his commitment to modesty in the law and the importance of stare decisis by explaining:

"I do think that it is a jolt to the legal system when you overrule a precedent. Precedent plays an important role in promoting stability and evenhandedness. It is not enough—and the Court has emphasized this on several occasions—it is not enough that you may think the prior decision was wrongly decided."

SPECTER QUESTIONING, WEDNESDAY, SEPTEMBER 14, 2005

Notwithstanding his answers and my efforts to glean some hint or realistic expectation from his words and body language, candidly it is not possible to predict or have a solid expectation of what Judge Roberts would do. If there is a rule on expectations, it is probably one of surprise. Professor Charles Fried, a professor of constitutional law at Harvard Law School who thought *Roe* was wrongly decided, testified that he did not think Judge Roberts would or should vote to overrule *Roe*.

The Washington Post editorial of September 15 had some comfort from Judge Roberts' testimony:

"While he declined to address the merits of *Roe* v. *Wade*, he did indicate that it is a decision to which *stare decicis* consideration properly apply. Importantly, he said several times that the subsequent decisions in *Planned Parenthood* v. *Casey* which reaffirmed *Roe's* core principle—was independently entitled to be treated as a precedent. That implies that there would be a heavy burden for the court in upsetting abortion rights now."

Nevertheless, Judge Roberts did engage the committee on several important related issues. With respect to the right of privacy, for example, I asked him directly:

"Do you believe that the right to privacy—do you believe today that the right to privacy does exist in the Constitution?"

Roberts was forthright in his response, declaring:

"Senator, I do. The right to privacy is protected under the Constitution in various ways . . . the Court has, with a series of decisions going back 80 years that personal privacy is a component of the liberty protected by the Due Process Clause."

RESPONSE TO SPECTER QUESTIONING, SEPTEMBER 13, 2005

Similarly, in response to Senator Biden, who asked the pointed question: "Do you agree that there is a right of privacy to be found in the Liberty Clause of the 14th Amendment?" Roberts responded:

"I do, Senator. . . . Liberty is not limited to freedom from physical restraint. It does cover areas . . . such as privacy, and it's not protected only in procedural terms but it is protected substantively as well."

BIDEN QUESTIONING, SEPTEMBER 13, 2005.

In fact, Judge Roberts was unequivocal in his support for a right of privacy, asserting that:

"I believe that the liberty protected by the Due Process Clause is not limited to freedom from physical restraint, that it includes certain other protections, including the right to privacy."

BIDEN QUESTIONING, SEPTEMBER 14, 2005.

But Judge Roberts did not limit himself to finding simply a general right to privacy. He also testified as to his commitment to *Griswold* v. *Connecticut*. Senator KOHL, in particular, asked:

"Judge, the *Griswold* v. *Connecticut* case guarantees that there is a fundamental right to privacy in the Constitution as it applies to contraception. Do you agree with that decision and that there is a fundamental right to privacy as it relates to contraception? In your opinion, is that settled law?"

Judge Roberts explicitly stated:

"I agree with the *Griswold* Court's conclusion that marital privacy extends to contraception and [the] availability of that."

KOHL QUESTIONING, SEPTEMBER 13, 2005.

He did not limit his understanding of the privacy right merely to *Griswold*, however. Senator FEINSTEIN asked:

"Do you think that right of privacy that you are talking about [in *Griswold*] extends to single people as well as married people?"

In response, Judge Roberts stated his agreement with the *Eisenstadt* case, which provided protection to unmarried couples as well as those who are married.

FEINSTEIN QUESTIONING, SEPTEMBER 14, 2005

Roberts explained further his support for the Voting Rights Act, observing that the right to vote is a "fundamental constitutional right," in his words:

"preservative . . . of all the other rights. Without access to the ballot box, people are not in the position to protect any other rights that are important to them. And so I think it's one of, as you said, the most precious rights we have as Americans."

KENNEDY QUESTIONING, SEPTEMBER 13, 2005

He acknowledged that the Voting Rights Act had advanced the rights of minorities. He explained that:

"I think the gains under the Voting Rights Act have been very beneficial in promoting the right to vote, which is preservative of all other rights."

FEINGOLD QUESTIONING, SEPT. 13, 2005.

He also underscored his belief in the constitutionality of the Voting Rights Act, explaining in response to Senator KENNEDY that "the existing Voting Rights Act, the constitutionality has been upheld . . . and I don't have any issue with that."

KENNEDY QUESTIONING, SEPTEMBER 13, 2005

Moreover, when Senator Leahy asked Judge Roberts whether he believed that individuals should be allowed to sue State governments to remedy illegal conduct, Judge Roberts confirmed that he would not take a narrow or crabbed view of individuals' rights.

Judge Roberts explained that the best place to look for his views was not the briefs he filed on behalf of clients, but his decisions as a judge:

"I did have occasion as a judge to address a Spending Clause case. It was a case called *Barber* v. *Washington Metropolitan Area*. . . . . I ruled that the individual did have the right to sue."

LEAHY QUESTIONING, SEPTEMBER 15, 2005

Those individuals, it should be noted, sued Washington, DC for discriminating against them based on their disabilities, and Judge Roberts affirmed their right to sue in the face of a dissent by a conservative panel member.

Moreover, demonstrating a sensitivity to the "real world" problems of race, Judge Roberts expressed his agreement with the approach taken by Justice O'Connor's opinion for the Court in upholding an affirmative action program employed by a university in its admissions policy, explaining that he agreed that it is vital "to look at the real-world impact in this area [the area of affirmative action in university admissions], and I think in other areas, as well."

KENNEDY QUESTIONING, SEPTEMBER 14, 2005

Judge Roberts further reaffirmed his support for minority outreach programs that are designed to guarantee equal opportunity for all:

"A measured effort that can withstand strict scrutiny is, I think, affirmative action of that sort, I think, is a very positi[ve] approach. . . . efforts to ensure the full participation in all aspects of our society by people without regard to their race, ethnicity, gender, religious beliefs—all of those are efforts that I think are appropriate. . . . beneficial affirmative action to bring minorities, women into all aspects of society. That's important, and as the Court has explained, we all benefit from that."

FEINSTEIN QUESTIONING, SEPTEMBER 14, 2005

Judge Roberts also cast aside any question about his commitment to civil rights for all Americans. In commenting on Congress's authority under the 14th amendment to remedy discrimination, Judge Roberts expressly stated that he believes Congress has the power to guarantee civil rights for all. In response to Senator Kennedy's question: So do you agree with the Court's conclusion that the segregation of children in public school solely on the basis of race is unconstitutional?" Roberts responded: "I do."

KENNEDY QUESTIONING, SEPTEMBER 13, 2005

And, when asked by Kennedy: "Do you believe that the Court had the power to address segregation of public schools on the basis of the Equal Protection Clause of the Constitution?" Roberts again responded, "Yes. . . ."

KENNEDY QUESTIONING, SEPTEMBER 13, 2005

Judge Roberts, in his pro bono work, further demonstrated his evenhandedness. I questioned him about his participation in *Romer* v. *Evans*, which involved alleged discrimination on the basis of sexual orientation:

"Where you gave some advice on the arguments to those who were upholding gay rights, and a quotation by Walter Smith, who was the lawyer at Hogan & Hartson in charge of pro bono work. He had this to say about your participation in that case supporting or trying to help the gay community in a case in the Supreme Court. Mr. Smith said, 'Every good lawyer knows that if there is something in his client's cause that so personally offends you, morally, religiously, or if it so offends you that you think it would undermine your ability to do your duty as a lawyer, then you shouldn't take it on, and John'—referring to you—'wouldn't have. So at a minimum he had no concerns that would rise to that level.' Does that accurately express your own sentiments in taking on the aid to the gay community in that case?"

Judge Roberts responded that:

"I was asked frequently by other partners to help out particularly in my area of expertise, often involved moot courting, and I never turned down a request. I think it's right that if it had been something morally objectionable, I suppose I would have, but it was my view that lawyers don't stand in the shoes of their clients, and that good lawyers can give advice and argue any side of a case. And as I said, I was asked frequently to participate in that type of assistance for other partners at the firm, and I never turned anyone down."

SPECTER QUESTIONING, TUESDAY, SEPTEMBER 13

In addition, Judge Roberts provided a thorough discussion of a much debated issue of the day—judges' use of foreign law in interpreting the U.S. Constitution. Judge Roberts stated, ' a couple of things . . . cause concern on my part about the use of foreign law . . . as precedent on the meaning of American law." Judge Roberts explained:

"The first has to do with democratic theory. . . . If we're relying on a decision from a German judge about what our Constitution means, no President accountable to the people appointed that judge, and no Senate accountable to the people confirmed that judge, and yet he's playing a role in shaping a law that binds the people in this country. I think that's a concern that has to be addressed. The other part of it that would concern me is that relying on foreign precedent doesn't confine judges. It doesn't limit their discretion the way relying on domestic precedent does. . . . In foreign law you can find anything you want. If you don't find it in the decisions of France or Italy, it's in the decisions of Somalia or Japan or Indonesia or wherever. As somebody said in another context, looking at foreign law for support is like looking out over a crowd and picking out your friends. You can find them, they're there. And that actually expands the discretion of the judge. It allows the judge to incorporate his or her own personal preferences, cloak them with the authority of precedent because they're finding precedent in foreign law, and use that to determine the meaning of the Constitution. I think that's a misuse of precedent, not a correct use of precedent."

KYL QUESTIONING, SEPT. 13, 2005

Most importantly, Judge Roberts's answers demonstrated that he would take a fair, non-ideological approach to the law. As Judge Roberts explained:

"The ideal in the American justice system is epitomized by the fact that judges, Justices, do wear the black robes, and that is meant to symbolize the fact that they're not individuals promoting their own particular views, but they are supposed to be doing their best to interpret the law, to interpret the Constitution, according to the rule of law, not their own preferences, not their own personal beliefs."

KOHL QUESTIONING, SEPTEMBER 13, 2005

I think it important that Judge Roberts condemned judicial activism of all stripes, from the left and the right. I found it telling that when asked for an example of "immodesty" in judging, Judge Roberts began with an example of conservative judicial activism:

"I would think the clearest juxtaposition would be the cases from the *Lochner* era. If you take *Lochner* on the one hand and, say, *West Coast Hotel*, which kind of overruled and buried the *Lochner* approach on the other, and the immodesty that I see in the *Lochner* opinion is in its re-weighing of the legislative determination. You read that opinion, it's about limits on how long bakers can work. And they're saying we don't think there's any problem with bakers working more than 13 hours. . . . Well, the legislature thought there was, and they passed a law about it, and the issue should not have been, Judges, do you think this was a good law or do you think bakers should work longer or not? It should be: Is there anything in the Constitution that prohibits the legislature from doing that?

SCHUMER QUESTIONING, SEPTEMBER 14, 2005

This is a view, I should note, echoed in the work of a young John Roberts of nearly 24 years ago. In November 1981, Judge Roberts wrote that judicial activism is "a concern that does not depend upon political exigencies." The young John Roberts pointed to *Lochner* and explained, "The evils of judicial activism remain the same regardless of the political ends the activism seeks to serve." [Document AG7-5508]

Unlike Justice Scalia, who declined even to opine on *Marbury* v. *Madison*, Judge Roberts not only reaffirmed his commitment to Marbury, but also indicated his support for the seminal Commerce Clause case of *Wickard* v. *Filburn*.

In response to questioning by Senator Schumer, Judge Roberts stated that *Wickard* "was reaffirmed in the *Raich* case and that is a precedent of the court, just like *Wickard*, that I would apply like any other precedent. I have no agenda to overturn it. I have no agenda to revisit it. It's a precedent of the Court."

SCHUMER QUESTIONING, SEPT. 13, 2005.

Nevertheless, I was not wholly persuaded by Judge Roberts' explanation in seeking to distance himself from memoranda which he had written as an Assistant to Attorney General William French Smith or as an Associate White House counsel in the Reagan Administration.

My overall impression of Judge Roberts is that he has grown considerably in the intervening twenty years. Phyllis Schlafly, President of the conservative Eagle Forum, characterized that potential growth from his youthful position that women should be homemakers instead of lawyers. Ms. Schlafly characterized that as a smart-alecky comment from a young bachelor who hadn't seen a whole lot of life at that point. The fact that Judge Roberts is now married to a successful lawyer, who is a homemaker as well, demonstrates a different current view.

In any event, I conclude that Judge Roberts is a very different man today than he was when he wrote the early memoranda and that a more appropriate way of evaluating him would be on the basis of his 45 opinions and 4 concurrences in two years on the Circuit Court, the extensive testimony he gave, and the insights of the many witnesses who have known him intimately over the intervening years.

The subtle minuet of the confirmation hearing for Judge Roberts turned bombastic and confrontational at times, but he kept his cool and responded within reasonable parameters. The Judiciary Committee and the full Senate cannot be guarantors that Judge Roberts will fulfill ours or anyone's expectations. The Court's history is full of justices who have surprised or disappointed their appointers or inquisitors.

But the process has been full, fair and dignified. On some questions, Judge Roberts, as the song about the Kansas City burlesque queen in the stage play "Oklahoma" says: "She (he) went about as far as she (he) could go" without committing himself to votes on cases likely to come before the court. When all the facts are considered, my judgment is that Judge Roberts is qualified, has the potential to serve with distinction as Chief Justice and should be confirmed. I will vote "yea."

Mr. SPECTER. I thank the Chair, yield the floor, and, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Bennett-Kohl amendment No. 1726, to amend the Rural Electrification Act of 1936.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are pleased to present to the Senate today the fiscal year 2006 appropriations bill for the Department of Agriculture, rural development, and related agencies. The bill is before the Senate and is open for amendment or discussion and debate. I am pleased to announce to the Senate that this reflects a lot of hard work through hearings, examining the President's budget request for these Departments for this next fiscal year.

The subcommittee was very capably managed by the distinguished Senator from Utah, Mr. BENNETT, who is chairman of this subcommittee. The bill is within the budget authority outlined by the budget resolution adopted by the Senate. Specifically, section 302(b) of the budget resolution allocates $17.348 billion to this subcommittee's authority for appropriations. It is within the outlay allocation of $18.816 billion.

Throughout the past 7 months, the committee has reviewed suggestions by Senators and others who are interested in the provisions of this bill. The bill, as reported by the subcommittee, was approved unanimously and submitted to the full committee. And after review by a bipartisan group of Senators in that subcommittee, all of the Senators in the full committee approved the allocation and the appropriation of funds as reported in this bill.

We hope if any Senators have any suggestions for amendments, they will bring them to the attention of the managers of the bill. We will be happy to discuss those and review them. We hope we can complete action on this bill at an early date. There are other bills that need to be considered by the Senate, so we hope we can take up these suggestions, and if there are amendments, we can vote on them expeditiously.

We appreciate Senator KOHL, who is the ranking minority member of this subcommittee, for his hard work and leadership in the development of this bill. Their staff has worked with the staff on the majority side in a cooperative way. This is a truly bipartisan effort. The Senate appreciates that fact. I congratulate all who have been actively involved in the development of the legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise as a member of the Agriculture Appropriations Subcommittee to discuss the fiscal year 2006 Agriculture appropriations bill. I applaud the chairman, Senator COCHRAN of Mississippi, as well as Chairman BENNETT and Ranking Member KOHL for their diligence on this spending bill and for ensuring that we have arrived at as sound a financial package as was possible, given the pending budget resolution's mandate to cut funds from USDA. At a time of significant budgetary deficits and increasingly tight funding, I worked with my colleagues to maintain a secure package for our producers and rural communities, especially in light of a sorely inadequate proposed USDA budget from the administration.

Producers and ranchers in my State of South Dakota and across the Nation would simply prefer a fair price for what they produce at the day's end. USDA programs and Federal funding are crucial for producers, however, when markets are challenging and prices are depressed. The farm bill that was hammered out in 2002 is a contract with rural America, with South Dakota, to ensure adequate safety nets and increased opportunities for rural communities. Numerous Members of Congress, as well as agricultural organizations concerned with the President's proposed budget, have pointed out that the farm bill has already come in at $14 billion under its original projected costs.

At a time when producers need the contract negotiated by Congress and signed into law by this President, the administration proposed limiting the benefits promised to producers. We cannot balance the national deficit on the backs of our Nation's producers. I voted to restore the cuts that were made to the agricultural spending package, and I am concerned for the adjustments that will be made to the agricultural spending bill in light of the budget reconciliation instructions advocated by this administration. I am concerned for the impact these cuts will have on our rural communities and our producers.

There are several initiatives, however, that I am pleased to see in this spending measure. I would like to touch on a few of those priorities. As a member of the Agriculture Appropriations Subcommittee, there are a few South-Dakota-specific items that I am pleased are included in this measure. A few of them include funding for a collaborative four-State effort led by South Dakota State University. These funds will increase opportunities for South Dakota sheep and cattle producers, building a better climate for livestock feeding in our State. There is funding to work at South Dakota State University to integrate pulse crops in crop rotations for South Dakota farmers. By integrating pulse crops into rotations, farmers can increase profits and improve soil quality.

There is some funding for the Seed Technology Center at South Dakota State University. Funds will be used to conduct seed technology and biotechnology research to benefit agricultural producers and consumers, enhancing profitability for producers and resulting in better food production.

Lastly, there is funding for the South Dakota Game, Fish, and Parks Department to continue animal damage control work. The funds allow the South Dakota Game, Fish, and Parks Department to continue to meet the growing demands of controlling predatory nuisance and diseased animals. SDSU, a land grant university in Brookings, is significantly impacted by Hatch, McIntire-Stennis, and animal health Federal formula funds. SDSU is an institution that makes enormous contributions to our agricultural industry through the research initiatives that it spearheads.

The President's proposed cuts on their research centers would have greatly impacted this land grant institution's ability to function in an effective manner. The President's proposed budget would have cut 45 faculty and staff at South Dakota State University, with a 25- to 50-percent reduction in graduate students. These cuts would have resulted in closure of at least one SDSU research farm and at least one SDSU public service laboratory. I worked with my colleagues and with the chairman to ensure that formula funds were, in fact, reinstated at sufficient levels in this bill.

I continue to hear from constituents about the viability of the Resource, Conservation, and Development Program, which was funded at only $25 million in the President's proposed fiscal year 2006 budget. The funding level is a substantial reduction from fiscal year 2005 funding at $51 million which was reinstated in the fiscal year 2006 spending package. Rural development initiatives are crucial for creating additional opportunities. The Resource, Conservation, and Development Program contributes tremendously to the economic growth in rural communities, and limiting spending for this program limits economic opportunities.

With respect to the animal identification program, $33 million was devoted to this system last year via the omnibus spending bill, and funds were again requested by the Bush administration. Given the size and scale of this program, the projected costs, it is essential to ensure that the Department of Agriculture includes stakeholders, recognizing the concerns that producers have voiced for the implementation of this system. The USDA needs to ensure adequate communication with Congress in consideration of producers and ranchers. I continue to hear, as well, from producers and ranchers who are increasingly concerned with the Department's initiative to consolidate Farm Service Agency service centers. Our 59 offices in South Dakota are essential for providing face-to-face contact with producers. Not every producer owns a computer. Expecting our farmers and ranchers to drive further distances, especially considering the significant cost of fuel, is not reasonable.

Implementation of our farm bill programs depends on the ability of our FSA offices to communicate with ranchers and farmers. The administration is doing a severe disservice to our agricultural communities with such a drastic course of action.

Lastly, one of the key components I would like to address is the mandatory Country-of-Origin Labeling Program signed into law by President Bush in this most recent farm bill. I was the primary author of the mandatory country-of-origin labeling law that was included in the 2002 farm bill. While I was disappointed to see the House include a 1-year delay for meat and meat products for the Country-of-Origin Labeling Program in the fiscal year 2006 Agriculture appropriations bill, the Senate bill that was reported favorably out of committee contains no such delay. This bill, in fact, contains roughly $3 million for program implementation, which is a modest amount compared to the necessary funding for other initiatives. Mandatory country-of-origin labeling is a program appreciated by both consumers and producers. It is not rocket science and, in fact, would be inexpensive to implement. A recent poll by Public Citizen reflects, as well, that 85 percent of consumers want to know where their food comes from. An additional 74 percent of consumers want this labeling program mandated. I continue to hear from producers and ranchers in support of this program, and any type of further delay would be a severe disservice for this right-to-know initiative for our consumers and a marketing tool for producers, as well as a great boost for our export markets.

Again, I thank Chairman BENNETT and Ranking Member KOHL for their leadership on this agricultural spending package.

I thank Chairman COCHRAN, as well, for his leadership during a time of obviously tight budget constraints.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate very much the kind remarks of the distinguished Senator from South Dakota and for his influence in the process of developing the appropriate levels of funding in this bill. We have tried very hard not only to stay within the budget allocation but to try to identify priorities so that we put money where the problems are and we deal with the realities of living on a farm, trying to make a living, trying to meet the needs of communities around the country for rural development projects. There is a wide range of jurisdiction that comes under the authority of this subcommittee for rural development, such as housing for low-income people who would otherwise not be able to have housing. Also, we have important components in the bill relating to food safety. We are confronted with threats to our country from terrorist groups, so this makes us worry about bioterrorism and being able to develop an infrastructure to protect ourselves against any efforts to contaminate our food supply or to wreak havoc in our communities with other terrorist activities that relate to our food supply and its sources. For that purpose, we have invested in research and other initiatives that will help us more successfully deal with these challenges to help assure the American public that our food supply is safe, wholesome, and nutritious.

In that connection, too, we realize this subcommittee has the responsibility of funding the school feeding programs so that school lunch programs, school breakfast programs, and others maintain healthy diets for children in school throughout our country to bring to them nutritious and safe foods.

We just reauthorized in the legislative Committee on Agriculture last year a new law that authorizes the funding of these programs. We have new initiatives, such as fruit and vegetable programs that help assure that schools are able to access and provide a wide variety of healthy foods for children in the public school systems of our country.

These are very important steps, building upon a legacy by previous committees that have worked on these challenges and expanding the benefits so that more and more students are reached by these programs.

We try to make sure the costs of these programs are controlled so that people are not priced out of the system. We want to make sure that in our public schools, there are free and reduced-price lunches available in our schools for those who cannot afford the full cost of these meals.

I also want to point out that access to communications systems, to rural water and sewer systems, to modern electricity facilities that are available in rural areas—where providing such services is much more expensive per consumer than it is in urban areas—is made available through Federal programs that help assure access of farm families and others who live in rural areas of our country to these important quality-of-life situations.

We have made a tremendous contribution throughout rural America in promoting economic development using business and industrial loans, trying to attract good-paying jobs to small towns and rural communities. Those programs are funded in this bill, too.

I might say for the purpose of showing the commitment, in many of these areas we have increased the funding over previous year levels of funding.

The Food and Drug Administration is an independent agency that is funded in this bill as well. Such initiatives as medical device review to assure safety for the consumers, drug safety, and the pharmaceutical products that are supplied throughout our country have to meet standards imposed by the Food and Drug Administration.

This year, we are providing an additional $5 million to the Food and Drug Administration for the purpose of helping ensure drug safety. The medical device review account is increased by $7.8 million over last year's level. I have mentioned our efforts in counterterrorism and food safety. That is also within the purview of the Food and Drug Administration, and the funding there is $16.6 million above last year's level. To help meet those challenges, we have had to make adjustments elsewhere in the bill to keep it within the allocation permitted by the Budget Committee.

There is not a specific account in here directed to hurricane victims. The recent hurricane that struck the Gulf Coast States has caused a tremendous amount of damage throughout the Gulf of Mexico States—Louisiana, Mississippi, and Alabama. I think there are more counties in my State of Mississippi affected by that disaster than any other State. The geographical area was so large, it is just horrible to contemplate the total amount of physical destruction of trees, of growing crops, of poultry facilities. Our agricultural and rural community has been hit hard by the effects of this hurricane. When you get closer to the gulf coast, of course, you see total destruction along the coastal areas.

The other day when the majority leader led a delegation of 14 Senators to Louisiana, New Orleans, across the Mississippi gulf coast and into Alabama, ending our tour in Mobile, it brought home to all of us that the entire gulf coast area has been devastated. Businesses are gone. Houses are gone. Churches are gone. Schools have disappeared. It is breathtaking and horrible to observe.

The point I am making is that while this bill is not a disaster assistance bill per se, there are many provisions in this bill that will help these communities rebuild and recover and will help the people of those areas until they can get their feet back on the ground and back at work and in suitable housing.

I mentioned the farmer's loan programs that exist. There are also funds in this bill for food stamps, for the Women, Infants and Children feeding program. This is for mothers, to help them care for their children, help to get them off to a healthy start in life. Food safety concerns we have mentioned. Conservation recovery, rural housing programs are all very important components to the recovery effort from Hurricane Katrina. The Department of Agriculture has stepped forward and is making good progress in identifying areas that need special help.

Before long, the Senate will take up another supplemental appropriations bill targeted directly to disaster victims. We are in preliminary discussions already with the administration on when that money will be needed, when will it be considered by the Senate, when will the request be submitted. These are issues we are working hard to resolve to be sure that Federal agencies that have the responsibility of responding to this disaster have the funds they need to do it and do it right and to do it quickly.

We have had a number of requests from Senators to consider changes in this bill and for opportunities to speak on the bill. We are here and we will be here the remainder of this day available to discuss issues that may be brought to the attention of the Senate. We appreciate the support of all Senators.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, when I was talking about the strong support we received in this subcommittee from staff, I wanted to specifically mention those staff members who have been actively involved in the development of this legislation, helping organize the hearings that were held, to review requests, to assess the needs:

John Ziolkowski, who is the clerk of this subcommittee, formerly was staff director of the Senate Agriculture Committee when I was pleased to serve as chairman. He has been very instrumental in managing the work effort of this subcommittee.

Hunter Moorhead, who has had much experience in agricultural issues and is a veteran of this subcommittee staff as well and was very active in his work is deeply appreciated. He, incidentally, is from the State of Mississippi, so we don't have to have a translator or anybody doing simultaneous translation for anyone to understand us.

Fitz Elder, Dianne Preece, as well as Stacy McBride, an FDA fellow who has joined this staff team and has been helpful in developing our section in particular dealing with the Food and Drug Administration, all have been very helpful, and we appreciate their good work.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

AMENDMENT NO. 1735

Mr. COCHRAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1735.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture may consider the Municipality of Carolina, Puerto Rico as meeting the eligibility requirements for loans and grants programs in the Rural Development mission area.

Mr. COCHRAN. Mr. President, this is a provision to be added to the bill that deals with eligibility for USDA rural development programs.

This is a provision which enables the municipality of Carolina, Puerto Rico to be eligible for USDA rural development programs. Eligibility for these programs is based on certain statistics such as population and income but on occasion some communities are declared not eligible because they are too close to an urban area or there is a small pocket of higher income population in the locality.

There is no cost to this amendment. It merely makes the community eligible. They still must apply through USDA and they are subject to the availability of existing funds.

The Agriculture Committee has no objection and it has been cleared on the Democratic side.

Mr. President, the amendment has been cleared on both sides of the aisle and we know of no objection to the amendment from any Senator.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1735) was agreed to.

Mr. GREGG. Mr. President, the pending Department of Agriculture and Related Agencies Appropriations Bill for FY 2006, H.R. 2744, as reported by the Senate Committee on Appropriations provides $86.883 billion in budget authority and $69.248 billion in outlays in FY 2006. Of these totals, $69.535 billion in budget authority and $50.456 billion in outlays are for mandatory programs in FY 2006.

The bill provides total discretionary budget authority in FY 2006 of $17.348 billion. This amount is $430 million more than the President's request, equal to the 302(b) allocations adopted by the Senate, $518 million more than the House-passed bill, and $905 million less than FY 2005 enacted levels.

I commend the distinguished Chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2744, 2006 AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, $ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	17,348	69,535	86,883
Outlays	18,792	50,456	69,248
Senate 302(b) allocation:			
Budget authority	17,348	69,535	86,883
Outlays	18,816	50,456	69,272
2005 Enacted:			
Budget authority	18,253	71,954	90,207
Outlays	18,649	49,563	68,212
President's request:			
Budget authority	16,918	69,535	86,453
Outlays	18,652	50,456	69,108
House-passed bill:			
Budget authority	16,830	69,535	86,365
Outlays	18,519	50,456	68,975
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−24	0	−24
2005 Enacted:			
Budget authority	−905	−2,419	−3,324
Outlays	143	893	1,036
President's request:			
Budget authority	430	0	430
Outlays	140	0	140
House-passed bill:			
Budget authority	518	0	518
Outlays	273	0	273

Note: Details may not add to totals due to the rounding. Totals adjusted for consistency with scorekeeping conventions.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there be a period for morning business within which Senators may be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to speak for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

HONORING OUR ARMED FORCES

ARMY CAPTAIN DENNIS L. PINTOR

Mr. DEWINE. Mr. President, on October 11, 2004, the Lima, OH, newspaper received an e-mail that said the following:

> Greetings, My name is Captain Dennis Pintor . . . I was born and raised in Lima and lived there until I enlisted in the Army in 1992. I am currently requesting the help of the citizens of Lima to assist in our efforts here in Baghdad. School here has just begun session and many of the students need supplies . . . I tell you it makes a difference in the kids and my soldiers. I appreciate any assistance . . . the people of Lima can offer. Respectfully—Captain Dennis Pintor.

Tragically, that same newspaper reported the captain's death just a few days later. He was killed when an improvised explosive device detonated near his patrol vehicle in Baghdad.

At the news of his death, family friend Lillian Abelita remembered that Dennis was "one of a kind" and that he touched thousands of lives. She noted that Dennis's "last wish was for the Iraqi children." "It wasn't even for himself," she said. The focus of his life had always been giving all that he had for others.

Dennis Pintor was born and raised in Lima by loving parents, Bert and Ellen Pintor. He was the big brother whom siblings Bob, Sara, and Diana looked up to.

Dennis attended Elida High School, where he belonged to several teams and clubs. He played soccer and tennis, was on the yearbook staff, and started the Red Knees Club for his fellow basketball players who didn't get much playing time. John Hullinger, a teammate, remembered that "Dennis was not one to complain about sitting on the bench. He made the most of it and had fun with it."

Dennis made the most of everything, including his academic studies. Dennis wanted to learn. Alan Chum, a guidance counselor at Elida High School, had Dennis in several math classes. He recalled that Dennis was an "inquisitive" student who would "bring an energy that kept the class going."

Teachers wanted Dennis in their classrooms. Allen emphasized that "[Dennis] had a knack for being able to answer questions and ask good, appropriate questions. He was just a good kid—great to have in class."

Dennis excelled academically and earned an appointment to the U.S. Military Academy at West Point where he trained to be an engineer. He graduated in 1998 and then went on to complete Army Ranger School. Dennis quickly became a well-respected superior who was known for putting his men first.

Dennis served as a peacekeeper in Kosovo—an assignment that suited his desire to help those who needed it most. In 2002, Dennis was assigned as Company Commander of Bravo Company, 20th Engineer Battalion, based in Fort Hood, TX.

Dennis was Army through and through. One of Ellen Pintor's favorite memories of her son is when he would visit her classroom at North Middle School on Veterans Day. He would playfully give the kids orders and assign platoon leaders. Dennis would order the kids to stand in line and if they wouldn't do what he said quickly enough, he would command: "Drop and give me five!" Simultaneously, Dennis would drop to the floor and do push-ups with the kids.

While he was in the Army, Dennis was lucky enough to meet the love of his life—Stacy—and married her in 2000. The two were meant for each other. Stacy called her husband, "a glimpse of heaven." She said that "it was love that struck our souls. Individually we were strong, but together we were powerful." They were blessed with a baby girl, whom they named Rhea.

Being together with his wife and daughter was so very important to Dennis. However, he also felt a great sense of duty to his fellow soldiers and to his Nation. His unit was called for deployment to Iraq in March 2004. Although it was difficult to leave his family, Dennis had a job to do. While overseas, Dennis was in charge of rebuilding and securing the safety of several schools in Baghdad. Dennis realized that Iraqi children needed help—and they needed supplies. He enlisted the help of those in his hometown of Lima to give what they could. As he had so many times before, Dennis had the needs of others foremost in his mind.

CPT Jay Wisham, a member of Dennis's unit, noted that he was not surprised Dennis was trying to secure school supplies for the Iraqi children. He said this about Dennis:

> He was just a very good guy all the way around. He firmly believed in what we were doing over there. All he wanted to do was make things better for whomever's life he touched.

Indeed, Dennis touched many lives.

After his service, Dennis wanted to return to West Point as a professor. David Garrison said this about his nephew:

> [Dennis] refused to take the easy way through life. As an officer, he was determined to receive all the tough training. Unfortunately, America's future cadets will never have the opportunity to learn what this West Point hero might have taught.

Although Dennis will never teach those West Point cadets in the classroom, he will teach them through his legacy. He will teach them through the love he had for his family and through the lives of those Iraqi children, who now have the opportunity to go to school.

At the memorial service following Dennis's death, his uncle David explained that "was loved so strongly by so many because he loved so selflessly." The Reverend Henry Sattler, who married Dennis and Stacy, noted that Dennis "knew in the career he'd chosen that he may be asked to lay down his life for his friends . . . and he said yes."

CPT Dennis Pintor was a selfless man. Thanks to his efforts, more than 30 boxes of school supplies were sent to Iraq.

Thanks to his efforts, hundreds of Iraqi children have a chance for a better life.

Thanks to his efforts, the Iraqi people have a chance for freedom.

My wife Fran and I keep Dennis's wife and daughter and his parents and siblings in our thoughts and in our prayers.

ARMY SERGEANT BENJAMIN BISKIE

Mr. President, today I remember and pay tribute to a young man from Vermillion, OH, who gave his life for our freedom and for the freedom of the people of Iraq.

Army Sgt Benjamin Biskie gave the ultimate sacrifice—his last true measure of devotion—on Christmas Eve, 2003. His vehicle struck an improvised explosive device near Samarra, Iraq. He was 27 years old.

Ben was born and raised in Arizona with his two sisters, Andrea and Darlene. He attended Tucson Junior Academy until he moved with his mother, Della, to Ohio in 1993. There, he graduated from Vermillion High School one year later. Following graduation, Ben enlisted in the Army, but not before he met his future wife, Marcie, that summer while working at Cedar Point amusement park. The two quickly fell in love and were married.

Although Ben was proud to serve in the U.S. Army, his crowning achievement was the birth of his son Benjamin, Jr. Ben's Army comrades remember how he constantly told stories about his son.

Ben trained at Fort Leonard Wood, MO, where he, Marcie, and Ben, Jr. made their home. Ben, Sr. would eventually serve one year in South Korea before he was sent to the Middle East.

Though Ben did not want to leave his young family, he did not hesitate when he and the rest of the 5th Engineer Battalion, 1st Engineer Brigade were called to serve in Iraq in April 2003. The men of the "Fighting Fifth" were attached to the 4th Infantry Division and were tasked with laying roads and bridges for the Division's advancement. Following the successful completion of that mission, Ben and the rest of the Battalion aided the reconstruction efforts in Iraq.

Ben believed in the work he was doing to rebuild the lives of Iraqi people. Like the dreams he had for his own son, Ben knew that his work would give hope for a promising future to so many Iraqi children—hope that had not previously existed.

As Fort Leonard Wood Chaplain Gregory Tyree said at the memorial service in Ben's honor:

> Maybe years from now . . . a person who today is but a child in Iraq will look back through the pages of his life and remember a soldier in a desert-colored uniform who cared enough to help rebuild his school and came with a box of school supplies. And maybe, just maybe, he will offer a word of thanks for Sergeant Ben Biskie and the gift of freedom he died to give him.

On an Internet website honoring our Nation's fallen service men and women, Ben Biskie's sister-in-law Ginger tried her best to express her feelings and her gratitude. She wrote the following:

> Ben—you are always on my mind. I've been thinking about you a lot lately and everything that I wish I could say to you. Most importantly of all is thank you. Thank you, Ben, for fighting for our freedom. Thank you, Ben, for making my sister so happy and for giving me the greatest nephew anyone could ask for. Thank you, Ben, for all of the lessons you have taught me, even if I didn't see the entirety of them until after you were taken from us. Thank you, Ben, for coming to visit me in my dreams on days when you know I need you the most. You are a true hero who will never be forgotten.

Indeed, we will always remember Benjamin Biskie. He was a devoted husband, a doting father, and a selfless soldier, who dedicated his life to helping people he did not know while protecting those he loved at home. On that Christmas Eve in 2003, our Nation lost a great man.

I would like to close with the words of Ben's wife, Marcie. Knowing how much her husband loved her and their son, she said the following:

> I don't know where our lives will take us now, but I know that wherever that may be, we'll have an angel following, keeping an eye out for his little boy. [Ben] was a true hero.

Sgt Benjamin Biskie will live on in the hearts and minds of all those who knew him. His family remains in our thoughts and prayers.

MARINE LANCE CORPORAL MICHAEL J. SMITH, JR.

Mr. President, I today pay tribute to a fellow Ohioan and true American hero. Marine LCpl Michael Smith, Jr., was killed on April 17, 2004, in Al Anbar Province, Iraq. Michael was coming to the aid of his Sergeant who had been shot. Michael was just 21 years-old.

In his brief 21 years on this earth, Michael Smith, Jr., touched countless lives. Described as outgoing and personable, Michael's grandmother Alice once said that her grandson could "walk into a room and no one was a stranger to him." Everyone loved him.

Michael spent his youth crossing the Ohio River between Wellsburg, WV, where his father lived, and Wintersville, OH, where his mother resided. Known as the "funny little redheaded kid," Michael and his cousin were partners in crime who loved to play pranks and revel in what many called their "offbeat sense of humor." Though they loved to play tricks on people, cousin, Amy White, noted that Michael was a "really sweet kid. He was the kind of kid who would do anything for you."

Michael would carry this reputation throughout his life. He attended Brooke High School in Wellsburg, where he was a diligent student, gifted athlete, and an active participant in school clubs—including one tasked with discouraging fellow teens from using drugs and alcohol. On the high school football team, Michael earned the nickname "All-Purpose Smitty" because he could play any position. Michael was also a volunteer firefighter for the Bethany Pike Fire Department in West Virginia, which he formally joined when he was 18 years-old.

Ernestein Gorby, a guidance counselor at the high school, once remarked that "[Michael] was a very pleasant young man—kind of what I would call the 'solid citizen,' the person who you'd want to be your next-door neighbor. He was reliable. He was serious about school."

After high school, Michael wanted to take the next step and help his country. When he was 17, he urged his mother, Marianne, to support his decision to enlist in the U.S. Marine Corps. Though she was hesitant, Marianne knew that her son would follow his own path. And so, on February 9, 2001, Michael enlisted. Marianne instantly found it ironic that her freckled redheaded son was stationed at sunny Twentynine Palms, CA, with the rest of the 3rd Battalion, 7th Marine Regiment, 1st Marine Division.

Michael was first deployed to Kuwait and then Iraq in January 2003, and was part of the original advance on Baghdad. He then returned to the United States in September 2003, to do something he had been planning for almost a year—and that was to marry Alicia, his high school sweetheart.

Alicia and Michael had been friends since the fifth grade. That friendship eventually grew into a romance, and the two were married on October 11, 2003. Alicia described her husband as an incredible man and a wonderful father to her young daughter Elizabeth. "He's always been my hero," she said, "[and] an amazing husband, my best friend, and a remarkable daddy to Elizabeth."

In February 2004, Michael was called back to Iraq. Shortly after being redeployed, Alicia called with the news that she was pregnant. Tragically, Michael never had the chance to meet his son, who was born on October 16, 2004, 6 months after Michael's death. One day before he died, Michael was able to talk to Alicia via satellite phone. Alicia said that "he just called to tell me he loved me with all his heart and soul."

Michael was loved by all those who met him. When he died, the entire community felt the loss. As he attempted to describe his son to reporters, Michael's dad, Michael Smith, Sr., noted that "there's not enough tape in the cameras or time in the world [to do that]."

The service for LCpl Michael Smith was held at Grace Lutheran Church in Steubenville, OH—the same church where Michael was baptized, confirmed, and married. Church members remember Michael as a moral guide—"a man who inspired them with laughter, love, and quiet leadership." Pastor Bethel Bateson recalls that on Michael's last military leave, he walked through the church and thanked everyone for their prayers, their letters, and their packages.

Those whom Michael thanked that day came back to the church to say goodbye. At the service held in Michael's honor, Pastor Bateson commented that it was the most difficult service over which she had ever presided, "because that beautiful redhaired boy playing under the pews grew up to be an incredible man." She went to say that "even though he was only 21, a lot of us really looked up to him. . . . He was so strong—physically strong—but so tender. He had a tremendous capacity for love."

I would like to close my remarks with the words of Marine Sgt Jason Long, who served as Michael's squadron leader. Following Michael's death, Sergeant Long wrote the following on an Internet tribute:

> My heart goes out to Michael's family. I send my deepest regrets. I could always count on [Michael] to get the job done if ever I wasn't around. He was a great man and Marine and an exceptional artist, as well. He showed great bravery in the face of the enemy. I only wish I was there with him to keep him out of danger. I could always count on him to give me a laugh when times were tough. We will meet again someday, my fellow Marine.

Mr. President, I know that Michael's fellow Marines and his family will forever cherish the memory of their comrade, son, brother, husband, and father. His tremendous capacity for love shaped their lives. We will never forget him.

LUKE PETRIK

Mr. President, I come to the Senate floor this afternoon to pay tribute to a remarkable young man who died in defense of freedom. Luke Adam Petrik of Conneaut, OH, was killed on April 21, 2005, when his helicopter was shot down a few miles north of Baghdad, Iraq. He was 24 years old.

Luke was one of those special and courageous individuals, who spent his life defending others. At the time of his death, he was working for a private security company to provide protection to American diplomats in Iraq. Previously, he had served as a decorated Army Ranger, with tours in both Iraq and Afghanistan. After his work in security, Luke had hopes of rejoining the military as a Navy SEAL. Luke knew the risks and accepted the challenges of this life.

Born on April 1, 1981, in Ohio, Luke knew from a young age that he wanted to live a life of adventure. As a young boy, he joined the Boy Scouts. Luke's Scout leader, and the man who would later serve as his high school principal, John Posila, remembers Luke as "an exceptional kid and very, very intelligent. From the time Luke was in Scouting, he had an interest in the military."

In every aspect of his life, Luke sought out new experiences. His boyhood friend, Josh Brooks, said that "you would get a million stories with Luke. Every time you hung out with him, there would be some kind of story." Along with memorable stories, spending time with Luke also meant that much laughter would ensue. Luke had a great sense of humor, according to everybody who knew him. Friends contend that there was no one who told worse jokes. He told jokes that were so bad, according to his friends, that you couldn't help but crack up. Although he was everything that you would expect from a future Army Ranger—tough, disciplined, smart, and courageous—he was also riotously funny.

Throughout his time at Conneaut High School, Luke knew that he wanted to serve in the military on the front lines. Upon graduation in 1999, he immediately enlisted in the Army and trained to join that elite fighting force, the Army Rangers. Given his discipline and desire, it is no surprise that he was successful. As a paratrooper in the 3rd Ranger Battalion, Luke joined in the hunt for Osama bin Laden in Afghanistan.

Luke's experience with the Rangers was a perfect opportunity for him to demonstrate his extraordinary bravery and toughness—toughness that was legendary among his family and friends. Luke's stepfather, Eldridge Smith, remembers a remarkable story. While parachuting for a mission, Luke broke two bones in his foot. He was slated to be airlifted to a medical hospital in Germany for treatment. However, just before the plane was scheduled to leave with him, he walked away and hitchhiked across three countries to rejoin his company. You see, Luke felt a profound sense of duty and—broken foot or not—he would never abandon his mission or his men.

Luke's experience in the military also revealed the way he lived his whole life, which was by a personal code of honor. Josh Brooks remembers his friend as a man of principle. On two separate occasions, Luke turned down—yes, turned down—a Purple Heart, saying he didn't deserve the award. Josh says that both that broken foot and Iraqi shrapnel he later took in his body would qualify him for the honor. But for Luke it was simple. Josh recalled, "He didn't feel that he earned [the medals]. He did things his own way." Luke respected the medals and what they symbolized enough to refuse them.

After having served two tours of duty in both Iraq and Afghanistan, Luke left the military in late 2003. After a brief period doing security work at a Virginia nuclear powerplant, Luke accepted an offer in 2004 to work for Blackwater Security Consulting. Blackwater specializes in providing security and support to the military, Government agencies, law enforcement groups, and civilians operating in hostile regions. Luke wanted to get back to work in Iraq, and Blackwater would give him that opportunity.

While Luke was always full of stories, he was careful to focus on the good he was doing. He would rather talk about the good than the danger and destruction around him. His friend, Chuck Lawrence, had this to say about Luke's return to Iraq: "I talked to him just about every day. He loved his job and had no regrets. He never regretted his decision to go over there [to Iraq]. He was doing what he loved."

Luke's mother, Diana Spencer, agreed, saying that "he enjoyed his work. He was very focused, very patriotic, and felt he was protecting his country."

Luke's time at Blackwater whetted his appetite for more service in the military. He told his family in one of his last e-mails home that he wanted to become a Navy SEAL. His stepfather said that Luke "missed special operations work [and that] he had a warrior's heart and had to do what he loved."

Tragically, though, Luke would not get the chance to become a Navy SEAL. On April 21, 2005, he boarded a helicopter flight bound for Tikrit. He was going there to provide security detail for American diplomats. His helicopter was shot down by insurgents a few miles north of Baghdad. Luke and the 10 other civilian passengers and flight crew were killed.

A memorial service was held for Luke on Saturday, May 7, 2005, at the First United Methodist Church in his hometown of Conneaut. Pews were packed with mourners, from former schoolmates to friends, family, and his fellow Rangers. Atop the casket was an American flag and a flower arrangement reading "Ranger." All those closest to Luke agreed that this was certainly fitting.

His mother Diana tearfully recalled that a plaque that Luke received after his discharge from the Army Rangers summed up his character. It reads: "To a friend, a mentor, and the living embodiment of the Ranger creed." As Diana put it: "That says everything about Luke."

The service provided an opportunity for all of Luke's friends to reflect on how much he meant to them and how much he had taught them both through word and deed. Chuck Lawrence remembers his essential decency, saying that "anyone who came in contact with Luke was better off for it. I never met anyone more genuine." Childhood friend, C.J. Welty says that "Luke taught me [that] there is a lot to learn, and to do as much as you can in the short time [you have] here on Earth."

In observance of Arbor Day, the Conneaut Tree Commission hosted a tree planting ceremony at Malek Park Arboretum to honor local men and women serving in Iraq. A red oak tree was planted in Luke's memory. It serves as a symbol of life and strength. That is how Luke should be remembered—as a vital, happy young man.

In a beautiful letter to me, Luke's stepfather Eldridge wrote that "I am having a life celebration for Luke and the way he lived his life, where the good memories will far outweigh the oppressive grief."

My wife Fran and I keep all of Luke's family and friends in our prayers. Luke Petrik will never be forgotten.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSTSECONDARY EDUCATION

Mr. ALEXANDER. Mr. President, today in North Carolina, the Secretary of Education, Margaret Spellings, delivered remarks that announced her intention to create a commission to take a comprehensive look at postsecondary education in the United States. I am here to say that Secretary Spellings is on exactly the right track with her new commission. The idea is an excellent one and long overdue. While the United States has been conducting a lot of debates—many in this Chamber—about outsourcing jobs, we have been very successfully insourcing brain power. Insourcing brain power has been our secret weapon for job growth. It is the main reason we have 5 percent of the world's population and about one-third of the world's money. Our unrivaled system of colleges and universities, together with our national research laboratories, have been our magnet for attracting and keeping home the best minds in the world who have, in turn, helped provide the new jobs produced by science, who have, in turn, helped provide half the new jobs since World War II. The National Academy of Sciences estimates that one-half of our new jobs since World War II have come from advances in science and technology. This secret weapon for jobs' growth is at risk if we do not take several urgently needed steps. Taking a comprehensive look at the Federal role in higher education is a good first step. This should have happened years ago. In fact, my greatest regret, as Secretary of Education under the first President Bush, is that I did not volunteer to be the point person in higher education in the Federal Government. Almost every Federal agency regulates some aspect of higher education. Last year, the Federal Government, all across the board, spent about $63 billion on all forms of postsecondary education. That includes grants, as well as what call the Pell grants, student loans, money for research, the cost to the Federal taxpayers of the student loans I mentioned. But despite that great interest and despite the fact that nearly every Federal agency is involved, not just the Department of Education, there is no one Federal official charged with giving the President an overview of higher education.

There was a time 12 years ago—and the Presiding Officer, because of his interest in higher education, may remember this—that the Department of Defense was concerned about being overcharged by many of the universities in the amount of overhead the universities were spending in order to do Department of Defense-sponsored research. That was a legitimate concern, but someone other than the Secretary of Defense should have been in the room advising the President about that because these universities, which were having to cough up money to pay back the Federal Government, which perhaps they should have, we needed to make sure, in our national interest, that we did not damage these great research universities that we have because those great research universities have been a major part of giving us the science and technology edge that gives us our standard of living. That is what I mean by saying there has been no one person in the Federal Government appointed by the President to look at the whole range of activities in postsecondary higher education, and there should be.

I am chairman of the Energy Subcommittee, a committee upon which the Presiding Officer serves. With the consent of our committee chairman, Senator DOMENICI, Senator JEFF BINGAMAN and I—Senator BINGAMAN is the ranking Democrat on the Energy Committee—have asked the National Academy of Sciences to recommend steps that the Nation should take over the next 10 years so that we can keep our edge in science and technology while we are grappling with tough budget issues. Those hearings will begin in October. The hearings that Senator BINGAMAN and I intend to conduct on keeping our edge in science and technology should complement the work of the commission that Secretary Spellings has established to take a comprehensive overview of higher education.

Our colleges and universities are at risk for several reasons. I am not suggesting that we suddenly have an emergency crisis. I am suggesting that we would be wise to look down the road to make sure we don't have a crisis. I believe we not only have the best colleges and universities in the world. I believe we have almost all of the best colleges and universities in the world. When you add to that the unique national research laboratories which we have, such as the Oak Ridge laboratory or Sandia or a couple of dozen of those that we have, we have an unparalleled research capacity.

Here are the reasons our colleges and universities may be at risk if we don't pay close attention:

No. 1, State funding, the principal basis of support for higher education traditionally grew only 6.8 percent during the last 5 years. State Medicaid costs are squeezing State budgets. If this trend continues, the result will be lower quality higher education and much higher student tuition. I brought with me two charts to illustrate what I am talking about. Here is a chart on trends in higher education nationally over the last 5 years since 2000. State spending on Medicaid is up 35.6 percent over those 5 years. State spending on higher education is up 6.8 percent over the 5 years. And tuition at a 4-year public university is up 38 percent over the 5 years. That is the State picture.

At the same time, the Federal Government has been doing pretty well. Federal spending on all forms of postsecondary education over those last 5 years has risen 71.8 percent. So the picture has been that in the States, State spending on Medicaid is up. State spending on higher education is flat, pretty flat. And tuition at 4-year public universities is up, way up.

In my own State of Tennessee, the situation is even more pronounced. Tennessee's spending on Medicaid in the last 5 years is up 71 percent. State spending on higher education during that time is only up 10 percent. Tuition at a 4-year public university in Tennessee over those 5 years is up 43 percent. Medicaid spending is way up, and State spending on higher education is fairly flat. Tuition at 4-year public universities is way up. That is a bad trend, if it continues over the next 10 years.

A second reason that our university system may be at risk is that even though Federal funding for all forms of postsecondary education has been generous over the last 5 years, up 71.8 percent, that kind of increase is not likely to continue as Medicaid, Medicare, and Social Security costs put new pressures on the Federal budget. That is one reason Senator BINGAMAN and I have asked the National Academy of Sciences to suggest to us the 8 or 10 things we must be sure to do to keep our edge in science and technology over the next 10 years. Because while we are grappling with the budget to try to restrain the growth in spending, we want to make sure we don't squeeze out investments in science and technology that give us the standard of living we enjoy today.

The next reason that higher education may be at some risk is national security. Tight visa rules and other national security restrictions are making it harder for the more than one-half million foreign students and additional researchers who now come to our universities and laboratories. More importantly, scientific conferences are being held overseas. We have taken for granted that we have been insourcing brains.

The brightest students and researchers from China, the brightest from India, from France, from Germany, where do they want to go? They want to come to the United States.

When we were Governors of Tennessee and Virginia, we would sometimes hear complaints from students who were being taught by graduate students who did not speak English very well. But the fact is, these brilliant people from around the world, more than a half million of them, have come here to do the kind of work that helps us create our high standard of living. Sixty percent of our postdoctoral students are foreign students. One-half of our graduate students in computers, engineering, and in sciences are foreign students.

In a way, it is a little like our natural gas problem. We are going to be importing liquefied natural gas from overseas to try to keep our prices down. We are already importing brainpower from overseas to keep our standard of living up. And while we need to put a focus on homegrown brainpower over the next 10 years, we also need to make sure that our universities and colleges continue to be a magnet for the brightest people from around the world.

At the same time, we have something else happening. Many countries, including India, China, Germany, and Great Britain, are reorganizing and improving funding for their universities and creating incentives to keep their most talented students and researchers home. They are asking themselves: Why should we send our brightest minds overseas to help the Americans create a higher standard of living for themselves when they can do it right here at home?

So we are going to be facing more competition from the Indian Government. Chancellor Schroeder, who was visiting with us a few weeks ago, was talking about the amount of new dollars Germany is putting into its universities. They believe they have become overregulated, that they have become bureaucratized, and that they have become, in some cases, mediocre. He knows that if Germany wants to compete and wants to have a higher standard of living, they are going to have to have better universities that are magnets for keeping home their brightest students and researchers and attracting the best from around the world.

There is one red flag I would like to wave, in conclusion, about the early reports on Secretary Spellings' decision to create a higher education commission to take a comprehensive look at the Federal role in postsecondary education. Some have pointed out that our system of higher education in the United States is very decentralized, and it may be for that reason that we are not taking a comprehensive look at higher education.

I, for one, believe that our decentralized system of higher education in the United States is one of its greatest possible strengths. The model we use for higher education is a very simple one. It is a marketplace model. We have more than 6,000 institutions—public, private, for-profit, nonprofit. They are autonomous, and we respect their autonomy.

We have generous Federal funds that follow 60 percent of our students to the institutions they choose with Federal grants or Federal loans. We have peer-reviewed research that goes to the very best institutions. So I do not want to see any Federal commission that sends a signal that we may need some Federal centralization of our control over higher education. In fact, we need to be doing just the reverse.

I introduced earlier this year legislation that would help to deregulate higher education, and a number of those provisions have been incorporated into the Higher Education Act that was reported by our Health, Education, Labor, and Pensions Committee. I believe our higher education system is the best in the world because it is decentralized, because institutions are autonomous, the Federal Government has been generous, and the money follows the students to the institutions of the students' choice.

I commend the Secretary of Education today for her attracting such outstanding persons—for example, the former Governor of North Carolina, Jim Hunt, to be a member of this commission; Charles Miller, former chairman of the Board of Regents of the University of Texas, to be chairman of the commission.

I cannot think of more important work to do. We not only need to insource brainpower, we need to home grow a lot more of our brainpower, and if we do not, we will not enjoy this standard of living that we have had.

I can recall last year a meeting in the majority leader's office that Senator FRIST and the Senator from Texas, KAY BAILEY HUTCHISON, hosted. It was an opportunity for several of the Senators to meet the former President of Brazil, Mr. Cardoso. He had spent a semester here in residence at the Library of Congress. I remember Senator HUTCHISON's last question to President Cardoso. She said: Mr. President, when you go back to Brazil, what will you take back home with you about the United States of America?

President Cardoso didn't hesitate a minute. He said: The excellence of the American university. There is nothing in the world like it.

That is a great compliment to our country and to our system of higher education from one of the most erudite men in the world, the former President of Brazil.

But the yellow flags and red flags are waving because as we look ahead over the next 10 years, our system of higher education and, therefore, our standard of living is at risk because of a flat State funding, because of upcoming pressures on the Federal budget, because of tight visa rules and other national security concerns, which are understandable but will have this effect, and because other countries in the world are recognizing there is no reason in the world why the Americans should have 5 percent of the people and a third of the money. They have the same brains we have in India, in China, in Germany, so we will just keep our smarter people at home, they are saying, and we will create that standard of living for ourselves.

I look forward to working with Secretary Spellings. I would like, 10 years from now when the majority leader invites the former President of Brazil or any other President of a country to the office and we turn around and say to that person, Mr. President, what will you take home about the United States? I would like for that President of another country to be able to say to us: The American university. There is nothing like it in the world.

I believe that is true, but I believe we have some work to do over the next 10 years to keep that truth.

Mr. President, I ask unanimous consent to print in the CONGRESSIONAL RECORD two charts that I referred to in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHER EDUCATION: TRENDS IN STATE SPENDING AND TUITION INCREASES

Tennessee since 2000:

Tennessee state spending on Medicaid up 71.1 percent.

Tennessee state spending on higher education up 10.5 percent.

Tuition at a 4-year public university up 43.4 percent.

	Federal spending (fiscal years)					Percent increase/decrease				Cumulative change (percent) (2000 to 2004)
	2000	2001	2002*	2003	2004	2000 to 2001	2001 to 2002	2002 to 2003	2003 to 2004	
State Spending:										
Tennessee: Total State Higher Education Appropriations (000's)	$984,858	$1,039,373	1,071,515	$1,106,889	$1,008,681	5.5	3.1	3.3	− 1.6	10.5
Tuition—The University of Tennessee	3,104	3,362	3,784	4,056	4,450	8.3	12.6	7.2	9.7	43.4
Tennessee: State-Funded Medicaid Spending (000's)	1,556,000	1,901,000	2,241,000	2,381,000	2,663,000	22.2	17.9	6.2	11.8	71.1

	Federal spending (fiscal years)					Percent increase/decrease				Cumulative change (percent) (2000 to 2004)
	2000	2001	2002*	2003	2004	2000 to 2001	2001 to 2002	2002 to 2003	2003 to 2004	
Federal Spending:										
Federal Spending on all Higher Education (all postsecondary education) (000's)**	36,668,849	40,436,408	50,309,676	58,676,287	62,983,202	10.3	24.4	16.6	7.3	71.8

*2002 is President Bush's first Budget covering the fiscal year beginning October 1, 2001.

**Includes Pell Grants, Other Student Aid (aid that passes through institutions or states: for example LEAP—Leveraging Education Assistance Partnerships and SEOG—Supplemental Educational Opportunity Grant), Administrative costs of loan programs, Other Postsecondary Programs (e.g., Dept. of Veterans Affairs (Montgomery GI Bill), Dept. of HHS (NIH training grants), Dept. of Defense (tuition assistance for military personnel and operation of service academies), and Federally Funded Research at Postsecondary Institutions.

HIGHER EDUCATION: TRENDS IN STATE SPENDING AND TUITION INCREASES

Nationally since 2000:

State spending on Medicaid up 35.6 percent.

State spending on higher education up 6.8 percent.

Tuition at a 4-year public university up 38.2 percent.

	Funding levels (fiscal years)					Percent increase/decrease				Cumulative change (percent) (2000 to 2004)
	2000	2001	2002*	2003	2004	2000 to 2001	2001 to 2002	2002 to 2003	2003 to 2004	
STATE SPENDING										
Total State Higher Education Appropriations (000's)	$56,845,018	$60,690,779	$62,745,981	$62,155,526	$60,694,185	6.8	3.4	−0.9	−2.4	6.8
Average Tuition—Public 4-Year Institutions	3,362	3,508	3,766	4,098	4,645	4.3	7.4	8.8	13.3	38.2
Total State-Funded Medicaid Spending (000's)	77,561,000	85,620,000	96,346,000	101,807,000	105,168,000	10.4	12.5	5.7	3.3	35.6
FEDERAL SPENDING										
Federal Spending on all Higher Education (all postsecondary education) (000's)**	36,668,849	40,436,408	50,309,676	58,676,287	62,983,202	10.3	24.4	16.6	7.3	71.8

*2002 is President Bush's first budget covering the fiscal year beginning October 1, 2001.

**Includes Pell Grants, Other Student Aid (aid that passes through institutions or states: for example LEAP—Leveraging Education Assistance Partnerships and SEOG—Supplemental Educational Opportunity Grant), Administrative costs of loan programs, Other Postsecondary Programs (e.g., Dept. of Veterans Affairs (Montgomery GI Bill), Dept. of HHS (NIH training grants), Dept. of Defense (tuition assistance for military personnel and operation of service academies), and Federally Funded Research of Postsecondary.

Mr. ALEXANDER. Mr. President, I would also like to follow my remarks with this information from the American Council on Education that sheds additional light on the comparison of State and Federal spending.

In 1995, the State spent $2.16 on higher education for every Federal dollar spent on higher education. In 2000, States contributed $1.55 for every Federal dollar spent on higher education. In 2005, States spent 94 cents on higher education for every Federal dollar spent.

So very quietly, we are seeing a major shift in how we finance higher education. States are doing less, the Federal Government is continuing to be generous, and students are asked to do more. The insidious part of this is that traditionally, States have been the largest part of funding for higher education. So very quietly we see States go from spending $2.16 for every dollar spent, which was the case in 1995, to less than $1 spent for every Federal dollar spent, which is the case 10 years later in 2005.

That is a major shift in funding, and we in the Congress and Secretary Spellings' new commission and the work Senator BINGAMAN and I are doing with the National Academy of Sciences need to take note of this and ask what will happen if we have 10 more years of these financing trends.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from the Commonwealth of Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, before I get into the third branch of Government, I want to remark and associate myself with many of the comments that were stated by Senator ALEXANDER of Tennessee. I do believe this country, for its long-term competitiveness, must interest and encourage more young people to get involved in science, engineering, and technology.

The fact is, 40 to 50 percent of our students in engineering schools are from overseas. That is good. America ought to be a magnet for the best brains in the world. I want this country to be the world capital of innovation, and to be the world capital of innovation, we need more young people interested in engineering, technology, and science.

I have a great concern that we are not matriculating sufficient numbers of students in this country in areas where new inventions and innovations and intellectual property will be created. We have about—and I think the Senator from Tennessee will corroborate this—50,000 engineers graduating every year. India has about 150,000 engineers graduating every year. The People's Republic of China has 250,000 engineers graduating every year.

There are a variety of things we must do in this country to be more competitive, to make sure young people are getting a good quality education and also develop an interest in science, technology, and engineering. These are great-paying jobs that are important for the security of this country, our standard of living, and our competitiveness. Until we reverse these trends, I believe it is going to be a problem for us in the long term. Indeed, the Senator from Tennessee and I have worked together on a variety of issues, including upgrading the technology capability of minority-serving institutions, whether they are historically Black colleges or Hispanic-serving institutions or tribal colleges.

We also have to recognize in our engineering schools that about 15 percent of the students are women, about 6 percent are African American, and only about 6 percent are Latinos. We need to get more of our country interested in engineering. Meanwhile, of course, we should be attracting more students from overseas because if they come to this country for education—and higher education. It is vitally important for our future and the future of the young people, for these graduates to stay in this country which I hope they do. That will continue to make this country a leader in innovation in the transformative technologies of the future. Whether it is nanotechnology, which is a multifaceted discipline or life sciences or microelectronics or energy applications to also materials engineering.

I associate myself with the remarks and sentiment of Senator ALEXANDER who, of course, more important than being Secretary of Education, was also president of the University of Tennessee. Senator ALEXANDER understands how our very diverse and multifaceted higher education systems in all the different States of the Union are really crown jewels. We must work with our colleges and universities to attract more young people—people of all ages—into technology, engineering, and science, and also be conducive to people coming from overseas.

I recall in our formulations hearing, when Dr. Rice was before us, one of the points I talked with her about getting student visas working better. Students are too queued up overseas. Visa requirements are another impediment for students coming from countries in Europe, Asia, or anywhere else in the world. If they are all queued up, they think, they are not welcome in this country, it is too bureaucratic. Hopefully the State Department will work with our Homeland Security people to make sure quality, well-qualified people from overseas can matriculate to our universities.

ROBERTS NOMINATION

Mr. ALLEN. With that diatribe or statement on innovation and invention completed, I switch to a place where I do not like invention, and that is in the judiciary. We have entirely too many judges in this country who invent the law rather than apply the law. I speak on this subject that is very timely because the Judiciary Committee is now considering—I know the Presiding Officer has been involved in those hearings—on Judge John Roberts, whom I sincerely hope will soon be on the floor for a vote, and confirmed to be our next Chief Justice of the Supreme Court of the United States.

When I met with Judge Roberts in my office last month, I relayed to him my concern about Federal judges acting as a superlegislative body, acting as legislators. There are judges who seem to be interpreting the laws passed by the elected representatives in a way that they think they know better than the elected people.

This country is a republic. The people of this country are the owners of the Government. Their views, their values, their aspirations are represented by those they elect. Sometimes it is at the local level, whether it is a county, city, or parish in Louisiana, or it will be a State legislature or for national, Federal laws, the people they elect to Congress and, obviously, Governors, as well as mayors, and the President of the United States in this representative democracy.

In so many cases we see Federal judges who are appointed for life making decisions that completely negate and have very little respect for the will of the people as expressed through their legislative bodies.

We see Federal courts striking down parental consent or parental notification laws. These are laws that States passed—we did it while I was Governor of Virginia, and so have other States. These laws say that if an unwed minor daughter is going through the trauma of an abortion, a parent ought to be involved. It makes sense. For ear piercing, tattoos, taking an aspirin, one needs parental consent. Certainly for this surgery, it makes sense, and many legislatures and the people in the States said the parents ought to be involved. Federal judges struck down that law.

There are those who believe parameters ought to be placed on late-term, partial-birth abortion. That law was passed by the Congress and by various States. Federal judges struck that down.

We find Federal judges allowing attacks on the Boy Scouts. We see some judges, not necessarily Federal judges yet, but some judges redefining marriage. We see judges time after time making these decisions. Some folks wonder what is an activist judge. I did not get into specific cases with Judge Roberts when I was talking with him, but one of the prime examples was this Ninth Circuit Court of Appeals that was striking down the will of the people in California in certain counties where the Pledge of Allegiance is said in their public schools every day.

The Ninth Circuit struck that down and said, no, the Pledge of Allegiance cannot be recited in public schools in California because of the words "under God" being in the pledge. This is a prime example of judicial activism, contrary to the will of the people of these counties in California.

That case got to the Supreme Court. They avoided the decision, saying that the plaintiff did not have standing. That is a way for the U.S. Supreme Court to avoid making a decision.

Just last week we had another Federal district court judge in California striking down or saying that the Pledge of Allegiance cannot be recited in public schools in California because of the words "under God." This judge was following the Ninth Circuit in which California is located.

I will give some of my colleagues a bit of legal education. When there is a legal analysis of an unconstitutional establishment of religion, the Supreme Court has applied a three-pronged test. This three-pronged test applies to all the States in the country, even these Federal courts in California who strike down laws and misconstrue the Constitution, thwarting the will of the good people of California. Here is the test that the U.S. Supreme Court has applied in such cases.

The test as articulated in the U.S. Supreme Court case of Lemon v. Kurtzman. It is called the Lemon test. The first test is used to determine whether public activity had a primarily secular purpose. In this matter in California, the Pledge of Allegiance is primarily a patriotic event and purpose.

The second test is called the endorsement test. In this California matter, there is no endorsement of any denomination of any religion. So the endorsement test fails because there is no endorsement.

The third test is called the coercion test, and there is no coercion here for students.

The Supreme Court has commented that the presence of "one nation under God" in the Pledge of Allegiance is constitutional, as has most recently the Fourth Circuit Court of Appeals, which includes the circuit of Virginia, the Carolinas, West Virginia, and Maryland. The Fourth Circuit ruled in a case called Myers v. Loudoun County Public Schools that the Pledge of Allegiance is constitutional.

If this current decision in California that came down last week is not remedied by the Ninth Circuit Court of Appeals, I surely hope the Supreme Court of the United States will grant review to resolve this dispute between the circuits, because there are sometimes judges who have to be reversed on many occasions before they understand the plain intent of the law, of previous opinions, and the history of our country. These judges must have the proper respect for the people in this country to make laws that make sense, that are constitutional, and indicate their will.

As a resource for both the Ninth Circuit and, if necessary, the U.S. Supreme Court, if this case reaches them, I direct the attention of my colleagues to some outstanding historical analyses prepared by a gentleman from Texas named David Barton. Mr. Barton heads up and is part of an organization called Wall Builders and he noted if reciting the pledge is truly a religious act in violation of the establishment clause, then the recitation of the Constitution itself would be, which refers to "the year of Our Lord," and our Declaration of Independence which contains multiple references to God.

Our Founders claimed the right to dissolve the political bands with Britain based on the laws of nature and of nature's God.

The most well-known passage, of course, is "all men are created equal, that they are endowed by their Creator with certain unalienable Rights."

Subsequently, the signatories of our Constitution and a variety of other documents appealed to the Supreme Judge of the world to rectify their intentions. Our national motto is, "In God we trust." And the singing of the National Anthem actually has a verse and motto "in God we trust."

Furthermore, the Supreme Court of the United States, even the Ninth Circuit Court of Appeals, opens its sessions with a call that says "God save the United States and this honorable court." This is the same court that said: No, you cannot have the Pledge of Allegiance in public schools. Obviously, we all recognize today as the Senate opened up there was a prayer, and then there was the Pledge of Allegiance.

There is an undeniable and historical relationship between God and our Founders and the Government leaders throughout the history of our country. In fact, it was the Congress in 1837, acting upon the will of the people, that authorized the motto "In God we trust" to be printed on our currency.

We can cite the actions of the entire body of the Founding Fathers. For example, in 1800, when Washington, DC, became the capital of the United States, Congress approved the use of this Capitol Building as a church building for Christian worship services. In fact, Christian worship services on Sunday started at the Treasury Building and at the War Office.

A scant review of the legislative history of the States and of the Federal Government reveals the intent of our Founders from George Washington to Thomas Jefferson who lay out the absurdity and even the arrogance of this district court decision.

Everyone knows—maybe not everyone knows. Most of my learned colleagues know one of the things that Thomas Jefferson was most proud of was authoring the Declaration of Independence, founding the University of Virginia, and the third, no, was not the Louisiana Purchase—although that was the best real estate deal ever made—the thing he was thirdly most proudly of and is on his tombstone is "Author of the Statute of Religious Freedom."

If one reads the Statute of Religion Freedom—it is in article 1, section 16 of the Virginia Constitution—it is much better than the first amendment in the Constitution of the United States and the Bill of Rights because it goes on for paragraphs. One gets the sense of how there was not to be the establishment of religion, that people would not be forced or compelled to join a church contrary to their views, that they would not have to tithe or pay for a church, and people's rights were not to be enhanced or diminished on account of their religious beliefs.

Mr. Jefferson was elected in 1800. He took office in 1801, at the same time that this Capitol Building was being used for Christian worship services.

If the author of the Statute of Religious Freedom—and it was authored before the Federal Constitution and adopted in part of the Bill of Rights—if he thought that was going to be an establishment of religion or the Government funding religion, or compelling people to worship in a broad Christian sense, not Baptist versus Methodist versus Anglicans or Episcopalians or other denominations. If he saw that as an establishment of religion, he surely would have objected to it because he became President in 1801 right when DC became the Nation's Capital.

That is the sense of history of the foundation of our country, and the law. It is a shame that the majority of justices on the Ninth Circuit Court of Appeals do not seem to understand this.

Each of us who has the high privilege to serve in this Chamber is aware of the circumstances by which "one nation under God" became a part of the pledge in 1954. It was a will of Congress. Where did Congress get the idea, they got the idea from the people. The will of the people. Congress acted and that was made part of our Pledge of Allegiance.

Today it is the will, unfortunately, of a few unelected judges that seek to remove those words from the Pledge of Allegiance.

When one is dealing with Federal judges, they must get into the history, once again, that they are appointed for life. Most States do not have judges appointed for life; they are appointed for terms. The people have recourse from time to time to remove them. California has a way of recourse on State judges who are first appointed, but then there is a retention possibility.

Federal judges, though—unfortunately Alexander Hamilton won this debate with Mr. Jefferson who wanted judges appointed for terms. Hamilton wanted them for life and Hamilton won. These Federal judges get selected and they are on there for life.

Something that I know the Presiding Officer and I and others try to do is try to discern their views. Judges ought to have a greater respect for the will of the people.

The State of California is not unique in encouraging students to engage in an appropriate patriotic exercise.

In my Commonwealth of Virginia, we have a statute requiring a daily recitation of the Pledge of Allegiance in every public classroom in our Commonwealth. It is thoughtfully crafted. The Virginia statute provides that no student shall be compelled to recite the pledge if he, his parent, or legal guardian objects on religious, philosophical, or other grounds to his participation in this exercise. Students are thus exempt from reciting the pledge and shall remain quietly standing or sitting at their desk while others recite the pledge.

The reason I talk about this is when I was Governor in 1996, I was able to sign, and happy to sign, this into law. It is a law that has commonsense provisions requiring the Pledge of Allegiance, but also with provisions to develop guidelines for reciting the pledge in public schools. That law has been the law since 1996.

The point is that the pledge is a patriotic exercise. Thomas Jefferson, again, who authored the Statute of Religious Freedom, had no intention of allowing Government to limit, restrict, regulate, or interfere with public religious practices.

Mr. Jefferson believed, along with our other Founders, that the first amendment had been enacted only to prevent Federal establishment of a national denomination. This patriotic pledge establishes no religious denomination. There is no establishment of any religious denomination. I would fight against any sort of effort, by any State, or by the Federal Government to establish any national denomination.

Understand the history of our country. There was an Anglican Church, the Church of England. There were people who were forced to pay tithes or contribute to this church, even if they did not believe in it. The Baptists were the ones who were the most upset. Mr. Jefferson sent a letter to the Baptists of Danbury, where he was espousing his views and where some of these misinterpretations may have occurred. The point is this is no establishment of religion.

This Federal judge, though, in California, and the Ninth Circuit Court of Appeals judges, are examples of Government overreach in a very different and harmful way. It is judicial activism at its very worst. It is activism by unelected judges. Through this decision and decisions such as this, they usurp the rights of the people, usurp the policymaking role given to this body and also to the people in the States. These are rights that are actually guaranteed to all of the people in the States in our Constitution.

I do not know what the next decision from Federal judges might be, especially if they are relying on this precedent from the Ninth Circuit Court of Appeals. Will they ban the singing of God Bless America in our schools? Who knows?

Will they redact, or force the editing of founding documents, which are some of the greatest documents in the history of mankind and civilization, because there are references to God or to our creator? Will the Congress, the Supreme Court, and State legislatures all across the land be prohibited from opening their sessions with the pledge because it might somehow offend the sensibilities of someone watching a legislative body opening with a Pledge of Allegiance, whether it is on a public access channel or C–SPAN or otherwise?

The fact is this is not an argument about God or no God. It is not an argument about the separation of church and State. It is not an argument about the establishment of any particular religious denomination. Saying the Pledge of Allegiance is no more of a religious act than buying food with currency that reads "In God We Trust." It is a patriotic act. If a student does not want to say it, he or she can sit quietly in the classroom. But that should not thwart the desire of the people, whether it is in counties in California or counties in cities and towns in the Commonwealth of Virginia or in the plains of Kansas or in the Rocky Mountains or anywhere else. If that is what they so desire, then the people ought to be able to have that in their public schools.

I sense that most Americans agree that the Pledge of Allegiance should remain in our schools and other public functions. As it is today, it should be voluntary and should be a matter of public conscience.

On this issue, similar to so many others, the Ninth Circuit Court of Appeals is out of touch with the people and flat-out wrong. This errant decision clearly points out the need to put, reasonable, well-grounded judges who have common sense on the Federal bench, rather than these delusional activists who ignore the will of the people of the United States. The promise of America is rooted in one idea, that the direction of our country is, and will always be, determined by the consent and the will of the people.

If there is anything to be understood from our Constitution, our Bill of Rights, it is that the Government is instituted by the people. They may have representative government through the States, but the Bill of Rights is there to protect our God-given rights. Some rights of ours are to have a government, with our consent, that reflects our values.

I hope, in this particular case, which is illustrative of others, that either the Ninth Circuit, or the United States Supreme Court will reverse this egregious decision that bans the Pledge of Allegiance in public schools. The will of the people ought to be respected.

I will close by saying this: God bless America; and I am glad I am still allowed to say it. I wish the kids were able to say the Pledge of Allegiance or God bless America in their schools, without worrying about some unelected Federal judge coming in and thwarting the will of the people, the decency and wholesomeness of the people of this country. I am hopeful we will soon have John Roberts as Chief Justice of the Supreme Court and other men and women, whether on the Ninth Circuit or other Federal courts, who understand the foundational principles of this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

AMENDMENT NO. 1732

Mr. REID. Mr. President, I send an amendment to the desk on behalf of BEN NELSON of Nebraska, an amendment numbered 1732.

The PRESIDING OFFICER. Without objection the pending amendment will be set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Nebraska, proposes an amendment numbered 1732.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan)

On page 173, after line 24, insert the following:

SEC. 7_____. None of the funds made available under this Act shall be used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled "Importation of Whole Cuts of Boneless Beef from Japan", dated August 18, 2005 (70 Fed. Reg. 48494), to allow the importation of beef from Japan, unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. RONALD W. KISER

Mr. MCCONNELL. Mr. President, I rise today to recognize the outstanding service of a remarkable Kentuckian, Mr. Ronald W. Kiser. Mr. Kiser is the assistant chief of the Engineering Division for the Louisville District of the U.S. Army Corps of Engineers. He will retire from the Corps of Engineers this September 30 with over 36 years of dedicated service to our Nation.

A Louisville resident for decades, Mr. Kiser is originally a native of Charleston, WV. He began his career with the Corps of Engineers in the Huntington District, in West Virginia, upon graduation from the West Virginia University Institute of Technology, where he earned a bachelor's degree in civil engineering. During his time with the Huntington District, Mr. Kiser's duties included evaluating buildings for safe refuge from nuclear fallout, overseeing relocations of railroads and highways at major flood-control projects and navigation projects, and participating in emergency disaster recovery.

In 1974, Mr. Kiser was selected to lead the Relocations Branch of the Engineering Division in the Louisville District. His work involved many aspects of civil-works projects, including the design of Zilpo Road at Cave Run Lake, in northeastern Kentucky, which is now featured in a register of America's most scenic highways. Over the next 10 years, Mr. Kiser not only served the Louisville District, but was solicited by the Pittsburgh District and the Europe Division, in addition to earning a master's degree in civil engineering from Ohio State University. While assisting the Pittsburgh District, Mr. Kiser led the relocations associated with the Stonewall Jackson Dam Project and the Monongahela River Locks Renovation Project. During his time with the Europe Division, he managed military operations and maintenance projects totaling approximately $200 million a year.

Mr. Kiser returned to the Louisville District in 1983 and was selected as chief of the Army Section in the newly established Military Branch that had been formed to oversee the Louisville District's military mission. Thanks to his leadership, vision, and dedication to duty, the Louisville District gained a reputation for excellence in execution that it retains to this day. Among the many major military installations Mr. Kiser helped oversee are Fort Campbell and Fort Knox, both in Kentucky, and many Army Reserve facilities nationwide.

During this time, Mr. Kiser extended his leadership well beyond his assigned missions. He mentored Captains Robert Rowlette and Mike Pratt, who both went on to become Corps of Engineers District Commanders. He worked on the Standardized Design Program Committee for the Corps of Engineers Headquarters. He led the Louisville District to become the Centers of Expertise for Centralized Vehicle Wash Facilities, Bowling Centers, and Class 6 Beverage Stores. And he was a key player in organizing the first MILCON Conference, and developing the standard "partnering" clause for construction contracts.

Mr. Kiser continued his leadership role in the Louisville District's Engineering Division throughout the 1990s, in positions ranging from chief of the first environmental support program to his current position of assistant chief of the Engineering Division. His devotion to the U.S. Army Corps of Engineers over several decades has made for a stronger, safer, more prosperous Nation for his fellow Kentuckians, and for all Americans.

A good neighbor and a valued steward of our defense assets and natural resources, Mr. Kiser will be remembered for his spirit of service, patriotism and dedication to his country. On the occasion of his retirement, I ask my colleagues to join me in extending best wishes to Mr. Ronald W. Kiser.

TRIBUTE TO ARTHUR "ART" EDWARD BERNARD

Mr. REID. Mr. President, too often, the civil servants who make a State run properly do not get the recognition they deserve. Arthur "Art" Edward Bernard is one of those men. Today, I rise to honor a man who has left a lasting impact on Nevada through his work in government.

Art Bernard was raised in the mining camps of Utah before striking out on his own at the age of 16. His travels brought him to the Bristol Mine in Pioche, NV. There, he worked in the hardscrabble world of "mucking" or loading the ore carts. Mucking is all about brute strength, and Art won mucking contests throughout Nevada. The toughness and tenacity he showed as a miner served Art well in his appointment as State Mine Inspector in 1947. In this capacity, he worked to improve the safety standards of the mines.

His work was noticed by Governor Charles Russell, and Art was appointed warden of the Nevada State Prison in 1950. At first, Art had doubts about his new position because he had no previous experience in the prison system. Like any good miner, Art refused to become discouraged, and he embraced the new challenges of his position.

Art's tenure could not have come at a better time for the Nevada State prison; he navigated the tumultuous changes occurring in prisons across the country. Demanding better living conditions, prisoners across the country rioted and the Nevada State prison was no different. Rioting prisoners demanded to see the Governor, but Art refused to cave to their demands. Instead, he barricaded the prisoners in the prison yard for 3 days until the protest disbanded peacefully.

As part of the settlement, Art allowed a commission of three prisoners, called the "three wise men," to submit prison grievances directly to him. Art viewed the inmates as students at what he dubbed "Greystone U." Over the years, Art developed a close relationship with the inmates, and he made himself available to any inmate who wanted to see him during daily walks around the grounds. He worked to improve the quality of life at the prison by establishing a boxing program for the inmates and a prison orchestra.

Art's revolutionary ideas jump started the work program at the Nevada State prison. Art applied his mining background to prison life when he started a rock quarry for the prisoners. Each new prisoner was responsible for a certain quota from the quarry each day. In addition, Art allowed prisoners to work on local ranches and farms as laborers, and the prison received local produce and supplies for the prison in exchange. The prison labor exchange was not the only way Art saved Nevada taxpayer dollars. He also used prison labor to build new facilities at the Nevada State prison.

Art served Nevada in a great time of need and helped modernize Nevada's prison operations with the strength and tenacity that he learned from mining camps across my State. Most importantly, Art sought to improve the lives and treatment of prisoners when other prison systems were languishing with inferior standards and facilities.

Art's contributions to Nevada did not stop after his retirement. Recently, Art finished interviews about his life with the Nevada Mining Oral History project. Future generations will be able to hear about Art's years spent in mines across Nevada, in addition to stories about prison life at "Greystone U." This oral history is another contribution to Nevada history from a man who helped to shape my State. Nevada is a better place because of men like Art Bernard, and he deserves recognition today before the Senate.

FETAL ALCOHOL SYNDROME DISORDERS

Mr. DURBIN. Mr. President, last week, we marked National Fetal Alcohol Syndrome Awareness Day. Today, I rise to join Senators JOHNSON, MURKOWSKI, MURRAY and DODD as we introduce legislation to address the prevention and treatment of Fetal Alcohol Syndrome Disorders.

I have met with many families in Illinois who have made real for me the challenges, the frustrations and the hope that come with a fetal alcohol syndrome disorder. Vivian Botka brought a picture that her 22-year-old daughter Kristy had colored with crayons. Kristy requires around-the-clock care. Walt Teichen and his family are working to build an independent living home for young adults affected by fetal alcohol syndrome. They want to establish a home for young people such as their son Kevin, who craves independence from his parents yet needs the support and vigilance of adults who understand his limitations.

Last year, then-Minority Leader Tom Daschle proposed the most ambitious, comprehensive plan in America's history to advance FASD research, treatment, and prevention. I am honored to join my colleagues as we introduce this legislation because, as Senator Daschle says, it is easier to raise a healthy child than heal a broken adult. It is more compassionate and, in the end, more cost-effective to prevent FASD and help families living with it than it is to ignore it.

To decrease the occurrence of mental retardation and birth defects, we must address their most preventable cause—alcohol use during pregnancy. FASD affects an estimated 40,000 infants each year. That is 1 out of every 100 births in the United States. The mental, physical and neurobehavioral effects of FASD include deformities in major organs, slow development, learning difficulties, low IQs, and problems with coordination, memory, attention, and judgment.

We can make a difference in the lives of affected families in Illinois and throughout this country. We can prevent fetal alcohol syndrome disorders. Please join me in supporting the Advancing FASD Prevention and Treatment Act.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

• Mr. SMITH. Mr. President, I emphasize today the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On April 29, 2005, a Harvard University student was assaulted by a man in downtown Boston, MA. The apparent motivation for the attack was that the student was openly gay.

I note that yesterday in the House, hate crimes legislation was passed in a bipartisan vote. We must also move similar legislation in the Senate. In the months ahead I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.•

TRIBUTE TO YAKOV BIRNBAUM

• Mr. LIEBERMAN. Mr. President, I pay tribute to the contributions of Yakov Birnbaum, an unheralded American freedom fighter, whose work helped free roughly five million Soviet Jews and tens of millions others persecuted for their faith under the former Soviet Union.

In 1964, Birnbaum launched the Student Struggle for Soviet Jewry at Columbia University to promote awareness of the persecution of Jews in the Soviet Union. His movement ultimately led to the passage of the pivotal Jackson-Vanik Amendment a decade later, which starved the Soviet government of trade benefits in retaliation for its trampling on human rights.

Birnbaum's efforts led to freedom for individuals like Natan Sharansky and the emigration from the Soviet Union of more than 1.5 million Jews since. His work also inspired other individuals, organizations and governments to decry the persecution of people of faith by the Soviet government.

By drawing international attention to repression within the Soviet Union, Birnbaum helped remind us all that the defense of human rights and the freedom to worship had to be battleground issues in the Cold War. The final fall of the Soviet system and the flowering of religious freedom that followed were both thanks to the long and tenacious efforts of men and women like Birnbaum.

For all his work in the cause of freedom we recognize him today.•

POLYMER INDUSTRY IN WEST VIRGINIA AND POLYMER APPRECIATION WEEK

• Mr. ROCKEFELLER. Mr. President, I rise today to recognize the important role the polymer industry plays in my State of West Virginia. As part of Polymer Appreciation Week in the State, Governor Joe Manchin and I have invited a small group of international polymer executives to West Virginia to showcase investment opportunities available to their companies.

West Virginia's polymer industry plays an important and vital role in West Virginia's economy. World renowned companies such as GE Plastics, DuPont, Sunoco, and M&G Polymers have chosen to locate here. West Virginia's excellent infrastructure, broad range of raw materials, highly skilled workforce, and close proximity to 62 percent of the United States industrial market, makes West Virginia a key player in the global market.

The Polymer Alliance Zone of West Virginia—PAZ—is the site of the highest concentration of production of high technology, speciality and engineering polymers in the world. The Mid-Ohio Valley has a long history in the production of industrial chemicals, petrochemicals, and polymers dating back to the 1940s. The region has a proud manufacturing heritage, and today, that expertise and dedication has gained the Polymer Alliance Zone national recognition.

The mission of the Polymer Alliance Zone is to create the most favorable business climate in the world for the plastics industry through a unique partnership among business, education, and government. Since its inception in 1996, the focus of the organization has been the support of both new and existing polymer industries. According to recent calculations by the West Virginia Development office, PAZ has partnered with local, State and private industry to complete 33 projects that have generated more than $529 million of investments.

The Polymer Alliance Zone offers great opportunities for companies looking to locate in West Virginia. The Mid-Ohio Valley location offers easy access to an increasingly global market, and the State's abundant resources provide companies with affordable, reliable energy. In addition, West Virginia's favorable business climate welcomes and supports polymer companies through a number of valuable assistance programs. More importantly, it is the people of West Virginia who make the Polymer Alliance Zone what it is—a vibrant economy, a growing community, and an opportunity that national polymer companies should not miss.

Over the last 9 years, the Polymer Alliance Zone has assisted the West Virginia Development Office and our county development authorities in creating and retaining over 1,000 jobs in the region. This is a large achievement, and in return my State recognizes 9 years of service that PAZ has provided to both the polymer industry and to the State of West Virginia by celebrating Polymer Appreciation Week.•

WELLNESS PROGRAM AT BRADLEY UNIVERSITY

• Mr. OBAMA. Mr. President, every year, the Inter-Association Task Force on Alcohol and Other Substance Abuse Issues, IATF, gives awards to three universities for their programs against underage drinking and over-consumption of alcoholic beverages. Bradley University, which is located in Peoria, IL, is among the three universities being commended and has the honor of being a National Collegiate Alcohol Awareness Week Winner for 2004–2005.

I applaud the Wellness Program at Bradley University for its commitment to reduce underage drinking. Alcohol misuse on college campuses is not a new problem. It is entrenched in the culture of many institutions of higher learning and in students' social lives. The abuse of alcohol among college students is taking its toll not only on the students who drink alcohol in excess but also their student peers, college administrators, health care personnel who counsel student drinkers, and the community at large.

Help, Encourage, and Teach, HEAT, and Social Norming, SONOR, are two programs that have proven to be effective at Bradley University. HEAT strives to provide students with opportunities to promote positive lifestyle choices, such as peer-led workshops and demonstrations. The SONOR program utilizes creative marketing and advertising strategies to disseminate information about healthy living. These programs are making a difference in the lives of our youth by encouraging college students to make healthy and responsible decisions.

Congratulations to Dr. Alan Galsky, Associate Provost for Student Affairs; Melissa Sage-Bollenbach, the Wellness Program Coordinator at Bradley University; Kelcy Hale, the President of Social Norming; and Chrisandra Ashby, the former president of HEAT for their tireless efforts and outstanding leadership.

Bradley University is to be commended for its innovative and influential alcohol-abuse programs. Representatives of Bradley University recently came to Washington, DC, and visited their Senator's offices to present their alcohol awareness programs. These award recipients also received a plaque and an award check from Dr. Edward Hammond, chairman of the IATF.

I wish the Wellness Program and its leadership the best of luck in their future endeavors and applaud their outstanding achievement.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on September 16, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker has signed the following enrolled bills:

H.R. 3169. An act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3668. An act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3672. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 889. An act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 237. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. STEVENS) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 3169. An act to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

H.R. 3668. An act to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster.

H.R. 3672. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 889. An act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 237. Concurrent resolution expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1715. A bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

S. 1716. A bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production" (FRL No. 7957-7) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3777. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2005" (FRL No. 7958-2) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3778. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Louisiana; Attainment Demonstration for the Shreveport-Bossier City Early Compact Area" (FRL No. 7955-7) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3779. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: New Mexico; San Juan County Early Action Compact Area" (FRL No. 7954–5) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3780. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Carolina: Attainment Demonstration of the Mountain, Unifour, Triad and Fayetteville Early Action Compact Areas" (FRL No. 7956–8) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3781. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Central Oklahoma Early Action Compact Area" (FRL No. 7953–8) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3782. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Tulsa Early Action Compact Area" (FRL No. 7956-2) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3783. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; South Carolina and Georgia; Attainment Demonstration for the Appalachian, Catawba, Pee Dee, Waccamaw, Santee Lynches, Berkeley-Charleston-Dorchester, Low Country, Lower Savannah, Central Midlands, and Upper Savannah Early Action Compact Areas" (FRL No. 7957–1) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3784. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver Early Action Compact Ozone Plan, Attainment Demonstration of the 8-hour Ozone Standard, and Approval of Related Revisions" (FRL No. 7954-6) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3785. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Greeley Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions" (FRL No. 7954–7) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3786. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Iowa" (FRL No. 7953–7) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3787. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee and Georgia; Attainment Demonstrations for the Chattanooga, Nashville, and Tri-Cities Early Action Compact Areas" (FRL No. 7956-9) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3788. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the Austin Early Action Compact Area" (FRL No. 7955-9) received August 22, 2005; to the Committee on Environment and Public Works

EC–3789. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the San Antonio Early Action Compact Area" (FRL No. 7955-8) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3790. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Clean Air Action Plan and Attainment Demonstration for the Northeast Texas Early Action Compact Area; Agreed Orders Regarding Control of Air Pollution for the Northeast Texas Area" (FRL No. 7956-1) received August 22 2005; to the Committee on Environment and Public Works.

EC–3791. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Maine; Negative Declaration" (FRL No. 7956–4) received August 22, 2005; to the Committee on Environment and Public Works.

EC–3792. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Attainment Demonstration for the Roanoke Metropolitan Statistical Area (MSA) Ozone Early Action Compact Area" (FRL No. 7954-1) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3793. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Attainment Demonstration for the Eastern Panhandle Region Ozone Early Action Compact Area" (FRL No. 7954-3) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3794. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Attainment Demonstration for the Washington County Ozone Early Action Compact Area" (FRL No. 7954-2) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3795. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Texas; Control of Air Pollution from Motor Vehicles, Mobile Source Incentive Programs" (FRL No. 7956-3) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3796. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Attainment Demonstration for the Northern Shenandoah Valley Ozone Early Action Compact Area" (FRL No. 7954-4) received August 22, 2005; to the Committee on Environment and Public Works.

EC-3797. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Standardized Permit for RCRA Hazardous Waste Management Facilities" (FRL No. 7948-4) received August 22, 2005; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON:

S. 1717. A bill to prevent gas and oil gouging during natural disasters; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; read the first time.

By Mr. INOUYE (for himself, Mr. BENNETT, and Mr. AKAKA):

S. 1719. A bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN:

S. 1720. A bill to provide enhanced penalties for crimes committed using funds appropriated for remediation of any injury or damage caused by Hurricane Katrina; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. CHAFEE, Mr. GRASSLEY, Mr. KERRY, Mr. KENNEDY, Mr. HARKIN, Mr. GRAHAM, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, Mr. DEWINE, and Mr. CORZINE):

S. 1721. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. COLEMAN, Mr. DURBIN, Mr. DODD, and Mrs. MURRAY):

S. 1722. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 1723. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fisherman, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. VITTER, and Mr. TALENT):

S. 1724. A bill to provide assistance for small businesses damaged by Hurricane Katrina, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. LEVIN, and Mr. MCCAIN):

S. 1725. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. SMITH, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 191

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 380

At the request of Ms. COLLINS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 508

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 508, a bill to provide for the environmental restoration of the Great Lakes.

S. 696

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 696, a bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools.

S. 709

At the request of Mr. DEWINE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 769

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 769, a bill to enhance compliance assistance for small businesses.

S. 770

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S.

1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1286

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1286, a bill to require States to report data on medicaid beneficiaries who are employed.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1350

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1350, a bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1418

At the request of Mr. ENZI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1418, a bill to enhance the adoption of a nationwide inter operable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1513

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1615

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 1622

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1644

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1644, a bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts.

S. 1647

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1647, a bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1716

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

S.J. RES. 23

At the request of Mr. COBURN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S.J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

S. RES. 232

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 232, a resolution celebrating the 40th anniversary of the enactment of the Voting Rights Act of 1965 and reaffirming the commitment of the Senate to ensuring the continued effectiveness of the Act in protecting the voting rights of all citizens of the United States.

S. RES. 240

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 240, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 244

At the request of Mr. SALAZAR, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. CARPER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 244, a resolution expressing support for the Pledge of Allegiance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; read the first time.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleague Senator ENZI in introducing a bill to bring much needed employment relief to the many working men and women who suddenly lost their livelihood because of Hurricane Katrina. The bill authorizes the Secretary to use National Emergency Grant funds to create short term jobs as the region begins to rebuild.

In distributing these funds, the first priority will be the States who have suffered the greatest loss. A group of us visited the Gulf Coast area last Friday and saw firsthand the immensity of the devastation. We know these proud hard-working men and women are anxious to become self-sufficient again as soon as possible. The Nation has opened its heart to the victims of this vast tragedy, and we need to focus now on making sure that their towns, cities and parishes are ready for their return. In order to rebuild, we need to make sure that there are jobs for them and schools for their children. Last week, we took a first step in helping reopen the schools and we also need to take a similar step to see that there are jobs when they return.

The most heavily affected States—Alabama, Louisiana and Mississippi—are doing all they can to begin rebuilding the local economy, so only Governors and local elected officials will control these employment funds. Our intention is to help rebuild the local economy and give benefits to local workers through local businesses.

I commend Chairman ENZI for his leadership on this bill, and I urge my colleagues to support it.

By Mr. CORNYN:

S. 1720. A bill to provide enhanced penalties for crimes committed using funds appropriated for remediation of any injury or damage caused by Hurricane Katrina; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, our hearts go out to those who have been affected by the devastation wrought by Hurricane Katrina. By now, those who have been displaced by this disaster know that help is available to them. And true to the American spirit, assistance has poured in from people all across this great land. We have seen the Government, at every level, fail in some way to respond adequately to this emergency. Congressional hearings will examine these failures and the reasons for them to make sure that we are better prepared to respond in the future.

But there is no need for a review of the adequacy, efficiency, or responsiveness of everyday citizens who heeded distress calls from their fellow citizens. When the history of this disaster is finally written, it will document the fact that the American people rose to the challenge. Because that is what Americans do—every time, without exception.

Over the past several weeks we have seen ordinary Americans, on their own initiative, coordinate the donation of goods needed by evacuees, rent U-Haul trucks, and drive to New Orleans to deliver supplies. Others have initiated fundraisers and have donated substantial funds to aid the Red Cross and other charities that are on the ground. And still others, like those in my home State of Texas, have literally opened their doors to complete strangers to provide them with food, shelter, and other necessities, so that they can get back on their feet and begin to rebuild their lives.

Here in the Congress we have acted quickly, passing emergency relief appropriations of more than $60 billion dollars to get money into the devastated areas so people can be helped and areas can be rebuilt. The President has further proposed sending an unprecedented amount of money and incentives to aid in the rebuilding. I plan to support reasonable efforts designed to aid in accomplishing these goals. However, as we pour extraordinary amounts of money into the affected areas, we must guard against those callous people who may see this as an opportunity to wrongfully enrich themselves through fraud.

We all know that the Federal Government's track record at detecting and avoiding fraud is poor, at best. As we begin to funnel what some have said may be close to $200 billion dollars into the disaster areas, we must be vigilant to ensure that these funds go where they legitimately are supposed to go. And we must send the message here and now that the actions of those who may defraud the Government or otherwise illegally obtain a portion of these funds will not be tolerated.

That is why I have introduced the Katrina Waste, Fraud and Abuse Deterrence Act of 2005. This legislation states that anyone convicted of any crime involving funds appropriated for disaster relief in the aftermath of Hurricane Katrina face a mandatory minimum sentence of 5 years—and up to 20 years—in prison.

As I have said, a staggering amount of money will be, and currently is being sent to this area. The funds will speed the rebuilding of these areas and otherwise help those who are in need of assistance. But the American people will not tolerate misappropriation of these funds. President Bush has ordered that a team of inspectors general review all expenditures to ensure that the rebuilding work is done honestly and wisely. I applaud the President for his stewardship of this money. The bill I introduce today will put some teeth into this oversight. It will say to those who may contemplate illegally cutting corners or outright stealing disaster funds whether by fraud, theft, or embezzlement, that they will be caught, prosecuted, and imprisoned.

To those who legitimately need these funds: Your country is here to help you. To those who are inclined to take advantage of the misfortune of others by wrongfully taking these funds: You will be prosecuted.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. COLEMAN, Mr. DURBIN, Mr. DODD, and Mrs. MURRAY):

S. 1722. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing FASD Research, Prevention, and Services Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Fetal Alcohol Spectrum Disorders are the spectrum of serious, life-long disorders caused by prenatal exposure to alcohol, which include Fetal Alcohol Syndrome, Alcohol-Related Neurodevelopmental Disorder, and Alcohol-Related Birth Defects.

(2) In the decades that have passed since Fetal Alcohol Syndrome was first recognized in the United States, this fully preventable condition has continued to affect American children and families.

(3) Prenatal alcohol exposure can cause brain damage that produces cognitive and behavioral impairments. Prenatal alcohol exposure can cause mental retardation or low IQ and difficulties with learning, memory, attention, and problem-solving. It can also create problems with mental health and social interactions.

(4) Prenatal alcohol exposure also can cause growth retardation, birth defects involving the heart, kidney, vision and hearing, and a characteristic pattern of facial abnormalities.

(5) About 13 percent of women report using alcohol during pregnancy even though there is no known safe level of alcohol consumption during pregnancy.

(6) Estimates of individuals with Fetal Alcohol Syndrome vary but are estimated to be between 0.5 and 2.0 per 1,000 births. The prevalence rate is considerably higher for all Fetal Alcohol Spectrum Disorders: about 10 out of 1,000 births (1 percent of births).

(7) Prevalence of Fetal Alcohol Spectrum Disorders can be even higher in certain populations, such as Native Americans, and in certain areas, such as those characterized by low socioeconomic status.

(8) Fetal Alcohol Spectrum Disorders pose extraordinary financial costs to the Nation, including the cost of specialized health care, education, foster care, incarceration, job training, and general support services for individuals affected by Fetal Alcohol Spectrum Disorders.

(9) Lifetime health costs for an individual with Fetal Alcohol Syndrome average $860,000, and can run as high as $4,200,000. The direct and indirect economic costs of Fetal Alcohol Syndrome in the United States were $5,400,000,000 in 2003. Total economic costs would be even higher for all Fetal Alcohol Spectrum Disorders.

(10) There is a great need for research, surveillance, prevention, treatment, and support services for individuals with Fetal Alcohol Spectrum Disorders and their families.

SEC. 3. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.

Section 399H of the Public Health Service Act (48 U.S.C. 280f) is amended—

(1) by striking the section heading and inserting the following:

‘‘SEC. 399H. PROGRAMS FOR FETAL ALCOHOL SPECTRUM DISORDERS.’’;

(2) by redesignating subsections (a) through (d) as subsections (h) through (k), respectively;

(3) by inserting after the section heading, the following:

‘‘(a) Research on FAS and Related Disorders.—

‘‘(1) In general.—The Secretary, acting through the Director of the National Institutes of Health and in coordination with the Interagency Coordinating Committee on Fetal Alcohol Syndrome, shall—

‘‘(A) establish a research agenda for Fetal Alcohol Spectrum Disorders; and

‘‘(B) award grants, contracts, or cooperative agreements to public or private nonprofit entities to pay all or part of carrying out research under such agenda.

‘‘(2) Types of research.—In carrying out paragraph (1), the Secretary, acting through the Director of the National Institute of Alcohol Abuse and Alcoholism, shall conduct national and international research in coordination with other Federal agencies that includes—

‘‘(A) the identification of the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure;

‘‘(B) the development of a neurocognitive phenotype for Fetal Alcohol Syndrome and Alcohol-Related Neurodevelopmental Disorder;

‘‘(C) the identification of biological markers that can be used to indicate fetal alcohol exposure;

‘‘(D) the identification of fetal and maternal risk factors that increase susceptibility to Fetal Alcohol Spectrum Disorders;

‘‘(E) the investigation of behavioral and pharmacotherapies for alcohol-dependent women to determine new approaches for sustaining recovery;

‘‘(F) the development of scientific-based therapeutic interventions for individuals with Fetal Alcohol Spectrum Disorders;

‘‘(G) the development of screening instruments to identify women who consume alcohol during pregnancy and the development of standards for measuring, reporting, and analyzing alcohol consumption patterns in pregnant women; and

‘‘(H) other research that the Director determines to be appropriate.

‘‘(3) Study.—The Secretary, acting through the Director of the National Institute of Mental Health, shall—

‘‘(A) conduct a study on the behavioral disorders that may be associated with prenatal alcohol exposure;

‘‘(B) not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, submit to Congress a report on the appropriateness of characterizing Fetal Alcohol Spectrum Disorders and their secondary behavioral disorders as mental health disorders; and

‘‘(C) conduct additional research on the epidemiology of behavior disorders associated with Fetal Alcohol Spectrum Disorders in collaboration with the Centers for Disease Control and Prevention.

‘‘(4) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

‘‘(b) Surveillance, Identification, and Prevention Activities.—

‘‘(1) In general.—The Secretary, acting through the Director of the National Center on Birth Defects and Developmental Disabilities, shall facilitate surveillance, identification, and prevention of Fetal Alcohol Spectrum Disorders as provided for in this subsection.

‘‘(2) Surveillance, identification, and prevention.—In carrying out this subsection, the Secretary shall—

‘‘(A) develop and implement a uniform surveillance case definition for Fetal Alcohol Syndrome and a uniform surveillance case definition for Alcohol Related Neurodevelopmental Disorder;

‘‘(B) develop a comprehensive screening process for Fetal Alcohol Spectrum Disorders that covers different age, race, and ethnic groups and is based on the uniform surveillance case definitions developed under subparagraph (A);

‘‘(C) disseminate and provide the necessary training and support for the screening process developed under subparagraph (B) to—

‘‘(i) hospitals, community health centers, outpatient programs, and other appropriate health care providers;

‘‘(ii) incarceration and detainment facilities;

‘‘(iii) primary and secondary schools;

‘‘(iv) social work and child welfare offices;

‘‘(v) foster care providers and adoption agencies;

‘‘(vi) State offices and others providing services to individuals with disabilities; and

‘‘(vii) other entities that the Secretary determines to be appropriate;

‘‘(D) conduct activities related to risk factor surveillance including the annual monitoring and reporting of alcohol consumption among pregnant women and women of child bearing age; and

‘‘(E) conduct applied public health prevention research and implement strategies for reducing alcohol-exposed pregnancies in women at high risk for alcohol-exposed pregnancies.

‘‘(3) Authorization of appropriation.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

‘‘(c) Building State FASD Systems.—

‘‘(1) In general.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants, contracts, or cooperative agreements to States for the purpose of establishing or expanding statewide programs of surveillance, prevention, and treatment of individuals with Fetal Alcohol Spectrum Disorders.

‘‘(2) Eligibility.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1) a State shall—

‘‘(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require;

‘‘(B) develop and implement a statewide strategic plan for preventing and treating Fetal Alcohol Spectrum Disorders;

‘‘(C) consult with public and private nonprofit entities with relevant expertise on Fetal Alcohol Spectrum Disorders within the State, including—

‘‘(i) parent-led groups and other organizations that support and advocate for individuals with Fetal Alcohol Spectrum Disorders; and

‘‘(ii) Indian tribes and tribal organizations; and

‘‘(D) designate an individual to serve as the coordinator of the State's Fetal Alcohol Spectrum Disorders program.

‘‘(3) Strategic plan.—The statewide strategic plan prepared under paragraph (2)(B) shall include—

‘‘(A) the identification of existing State programs and systems that could be used to identify and treat individuals with Fetal Alcohol Spectrum Disorders and prevent alcohol consumption during pregnancy, such as—

‘‘(i) programs for the developmentally disabled, the mentally ill, and individuals with alcohol dependency;

‘‘(ii) primary and secondary educational systems;

‘‘(iii) judicial systems for juveniles and adults;

‘‘(iv) child welfare programs and social service programs; and

‘‘(v) other programs or systems the State determines to be appropriate;

‘‘(B) the identification of any barriers for individuals with Fetal Alcohol Spectrum Disorders or women at risk for alcohol consumption during pregnancy to access the programs identified under subparagraph (A); and

‘‘(C) proposals to eliminate barriers to prevention and treatment programs and coordinate the activities of such programs.

‘‘(4) Use of funds.—Amounts received under a grant, contract, or cooperative agreement under paragraph (1) shall be used for one or more of the following activities:

‘‘(A) Establishing a statewide surveillance system.

‘‘(B) Collecting, analyzing and interpreting data.

‘‘(C) Establishing a diagnostic center.

‘‘(D) Developing, implementing, and evaluating population-based and targeted prevention programs for Fetal Alcohol Spectrum Disorders, including public awareness campaigns.

‘‘(E) Referring individuals with Fetal Alcohol Spectrum Disorders to appropriate support services.

‘‘(F) Developing and sharing best practices for the prevention, identification, and treatment of Fetal Alcohol Spectrum Disorders.

‘‘(G) Providing training to health care providers on the prevention, identification, and treatment of Fetal Alcohol Spectrum Disorders.

‘‘(H) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services to families of individuals with Fetal Alcohol Spectrum Disorders.

‘‘(I) Other activities determined appropriate by the Secretary.

‘‘(5) Multi-State programs.—The Secretary shall permit the formation of multi-State Fetal Alcohol Spectrum Disorders programs under this subsection.

‘‘(6) Other contracts and agreements.—A State may carry out activities under paragraph (4) through contacts or cooperative agreements with public and private non-profit entities with a demonstrated expertise in Fetal Alcohol Spectrum Disorders.

‘‘(7) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal years 2006 through 2010.

‘‘(d) Promoting Community Partnerships.—

‘‘(1) In general.—The Secretary shall award grants, contracts, or cooperative agreements to eligible entities to enable such entities to establish, enhance, or improve community partnerships for the purpose of collaborating on common objectives and integrating the services available to individuals with Fetal Alcohol Spectrum Disorders, such as surveillance, prevention, treatment, and provision of support services.

‘‘(2) Eligible entities.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity shall—

"(A) be a public or private nonprofit entity, including—

"(i) a health care provider or health professional;

"(ii) a primary or secondary school;

"(iii) a social work or child welfare office;

"(iv) an incarceration or detainment facility;

"(v) a parent-led group or other organization that supports and advocates for individuals with Fetal Alcohol Spectrum Disorders;

"(vi) an Indian tribe or tribal organization;

"(vii) any other entity the Secretary determines to be appropriate; or

"(viii) a consortium of any of the entities described in clauses (i) through (vii); and

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including assurances that the entity submitting the application does, at the time of application, or will, within a reasonable amount of time from the date of application, include substantive participation of a broad range of entities that work with or provide services for individuals with Fetal Alcohol Spectrum Disorders.

"(3) ACTIVITIES.—An eligible entity shall use amounts received under a grant, contract, or cooperative agreement under this subsection shall carry out 1 or more of the following activities:

"(A) Identifying and integrating existing programs and services available in the community for individuals with Fetal Alcohol Spectrum Disorders.

"(B) Conducting a needs assessment to identify services that are not available in a community.

"(C) Developing and implementing community-based initiatives to prevent, diagnose, treat, and provide support services to individuals with Fetal Alcohol Spectrum Disorders.

"(D) Disseminating information about Fetal Alcohol Spectrum Disorders and the availability of support services.

"(E) Developing and implementing a community-wide public awareness and outreach campaign focusing on the dangers of drinking alcohol while pregnant.

"(F) Providing mentoring or other support to families of individuals with Fetal Alcohol Spectrum Disorders.

"(G) Other activities determined appropriate by the Secretary.

"(4) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

"(e) DEVELOPMENT OF BEST PRACTICES.—

"(1) IN GENERAL.—The Secretary, in coordination with the National Task Force on Fetal Alcohol Spectrum Disorders, shall award grants to States, Indian tribes and tribal organizations, and nongovernmental organizations for the establishment of pilot projects to identify and implement best practices for—

"(A) educating children with fetal alcohol spectrum disorders, including—

"(i) activities and programs designed specifically for the identification, treatment, and education of such children; and

"(ii) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;

"(B) educating judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat and support individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—

"(i) programs designed specifically for the identification, treatment, and education of those with Fetal Alcohol Spectrum Disorders; and

"(ii) curricula development and credentialing within the justice system for individuals who implement such programs; and

"(C) educating adoption or foster care agency officials about available and necessary services for children with fetal alcohol spectrum disorders, including—

"(i) programs designed specifically for the identification, treatment, and education of those with Fetal Alcohol Spectrum Disorders; and

"(ii) education and training for potential parents of an adopted child with Fetal Alcohol Spectrum Disorders.

"(2) APPLICATION.—To be eligible for a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

"(f) TRANSITIONAL SERVICES.—

"(1) IN GENERAL.—The Secretary shall award demonstration grants, contracts, and cooperative agreements to States, Indian tribes and tribal organizations, and nongovernmental organizations for the purpose of establishing integrated systems for providing transitional services for those affected by prenatal alcohol exposure and evaluating their effectiveness.

"(2) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(3) ALLOWABLE USES.—An entity shall use amounts received under a grant, contract, or cooperative agreement under paragraph (1) to—

"(A) provide housing assistance to adults with Fetal Alcohol Spectrum Disorders;

"(B) provide vocational training and placement services for adults with Fetal Alcohol Spectrum Disorders;

"(C) provide medication monitoring services for adults with Fetal Alcohol Spectrum Disorders; and

"(D) provide training and support to organizations providing family services or mental health programs and other organizations that work with adults with Fetal Alcohol Spectrum Disorders.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

"(g) COMMUNITY HEALTH CENTER INITIATIVE.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to community health centers acting in collaboration with States, Indian tribes, tribal organizations, and nongovernmental organizations, for the establishment of a 5-year demonstration program under the direction of the Interagency Coordinating Committee on Fetal Alcohol Syndrome to implement and evaluate a program to increase awareness and identification of Fetal Alcohol Spectrum Disorders in community health centers and to refer affected individuals to appropriate support services.

"(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a community health center shall prepare and submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may reasonably require.

"(3) ACTIVITIES.—A community health center shall use amounts received under a grant under paragraph (1) to—

"(A) provide training for health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy;

"(B) provide training for health care providers on screening children for Fetal Alcohol Spectrum Disorders;

"(C) educate health care providers and other relevant community health center workers on the support services available for those with Fetal Alcohol Spectrum Disorders and treatment services available for women at risk for alcohol consumption during pregnancy; and

"(D) implement a tracking system that can identify the rates of Fetal Alcohol Spectrum Disorders by racial, ethnic, and economic backgrounds.

"(4) SELECTION OF PARTICIPANTS.—The Administrator shall determine the number of community health centers that will participate in the demonstration program under this subsection and shall select participants, to the extent practicable, that are located in different regions of the United States and that serve a racially and ethnically diverse population.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.

"(6) REPORT TO CONGRESS.—Not later than 1 year after completion of the demonstration program under this subsection, the Administrator shall prepare and submit to Congress a report on the results of the demonstration program, including—

"(A) changes in the number of women screened for and identified as at risk for alcohol consumption during pregnancy;

"(B) changes in the number of individuals identified as having a Fetal Alcohol Spectrum Disorder; and

"(C) changes in the number of alcohol-consuming pregnant women and individuals with Fetal Alcohol Spectrum Disorders who were referred to appropriate services.";

(4) in subsection (h)(1) (as so redesignated)—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) in subparagraph (D), by adding "and" after the semicolon; and

(C) by adding at the end the following:

"(E) national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy with the purpose of reducing the prevalence of Fetal Alcohol Spectrum Disorders, that shall—

"(i) be conducted by relevant Federal agencies under the coordination of the Interagency Coordinating Committee on Fetal Alcohol Syndrome;

"(ii) be developed by the appropriate Federal agencies, as determined by the Interagency Coordinating Committee on Fetal Alcohol Syndrome taking into consideration the expertise and experience of other relevant Federal agencies, and shall test and evaluate the public service announcement's effectiveness prior to broadcasting the announcements nationally;

"(iii) be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach women at risk of alcohol consumption during pregnancy; and

"(iv) be measured prior to broadcast of the national public service announcements to provide baseline data that will be used to evaluate the effectiveness of the announcements."; and

(5) in subsection (k) (as so redesignated)—

(A) in paragraph (1), by striking "National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect" and inserting "National Task Force on Fetal Alcohol Spectrum Disorders";

(B) in paragraph (3)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by adding "and" after the semicolon; and

(iii) by adding at the end the following:

"(D) develop, in collaboration with the Interagency Coordinating Committee on Fetal Alcohol Syndrome, a report that identifies and describes the 10 most important actions that must be taken to reduce prenatal alcohol exposure and all its adverse outcomes, and that shall—

"(i) describe the state of the current epidemiology of Fetal Alcohol Spectrum Disorders, risk factors, and successful approaches in policy and services that have reduced alcohol-exposed pregnancies and outcomes;

"(ii) identify innovative approaches that have worked in related areas such as tobacco control or HIV prevention that may provide models for Fetal Alcohol Spectrum Disorders prevention;

"(iii) recommend short-term and long-term action plans for achieving the Healthy 2010 Objectives for the United States, such as increasing abstinence from alcohol among pregnant women and reducing the occurrence of Fetal Alcohol Syndrome; and

"(iv) recommend in coordination with the National Institute on Mental Health whether Fetal Alcohol Syndrome and other prenatal alcohol disorders, or a subset of these disorders, should be included in the Diagnostic and Statistical Manual of Mental Disorders."; and

(C) by striking "Fetal Alcohol Syndrome and Fetal Alcohol Effect" each place that such appears and inserting "Fetal Alcohol Spectrum Disorders".

SEC. 4. COORDINATION AMONG FEDERAL ENTITIES.

Part O of title III of the Public Health Service Act (42 U.S.C. 280f et seq.) is amended by adding at the end the following:

"SEC. 399K-1. COORDINATION AMONG FEDERAL ENTITIES.

"(a) INTERAGENCY COORDINATING COMMITTEE ON FETAL ALCOHOL SYNDROME.—The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism, shall provide for the continuation of the Interagency Coordinating Committee on Fetal Alcohol Syndrome so that such Committee may—

"(1) coordinate activities conducted by the Federal Government on Fetal Alcohol Spectrum Disorders, including convening meetings, establishing work groups, sharing information, and facilitating and promoting collaborative projects among Federal agencies; and

"(2) develop, in consultation with the National Task Force on Fetal Alcohol Spectrum Disorders, priority areas for years 2006 through 2010 to guide Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

"(b) COORDINATION AMONG FEDERAL ENTITIES.—

"(1) IN GENERAL.—The Comptroller General of the United States shall evaluate and make recommendations regarding the appropriate roles and responsibilities of Federal entities with respect to programs and activities related to Fetal Alcohol Spectrum Disorders.

"(2) COVERED ENTITIES.—The Federal entities under paragraph (1) shall include entities within the National Institutes of Health, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the Health Resources and Services Administration, the Indian Health Service, the Agency for Healthcare Research and Quality, the Interagency Coordinating Committee on Fetal Alcohol Syndrome, the National Task Force on Fetal Alcohol Spectrum Disorders, as well as the Office of Special Education and Rehabilitative Services in the Department of Education and the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice.

"(3) EVALUATION.—The evaluation conducted by the Comptroller General under paragraph (1) shall include—

"(A) an assessment of the current roles and responsibilities of Federal entities with programs and activities related to Fetal Alcohol Spectrum Disorders; and

"(B) an assessment of whether there is duplication in programs and activities, conflicting roles and responsibilities, or lack of coordination among Federal entities.

"(4) RECOMMENDATION.—The Comptroller General shall provide recommendations on the appropriate roles and responsibilities of the Federal entities described in paragraph (2) in order to maximize the effectiveness of Federal programs and activities related to Fetal Alcohol Spectrum Disorders.

"(5) COMPLETION.—Not later than 1 year after the date of enactment of the Advancing FASD Research, Prevention, and Services Act, the Comptroller General shall complete the evaluation and submit to Congress a report on the findings and recommendations made as a result of the evaluation.".

SEC. 5. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

Section 519C(b) of the Public Health Service Act (42 U.S.C. 290bb-25c(b)) is amended—

(1) in paragraph (11), by striking "and" after the semicolon;

(2) by redesignating paragraph (12) as paragraph (15); and

(3) by inserting after paragraph (11), the following:

"(12) provide respite care for caretakers of individuals with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders;

"(13) recruit and train mentors for adolescents with Fetal Alcohol Syndrome and other prenatal alcohol-related disorders;

"(14) provide educational and supportive services to families of individuals with Fetal Alcohol Spectrum Disorders; and".

SEC. 6. PREVENTION, INTERVENTION, AND SERVICES IN THE EDUCATION SYSTEM.

The Secretary of Education shall direct the Office of Special Education and Rehabilitative Services to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the educational system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399H(b) of the Public Health Service Act (as added by this Act);

(2) introduce curricula previously developed by the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration on how to most effectively educate and support children with Fetal Alcohol Spectrum Disorders in both special education and traditional education settings, and investigate incorporating information about the identification, prevention, and treatment of the Disorders into teachers' credentialing requirements;

(3) integrate any special techniques on how to deal with Fetal Alcohol Spectrum Disorders children into parent-teacher or parent-administrator interactions, including after-school programs, special school services, and family aid programs;

(4) collaborate with other Federal agencies to introduce a standardized educational unit within schools' existing sexual and health education curricula, or create one if needed, on the deleterious effects of prenatal alcohol exposure; and

(5) organize a peer advisory network of adolescents in schools to discourage the use of alcohol while pregnant or considering getting pregnant.

SEC. 7. PREVENTION, INTERVENTION, AND SERVICES IN THE JUSTICE SYSTEM.

The Attorney General shall direct the Office of Juvenile Justice and Delinquency Prevention to—

(1) implement screening procedures and conduct training on a nationwide Fetal Alcohol Spectrum Disorders surveillance campaign for the justice system in collaboration with the efforts of the National Center on Birth Defects and Developmental Disabilities under section 399H(b) of the Public Health Service Act (as added by this Act);

(2) introduce training curricula, in collaboration with the National Center on Birth Defects and Developmental Disabilities and the Substance Abuse and Mental Health Services Administration, on how to most effectively identify and interact with individuals with Fetal Alcohol Spectrum Disorders in both the juvenile and adult justice systems, and investigate incorporating information about the identification, prevention, and treatment of the disorders into justice professionals' credentialing requirements;

(3) promote the tracking of individuals entering the juvenile justice system with at-risk backgrounds that indicates them as high probability for having a Fetal Alcohol Spectrum Disorder, especially those individuals whose mothers have a high record of drinking during pregnancy as reported by the appropriate child protection agency;

(4) educate judges, attorneys, child advocates, law enforcement officers, prison wardens, alternative incarceration administrators, and incarceration officials on how to treat and support individuals suffering from Fetal Alcohol Spectrum Disorders within the criminal justice system, including—

(A) programs designed specifically for the identification, treatment, and education of such children; and

(B) curricula development and credentialing of teachers, administrators, and social workers who implement such programs;

(5) conduct a study on the inadequacies of how the current system processes children

with certain developmental delays and subsequently develop alternative methods of incarceration and treatment that are more effective for youth offenders identified to have a Fetal Alcohol Spectrum Disorder; and

(6) develop transition programs for individuals with Fetal Alcohol Spectrum Disorders who are released from incarceration.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 399J of the Public Health Service Act (42 U.S.C. 280f-2) is amended by striking "the part" and all that follows through the period and inserting "subsections (h) through (k) of section 399H, $27,000,000 for each of fiscal years 2006 through 2010".

(b) REPEAL OF SUNSET.—Section 399K of the Public Health Service Act (42 U.S.C. 280f-3) is repealed.

Mr. JOHNSON. Mr. President, today I join Senators DODD, DURBIN, COLEMAN, MURKOWSKI, and MURRAY to introduce the "Advancing FASD Research, Prevention, and Services Act of 2005." I thank them for joining me in introducing this legislation that will improve the surveillance, identification, and prevention of Fetal Alcohol Syndrome Disorders or FASD.

FASD affects 1 in 100 live births or as many as 40,000 infants each year. This illness affects more people than those impacted by spina bifida, down syndrome, and cerebral palsy combined. In my home State of South Dakota, approximately 31,777 individuals are suspected of having FASD. This statistic is alarming and it is for these reasons why I believe that this bill is so critical in helping fight this disease.

During the course of my career, I have met and worked with people whose lives have been deeply affected by this preventable illness. For a person affected by FASD, there can be numerous medical, physical, educational, and financial implications, such as severe learning disabilities, physical abnormalities, costly medical bills, and behavioral impairments.

According to the University of South Dakota School of Medicine and Health Sciences Center for Disabilities, the lifetime cost for an individual with FASD is over $2 million, and the special educational costs for South Dakota children with FASD can range from $3,781 to $17,056 per year. Additionally, over 60 percent of the individuals in South Dakota who have been diagnosed with FASD lived within a foster care home for some part of their lives. While the foster care parent cares and loves a child, the child will never really know the stability of a permanent family.

Furthermore, it is estimated that 60 percent of individuals with FASD will end up in a correctional or mental institution at some point in their lives. Most individuals with FASD will commit their first crime between the ages of 9 and 14, costing the state of South Dakota close to $165.04 per day to house a juvenile offender with FASD, the total amount of all children with FASD in the South Dakota juvenile justice system and special education program is $3,810,240.

These unfortunate statistics compel me to join with my colleagues to introduce this bill today. While we have increased awareness about the dangers of consuming alcohol during pregnancy, there is much more that needs to be done to reach the goal of elimination of FASD in this Nation.

In my home State of South Dakota, we've had great successes in working on this issue. With the leadership of the health professionals at the USD Center for Disabilities, the Black Hills State University Western Center of Fetal Alcohol Syndrome, parents, and teachers, among countless others, we have been able to make some important advancements in addressing FASD. This legislation will bolster those efforts and those of many others across the country that are working hard to prevent FASD and support the children and families who are living with its consequences.

This bill would provide much needed support in the areas of research and prevention. This legislation would require the National Institutes of Health to develop a research agenda for FASD including research related to identifying the mechanisms that produce the cognitive and behavioral problems associated with fetal alcohol exposure, and identifying biological markers that indicate fetal alcohol exposure.

This bill would also make available Federal grants to community health centers to implement and evaluate programs to increase awareness and identification of FASD in those settings. Participating health centers would be able to make available training to health care providers on identifying and educating women who are at risk for alcohol consumption during pregnancy and also provide training to health care providers on screening children for FASD, among other things.

Another provision in this bill creates public awareness and education campaigns in at-risk areas, in order to further the prevention of this disease. This bill would authorize the development and broadcast of national public service announcements to raise public awareness of the risks associated with alcohol consumption during pregnancy.

Again, I am pleased to be introducing this bill. I would also like to take a moment to thank Senator Daschle for his leadership on FASD. His long commitment to combating this illness is ever present in South Dakota and for those who continue to work with those battling FASD every day. Without his hard work and dedication, we would not be as far today in preventing FASD as we are.

By Ms. COLLINS:

S. 1723. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, all along our Nation's coasts are harbors that were once full of the sights, sounds, and smells that accompany the fishing industry. Unfortunately, a number of factors are converging to lead to the loss of our Nation's vital fishing infrastructure, which is essential for the continuance of the commercial fishing industry. I have drafted legislation that will help to combat the loss of commercial access to our waterfronts and to support the fishing industry's role in our maritime heritage.

In July, I was contacted by Andy Hawke of Boothbay Harbor, ME, a lobsterman who explained that the local lobstermen's cooperative had recently come up for sale. Unfortunately, the local fishermen could not come up with the resources to purchase the cooperative's facilities, and they were looking for Federal assistance in order to keep this coastal property accessible to the commercial fishing industry. Their goal was to keep the cooperative in operation for the lobstermen of Boothbay Harbor and the "upcoming youth who will be in the lobster industry."

There was little assistance that I could offer beyond identifying some grant programs that might apply. I discovered quickly that there is no targeted, Federal program to help the commercial fishing industry gain or preserve access to waterfront areas. At the same time, the pressures that drive the commercial fishing industry from these vital pieces of industry infrastructure are mounting. I rise today to introduce legislation that would create a program to assist our Nation's commercial fishermen, the Working Waterfront Preservation Act.

I can best speak to this issue by pointing to the loss of commercial waterfront access in Maine. Only 25 of Maine's 3,500 miles of coastline are devoted to commercial access. Sadly, portions of Maine's working waterfront are being sold weekly and converted to other uses, most often second homes and condominiums.

The reasons for the loss of Maine's working waterfront are complex. In some cases, burdensome fishing regulations have led to a decrease in landings, hindering the profitability of shore-side infrastructure, like the Portland Fish Exchange. In other cases, soaring land values and rising taxes have made the current use of commercial land unprofitable. Property is being sold and quickly converted into private spaces and second homes that no longer are the center of economic activity.

Maine's lack of commercial waterfront access has prompted the formation of a Working Waterfront Coalition. This coalition is comprised of an impressive number of industry associations, non-profit groups, and State agencies, who have come together to preserve Maine's working waterfront.

Preservation of the working waterfront is essential to protect a way of life that is unique to our coastal States and is vital to economic development along the coast. Maine's Working Waterfront Coalition identified 18 projects that would increase Maine's available working waterfront. These 18 projects would create or preserve over 875 Maine jobs. All that is needed is a modest investment in Maine's working waterfront.

The loss of commercial waterfront access affects the fishing industry throughout all coastal States. On August 28, 2005, a story appeared in the Providence Journal about the fishing port of Galilee in Rhode Island. Fishermen from Galilee are getting pushed out of the waterfront as their profitability shrinks and land values soar. This article detailed plans to create more condominiums in Galilee and $2 million beach houses marketed to buyers from Connecticut and New York.

On July 26, 2005, the Los Angeles Times ran a story on the disappearance of working waterfront in Florida. In June of this year, Governor Bush signed a law aimed at protecting that State's working waterfront.

On February 20, 2005, the Seattle Times profiled the Washington town of Anacortes's struggle with development and the future of this port. In this story, the city attorney and planner said that the biggest issue facing this town is whether they can continue to have a working waterfront, as Anacortes "is still a real town where people are making a real living."

Another region of the country where this bill will help the local community and stimulate economic growth is a region we have heard a lot about in recent news, the gulf coast. On September 6, 2005, the Houston Chronicle ran a story on the havoc caused by Hurricane Katrina to Alabama's fishing industry. This disaster hit the town of Bayou La Batre; it destroyed oyster beds, upended fishing boats, and damaged the docks and piers on which the fishing industry relies. The Working Waterfront Preservation Act would assist the victims of this storm in rebuilding the shore-side infrastructure vital to the industry.

No matter the coastal State, our Nation's fishermen are affected by the loss of access to commercial waterfront properties. I have drafted legislation targeting this exact problem, as no Federal program exists to assist States like Maine, Florida, Washington, and Alabama, which are trying to cope with the loss of this valuable infrastructure.

The loss of commercial waterfront access is apparent. The Working Waterfront Preservation Act would assist by providing Federal grant funding to municipal and State governments, nonprofit organizations, and fishermen's cooperatives for the purchase of property or easements or for the maintenance of working waterfront facilities. The bill contains a $50 million authorization for grants that would require a 25 percent local match. Applications for grants would be considered by both the Department of Commerce and State fisheries agencies, which have the local expertise to understand the needs of each coastal State. Grant recipients would agree not to convert coastal properties to noncommercial uses, as a condition of receiving Federal assistance.

This legislation also has a tax component included. When properties or easements are purchased, sellers would only be taxed on half of the gain they receive from this sale. Taxing only half of the gain on conservation sales is a proposal that has been advanced by the President in all of his budget proposals. This is a vital aspect of my bill because it would diminish the pressure to quickly sell waterfront property that would then, most likely, be converted to noncommercial uses, and would increase the incentives for sellers to take part in this grant program. This is especially important given that the application process for Federal grants does not keep pace with the coastal real estate market.

This legislation is crucial for our Nation's commercial fisheries, which are coming under increasing pressures from many fronts. This new grant program would preserve important commercial infrastructure and promote economic development along our coast. I am committed to creating a Federal mechanism to preserve working waterfronts and will pursue this legislation during the 109th Congress.

By Ms. SNOWE (for herself, Mr. VITTER, and Mr. TALENT):

S. 1724. A bill to provide assistance for small businesses damaged by Hurricane Katrina, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to bring to the attention of the Senate a bill which provides a comprehensive package for immediate emergency resources to help the victims of Hurricane Katrina rebuild their lives and their businesses.

As we are well aware, the entire Gulf Coast of the United States has been ravaged by the disaster of Hurricane Katrina. No natural disaster in this country in recent memory has carried with it the devastation and horror we have witnessed in the recent weeks. Many lives have been lost and damages are projected in the hundreds of billions of dollars. The President and Congress have already provided over $61 billion in emergency funds.

While we work to re-establish communities and provide some stability to the affected areas, we must consider the enormous economic impact this catastrophe has had on the region and on our entire Nation. This impact is particularly pronounced for the vital small business sector. With over 800,000 firms damaged in the Hurricane-affected region, employment in the Louisiana, Mississippi and Alabama area may be reduced by over a million jobs! Moreover, our economy which has recently recovered from recession, thanks largely to our small businesses which have created three-quarters of all new jobs, could be dampened by as much as a full percentage point.

As Chair of the Committee on Small Business and Entrepreneurship, I am committed to do everything in my power to provide immediate and necessary support to rebuild this region and to help sustain our economy. I want to ensure that every American affected by this Hurricane has the resources to begin rebuilding their lives, their businesses and their dreams.

The provisions of this bill were contained in an amendment that I proposed, Amendment #1717, to the Commerce, Justice, and Science Appropriations Act of 2005, H.R. 2862. I would like to thank my colleagues, Senator VITTER, Senator TALENT, Senator KERRY, and Senator LANDRIEU, for cosponsoring that amendment. The amendment was approved in the Senate by a rollcall vote of 96 to 0 on September 15, 2006, and subsequently passed the Senate in the Commerce, Justice, and Science Appropriations Act on that same day.

Because the Federal Disaster Loan program administered by the Small Business Administration issues Disaster Loans to businesses, homeowners, and renters, this legislation would have a significant impact on many facets of the efforts to rebuild the areas damaged by Hurricane Katrina.

I will also be holding a hearing in the Small Business Committee on September 22, 2005 to address the impact that Hurricane Katrina has had on small businesses.

The Small Business Administration is and must be at the forefront of this massive relief effort, playing a significant role in assisting impacted communities. This bill will strengthen the SBA's resources and will enable them to pave the pathway to recovery. I have faith that American small businesses will persevere through these difficult times and help lead the region's recovery. It is essential that we work together here in Congress, and put forth the best possible proposal to stimulate our economy and foster job growth.

I have spoken with SBA's Administrator Barreto concerning the various ways to respond to this disaster and assist with the recovery. He informed me that FEMA has referred over 500,000 cases for loan assistance to the SBA, and that the SBA is receiving up to 20,000 calls per day. This is a tremendous volume and a vital challenge that the SBA must satisfy. To date, the SBA has sent out almost 500,000 applications for loans to individuals and businesses, and has received 810 loan applications as of Monday morning, which demonstrates that much assistance is yet to be provided by the SBA. Therefore, it is critical that we act now!

I firmly believe this legislation is the best possible package to aid families, businesses and communities through these challenging times. Small businesses must have a fighting chance to survive the economic disaster caused by Hurricane Katrina.

I have included many provisions in my bill that would assist hurricane victims applying for SBA disaster loans. My legislation increases the maximum size of an SBA Disaster Loan from $1.5 million per loan to $10 million per loan and makes it possible for non-profit institutions damaged by Hurricane Katrina to be eligible for Disaster Loans.

I have also provided the SBA with the authority to grant victims of Hurricane Katrina up to 12 months to begin repaying their SBA disaster loans which would assist both small and large businesses, homeowners, and renters. This 12 month period could be extended to 24 months at the discretion of the SBA Administrator if he determines that Katrina victims would need additional time to begin repaying their loans. This would allow also homeowners and businesses additional time to get their lives and businesses restored before being required to begin repaying loans.

This legislation also proposes lowering fees for the 7(a) program to make borrowing more affordable for small businesses outside the disaster areas, many of which have been impacted by the disaster, and are struggling to cover higher costs in health care and energy, and rising interest rates.

Recognizing the increased demand this disaster will place on all small business lending programs, the amendment proposes increasing the 7(a) lending program from a program level of $17 billion to $20 billion, and the 504 lending program from a program level of $7.5 billion to $10 billion. Both the 504 and 7(a) lending programs are funded entirely through fees, so the increases require no appropriation.

Moreover, this bill increases the program level for SBA Disaster Loans—Physical and Economic Injury—by approximately $800 million, requiring an appropriation of approximately $117 million. The Committee is concerned there will not be enough funding for disaster loans available to meet the scope of this disaster, given that the economic injury disaster loans alone for 9-11 amounted to about $1 billion, and the physical damage for Katrina is considered much more extensive.

The bill also includes a provision requiring the SBA to treat these special provisions as separate from the regular programs, to avoid increasing future subsidy rates, and therefore, the costs for borrowers who rely on those programs. This same protection was provided for emergency 7(a) loans after 9–11 and for the special disaster loans for 9–11.

Additionally, many small businesses in the disaster areas will require relief from making payments and interest on 7(a) and 504 loans they had before Katrina hit. Therefore, this amendment includes a provision that directs the SBA to cover the payments and interest on existing loans for up to two years, or until the small business can resume payments.

Similar to the Supplementary Terrorist Activity Relief (STAR) loans enacted by Congress after 9-11, this bill allows the SBA to provide similar loans with lower fees for small businesses located outside the disaster zones but are nonetheless indirectly impacted by Hurricane Katrina. The lower fees also provide the lenders with an incentive to lend to these businesses.

Importantly, the bill includes protections to mitigate recent reports of past misdirection of loans to non-disaster victims. The protections include requiring lenders to inform borrowers that they are receiving Katrina relief loans, requiring lenders to document to the SBA how the borrower was adversely affected by Hurricane Katrina, and for the Government Accountability Office to collect the explanations and report to the Senate Committee on Small Business and Entrepreneurship and House Committee on Small Business every six months, verifying loans are being used for the intended purposes. These added protections will ensure that only applicants who really need these loans to recover from the horrific effects of Hurricane Katrina will receive the loans.

Furthermore, the legislation authorizes $400 million to the affected state governments of Louisiana, Mississippi, Alabama, Texas, and Florida to provide emergency bridge loans or grants to small businesses in the disaster areas that have been adversely impacted by Hurricane Katrina and require immediate access to capital until they can secure other loans or financial assistance. The goal is to disburse the funds within seven days, and this measure is based on a successful program that helped victims of the hurricanes in Florida.

With the cost of Katrina relief and rebuilding estimated at over $100 billion, small businesses, particularly those located in the disaster area and that employ individuals in the affected areas, should receive their fair share of federal contracting and subcontracting dollars. My bill also attempts to provide critical assistance to small businesses that have been operating in the areas devastated by the Hurricane Katrina by expanding access to Federal contract and subcontracts.

Government projects provide solid business opportunities and prompt, steady pay for small businessmen and businesswomen. In addition, government procurement would open doors for many local small businesses to participate in the long-term reconstruction work in the Gulf Coast areas. Prior to the disaster, small construction companies in Alabama, Mississippi, and Louisiana brought home nearly $500 million in Federal contracts a year. Total small business contracts in the Gulf Coast region exceeded $3 billion a year. While many small businesses would benefit from other forms of disaster assistance, many of them are ready to get back to work and into business as soon as possible.

To that end, my bill designates the Hurricane Katrina disaster area as a HUBZone. A HUBZone designation would enable small businesses locating in the disaster area and employing people in that area to receive contracting preferences and price evaluation preferences to offset greater costs of doing business. The HUBZone program was created to direct federal contacting dollars to economically distressed areas. Extending the HUBZone designation to the Gulf Coast would bring needed businesses development tools to affected areas.

In addition, my bill would increase the maximum size of surety bonds from $2 million to $5 million for Katrina-related contracts. Small contractors vying for work need an increase in bonds to handle greater projects for Hurricane Katrina relief. Local small businesses in the Gulf Coast can use higher bonds to compensate for the damage to their assets from the Hurricane.

My bill would also direct the SBA, its resources partners, and the Federal offices of small and disadvantaged business utilization to create a contracting outreach program for small businesses located or willing to locate in the Katrina disaster area. Finally, my bill would establish small business contracting and subcontracting goals for all Katrina-related contracts and subcontracts to promote greater jobs creation and development, while providing reasonable flexibility to Federal agencies in meeting that goal in light of difficult circumstances on the ground.

Finally I would also like to comment on the funding levels provided for the SBA in this bill. I have authorized the appropriation of $24.25 million for grants to increase business counseling in the damaged areas for several SBA entrepreneurial development programs including: Small Business Development Centers (SBDCs); SCORE; Womens Business Centers (WBCs); Veteran's Business Centers, and Microloan Technical Assistance.

Our Nation's 25 million small businesses prove time and again to breathe new life into our economy, by growing at twice the rate of all firms. And when a disaster strikes, the spirit, determination and will of America's small businesses help to create the firm economic foundation, propelling our nation's economic growth. Therefore, we in turn must create an atmosphere favorable for small businesses and provide this emergency package to the SBA. We must allow Nation's small businesses to do what they do best—"create jobs."

I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Congress must find essential agreement and fulfill its obligation to America's small businesses. Clearly, if we strive for anything less, we fail to support the backbone of our economy, our hope for new innovation, and the entrepreneurs reach for the American dream.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. LEVIN, and Mr. MCCAIN):

S. 1725 A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Assure Emergency and Interoperable Communications for First Responders Act of 2005—or EICOM—as a step towards improving emergency communications nationwide so no community experiences the communications failure we saw in parts of the Gulf Coast in the wake of Hurricane Katrina.

I want to thank my cosponsors, Senators COLLINS, LEVIN, AKAKA, and MCCAIN, for joining me in this effort.

The attack of 9/11 dramatically showed how vulnerable our first responders are in an emergency when they are unable to communicate with each other.

Four years after 9/11, solving the problem of interoperability remains the number one priority for our Nation's first responders.

Whether responding to a terrorist attack, natural disaster, fire, a missing child, or a fleeing suspect, police, fire fighters, emergency medical technicians and other responders still all too frequently arrive at the scene with incompatible communications equipment and can't share crucial, life-saving information with each other.

This puts at risk both the lives of our first responders and those they were sworn to protect.

I have previously introduced legislation that addresses the problems of interoperability. But Hurricane Katrina spotlighted an even more severe problem—operability—the need for systems that themselves can survive a disaster, either natural or manmade. Katrina has shown us that without a working communications system a coordinated response to an emergency becomes close to impossible.

This bill seeks to address the challenges of both interoperability and operability.

Hurricane Katrina blew down power lines, knocked out cell phone towers and wiped out regular phone service in blasts of wind and water. In too many areas the result was no regular or cell phone service and portable radios that slowly went dead because there was no way to charge the batteries.

What do you do when you are down to zero communications? Gulf Coast emergency officials were repeatedly reduced to using runners to communicate between command centers and first responders in the field.

And this is not the first time this has happened in the United States.

Some have suggested that the scenes out of the Gulf Coast had a third world quality about them. But runners? That isn't Third World. That is the ancient world. That is Athens in 490 BC when legend has it a runner covered 300 miles in a week to share information and coordinate the defense of the City of Marathon—thus the name of the race.

But certainly between 490 BC and the 21st Century we've made greater advancement in communications technologies than better running shoes.

This bill seeks to remedy the communications nightmare we saw in New Orleans and the Gulf Coast—and make sure we don't have the same nightmare in future disasters.

This bill establishes an Office for Emergency Communications, Interoperability and Compatibility—or ECIC—within the Department of Homeland Security, replacing and strengthening the present Office for Interoperability and Compatibility.

This new and stronger ECIC will be charged with finding ways to establish emergency communications capabilities when a terrorist attack, natural disaster or other large-scale emergency has damaged or destroyed usual communications and electrical infrastructure.

This bill also tells the Secretary of DHS to establish a comprehensive, competitive research and development program to identify and answer the policy and technology questions necessary to sustain emergency communications capabilities and achieve interoperability.

This includes promoting research through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency, (HSARPA) and considering establishing a Center of Excellence.

The bill also directs the Secretary of DHS to establish at least two pilot projects to help us develop and test working emergency communications systems for first responders and government officials that will survive a natural disaster or terrorist attack where there has been damage to or destruction to critical infrastructure.

Finally, this bill establishes a grant program for States and regional consortiums to develop and implement short-term and long-term solutions for emergency communications capabilities and interoperability. Total grant amounts would start at $400,000,000 for fiscal year 2006, rising to $1 billion by 2010.

9/11 showed us the danger of noninteroperable communications for our first responders and the people they try to protect. Lives were likely lost that day because some first responders didn't get the orders to evacuate.

Katrina showed us the further peril that comes with zero communications. First responders tried to react to the disaster but didn't know where to go or what to do.

And, again, we know lives were lost.

This is 21st Century America, not ancient Athens. We've moved beyond runners. We have technologies at our disposal undreamed of even just a few years ago and breakthroughs still to come.

Let's marshal our resources and summon our will and—with a sense of urgency—create communications systems that survive disaster so our first responders can do their jobs—helping others when lives are on the line and seconds matter.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assure Emergency and Interoperable Communications for First Responders Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communications among those responding to a natural disaster, terrorist attack, or other large-scale emergency are critical to an effective response and to save lives.

(2) Ordinary modes of communications are often difficult or impossible during a natural disaster, terrorist attack, or other catastrophic emergency, because of damage to critical infrastructure, including the destruction of phone lines and cellular towers, and loss of power sources and because of increased demand placed on already strained systems.

(3) In the days after Hurricane Katrina devastated the Gulf Coast of the United States, the communications infrastructure in the affected areas was decimated, and difficulties in communicating among officials and first responders significantly impeded the rescue and relief efforts.

(4) A further major barrier to sharing information among police, firefighters, and others who may be called on to respond to natural disasters, terrorist attacks, and other large-scale emergencies is the lack of interoperable communications systems, which can enable public safety agencies to talk to one another and share important, sometimes critical, information in an emergency. Police and firefighters responding to the attacks at the World Trade Center on September 11, 2001, had difficulty communicating with each other. Initial press reports indicate that conflicting radio frequencies also contributed to the difficulties in communications among law enforcement and government relief agencies in the aftermath of Hurricane Katrina.

(5) The Department of Homeland Security has identified communications interoperability as 1 of the key national priorities for first responders to achieve the National Preparedness Goal that the Department of Homeland Security has established for the Nation and has identified emergency response communications as an essential target capability needed to respond to a major event.

(6) The lack of emergency communication capabilities and interoperability costs lives not only during terrorist attacks or natural disasters, but also during everyday emergency operations.

(7) Assuring emergency communications capabilities and achieving interoperability is difficult because some 50,000 local agencies typically make independent decisions about communications systems. This lack of coordination also dramatically increases the cost of public safety communications to Federal, State, local, and tribal governments.

(8) Achieving the level of emergency communications capabilities and communications interoperability that is needed will require an unprecedented level of coordination and cooperation among Federal, State, local, and tribal public safety agencies. Establishing multidisciplinary, cross-jurisdictional governance structures to achieve the necessary level of collaboration is essential to accomplishing this goal.

(9) The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Secretary of Homeland Security, in consultation with other Federal officials, to establish a program to ensure public safety interoperable communications at all levels of government.

(10) However, much more remains to be done. For example, in January 2005, the National Governors Association reported that while achieving interoperability ranked as the top priority for States, obtaining the equipment and technology to fulfill this goal remains a challenge. The large majority of States report that they have not yet achieved interoperability in their States.

(11) Much of the communications equipment used by emergency responders is outdated and incompatible, which inhibits communication between State and local governments and between neighboring local jurisdictions. Additional grant funding would facilitate the acquisition of new technology to enable interoperability.

(12) Stronger and more effective national, statewide, and regional leadership are required to improve emergency communications capabilities and interoperability. The Department of Homeland Security must provide national leadership by conducting nationwide outreach to each State, fostering the development of regional leadership, and providing substantial technical assistance to State, local, and tribal public safety officials, while more effectively utilizing grant programs that fund interoperable equipment and systems.

(13) The Department of Homeland Security must implement pilot programs and fund and conduct research to develop and promote adoption of next-generation solutions for public safety communications. The Department of Homeland Security must also further develop its own internal expertise to enable it to better lead national interoperability efforts and to provide technically sound advice to State and local officials.

(14) Achieving emergency communications capabilities and interoperability requires the sustained commitment of substantial resources. Nonetheless, emergency communications capabilities and interoperability can be accomplished at a much lower cost than would otherwise be possible if strong national leadership drives cooperation and adoption of smart, new technology solutions.

(15) The private sector has a critical role to play in developing cost-effective solutions to these problems.

SEC. 3. OFFICE FOR EMERGENCY COMMUNICATIONS, INTEROPERABILITY, AND COMPATIBILITY.

(a) IN GENERAL.—Section 7303(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(2)) is amended to read as follows:

"(2) OFFICE FOR EMERGENCY COMMUNICATIONS, INTEROPERABILITY, AND COMPATIBILITY.—

"(A) ESTABLISHMENT OF OFFICE.—There is established an Office for Emergency Communications, Interoperability, and Compatibility within the Directorate of Science and Technology of the Department of Homeland Security to carry out this subsection.

"(B) DIRECTOR.—There shall be a Director of the Office for Emergency Communications, Interoperability, and Compatibility, who shall be appointed by the Secretary of Homeland Security.

"(C) RESPONSIBILITIES.—The Director of the Office for Emergency Communications, Interoperability, and Compatibility shall—

"(i) assist the Secretary of Homeland Security in developing and implementing the program described in paragraph (1);

"(ii) carry out the Department of Homeland Security's responsibilities and authorities relating to the SAFECOM Program;

"(iii) carry out section 510 of the Homeland Security Act of 2002; and

"(iv) conduct extensive, nationwide outreach and foster the development of emergency communications capabilities and interoperable communications systems by State, local, and tribal governments and public safety agencies, and by regional consortia thereof, by—

"(I) in coordination with the National Communications System, developing, updating, and implementing a national strategy to achieve emergency communications capabilities, with goals and timetables;

"(II) developing, updating, and implementing a national strategy to achieve communications interoperability, with goals and timetables;

"(III) developing a national architecture, which defines the components of an interoperable system and how they fit together;

"(IV) establishing and maintaining a task force that represents the broad customer base of State, local, and tribal public safety agencies, as well as Federal agencies, involved in public safety disciplines such as law enforcement, firefighting, emergency medical services, public health, and disaster recovery, in order to receive input and coordinate efforts to achieve emergency communications capabilities and communications interoperability;

"(V) working with the Office of Domestic Preparedness Interoperable Communications Technical Assistance Program to—

"(aa) provide technical assistance to State, local, and tribal officials; and

"(bb) facilitate the creation of regional task forces in each State, with appropriate governance structures and representation from State, local, and tribal governments and public safety agencies and from the Federal Government, to effectively address emergency communications capabilities, interoperability, and other communications and information-sharing needs;

"(VI) promoting a greater understanding of the importance of emergency communications capabilities, interoperability, and the benefits of sharing resources among all levels of State, local, tribal, and Federal government;

"(VII) promoting development of standard operating procedures for incident response and facilitating the sharing of information on best practices (including from governments abroad) for achieving emergency communications capabilities and interoperability;

"(VIII) making recommendations to Congress about any changes in Federal law necessary to remove barriers to achieving emergency communications capabilities and communications interoperability;

"(IX) funding and conducting pilot programs, as necessary, in order to—

"(aa) evaluate and validate new technology concepts in real-world environments to achieve emergency communications capabilities and public safety communications interoperability;

"(bb) encourage more efficient use of existing resources, including equipment and spectrum; and

"(cc) test and deploy public safety communications systems that are less prone to failure, support new non-voice services, consume less spectrum, and cost less;

"(X) liaisoning with the private sector to develop solutions to improve emergency communications capabilities and achieve interoperability; and

"(XI) performing other functions necessary to improve emergency communications capabilities and achieve communications interoperability.

"(D) SUFFICIENCY OF RESOURCES.—The Secretary of Homeland Security shall provide the Office for Emergency Communications, Interoperability, and Compatibility with the resources and staff necessary to carry out the purposes of this section. The Secretary shall further ensure that there is sufficient staff within the Office of Emergency Communications, Interoperability, and Compatibility, the Office for Domestic Preparedness, the National Communications Systems, and other offices of the Department of Homeland

Security as necessary, to provide dedicated support to public safety organizations consistent with the responsibilities set forth in subparagraph (C)(iv).".

(b) DEFINITIONS.—Section 7303(g) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) INTEROPERABLE COMMUNICATIONS AND COMMUNICATIONS INTEROPERABILITY.—The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary."; and

(2) by adding at the end the following:

"(3) EMERGENCY COMMUNICATIONS CAPABILITIES.—The term 'emergency communications capabilities' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government in the event of a natural disaster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, substantial loss of ordinary telecommunications infrastructure, and sustained loss of electricity.".

(c) ASSESSMENTS AND REPORTS.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

"SEC. 314. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY ASSESSMENTS AND REPORTS.

"(a) BASELINE INTEROPERABILITY ASSESSMENT.—The Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility, shall conduct a nationwide assessment to determine the degree to which communications interoperability has been achieved to date and to ascertain the needs that remain for interoperability to be achieved.

"(b) EVALUATION OF EMERGENCY COMMUNICATIONS CAPABILITIES.—The Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility and the National Communications System, shall—

"(1) conduct an assessment of the ability of communities to provide and maintain emergency communications among emergency response providers and government officials in the event of a natural disaster, terrorist attack, or other large-scale emergency, including where there is substantial damage to ordinary communications infrastructure and sustained loss of electricity;

"(2) compile a list of best practices among communities for providing and maintaining communications in the event of a natural disaster, terrorist attack, or other large-scale emergency; and

"(3) conduct a study to evaluate the feasibility and desirability of the Department developing, on its own or in conjunction with the Department of Defense, a mobile communications capability, modeled on the Army Signal Corps, that could be deployed to support emergency communications at the site of a natural disaster, terrorist attack, or other large-scale emergency.

"(c) BIANNUAL REPORTS.—Not later than 1 year after the date of enactment of this section, and biannually thereafter, the Secretary, acting through the Director of the Office for Emergency Communications, Interoperability, and Compatibility, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives a report on the Department's progress in implementing and achieving the goals of the Assure Emergency and Interoperable Communications for First Responders Act of 2005. The first report submitted under this subsection shall include a description of the findings of the assessments, evaluations, and study conducted under subsections (a) and (b).".

SEC. 4. RESEARCH AND DEVELOPMENT.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 3, is amended by adding at the end the following:

"SEC. 315. EMERGENCY COMMUNICATIONS INTEROPERABILITY RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall establish a comprehensive research and development program to promote emergency communications capabilities and communications interoperability among first responders, including by—

"(1) promoting research on a competitive basis through the Directorate of Science and Technology Homeland Security Advanced Research Projects Agency; and

"(2) considering establishment of a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, using a competitive process, focused on enhancing information and communications systems for first responders.

"(b) PURPOSES.—The purposes of the program established under subsection (a) include—

"(1) understanding the strengths and weaknesses of the diverse public safety communications systems currently in use;

"(2) examining how current and emerging technology can make public safety organizations more effective, and how Federal, State, and local agencies can utilize this technology in a coherent and cost-effective manner;

"(3) exploring Federal, State, and local policies that will move systematically towards long-term solutions;

"(4) evaluating and validating new technology concepts, and promoting the deployment of advanced public safety information technologies for emergency communications capabilities and interoperability; and

"(5) advancing the creation of a national strategy to enhance emergency communications capabilities, promote interoperability and efficient use of spectrum in communications systems, improve information sharing across organizations, and use advanced information technology to increase the effectiveness of first responders in valuable new ways.".

SEC. 5. PILOT PROJECTS.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by sections 3 and 4, is amended by adding at the end the following:

"SEC. 316. EMERGENCY COMMUNICATIONS PILOT PROJECTS.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish not fewer than 2 pilot projects to develop and evaluate strategies and technologies for providing and maintaining emergency communications capabilities among emergency response providers and government officials in the event of a natural disaster, terrorist attack, or other large-scale emergency in which there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

"(b) SELECTION CRITERIA.—In selecting areas for the location of the pilot projects, the Secretary shall consider—

"(1) the risk to the area from a large-scale terrorist attack or natural disaster;

"(2) the number of potential victims from a large-scale terrorist attack or natural disaster in the area;

"(3) the existing capabilities of the area's emergency communications systems; and

"(4) such other criteria as the Secretary may determine appropriate.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

In addition to the funds authorized to be appropriated by section 7303(a)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(3)), there are authorized to be appropriated for the operations of the Office for Emergency Communications, Interoperability, and Compatibility, to provide technical assistance through the Office for Domestic Preparedness, to fund and conduct research under section 315 of the Homeland Security Act of 2002, to fund pilot projects under section 316 of the Homeland Security Act of 2002, and for other appropriate entities within the Department of Homeland Security to support the activities described in section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194) and sections 314 through 316 of the Homeland Security Act of 2002, as added by this Act—

(1) $127,232,000 for fiscal year 2006;

(2) $126,549,000 for fiscal year 2007;

(3) $125,845,000 for fiscal year 2008;

(4) $125,121,000 for fiscal year 2009; and

(5) such sums as are necessary for each fiscal year thereafter.

SEC. 7. DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY.

The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY.

"SEC. 1801. EMERGENCY COMMUNICATIONS AND INTEROPERABILITY GRANTS.

"(a) IN GENERAL.—The Secretary, through the Office, shall make grants to States and eligible regions for initiatives necessary to improve emergency communications capabilities and to achieve short-term or long-term solutions to statewide, regional, national and, where appropriate, international interoperability.

"(b) USE OF GRANT FUNDS.—Grants awarded under subsection (a) may be used for initiatives to achieve short-term or long-term solutions for emergency communications and interoperability within the State or region and to assist with any aspect of the communication life cycle, including—

"(1) statewide or regional communications planning;

"(2) system design and engineering;

"(3) procurement and installation of equipment;

"(4) training and exercises; and

"(5) other activities determined by the Secretary to be integral to the achievement of emergency communications capabilities and communications interoperability.

"(c) COORDINATION.—The Secretary shall ensure that the Office coordinates its activities with the Office of Emergency Communications, Interoperability, and Compatibility, the Directorate of Science and Technology, the National Communications System, and other Federal entities so that grants awarded under this section, and other grant programs related to homeland security, fulfill the purposes of this Act and facilitate the achievement of emergency communications capabilities and communications interoperability consistent with the national strategy.

"(d) APPLICATION.—

"(1) IN GENERAL.—A State or eligible region desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) MINIMUM CONTENTS.—At a minimum, each application submitted under paragraph (1) shall—

"(A) identify the critical aspects of the communications life cycle, including planning, system design and engineering, procurement and installation, and training for which funding is requested;

"(B) describe how—

"(i) the proposed use of funds would be consistent with and address the goals in any applicable State homeland security plan, and, unless the Secretary determines otherwise, are consistent with the national strategy and architecture; and

"(ii) the applicant intends to spend funds under the grant, to administer such funds, and to allocate such funds among any participating local governments; and

"(C) be consistent with the Interoperable Communications Plan required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

"(e) STATE REVIEW AND SUBMISSION.—

"(1) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible region applying for a grant under this section shall submit its application to each State within which any part of the eligible region is located for review before submission of such application to the Secretary.

"(2) DEADLINE.—Not later than 30 days after receiving an application from an eligible region under paragraph (1), each such State shall transmit the application to the Secretary.

"(3) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(A) notify the Secretary in writing of that fact; and

"(B) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

"(f) AWARD OF GRANTS.—

"(1) CONSIDERATIONS.—In approving applications and awarding grants under this section, the Secretary shall consider—

"(A) the nature of the threat to the State or eligible region from a terrorist attack, natural disaster, or other large-scale emergency;

"(B) the location, risk, or vulnerability of critical infrastructure and key national assets, including the consequences from damage to critical infrastructure in nearby jurisdictions as a result of a terrorist attack, natural disaster, or other large-scale emergency;

"(C) the size of the population, as well as the population density of the area, that will be served by the interoperable communications systems, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration an area that otherwise faces significant threats, vulnerabilities, or consequences from a terrorist attack, natural disaster, or other large-scale emergency;

"(D) the extent to which grants will be utilized to implement emergency communications and interoperability solutions—

"(i) consistent with the national strategy and compatible with the national architecture; and

"(ii) more efficient and cost effective than current approaches;

"(E) the number of jurisdictions within regions participating in the development of emergency communications capabilities and interoperable communications systems, including the extent to which the application includes all incorporated municipalities, counties, parishes, and tribal governments within the State or eligible region, and their coordination with Federal and State agencies;

"(F) the extent to which a grant would expedite the achievement of emergency communications capabilities and interoperability in the State or eligible region with Federal, State, and local agencies;

"(G) the extent to which a State or eligible region, given its financial capability, demonstrates its commitment to expeditiously achieving emergency communications capabilities and communications interoperability by supplementing Federal funds with non-Federal funds;

"(H) whether the State or eligible region is on or near an international border;

"(I) whether the State or eligible region encompasses an economically significant border crossing;

"(J) whether the State or eligible region has a coastline bordering an ocean or international waters;

"(K) the extent to which geographic barriers pose unusual obstacles to achieving emergency communications capabilities or communications interoperability;

"(L) the threats, vulnerabilities, and consequences faced by the State or eligible region related to at-risk site or activities in nearby jurisdictions, including the need to respond to terrorist attacks, natural disasters, or other large-scale emergencies arising in those jurisdictions;

"(M) the need to achieve nationwide emergency communications capabilities and interoperability, consistent with the national strategies; and

"(N) such other factors as are specified by the Secretary in writing.

"(2) REVIEW PANEL.—

"(A) IN GENERAL.—The Secretary shall establish a review panel under section 871(a) to assist in reviewing grant applications under this section.

"(B) RECOMMENDATIONS.—The review panel established under subparagraph (A) shall make recommendations to the Secretary regarding applications for grants under this section.

"(C) MEMBERSHIP.—The review panel established under subparagraph (A) shall include individuals with technical expertise in emergency communications and communications interoperability as well as emergency response providers and other relevant State and local officials.

"(3) AVAILABILITY OF FUNDS.—Any grant funds awarded that may be used to support emergency communications or interoperability shall, as the Secretary may determine, remain available for up to 3 years, consistent with section 7303(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(e)).

"(g) DEFINITIONS.—In this section, the following definitions apply:

"(1) ELIGIBLE REGION.—The term 'eligible region' means—

"(A) 2 or more contiguous incorporated municipalities, counties, parishes, Indian tribes or other general purpose jurisdictions that—

"(i) have joined together to enhance emergency communications capabilities or communications interoperability between first responders in those jurisdictions and with State and Federal officials; and

"(ii) includes the largest city in any metropolitan statistical area, as defined by the Office of Management and Budget; or

"(B) any other area the Secretary determines to be consistent with the definition of a region in the national preparedness guidance issued under Homeland Security Presidential Directive 8.

"(2) OFFICE.—The term 'office' refers to the Office of Domestic Preparedness of the Office of State and Local Government Preparedness and Coordination within the Department of Homeland Security.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of this section—

"(1) $400,000,000 for fiscal year 2006;

"(2) $500,000,000 for fiscal year 2007;

"(3) $600,000,000 for fiscal year 2008;

"(4) $800,000,000 for fiscal year 2009;

"(5) $1,000,000,000 for fiscal year 2010; and

"(6) such sums as are necessary for each fiscal year thereafter.".

SEC. 8. DEFINITIONS.

Section 2 of the Homeland Security of Act of 2002 (6 U.S. C. 101) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (11) through (18), respectively;

(2) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively;

(3) by inserting after paragraph (5) the following:

"(6) The term 'emergency communications capabilities' means the ability to provide and maintain, throughout an emergency response operation, a continuous flow of information among emergency responders, agencies, and government officials from multiple disciplines and jurisdictions and at all levels of government, in the event of a natural disaster, terrorist attack, or other large-scale or catastrophic emergency, including where there has been significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity."; and

(4) by inserting after paragraph (8) the following:

"(9) The terms 'interoperable communications' and 'communications interoperability' mean the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.".

SEC. 9. INTERAGENCY COMMITTEE.

(a) ESTABLISHMENT.—There is established an Interagency Committee on Emergency

Communications and Interoperability (referred to in this section as "the Committee").

(b) COMPOSITION.—The Committee shall be composed of:

(1) a representative of the Department of Homeland Security, who shall serve as Chair of the Committee;

(2) a representative of the Federal Communications Committee;

(3) a representative of the Department of Commerce;

(4) a representative of the Department of Defense;

(5) a representative of the Department of Justice;

(6) a representative of the Department of Health and Human Services;

(7) a representative of the National Institute of Standards and Technology; and

(8) a representative of any other department or agency determined to be necessary by the President.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall submit a report to the President and to Congress that includes—

(1) a proposal as to how to most effectively accelerate the development of national standards for public safety interoperable communications in accordance with section 7303 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194); and

(2) a proposal on how to ensure that Federal officials responding to a natural disaster, terrorist attack, or other large-scale emergency, have the means to provide and maintain emergency communications capabilities to support their response efforts where there is significant damage to, or destruction of, critical infrastructure, including substantial loss of ordinary telecommunications infrastructure and sustained loss of electricity.

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by—

(1) inserting after the item relating to section 313 the following:

"Sec. 314. Emergency communications and interoperability assessments and report.

"Sec. 315. Emergency communications and interoperability research and development.

"Sec. 316. Emergency communications pilot projects.".

(2) adding at the end the following:

"TITLE XVIII—DEDICATED FUNDING TO ACHIEVE EMERGENCY COMMUNICATIONS CAPABILITIES AND INTEROPERABILITY

"Sec. 1801. Emergency communications and interoperability grants.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1732. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1733. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1734. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1735. Mr. COCHRAN proposed an amendment to the bill H.R. 2744, supra.

TEXT OF AMENDMENTS

SA 1732. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7_____. None of the funds made available under this Act shall be used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled "Importation of Whole Cuts of Boneless Beef from Japan", dated August 18, 2005 (70 Fed. Reg. 48494), to allow the importation of beef from Japan, unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

SA 1733. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 12, strike "$1,883,000,000" and insert "$5,100,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006".

On page 158, line 14, strike "$300,000,000" and insert "$1,300,000,000".

SA 1734. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 3 and 4, insert the following:

HISTORIC BARN PRESERVATION PROGRAM

For the historic barn preservation program established under section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o), $2,000,000.

On page 144, line 7, strike "$98,386,000" and insert "$96,386,000".

SA 1735. Mr. COCHRAN proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

SEC. ___. Notwithstanding any other provision of law, the Secretary of Agriculture may consider the Municipality of Carolina, Puerto Rico as meeting the eligibility requirements for loans and grants programs in the Rural Development mission area.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled "The Defense Travel System: Boon or Boondoggle?" This Subcommittee hearing on the Department of Defense's (DOD) Defense Travel System (DTS) is part of its continuing investigation of DOD's travel policies and practices. The DTS was intended to be a seamless integrated computer-based travel system that would facilitate travel for DOD employees and lead to increased efficiency and substantial cost savings. However, reports by the DOD Inspector General, the DOD Program Analysis and Evaluation Division, the Government Accountability Office, The Corporate Solutions Group and Citizens Against Government Waste have questioned whether DTS is effective and provides a cost benefit to DOD. These reports indicate that DTS has cost more than was anticipated, has not been fully deployed, does not appear to be widely used, does not list all available airfares and may end up costing more than it has saved. The questions raised by these reports remain largely unanswered by DOD. The hearing will explore whether DTS can deliver on the increased efficiency and cost savings that were anticipated when the program was established.

The Subcommittee hearing is scheduled for Thursday, September 2, 2005, at 9:30 a.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, September 19, 2005, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MEASURE READ THE FIRST TIME—S. 1718

Mr. FRIST. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1718) to provide special rules for disaster employment under the Workforce Investment Act of 1988 for individuals displaced by Hurricane Katrina.

Mr. FRIST. Now I ask for its second reading and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. This was the Enzi Workforce Investment Act for victims of Katrina, S. 1718. I mention that only because there were a couple of bills this morning, and then this bill, all of which reflect a lot of activity that is going on behind the scenes. By "behind the scenes," I mean off the floor, in committees with members and chairmen working with their ranking members. There is a lot of work focused on the response and the appropriate support for recovery after Katrina.

As several people have mentioned on the floor over the course of today, there were seven Republicans and seven Democrats who represented this body last Friday in New Orleans and along the gulf coast, Mississippi, and on to Mobile, AL. We all learned a lot. We saw a lot. It contributed to our own education.

Then, later tonight, a number of us will continue that work as we figure out how best to respond to this catastrophe, this disaster which is ongoing, to respond in a way that will rebuild and reconstruct in very positive ways to help those affected. Our hearts and our prayers and our thoughts and our efforts on the floor all go out to the victims, both those in Mississippi and Alabama and Louisiana and the half-a-million people, predominantly people from New Orleans but also from the gulf coast, Mississippi and Alabama, who are in other States beyond those three.

ORDERS FOR TUESDAY, SEPTEMBER 20, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, September 20; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 to accommodate the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will return to the Agriculture appropriations bill. This bill was laid down last Thursday and we resumed that bill today. Unfortunately, Members did not take advantage of their opportunity to offer amendments during those 2 days. I very much appreciate the Democratic leader, on behalf of one of his colleagues, offering an amendment a few minutes ago.

I am prepared to tell the managers that if no one comes to offer amendments, we should go to third reading and passage of the bill. We give Senators the opportunity to offer amendments, they say they are going to offer amendments in the future, and they do not come to the floor. That leaves us with the only alternative, which is going to third reading and passage of the bill. We will talk to the committee and see if we can vote on the amendment that the Democratic leader just introduced prior to the policy recess.

But having said that, I do need to forewarn all of our colleagues that the managers on these appropriations bills, both the ones over the last 2 weeks as well as the Agriculture appropriations bill we are dealing with, are very patient. They have been very patient. They stay on the floor throughout the day, and they are here many nights and Mondays and Fridays, waiting for our colleagues to offer the amendments that they say they want to offer. It is now time for people to get very serious and come over and, if they have amendments, to offer those amendments. There is no reason to wait for a Wednesday night or a Thursday night to offer amendments. I do ask our colleagues to contact Senators BENNETT and KOHL now, to work through their amendments.

We are going to have a busy week. Real progress has been made on the judicial nomination to the Supreme Court—last week with the hearings and this week at the committee level. Next week that nomination will be brought to the floor of the Senate, and ultimately we will all have the opportunity to speak and vote.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Tuesday, September 20, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 2005:

DEPARTMENT OF DEFENSE

PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JACK DYER CROUCH, II, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

ERIC S. EDELMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE DOUGLAS JAY FEITH, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

DEPARTMENT OF STATE

JOHN ROBERT BOLTON, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

MILLENNIUM CHALLENGE CORPORATION

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORATION, VICE PAUL V. APPLEGARTH, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

PETER SCHAUMBER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2010, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

DEPARTMENT OF JUSTICE

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE CHRISTOPHER A. WRAY, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JULY 29, 2005, TO SEPTEMBER 1, 2005.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624:

To be lieutenant colonel

CHRISTINA A. AUSTINSMITH, 9406
ROBERT ALLAN BORICH, JR., 2011
RANDON H. DRAPER, 4348
STEVEN DOUGLAS DUBRISKE, 5341
SCOTT T. ECTON, 0301
NORINE P. FITZSIMMONS, 0504
DEREK IVAN GRIMES, 6408
JOHN EUGENE HARTSELL, 1907
GRAEME S. HENDERSON, 6312
THOMAS J. HERTHEL, 5392
TROY R. HOLROYD, 3050
PATRICIA A. MCHUGH, 8038
ROBERT C. MCNEIL, 5186
MARK W. MILAM, 7967
RICHARD D. MINK, 4802
WILLIAM C. MULDOON, JR., 1252
LESLEA T. PICKLE, 4662
MICHAEL J. ROBERTS, 7120
SEAN A. SABIN, 7131
JAIME SAMPAYO, 8035
MARLESA K. SCOTT, 6469
TISHLYN ESTELLE TAYLOR, 2607
PETER W. TELLER, 2413
DEVONNIA MARIA TENTMAN, 0934
DONALD L. TWYMAN, JR., 9435
MICHAEL G. VECERA, 7909
JERRY A. VILLARREAL, 3664
ELIZABETH S. WALDROP, 6423

ANDREW S. WILLIAMS, 3617

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL L. HOWE, 6575
KARL F. SUHR, JR., 2414

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHNATHAN T. BALL, 3860
DANIEL M. KRUMREI, 6891

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

DANIELLE N. BIRD, 9730

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

RYAN J. ALLOWITZ, 2601
ALFRED C. ANDERSON, 1214
DARIN N. ANDERSON, 1064
COLON E. BERMUDEZ, 1739
JAMES BUCHANAN, 6755
NATHAN CARLSON, 9448
STEVEN K. CRISLER, 4918
RITA M. DEVORE, 3095
DAVID ECKEL, 5821
JAMES FREEMAN, 1770
TYRUS N. HATCHER, 5986
ERICH HEITMAN, 1007
DANA HESS, 7283
JASON R. HUSE, 9740
SHAWN JEPSEN, 2838
LOUIS KUBALA, 8059
STACY L. LARSEN, 7265
JON D. LIBBESMEIER, 6958
MURGESH J. LOYNES, 1542
DOLORES LUQUE, 5281
JAMES D. LUSSIER, 5026
WENDY J. OHAVER, 7340
JAY OWENS, 6713
SCOTT RANKIN, 1292
GARY STONE, 1469
MARK A. VANCE, 2277

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ERIC D. AGUILA, 2193
MARK D. AIERSTOK, 3014
JULIE A. AMBROSE, 0844
DEVRY C. ANDERSON, 6902
JOHN ANDERSON, 3230
ROGER A. ANDERSON, 0906
RICHARD A. ANGEL, 4756
ELENA ANTEDOMENICO, 4726
TODD E. ARKAVA, 1977
RAJIV ARORA, 8901
JENNIFER M. BAGER, 7748
DAVID A. BAKER, 0278
JAY B. BAKER, 5716
TROY R. BAKER, 8175
JEFFREY A. BANKS, 7856
THAD J. BARKDULL, 7822
KATINA D. BARNES, 0280
MATTHEW J. BARRY, 9378
JEREMY T. BEAUCHAMP, 7543
KENT S. BENNETT, 7055
TODD C. BENNETT, 7213
PHILIP BERRAN, 9844
AMIT K. BHAVSAR, 2009
ROBERT E. BLEASE, 6431
ANDREW S. BOSTAPH, 6892
LYNDEN P. BOWDEN, 7074
MICHAEL BOWEN, 1680
ROBYN A. BRAND, 7602
MARK E. BRAUN, 3427
KENYA H. BROOKS, 5314
THEODORE R. BROWN, 4691
CATHERINE P. BROWNE, 1719
JAY R. BUCCI, 9086
KRISTA K. BUCKLEY, 4445
JESSICA L. BUNIN, 3017
JEAN E. BURR, 5377
LISA R. CARCHEDI, 6603
CHRISTIAN L. CARLSON, 6889
DANIEL W. CARLSON, 8602
DAL W. CHUN, 1661
JOSE R. CILLIANI, 7520
WESLEY A. CLARKSON, 6945
ELIZABETH A. CLAWSON, 1597
EMILY C. CLAY, 1424
PETER CLEMENS, 5528
ROBERT A. CLINTON, 5532
CINDY A. CODISPOTI, 0648
CHRISTOPHER J. COLOMBO, 2809
THERESA A. CONOLOGUE, 0194
CORINNE M. CONROY, 1887
CHAD S. CRYSTAL, 7069
ROSELYNN W. CUENCA, 8218
JENNIFER J. DACUS, 4436
MARK D. DALTON, 8838
JONATHAN M. DAVISON, 8038
RICHARD P. DEGAETANO, 6840
MICHAEL D. DEMARCO, 0922
MICHAEL S. DEMPSEY, 2585
ROBERT W. DEMUTH, 4367
DAVID H. DENNISON, 3006
SHERI K. DENNISON, 7794
SANAZ B. DEVLIN, 9818
KEVIN R. DIEL, 7812
CRAIG DOBSON, 5000
NICOLE R. DOBSON, 3251
SEAN N. DOOLEY, 2733
DAVID DOYLE, JR., 1825
ANTHONY L. DRAGOVICH, 3264
THOMAS P. EBERLE, JR., 9119
DAWN E. ELLIOTT, 2736
THOMAS E. ELLWOOD, 1018
JASON E. ENGERISER, 2137
ARMAN FARAVARDEH, 1966
SEAN J. FORTSON, 5115
KRISTEN M. FOSTER, 2423
ROBERT G. FOWERS, 4061
TODD R. FOWLER, 2986
BRITNEY G. FRAZIER, 8585
TRAVIS C. FRAZIER, 1203
BRETT A. FREEDMAN, 6061
DONALD R. GLADDEN, 8790
BRIAN L. GLADWELL, 1997
ANDREW E. GLOVER, 9918
DIANE F. GODOROV, 3018
BRANDON J. GOFF, 1428
MITCHELL J. GOFF, 6899
SCOTT R. GOLARZ, 4950
JAMES W. GRAHAM, 5630
WILLIAM J. GRIEF, 4049
NATHANIEL L. GRIFFITH, 4955
CHRISTOPHER T. GRUBB, 7523
GARY V. HALVERSEN, 4530
MICHAEL T. HAMILTON, 7834
MATTHEW D. HAMMOND, 3501
MICHAEL G. HARTMANN, 1567
JESSICA HELLER, 7761
BRIAN A. HEMANN, 0362
JEFFERY S. HENNING, 4683
SHAWN HERMENAU, 3573
MICHAEL D. HEUMAN, 7778
JAMES O. HILL, 4402
CHRISTOPHER E. HINES, 7097
BRIAN J. HOLLAND, 7631
KEVIN HORDE, 6566
TROY P. HOUSEWORTH, 8643
MATTHEW A. HRASTICH, 6105
MATTHEW T. HUEMAN, 8455
RICHARD W. HUSSEY, 3585
PATRICIA A. HUTCHINSON, 6105
LONG P. HUYNH, 1386
THOMAS J. ISENOVSKI, 0241
JERRY K. IZU, 5897
SEAN P. JAVAHERI, 7002
DAVID E. JOHNSON, 1030
JEREMY D. JOHNSON, 6849
GREGORY JOHNSTON, 5042
LAURA JOINER, 9401
CAMTU L. JONES, 7537
MICHAEL D. JONES, 8442
JAMIE M. JUNTUNEN, 8048
ALEXANDER KEDZIERSKI, 1119
TIMOTHY A. KELSCH, 3977
RIMANI C. KELSEY, 4412
JASON D. KENDELHARDT, 0422
RYAN J. KENEALLY, 3444
JULIE T. KERR, 6798
KIHYUN KIM, 9974
SEUNG W. KIM, 5838
MITCHELL P. KOK, 9998
PAUL O. KWON, 5453
JASON M. LAKE, 0436
JENNIFER L. LAY, 7718
JOHN P. LAY, JR., 2775
JESSICA D. LEE, 1607
WALTER S. LEITCH, 8686
GEORGE T. LEONARD, 4316
STEPHANIE L. LEONG, 6560
MARC E. LEVSKY, 9836
THEODORE T. LLANSO, 2357
JOANNA D. LUSK, 7192
CHAD T. MARLEY, 2246
JASON D. MARQUART, 8906
LAURA N. MARQUART, 4074
ERICK MARTELL, 1610
AIMEE MARTIN, 8799
LUTHER P. MARTIN, 3319
THERESA M. MATUSZAK, 6040
JENNIFER W. MBUTHIA, 4008
RICHARD MCCARTIN, 8277
MATTHEW B. MCCAULEY, 9796
SCOTT F. MCCLELLAN, 4326
KELLY C. MCDONALD, 9418
JASON M. MEHRTENS, 3153
SUMERU G. MEHTA, 8288
MELISSA A. MESSINA, 6913
BEATRIZ E. MEZAVALENCIA, 6132
WENDY E. MIKLOS, 9238
SHANE J. MILLS, 6701
ANNA K. MIRK, 6954
JITENDRAKUMAR R. MODI, 1664
MITCHELL J. MOFFITT, 7667
MATTHEW A. MONSON, 7792
JAMES E. MOON, 1574
PAUL C. MORGAN, 4648
GLENVILLE G. MORTON, 3617
RICHARD P. MOSER, 1335
PHILIP S. MULLENIX, 2963
KEVIN M. NAKAMURA, 5128
ROBERT T. NEFF, 0535
NATHAN S. NEGIN, 6669
KENNETH J. NELSON, 0569
LEON J. NESTI, 8365
JAMES L. NEWLON, 1188
WILLIAM NEWTON, 0936
JOHN P. NEY, 5186
KARIN L. NICHOLSON, 6959
WILLIAM E. NORRIS, 9178
THOMAS E. NOVAK, 5994
THOMAS P. NOWLIN IV, 0790
DANIEL F. OCONNOR, 2532
SCOTT C. ORR, 7509
JUAN A. ORTIZPEREZ, 7887
MATTHEW W. PANTSARI, 3567
HYUN K. PARK, 3305
BHAVESH B. PATEL, 6592
RUSSELL M. PECKHAM, 1653
RICK A. PELLANT, 9631
MERRITT A. PEMBER, 5462
ROBERT M. PERKINS, 9253
DOMINIC A. PERROTTA, 3265
MICHAEL W. PETERSON, 2674
KEVIN G. PETTUS, 3397
DAVID A. PHILIPS, 5835
CARLO L. PIKE, 7069
CARL L. PILERI, 7757
MATTHEW PONTZER, 0919
WILLIAM D. PORTER, 9903
IVAN D. PUGH, 7432
JENNIFER M. RAEL, 9900
CHARLES D. REDGER, JR., 7961
MARY L. REED, 7493
RICHARD D. REED, 5913
JULIE M. REMO, 5428
JASON T. REXROAD, 9155
ERIC R. RICHTER, 6338
RONALD G. RIECHERS, 4084
ROBERT G. RIVARD, 6762
STEVEN J. ROGERS, JR., 2147
JOHN G. RUMBAUGH, 8004
HARLAN I. RUMJAHN, 2113
RENA SALYER, 9967
DAVIS R. SAND, 7525
JOHN T. SANDERS, 5387
DAVID L. SAUNDERS, 8454
PAUL A. SAVEL, 8326
JOHN P. SCALLY, 9888
BRADFORD J. SCANLAN, 7584
DAVID E. SCHAEFFER, 5834
ALEXANDER W. SCHERMER, 3996
CHRISTOPHER M. SCIPIONE, 2702
TONY SERRANOPADIN, 1611
SANDRA J. SHELMERDINE, 4230
JEFFREY L. SHERE, 0940
CARMEN R. SHERER, 3082
MATTHEW W. SHORT, 0790
BRIAN R. SHUNK, 3610
DAVID M. SICKLE, 5385
PHAELON H. SILVA, 4589
DIRK L. SLADE, 6384
AHMAD M. SLIM, 2734
CHRISTOPHER J. SMITH, 3624
SEAN T. SMITH, 5918
MICHAEL J. SOCHER, 0403
KAREN M. SPANGLE, 3371
JOSHUA D. SPARLING, 1582
MICHAEL L. STAKER, 4209
BENJAMIN STENZLER, 5002
ATHENA J. STOYAS, 5554
CHRISTOFER A. STRODE, 0897
JENNIFER E. STRONG, 3326
KYLE E. SWANSON, 6212
LORI B. SWEENEY, 4843
MICHAEL J. TARPEY, 2087
NEIL M. TAUFEN, 8708
MELISSA V. TERRY, 4225
LORI M. THELEN, 9825
WILLIAM THOMAS, 8319
DOUGLAS M. TILTON, 8272
SCOTT A. TRAPMAN, 5976
CHRISTOPHER TROLLMAN, 6687
CLESSON E. TURNER, 8522
GREGORY W. UMPHREY, 1444
ECHO D. VAN, 9275
JEFFERY W. VANDENBROEK, 4412
MEIDE A. VANDER, 1032
MEIDE J. VANDER, 4821
PRAMVIR S. VERMA, 8578
MICHAEL T. VEST, 8935
RAUL VILLALON, 0414
NEIL C. VINING, 4621
CHRISTINE E. WAASDORP, 2315
MICHAEL WALDEN, 4187
ROBERT S. WALLACH, 4675
JACK R. WALTER, 3686
TANGENEARE D. WARD, 8269
CHRISTOPHER H. WARNER, 5699
PAIGE E. WATERMAN, 7854
SYLVIA V. WATERS, 1479
JAMES A. WAYNE, JR., 7491

RONALD S. WELLS, 2850
MICHAEL J. WELSCH, 8374
THOMAS M. WERTIN, 2910
PAUL WHITE, 3144
RONALD L. WHITE, 9161
EUGENE W. WILSON, 5817
RAMEY L. WILSON, 2679
DEREK A. WOESSNER, 1066
KURT P. WOHLRAB, 2079
DANIEL WOJTUSIAK, 1346
ALLISON L. WOODWARD, 9347
HARRY J. WRIGHT, 9629
EDWIN A. WYMER, 1553
GARY H. WYNN, 7165

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531.

To be commander

MARTIN C. HOLLAND, 9517
JEFFERY R. JENIGAN, 7400

To be lieutenant commander

PAUL M. CLARK III, 2292
LAWRENCE P. MCCHESNEY, 9007
MOHAMMAD NAEEM, 3802
KATHARINEA F. PELLEGRIN, 3260
AMY L. REDMER, 8745
JOHN M. WOO, 8135

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 19, 2005 withdrawing from further Senate consideration the following nomination:

TERRY NEESE, OF OKLAHOMA, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS, WHICH WAS SENT TO THE SENATE ON JULY 29, 2005.

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING JACK CHESTER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Jack Chester has been recognized for his lifetime of exemplary service to his community and to the Republican Party; and

Whereas, Jack Chester has been acknowledged for his performance and leadership in the areas of law and hospital administration; and

Whereas, Jack Chester should be commended for his service to the United States Navy and in the Electoral College.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Jack Chester for his outstanding accomplishments.

H.R. 3673. SUPPLEMENTAL APPROPRIATIONS BILL FOR HURRICANE RELIEF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of the supplemental appropriations bill for the Hurricane Katrina disaster relief.

My heart goes out to the people of New Orleans, and to all the families affected by Katrina in States across the gulf coast. The huge path of devastation Katrina left behind has horrified us all. And we have been equally horrified by the conditions and difficulties confronting the affected families as they struggle to meet life and death challenges brought each day since the hurricane.

As I have, the entire world has been moved by the resiliency and fortitude of these stalwart Americans and their ability to pick up the pieces and move forward. I know that State and local officials in Louisiana and all the affected States take enormous pride in their people and appreciate the outpouring of assistance that has been rendered to those in need by police, emergency personnel, religious organizations, the Congressional Hispanic Caucus, the Congressional Black Caucus, our military, National Guard, and the community at large.

Tragically, this administration failed to meet its responsibilities, and the Republican leadership in Congress, which oversees our Federal agencies, must share the blame for the terribly inadequate response to Hurricane Katrina by the Federal Emergency Management Agency FEMA and the Department of Homeland Security. Repeatedly, the Republican leadership has cut critical funding and personnel for FEMA. The Federal response along the gulf coast was poorly planned, inadequately coordinated, and just plain late, leaving hundreds of thousands to endure prolonged peril.

In addition to my concern about the human welfare of the victims of Hurricane Katrina, I am also concerned that the inadequate response to this emergency has exposed weaknesses that indicate we may not be adequately prepared to meet the challenge of a terrorist attack or future national disasters. It is essential therefore, that we carefully scrutinize what went wrong. Not to point fingers or place blame, but to identify and to correct our mistakes, and fortify our weaknesses in order to assure the American public that things will be different in the future.

I support this funding bill today, because clearly it is needed. However, I am deeply disappointed in the Republican leadership's current approach to address this disaster and the weaknesses it has uncovered. With little consultation with Democrats, Congress has already given nearly $60 billion to FEMA, an agency universally recognized to have failed in its mission on the gulf coast. Rather than work in a bi-partisan way to address the weaknesses in FEMA and require accountability for the millions of appropriated dollars, the Republican leadership has unnecessarily rushed through two appropriations bills with little debate and no opportunities for amendment by the House.

Meaningful corrections to our emergency response capabilities will take time and careful consideration by both parties in Congress working together on behalf of the American people. Yet the Republican leadership, again without consulting Democrats, has moved forward with a partisan proposal for oversight hearings controlled by the very same congressional leadership responsible for lack of oversight and inadequate funding of FEMA in the first place.

If we are genuinely interested in getting to the root of the problem, a "no holds barred" analysis of FEMA's shortcomings is critical. The most effective way to meet this objective is through an investigation conducted by an outside, nonpartisan panel of experts, such as the 9–11 Commission, which shed so much light on our intelligence shortcomings. Even while we are stunned by the devastation of Katrina and know that FEMA and the administration should have done better, we should not shy away from taking a hard look at what went wrong and how we can correct it. Again, such evaluation does not constitute finger pointing—it is clearly the responsible thing to do. It is a responsible act in order to be adequately prepared for a future crisis or disaster. We owe no less to those who have suffered and lost so much during this disaster and we owe no less to the American people.

I will support this necessary funding today. In the future, however, the Appropriations Committee must be given the opportunity to perform its mission to scrutinize requests carefully. And the House must be allowed the time to debate and amend the bill as necessary.

Mr. Speaker, many have already commented that the response to this national tragedy differs significantly from the bipartisan conduct and unified feeling we had after the terrorist attacks on September 11. Let's again resolve to proceed in a bipartisan manner to address the underlying problems of our national disaster response as we continue to supply the necessary support to the people of New Orleans and the gulf coast to enable them to put their lives and their communities together again.

TRIBUTE TO HALL OF FAME COACH JIM BOEHEIM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. WALSH. Mr. Speaker, I rise today to honor Syracuse University's Head Coach and my fellow Central New Yorker, Jim Boeheim. On September 10, 2005, Coach Boeheim was inducted into the Basketball Hall of Fame joining the likes of legendary coaches such as Red Auerbach, Lenny Wilkens, and Dean Smith.

On and off the court, Coach Boeheim has proven to be a great leader and a great mentor. Both his colleagues and players admire his coaching abilities as well as his personal traits.

Coach Boeheim became head coach of Syracuse University in 1976 after working as an assistant. Since then, his resume shows a remarkable list of accomplishments:

703 career wins;

74.5 winning percentage;

1 National Championship—2003;

10 consecutive NCAA tournament appearances;

3 Final Four appearances;

40 NCAA Tournament wins;

27 20-win seasons;

Big East All Time Wins Coach;

Three-time Big East Coach of the Year;

Eight Big East regular season championships;

Elected to Greater Syracuse Sports Hall of Fame—1991;

2000 Recipient of the Claire Bee Award;

Three-time USBWA choice for Coach of the Year;

Nine-time NABC District II Coach of the Year;

Eighth-fastest Division I coach to reach 600 wins.

Clearly his record alone is worthy of his induction into the Basketball Hall of Fame, but as any Syracuse native can attest, his efforts

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

do not stop on the hardwood floor. Both he and his wife Juli are active community members. They organize and participate in a wide variety of community events; all with the goal of giving back to the people who have given them so much.

Topping the Boeheims' list of community endeavors is their creation of Coaches vs. Cancer's Basket Ball. Basket Ball, a yearly celebration of dinner and dancing aimed at raising funds for local American Cancer Society programs and services, has brought in hundreds of thousands of dollars and benefited an untold number of cancer victims.

Mr. Speaker, undoubtedly Coach Boeheim deserves this prestigious honor, and it is with great pleasure that I help recognize his commitment to Syracuse University, Syracuse basketball, and our community as a whole.

A PROCLAMATION RECOGNIZING DON MELHORN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. NEY. Mr. Speaker:

Whereas, Don Melhorn received the President's Award from the Muskingum County Farm Bureau; and

Whereas, Don Melhorn has been acknowledged by the members of the Muskingum County Farm Bureau for his excellence and commitment toward farming; and

Whereas, Don Melhorn should be commended for his outstanding dedication to the Muskingum County Farm Bureau and for his exceptional knowledge and expertise.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Don Melhorn for receiving the President' s Award.

IN HONOR OF DR. AMANDA BADEN, 2005 ANGEL IN ADOPTION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to an extraordinary woman, Dr. Amanda Baden, who is an outstanding example of someone who has made a critical difference in the lives of children through work on adoption issues. Dr. Baden, a Licensed Psychologist and Assistant Professor at Montclair State College, is my congressional district's Angel in Adoption. Unfortunately, I was unable to attend the gala honoring her, so I hope to honor her now.

Dr. Baden's commitment to adoption issues is rooted in her own history: She was born in Hong Kong and adopted as an infant by a couple from New York. She has used her personal experience to advance the understanding of trans-racial adoption by academics and professionals. Her contributions to the adoption community have touched many lives.

Through her passion and determination, she has actively engaged and educated professionals in the adoption process. She co-developed the Cultural-Racial Identity Model, which has gained recognition for its value as an alternative means for considering the identity paths for transracial adoptees. Dr. Baden, along with Mary O'Leary Wiley, recently published a journal article pertaining to birth parent issues in The Counseling Psychologist. She was also part of the writing team that published the "Outstanding Major Contribution" in The Counseling Psychologist on adoption issues in 2003. She has lectured regionally and nationally and she has co-chaired the series of adoption-related conferences at St. John's University in New York City. She has conducted numerous workshops about the psychology of adoption for professionals, families, and adoptees of all ages. I look forward to her soon-to-be-published work, The Handbook of Adoption, which I believe will become a singular reference for families interested in adoption.

In addition, Dr. Baden gives freely of her time to many organizations involved in adoption. She is a consultant and board member to both the Korean Adoptee and Adoptive Family Network (KAAN) and the Families with Children from China of Greater New York (FCCNY). She also contributes her time to International Adoption Alliance and the Children's Aid and Family Services organizations in New Jersey. Dr. Baden has even found time to initiate and lead a peer-support group for professionals dealing with issues of adoption in their own fields.

Dr. Baden is highly recommended by her peers in the academic world and by those in the adoption field. She holds a Bachelor of Arts degree in Psychology from Penn State University, a Master of Education in Counseling from the University of Georgia, and a Ph.D. in counseling psychology from Michigan State University. I invite you to visit her website www.transracialadoption.net to learn more about her work and adoption issues.

Dr. Amanda Baden is a remarkable individual who has set an example of passion and commitment we should all strive to achieve.

UGANDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. TOWNS. Mr. Speaker, I rise today to express our Nation's gratitude for the contribution made by the people and Government of Uganda to the relief efforts in the wake of Hurricane Katrina.

Minister of Foreign Affairs Sam Kutesa was in Washington recently when he announced that his country was donating $200,000 to the Bush-Clinton Katrina Fund. Expressing his government's sympathies toward the people affected by Hurricane Katrina, Minister Kutesa said: "We know that, under the guidance of the two former presidents, money collected by the Bush-Clinton Katrina Fund will go where it is needed most and where it can be used best."

While a contribution of $200,000 may seem small in comparison to the vastness of the hurricane's destruction, please keep in mind that Uganda is a small country that has also suffered its share of devastation.

Americans must remember the terror and oppression of the Idi Amin regime, which came to an end in 1979 but its effects are still being felt. The ruthless dictator Idi Amin deliberately destroyed Uganda's economy and infrastructure and displaced hundreds of thousands of people from their homes and businesses.

In 1986, after a long civil war, President Yoweri Museveni came into office with promises to stabilize the country, facilitate economic growth, and restore dignity and humanity to the political process. In the years since, he has largely lived up to those promises, although—like any country trying to emerge from decades of tyrannical government—Uganda still has problems that need to be addressed.

Uganda's contribution to the recovery efforts after Hurricane Katrina should be seen in the context of the bonds of friendship between our two countries. Uganda is a key regional ally in the global war on terror, and through the efforts of President Museveni and his government, East Africa is a more stable place today than it was 20 years ago.

Indeed, Uganda has faced its own, homegrown terrorism, in the form of the brutal Lord's Resistance Army, which has raped and pillaged the northern part of Uganda and terrorized the population there. Led by religious zealot Joseph Kony, the Lord's Resistance Army kidnaps children and forces them to be soldiers in a pointless war against their own families and neighbors. There is a very good reason that the Lord's Resistance Army has consistently been listed as a major terrorist organization by the State Department's annual publication, Patterns of Global Terrorism.

Uganda also faces a terrorist insurgency by the smaller, but no less deadly, Allied Democratic Forces. The ADF, as it is known, extends its tentacles beyond Uganda: Several of its members were captured in Afghanistan fighting for the Taliban and al-Qaeda, and they are now interned by the U.S. government at Guantanamo Bay.

With all this in mind, our gratitude toward Uganda and its people, and particularly toward President Museveni, should be clear and strong.

Mr. Speaker, it recently became my pleasure to become the co-chair of the Congressional Caucus on Uganda. I encourage all Members of this body to consider joining the caucus so that they can study more closely the U.S.-Ugandan bilateral relationship and learn more about how Uganda and the United States can work together on matters of mutual concern.

Finally, Mr. Speaker, I ask that an article entitled "Uganda Is Latest African Donor of Relief to Hurricane Katrina," by Washington File staff writer Jim Fisher-Thompson, be entered into the RECORD. This article treats in more detail some of the issues I have just described.

UGANDA IS LATEST AFRICAN DONOR OF RELIEF TO HURRICANE KATRINA: FOREIGN MINISTER KUTESA DESCRIBES $200,000 DONATION

(By Jim Fisher-Thompson)

WASHINGTON.—Uganda has joined other African nations responding to devastation caused by Hurricane Katrina with a donation of $200,000 for relief and rebuilding efforts in New Orleans and communities along the Gulf of Mexico coast.

Visiting Ugandan Foreign Minister Sam Kutesa told the Washington File September 7 that the government of President Yoweri Museveni and the people of Uganda "feel with you and sympathize with you at this time of sorrow. We know you have lost dear ones, as well as considerable property. And we want Americans to know we are thinking of them and are standing shoulder to shoulder with them."

The official made a point of mentioning the donation was not just a pledge but that the money would be transferred immediately to the Bush-Clinton Katrina fund.

Hurricane Katrina struck the U.S. Gulf Coast August 29. The storm and subsequent flooding have devastated parts of Louisiana, Mississippi and Alabama and left thousands homeless.

A statement released by the Ugandan Embassy September 8 announcing the donation quoted Museveni as saying, "The United States has been generous in responding to natural and humanitarian disasters all over the world, including in Africa. Uganda has more than once been the beneficiary of this generosity and justice requires us to aid the people in Louisiana, Mississippi and Alabama who have lost their homes and loved ones."

President Bush named his father, a former president, and former President Bill Clinton to head up fund-raising efforts for reconstruction that may cost more than $150 billion. The hope is they can duplicate their very successful fund-raising efforts for victims of the devastating tsunami that struck South Asia in December 2004.

Kutesa said, "We know that under the guidance of the two former presidents money will go where it is needed most and where it can be used best."

Uganda joins other African nations contributing to Katrina relief including: Djibouti, $50,000; Gabon, $500,000; and Kenya, $100,000:

Noting the symbolic value of the Uganda donation matched against the immense sums needed for reconstruction, Kutesa told the Washington File, "America has been very generous in helping Uganda fight HIV/AIDS and developing its economy. So it is only right that we try to help as much as we can. We wish we could do more but we are limited."

Kutesa said, "We know what human tragedy can mean. Unfortunately in Africa much of it has been man-made instead of natural. The human tragedies of Idi Amin and Milton Obote, for example, led to the deaths of more than 800,000 Ugandans" in the late 1970s and early 1980s.

Now, he said, Uganda is one of the best friends America has in Africa and "we look forward to strengthening our relations as we both cope with the aftermath of disasters that have struck our countries."

Kutesa's next stop in America is New York City, where he said he will participate in the annual United Nations General Assembly meeting the week of September 13-17. President Museveni plans to attend with a number of other African leaders.

A highlight of the U.N. gathering, Kutesa said, will be a meeting of the foreign ministers of the Democratic Republic of Congo, Rwanda and Uganda in a tripartite peace process for eastern Congo begun two years ago with the help of the U.S. State Department. After Burundi recently joined, the Great Lakes peace effort is now called the "3 plus 1" talks.

IN RECOGNITION OF DANIEL FINKELSTEIN'S 50 YEARS AS AN ATTORNEY AND LIFETIME OF PUBLIC SERVICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Daniel Finkelstein, a great New Yorker and a dear friend of mine. On September 29, 2005, Danny's friends, family and colleagues will gather to celebrate his 50 years as an attorney. Anniversaries are a time for reflection, and I feel that it is fitting to reflect on the career of a truly remarkable man.

Mr. Finkelstein's distinguished 50-year career as a real estate litigation attorney has earned him the respect of New York's legal community; indeed, Danny is widely known as the "Dean" of New York's landlord-tenant lawyers. Formerly a founding partner of New York City's largest landlord-tenant law firm, Danny currently serves as the senior partner of Finkelstein Newman LLP.

A graduate of New York University and Brooklyn Law School, Mr. Finkelstein's professional accomplishments include his service as Senior Real Estate Manager for the Board of Estimate of the City of New York and his role as Assistant Chief Enforcement Attorney to the Temporary State Housing Rent Commission.

Mr. Finkelstein also served as a member of the Board of Directors of the New York County Lawyers' Association, NYCLA, and was the chair of its Committee on the Civil Court. He is an active member of several NYCLA committees, including the Association's Committees on the Judiciary and the Civil Court Practice Section.

Danny has made tremendous contributions to the legal profession, but he has also placed a priority on teaching the law to others. For many years, Danny served as an Adjunct Professor of Law at New York Law School and taught courses at New York University's School of Continuing. and Professional Studies. Mr. Finkelstein's contributions to legal scholarship include a two-volume, 2000 page treatise on Landlord and Tenant Practice in New York and his service as Editor-in-Chief of Landlord-Tenant Monthly, a law journal published by Treiman Publications.

Additionally, Mr. Finkelstein lectured, in conjunction with Brooklyn, Fordham, and New York Law Schools, on the rights of senior renters before members of the New York State Bar Association, on the conduct of landlord-tenant trials at numerous legal education forums and on arbitration and mediation programs. I am particularly proud of Danny's work to create the nationally recognized and award-winning "Safe Housing for Children" lectures, which were sponsored by NYCLA, the New York Foundling Hospital and Fordham University's Graduate School of Social Service.

Finally, Mr. Finkelstein received Certificates of Appreciation from Presidents Ford, Nixon, Johnson and Kennedy for his service to the Nation and his contributions to the Military Selective Service Act and Selective Service System.

Mr. Speaker, I request that my colleagues join me in honoring Daniel Finkelstein's 50 years in the legal profession and his lifetime of service to New York City. Along with Danny's longtime friends, colleagues and co-workers, I wish him many more years of happiness and outstanding public service.

HONORING GARY MOUNT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. HOLT. Mr. Speaker, I rise today to honor Gary Mount on being named the 2005 Apple Grower of the Year by American/Western Fruit Grower magazine, sponsored by Cerexagri. This award recognizes the progressive approaches, hard work, and dedication to learning of a leading apple grower. New Jersey can be proud to have a native son singled out from among all the apple growers around the Nation.

Mount, a resident of Lawrenceville, New Jersey, has honed his growing skills along with his wife Pam, co-owner of Terhune Orchards in Princeton. Although Mount had grown up on his father's 300-acre apple farm, he did not originally plan on a farming career. Instead, Mount graduated from Princeton University with a degree in physiological psychology and had planned on pursing his Ph.D. It was only after his experience of joining the Peace Corps and serving in the Central Pacific islands of Micronesia that Mount decided to dedicate his life to farming.

For the past 30 years, Mount has continually pursued his quest to discover the best and most innovative farming techniques. Mount has demonstrated this commitment by attending industry meetings including serving as a member of the International Dwarf Fruit Tree Association, IDFTA for more than 25 years and on the board of directors for 11 years. Additionally, Mount has been treasurer of the New Jersey State Hort Society for about 12 years, former president of the New Jersey State Board of Agriculture, a New Jersey water commissioner for many years, and currently, a soil conservation district supervisor. Active also in New Jersey Farmland Preservation, Mount's efforts have helped growers pass on their land without fear of it being developed.

Throughout his farming career, Mount has also considered it a top priority to have an environmentally sound approach to farming. Particularly on pest management issues, Mount has worked with Extension agents from Rutgers University to develop an integrated pest management, IPM program at Terhune Orchards. By informing his neighbors about his approach to pest management, and then, creating a poster with specialists at Rutgers explaining the practices and benefits of IPM that is displayed at farm markets, Mount has developed a trusting relationship with consumers who feel confident that the fruit they purchase has not been fertilized with hazardous chemicals.

Mr. Speaker, on behalf of the entire 12th district of New Jersey, I ask you and my colleagues to join me in congratulating Gary Mount on his 2005 Apple Grower of the Year award.

HONORING THE REVEREND PHILIP CASCIA

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many friends, congregation members, and community leaders that have gathered to pay tribute to an outstanding religious leader and my good friend, Father Philip Cascia. Today marks the end of an era at St. Anthony's as we bid farewell to a real community treasure. There is no doubt that Father Cascia has touched the lives of every member of the St. Anthony's parish. Though he will be missed, the legacy he leaves will continue to inspire others for years to come.

Father Cascia's commitment to service through religious leadership has been unwavering and his involvement, not only with his congregation, but with the entire Prospect community has been essential to its spiritual growth and prosperity. One of his first acts after his ordination in 1977 was the establishment of a St. Vincent dePaul Society in Waterbury. Just a year later, the St. Vincent DePaul Thrift Store opened which was followed in later years by a mental health center, a soup kitchen as well as a homeless shelter—the soup kitchen and homeless shelter have become the largest in Connecticut.

Father Cascia has been a strong leader not only in our community, but in communities across the world. A 1988 trip to the Soviet Union as the coach of the wrestling team at Sacred Heart High School led to the establishment of the Waterbuey-Leningrad Intersport Trade commission—a program which arranges exchanges between sports teams in the United States and other countries including China, Vietnam and Brazil. Most recently the Intersport exchange program is hoping to send soccer teams to San Paolo, Brazil, where Father Cascia is overseeing the opening of an orphanage and school. In addition to the Intersport program, for the last two decades Father Cascia, at the request of the United States Department of State, has also been helping youths in St. Petersburg, Russia. In 1991, he opened an orphanage for victms of the country's terrible earthquakes, and upon his return, Father Cascia and his parish have been sending much needed supplies to them ever since.

Father Cascia is a man of God—but so, too, is he a man of the people. And he understands that the Church is not simply comprised of people. He understands that the Church is the people—the People of God. He knows that it is the parishioners who support the Church and keep it running—who run its charity events and bake sales—that it is their stories and their lives that infuse the Church with moral authority. There is no better example of living faith with commitment and dignity.

Father Cascia's unparalleled leadership has allowed Saint Anthony's to flourish. Our churches, as much as they are distinct, all provide innumerable contributions to our communities. He has become a fixture in our community and we owe him a great debt of gratitude for all of his good work and for enriching all of our lives. As a spiritual guide, he has nourished the souls of many—often providing much needed comfort in the hardest of personal trials. We cannot thank him enough for the indelible mark he has left on this community. For his outstanding leadership and his many years of special friendship, I am proud to join with the Prospect community in wishing Father Cascia well as he leaves Saint Anthony's. May God bless him and keep him well as he continues in his mission of peace, compassion, and most importantly, hope.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. MCINTYRE. Mr. Speaker, on Wednesday, September 14, 2005, during consideration of H.R. 3132, I mistakenly voted "yes" on rollcall vote No. 469, the Conyers amendment. It was my intention to vote "no" on the Conyers amendment as I had consistently done in the past, and I ask unanimous consent that my statement be entered into the appropriate place in the CONGRESSIONAL RECORD.

A PROCLAMATION RECOGNIZING THE FOUNDATION FOR APPALACHIAN OHIO AS THEY CELEBRATE 5 YEARS OF SERVICE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 2005

Mr. NEY. Mr. Speaker:

Whereas the Foundation for Appalachian Ohio is celebrating 5 years of excellence in service to the Appalachian region of Ohio; and

Whereas, the Foundation for Appalachian Ohio has enriched the quality of lives across the 29 counties in Appalachian Ohio; and

Whereas, the Foundation for Appalachian Ohio, through principles based on charity and civic activism, has promoted economic opportunity and re-investment in Appalachian Ohio; and

Whereas, the Foundation for Appalachian Ohio has an established reputation as an organization dedicated to the betterment of Ohio by assisting individuals and organizations with programs, services and resources.

Therefore, I join with the residents of the entire 18th Congressional District in celebrating the Foundation for Appalachian Ohio's 5 years of outstanding service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 20, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the status of the World Trade Organization negotiations on agriculture.

SR–328A

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine energy prices.

SD–562

Environment and Public Works

Fisheries, Wildlife, and Water Subcommittee

To hold hearings to examine the Endangered Species Act and the role of States, Tribes and local governments.

SD–406

Indian Affairs

To hold an oversight hearing to examine Indian gaming.

SR–385

Judiciary

To hold hearings to examine able danger and intelligence information sharing.

SD–226

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine what lessons have been learned to secure U.S. transit systems relating to the London terrorist attacks.

SD–342

Small Business and Entrepreneurship

To hold hearings to examine the impact of Hurricane Katrina on small businesses.

SR–428A

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine energy prices.

SD–562

Foreign Relations

To hold hearings to examine the nominations of Thomas A. Shannon, Jr., of Virginia, to be an Assistant Secretary of State for Western Hemisphere Affairs, Charles A. Ford, of Virginia, to be Ambassador to the Republic of Honduras, Mark Langdale, of Texas, to be Ambassador to the Republic of Costa Rica, and Brenda LaGrange Johnson, of New York, to be Ambassador to Jamaica.

SD–419

SEPTEMBER 22

9:30 a.m.

Judiciary

Business meeting to consider the nominations of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General, S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, proposed Personal Data Privacy and Security Act of 2005, S. 751, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information, S. 1326, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, and S. 956, to amend title 18, United States Code, to provide assured punishment for violent crimes against children.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the financial services industry's responsibilities and role in preventing identity theft and protecting sensitive financial information.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine communications in disaster.

SD–562

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD–342

Veterans' Affairs

To hold hearings to examine whether Capital offenders should be buried in America's national cemeteries.

SR–418

2:30 p.m.

Environment and Public Works

To hold hearings to examine the nominations of George M. Gray, of Massachusetts, to be an Assistant Administrator, and Lyons Gray, of North Carolina, to be Chief Financial Officer, both of the Environmental Protection Agency, Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission, H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, Department of the Interior, and Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development.

SD–406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine cost and payment plans for the Medicare Modernization Act and if the new legislation will meet the needs of seniors.

SD–342

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 435, to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

SD–366

3 p.m.

Health, Education, Labor, and Pensions

Education and Early Childhood Development Subcommittee

To hold hearings to examine Hurricane Katrina's displaced school children.

SD–430

SEPTEMBER 23

10 a.m.

Homeland Security and Governmental Affairs

To resume hearings to examine issues relating to recovering from Hurricane Katrina, focusing on the needs of those displaced, today and tomorrow.

SD–342

SEPTEMBER 27

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1701, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S. 961, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program.

SD–366

SEPTEMBER 28

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine S. 1334, to provide for integrity and accountability in professional sports, and S. 1114, to establish minimum drug testing standards for major professional sports leagues.

SH–216

2:30 p.m.

Indian Affairs

To hold an oversight hearing to examine Indian housing.

SR–485

SEPTEMBER 29

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the effectiveness and cost of the Defense Travel System of the Department of Defense.

SD–342

10 a.m.

Indian Affairs

To hold hearings to examine proposed Duck Valley Reservation, Shoshone Paiute Tribes, Water Rights Settlement.

SR–485

OCTOBER 6

9:30 a.m.

Armed Services

To hold hearings to examine U.S. military strategy and operations in Iraq.

SD–106

POSTPONEMENTS

SEPTEMBER 21

2 p.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service.

SR–328A

SENATE—*Tuesday, September 20, 2005*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who gives sunshine to the just and the unjust, thank You for not treating us as we deserve. We hear Your voice, wooing us through the whispers of conscience and the promptings of Your spirit. You beckon to us through lofty ideals and through Your unfolding providence in the events of history. We see Your stately footprints in the courses of our lives.

Today, use our lawmakers as Your hands and feet on Earth. Through their work, transform discord into harmony, conflict into peace, despair into hope, and sadness into joy. Grant that their lives will teach us the lessons You desire our world to learn: Love, forgiveness, and peace. Remind each of us daily that there is always a road back to You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have set aside a period of 60 minutes for morning business, which is equally divided to allow Senators to make statements. Following that time, Senators BENNETT and KOHL will be here to manage consideration of the Agriculture appropriations bill.

Before adjourning last night, the Democratic leader on behalf of Senator NELSON called up an amendment regarding rulemaking on Japanese beef. The managers have had time to review that amendment, and we may be able to set a vote on that issue for this morning. We will be recessing from 12:30 to 2:15 for our weekly policy luncheons, and we expect to vote prior to that recess.

I urge my colleagues, once again, to come to the floor and debate their amendments on this bill. If Senators have not contacted the managers about their amendments and no one comes to the floor to propose them, then the managers will be asking for third reading and passage of the bill.

We have a lot of work to do this fall. We need to use every day wisely, so Members should not delay with their amendments. I do thank everyone for their help and patience as we go through these appropriations bills.

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

AMERICA'S AGENDA

Mr. DORGAN. Mr. President, this country is reminded virtually every morning that we are at war. This morning we learned that additional Americans—these, I believe, civilian contractors—have been killed in the country of Iraq.

I have been listening in recent days to the discussions in the Senate and discussions from President Bush about where we find ourselves and what our obligations are. We not only are at war, we have just experienced the most significant natural disaster in the history of this country along the gulf coast, with a million people displaced from their homes. Yet the discussion in recent days from the President and others is that nothing has changed. Nothing has changed. Our agenda is the same.

I went back and pulled out a speech of Franklin Delano Roosevelt, a fireside chat on April 28, 1942. I want to read what the discussion was by someone who provided, I thought, great leadership to this country at a time of war. He said:

> As we here at home contemplate our own duties, our own responsibilities . . . our soldiers and sailors are members of well disciplined units. But they are still and forever individuals—free individuals. They are farmers, and workers, businessmen, professional men, artists, clerks. They are the United States of America. That is why they fight. We too are the United States of America. That is why we must work and sacrifice. It is for them. It is for us. It is for victory.

That is from Franklin Delano Roosevelt.

The thing is, leadership is not about accounting or numbers. Leadership is calling this country together to say we are all in this together; yes, in a war, and in a response to a devastating hurricane. Yet we continue to hear around this Chamber and at the White House: No, things haven't changed. The agenda is the same. More tax cuts. Repeal the death tax—which, incidentally, doesn't exist. There is no death tax. But it is still a priority. We must repeal the death tax; tax work, exempt investment. Nothing really has changed.

The thing is, perhaps the President's agenda hasn't changed, but everything else has changed. Some years ago, 4½ years ago, we had a robust economy. It was morning in America, as it would have been portrayed in 1984 in the Reagan commercials: "Morning in America." We had budget surpluses, we were told, and things were growing and we had budget surpluses that would last 10 years. So the President, the new President, said let's provide very large tax cuts for a long period, the bulk of which went to the highest income earners in America.

Some of us, and I, on this Senate floor, said maybe we should be a little bit conservative. What if something happens? After all, these budget surpluses don't yet exist. They are projections. What if they do not exist? What if they do not materialize? What if something happens in the interim?

"Oh, be happy, don't worry," the President and others said. So the Congress passed very large tax cuts, and it was not long before some things happened. We found ourselves in a recession. Then, very shortly we found ourselves victims of a devastating attack by terrorists on 9/11/2001. Following that, we found ourselves in a war in Afghanistan, a war in Iraq, and then we saw, instead of budget surpluses, the largest deficits in history begin to grow in this country. Even as that happened, we saw the dependency of this country on foreign oil continue to increase to now over 60 percent and headed toward 69 percent. Following that, of course, a natural disaster unlike any we have seen in this country, with a million people displaced, called Hurricane Katrina.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The response from the President? Nothing has really changed with respect to his fiscal policy or his plans. We have spent over $200 billion in Iraq and Afghanistan, all of it borrowed, none of it paid for. It is anticipated we will spend somewhere close to $200 billion with respect to Katrina and the natural disaster, the devastating disaster. The question is, What do we do to pay for that? The President says we can manage that. We can manage that.

We send soldiers abroad and ask for their sacrifice, but we ask nothing of the American people at the same time: Be happy.

There are legitimate questions being asked about the response to Hurricane Katrina. But in my judgment we face a time when the question is not, Are we doing things right? The question is, Are we doing the right things? Are we on the right track? As I said, it is not about accounting; it is about leadership. It is about asking a country to join in common purpose and asking a country to sacrifice. Sometimes leadership asks people to do things that are not popular at the moment.

Franklin Delano Roosevelt lifted a country out of a depression and lifted the spirits of the country in the middle of the Second World War. He did that by being brutally honest with straight talk. He said to the American people: Here is what you must sacrifice. And he said: Sacrifice is a privilege, when in this country, together, we go to war with a need to be victorious over the oppression of the Nazis.

So he asked the American people for sacrifice. That is what leadership is about. It is about being honest. It is about straight talk, which we have too little of today.

The truth is, this country is off course and we need to put it on course. The truth is, we have made some mistakes, all of us. We started a war in Iraq because we said there were weapons of mass destruction in Iraq. It appears there were not. The intelligence community provided this information to us with great certainty, but now it turns out it was wrong. The person who led the Central Intelligence Agency during that period was given the Medal of Freedom after he retired, for reasons I will never understand.

But we are where we are. We now must ask more of the American people. In my judgment, we should not just ask of our soldiers for their sacrifice. We are where we are and we must ask the American people for their sacrifice as well.

We had the largest tax cuts in the history of this country because we were expected to have 10 years of budget surplus that was unprecedented. It turns out that was not accurate. It turns out things happened that were not anticipated by this President and others, and the result is we now have the highest deficits in history, not the highest surplus in history. But now we are told that the tax cuts were not for the purpose of giving back the surplus. That is what they were designed to do, and that is what we were told they were in 2001, but now we are told the tax cuts are really about stimulating the economy. So nothing ever really changes and now we have a hurricane, a devastating hurricane that hits the gulf coast of this country displacing 1 million people, perhaps costing up to $200 billion.

We need to create kind of a Marshall Plan to rebuild and to tell those folks we want to help you. Surely, if this country can reconstruct the country of Iraq, it can decide it is important to reconstruct this country. Any country that commits the billions of dollars we have to reconstruct the country of Iraq can reconstruct the gulf region of the United States of America. But we can't do that saying nothing has changed and our priority remains tax cuts for America's wealthy.

Cut spending; we should tighten our belt. I will support spending cuts. I believe all of us ought to tighten our belts. But if belt tightening, as it usually does, means withdrawing health care from poor people and the kind of things that hurt most those who are poorest in this country, that, in my judgment, is not advancing America's cause.

Warren Buffett, the second richest man in America and perhaps the world, as far as I know, wrote an op-ed piece and said: By the way, when all these tax cuts proposed by the President are phased in—that is exempting income from investments and taxing work—I will pay a tax rate of one-tenth the tax rate that is paid by the receptionist in my office.

So the question is, Are we willing as a country to sacrifice? Have some things changed? Are we willing to change course? Are we willing to take some risks? Is there some leadership, perhaps in the White House, maybe in this Congress? After all, we are in this together. All of us want the same thing for our country.

I take no pleasure in criticizing the President's program, nor the President and his actions. But I understand that our future is dependent on making right choices now. It is dependent on our deciding to look truth in the eye and to insist the President do the same and understand things have changed. That requires us to adjust course. It requires us to ask of the American people that we have a common purpose together and work together and join together—yes, to support our soldiers, to support those in the gulf region who are rebuilding, to support those in this country who have no health insurance, to support those in this country who are jobless so we lift America up and make America better. That is our responsibility.

That will not happen by a message coming from the White House or from this Congress that nothing has changed, that our responsibility is to continue to press to see if we cannot give higher tax cuts, more tax cuts. At a time when we are borrowing money to fund a war and we are going to borrow money for reconstruction for Iraq, to give more tax cuts for the upper income people in America—why? Because those who do believe that America works when you dump something on top and it filters down—that is called trickle down economics.

I had a guy in North Dakota write me some while ago who said: I have been listening to all this trickle down nonsense for a long time and I ain't even damp.

The fact is, trickle down does not work. What works in this country is percolate up economics. You give the American people something to work with: A job and opportunity and hope.

When America goes to work, America does just fine. But, as I said, you have to look truth in the eye. And when this President says nothing has changed, he is wrong. My hope is that Republicans and Democrats will understand two things: Yes, we need to tighten our belts. Yes, we need to cut some spending. Yes, we need to decide when we are going to have to start paying taxes once again, and that we have a common purpose, and our common purpose ought to be to work together and march together toward a common goal.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask to be given 10 minutes from the Democratic morning business and that I be notified when I have consumed 9 minutes of the 10.

The PRESIDENT pro tempore. The Senator will be notified.

HURRICANE KATRINA

Mr. DURBIN. Mr. President, last Friday, I joined 13 of my colleagues and went to view the devastation of Hurricane Katrina in New Orleans, LA, and Mississippi. It was a sight which I will never forget. This great bustling city of New Orleans is now a ghost town with hardly any activity other than a few people returning to their homes trying to retrieve lost treasures left behind from the flood—trying to put their lives back together by gathering all of this water-laden debris and tossing it outside in the hopes they might save their structures.

We then went over to Mississippi where it was a stunning scene in village and community and town after town—to see subdivisions that have been wiped away, to look down at what appeared to be 50 concrete slabs and to see no evidence of debris but evidence of destruction, all gone, scoured from the Earth by these horrible hurricane winds and waves which consumed some of these communities.

A man in Pass Christian in Mississippi told us of the panic that set in when the remaining villagers went to the library with hurricane-proof windows, believing they might be safe, and then, as a 28-foot wave hit this library, thinking they all might drown right there in that building at that moment. I can't imagine what that was like. I can't imagine what it was like for so many who went through this devastating experience. Some are trying to come to grips with their future and there lives.

The President came to the American people last week at Jackson Square in New Orleans and made a speech which I think will be important for generations to come. I was asked to react to it, and I said I think the President has given us an agenda that we have to follow—to rebuild the gulf coast, to rebuild the lives and the communities. But I believed then, and I believe now, that the President's call for this unity as a nation and this community of caring also has to be called for fiscal responsibility and accountability. We have to rebuild the gulf coast and help Katrina victims rebuild their lives. It is in our national interest. It is part of our national character. We rally as Americans to help our fellow Americans.

But I have a real concern. Instead of the "Big Easy," people are getting a big uneasy feeling about where Katrina reconstruction effort is headed and who is in charge. Several published reports say the person heading up the administration's Katrina rebuilding project is none other than Karl Rove, the President's long-time political director. That is an incredible suggestion—that Karl Rove will have responsibility for the Katrina reconstruction effort, the No. 1 politician, the No. 1 political operative in the White House. Have we learned nothing?

Consider what happened when Katrina struck. FEMA was not there. Michael Brown is now gone. But how did he get in a position to be in charge of FEMA? It was because of political connections. He didn't have the experience. He didn't have the resume. He didn't have the skills needed when he faced the greatest natural disaster in our history. What was his claim to this job to head FEMA? His claim was he was a college roommate of Joe Allbaugh, who happened to be the President's Chief of Staff and campaign director in Texas who, when he left the FEMA agency to become a consultant, turned it over to Michael Brown, his college roommate, to take over—this little daisy chain of politicians who played out with disastrous incompetence when Katrina struck.

Now this administration, instead of moving away from the politicians to the professionals when it comes to rebuilding, has decided that Karl Rove is going to be in charge—the same Karl Rove who, just a few weeks ago in a political speech, said the Democrats didn't share the Republicans' zeal for stopping the war on terrorism; the same Karl Rove who won't give us straight answers when it comes to his role in revealing the identity of Valarie Plame, an undercover CIA operative, which disclosure of her identity not only endangered her life but the lives of many other career employees; the same Karl Rove who incidentally will take his mind off of the Katrina reconstruction effort long enough to go to North Dakota on this Saturday night for a big political rally.

Is this the person we want in charge of $60 billion or $100 billion in reconstruction funds? I hope not. I hope the President reconsiders.

This is a troubling admission—that this administration doesn't have leadership to turn to in time of crisis, if the best the President can find is his political adviser, Karl Rove, to deal with the disaster of Katrina.

What have we seen so far? The Wall Street Journal said last week:

> The Bush administration is importing many of the contract practices blamed for spending abuses in Iraq as it begins the largest and costliest rebuilding effort in United States history.

We know what happened in Iraq—no-bid contracts to Halliburton and the buddies of this administration, contracts that have never been investigated by this Congress. And here they go again with Katrina and with Karl Rove keeping his watchful eye on what is being done.

The Wall Street Journal article went on to say:

> The first large-scale contracts awarded to Hurricane Katrina, as in Iraq, were awarded without competitive bidding, using so-called "cost-plus" provisions that guarantee contractors certain profits regardless of how much they spend.

It turns out that not only are there no-bid contracts, but coincidentally they happen to be going to the clients of Joe Allbaugh. Remember that name? I mentioned him earlier. He was the President's political campaign director in Texas who became the head of FEMA and who left to be a consultant, and is now making certain that his clients get $100 million no-bid contracts.

When is this going to end? When are we going to have true accountability? Once again, we see the same names coming out of Hurricane Katrina—Halliburton, Kellogg, Brown & Root—the names of Joe Allbaugh's clients who are, once again, coming up with these contracts.

If it wasn't bad enough, this morning's Washington Post, on the front page, tells the story of a Bush official arrested in a corruption probe. It says:

> The Bush administration's top Federal procurement official resigned Friday and was arrested yesterday, accused of lying and obstructing a criminal investigation into Republican lobbyist Jack Abramoff's dealings with the Federal Government. It was the first criminal complaint filed against a government official in the ongoing corruption probe related to Abramoff's activities in Washington.
>
> The complaint, filed by the FBI, alleges that David H. Safavian, 38, a White House procurement official involved until last week in Hurricane Katrina relief efforts, made repeated false statements to government officials and investigators about a golf trip with Abramoff to Scotland in 2002.

The top official in the White House that was in charge of procurement involved in the Katrina effort not only resigned but was arrested for misleading the Federal Government in terms of his involvement with the Republican lobbyists.

Now the administration comes out and says they found just the person to look into the mistakes of Hurricane Katrina. It is a woman by the name of Frances Townsend. I do not know her. She may be a very competent individual. But how in the world can we get to the truth of the question as to what went wrong with Hurricane Katrina? How can we really hope to discover the incompetence that led to all of this human suffering and devastation if the administration is going to investigate itself?

We know from 9/11 that the only way we got to the heart of the matter, the critical questions about what went wrong on 9/11, was with an independent, nonpartisan commission. Yet this administration resisted the efforts of that 9/11 commission being created and today resists the efforts of an independent, nonpartisan commission to look into what went wrong with Hurricane Katrina.

The PRESIDING OFFICER (Mr. VITTER.) The Senator has 1 minute remaining.

Mr. DURBIN. Thank you, Mr. President.

I will conclude by saying this: We owe it to the victims and their families and to the American people and the American taxpayers to get honest answers about what went wrong with Katrina, and to put people in charge to make certain that we don't waste the billions of dollars that are going to be spent in this reconstruction effort. Putting Karl Rove in charge makes no sense whatsoever. He has no resume and no skills other than running political campaigns. If he is being put in place to protect the President politically, that decision does not serve the best interests of the American people nor the victims of Hurricane Katrina.

It is time to get to the bottom of this. If Congress will not have an honest investigation of what happened with Hurricane Katrina, we need to have this nonpartisan, independent commission like the 9/11 Commission to answer the questions about what went wrong and to make certain that we don't replicate those mistakes in the expenditure of these funds in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, before Senator DURBIN leaves the floor, he has mentioned the 9/11 Commission. When he and I were first elected in the Congress in 1982—to the House—we arrived at a time when Social Security was not just rumored to be in dire straits but was in very dire straits. And an earlier commission was created similar to the 9/11 Commission but different as well. The Republican Members were appointed by President Reagan. As I recall, the Democratic Members were appointed by Democratic Speaker, Tip O'Neill, and I think by Senator ROBERT BYRD. The Blue Ribbon Commission was chaired by Alan Greenspan, with Members Daniel Patrick Moynihan, Robert Dole, and Claude Pepper, with whom we served in the House. They worked for a whole year trying to couple a combination of benefit cuts and revenue increases to enable us to put Social Security on a sound footing for another quarter of a century. I think that serves as a good role model as well as the 9/11 Commission, which Senator DURBIN mentioned.

While he was on the floor, I wanted to remind him and us of that. But I think our first response to the catastrophe is to make sure that people who need help get help.

First of all, get help in getting out of dangerous places to safe places, get help in reuniting families, get help in making certain their medical needs are met, having something to eat and drink, making sure the kids from K–12th grade are getting to the schools they need to get into, making sure students who have been displaced in college have a chance to get back in a college or a university to continue their studies without losing a quarter or a semester or a year, helping to create jobs and getting the economy moving in places that have been destroyed or badly damaged. Those are the kinds of things that need to be done and are being done.

While our startup was slow and disappointing, I believe, as time goes by, we are doing better. I commend all—not just in government, not just the first responders, not just the Guard, not just FEMA, which is doing a better job today, but also a lot of folks who are giving of themselves—volunteers from my State, and all other States, who have gone to the region, giving blood, and raising money in our home States, receiving folks who have been displaced, to give them a home, a place to live, and a job for a while. Those efforts are to be commended. Those are the first responders. Maybe I should say second responders because the first responders were not even responding.

Second, last week, Senator COBURN, Senator OBAMA, and I spoke about the introduction of legislation which is supported by Senator FRIST, by Senator REID, our respective leaders, to create a CFO—chief financial officer—to serve as a watchdog so we don't find ourselves 6 months or 12 months from now looking back to see that we spent X billions so foolishly in response to Katrina, to make sure we get out ahead of this expenditure as best we can rather than looking at it after the money has already been spent, in some cases inappropriately.

The amount of money that is going to be spent in Katrina relief over the next couple of months will dwarf the annual appropriations that go to most of our Federal departments. Every one of our Federal departments has a chief financial officer. We need to make sure, when we are spending this much money this quickly to try to help a lot of people in a hurry, that we spend it wisely.

It is a bipartisan issue. We believe one of the ways to make sure we do that is to have a chief financial officer who is well qualified and can get on the job and do the work quickly.

The third thing I mention is oversight. I serve on the Committee on Homeland Security and Governmental Affairs. We have obvious oversight of a good deal of what is going on, including the Homeland Security Department, FEMA, the Coast Guard, and any number of responder agencies. We have a responsibility to do our oversight. We have begun that oversight with hearings last week and informal hearings the week before that. We will continue this week and next week and on and on.

Our interest is in finding out what we did well, what we did collectively—State, local, Federal, volunteer organizations, military, National Guard, Armed Forces—and what we did not do well. Then, if this happens again—and we have another hurricane that is trying to round the corner in Key West today—to make sure if this comes north and revisits again, whether New Orleans, God forbid, or Mississippi—that we are better prepared to do more of the right things.

The last thing is the point Senator DURBIN raised, the notion of an independent commission. I was skeptical as to whether or not the 9/11 Commission would enable Congress to do much good with respect to restructuring of our intelligence operations in this country. The intelligence operation in place had not been changed much for 50 years. I don't know if there was any reason to believe five Republicans and five Democrats could somehow find common ground and entice the rest of Congress to do the same thing, to work with the President to change in substantial, far-reaching ways the way our intelligence community works in this country. They did, and the 9/11 Commission provides an excellent template, role model, if you will, for how we should, once the first surge of oversight activity and the successive waves of help and aid are out the door, proceed to make sure a couple months from now we are in a position, whether it is five Republicans and five Democrats—it could be a chairman appointed by the committee, a vice chairman appointed by our leadership, but to put in place a commission that might have the kind of success not for us, and not just for them, but for our country.

Success would be measured by better ensuring that a lot of the good things that happened this time in response to Katrina happen the next time—and we know there will be a next time—and we reduce the likelihood that some of the same mistakes and foolish choices will be made.

The American people would approve of that. It is great the President has asked the Cabinet Secretaries to look at what they did within their departments to make sure what they did was right, it made sense, and was appropriate. It is all well and good to have oversight here, but it would be helpful to have an independent commission that could stand back, not distracted by other issues we are distracted with each day, and impartially—led by people such as Governor Tom Kean and former Congressman Lee Hamilton—with good staff and only with this issue to focus on, and figure out what went well, what went badly, and how we can do better next time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 12 minutes.

The PRESIDING OFFICER. The Senator has that right.

Without objection, it is so ordered.

Mr. ALEXANDER. Please indicate when 2 minutes are remaining.

The PRESIDING OFFICER. The Chair is happy to do so.

KATRINA'S DISPLACED SCHOOLCHILDREN

Mr. ALEXANDER. Mr. President, I will talk this morning about helping all of Katrina's displaced schoolchildren. Each weekend when I go home to Tennessee, the people who elected me teach me about how we should be doing our jobs in Washington, DC. This is not a lesson they shout from the rooftops. It is a lesson they live by their own example, and we would be wise to follow.

Two weeks ago in Maryville, my hometown, it was Al Gore flying a planeload of evacuees from New Orleans into one of Tennessee's most Republican counties. Nobody asked about anybody's politics. Everybody just pitched in to help.

Last weekend, members of the church where I am an elder, Westminster Presbyterian Church in Nashville, sent $80,000 and a truckload of clothes and Clorox to southern Mississippi. "The Presbyterians are here," one grateful Mississippi man relayed to his friends on his cell phone to say, "and they have Clorox." When the Clorox was passed out, nobody asked if anybody was a Presbyterian.

And now this Sunday, the headline in the Tennessean, the Nashville newspaper, was:

> Private schools Welcome Those Displaced by Katrina.

According to the newspaper:

> A growing number of private schools in Middle Tennessee [in the Nashville area] . . . have volunteered to help students displaced by Katrina. Many of them are also waiving or drastically discounting tuition and fees for these students and some also accept evacuees from public schools.

Continuing the quote, "These children are in crisis. They have been displaced, but they have found a home," said the principal of Father Ryan High School who has accepted 20 students and is trying to accommodate every student who shows up.

Father Ryan High School is waiving the $6,880 tuition, the $350 activity fee, and the $500 in books for displaced students it simply calls "transfers." "It's not all about money," said the principal. "There is no amount of money that equals being family," he said.

Public schools, by law, have to accept all children. And Tennessee's public schools have made room for more than 3,000 of Katrina's displaced school children.

Our public schools have been greatly helped by these private schools, who do not have to accept anybody. In Tennessee, private schools have accepted at least 400 students, and probably many more.

"We couldn't sit quietly and do nothing. We felt a need to reach out," said the headmaster of Webb school in Bell Buckle, which is waiving the $29,500 room and board for up to 30 students. "No one flinched. Everybody just responded with, what can we do to help?" said the headmaster at Webb school in Bell Buckle.

Especially in Memphis and Shelby County, where so many displaced students have gone up the Mississippi River from New Orleans, the willingness of private schools to accept these students is a huge help to overcrowded public schools.

In Baton Rouge, according to a report this morning on National Public Radio, there are 5,000 to 10,000 of these displaced private school students who have no school to attend. To accommodate them, the Catholic Diocese in Baton Rouge is struggling to establish satellite schools, some located great distances away, which these students will have to attend at night.

These private schools that reach out are filling a huge need because the four Louisiana parishes hit the hardest had nearly one-third, or 61,000, of their 187,000 students in private schools, according to the U.S. Department of Education.

That is the story and the lesson from Tennessee.

The story in Washington last weekend, unfortunately, was different. According to Saturday's Washington Post, when the President proposed temporary emergency disaster legislation that would help all of Katrina's 372,000 displaced school children during the rest of this school year, the Senator from Massachusetts and some teachers' unions objected. Senator KENNEDY said:

> I am extremely disappointed that [the President] has proposed this relief using such a politically charged approach. This is not [the] time for a partisan political debate on vouchers.

I absolutely agree with that last sentence. This is not the time for a partisan political debate on vouchers.

This is the time for those of us in the Senate to do what Tennesseans and Americans all across our country are doing: opening our arms and asking what we can do to help all displaced children not just some school children.

As the Presiding Officer knows so well, Katrina displaced 20 times more families than any natural disaster in the history of the Federal Emergency Management Agency. Mr. President, 372,000 of those displaced persons are children who were just beginning the K–12 school year, and 73,000 more are college students.

The President has proposed $2.6 billion in funding for students in elementary and secondary schools and colleges. Under the President's proposal, colleges and universities would receive $1,000 for each displaced student enrolled; no person in an affected area in Louisiana, Mississippi, or Alabama would have to pay interest on their student loans for the next 6 months; public school districts would receive up to 90 percent of the State's per-pupil expenditure, up to $7,500 per student; and $488 million would go to help displaced students who attend private schools.

The President is not throwing out a lifeline to just some displaced students. He is trying to help them all. The private schools in Tennessee are not turning their backs. They are opening their arms. Katrina did not discriminate among children and neither should we. The only politically charged approaches around here are coming from those who oppose helping every child.

For Heaven's sake, this is not the beginning of some big, new voucher program. It is the beginning, hopefully, of a big, new 1-year effort to help children who are in desperate trouble. The best way to do it, in most cases, is simply to let the money follow the child or the person who needs help.

We have already approved vouchers that follow displaced persons for housing in this exceptional case. Food stamps are vouchers, and they are helping in this exceptional case. No one is suggesting a displaced mother cannot take her Federal daycare voucher to a Catholic daycare center in these exceptional cases. No one is suggesting we cannot pay Boston College or Harvard University $1,000 for enrolling a displaced student who was set to attend Loyola or Xavier in New Orleans.

Scholars agree there is no constitutional issue here. So are we going to stand here and argue about old ideologies and leave these displaced children standing on the levee because the only doors that are open to them for this 1 year happen to be to a private school?

At the end of World War II, a grateful Nation enacted the GI bill, giving veterans scholarships for college. A lot of veterans had these vouchers for college but no high school degree. So thousands of veterans took their GI vouchers to Catholic high schools to earn their high school diploma. That did not create a big, new voucher program for high schools, this will not either. This is a one year exceptional disaster relief program for kids from the gulf coast who desperately need help.

The public schools are brimming over. They need help from private schools. I hope those who are objecting to helping all displaced school children will think again. We can have our debates about vouchers next year when the floodwaters subside and the schools are open again. Right now we need to be throwing out every lifeline we can for all of Katrina's displaced schoolchildren, not just some.

Mr. President, in Time magazine this week, there is a story on this subject. It quotes Andrew Rotherman, a codirector of a think tank here and a former Clinton education adviser. Mr. Rotherman, who is not a fan of public school vouchers, says:

> As a temporary initiative to help families in exceptional circumstances, it's reasonable.

He is talking about the President's proposal. He says:

> But if they use this disaster as a beachhead to establish a longstanding voucher program in the Gulf region, it would be wildly inappropriate.

I would agree. This is a temporary initiative to help families in exceptional instances.

Time goes on to say:

For evacuees, the constitutionality of assistance matters far less than the assistance itself. The day before Katrina hit, Albert and Anne Betz moved with Jane Todd, 10, and Owen, 7, out of soon-to-be-drowned Pass Christian, Miss., and into a condo in Sandestin, Fla. Back home, Anne had taught at the children's private Episcopal school, but the couple heard that the best schools near Sandestin were public and were happy with the one to which their kids were assigned. Within days, however, Anne received a letter from the Walton County School District stating that the onslaught of evacuees had caused overcrowding, and her children would have to study elsewhere. Now they are bused daily to one school, only to be placed on a second bus to another. At this point, all Anne is asking for is normality. "It does not matter if it's private or public school," she says. "The most important thing is my children's happiness."

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article from Time, and also the story from Sunday's Nashville Tennessean about the generosity of private schools all across Tennessee. I hope the example they are setting will be a good lesson for all of us in this Chamber.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time Magazine, Sept. 19, 2005]

PUBLIC BAILOUT. PRIVATE AGENDA?

(By David Van Biema)

Houston Independent School District superintendent Abelardo Saavedra's week started poorly, got worse and then, thanks to the healing powers of federal dollars, took a turn toward the jubilant. Saavedra's 305 schools are educating more of the Gulf Coast's evacuee students than any other district in Texas, which in turn is housing more evacuees than any other state. On Tuesday, all that generosity seemed to backfire when a group of Katrina kids billeted in the Astrodome rumbled with local Texans at one of Saavedra's schools, sending five students to jail and three to a hospital. The scene did not recur, but by Thursday, Saavedra had an even greater problem: math. The long-term cost of serving 4,700 evacuee students, times an average estimated annual student cost of $7,500, equals a total of $35.2 million—and the pre-hurricane Bush Administration commitment was only 9% of pupil cost.

On Friday, however, Saavedra was ecstatic. At a press conference in one of the Houston district's middle schools, Education Secretary Margaret Spellings announced that the Federal Government would request $2.6 billion from Congress to pay 90% of the average cost of educating each Katrina student, whether publicly or privately, up to a ceiling of $7,500 apiece. "From 9% to 90%," Saavedra said afterward, with the dazed elation of a lottery winner.

Spellings' announcement had a lot of school administrators smiling—although a key component angered some of the legislators who will eventually have to vote on it. A proposed set-aside of $488 million for private schools (which, if private-leaning evacuees seek out the kind of education they left behind, would be mostly Catholic) represents a historic federal bankrolling of those institutions and their overtly religious subset, and it drew quick fire from Democrats like Massachusetts Senator Edward Kennedy. He pronounced himself "disappointed" that "[Bush] has proposed. . . relief using such a politically charged approach," while California Representative George Miller complained that "to launch a new private-school voucher program in the midst of a disaster response creates a quagmire that could hinder rather than expedite the return to school for tens of thousands of students."

The ramifications of Spellings' bombshell will take months, if not years, to sort out, but most agree that a major federal foray into emergency school funding was desperately needed. The fate of 372,000 displaced children is at least as important to the nation as the rebuilding of the Gulf Coast, and unlike the payment of rebuilding costs, education isn't a choice—it's a government guarantee. Yet for days it appeared the feds might foist much of the obligation on state school systems, 47 of which are hosting Katrina students. Most evaluated the problem and decided to teach first and ask questions later. "If that 6-year-old kid coming off that transport plane was yours, how would you want him taken care of?" Arkansas Governor Mike Huckabee asked TIME. Huckabee hopes for federal reimbursement, "but if not, we will have done the right thing, and I believe we will have no regrets about how we handled matters."

But Huckabee was tutoring only 1,755 Katrina kids. Texas has 41,000, with 19,000 more expected to arrive. Those numbers left some state officials skeptical that the feds would really come through. Comptroller Carole Strayhorn, who will run against incumbent Rick Perry in the state's Republican gubernatorial primary, challenged him to ask the legislature for $1.2 billion in hurricane-related funds. (He declined.) Texas educators are worried that they will be punished in the form of even less federal cash if Katrina's influx keeps them from meeting the conditions of Bush's No Child Left Behind Act and an earlier law that benefits the children of the homeless.

Spellings' proposal eased those tensions while creating others, most sharply over the possible erosion of the church-and-state barrier. Her department noted that in Louisiana's flood-impacted communities, 25% of the students had been enrolled in private schools—should government simply ignore them? "We are not provoking a voucher debate," Spellings contended, "as much as trying to provide aid for these displaced families, whether they have been in private schools or public schools." Her proposal seems carefully crafted to avoid substantive constitutional objections. Although it calls for the distribution of the public-school funds primarily through districts, the private-school money is directed not to schools but to families, in keeping with the concerns of the 2002 Supreme Court decision allowing private-school vouchers so long as the parents retain a "true private choice" as to where their children learn.

Nonetheless, the proposal represents a major, if legal, shift toward government activism. According to Chester E. Finn Jr., president of the Thomas B. Fordham Foundation, which promotes school reforms, the number of children receiving government money for private school is roughly 30,000, with a "handful" involving federal funds. The Spellings plan assumes roughly 60,000 federally funded private-school placements. Finn, an Assistant Education Secretary under Ronald Reagan, approves of it as "compassionate and constitutional." Andrew Rotherman, a co-director of a think tank called the Education Sector and a former Clinton education adviser, says the proposal's eventual legitimacy may depend on details Spellings has not yet made available. "As a temporary initiative to help families in exceptional circumstances, it's reasonable," he says. "But if they use this disaster as a beachhead to establish a longstanding voucher program in the Gulf [Coast] region, it would be wildly inappropriate."

For evacuees, the constitutionality of assistance matters far less than the assistance itself. The day before Katrina hit, Albert and Anne Betz moved with Jane Todd, 10, and Owen, 7, out of soon-to-be drowned Pass Christian, Miss., and into a condo in Sandestin, Fla. Back home, Anne had taught at the children's private Episcopal school, but the couple heard that the best schools near Sandestin were public and were happy with the one to which their kids were assigned. Within days, however, Anne received a letter from the Walton County School District stating that the onslaught of evacuees had caused overcrowding, and her children would have to study elsewhere. Now they are bused daily to one school, only to be placed on a second bus to another. At this point, all Anne is asking for is normalcy. "It does not matter if it's private or public school," she says. "The most important thing is my children's happiness."

[From the Tennessean, Sept. 18, 2005]

PRIVATE SCHOOLS WELCOME THOSE DISPLACED BY KATRINA

(By Claudette Riley)

Teresa Castellon is more than 500 miles from her parents, her friends, her flooded New Orleans home and the now-closed private school she was attending just three weeks ago.

The sophomore was eager to go back to class. But, after years of going to private schools—and with so much of the rest of her life up in the air—she just couldn't handle making the switch to public schools right now.

Luckily, she didn't have to.

A growing number of private schools in Middle Tennessee, including the prestigious Webb School that Teresa now attends, have volunteered to accept students displaced by Hurricane Katrina. Many of them also are either waiving or drastically discounting tuition and fees for these students, and some also accept evacuees from public schools.

"It just happened immediately. They're just really welcoming and accepting," said Teresa, 15, one of four evacuees now attending the private boarding school for grades 6-12. "The students and teachers are very nice and always want to help us with whatever we need."

At lease 50 private schools in Tennessee—including the 22 Catholic elementary, middle and high schools in the Midstate—have expressed a willingness to help. No one is required to track displaced students who enroll in private schools statewide, but 390 have enrolled in the dozen or so schools that reported their numbers to the state Department of Education.

Some schools have room only for a few. Others, including Father Ryan High School in Nashville, are trying to accommodate all who show up.

"Our school's mission is to be an example of the living gospel, and these children are in crisis. They have been displaced, but they have found a home," said Jim McIntyre, principal of the 995-student Father Ryan High, which has 20 displaced students. "Even though we don't know these people, we know these people. We are these people."

The high school is waiving the $6,880 tuition, the $350 activity fee and the $400 to $600 in books for displaced students it simply calls "transfers."

"It's not all about money. There's no amount of money that equals being family," he said, noting that the school has accepted Catholic and non-Catholic students. "I've told these families that they're a blessing to us because they're giving us a chance to live our mission."

Private schools don't fall under the federal law that requires public schools to immediately enroll displaced students and give them busing, free meals and any required services. However, many private schools are opening their doors and going the extra mile anyway.

"We couldn't sit quietly and do nothing. We felt a need to reach out," said Albert Cauz, headmaster of Webb School, which is waiving the $29,500 room and board for up to 30 students. "No one flinched. Everybody just responded with 'What can we do to help?' "

The boarding school south of Nashville even allowed Teresa Castellon's little sister, Madeline, to stay in her private dorm room even though she's too young to attend the school. The fourth-grader attends nearby Cascade Elementary and has found a surrogate family in the Webb faculty members, who regularly invite her to dinner and take her on outings.

"I like it here," said Madeline, 9, who misses her parents, involved in salvaging and rebuilding their home in New Orleans.

The private schools that do reach out are filling a huge need because the four Louisiana parishes hardest hit by the storm had an above-average number of students enrolled in private school. They had 61,000 of the 187,000 students there, or roughly 32% of students in kindergarten through grade 12, according to the U.S. Department of Education.

Shane Persich, 17, said his New Orleans school, Brother Martin High, is underwater and he appreciated being able to go to Father Ryan. He started his senior year at the all-boys school shortly before his family evacuated and ended up in Nashville, where they're staying with family.

"I like it a lot but sometimes after class you get a little lonely. I do. And you want to go home but then you don't want to be home," he said, adding that his home has severe wind damage. "Your senior year you're supposed to rule the school. Now it's like starting all over again."

Many displaced students who enroll in private and public schools don't have access to their medical or academic records so counselors have to help them reconstruct their transcripts and find classes they need to graduate.

"We want to get their schedule identical to the one they had. We don't know if they're going to be here on week, two weeks or a year," said Connie Hansom, Father Ryan's director of admission, who assigns two students ambassadors to help each displaced student. "We do whatever we can do to make them feel a part. We don't want them to stand out."

Olivia Milton, a sophomore at Father Ryan, will soon return to Covington, La, because her all-girls Catholic high school is reopening and taking in students from surrounding high schools. She said her time at Father Ryan and the way she was welcomed will help her reach out to the displaced students who transfer into her high school back home.

"I'll get to return the favor," said Olivia, 15, who will be back in Louisiana in the coming weeks. "I like it a lot here. I don't want to go back."

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. ALEXANDER. I thank the Chair.

Mr. President, on Thursday, at 3 o'clock, the Education Subcommittee of the Health, Education, Labor, and Pensions Committee will be holding a hearing on helping all of Katrina's displaced schoolchildren, with the hopes that we can come up with a temporary exceptional way to do this, not as a way of establishing a long-term change in Federal policy, but as a way of helping all schoolchildren today who were displaced by Katrina who need help—whether they are going to public schools or private schools.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, we have all been saddened to see the images of Hurricane Katrina's devastation. I know the Presiding Officer has seen more of these images than perhaps anyone in the Senate. We have seen images of children who have lost their parents and families who have lost their homes. These images break the heart of every American.

Hurricane Katrina created an area of destruction that is 90,000 square miles, roughly the size of Great Britain. Homes have been leveled, roads are unusable, bridges have crumbled, and hundreds of thousands of lives will be forever changed.

As the chairman of the Commerce Committee's Disaster Prediction and Prevention Subcommittee, I traveled with the Coast Guard to the gulf coast earlier this month. We viewed the coasts of Mississippi, Alabama, and Louisiana.

What became immediately clear to me was that television cannot accurately convey what happened. The devastation is massive and comprehensive. Seeing a home demolished on television begins to communicate the tragedy, but seeing 60 to 70 miles of that repeated over and over again is heartbreaking and almost impossible to comprehend.

As we can see from these slides, beginning in New Orleans, during the helicopter trip, from a distance, we could see the waters covering everywhere. From a few feet above the water, you could also smell the contamination from oil and sewage. It is unbelievable what the folks there are having to deal with.

To continue, at the time, the water was still up to the rooftops. The Coast Guard captain who was with me told me when they first arrived the day after the hurricane, about 70 percent of these roofs had people on them who needed to be rescued.

We became very aware that we had two disasters: in New Orleans, continued flooding; and along the entire coast of Mississippi, it was as though a hand had wiped everything off a table. Everything was completely destroyed. Not a house along the beaches was either there or inhabitable. And we continued to see the same thing all along the coast.

Again, television can capture one or two homes, but the concretelike "gravestones" showed where homes used to be, and trees are already dying from the saltwater, which will damage the whole coastal area for many years to come.

These are completely different disasters and different challenges for our first responders.

In Mississippi, the houses themselves have been demolished by the wind and storm, as we can see. In New Orleans, the flooding has severely damaged the homes.

One thing both locations have in common is that the homes will never again be inhabitable. The wind-damaged homes, those that still stand, will likely be declared a complete loss.

In New Orleans, the homes that were flooded are permanently damaged and are beyond repair.

One of the positive stories that is often lost in this tragedy is the amazing work performed by first responders, especially those from the U.S. Coast Guard.

Working hours on end in awful conditions, they rescued thousands of people and are, without question, true heroes. I visited the Coast Guard aviation training center in Mobile, AL, which was transformed from a few hundred personnel before the storm to nearly 1,200 personnel after the storm. The Coast Guard sent people from all around the Nation to run rescue operations 24 hours a day. Coast Guardsmen from all over the Nation, as far away as Alaska, answered the call and came to the rescue of their fellow citizens. To date, first responders have been responsible for saving approximately 49,000 lives, 33,000 by the Coast Guard alone. That is more than six times the number they saved in all of 2004.

The impact to the coast is going to be a long-term issue. The storm has had a significant impact on the trees in the region. You can see significant portions of the area along the coastline where trees are dead. These trees were a natural obstacle to erosion, and now that protection will be missing for a number of years. Boats can be seen among the trees far inland. The gulf coast is our Nation's largest provider of shrimp and oysters. Their way of life has been destroyed. It was clear from the boats I saw stranded inland, sometimes on rooftops, that the gulf's fishing industry will need years to recover. But while Hurricane Katrina was certainly one of the worst disasters to ever hit our Nation, it has also brought out the greatest outpouring of compassion from American citizens.

In my State of South Carolina, families have opened their wallets and homes to affected people. Our State knows all too well the tragic effects hurricanes can bring, and we have often been the recipient of help from other States. We remember the show of support from the gulf when we were struck by Hurricane Hugo, and South Carolinians have not been hesitant to come to the gulf's rescue. Well over 2,000 South Carolina families have contacted our Red Cross to offer whatever assistance is needed. It is now estimated that up to 5,000 evacuees are being hosted in South Carolina, either by individual families or in shelters such as the Palmetto Expo Center in Greenville.

The South Carolina National Guard has also joined in the relief effort. Nearly 350 of them have been to the gulf to help. Countless churches and civic organizations have taken their own initiatives to organize relief efforts. From fundraising drives to collections and delivery of supplies, to driving to the region to volunteer in any capacity needed, the people of South Carolina have risen to the occasion. This show of support is so encouraging to me about our State and the state of our Nation. Americans are caring and compassionate, and we will work side by side with our fellow citizens to rebuild and bring hope back to the gulf coast.

This afternoon my Subcommittee on Disaster Prevention and Prediction will be hearing from the Director of the National Hurricane Center and witnesses from the gulf coast region on what the Government got right in advance of the storm and how we can replicate that in the future to protect our Nation's coastal communities. Our most powerful defense against hurricanes is accurate prediction and effective evacuation. I look forward to their testimony and am confident it will provide important lessons for America's emergency planners.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Bennett-Kohl amendment No. 1726, to amend the Rural Electrification Act of 1936.

Reid (for Nelson of Nebraska) amendment No. 1732, to prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1732

Mr. NELSON of Nebraska. Mr. President, I rise to speak about efforts to resume normal beef trading relationships with Japan. I thank my colleagues from my neighboring beef States for their leadership and support and so many others for their efforts in seeking a bipartisan resolution to this matter.

As I travel through Nebraska, attending events and participating in summer parades throughout the largely rural landscape, I am constantly reminded of the importance of our beef industry. Prominently displayed on many vintage cars and pickup trucks are generic black and yellow license plates that boast a clear message—"Nebraska, the Beef State." While it is unlikely any modern day automobile in Nebraska now or in the future will sport that yellow and black plate of old, our billboard slogan, "the Beef State," is still the message people equate with Nebraska.

I am here to address an important amendment that will suspend the rulemaking process the United States Department of Agriculture has proposed and published in the August 18, 2005 printing of the Federal Register in a rule entitled "Importation of Whole Cuts of Boneless Beef from Japan." The formal public comment period was closed yesterday so prompt Senate action is imperative. At the time the rule was published, the Nebraska Cattlemen, a grassroots organization whose individual producer members determine issues of importance to the Nebraska beef industry, wrote to me to request a stepped-up effort to convince Japan to resume imports of United States beef. In their letter they stated:

> [n]ormalization of beef trade must be progressively pursued because it impacts the state's economy and because responsible trading partners treat each other fairly and justly.

The letter continues:

> [t]rade should not be based on politics and protectionism.

I couldn't agree more. Trade must be based on fair play. Free trade must include a vision of fair trade. I am going to step back a moment to state why this is so important to me and the hard-working cattle producers and beef processors in my State. In the beef State, cattle outnumber people four to one and more than one of every five steaks and hamburgers in the Nation comes from my State. According to USDA, Nebraska ranks first in commercial cattle slaughter, processing over 4 million metric tons of beef and beef products in 2004. Nationally, the numbers are even more compelling. The U.S. beef industry is worth an estimated $175 billion, with cattle producers conducting business in all 50 States and operating 800,000 individual farms and ranches. The economic impact of the beef industry contributes to nearly every county in the Nation, and they are a significant economic driver in rural communities.

Demand for beef continues to increase, up nearly 20 percent since 1998. With 94.9 million cattle reported to be in the United States as of January 2004, there are 1.4 million jobs directly attributed to the beef industry. It is not a surprise that both the National Cattlemen's Beef Association and R-Calf United Stockgrowers of America have weighed in on the significance of their industry and the importance of having access to valuable markets throughout the world. With beef and beef variety meat exports accounting for approximately $3.8 billion in 2003 alone, it is important to recognize NCBA's and R-CALF USA's statements on the USDA proposed rule that is the subject of my amendment.

On August 22, R-CALF USA stated that this is an example of "USDA tilting the playing field away from independent U.S. cattle producers by continuing to give market access before we gain market access."

I ask unanimous consent that the R-CALF USA statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

R-CALF UNITED STOCKGROWERS OF AMERICA

APHIS' PLAN TO LIFT JAPAN BEEF BAN PREMATURE

R-CALF USA expressed disappointment with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS) proposed rule titled "Importation of Whole Cuts of Boneless Beef from Japan," published in Thursday's Federal Register (70 Fed. Reg. 48,494) to amend the agency's regulation for the importation of meat and other edible animal products that would allow Japan to export boneless cuts of beef to the United States.

"This is another example of the USDA tilting the playing field away from independent U.S. cattle producers by continuing to give market access before we gain market access," said R-CALF USA President and Co-Founder Leo McDonnell.

"In addition, USDA has yet to implement the scientifically recommended measures to prevent the potential for BSE amplification if it is introduced through imports," said Missouri veterinarian and R-CALF USA Region VI Director Max Thornsberry. "USDA's own scientists have strongly and consistently advised the agency to strengthen the U.S. feed ban by prohibiting plate waste from cattle feed before the U.S. lifts its ban on imported beef from any country where BSE exists."

Thornsberry, who also chairs the R-CALF USA Animal Health Committee, explained that the plate waste loophole would allow the uneaten portions of imported beef from BSE affected countries served at domestic restaurants to potentially enter the food chain for U.S. cattle. Although Japan currently performs a BSE test on all cattle slaughtered for human consumption, nothing in this rule indicates importation of beef from Japan would be required to cease if Japan decides to stop testing for BSE.

"Ironically, while the USDA ignores this potential pathway for BSE infectivity, Japan has prohibited the feeding of plate waste to cattle since 2002. Japan has gone much further in developing systems to prevent exposure of cattle to BSE by prohibiting the feeding of blood meal and poultry meal."

Thornsberry explained that while Japan did not have a feed ban in place prior to 2001, it has since adopted the most stringent BSE risk-mitigation measures recommended by science, and will likely eradicate the disease from its cattle herds long before countries like Canada, which has chosen not to adopt stringent risk-mitigation procedures. Canada has chosen to implement only the minimal BSE-protection measures, despite recognition of multiple cases of the disease in Alberta.

"It is a real irony that while USDA supports its proposed rule based on the fact that Japan conducts BSE tests on all cattle slaughtered in Japan, thereby ensuring that BSE-infected cattle are removed from the food chain, the agency continues to prohibit U.S. packers from voluntarily testing for BSE to meet Japan's testing requirements, and as a means of restoring other U.S. export markets," said Thornsberry.

"The U.S. cattle industry deserves consistent and science-based standards from USDA, but this proposed rule is inconsistent with what the agency has stated are necessary standards for reopening U.S. export markets with countries the agency considers to be minimal risk for BSE," said McDonnell.

McDonnell explained that in January 2005, USDA published a major rule that set criteria for determining whether imports from a country would present a minimal risk of introducing BSE into the United States. While R-CALF USA has shown those criteria are insufficient, USDA now proposes to ignore its own rule and allow imports from countries that do not meet the minimal-risk criteria."

Thornsberry also expressed concern about USDA's action.

"It is obvious from this rule that the USDA intends to open the U.S. market to countries that have identified cases of BSE within their domestic herds," he explained. "It was thought that BSE affected countries would have to meet the same requirements placed upon Canada, and thus be classified as minimal risk countries prior to being cleared to export into the U.S. marketplace. That does not appear to be the case.

"If the United States does not take a leadership role in upwardly harmonizing global import and export standards for beef from countries affected by BSE, the U.S. will become the dumping ground for beef from countries that have BSE endemic within their cattle herds," Thornsberry said.

Also disappointing about USDA's proposed rule is that it clearly shows how the agency is subjecting U.S. cattle producers to a double standard. The proposed rule requires Japan to certify that exported beef was born, raised, and slaughtered in Japan.

"This is the very definition of origin that USDA found so objectionable in the Mandatory Country-of-Origin Labeling (M-COOL) law passed by Congress in the 2002 Farm Bill and intended to benefit U.S. cattle producers," said McDonnell. "USDA has repeatedly claimed there is no food-safety basis for COOL and that the 'born, raised and slaughtered' standard is both unnecessary and unworkable. Yet, in its proposed rule, USDA is using the 'born, raised, and slaughtered' standard in COOL to assure the safety of Japanese beef, for the benefit of the Japanese cattle industry. This is the type of inconsistent treatment of the U.S. cattle industry that continues to erode industry confidence in the USDA."

"USDA cannot—with complete disregard for established science—keep moving the bar to suit its political agenda," Thornsberry emphasized. "It is a disservice to our trading partners, a disservice to U.S. cattle producers, and a disservice to global trade relations.

USDA will consider public comments on its Proposed Rule that are submitted before or on Sept. 19. For more information on making comments, or to view the Proposed Rule, please visit *www.r-calfusa.com* and click on "BSE-Litigation."

Mr. NELSON of Nebraska. I also have a statement from NCBA in reaction to the rule that states it "will not support finalization of this proposed rule until Japan has completed its process and accepts beef from the United States."

I ask unanimous consent to have the NCBA statement, dated August 19, 2005, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NCBA STATEMENT ON USDA PROPOSED RULE TO ALLOW BONELESS BEEF FROM JAPAN

(By Jim McAdams)

Yesterday, the U.S. Department of Agriculture published a proposed rule in the Federal Register titled: Importation of Whole Cuts of Boneless Beef from Japan.

NCBA will not support finalization of this proposed rule until Japan has completed its process and accepts beef from the United States. Until both countries can agree to World Organization for Animal Health (OIE) guidelines, any beef product coming into the United States should meet the same requirements Japan has set for us.

This proposed rule would allow imports of boneless beef from Japan into the United States if the product meets all U.S. safety standards, including removal of specified risk material. Historically, annual beef imports from Japan have been very small, averaging 19,000 pounds in recent years, an amount equal to approximately one-half of one semi-trailer load. The highest level was 33,510 pounds in 1999, which is less than what one semi-trailer can haul. This Japanese product has averaged $45 per pound.

The publication of this proposed rule begins the U.S. rule-making process to fulfill our part of the framework agreement announced October 23, 2004 by U.S. and Japanese officials.

There is no scientific basis for continued restrictions on boneless beef when safeguards are in place. BSE infectivity has never been found in muscle tissue. For these reasons, the United States has repeatedly called on Japan to open the border to U.S. beef, and NCBA calls for this action simultaneous to allowing imports of Japanese beef into the United States.

NCBA will continue our aggressive push for the complete re-opening of all export markets for U.S. beef. At NCBA's continued urging, re-establishing beef exports is at the top of the trade agenda at the White House, USDA and Congress. The President, Secretary of State, Secretary of Agriculture, U.S. Trade Representative and several senators and congressmen are actively pursuing this goal. NCBA also has traveled to Japan to meet with government officials to give them the assurances they need that U.S. beef is safe from BSE.

NCBA will not rest on this issue until there is harmonization of beef trade based on science. The framework agreement states, the "two countries will resume two-way trade in beef and beef products, subject to their respective domestic approval processes, based upon science."

NCBA members believe our beef has every right to compete for its share of the 96 percent of the world's population that lives outside the United States. Not only do U.S. cattle and beef producers produce the best beef in the world, scientists agree beef is safe from BSE.

Mr. NELSON of Nebraska. Over the past few days, much has been done to elevate the discussion on the need to resume a normal trade relationship with the Government of Japan. Last week I joined Congressman TOM OSBORNE of Nebraska in a letter to USDA Secretary Mike Johanns, urging the Secretary to delay the proposed rule until such time as Japan completes its process and accepts beef from the United States. Another letter was sent to Secretary Johanns at approximately the same time by a number of my Senate colleagues—Senators ROBERTS, CORNYN, CRAIG, BURNS, CRAPO, ALLARD, HUTCHISON, THOMAS, THUNE, and fellow Nebraskan Senator HAGEL. Their letter emphasizes that Japan must lift this unnecessary embargo, stating that U.S. ranchers and rural communities cannot continue to bear the economic uncertainty resulting from bad international policy. They added that it would be difficult for Congress to accept any admission of Japanese beef into the United States. I am thankful for their leadership and recognition that USDA's rulemaking effort should cease.

Additional letters that I signed, again with bipartisan support, were forwarded to President Bush and Secretary of State Condoleezza Rice. The letters complimented the administration's work in impressing upon Japanese officials the importance of the resumption of trade and urged their continuing efforts in making restoration of United States beef trade the highest economic priority with Japan.

This amendment is simple and straightforward. If passed, the amendment would restrict funds made available in the Agriculture appropriations bill from being used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled "Importation of Whole Cuts of Boneless Beef from Japan," to allow the importation of beef from Japan unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

While some have said this amendment is too restrictive, limiting the ability of the Agriculture Secretary to negotiate with Japan, I see it another way. I see it as simply applying the same policy Japan has in place against United States beef.

I think it strengthens the Secretary's hand by sending Japan the clear message that the Senators from beef-producing States and from our neighboring States are not going to drop this matter. Our beef is the safest and highest quality in the world. There is no science-based reason for the embargo to continue, and if they want to sell beef here, then they need to let us sell beef there.

Finally, I cannot back down from a personal commitment to the folks back home to aggressively pursue a Japanese market that in 2003 accounted for $1.4 billion of the $1.7 billion beef export market.

Like Secretary Johanns, when he served as Governor of Nebraska, I have traveled to Japan on numerous occasions touting the exceptional quality and value of Nebraska beef and U.S. beef. Beef producers throughout the Nation produce a superior quality product and have been very supportive of Secretary Johanns' continuing efforts on behalf of the U.S. beef industry as Secretary of Agriculture.

Unfortunately, bipartisan letters of support have not been able to resolve this issue. A congressional response is warranted. That includes a strong statement that prematurely allowing Japan any access to our markets is simply unacceptable.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am interested in the subject which is raised by the Senator from Nebraska in his amendment. There are some aspects with relationship to it about which I would like to get a little more information. I would like to set the vote for 11:25 a.m. If I may, before we lock that in, there are a few items I would like to settle.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask unanimous consent that the Democratic leader be recognized to speak at 2:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

AMENDMENT NO. 1738

Mr. ALLARD. Mr. President, I ask that the pending amendment be laid aside, and I ask that the clerk report amendment No. 1738.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. ROBERTS, Mr. CRAIG, Mr. BURNS, Mr. THUNE, and Mr. HAGEL, proposes an amendment numbered 1738.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on the importation into the United States of beef from Japan)

At the appropriate place, insert the following:

SEC. ___. It is the sense of the Senate that the United States Government should not permit the importation into the United States of beef from Japan until the Government of Japan takes appropriate actions to permit the importation into Japan of beef from the United States.

Mr. BENNETT. Mr. President, I ask unanimous consent that the vote in relation to the Allard amendment No. 1738, to be followed by a vote in relation to the Nelson amendment No. 1732, occur at 11:20 a.m. today, with no amendment in order to either amendment prior to that time, and that the two votes occur in that order. I further ask that there be 2 minutes between the two votes for explanation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, if the Senator from Utah will yield, I would like to have an opportunity, with the presentation of my amendment, to speak for 10 minutes, if I might.

Mr. BENNETT. The Senator from Colorado should certainly take the time to explain his amendment. The Senator from Nebraska has expressed a desire to respond to the Senator from Colorado. I suggest that the time between now and the vote be equally divided between the Senator from Colorado and the Senator from Nebraska, or should we say the Senator from Colorado have a little extra time because it is his amendment. However we work this out, I think we should make sure both sides get an opportunity to speak.

Mr. ALLARD. Mr. President, how much time is remaining until the next vote?

Mr. BENNETT. There is approximately 10 minutes remaining until the vote.

The PRESIDING OFFICER. There is approximately 10 minutes remaining.

Mr. ALLARD. Mr. President, I ask unanimous consent that the time until the vote be equally divided, with 5 minutes per speaker.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I thank the Senator from Utah, and I appreciate his leadership.

The Government of Japan has maintained an embargo on U.S. beef for more than 20 months. The beef industry is an integral part of the U.S. economy. It is an integral part of the State which I represent, the State of Colorado, and is an integral part of Nebraska's economy, as we just heard from Senator NELSON about concerns that apply to his State. This issue is particularly important for the southern and western parts of the United States.

Before the embargo, exports to Japan were approximately $100 million a month. Today, the border closure has cost us over $2 billion. Since the border closure, 10,000 U.S. meat packers have lost their jobs. To address this we came to an agreement with the Japanese on what it would take to open our borders to each other. The United States has worked diligently to meet our end of the agreement and to assure that we can resume trade with the Japanese. Yet even with all of our efforts, Japan's border remains closed. The Japanese Government has made some progress. Yet the process is becoming muddled underneath unnecessary bureaucracy on the part of the Japanese Government.

The United States has a long commitment to producing the world's safest food, and they still continue to have that strong commitment. The safety of U.S. beef is assured by sound science based on policy. I emphasize that U.S. beef is both safe and delicious. The time has come for us to express our frustration as a collective body.

I, along with a number of my colleagues, met with the Ambassador from Japan to the United States a number of months ago and was assured they were giving serious consideration to the embargo they placed against

American beef because of, at that point, one case of mad cow disease in the United States. They were relatively assured that the process was going to move along. We told them at the time that we believed the process was being delayed. They assured us they would move it along.

They did move it along. Last week or so, we did get our decision back from this commission in Japan, and it was unfavorable as far as allowing U.S. beef to be imported into the country of Japan.

Japan has had a number of mad cow disease cases. We have had only two cases. Both of those have not resulted in any other outbreaks. They have had upwards into the teens of cases of mad cow disease, and yet they are using, in my view, the mad cow disease as a reason to impose an embargo against American beef.

We cannot stand aside and lose thousands upon thousands of jobs in the beef industry as a result of this action. It is not based on good science. We have extremely good meat processing procedures that protect human health in the United States, the best in the world as far as I am concerned. I don't think we have anything to be apologetic for. Just because you recognize one or two cases of mad cow disease does not mean you have a problem. It may mean you are doing a good job. I can think of countries that have not had any cases of mad cow disease and may very well have it. It may be they are not doing a good job, that they are not checking for the disease, and if you don't check for it, you are not going to find it.

We have a very strict system of surveillance in this country. When we process beef, we hold suspected animals if they show any clinical signs at all, whether it is a temperature or that they show any signs of being uncoordinated that might suggest mad cow disease—if this is the case we take them out of the processing lines until we have a confirmation as to whether they are afflicted or not afflicted.

As a result of these frustrations, I offer this sense-of-the-Senate resolution asking that the U.S. borders not be open to Japanese beef imports until the Japanese borders are open to us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank the Chair.

Mr. President, I respect my colleague from Colorado and I certainly appreciate his support in working to reopen the borders with the country of Japan. I feel like somebody on a trip asking the question: Are we there yet? For 20 months we have been asking this question: Are we there yet?

The sense-of-the-Senate resolution is perhaps a softer way of saying to Japan, finish this project as quickly as you can so this process does not go on another 20 months. The truth is I think it is time to move beyond our soft talk to harder talk. Perhaps this will help the Japanese Government understand that we are very serious about this continuing nontariff trade barrier against United States beef. It is extremely important to the economy of the State of Nebraska. It is important to the economy of our country. What it boils down to is it is unfair. There is no sound science that justifies the action that has been taken. With two cases of mad cow detected in the United States, one coming from Canada, statistically it is nonexistent in terms of the millions of head of cattle that are sent to slaughter every year.

When you look at the situation, you have to ask yourself the question of why has it taken so long, 20 months, for this process.

Now, I am at times frustrated by our own bureaucracy, but I think on its worst day, our bureaucracy can't compete with this process that has continued to delay and delay and delay this whole effort to try to reopen the trade between the United States and Japan for cattle.

I suggest we can do both. We can pass a sense-of-the-Senate resolution which perhaps says in its own way that we need to reopen the trade borders and knock down these trade barriers. But I think we also need to say that we cannot move forward through the USDA until—not suggest but say we cannot move forward until and unless the Japanese reopen their borders to our exports. I think you can do both. I think one is a soft way, but the other sends a strong message. It is time for that strong message. Everywhere I go across Nebraska, I hear people say: How can this be? How can we continue to allow our trading partner to treat us this way? I think the answer is we cannot, and this is the way in which we stop it and we bring it to a head.

I thank the Chair. I yield the floor.

Mr. BENNETT. Mr. President, I would ask the Senators if they would allow us to do the Allard amendment by a voice vote, given the fact that the Senator from Nebraska has suggested he would be in support of this, and would allow us to do both. Perhaps we could adopt the Allard amendment by a voice vote and then move to the yeas and nays on the Nelson amendment.

I would ask each Senator if they would respond to the Chair how they might feel about that. I am happy to call for the yeas and nays on both amendments if that is what they would like, but I have a sense that the Allard amendment is probably going to pass since the Senator from Nebraska has indicated his position on it, and it may be we can save the Senate some time by having only one recorded vote rather than two.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I have no objection to that procedure. I think it would perhaps save time for the Senate. I believe the sense-of-the-Senate resolution should be passed nearly unanimously by this body and it gives the opportunity for those who want to take a stronger position to be able to do it and be recorded as a yea or nay.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. The Senator from Nebraska and myself are on the same page. We are both greatly disappointed that the negotiations from Japan have not been progressing well at this particular point. I think we need to recognize that the State Department has been working hard on this issue as well as the Department of Agriculture. In fact, I have been told as recently as yesterday that the Secretary of State has had discussions with the Ambassador from Japan. I do think we need to do something on this floor to send a strong message to Japan about our concerns about their continuing to apply an embargo against United States beef. It is blatantly unfair and scientifically doesn't stand up.

As far as I am concerned, we can go ahead and adopt the Allard amendment by a voice vote or unanimous consent, however the chairman wishes to proceed. Then these things perhaps can get refined better in conference committee when we work through this process in conference committee.

The PRESIDING OFFICER. Under the previous order, the hour of 11:20 having arrived, the vote is scheduled to occur in relation to the Allard amendment.

Without objection, the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. I thank the Chair.

In fairness to both efforts, if we are going to adopt the Allard amendment by a voice vote, is it possible then to adopt the Nelson amendment by a voice vote as well?

Mr. ALLARD. I have no objection on this side, Mr. President.

Mr. BENNETT. Mr. President, I think there will be some who might want to vote against the Nelson amendment since the administration is opposed to it. Secretary Johanns has made the statement to that effect. So for those who are not here who might want to be on the record, I think we perhaps should have the yeas and nays with respect to the Nelson amendment.

Mr. NELSON of Nebraska. Mr. President, it is hard to believe people might be inclined to vote against this amendment, but if that is the choice, I would withdraw my suggestion.

The PRESIDING OFFICER. The question is on agreeing to the Allard amendment.

The amendment (No. 1738) was agreed to.

Mr. BENNETT. Mr. President, with respect to the Nelson amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question now is on agreeing to the Nelson amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—72

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Harkin
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—26

Alexander
Allard
Bennett
Bunning
Burr
Chafee
Cochran
DeMint
Dole
Frist
Grassley
Gregg
Hagel
Hatch
Inouye
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Salazar
Stevens
Sununu

NOT VOTING—2

Corzine
Rockefeller

The amendment (No. 1732) was agreed to.

Mr. NELSON of Nebraska. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, on Thursday of last week, when Senator KOHL and I laid down the bill, I made the point that while there are no direct emergency aid funds in the bill, there are funds for many of the programs that would aid the victims of Hurricane Katrina and, frankly, programs they badly need.

To point out some of the increases over the fiscal year 2005 level that have impact on Katrina that are in this bill: $16.6 million for food defense activities at FDA; $36.2 million for food safety activities at USDA; nearly $250 million in loan authorizations for rural housing, including housing repair; $1.1 billion in rural utility loan authorizations for rural water and electric loans; $22 million for the Women, Infants and Children feeding program; and $5.6 billion in food stamps. These are all issues that affect the victims of Hurricane Katrina, and every State and every citizen will benefit from the programs in this bill. So I hope we can move forward with it in an expeditious fashion.

The USDA and FDA, the principal agencies funded in this bill, are working under very difficult conditions to address the needs in the hurricane-affected areas. FDA has had to transfer 50 employees from their regional office in New Orleans to Nashville, and USDA has had to relocate several hundred employees to keep its programs going.

So I hope we can do our best to effectively and quickly get this bill moving. I urge those who have amendments to the bill to come to the floor and help us with this bill.

We have one amendment which I understand has been cleared, and the Senator from Colorado has that amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 1737, AS MODIFIED

Mr. ALLARD. Mr. President, I send to the desk amendment No. 1737, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1737, as modified.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 93, line 9, before the period at the end insert the following:": *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, may lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest".

Mr. ALLARD. Mr. President, very briefly, what this amendment does is it just allows Colorado State University to lease land from the Agricultural Research Service. It is not a controversial provision.

I ask unanimous consent it be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Is there objection to the unanimous consent request?

Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 1737), as modified, was agreed to.

Mr. BENNETT. I move to reconsider the vote with respect to the Allard amendment.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

Mr. BENNETT. Mr. President, I know of no other amendments available to us. Unless someone wishes to speak in morning business between now and the time we routinely break for the policy lunches, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:10 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

NOMINATION OF JOHN ROBERTS TO BE CHIEF JUSTICE

Mr. REID. Mr. President, one of the Senate's most important constitutional responsibilities is to provide advice and consent with respect to a President's nominations. The task is especially important when the nomination is an individual to be Chief Justice of the United States. No one doubts John Roberts is an excellent lawyer and a very affable person. But at the end of this process, frankly, I have too many unanswered questions about the nominee to justify a vote confirming him to this enormously important lifetime position.

The stakes for the American people could not be higher. The retirement of Justice O'Connor and the death of Chief Justice Rehnquist have left the Supreme Court in a period of transition. On key issues affecting the rights and freedoms of Americans, the Court is closely divided. If confirmed, Judge Roberts, who is only 50 years old, will likely serve as Chief Justice and leader of the third branch of the Federal Government for many decades.

The legal authority we will hand to Judge Roberts by this confirmation vote is awesome. We should only vote to confirm this nominee if we are absolutely positive that he is the right person to hold that authority. For me, this is a very close question, but I must resolve my doubts in favor of the American people whose rights would be in jeopardy if John Roberts turns out to be the wrong person for this job.

Some say the President is entitled to deference from the Senate in nominating individuals to high office. I agree that deference is appropriate in the case of executive branch nominees such as Cabinet officers. With some important exceptions, the President may generally choose his own advisers. In contrast, the President is not entitled to much deference in staffing the third branch of Government, the judiciary. The Constitution envisions that the President and the Senate will work together to appoint and confirm Federal judges. This is a shared constitutional duty. The Senate's role in screening judicial candidates is especially important in the case of Supreme Court nominees because the Supreme Court has assumed such a large role in resolving fundamental disputes in our civic life. Any nominee for the Supreme Court bears the burden of persuading the Senate and the American people that he or she deserves a confirmation to a lifetime seat on that Court.

First, I start by observing that John Roberts has been a thoughtful, mainstream judge on the DC Circuit Court of Appeals, but he has only been a member of that court for 2 years and has not confronted many cutting-edge constitutional issues, if any. As a result, we cannot rely on his current judicial service to determine what kind of a Supreme Court Justice he would be.

I was very impressed with Judge Roberts when I first met him in my office soon after he was nominated, but several factors caused me to reassess my initial view. Most notably, I was disturbed by the memos that surfaced from Judge Roberts' years of service in the Reagan administration. These memos raise serious questions about the nominee's approach to civil rights. It is now clear that as a young lawyer, John Roberts played a significant role in shaping and advancing the Republican agenda to roll back civil rights protections. He wrote memos opposing legislative and judicial efforts to remedy race and gender discrimination. He urged his superiors to oppose Senator KENNEDY's 1982 bill to strengthen the Voting Rights Act and worked against affirmative action programs. He derided the concept of comparable worth and questioned whether women actually suffered discrimination in the workplace.

No one is suggesting John Roberts was motivated by bigotry or animosity toward minorities or women, but these memos lead one to question whether he truly appreciated the history of the civil rights struggle. He wrote about discrimination as an abstract concept, not as a flesh-and-blood reality for countless of his fellow citizens. The memos raised a real question for me whether their author would breathe life into the equal protection clause and the landmark civil rights statutes that come before the Supreme Court repeatedly. Nonetheless, I was prepared to look past these memos and chalk them up to the folly of youth. I looked forward to the confirmation hearings in the expectation that Judge Roberts would repudiate those views in some fashion. However, the nominee adopted what I considered a disingenuous strategy of suggesting that the views expressed in those memos were not his, even at the time the memos were written. That is what he said. He claimed he was merely a staff lawyer reflecting the positions of his client, the Reagan administration.

Anyone who has read the memos can see that Roberts was expressing his own personal views on these important policy matters. In memo after memo, the text is very clear. It is simply not plausible for the nominee to claim he did not share the views he personally expressed. For example, there is a memo in which he refers to the Equal Employment Opportunity Commission as "un-American." If Judge Roberts had testified that this was a 20-year-old bad joke, I would have given the memo no weight. Instead, he provided a tortured reading of the memo that simply doesn't stand up under any scrutiny.

In another memo, Judge Roberts spoke about a Hispanic group President Reagan would soon address and he suggested that the audience would be pleased to know the administration favored legal status for the "illegal amigos" in the audience—illegal amigos. After 23 years, couldn't he acknowledge that was insensitive, that it was wrong? The use of the Spanish word "amigos" in this memo is patronizing and offensive to a contemporary reader. I don't condemn Judge Roberts for using the word "amigos" 20 years ago in a nonpublic memo, but I was stunned when at his confirmation hearing he could not bring himself to express regret for using that term or recognize that it might cause offense.

My concerns about these Reagan-era memos were heightened by the fact that the White House rejected a reasonable request by committee Democrats for documents written by Judge Roberts when he served in the first Bush administration. After all, if memos written 23 years ago are to be dismissed as not reflecting the nominee's mature thinking, it would be highly relevant to see memos he had written as an older man in an even more important policymaking job. The White House claim of attorney-client privilege to shield these documents is utterly unpersuasive. Senator LEAHY, ranking member of the Judiciary Committee, asked Attorney General Gonzales for the courtesy of a meeting to discuss the matter and was turned down. This was simply a matter of stonewalling.

The failure of the White House to produce relevant documents is reason enough for any Senator to oppose this nomination. The administration cannot treat the Senate with such disrespect without some consequence. In the absence of these documents, it was especially important for the nominee to fully and forthrightly answer questions from committee members at his hearing. He failed to do so adequately. I acknowledge the right—indeed, the duty—of a judicial nominee to decline to answer questions regarding specific cases that will come before the Court to which the witness had been nominated. But Judge Roberts declined to answer many questions more remote than that, including questions seeking his views of long-settled legal precedent.

Finally, I was very swayed by the testimony of civil rights and women's rights leaders against the confirmation. When a civil rights icon such as John Lewis, one of my American heroes, appears before the committee and says John Roberts was on the wrong side of history, I take note. Senators should take notice.

I personally like Judge Roberts. I respect much of the work he has done in his career. For example, his advocacy for environmentalists in a Lake Tahoe takings case several years ago was good work. In the fullness of time, he may well prove to be a fine Supreme Court Justice. But I have reluctantly concluded that this nominee has not satisfied the high burden of justifying my voting for his confirmation based on the current record.

Based on all these factors, the balance shifts against Judge Roberts. The question is close, and the arguments against him do not warrant extraordinary procedural tactics to block his nomination. Nevertheless, I intend to cast my vote against this nomination when the Senate debates the matter next week.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

AMENDMENT NO. 1747

Mr. DURBIN. Mr. President, I believe this has been cleared on the other side.

Mr. President, I send an amendment to the desk on behalf of Senator REID and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. REID, proposes an amendment numbered 1747.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for minimum prices for milk handlers)

On page 173, after line 24, insert the following:

SEC. 7____.(a) Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(M) MINIMUM MILK PRICES FOR HANDLERS.—

"(i) APPLICATION OF MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

"(ii) COVERED MILK HANDLERS.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

"(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect on the date of enactment of this subparagraph);

"(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

"(III) is not otherwise obligated by a Federal milk marketing order, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for the milk dispositions or sales.

"(iii) OBLIGATION TO PAY MINIMUM CLASS PRICES.—For the purpose of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

"(iv) CERTAIN HANDLERS EXEMPTED.—Clause (i) does not apply to—

"(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph));

"(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

"(III) a handler (otherwise described in clause (ii)) for any month during which—

"(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

"(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in 1 or more States that require handlers to pay minimum prices for raw milk purchases.

"(N) EXEMPTION FOR CERTAIN MILK HANDLERS.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production that exceeds 3,000,000 pounds.".

(b) Section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following:

"(D) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—In the case of milk and its products, no county or other political subdivision located in the State of Nevada shall be within a marketing area covered by any order issued under this section.".

(c) Notwithstanding any other provision of this section or the amendments made by this section, a milk handler (including a producer-handler or producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with any requirement under section 1000.27 of title 7, Code of Federal Regulations (or a successor regulation) relating to responsibility of handlers for records or facilities.

(d)(1) This section and the amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of enactment of this Act.

(2) To accomplish the expedited implementation schedule for the amendment made by subsection (a), effective on the date of enactment of this Act, the Secretary of Agriculture shall ensure that the pool distributing plant provisions of each Federal milk marketing order issued under section 8c(5)(B) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(B)), reenacted with amendments by the Agricultural Marketing Agreement of 1937, provides that a handler described in section 8c(5)(M) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement of 1937 (as added by subsection (a))), will be fully regulated by the order in which the distributing plant of the handler is located.

(3) Implementation of this section and the amendments made by this section shall not be subject to a referendum under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

Mr. DURBIN. Mr. President, I urge adoption of the amendment.

Mr. BENNETT. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1747.

The amendment (No. 1747) was agreed to.

AMENDMENT NO. 1748

Mr. DURBIN. Mr. President, on behalf of Senator INOUYE, Senator FEINSTEIN, and others, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. INOUYE, for himself, Mr. AKAKA, and Mrs. FEINSTEIN, proposes an amendment numbered 1748.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the use of funds made available to the Animal and Plant Health Inspection Service)

On page 101, line 10, before the period at the end insert the following: ": *Provided further*, That none of the funds may be used to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, Hawaii".

Mr. INOUYE. Mr. President, today, I offer an amendment that would prohibit the Animal and Plant Health Inspection Services, APHIS, from using appropriated funds to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, HI.

This amendment, which is cosponsored by my dear friends, Senator AKAKA and Senator FINSTEIN, is in response to a recent decision made by APHIS to dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, HI and would preclude the agency from carrying out this decision until other alternatives have been articulated and analyzed. In addition, this amendment would provide the agency and the many stakeholders with additional time to examine the issue, to seek a more creative solution, and to have the Secretary recommend a plan that is acceptable to the agricultural representatives of the State of Hawaii, California, and other impacted States.

Releases of sterile insects have played a prominent role in the success of most pest control or eradication programs. It is in this context that I have two main concerns with the agency's decision. First, relying solely on Guatemala as a source of sterile Mediterranean fruit flies places the United States at risk if the supply from Guatemala were curtailed for any reason. In these times of terrorist activities and civil unrest, disruption is much more than an academic debate. I have been assured by other states impacted by the APHIS decision that they share my concern.

Second, from a Hawaii perspective the permanent closure of the facility in Waimanalo does not bode well for the future of diversified agriculture in Hawaii. Unfortunately, Hawaii is infested with four fruit fly pest species—not just the Mediterranean fruit fly. Any hope of area wide control or eradication of these pests requires efficient rearing of all four species for sterile release programs. It is my intent to seek support for a multiple species rearing facility in Waimanalo to address this problem that is unique to Hawaii. While suppression of all four of the fruit fly species in Hawaii is of great benefit to our State, such activities may be among the best mechanisms for avoiding inadvertent fruit fly infestations in other states where these alien pests can survive.

Given these concerns, I urge my colleagues to support my amendment that would prohibit APHIS from implementing its demolition decision and to provide additional time for the agency to work with all stakeholders in exploring and implementing a sound public policy on this issue of great importance to the State of Hawaii.

Mr. DURBIN. Mr. President, I urge adoption of the amendment.

Mr. BENNETT. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1748.

The amendment (No. 1748) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1749

Mr. DURBIN. I send an amendment to the desk on behalf of myself, Senator ENZI, and Senator KENNEDY.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], proposes an amendment numbered 1749.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To insert provisions related to conflicts of interest among members of advisory panels of the Food and Drug Administration)

On page 173, after line 24, insert the following:

SEC. 7 .(a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a confidential report to the Inspector General of the Department of Health and Human Services of the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

Mr. DURBIN. Mr. President, the Scientific Advisory Committee system at the Food and Drug Administration is meant to provide the Agency with unbiased, independent, professional advice on the safety and efficacy of drugs, devices, biologics, food, and veterinary medicine.

To protect the objectivity and the integrity of advisory committees, members have long been subject to a number of conflict of interest laws and regulations. Unfortunately, the Food and Drug Administration has routinely granted waivers to scientists with financial ties to the manufacture of the products under consideration or their competitors. These waivers can compromise the integrity of this important advisory process. Let me give one example.

The February 2005 advisory panel considering whether painkillers, Celebrex, Bextra, and Vioxx, could safely be marketed to the public included 10 scientists who were granted conflict of interest waivers. Ten of the thirty-two members—that is 31 percent—consulted for or received research support from Pfizer, which makes Celebrex and Bextra; and Merck, which makes Vioxx; or Novartis, which is seeking approval for a similar painkiller.

Had the votes of those 10 scientists been excluded, the panel would have favored withdrawing Bextra from the market and blocking the return of Vioxx.

As the New York Times pointed out in a March editorial:

> Unless the FDA makes a more aggressive effort to find unbiased experts or medical researchers start severing their ties with the industry, a whiff of bias may taint the verdicts of many advisory panels.

I, along with two of my colleagues, Senators ENZI and KENNEDY, have offered this amendment to the Agriculture appropriations bill, a bill which funds the Food and Drug Administration. It will increase the transparency of the process. It will ensure the FDA has searched for experts without conflicts of interest.

Specifically, our amendment requires the FDA to disclose any conflict of interest waivers on their Web site 15 days prior to the meeting of the advisory committee. They must detail the nature of the conflict of interest and the rationale for the waiver.

The amendment also requires the FDA to send a report to the Health and Human Services inspector general after each new advisory committee is convened. The report must detail the steps the FDA took to find scientists who were free from conflicts.

Finally, Senators ENZI, KENNEDY, and I will request that the Government Accountability Office conduct an in-depth study of the waiver process and provide recommendations on how it can be improved.

My amendment will increase the transparency of the waiver process and require the FDA to report to a third party about their efforts to identify scientists without conflicts. I think this will create a powerful incentive for the FDA to find more scientists without the potential for bias.

Let me close by saying that, over the years, it has been my good fortune to work with this important agency, the Food and Drug Administration. The American people don't know how much we rely on this tiny agency to decide that what is sold to us in drug stores and other places in our daily lives must be safe and they must be effective as advertised. It is an arduous and important process, and they get it right so often, but occasionally they do not. We have to make certain that we try to take out of this decision process any question that would be raised about the integrity of the Agency or the means they are using to reach their conclusions. I hope this amendment moves us in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Illinois for his initiative on this issue and congratulate him for the final product that has been crafted. This could have been a very controversial and contentious issue, but by compromise, conversation, and consultation among him and the other Senators he mentioned, we now have an amendment that is virtually noncontroversial.

It is important that we do not enforce the conflict-of-interest issue with such difficulty that ultimately the pharmaceutical companies are cut off from any opportunity of ever consulting with the best experts in the field because those experts want to also remain available to the FDA.

I think the compromise that has been reached is a sound one. I endorse the amendment and urge all Senators to vote for it.

I call for a voice vote.

The PRESIDING OFFICER. Without objection, the question is on agreeing to amendment No. 1749.

The amendment (No. 1749) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1750, 1751, AND 1752, EN BLOC

Mr. BENNETT. Mr. President, I have three amendments which I send to the desk and ask for their consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes amendments numbered 1750, 1751, and 1752.

Mr. BENNETT. I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1750

On page 93, line 9 at the end of the sentence insert the following:

"*Provided further*, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553-554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their "as is" condition, when vacated by the Agricultural Research Service.

AMENDMENT NO. 1751

At the appropriate place in the bill (page 173 after line 24), insert the following new paragraphs:

"SEC. . (a) Hereafter, none of the funds made available by this Act or any other Act may be used to publish, disseminate, or distribute Agriculture Information Bulletin Number 787.

(b) Of the funds provided to the Economic Research Service, the Secretary of Agriculture shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive report on the economic development and current status of the sheep industry in the United States."

AMENDMENT NO. 1752

On page 173, after line 24 insert the following:

"SEC. . The Secretary of Agriculture may establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Choctaw Nation: *Provided*, That the interest rate for direct loans shall be 1 percent: *Provided further*, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients."

The PRESIDING OFFICER. The Senator is recognized.

Mr. BENNETT. Mr. President, the first amendment is in regard to a study on the sheep industry in the United States by the National Academy of Sciences. The second authorizes a demonstration tribal housing program. And the third authorizes a land transfer in Mississippi from the Agricultural Research Service to Mississippi State University.

All three of these amendments have been considered carefully on both sides. They have been cleared on both sides. I ask that they be approved en bloc by a voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1750, 1751, and 1752) were agreed to en bloc.

Mr. BENNETT. Mr. President, I ask that the vote be reconsidered and that reconsideration be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent that I may offer an amendment dealing with horse inspection and that no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I withdraw my previous unanimous consent request and I call for the regular order with respect to amendment No. 1726.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1753 TO AMENDMENT NO. 1726

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. BYRD, Ms. LANDRIEU, Mr. LOTT, Mr. GRAHAM, Ms. STABENOW, Mr. DEMINT, Mrs. FEINSTEIN, and Mr. LAUTENBERG, proposes an amendment numbered 1753 to amendment numbered 1726.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of appropriated funds to pay the salaries or expenses of personnel to inspect horses under certain authority or guidelines)

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

Mr. ENSIGN. Mr. President, I rise, along with my colleagues, Senators BYRD, LANDRIEU, GRAHAM, LOTT, STABENOW, DEMINT, FEINSTEIN, and LAUTENBERG, to submit an amendment to the 2006 Senate Agriculture appropriations bill.

The goal of our amendment is simple: to end the slaughter of America's horses for human consumption overseas.

I graduated from Colorado State with a degree in veterinary medicine. I have been concerned with animal welfare since my earlier days as a youth and pursued those interests as a practicing veterinarian.

Our Nation's history and cultural heritage is strongly associated with horses. George Washington is pictured many places with horses. We are reminded of the legend of Paul Revere's ride and the Pony Express in the West. The Depression era race between Seabiscuit and War Admiral raised the morale of our country during desperate times.

The owners who sell their horses at auction are often unaware that those horses may be on their way to one of the three remaining horse slaughterhouses in America. These slaughterhouses—two in Texas and one in Illinois—are owned by French and Belgium companies. They slaughter American horses almost exclusively for one purpose—exporting the meat overseas for human consumption.

Workhorses, racehorses, and even pet horses—many young and healthy—are slaughtered for human consumption in Europe and Asia, where their meat is considered a delicacy. The profits, along with the product, are shipped overseas. These horses are slaughtered in America and shipped to Japan, France, Belgium, Italy, Germany for human consumption.

Last year, nearly 100,000 American horses were slaughtered for human consumption overseas. Sixty-five thousand of these were sent to three slaughterhouses in the United States, and more than 30,000 were shipped across our borders to Canada and Mexico for slaughter.

Our amendment effectively stops this practice. It restricts the use of Federal funds for the inspection of horses being sent to slaughterhouses for human consumption. Without these inspections, required under the Federal Meat Inspection Act, horses cannot be slaughtered, or exported for slaughter, for human consumption overseas.

Strong support for our amendment is reflected in the House of Representatives, where an identical measure was passed by a vote of 269 to 158 this past June.

We have several articles and editorials from around the country that have been written in support of our amendment. Articles have appeared in the Washington Times, the St. Petersburg Times, the Charleston Gazette, and the Louisville Courier-Journal, just to name a few. I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 15, 2005]

SAVE THE HORSES

Most Americans would sooner starve than eat fillet of horse with cranberry chutney, or however they do it in Europe. It might then come as a surprise that 66,000 horses were slaughtered for consumption in the United States last year, and 20,000 more were exported abroad for the same purposes. Even more so when one considers that nearly none of this horse flesh ends up on American platters—and for that we are thankful.

While cattle and poultry are bred specifically for food, horses are not. Many of those sold to slaughterhouses are privately owned or caught in the wild by the federal Bureau of Land Management, which then tries to find adoptive homes. When it cannot, the horses go to the highest bidder, in this case either to one of the three Belgian- or French-owned plants.

Fortunately, there is growing opposition in Congress to this kind of thing. In June, the House passed by a bipartisan majority an amendment to the agriculture appropriations bill banning the use of federal funds in the slaughtering of horses. The Senate is schedule to vote on the amendment, sponsored by veterinarian Sen. John Ensign, next week. We encourage senators to support this ban.

Certain veterinary groups, rather ironically, oppose the amendment. They claim that it is humane to put aging or neglected horses out of their misery. But if anyone actually saw how these noble beasts are slaughtered—strung up by their hind legs and bled—they might think twice before supporting such conduct. The only problem with attaching the amendment to an appropriations bill is that it will expire next year.

So, Mr. Ensign has also introduced independent legislation that would ban the slaughter of horses entirely. Some critics contend an outright ban is an abuse of congressional power. But Cass Sunstein, the distinguished University of Chicago law professor, conclusively addressed those concerns a few years ago: "A ban on commercial slaughter of horses would be plainly within congressional authority, if accompanied by reasonable findings that such slaughter is often or generally a way of yielding products for interstate or international sale, and therefore has a substantial effect on interstate or international commerce." Few would argue that it doesn't.

We admit to a certain sentimentality in our appeal to ban horse slaughter. The horse has always held a hallowed place in our national identity, much like the bald eagle. And just as no American would consider ordering up a bald eagle, if only out of respect, so would none ask for a horse steak.

[From the Louisville Courier-Journal, Sept. 13, 2005]

HORSE SENSE IN SENATE

This week, the U.S. Senate may vote on an amendment to the agriculture appropriations bill that would outlaw the slaughter of horses for food. For most Kentuckians—in fact, for most Americans—it's shocking that such a vote would need to be taken. In this country, horses are raised to be companion animals. Most folks don't know that in three foreign-owned slaughterhouses within our borders, about 45,000 horses are killed each year.

The meat is then shipped to Japan and several European countries, where horse is served for dinner. In the international market, the meat of American horses is especially coveted, since most of them have been well fed and have received superior care.

This should be an easy vote for Sens. Mitch McConnell and Jim Bunning. Horses are central to Kentucky's culture. Our famous Bluegrass farms breed and raise them for higher purposes than ending up on some dinner table overseas.

And no horse is currently safe from that fate. Ferdinand, the 1986 Kentucky Derby winner, was killed in a Japanese slaughterhouse when his stud services were no longer needed. This past spring, 41 wild mustangs were slaughtered for food in a Texas plant after being purchased through a program meant to give them new homes.

That's why, in June, the U.S. House of Representatives overwhelmingly passed legislation identical to what the Senate is considering. Kentucky's own Rep. Ed Whitfield, R-1st District, led the effort.

Now the Senate should do the same, with Kentuckians again playing a leadership role.

[From the St. Petersburg Times, Sept. 13, 2005]

BRING AN END TO HORSE SLAUGHTER

Horse slaughter has no place in the United States. The House of Representatives confirmed that earlier this year by passing an amendment to the agriculture spending bill that would, in essence, stop the practice. Now it is the Senate's turn.

Currently, horses that are no longer wanted are sold to buyers who presumably seek them for recreation or as pets too often end up in slaughterhouses or in the hands of exporters who send them outside the country for slaughter. Sometimes the buyers hide their true intentions and make a profit by selling the horses for slaughter. Each year, nearly 100,000 horses are subjected to a cruel end to their lives.

Horse meat for human consumption hasn't been sold in the United States for decades and isn't even used in pet food here. If a horse is near the end of its useful life, there are more humane ways for an owner to get rid of it. Adoption groups offer horses a peaceful retirement, and if the horses need to be euthanized, it can be done painlessly and humanely for a couple hundred dollars.

The Senate vote could come up in the next few days, so those opposed to horse slaughter should contact their senators and tell them to support the amendment, which would deny the Agriculture Department taxpayer dollars for the inspection of horse meat. Without such inspections, legalized horse slaughter in this country will end. And good riddance.

[From the Charleston Gazette, Sept. 13, 2005]

SAVE HORSES—BILL WOULD STOP SLAUGHTER

Around 90,000 American horses are slaughtered each year for human consumption. Foreign-owned slaughterhouses on American soil kill about 50,000 of them; the other 20,000 are sent live to Mexico or Canada. Some are wild horses that still wander ranges of the West; others are unwanted, disposed of by their owners or unscrupulous dealers who promise they will go to good homes.

Many of these creatures undergo extreme suffering en route to their final destination. Transport law allows them to go for 24 hours without food, water or rest, even if they are badly injured or heavily pregnant.

West Virginia Sen. Robert Byrd plans an amendment to the Agriculture appropriations bill banning horse slaughter in the United States. All three of the state's representatives voted for a similar amendment in the House that passed, 269–158.

There are alternatives to the slaughter of unwanted horses. The recent auction of wild mustangs in Ronceverte resulted in new homes for horses trucked in and sold for a nominal amount. Many horse rescue operations work with retired racehorses, many of whom have tragically ended at slaughterhouses—even big-time steeds, including Kentucky Derby winner Ferdinand. The rescue organizations retrain them and find them new homes and careers. Horses that have truly come to the end of their useful or comfortable lives can be humanely euthanized, rather than having to endure the pain, panic and trauma of a trip to the slaughterhouse.

The bond between horses and humans is as close as the connection between dogs or cats and their owners. The horsemeat industry is not a vital part of the American economy. We hope the Senate will pass this humane amendment.

CITY OF KAUFMAN,
Kaufman, TX, September 6, 2005.

Re Support Congressional efforts to end horse slaughter.

DEAR SENATOR: As the Mayor of Kaufman, Texas, I am all too well acquainted with an issue that has been getting plenty of attention on Capitol Hill recently: horse slaughter.

Kaufman is "home" to Dallas-Crown, one of only three slaughterhouses that continue to operate in this country (the other plants are in Ft. Worth, TX and DeKalb, IL). Together, the plants killed more than 65,000 of our horses last year for human consumption abroad. All three plants, are foreign owned, and all three are out of step with American public opinion. Seventy-eight percent of Texans oppose horse slaughter and polls from other parts of the country reflect this sentiment. Both of the Texas plants operating in violation of state law which prohibits the sale of horsemeat for human consumption. And Dallas-Crown is operating in violation of a multitude of local laws pertaining to wastemanagement, air quality and other environmental concerns.

When the District Attorneys in the two Texas jurisdictions moved to prosecute under the state law, the plants filed suit and the District Attorneys were prevented from proceeding. Horses continued to be slaughtered while the case languished in federal court. Recently, the judge ruled in the plants' favor. The District Attorneys are considering an appeal.

When the city took action against the plant for releasing pollutants into the sewer system far in excess of legally acceptable limits, we ended up in court and are now forced to mediate on an issue that can't be mediated. Meanwhile, our municipal sewer system is overburdened, but we simply cannot afford to refurbish the system so that it can tolerate overload from Dallas-Crown. Nor should we have to.

Residents are also fed up with the situation. Long-established neighbors living adjacent to the plant cannot open their windows or run their air conditioners without enduring the most horrific stench. Children playing in their yards do so with the noise of horses being sent to their deaths in the background. Landowners have difficulty securing loans to develop their property. The residents have petitioned the city council to take corrective action against the plant. On August 15 the Kaufman City Council voted unanimously to implement termination proceedings against the plant.

But the ultimate remedy rests with the federal government, which has the authority—and opportunity—to close this shameful industry down. I urge you to cosponsor the American Horse Slaughter Prevention Act when it is introduced by Senator John Ensign, and to support the Ensign amendment to the Senate Agriculture Appropriations Bill for Fiscal Year '06 that will prohibit the use of federal funds to facilitate horses slaughter.

As a community leader where we are directly impacted by the horse slaughter industry, I can assure you the economic development return to our community is negative. The foreign-owned companies profit at our expense—it is time for them to go. If I can provide you with further information, please don't hesitate to contact me at 972–932–2856.

Sincerely,

PAULA BACON,
Mayor of Kaufman, Texas.

Mr. ENSIGN. Mr. President, the Ensign-Byrd amendment also has strong support from some of the people most familiar with the slaughterhouses. Paula Bacon, the mayor of Kaufman, TX, which is home to the Dallas Crown Slaughterhouse, recognized the importance of ending this slaughter.

She stated:

> My city is little more than a doormat for a foreign-owned business that drains our resources, thwarts economic development and stigmatizes our community. There is no justification for spending American tax dollars to support this industry.

That is Paula Bacon, mayor of Kaufman, TX, home to the Dallas Crown horse slaughterhouse facility.

Members of the local community would like to see this slaughterhouse closed, as well.

Concerns have been raised about what will happen if this slaughter is ended. Many of these horses will be sold to a new owner. Some horses will be kept longer by their original owner, others will be euthanized humanely by a licensed veterinarian, and still others will be cared for by the horse rescue community. Efforts are underway to standardize practices for horse rescue organizations. Guidelines for this ever-growing sector have been developed by the animal protection community and embraced by sanctuaries.

Statistics do not support claims that this legislation will result in more abuse and neglect of unwanted horses. In Illinois, the number of abuse cases actually dropped from 2002 to 2004, when the State's only slaughterhouse was closed due to fire. In California, there has been no rise in neglect cases since the State passed a ban on slaughter for human consumption in 1998.

Furthermore, it is illegal to "turn out," neglect, or starve a horse, so this amendment will not lead to more orphaned horses. If a person attempts to turn his or her horses out, animal control agents can enforce humane laws. These animals still can be euthanized and disposed of by a veterinarian for about $225, a fraction of the cost to keep a horse. That cost is not too big of a burden to bear when no other options are available.

Our amendment is good for horses. That is why it is supported by many animal protection groups. The Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, the Doris Day Animal League, the American Humane Association, and Society for Animal Protective Legislation—all support our legislation. We have also received support from much of the horse industry and veterinarians nationwide. In fact, congressional measures to end horse slaughter are supported by Veterinarians for Equine Welfare, the National Thoroughbred Racing Association, Churchill Downs, Incorporated, and dozens of owners and trainers of champion racehorses, including Kentucky Derby winners.

The time to end this slaughter is now. Please join my colleagues and me in supporting this important amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator be recognized to speak as in morning business. We are under the Agriculture bill, and no one seems to be coming forward under the Agriculture bill, so I obviously have no objection, but I think, to be clear, it should be as in morning business; therefore, I ask unanimous consent that the Senator be given the opportunity to do that.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. CONRAD. Mr. President, I thank my colleague from Utah for his graciousness, and my colleague from Wisconsin as well. I appreciate this opportunity to speak.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1730 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Mr. President, Winston Churchill said, "when you are on a great horse, you have the best seat you will ever have." Indeed, throughout the ages, the horse has carried mankind across continents, helped forge civilizations, and has been that beloved beast of burden that has borne the human race on its back.

In America, the horse was the primary source of transportation of our founding fathers, the vehicle of our Revolutionary soldiers, and a symbol of the majestic strength and character that this great country was based upon. Our fledgling urban centers rose with the help of the horse's brawn. Our American frontier expanded farther and farther west, with families traveling by horse-drawn wagons across mountains and valleys, the plains and prairies. The American cowboy, an indelible image of the fierce and undying determination of the American spirit, was never without his trusty four-legged companion.

But each year, 65,000 horses are slaughtered in this country for human consumption in Europe and Asia, where horsemeat is considered a delicacy. Another 30,000 horses are shipped every year to Canada and Mexico to be slaughtered.

These horses often suffer unnecessarily while in transit to slaughterhouses. Horses can be shipped for more than 24 hours without food, water, or rest. They can be transported with broken legs, missing eyes, or while heavily pregnant. The horses are kept in cramped conditions, in trucks with ceilings so low that they prevent the horses from holding their heads in a normal, upright position. The cramped nature of their transport often results in trampling, with some horses arriving at the slaughterhouses seriously injured or dead.

Even more cruel than the suffering these animals endure while in transit is their often injurious end. Improper use of stunning equipment at the slaughterhouse can result in the animal having to endure repeated blows to head, meaning that horses sometime remain conscious throughout the slaughter process.

The market for horsemeat is not an American market. Horsemeat is shipped abroad. The three slaughterhouses in the U.S. are foreign-owned. Thus, American horses are sold to a foreign company, killed for consumption in a foreign market, and foreign-owned companies profit from the export of horse meat. Many Americans would be shocked to learn that our animals suffer such a fate, all in order to satisfy the tastes of those living in Europe and Asia. Indeed, many individuals who sell horses to slaughterhouses do so unwittingly. Slaughterhouses often send third parties, called "killer buyers," to auction to buy horses.

Senator ENSIGN and I have offered an amendment to stop the slaughter of horses for human consumption by preventing taxpayer dollars from being used to inspect the horses intended for slaughter. Without these inspections, which are paid for by the American taxpayer, it would be impossible for these companies to slaughter horses in the U.S., or to transport horses abroad for slaughter.

I ask my colleagues to support the Ensign-Byrd amendment to end the slaughter of one of the most precious American symbols.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I understand the Senator from Hawaii has some amendments to the Agriculture appropriations bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The Bennett amendment is now pending.

Mr. AKAKA. I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1729

Mr. AKAKA. Mr. President, I have two amendments to offer. I call up amendment No. 1729 to H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1729.

Mr. AKAKA. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit Federal funding of research facilities that purchase animals from Class-B dealers)

On page 173, after line 24, insert the following:

SEC. 7 . None of the funds made available by this Act may be used to provide funding to a research facility that purchases animals from a dealer that holds a Class B license under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

AMENDMENT NO. 1730

Mr. AKAKA. Mr. President, I call up amendment No. 1730 to H.R. 2744.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1730.

Mr. AKAKA. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the humane slaughter of nonambulatory livestock)

On page 173, after line 24, insert the following:

SEC. 7 . None of the funds made available by this Act may be used to approve for human consumption under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) any cattle, sheep, swine, or goats, or horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection under section 3(a) of that Act (21 U.S.C. 603(a)).

Mr. AKAKA. Mr. President, I rise to offer two amendments to H.R. 2744, the Agriculture appropriations bill for FY 2006, that will help protect the health of the American public. Amendment 1730, the downed animal amendment, would prohibit the U.S. Department of Agriculture, USDA, from utilizing funds under this act to approve downed animals for human consumption.

Downed animals are livestock such as cattle, sheep, swine, goats, horses, mules, or other equines that are too sick to stand or walk unassisted. Many of these animals are dying from infectious diseases and present a significant pathway for the spread of disease.

While I commend USDA and livestock organizations for their efforts to address the issue of downed animals, I am still very concerned about diseases such as BSE, more commonly known as mad cow disease, that pose a serious risk to the United States cattle industry and human health. A food inspection study conducted in Germany in 2001 found that BSE is present in a higher percentage of downed livestock than in the general cattle population. USDA stated that downed animals are one of the most significant potential pathways that have not been addressed in previous efforts to reduce risks from BSE. Stronger legislation is needed to ensure that these animals do not enter our food chain. My amendment is very simple. It would prevent downed animals from being approved for consumption at our dinner tables. This will allow USDA and other stakeholders to continue working on reducing and potentially eliminating the risk of BSE or any other prions from entering our food chain.

Currently, before slaughter, USDA's Food Safety Inspection Service, FSIS, diverts downer livestock that exhibit clinical signs associated with BSE or other types of diseases until further tests may be taken. However, this does not mean that downed livestock cannot be processed for human consumption. If downer cattle presented for slaughter pass both the pre- and post-inspection process, meat and meat by-products from such cattle can be used for human consumption. Routinely, BSE is not correctly distinguished from many other diseases and conditions that show similar symptoms. This was demonstrated by the surveillance of a similar inspection process in Europe, showing that the process is inadequate for detecting BSE. Consequently, BSE-infected cattle can be approved for human and animal consumption.

Today, USDA has increased its efforts to test approximately 10 percent of downed cattle per year for BSE. However, it is my understanding that USDA is looking to revisit this issue. I do not believe that now is the time to lower our defenses. While I am not asking the industry and Federal Government to test every slaughtered cow, I am asking the Federal Government to address and reduce the real risks associated with BSE and similar diseases in the U.S.

Some individuals fear that my amendment would place an excessive financial burden on the livestock industry. I want to remind my colleagues that one single downed cow in Canada diagnosed with BSE this year shut down the world's third largest beef exporter. It is estimated that the Canadian beef industry lost more than $1 billion as a result of the discovery of BSE and more than 30 countries banned Canadian cattle and beef. As the Canadian cattle industry continues to recover from its economic loss, it is prudent for the United States to be proactive in preventing BSE and other animal diseases from entering our food chain.

We must protect our livestock industry and human health from diseases such as BSE. My amendment reduces the threat of passing diseases from downed livestock to our food supply. It also requires higher standards for food safety and protects human health from diseases and the livestock industry from economic distress.

AMENDMENT NO. 1729

Amendment No. 1729 is based on my bill, the Pet Safety and Protection Act, S. 451. It will protect family pets while allowing research on dogs and cats to continue in an environment free from scientific fraud and animal abuse.

This amendment prohibits Federal funds from being provided to a research facility that purchases animals from Class B dealers. Class B animal dealers collect dogs and cats from "random sources" and routinely violate the Animal Welfare Act. The Animal Welfare Act sets the minimum standards of care for animals and requires accurate record keeping on their acquisition and disposition. Dogs and cats are subjected to abusive handling and exposure to the elements while kept on the premises of Class B dealers. They are routinely denied sufficient food, water, and veterinary care before they are sold off to laboratories.

Less than a month ago, one of the more notorious Class B dealers, C.C. Baird, pleaded guilty in a case before a U.S. District Judge. He had violated the Animal Welfare Act because he transferred the dogs and cats to research facilities with false acquisition records. During the search, approximately 125 dogs were seized by Federal agents as evidence of various violations of the Animal Welfare Act.

I recently sent a letter to all my colleagues in the Senate requesting support in passing the Pet Safety and Protection Act. On the front were pictures of a hound dog, Buck, who was in terrible shape—skinny, his ribs sticking out, pieces of his ear torn off—after being held by a Class B dealer.

There are only 17 Class B dealers selling random source dogs and cats for research. However, there are hundreds of suppliers to these dealers. Random source animals are dogs and cats that may be obtained by fraudulent means, through "free to good homes" ads, false animal origin records, and stealing of pet dogs and cats from their owners. The Department of Agriculture lacks the necessary resources to track the interstate activities of Class B dealers to ensure that they comply with Federal law. USDA cannot provide an assurance that illegal acquired pets are not being sold by Class B dealers. This is a problem that is certain to grow in the aftermath of hurricane Katrina with the thousands of animals placed in shelters.

From a scientific research point of view, Class B-acquired animals have not had standardized care nor is there any certainty of the history of the animals. These circumstances make them unsuitable as research subjects in any case, since they cannot be used as control cases or experimental animals. Valid scientific research relies on controlled experimental design and replicable results—two things highly questionable when using animals with unknown history and background.

This simple amendment prohibits funding in this FY 2006 appropriations bill from going to research facilities that purchase animals from a dealer that holds a Class B license under the Animal Welfare Act.

I urge my colleagues to support these two amendments.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Utah.

Mr. BENNETT. Mr. President, as near as I can tell, there is support for these amendments on both sides of the aisle. I ask they be considered en bloc by a voice vote.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to amendments Nos. 1729 and 1730, en bloc.

The amendments (Nos. 1729 and 1730) were agreed to, en bloc.

Mr. AKAKA. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, unless the Senator has an additional amendment——

Mr. AKAKA. Mr. President, I thank the Senator from Utah and the ranking member, Senator KOHL, for accepting these amendments.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STORAGE OF NUCLEAR WASTE

Mr. BENNETT. Mr. President, one of the issues that has occupied this Chamber for some time and had a particular impact on those of us in the Western States is the issue of the storage of nuclear waste. The question of where nuclear waste should be stored has been before various administrations and various Congresses literally for decades.

The original policy decision made by administrations past and Congresses past was that there should be a single repository for nuclear waste. After a study by the National Academy of Sciences and others, the decision was made to put that repository in Nevada, in Yucca Mountain. Ever since that time, construction has gone forward at the Yucca Mountain facility.

All of that happened before I came to Congress. When I got here, the debate was going on, and we had a particular point where we had to vote, once again, on whether to put nuclear waste in Yucca Mountain.

At that time, as I looked at the various alternatives, I decided that the best scientific answer to the question of what to do with nuclear waste was to leave it where it was. I was assured by the scientists that it was safe in the dry cask storage that had been prepared for its transportation, and that it could be safely transported across the country to Yucca Mountain.

My reaction to that was, if it is safe where it is and if it is safe to transport, why transport it at all? Why not leave it where it is?

It was very clear that the Congress was not going to accept that position, that the President was not going to accept that position, and that we were going to go ahead as a matter of public policy and have a single repository for nuclear waste.

So I said: If we are going to have a single repository for nuclear waste, the most logical place for that is Yucca Mountain. And I voted in favor of Yucca Mountain.

Looking back on it, the keyword in that sentence is the word "if." If we are going to have a single repository for nuclear waste, it appeared that the logical place to put it was Yucca Mountain.

It is now clear that we are not going to have a single repository for nuclear waste. Yucca Mountain has been challenged on scientific grounds. Yucca Mountain has been challenged in the court on legal grounds. And as we look at the present state of our need for energy, Yucca Mountain will be challenged on practical grounds because it is very clear that we are going to need more, not less, nuclear power.

Nuclear power is here to stay. The nuclear plants that we have are going to be recommissioned and relicensed, and Yucca Mountain will be full if we go ahead with the existing plans to send nuclear waste there. We will still need storage in place even if Yucca Mountain opens. It doesn't make sense from a practical point of view to move the material all across the country, store it in Yucca Mountain for the purpose of ending storage in place, and then have storage in place come back.

Those who saw this in advance—Senator REID and Senator ENSIGN—have the right to tell the rest of us, "I told you so," as it now becomes clear that scientifically, legally, and practically, Yucca Mountain is not going to become the single repository for nuclear waste. And we need to start thinking about new strategies and new places to deal with this issue.

I want to make it very clear that I am not opposed to nuclear power. Indeed, I am a strong supporter of nuclear power. I have supported Senator DOMENICI in his efforts in crafting the Energy bill to craft the bill in such a way as to encourage America to build new nuclear powerplants. We are behind the rest of the world on this issue. Go to Europe and you will find the French have something like 80 percent of their power generated by nuclear power. The British have large amounts of nuclear power.

With the price of natural gas going as high as it is, it becomes increasingly economically unwise for us to continue to build gas-powered electric plants. Nuclear power is something in which we should get involved in a big way in the future, and the Energy bill we passed prior to the August recess laid the groundwork for that.

The question is, of course, if we go in that direction, what do we do with the nuclear waste? If Yucca Mountain is not going to be available—and I am now convinced that it will not be—where should it be put? There is a proposal that it should be put in the State of Utah at an interim storage site that has just recently been licensed by the Nuclear Regulatory Commission.

I put stress on the word "interim" because the whole idea behind the proposed facility in Utah, in a place called Skull Valley, was that it would simply be a stopover for the waste on its way to Yucca Mountain, and so it has been designed and it has been licensed as an interim storage facility.

If it does not make sense for us to take this nuclear waste and put it in a permanent repository, which is what Yucca Mountain is, why does it make sense to put it in an interim repository that does not have the safeguards that are built into Yucca Mountain?

Yucca Mountain would put the waste below ground. It would put the waste in vaults that have been prepared for it. The interim facility in Skull Valley would leave the waste above ground. It would leave the waste in the dry cask receptacles that were built for transportation. Why ship it from its present site aboveground to another site aboveground to say, well, this is an interim storage site until we put it in permanent storage?

The reality is, if you do that, you are creating a permanent storage site because there will be no place to put it after it has been transported to the interim storage site.

There are those who say: You just don't want it in Utah. And that is true. I don't want it in Utah. But there is another factor that drives the reason I don't want it in Utah. This particular interim storage site is at the portal to the Utah Test and Training Range. Even most people in Utah have never heard of the Utah Test and Training Range, and they have no idea what it is. It is the largest land range for bombing practice in the United States. It goes all the way back to the Second World War. The crew that flew the mission over Hiroshima in the Enola Gay trained at the Utah Test and Training Range.

Today, it is still in use. F–16s from Hill Air Force Base fly over the Utah Test and Training Range and practice their bombing runs with live ordinance. I have flown over the Utah Test and Training Range in a helicopter and have been told: We have to get out of here because the F–16s are coming, and they are going to start bombing.

It clearly does not make sense to have an interim storage facility for nuclear waste in an area where F–16s with live ordinance are going to be flying.

There are those who say: The F–16s can change their flight pattern; they can go around this area; they don't need to pay attention to it.

One of the things we have learned from spending time with the BRAC process in determining which military facilities will be retained and which will not is that more military facilities have been closed by encroachment than have been closed by BRAC—encroachment being development or other activities that come close to the gate of the military base that make it impossible for the people on the base to do their job, and they ultimately say: When we built this base, it was surrounded by open spaces. Now activity has come in, development has come in, encroachment has happened, and we are going to have to close this base.

I do not want to see encroachment take away the last remaining large, land-based test and training range in the United States. We need to rethink this whole thing.

So, Mr. President, I am now making it clear that my support for Yucca Mountain, however well intended it was at the time, in my opinion does no longer hold in the situation in which we find ourselves.

I also believe the proposal that was made at the time we approved Yucca Mountain the last time, that of leaving the material in place until we can work out the economics and the technology of reprocessing it, is the right approach. That is what the future holds.

Right now people say: Reprocessing it is too expensive. But we know from past experience that technology will find a way around that. It will become cheaper and cheaper the more we do it. We are already involved in reprocessing warheads from the former Soviet Union as we go through the process of reducing nuclear weapons and nuclear stockpiles around the world. As that reprocessing activity goes forward, we will learn how to do it faster, we will learn how to do it cheaper, and reprocessing will be available for the nuclear waste that is currently being developed by our nuclear power facilities.

At that time, it would make sense for the nuclear waste that is stored onsite to be shipped to a reprocessing center, not to an interim storage facility.

There is one other factor that needs to be stressed. At the present time, the contract to take the nuclear waste and ship it to the interim storage facility in Utah—which, by the way, has not been built; there is still $1 billion worth of investment that will have to go into that—the process by which that will go forward will be under the ownership of the utilities that run the nuclear plants.

The main difference between an interim storage facility and a permanent storage facility in the law has to do with titles. In the interim storage facility, the utility that created the waste and ran the nuclear plant retains title to the waste. While it is being packaged, while it is being shipped, and while it is in interim storage, it is owned by the utility. Under the Yucca Mountain proposal, the Federal Government would take title to the waste the minute Yucca Mountain would open so the Federal Government would be responsible for packaging it, the Federal Government would be responsible for protecting it while transporting it, and the Federal Government would be responsible for the security on the site where it would be located. If we leave it where it is while we work on the issue of reprocessing, title remains with the utility that produced it, but the security that the utility has already built into its plant is already there. It is not exposed to any terrorist attack while it is moving so that utility does not have to bear the expense of extra security in moving waste to which they retain title.

Then when we get to the point where we can move it to a reprocessing plant, once again the Federal Government may take title to it.

The Federal Government can provide the security during transportation. The Federal Government can see that it is kept safe from terrorist attack and bring it to the reprocessing facility.

One last point. One of the reasons we want to be sure the Federal Government is in charge of all of the reprocessing is that the end product after reprocessing is not only additional energy created by the process, but the residue that is left is weapons-grade plutonium. We do not want to run the risk of having weapons-grade plutonium in the hands of private entities. We want to be sure that the Government controls it.

What I think we need to do—"we" being the collective word for the administration and the Congress, generally—is to adopt some fundamental principles and then rethink the whole issue to come up with the appropriate details. The fundamental principles that I would recommend and that I embrace are, No. 1, we are in favor of nuclear power. We want more nuclear power in this country for all of the environmental reasons dealing with greenhouse gases, for all of the demand reasons dealing with the increased necessity for electric power, and for all of the legal reasons having to do with the control of the ownership of these facilities. So the No. 1 principle, I am in favor of nuclear power. No. 2, I am in favor of reprocessing. I think we should work toward that technical solution for the question of waste. And No. 3, while we are in the process of building new nuclear plants and working toward reprocessing of the waste, we should leave the waste where it is. If, indeed, as I say, it is safe to transport and it is safe to store in an interim facility someplace else, by definition, it is equally safe to store it where it is. That is cheaper, that is equally as safe, and that sets us up for the solution of our problem. I believe that if we rethink the whole issue as to how we are going to handle it and what we are going to do, there may very well be a useful purpose for Yucca Mountain. We have spent, as a nation, billions of dollars preparing that facility. We should review the facility and what it offers and see how it might be used at some particular point in the future and see how we might retain some of the investment we have made there.

I am not one who thinks we ought to fill Yucca Mountain up with dirt and walk away and leave it. There can be a win-win situation for all. Nevada can get some value out of the investment that has been made in Yucca Mountain if we think it through carefully. The Nation can get additional power without the greenhouse gas effect that comes from fossil fuels, and we can ultimately solve the problem of nuclear waste with reprocessing.

I have discussed this in general terms with Senator DOMENICI, who is the chairman of the Energy Committee as well as the chairman of the energy and water subcommittee of the Appropriations Committee, and I commend him for his original thinking of moving in directions that will make sense for the future. However, much as the idea of a single repository may have made sense decades ago, it is now clear, as I say, that it does not make sense, and we need to move in some future direction. To the degree that Senator DOMENICI will allow me to participate in trying to find logical solutions under the three principles I have described, I will be more than happy to cooperate with him. To those who had the vision long ago who, as I say, have earned the right to say to the rest of us, "I told you so," I say I will be happy to join with you, too, in seeing how we can think this thing through and get the best solution for our Nation and all of those who live in it.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Ensign amendment No. 1753 be modified to be drafted as a first-degree amendment, provided further that the vote in relation to the Ensign amendment No. 1753 occur at 4:45 today with no amendment in order to the amendment prior to the vote. I also ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1726

Mr. BENNETT. Mr. President, I believe that amendment No. 1726 is now the pending business.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. This is the managers' amendment that Senator KOHL and I introduced last Thursday. It makes some technical corrections in the bill regarding conservation technical assistance for DuPage County, IL. It also makes some technical corrections in the Rural Electrification Act of 1936. It has the approval of the authorizing committee, as well as the support of USDA, and there is no additional cost to the bill. Senator KOHL and I have taken the position that we will not offer any authorizing legislation on this bill that does not have the approval of the authorizing committee. And this one falls within that scope. So it has been cleared on both sides of the aisle, and I believe we are now prepared to pass it on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1726) was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote and ask that that be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1763

Mr. TALENT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT], for himself and Mr. PRYOR, proposes an amendment No. 1763.

Mr. TALENT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to close or relocate certain local offices of the Farm Service Agency)

On page 173, after line 24, insert the following:

SEC. 7_____. None of the funds made available by this or any other Act may be used to close or relocate a county or local Farm Service Agency office unless or until the Secretary of Agriculture has determined the cost effectiveness and enhancement of program delivery of the closure or relocation, and report to the House and Senate Committees on Agriculture and Appropriations.

Mr. TALENT. Mr. President, this amendment, which I am offering on behalf of myself and Mr. PRYOR, the Senator from Arkansas, is an attempt to address a development within the Department of Agriculture. The Department is proposing closing about a quarter to a third of the Farm Service Agency's local offices around the country, including, as far as we can tell, around 30 out of the 90 offices in Missouri, the object, according to the Department, being to modernize and consolidate functions and to provide better service.

Certainly nobody is opposed to better service. But I want to emphasize something here. The key with regard to how we handle FSA offices has to be service to the agricultural community and to our producers. The idea is accessibility. The idea is responsiveness. The idea is not necessarily somebody's planning in Washington about how they would organize everything in the United States if they could do it exactly the way they wanted.

I am a little concerned about changing our FSA offices when, from what I am told back in Missouri, there has been little or no consultation either with local FSA people or with producer organizations, more particularly farmers or the affected communities. I don't know how we can do this in a way that emphasizes service, acceptability, and accountability without having to talk to the people whom we are trying to serve.

The amendment basically says hold up on this until we have an opportunity for that kind of accessibility and that kind of accountability.

Again, I am not saying—and I don't think Mr. PRYOR is saying either—that no consolidation is possible. I imagine it is possible in Missouri. We certainly want to look at how we can modernize these offices so we can perform better service. But we have to remember that these are the offices our producers have to go to any time they want to deal with any of the Government's various programs that affect them. Some of them in Missouri are already driving 30, 40 minutes, or more than that, and if they drive and they don't have all the forms they need, or they left something at home, they have to go all the way home, get it, and turn around and come back.

When you are proposing eliminating some of those offices when they are already difficult to access, in many cases, I think that is something we need to look at. I certainly believe we need more consolidation, at least in Missouri, than we have had now.

That is all this amendment says. I appreciate very much the bill managers working with us. I understand they are going to be willing to accept the amendment. I appreciate that. I pledge to work with them in conference.

This language isn't necessarily the be-all and end-all with regard to this issue. I think they see what Senator PRYOR and I are driving at, and I think everybody would agree this is something we want to do with consultation and discussions with the affected communities—in particular the affected producer and producer groups. They are not opposed to making the Farm Service Agency work better. We all know the problems that have sometimes occurred. But we have potentially disaster relief coming down the pike, and I certainly hope so for producers who have been affected negatively by the hurricane, or by drought. We have another farm bill that is not that far away. We need to do this right, if we are going to do it. That is what the amendment says.

I appreciate the support of the Senator from Utah, and certainly pledge to work with him and his ranking member in conference on this amendment.

I yield the floor.

Mr. BENNETT. Mr. President, I share the concern and frustration of the Senator from Missouri with the proposal. We have had some of that same concern and frustration in Utah. Charitably, I will say that the efforts to close these offices have been handled a little less wisely than might otherwise have been the case.

I hope that between now and the conference we can learn more about this proposal. I think the Senator's comments about getting information and input from those directly affected is very wise.

I pledge to work with all the Senators concerned on this issue between now and the time we get to conference. So knowing that this will be the vehicle whereby we can get to conference, I am willing to proceed now to a voice vote and urge Senators to support it. I understand it has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1763) was agreed to.

AMENDMENT NO. 1753

Mr. BENNETT. Mr. President, as we are approaching the hour of 4:45, which has been set as the time for the vote on the Ensign amendment, I say to my colleagues that Senator ENSIGN outlined the reasons for his amendment. I have heard others who for one reason or another have already been opposed to it. But so far, none of them have come to the floor to express that opposition.

I make it clear to anyone who is following the proceedings that one of the reasons we have delayed the vote as we have and kept the afternoon as open as we have has been to allow those who may be opposed to the Ensign amendment the opportunity to present their proposals.

We now are at 4:45. I expect the time is far gone and the vote will proceed. I didn't want anyone thinking we had made any effort to prevent anybody from presenting a different point of view than what Senator ENSIGN laid out when he proposed his amendment this afternoon.

The PRESIDING OFFICER. The hour of 4:45 having arrived, the question is on agreeing to the amendment of the Senator from Nevada.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was anounced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—68

Akaka
Alexander
Allen
Bayh
Bennett
Biden
Boxer
Bunning
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coleman
Collins
Dayton
DeMint
DeWine
Dodd
Dole
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Vitter
Warner
Wyden

NAYS—29

Allard
Baucus
Bingaman
Bond
Brownback
Burns
Coburn
Cochran
Conrad
Cornyn
Craig
Crapo
Domenici
Dorgan
Enzi
Grassley
Inhofe
Johnson
Lincoln
Pryor
Roberts
Salazar
Sessions
Shelby
Stevens
Talent
Thomas
Thune
Voinovich

NOT VOTING—3

Corzine
Landrieu
Rockefeller

The amendment (No. 1753), as modified, was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote.

Mr. SUNUNU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I have been asked throughout the vote whether that is the last vote of the evening. That obviously is not my call. It is the responsibility of the leader to make that decision. At the moment, I don't know of any amendment that would require a vote. I would hope that our colleagues who have amendments would be aggressive in coming to the floor now and offering them. We could offer an amendment now, lay it down for a vote in the morning.

Mr. ROBERTS. Will the Senator yield?

Mr. BENNETT. I yield.

Mr. ROBERTS. I have an amendment. I would like to offer it.

Mr. BENNETT. The Senator from Kansas satisfies our request instantly. I am happy to yield the floor.

AMENDMENT NO. 1742

Mr. ROBERTS. Mr. President, I have an amendment pending at the desk numbered 1742. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 1742.

Mr. ROBERTS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the conditions under which the Federal Crop Insurance Corporation may offer crop insurance to single producers)

On page 173, after line 24, insert the following:

SEC. 7_____. Section 508(a)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting "or similar commodities" after "the commodity".

Mr. ROBERTS. Mr. President, this amendment is very straightforward. It has been cleared by both the chairman and ranking member of the Agriculture Committee, and I have also received word that the Risk Management Agency is supportive of this change.

Very simply, the amendment amends the section of the Federal Crop Insurance Act regarding the use of written agreements for commodities in counties where the crop has not yet been approved for crop insurance purposes.

The problem is that 3 years of cropping history is needed in order to issue a written agreement for coverage. However, producers cannot get a history of planting because the banker won't lend the money if they can't get insurance coverage. Thus, it is an endless cycle.

We have many counties where coverage exists for sunflowers, and we would like to use that data to expand coverage to canola. The Risk Management Agency has indicated that this would be an acceptable practice. However, the current law says that data must be used from the same commodity for which the policy is being issued. This amendment simply changes that language to allow data from agronomically similar crops to be used in providing written agreements.

The amendment has been given a score of zero by the CBO, and I urge my colleagues to accept it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have no objection to this amendment and believe we should move forward on a voice vote.

The PRESIDING OFFICER. Is there further debate on the current amendment?

Mr. BENNETT. Mr. President, I ask that we withhold from the vote, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, we are now prepared to proceed to a voice vote on the Roberts amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1742.

The amendment (No. 1742) was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1765

Mr. KOHL. Mr. President, on behalf of Senator HARKIN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. HARKIN, proposes an amendment numbered 1765.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to provide notice to Congress before initiating any structural change in a mission area of the Department)

On page 173, after line 24, insert the following:

SEC. 7_____. 90 days before initiating any structural change in a mission area of the Department, the Secretary of Agriculture shall provide notice of the change to the Committees on Appropriations of the Senate and the House of Representatives.

Mr. KOHL. I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1765) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1766

Mr. KOHL. Mr. President, on behalf of Senator PRYOR, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. PRYOR, proposes an amendment numbered 1766.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a technical correction for the community eligibility for rural utilities programs in Arkansas)

On page 154, line 10, insert ", Cleburne County, Arkansas," after "Montana".

Mr. KOHL. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1766) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I thank the Chair. I ask unanimous consent that I speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I thank the Chair. I also thank the distinguished Senator from Utah, in charge of the proceedings right now, for this opportunity.

RESPONSE FROM THE ADMINISTRATION

Mr. President, it has been 3 weeks now since the levees failed in New Orleans, and the Committee on Homeland Security and Governmental Affairs, on which I am a member, is tomorrow holding its second public hearing since those levees failed. The title of the hearing is, "After the London Attacks, What Lessons Have Been Learned To Secure U.S Transit Systems?"

That is a worthy topic. I don't question that. But in the context of what is occurring in the United States, it is not, and should not, be the most pressing priority of that committee.

On this coming Friday, we are having the second hearing of that committee related to Hurricane Katrina. The witnesses, very distinguished individuals to be sure, are a county judge from Harris County, Texas; mayor of Baton Rouge, LA; mayor of Brookhaven, MS; and the mayor of Fayetteville, AR—no one from the administration with responsibility for the rescue-recovery efforts in Louisiana, Mississippi, and Alabama. No administration official is appearing, as last week when the hearing was held no one with any direct responsibility for Hurricane Katrina and the response to it by the Federal Government or any other level of Government was present.

Some would say we should not disrupt the relief efforts in that region, and I totally agree. I do not want any of us to be involved in any way that is disruptive. Lord knows, those relief efforts have been disruptive enough and continue to be by all the goings on down there. But last Sunday, Coast Guard Vice Admiral Allen, now in charge of the relief effort, found time to appear on four of the five major TV talk shows. Two weeks before, Homeland Security Secretary Chertoff found time to appear on all five of the major TV Sunday talk shows. If they are actually in Louisiana or its vicinity around the clock leading the recovery efforts, let's hook up a closed television system, communications system, and let them appear before our committee in a public session via that communication, but to appear before the committee which has, under the Senate authorizing resolution, the authority, not subject to some subsequent decision by the majority leadership with concurrence by a sufficient number of Members of the Senate to establish a select committee, but right now, here and now the authority and the responsibility to this body and more importantly to the American people to be conducting oversight and what is going on there, how the now over $63 billion this body has appropriated, and necessarily so, with more requests to come soon, how that money is being expended, or not. These are vital questions that are relevant to decisions that are being made every day in expending those billions of dollars and affecting the lives of those people in that region of the country.

We have the right, the responsibility to be asking questions in public hearings and getting answers from those who are directly responsible in the administration. That is long overdue, and I urge again the leadership of the committee and the leadership of the Senate, majority leadership, to make the insistence and to assure that we get the proper witnesses at the highest levels of the administration who are responsible, and that we get answers in public settings.

Similarly, tomorrow we are informed that the Secretary of Defense, Donald Rumsfeld, and Chairman of the Joint Chiefs of Staff, Richard Myers, will be appearing before Members of the Senate to discuss the situation in Iraq and Afghanistan. Once again, that gathering is going to be in a closed setting, private, nonpublic, no press, and not the American people. This is a pattern that has been continued repeatedly over the last 3 months by the administration in not being willing to have its top people responsible for the war effort in Iraq and Afghanistan appear in a public setting before the Committee on Armed Services, of which I am also a Member.

The last hearing that the Senate Armed Services Committee held regarding oversight in Iraq was almost 3 months ago. It was June 30 of this year. Since then we have had, again, private top secret classified briefings but nothing in a public setting where we can ask questions and where we and the American people can hear the answers.

I call upon this administration and its responsible authorities, Cabinet Secretaries, those to whom the President has delegated responsibility to make these life-and-death decisions affecting our constituents, affecting the brave men and women who are serving in Iraq and Afghanistan, affecting the brave men and women who are involved in the rescue efforts down in Southern United States, who are making decisions affecting the lives of those of our constituents and our citizens, make those leaders available to us in public hearings starting now. We deserve the answers. The American people deserve the answers.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I send the following bill to the desk.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. THUNE pertaining to the introduction of S. 1733 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PET IDENTIFICATION TAGS

Mr. HARKIN. I understand that the House report on this appropriations measure includes language that directs the APHIS to adopt a particular standard with respect to microchip identification tags for pets, but that the present measure does not include this language.

As the ranking member of the authorizing committee that has jurisdiction over this issue, I strongly disagree with this language being inserted in an appropriations report, and with a process that would dictate a standard for these microchips without fully considering alternatives. It is my understanding that pet animals with chips that conform to the standard included in the House report are a small fraction of all the pet animals in the U.S. that presently have a microchip identification tag implanted under their skin. These ID tags play a vital role in reuniting pet animals that have gone astray with their families.

Further, I understand that adopting this standard as directed would interfere with ongoing intellectual property litigation over patented technology incorporated in the most widely adopted microchip standard in the U.S. I think it would be improper for Congress to take this action at this time.

I do not advocate any action in the current legislation, other than to ensure that the language unfortunately included by the House is not included in the conference report. I would ask the subcommittee chair and the ranking member whether, since the Senate report is silent on this issue, this issue is preserved for our consideration as part of the conference, and whether they agree with me that this provision should be dropped from the conference report?

Mr. BENNETT. I would tell the Senator that I share his concern regarding this provision in the House Report. The report on the Senate version of this legislation is silent on this matter, but this matter will certainly be preserved for consideration in conference.

Mr. KOHL. I share the concerns of the Senator from Iowa and the observations of Chairman BENNETT and look forward to working with both of them on this in conference.

OCEANIC INSTITUTE (HAWAII) FINFISH HATCHERY TECHNOLOGY DEVELOPMENT AND TRANSFER

Mr. INOUYE. Mr. President, will the distinguished Senators from Utah and Wisconsin yield? I would like to discuss with them the tremendous potential of open ocean cage culture as a sustainable source of high protein seafood for the United States and the world, and the issues associated with advancing open ocean cage culture.

Mr. BENNETT. I am pleased to yield to the senior Senator from Hawaii.

Mr. KOHL. I, too, would also like to join in on the discussion of this matter.

Mr. INOUYE. I thank my distinguished colleagues for yielding. Along with the increased demand for seafood, we have also witnessed the decline in natural fisheries. While we have, as a Nation, made great advances with land-based aquaculture to address the widening gap between seafood demand and supply, we are beginning to see the emerging potential of open ocean cage culture as a way to bolster supply without detrimental impacts on the marine environment. With the development of a viable open ocean cage aquaculture industry, we will have a valuable tool to assist our efforts to manage wild fisheries and ensure that United States consumers will have access to a range of high quality, environmentally responsible seafood products. I am proud to say that producers and the marine aquaculture research community in my State of Hawaii are among the leaders in the development of this new industry. To date, growers in Hawaii have demonstrated the commercial viability of open ocean cage culture for Hawaiian finfish and have small scale ventures that supply Hawaii as well as some mainland markets.

To move open ocean cage culture to the next level requires the refinement and transfer of finfish hatchery technology to the industry. The Oceanic Institute in Hawaii has been the leader in developing this technology but recently has encountered problems in scaling hatchery technology to a commercial level. To overcome these problems, this research organization has recently expressed a need to remove the nutritional and other constraints in the raising of finfish fingerlings destined for open ocean cages. This will involve some redirection of funds provided by this committee for the Oceanic Institute of Hawaii for a comprehensive aquaculture development research program. Specifically, there is a need to shift funds from more general feed issues to the myriad problems associated with raising fingerlings on a commercial scale for open ocean cages. I support such changes in the use of funds appropriated for the Oceanic Institute of Hawaii and seek your concurrence.

Mr. BENNETT. In developing a new industry, I fully understand the need to be flexible and recognize that all issues cannot be anticipated during the initial phases of a project. I fully concur with the request for flexibility in the use of the funds provided by this committee.

Mr. KOHL. I concur with my colleagues from Hawaii and Utah and encourage the Agricultural Research Service to work closely with the Oceanic Institute in utilizing funds appropriated for aquaculture development to specifically address finfish hatchery technology refinement and transfer to the industry.

Mr. INOUYE. I thank my colleagues.

Mr. SPECTER. Mr. President, I wish to describe my amendment to the fiscal year 2006 Agriculture appropriations legislation. My amendment would extend the Milk Income Loss Contract, MILC, program for 2 years. It is imperative that we extend this crucial program for our dairy farmers that expires at the end of this month.

The MILC program provides a safety-net for farmers when the price of milk falls below a set price per hundredweight, or 100 pounds of milk, roughly 11 gallons. Dairy farmers in Pennsylvania, and across the country, are an integral component of our rural economy. In Pennsylvania alone, agriculture is our No. 1 industry with dairy being the largest sector composing over 40 percent of the industry. We need to ensure that dairy farmers, like most farmers in America, have the protection needed when the price they receive for their milk falls.

During the consideration of the 2002 farm bill, I coauthored this program to provide payments to dairy farmers when the price of Class I fluid milk falls below $16.94 per hundredweight. This program applies to all dairy farmers in the United States, from my former home State of Kansas to Oregon to Georgia and all the way up to Maine.

When the milk prices are low, as they were in 2002 and part of 2003, the MILC program partially supplements dairy farm income to bridge the gap until prices recover. When the milk prices are strong, the program is dormant. This was the case for most of 2004 and 2005. However, one payment of 3 cents per hundredweight was made in June.

However, dairy economists forecast that the price of milk will fall in 2006 below the set price established in the MILC program. Thus, there is an urgency to extend this program to ensure that our dairy farmers continue to have the safety-net of the MILC program. If prices fall and the MILC program is not in place, our farmers will suffer tremendous losses.

I urge my fellow Senators to support this amendment and America's dairy farmers.

NOTICE OF INTENT

Mrs. BOXER. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2744, the Agriculture appropriations bill, the following amendment:

AMENDMENT NO. 1756

On page 173, after line 24, insert the following:

SEC. 7_____. Notwithstanding the proclamation by the President dated September 8, 2005, or any other provision of law, the provisions of subchapter IV of chapter 31 of title 40, United States Code (and the provisions of all other related Acts to the extent they depend upon a determination by the Secretary of Labor under section 3142 of such title, whether or not the President has the authority to suspend the operation of such provisions), shall apply to all contracts to which such provisions would otherwise apply that are entered into on or after the date of enactment of this Act, to be performed in the counties affected by Hurricane Katrina and described in such proclamation.

Mr. BENNETT. Mr. President, in consultation with the Democratic manager of the bill, I now ask unanimous consent that all first-degree amendments to the pending Agriculture appropriations bill be filed at the desk no later than 4 o'clock tomorrow, Wednesday, with the exception of those managers' amendments that have been cleared by both managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LORI CARPENTER AND CLAY COOPER—ANGELS IN ADOPTION

Mr. REID. Mr. President, I rise today to honor Lori Carpenter and Clay Cooper of Reno, NV, who were recently honored as Angels in Adoption by the Congressional Coalition on Adoption.

Lori and her husband, Clay Cooper, have adopted three daughters and one son from foreign countries. All four children have come from countries with high levels of poverty and a great deal of political turmoil.

Lori and Clay have made it a priority to keep the children's heritage and culture an integral part of their lives. They share stories and nursery rhymes from the children's countries of origin, cook native foods, and put the children in touch with people from their country in an effort to keep their native languages alive. And all four children are thriving both academically and socially.

The Angels in Adoption program provides an opportunity for all Members of Congress to honor the good work of their constituents who have enriched the lives of foster children and orphans. And I am pleased to highlight the extraordinary work of Lori Carpenter and Clay Cooper.

I salute the Carpenter-Cooper family and their richly deserved recognition as Angels in Adoption.

NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today to celebrate the 12th annual National Public Lands Day that is set to take place on Saturday, September 24, 2005. Across the Nation, nearly 100,000 people will come together on this day to get their hands dirty while protecting and improving our Nation's public lands. And today I would like to offer my heartfelt appreciation to every man, woman, and child that contributes to this vital campaign.

In Nevada, where nearly 87 percent of our lands are managed by Federal agencies, the relationship between the people and our public lands is tangible and real. For ranchers, hunters, farmers, hikers, miners, and every Nevadan that has driven a lonely dirt road in search of solitude, our public lands represent an irreplaceable resource. That is why programs like National Public Lands Day—that remind us that we all reap the rewards of good stewardship, and that we suffer together when our lands are mismanaged or abused—are so important.

Those individuals that will rise early in the morning on the 24th of this month to help with one of the more than 650 National Public Lands Day projects will be giving a gift of service to the local landscapes, to the local communities, and to people of the United States at large. I thank these volunteers, and the staff of the land management agencies who are tasked with the responsibility of protecting, managing, and maintaining these lands each and every day. Our public lands are one of the most important national legacies that we leave behind for future generations. Working together—at places like Lake Mead, Mount Charleston, Red Rock Canyon, Lake Tahoe, the Ruby Mountains, and the Black Rock Desert—we can make sure that this legacy is a strong one.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2005 budget through September 14, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95.

The estimates show that current level spending is under the budget resolution by $1.922 billion in budget authority and over the budget resolution by $101 million in outlays in 2005. Current level for revenues is $447 million above the budget resolution in 2005.

Since my last report dated July 28, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues: the Surface Transportation Extension Act of 2005, Part V (P.L. 109-40); the Interior Appropriations Act, 2006 (P.L. 109-54); the Energy Policy Act of 2005 (P.L. 109-58); the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59); the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-61); and the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-62).

I ask unanimous consent to print the following in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 15, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through September 14, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 28, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

Surface Transportation Extension Act of 2005, Part V (Public Law 109-40);

Interior Appropriations Act, 2006 (Public Law 109-54);

Energy Policy Act of 2005 (Public Law 109-58);

Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59);

Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-61); and

Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-62).

The effects of the actions listed above are detailed in the enclosed reports.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 14, 2005

[In billions of dollars]

	Budget resolution [1]	Current Level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	1,996.6	1,994.7	−1.9
Outlays	2,023.9	2,024.0	0.1
Revenues	1,483.7	1,484.1	0.4
OFF-BUDGET			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2 of Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

Note: * = less than $50 million.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 14, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:[1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous sessions	1,992,527	2,023,809	1,484,024
Enacted This Session:			
Authorizing Legislation:			
Surface Transportation Extension Act of 2005 (P.L. 109–14)	16	0	0
TANF Extension Act of 2005 (P.L. 109–19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109–20)	15	0	0
Surface Transportation Extension Act of 2005, Part III (P.L. 109–35)	3	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109–37)	5	0	0
Surface Transportation Extension Act of 2005, Part V (P.L. 109–40)	2	0	0
Energy Policy Act of 2005 (P.L. 109–58)	0	0	40
Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59)	1,562	8	0
Appropriation Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13)[2]	−1,058	4	41
Interior Appropriations Act, 2006 (P.L. 106–54)	1,500	120	0
Total, enacted this session	2,126	177	81
Total Current Level[2,3]	1,994,653	2,023,986	1,484,105
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements[4]	−81,881	−32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	n.a.	101	447
Current Level Under Adjusted Budget Resolution	1,922	n.a.	n.a.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes: $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); $10,500 million in budget authority and $1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); and $51,800 million in budget authority and $125 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–62).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

NATIONAL ADDICTION COUNSELOR'S DAY

Mr. BIDEN. Mr. President, over the course of this entire month we are celebrating National Drug and Alcohol Addiction Recovery Month, a time when we focus on the benefits of substance abuse treatment and highlight the hope of recovery for those in the grasp of drug and alcohol addiction. And today, September 20, we are focusing on the men and women who help guide people to recovery as we recognize National Addiction Counselor's Day. These professionals are unsung heroes who deserve our recognition, respect, and gratitude.

It is an unfortunate reality that substance abuse and addiction are pervasive in our country. Last year, over 19 million Americans used illicit drugs, 55 million had engaged in binge drinking, and over 16 million were considered heavy drinkers. These are staggering statistics. We have all known someone a family member, friend, or coworker who has or has had a drug or alcohol problem. Many of us have even spent time trying to convince a loved one to seek treatment, confident that a good treatment center and a qualified health professional would be able to restore hope to our loved one and help them into recovery.

Left untreated, addiction is a devastating disease which has far-reaching consequences. It exacerbates social ills including crime, disease, child abuse and neglect, domestic violence, and a wide range of family problems. It costs society billions each year in health care costs, lost productivity, and property damage. It also costs lives and causes immeasurable amounts of grief and pain. But there is hope: drug and alcohol abuse are treatable problems. Addiction is a chronic relapsing disease and, as with other chronic relapsing diseases such as diabetes, hypertension and asthma, there may not be a cure but there are a number of treatments to control the disease. That means that addicts are not sentenced to living their lives out of control; they can seek treatment with an addiction counselor or other health professional and take charge of their futures.

The people who treat this destructive disease are a dedicated, knowledgeable group of professionals who have committed themselves to a noble cause. They are a critical part of our Nation's health care system. Today there are countless sober individuals living happy, productive lives only because, in a moment-of-truth, a counselor was there and made the difference. Not only do these counselors assist in recovery but in prevention and intervention as well. Through training and experience, addiction professionals can help turn a life around and often even save it, And for the friends and family of a person struggling with addiction, counselors are an answer to a prayer, guiding their loved one to a life in recovery.

I ask all of my colleagues to join me today in recognizing the priceless contributions of addiction counselors, and giving them our gratitude. Their work to restore hope to shattered lives and broken families is invaluable. I applaud their work and hope that on National Addiction Counselor's Day they know how much they are respected and appreciated.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER TWO STEPHEN E. SHEPHARD

Mr. INHOFE. Mr. President, today I would like to stand in honor of a great Oklahoman. CWO2 Stephen Shephard gave his life in the battle for freedom in Iraq. Steven is a true American hero who joined the war against terrorism after he witnessed the September 11 attacks on our own country. He was truly an admirable soldier and a great man.

Chief Warrant Officer Shephard was born in Stillwater, OK, in 1974. His family then moved to Purcell, OK, where Stephen attended Purcell schools until he graduated in 1993. Stephen played baseball and the saxophone in high school. His baseball coach remembers him as "hardworking and dedicated." His friends remember him as having a great sense of humor. In high school, Stephen was voted "most witty."

Ever since he was a child, Chief Warrant Officer Two Shephard had a love for aviation. He got his pilot's license before he even graduated from high school. His sister says that "being a pilot was his lifelong dream." After graduating from high school, Stephen earned a bachelor's degree in aviation from Oklahoma State University and then served as a flight instructor at the Air Force Academy in Colorado Springs and at Kansas State University. Stephen was a wonderful teacher with patience and a sense of humor in the classroom. His students loved him and looked up to him.

In 1998, Stephen married Meleah, who is also from Purcell. Like many other Americans, Stephen felt a call to duty following the September 11 attacks, and he joined the Army in 2002 in response to that call. Stephen and Meleah were expecting their first child in September of this year.

Stephen was assigned to B Company, 3rd Battalion, 3rd Aviation Regiment of the 3rd Infantry Division out of Fort Bragg, NC. He was killed on June 27, 2005, in Tija, Iraq, when enemy forces shot down the Apache helicopter he was flying. Stephen died doing what he loved—flying—and fighting for our freedom.

For this soldier from Purcell, OK, there is no deeper honor than the memory he leaves behind. He gave of himself in life as well as in death, and stands out as an example to all of us. Today I honor a true hero, CWO2 Stephen Shephard.

MARINE SERGEANT JAMES R. GRAHAM, III

Mr. President, it is a great but solemn honor to rise today in memory of a courageous young man who recently gave his life in defense of his Nation and his fellow soldiers, Marine Sgt James R. Graham, III.

Sergeant Graham, 25, leaves behind a wife and two small children. He was known for his kindness and willingness to help others, often playing soccer with neighborhood children.

Sergeant Graham was assigned to 4th Tank Battalion, 4th Marine Division, Marine Forces Reserve, an antitank unit based in Broken Arrow, OK. He was deployed to Iraq with the 2nd Marine Division, II Marine Expeditionary Force to provide support in the ongoing reconstruction and security efforts. While serving there he was awarded the Good Conduct Medal, the Armed Forces Reserve Medal and the Selective Marine Corps Reserve medal. On Monday, August 1, he was killed as a result of a suicide bombing while conducting combat operations near Hit, a city about 85 miles northwest of Baghdad.

The soldiers, friends, and family who are left behind remember a true example of professionalism and patriotism. Sergeant Graham died a true hero, worthy of the respect and gratitude of every American. None among us can dispute the tragedy of plans unrealized and ambitions unfulfilled, and our thoughts and prayers are with Sergeant Graham's wife and family. Though we are all grieved by the loss of this soldier, we will never cease to be proud of him. His sacrifice echoes across the world and in our hearts. He was a true Oklahoman, and a true American—Sgt James Graham, III.

OPERATION HOME DELIVERY

Mrs. BOXER. Mr. President, Hurricane Katrina has caused unprecedented destruction and suffering for so many people in this country. The rest of the Nation has been extremely generous to help people who are suffering from the devastation caused by Katrina.

One area where people need help is rebuilding housing. To help Katrina victims, Habitat for Humanity International is launching "Operation Home Delivery," to provide assistance and rebuilding opportunities in New Orleans and elsewhere along the gulf coast. A major component of this operation is the "home in a box project."

The plan is to "pre-build" the frame of a home. The house will be assembled to ensure the construction, and, then, the frame will be taken apart and the components placed, along with other necessary construction materials, in a container and shipped to an area along the gulf coast or New Orleans where families, volunteers, and builders will rebuild the home.

"Operation Home Delivery" homes will mirror traditional Habitat homes by being simple and affordable, providing approximately 1,100 to 1,300 square feet of living space. The estimated cost of a house for the gulf region is only $85,000. This includes all components to completely build the home and costs associated with transportation, delivery, utilities and site preparation. The first project in "Operation Home Delivery" will be this month in Jackson, MS.

I am asking each Senator to go back to your respective States and seek assistance for Habitat for this outstanding project. Designated dollars for "Operation Home Delivery" will purchase specific pieces of the house. For example, $35 will buy roof shingles or $100 will buy a front door. These gifts will allow people not only to have a home but to begin to rebuild their lives.

Habitat for Humanity is working to provide hope for the future to the victims of Katrina with this worthy project.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On September 22, 2004, a 36-year-old man was stabbed several times outside his home by two men in New Orleans, LA. The apparent motivation for the attack was the man's sexual orientation.

I would note that recently in the House, hate crimes legislation was passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

"SHOW-ME" LEADERSHIP THAT SAVED LIVES

Mr. BOND. Mr. President, the tragedy that has befallen the gulf coast region, its impact on families and communities, has been truly staggering. Our thoughts and prayers are with each individual who has been affected by this hurricane. Yet even in our darkest hours and our most difficult days once again we have seen the emergence of an American spirit that takes pride in triumphing in the face of great adversity. The examples of this American spirit are too numerous to document. We have seen examples in every neighborhood, every city, and every state in the nation as Americans all over the country have rallied around those who are most in need. In Missouri, we have opened our doors and welcomed displaced families to our homes, our communities, our churches, our schools, our health centers, and our hospitals.

Today, I would especially like to highlight the efforts to bring some of New Orleans' littlest victims to safety in Kansas City. Confronted with no electricity, shortage of supplies and the growing security concerns in the face of looters, the New Orleans Children's Hospital was forced to evacuate and seek safer locations for all of their young patients. In the great spirit of the Show-Me State, the dedicated leadership and staff of Kansas City Children's Mercy Hospital didn't sit back and wait to be asked to help. Instead, Children's Mercy President and CEO Rand O'Donnell picked up the phone and called the CEO of the New Orleans Children's and asked how he could help. Children's Mercy threw open their doors to make room for 24 of these children ranging in age from 3 months to 23 years, from New Orleans Children's Hospital. These patients are being treated for a variety of conditions including asthma, cystic fibrosis, leukemia, kidney failure, and broken bones.

With the help of the Missouri National Guard, two C–130 military transport planes transported the patients and family members from New Orleans. The C–130 planes, part of the 139th Airlift Wing in St. Joseph, MO, were already in the region as part of national hurricane relief efforts. Children's Mercy also sent a smaller, fixed-wing aircraft capable of transporting two patients at a time. That plane and the Children's Mercy crew were used to transport a critically ill child to another children's hospital. Children's Mercy and MAST ambulances helped transport the children from the airport to Children's Mercy and Children's Mercy South. About 30 parents and other family members traveled with the patients. I am pleased to report that these children are doing well; in fact some of these children have already been discharged from the hospital.

Missouri, no stranger to disaster, wasted no time in showing folks that in difficult times we pull together, sending doctors, transport teams, supplies, and the National Guard to rescue these children and their families. Children's Mercy even arranged for lodging, food and transportation to be provided for the parents and families during their time in Kansas City. Thanks to the generosity and hospitality shown to these families by both the hospital and the community some of these families are considering a permanent relocation to the Kansas City area.

I rise today to salute the remarkable work of the staff at Kansas City Children's Mercy and the Missouri Air Guard on behalf of some of the hurricane's littlest victims and their families. In times of trouble, people look for leadership. During a week of great uncertainty, you pulled together as a team and led people from chaos to safety. Together you provided leadership and hope to those who desperately needed it. You were an inspirational example to others seeking to provide help. I have never been prouder to represent you and the State of Missouri.

S. 1711

Mr. FEINGOLD. Mr. President, while I do not make it a practice to comment on every bill that has been introduced, I am moved to remark on what I consider to be a particularly misguided recent legislative initiative—a bill allowing the Environmental Protection Agency, EPA, the very agency charged with protecting the public's health, to waive all laws under its jurisdiction—public health and environmental laws—during the cleanup of hurricane Katrina. The bill, S. 1711, would even allow these waivers over local and State opposition.

People returning to areas devastated by the hurricane deserve to know, among other things, that their water is safe to drink and that new construction won't put them or their families in harm's way by polluting their air or by destroying wetlands that can provide valuable ecological services. Although the legislation calls for up to 18 months of waivers, given the long-term nature of the types of activities involved, the effects of these waivers could be long lasting.

The broad approach being pushed is completely unnecessary and puts people and the environmental resources they depend upon at risk. While all of us want to help those affected by hurricane Katrina, there is simply no valid reason to think that we need to erode established environmental and public health protections in order to do so. We should be focused not on efforts that could harm the very people who have already faced the unthinkable but on efforts that will safeguard the health of the public and the health of the environment. Anything short of this should be off the table.

DEFEATING TERRORIST NETWORKS

Mr. FEINGOLD. Mr. President, throughout the 4 years since the September 11, 2001, terrorist attacks on this country, it has been clear to me that our first national security priority must be combating and defeating the terrorist networks that seek to do us harm. Former U.S. Ambassador to the United Nations Richard Holbrooke wrote a thought-provoking piece about the ideological battleground that is a vitally important part of our challenge, and about the importance of public diplomacy efforts in our overall campaign. It was published in the Washington Post on September 9, and I ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 9, 2005]

OUR ENEMY'S FACE

(By Richard Holbrooke)

Let us take a hard look at some extremely important words: "the global war on terrorism." Since Sept. 11, this phrase—often reduced in Washingtonese to "GWOT"—has entered the English language, popularized by journalists and administration officials. It is the way our highest national priority is described by almost everyone.

But "GWOT" is not an accurate description of America's enemy or of what we are engaged in. Unless people know whom we are fighting, it will be virtually impossible to win the war of ideas that is such a key part of this struggle. The new undersecretary of state for public diplomacy, Karen Hughes, who is charged with primary responsibility for this part of the war, has a chance to fix the problem, but only if she is willing to change some deeply ingrained rhetoric and the political reasons behind it.

Stopping terrorists, using all necessary means, is vital in protecting the Nation. We cannot win without the use of force and first-rate intelligence. But suicide bombers are merely the expendable, deluded cannon fodder of ruthless ideologues. This has been true with terrorists throughout history. The long-term battle is against the underlying ideas and leaders behind these specific groups of terrorists.

Despite factionalism and fierce doctrinal disputes, our enemies, broadly speaking, constitute a movement, with goals, gurus, ideologues, myths and martyrs. They share a core set of virulently anti-Western beliefs and have common goals: to destroy the moderate (and still majority) wing of Islam, to establish Islamist theocracies that look backward toward a mythic "golden age," to seek the destruction of Israel, and to inflict maximum damage and human suffering through acts of terrorism.

Among its leaders, there is one whose face is as internationally recognized today as Adolf Hitler's was in 1941. He was responsible for Sept. 11. Yet the United States has not made it a primary goal to expose Osama bin Laden as the monster he is, something Roosevelt and Winston Churchill did to Hitler, and American leadership did to communism during the Cold War by demonstrating its moral and intellectual bankruptcy. Bin Laden (unlike Saddam Hussein) has been virtually ignored in public by official Washington.

Terrorism is not an end in itself; it is a tactic, just as it has been for countless other movements throughout history that sought to destroy or paralyze the established order, or attract attention to their cause. Over 2 years ago, Zbigniew Brzezinski, among others, pointed out that a "war on terror" was like a "war on blitzkrieg" or a "war on war." For this important insight, the former national security adviser was both attacked and ignored. During the 2004 campaign, I stumbled into a public dispute with senior administration officials, including Vice President Cheney, when, as a John Kerry surrogate, I told a New York Times Magazine writer that the phrase could be considered a metaphor and compared it to phrases such as the "war on poverty." For this both Kerry and I were assailed as naive, and I was asked, in the sneering tones of certain cable television interviewers, if I really thought we were at war with a "metaphor."

Of course not. But despite the grand rhetoric, does anyone think the United States is actually fighting "terror" or "terrorism" globally? We may detest terrorism in Sri Lanka, but we are not engaged in that civil war. Nor in Nepal, northern Uganda, Aceh or countless places around the world.

By calling both Iraq and Sept. 11 part of the war on terrorism, the administration has been partially successful in linking public support for the less popular war in Iraq to the universally supported fight against al Qaeda, even though no convincing evidence has been produced connecting the two. No other explanation has proved as valuable in keeping Americans, albeit in declining numbers, behind our increasingly controversial involvement in Iraq. "GWOT," as Dan Froomkin wrote on The Post's Web site last month, is "the metaphor that has consistently been [President Bush's] most potent weapon in the battle for public opinion."

The struggle against violent extremism will continue, of course, long after bin Laden is eliminated by death or capture. It will be a long conflict, with casualties and high costs, just like the efforts against fascism and communism. But fundamentally this is a war of ideas, and a more aggressive, direct attack on those ideas, and the men behind them, is necessary.

For starters, Osama bin Laden must be discredited, even if he remains at large. He is not, as some argue, irrelevant simply because his war will continue after he is gone (although, of course, it will). He remains a folk hero to millions of Muslims; youths wear T-shirts of him and children are named after him throughout the Muslim world. The United States should stop ignoring him and his henchmen; exposing them must become a top priority. He is a false prophet who incites mass murder, but he is clearly eloquent and charismatic. His ideas, no matter how insane they seem to us, appeal to many people. (Hitler had those qualities, too.)

Which brings us back to Karen Hughes. With her enormous bureaucratic clout, derived from her closeness with President Bush, the new undersecretary of state has a chance to make history. To do so, however, she must change some fundamental parts of our public message, and then devise better delivery systems for it—precisely what she did so effectively for Bush during so many campaigns.

Hughes should begin by revisiting what her own boss said on Aug. 6, 2004, speaking without a text. "We actually misnamed the war on terror," the president said that day. "It ought to be the struggle against ideological extremists who do not believe in free societies, who happen to use terror as a weapon." He was, inexplicably, laughed at for this remark, and rapidly retreated to safer rhetorical terrain. More recently, when Defense Secretary Donald Rumsfeld tried to replace "GWOT" with the "global struggle against violent extremism"—a somewhat more accurate phrase—the president immediately overruled him and again linked GWOT closely to Iraq during a series of public appearances.

But the president got it right last year. Words matter, and we need better ones to explain to the world, and to ourselves, who the enemy is. How about making it simple and specific: something like "the war against Osama bin laden and his followers"? And then create an all-out, no-holds-barred campaign to expose, ridicule and destroy everything he and his ilk stand for—murder, horror, intolerance, disrespect for human life and a false view of Islam.

ADDITIONAL STATEMENTS

IN RECOGNITION OF REVEREND DR. VAHAN H. TOOTIKIAN

• Mr. LEVIN. Mr. President, I would like to call my colleagues' attention to a distinguished religious leader in Michigan, Reverend Dr. Vahan H. Tootikian. Dr. Tootikian will be honored at a special testimonial banquet on Sunday, September 25, 2005, in Troy, MI. The tribute will mark his retirement from active parish ministry and will recognize his 30 years as pastor of the Armenian Congregational Church of Greater Detroit and his 46 years of Christian ministry. Since accepting his call to the ministry in 1959, Dr. Tootikian has used his talents and unique skills to encourage and enlighten people around the world. He has earned the respect and admiration of the Armenian and the greater religious community in Michigan, throughout North America, and around the world for his pastoral leadership and his commitment and devotion to service.

Born in Kessab, Syria in 1935, Dr. Tootikian received his primary education at the Armenian Evangelical schools in Syria and his secondary education in Beirut, Lebanon. He simultaneously earned a bachelor of art degree with honors and a bachelor of theology degree with honors from the American University of Beirut and the Near East School of Theology, respectively. He then served as pastor of Armenian Evangelical Churches in Syria and Egypt before coming to the United States in 1965 to pursue religious studies at Hartford Seminary, Harvard Divinity School, and Andover Newton Theological Seminary. While serving as minister of the Armenian Memorial Church in Watertown, MA, Dr. Tootikian earned a master of sacred theological degree in 1970, and a doctor of ministry degree cum laude in 1973.

In 1975, Dr. Tootikian was welcomed into the pastorate of the Armenian Congregational Church of Greater Detroit. Under his spiritual guidance, the Church has flourished and undergone expansion, which has included a new Christian Education Building, the founding of an Armenian library, and the organizing of the Armenian Heritage Committee to preserve and perpetuate the Armenian Christian Heritage.

Over the years, Dr. Tootikian has also provided leadership to numerous organizations, including the Armenian Evangelical Union of America, Armenian Missionary Association of America, and the Armenian Evangelical World Council—AEWC. During his tenure with AEWC, the 1700th Anniversary of Armenian Christendom was celebrated by all Armenian Evangelical Unions in Yerevan, Armenia, and the first Armenian Evangelical Pastors' Conference was held in May 2003 in Evian, France. As a scholar and lecturer, Dr. Tootikian has provided instruction at the University of Michigan and at the Lawrence Technological University. Dr. Tootikian has authored 27 books, with 6 of them currently in use as college textbooks. In addition, he has been a frequent contributor to many magazines and papers, and currently writes bilingual articles for 12 Armenian papers and periodicals. His efforts in support of various educational, philanthropic, religious and cultural organizations have been recognized through many awards and the establishment of endowment funds in his honor.

I know my colleagues join me in congratulating Dr. Tootikian on his service to the community, and on his many achievements in the pastoral ministry. I am pleased to offer my best wishes to him on his retirement, and for many more years of good health, happiness, and contribution to the spiritual well being of many people around the world.●

MESSAGE FROM THE HOUSE

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1340. An act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (241)" ((RIN2120-AA65)(2005-0023)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Los Angeles Class B Airspace Area; CA" ((RIN2120-AA66)(2005-0195)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Surface Area, South Lake Tahoe, CA" ((RIN2120-AA66)(2005-0193)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of the Class D Airspace; and Class E Airspace; Topeka, Forbes Field, KS" ((RIN2120-AA66)(2005-0194)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SP, and 747SR Series Airplanes; Equipped with Pratt and Whitney Model JT9D-3 and -7 Series Engines" ((RIN2120-AA64)(2005-0398)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G-IV, GIV-X, GV, and GV-SP Series Airplanes" ((RIN2120-AA64)(2005-0396)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes" ((RIN2120-AA64)(2005-0397)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robinson Helicopter Company Model R-22 Series Helicopters" ((RIN2120-AA64)(2005-0401)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757-200, 757-200CB, and 757-200PF Series Airplanes Equipped with Rolls Royce Model RB211 Engines" ((RIN2120-AA64) (2005-0399)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Deutschland Ltd and Co KG Model BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines" ((RIN2120-AA64) (2005-0400)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes" ((RIN2120-AA64) (2005-0395)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3809. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation General Amendments" (RIN2126-AA61) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3810. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service of Process on Foreign Manufacturers and Importers" (RIN2127-AJ69) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3811. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reorganize and Harmonize Controls and Displays" (RIN2127-

AI09) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3812. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS No. 209, Emergency-Locking Retractors" (RIN2127–AI38) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3813. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Securities of Nonmember Insured Banks" (RIN3064–AC88) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3814. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations (12 CFR Part 345)" (RIN3064–AC89) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3815. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (20 subjects on 1 disc beginning with "Environmental Restoration for Military Munitions Response Program") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3816. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (13 subjects on 1 disc beginning with "COBRA Installation Data for Buckley Annex (ARPC)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3817. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (21 subjects on 1 disc beginning with "Miscellaneous Medical Questions") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3818. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (14 subjects on 1 disc beginning with "Comments on Cannon AFB") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3819. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (7 subjects on 1 disc beginning with "DUSD(I&E) Letter on Environmental Hearing QFRs from August 11, 2005") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3820. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (11 subjects on 1 disc beginning with "Center for Fixed Wing Air Platform RDAT&E") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3821. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (21 subjects on 1 disc beginning with "DFAS Data Back-Up") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3822. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "Selfridge ARS-ARB MI MILCON") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3823. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with "T38Cs From Moody AFB, GA Position Paper IFF (Rev)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3824. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "DoD Technical Changes to Commission Recommendations") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3825. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (5 subjects on 1 disc beginning with "T38Cs From Moody AFB, GA") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3826. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 1 disc beginning with "Naval Support Activity New Orleans, LA") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3827. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "Issue Papers Provided to the Commission") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3828. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 1 disc beginning with "Inquiry Response Regarding COBRA Installation Data for Buckley Annex (ARPC)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 1726. A bill to designate the facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, shall be known and designated as the "Coach Eddie Robinson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 1727. A bill to provide grants for prosecutions of cases cleared through use of DNA backlog clearance fund; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1728. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. AKAKA:

S. 1729. A bill to extend the time during which persons affected by Hurricane Katrina may appeal certain decisions of the Board of Veterans' Appeals that are rendered during the period beginning June 1, 2005, and ending November 30, 2005; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH (for himself and Mr. CONRAD):

S. 1730. A bill to establish the Trust Fund Administration to invest in non-Federal Government debt instrument index funds all Federal trust fund revenues transferred to the Federal Government upon the issuance of special rate Treasury obligations to such trust funds, and for other purposes; to the Committee on Finance.

By Mr. COBURN (for himself and Mr. INHOFE):

S. 1731. A bill to designate the Department of Veteran Affairs Medical Center in Muskoee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska:

S. 1732. A bill to require the Federal Trade Commission to conduct an inquiry into the retail prices of natural gas and gasoline; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE:

S. 1733. A bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1734. A bill to establish the Valle Vidal National Preserve in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. WYDEN, Mr. KOHL, Mr. SCHUMER, Ms. STABENOW, Mr. DORGAN, Mr. JEFFORDS, Mrs. BOXER, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. REED, and Mr. SALAZAR):

S. 1735. A bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. AKAKA, and Mr. VITTER):

S. 1736. A bill to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM:

S. 1737. A bill to prohibit entities that provide nuclear fuel assemblies to Iran from providing such assemblies to the United States, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. OBAMA (for himself, Mr. DODD, Mr. REID, Mr. CORZINE, Mrs. CLINTON, Mr. HARKIN, Mr. FEINGOLD, Mr. AKAKA, Mr. DORGAN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Ms. STABENOW, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. DURBIN, Mr. WYDEN, and Mr. SALAZAR):

S. Con. Res. 53. A concurrent resolution expressing the sense of Congress that any effort to impose photo identification requirements for voting should be rejected; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 419

At the request of Mr. KYL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 419, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 695

At the request of Mr. COCHRAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1190

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1190, a bill to provide sufficient blind rehabilitation outpatient specialists at medical centers of the Department of Veterans Affairs.

S. 1260

At the request of Mr. VITTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1260, a bill to make technical corrections to the Indian Gaming Regulatory Act, and for other purposes.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1373

At the request of Mr. BROWNBACK, the names of the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1373, a bill to amend title 18, United States Code, to prohibit human chimeras.

S. 1405

At the request of Mr. NELSON of Nebraska, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1563

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1563, a bill to amend title XIX of the Social Security Act to protect and strengthen the safety net of children's public health coverage by extending the enhanced Federal matching rate under the State children's health insurance program to children covered by medicaid at State option and by encouraging innovations in children's enrollment and retention, to advance quality and performance in children's public health insurance programs, to provide payments for children's hospitals to reward quality and performance, and for other purposes.

S. 1581

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1581, a bill to facilitate the development of science parks, and for other purposes.

S. 1633

At the request of Mr. TALENT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1633, a bill to allow law enforcement officers to represent themselves as minors on the Internet to better protect America's children from sexual predators.

S. 1637

At the request of Mr. REID, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1637, a bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes.

S. 1638

At the request of Mr. OBAMA, the name of the Senator from Minnesota

(Mr. DAYTON) was added as a cosponsor of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1689

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1689, a bill to state the policy of the United States on international taxation.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1548

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1548 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1730

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1730 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1729. A bill to extend the time during which persons affected by Hurricane Katrina may appeal certain decisions of the Board of Veterans' Appeals that are rendered during the period beginning June 1, 2005, and ending November 30, 2005; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I want to discuss one of the many potential problems that will face this Nation in the aftermath of Hurricane Katrina. We have all heard the stories of the displacement of thousands of citizens from Louisiana, Mississippi, and Alabama. Many of these people have lost everything—their homes and belongings destroyed.

Undoubtedly, some of these people are veterans with claims they wish to appeal from the Board of Veterans' Appeals to the Court of Appeals for Veterans Claims. Under current law, a veteran has 120-days to file a notice of appeal to the Court of Appeals for Veterans Claims. If a notice of appeal is not filed within the 120-day window, the veteran essentially loses the right to appeal and might not receive benefits to which the veteran is entitled.

Given the current conditions in the gulf coast region, Congress must conclude that 120 days is not enough time for a veteran to file a notice of appeal. The sheer stress of the situation and the possibility that veterans and their advocates may not have access to the appropriate files makes 120 days for appeals unreasonable.

I have submitted legislation that extends the window for a notice of appeal from 120 days to 240 days for a veteran affected by Hurricane Katrina. This extension will provide appropriate relief to those attempting to rebuild their lives. Veterans should not be additionally burdened during these turbulent times.

I urge my colleagues to support this commonsense legislation and it is my hope that this legislation will pass the Senate in the near future. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR APPEAL OF CERTAIN DECISIONS RENDERED BY BOARD OF VETERANS' APPEALS.

(a) APPEAL PERIOD.—Notwithstanding section 7266(a) of title 38, United States Code, a Hurricane Katrina-affected person adversely affected by a final decision of the Board of Veterans' Appeals, which is rendered during the period beginning on June 1, 2005, and ending on November 30, 2005, may file a notice of appeal with the Court of Appeals for Veterans Claims at any time before the expiration of 240 days after the date on which notice of such decision is mailed pursuant to section 7104(e) of such title.

(b) DEFINITION.—In this Act, the term "Hurricane Katrina-affected person" means a person—

(1) who, as of August 28, 2005, resided in a county identified as being adversely affected by Hurricane Katrina in Florida, Louisiana, Mississippi, or Alabama by Federal Disaster Declaration notice 1602, 1603, 1604, or 1605, respectively (as amended), issued by the Federal Emergency Management Agency; or

(2) whose claim is under the jurisdiction of the Department of Veterans Affairs regional office in New Orleans, Louisiana or Jackson, Mississippi.

By Mr. VOINOVICH (for himself and Mr. CONRAD):

S. 1730. A bill to establish the Trust Fund Administration to invest in non-Federal Government debt instrument index funds all Federal trust fund revenues transferred to the Federal Government upon the issuance of special rate Treasury obligations to such trust funds, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to join Senator VOINOVICH of Ohio in introducing a new Social Security lockbox proposal, the Truth in Budgeting Act of 2005. For years, I have urged my colleagues to stop what I believe is the reckless practice of raiding Social Security trust fund surpluses to pay for other things. By failing to save these surpluses, we are putting future generations in the position of having to borrow trillions of dollars to make good on our Social Security, Medicaid, Medicare, and other commitments.

The legislation Senator VOINOVICH and I are introducing today would not only take Washington's hand out of the Social Security cookie jar, it would literally take the cookie jar away. If our bill is adopted, Social Security surpluses and other trust fund surpluses would no longer be used to fund other functions of Government and to mask the size of the Federal deficit. Instead, Social Security payroll taxes would be used to provide future Social Security benefits, as they were always intended.

Our bill would end the practice of spending trust fund surpluses. Instead, it would require those surpluses to be set aside and invested in a broadbased bond index fund that will be drawn on to finance our future obligations. In many ways, this legislation is a truth-in-budgeting bill because it will force us to recognize the true size of our fiscal deficit. It is our hope this will force Congress and the President to work together to address not only our current budget imbalances but our long-term entitlement challenges.

Let me take a few minutes, if I could, to explain why I think this legislation is so important.

Our budget situation has taken a dramatic turn for the worse. Over the last 5 years, we have gone from record surpluses to record deficits. The 2005 deficit is now projected to be $331 billion, the third worst in U.S. history. That is before Katrina. The increase in debt this year will be far higher.

This is something that I find confuses the American people, confuses my constituents, confuses the media, and perhaps even confuses our colleagues: The advertised deficit—$331 billion before Katrina—is not the amount the debt will increase by this year. The amount the debt will increase by is much larger, approaching $589 billion, and that is before Katrina. Why the difference? Because in the deficit calculation, borrowing from trust funds is ignored. It is not ignored when you consider how much the debt is increasing. It is ignored in the deficit calculation.

But, for example, the $173 billion this year that will be borrowed from the Social Security trust fund and used to pay for other things, is not included in the deficit calculation. It is added to our debt. It has to be paid back. It is not included in the deficit calculation.

There are $85 billion of other transactions, such as that one, that will add up to a total of a $589 billion increase in the debt. Again, that is before Katrina.

Looking forward, our current budget takes every penny of Social Security surplus over the next 10 years to pay for tax cuts and other spending priorities. Over the next 10 years, under the budget that has been passed here, every penny of Social Security surplus is being taken to pay for other things—$2.5 trillion.

The reported shortfall in Social Security over the next 75 years is $4 trillion on a net present value basis. I, frankly, do not believe that. I think that shortfall is significantly overstated. But if it were real, if it were $4 trillion, look at the comparison here on this chart: We are taking $2.5 trillion in Social Security money over the next 10 years, using it to pay for other things, when we say Social Security has a $4 trillion shortfall on a net present value basis. What sense does this make? We are digging the hole deeper before starting to fill it in.

I said something I want to go back to because I indicated I do not believe the projected $4 trillion shortfall in Social Security is correct. That is the estimate of the actuaries. I think they are wrong. Why do I think they are wrong? Because their whole scenario is based on economic growth for the next 75 years averaging 1.9 percent a year. Over the previous 75 years, the economy has grown at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of the Social Security shortfall would disappear.

Does that mean we do not have a problem? No. I wish it did. We have a huge problem. The problem we have, I believe, is a budget problem. The problem we have is, first, we are running very large deficits now before the baby boomers retire. No.2, the shortfall in Medicare is 7 times the shortfall in Social Security, approaching $30 trillion. There is the real 800-pound gorilla.

In Social Security, the problem is not so much the shortfall, at least from my perspective. I think the problem is that the assets in the Social Security trust fund—and there are assets there. Anybody who tells you there are no assets there is wrong. There are assets there. They are special-interest Government bonds, backed by the full faith and credit of the United States, that are in the trust fund. The problem is, those bonds have to be redeemed out of current income. That is the problem. Those bonds sitting in the Social Security trust fund have to be redeemed out of current income.

We already have a circumstance in which we are running massive deficits. We have this looming shortfall in Medicare. Oh, yes, we have a problem. We have a big problem, and the sooner we get at it, the better. The first thing to do is stop diverting Social Security money to use for other purposes. As I have indicated, this increase in debt is happening at the worst possible time, right on the brink of the retirement of the baby boom generation. The number of Social Security beneficiaries is projected to climb to 81 million people by 2050. This is not a projection. It is not a projection. The baby boomers have been born. They are alive today. They are going to retire, and they are eligible for Social Security and Medicare. That has enormous implications for the future.

As stunning as it may seem, we are only 3 years away from the beginning of the retirement of the baby boom generation. Social Security trust funds are running surpluses now. But starting in 2017, payroll tax revenue will no longer be sufficient to pay for benefits. Those bonds we are issuing to the Social Security trust fund will have to be redeemed out of current revenues at the time. At this point, as shown on the chart, the Social Security surpluses will turn into Social Security deficits—out here in 2017. When that happens, a serious budget crunch will ensue, unless we find a way now to save those surpluses.

Another way of looking at this is by looking at the total balances in the Social Security trust funds, which are expected to peak at over $6 trillion in 2026. As shown on this chart, this is the pattern of the Social Security trust fund assets. You can see, right now we are at about 2005, about right here, and we are still in the buildup phase. There are massive surpluses being run in the Social Security accounts. But instead of the money being used to prepay the liability or to pay down debt, the money is being used to pay for other things.

So here we have it. We have this massive buildup. In 2026, roughly, the trust fund assets peak at $6 trillion, and then they begin being drawn down precipitously. We have a problem. It is a serious problem. It is a problem that is inexorable. Unfortunately, our current budget policy is contributing to the problem because it is taking the amount that is in surplus every year and using it to pay other bills. That is comfortable. That is easy. But it does not help us deal with the problem.

In 2001, I urged my colleagues to set aside $900 billion of what was then projected to be surplus to either prepay the liability or pay down debt. For those who are advocates of personal accounts, the money could have been used to establish personal accounts, not borrowing it but putting real assets behind it. For those who do not like personal accounts, the money could have been used to pay down debt to better prepare ourselves for the time when the baby boomers retire.

The chart I was showing before perfectly illustrates why this is no time to permanently or continually divert Social Security and other trust fund surpluses to other purposes. Failing to return to a fiscal path of saving trust fund surpluses will severely limit Congress' ability to address the looming pension and health care needs of the baby boomers and will shift a larger debt and tax burden on to future generations.

Any private-sector corporation that behaved like the Federal Government is behaving would find its chief officers on their way to a Federal institution, but it would not be the Congress of the United States, it would not be the White House. Anybody who was running a private-sector entity that took trust fund assets, retirement fund assets of its employees, would be guilty of a Federal crime. They would be on their way to a Federal institution. It would not be Congress; it would not be the White House; they would be on their way to a Federal penitentiary.

What is happening here is a shell game, and it is a shell game with enormous consequences, not like a shell game where somebody bets on some corner deal and loses $10 or $20. This is a shell game being played by society. I believe it is time to put a stop to this practice of borrowing against future commitments.

That is why I am proud to join Senator VOINOVICH to introduce a newly designed bipartisan lockbox bill to stop the raid on Social Security and other trust funds. This legislation says enough is enough. The raid on Social Security and other trust funds has to stop. It is time to start saving Social Security surpluses for Social Security and to stop raiding the Social Security piggy bank to pay for other priorities.

With this bipartisan legislation, Senator VOINOVICH and I intend to finally put Social Security in a lockbox that works. Our bill takes a new tack on the lockbox concept by fundamentally changing the way in which Social Security and other trust fund surpluses are invested. The legislation would create a new Office of Trust Fund Administration at the Treasury Department that would be charged with investing Social Security and other trust fund surpluses in safe, non-Federal debt instruments, including State municipal bonds, corporate bonds, mortgage-backed securities, and bond index funds. These interest-bearing investments could only be used to meet the obligations of Social Security and other Federal trust funds.

Under our proposal, trust fund surpluses would no longer be used to fund the general operations of Government, and the true size of the Federal deficit would be revealed, forcing us to tackle these deficits head on. This bill, if passed, would force Congress, the President, and the public to recognize the true cost of Federal borrowing, and it would force the Federal Government to invest in real assets that could be used to finance future financial obligations.

I believe our Nation is in a precarious financial position. Unfortunately, our current budget policies have worsened our outlook by driving the Nation further into deficits and debt. We need to begin by returning to budget discipline and paying down debt.

It is time for us to take a new direction. I believe this legislation is an important first step.

I thank my colleague, Senator VOINOVICH, for his work on this matter. He has spent months pursuing the issue. I am honored to join him. I believe this is an important policy change for the country and for the Congress. I hope that my colleagues will support it.

By Mr. THUNE:

S. 1733. A bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Finance.

Mr. THUNE. Mr. President, as I traveled across my State of South Dakota this August, I heard from many constituents about the high cost of health care. Concerns about the cost of health care are not limited, however, to the people of South Dakota. These concerns span across state lines and across the minds of people of all ages.

There is no one-size-fits-all solution to the issues of access and cost of health care.

My State of South Dakota is rural. In South Dakota, 46 out of our 66 counties are classified as medically underserved areas—areas that have insufficient health resources, manpower or facilities to meet the medical needs of the population. This poses a significant challenge in providing health care to the 750,000 residents of South Dakota.

Providing high quality affordable health care will take the cooperation of both the public and the private sector. The use of technology in the delivery of health care has been a proven method in providing quality care while reducing cost.

Telehealth uses telecommunications and information technologies to provide health care services at a distance. It provides individuals in remote underserved areas access to specialists and other health care providers through the use of technology. This means that when my constituent in Gregory, SD, needs his skin examined by a dermatologist, he does not need to travel the 185 miles to Sioux Falls.

The practice of telemedicine, however, has been underutilized and underfunded despite numerous studies praising the ability of telehealth to deliver care to individuals in remote areas.

The adoption of telehealth has been hampered by legal, financial, and regulatory barriers.

My legislation, the Fostering Independence Through Technology Act of 2005, takes a step in the right direction of breaking down the barriers that prevent the adoption of telehealth. It provides incentives for home health agencies to purchase and utilize home monitoring and communications technologies. My legislation is pro technology, pro quality, and pro savings.

Specifically, my bill requires the Secretary of the Department of Health and Human Services to create demonstration projects that would encourage home health agencies to utilize remote monitoring technology. Utilizing technology in the home health setting would reduce the number of visits by home health aides while still providing quality care.

Each demonstration project is required to include a performance target for the home health agency. This target will be used to determine whether the projects are enhancing health outcomes for Medicare beneficiaries as well as saving the program money.

Each year, the home health agency participating in the pilot will receive an incentive payment based on a percentage of the Medicare savings realized as a result of the pilot project.

The demonstration projects would be conducted in both rural and urban settings because medically underserved areas exist across the country. One project, however, is required to be conducted in a state with a population of less than one million.

Technology is improving each and every day. I ask then, why one of the biggest industries in our Nation—health care—is not utilizing this technology to reduce costs and improve the quality of care delivered. Breaking down the barriers that prevent wider adoption of telehealth will improve our system of care and lower the cost of health care for individuals across the country.

The practice of telehealth brings medicine to people, people who live in medically underserved areas and people who are too frail or too ill to leave the comfort of their homes.

My legislation answers the call for wider adoption of telehealth and provides Medicare beneficiaries independence without sacrificing quality of care.

It is time for Congress to tackle the legal, financial, and regulatory barriers that are preventing the implementation of technology into the health care field. The legislation that I am introducing today takes a giant step in this direction and I urge my colleagues to support this legislation.

By Mr. BINGAMAN:

S. 1734. A bill to establish the Valle Vidal National Preserve in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to preserve a special place in my home state of New Mexico, the Valle Vidal.

New Mexico is a State filled with natural wonders, so when you hear people referring to the Valle Vidal as "New Mexico's Yellowstone" you have to stop and take notice. Any visitor to the place won't find it hard to see what inspires such a grand comparison. The scenic and wildlife features of the Valle Vidal stand out, even in the spectacular country of northern New Mexico.

For decades the area was admired from afar by the public as a famous private hunting and fishing ranch, until it was finally taken into public ownership in 1982. Since then, the Valle Vidal has become a premier destination for all manner of lovers of the outdoors. Whether you are drawn to its beautiful aspen stands, its wide meadows and the spectacular views they afford, its abundant wildlife, or the outstanding camping opportunities that the Boy Scouts take advantage of every year, there is much to cherish in the Valle Vidal.

As the home and crucial wintering ground of the State's largest elk herd the area is of iconic value to New Mexican hunters. The elk herd is so prized that the State only allows for a once-in-a-lifetime permit to hunt there. I am told those that do get a permit rarely return unhappy.

The Valle Vidal is also home to native Rio Grande cutthroat trout and will play an important role in the State's plans to recover that species from its depressed numbers today.

The Forest Service has recognized the unique values of the Valle Vidal and manages the area with a special emphasis on wildlife but they are required under current law to consider developing the eastern half for coalbed methane production. They have completed their estimates of the available gas resources under the Valle Vidal and any further analysis would be the responsibility of the lessee. Based on the estimates the Forest Service has done it is clear that, although there is certainly money to be made drilling for gas in the Valle Vidal, the amounts that could be produced are of no national significance. The Forest Service has begun the process of amending their management plan for the area and would later begin analyzing the potential conflicts that drilling would encompass sometime late next year. This bill would remove the need for the second part of that process.

New Mexico has significant coalbed methane resources in both the Raton Basin, where the eastern half of the Valle Vidal is, and the San Juan Basin. In fact, the San Juan basin is one of the Nation's foremost natural gas production areas, generating about 1 trillion cubic feet of gas each year. New Mexico is one of this country's foremost producers of oil and natural gas and we are proud of what we do for our Nation's energy picture. But New Mexicans are also proud of our wild country. The places we love define our character as much as the work we do.

The undefinable characteristic of being a New Mexican is shown the most clearly in the places we cherish—the places that we recognize as so special that we want to set them aside for our children and our grandchildren. This is particularly true when it is not an easy choice to set them aside. It would be easy to simply pursue resources wherever we find them. We certainly need the energy and have shown remarkable ingenuity in extracting oil and gas from places previously thought unreachable and with gradually lessening effects on the surrounding landscape. But our essential character is revealed in making the harder choice to slow down and recognize that some places are special and warrant special treatment. The Valle Vidal is such a special place.

Even if there were significant gas resources under the Valle Vidal it would be very difficult to risk turning it into an industrial zone. But we don't really face that choice here. The eastern half of the Valle Vidal comprises less than 1 percent of the gas-producing Raton Basin. According to the Forest Service, even with the most optimistic projections the gas resources are less than one-half of 1 percent of the Raton Basin resources. Using those same projections and even with intensive development we could only expect enough gas to come out of the Valle Vida. over its 20 year development to meet our Nation's gas needs for less than 3 days. In short, drilling the Valle Vidal wouldn't make a dime's worth of difference in our national energy picture.

The Raton Basin will continue to be developed and I'm sure we will continue to find additional areas in New Mexico to meet this nation's growing energy needs but I hope we can set aside this place to meet some of our other needs. Our need to get outside and experience the best the natural world has to offer. By creating the Valle Vidal National Preserve with this bill we can take the opportunity to preserve an essential piece of New Mexican character and demonstrate once again that value is more than a question of dollars and cents.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. WYDEN, Mr. KOHL, Mr. SCHUMER, Ms. STABENOW, Mr. DORGAN, Mr. JEFFORDS, Mrs. BOXER, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. REED, and Mr. SALAZAR):

S. 1735. A bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Energy Emergency Consumer Protection Act of 2005. I want to thank the original cosponsors of this legislation, which include Senate Minority Leader REID, and Senators DURBIN, FEINSTEIN, KERRY, FEINGOLD, CLINTON, KOHL, SCHUMER, STABENOW, DORGAN, and CORZINE.

This legislation would put in place a Federal law to prohibit gasoline price-gouging during national emergencies, and would institute new protections for American consumers from manipulation of oil and gasoline markets.

Even before the devastation caused by Hurricane Katrina and its tragic aftermath, skyrocketing oil and gasoline prices were burdening American families and our Nation's economy—with the notable exception of the oil industry, which continued to rack up record profits. Already in my home State of Washington, prices had reached 74 cents a gallon more than last year before the storm hit. After the storm—though our supplies were not directly affected—prices topped $3 per gallon in some areas of my State, including some of the most rural and economically challenged. And following that tragic storm, gas prices in some areas of this Nation reached almost $6 per gallon.

The volatility in oil and gasoline prices shows few signs of abating. Just yesterday, we saw oil set the new record for a one-day spike in prices. At the New York Mercantile Exchange, those prices rose more than $4 per barrel just yesterday, to close at $67.39. That's the largest single-day price spike since oil started trading on the exchange, in 1983.

It's clear to me that we have a lot of work to do, if we're going to get serious about addressing one of the most important challenges facing our generation of Americans: improving our Nation's energy security. We need a long-term plan and national commitment to free us from our over-dependence on oil in general. We need to make the American economy more fuel efficient, and position this Nation to compete in the 21st Century economy. It is in our Nation's long-term economic and national security interests to improve the fuel efficiency of American vehicles, provide consumers with the tools to make smart choices, provide those same consumers with a broader array of fuel-flexible vehicles and transportation options, and expand our production of home-grown biofuels, in more diverse regions of this country. Especially when it comes to fuel efficiency, this body has to date lacked the political will necessary to take the steps we must to bolster this Nation's energy and economic security. Along with my colleagues who have been tireless champions on this issue for so long, Senators FEINSTEIN and DURBIN, I will continue to fight to put our Nation on the right path when it comes to fuel efficiency.

But in the short-term, we also need to take a close look at the lack of transparency and increased concentration in the oil and gasoline markets, which has left us in a situation where the very few can set the prices that impact the lives of so many. And we need to make sure we have a national plan—triggered in cases of national emergencies—that makes it clear profiteering at the gas pump will not be tolerated.

Right now, the oil companies know we don't have a plan to protect American consumers. That's why we need a Federal law that's going to prohibit price gouging, and assess Federal penalties from those who exploit national tragedies to maximize their profits. That is why my colleagues and I have come together today to introduce this legislation.

In the wake of Hurricane Katrina, we have already heard gas station owners complaining that the big oil companies ordered them to raise prices. Investigating those claims should be the top job of federal regulators—and there should be harsh penalties for that kind of behavior, profiteering in the midst of a national disaster.

Today, 28 States have anti-gouging laws on the books. Unfortunately, my own State is not among them. But in crafting this legislation, I have looked to those other state laws—focusing specifically on the law of the State of New York, where price gouging cases have been successfully prosecuted in the past, related to natural disasters.

But I also want to remind my colleagues again that, while Hurricane Katrina exposed the underlying vulnerability of the American economy to supply disruptions, average U.S. gasoline prices were already 75 cents more than they were a year earlier—and many consumers had begun to ask why. While the oil companies have filled their coffers with record profits over the past few years, our Nation's airlines, truckers, farmers and small businesses across the board are struggling to make ends meet because of skyrocketing fuel costs. Worker pensions are in jeopardy, and families are already feeling the squeeze.

That's why this legislation also contains provisions to ban manipulation in oil and gasoline markets, and institutes new market transparency, investigation and enforcement mechanisms. These measures are based on provisions in the recently enacted bipartisan energy bill that prohibited these practices in other sectors of the energy industry. It provides for the same kind of anti-manipulation and transparency rules as those with which electricity and natural gas industries must comply. This legislation would apply the same sort of anti-manipulation and transparency standards to the oil industry that we already apply to companies that sell other essential energy commodities.

Already, these prices are impacting a diverse swath of the U.S. economy and hurting hard-working Americans. According to the Department of Energy, Americans will spend over $200 billion more on energy this year than they did last year, totaling over one trillion dollars.

These energy prices are also costing us jobs. On average, every time oil prices go up 10 percent, 150,000 Americans lose their jobs—based on the calculations of the Bureau of Labor Statistics and Federal Reserve Board.

What's more, according to the nonpartisan Congressional Budget Office, a 40 percent increase in gas prices this month will decrease total domestic consumption by 0.4 percent. And unless prices come down in the fourth quarter, our Gross Domestic Product (GDP) will fall by 0.9 percent. These energy price spikes are strangling economic growth. According to the Congressional Research Service, every time oil prices go up by 10 percent for a sustained period of time, we lose somewhere between $80 billion and $160 billion in economic growth.

But while these prices are hurting the economy as a whole, they are having a particularly profound impact on our Nation's energy-intensive industries. For example, they are hampering the American airline industry. The airline industry estimates it will pay $9.2 billion more for fuel in 2005 than in 2004, a 103 percent increase from 2001. As Southwest CEO Steve Kelly told the Seattle Times just last week, "We are now facing energy prices that no airline can make money at, at least with today's [ticket prices]."

These prices are also making it impossible for our farmers to break even. Even during a good year, farmers operate on profit margins of only about 5 percent, so fertilizer, fuel, and pesticide price increases of 20 percent or more have made it very difficult to get by.

Other sectors of the transportation industry are also being dramatically impacted. Take, for example, the trucking industry. Diesel fuel accounts for a quarter of the trucking industry's operating expense, or $85 billion in 2005. Each penny increase in diesel costs the trucking industry $350 million over a full year.

And these prices are impacting essential services in this country. School districts and local governments are feeling the pain, as are federal agencies themselves. Higher fuel prices are expected to add $300 million to the Postal Service's transportation costs nationwide this year.

What about the pain these prices are causing, in other ways? Energy costs are putting pensions at risk and requiring taxpayer bailouts. That's particularly true when it comes to the hundreds of thousands of airline workers in this country. United Airlines has already transferred $6.6 billion of its pension obligations to the government pension agency. If Delta and Northwest terminate their pension plans following their bankruptcy declarations, taxpayers would have to cover another $12 billion.

And these prices are especially harmful to low-income Americans. Households with incomes under $15,000—about one-fifth of all households in this country—this year will spend around 10 percent of their total income on gasoline alone.

And what's going to happen this winter? Heating costs for the average family using heating oil are projected to hit $1,666 during the upcoming winter months. This represents an increase of over $400 over last winter's prices and $700 more than the winter heating season of 2003 and 2004. For families using natural gas, prices are projected to hit $1,568, representing an increase of over $600 over last year's prices and $640 more than 2003 and 2004.

These alarming statistics lead me to question where is all this money going? The Congressional Budget Office wrote recently that increased gasoline prices are "basically a temporary redistribution of income from consumers of gasoline to the stockholders of refiners."

This is a situation that is causing gross inequities between different industries themselves. Oil industry profits have nearly tripled over the last three years to roughly $87 billion last year—likely to be even more this year—while the airline industry has lost over $32 billion over the last four years.

How is this happening? While we watch all of these economic impacts transpire, our federal regulators have allowed the oil industry to strengthen its choke-hold on American consumers and businesses. According to the independent Government Accountability Office, mergers and increased market concentration with the U.S. petroleum industry has led to higher wholesale gasoline prices in this country.

That's why it's time for this body to do something about it. The Energy Emergency Consumer Protection Act is a common-sense approach to protect American consumers from gasoline price gouging during national emergencies. And it begins to shine the spotlight on the marketing practices of the oil industry in general.

I thank my cosponsors for their support, and I ask my colleagues to support this legislation.

Mr. KOHL. Mr. President, I rise today to join Senator CANTWELL in cosponsoring the Energy Emergency Consumer Protection Act of 2005. This bill will, for the first time, give our Federal Government the needed tools to prosecute those unscrupulous individuals and companies that seek to take advantage of emergencies and disasters by price gouging consumers in the sale of gasoline and other petroleum products. With the tremendous suffering caused by Hurricane Katrina resulting in gas supply disruptions, and with gas prices at record levels well in excess of $3.00 per gallon in many places throughout the Nation, the time is now for passage of this essential legislation.

In the wake of the Hurricane Katrina disaster and the associated disruptions to supply and distribution networks, the national average price of gas is now at record levels. Allegations of price gouging and drastic price spikes were unfortunately commonplace in the immediate days following the disaster—including, for example, gas being sold at $6.00 per gallon in the Atlanta area. Many believe that the human suffering caused by loss of life, housing, and employment, has been compounded by some unscrupulous individuals and businesses who have taken advantage of the emergency by gouging consumers. Yet, under current law, the Federal Government has virtually no ability to prosecute such price gouging. Our bill will correct this critical deficiency.

This legislation contains several important provisions. First, it gives the President the authority to declare an energy emergency during times of disruptions in the supply or distribution of gasoline or petroleum products. Second, the bill, for the first time, declares illegal under federal law selling gasoline or petroleum products at a price unconscionably high or when circumstances indicate that the seller is taking unfair advantage to increase prices unreasonably in times of energy emergency. Those who violate this law face civil penalties of up to $3,000,000 per day and criminal penalties, including jail terms of up to five years for individuals, as well. The bill also forbids market manipulation in connection with the sale of gasoline and petroleum products and empowers the experts at the Federal Trade Commission to write regulations setting forth specific conduct constituting market manipulation. Additionally, our bill gives states Attorneys General the power to enforce these provisions as well.

These measures are an urgently needed deterrent to prevent all those who would seek to profit from this enormous tragedy by price gouging consumers in the price of gasoline. It will protect consumers—both those who were the victims of the immediate effects of Hurricane Katrina and those around the country—who suffer every day at the gas pumps from the real and growing economic pain caused by record high gas prices. As Ranking Member on the Senate Antitrust Subcommittee, I believe that this legislation is necessary to prevent unscrupulous companies using the disaster on the Gulf Coast to justify uncompetitive gas price hikes. All of us can agree that profiteering and price gouging in the price of an essential commodity like gasoline is simply unacceptable. Such conduct violates every principle of free and fair competition. We must give the Federal Government the necessary tools to prevent such misconduct, and prosecute those who do so.

I urge my colleagues to support the Energy Emergency Consumer Protection Act.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 53—EXPRESSING THE SENSE OF CONGRESS THAT ANY EFFORT TO IMPOSE PHOTO IDENTIFICATION REQUIREMENTS FOR VOTING SHOULD BE REJECTED

Mr. OBAMA (for himself, Mr. DODD, Mr. REID, Mr. CORZINE, Mrs. CLINTON, Mr. HARKIN, Mr. FEINGOLD, Mr. AKAKA, Mr. DORGAN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Ms. STABENOW, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. DURBIN, Mr. WYDEN, and Mr. SALAZAR) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 53

Whereas the most fundamental right accorded to United States citizens by the Constitution is the right to vote, and the unimpeded exercise of this right is essential to the functioning of our democracy;

Whereas historically, certain citizens, especially racial minorities, have been prevented from voting because of significant barriers such as literacy tests, poll taxes, and property requirements;

Whereas the long and difficult struggle to remove these and other barriers to voting resulted in the loss of life but also led to the passage of the 15th, 19th, and 24th Amendments to the Constitution;

Whereas in the face of persistently low voter turnout relative to other industrialized democracies, exaggerated fears of voter impersonation have led to calls for more stringent voter identification requirements, including the requirement of government-issued photo identification cards as the only approved form of voter identification;

Whereas there has been no substantiated evidence of any significant incidence of fraud due to voter impersonation, and the more serious attack on ballot integrity has been the discounting of millions of ballots, including an estimated 6,000,000 ballots lost in the 2000 Presidential election;

Whereas there is no evidence that photo identification requirements address the few isolated instances of such fraud;

Whereas 12 percent of voting-age Americans do not have a driver's license, most of whom are minorities, new United States citizens, the indigent, the elderly, or the disabled;

Whereas government-issued identification cards can cost as much as $85 and are often unnecessary for the daily needs of, or inaccessible to, many urban, rural, elderly, and indigent voters who do not own cars;

Whereas the National Commission on Federal Election Reform reported in 2001 that a photo identification requirement would "impose an additional expense on the exercise of the franchise, a burden that would fall disproportionately on people who are poorer and urban";

Whereas an alarming number of States, including most recently the State of Georgia, have passed proposals requiring voters to produce government-issued photo identification at the polls;

Whereas the State of Georgia no longer allows affidavits affirming one's identity to meet the identification requirement for voting, a change that will likely disproportionately affect minorities, new United States citizens, the indigent, the elderly, and the disabled;

Whereas 150,000 senior citizens in the State of Georgia do not have a form of government-issued photo identification;

Whereas residents in the State of Georgia can obtain the newly required voter identification card in only 56 places in all 159 counties in Georgia with no such places currently located in Atlanta, Georgia;

Whereas the State of Georgia permits the use of various forms of proof of identity to obtain government-issued identification that it does not accept in a similar manner when its citizens attempt to exercise their constitutionally protected right to vote;

Whereas the State of Georgia will charge United States citizens at least $20 for voters to purchase 1 of the government-issued photo identification cards required under the new State law unless such citizens wish to endure the potential humiliation of swearing to their indigency;

Whereas poll taxes are prohibited in Federal elections by the 24th Amendment to the Constitution and in State elections by a 1966 Supreme Court case;

Whereas the Secretary of State of Georgia has stated that photo identification would not have resolved any instances of voter fraud;

Whereas the Voting Rights Act of 1965 requires that Georgia and other States with histories of discrimination in elections prove that election laws and practices do not hinder minorities' ability to exercise the franchise, including access to the polls, and that such States have such laws and practices approved by the Department of Justice before implementation;

Whereas the Department of Justice's approval of the Georgia statute in August of 2005 was a troubling example of a recent trend towards weakening voter protections and countenancing voter suppression;

Whereas Hurricane Katrina and its aftermath have destroyed or rendered unusable the official records of many State and local government agencies in Louisiana, Mississippi, and Alabama, as well as the documents of thousands of residents in those states, which will significantly complicate the ability of those residents to obtain photo identification cards;

Whereas the residents of the Gulf Coast region, in particular, those residents displaced by Hurricane Katrina, have already suffered immeasurably in recent weeks and should not be further burdened by losing their right to vote because they cannot obtain photo identification cards;

Whereas the Carter/Baker Election Reform Commission recommended that States implement mandatory State-issued photo identification requirements for voting at the polls, despite the lack of evidence that such identification will address documented instances of voter fraud; and

Whereas an electoral system with integrity is one that allows all eligible voters the opportunity to cast their votes, and thus election reform must further democratic empowerment, not disenfranchisement: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a requirement that United States citizens obtain photo identification cards before being able to vote has not been shown to ensure ballot integrity and places an undue burden on the legitimate voting rights of such citizens;

(2) the Department of Justice should—

(A) vigorously enforce the Voting Rights Act of 1965; and

(B) challenge any State law that limits a citizen's ability to vote based on discriminatory photo identification requirements; and

(3) any effort to impose national photo identification requirements for voting should be rejected.

Mr. OBAMA. Mr. President, today I am submitting a resolution to express the Senate's strong disapproval of recent efforts to disenfranchise Americans.

In the weeks since Hurricane Katrina ravaged the Gulf Coast, our country has been awakened to the plight of the most vulnerable Americans—the poor, the elderly, the sick, and the disabled. And if we have learned anything from this tragedy, it is that the Government has too often ignored the needs of these citizens in crafting national policy. Whether it is homeland security or education or health care, these Americans have consistently been left behind.

Now, we are in danger of proceeding down another path that disregards the needs of our Nation's neediest—the right to vote. This is the most fundamental right protected by the Constitution and the right for which many Americans have fought and died.

The last two Presidential elections were tainted by allegations of fraud and abuse. The complaints ranged from long polling lines to faulty machines to confusing ballots. The rampant complaints have shaken people's confidence in our election system. And so it is all of our duty to work to restore and protect the integrity of the electoral process.

Unfortunately, in this new millennium, too many electoral reform efforts seem intent on limiting access to the ballot as opposed to expanding it. In the mid-20th century, the poll tax was the preferred means of disenfranchising large minority populations, specifically African Americans. Today, the poll tax is taking on a new form—a photo identification requirement for voters.

According to the National Commission on Federal Election Reform, such a requirement would "impose an additional expense on the exercise of the franchise, a burden that would fall disproportionately on people who are poorer and urban." Nevertheless, a number of States, including Georgia, have recently passed laws mandating government-issued photo identification for voters at the polls.

In Georgia alone, at least 150,000 senior citizens do not have government-issued photo identification, which can cost up to $85. Nationwide, at least 12 percent of eligible drivers do not have a driver's license. And Georgia has made it difficult for rural and urban folks to obtain their voter photo identification. There are currently only 56 places in all 159 counties where such identification is available, with no places available in Atlanta. For people who already lack transportation, which may be why they do not have driver's licenses, it is far-fetched to think that these same people could easily get to another county to obtain a voter identification card.

Earlier today, the Carter-Baker Commission on Federal Election Reform released its recommendations for improving the electoral process. While many of the Commission's recommendations are worthy of consideration, its report recommends the implementation of a national voter identification requirement, despite acknowledging that there is "no evidence of extensive fraud in U.S. elections or of multiple voting."

This past weekend, Afghanistan held its second successful national election, and we have seen successes in Iraq's elections as well. If these nascent democracies can commit themselves to bringing any and all citizens to the polls, surely we can do the same.

Many of us both here in Washington and around the country have been asking questions over the past three weeks about our Nation's priorities and our commitment to helping our country's most vulnerable citizens. But a major priority should be ensuring that these citizens can exercise the most fundamental right in a democracy—the right to vote.

The resolution I am submitting today, along with Senator Dodd and joined by Senators Reid, Corzine, Clinton, Harkin, Feingold, Akaka, Dorgan, Kennedy, Kerry, Mikulski, Lautenberg and others, expresses the Senate's strong disapproval of photo identification requirements for voting. The resolution also urges the Department of Justice to challenge any State law that limits a citizen's ability to vote based on discriminatory photo identification requirements and urges the rejection of any national photo identification requirements for voting.

I am honored that Representative John Lewis, a civil rights icon who put his life on the line to fight for the right to vote, will be introducing the same resolution in the House later this week.

I urge my colleagues to support this important resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1736. Ms. COLLINS (for herself and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1737. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1738. Mr. ALLARD (for himself, Mr. Roberts, Mr. Craig, Mr. Burns, Mr. Thune, and Mr. Hagel) proposed an amendment to the bill H.R. 2744, supra.

SA 1739. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1740. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1741. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1742. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1743. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1745. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1746. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1747. Mr. DURBIN (for Mr. Reid) proposed an amendment to the bill H.R. 2744, supra.

SA 1748. Mr. DURBIN (for Mr. Inouye (for himself, Mr. Akaka, and Mrs. Feinstein)) proposed an amendment to the bill H.R. 2744, supra.

SA 1749. Mr. DURBIN (for himself, Mr. Enzi, Mr. Kennedy, and Mr. Bingaman) proposed an amendment to the bill H.R. 2744, supra.

SA 1750. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1751. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1752. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1753. Mr. ENSIGN (for himself, Mr. Byrd, Mr. Graham, Mr. Lott, Mr. DeMint, Ms. Landrieu, Ms. Stabenow, Mrs. Feinstein, Mr. Lautenberg, and Mr. Corzine) proposed an amendment to the bill H.R. 2744, supra.

SA 1754. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1755. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1756. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1757. Mr. LUGAR (for himself and Mr. Harkin) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1758. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1759. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1760. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1761. Ms. STABENOW (for herself, Mr. Levin, Mr. DeWine, Mr. Bayh, and Mr. Voinovich) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1762. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1763. Mr. TALENT (for himself and Mr. Pryor) proposed an amendment to the bill H.R. 2744, supra.

SA 1764. Mr. CRAIG (for himself and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1765. Mr. KOHL (for Mr. Harkin) proposed an amendment to the bill H.R. 2744, supra.

SA 1766. Mr. KOHL (for Mr. Pryor) proposed an amendment to the bill H.R. 2744, supra.

SA 1767. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1768. Mr. SPECTER (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1769. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1736. Ms. COLLINS (for herself and Ms. Snowe) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes: which was ordered to lie on the table; as follows:

On page 128, line 19, strike "$12,400,000" and insert "$17,400,000".

On page 128, line 24, strike "$1,000,000" and insert "$6,000,000".

On page 129, line 2, insert before the period at the end the following: ": *Provided further*, That $3,000,000 shall be provided to each third round empowerment zone".

On page 173, after line 24, insert the following:

SEC. 7 . Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by $5,000,000.

SA 1737. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, line 9, before the period at the end insert the following: ": *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest".

SA 1738. Mr. ALLARD (for himself, Mr. ROBERTS, Mr. CRAIG, Mr. BURNS, Mr. THUNE, and Mr. HAGEL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the United States Government should not permit the importation into the United States of beef from Japan until the Government of Japan takes appropriate actions to permit the importation into Japan of beef from the United States.

SA 1739. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes: which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION . HUMANE METHODS.

Section 2 of Public Law 85-765 (commonly known as the "Humane Methods of Slaughter Act of 1958") (7 U.S.C. 1902) is amended—

(1) by redesignating subsections (a) and (b) as paragraphs (1) and (3) respectively, and indenting accordingly;

(2) in the first sentence, by striking "No method" and inserting the following:

"(a) IN GENERAL.—No method";

(3) in the second sentence, by striking "Either of the following two" and inserting the following:

"(b) PARTICULAR METHODS.—The following methods";

(4) in paragraph (1) (as redesignated by paragraph (1))—

(A) by striking "in the case" and inserting "In the case";

(B) by inserting "or ratites" after "other livestock";

(C) by striking "animals" and inserting "livestock or ratites"; and

(D) by striking "; or" at the end and inserting a period;

(5) by inserting after paragraph (1) (as redesignated by paragraph (1)) the following:

"(2) In the case of poultry and rabbits, shackling prior to being rendered insensible to pain is permissible if the handling and shackling is performed in a humane manner."; and

(6) in paragraph (3) (as redesignated by paragraph (1)), by striking "anemia" and inserting "ischemia".

SA 1740. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table: as follows:

On page 143, line 13, strike the period and insert the following: ": *Provided further*, that of the amounts appropriated under this heading for salaries and expenses, $15,000,000, shall be transferred from the Office of the Commissioner to the Office of Over-the-Counter Drug Evaluation.".

SA 1741. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes: which was ordered to lie on the table: as follows:

On page 173, after line 24, insert the following:

SEC. 7 . It is the sense of the Senate that—

(1) the Senate—

(A) encourages expanded efforts to alleviate hunger throughout developing countries; and

(B) pledges to continue to support international hunger relief efforts;

(2) the United States Government should use financial and diplomatic resources to work with other donors to ensure that food aid programs receive all necessary funding and supplies; and

(3) food aid should be provided in conjunction with measures to alleviate hunger, malnutrition, and poverty.

SA 1742. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . Section 508(a)(4)(B) of the Federal . Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting "or similar commodities" after "the commodity".

SA 1743. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 9, before the semicolon, insert the following: ", of which not less than $1,500,000 shall be used for special grants for agricultural research related to hardwood scanning".

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: ": *Provided further*, that of the amounts appropriated under this heading for salaries and expenses, $10,000,000, shall be transferred from the Office of the Commissioner to the Office of Drug Safety for purposes of postmarket surveillance activities.".

SA 1745. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: ": *Provided further*, that the amounts appropriated under this heading for salaries and expenses of the Office of the Commissioner shall be reduced by $5,000,000.".

SA 1746. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, after line 19, insert the following:

In addition, notwithstanding any other provision of this Act, none of the amounts appropriated under this title shall be expended to initiate or conduct a rulemaking process relating to the over-the-counter application for the drug Plan B. The preceding sentence shall not apply to the 60-day public comment period initiated on August 26, 2005, relating to such drug.

SA 1747. Mr. DURBIN (for Mr. Reid) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

Sec. 7 . (a) Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(M) Minimum milk prices for handlers.—

"(i) Application of minimum price requirements.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

"(ii) Covered milk handlers.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

"(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect on the date of enactment of this subparagraph);

"(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

"(III) is not otherwise obligated by a Federal milk marketing order, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for the milk dispositions or sales.

"(iii) Obligation to pay minimum class prices.—For the purpose of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

"(iv) Certain handlers exempted.—Clause (i) does not apply to—

"(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph));

"(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

"(III) a handler (otherwise described in clause (ii)) for any month during which—

"(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

"(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in 1 or more States that require handlers to pay minimum prices for raw milk purchases.

"(N) Exemption for certain milk handlers.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production that exceeds 3,000,000 pounds.".

(b) Section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following:

"(D) Exclusion of Nevada from Federal milk marketing orders.—In the case of milk and its products, no county or other political subdivision located in the State of Nevada shall be within a marketing area covered by any order issued under this section.".

(c) Notwithstanding any other provision of this section or the amendments made by this section, a milk handler (including a producer-handler or producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with any requirement under section 1000.27 of title 7, Code of Federal Regulations (or a successor regulation) relating to responsibility of handlers for records or facilities.

(d)(1) This section and the amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of enactment of this Act.

(2) To accomplish the expedited implementation schedule for the amendment made by subsection (a), effective on the date of enactment of this Act, the Secretary of Agriculture shall ensure that the pool distributing plant provisions of each Federal milk marketing order issued under section 8c(5)(B) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(B)), reenacted with amendments by the Agricultural Marketing Agreement of 1937, provides that a handler described in section 8c(5)(M) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement of 1937 (as added by subsection (a))), will be fully regulated by the order in which the distributing plant of the handler is located.

(3) Implementation of this section and the amendments made by this section shall not be subject to a referendum under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

SA 1748. Mr. DURBIN (for Mr. Inouye (for himself, Mr. Akaka, and Mrs. Feinstein)) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 101, line 10, before the period at the end insert the following: "; *Provided further*, That none of the funds may be used to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, Hawaii".

SA 1749. Mr. DURBIN (for himself, Mr. Enzi, and Mr. Kennedy and Mr. Bingaman) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

Sec. 7 . (a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a confidential report to the Inspector General of the Department of Health and Human Services of the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

SA 1750. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, line 9 at the end of the sentence insert the following:

"*Provided further*, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553-554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their "as is" condition, when vacated by the Agricultural Research Service."

SA 1751. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173 after line 24, insert the following new paragraphs:

"SEC. . (a) Hereafter, none of the funds made available by this Act or any other Act may be used to publish, disseminate, or distribute Agriculture Information Bulletin Number 787.

(b) Of the funds provided to the Economic Research Service, the Secretary of Agriculture shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive report on the economic development and current status of the sheep industry in the United States."

SA 1752. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173 after line 24 insert the following:

"SEC. . The Secretary of Agriculture may establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Choctaw Nation: *Provided*, That the interest rate for direct loans shall be 1 percent: *Provided further*, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients."

SA 1753. Mr. ENSIGN (for himself, Mr. BYRD, Mr. GRAHAM, Mr. LOTT, Mr. DEMINT, Ms. LANDRIEU, Ms. STABENOW, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

SA 1754. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of Energy, shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that describes the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities.

SA 1755. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table: as follows:

On page 173, after line 24, insert the following:

SEC. 7 . The Secretary of Agriculture (referred to in this section as the "Secretary") shall prepare a report for submission by the President to Congress, along with the fiscal year 2007 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations; and

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2).

SA 1756. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . Notwithstanding the proclamation by the President dated September 8, 2005, or any other provision of law, the provisions of subchapter IV of chapter 31 of title 40, United States Code (and the provisions of all other related Acts to the extent they depend upon a determination by the Secretary of Labor under section 3142 of such title, whether or not the President has the authority to suspend the operation of such provisions), shall apply to all contracts to which such provisions would otherwise apply that are entered into on or after the date of enactment of this Act, to be performed in the counties affected by Hurricane Katrina and described in such proclamation.

SA 1757. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$126,072,000".

On page 167, line 20, strike "$12,000,000" and insert "$14,000,000".

SA 1758. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, line 20, strike "$12,000,000" and insert "$14,000,000".

SA 1759. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 9, before the semicolon, insert the following: ", of which not less than $1,500,000 shall be used for special grants for agricultural research related to hardwood scanning".

On page 85, line 15, strike "$128,072,000" and insert "$126,572,000."

SA 1760. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . (a)(1) Section 101 of division B of Public Law 108-324 (118 Stat. 1232) is amended—

(A) in subsection (a)(2)—

(i) by striking "the 2003, 2004, or 2005 crop (as elected by a producer), but limited to only one of the crop years listed" and inserting "the 2003 or 2004 crop (as elected by a producer) and the 2005 crop"; and

(ii) by striking "qualifying crop losses" and all that follows through "in this paragraph,"; and

(B) in subsection (c)(1), by striking "2004" and inserting "2005".

(2) The amounts made available by the transfer of funds in or pursuant to the amendments made by paragraph (1) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(b)(1) Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070) for 2005 losses.

(2) In carrying out the Program, the Secretary shall—

(A) provide assistance to any applicant that—

(i) conducts a livestock operation that is physically located in a disaster county, including any applicant conducting a livestock operation with eligible livestock, as that term is used in carrying out the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1232); and

(ii) meets all other eligibility requirements established by the Secretary for the Program; and

(B) provide assistance to any applicant that—

(i) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(ii) meets all other eligibility requirements established by the Secretary for the Program.

SA 1761. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, Mr. BAYH, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 9, before the colon insert the following: "; of which $10,440,000 shall be used for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana".

SA 1762. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . Section 10204(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(a)) is amended by inserting "per year" after "$75,000".

SA 1763. Mr. TALENT (for himself and Mr. PRYOR) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7_____. None of the funds made available by this or any other Act may be used to close or relocate a county or local Farm Service Agency office unless or until the Secretary of Agriculture has determined the cost effectiveness and enhancement of program delivery of the closure or relocation, and report to the House and Senate Committees on Agriculture and Appropriations.

SA 1764. Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$116,072,000".

On page 173, after line 24, insert the following:

SEC. 7_____. In addition to other amounts made available by this Act, $12,000,000 shall be made available to the Secretary of Agriculture for the provision of specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note), of which not more than 5 percent shall be available for administrative expenses.

SA 1765. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7_____. 90 days before initiating any structural change in a mission area of the Department, the Secretary of Agriculture shall provide notice of the change to the Committees on Appropriations of the Senate and the House of Representatives.

SA 1766. Mr. KOHL (for Mr. PRYOR) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 154, line 10, insert ", Cleburne County, Arkansas," after "Montana".

SA 1767. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7_____. (a) Not later than 14 days after the date of the enactment of this Act, the Federal Trade Commission shall initiate an inquiry into the retail prices of natural gas and gasoline to determine if the prices of natural gas and gasoline (both before and after Hurricane Katrina), including the price of gasoline containing ethanol, is being artificially manipulated by reducing refinery capacity, by speculation in oil market, or by any other form of manipulation.

(b) Not later than 14 days after the initiation of the inquiry required under subsection (a), the Federal Trade Commission shall report to Congress the results of the inquiry.

(c) Not later than 14 days after issuing the report required under subsection (b), the Federal Trade Commission shall hold a public hearing for the purpose of presenting the results of the inquiry.

(d)(1) If the Federal Trade Commission determines that the increase in natural gas and gasoline prices, including the price of gasoline containing ethanol, is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the attorney general of any affected State, take appropriate action.

(2) If the Federal Trade Commission determines that the increase in natural gas and gasoline prices, including the price of gasoline containing ethanol, is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy. The Secretary shall, not later than 14 days after receiving such notification, decide if expanded use of the Strategic Petroleum Reserve should be implemented to assure adequate supplies of gasoline.

(e) This section shall cease to apply on—

(1) the date the Federal Trade Commission makes its determination described in subsection (d); or

(2) if applicable, the date of the decision of the Secretary of Energy under paragraph (2) of such subsection.

SA 1768. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended in subsections (f) and (g)(1) by striking "2005" each place it appears and inserting "2007".

SA 1769. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7_____. Notwithstanding any other provision of law (including regulations), none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that applies the term "crop year" in a manner that fails to take into account the varying climates of different regions of the United States.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the Chair wishes to inform Members that the Committee on Small Business & Entrepreneurship will hold a public hearing entitled, "The Impact of Hurricane Katrina on Small Businesses" on Thursday, September 22, 2005, at 10 a.m., in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a business meeting during the session of the Senate on Tuesday, September 20, 2005 at 10 a.m. in SR-328A, Russell Senate Office Building. The purpose of this meeting will be to markup S. 1582, a bill to reauthorize the U.S. Grain Standards Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 20, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Emil Henry Jr., of New York, to be Assistant Secretary for Financial Institutions, Department of the Treasury; Ms. Scottie Theresa Neese, of Oklahoma, to be Director of the United States Mint; and Mr. Patrick O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 20 at 10 a.m. The purpose of this hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Tuesday, September 20, 2005, at 2:30 p.m. to hold a hearing on China's Role in Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to meet to conduct a hearing on "The Kelo Decision: Investigating Takings of Homes and other Private Property" on Tuesday, September 20, 2005 at 10 a.m. in the Dirksen Senate Office Building Room 226. The tentative witness list is attached.

Panel I: The Honorable John Cornyn, United States Senator [R-TX].

Panel II: Ms. Susette Kelo, New London, CT; Fred Jenkins, Pastor, St. Luke's Pentecostal Church, North Hempstead, NY; The Honorable Eddie A. Perez, Mayor, Representing the National League of Cities, Hartford, CT; Hilary O. Shelton, Director, NAACP Washington Bureau, Washington, DC; Thomas Merrill, Charles Keller Beekman Professor of Law, Columbia University, New York City, NY; Steven J. Eagle, Professor of Law, George Mason University, Arlington, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Disaster Prevention and Prediction be authorized to meet on Tuesday, September 20, 2005, at 3 p.m., on Review of the Prediction of Hurricane Katrina.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 1718

Mr. BENNETT. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1718) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

Mr. BENNETT. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, SEPTEMBER 21, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 21. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, tomorrow, the Senate will return to the consideration of the Agriculture appropriations bill. Under a previous order, there is a filing deadline of 4 p.m. for first-degree amendments. I urge Senators to come forward early with their amendments so we can finish the bill tomorrow night. Rollcall votes will occur throughout the day tomorrow, and I announce on behalf of the majority leader that a late night may be necessary in order to finish the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Wednesday, September 21, 2005, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 20, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MARCHANT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 20, 2005.

I hereby appoint the Honorable KENNY MARCHANT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

HONORING THE LATE SIMON WIESENTHAL

Mr. DREIER. Mr. Speaker, I rise today to honor one of the great promoters of tolerance in our time, Simon Wiesenthal, who we learned has passed away at the age of 96. Mr. Wiesenthal, who spent 4 years in Nazi concentration camps, dedicated his life to seeking justice for those who were unable to seek it for themselves. While Mr. Wiesenthal survived the Holocaust and was rescued by American troops in 1945, dozens of his family members, including his own mother, perished at the hands of the Nazis.

Upon his liberation, Mr. Wiesenthal relentlessly and often singlehandedly tracked down over 1,100 Nazi war criminals and saw that they were brought to justice. Without his tenacity, such mass murderers as Adolf Eichmann and Franz Stangl may never have been held accountable for their crimes against humanity.

But Mr. Wiesenthal's legacy is not limited to atoning for the past. He also knew the importance of educating future generations to ensure that similar atrocities would never again take place.

He established the Simon Wiesenthal Center to foster tolerance and understanding. The Center, headquartered in Los Angeles but with offices throughout the entire world, has made great contributions to efforts to combat racism, anti-Semitism, terrorism and genocide. I have had the great privilege, as has Governor Schwarzenegger and both President Bushes, of visiting and working with the Wiesenthal Center over the years to advance their noble mission.

Additionally, the Wiesenthal Center's Museum of Tolerance hosts 350,000 visitors annually, including 110,000 children, vividly educating them on the history of the Holocaust and the importance of defeating bigotry and racism in our time. For as Mr. Wiesenthal himself once said, "The history of man is the history of crimes, and history can repeat. So information is a defense. Through this, we can build, we must build, a defense against repetition."

Mr. Speaker, Simon Wiesenthal represented the best of humanity. Born into unspeakable tragedy, he refused to ignore his responsibility to those who, unlike him, did not outlive the Holocaust. His dogged determination was the strongest voice of the victims. Accountability and education, not revenge, were his aims. Mr. Wiesenthal's greatest lesson, Mr. Speaker, was that even out of such horror, some good can come.

His message of tolerance is one that must continue to be honored, respected and taught. If someone who suffered so greatly can turn his life into a positive force for change, surely the rest of us can take his lesson to heart and never forget the dark past in the hope of building a brighter future.

RESPONDING TO LAST WEEK'S COMMENTS OF MAJORITY LEADER REGARDING AFFORDABLE HOUSING BILL

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, it would be fruitless for any one of us to dedicate himself or herself to refuting every inaccuracy that is uttered on this floor, so I reserve that effort for those of particular public policy significance, and I want to address some comments by the gentleman from Texas, the majority leader, last week as he was justifying the hostage taking that has occurred with the bill that would create an affordable housing fund through Freddie Mac and Fannie Mae's profits. We have, as you know, rules that urge us—not urge us—insist that we refrain from impugning each other's honesty. I will simply note that the gap between what the majority leader said and reality was unusually large even by the standards of political debate. First of all, he quite inaccurately said that nothing in the bill regarding Fannie Mae and Freddie Mac that came out of our committee, the Financial Services Committee, on a 65–5 vote, that nothing in that bill would have provided aid to the people who were stricken by the hurricane. He was, of course, quite wrong. The basic mechanism which we are now talking about putting to the aid of the people who lost their homes was in the original bill. That is, the bill as it came out of committee said that 5 percent of the profits of Fannie Mae and Freddie Mac would go to affordable housing. Note that Fannie Mae and Freddie Mac's profits by everybody's agreement are increased by a series of associations they have with the Federal Government. Everyone acknowledges Fannie Mae and Freddie Mac can borrow money from the public more cheaply than other entities, and we have said that in return for the arrangements that allow that to happen, we will impose certain restrictions on them. It is not a confiscation of private property; it is the recognition that these entities profit and we want something in return. There had been a lot of agreement that we were not getting enough in return. We thought one thing we could do was to take 5 percent of the after-tax profits and put it towards affordable housing.

In the bill that was there, it is true that the bill that we passed before the summer recess did not talk about the hurricane's effects, mainly because the hurricane had not happened, so we are guilty of not having foreseen the terrible events in Katrina. But the basic mechanism was there. What we did do after Katrina was to say, and the gentleman from Louisiana (Mr. BAKER) took the lead, the gentleman from Ohio the chairman of the committee and I said, Yes, that makes sense. Let's take this mechanism for affordable housing that was created and let's in this first year in particular focus as the first priority on Louisiana. But the mechanism

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that was available for us to do that was in the bill. It is simply wrong to say that there was nothing in the bill to help them. The basic mechanism for their aid was in the bill and we were then able to respond to this latest circumstance and send it there.

The second gap between what the majority leader said and reality was when he said, well, these are just negotiations. No, these are not negotiations. This is a kidnapping. This is a hostage taking. There is a legitimate philosophical objection by some of the most conservative Members of this body to the notion of putting these profits to help affordable housing. As I said, it is not just your average private corporation. These are private corporations whose profits are greatly enhanced by a series of governmental arrangements which they are greatly attached to. But we had that battle in committee and those who tried to kill this particular program of affordable housing as part of their profits lost by 53–17. Some of them are still against it. Some of them want some other changes. Let us have some votes on the floor.

From time to time, and I guess we finally have found one thing, Mr. Speaker, we have reached the limit of the majority's ability to run out the clock. In the past when they have had tough votes, we have waited 3 hours, 2 hours, more time as I have noted than it takes us to evacuate the building in case of a threat when they twist arms and put on pressure. Apparently even they recognize that support for using some of the profits of these private corporations, which profits are enhanced by Federal help, that putting that to affordable housing, particularly now when we have this need for housing in Louisiana, that they could not hold the rollcall open long enough to twist enough arms to get there. Well, that is democracy. Let us have the vote on the floor.

I would just add this, Mr. Speaker as I close. There is a lot of concern about how we are going to pay for the aid that we all believe should go to Louisiana. We have one small piece, hundreds of millions, but it is still hundreds of millions, and in most contexts that is not small, we have got a way to deal with the housing needs of those people without in any way impacting the Federal budget. Again, that mechanism was in the bill when it came out of committee. We were then able to adapt it to this situation. That is what the Republican leadership is refusing to allow the House to vote on. If the majority thinks it is a bad idea, I will regretfully wave good-bye to it, but I do not understand why under any theory of democracy a bill that comes out of committee 65–5 with a provision that was supported 53–17 is held hostage, not for negotiations but held hostage because there is a provision that some of the most conservative Members of the body are opposed to philosophically, they do not have the votes to beat it on the floor, they will not abide by democratic principles, they are engaging in this kind of ambush.

BASE CLOSINGS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Illinois (Mr. LAHOOD) is recognized during morning hour debates for 5 minutes.

Mr. LAHOOD. Mr. Speaker, I am here this noontime to introduce a resolution of disapproval regarding the base closing commission which I believe is a flawed document. I believe it is flawed because I think the base closing commission ignored some very, very significant information. But most importantly I think the base closing commission and those at the Defense Department who helped them make these recommendations ignore the fact that we are at war and has ignored the fact that the 130,000 men and women that are in Iraq fighting the good fight, winning the freedom and hope and opportunity for the people there, many of them come from bases around the country, they are citizen-soldiers, they are volunteers, they are people who have been well-trained and well-equipped and are doing a great job but they are people who come from bases, some of which have been recommended for closure by the base closing commission. I think that does fly in the face of what we believe is the idea of having a strong military, the idea of having a citizen-soldier, the idea of not having a draft because we have these bases that provide the kind of capability when these men and women are called upon to do the hard work as they did in Afghanistan. We see now in Afghanistan millions of people have gone to the polls and voted and they do have democracy there. The same will be true of Iraq very soon, thanks to the citizen-soldiers.

This report is flawed because it does not take into account a Federal law on the books that says that bases cannot be closed without the Governor of the State authorizing the closure of that base. The base closing commission ignored that law. They bypassed that law. I believe there now is in some courts in this country opinions that say that these bases should not be closed unless the Governor of that State agrees to that. But the base closing commission ignored that.

I think it is also important to note that through all of the deliberations and hearings and visits that took place, part of what was ignored is the impact that these bases have in certain parts of the country. They are very, very important, to the economies of local communities, to what they do for local communities, and this will be a terrible blow to many communities around the country. But I think the military aspect is probably the most important aspect that we really need to look at.

I am here today introducing this resolution of disapproval hoping that my colleagues as they have a chance to consider the recommendations that have now been forwarded from the President to the Congress, we now have a period of time to consider these. I hope Members will look at these recommendations, consider the terrible, terrible deficiency that are included in these recommendations and consider the impact that these recommendations will have on our military. Now is not the time to be closing bases around the country. Now is not the time to be eliminating men and women who have done the hard work that they have been asked to do, who have done the good work that they have been asked to do. This is the wrong time. The timing is wrong.

We now as a Congress have the opportunity, I think, to have our say. We have the opportunity to say, those of us that have stood with the President, that have stood with the military, that have made the votes to provide the money to make sure that our military have the kind of capability they have to win the peace and to win democracy in Afghanistan, to win the peace and to bring about democracy in Iraq are saying that this is not the time to be closing bases, Guard and Reserve bases and other bases around the country and emasculating the military. This is the wrong time.

I hope that our Members will look carefully at these recommendations and become a cosponsor of the resolution of disapproval that I have introduced today. I think when Members look at these recommendations they will see that they are flawed, they will see that this is not the right time, and I believe that when given the opportunity to really study these recommendations, Members will decide that this resolution of disapproval is the right thing to do and to send them back to the commission.

Mr. Speaker, I urge Members to cosponsor my resolution and to look at these recommendations and come to the same conclusion that I have come to.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 2 p.m.

PRAYER

The Reverend Donald J. Young, Pastor, 12th Street Baptist Church, Gadsden, Alabama, offered the following prayer:

O God, we acknowledge You as giver and sustainer of life and through Your Son, Jesus Christ, provider of eternal life. We pray Your wisdom and Your guidance upon our leaders as they meet here today to deliberate on matters which affect not only here, but across the world.

We acknowledge Your blessings upon us and give thanks to You for Your care and watching over us. We thank You for the freedoms and liberties which have been given to us. Help us as we and others attempt to preserve them. We pray Your wisdom and leadership upon our President and the leaders of our Congress as they guide us during this time of national disaster. We pray for our fellow citizens who have been in harm's way and for those who care for them. We also ask Your watch and care for those serving in our place in the military across this world.

Help us to be generous not only in our prayers, but in our resources as well.

Guide all our leaders across this land during this difficult period in our history.

As Jesus taught us to pray in His model prayer: Thy kingdom come. Thy will be done on earth as it is in heaven.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2862) "An Act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Appropriations: Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. BOND, Mr. COCHRAN, Ms. MIKULSKI, Mr. INOUYE, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. HARKIN, Mr. DORGAN, and Mr. BYRD, to be the conferees on the part of the Senate.

WELCOMING THE REVEREND DONALD J. YOUNG

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Madam Speaker, I rise today to recognize our guest chaplain, the Reverend Donald J. Young. Reverend Young's life has been one of service to God and to his country.

After graduating from the University of Illinois in 1969, he joined the United States Army and served in Korea. When he left the Army in 1973, he worked in Illinois as a manager of Finance America. He could have had a long career for Finance America, lived in Illinois and raised his family. Instead, he again answered a call to serve and entered the Southern Baptist Theological Seminary, graduating from there in 1981. Since entering Seminary his service has taken him to communities in Virginia, in Florida, and most recently in the State of Alabama.

In 1995, he was an Associate Pastor of Education and Senior Adults at Hillcrest Baptist Church in Enterprise, Alabama. In 2002, he began serving in his present role as Minister of Education and Senior Adults at the 12th Street Baptist Church in Gadsden, Alabama. He and his wife have one daughter, Dawne, who resides in Orlando, Florida.

Reverend Young is joined today by his wife, Deborah, and several members of the 12th Street Baptist Church in Gadsden, along with several others from the Fourth Congressional District. I appreciate the prayer that Reverend Young has offered this afternoon. It is an honor to have him as our guest here in the United States House of Representatives.

TWO AMERICAN WARRIORS

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, in San Jacinto County in east Texas last Thursday, two men died trying to save another's life. Denny "Bo" Galloway, deputy constable, 34, died when he ran into the rough Trinity River trying to save Bernardo Vasquez, a 21-year-old Marine on leave from Iraq.

Vasquez had disappeared in the fast-moving river trying to save his uncle, who had gotten trapped in the current. Vasquez was to return to Active Duty today. His mother's only desire was that he return from Iraq alive. But Vasquez died saving another. Bo Galloway was a tough, rural cop who had spent the previous night rescuing people from a train wreck.

When hearing the 911 call about Vasquez, Galloway rushed to the scene and went directly into the river. Galloway died and left a wife and three sons behind. Both men were warriors. One fought the war on crime, one fought the war on terror. Both died responding to the first duty of all American warriors, saving those in trouble. We share in the grief of the two families and once again thank our people who wear the uniform of the soldier and of the peace officer.

ON THE PASSING OF SIMON WIESENTHAL

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Madam Speaker, today the world lost Simon Wiesenthal, the conscience of the Holocaust, who labored heroically for decades to make certain that history will not forget that nightmare nor let its perpetrators escape justice.

He did it, as he said, not just for Holocaust victims like himself, but for his grandchildren, for if one generation's criminals go unpunished, their descendents will conclude that they too can get away with murder.

Simon Wiesenthal was also a personal friend. He inspired my wife, Annette, in her efforts to gain recognition for another giant of righteousness, Raoul Wallenberg, the Swedish diplomat who saved the lives of tens of thousands of Hungarian Jews during the Nazi era.

Annette and I will miss our visits with Simon Wiesenthal, but he has left us a proud legacy through his vigilance, bravery, and commitment to justice.

REBUILDING THE RIGHT WAY

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Madam Speaker, last week President Bush spoke to the Nation from Jackson Square, New Orleans about his plans for the relief, recovery, and rebuilding of the gulf coast region and residents.

"There is no way to imagine America without New Orleans," he said. And there is no way to imagine the necessary recovery effort without the leadership and support of the Federal Government. Every dime that has been appropriated and every dime that will be appropriated from the Federal Treasury to the people of the gulf coast has come from the votes of the House of Representatives, and we are honored to have that opportunity.

And with this opportunity, Madam Speaker, comes a great responsibility to make sure that the money comes from and goes to the right places. Committees are already at work developing oversight plans for the Hurricane Katrina relief money, as are inspector general offices across the Federal Government.

Funds will be needed to rescue certain communities in Louisiana and Mississippi and we will have a moral and physical obligation to ensure it gets spent on the right priorities.

But just as important as our duty to ensure the money goes to the right places is our duty to ensure the money comes from the right places. Even before the levees were fixed and the flood waters started to recede, many voices were calling for massive tax increases to pay for the recovery effort.

Of course, most of these voices were calling for massive tax increases long before Katrina ever showed up on the Doppler radar, some since Ronald Reagan first asked Congress to lower them. The so-called Katrina tax hikes are not about Katrina, they are about tax hikes, and will only serve to balloon the oversized, underresponsive energy management system that broke down 3 weeks ago in the wake of the hurricane.

The gulf coast region is today without an economy, without jobs or businesses or investment. Raising taxes will not help create any of those things, but will instead guarantee that the region's economic troubles spread to the rest of the country. We cannot allow that, and the President has already said he will not.

The challenge, then, to both sides of the aisle, is to find a way to pay for the recovery and rebuilding of New Orleans and the rest of the gulf coast without the tax hikes or without wasteful spending that we cannot afford.

WE NEED TO ROLL BACK THE TAX CUTS AND DEVELOP AN EXIT STRATEGY TO GET OUT OF IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, I want to agree with my good friend from Texas (Mr. DELAY) that we need to do everything we can to avoid any kind of tax hikes.

However, I think all Americans would expect that the top 1 percent of the income earners in this country, who receive most of the benefit from the administration's tax cuts, should have to give up some of their tax cuts in order to relieve the burden on the people in the gulf coast. It is only fair.

America can meet its responsibilities, but we are going to have to roll back those tax breaks that were given to the wealthiest Americans in order to help the least of our brethren.

We can also save money by planning an exit strategy out of Iraq. Wherever I go in my district, people say, get us out of Iraq. Well, it is time for us to have an exit strategy. That is what House Joint Resolution 55 is about, a bipartisan exit strategy.

We can do things to have the resources to take care of people in the gulf. But we first have to get out of the Persian Gulf. And we also have to get out of this thinking that says that tax cuts are somehow the way to economic recovery.

PROGRESS IN THE GLOBAL WAR ON TERROR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, Sunday's elections in Afghanistan are another example of progress in the global war on terrorism.

Millions of Afghans bravely defied terrorists, just as Iraqi voters did in January when they cast their ballots in the first free parliamentary elections in history. They are developing a civil society which will prevent the spread of terrorism and help protect American families. Due to the strong resolve of President Bush and our troops, a spirit of freedom and democracy are spreading throughout the world.

Libya has terminated its nuclear weapons programs. Lebanon has resumed its democracy with the withdrawal of Syria. Indonesia has had its first free presidential elections. Egypt began multi-candidate elections. Pakistan has strengthened its ability to stop cross-border terrorism, and Kuwait now allows women to vote. Free elections in Ukraine.

Recently, leading terrorists were killed or captured in Algeria, Saudi Arabia, and even here in California. Over 20 years ago, Ronald Reagan advanced the idea of peace through strength. As we now witness the greatest spread of freedom in the history of the world, his vision is reality.

In conclusion, God bless our troops, and we will never forget September 11.

SUCCESS OF THE TEXAS MEDICAL LIABILITY TRUST

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, just a little over 2 years ago Texas passed a constitutional amendment that allowed for caps on noneconomic damages in medical liability lawsuits. And what has been the experience in Texas over those 2 years?

Well, we have seen insurance and doctors come back to the State. Texas had gone from 17 down to two medical insurance companies, and now they are back up to 12. Not-for-profit hospitals have seen significant increases in the money that they are now able to invest in plants and equipment, money that otherwise would have gone for their self-insurance programs.

And perhaps most importantly, the rates of liability insurance for Texas doctors has come down. Texas Medical Liability Trust has reduced rates three times since the passage of House bill 4 and proposition 12, 12 percent in 2004, 5 percent in 2005, and now a recently announced 5 percent decrease in 2006, and, coupled with that, a 5 percent dividend rebate. So that now there is a total of 27 percent insurance savings for Texas doctors in medical liability.

Speaking to physicians of the Texas Medical Association just last weekend, Dr. Dennis Factor said, "Access to health care and the malpractice environment in Texas has made a healthy recovery since the Texas legislature passed medical liability reform."

I urge this body to take it up and get it done.

AMERICAN SPIRIT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, heroes come in every shape and form. Some teach in our classrooms, some defend our freedoms overseas, and on 9/11 our heroes were the ones who wore the insignia of the fire and police departments of New York City on their uniforms.

And again today, our heroes in the aftermath of Hurricane Katrina are numerous. Some are doctors and nurses who have saved lives, others are National Guardsmen and women who rescued people from rooftops and elsewhere. But most are those that you will not read about in the newspaper: Americans committing random acts of kindness when help is needed.

People are opening their homes, donating clothing, and enrolling evacuated children into schools in their communities. In Georgia we have nearly 10,000 children who have been enrolled in our schools. We have set up shelters, held telethons, and opened megacenters to serve as a one-stop-shop for evacuees, all to help them put their lives back together.

You name it, and the residents of Georgia are stepping up to the challenge and helping out wherever they can.

Madam Speaker, we will overcome this tragedy and we will do it one day at a time and one life at a time. That is truly the American way and the American spirit.

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THE AMERICAN GOLD STAR MOTHERS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Madam Speaker, The American Gold Star Mothers Group was incorporated in 1929. On June 23 of 1936, President Franklin Delano Roosevelt issued a proclamation designating the last Sunday in September as Gold Star Mothers Day. To this very day, Madam Speaker, Gold Star Mothers Day is the last Sunday in September. Unfortunately, over the last several years Americans have forgotten about that.

So at the request of some of my constituents, I introduced a resolution. It is being sponsored in the Senate by Senator TOM COBURN from Oklahoma encouraging all Americans to recognize this very important day.

The Gold Star Mothers is a group that no one joins voluntarily. You must have lost a son or a daughter in combat to become a member of the Gold Star Mothers Association.

This resolution is important, and we will vote on it tomorrow. I currently have over 200 co-sponsors, and I would encourage other Members to join. The dedications and triumphs of the Gold Star Mothers stem from a shared bond. As they describe it, and I close: "The success of our organization continues because of the bond of mutual love, sympathy and support of the many loyal, capable and patriotic mothers who while sharing their grief and their pride have channeled their time, efforts and gifts into lessening the pain of others. We stand tall and proud by honoring our children, assisting our veterans, supporting our Nation and healing with each other."

ACCOUNTABILITY IN FEDERAL DISASTER RELIEF

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, like so many of my constituents, I have been extremely saddened by the devastation inflicted by Hurricane Katrina. To date I have supported the $10.5 billion in aid and voted for several bills to help ease the strain of this difficult time.

It is understandable that some have questioned my vote against the $51.8 billion relief supplemental. I believe taxpayer money should be spent wisely. My concern is that huge sums of money are being spent with little assurance the money is really helping those in need. Some estimate the Federal Government will be asked to spend as much as $200 billion on relief. But my support depends on tight controls and accountability measures. That is why I voted the way I did.

It is also why I have co-sponsored legislation to create a chief financial officer for the Federal Government's Hurricane Katrina relief efforts. Without this level of oversight and accountability, we will waste precious tax dollars, and every dollar wasted is a dollar that is not going to assist a displaced family in need. We also need to examine what the role of Federal Government should be in disaster relief. I will continue to support measured, commonsense solutions, but I will not support out-of-control Federal spending without proper oversight. We will not help the people affected by this storm by wasting taxpayers' money.

SONGWRITERS CAUCUS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, today I am welcoming many of my constituents who are songwriters to the Hill to perform for tonight's Songwriters Caucus event. While they are with us today and tomorrow, they are taking the opportunity to call on Members of Congress to remind them that protecting the intellectual property of our Nation's creative community is the same as protecting the private property of our citizens.

These songwriters are on the frontline in building a knowledge-based economy in our country that is recognized and acknowledged by other nations and trading partners around the world. We salute their commitment to growing and invigorating the free enterprise system and by doing it so pleasantly, always with a song.

THE GOLDEN RULE

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Madam Speaker, I come today to say to the people of South Carolina, most especially the people of Columbia and the midlands, how much I appreciate the tremendous outpouring of love and respect they have given to the victims of Katrina. I want to say a special thank you to Mayor Bob Coble of Columbia, businessman Sam Tannenbaum of Columbia, and the Columbia chamber president, Ike McLeese.

These three dynamic gentlemen coordinated an effort in Columbia to receive evacuees that I would like to call a practical application of the Golden Rule. They decided that they would not put anyone in shelters. Anyone coming to Columbia would go to a home or to a private motel room. We have just been informed that we can expect more evacuees coming to Columbia tomorrow morning.

I want to say those who have volunteered to man the One Stop Center to please continue to practice the Golden Rule.

HONORING AFGHANI WOMEN

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to express my solidarity with the courageous women of Afghanistan.

This past weekend, Afghani women once again made history as their country held their second round of free and fair elections to select a national parliament and provincial assemblies.

Despite threats of retaliation and retribution, 580 women stood for election. These 580 women have risen up to be leaders of their land, in a country that just 4 years ago prohibited women from participating in national life.

Just as significant, many men for the first time voted to support female candidates. While skeptics on the left and in the media said it could not be done, this is an unmistakable victory for forces of democracy in our battle against tyranny and oppression.

The Afghan election demonstrates that we have learned the lessons of history: if women are not allowed to participate in the decision-making process, if women are deprived of rights to run for elective office, and if women are barred from determining their own future, then those women will suffer oppression and human rights violations.

Afghani women no longer have to fear the terrible cruelty of their past because they now control their own future.

With our support, these women will continue to fan the flame of democracy and build a brighter future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FLEXIBILITY FOR DISPLACED WORKERS ACT

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3761) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina, as amended.

The Clerk read as follows:

H.R. 3761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flexibility for Displaced Workers Act".

SEC. 2. SPECIAL RULES FOR NATIONAL EMERGENCY GRANTS RELATED TO HURRICANE KATRINA.

(a) USE OF GRANTS FOR PROJECTS OUTSIDE DISASTER AREA.—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide disaster relief employment and other assistance under section 173(d)(1) of such Act (29 U.S.C. 2918(d)(1)) on projects that provide assistance in areas outside of the disaster area (as such term is defined in section 173(a)(2) of such Act).

(b) EXPANDED ELIGIBILITY FOR DISASTER RELIEF EMPLOYMENT.—Funds provided to States that submit applications for assistance described under section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide disaster relief employment and other assistance under section 173(d)(1) of such Act, or public sector employment authorized under subsection (c) of this Act, to individuals affected by Hurricane Katrina, including those who have relocated from States in which a major disaster was declared under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) due to the effects of Hurricane Katrina, who were unemployed at the time of the disaster or who are without employment history, in addition to individuals who are eligible for such employment under section 173(d)(2) of Workforce Investment Act of 1998.

(c) AUTHORIZATION FOR GENERAL PUBLIC SECTOR EMPLOYMENT.—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 to address the effects of Hurricane Katrina may be used to provide to eligible individuals temporary employment by public sector entities for a period not to exceed 6 months in addition to disaster relief employment described in section 173(d)(1) of such Act.

(d) EXTENSION OF THE DURATION OF DISASTER RELIEF EMPLOYMENT.—The Secretary of Labor may extend the 6-month maximum duration of employment under this Act and under section 173(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(d)) for not more than an additional 6 months due to extraordinary circumstances.

(e) PRIORITY FOR DISASTER RELIEF EMPLOYMENT FUNDS.—In awarding national emergency grants to States under section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina by providing disaster relief employment, the Secretary of Labor shall—

(1) first, give priority to States in which areas that have suffered major disasters (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) are located; and

(2) second, give priority to the remaining States that have been most heavily impacted by the demand for services by workers affected by Hurricane Katrina.

(f) ELIGIBILITY FOR NEEDS-RELATED PAYMENTS.—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide needs-related payments (described in section 134(e)(3) of such Act (29 U.S.C. 2864(e)(3))) to individuals described in subsection (b) who do not qualify for (or have ceased to qualify for) unemployment compensation, and who are not employed on a project described under section 173(d) of such Act, for the purpose of enabling such individuals to participate in activities described in paragraphs (2), (3), or (4) of section 134(d) of such Act.

(g) USE OF AVAILABLE FUNDS.—With the approval of the Secretary of Labor, any State may use funds that remain available for expenditure under any grants awarded to the State under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) or under this section, to provide any assistance authorized under such section 173 or this section, or personal protective equipment not otherwise available through public funds or private contributions, to assist workers affected by Hurricane Katrina, including workers who have relocated from areas for which an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) was declared, due to the effects of Hurricane Katrina.

(h) EXPANDED ELIGIBILITY FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—In awarding national emergency grants under section 173(a)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(1)), the Secretary may award such a grant to an entity to provide employment and training assistance available under section 173(a)(1) of such Act to workers affected by Hurricane Katrina, including workers who have relocated from areas for which an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) was declared, due to the effects of Hurricane Katrina.

(2) ELIGIBLE ENTITY.—In this subsection, the term "entity" means a State, a local board (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or an entity described in section 166(c) of such Act (29 U.S.C. 2911(c)), that submits an application for assistance described in section 173(a)(1) of the Workforce Investment Act of 1998 to address the effects of Hurricane Katrina.

SEC. 3. SENSE OF CONGRESS.

(a) MOBILE ONE-STOP CENTERS.—It is the sense of Congress that States that operate mobile one-stop centers, established as part of one-stop delivery systems authorized under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) should, where possible, make such centers available for use in the areas affected by Hurricane Katrina, and areas where large numbers of workers affected by Hurricane Katrina have been relocated.

(b) EXPANDED OPERATIONAL HOURS.—It is the sense of Congress that one-stop operators (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801) should increase access for workers affected by Hurricane Katrina to the one-stop delivery systems authorized under subtitle B of title I of such Act, including through the implementation of expanded operational hours at one-stop centers and on-site services for individuals in temporary housing locations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3761.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3761, the Flexibility for Displaced Workers Act, which I sponsored, to provide critical assistance for workers affected by Hurricane Katrina.

The bill creates new uses for the National Emergency Grant Disaster Relief Employment Assistance Program, which is part of the Workforce Investment Act, to address unique needs created by Hurricane Katrina damage.

The Department of Labor has already awarded $191 million in disaster relief grants to the States affected by Hurricane Katrina, including $62 million to my home State of Louisiana. These funds can already be used to hire dislocated workers, long-term unemployed individuals, individuals laid off as a result of the disaster for jobs that will aid in the recovery of the gulf coast. These jobs include projects that provide humanitarian assistance for disaster victims and projects that aid in the repair, renovation, and reconstruction of facilities and lands located in the affected area.

The grants also may be used for training activities, which is especially critical for our residents who may need employment in new industries.

While this existing assistance is crucial for our region's recovery, the impact of Hurricane Katrina has created unique needs because so many workers from New Orleans have been relocated to other parts of the country, including over 100,000 alone in my district, and also who are unable to return immediately to their homes.

In addition, the sheer number of newly unemployed, as many as 400,000 workers in the region, as well as the high poverty level of many evacuees, requires the use of innovative solutions.

This bill would make important improvements to the Disaster Relief Assistance Program to address these unique needs.

First, it would allow States to provide disaster relief employment for services to victims to occur at locations outside of the declared disaster area. This is critical to help those who have been forced to temporarily relocate.

While the current assistance program focuses on those who lost their jobs as a result of a disaster, the bill allows funds to serve those who were not employed at the time of the disaster, including those with no work history. This critical improvement will allow the program to provide such individuals with work experience and training that will help them obtain long-term private sector employment in the future.

The bill would also permit the funds to be used to subsidize temporary public-sector employment in work other than restoration and recovery, as long as the projects benefit the local community. Given the substantial number of individuals who have lost their jobs in this disaster, temporary work will help families maintain income while they work to rebuild their lives.

The grants could also be used to provide need-related payments to workers who have exhausted or did not qualify for unemployment compensation benefits. Workers could receive such payments as long as they were engaged in job search, job preparation or training, thus ensuring that families will have some security as they prepare for new employment.

Finally, the bill would allow the Secretary of Labor to extend disaster relief employment assistance for an additional 6 months, beyond the 6 months permitted under current law. Given the extraordinary circumstances of Hurricane Katrina, such assistance may be needed for a longer period of time to help families recover.

This bill makes commonsense changes that would provide new flexibility and allow our States to respond immediately to the extreme needs created by this disaster. While additional job training and reemployment services may be needed, this is a critical first step. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am glad to see the majority is acting quickly to provide assistance to the victims of Hurricane Katrina.

I believe it is moments like this that we see the greatness in America, when Americans join together and help one another in a positive, can-do spirit. As we know, much help is needed, home, jobs, school, counseling, the list goes on and on. I am also glad to see the Department of Labor is on the frontlines of providing job assistance and arranging jobs for and estimated 400,000 unemployed.

The bill before us today takes the first step by permitting the Secretary of Labor to provide National Emergency grants outside the disaster area so that the individuals who have been evacuated throughout the country can receive assistance. It permits the Secretary to help individuals who may not have proper documents with them. It permits the Secretary to give grants to States to place individuals in public sector jobs. And it permits the Secretary to provide income support for those individuals if they exhaust their unemployment benefits and are in training programs. Changes made today would permit States to use unspent funds for protective safety equipment.

I laud the majority for recognizing and supporting the role of the public sector jobs and income support play in getting the unemployed into the workforce and into good jobs. However, I do want to note that there are a lot of unanswered questions about this bill and how it will be implemented, and I am hopeful that these questions will be answered in the coming weeks and months as additional legislation is needed and as we work out this legislation.

The first question is, in what types of jobs will individuals be placed? Will displaced individuals be placed in low-wage jobs? Under the Department's existing regulations, unemployed individuals can be employed in jobs earning up to a maximum of $12,000 over 6 months. That means a maximum of $8 an hour.

Will all individuals be placed at the maximum rate, or will some jobs be dead-end, minimum-wage jobs? Will the focus be on short-term cleanup jobs or jobs that can lead to a decent standard of living?

These are important questions to those individuals in the area who are trying to restore their lives and restore the ability to maintain the standard of living for their families.

The second question is, how much money will the Department of Labor seek for providing job assistance to the Katrina victims? The bill expands the Department's national emergency grant authority, but the DOL does not have any grant funds remaining. The fiscal year 2005 budget by the Department of Labor appropriates $157.8 million in national emergency grant funds, and DOL has already promised $191 million to help Katrina victims.

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House 2006 appropriations would only award DOL $212 million. Any significant effort to assist Katrina victims will require additional funding. DOL has not yet sent up or in any way indicated how much additional funding it will seek for these efforts, nor has the Department of Labor indicated how much, if any, of the already appropriated $62 billion will be used for training or job creation.

Third, what health, safety, and labor protections will be afforded displaced workers assigned to this work? The administration has issued an executive order taking Davis-Bacon wage protections away from construction workers who will rebuild the gulf coast, suspended many affirmative action rules for reconstruction contracts, and suspended regulations limiting the number of hours truck drivers can drive while transporting fuel.

After September 11, many workers at and near the cleanup grounds of Ground Zero did not have proper health and safety protections. A change made this morning permits States to use unspent emergency funds on protective safety gear. And this is a good beginning, but the bill still does not make this a requirement. This is especially disturbing in light of the fact that the bill creates public employment in Louisiana, Mississippi, and Alabama, which do not have health and safety protections for their State and local workforces.

Fourth, will the funds be used to oppose extended unemployment benefits for long-term unemployed or an expanded disaster unemployment assistance program? The bill permits States to provide income-related payments to individuals who are unemployed and have exhausted unemployment benefits. It also expands the current authority from just individuals in training to those who are seeking work, but not in training.

In the past, the Bush administration proposed similar initiatives as a way of preventing Congress from providing extended unemployment benefits to the long-term unemployed. Will DOL grants be used as a vehicle to weaken the unemployment insurance system? Will this program be a substitute for an expanded disaster unemployment assistance program which would provide unemployment benefits to all workers unemployed as a result of the disaster? If this program is a substitute for extended unemployment insurance or expanded disaster unemployment assistance, and the administration seeks only limited WIA national emergency grant funding, far fewer workers would be helped. These requests must be answered soon.

Finally, what accountability requirements will apply? Many speakers, some today, talked on the floor about their concern about the rate at which we are spending money and whether or not there is an accountability system for the expenditure of that money. These grants are made by the Secretary of Labor on a discretionary basis. There is no requirement for adequate coordination with the State's needs and activities. There must be standards by which Congress and the public can monitor the use and the effectiveness of these grants.

I urge the majority to answer these unanswered questions. And in closing, again I commend the majority for making this a very important first step to try to get these funds to help these individuals who need employment and need the income from that employment.

We need a comprehensive and thoughtful plan to address this crisis. This bill is that first step, and I look forward to the majority's consideration of a comprehensive, long-term effort to rebuild the affected southern coastal States.

Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Madam Speaker, I rise today in support of this bill which would provide significant flexibility for workers displaced by Hurricane Katrina as they seek temporary employment and training.

Our prayers are with the residents of the gulf coast region, as well as all those working on the relief and recovery effort. All of our colleagues from the region, including two of my own on the Committee on Education and the Workforce, the gentleman from Louisiana (Mr. JINDAL) and the gentleman from Louisiana (Mr. BOUSTANY), should know that our thoughts are with them and their communities as well.

I commend the gentleman from Louisiana (Mr. BOUSTANY) for drafting this important piece of legislation in short order. It will make a world of difference for thousands of workers in his region of the country.

Hurricane Katrina has disrupted the lives of an unprecedented number of gulf coast residents. Among the harshest realities of the hurricane is that tens of thousands of workers have been displaced not just from their homes, but from their jobs as well. Through both legislative initiatives here in Congress and administrative actions by the U.S. Department of Labor, the Federal Government is working to eliminate bureaucratic red tape so that workers and their families in the impacted areas may access immediate assistance, including temporary job placement and training.

One way we are doing this is through the national emergency grants which provide temporary disaster relief employment of up to 6 months for individuals who participate in projects that provide assistance for victims of that particular disaster.

In the wake of Hurricane Katrina, the Labor Department has awarded more than $191 million in national emergency grants thus far to help provide more than 40,000 temporary jobs in the gulf coast region. The legislation before us today takes another important step. It adds even more flexibility to these grants. In short, it makes more jobs and training available to more displaced workers more quickly.

For example, for the countless displaced workers who have left the gulf coast region, this measure makes national emergency grant funds available for employment projects located outside the designated Hurricane Katrina disaster area. It also expands the national emergency grant eligibility to displaced individuals who currently are unemployed, as well as those with no prior work history, and finally, to provide workers with the peace of mind that this assistance will not disappear too soon, this legislation will empower the Secretary of Labor to extend the duration of the national emergency grant projects from 6 months to 12 months.

Madam Speaker, we have made substantial progress over the past 2 weeks, both in the recovery efforts in the gulf coast area and in our own legislative efforts here in Washington. This bill marks another step in the long process that this Congress will undertake over the coming weeks and months to address the needs of all of those impacted by this tragedy.

Once again, I want to thank the gentleman from Louisiana (Mr. BOUSTANY) for his work and urge my colleagues to join me in support of this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. MARCHANT).

Mr. MARCHANT. Madam Speaker, Hurricane Katrina has disrupted the life of an unprecedented number of gulf coast residents. A well-known reality of the hurricane is the tens of thousands of workers who have been displaced not just from their homes but from their jobs.

In the continuing wake of Hurricane Katrina, the Flexibility for Displaced Workers Act is essential to increase the flexibility of certain funds to respond to the reemployment needs of displaced workers. I commend the gentleman from Louisiana (Mr. BOUSTANY) for bringing forward this important piece of legislation.

One way to eliminate government red tape so workers and their families in impacted areas may access immediate assistance, including temporary job placement, is through increased flexibility of national emergency grants. National emergency grants are awarded by the Department of Labor. They are used to provide temporary disaster relief employment, for up to 6 months, to individuals who participate in projects that provide clothing, food, shelter, and other humanitarian assistance for victims of a particular disaster. Funds may also be used to provide jobs for those participating in the demolition, the cleanup, repair, renovation, and reconstruction of facilities and lands within the disaster area. These national emergency grants may be used by public or private entities which provide employment and training activities.

So far, in response to Hurricane Katrina, NEGs have been awarded to provide more than 40,000 temporary jobs in the gulf coast region. The Flexibility for Displaced Workers Act will significantly expand the flexibility of the NEGs for gulf coast workers, with the goal of making more jobs and training available to individuals faster. This bill will specifically make NEG funds available for displaced workers' employment projects outside the designated Hurricane Katrina disaster area. This is vital in areas like my home State of Texas, which has become a home away from home for hundreds of thousands of Louisianans, and which has sheltered a large majority of the evacuees.

It will permit previously awarded NEG funds to be directed to workers impacted by Hurricane Katrina and allow displaced workers to obtain public-private sector jobs not related to the disaster. Also, if necessary, the bill empowers the Secretary of Labor to extend the duration of the NEG grants from 6 months to 12 months.

Lastly, the bill will authorize gulf coast residents with expired unemployment compensation, who are participating in reemployment activities, to be eligible for NEG payments.

I urge all of my colleagues to vote for this valuable piece of legislation to assist victims of this horrible disaster.

Mr. GENE GREEN of Texas. Madam Speaker and members, I rise today in support of the Flexibility for Displaced Workers Act because it is the right thing to do.

This bill provides greater flexibility to the National Emergency Grants Program at the Department of Labor.

This will enable communities that are assisting evacuees to increase employment opportunities for evacuees.

For example, this legislation will allow temporary employment of evacuees in positions that are not directly related to the disaster.

While thousands of jobs will be created in rebuilding New Orleans, the Houston area has an estimated 200,000 evacuees in the area. If we pass this bill today, we will be able to offer these people more job opportunities for a longer period of time.

We hope those who want to return and help rebuild New Orleans will do so.

However, we also expect many evacuees will find it easier to settle in Houston now that there are opportunities to find housing and employment.

The State of Texas has already processed over 49,000 calls from evacuees seeking unemployment benefits since the evacuation started.

Texas, and especially Houston, need this bill to pass in order to help these people find employment.

I urge all my colleagues to support this measure.

Those of us with large numbers of evacuees in our districts need this change to help those displaced by Hurricane Katrina rebuild their lives.

Mr. GEORGE MILLER of California. Madam Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield back my time as well.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3761, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENSION OF WAIVER AUTHORITY WITH RESPECT TO STUDENT FINANCIAL ASSISTANCE

Mr. KLINE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2132) to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

The Clerk read as follows:

H.R. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF WAIVER AUTHORITY.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070, note) is amended by striking "September 30, 2005" and inserting "September 30, 2007".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

GENERAL LEAVE

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2132.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 2132, legislation to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency. This legislation, Madam Speaker, simply extends beyond September 30 of this year the provisions of the HEROES Act of 2003, legislation I introduced 2 years ago, which expresses the support and commitment of the United States House of Representatives for the troops who protect and defend the United States.

Madam Speaker, throughout our involvement in the war on terrorism, many thousands of men and women who serve our Nation in the Reserves or National Guard or the Armed Forces, whether Army, Marine Corps, Navy, Air Force or Coast Guard, have been called to active duty or active service. As our Nation seeks to rebuild the communities devastated by Hurricane Katrina, many more of our men and women in uniform have been asked to serve.

Many of these men and women are also college and university students whose service sends them away from their class and work and studies to defend our Nation. Unfortunately, due to a number of restrictions in the Higher Education Act, these individuals are at risk of losing financial assistance or educational credit as a result of their service.

Such a scenario is clearly not acceptable. The HEROES Act helps protect our men and women in uniform so they will not face education-related financial or administrative difficulties while they defend our Nation. The men and women who will continue to serve beyond the end of this month deserve the same guarantee.

The intent of this legislation is very specific. Congress has granted flexibility to the Secretary of Education to waive statutory or regulatory conditions of the Higher Education Act to ensure our men and women in uniform are not placed in an adverse financial position because of their service. This waiver authority gives the Secretary the power to protect recipients of student financial assistance from further financial difficulty generated when they are called to serve; minimize administrative requirements without affecting the integrity of the programs; and adjust the calculation used to determine financial need to accurately reflect the financial condition of the individual and his or her family.

Madam Speaker, the HEROES Act was approved 2 years ago by an overwhelming majority of 421 to 1. Today's extension simply reinforces Congress' commitment to our military, our students, our families and our schools.

I urge my colleagues to stand in strong support of this initiative and join me in voting "yes" on H.R. 2132.

Madam Speaker, I reserve the balance of my time.

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Mr. VAN HOLLEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the HEROS Act introduced by my colleague from Minnesota, and I want to commend him on this legislation. It is a good bill and it is an important bill.

However, I must say that I am disappointed that we are not using this opportunity today to further strengthen the support we are providing to our men and women fighting in Iraq, Afghanistan, and elsewhere. We can and should be doing better.

As you heard, the bill before us allows the Secretary of Education the opportunity, the authority to ensure that those men and women serving in Iraq who have Federal student loans not have to make payments on those loans while they are serving overseas, while they are in combat, and while they are on active duty.

But the problem is this: while they are on active duty, while they do not have to make payments, the interest payments on those loans continues to accrue and accumulate. So, then, that man or woman, the soldier, comes back to the United States owing a larger bill than when he or she was deployed.

For example, if you left for Iraq or Afghanistan owing $20,000 in Federal student loans and you were there for a period of time, and your loan interest payments accumulated $2,000, you would return home owing $22,000 instead of the $20,000 payment you faced when you left.

That is why the gentleman from Ohio (Mr. RYAN) and I have introduced legislation to allow those men and women to defer any interest payments during that period. So when you were deployed, you would truly have a time out on your loan. For example, if you left owing $20,000, you would return owing $20,000.

It is our belief that while our men and women are serving our Nation overseas, they should not actually be at the same time accumulating greater interest on those Federal student loans during that period of time. Our bill would make it mandatory that the Secretary of Education make sure they did not come back owing more than when they left.

Moreover, the gentleman from Nebraska (Mr. OSBORNE), the gentleman from Ohio (Mr. RYAN), and myself introduced an amendment to the Higher Education Act that would do exactly what I just described. It was taken up by the Committee on Education and the Workforce, and the committee adopted that amendment that said not only should we say you do not have to make your scheduled payments but during that period of time that you are deployed, interest will not accrue.

I was very pleased that on a bipartisan basis the Committee on Education and the Workforce adopted that amendment. The problem is this: that amendment is sitting in a queue. It is sitting in a line here waiting for the air traffic controllers to move it to the front of the line. And who knows what will happen to the higher education bill in the Senate. They are way behind the House in that area. So there is no reason for us to wait. This was an opportunity to make that change and make it today.

It is especially important for those who are in the Reserves and National Guard, who, when they are deployed, are often making a much larger income here in the United States than the salary they are receiving as soldiers overseas. So they had the income while they were here at work to make these payments, and now they are deployed overseas at lower income, yet those interest payments continue to accrue.

For that reason, I would have thought this was a terrific opportunity to address that shortcoming in this bill. This is a good bill, but a bill that we can certainly make better; and there is no reason we could not do it today. The only reason we cannot do it today is this bill has been brought up under a procedure that does not allow the gentleman from Ohio and myself and others to offer that amendment, an amendment which, as I say, received bipartisan support in the Committee on Education and the Workforce.

So, Madam Speaker, I had hoped we would have addressed that now, and I am disappointed we did not. I will support this bill, because I think it is a good bill. I just think we could have used this opportunity to make it even better.

Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I am pleased to yield 2 minutes to the aforementioned gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Madam Speaker, I thank the gentleman for yielding me this time, and I am pleased to speak in support of the Higher Education Relief Opportunities for Students, or HEROS, Act. As has been stated, this was enacted September 12 of 2001, somewhat in response to events of 9/11; and it provides relief from student loan debt for Reservists and National Guardsmen called to active duty while still in college.

This bill expires in about 2 weeks, September 30, 2005; so it is only appropriate that the gentleman from Minnesota has introduced H.R. 2132, which extends the law for another 2 years. We currently have many Guardsmen and Reservists who are still being called up out of college, some to battle Hurricane Katrina; but many more are serving in Iraq and Afghanistan. Many Members of Congress, myself included, have been to Iraq and Afghanistan many times, and I continue to be amazed at their competence and their willingness to sacrifice; and I guess this is the least that we can do to help them understand how much they are appreciated.

This bill also encourages colleges and universities to provide a full tuition refund for students called up during a semester. It does not mandate it, but I think this is an important provision of the bill. As mentioned by the gentleman from Maryland (Mr. VAN HOLLEN), in addition I have worked with the chairman, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Maryland to insert language in the higher education bill, which recently passed out of the Committee on Education and the Workforce, which would extend relief from interest on student loan payments for active duty soldiers called to active duty after leaving college; and of course the HEROS Act would not cover those because it refers only to those who are in college.

So I look forward to working with the chairman on implementation of this provision as we further consider the higher ed bill at a future date, and again I wish to thank the gentleman from Minnesota (Mr. KLINE) for his provision here and the chairman for his work.

Mr. VAN HOLLEN. Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I am now very pleased to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Madam Speaker, I rise in support of this bill to extend assistance for the men and women serving in the military by continuing to provide student aid flexibility; and I want to applaud the gentleman from Minnesota (Mr. KLINE) for his leadership in providing flexibility and support for military personnel.

I would also like to thank the gentleman from California (Mr. MCKEON) for his continued support for higher education and his leadership along with the gentleman from Minnesota (Mr. KLINE) to protect the interests of members of the armed services.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE), on the other side of the aisle, have worked closely with us on this bill. And because it does expire at the end of this month, we do, in fact, need to extend it.

The Higher Education Act, which we will extend after we deal with this bill, deals with the issue of deferring the interest payments on those loans for active duty people, our servicemembers, who have been called up. That higher education bill we will talk about when we deal with the extension of the current Higher Education Act, but we are hopeful that in the coming month or so we will be able to bring the higher education reauthorization bill to the floor which will deal with the issue our friend from Maryland has referred to.

I do want to say that this is an important bill. We need to get it passed and get it to the other body to pass it so that our men and women in uniform will not be penalized because in fact they were called up, those who were in an institution of higher education. So I congratulate the gentleman from Minnesota (Mr. KLINE).

Mr. VAN HOLLEN. Madam Speaker, I yield myself such time as I may consume. I urge my colleagues to support this very important piece of legislation that extends the existing authorities and again congratulate the gentleman from Minnesota (Mr. KLINE).

I do want to underscore the fact that I thought we should use the opportunity right now to improve this legislation in the way I described. We are, of course, hostage to our own congressional calendar, but I do not think we should be holding our troops overseas hostage to that same calendar.

The higher education bill, whenever it comes before the House, still has to go through a long process. It has to get through the House, as we know; it has to get through the Senate; and then it must be signed by the President. That could be months. It could be years, as we know, for this process. I do not think we should be asking the men and women in Iraq and Afghanistan to be waiting years while their interest payments on these Federal student loans are accumulating.

It seems to me we should get it done now. We have an opportunity to get it done now, and I hope we will move quickly to deal with that situation. Especially if the Higher Education Act gets bogged down, it seems to me we should move quickly to address that discrete issue that we can handle by itself without all the other issues that are tangled up as part of the higher education bill.

So. again, a good bill. I wish we had used the opportunity to make it a little better, but I urge my colleagues to support it.

Madam Speaker, I yield back the balance of my time.

Mr. KLINE. Madam Speaker, in closing I wish to thank the gentleman from Maryland and certainly thank the chairman and my colleagues for their support of this bill. It has been an interesting discussion we have had about legislative strategy.

I agree that our troops, their welfare, and the pressure that is put on them sometimes as they are students is extremely important and something, frankly, not for us to trifle with. We have the opportunity here with a bill that has already received overwhelming support in its current form in both the House and Senate and been passed into law, and it seemed to us we should take advantage of this to make sure our troops receive continuous coverage, and then address the larger question the gentleman from Maryland raised earlier.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and pass the bill, H.R. 2132.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HIGHER EDUCATION EXTENSION ACT OF 2005

Mr. BOEHNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3784) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Extension Act of 2005".

SEC. 2. EXTENSION OF PROGRAMS.

(a) EXTENSION OF DURATION.—The authorization of appropriations for, and the duration of, each program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be extended through December 31, 2005.

(b) PERFORMANCE OF REQUIRED AND AUTHORIZED FUNCTIONS.—If the Secretary of Education, a State, an institution of higher education, a guaranty agency, a lender, or another person or entity—

(1) is required, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments shall be required to be carried out, made, or continued during the period of the extension under this section; or

(2) is permitted or authorized, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments are permitted or authorized to be carried out, made, or continued during the period of the extension under this section.

(c) EXTENSION AT CURRENT LEVELS.—The amount authorized to be appropriated for a program described in subsection (a) during the period of extension under this section shall be the amount authorized to be appropriated for such program for fiscal year 2004, or the amount appropriated for such program for such fiscal year, whichever is greater. Except as provided in any amendment to the Higher Education Act of 1965 enacted during fiscal year 2005 or 2006, the amount of any payment required or authorized under subsection (b) in or for the period of the extension under this section shall be determined in the same manner as the amount of the corresponding payment required or authorized in or for fiscal year 2004.

(d) ADVISORY COMMITTEES AND OTHER ENTITIES CONTINUED.—Any advisory committee, interagency organization, or other entity that was, during fiscal year 2004, authorized or required to perform any function under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), or in relation to programs under that Act, shall continue to exist and is authorized or required, respectively, to perform such function for the period of the extension under this section.

(e) ADDITIONAL EXTENSION NOT PERMITTED.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to further extend the authorization of appropriations for any program described in subsection (a) on the basis of the extension of such program under this section.

(f) EXCEPTION.—The programs described in subsection (a) for which the authorization of appropriations, or the duration of which, is extended by this section include provisions applicable to institutions in, and students in or from, the Freely Associated States, except that those provisions shall be applicable with respect to institutions in, and students in or from, the Federated States of Micronesia and the Republic of the Marshall Islands only to the extent specified in Public Law 108-188.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3784, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, each year millions of Americans, young and old, participate in higher education programs at this Nation's colleges and universities. Higher education has become more important than ever with a changing marketplace and increasing international competition; and that is why the Federal investment in higher education is so important.

For more than 2 years, my colleagues and I have been working to strengthen and renew the Higher Education Act so that we can better serve the millions of low- and middle-income students aspiring for a college education. And while we have made great progress this year, the reauthorization process is still not complete.

Today, I stand in support of the Higher Education Extension Act so that we ensure these vital programs continue to serve American students. The measure extends critical programs for a brief time frame, 3 months, to give Congress the additional time it needs to complete this process in the best interests of students and taxpayers.

In February, the gentleman from California (Mr. MCKEON) and I introduced the College Access and Opportunity Act to complete the Higher Education Act reauthorization. That bill, similar to legislation of the same name we offered last year, was the culmination of a comprehensive effort to expand college access by focusing on fairness, accountability, affordability, and quality.

That bill contained a number of reforms that I had hoped would be enacted by today. The College Access and Opportunity Act would have realigned our student aid programs to place first priority back where it belongs, on the millions of low- and middle-income students who have not yet received a higher education.

The bill would have strengthened Pell grants, college access programs, and campus-based student aid. It would have broken down barriers and eliminated outdated regulations that are preventing nontraditional students from achieving their higher education goals.

It would have significantly realigned the multibillion-dollar student loan programs to expand access for current and future students and restore fairness so that all student borrowers would be treated equally. Consumer protection for borrowers would have been strengthened, red tape would have been reduced, and because accountability is the cornerstone of American education reform, colleges and universities would have been held more accountable to students, parents, and taxpayers, the people they serve, through increased sunshine and transparency.

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Now I remain committed to a comprehensive reauthorization and hope to complete that process this year. In the meantime, the bill before us is critically important. We cannot allow programs under the Higher Education Act to expire. Too many students depend on this assistance as they strive for a higher education. Yet it is equally important that we remain committed to comprehensive reforms that will build upon these programs in strengthening them in order to expand college access.

Madam Speaker, I strongly support the extension of the Higher Education Act. Millions of American students depend on these programs, and we must not let our commitment to higher education lapse. But it is equally important that we remain focused on the ultimate goal of enacting comprehensive reforms that will strengthen and renew the Higher Education Act so it can meet the needs of current and future students.

I encourage my colleagues to support this bill and work with us in the coming weeks and months to complete this comprehensive reform package so we can better serve American students who are pursuing a college education.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to support H.R. 3784, a temporary 3-month extension of the Higher Education Act. This, in essence, extends temporarily the 1998 reauthorization which was fashioned in a very bipartisan manner by the gentleman from California (Mr. MCKEON) and myself.

I am pleased that in the face of a national tragedy a simple extension has been offered. I hope the Republican leadership can use this time, however, to reevaluate H.R. 609, their plan to balance the massive deficit on the backs of students already struggling to pay for college. H.R. 609 is part of the reconciliation package.

Madam Speaker, from my days in the seminary, I always believed that reconciliation was a loving thing. H.R. 609, however, is certainly not an act of love. While I am cosponsor of this extension bill, I cannot ignore the impending cuts the Higher Education Act bill will ultimately suffer if the Republican reauthorization bill, H.R. 609, becomes law.

H.R. 609 represents the largest cut in the history of Federal student financial aid. The largest cut in history. That is something that should give all of us pause and concern, and I am sure it does.

The Committee on Education and the Workforce reported H.R. 609 in July by a straight party-line vote. H.R. 609 generates nearly $9 billion by eliminating some of the excessive lender subsidies, raising interest rate caps and rates on consolidation loans, charging student borrowers higher fees, and cutting critical student aid delivery funds; yet the $2 million in savings gained by eliminating the excessive lender subsidies alone will not be directed to helping students in any way.

When the gentleman from Maryland (Mr. VAN HOLLEN) and I pushed to do away with this outrageous subsidy to lenders, it was our hope that the money would be used to aid students and not to finance tax cuts for the wealthiest.

Instead, the Republican-passed budget and higher education reauthorization intends to balance the massive deficit on the backs of students already struggling to pay for college. This raid on student aid misses a golden opportunity to redirect millions to student borrowers and additional grant aid for students.

The gentleman from California (Mr. GEORGE MILLER) and I offered an amendment in committee to recycle millions of dollars in savings to guarantee a $500 increase in the maximum Pell grant, lower the interest rate caps on student loans, and give students a choice between a low fixed or variable rate on consolidation loans without raising costs to students or taxpayers. The Republicans rejected our amendment.

Under H.R. 609, the typical student borrower with $17,500 in debt will be forced to pay an additional $5,800 for his or her current student loans compared to current law. However, I would like to thank the gentleman from Ohio (Chairman BOEHNER) for offering H.R. 3784, the temporary 3-month extension of the Higher Education Act. While I am pleased to offer my support, I hope this extension will allow the Republican leadership time to reconsider their plan to raid student aid. I offer my services to work with them to achieve just that.

In the context of both reconciliation and the reauthorization of the Higher Education Act, we must move forward in a way that helps, not harms, our students. I look forward to working with the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MCKEON) to achieve that.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate my colleague's support of the bill today to extend the Higher Education Act; but I find myself in a position of having to rise and respond to some of the criticisms of H.R. 609, the reauthorization bill for the Higher Education Act that is in process.

The gentleman is right, we do over the next 5 years save $9 billion in taxpayer funds while at the same time we reduce origination fees for students, we expand loan limits for students, and better equalize the campus-based aid programs around the country.

Now, my colleague and his friends on the other side of the aisle came up with proposals to save money as well. The only difference here is that we decided that net of $9 billion ought to be saved for the taxpayers because, after all, it is their money. My friends on the other side of the aisle decided to spend it. Well meaning, well intentioned, but at some point we in Congress have a responsibility to enact public policy that is fair for all.

Some people do not go to college. As my friend knows, I am the only one of my 11 brothers and sisters to go to college. To the extent we are providing loans, they are being paid for by taxpayers, some of whom do not get a higher education. So what is fair?

I think the underlying bill, providing college loans, providing Pell grants for underserved students, is a very good thing for our country. But how much is enough?

We are going to spend about $75 billion this year in Pell grants and student loans to help low- to middle-income students achieve the dream of a higher education. I think that it is an important part of our responsibility to help improve our society. But at the same time, we also have a responsibility to people who pay taxes, and people who pay taxes watching money flowing out of this institution like water over a dam.

At some point I am not going to stand here and be embarrassed because we help improve access to higher education, we help improve the ability of students to pay for their loan programs, and at the same time save $9 billion over 5 years for the taxpayers. I think it is a pretty good deal for all.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

We all know there is a direct relationship between revenue and expenses. We try to keep that balance fiscally correct and morally correct.

I happen to have voted against the tax cuts proposed by President George W. Bush. I voted against them because I could see what was going to happen. Most of those tax cuts, as most people will concede, went to the wealthier people in this country, including Members of Congress. Had we just deducted from those $2 trillion of tax cuts, when you take the whole cost, the cost of the debt, if we just deducted $9 billion from those $2 trillion, we would have money here and we would not have to balance this on the backs of the students. We could have saved it for any other program also, obviously. I am consistent that I voted against those tax cuts. I got a little criticism back home from some people; not many, but some. I saw this coming. I could see for sure that education was going to suffer. Those programs for the neediest in the country were going to suffer. The tax cuts were entirely too large, and those tax cuts have forced us to where we are in the bill put out by the committee, H.R. 609.

I think all of us have to be very cautious when we vote for revenue or revenue cuts. We have to be very cautious when we vote for expenditures. But there is a direct relationship, so I can stand here with a certain purity and say I did not vote to give away the $2 trillion, I voted to retain these funds so we could help students.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would say to my friend from Michigan, and we are friends, I proudly voted for the tax cuts and thank goodness that we passed them. Let us recount what has happened over the past 4½ years: a weak economy in 2001; followed by the devastating effects of 9/11; a war in Afghanistan and a war in Iraq; and now Hurricane Katrina.

If we had not enacted those tax cuts in early 2001, what shape would our economy be in today? I want to correct my friend that voting for reductions in marginal tax rates does not mean reductions in revenue to the Federal Government. We have had this debate here in Congress now for 25 years, but reducing marginal tax rates has in fact increased revenues to the Federal Government. And look at the strength of our economy today that would not have been there had we not had those reductions in taxes.

We can, in fact, reduce taxes, grow our economy, and hold the lid on spending and give the American people the best deal in the world: good government, reasonable level of services, and more money in their pocket, that they can decide how to spend in the best interest of themselves and their families and their communities.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

No one questions, and I can never question either the sincerity nor the fairness of the chairman. I have been here 29 years, and I cannot recall a chairman being more fair during all of our deliberations in committee. And we are friends. We disagree on certain, maybe some fundamental things. But the gentleman asked what would have happened had we not enacted those tax cuts. One thing, we would not be seeing deficits as far out as the eye can see. That is not healthy for the economy, so we can debate that. Maybe we should have had some of those tax cuts, maybe not all. But again, because we are friends, we will continue to work together. Because the chairman is fair, he will always give us a chance in committee to offer our ideas and he will listen to them patiently. We respect the chairman for that on this side of the aisle.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I thank the gentleman from Michigan (Mr. KILDEE). As I said before, we are friends and I appreciate the gentleman's kind remarks. I believe our committee process here in Congress ought to be an open forum and that Members clearly can agree, but in our committee we do not really allow members to be disagreeable. I think what it does is foster a committee where members cooperate and get to know each other and work together, and even though we may not agree on everything, every member should have a right to offer his or her ideas about the pending legislation.

Now back to the bill at hand, and I thank the gentleman from Michigan (Mr. KILDEE) for supporting the extension of the Higher Education Act for 3 months, and it is my fervent desire in the next 3 months Congress will reenact this authorization to the benefit of millions of American students.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of the temporary 3-month extension of the Higher Education Act.

I would prefer to rise today to express my support for a bill that expands access for students to college and fulfills the Federal government's promises to make college more affordable for the millions of students attending our nation's colleges and universities.

Unfortunately, that is not the bill before us today. It is my hope, however, that the Republican leadership will use this time provided by the extension to improve their plan to reauthorize the Higher Education Act—H.R. 609.

The Republican bill that passed out of the House Education and the Workforce Committee on a strictly partisan vote balances the massive deficit created by enormous tax breaks to America's most fortunate and the war in Iraq on the backs of students—who continue to face increased tuition costs across the nation. H.R. 609 cuts nearly $9 billion from the Federal student loan program, with Republican plans to cut an additional $2 billion in order to balance their misguided budget. This cut is the largest cut to student financial aid in the history of Federal student financial aid.

The Reauthorization of the Higher Education Act should be an opportunity to enhance access for our nation's low and moderate income students and first generation students to a higher education. Instead of finding ways to increase college affordability and fund student financial aid during this reauthorization, Republicans have been focused on finding ways to open up more Federal dollars for for-profit education institutions, while finding ways to usurp college campus autonomy. Instead of increasing access, millions of students will see the cost of a college education increase significantly because of provisions found in H.R. 609.

In committee, I voted to support the Democratic amendment to reauthorize the Higher Education Act, which would have increased access and enhance affordability for all students—all without raising taxes. The Democratic plan would have increased Pell Grants and would have maintained the promise Congress made in 2002 to cap the interest rate on student loans at 6.8 percent.

The tax cuts proposed by President George W. Bush and the House Republican budget, forces college students to bear the weight of irresponsible fiscal policies.

Today, this temporary extension is necessary, but I will continue to work to ensure that students will not be forced to pay for this enormous deficit now through financial aid cuts and in the future as taxpayers.

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Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 3784, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING THE AUTHORITY OF THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3765) to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The Clerk read as follows:

H.R. 3765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836) is amended—

(1) in subsection (a) by striking "In fiscal years 2001 through 2005, the" and inserting "The"; and

(2) by adding at the end the following:

"(c) DURATION OF AUTHORITY.—The authority provided under this section shall be in effect from October 1, 2000, through December 31, 2007.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3765, to authorize an extension of the Army Corps of Engineers' section 214 program. Section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and expend funds provided by non-Federal public entities to hire additional personnel to process regulatory permits.

Madam Speaker, H.R. 3765 is urgently needed since the authority for this program expires on September 30 of this calendar year. If this program expires, the corps will have to fire some regulatory personnel, reducing its ability to process permits in a timely manner.

The Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle supporting the section 214 program. H.R. 3765 is identical to the language in section 2003 of the Water Resources Development Act of 2005, which passed the House on July 14, 2005, by a vote of 406 to 14.

While the other body has not yet acted upon the Water Resources Development Act this year, I am hopeful that in the wake of Hurricane Katrina they move quickly to pass the bill providing for the water resources needs of our Nation. But because the authority for the section 214 program is expiring, it is necessary to move this piece separately.

I thank the gentleman from Washington (Mr. BAIRD) and our colleagues from Washington State for introducing this bill. I urge all Members to vote in favor of H.R. 3765.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I support House passage of H.R. 3765. This bill extends through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This program is popular and well received, particularly in the northwest part of the country. And I congratulate the gentleman from Washington (Mr. BAIRD), my committee colleague, for his attention to this issue and for securing today's consideration of this bill.

The language in H.R. 3765 is identical to that which is contained in H.R. 2864, the Water Resources Development Act of 2005, which passed the House on July 14 by an overwhelming vote of 406 to 14. This bill should likewise receive strong support.

Today's consideration of one section of this larger Water Resources Development Act should not be viewed as an indication that the larger bill will not be enacted this year. I remain optimistic that the other House of Congress will soon consider this vital legislation, particularly in light of the vital role of flood damage reduction, navigation, and storm damage reduction projects in protecting lives and property and enhancing economic well-being.

The tragic events associated with Hurricane Katrina indicate how important our water infrastructure really is. However, the Senate is not likely to act on the broader legislation before the Secretary's authority to accept funds expires on September 30, just 10 days from now. By providing this extension, the program can continue uninterrupted; and I urge support of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the gentlewoman from Texas for yielding me this time, and my colleagues on the committee and the gentleman.

I also want to express my gratitude to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), as well as the gentleman from Tennessee (Mr. DUNCAN), subcommittee Chair, for their support and recognition of the urgency of this matter.

The sense of what we are about today is trying to extend a bill that is already law that is included in the WRDA bill, which we have already passed in this body but that has not passed the other body. The reason we need to do this is common sense, and it is about preserving jobs.

The listing under the Endangered Species Act of salmon in the Pacific Northwest overwhelm the Corps of Engineers and other regulatory agencies in their ability to process permits in a timely manner. Section 214(d) of the Water Resources Development Act allows local entities to provide financial assistance to the corps to provide for the resources needed to process permits more efficaciously. It does not in any way prejudice the outcome of that permitting application. It merely expedites it and provides valuable needed resources. This has been used successfully in partnership throughout the Northwest and the west coast and has saved literally millions of dollars and thousands of jobs in our region.

I reiterate that the bill has passed the House already in its portion of the WRDA, that it is existing law. So we are not really trying to change anything. What we are trying to do is extend this vital provision for several more years so that permits in the process right now are not immediately stopped, which they otherwise would be without passage of this.

Again, I thank my colleagues for their leadership and recognition of the importance of this bill. I urge its passage.

Mr. BOUSTANY. Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Speaker, I thank the gentlewoman from Texas for yielding me this time.

I rise in support of section 214, which was introduced by the gentleman from Washington (Mr. BAIRD), my friend and colleague.

This is a critical piece of legislation for many States including Washington, and I hope that every member of the delegation rises to voice strong bipartisan support.

We have, in the last few weeks, seen in Katrina what nature can do, and section 214 enables communities to fund a fast-track Federal permit process by the Army Corps of Engineers. A modest investment by local governments can reap enormous community benefits in time and money without compromising either the independence or the integrity of the permit process.

Seattle, the community I represent, has used section 214 to save time and millions of dollars on a number of important local projects including the Seawall-Viaduct project. Unless we act, this important tool will expire by the end of the month.

Hurricane Katrina reminds us how vulnerable we are to natural forces. Seattle is an earthquake zone. There is no one living in Seattle who does not think we are going to have another earthquake. And we must move quickly, in my view, to replace the aging and fragile viaduct along the waterfront which carries over 100,000 cars a day. The viaduct is a lifeline of the region. If it falls, the port of Seattle will be blocked. It will create havoc in the whole area. It connects our communities and is the transportation artery for goods arriving at the port of Seattle and going to the middle of the country. In fact, Seattle is often called "Chicago West."

It would be a national catastrophe if we lost the viaduct, and we are trying to prepare for it. We are counting on 214 as part of our comprehensive viaduct replacement strategy, and we really do not want to lose this tool at this point. Without it, the seawall, the viaduct's foundation, will surely take much longer; and time is not on our side. We had an earthquake here about 3 years ago which shook for 60 seconds.

Had it shaken for about 90 seconds, we probably would have had the catastrophe at that point.

It is not a matter of if. It is really a matter of when this happens in Seattle, and we must prepare. And we need this tool.

I thank the committee for bringing this bill forward and urge every Member to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUSTANY. Madam Speaker, I thank our colleagues from the other side of the aisle for working on this bipartisan piece of legislation. It is critically important, and I urge its passage.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3765.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The Clerk read as follows:

Senate Amendment:

On page 7, after line 3, insert the following new section:

SEC. 302. CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109–59.

Notwithstanding section 1102(c)(4)(A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108–447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VIf title 49, United States Code, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108–447.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3649.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will be very brief in my comments on this. The bill that we are considering today is nearly identical to the legislation that was approved by this body by a 401 to 1 vote last week. H.R. 3649, as passed by the Senate, includes an additional technical amendment that will temporarily extend funding for national highway safety programs through the end of the current fiscal year.

H.R. 3649 will also ensure that funding is made available for State recreational boating programs for the remainder of fiscal year 2005. These funds support boating safety and education, outreach and communication programs in each and every State and U.S. territory to promote safe and responsible boating and fishing practices nationwide.

I thank my colleagues for their continued support of this important legislation and for their work to improve access and safety on our Nation's waterways. I urge a "yes" vote on H.R. 3649.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today to voice my support for H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005.

The purpose of this bill is very simple: to correct two provisions in the recently passed H.R. 3, the SAFETEA-LU bill. One concerns the reauthorization of the Coast Guard's boating safety program; and the other, Vehicle Safety Operations and Research funding.

The short-term extension that extended the highway program and the funding of the Recreational Boating Safety program until August 15 did not have this provision. However, SAFETEA-LU provided for long-term reauthorization and funding of the Recreational Boating Safety program beginning on October 1, the new fiscal year. So as a result, gas taxes that are collected between August 15 and October 1 from recreational boaters cannot be given to the State boating law administrators to fund their recreational boating safety programs.

H.R. 3649 corrects this problem by extending the old Recreational Boating Safety and Sportfish programs until October 1, 2005, when the new funding formulas take effect.

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Madam Speaker, the Recreational Boating Safety Grant program provides 50/50 matching funds to the States for their recreational boating safety and education programs.

These programs save lives. It is our responsibility to see that there is not an interruption in this program.

H.R. 3649 also corrects a funding problem that resulted in a $23.7 million reduction in fiscal year 2005 funds for the National Highway Traffic Safety Administration vehicle safety programs. That highway safety and vehicle safety program funding is split between the highway trust fund and general funds. For fiscal year 2005, appropriations chose to not provide any general fund money to the National Highway Traffic Safety Administration vehicle safety program, instead pulling additional resources from the highway trust fund.

NHTSA's vehicle safety program then became subject to the same cut in funding as the highway projects are in SAFETEA-LU. If these funds are not restored, certain vehicle safety activities may be significantly impacted, including ongoing research to test and evaluate automobiles and numerous research projects designed to save lives and prevent injuries on our Nation's roads.

So I urge my colleagues to pass H.R. 3649 to ensure that our States receive the necessary matching funds for their recreational boating safety programs between August 15, 2005 and October 1, 2005.

Madam Speaker, I have no further requests for time, I urge the passage of this bill, and I yield back the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3649.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2005

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

The Clerk read as follows:

H.R. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sierra National Forest Land Exchange Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) Federal land.—The term "Federal land" means the parcels of land and improvements thereon comprising approximately 160 acres and located in township 9 south, range 25 east, section 30, E½SW¼ and W½SE¼, Mt. Diablo Meridian, California.

(2) Non-Federal land.—The term "non-Federal land" means a parcel of land comprising approximately 80 acres and located in township 8 south, range 26 east, section 29, N½NW¼, Mt. Diablo Meridian, California.

(3) Secretary.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) Exchange Authorized.—

(1) In general.—If, during the one-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers the United States the exchange of the non-Federal land and a cash equalization payment of $50,000, the Secretary shall convey, by quit claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe.

(2) Acceptable title.—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall be acceptable to the Secretary.

(3) Correction and modification of legal descriptions.—The Secretary, in consultation with the owner of the non-Federal land, may make corrections to the legal descriptions of the Federal land and non-Federal land. The Secretary and the owner of the non-Federal land may make minor modifications to such descriptions insofar as such modifications do not affect the overall value of the exchange by more than five percent.

(b) Valuation of Land to Be Conveyed.—For purposes of this section, during the period referred to in subsection (a)(1), the value of the non-Federal land shall be deemed to be $200,000 and the value of the Federal land shall be deemed to be $250,000.

(c) Administration of Land Acquired by United States.—Once acquired, the Secretary shall manage the non-Federal land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and in accordance with the other laws and regulations pertaining to National Forest System lands.

(d) Conditions on Conveyance of Federal Land.—The conveyance by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the recipient of the Federal land convey all 160 acres of the Federal land to the Sequoia Council of the Boy Scouts of America not later than four months after the date on which the recipient receives the Federal land from the Secretary under subsection (a).

(2) That, as described in section 5, the owner of the easement granted in section 4 have the right of first offer regarding any reconveyance of the Federal land by the Sequoia Council of the Boy Scouts of America.

(e) Disposition and Use of Cash Equalization Funds.—The Secretary shall deposit the cash equalization payment received under subsection (a) in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The cash equalization payment shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in lands for the National Forest System in the State of California.

(f) Cost Collection Funds.—The owner of the non-Federal land shall be responsible for all direct costs associated with processing the land exchange under this section and shall pay the Secretary the necessary funds, which shall be deposited in a cost collection account. Funds so deposited shall be available to the Secretary until expended, without further appropriation, for the cost associated with the land exchange. Any funds remaining after completion of the land exchange, which are not needed to cover expenses, shall be refunded to the owner of the non-Federal land.

SEC. 4. GRANT OF EASEMENT IN CONNECTION WITH HYDROELECTRIC PROJECT NO. 67.

(a) Purpose.—A hydroelectric project, licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67, is located on a majority of the Federal land authorized for exchange under section 3. To protect the ability of the owner of Project No. 67 to continue to operate and maintain that hydroelectric project under the current and all future licenses or authorizations issued pursuant to the Federal Power Act or any other applicable law, this section is necessary,.

(b) Easement Required.—Before conveying the Federal land under section 3, the Secretary shall grant an easement, without consideration, to the owner of Project No. 67 for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67. The Project No. 67 owner shall hold harmless the Secretary for any claims against the owner due to the grant of easement.

(c) Required Terms and Conditions.—The easement granted under this section shall provide the following: "The United States of America, hereinafter called 'Grantor', pursuant to a congressional authorization, hereby grants, transfers, and conveys unto the [insert name of Project No. 67 owner], its successors and assigns, hereinafter called 'Grantee', all those certain exclusive easements and rights in, on, under, over, along, and across certain real property described in Exhibit A, attached hereto [attach description of real property subject to the easement] and incorporated herein (the 'Property'), for any purpose or activity that Grantee deems convenient or necessary to the creation, generation, transmission, or distribution of hydropower on and off the Property, including, but not limited to, the right to inundate the Property with water, reservoir management, and compliance with legal obligations in accordance with the applicable Federal Energy Regulatory Commission license and those non-exclusive easements and rights to use,, occupy, and enter the Property, and to allow others to use, occupy, and enter the Property, for other purposes related to hydropower and reservoir management and use, such as recreation by Grantee or the public, and regulation of any activities on the Property that may impact such purposes, at any time and from time to time. Grantor further grants, transfers, and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation. Grantee shall have the right to take such actions on the Property as may be necessary to comply with all applicable laws, rules, regulations, ordinances, orders and other governmental, regulatory, and administrative authorities and requirements, or that may be necessary for the economical entry, occupancy, and use of the Property for hydropower purposes. Grantor, its successors and assigns, shall not deposit or permit or allow to be deposited, earth, rubbish, debris or any other substance or material on the Property, or so near thereto as to constitute, in the opinion of the Grantee, an interference or obstruction to the hydropower and reservoir purposes. No other easements, leases, or licenses shall be granted on, under or over the Property by Grantor to any person, firm or corporation without the previous written consent of Grantee, which consent shall not be unreasonably withheld. The terms, covenants and conditions of this Grant of Easement shall bind and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee.".

SEC. 5. RIGHT OF FIRST OFFER FOR SUBSEQUENT CONVEYANCE OF FEDERAL LAND.

(a) Right of First Offer.—As a condition on the conveyance of the Federal land under section 3 and its reconveyance to the Sequoia Council of the Boy Scouts of America, as required by section 3(d)(1), the Secretary shall require that the Council agree to provide the owner of the easement granted under section 4 the right of first offer to obtain the Federal land, or any portion thereof, that the Council ever proposes to sell, transfer, or otherwise convey.

(b) Notice and Offer.—If the Council proposes to sell, transfer, or otherwise convey the Federal land or a portion thereof, the Council shall give the easement owner written notice specifying the terms and conditions on which the conveyance is proposed and offering to convey to the easement owner, on the same terms and conditions, the Federal land or the portion thereof proposed for conveyance.

(c) Acceptance or Rejection of Offer.—Within 90 days after the easement owner receives the notice required by subsection (b) and all available documents necessary to perform reasonable due diligence on the proposed conveyance, the easement owner shall either accept or reject the offer. If the easement owner accepts the offer, the closing of the sale shall be governed by the terms of the offer in the notice.

(d) Effect of Rejection.—If the hydropower easement owner rejects an offer under subsection (b) or fails to respond to the offer before the expiration of the 90-day period provided in subsection (c), the Council may convey the property covered by the notice to any other person on the same terms and conditions specified in the notice. If those terms and conditions are subsequently altered in any way, then the notice and offer shall again be made to the easement owner under subsection (b). The rejection by the easement owner of one or more of such offers shall not affect its right of first offer as to any other proposed conveyance by the Council.

The SPEAKER pro tempore (Mr. LaHood). Pursuant to the rule, the gentleman from Arizona (Mr. Renzi) and the gentlewoman from Guam (Ms. Bordallo) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 409, introduced by the gentleman from California (Mr. RADANOVICH), provides for the exchange of land within the Sierra National Forest of California.

The bill would exchange 160 acres of Forest Service property, of which only 15 acres is above water, for 80 acres of private land surrounded by National Forest. The landowner has agreed to pay the difference of $50,000 to the Forest Service to finalize the land transfer. After the completion of the exchange, the landowner will convey the property to the Sequoia Council Boy Scouts, who have run a camp on the land through a special use permit for the last 30 years.

The bill will benefit both the Forest Service and the Sequoia Council Boy Scouts. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 409 directs the Secretary of Agriculture to exchange 160 acres of Federal land in the Sierra National Forest at Shaver Lake for an 80-acre inholding also in the Sierra National Forest.

H.R. 409, Mr. Speaker, further requires that the owners of the non-Federal land make a $50,000 cash equalization payment and convey the Federal land to the Sequoia Council of the Boy Scouts of America within 4 months of receiving it.

Mr. Speaker, we have no objections to H.R. 409.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 409.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE INTERIOR TO CONDUCT A BOUNDARY STUDY EVALUATING THE SIGNIFICANCE OF THE COLONEL JAMES BARRETT FARM IN THE COMMONWEALTH OF MASSACHUSETTS

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 394) to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT STUDY.

(a) DEFINITIONS.—For the purposes of this Act:

(1) BARRETT'S FARM.—The term "Barrett's Farm" means the Colonel James Barrett Farm listed on the National Register of Historic Places, including the house and buildings on the approximately 6 acres of land in Concord, Massachusetts.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) STUDY.—Not later than 2 years after the date that funds are made available for this section, the Secretary shall conduct a boundary study to evaluate the significance of Barrett's Farm in Concord, Massachusetts, as well as the suitability and feasibility of its inclusion in the National Park System as part of Minute Man National Historical Park.

(c) CONTENT OF STUDY.—The study shall include an analysis of the following:

(1) The significance of Barrett's Farm in relation to the Revolutionary War.

(2) Opportunities for public enjoyment of the site as part of the Minute Man National Historical Park.

(3) Any operational, management, and private property issues that need to be considered if Barrett's Farm were added to the Minute Man National Historical Park.

(4) A determination of the feasibility of administering Barrett's Farm considering its size, configuration, ownership, costs, and other factors, as part of Minute Man National Historical Park.

(5) An evaluation of the adequacy of other alternatives for management and resource protection of Barrett's Farm.

(d) SUBMISSION OF REPORT.—Upon completion of the study, the Secretary shall submit a report on the findings of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker H.R. 394, introduced by the gentleman from Massachusetts (Mr. MEEHAN) and amended by the Committee on Resources, would direct the Secretary of the Interior to conduct a boundary study to determine the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and its feasibility for inclusion as part of the Minute Man National Historical Park. During the Revolutionary War, the 5-acre farm was instrumental for its role as a storage station for cannons, gunpowder, and other munitions.

Mr. Speaker, I urge adoption of the bill, and I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained the purpose of H.R. 394, which was introduced by the gentleman from Massachusetts (Mr. MEEHAN). Barrett's Farm is a significant historical resource, as evidenced by its previous designation on the National Register of Historic Places.

The British marched out of Boston in April of 1775 looking for munitions stored by colonists at Barrett's Farm. They found neither the munitions nor the farmer's owner, James Barrett, leader of the Middlesex militia, who was to soon meet the British at North Bridge where, as Emerson wrote, "The embattled farmers stood and fired the shot heard around the world."

The gentleman from Massachusetts (Mr. MEEHAN) is to be commended for his leadership on H.R. 394. Many individuals and organizations recognize the historical importance of Barrett's Farm and support this legislation. It is our hope that this study authorized by H.R. 394 will determine the most appropriate means to preserve and interpret this important aspect of our Nation's history.

Mr. Speaker, with that, we support H.R. 394 as a means to help preserve the history of Barrett's Farm and its role in the start of the American revolution, and urge adoption of the legislation by the House today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I thank the gentlewoman from Guam for yielding me this time. I also thank the gentleman from Arizona for his comments on this legislation. This legislation begins the process of further protecting an important part of American history.

Colonel James Barrett's farm, located in the town of Concord, Massachusetts, is already listed on the National Register for Historic Places for its significance. My legislation calls for a boundary study to evaluate adding Barrett's Farm to the Minute Man National Historic Park, which would forever protect it from development.

As the gentlewoman from Guam has indicated, a brief history of Barrett's Farm explains why its addition to the Minute Man National Historic Park would be appropriate.

Colonel James Barrett was the commander of the militia in Middlesex during the Revolutionary War. His farm was a central depot where the American revolutionaries stored cannons, gunpowder, and other munitions.

On April 19, 1775, General Thomas Gage, the commander of all British forces in North America, ordered 700 of his troops to march to Barrett's Farm to destroy the supplies stored there. We all know the story of what happened next.

The colonists learned of the British plot ahead of time and sent a Boston silversmith, Paul Revere, into the night to call his countrymen to arms. Immediately, the citizens of Concord started hiding the town's supplies. Colonel Barrett's sons plowed his fields and hid munitions in the furrows. By the time the British reached the farm, the colonial militia had taken up position, ready to strike at the British Army.

Ultimately, the colonists and the British came to blows at the North Bridge in Concord, where "the shot heard around the world" was fired, launching our war for independence.

The citizens of Concord knew the area, had the manpower and weapons, and sent the Redcoats running, dealing a harsh blow to the British Army.

Thirty years ago, Barrett's Farm was listed on the National Register of Historic Places. Even in Massachusetts, where most places can be called historic, Barrett's Farm stands out as an icon of American history.

Minute Man National Historic Park encompasses 967 acres, including the North Bridge, Lexington Green, and the Battle Road Trail, where the British traveled and advanced and retreated.

Including Barrett's Farm within the boundaries of Minute Man Park would add an integral part of this storied battle. Barrett's Farm was the impetus for the British advance and vigorous work of Colonel Barrett, and his militia was a reason why the British retreated.

This battle has become iconic of American history and every piece of that story should be preserved. By adding the farm to the Minute Man National Historic Park and placing it in the able oversight of the National Park Service, we can ensure that this important piece of our history will be enjoyed for generations to come.

Passing today's legislation, which authorizes a study to this end, is the first step towards reaching the goal.

We would not have the opportunity to pass the bill today if it were not for the hard work of many people who have ensured the story of Colonel James Barrett be told. First and foremost is Anna Winter, the director of Save Our Heritage, a nonprofit group dedicated to preserving the grand history of the Commonwealth of Massachusetts. Anna and her colleagues are the driving force behind the effort to protect places like Walden Pond and Barrett's Farm.

I would also like to recognize the efforts of Nancy Nelson, the superintendent of Minute Man National Park. Nancy's tireless efforts to maximize the impact of the park have created not only a spot of extraordinary beauty, but also have preserved the land in which our freedom was won. Because of Nancy and her colleagues at the National Park Service, our children can learn the history of our Nation while walking the same steps as those patriots did centuries ago.

I would also like to thank the staff of the Trust for Public Land, a hard-working group of people that highly values the conservation of all lands for historical sites and community parks to wilderness areas. For over 30 years, the Trust has helped more than 2,700 conservation projects come to fruition, each project representing a community like Concord, trying to beautify and protect its natural history.

Finally I would like to thank the gentleman from California (Chairman POMBO) and the gentleman from West Virginia (Ranking Member RAHALL) for bringing this important bill to the floor, and I deeply appreciate the effort of my colleagues.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 394, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT TO EXTEND THE DATE AFTER WHICH SURPLUS FUNDS IN THE WILDLIFE RESTORATION FUND BECOME AVAILABLE FOR APPORTIONMENT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1340) to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

The Clerk read as follows:

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF SURPLUS FUNDS IN WILDLIFE RESTORATION FUND.

Section 3(b)(2)(C) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(b)(2)(C) is amended by striking "2006" and inserting "2016".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support S. 1340 introduced by the distinguished chairman of the Senate Environment and Public Works Committee, Senator JAMES INHOFE. This legislation can help fund repairs to the environmental damage wrought by Hurricane Katrina to the gulf coast, as well as help other high priority wetlands throughout the United States.

When the North American Wetlands Conservation Act was enacted in 1989, it directed that money appropriated to this program was to be deposited into an interest-bearing account and that the interest earned could be used for conservation purposes.

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In the past 16 years the interest has amounted to $235 million or nearly one-third of the total Federal investment in the North American Wetlands Conservation Program.

As a result of this money, millions of acres of critical wetlands habitat has been conserved, maintained, purchased and restored. Those wetlands are essential to the survival of not only millions of migratory waterfowl, but, more importantly, to the people who live along our coasts.

Most of southern Louisiana, including New Orleans, is wetlands. And those communities, as well as Gulfport and Biloxi, Mississippi and Mobile, Alabama, can benefit from the projects funded under this bill. Unfortunately, the authority to retain earned interest expires on September 30 of 2005.

S. 1340 extends that provision until 2016, and this legislation is supported by the Bush administration, a host of conservation groups, including Ducks Unlimited, the Congressional Sportsman Foundation, and the International Association of Fish and Wildlife Agencies.

Mr. Speaker, I urge a yea vote so that we can send this conservation measure to the President.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 1340 is to extend for 10 years the authorization to use surplus funds in the Pittman-Robertson wildlife restoration account to support wetlands restoration projects, coordinated under the North American Wetlands Conservation Act.

The accrued interest generated by funds deposited in the Pittman-Robertson account since 1989 has provided over $235 million to fund North American wetlands conservation projects across the country.

This extension will ensure the continuation of this valuable conservation funding source, and will be important to our future efforts to restore protected wetland habitats in the region devastated by Hurricane Katrina.

I urge Members to support this worthy legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 1340.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING SPACE SHUTTLE COMMANDER EILEEN COLLINS, MISSION SPECIALIST WENDY LAWRENCE, AND THE CONTRIBUTIONS OF ALL OTHER WOMEN WHO HAVE WORKED WITH NASA

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res 450) recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle *Discovery* on STS-114, as amended.

The Clerk read as follows:

H. RES. 450

Whereas the National Aeronautics and Space Administration was created in 1958 under President Eisenhower and has, since then, accomplished great things in the fields of science, technology, aeronautics, and aerospace exploration;

Whereas women have worked since the 1960's for the right to play a vital role in NASA's missions in outer space;

Whereas after more than twenty years of waiting, the first American woman, Sally Ride, flew in outer space in 1983 aboard the Space Shuttle Challenger;

Whereas in 1984, Kathryn Sullivan became the first American woman to perform a space walk aboard the Space Shuttle Challenger during mission STS-41;

Whereas in 1986, Christa McAuliffe, who was to be the first teacher and civilian in space after being selected from 11,000 applicants, and Mission Specialist Judith Resnick, were killed aboard the space shuttle Challenger just 73 seconds after lift-off during mission STS-51L;

Whereas in 1992, Mae Jemison became the first African-American woman to fly in outer space aboard the Space Shuttle Endeavor during mission STS-47;

Whereas Shannon Lucid previously held the United States record for the amount of time spent living and working in space on a single mission aboard the Russian Mir spacestation for over 6 months in 1996;

Whereas in 1999, Eileen Collins became the first woman to command a space mission when Space Shuttle Columbia deployed the Chandra X-Ray Observatory;

Whereas in 2003, Mission Specialists Kalpana Chawla and Laurel Clark were killed aboard the Space Shuttle Columbia on reentry during mission STS-107;

Whereas we celebrate America's Return to Flight with Space Shuttle Discovery's STS-114 mission, which Eileen Collins commanded and on which Wendy Lawrence served as Mission Specialist; and

Whereas great strides have been made in the Space Shuttle and International Space Station era to increase the number and prominence of women serving in the NASA Astronaut Corp, thereby giving us hope for the future of American women in space, including Ellen Baker, Yvonne Cagle, Tracy Caldwell, Kalpana Chawla, Laurel B. Clark, Mary Cleave, Catherine Coleman, Eileen Collins, Nancy J. Currie, Jan Davis, Bonnie Dunbar, Anna Fisher, Linda Godwin, Susan J. Helms, Joan Higginbotham, Kathryn Hire, Marsha Ivins, Mae C. Jemison, Tamara E. Jernigan, Janet Kavandi, Susan L. Kilrain, Wendy Lawrence, Shannon Lucid, Sandra Magnus, Megan McArthur, Pamela Melroy, Barbara Morgan, Lisa Nowak, Karen Nyberg, Ellen Ochoa, Judith A. Resnik, Sally K. Ride, Patricia C. Hilliard Robertson, Margaret Rhea Seddon, Heidemarie Sefanyshyn-Piper, Nicole Scott, Kathryn C. Thornton, Janice Voss, Mary E. Weber, Peggy Whitson, Sunita Williams, and Stephanie Wilson: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with the National Aeronautics and Space Administration following the successful mission of the Space Shuttle Discovery on STS-114; and

(2) celebrates the many achievements of women in the National Aeronautics and Space Administration and congratulates Commander Collins and the rest of her crew.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res 450, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentlewoman from New York (Mrs. MALONEY) for her insight into the contributions of women in the NASA community and to the success of our Nation's civil space program.

House Resolution 450 goes a long way in recognizing the importance of women to our Nation's civil space program, from Commander Elaine Collins and Mission Specialist Wendy Lawrence of the *Discovery* mission, to the other 40 women who have served in NASA's Astronaut Corps.

To all of the women who offer ground support for the launches, these women in the sciences, our Nation offers a resounding thanks.

Not all of those women are often in the spotlight, but they still serve as inspiring role models for all our daughters. What better way to have our children think they can be whatever they aspire to be than to have everyone share the opportunity to get a bite of the apple of success.

In order for the United States to retain its global competitive edge, we need the contributions from all of our citizens. Since all advanced societies now depend on technology for their economic might, the new measure of that might are those graduates with degrees in science and engineering.

The United States is slipping in this category. We are producing a shrinking share of the world's technological talent. China and India are the newest and strongest competitors. The last time the U.S. graduated more engineering and scientific Ph.D.s than Europe and three times as many as Asia was in 1975.

These trends have reversed so now the European Union graduates about 50 percent more Ph.D.s than the United States, and Asia is slightly ahead of the United States.

At the current rate, China will probably overtake us by 2010. They have already produced nearly as many engineering graduates in a month as we do in a year. Outstanding role models inspire our young ladies to pursue a life of study and work in science and engineering.

Seeing these women doing exciting important jobs in our space program is the best way that I know to encourage our children to do the same.

Mr. Speaker, I would like to thank again the gentlewoman from New York (Mrs. MALONEY) for her thoughtful legislation. I plan to support this important legislation when it comes to a vote and encourage all Members to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I am honored to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I am delighted to rise today to pay tribute to our female astronauts. These heroines are not only a source of pride for all Americans, but they have also inspired countless women to reach for the stars in their own lives and careers.

The space program has long been one of the best examples of America's leadership role in the world. Our astronauts are daring, brilliant, and selfless, risking their lives for the sake of scientific discovery. But like our Nation itself, they were once divided along gender lines.

Indeed, when NASA was created by President Eisenhower in 1958, there were no female astronauts. Of course, there were no women on the Supreme Court back then, and in Congress there was just one female Senator, and only 15 women serving in Congress.

Mr. Speaker, we have come a long way in the last four decades. There are now 14 women Senators, 66 female Members of Congress, and at NASA women are not just along for the ride, they have assumed leadership roles in both the agency and on its missions, as we have seen by this fine work of Eileen Collins and Wendy Lawrence.

I am especially delighted today to recognize the achievements of my fellow New Yorker, Eileen Collins from Elmira, New York, who in 1999 became the first woman to command a space shuttle.

In 2003, Ms. Collins again took to the reins of a space mission, providing steady guidance to the Space Shuttle *Discovery* during an incredibly difficult and perilous mission.

Mr. Speaker, women have taken part in some of the greatest NASA missions, and some of the most heartbreaking too. Some of these women gave their lives for our country.

As a former teacher, I remember feeling incredibly proud when my colleague, Christa McAuliffe, was selected from more than 11,000 applicants to become the first civilian in space, the first teacher in space.

Of course, we were all horrified when the Space Shuttle *Challenger* exploded 73 seconds after lift-off, cutting short the lives of Christa and the other brave astronauts who flew with her.

The loss of the *Challenger* and, more recently, of the Space Shuttle *Columbia* were staggering blows to our country. But I know that our space program will rebound from these disasters, as it always has, with a new sense of purpose, stronger and more determined than ever.

I also know that as we rebuild, American women will be leading the way, inspired by the sense of duty to our country and by the women who have come before them. Women like Sally Ride, the first woman in space; Kathryn Sullivan, the first American woman to perform a space walk; Mae Jeminson, the first African American woman astronaut; Shannon Lucid, who set a U.S. record for the most time living in space.

Thanks to these pioneering women astronauts, the sky is the limit for women and girls in this final frontier.

Today, we recognize the contribution of all of the women who work to realize the grand mission of NASA and who continue to contribute today.

Mr. Speaker, today our country faces an increasingly severe shortage of qualified math, science, and engineering students and professionals to fill the high-tech jobs of tomorrow.

Women have long been underrepresented in these fields, both in the workplace and in the classroom. It is essential to our economy, even to our national security, that we attract the best and the brightest to these fields.

The number of girls and young women entering math, science, and engineering is growing and moving in the right direction. And in our universities and workplaces, we need to cultivate nondiscriminatory environments to further this momentum.

NASA truly showcases the very best of what women can achieve and can contribute, and the fact that they can contribute equally. May the women pioneers we honor today inspire not only the astronauts, but the scientists, mathematicians, and engineers of tomorrow. I thank them for their wonderful contributions. I congratulate the entire team.

Mr. Speaker, I submit for printing in the RECORD the names of 29 current and 13 deceased or former female NASA astronauts.

Ellen Baker, Yvonne Cagle, Tracy Caldwell, Kalpana Chawla, Laurel B. Clark, Mary Cleave, Catherine Coleman, Eileen Collins, Nancy J. Currie, Jan Davis, Bonnie Dunbar, Anna Fisher, Linda Godwin, Susan J. Helms, Joan Higginbotham, Kathryn Hire, Marsha Ivins, Mae C. Jemison, Tamara E. Jernigan, Janet Kavandi, Susan L. Kilrain.

Wendy Lawrence, Shannon Lucid, Sandra Magnus, Megan McArthur, Pamela Melroy, Barbara Morgan, Lisa Nowak, Karen Nyberg, Ellen Ochoa, Judith A. Resnik, Sally K. Ride, Patricia C. Hilliard Robertson, Margaret Rhea Seddon, Heidemarie Sefanyshyn-Piper, Nicole Scott, Kathryn C. Thornton, Janice Voss, Mary E. Weber, Peggy Whitson, Sunita Williams, and Stephanie Wilson.

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Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in favor of House Resolution 450, recognizing Shuttle Commander Eileen Collins and Mission Specialist Wendy Lawrence, who are an inspiration to women everywhere. They serve as role models to young women and have succeeded in fields traditionally dominated by men.

Their success is due in part to the hard work of trailblazing women who came before them. Elizabeth Blackwell, who was a resident of my native Cincinnati and the first American female medical doctor, once said: "For what is done or learned by one class of women becomes, by virtue of their common womanhood, the property of all women."

When we think of great women astronauts, we must remember two from the Buckeye State.

The first is Judith Resnick. She was born in Akron, graduated from Firestone High School, and earned her doctorate in electrical engineering before joining NASA. Judith died tragically aboard Space Shuttle *Challenger*.

The second is Nancy J. Currie of Troy, Ohio, who graduated from Troy High School, earned a degree in biological science from Ohio State University, eventually earning a doctorate in engineering. She flew four successful missions between 1993 and 2002, and in 2003 Dr. Currie was selected to lead the Space Shuttle Program Safety and Mission Assurance Office.

These women are outstanding in their field, outstanding by virtue of what they have accomplished, not because they are women. They succeeded in fields traditionally dominated by men and inspired young girls around the country to succeed in their footsteps. It is for these future female leaders that we must continue to push the envelope and recognize those who came before them.

Mr. Speaker, I urge my colleagues to vote in favor of this bill.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 450, a resolution to honor the women of NASA for their hard work and dedication. In 360 B.C., the great philosopher Plato bemoaned that "nothing can be more absurd than the practice that prevails in our country of men and women not following the same pursuits with all their strengths and with one mind, for thus, the state instead of being whole is reduced to half."

It has been more than 2,000 years since Plato made this simple, commonsense observation. It has not been easy; but in the intervening centuries, women have proven time and time again that they can excel in any field they choose. Along the way, there have been many trailblazers: Barbara Jordan, the stateswoman; Marie Curie, the scientist: Amelia Earhart, the pilot: Dr. Antonia Novello, the first woman and the first Hispanic Surgeon General.

Today, we honor some new additions to this august list, the talented women of NASA's astronaut core. Commander Collins and Mission Specialist Lawrence performed flawlessly on their latest mission aboard Space Shuttle *Discovery*.

They are but the latest examples of a long tradition of excellence among our female astronauts that stretches back over two decades to Sally Ride's historic mission as the first American female astronaut.

These astronauts stand as inspirations to young women, not only in this country but around the globe, who look at them and understand that no dream is out of reach because they realize that they too can do what others have done.

They should be very proud of their accomplishments.

Of course, in praising the astronauts, we should not neglect the contributions of other women of NASA: the scientists, the engineers, the program managers, and all of the others who contribute to our space program.

All of these talented women are trailblazers in their own right. I commend them for their hard work and the excellent example they set.

I want to thank the gentlewoman from New York, not only for her initiative in introducing this most thoughtful resolution but also for helping make real Plato's ideal of equality of opportunity for all.

I think it is a great resolution, and I urge its adoption.

Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of all women who have worked with NASA in preparing to launch the Space Shuttle *Discovery*.

Women have made great strides in the space and aeronautics industry. The first African American woman in space was my good friend Dr. Mae Jemison. She served as the science mission specialist on STS–47 Spacelab-J in 1992.

In 1999, Mr. Speaker, we had another first: Eileen M. Collins was the first female commander of the space shuttle. Collins and her crew launched aboard Space Shuttle *Columbia* in July of 1999.

My State of Texas has a strong focus in space and aeronautics as the home of the Johnson Space Center. I am especially proud of all the women who have made significant contributions to the space flight, and I honor their courage. Dr. Mary Ann Webber is another astronaut, who is now employed in my district at the University of Texas Southwest Medical School and working and encouraging young ladies now to think of a career of that sort.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, what a pleasure it is to come to the floor, as I just left Colonel Eileen Collins and Wendy Lawrence and the rest of the STS–114 crew; and they are an inspiration to all of us, not just those of us in this Chamber but to people around the world.

I stand today in support of the resolution offered by my colleague and good friend from the great State of New York (Mrs. MALONEY).

This resolution recognizes the valuable contributions that women have made at NASA and particularly praises those who played a role in the success of STS–114. The accomplishments of the STS crew are the result of a rich history of women in NASA. Long before STS–114 women like Sally Ride, the first American woman in space; Kathryn Sullivan, the first American woman to perform a space walk; Mae Jemison, the first African American in space; and Shannon Lucid, the previous American record holder for the length of time spent in space on a single mission, they pushed the boundaries of human space flight.

Women have also paid a dear price in the name of human space flight. Christa McAuliffe, Judith Resnick, Kalpana Chawla, and Laurel Clark will always be remembered for their courage and heroism. And Eileen Collins and Wendy Lawrence and the rest of STS–114 crew stand on the shoulders of those great women who came before them, and this resolution rightly recognizes that fact.

Once again, I thank the gentlewoman from New York (Mrs. MALONEY) for introducing this important resolution, and I commend all of my colleagues for paying attention on the floor today to something that is really important, not just to today, but for generations to come.

Mr. AL GREEN of Texas. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his support and advocation for NASA and its work. I thank the chairman of the full committee, the gentleman from New York (Mr. BOEHLERT); and of course the ranking member, the gentleman from Tennessee (Mr. GORDON), for their leadership, along with the gentleman from California (Mr. CALVERT), chairman of our subcommittee; and of course the ranking member, the gentleman from Colorado (Mr. UDALL).

I am especially appreciative that we would come today to acknowledge not only the leadership of women but also NASA's contributions to America. So I rise to speak as well to H. Res. 441 and H. Res. 446. I thank the gentlewoman from New York (Mrs. MALONEY), who has been steadfast in reminding us of the importance of the involvement and the empowerment of women.

Is it not exciting that we can rise today as the *Discovery* crew comes to the United States Capitol to be able to acknowledge that Colonel Eileen Collins was, in fact, the commander of this particular outstanding effort to return United States to space.

One would wonder with Hurricane Katrina behind us and Hurricane Rita in front of us why we can stand before our colleagues to acknowledge the outstanding contributions of women to the safety and the advancement of humankind and Americans and as well that of NASA. And I say this: NASA equates to science and scientific discovery and advancement, and I am very proud to say that our lives have been made better by the contributions that NASA has made to society.

We were told early on that the use of NASA technology could have predicted or maybe not predicted, foreseen, detected the tsunami. We know now that we have seen the constant repetitiveness of hurricanes that NASA will be a very strong partner in determining how we can better detect the coming of hurricanes and be more safe.

So it is with great pride that I rise to thank Sally Ride, a neighbor in our community in Houston; Kathryn Sullivan; Christa McAuliffe, who lost her life in the earlier *Challenger* flight; and Judith Resnick; Mae Jemison, of course, who served as a role model for many, many young girls; Shannon Lucid; and of course Kalpana Chawla and Laurel Clark, who lost their lives in *Columbia* in the 2003 mission.

But today we have a lot to celebrate because Eileen Collins and Wendy Lawrence were part of that great Space Shuttle *Discovery*, STS–114. With their leadership, we return to space; and I believe we return to the opportunities that space allows.

I am always reminded, whenever we have the opportunity to salute what NASA does, to say that the research has generated successes in detection and cure of strokes, HIV/AIDS, heart disease, cancer. So we know that NASA is part of our society, and it has the ability to enhance our society.

My congratulations to the *Discovery* crew, to the many women we honor today, such as Ellen Baker, Yvonne Cagle, Tracy Caldwell, Bonnie Dunbar, Anna Fisher, Marsha Ivins, Susan L. Kilrain, Wendy Lawrence, Ellen Ochoa, Judith A. Resnick who has passed of course, Sally K. Ride, Nicole Scott, and many, many others.

It is for us to carry forth their dream by providing the support from the United States Congress but, more important, it is to announce that these women are leaders but also that NASA has laid the groundwork for this society and all around the world to be advanced to a better quality of life.

My salute to NASA and to the fellow employees and as well to the leaders, women, who have taken us into space.

I rise today as a proud cosponsor of H. Res 450 which congratulates the National Aeronautics and Space Administration and the *Discovery* crew. Let me offer my own personal congratulations to this brave crew who returned NASA to flight and made history in our Nation through the advancement of aeronautics.

Being from the City of Houston, which is home to the Johnson Space Center, I take great pride in the accomplishments of NASA. I am proud to say that I was among the Congressional Delegation that was at Cape Canaveral for the anticipated launch. While the correct decision was made not to launch that day, this brave crew was able to successfully complete its mission. The launch of the Space Shuttle *Discovery* came more than 2 years after the tragic *Columbia* shuttle accident. The crew of the *Discovery* included astronauts Steve Robinson, Jim Kelly, Andy Thomas, Wendy Lawrence, Charlie Camarda, Eileen Collins and Soichi Noguchi. With implementation of the *Columbia* Accident Investigation Board recommendations completed, this crew of seven astronauts flew aboard Space Shuttle *Discovery* on mission STS–114 to test new safety techniques and deliver needed supplies to the International Space Station. Two crewmembers, Steve Robinson and Soichi Noguchi, ventured outside the Shuttle three times on spacewalks. The first demonstrated repair techniques on the Shuttle's protective tiles, known as the Thermal Protection System. During the second spacewalk, they replaced a failed Control Moment Gyroscope, which helps keep the station oriented properly. Finally, they installed the External Stowage Platform, a sort of space shelf for holding spare parts during Station construction. STS–114 will also be the third trip of the Multi Purpose Logistics Module (MPLM) named Raffaello to the Station. It's essentially a "moving van" that transports supplies to the orbital outpost.

I have consistently stated that since the *Columbia* shuttle accident, safety must be our number one priority. All Americans can look proudly upon the achievements of our space exploration when they look upon the crew of the Space Shuttle *Discovery*.

Truly, we as a Nation have come a long way in the area of space exploration since President John F. Kennedy set the course for our Nation when he stated in a speech at Rice University in 1962: "We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. For space science, like nuclear science and technology, has no conscience of its own. Whether it will become a force for good or ill depends on man, and only if the United States occupies a position of pre-eminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war . . . The great British explorer George Mallory, who was to die on Mount Everest, was asked why did he want to climb it. He said because it is there. Well, space is there, and we're going to climb it. And the moon and the planets are there. And new hopes for knowledge and peace are there. And therefore, as we set sail, we ask God's blessing, on the most hazardous, and dangerous, and greatest adventure, on which man has ever embarked." Our Nation has seen great tragedy and yet we continue to move forward because that is the only path that knowledge will accept; truly it is appropriate that this shuttle was named *Discovery*.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 450 which recognizes Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA following the successful mission of Space Shuttle *Discovery* on STS–114. Let me offer my own personal congratulations to these women who have not only advanced the cause of aeronautics through their work, but also they have advanced the cause of women through their determination.

Let me take a moment to recognize Commander Eileen Collins who successfully returned NASA to flight. LTC Eileen Marie Collins was born in Elmira, New York on November 19, 1956. As a child, Eileen dreamed about space and of becoming a pilot. Her parents often took her to the airport to watch the planes take off and land. The Collins family wanted Eileen to attend college, but did not have the money to send her. After high school, she attended Corning Community College. While there, she studied hard to earn a two-year scholarship to Syracuse University. In 1978 Eileen Collins graduated with a bachelor of arts degree in mathematics and economics from Syracuse University. Later, she went on to earn a master of science degree in operations research from Stanford University and a master of arts degree in space systems management from Webster University.

In 1979, LTC Collins graduated from Air Force Undergraduate Pilot Training at Vance Air Force Base. In 1990, while attending the Air Force Test Pilot School, she was selected for the astronaut program. Eileen Collins became an astronaut in July 1991 and the first woman to pilot the Space Shuttle on February 2, 1995. She made history once again in 1999. On July 23 LTC Collins became the first woman to command a Space Shuttle mission. Eileen Collins is also a wife and mother, but on top of all these titles and distinctions, she is an inspiration for many women throughout the world.

I also want to take a moment to recognize CAPT Wendy B. Lawrence who served as a mission specialist on the Space Shuttle *Discovery*. CAPT Lawrence is a native of Jacksonville and has flown on four missions to space. Lawrence graduated from the U.S. Naval Academy in 1981 with a degree in Ocean Engineering. She went on to earn a master of science degree in Ocean Engineering from M.I.T. in 1988. Her mission aboard *Discovery* was to transfer payloads back and forth from the International Space Station using the robotic arm. She's made history, too. She was one of the first two female helicopter pilots to make a long deployment to the Indian Ocean as part of a carrier battle group while stationed at Helicopter Combat Support Squadron Six. Clearly, she made history again when the Shuttle *Discovery* returned NASA to flight.

Both these women deserve great recognition for their work aboard the Shuttle *Discovery* and their lifetime of service to our Nation. Truly, many women from Sally Ride to Mae Jemison have made great strides to get to this day when a woman can command a space shuttle. To paraphrase a historic statement once made from the moon: 'This is one small step for women and one giant leap for womenkind.'

Mr. AL GREEN of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, H. Res. 450, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING NASA AND THE "DISCOVERY" CREW

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 441) to congratulate the National Aeronautics and Space Administration and the *Discovery* crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age, as amended.

The Clerk read as follows:

H. RES. 441

Whereas the Space Shuttle Return-to-Flight is the first step in the Nation's Vision for Space Exploration;

Whereas the Space Shuttle Discovery Crew completed three highly successful extra-vehicular activity spacewalks;

Whereas the STS flight 114 accomplished the first in-flight heat shield repairs on the Space Shuttle;

Whereas the Discovery crew delivered more than 6 tons of needed supplies and equipment to the International Space Station;

Whereas Discovery's spacewalkers removed a failed Space Station gyroscope and replaced it with a new one, restoring full capability of the Station's attitude control system;

Whereas the Discovery mission successfully used three different Canadian robotic extensions to conduct spacewalks and to survey the Shuttle: the Shuttle Canadarm; the Space Station Canadarm2: and the Orbiter Boom Sensor System;

Whereas the crew of the Discovery experienced "virtual" visits from leaders of 2 nations, the President of the United States and the Prime Minister of Japan; and

Whereas Commander Eileen Collins led the crew of 7 and guided the Discovery vehicle through an unprecedented back flip maneuver: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the entire National Aeronautics and Space Administration team and community, who provided invaluable technical support and leadership for the historic mission of Space Shuttle Discovery STS flight 114;

(2) commends Commander Eileen Collins, for being the first female space shuttle commander and a role model for all;

(3) commends Col. Jim Kelly, pilot of STS 114, for his second flight aboard the Space Shuttle and his participation in robotic arm operations;

(4) commends Charlie Camarda, mission specialist, a "rookie" who performed like a veteran by transferring the multipurpose logistics module from the International Space Station to the Space Shuttle;

(5) commends Wendy Lawrence, mission specialist, for outstanding skill in operating Canadarm2;

(6) commends Soichi Noguchi of Japan, mission specialist, a "rookie" who was a "spacewalker" for the inspections and repairs of the Space Shuttle;

(7) commends Steve Robinson, mission specialist, for his outstanding skill as a "spacewalker," who enhanced and repaired Discovery and the International Space Station; and

(8) commends Andy Thomas, mission specialist, who performed the laser checks on the leading edge of the Space Shuttle by the operation of Canadarm2.

☐ 1615

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from Texas (Mr. AL GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 441, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Today, we are paying tribute to real American heroes, the crew of the return-to-flight STS-114 Discovery shuttle mission and the NASA team and community on the ground. These heroes have the right stuff that inspires a Nation, from kids studying math and science, to all of us who are awed and inspired by NASA, and our astronauts.

When I introduced this resolution less than a week ago, we had such enthusiastic support that we quickly secured 55 bipartisan cosponsors who represent communities across the Nation. When we pass this resolution today, we plan to present a copy to each member of the *Discovery* crew as a token of the Nation's gratitude for their heroism.

We all worry about the competitiveness of this great Nation and the fact that our schoolchildren are less competitive in math and science than many of their international peers. Currently, the U.S. share of undergraduate and graduate degrees in sciences and engineering has been falling behind those of Asia and Europe. Intuitively, we know that we need to encourage our youth to study these challenging subjects, and with heroes like Commander Eileen Collins, Pilot Jim Kelly, Mission Specialists Charlie Camarda, Wendy Lawrence, Soichi Noguchi, Steve Robinson, and Andy Thomas, it is much easier to inspire American students to devote their time and studies to science, as we saw during the Apollo program.

The NASA family and this *Discovery* crew have initiated the first step of the Nation's Vision for Space Exploration. Last year, the President announced the Vision for Space Exploration which states that NASA will complete the International Space Station, will return to the Moon no later than 2020, and will extend human presence across the solar system and beyond. This week, NASA released its Exploration Architecture for this vision, which outlines the steps NASA plans to take in order to return to the Moon and explore our solar system over the next 13 years.

In the first space age, our Nation invested in the space program to gain global leadership during the Cold War. Now we are in the second space age, with our global competitiveness worldwide at stake. We must have the United States at the forefront in the exploration of our solar system and the global leader in the high-technology industries. Our preeminence in the world is dependent on our leadership in space.

We honor the STS-114 *Discovery* crew as true American heroes. They are strong men and women who motivate our children and inspire our Nation and the world. They have taken the historic first step of the Vision for Space Exploration and have brought us one step closer to our Nation's destiny.

Mr. Speaker, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor the brave crew of STS-114 for their hard work and dedication in carrying out the space shuttle's return-to-flight mission.

The astronauts of STS-114 did a superb job. They performed their tasks flawlessly, executing complex maneuvers, conducting several space walks, performing on-the-fly repairs, and delivering critically needed supplies to the International Space Station. In short, they made it look easy, but in fact we know that it was an extremely challenging mission.

I am pleased that this House is honoring their accomplishments today. At the same time, I think they would be the first to acknowledge that they did not do it alone.

The STS-114 crew was backed by a superb team on the ground who also deserve our praise. The engineers and support staff who made this mission possible should be equally proud of their accomplishments. Their hard work and long hours spent preparing for this mission are fully recognized and gratefully appreciated.

Thus, by our actions today, we thank all of those who are responsible, not just the astronauts, but the entire NASA team, thousands of dedicated men and women at NASA centers and at contractor facilities across the country. We thank them for their dedication and perseverance, and we want them to know that they are special to us.

NASA has made great strides since the tragic *Columbia* accident. While it is clear that additional work lies ahead, it is fitting that we take a moment to celebrate what has been accomplished thus far.

I would like to thank the gentleman from California (Chairman CALVERT) for his leadership in introducing this outstanding resolution, and I am honored to speak in support of it.

Mr. Speaker, I reserve the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from upstate New York (Mr. BOEHLERT), the chairman of our committee.

Mr. BOEHLERT. Mr. Speaker, I will insert this wonderful statement, developed by a very capable staff, in the RECORD, but let me just speak a couple of minutes about something that I think is really important.

While we salute the magnificent team of people that made STS-114 possible, and I am not just talking about Colonel Collins and her crew, I am talking about all those dedicated professionals in NASA all over the country. They are a part of a team that developed the success story, but I want to salute the American taxpayers for supporting this mission with their hard-earned tax dollars.

A lot of people will say to me what is all this about space, this Buck Rogers stuff, flying in the heavens? I will tell my colleagues what it is about. It is about finding new ways, better ways, to do things for the most important planet in the universe, the one we live on, the planet Earth.

We derive so much from that investment in space right here at home on the planet Earth, and Colonel Collins and all the other team provide a constant source of inspiration to our young people to pursue career opportunities, to master the science and math disciplines. It is wonderful. And if the United States of America hopes to maintain its preeminent position in the international marketplace, we have got to do better. What better example of what can be achieved than the dedicated, committed, outstanding crew of Space Transportation System 114?

It is a pleasure for me to join my colleagues in congratulating them and all of their associates in the NASA family and all those contractors, all the thousands of people who made possible this wonderful success story.

I want to congratulate the entire NASA return-to-flight team and the seven members of the crew of STS–114 for the recent successful completion of their 14-day mission on the Space Shuttle *Discovery*. Specifically, I would like to congratulate Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi (SO-ee-chee NO-gu-chee), Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their test flight to the International Space Station.

We commend the crew for the risks they take in furthering our Nation's goals in space exploration and we recognize them for the fine examples they set in pushing back the frontiers of knowledge. This flight was the first since the *Columbia* accident more than 2½ years ago and represents the culmination of a tremendous amount of work by government and contractor engineers, scientists, technicians, and operators. This flight also brought more than six tons of much needed supplies to the International Space Station. The return-to-flight team and crew is to be congratulated for this important step in moving our Nation's human spaceflight program forward.

I would like to thank the Chairman of the Space and Aeronautics Subcommittee for introducing this resolution to recognize the significant achievements of the NASA team and the crew of STS–114.

Mr. AL GREEN of Texas. Mr. Speaker, I am honored to yield as much time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank my colleague for his leadership in bringing this resolution to the floor.

I rise to congratulate the National Aeronautics and Space Administration and the *Discovery* crew on their successful return to flight this spring and on the many hours of work leading up to that pivotal moment.

As a member of the House Committee on Science, I support NASA's commitment to science and technology research in space. It has been very successful. I also support the breakthroughs in aeronautics research that NASA has made over the years.

NASA research touches many aspects of our everyday lives such as satellite phone technologies, intensive care monitoring, highway safety, breast cancer biopsies, and hurricane observation technology, and I could go on.

To NASA and the *Discovery* crew, I say well done. I was really on pins and needles until they hit Earth safely.

Mr. CALVERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Dallas, Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I rise in support of the resolution to congratulate NASA and the crew of the Space Shuttle *Discovery* on their very successful completion of their latest mission.

Mr. Speaker, I rise today in support of this resolution to congratulate NASA and the crew of the Space Shuttle *Discovery* on the successful completion of their latest mission to the International Space Station. Commander Eileen Collins, Pilot Jim Kelly, Mission Specialists Charlie Camarda, Wendy Lawrence, Soichi Noguchi, Steve Robinson, and Andy Thomas skillfully executed the 14–day mission in outer space.

This Space Shuttle mission was the first since the *Columbia* disaster two years ago. NASA learned a great deal from that accident, and this test flight two months ago helped the space agency learn even more. While in space, the crew completed three successful spacewalks, and accomplished the first in-flight heat shield repairs on the Shuttle. The two-week mission also encompassed the first "back flip maneuver" so that crew could take pictures of the underbelly of the Shuttle to determine if there was damage to the vehicle during lift-off.

The *Discovery* crew also delivered more than 6 tons of needed supplies and equipment to the International Space Station. While on the Station, "spacewalkers" Noguchi and Robinson replaced a failed gyroscope with a new one, thus restoring full capability of the Station's attitude control system. The crew also facilitated "virtual visits" from the President of the United States and the Prime Minister of Japan.

Returning the Shuttle to flight was the first step toward meeting the goals of the new Vision for Space Exploration—it helps America fulfill its promise to our international partners to complete the International Space Station. While the Shuttle's next return to space ,will be delayed for a few months as engineers work to redesign the tiles on the fuel tank, I am hopeful that we will soon be on our way back to the Station.

Just this week, NASA administrator Michael Griffin unveiled detailed plans for achieving the goal of returning to the moon by 2018 and pushing on to Mars beyond that date. I am particularly pleased that the plans include many crew safety mechanisms for the new space ship. Astronauts like the ones we are honoring today, deserve our best efforts to ensure their safe journey into space and return to earth. Our hopes and dreams ride with them, and we must do all we can, at whatever cost is necessary, to ensure their safety.

I look forward to working with my colleagues to help make the Vision for Space Exploration a reality. With astronauts like the *Discovery* team and specialists and staff at NASA, America will continue to push frontiers and lead the world in space exploration and discovery.

Mr. AL GREEN of Texas. Mr. Speaker, I am honored to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, again, I thank my fellow Texan for the time, and I rise to congratulate NASA and, of course, the *Discovery* crew for the outstanding work and for the history that they made.

It is history for the United States to be able to return to space. Though, we have had a longstanding commitment, and NASA has been the agency and arm and focal point of Americans', if you will, fascination with space and science and the wonderment of exploration, it is important to celebrate this *Discovery* crew, not only because of Eileen Collins, but because of the bravery which they showed.

One of the issues we have been grappling with and working with since the tragedy of both *Challenger* and *Columbia* is the issue of safety. Even in the most scrutinized of Space Shuttle *Discovery*, it was determined that there was a deficiency in the launch, and a difficult posture was set for those who were now on board and in space. The cool-headedness, the cohesion of the crew, the guiding hand of the commander and the work of the Kennedy Space Center staff and the Johnson Space Center staff and all of the others created this opportunity for a safe return.

At the same time, I think what Discovery proved to us is that there is no measure we should leave, no stone unturned as relates to safety, and I look forward to my colleagues moving forward on hearings to address the question of how we can be even more safe and move more resources toward the question of safety and research.

So my salute to the *Discovery* crew for what they have done not only for their places in history, but what they have done with respect to the United States return to flight and our first step toward the Nation's Vision for Space Exploration. We have now rebegun where we started in the 1960s, with CAMRA. We have never given up hope. We have never given up the light that space provides for our young people.

Might I say that I am excited by the interest of our committee in working on funding sources to be able to encourage more young people in America to take up the sciences; more girls, and certainly boys, but an emphasis on young girls and young women to go into geology and biology and chemistry and the earth sciences and astronomy and to be able to be part of this new vision of science and exploration in the 21st century.

I thank the *Discovery* crew. I thank them for their place in history. I thank them for the place in history they have put America and Americans, and I thank them for helping us return to our vision and that is the Nation's Vision for Space Exploration. Congratulations to all and to their families.

Mr. CRAMER. Mr. Speaker, I rise today in support of House Resolution 441, congratulating the NASA STS–114 team on the successful completion of the historic test flight to the International Space Station.

I join my colleagues in applauding Commander Eileen Collins and her crew on the outstanding job they did onboard the Shuttle *Discovery*. This 14-day journey was one of the most complex space missions in the history of our Nation's space program. The crew successfully completed three spacewalks, and accomplished the first in-flight repair of the Shuttle's heat shield. They replaced a failed gyroscope onboard the Space Station, helping restore the capability to control the Station's position in orbit. The crew also successfully utilized the new Orbiter Boom Sensor System for the first time. This boom system gives NASA an unprecedented ability to examine the condition of the Shuttle once it reaches orbit. And after an extended grounding of the Shuttle fleet, the *Discovery* crew delivered more than 12,000 pounds of much needed supplies and equipment to the Station. Discovery and its crew also returned about 7,000 pounds of Station material back to Earth. All of us are very proud of their heroism and resolve during their mission.

I also congratulate the NASA team on the ground who worked day and night to ensure that this mission was a success, and as safe as possible. In Congress, I have the privilege of representing NASA employees and contractors at the Marshall Space Flight Center. I am proud of their hard work and dedication to making this *Discovery* flight as safe as possible.

Mr. Speaker, STS–114 was the first of two Return-to-Flight test flights. And NASA collected an unprecedented amount of test data from this flight. NASA will build on what it has learned from this *Discovery* mission as it prepares for the second test flight. There is much work yet to be done, but I believe that under the leadership of Administrator Mike Griffin, NASA is moving along the correct path.

Finally, Mr. Speaker, I want to take a moment to remember the brave crewmembers of the Shuttle *Columbia*. *Discovery's* successful mission, and the ongoing work towards the second Return-to-Flight test flight, represents our nation's ongoing commitment to the Columbia crew's spirit of exploration.

I strongly urge my colleagues to adopt this resolution.

Mr. DREIER. Mr. Speaker, I rise today in strong support of House Resolution 441, which congratulates the National Aeronautics and Space Administration and the Space Shuttle *Discovery's* crew for their recent 14-day test flight. The mission was an important step in returning the Shuttle to flight and toward meeting our obligations in completing the International Space Station. The many NASA employees and contractors who worked to make the flight safe and successful deserve our support and praise.

The Shuttle's successful flight lays the foundation for an exciting decade for NASA and an exciting time for everyone interested in space science and exploration. I am especially looking forward to several missions that NASA will undertake through the La Canada Flintridge-based Jet Propulsion Laboratory. As my colleagues well know, I have the privilege of representing JPL and I am a strong supporter of it here in Congress. JPL' s missions have consistently generated public support and are a mainstay in NASA's scientific portfolio.

JPL's continued management of NASA's Mars program, which for the last year and a half has brought us the twin Rovers Spirit and Opportunity, has resulted in unprecedented success. In addition, the planned 2007 launch of the Phoenix Mars Scout and the 2009 launch of the Mars Science Laboratory will provide the country with a long-duration science laboratory that represents a major leap in space exploration. Specifically, MSL will collect soil samples and rock cores from Mars and analyze them for organic compounds and environmental conditions that could have supported microbial life in the past.

Through its work at JPL, NASA is also slated to begin two major missions that will give us greater insight into the origins of our universe. The first of these is the Space Interferometry Mission, or SIM PlanetQuest. Scheduled for launch in 2012, SIM will determine the positions and distances of stars several hundred times more accurately than any previous program. This precision will allow us to measure the distances to stars throughout the galaxy and to probe nearby stars for Earth-sized planets. The second mission, the Europa Orbiter, will discover whether an ocean exists beneath the surface of one of Jupiter's most interesting moons. This mission should launch in 2015.

JPL is also poised to conduct a series of missions that will examine Earth and lead to better predictions and understandings of our planet's climate. These missions include the launch of CloudSat later this year; the Ocean Surface Topography Mission and the Orbiting Carbon Observatory in 2008; and the 2009 launch of Aquarius, which will provide the first-ever global maps of salt concentrations on the ocean's surface. These missions will provide valuable insight into our planet's precipitation and weather patterns.

Each of JPL's current and future missions are an integral part of NASA's overall space exploration plan. With JPL's missions and other NASA initiatives, such as the agency's rollout of its new exploration architecture for returning to the Moon, there can be no doubt the next decade will be an exciting one.

In closing, Mr. Speaker, I want to again say that the most recent Shuttle mission is just another example of what NASA is doing right. I am pleased to join my colleagues today in congratulating the crew and look forward to another successful Shuttle mission in the near future.

Mr. WELDON of Florida. Mr. Speaker, I rise today with my colleagues to acknowledge the crew of STS–114 in their heroic mission to the International Space Station this past summer. Their mission was watched with awe and appreciation by the entire world. I am proud that so many of my constituents work with NASA and especially the Human Space Flight program.

Great nations explore. America has taken up this banner and has committed itself to space exploration. We gain so much for our efforts. Space is of such a vital interest to our Nation from an economic and strategic vantage point. The Shuttle *Discovery* and her crew provided a vital support and logistics mission to the ISS. Their mission was an important part of our on-going exploration of space. I thank the crew and all of those who made the mission a success.

We have a wonderful new Vision for Space Exploration that includes a return to the Moon and eventually go onward to Mars. STS–114 played its own small, but critical part in that journey.

Mr. GORDON. Mr. Speaker, I rise today to honor the brave astronauts of STS–114, Space Shuttle *Discovery*. These astronauts, and the entire NASA team, should be very proud of their accomplishments.

The long hours of training and preparing paid off in the nearly flawless execution of multiple spacewalks and many other critical tasks on this mission, including delivering much needed supplies to the space station and performing unprecedented in-flight repairs.

Americans all across this country were riveted by the adventures of these men and women. In fact, there was so much interest that new internet records were set: more than two-and-a-half million people visited NASA's website over the course of this mission.

Many of those "hits" were children, tomorrow's explorers, who have found new heroes and role models in the crew of STS–114. By showing our children what they can accomplish, these astronauts inspire the next generation and encourage them to focus on science, engineering and technology—fields that are vital to our future economy and security.

The ability to inspire is, perhaps, the greatest benefit of our space program and this *Discovery* crew has provided inspiration for all of us.

It is fitting that we honor the crew of STS–114 and all of the NASA employees and contractors who are helping this Nation explore space. I thus am proud to be an original cosponsor of H. Res. 441, and I urge its adoption.

Mr. UDALL of Colorado. Mr. Speaker, heroes are those select few among us who are endowed with courage and strength, those who risk life and limb to further a cause greater than themselves. I rise today to honor seven such heroes, the astronaut crew of STS–114.

These men and women should be very proud of what they accomplished on this historic mission. Through their bravery and ingenuity they helped bring our manned space program back to life. After two-and-a-half years on the ground, we have finally returned to space to continue our exploration into the unknown.

Though our shuttle program still faces many challenges in the months and years to come, we are taking time today to acknowledge the progress NASA has been made thus far. I would like to thank those responsible, not just the astronauts, but the entire NASA team, thousands of dedicated men and women at NASA centers across the country, for their commitment.

In honoring the astronauts of STS–114, we should not forget those who came before them. By continuing our exploration of space, this mission continues their legacy. I am sure that the brave souls who gave their lives aboard the *Columbia* would be very proud of this *Discovery* crew.

Their steps of progress will lead us into the next chapter of human exploration.

Thank you and I urge members to suspend the rules and pass this resolution.

Mr. AL GREEN of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, H. Res. 441.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CALVERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today

Accordingly (at 4 o'clock and 29 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMMONS) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3761, by the yeas and nays;

H. Res. 441, by the yeas and nays.

FLEXIBILITY FOR DISPLACED WORKERS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3761, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3761, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 476]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Beeerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—33

Andrews
Baker
Boswell
Brown, Corrine
Burton (IN)
Camp
Cummings
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Ford
Gibbons
Hoekstra
Kind
Lynch
Manzullo
McHenry
McKinney
Menendez
Murtha
Myrick
Pallone
Platts
Radanovich
Ros-Lehtinen
Rush
Sanders
Sessions
Skelton
Strickland
Taylor (MS)
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are reminded they have 2 minutes remaining in which to cast their votes.

☐ 1851

Mr. PAUL changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE BIRTH OF JACK KEVIN BARTON

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute.)

Mr. BARTON of Texas. Mr. Speaker, we have had some catastrophes the last several weeks in our great Nation, but there is some good news. I am proud to report that the Sixth District of Texas has a new voter, at least in 18 years.

Jack Kevin Barton was born to my sweet wife, Terri, last Thursday evening at 7:06. He weighs 10 pounds, 4 ounces. He is in good health and is politically unaffiliated.

CONGRATULATING NASA AND THE "DISCOVERY" CREW

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 441.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the resolution, H. Res. 441, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 477]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Andrews
Boswell
Brown, Corrine
Burton (IN)
Camp
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Ford
Gibbons
Hoekstra
Kind
Kolbe
Lynch
Manzullo
Marshall
McHenry
Menendez
Murtha
Myrick
Pallone
Pomeroy
Radanovich
Ros-Lehtinen
Rush
Sanders
Sessions
Smith (WA)
Strickland
Taylor (MS)
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1912

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "To congratulate the National Aeronautics and Space Administration and the *Discovery* crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005, which historical mission represented a great step forward into the new beginning of the Second Space Age.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on September 20, 2005. Had I been present I would have voted "yes" on rollcall Nos. 476 and 477.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC, from a meeting with Nicaraguan President Bolaños in Managua, and therefore unable to be on the House Floor for rollcall votes 476 and 477. Had I been here I would have voted "yea" on rollcall vote 476, and "yea" on rollcall vote 477.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 250, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–227) on the resolution (H. Res. 451) providing for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1915

HONORING TIANNA MADISON

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize a distinguished Ohioan, Tianna Madison. In August, Ms. Madison, a graduate of Elyria High School, won the long jump at the World Track and Field Championships held in Helsinki.

A nine-time State champion, Ms. Madison shocked the world when she leaped 22 feet, 7¼ inches to win the title, defeating Russian Olympic silver medalist Tatyana Kotova.

During her senior year in high school, Ms. Madison became only the third athlete in Ohio history to capture four events in a State meet 2 years in a row. The first was another long jumper, Jesse Owens.

At 19, Ms. Madison is one of the youngest-ever world track champions. When asked by the Plain Dealer if she was surprised by her stunning performance, she replied, "I expected it. I prayed about it. I knew it was going to happen. I just did not know which year."

Mr. Speaker, it is my honor to congratulate Tianna Madison on her remarkable achievement.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained and missed roll call vote 471 and 472 on Thursday of last week. Had I been present, I would have voted nay on roll call 471, and nay on roll call 472.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

COST OF E85 FUEL AND UNLEADED FUEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I am certainly a great supporter of the ethanol industry. Ethanol does a great many good things. It reduces our dependence on foreign oil. It reduces the trade deficit, which is certainly a very difficult problem for our economy. It reduces the cost of the farm bill. And it helps the economy, creates roughly 200,000 jobs. And, of course, it also produces more energy than it consumes.

Mr. Speaker, this is something that is widely misunderstood. And I would like to show the chart here. Mr. Speaker, that I think illustrates something that many people do not realize. For every Btu of energy that goes into the process of making ethanol, you get roughly 1.4 Btus of energy back.

On the other hand, with gasoline, for every Btu that you put into the input cost into the manufacturing, you get eight-tenths of a Btu back. An MTBE which, of course, is a fuel additive, for every one unit of energy you get sixty-seven hundredths back.

Now the reason for that is that ethanol harnesses the energy of the sun, as corn grows. And so it is a net savings. And so a lot of good things about ethanol, a lot of things that are positive.

However, there are some things that have occurred here recently that are rather disturbing at the present time, and I think that this following chart pretty well illustrates this. We had assumed that since ethanol is made from corn, corn prices are low. In Nebraska recently, the price of a bushel of corn was $1.54. And a good price would be maybe $3 a bushel. So corn is very, very low right now. That is the primary ingredient to make ethanol.

We have heard about the refinery capacity being reduced. And that has been a problem that has caused gasoline prices to spike. But ethanol is not dependent, largely, upon the refinery industry.

Fifteen percent of E85 is gasoline. The other 85 percent is ethanol, which is made at an ethanol plant, which is really distributed mostly across the Midwest. So the hurricane had absolutely no effect on most of the cost of ethanol, and yet we find these things to be true.

On August 1 of 2005, in North Platte, Nebraska, the cost of E85, 85 percent ethanol, was just slightly under $2; $1.99 a gallon. In Lincoln, Nebraska it was $2.04. So, pretty close; just a 5 cent spread.

However, by September 19, yesterday, that price had risen dramatically. North Platte was $2.69 a gallon, which was a 70 cent increase. Lincoln, Nebraska was $3.09, which was $1.05.

Again, we understand that there is a shortage of fuel. We realize there are refinery problems. But ethanol should be pretty much insulated from those problems. So it is very difficult for those of us who are fairly close to that industry to understand how in the world we could see those kinds of increases in such a short period of time.

By the same token, the cost of unleaded fuel, with no ethanol in it, actually was cheaper in North Platte and Lincoln by 10 cents and 40 cents a gallon, and this is unheard of, because normally E85 should run 30, 40, 50, even 60 cents a gallon cheaper, because there is a 51-cent tax credit for ethanol because of the fact that it does rely primarily on corn, which is a domestically produced commodity.

So anyway, we are quite concerned about this. We have asked people to look into this. I believe that the Energy and Commerce Committee is willing to take a look at it, the volatility of fuel prices and the fact that this is really very damaging to our economy.

It is very damaging to our farm economy, particularly, and they are the ones that produce the ethanol. So this is really something that is very puzzling and something that we are hoping that Congress, particularly the Energy and Commerce Committee, can get to the bottom of.

ANNIVERSARY OF ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, just over a year ago, Congress allowed the Federal ban on assault weapons to expire without a floor vote. The ban was allowed to die despite the support of two-thirds of the American people and the support of nearly every police organization in the country. And although he did nothing to help, President Bush even said he supported the ban. But Congress refused to listen to common sense and allowed weapons such as AK-47s and Tec-9s to be available throughout the United States.

Since then, the NRA and its allies in Congress have pursued a radical agenda to weaken our gun laws. In July, the other body passed legislation giving the gun industry unprecedented protections from negligent lawsuits. This legislation will see that negligence goes unpunished.

It will also give the industry no incentive to pursue safety innovations for their products. Had these protections been in place for the auto industry 40 years ago, cars would not have seat belts, air bags, antilock brakes.

The NRA says this law will prevent frivolous lawsuits against the gun industry. But it is a problem that does not exist. Over the past 10 years, over

10 million lawsuits have been filed in the United States. Only 57 have involved the gun industry. And only 12 of those have been ruled frivolous by judges.

The current system works. Frivolous lawsuit against the gun industry are not coming to trial. Also, the NRA has begun a lobbying campaign to convince State legislatures to overturn workplace gun laws. Whether it is at a day care center or school, church or hazardous material plant, the NRA wants employees to come to work armed.

Again, it defies common sense. Guns are already the third greatest hazard in the work field. Seventeen Americans die in the job because of guns each and every week. Instead of dismissing irresponsible business practices and allowing guns in day care centers, Congress should focus on legislation that keeps illegal guns out of the hands of criminals and terrorists.

We need to give gun law enforcement the tools to enforce current gun laws. According to the Department of Justice, only 2 percent of Federal gun crimes are enforced. I have introduced legislation to improve the National Instant Background Check System, or NICS, to make sure people who are not allowed to own guns cannot access them.

NICS is a database used to make sure potential gun buyers are legally permitted to own firearms. But the system is only as good as the information States provide. Twenty-five States have entered less than 60 percent of their felony convictions into the NICS database.

In 13 States, domestic violence restraining orders are not entered into the NICS system. My bill will require States and Federal agencies to provide the FBI with all relevant records necessary to conduct effective background checks.

The bill estimates a nationwide grant program to allow State law enforcement agencies to update and transmit records for inclusion into NICS.

Another step towards reducing the threat of gun violence is to include individuals on the Federal terrorist watch list in the NICS system. That individuals with known terrorist ties are allowed to buy guns, with no questions asked, represents a serious threat to our homeland security.

Earlier this year, the United States Government Accountability Office issued a report revealing 44 instances of persons listed on Federal terrorist watch lists attempting to purchase firearms from gun shows during a 4-month period in 2004. Thirty-five of these transactions resulted in a successful purchase of a firearm.

Our current law allows our enemies in the war on terror to arm themselves within our own borders. I have introduced legislation to place persons on the Transportation Security Administration's no-fly list into the NICS system. If we do not trust an individual to board a plane, common sense dictates that we should not allow them to buy guns.

Both sides of the gun issue have a vested interest in reducing gun violence. In 2002 alone, guns killed over 30,000 Americans. Each year, gun violence kills more of our children than cancer, pneumonia, asthma, AIDS, and the flu combined.

Studies show gun violence costs our health care system more than $100 billion a year. Mr. Speaker, we must work together to achieve commonsense solutions to violence, without infringing on the second amendment rights of law-abiding citizens.

UNEQUAL TAXATION HURTS EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, in a prior existence, I spent eight terms in the Utah legislature and 28 years as a public classroom teacher. And in both of these situations I recognized, first of all, as a legislator, the capacity of the State to fund public education. And as a teacher, I understood firsthand the need for adequate funding of education. And it seemed as if in all cases there was some gigantic blockage that made it impossible for those two needs to kind of coalesce together.

Well, today I am a Member of this august body. I am a member of the Federal Government, and I have identified what I think is that blockage that made it so difficult to bring these two needs together. That blockage is we. It is the Federal Government. It is the amount of land that the Federal Government owns.

Like a dam in a creek that artificially stops the flow of water in that creek, there is a dam on the stream of funds for kids, and that dam is the biggest landowner this side of the Soviet Union: we, the Federal Government.

Let me try and illustrate what I am talking about. If you look at this first map, notice the States that are in red. These are the States that have the most difficult time of increasing their funds and their commitment to public education. And you will notice that these red States are predominately in the West. Twelve of the 15 States with the slowest growth in public education funding are actually found in the West. And it is a significant difference.

These Western States have an increase of around 33 percent in their funding growth of education, whereas the Eastern States have a 68 percent increase in their growth of funding.

Let us try the next one. If you look at the kind of concept of class size, once again if you look at the States that are in red, those are the States with the largest class size. And it is a significant difference, as much as an average of 3 per class in each of those particular States.

Let me try the third one as well. If you look at the need for public education funding, the States once again in red are the States where the need is greatest.

□ 1930

The States in red, those in the West have a 3 percent growth rate in their population going into public education. The East this year for the first time got up to zero percent. They had been the negative number system before that time. So why is this situation where the States in red, those in the West, are always having a difficult time in funding of education? It is not because they do not tax as much.

If you look at the western States, their total State and local taxes are equal to or higher than those in the East. And it is not because they do not have a commitment to education. If you look at the percentage of their budget that goes to education, it is once again a higher ratio almost by .6 percent higher in the West than it is in the East.

If the West is taxing as much, if they are as committed in their budget, if they have the need, yet their class sizes are high and they cannot fund the education that happens to be there, then what seems to be the problem? What is this obstacle?

I happen to think that I found at least a prima facie case for a correlation, and it is land. If you draw an imaginary line between Montana to New Mexico, everything west of that line, 52 percent of that is owned by the Federal Government. Go east of that line and only 4 percent is owned by the Federal Government. Let us try this next map and you will see what I mean.

Everything indicated in blue is the amount of each State owned and controlled by the Federal Government. If you make a correlation with those States having a difficult time funding their educational system and the amount of land owned by the Federal Government, you see an amazing correlation. The problem lies at the feet of the Federal Government. The enormous amount of land owned and controlled by the Federal Government is the reason why those States in the West are basically in the back of the financial bus for education.

Land has historically been the mechanism of funding education by States. The State of George in 1777 was the first State that actually offered opportunities to try to assist those local communities. The State of Connecticut actually sold 3 million acres of land to fund their education system. Of course it was land that was in Ohio which they claimed at the time; but even though it was not their State, at least they were selling something. Close enough for government work.

The State of Texas, you will notice, has very little land owned by the Federal Government because when they were admitted they kept their land; but immediately they set aside 17,000 acres by the State to put in a trust fund to pay for their public education programs and systems.

It goes back to when Henry VIII closed down the monasteries and redistributed the land. One of the conditions for redistributing that land was they would take the traditional role of that monastery land and help to fund the purposes of education.

There are four ways in which land connects with public education funding: through school trust lands, through royalties from land, through the enacting clause promised western States, and, fourth, through property tax.

Let me talk about a few of those for just a moment. Property tax. It is obvious those in the West do not have the property to tax. If you were to change the situation around and simply say four percent of the West should be owned by the Federal Government and put the price at about $525 an acre, that is an average, and up it at the lowest tax rate, this is what the result would be. This is the amount of money that each western State would have additionally that they could raise by themselves to fund public education. My State of Utah would have $116 million. California, $110 million. Alaska would have $782 million, and that is only the portion that would deal with the funding of education.

There is another concept that should be involved here. When every one of these western States was made a State, there was a clause in their enabling language that said the land should be given to the Federal Government until such time as the Federal Government shall dispose of the land.

With that, Mr. Speaker, I will come back at another time and review some of these issues with you. But there is a need to recognize the situation in the West. And there is a need to understand that the West is being treated unfairly, and it goes back to this problem of public ownership with the West. At some time, there needs to be a solution to this problem.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

BETRAYAL OF AMERICAN VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, for too long we have borne witness to relentless attacks on America's poor and working families. Abandoned by corporate America, betrayed by the political right, largely ignored by the mainstream media, our Nation's poor have become little more than an afterthought, most recently evidenced by what we saw in the aftermath of Hurricane Katrina.

While productivity is up in this country, while profits are up in this country, wages are falling, and poverty is increasing. Since 1973, not coincidentally the year that America went from a trade surplus into a trade deficit, since 1973 the average worker has seen her wages or his wages go up about 10 percent in real dollars while that worker's productivity has increased about ninety percent. Productivity up ninety percent, wages up only 10 percent.

It used to be in this country since World War II that when productivity went up, workers' wages went up roughly the same amount. And this is the key, that workers shared in the wealth they created for their employers. So productivity jumped up 90 percent, wages went up only 10 percent, profits skyrocketed for employers. Workers have not shared in the wealth they create.

An August census report revealed around the same time as Hurricane Katrina that in the United States the number of uninsured Americans has increased dramatically as has the number of families living below the poverty line; 1.1 million Americans dropped into poverty in 2004 alone, 2 million more Americans enrolled in Medicaid that year. Yet in the face of growing poverty and the rising number of uninsured Americans, this administration and Republican leadership are demanding that we cut $10 billion, that is billion with a B, $10 billion from Medicaid.

Think about that again. More and more people need Medicaid, not just because of Katrina but because of layoffs, because of plants closings like Michigan, in my State of Ohio, other places, because more and more employers are dropping their coverage. The congressional response is cutting Medicaid by $10 billion so that the President and Republican leadership can give tax cuts to the wealthiest 1 percent of people in this country.

Think about that. That is a choice. We give tax cuts to the wealthy, more tax cuts to the wealthiest 1 percent. The way to pay for it is to cut Medicaid by $10 billion. That is a choice that politicians and elected officials made. Give tax cuts to the wealthiest people. Cut programs like Medicaid that really matter for people who have lost their jobs, for the working poor, for people that have suffered from Katrina, for all the reasons that people have been down on their luck.

Household incomes fell for the fourth year in a row in 2004, something that has not happened since the Depression. In every segment of the American society except for the very wealthy, every segment has seen income decline in the last 5 years. America's men and women working full-time, the recent productivity is up; but they are not sharing in the wealth they create.

The number of people living in poverty increased by 1.1 million people. The infant mortality rate in this country is rising. The infant mortality rate in Washington, DC, is twice the infant mortality rate in Beijing. The infant mortality rate in this country went up last year for the first time since 1958. Our Nation cannot survive as a thriving democracy under policies that rely on trickle down economic theories.

Now, 2 weeks ago President Bush signed an executive order that will allow companies that win Federal no-bid contracts, Halliburton, Bechtel, some of the other friends of the President's and the Vice-President's, his executive order will allow those companies to pay less than the prevailing wage. We give them unbid contracts and huge profits, as they have had in Iraq. They will have these huge contracts in Mississippi, Louisiana, and Alabama; and yet they are exempt from paying the prevailing wage.

When government should be in its most proactive to ensure the return of a thriving economy, this administration is actively working to lower wages. The community hit hardest by Katrina is the working poor. These men and women will literally do the heavy lifting and the rebuilding of Louisiana, Alabama, and Mississippi. Yet the President is saying, Cut their wages.

Cheating workers out of fair wages robs them of the ability to take ownership in their community. The goal should be to put wealth in those communities from people that are working and rebuilding those communities. One must ask why the President would depress wages for a community in crisis. Cutting wages for people who are struggling to rebuild their lives is a betrayal of American values. The President of the United States should know better.

PLEDGE POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Mr. Speaker, this simple, powerful statement is a patriotic phrase defining what we are all about as citizens of this Republic. It is being said in school yards across America every day. In some States it is the State law that it be said. In Texas, for example, it is required along with the Texas State pledge and a moment of silence each day. This is observed by students and by teachers. But not every school child may say it. In fact, some are actually forbidden to say it because it mentions, heaven forbid, under God.

A member of the pledge police, a Federal judge in California, has issued his decree denouncing the pledge and forbidding it in some school districts in California because some adult atheist has become offended. The atheist, mind you, is not a student in any school, just an offended individual that has convinced the pledge police to stop the pledge from being uttered in schools because he is offended.

It has become the habit of the offended to use the Federal courts to change the majority will of the people, claiming the conduct of the majority of Americans is unconstitutional because it is offensive.

Okay, Mr. Speaker, what constitutional violation has occurred here? Some claim the first amendment is violated by kids saying the pledge because of the theological phrase "under God." Let us examine this.

The first amendment reads in part: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

First of all, assume the pledge establishes religion. Congress has not made any law about the pledge, but our Federal courts have taken the word "Congress," reinterpreted that phrase, and applied it universally to all governments, including school boards. By what authority do Federal courts expand the word "Congress" to include all government entities?

Well, because they make words mean something more than they really mean by twisting simple concepts in the Constitution to mean difficult concepts for us people to understand. It is also necessary to understand that our Forefathers put the phrase in the Constitution to prevent a State and national religion like what was occurring in England at the time.

So are the atheists and the pledge police Federal judges seriously really thinking that the phrase "under God" is equivalent to establishing a national religion in the United States?

Well, my question for them is, what exactly would that religion be? Too bad the court did not enlighten us simple Americans what national religion the pledge establishes. But our Federal judges here have systematically tried to remove any mention of a divine being in the public sector by claiming any mention of God establishes a national religion. This defies common sense and makes the first amendment say something it does not say.

By the way, if this phrase is purely a religious one, why does the pledge police judge not read the second half of the first amendment that says, the government may not prevent the free exercise of religion? By banning the pledge if it is religious, does not this judge violate the free exercise of religion? That phrase is in our first amendment as well. It does seem so to me.

The pledge, when stated and looked at objectively, is a statement of patriotic duty and affirmation to America, to truth and liberty and justice. It is not purely a religious statement. It is a statement of civic duty and responsibility and national pride.

So what is next, Mr. Speaker? Are the pledge police going to ban the pledge we say each day here in the House of Representative? We shall see about that.

The real issue here is not the forbidding of the Pledge of Allegiance by our courts. It is more serious than that. It is the new constitutional right that is being invented and conceived in the minds of the far-fetched Federal elites that is not even in the Constitution at all, but the Constitution is being used as excuse to invent this new right. It is the right not to be offended.

If I am offended by what you say or do or by what the government says or does, I can go to court and sue you because I am offended. This atheist was offended by a bunch of school kids, by their mere utterance of the Pledge of Allegiance. So he goes and sues and convinces a judge to protect his right not to be offended. So no more offended words, so no more pledge. This is an example of the new phantom constitutional right of freedom from being offended.

Mr. Speaker, I was a felony court trial judge in Houston for over 20 years. I heard thousands of cases. All of those were based on the United States Constitution. But the last time I checked in the Constitution, freedom from hurting someone's feelings was not included in the Constitution. So in truth this is the right that was allegedly violated by those kids in California. They offended someone, they hurt someone's feelings, and now they have to stop.

This is a dangerous movement, but this mysterious right is not in the Constitution. But the right of free speech, Mr. Speaker, is in the Constitution. And I say to those kids in California, your right of free speech was violated by the pledge policeman when he issued his pronouncement against you mentioning "under God."

So now you may proudly say the pledge each morning in a closet or in silence, and when you get to that phrase "with liberty and justice for all," just remember you lost some of your liberty by this ruling, and it certainly is not justice for all but only for those who are offended. Mr. Speaker, this ought not to be.

□ 1945

IRAQ HEARING

The SPEAKER pro tempore (Mr. FORTENBERRY). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last Thursday, September 15, we held an informal congressional hearing to discuss and explore a military withdrawal from Iraq. It was called "The Bipartisan Congressional Forum on How to Bring the Troops Home." It was the first of its kind and it was about time.

I had hoped that the House Committee on Armed Services or the House Committee on International Relations would have taken up the matter, but repeated calls for such hearings have fallen on deaf ears. So, with the help of my colleagues and with many others and also my wonderful staff, we went about putting together this very needed hearing.

In so doing, we knew absolutely that opposition to the war is a stance that is firmly in the political mainstream. Less than 40 percent of Americans, according to the recent polls, approve of the President's handling of Iraq, and roughly half want to see our troops come home as soon as possible. With this being an American sentiment comes responsibility to be more than a protest movement.

We also knew that we needed to offer sound, thorough policy proposals that could turn our deeply held convictions into operational reality, and that is what Thursday's hearing was all about. This was not an opportunity for placard waving, though there is certainly a time and a place for that. We were more interested in how to bring our troops home, rather than why.

We heard from a broad range of experts, from scholars and military strategists. We heard from Senator Max Cleland from Georgia.

We started with an overview of the situation on the ground, including a perspective on the lives of Iraqis under U.S. occupation. Later, we heard about specific ways that we can pivot away from the current policies, ending our military presence in Iraq and bringing our troops home. From there, we transitioned into a discussion of what next. I have always insisted that ending the war does not and cannot mean abandoning Iraq and its people.

Believing in the principle underlying Colin Powell's "Pottery Barn Rule," and that even if it was the Bush administration policy that broke it, at the very least we must play a constructive role in the rebuilding of Iraq.

Most of all, Thursday's hearing was designed to inspire a long overdue national conversation about alternatives to the current Iraq policy.

Our goal was to fill the policy vacuum and break the silence on Capitol Hill where, frankly, Members of Congress have been slow to embrace the fresh thinking and new approaches to Iraq that their constituents are eager to discuss and are eager to hear. For too long, for a number of reasons, this debate has been ceded to the Bush administration, even as they have produced a bloody and ruinous debacle.

Thursday's hearing demonstrated that we want to do more than just say no to the war in Iraq. We want to say yes to a new, intelligent, progressive, peaceful Iraq policy that will both protect the American people and fulfill our obligations to the Iraqi people. Chief among these obligations is to ensure that the United States does not maintain a long-term military presence in Iraq. That means no permanent bases and no control over Iraqi oil.

From our witnesses, it was clear: We need to engage in an open and robust dialogue, both at home and in Iraq. They agreed that multiparty peace talks are the best way to convince all factions of Iraqis that we are serious about allowing them to dictate their country and rebuild it, and, most important of all, the need for a commitment to bring the U.S. troops home. The truth is that our military presence in Iraq is contributing to the chaos there, not alleviating it. By bringing our troops home, we can save both American and Iraqi lives and we can reunite thousands of American families in the process.

Mr. Speaker, my hope is that last week's hearing will serve as a catalyst for elected officials, for think-tanks and others around the country to join in a dialogue about military disengagement from Iraq, that the hearing will start a discussion that has been long, long overdue. The time for action in Iraq is now. So let us start taking action.

UNIVERSITY OF WEST GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to share one of the many stories of human compassion and generosity that have emerged in the aftermath of Hurricane Katrina.

Organizations across the 11th District of Georgia are working hard to assist Katrina's victims, and the State University of West Georgia in Carrollton is a shining example. As evacuees from the gulf coast began making their way north into our State, the University of West Georgia community realized these victims needed shelter, food, and support immediately.

So the university arranged to house 180 evacuees, including 80 children, in Roberts Hall, an empty dorm in the middle of campus. Dormitory living is now providing these families with the privacy and security they need to begin piecing their lives back together.

But the State University of West Georgia did not just house these evacuees. The community understood that shelter was only the first step to helping these victims get back on their feet. So the university and Carroll County community mobilized all their resources to assist their adopted residents.

The health services staff and nursing department faculty worked to provide the victims with health care services. The university opened its computer labs, and volunteers helped victims locate family members and find relief resources. The community came together to provide food, clothing, personal necessities, and home items for their guests, and local organizations are helping many of these victims find work in the area.

Mr. Speaker, it would have been more than enough for the University of West Georgia and Carroll County residents to house, feed and clothe these victims, but this generous community wanted to do more. They wanted to help these victims get their lives back together and start them on the path to recovery.

So the Carrollton public school system quickly registered children so they would not fall behind in their education. Because a college dormitory is only a temporary living situation, the Carroll County Housing Authority is helping these evacuees locate more permanent housing in West Georgia. Counselors and social workers are on the university's campus every day helping victims access both emotional and financial resources.

Perhaps what is most inspiring, Mr. Speaker, is the way the West Georgia student body has gotten involved. Students are supervising play activities for the children. They are helping school-aged kids with their homework every night. Campus organizations are planning social and recreational activities for the evacuees, trying to bring some joy to their incredibly trying days.

Mr. Speaker, this level of personal and organizational generosity would be impressive anywhere in America, but in Carrollton, Georgia, this outpouring of support is especially heartening. Carroll County was hit by severe tornadoes and storms in the days following Hurricane Katrina. The community spent much of Labor Day weekend cleaning up the 30 homes that were destroyed and the many other community resources damaged by the storms and, yes, mourned a life tragically lost.

Yet even as this community was recovering from its own hardships, it was eager to help others in need. By opening their doors and hearts to Katrina's evacuees, Carroll County residents assured their guests that together they would rise to the challenges of this natural disaster. And, together, they have.

Mr. Speaker, I ask that my colleagues join me in praising the amazing work of the University of West Georgia and Carroll County community.

In the aftermath of Hurricane Katrina, we have seen the best side of humanity. We have shown that no American is a stranger, and the State University of West Georgia exemplifies this amazing American capacity to help others, no matter how great their need.

I thank the school and the community for their service.

PAYING TRIBUTE TO JOHN HAROLD JOHNSON IN RECOGNITION OF HIS MANY ACHIEVEMENTS AND CONTRIBUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to one of the America's most outstanding citizens, the late Mr. John H. Johnson, founder and chief executive officer of the Johnson Publishing Company, who died August 8 of heart failure at the age of 87.

Mr. Johnson was recognized and renowned as an emblem of the American dream, an embodiment of the civil rights movement, and a revolutionary businessman.

Given the breadth and impressiveness of his contributions to American society and to African American culture, the Congressional Black Caucus Foundation will honor him later this week with its Phoenix Award.

He was perhaps best known for launching the twin publications Ebony and Jet magazines. These sister magazines were started by Mr. Johnson specifically to engage the African American community. He also published numerous books, owned Fashion Fair Cosmetics and several radio stations, as well as held a majority ownership stake in Supreme Liberty Life Insurance Company. Mr. Johnson earned tremendous influence and success in his lifetime, but by no means were any of his accomplishments given to him.

He was born a child of meager means, but left this earth as one of America's wealthiest businessmen. Mr. Johnson personified the idea that hard work and determination can lead to success. He simply refused to accept anything less.

Born January 19, 1918, in Arkansas City, Arkansas, Mr. Johnson was raised by his widowed mother. She moved the two of them to Chicago in 1933 after saving her money over several years so that he could have the chance to go to high school, as his own hometown offered no education for blacks beyond primary grades.

After thriving in high school as the class president and student council president, an honor student, and the newspaper and yearbook editor, Mr. Johnson won a scholarship to the University of Chicago. He took classes at night while working as an office boy at the Supreme Liberty Life Insurance Company where he was in charge of compiling stories about the black community and sending them to the president of the company.

It was while working in this position that Mr. Johnson realized that there were no magazines or publications specifically designed for America's black population. This inspired him to create his own magazine, the Negro Digest. Started in 1942, with only $500 from a loan secured with the assistance of his mother, the magazine began to draw followings when Mr. Johnson sent out letters asking for donations to fund its publication. Three thousand people donated $2 each, and within a year the magazine was selling 50,000 copies a month.

In November of 1945, Negro Digest evolved into Ebony, a magazine modeled after Life magazine. Ebony focused on successes and achievements within the black community. Today, this magazine reaches about 42 percent of all African American adults, with a paid circulation of about $1.7 million. Mr. Johnson also founded Jet, another highly successful magazine aimed at the black community.

Mr. Johnson also sought to publish with a conscience. He published the highly controversial photographs of the open casket of Emmett Till, a 14-year-old Chicago boy who had been beaten to death by white men in Mississippi. While the images were thoroughly disturbing, Mr. Johnson felt that they simply needed to be published and seen by the public. "I decided finally that if it happened, it was our responsibility to print it and let the world experience man's inhumanity to man," he said.

A philanthropist, Mr. Johnson donated to many worthy causes, including a gift of $4 million to historically black Howard University in Washington, D.C. The university would thank Mr. Johnson by later renaming its school of communications in his honor.

□ 2000

Although Mr. Johnson attended the University of Chicago and Northwestern University, he never completed a degree. However, during his lifetime he received honorary degrees from 31 schools, including Harvard, Howard, and Northwestern universities.

In 1982, Mr. Johnson had the honor of being the first African American to be included in Forbes Magazine's list of "The 400 Richest Americans." His 1989 autobiography "Succeeding Against the Odds," was a national best-seller.

Indeed, Mr. Johnson's initial loan of $500 for his first magazine, he would later grow and develop that initial investment into an empire worth close to half a billion dollars.

We owe Mr. John H. Johnson a great debt of gratitude. His name may not have been known to every household in America, but his 60-year-old publications have had an important and unmistakable impact on American history and culture. His legacy has touched countless African Americans, including myself, and his inspiration and example will continue to be felt for generations of blacks to come.

Both his wife, Miss Eunice Johnson, and daughter were his business partners, and his daughter, Miss Linda Johnson Rice, has succeeded him as chairman and chief executive officer of Johnson Publishing Company. A great man, a great humanitarian.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise tonight to acknowledge and celebrate the life and vast and phenomenal achievements of John H. Johnson, the CEO, chairman, founder and publisher of the Johnson Publishing Company Inc., in Chicago, Illinois.

Mr. Johnson rose from humble origins to become an icon in the African-American community. It was his vision and creation that launched Ebony and Jet magazines which became staples in black family homes. His publications depicted positive and factual images of our culture, accomplishments and social advances and plight. Through his resourcefulness, tenacity and love for his people, he created a vehicle for us to see images of ourselves and read articles that reflected our human condition.

I have vivid memories of growing up and seeing Ebony and Jet in the home of my parents and seeing pictures of my race and individual struggles to secure civil rights for all African-Americans. Ultimately, the efforts of Mr. Johnson resulted in the creation of a publication that achieved a circulation of 1.7 million readers with a monthly readership of 11 million persons.

Truly, John H. Johnson deserves all the accolades we heap upon him. In an effort to highlight the diverse beauty amongst our people, John Johnson produced the Ebony Fashion Fair; the world's largest traveling fashion show. The efforts of John Johnson resulted in him being able to employ over 2,600 people and sales in excess of $388 million.

The contributions of John Johnson were acknowledged and commended by U.S. presidents. President Nixon brought John Johnson with him in 1957 on a tour of the continent of Africa where they visited nine countries. In 1959 he accompanied President Nixon to Russia and Poland, and in 1961 he was appointed by President Kennedy to serve as the Ambassador to the Independence Ceremonies of Ivory Coast. President Clinton awarded him with the Presidential Medal of Freedom.

I am pleased to acknowledge the contributions of John H. Johnson, a publishing pioneer, entrepreneur, visionary and African-American icon.

NORTHWEST AIRLINES

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, the American airline industry is struggling, absolutely struggling in the face of very high fuel prices, of pension costs, and fierce competition. Delta and Northwest Airlines have recently filed for bankruptcy protection under chapter 11. United Airlines also recently got a bankruptcy court to severely discount the value of its employee pensions. Clearly, the airline industry needs some help, and they need some leadership. But an article that I read yesterday forces me to question the leadership of certain executives in the airline industry.

Gary Wilson is the chairman of Northwest Airlines, a role where he is supposed to be providing leadership to his company. Northwest Airlines is currently subject to a work stoppage by mechanics and cleaners over wage concessions and job reductions. And now Northwest has approached their pilots and their flight attendants asking them to take significant wage cuts. Earlier this year, Northwest Airlines stopped funding their defined pension benefit program, only funding their employees' 401(k) program, and I am sure that the 401(k) was also buying plenty of Northwest stock. And what was Chairman Gary Wilson doing during this time with his 4.3 million shares of company stock? He was selling that stock.

Mr. Speaker, today, in the Detroit Free Press, there is an article, and the title is "Northwest Airline Chief Sold Shares Just Before Bankruptcy." The article says: "Less than a month before Northwest Airlines Corporation filed for bankruptcy, its chairman sold nearly a third of his remaining shares."

Gary Wilson was not showing faith or confidence in the company that he is charged with leading. Instead, he was dumping his stock before his company went under. And I wonder if the employee 401(k) was selling, or even if it was allowed to sell at the same time.

Mr. Wilson sold his shares at an average of $5.45 per share, and just yesterday that stock was trading for 84 cents per share.

Northwest Airlines is a major carrier in the Detroit, Michigan, market; and it serves my district. We have been hearing all summer long that Northwest was in trouble and that it could be forced to file for bankruptcy protection. Well, what took so long? One has to wonder if the bankruptcy filing was delayed simply so executives like Mr. Wilson could sell their stock to make sure they got their money before the company went out. That is not leadership; that is cowardice or worse.

The employees and the customers of Northwest deserve better. And while Northwest has been asking employees to make concessions in their pensions, they have not been asking the same of their executives. In fact, this past July it was reported that the supplemental pension plan that covers the company's CEO was not subject to a pension freeze. That pension was slated to give the CEO nearly $1 million a year if he retired at the age of 65.

That was reported again in the Detroit Free Press on July 16: "Northwest Airlines to Freeze Pensions for Salaried Staff." Not affected by the freeze is the supplemental pension plan that covers CEO Doug Steenland, among others. In its last annual report, Northwest indicated that Steenland was on track to receive an annual pension of $947,417 a year if he retires at age 65." And "The airline has said that such generous pensions are needed to recruit and retain top executives."

Well, based on those examples, I do not think Northwest has done a very good job of attracting the best executives. Mr. Speaker, we need strong airlines in this country. We also need competition. We need safety and quality customer service in the airline industry. Of course, employees need to know if sacrifice is needed in the face of increasing costs and competitive pressures, but so do executives. They should be setting the tone for the company, and they should lead by example. They should not cut and run in the face of trouble.

What is happening at Northwest Airlines at its very highest levels is disgraceful.

COMMEMORATING THE LIFE OF JOHN H. JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, like my colleague, the gentleman from Illinois (Mr. DAVIS), I rise tonight to salute an extraordinary and gifted American.

John H. Johnson had a vision and used that vision to destroy negative racial stereotypes and to expand opportunities for all African Americans and for all Americans. With a dream and a $500 loan, secured by his mother's furniture, Mr. JOHNSON began publishing the "Negro Digest" in 1942. With very limited resources and his dream, he built an empire that included publishing and cosmetics.

Through his work and his vision, he has made a lasting contribution. "Jet" and "Ebony" provided a window to the African American community that benefited African Americans and all Americans. "Ebony" and "Jet" became part of the dialogue. It was a way of communicating. We read it in our homes, schools, and in the barber shops and beauty shops.

There is a saying in the African American community: "If it is in 'Jet,' it must be true." In the pages of "Jet" magazine, we read the current news that had an impact on the African American community. In the pages of "Ebony," people saw how other people lived; and we aspired to be like the people we saw on those pages. The pages of his magazine inspired and motivated generations of African Americans. It also helped to break down racial stereotypes by offering positive images and stories of African American men and women.

In 1957 and in 1959, he accompanied Vice President Richard M. Nixon on a special goodwill tour to nine African countries and to Russia and Poland. In 1961, he was appointed by President John F. Kennedy as Special U.S. Ambassador to the Independence Ceremonies of the Ivory Coast. And in 1963, he was appointed by President Lyndon B. Johnson as Special United States Ambassador to the Independence Ceremonies of Kenya. In 1996, he was awarded the Presidential Medal of Freedom by President Bill Clinton.

Johnson was solid, dependable, and reliable. He helped to energize the African American community during the height of the civil rights movement. During the struggle for equality, he published the images of the murder of Emmett Till, which galvanized the civil rights movement. His magazines have been an anchor for African Americans and continue to do that today.

His contribution to the African American community and to American life was unique and significant, and tonight we all salute the memory of John Johnson.

Mr. CUMMINGS. Mr. Speaker, I rise today to pay homage to John H. Johnson, who left this Earth on August 8, 2005 after a lengthy illness. I again extend my sincerest condolences to his family.

For my colleagues who may not be familiar with his legacy, John H. Johnson was a publishing icon—a true legend—who exemplified the power of faith, perseverance and entrepreneurial spirit. He was an extraordinary businessman whose life was like a giant tree that had grown from a small seed—one step and one season at a time.

His journey began on January 19, 1918, when he was born in Arkansas City, Arkansas. Although his father died in a sawmill accident when John was only eight years old, his mother worked diligently to move her family to Chicago and to give them a better life.

As a result of his mother's sacrifice and his unwavering faith, his dreams knew no boundaries. Consequently, in 1936 during the era of Jim Crow, with the mere vision of formulating a national magazine geared toward the empowerment of African-Americans and a $500 loan from his mother, Johnson did what many would deem impossible. He formed the now successful Johnson Publishing Company, Inc., which later published two of the nation's top African-American magazines, Ebony and Jet. Not only have these magazines served as the beginning of prosperous careers for young journalists, but they also serve to highlight positive accomplishments and achievements in the African-American community often overlooked in the mainstream media.

For Archbishop Desmond Tutu of South Africa, Ebony was the light that inspired him through the stormy days of apartheid. To Newsweek's contributing editor, Mr. Ellis Cose, the Chicago skyscraper that houses Mr. Johnson's company symbolizes just how high black entrepreneurship can reach. And for Members of the Congressional Black Caucus, both Jet and Ebony help us better serve our constituents by providing invaluable information on how our work in Washington affects their lives.

In addition to his publishing empire, John Johnson's phenomenal entrepreneurial skills coupled with his tenacity led him to successfully venture into cosmetics, television production, as well as the fashion industry. Needless to say, Mr. Johnson realized almost 70 years ago, that entrepreneurship can provide a path to achievement and wealth for Americans willing to invest in their own vision and abilities.

Besides his $500 million enterprise, some of his more well-known accolades include, appearing as the first African-American on the Forbes list of the 400 wealthiest Americans in 1982, receiving the Black Journalists' Lifetime Award in 1987 and the Wall Street Journal/Dow Jones Entrepreneurial Excellence Award in 1993, as well as the Presidential Medal of Freedom from President Clinton in 1996, the highest honor the nation can bestow on a citizen.

Furthermore, in 2003, the John H. Johnson School of Communications was established in his honor, while the John H. Johnson Delta Cultural and Entrepreneurial Learning Center in Arkansas City was dedicated to him in 2005. These are fitting honors to a man who dedicated his life to breaking barriers and to being a hallmark of excellence.

Mr. Speaker, again it is both an honor and a privilege to stand before you to give tribute to a man who dedicated his life's work to ensuring that African-Americans were uplifted. As a result he helped to uplift our nation.

I would like to close with a quote from his autobiography, Succeeding Against the Odds, "I believe that the only failure is failing to try . . . and if my life has meaning . . . it is because millions of Americans, Black and White, have proved through me that the Dream is still alive and well and working in America."

Mr. Speaker, John Johnson's life encapsulated the American dream—his works while on Earth ensure that the Dream remains an attainable reality. May he rest in peace.

JUDGES AND OUR CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANKS of Arizona. Mr. Speaker, I appreciate the opportunity to speak tonight regarding some very significant things that are happening in our country today. We are in a critical time in our history when we have two U.S. Supreme Court vacancies and when we have a nominee like Judge John G. Roberts put forth by the President for Chief Justice of the United States.

Mr. Speaker, tonight I want to talk about the importance of having people on the courts who will read the Constitution for what it says, because I believe that it goes to the very heart of this Republic.

Our Founding Fathers, those who fought in the Revolution, did so because they wanted a rule of law and not a rule of men. Mr. Speaker, I believe with all of my heart that the historical moments that we are in will dictate whether or not that revolution is affirmed or vitiated, and I hope with all of my heart that the President, that the U.S. Senate and that this body will do everything that they can to make sure that we find people who will have fidelity to the Constitution and will read those words that our Founding Fathers so meticulously put down for what they say and not for what a liberal activist judge might wish them to say.

Mr. Speaker, the reason we write constitutional words down, the reason we write words down in agreements, in constitutions, or declarations is because we want to preserve their intent. We want to preserve the agreement between the parties. We also want to make sure that no one can distort them in the future. And I will say more about that later; but, Mr. Speaker, there is going to be a great battle in the body next to us, because the liberal activists in that body will do everything they can to stop the confirmation of John G. Roberts or anyone who is committed to the rule of law, anyone who is committed to the original intent of the Constitution.

I am convinced that no matter what the President does in the next nomination, no matter what he does, they will attack the next nominee with equal force. It occurs to me that it is just important for us to encourage the President, to encourage the Senate to appoint and confirm people that will read the Constitution regardless of the outrage that the liberal activists put forth.

There is an old rhyme that says: "No one gains when freedom fails. The best of men rot in filthy jails. And those who cried appease, appease, are shocked by those they tried to please." And that is really the scenario before us. No matter how the efforts are made to appease those that want to use the judiciary to impose liberal activist notions on the people as a whole, no matter how we try to appease them, they are going to attack. I just hope that we see people that will firmly read the Constitution for what it says and will do what is right no matter what. And I pray the President can steel his heart and that the Senators that stand for the rule of law will steel their own and that we will make sure that we find people on that Court that will do what is right.

You know, popularity sometimes overrules principle; but in this case I do not think it is going to, because popularity has always been history's pocket change. It is courage that is history's true currency, and I pray that for the President and for the U.S. Senate.

I use one example to start out this evening to relate how an out-of-control liberal judiciary affects our Nation. Just last week, an activist Federal judge once again ignored the law and the great traditions of this Nation to declare that the Pledge of Allegiance of the United States of America is unconstitutional. Now, Mr. Speaker, this speaks to the desperate need that I have outlined here to confirm judges who will apply the law, judges like John G. Roberts. Mr. Speaker, Mr. Roberts is a man that will read the Constitution for what it says, and the Pledge of Allegiance should have no fear with him as Chief Justice.

Last week's ridiculous ruling and decision by Jimmy Carter-appointee and Federal liberal judge Lawrence K. Karlton is an outrage and a breathtaking example of arrogance on the part of a bigoted tyranny of liberal extremists on the Federal bench. In this decision, this activist judge cited as binding the Ninth Circuit Court of Appeals ruling that said that the voluntary recitation of the Pledge violates "the children's right to be free from a coercive requirement to affirm God."

In 2003, the United States Supreme Court dismissed for lack of standing that preposterous 2002 ruling by the Ninth Circuit, and that is the one we all know that found the Pledge unconstitutional. Michael Newdow, a self-professed atheist, did not even have custody of his daughter when he sued on her behalf. What is more, Mr. Speaker, his daughter did not even object to reciting the pledge in the first place. So when the Supreme Court vacated this obscene ruling, the late Chief Justice William Rehnquist concurred, and he so eloquently put forth the very simple truth of this matter. He said that the phrase "under God" does not change the Pledge into a religious idiom and it "cannot possibly lead to the establishment of religion or anything like it."

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The late Chief Justice listed many references to Presidents invoking God, going all the way back to the very first one, George Washington. He cited other events as well that, "strongly suggest that our Nation and our national culture allows public recognition of our Nation's religious history and character."

Sandra Day O'Connor in her concurrence even stated that to eliminate references to divinity would "sever ties to a history that sustains this Nation even today."

Mr. Speaker, for 50 years the Pledge of Allegiance has been voluntarily recited in schools throughout the United States of America and it has always been voluntary. Nobody in America has ever been required by government to say the Pledge of Allegiance. And if they say it voluntarily, they are not required to say the words "under God." However, it is an outrage that beggars my vocabulary for those who hold the office of Federal judge to rule that it is now unconstitutional for students who want to voluntarily say the words "under God" if they so choose.

In my opinion the Founding Fathers who wrote the Constitution would deem those who handed down such outrageous rulings to be pitiful excuses for Federal judges and to be traitors to the Constitution itself. This ruling is a prime example of the liberal, activist priesthood of the black robe seeking to force upon the people a state of irreligion, and it is a pathetic example of jurisprudence that has dictated that the people must ignore their own belief and faith and embrace only a nonreligious expression. Mr. Speaker, it is a violation, pure and simple, of the free exercise clause.

We must not allow the people of this Nation to be forced by judicial tyranny to follow such an empty creed. This ruling is disgraceful and it serves as exhibit A in the case against judges who are intent on ignoring the Constitution and imposing their own twisted ideology upon the people. When liberal activist judges discount laws enacted by the people's representatives to enact their own agenda, the Constitution itself provides a remedy; and it is time for the people's House to fulfill our duty to the people, to protect the Constitution from liberal activist Federal judges.

Mr. Speaker, in striking down our Pledge of Allegiance, this judge has once again ignited a resolve in the American people that will ultimately lead to Federal reforms limiting their power to legislate from the bench. This judicial obscenity will not stand.

With all of that said, I still stand on this floor with great hope in my heart for the future of this country, because even a cursory, a cursory glance back at America's history should impart hope to all of us.

By the time the 1860s had come to America, the world had marked 7,000 years of powerful societies enslaving their fellow human beings. And, sadly, this was also true of America. However, America was never truly at peace in her heart with this hellish institution of slavery, and so it was that American slaves began to earnestly pray to God to intervene, and it seems God sent them President Abraham Lincoln, a man who understood the true meaning of those magnificent words, "We hold these truths to be self-evident that all men are created equal and endowed by their Creator with certain unalienable rights."

Mr. Speaker, our Founding Fathers wrote those words down for us because they did not want us to forget their true meaning or fall prey to those who would deliberately destroy it. That has always been the preeminent reason why we write down documents, agreements, or constitutions in the first place: to preserve their original meaning and intent.

When the smoke of a horrible Civil War finally drifted from the air, 7,000 years of the world accepting the unrequited toil of human slavery was over. The prayer of slaves had been answered, and the United States of America began to emerge as the flagship of human freedom in the world.

But only 100 years later we began to stray from that path. We began to think only of ourselves. And in 1973 Roe v. Wade was handed down by the U.S. Supreme Court, and it brought wholesale abortion on demand to the land of the free, and the veil of darkness fell upon America. In that darkness we heard, but we disregarded the mortal cry of one little baby in the womb, and then there was another, and even another was heard until that sound had become the soul-wrenching cry of tens of millions.

We found ourselves and our national conscience disoriented and awash in the blood of our own children. Millions of prayers called out for another leader to remind us of those words that speak the divine message of human dignity, "all men are created equal."

Mr. Speaker, from the time we were conceived, all human beings are created equal. We do not become equal when we each reach a certain age or status. This is America's creed, that is our foundation, and how grateful we should all be that our Founding Fathers wrote those words down, and how desperate our commitment should be to remember what they mean.

Now in this day, in these moments, that test is upon us. The President of the United States has nominated an individual in John G. Roberts as Chief Justice of the United States who understands that all men are created equal. Mr. Speaker, I believe that this President understands those words in his own heart; and, indeed, it is his commitment to their meaning and his commitment to human dignity itself that has given him the courage to stand resolutely against terrorists to protect innocent human life.

But this President and each one of us in this body and each person in the body across the way must never forget that this thing called Roe v. Wade has taken more than 15,000 times the number of innocent lives lost on that tragic day of September 11. We live in a time when there is truly a glimmer of light breaking on the road before us; but the curve just ahead is sharp, and to miss it may be to plunge into the darkness. The voice of destiny calls to our President and all of us in these decisive days to once again steel our hearts and to ask anew, Is it true in America that all men are created equal?

Mr. Speaker, our legacy to future generations and the survival of human freedom in the world will depend upon our answer. May God bless America, may God bless President George W. Bush, and may God bless Judge John G. Roberts.

Mr. Speaker, I yield to the gentleman from Texas (Mr. CARTER), whom we call Judge, who we all have the deepest respect for.

Mr. CARTER. Mr. Speaker, I thank the gentleman for yielding and for taking this time tonight to talk about this very important matter before our Nation right now.

The House of Representatives does not have a vote in this issue, but it does and should have a voice in the issue concerning the selection of the highest court of this land, and of all of the judicial appointments.

One of the duties of this House is to be a voice of the people of this country, because we of the elected officials in this House of Representatives, we are the ones that have the smallest districts and are closest to the people. Most of us are home every weekend talking to the folks back home. We have a good idea of the kind of capabilities that our people are looking for in their judges.

We have one of the great debates in history going on right now, with two potential justices to be appointed to the Supreme Court. We were here last week talking about this, and we told you that we would hope that everyone would watch the hearings that took place last week to see Judge Roberts. I predicted that Judge Roberts would be outstanding before the Senate, and I think my prediction was absolutely proven true. I think everyone acknowledges he showed great intelligence and great insight. He answered the questions appropriately. He asked to be excused from questions which were inappropriate for a judge to answer. He handled himself with charm and grace and intelligence, just exactly the way I predicted last week. I am not clairvoyant. I just know this man is the right man to be on the Supreme Court and to be the Chief Justice to lead that Supreme Court.

We know the Constitution gives them the vote. We hope that they will hear our voice. There is a lot of criticism that has been out there, and I want to ask the American people to think about just exactly what is the role of a judge in our society. I served for 21 years as a judge in Texas, a proud 21 years as part of the justice system of this Nation. I think what the lawyers that appear before a court and what the people who those lawyers represent want from a court is a judge that comes into the court with no preconceived notions, that will listen to the facts that pertain to the case, examine those facts carefully, apply the law and the facts, and come up with a solution. That is what they want from the judge. That is what the Founding Fathers wanted for the justices of our Supreme Court. They wanted them to examine American law as it relates to each set of disputed facts that comes before that court, and, from the American jurisprudence and the common law, come up with an interpretation of whether or not our Constitution has been violated under certain circumstances, and to examine the laws of the United States and make them proper.

I do not think anybody argues with that. I think that it would be totally inappropriate to ask a judge to make a pretrial statement before a case is brought before the court as to where he would stand on an issue without hearing the full presentation in the court, reading the briefs, and making a decision based upon what has been presented in the court and the law as it stands in the United States at that time. That is what we want from our judges. Judge Roberts is that kind of judge and will give us those decisions.

I think it is almost laughable if you know how the court works. When a man is hired as a lawyer for somebody else, when a client comes into a lawyer's office and says I want to hire you to represent me in a case, now you would not want that lawyer that you hired to represent you in that case to go into court and argue the other side of the case against you, because that is not what he is getting paid to do. His job is to be an advocate for his client. And yet the criticisms that we hear against Judge Roberts are that he made arguments as a lawyer for a side before the Supreme Court or before other courts in favor of or against certain positions that some Members of the Senate do not agree with: therefore, he is inappropriate to be involved in any case that has to do with that.

We will start off with the pro-life issue. They argue that Roberts is pro-life because of two arguments that he made while he was representing the United States of America as a deputy solicitor general in Rust v. Sullivan and Bray v. Alexandria Women's Health Clinic. Roberts' opponents argue that Roberts unnecessarily called for the Supreme Court to overturn Roe v. Wade in Rust, a case challenging Federal regulations which prohibit certain recipients of Federal funds from counseling patients on abortion. Critics argue that the case could have been argued solely on the basis of statutory construction of the provisions at issue. Critics also point out that Roberts coauthored the government's amicus brief in Bray, a private suit brought against Operation Rescue, which argued that Operation Rescue was not engaged in a conspiracy to deprive women of equal protection rights.

Who was he arguing for? His side, his client, the people paying him to make an argument for them. And who is someone sitting outside the courtroom, who are they to tell a lawyer how he should argue his case? Well, he should argue his case but not argue Roe. If he felt the interest of his clients were best protected and put forward by arguing against Roe, it is his job to argue against Roe.

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If the next time he comes into court and someone has hired him to take the opposite position, that same lawyer would be arguing the other side of that case because that is what lawyers get paid to do. And an argument a lawyer makes in the courtroom and whom a lawyer represents in the courtroom, if that defines that lawyer, there is something wrong with how we think. That would be accusing every criminal lawyer in America of being a criminal because they talk in favor of criminals.

But if we do not have defense lawyers in criminal cases, we do not have a case because the State has the burden of proof in that case. The defense has no burden of proof whatsoever, but they have the right to representation under our Constitution.

Would we say that no lawyer would ever be fit for a court if he argued any position that might come before that court and we can tell what his position is going to be by his arguments in court? That, Mr. Speaker, is just one of the most ridiculous arguments that I think anyone could ever make. And anybody who would hire a lawyer to go into court to argue the other side of a case ought to fire his lawyer before the third word came out of his mouth and ask the judge to give him some more time to hire a decent lawyer to represent his position, and I think most lawyers would grant that.

And almost every argument that is made in this whole list of things that says Roberts is a right wing extremist, Roberts is anti-environment, Roberts is hostile to civil rights and affirmative action, Roberts is hostile to the rights of criminal defendants, Roberts is hostile to the first amendment of the establishment clause, all of these things are baloney because about 90 percent of their arguments are that he made this argument as an advocate for a client, which is his job. Lawyers argue every day in court as advocates for their clients when, in their heart of hearts, we cannot tell whether they are for what their client is for or against what their client is for. But, by golly, they make us think they are because that is their job to represent their client and convince the court that their position is valid. That is what they get paid for.

The other arguments they have in here are some arguments about dissents that were written by Judge Roberts on the court of appeals. Well, what do we want from a judge, a multijudge panel on the court? Do we want everybody up there that thinks exactly the same way on every issue? Then why do we need all of them? Why not just pick one every day, and we know we can get the same verdict every time because they all just think alike? Or why do we even need judges? If we have a set of criteria that we absolutely feel that everybody ought to have to be a judge, why do we not just program it into the computer, feed the facts and the argument into the computer, and if it does not fit the computer program, we spit it out and they lose?

That is not what a court is all about. That is not what a multijudge court is all about. It is about intelligent students of the law with experiences in the courtroom, both as advocates and as fair and impartial judges, who are able to go together, take their combined intelligence, make arguments to themselves as they discuss the case, and come up with the combined intelligence of those people and the combined opinions of those people, which may be diverse, which comes up, we have discovered, over and over and over in our courts of justice, comes up with good decisions that fit the appropriate actions that are necessary for the court.

If we have everybody who thinks just alike and there is a litmus test for every member of the judiciary, we do not need all those Supreme Court Justices. Let us just give one guy superpower and dictatorial power over the judiciary and move on.

I think that both sides would feel passionately about issues concerning the Court. But the reality is there is a place in that Court for diverse opinion, and if we do not have diverse opinion, we do not have a Court that can effectively give a broad-based analysis of the law that comes before it. And then to go and try to come up with stuff that does not mean a thing by saying he represented somebody is just on the verge of laughable, and I think in all reality the arguments that are being made are spurious at best.

I would encourage our colleagues in the Senate that they pass this case on, bring it up on the floor as soon as possible. We now have a Court that has basically two vacancies, one being filled until another Justice is selected and one that is empty. We have a Court that is going to work in October. I think it is important that we pass Judge Roberts out to a vote on the floor of the Senate, that they have an up-or-down vote on the floor of the Senate; and if Judge Roberts does not get the vote, then let us find somebody else to fit the job with an up-or-down vote on the Senate side. If he does get it, let us get him in to start working on the job so he can be ready as this Court convenes in October. And then let us get to work on our next Justice that is coming down, and let us not try to establish litmus tests.

Let us not try to make people walk the line of somebody's political agenda. Let us say, Mr. President, give us a fair and impartial judge that knows the law, knows how to find the law, knows how to interpret the American jurisprudence, not some foreign jurisprudence, but the American jurisprudence and the common law and come up with the solution to our problems in our Supreme Court, and we will have fair and impartial justices in the Supreme Court of the United States. But there should be no litmus test whatsoever that is required of these nominees.

And I hope the President will come up with a good nominee for this next vacancy; and if he comes up with one with the quality of Judge John Roberts and the ability of Judge John Roberts, we will have hit a home run in the two nominees that have been submitted to the Senate. And I hope for rapid confirmation of both so that we can put the Supreme Court back to work with a full house.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Texas (Mr. CARTER) for his comments. Mr. Speaker, we are all, again, so fortunate to have the gentleman from Texas (Mr. CARTER) in the House of Representatives because of the experience that he has. I could not help but see so clearly his commitment to the Constitution itself and his understanding of what the role of a judge is. I have to say that I think that the only time I have ever heard it put as succinctly was when Daniel Webster said: "Hold on, my friends, to the Constitution and to the Republic for which it stands. For miracles do not cluster, and what has happened once in 6,000 years may not happen again. Hold on to the Constitution.

for if the American Constitution should fail, there will be anarchy throughout the world." And I know that the gentleman from Texas (Mr. CARTER) holds on to the Constitution.

I want to also yield to another man that holds on to the Constitution. The gentleman from Iowa (Mr. KING) is one who always has a copy of the Constitution in his pocket wherever he goes, and he is someone who has shown himself to be a true champion of this Constitution.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Arizona (Mr. FRANKS) for yielding to me. It is an honor for me to join him here on the floor again tonight. The last time, as I recall, the gentleman from Arizona (Mr. FRANKS), the gentleman from Texas (Mr. CARTER), and also the gentleman from Texas (Mr. GOHMERT) and I were here together to celebrate the life of Chief Justice William Rehnquist. That was a somber moment, a moment of reverence and respect and reminiscing; but also, we came away from that evening and we came away from that week with a sense of the legacy that was left by the years on the bench by Chief Justice Rehnquist.

And tonight we are actually looking ahead now, looking ahead to the future of this country, the future of this Constitution, this one that they have checked to see if I would have it in my pocket. And, of course, it is there. That rumor has started around this Congress. Now I do not dare be without it. But I have carried it in my pocket for years, and it is not the freshest one. The old one that I had I autographed and handed over to the chief justice of the supreme court of the People's Republic of China as he visited here. I thought he should have a copy of the United States Constitution.

It is clear to me that already soon-to-be-Chief Justice Roberts is very familiar with this Constitution document and very reverent and very respectful.

A number of things in the conversation, particularly the gentleman from Texas's (Mr. CARTER) remarks reminiscing the press accounts and the critics of Judge Roberts, that he is hostile to Roe v. Wade or hostile to this or hostile to that. And as I look across that list that was presented, it occurs to me that he is hostile to one thing that I think we can agree on: he is hostile to enemies of the Constitution. I am grateful for that hostility. It might be the only sign in the gentleman's character that one can see that is of a hostility.

And I want to tell my colleagues that my background and history with him is not extensive, but I did have the privilege to have breakfast with Judge Roberts a couple months before he was nominated by the President. There was a group of about six or eight of us at the table, and certainly it was a larger room. I had a conversation with him that was not a continuous type of conversation where I could probe into his constitutional thoughts so much as it was to judge his reactions and judge by his remarks.

I would say that, of course, what I saw there was the man that we have seen day after day here before the Senate Judiciary confirmation hearings. The man that I think in the private life of John Roberts is the same person that we see in the public life of John Roberts. The people whom he surrounds himself with, the people who count themselves as his friends, the people who know him far better than I do I am impressed by, and I know them far better than I know John Roberts. But one can be judged by the company they keep, and the company that he has kept has been stellar company throughout.

I do not think that one could write for a blueprint for a life that would better describe a path to the Supreme Court and, in fact, to the Chief Justice of the Supreme Court than the life so far, the bio, resume of John Roberts. It is exemplary. I know that when they did the background check, or I am told this through the media, that there was not a single thing, it was the cleanest background check one could have asked for. Of course, I expected that, but I wanted to put that into the record as well.

There would not have been a nomination if there had been a problem; but it was one of the more stellar background checks, I understand, that has been run. And that is through the grapevine. Nothing that has been public that I know of.

I want to tell the Members that Judge Roberts has this reverence for the Constitution, and I have put together some of the quotes that have come out of the confirmation hearings over in the Senate, and some of these quotes fall into different categories, but one is under strict construction of the Constitution. Judge Roberts confirmed my initial beliefs that he would uphold the true intent of our Founding Fathers by strictly construing our Constitution. And over and over in his testimony before the Senate Committee on the Judiciary, he verified that he is a strict constructionist and that he believes judicial activism is dangerous to our system of government.

He summed it up in one line, the duty of all of us in the Federal Government, when he stated: "My obligation is to the Constitution: That's the oath."

I would like those words to echo again: "My obligation is to the Constitution. That's the oath."

If that happened to be the conviction of everyone in a black robe, we would have a lot easier task on the Committee on the Judiciary in the House of Representatives and on the Committee on the Judiciary in the United States Senate, for that matter.

His qualifications for the position of Chief Justice are, I think, clear. And the President has been impressed with not just his clarity of thought, not just with his brilliance of his legal reasoning but also with his personality, his character, his leadership abilities.

He explained his support for strict construction of the Constitution, and this would also be part of the record, when he said in the hearings, "Judges are not to put in their own personal views about what the Constitution should say, but they are supposed to interpret it and apply the meaning that is in the Constitution . . . and the job of a good judge is to do as good a job as possible to get the right answer." And over and over again, this kind of philosophy comes through, not an activist philosophy but a strict constructionist philosophy.

The same day he further described a judge's proper role, and he explained: "We don't turn a matter over to a judge because we want his view about what the best idea is, what the best solution is. It's because we want him or her to apply the law."

"We turn a matter over to a judge because we want him or her to apply the law." Not to apply their judgment, not to apply their whim, not to apply what they think the policy should be. That is the job of the legislative branch. And that is consistent with the vision of our Founders, and it absolutely consistent with the language and the text of the Constitution, and it certainly is not something that we see within the activist judges that sometimes come before our courts and make those kinds of decisions, particularly the ninth circuit out there. And I know the gentleman from Arizona (Mr. FRANKS) referenced that, and I appreciate his bringing that subject up before the Speaker and before this country.

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And Judge Roberts went on when he said, "It is because we want him or her to apply the law." I will continue that quote: "They are constrained when they do that. They are constrained by the words that you choose to enact into law," meaning the Senate or the Congress, "in interpreting the law. They are constrained by the words of the Constitution. They are constrained by the precedents of other judges that become part of the rule of law that they must apply."

Constrained, constrained, constrained, constrained. Four times in that paragraph he used the word "constrained." I think that is indicative of the kind of judge we are going to see, a judge that exercises constraint, and a constraint that is bound up within the words of the Constitution, within the text of the Constitution, within the clear meaning and the defined boundaries of the Constitution, and the rule of law, and constraint within the boundaries of being a member of the judicial branch of government whose job it is to, as he said, call the balls and the strikes.

I want to express some gratitude to Phyllis Schlafly for bringing that idea before this country and, in her book "The Supremacist" when she said that a judge's job is to be the umpire, to interpret the rule book. And now this man in his hearings picked up one more notch on that philosophy and said, my job is to call the balls and the strikes. Who would want to play a game before an umpire that did anything else? Who would want to play a game before an umpire that called the balls and the strikes as he wished them to be rather than what they actually were? That is what the judge's job is, and it is a very, very clear way to describe that.

Mr. Speaker, John Roberts will not be a justice who seeks to usurp the roles of the other two branches. On the first day of his hearings he stated, "I prefer to be known as a modest judge. That means an appreciation that the role of the judge is limited, that judges are to decide the cases before them," and I continue to quote, "they are not to legislate, they are not to execute the laws."

They are not to legislate, they are not to execute the laws.

He also explained that, "Judges have to decide hard questions when they come up in the context of a particular case. That's their obligation. But they have to decide those questions according to the rule of law; not their own social preferences, not their policy reviews, not their personal references, but according to the rule of law. According to the rule of law."

Now, I never dreamed as a young man, and I began in about eighth grade to study this Constitution and read this document and understand and really get some depth and appreciation for our history; I never thought I would be standing on the floor of the United States Congress celebrating an appointee to the Supreme Court because they want to rule according to the rule of law. I believed that every judge that ever put on a black robe would rule according to the rule of law. And here we have come to this point where activist judges cause me to come to celebrate because we have one before the Senate Committee on the Judiciary for a confirmation.

On the second day of the testimony, Judge Roberts said to his colleagues, "Judges need to appreciate that the legitimacy of their action is confined to interpreting the law and not making it, and if they exceed that function and start making the law, I do think that raises legitimate concerns about the legitimacy of their authority to do that." Another challenge, another constraint.

I could stand here and repeat Judge Roberts' testimony all night, Mr. Speaker; showcasing what a great candidate he is for this position would be something that I would continue on with. But when asked about his threats to the rule of law, he stated, "The one threat, I think, to the rule of law is a tendency on behalf of some judges to take that legitimacy and that authority and extend it into areas where they are going beyond the interpretation of the Constitution, where they're making the law. And because it's the Supreme Court, people are going to follow it, even though they're making the law."

That is chilling to those of us who revere this Constitution, but we do revere the Supreme Court. And because it is the Supreme Court, in his testimony, "people are going to follow it," even though they are making the law. Now, I will expand that and say, even though they are not following the law, even though they are not following the Constitution, people will respect and revere the decisions of the Supreme Court, because of the stature of the Court, without regard to the text and the intent of the Constitution or the law itself. That is my edit.

Then I will pick up that quote again. He follows that with, "The judges have to recognize that their role is a limited one. That is the basis of their legitimacy. Judges have to have the courage to make the unpopular decisions when they have to. That sometimes involves striking down acts of Congress. That sometimes involves ruling that acts of the executive are unconstitutional. That is a requirement of the judicial oath. You have to have that courage."

And I continue to quote: "But you also have to have the self-restraint to recognize that your role is limited to interpreting the law and doesn't include making the law." And doesn't include making the law. I repeat that for effect because it has significant effect on me, Mr. Speaker.

This man, who is poised to step forward and don the robes of the Chief Justice of the Supreme Court, is a young man with a clear legal mind, a solid moral set of values, a clear understanding of his duty before the Court, a constitutional understanding, a rule of law understanding, and a duty to history. The years that I have left on this earth may not be as many as I pray he has, but every year that this unfolds and every year that these cases come before the Court, I pray that the President can appoint some justices to this court that will match the vision and the clarity and the legal understanding of this man, John Roberts, so that one day we can work ourselves back to this Constitution, this Constitution that he reveres, that we revere.

Mr. Speaker, I yield back to the gentleman from Arizona, and I thank the gentleman.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman. I would just echo some of the comments of the gentleman from Iowa (Mr. KING) in that this man, Judge John G. Roberts, is perhaps the most qualified person for Chief Justice, certainly in my lifetime, that we have seen. And if he is somehow castigated by liberals in the Senate and attacked because of his fidelity to the Constitution, then it seems that our only road leads to a judicial oligarchy, and those of us in this body can lock the doors and go home and quit pretending to be lawmakers, because the courts will then prevail over all.

It is interesting, because some of the Founding Fathers, and one in particular, Thomas Jefferson, said it this way. He said, "The object of my great fear is the Federal judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding when it gains, is engulfing insidiously the special governments into the jaws of that which feeds them."

This is not a new concern. Our courts have ruled that the black man was property. Our courts have ruled that unborn children are not human beings. Our courts have ruled that marriage and the family itself may be unconstitutional. Our courts have ruled that it is unconstitutional to protect a 9-year-old girl from Internet pornography. Our courts have ruled that that same little girl cannot say a certain prayer in school. Our courts have now ruled that it is unconstitutional for her to say the Pledge of Allegiance. And I wonder, Mr. Speaker, if those of us standing in this place would look out across the fields of Arlington and ask ourselves, is that why they died, so that we could uphold those kinds of asinine, ridiculous interpretations of the greatest Constitution that was ever written by man?

I think that we are turning a corner, and I think John G. Roberts is going to be a significant part of that.

Mr. Speaker, I would like very much to yield to my very good friend, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Arizona. In fact, I am humbled to follow my colleagues in this discussion about this great man, Justice Roberts, and of course my colleagues, the gentleman from Arizona and the gentleman from Iowa, are both members of the House Committee on the Judiciary, and my great friend and classmate, in fact all four of us are classmates, but our own judge, we have several in the House, but my judge, the gentleman from Texas Mr. CARTER. It is an opportunity, though, for this physician Member to stand up here before this body, Mr. Speaker, and say while sometimes physicians are probably pitted against attorneys. I have great respect for them. In fact, I have two members of my immediate family, my brother and my daughter who are attorneys, who I am very proud of.

But just to have watched this gentleman in the hearings in the Senate Committee on the Judiciary, Mr. Speaker, after a week of questioning by our counterparts in the other body, I believe that the Congress and our Nation has a good sense of what kind of a jurist John Roberts will be if confirmed as our Nation's 17th Chief Justice. In fact, on one of the television news shows this past Sunday, a member of the Senate Committee on the Judiciary, the gentleman from South Carolina, Senator GRAHAM, when asked how did Judge Roberts perform, he said, "Well, let me just put it this way: If it had been a prizefight, they would have called it in the second round as a technical knockout and the person on the ropes would not have been Judge Roberts."

Without question, it was a technical knockout heading for a knockout.

Judge Roberts will indeed, Mr. Speaker, bring a refreshing, fair, and balanced approach to the United States Supreme Court which has not had a vacancy in 11 years.

Our Nation is a different place than it was in 1994. We have more access to information, more technology, a stronger economy; we have our brave soldiers defending democracy in our global war against terrorism. The United States Supreme Court needs a perspective that understands accountability to both the American people and, as the gentleman from Iowa said, especially to the United States Constitution. Like one of his mentors, the late Justice William Rehnquist, Roberts has a strict constructionist view of the Constitution. He interprets laws considering the intentions of our Founders instead of the whims and desires of a political party or electorate. That is why we need Judge Roberts on the Supreme Court. He can restore a sense of restraint to some very creative interpretations of late. The gentleman from Arizona just talked about a few.

Judge Roberts' qualifications are, Mr. Speaker, unquestioned. However, the Supreme Court nominee has to face a litmus test on ideology. Some Senators are asking whether or not this particular justice will protect their favorite judicially constructed rights. Others have questioned how he might use the position as Chief Justice to help the survivors of Hurricane Katrina. Roberts very politely responds that he will interpret our laws on a case-by-case basis, he will hear each side and will always heed restraint to the separation of powers and constitutional government.

I could go on and on, but my colleagues, Mr. Speaker, have said it so well. This is a man that is a brilliant jurist, and it showed through so clearly during the Committee on the Judiciary hearings. I hope that when they have the vote on Thursday, or whenever it comes to a vote in the Committee on the Judiciary, there should not be many, if any, "no" votes, and I look forward to a speedy confirmation by the United States Senate.

I thank the gentleman from Arizona and my colleagues, the gentleman from Texas and the gentleman from Iowa, for letting me participate in this special hour. It is so important, as the gentleman from Texas said, that while we do not have any official role in regard to advice-and-consent responsibilities, we do have a responsibility and we have a voice, and it is good that we have this opportunity tonight to express that voice and to commend to the American people the new Chief Justice, John Roberts.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Georgia. Mr. Speaker, in that the gentleman from Georgia (Mr. GINGREY) and I are such good friends and that I hold him in such high regard, I am going to forgive him here on the floor for suggesting that I might be a lawyer. I do not know if the gentleman from Iowa (Mr. KING) might want to extend such a forgiving hand as well. We are both on the Committee on the Judiciary and, of course, sometimes it is assumed that we are lawyers. But his points are so well taken, in that we do need judges that will simply read the law for what it is.

I know that we repeat this a lot, Mr. Speaker, but when courts forcefully interject false and unconstitutional notions that go against justice and natural law and common sense, without allowing the issue to go through the legislative process of debate and consensus, it abrogates the miracle of America and it abridges the freedom of the people to govern themselves. I just am hopeful that we can recognize that our courts, I say to the gentleman from Texas, were never intended to decide social policies, or any policies, for that matter. This is the job of the people's Congress. This is why people send us here. The legislative process creates a dynamic for opposing voices on any issue to be heard in an open forum, and a strong consensus is necessary for any kind of decision, and where each decisionmaker can ultimately be held accountable by the people they govern.

☐ 2100

And I know that the people of Texas are very proud that they have sent Judge Carter to the Congress.

Mr. CARTER. Mr. Speaker, first I want to say that I am happy to be privileged in that when Judge Roberts made his opening statement, and he started talking about balls and strikes, calling the balls and strikes, being the umpire, as far as I was concerned, it was over right there; he had won, because he understood the role of being a justice.

And he happened to use something that I had used on multiple occasions. You know, back in the small town where I started out as a judge, it grew to be a big town, we have a lot of baseball and girls' softball, and one time they said, hey, Judge, would you come out and call the balls and strikes; we lost our umpire.

And I said, friends, I call balls and strikes for a living. And I am not about to get up there and call balls and strikes at my daughter's softball game. But that is exactly right. That is understanding what a judge's job is. It is so very important that we have a judge that has the common sense of the American people to go along with a great intellect into the law.

It is just so very important that we have that kind of a judge that comes to the Court. This is exactly want we have in Justice Roberts. He is so impressive, I mean phenomenally impressive. So Judge Roberts stole that from me. But probably I would say stole it from lots of good judges. I kind of think that I was a good judge; but lots of good judges in the United States, because they understand the concept of what their job is.

Mr. FRANKS of Arizona. Mr. Speaker, Judge Carter can call the balls and strikes, in my judgment, any time.

With that, I would yield to my friend, the gentleman from Iowa (Mr. KING), for any further comments he might have.

Mr. KING of Iowa. Mr. Speaker, I want to express my gratitude for you setting up this hour and providing an opportunity for myself to speak. And as I stand here as a nonlawyer and reflect upon the future and upon this Constitution, I think there is something that young people lose sight of. And I gave a guest lecture at Central College in Pella a week ago last Friday, so that has been about, what, 9 days ago or so. And in that guest lecture, it was on the Constitution, and it lasted maybe an hour and 40 minutes or so. And it was interesting to me that one of the professors there came up afterwards and he said, you have made the Constitution interesting. I had not seen that before.

It never occurred to me that the Constitution was anything but interesting. It is a fascinating document. And if you know the history of it, there is a piece of it that we seldom talk about here, we often forget, and that is this guarantee, this guarantee of our freedoms and our liberties in this foundational document that is drawn upon the Declaration of Independence, and that our rights come from God, clearly in the Declaration, and we are endowed by our Creator with certain unalienable rights. Among them are life, liberty, the pursuit of happiness. But those rights are even more clearly defined in the Constitution, the rights that come from God. No man can take them away, because they come from God. And the Constitution defines that.

But as we watch this Constitution get amended with decision after decision by an activist Court, we see these rights be diminished by decisions of the Court.

And so I will take us to this question, which is: The Constitution either means what it says or it does not. If it means what it says, then we are constrained by the language, and we are further constrained by the language that was the intent of the original meeting, because the founders cannot be held responsible for an evolving language or evolving values system, or any idea that it should be read in light of contemporary values.

People try to do that with the Bible and they get off base. Truth, justice, sin, virtue have always been the same. They have been the same 1,000 years ago, 4,000 years ago, and they will be the same 4,000 years from now.

But the Constitution is our guarantee. And when we deviate from that language, that strict construction, that originalist, the understanding of the guarantee that the States have all opted into voluntarily, an irrevocable bond that was established at the end of the Civil War, and we understand that guarantee must be maintained through the constraint of the judicial branch, not the activism of the judicial branch, because an active judicial branch of government undermines our Constitution, erodes our rights.

If that is the case, then what value has that document whatsoever, if you are going to let the majority of nine justices determine the future of America? We have stepped back from that now with this appointment. We need at least two more to get there. It is a long evolutionary process to see this Constitution reestablished by the Court.

We did not get here overnight. We got here over 40 years or longer. It will take at least that long to get back again. But I look for that day.

Mr. FRANKS of Arizona. Mr. Speaker, I want to thank all of these men. You know, it is said in this place that the friends you find here, you can pick your pallbearers out of them. And I certainly feel that way about these three men.

I am grateful to have the opportunity to serve at this time in history with men that love America, that love freedom, that love their fellow human beings as much as these men do.

We have talked a lot tonight about protecting the Constitution. But you know, really, sometimes it is good for us to step back and ask why we are really here. And ultimately we are here because we believe that the miracle of life in America is something that is unique.

Mr. CARTER. Mr. Speaker, let us point out that when our founders as States decided they wanted to write a document that they were going to submit to govern our Nation by, the Constitution of the United States, they chose to sit in Congress as a group of diverse opinions representing their various States to come up with this document.

They did not ask a battery of judges to come in here and do that. They asked people that represented their States to come in and represent the interests, and they debated, as we debate here in Congress, the laws we designed, and the intent is clear, that they wanted a Congress to make the laws of this United States.

They, in Marbury v. Madison, set the precedent that said the Courts may interpret the laws that are made, to see if they comply with the Constitution of the United States, which is the sovereignty of our Nation.

Of course, our true sovereignty is in God; and it is clear as the gentleman from Iowa (Mr. KING) points out, we stated the sovereignty that we look to in the Declaration of Independence, where we get our rights from. And they are not given to us by our government, they come from the divine authority of God. But they went forward on that and they established the Congress to make the laws.

And I agree 100 percent that is the intent of our founders, and that is the way it is supposed to be. That is the right and proper place. And the interpretation of Judge Roberts, so adequately and effectively and eloquently presented to the Senate to educate that bunch in the last week, proves that fact.

I want to say that I am honored to be here with these four gentlemen. These are some of my best friends. Let me point out that Judge Roberts is not from any of our States. We have no parochial interest in this whatsoever. We are just glad that we have got a great jurist coming forward.

Mr. FRANKS of Arizona. Mr. Speaker, I guess he says it so well, there is so little to add. But you know, the umpire kind of corollary has been used quite a lot here tonight, and what some of us have objected to is like in the book, The Judicial Supremacist, when the umpire says strike 2, you are out. And that is what has happened a lot in some of these decisions lately.

The courts and some of the activist judges have simply thrown the Constitution aside and said that they are not going to follow it. That is why we are so grateful that John G. Roberts is going to be our next Chief Justice, because he, I believe, will have the erudition and the mentality and the heart to bring the rest of the Court to reaffirm what the rule of law is all about.

And, again, we talk about the rule of law. But, really, is it not about trying to uphold our fellow human beings? Because if we were willing to let judges drag us into that darkness where this concept of the survival of the fittest prevails, and whoever was strongest prevails, then it would not matter.

But, no, we believe that all people are created by God and have a divine spark in them and that they deserve to be protected and that is what the rule of law is all about.

And I just pray that God will continue to give the President of the United States the courage and the insight and the soundness of mind to protect America and the world and this United States Constitution that has given us the greatest Republic on earth.

FUND INTEROPERABILITY REQUIREMENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, I am pleased to appear here tonight on behalf of the Democratic leader to talk about a problem that we have faced for many, many decades in this country and little or nothing is being done about.

And actually we have a very huge problem on our hands, and it is a problem that this Republican-led Congress and the administration has tried to minimize and brush aside for way too long, and that is interoperability.

Our first responders, our police, our firefighters, our sheriffs, our National Guard members, emergency medical technicians, cannot talk to each other in time of emergency, or even out on routine patrol, they cannot talk to each other across agencies, across country or across city lines. And they cannot talk to each other, to the State, to the local and Federal Governments for which they serve. We have law enforcement and first responders out trying to do their job, but what they see and what happens before them, they cannot communicate with each other.

The issue is called interoperability. Can I talk to the agencies next to me? Can I talk to that firefighter? Can I talk as a police officer to the emergency medical technician who is coming to help me?

As a former city police officer, and as a Michigan State police trooper, I can tell you that this is something that the law enforcement community has known for decades. The issue gained national attention after the Oklahoma bombing in 1995 at the Murrah Building and again on September 11.

Unfortunately after the wake-up calls this country has received, especially after September 11, this administration has simply rolled over and went back to sleep, until it was once again awakened by the arrival of Hurricane Katrina.

Local first responders, government officials, military and National Guard leaders have all said that the inability of first responders to communicate made this national crisis, Hurricane Katrina, much worse than what it should have been.

With Hurricane Katrina, we witnessed a complete communications meltdown that stretched from the gulf coast all of the way here to the Beltway. We witnessed the unimaginable horror that resulted from this meltdown. We saw babies crying. We saw older women weeping. We saw police officers running towards gunfire, unable to describe what is going on and unable to call for backup, because they had no communications.

We saw buildings burning because there was no way to notify the fire department and the firefighters who were still in the area. The communications breakdown was so absolute that the director of FEMA said he did not know until Thursday, 3 days after the hurricane, that there were over 25,000 people stuck in the hell that was once known as the New Orleans Convention Center.

We know that the inability to communicate contributed to the deaths of 121 firefighters on September 11. We do not yet now how many people died in the aftermath of Hurricane Katrina, simply because public safety officials could not communicate with one another.

But we do know that people died. We have all seen the pictures of bodies covered in sheets at the convention center. That should not have happened. Those people should not have to have died. We could see the frustration on the faces of the first responders, the medical professionals, the police, who did not have the necessary communications to get the job done and to save lives.

Despite the difficult conditions and despite the lack of communication, those first responders should be commended for a job well done with the resources this Nation gave them to work with. But we owe it to our first responders. We owe them more than just thanks, more than just honors, and more than just promises.

For once cannot we just stop the rhetoric, and I for one am sick and tired of the rhetoric and the empty promises that they will soon have interoperability, they will be able to communicate with each other, they will be able to save lives, as is their sworn duty to do.

And that is why I am down here tonight and joined by some of my Democrat colleagues. That is why we have offered amendments, written letter after letter, and introduced legislation to increase funding for our first responders for interoperability.

□ 2115

I am not alone. Democrats have been calling for more resources and more funding for your first responders year after year. Unfortunately, our voices, these calls have fallen on deaf ears of the majority party and this administration.

In the years since September 11, in 2 years Congress did allocate $260 million for interoperability. $260 million may sound like a lot, but the communications challenges facing this country, as we have ignored it for so long, are such a daunting task that it is estimated it will take $18 billion for this country to finally become interconnected with their communications for public safety and first responders. So you see, $260 million is really only a drop in the bucket for interoperability.

What is more troubling is the last 2 years this administration has zeroed out any money in the budget for the only grant program specifically designed for public safety communications upgrade. In the last 2 years requests put in it get zeroed out by the administration. And the majority party is obligated to do what the administration has been telling them to do, and they failed to provide any money specifically for first responder communications.

Shockingly, the administration continues to request no funding. Even in their most current budget, no funding, even though everyone knows and realizes that there is a lack of communications. Interoperability is a problem that must be solved to save lives and to properly respond to the disasters or terrorist attacks here in the country.

The Department of Homeland Security has solicited proposals for a $10 billion program to make 80,000 Federal law enforcement officers and agents interoperable. The Department of Justice and the Department of Homeland Security, they want to take most of the money and make sure the Federal Government can talk to each other. That is a good start. But there are about ten times as many State and local law enforcement officers, 800,000 in the United States. We should be making sure we are making the same commitment to our State and local governments, especially after what we saw this month, that State and local governments may be on their own for days following an attack or another hurricane like Hurricane Katrina.

Why is it the Federal Government has a plan to make itself fully interoperable, but the first responders who are always the first on the scene, the first at the disaster, the first at the terrorist attack will have to wait until the Federal Government is fully interoperable? It is the local first responders who must be made interoperable first.

The lack of commitment to our country's first responders became glaringly evident this past week. As The Washington Post reported on September 2, 2005: "Police officers and National Guard members, along with law enforcement officers imported from around the State, rarely knew more than what they could see with their own eyes."

Dr. Lee Hamm, chairman of medicine at Tulane University said three days after the hurricane, "The physicians and nurses are doing an incredible job, but there are patients laying on stretchers on the floor, the halls were dark, the stairwells are dark. There's no communication with the outside world."

Major General Harold Cross of the Mississippi National Guard said, "We have got runners running from commander to commander. In other words, we're going to the sound of gunfire, as we used to say during the Revolutionary War."

Rescuers and helicopters could not talk to the crews in the boats down below patrolling to try to save and rescue people. Three days after the hurricane, the emergency radio system in New Orleans had the capacity to support 800 users while there were three times as many trying to use that system. It was just simply overloaded.

As Louisiana State Senator Robert Barham said regarding communication, "We are no better off now than we were before September 11."

The best way we can honor these public safety officials who bravely work through the devastation is to finally provide them with meaningful investment in public safety communications. No more excuses, Mr. Speaker.

This Congress is made up of Members who are dedicated to our first responders and many Members with firsthand expertise in public safety communications. This problem has been studied for years. In fact, it has been over-studied. We on this side of the aisle have been saying for years, enough handwringing, enough finger-pointing. Let us get a plan and get that plan funded so that all first responders, whether they be local, State or Federal, can talk and communicate with each other at all times during disasters or terrorist attacks or just during routine regular patrol, coordinate their efforts. We know what the solutions are. So why, after all these years, have we done nothing?

Why does this Congress and this administration continue to fail our first responders? Because governing is about priorities. And it was the priority of this Congress and this administration to cut taxes for the richest Americans over investing in radios to communicate with each other for our police officers. It was the priority of this Congress and this administration to cut taxes for the richest people in this country rather than investing in a stronger emergency 911 network.

In the Committee on Energy and Commerce, a committee which I sit on, we are now going to be ordered to cut $10 billion in Medicaid instead of investing in our health care safety net.

This Congress and this administration have the wrong priorities. Tax cuts not only take precedence over first responder funding, but they also take precedence over allocating spectrum first responders need to better communicate. Our first responders need more spectrum because the radio channels they have now are clogged with too much traffic. The lack of spectrum is impeding their ability to talk to one another.

Getting first responders the additional spectrum they need must be a priority; but instead of doing what needs to be done, the majority insists on waiting until the reconciliation bill so they can use the spectrum sales to pay for more tax cuts for the wealthiest Americans. First responders' communications should come before any more tax cuts.

After September 11, I introduced a bipartisan piece of legislation along with the gentleman from New York (Mr. FOSSELLA) and the gentleman from New York (Mr. ENGEL) to create a dedicated funding source for public safety communications upgrades.

This sessions I again introduced the Public Safety Interoperability Implementation Act, or H.R. 1323, to create a public safety communications trust fund. Under my legislation, after an initial 3-year grant program, the funding for the trust fund would come from the future sales of the spectrum. Grants would be allocated to eligible entries to achieve interoperability, with multiyear grants available to ensure that agencies can develop a long-term plan without having to worry about funding from one year to the next or who is in charge of the budget.

Congress has been using the sale of spectrum as a budget gimmick for years. This year we are again considering the legislation to sell a block of spectrum by 2008 estimated to be worth 10 to $20 billion. Where is this money going? The money is going to offset $126 billion in tax cuts for the wealthiest Americans.

I think the proceeds should go to our police, our firefighters and not the millionaires. With all due respect to the people who are well off in this country, they are not clamoring for these tax cuts. It is just the philosophy of one party over the priority of needs of this great country.

Senator JOHN MCCAIN even agrees with me. He has introduced a bill to give first responders the spectrum they need and to direct the proceeds of the spectrum auctions to a public communications grant program. The companies who are going to buy the spectrum are going to use it for advanced wireless communications. But what are we going to do if we do not act now? We will continue to fail our first responders if some of the auction proceeds do not go to ensuring that public safety, first responders, and local governments can invest in the very wireless communications that will result from the sale.

It is an embarrassment that our 14-year-old students and kids in many cases have better wireless communications than our first responders. Again, I ask my colleagues in the majority, what is your priority going to be? Tax cuts for the richest of Americans or our firefighters? Tax cuts for the richest Americans or our police officers? Tax cuts for the richest Americans or emergency medical technicians?

How many more people will have to die and how many more natural disasters and terrorist attacks will this country have to endure before the excuses stop and actions begin?

What communication problems are we going to see with Hurricane Rita currently knocking on our door? We cannot continue to send our first responders out on the beat without the back-up, without the communication tools they need to do their jobs. We have the technology today to fully connect our first responders. Let us make the investment today to keep America safe.

Mr. Speaker, as I said, this is an issue some of us have been working on for a long time. We have been to this floor offering amendments. We have gone to the Committee on Rules offering amendments. We have spoken on the floor. We have asked for reports. We want to see where the money is being spent, because it certainly is not being spent on the communications our first responders need.

One of the champions, one of them who has been down here day-in and day-out working side by side on this issue is the gentlewoman from New York (Mrs. LOWEY). We also have the gentlewoman from Pennsylvania (Ms. SCHWARTZ) who is a new Member who has taken up this issue, and she will speak after the gentlewoman from New York (Mrs. LOWEY).

I yield to the gentlewoman to kindly share a few thoughts with us.

Mrs. LOWEY. Mr. Speaker, I want to thank the gentleman for organizing this Special Order and emphasizing over and over again how important this issue is.

Frankly, Mr. Speaker, it amazes me that 4 years after September 11 we are still talking about gaps in our Nation's strategy to prepare for the unthinkable, another terrorist attack. And one of these glaring gaps is the inability of first responders to effectively communicate in an emergency situation. We witnessed this 10 years ago in Oklahoma City. It resurfaced in Columbine in 1999. The problem proved to be deadly on September 11.

Of the 58 firefighters who escaped the north tower on the World Trade Center and gave oral histories to the Fire Department of New York, only three, three heard radio warnings that the north tower was in danger of collapse. People all over the city looked at it happening, but our firefighters who bravely responded did not get any kind of radio warning. We will never know how many of the firefighters who died that day while heroically rescuing thousands of workers would have been spared if they had effective interoperable communications equipment to receive the evacuation orders.

In the wake of Katrina, reports from the gulf indicate that communications failures plagued our first responders once again. The lack of communication with State and local officials in New Orleans compounded FEMA's poor response.

The New York Times reported that rescuers in helicopters could not talk to crews patrolling in boats, and National Guard commanders in Mississippi had to use runners to relay orders. In 2005? We are going back to the days of Paul Revere. They had to use runners. They could not communicate. Crews on the ground could not talk to one another to coordinate searches, slowing down the rescue effort.

For years, as my good colleague just said, several of us have demanded that the administration take the necessary steps to facilitate adequate communication between first responders in the event of an emergency. These demands have gone largely unanswered. I have once again introduced legislation to require the Department of Homeland Security to create a comprehensive interoperability strategy and to authorize funding for first responders and government agencies to plan and purchase equipment.

Despite consensus, I do not know anyone that disagrees that interoperability is a problem and that first responders do not have necessary resources. The bill has not even moved out of committee.

□ 2130

The record of this majority and this administration is troubling in other ways, too. First responders also lack adequate radio spectrum for their radios to work. The gentleman from Michigan (Mr. STUPAK), my good colleague, referenced that legislation. Legislation has been repeatedly introduced to solve this, but the majority will not let it advance.

The Intelligence Reform Act that we passed last year stated the DHS, the Department of Homeland Security, must come up with a timeline for achieving interoperability by April of this year. Five months later, I have not seen the report. Has the gentleman seen the report? There is no report.

Finally, in his fiscal year 2006 budget request, the President did propose to fund the Office of Interoperability and

Compatibility within the Department of Homeland Security at $20.5 million, a 35 percent decrease from fiscal year 2005 levels, and far below the billions needed to meet this challenge. The President did not get briefed adequately when Katrina hit. When he was preparing the budget, he clearly was not briefed adequately.

Eight years ago, let me repeat that again, 8 years ago, the final report of the Federal Public Safety Wireless Advisory Committee concluded that, "Unless immediate measures are taken to promote interoperability, public safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient and cost-effective manner."

Last week, the 9/11 Public Discourse Project found that minimal progress has been made to provide adequate radio spectrum for first responders, and Commissioner Kean has called the failed communications that slowed Katrina rescue efforts a "national scandal."

Now, forgive me if I sound impatient or even angry, but with nearly every major study and report on homeland security concluding that lack of interoperability remains one of the most serious issues facing first responders in this country, I simply cannot understand why this administration has done little more than pay lip service to this issue. Well, it is time to do more than talk the talk.

We must do something now to ensure that in the event of an emergency, be it a natural disaster or a terrorist attack, our local police, firefighters, EMS workers, 911 dispatch operators, State police, National Guard, Coast Guard, FEMA, FBI and all other public safety agencies have the ability to communicate with one another. Hurricane Katrina is not a wake-up call that something needs to be done, it is a fire alarm. And I urge my colleagues to immediately adopt legislation to address this critical problem.

Again, I want to thank the gentleman from Michigan (Mr. STUPAK) for organizing this Special Order. I do hope that the administration and some people in the leadership are listening. I am tired, and I know the gentleman is, I am impatient and I am angry.

We have hearings in the Committee on Homeland Security. Members of the administration testify; they agree with us. We ask them, when are you going to send out requests for proposals; when are you going to seriously address this problem? We are going to do it; we are going to do it.

Katrina came. Hundreds of people lost their lives, and we still do not have a definite plan in place to make sure that people can talk to each other and communicate with each other to save lives.

So I thank the gentleman again.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for her words and her passion, for the statement. She has been on this issue from day one. She has been a great advocate for New York and the devastation you saw on September 11. And the administration continued to say, the gentlewoman is right, threw a little bit of money the first year, second year; but 3 years later, the last 3 years, the budget proposal by the President and approved by the majority party, the Republican Party in this Congress has zeroed out the only program specifically set up to develop interoperability.

Through the objection of the gentlewoman from New York (Mrs. LOWEY) and the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and myself, by the gentleman from New Jersey (Mr. PASCRELL), a number of us have come down here repeatedly, saying we have got to fund this program. They say, we will get to it, we will get to it, we will get to it. Even before Hurricane Katrina hit, some of us said, have you got your interconnectibility ready? We know that technology exists. The military has it. Why can we not use it? Once again, it is, we will get to you. We are getting tired of that excuse. So I appreciate the gentlewoman's help and leadership on this issue.

Next, I would like to yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), who is a new member of our caucus and has done a wonderful job. She has really been concerned about what happened in the terrorist attack of September 11; and of course, Pennsylvania was part of the September 11 tragedy. We all know too well the lack of communications, how it hindered our operations, even our communication, to know what is going on, whether it was in the air or on the ground in Pennsylvania.

So, with that, I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), my friend.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I do appreciate the opportunity to speak with my colleague. Mr. Speaker, I thank the gentleman from Michigan for organizing this evening's conversation on first responder communications.

This past weekend, I joined with other Members of this body on a fact-finding mission to the gulf shore communities which have been ravaged by Hurricane Katrina. I was struck by several things, two particularly relevant to this evening.

First, I felt, as so many other witnesses have felt, that the images on television, on the Internet, in the printed press, do not do justice to the enormity of the devastation.

Second, I was moved by the sense of shared duty among the first responders who have arrived on the scene from all across this Nation.

These police officers, firefighters, medics and National Guardsmen and -women came to the distressed gulf coast region, and many of them came voluntarily because they saw their fellow Americans in need of help. They came because they felt duty bound to their brothers and their sisters, their fellow Americans, most of whom they had never met.

Mr. Speaker, we in this body are also duty bound. It is our duty to ensure that our first responders have the tools that they need to protect and serve any community in this Nation, under any circumstances.

We seemed to understand this responsibility after the tragedy of September 11. Our respect and admiration for the role of first responders in New York and here in Washington and in Pennsylvania was to be matched by a Federal commitment to address some of the difficulties that they faced in the minutes and hours after the plane struck. However, what we found in the aftermath of Katrina was that our first responders still lack the tools that they need to be most effective.

Four years ago, almost to the day, evacuation orders were not heard in the towers of the World Trade Center because the police, the firefighters and other emergency personnel simply could not speak to each other. And just weeks ago, in the days following Hurricane Katrina, similar problems hampered initial search-and-rescue, security, and relief efforts.

Those of us who are participating in this evening's discussion, along with many of our colleagues who could not be with us this evening and Americans across the country, were alarmed by the lack of leadership coming from the Federal Government, particularly the administration, in preparation for and in response to Katrina.

The American public was rightfully disappointed, if not horrified, by the Nation's state of preparedness, which appeared to be so woefully inadequate, despite our past experiences and promises from this administration to do better.

Over the past 4 years, members of this body, like my colleague from Michigan, like my esteemed colleague from New York, have worked tirelessly to prod the Department of Homeland Security to provide our Nation's cities with standards for interoperable communications. As a State senator in Pennsylvania, I authored and passed a resolution calling on Congress to act; yet this guidance has not yet come.

So as we await leadership from the Department of Homeland Security, communities across the Nation are working to equip themselves with the technology necessary to enable various local and regional first responders to seamlessly communicate in the event of an emergency or mass incident, and they are doing so because they cannot afford to wait.

In my region, the Philadelphia Police Department, along with Southeastern

Pennsylvania Transit Authority officials, are working to address the fact that their radio systems are not compatible, making it virtually impossible for them to communicate should a coordinated response be necessary in any of our subway tunnels, as might have happened, and did happen in London.

I have been working closely with city and transit officials to find interim remedies to this problem, but the Federal Government should be enabling them to implement a long-term solution. This is what is required nationally.

The President must propose, and Congress must act, to provide a dedicated radio spectrum for first responders.

The Department of Homeland Security must establish Federal standards for interoperability.

The President should request, and the Congress should provide, the funding necessary to implement these goals.

Mr. Speaker, I stand with the gentleman from Michigan (Mr. STUPAK) tonight to say that the time for these actions is now. Our communities and our citizens across the Nation cannot wait.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for coming out and joining us tonight on this Special Order. I was really interested in some of those recommendations she made here earlier tonight. Those are many of the recommendations we have heard for years and failed to act upon. Even the planning money that was to be for this national operability, so they will be coordinated together, has been zeroed out in the budget.

Then we have Hurricane Katrina, and it just emphasizes the devastation that occurred and the lack of knowledge and response. People are saying, well, why did we not know? We did not know because there are no communications. We cannot continue to say the excuse we did not know, because we had the opportunity to do this. This has been going on since I worked the road some 20 years ago, and trying to communicate with each other. Unfortunately, we had these tragedies, but maybe we can use this opportunity in a positive light to learn something from this and maybe get some interoperability. I certainly appreciate the gentlewoman's leadership and compassion for those who have suffered so much in Hurricane Katrina.

Mr. Speaker, last Thursday, ABC News, Ted Koppel, the headline, "Primetime Moment of Crisis: System Failure." I am not talking necessarily about the lack of communication and who should have done this or not. I just want to talk for a moment about what they saw in this Primetime program last Thursday on communications, just communications.

We start with Greg Meffert. I got the transcript of the show because it was so revealing of so many of the problems they had just through lack of communication.

Mr. Meffert says, "The only communication we had was a laptop that we brought, and it had a wireless broadband card that worked all the way up into the Hyatt." The Hyatt was where the mayor of New Orleans had his command center. "So the mayor and the chief and all of us were getting our information via this little laptop. Finally, the Internet feed goes out."

Ted Koppel says: "It was one in a series of communications breakdowns that would contribute to untold suffering and a still untallied number of deaths. At 8:14 central time, the National Weather Service issued a bulletin reading, 'flash flood warning, a levee breach occurred along the industrial canal at Tennessee Street.' The problem was that by the time the bulletin went out, the hurricane had been battering the city for hours. Electricity and phones were out. So most people neither saw nor heard the warning. Officials in Washington seemed totally oblivious to the bulletin."

Going on, on Ted Koppel, Live Primetime last Thursday, Michael Chertoff said, "We are extremely pleased with the response that every element of the Federal Government, all of our Federal partners have made to this terrible tragedy."

Ted Koppel: "If Secretary Chertoff was pleased, it could only have been because he had no notion of what was actually happening on the ground in New Orleans. Between 20 and 30,000 people were stuck inside the Superdome. There was no more food and water. The toilets overflowed long ago. While those inside were supposed to be bused to the Houston Astrodome, the streets were flooded and there weren't enough buses available anyway."

□ 2145

Let me go on. Here is what the President said: "I don't think anybody anticipated the breach of the levees. They did anticipate a serious storm, but these levees got breached. And as a result, much of New Orleans is flooded, and now we're having to deal with it and will."

Ted Koppel: "The President is correct. Nobody did anticipate the breach of the levees, but they did predict that the levees would be flooded. At Toru Hospital, 10 patients have died overnight. There was only one working telephone in the entire hospital and a small staff which was low on supplies. They were forced to make some very tough choices. Correspondent Bob Woodruff was there."

Female doctor: "What we're doing today is, the physicians are going around and evaluating every patient. If they can say their name, we're giving them an IV fluid to make their tank better, to kind of give them a boost."

Bob Woodruff: "What if they can't say their name?"

Doctor: "We're not giving them IV fluids. We consider them not viable."

Going on, underneath this report last Thursday, Lieutenant General Russell Honore, U.S. Army.

The reporter asked: "Will these people be out of New Orleans by sundown?"

Lieutenant General Honore says: "No, how do you move 20,000 people by sundown? No, hell no."

Ted Koppel: "Having heard reports of guns inside, SWAT teams and the military arrived with weapons locked and loaded. From the perspective of those stranded inside, the rescuers looked more like men prepared to put down a prison riot."

President George W. Bush: "I'm pleased to report that the convention center is secured. One of the objectives we had today was to move in and secure the convention center."

Ted Koppel: "It would be one more day before the buses finally came."

President George W. Bush: "I'm going to fly out of here in a minute, but I want you to know that I'm not going to forget what I've seen. I understand that the devastation requires more than just one day's attention."

I would like to hold the President to his words because I came here tonight to talk about public safety communications and the failure of this Congress and the Bush administration to adequately respond to the communication needs of our first responders. Sadly, we in law enforcement and in Congress who work on these issues were not surprised by the lack of communication after Katrina. Much of that transcript which I read we were not surprised by.

We have seen many examples of crises where first responders could not communicate, going back to 1982, with the plane that left Washington National and crashed into the Potomac, or take the Oklahoma bombing at the Murrah Building in 1995, or the California forest fires in 2003, and September 11. We just experienced Hurricane Katrina, and now we have Hurricane Rita knocking at our door.

Mr. Speaker, that is why I have been working for years to make the needed investments so that firefighters and police can talk to each other, so that police can talk to EMTs, so that officials can talk to ambulances, so that the medical personnel that people need to get better or to be rescued can talk and communicate and save lives. We thought we finally made some progress when President Bush said, and this is what he said in January of 2002 in talking about 9/11, the President said and I quote: "It is important that we understand in the first minutes and hours after an attack that that is the most hopeful time to save lives, and that is why we're focusing on the heroic efforts of those first responders. That's why we want to spend money to make sure equipment is there, strategies are there, communications are there, to make sure that they have whatever it takes to respond."

I agree with the President 100 percent; but, unfortunately, I say they are empty words. What did the President say and what did he close with on the Ted Koppel show last Thursday? He said: "I'm going to fly out of here in a minute, but I want you to know that I'm not going to forget what I've seen. I understand that the devastation requires more than one day's attention." With all due respect, Mr. President, we are pushing 3 years, over 3 years since you gave us almost similar words after 9/11. There has been scant follow-through, very little planning, very little standards-making, and minuscule funding for interoperability.

Evidently, former FEMA Director Brown was surprised by the meltdown. Even he told CBS News that the agency failed to anticipate "the total lack of communication, the inability to hear and have good intelligence on the ground about what was occurring there."

Perhaps FEMA Director Brown should have read the report published by the U.S. Conference of Mayors, which I have cited many times on this floor before. According to the U.S. Conference of Mayors report released in June of last year, more than 80 percent of our cities are not interoperable with Federal agencies. New Orleans is and was one of those cities. This means that in the event of a terrorist attack or another natural disaster, far more than three-fourths of the United States cities would be woefully unprepared to coordinate responses and communicate effectively to be safe, to be secure, and to do their job.

Here are some more troubling numbers from that U.S. Conference of Mayors report: 97 percent of cities are unprepared to communicate during a chemical plant disaster; 94 percent of the cities are unprepared to communicate during a rail disaster, much like we saw in Chicago this last week; 92 percent of the cities are unprepared to communicate during a seaport disaster.

Clearly, our local public safety agencies are no closer to being interoperable than they were 3 years ago, 5 years ago, 20 years ago, or in 1982 when the plane went down in the Potomac, or even 20 years ago when I worked the road as a Michigan State Trooper. It all points back to the fact that public safety communications have not been a priority for this Congress or this administration.

The estimates to make local, State, and Federal first responders interoperable are as high as $18 billion, yet only $260 million has been provided specifically for these upgrades; and the President continues to zero out funding for this program in his budget requests.

Mr. Speaker, my legislation would take communications funding away from the whims of the congressional appropriation process and away from the President. H.R. 1323 would set up a public safety communications trust fund, and revenue from that fund would come from the sales of the spectrum. My bill would dedicate 50 percent of the net revenue from future spectrum sales into a public safety trust fund. By dedicating these funds from the sale of the spectrum, we would ensure that funding would be set aside no matter what happens in the annual appropriations process.

Local agencies cannot afford to upgrade their communications equipment without Federal assistance. I believe that Federal assistance is more than justified when the Federal Government repeatedly calls upon local first responders to be even more vigilant and to be even more prepared for possible acts of terrorism and, now, from natural disasters.

In fact, the 9/11 Commission report outlines a similar recommendation. The report states: "The inability to communicate was a critical element of the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State and Federal levels remain an important problem. Federal funding of such interagency communication units should be given high priority."

Last week, the former Republican Governor of New Jersey and co-chair of the 9/11 Commission said their recommendations have not been heeded. Governor Thomas Kean said, "It's the same thing all over again. It's a lack of communication, first responders not being able to talk to each other. It's no command and control, nobody in charge; it's delayed responses. It's basically many of the things that, frankly, if some of our recommendations had been passed by the U.S. Congress, that could have been avoided."

Some may argue that local agencies can apply for grants under the Department of Homeland Security State formula block grants. They argue that money can be used for interoperable communication systems. Well, Mr. Speaker, I have been out on this floor and I have offered amendments on the House floor to find out how much money has gone to interoperability. I have received incomplete and delayed responses from the Department of Homeland Security. They have no idea how much money. They can tell you how much money has been spent, but they cannot tell you how much money from these grant programs has been spent on interoperability in 2002 or 2003.

They just recently figured out how much has been spent for 2004, but they are not sure if it went to interoperability or not. They sort of think some of it did. That does not say much about the oversight or the planning from the Department of Homeland Security about where the billions of dollars of State formula grant money has gone.

Finally, Mr. Speaker, this administration must develop a plan and standards to give State and local officials some guidance. There has to be minimum standards setting. We have been saying this for years. It does not cost that much to set them, but it has not been done. The folks at SAFECOM, which is one of the departments within the Department of Homeland Security that is in charge of developing these standards, SAFECOM, charged with developing these standards, told Congress last year that "at the rate we're going, it will be another 20 years before our public safety agencies are fully interoperable." Another 20 years.

I do not know about you, Mr. Speaker, but I am sure the American people would agree with me that we do not have another 20 years. Another terrorist attack on the U.S. is not a question of if, but when. Another hurricane is approaching the gulf as I speak here tonight. Public safety is not an issue where the administration and Congress should continue to drag their feet. Yet here we are, 4 years after 9/11, still at square one. It is a disgrace, and it must be changed.

I hope that tonight we have helped to enlighten the American people and that interoperability becomes a reality and not a fiction or a dream that many of us in law enforcement have had for more than 20 years. Maybe the words of the President after 9/11 and after Hurricane Katrina, when he says he is going to jump on his plane and do something about it, we will actually get to work and do something now. We cannot take any more natural disasters like the one we saw in the last few weeks on TV because we are unprepared, because we cannot communicate, because we do not have intelligence on the ground, because those who are sent in to do the job cannot talk to each other.

How much longer does this have to go on? I hope and pray not much longer.

DISASTER BRINGS OUT THE BEST IN HUMAN NATURE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I wanted to take this opportunity briefly to just say that in the aftermath of this terrible natural disaster known as Katrina we certainly have heard a lot of name-calling and finger-pointing on both sides of the aisle in regard to who might be responsible, who did good, and who did bad. I think at the end of the day, after we have an opportunity in this House to thoroughly investigate that, we will have answers to those questions.

In the meantime, Mr. Speaker, I just wanted to let my colleagues know that when I had an opportunity to go down to Baton Rouge to one of the shelters over the Labor Day weekend, I did not see the worst in human nature, as depicted in some of the TV scenes with the looting and the crime in the immediate aftermath of the levee break. I saw the best of human nature. I saw people pulling together, working hard; the Red Cross folks and volunteers doing all they could, driving down to Baton Rouge or trying to get down into the gulf coast or into Mississippi or New Orleans; just dropping everything and taking days off work and bringing supplies. It was really an amazing show of the best in human nature.

□ 2200

It is something that I want to tell my colleagues that have not seen that side of the issue, a lot of good is coming out of this natural disaster. Hopefully we will continue to see that good as we help the people in the gulf coast, and particularly in the city of New Orleans, put their lives back together.

Mr. Speaker, I appreciate the time to touch on this. As we go through this week and the next several weeks, we will be talking more and more about this, hopefully during Special Orders, and drawing from other experiences, and experiences I experienced myself a week or so ago in the gulf coast area.

WORST CASE SCENARIO

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to say a few words tonight, and I appreciate the gentleman from Georgia (Mr. GINGREY) for being here and his consistent approach to good government and good policy. I also understand that the gentleman from Georgia (Mr. GINGREY) has been down to the hurricane-ravaged region to see what is going on down there.

I wanted to take an opportunity to say some words about Hurricane Katrina, about the disaster itself, how it came to that point, what has happened to get us to this point, and what we need to do to get ahead in America and rebuild and reconstruct the ravaged region of the gulf coast.

As I speak, we have another hurricane that is swelling up to a category 4 hurricane. Who knows where it is going to make landfall, or if it will make landfall. If it takes a turn in the wrong direction, it could get the very location that is still underwater from Hurricane Katrina.

I take us back to those days prior to Hurricane Katrina striking that region. I know back as early as 2002 there were significant documents published in the local paper that illustrated the structure of the dikes, the levee system, the protection from hurricanes and flooding that existed around the New Orleans area.

For years they had been building miles and miles of levees and dikes. The original concept of the city, as the city got established and grew, like most cities, it was not the most scientifically identified location, but it was a location good for commerce. If you can pick a good location for commerce, then you will find out that the value of that commerce flowing into that city would be great enough to justify the construction of the infrastructure that was required to, at least within the vision of the people making the decisions and paying the taxes and appropriating the funds at that time, to protect the city with at least minimal advocacy.

As the years went by, New Orleans grew. It began to settle below sea level. And as the Mississippi River would rise and bring its periodic floods, as I have seen in Iowa, and I have worked in the floods of 1993, that water made its way down there and flooded that region too. They built protection, and each device was designed to protect the last flood, and seldom do we design to protect against the next flood.

I do not take issue with the design of the Corps of Engineers, but New Orleans was a city that was growing. And as it grew, the land settled. As it settled, the levees were constructed and the protection was established; but it was more designed for something we had experienced in the past rather than something we might anticipate in the future.

But it was not without anticipation. In fact, the newspaper articles in the New Orleans Times Picayune had laid out, I believe, five different editions of that newspaper that all dealt with the structure of the levee system, the protection of the levee system, and what would happen in the event of certain weather circumstances, particularly hurricanes. Each of those editions had five or six articles that laid out certain segments.

As I sat through the night reading through those, it struck me this was a concise presentation of the circumstances. If one wants to go and visit and understand what happened around New Orleans, I highly recommend that they revisit those pages on the Web site of the New Orleans Time Picayune newspaper. I believe it was 2002, although the articles do not have a date I can find.

What I saw was a Mississippi River leveed off from the city of New Orleans. The levees are 25 feet above sea level. They protect the flooding of the Mississippi River. It gets over 25 feet over sea level, it would spill out over the levees. And as far as I know, it has not done that, at least not from the river itself.

There were also levees designed to protect the city from the surge from the gulf. It is unclear to me the elevations of those levees. Some of them were not as high as the 25 feet above sea level that is the level around the Mississippi River. There are also levees operated by the levee district and in conjunction with the Corps of Engineers. As I picked out of that article, there is cost sharing. First of all, the Corps of Engineers constructs, operates, and maintain the levees on the Mississippi River. The other levees, particularly the levees that are the boundaries of Lake Pontchartrain that keep Lake Pontchartrain from surging into New Orleans, those levees are managed and constructed in conjunction with the Corps of Engineers. And then there are lateral levees that run along some of the canals that are constructed and maintained by the levee district themselves, according to the published documents.

As I look at those elevations, the river elevations, Corps of Engineers, 25 feet above sea level. The hurricane levees around Lake Pontchartrain, approximately 17.5 feet above sea level. The elevations along the 17th Street Canal, there was one elevation that was 4.5 feet above sea level. That canal needed floodgates at the inlet of Lake Pontchartrain to protect the surge from spilling out and breaching the levee on the 17th Street Canal. The other two canals fell in the same category.

But as it laid out this system, the system of levees designed to protect a city that is settling and a city that had as much as 16 feet of water in the city, the idea was, of course, to plan for an expected or an historical event. But one article in there laid out the scenario that was called worst case scenario; and worst case scenario was if a category 4 or category 5 hurricane came into New Orleans from the south and sat with its center near the center of the city of New Orleans, or perhaps a little to the left or west where the counterclockwise winds of the hurricane would drive the ocean water up into Lake Pontchartrain, and there would be a surge of water that actually lifts water up out of the ocean above sea level, as that water comes up it raises an elevation. Water has a tendency to flow downhill. That is one thing I can say professionally: Water runs downhill. The south wind would push that water that was elevated up into Lake Pontchartrain and raise that lake up, a lake that might have a depth between 8 and 20 feet deep, approximately 16 to 17 feet average depth, but half again more water, 8 to 10 feet more water pushed into Lake Pontchartrain. And as the south wind drove that water to the north, and it is a huge lake, that lake had half again more water.

As the hurricane shifted further to the right or to the east, that moved the eye to the east of New Orleans and to the east of Lake Pontchartrain. When that happened, the wind turned around to the north. When it turned to the north, it began to drive that water that was stacked up in Lake Pontchartrain, drive it back to the south. And when it did that, there was a 10- or 12-foot or greater wall of water because there was that much water in the lake, it was 155-mile-an-hour winds driving that water, pushing that surge over the levees, over where the floodgates needed to be and the inlets to the canal levee system.

Mr. Speaker, that was the worst case scenario, and that was the scenario that was laid out in the newspaper in 2002. It was the scenario that hit with Hurricane Katrina when Lake Pontchartrain spilled over the levees. Once it breaches a levee and the water starts to flow, the velocity of the water erodes the soil out and creates wide gaps in the levees and lets more and more water come faster and faster, and New Orleans began to fill up. We saw the low parts of New Orleans on our television screens, and I saw them from the air a week ago last Sunday. That was the worst case scenario that hit.

I pose one more thing into this question. There were a couple of other things with regard to how people responded, and perhaps we will get to that, but the scenario was this. By my information and I have not checked the actual river flows, but by my information, the Mississippi River was running at one of its lowest levels. It was at least a seasonal low, if not an historical low. As I flew down from New Orleans to the gulf, south about 90 miles of channel to get to the Gulf of Mexico, and looked at the devastated communities down there, the 25-foot levees down below were breached. I would say they were topped. The river levees were topped by water that surged over the top, which said that this low-flow Mississippi River saw such a surge from the ocean that it came up and went over the top of the 25-foot levees, 25 feet above sea level, surged over the top of those levees and flooded the bottom ground between the gulf levee and the Mississippi River levee and washed out anyone that lived in that half-mile stretch that lives in between the two levees, all of the way from New Orleans down to the Gulf of Mexico.

That surge in that river, that surged all of the way up into New Orleans and put pressure on the entire system. I wonder what it would have been like if the Mississippi River had been running at a high flow as opposed to a low flow. It would have been worse yet if that had been the case.

I looked at what caused that disaster and how it came about and how it was predictable, it was predicted, and what we might have done and what we might well do. That will be something that I will commit a lot of my energy to in the upcoming months, to have some oversight on the planning process, since it is my background and my life's work and my history of having been flooded. I had four large construction contracts going on in 1993 in Iowa, and had them all underwater intermittently throughout that spring and early summer, and, by the 9th of July, having them all underwater with some of my equipment as well. That helps me empathize with the victims of this flood. My house did not wash away, my business nearly washed away. That season was washed away, and it put all of us through a lot of work and stress and economic hardship that I think served me well to have been tested in that fashion. Hopefully I will be able to use and draw on that experience as we reach out a helping hand to the people on the gulf coast.

As far as that background and that history subsequent to the floods of 1993, we did flood mitigation work and worked in conjunction with the victim communities throughout the region in Iowa all through the balance of the decade. We were not able to do any flood mitigation in 1993 because we were one of the companies that was underwater; but by 1994 we had pulled ourselves up out of the water and we had gotten our contracts finished and we reached out and we did flood work.

We have done work on all of the reservoirs in Iowa on the Missouri River and Mississippi River. So we have extensive experience in that kind of work and elevations and drainage and hydrology and water flows and elevations and the impact of the velocity.

□ 2215

So these are things that I will pay close attention to as we move forward with putting a plan together for a solution for New Orleans and the region in the gulf coast.

The gentleman that is here tonight that spoke briefly with a 1-minute speech is the gentleman from Georgia. And this gentleman is a doctor from Georgia, a colleague of mine, a classmate of mine, elected to come in for the 108th Congress together. A gentleman who has given a lot of his life for the betterment of this country, including who-knows-how-many babies delivered, how many passionate speeches on the floor based on that experience, and the times that he has taken his profession to support his work here in Congress but also the times he steps away from his work in Congress to lend a healing hand to people who need that.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Iowa for yielding to me in this Special Order tonight. Of course, he brings to us an expertise that few Members of Congress really have and an understanding of this rather complex system of levees. The city of New Orleans, how it is constructed and how it is protected, and the lower Mississippi, the gentleman from Iowa (Mr. KING), of course, understands that and had an opportunity within the last 10 days to actually go down to the area of devastation, as he points out; and I am very happy that he is going to be working to try to restore and get it right as we seek to rebuild.

I had, Mr. Speaker, an opportunity that I want to share with my colleagues. It was entirely different really, not from the engineering technical perspective, which I have very little expertise on. But as a physician Member of the Congress, I found myself going into the Labor Day weekend enjoying a dove shoot. The opening day of dove season in my great State of Georgia was that Saturday of Labor Day, the long Labor Day weekend. And as I was sitting in a dove field waiting for these few birds to come over that I had very little chance of hitting, I began to feel a little bit compelled to do something, especially as a physician Member.

And I was fortunate enough, when I got back home, to call around and realize that there was an opportunity to go into Louisiana, into Mississippi, and to try to help out a little bit. A lot of folks have done that; and I am sure that they felt, coming back from that experience, just as I did, tremendously gratified to have made the effort.

But I basically, Mr. Speaker, hooked a ride with an angel flight. Angel flights are private pilots or corporate pilots who are willing in an emergency situation to donate their aircraft to fly either medical personnel or supplies and equipment into an area. And that is exactly what I ended up doing. On Sunday morning of the Labor Day weekend, a good friend, a compassionate citizen from Rome, Georgia, Mr. Bob Ledbetter, Jr., allowed me to fly down on his plane, an angel flight, to Baton Rouge with medical supplies, three nurses, two from Emory, one from Cobb County.

We basically went to one of the largest shelters in Baton Rouge, 5,000 people there at the River Center, took those medical supplies. And then I spent some time seeing patients. No life-threatening emergencies, but stress patients that have been through a lot, fatigue, some who had swallowed the contaminated water and were suffering symptoms from that. But mainly I just had an opportunity to talk to evacuees to get a sense of what they went through and to also see volunteers who were just working day and night with very little sleep and doing it in a most compassionate way. Not perfect order, but organized to the best of their ability.

I want to give very high marks to the Red Cross, Mr. Speaker, at the River Center in Baton Rouge. If the gentleman from Iowa will allow me, I would like to mention some names of people that I felt need some pats on the back and some accolades.

First, I met the director of the Red Cross effort at the River Center, Mr. Jeff Schnoor. His name is a little difficult to pronounce, but Jeff is a retired military man, 21 years in the military, a single parent, I think from San Antonio, had been working with the Red Cross for 12 years, been through a lot of disasters, but told me that this was the toughest assignment that he had ever had. And he handled himself in that entire center with 5,000 evacuees with such calmness and patience. It was a very difficult time, but he handled it extremely well.

I also was able, Mr. Speaker, to meet with a group of physicians who had gone down from Atlanta, and I want to particularly mention Dr. Cecil Bennett. He had an organization that he put together through his Atlanta primary care practice, some of his partners, some of the nurses that work for him, and he called this Operation Brother's Keeper. And his focus was to not let these angel flights just come down with medical supplies and personnel and fly back empty, but he was determined to see that any evacuee, displaced person, that had family or friends in another State, particularly in Georgia, to be given an opportunity to fly back and to get into maybe a less crowded situation and join family or friends in another location.

And so when I came back from Baton Rouge, it was with another angel flight pilot, Mr. Steve Stemmer, in a very small plane carrying the pilot, myself, and four evacuees, one of whom had just had a baby a week before the hurricane hit. So it was really quite a thing to see.

There was a couple in Baton Rouge. We had worked all afternoon in the shelter seeing patients; and then, lo and behold, it got to the wee hours of the morning and we realized we had no place to sleep except maybe on the concrete floor. And this couple, Eva and David Kelley, took in six of us, and their teenage boys had to sleep on the couch, and they gave us their beds.

I guess what I want to say, and I appreciate the gentleman from Iowa for giving me the opportunity, is that I had a chance to see the best of human nature. I know right after the levees broke and we were all so shocked to see all that water in the city of New Orleans and particularly shocked by the looting and the kind of mob behavior that we see in situations like that, maybe that did bring out the worst of human nature in a very limited few; but what I saw, Mr. Speaker, was the best of human nature in the majority, the vast majority of people.

And not just in the volunteers and the professionals, the Red Cross, who were doing their job, but really in the evacuees themselves. They are good people. They explained to me why they did not leave. I was very curious to know if they had been able to hear the warnings. In almost every instance, Mr. Speaker, they had clearly heard the warnings. Some of them had never been out of the city of New Orleans in their entire lives, and they had been through plenty of near misses without this big perfect storm flooding their city, and they knew that some of the neighbors in the past had actually left their property, only to come back and find New Orleans dry but their property totally ransacked and looted and destroyed.

Even if they did not own. If they were renting property, everything that was in there was theirs. It was their stuff. They had that pride, that sense of ownership. So it gave me a much better understanding as to why these people did not leave. They were not stupid. They had a good reason.

So we need to continue to be compassionate and realize that, while it is hard to look for any good out of such a tremendous disaster, natural disaster, I think we do have a chance, if we all pull together and do not get into too much partisan bickering over this and finger-pointing, to help New Orleans and the gulf coast and the State of Mississippi and Louisiana rebuild and maybe make the lives better for a lot of these people that did not have such a good existence prior to this storm.

So I thank the gentleman for allowing me to come and share just a few thoughts tonight with my colleagues.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for his presentation tonight and also for his service and for getting in there as he did early and seeing the situation there and reaching out a helping hand. I know that his experience there and the perspective that he picked up down in that region will serve him well as this Congress makes decisions on the taxpayers' dollars and, when we appropriate those dollars, when we direct those dollars, that they go to the most good and to the greatest use that they possibly can.

I also want to point out that many of us in this Congress recognize that there needs to be a private sector solution to this, that we need to help those people that need and deserve the help, but at the same time the government cannot be the solution to everything, that the human spirit will win out with all. And as the gentleman from Georgia (Mr. GINGREY) said, the spirit of the people down there showed very much the positive sides of this.

I saw some things too that strike me in a way as a sense of humor that helps people adjust to the disaster. Having been through some disaster myself, I understand that psychology that one cannot just wallow in feeling sorry for oneself. The poor me's do not clean up anything. And after a couple of weeks of people coming up and saying, I am sorry, I am sorry, one gets to the point of saying all right, but now I want to go to work and it is time to start cleaning up the mess and putting this thing back together.

One of the things that I saw was in a sporting goods store that was boarded up with plyboard in Slidell, Louisiana. It had a series of windows there with about a four by eight sheet of plywood over every one of them. And as I looked at that, the one on the left said in big red letters, "Looters will be shot." And the next window to the right said, "Survivors will be shot again," and there were three more windows with plywood on them painted on in big red letters, "And again and again and again."

And I walked in there to talk to that gentleman, and he had not had a problem with looters. His sporting goods store was full of inventory, and he was open for business that day, and he was selling product over the counter. I did not notice that there were any lights on in there. I suspect there was not any electricity, but he was doing business, and he had protected his place. I think the signs on the windows had to help, and it also helped him send a message to the people that were looting and shooting in the city off to their south and west, and that would have been the city of New Orleans. I believe Slidell was pretty close to the center of the worst of it. Although a fair amount of the town seemed to remain intact, once we got out into the countryside, there was not much left in a lot of those regions to the south and somewhat to the west of there.

As the gentleman from Georgia (Mr. GINGREY) has spoken about taking a ride back to Georgia with some of the evacuees and reaching out a hand to help, I wanted to point out, Mr. Speaker, the effort that we have done within the district that I represent, roughly the western third of Iowa. There are 32 counties there, and they range all the way from Minnesota down to Missouri. And we looked on television as we saw the tens of thousands of evacuees that were trapped temporarily in New Orleans that were being evacuated out. They were going to the Astrodome. They were going to the River Center, as the gentleman from Georgia (Mr. GINGREY) mentioned, in Baton Rouge, and around that region in the country. There were cities that more than doubled in their population in a matter of a few days.

And we watched that unfold, and we saw that tens of thousands had been taken to the Astrodome in Houston and received their cot, and the cots were lined up side by side with barely enough room to walk in between them, where people's new home was a small bag of some possessions that sat underneath their own personal cot, which was laying out there in the middle of everywhere with hundreds and hundreds of people all in one room sleeping together and set up with food lines and passed drinks and receiving medical care and doing all we could do at the time.

□ 2230

But they needed to be relocated some place more permanent, some place that they could call home.

I know that there were some States that set up cots within their city centers and some of those were used and they needed them. But we looked at it from a different perspective, where I am from, and we looked around and asked the question, how could we best serve some people? How could we best reach out to people in need?

We came up with the idea that I call the "package deal." We sent a message out to each of the county seat mayors in the 32 counties, asked them to hold a meeting and ask to come to that meeting their emergency manager in the county, several of their top employers, their pastors, the school administrator, and any other volunteers and groups that would like to, especially the service clubs that are very effective in our region, such as the Rotary and Kiwanis and the Optimists and the Lions who all have a significant role to supplement the work of the churches.

We asked them to identify the package deal, as I referenced, and that is, with this vision in mind that we could invite people into our communities and save family units. So that when the plane landed or the bus pulled in, the mayor would be standing there to greet the family or families, and alongside them would be the pastor of their choice, if they had a choice, and next to the pastor would be the sponsoring family that would be sponsoring the newly-arriving family or the sponsors of the families, and perhaps a school administrator there.

But the essential core would be the mayor for the ceremonial duties, so to speak, and the formal welcome; the pastor for the spiritual support which we know that everyone needs; and the sponsoring family would help the new family get acquainted and be absorbed into the community, so that they would know when they set foot on the ground that they could lay their head on a pillow that night that would be theirs and a home that they could call home, at least for a while, and a refrigerator that had food in it, and that the kids could go to school the next day.

As we put that package together and the inventory came together, we have since identified perhaps two dozen households and sponsoring families of the package deal, and I would think there are that many again in Iowa that are almost ready to say, yes, we will be happy to sponsor a family.

So we are moving forward with that process. We have some families who are placed in the region. Most of that comes from family connections or church connections, and we are reaching out to expand them. It is important for us to do all we can to donate money, commit our time, and it is also important for us to identify the resources in our communities and be able to offer a package deal where a family needs a new community and a new home to adopt them, either temporarily or, if they choose, permanently. All we ask from them is be a good citizen and you can stay here as long as you want or need to, and we are going to help you find a job. Part of the job prospects was part of the offer that we put together.

As one of my district people who will be heading this up had to say, whether or not we get a long line-up of people that are willing to come and accept this offer and take a trip to get relocated in our part of the State, as long as we offer them an option, it gives them at least some power. People that do not have options do not have hope, people who have been loaded onto planes and flown across this country and landed into cities in different States and when they got on the plane, they did not know where they were going, and I am told that sometimes they did not actually know where they were when they arrived. They found out soon enough. Mostly, though, I can confirm that in the heat of the evacuation attempt, which was a successful effort, it was not practical to be negotiating with people that were under stress on where they would go. It was just important to find a place for them to go, and the rest could be sorted out later.

So even though it sounds a little bit inhuman to load people on airplanes and fly them places, by the same token, when you go into a situation where you have that many tens of thousands of people in one place, and if you begin to negotiate and you say, here is the offer, I want to fly you off to Minneapolis, for example, somebody is going to hold out for Las Vegas or Des Moines, or wherever it might be, and then you end up with a chaotic situation when you have to act, act fast, load the plane, get going so that plane can get out of the way for another one to land and get turned around.

So I visited the area, and I left Ames, Iowa in a small plane at about 6:15 in the evening on Saturday, it was September 10, and flew down there and landed at Little Rock that night, pretty late, and left Little Rock early in the morning at 5:15, in keeping with the flight plan that we had filed. We flew on in to Louis Armstrong International Airport and landed there about 7:26 a.m., Sunday morning, September 11. Somehow, it seemed that we had not come all that far in 4 years when I got a look at New Orleans, but certainly that thought came to mind, that reverent day to commemorate September 11. It became September, 2005, and a great, great city was under water, and a huge, huge area of the gulf coast had been destroyed and blown away and washed away by the surge of the storm, an area roughly 90,000 square miles, perhaps the size of Kansas.

But as we landed there that morning, I got out of the plane and walked into the airport service center there, and there were three men that had spent most of their time working there, had not really been outside that area that I could tell. Some had lost their homes, or at least they were flooded, wind damaged, temporarily at least. They were living off of military meals, ready to eat, they seemed to be everywhere down there and there was not much of anything else, but there was plenty of water. So there was bottled water and food, the essentials of life; there was shelter there.

Their telephones, I believe their land lines were not functioning, but their cell phones were working, and my cell phone did work. So I called over to the joint operations center, which was across the other side of the air strip, and they sent a car to pick me up. I arrived at the air strip there sometime after 8 o'clock that morning, perhaps 8:15, 8:20. As I walked into that center, I met officer after officer that was there on duty in that center where they are controlling the communications for the rescue and recovery and the evacuation of New Orleans.

It took about an hour to discuss some of that through with the officers that were there, and they asked if I would stay for the 9 o'clock briefing, which began precisely at 9 o'clock, and I did stay for the briefing. It seemed as though they directed a lot of their briefing to me, and I say that because some of the details that they went into I suspect everyone in the room knew those answers except for myself. So as they directed that briefing on me and invited me to ask questions, I did ask a few; and in the end, they asked me if I would say a few words, and I did.

Good people there. They had pulled that together. I am going to guess that there were 40 to 45 people in the room, each representing their own government agency which would have been Federal and State and city, as well as the nongovernment agencies, the nongovernment organizations, the NGOs that were there. As I listened to them talk about what they had done, how they adapted and what they were planning to do, and I looked at the list, the checklist, the problems that had been raised and posted and the solutions that were proposed and how they arrived at that, it was a textbook study. I think, on how to put together a rescue and recovery operation.

The communications had been wiped out in New Orleans. In fact, Michael Chertoff stood here and gave us a presentation on the disaster of Katrina in a session of Congress in his briefing and, as he described this, he said that if the military were going to attack a city, the classical attack would be to go in and wipe out the power and the communications, which Hurricane Katrina did for the city of New Orleans, wiped out the power and communications; and then it would wipe out the transportation routes, destroy the ability, disturb the ability to get in or out of the city of New Orleans, and then attack. That is exactly what the storm did. It wiped out the electrical power, wiped out the communications, took out the cell phones even, and then wiped out the access to and from the city, even including the part of the causeway; flooded the approaches to the bridges, you could not get in or out of New Orleans, it was a stranded city, and then the attack was the water that flowed in and filled that city up, as much as sometimes 16 feet of water.

So that classical attack that came to New Orleans shut off all of the communications, made victims of hundreds of the rescue workers whom the rescue plan was designed to put to work to help save others, but they were victims of the storm and the attack, so to speak, themselves. I would describe what happened, and each of us, I think, in this country now could go down the path of criticizing a number of public figures in this event; but in lieu of that, I will take my colleagues back to the storm that I described earlier. This storm that was the worst-case scenario, that was the classic military-style attack on the city of New Orleans, the hurricane that positioned itself so that it was almost perfect.

If you were on the side of the hurricane, you would say it was a perfect storm. It was a perfect storm in that it came with the velocity and the power and the intensity and the speed and exactly in the location that it could do the most damage. It positioned itself so that it stacked all that water up in Lake Pontchartrain, then it positioned itself to surge the water back out of Lake Pontchartrain, flowed over the levee dikes, breached the dikes, and then began lowering the water level in Lake Pontchartrain while it filled the city of New Orleans.

That all took place, and it took place even though man had prepared for a bad disaster. But it was the perfect storm; Katrina was almost the perfect storm. It could have been a little more intense, it could have clearly been a Category 5, but it was nearly the perfect storm to destroy New Orleans and destroy the gulf coast and destroy the whole flow of the channel in the bottom ground all along from New Orleans all the way down 90 miles to the Gulf of Mexico along the Mississippi.

That perfect storm, Mr. Speaker, and then I would add to that another perfect storm, another perfect storm, which was the chain reaction of disaster that came when the plans for the storm and the plans for the hurricane reaction, the evacuation of people and then the recovery and the response to the storm, broke down. And it can be argued that it broke down at nearly every level at one point or another.

Having been in business for 28 years, I have seen a number of times when I have called it in business a chain reaction of disaster. In my business, the earth-moving business, I talk about this scenario: somebody forgets to load the grease tubes onto the maintenance trailer, and then they show up at the job and there is no grease. Then the man who is doing the greasing does not grease. Then, because of that, then a bearing goes out. Because the bearing goes out, the machine breaks down. Because the machine breaks down, it is not there to support the other machines; and when that happens, the whole job and the whole operation breaks down, and all for want of a grease tube.

Sometimes, the disaster could have been worse for want of better communication. As the gentleman from Michigan (Mr. STUPAK) spoke here earlier in his Special Order perhaps 30 minutes ago or more, they did not have the ability, the interoperability to communicate across the different levels of law enforcement. I know that we had law enforcement sometimes standing on one side of the river or even opposite sides of the road with water in between and could not get to each other because their radios would not communicate because of frequency problems. We have the technology today to tie that all together and make that work. That was not the case down in New Orleans in many of those cases.

So because of that lack of ability to communicate between the law enforcement officers, because the power was out, the lights were out, because we had vandals and because we had looters and, in fact, on Monday, and the storm was still passing through on Monday, by Monday afternoon at 3:30, there were looters in the streets with guns, shooting, robbing, breaking in, and stashing that loot in places where they thought they could go back and get it, and many of them did. That was another piece that broke down, was the public order.

But, also, the worst-case scenario that was in the paper described that small boats would have to come in as volunteers and penetrate into the city and haul people out. Yet there were 1,000 people outside the city on Thursday morning I think, 1,000 people outside the city with boats preparing to go in, and the first boat that went in got shot at. So they were turned back and prevented from going into the city.

I happen to know that there was a fleet of air boats that came from Georgia, and they waited to get the orders to go in. They wanted to go in and save people. They could not get orders to go in, partly because of the security, and I think partly because the communication was breaking down; but, nonetheless, they decided to take matters into their own hands, went into the city, and that small group of air boats rescued 800 people. That was a point of light in this disaster of the storm, and it happened over and over again, people taking charge, people acting, reacting, responding, taking initiative the American way.

Sometimes when top-down management is destroyed because of communications or the plan just does not work, people have to take over and recover. We have done that in wars from the beginning of time, or the beginning of this country; and we have served ourselves well with that kind of initiative and that kind of inspiration that comes from that.

But the communications broke down, the plan that was there for evacuation filled up the civic center, filled up the Superdome. There did not seem to be adequate water or supplies or medicine or order in the Superdome, and it filled with people and put a lot of pressure on the people that were in there. We know that bad things happened inside that building, and they will unfold as time goes on.

The Superdome was surrounded with water, and yet I have reports that some people drove to the Superdome presumably before it was completely surrounded with water, parked their car, and walked in. If they could drive to the Superdome and park their car, they could drive out of New Orleans and evacuate themselves. Why did they not do that? So the questions remain, and many of them that are critical of government have been publicly aired, and I will not dig down into that.

But I will just say that from a weather standpoint, Mr. Speaker, we had a nearly perfect storm, from a chain reaction of disaster, from a break-down of communications and power and cutoff of the transportation routes, and then the inability of the local law enforcement people and the local security people, those who were not already victimized by the flood that were on duty, their inability to communicate with each other, and then their inability to communicate with the chain of command, going up from the city to the State to the Federal Government.

□ 2245

It had to have been extraordinarily difficult to get enough information to make an informed decision in a time of crisis like that, and it was immobilizing.

So the perfect storm of the weather, and almost the perfect storm of the chain reaction of disaster that flowed from lack of communications, inability to communicate with each other, and then sometimes the inability to agree on what the next appropriate action was, not having had thought this out in advance, in my history I will look back and tell you that much of what I have seen in the form of people who appear to be quick thinking, were really people who had thought ahead and simply reacted to the scenario that had played out in their mind.

And I do not know that this scenario had been played out in the minds of the local leadership, but I did read this scenario in the newspaper. And again these questions will be asked. They will be answered. And I think that America will get a reasonable perspective when Congress gets finished with our hearings sometime in the future. Right now, we are in the recovery and planning the reconstruction mode.

A few other things that come across my mind. I stopped and talked to a shrimper down at Slidell, Louisiana. He had five boats. Two of them were west of New Orleans; they survived the storm. Three of them were east of New Orleans; all of them were blown up on high ground.

He had a friend who had been running a video tape on the day that the water surge came in. I think there they said the surge was perhaps 17 feet. As the water began to come in the house, he turned on the video player. And within 3 to 5 minutes the water had filled the house to the point where he was going up the stairs. His wife was trying to save the dogs and go up the stairs, and the last sounds in the film, I am told, and I hope to be able to see that film, is the sound of this individual that is chopping a hole in the roof so he can get out on top of the roof with his wife and the dogs, to save themselves from the flood.

That 17-foot surge of water there, which in some cases was as high as 27 feet, that filled the House up in just a few minutes, in 3 to 5 minutes the water came up. It is not quite like a tsunami that breaks like a surfer's wave, and it is not quite like a wall of water, but I understand, and wish I had seen film of this, it is more like a big surge of water, a big belly of water that just rolls up and goes over the top of anything in its path.

And the power, the power of that water, of the wind too, but of the water is awesome. I have spent my life in the construction business. I have worked with asphalt, base courses and overlays. And I saw hundreds of feet of asphalt surfacing, 4-inch overlay, that had been washed off of the highway down along the levee east and south of Slidell on the road going to New Orleans.

Any water that hits powerfully enough on the top of a levee to wash off 4 inches of asphalt in great slabs and wash it several hundred feet out onto the land, is a powerful, powerful wall of water.

And I want to take you down, in your mind's eye, Mr. Speaker, down south of New Orleans, down along the Mississippi channel, along that channel where I flew that Sunday, September 11, with the Corps of Engineers as they went down to review the levies and the places where the levies had been breached going south. It is perhaps 90 miles of river from New Orleans south down to the Gulf of Mexico. There is a 25-foot-high levee along on each side of the Mississippi River that contains the river, and there is also a 25-foot-high, approximately 25-foot-high levee that keeps the gulf from washing out the back side of that levee.

Now, as you fly down there, the communities that used to exist in that stretch, and this stretch is perhaps, it varies in width, but perhaps a half a mile wide, on average, with the bottom ground in between the two levees, the gulf levee on the west side, and the Mississippi River, that is the west side of the Mississippi River, about a half mile of bottom ground in between. There are similarities on the east side of the Mississippi too, but just speaking of the west side.

When you fly down through there, on that bottom ground you will see the places where the communities used to be. And these communities used to be communities, because the wind came up and blew hard and blew a lot of these communities away. Shattered the buildings and tore the buildings down and blew them away. And anything that stayed was flooded. The water surge in the Mississippi River surged over the top of the Mississippi River levee, and filled that area up in between those two 25-foot-high dikes with water; then the surge came from the gulf side and did the same thing.

Heavy winds blowing almost everything out of its path, and destroying almost everything, and then the water in from the Mississippi River side, from the east side sloshed in, and then the surge from the gulf side sloshing in as well, and filled that area up twice. And there is no place for the water to get out, Mr. Speaker.

And the communities as we flew along there, I saw the water towers, and could read the water towers of most of them. As you go south from New Orleans, it goes Belle Chasse, is one community; next community is Port Sulphur; the next community is Empire; the next community is to my left, Mr. Speaker. This is what is left of the community of Buras, Louisiana.

This is the best side of the water tower. This water tower has been blown down, crushed. The other side is dented and caved in. The legs are wandering back across over here. This picture is the best side of the water tower, because that is the side that has the city's name. That is why we chose this picture to put here tonight. This is what used to be the City of Buras. These homes that are here, it is unlikely that they are sitting on their own foundations, but there were a few that were, but most of them were just gone, washed away, blown away, double flooded, and destroyed.

But I have never, in the tornados that I see, living in the part of the country I do, I have never seen a tornado take out a water tower. I have never seen a wind take out a water tower. I have never seen a force take out a water tower. But this force took out this water tower. And I do not know whether it was the trash that was blown into it or washed into it, or the wind itself, or the combination of the trash, the wind, and the water. But it caved this water tower in.

By the way, there is your dish up here on top. Perhaps the cell phone tower was on top of the Buras water tower too, and they were out of communication. But that gives an example of how bad it was.

In these communities, as I mentioned earlier, Belle Chasse, Port Sulphur, Empire, Buras, and then from there further south, Buras is about 65 miles south of New Orleans, then Boothville, then Venice. Venice, by my math at least, is the last community before you hit the Gulf of Mexico, perhaps another 18 or 20 miles.

Here is another sign of the spirit of the people in Louisiana. And as you can see, as I could see from the air, still flooded, this water surge, this is the Mississippi River right here on top. And the surge has come over the top and dropped silt up here on top. This is all trash that has been pushed in from the flooding. This is in between the two levees. It goes half a mile width. This set of homes is essentially nothing left here. Shattered shards of what used to be buildings, and water standing perhaps 6 or 8 feet deep in this area. Yet, after it has been up as high as here, you can see the trash has floated to here from the inside.

But one thing that did survive, Mr. Speaker, was the flagpole. And the first thing that had to happen was, the person that owns this land had to come in by boat and bring in Old Glory and run her up the flagpole as a sign of patriotism, as a sign of God and country, as a sign of defiance, that they were not going to let this storm get the best of them, Mr. Speaker.

And I am encouraged by the spirit of the people that I met, and awed by the power of the storm, and by the breadth and the magnitude of this disaster, Mr. Speaker. And I am also motivated by the challenge that lays before us all as we reach out to the people of Louisiana, Mississippi, and Alabama.

And I visited the shelters also the next day, and I slept on a Red Cross cot, and appreciated their hospitality. I was not aware until the next day that there were people sleeping without a cot, perhaps not too many miles from where I was. As I looked at that effort that was done by Red Cross people and volunteers of all kinds, some of them had been working 18, 20 hours a day for 13, 14, 15 days in a row, now more days than that. They have committed and sacrificed a lot to help others out. And we all need to do the same. I am going to continue in my efforts.

And I am going to look forward to the challenge of rebuilding. And I am going to look forward to, in 10 years, 20 years, going back down to the gulf coast, Mr. Speaker, and seeing what has been brought about by the reconstruction effort that we will see.

And I want to be sure that the work that we do builds adequate levees, adequate protection, adequate hurricane walls and flood walls so that a category 5 hurricane can be withstood by the protection that will be reconstructed around New Orleans and around the other communities in that area.

I do not know if they will rebuild Buras. I do not know if they will rebuild these communities down there. I will say, I cannot imagine them not. But it is still highly vulnerable, and I do not know that there is very much more that we can do to protect the people of that area.

So as I add it all up, I would say, in summary, that we have to be prudent and responsible in the spending that we provide. We have to look to the private sector to contribute as much as it can. We have to get a handle on how many insurance dollars are there. A handle on how many people will not be going back to New Orleans, and I believe that number will be significant.

We need to reconstruct New Orleans in the areas where it is not likely to go underwater again first, and get a handle on how many people the population of New Orleans will be in the short term, say within the next 2 to 5 years; and the lower part of the bowl may be better used, instead, for some public purpose like a park, a golf course, rather than housing, which is going to be very, very vulnerable.

But we can do three things to protect New Orleans and protect them from an engineering prospective. One is to build a hurricane levee and hurricane walls at the outlet of Lake Pontchartrain, so when another hurricane comes, the low pressure center and the southern wind that pushes that water up into and surges into Lake Pontchartrain cannot get into Lake Pontchartrain. Keep the water out of Lake Pontchartrain is number one.

Number two is build hurricane gates at the inlet of the canals, like the 17th Street Canal and the other canals along that area, so that if the water does get into Lake Pontchartrain, or there happens to be a high wind that comes from the north, that we can protect the inlets of those canals as well as the rest of the area along Lake Pontchartrain was protecting.

And then the third thing is to raise the pump stations, the many pump stations that are there in New Orleans that found themselves underwater, out of commission, and we fit those pump stations with a backup redundant system so that if the power goes out they can still run, whether they be diesel engines or whether they be generator run, the city power that might run the pumps needs to be backed up with a generator on that location. They need to be well above the elevation where the highest likely water can be.

So those are the things that I will be taking a look at and weighing in on. These will be the things that I think Congress has the responsibility to consider. And as we encourage the people of New Orleans to keep the faith, keep the spirit, show this American spirit you have for the most part. And sometimes on television the best side of New Orleans was not shown.

But as this saga unfolds, Mr. Speaker, we will continue to see the best side of humanity, and a lot of it exists in the people in Louisiana, Mississippi, and Alabama.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to address the House. And I want to thank the Democratic leader, Democratic leadership, Democratic whip, and also the chairman of our Democratic Caucus and also the vice chair.

Mr. Speaker, as we have been doing, week after week, and for now two Congresses, a Congress and a half, coming to the floor, sharing issues and concerns of the American people, need it be the 30-somethings that are out there, or young people in America, and those that are underrepresented in many cases as relates to their everyday lives, and so we take honor and privilege in coming here.

☐ 2300

The 30-something Working Group consists of Members who are in their 30-somethings on the Democratic side of the aisle. We get together every week and talk about the issues that are facing America. Then we come to the floor to be able to share with our colleagues some of the good things that we are doing and also some of the things that we can improve on.

Mr. Speaker, I would just like to start out by saying now I have the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) on the floor here with me and the gentleman from Ohio (Mr. RYAN) is on his way.

I must say from the outset that I am very proud of the work that so many individual Americans have done in volunteering their time and also contributing to the victims of Hurricane Katrina.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I close to our districts received some weather today from the ongoing system that we have in the gulf, but we pray and we hope that it weakens before it reaches the gulf coast area. And I would also add that there are so many unsung heroes and sheroes in this country that have done, some have done their job as it relates to first responders, others have volunteered their time because it was the right thing to do.

As I said last week, we are in the first couple of minutes in the first quarter as it relates to the recovery of Hurricane Katrina. We are going to talk this week about many of the issues that are facing the people in the Gulf State areas and Americans in general. Because we have appropriated the largest supplemental appropriations in the history of the United States of America outside of war with the $62.3 billion just as a down payment to start helping the Gulf States recover, Mr. Speaker, a couple of weeks ago and last week, I am really concerned about the Federal commitment to the South, not only in what we say but mainly focusing on what we do. And I am disturbed in many areas of how we are starting out on the part of what we do.

Now, one may say, $62 billion, that is a lot of money. It is. More money than has been appropriated to any disaster thus far, and it will continue to grow because of the needs and because of the work that needs to be done. But it is one thing to appropriate. It is another thing to make sure those dollars go to the right, not only areas, but also it will go down to the people that are involved in the recovery process.

We are going to talk a little bit about Davis-Bacon and the waiving of Davis-Bacon by the President. We will also talk about the issue as it relates to no-bid, no-requirement contracts that were given to companies that are participating in Iraq and that are under investigation on their Iraq contracts; but they were in the part of the group of big contractors that received contracts in the aftermath of Hurricane Katrina. And how does that play as it relates to sending a strong signal to the South and to the Gulf States that we mean business when we say that we are about them recovering.

I would also add, Mr. Speaker, last week we took some action here on this floor. I personally voted against it because I felt that it was important that we have an independent commission look at what happened. And we are joined by a super, and when I say "super," a supermajority of Americans that have said they want an independent commission to look at what happened and what did not happen and to make sure it never happens again.

Now, not on the natural disaster side. We cannot legislate, we cannot stop natural disasters from happening. That is an act of God. But one thing we do have within our power is making sure that we govern in a way that the people of the United States, no matter where you are, that you will be protected and the government will not fail you.

When I say "government," I want to make sure that we do not get confused. I am talking about Federal. I am talking about State. I am talking about local. And in the case of Louisiana, parishes, presidents, government facilities that were opened, plans that were available that were not executed on all levels. Some of this we already know.

Last week, I brought many of these publications to the floor. This is just a few of them. There are news reports and accounts of people just not doing what they are supposed to do. So we need to make sure that we do not fail the people that pay taxes, the people that woke up one Tuesday morning to vote for representation, that we do not fail them as it relates to being the stewards of the very government that they pay taxes to.

I am glad, Mr. Speaker, this week to share the floor with my good colleague and friend of many years, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). It is great being on the floor with the gentlewoman again.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is, once again. This is a regular weekly event for us, and it is an important thing we do. And I really enjoy spending the time with you on the floor and with our colleague from Ohio just trying to talk to folks in our generation. So often when I talk to friends of mine and neighbors and colleagues in the 30-something range, they sort of tell me, they scratch their heads and wonder, you know, most of the stuff you all talk about in Congress has no impact on my life.

They really think, because what they are doing is they wake up in the morning. They get their kids ready for school. They get themselves ready for work. They get in their car in their garage. They drive out of their garage. They go to work. They pick up their kids, they come home and park the car in the garage again and start it all over the next day. And when you are living that kind of life, trying to balance work and family, trying to in many cases live paycheck to paycheck, it is very difficult to listen to the debate on this floor and understand how the things we do affect their lives.

But if there is anything that we could do to show our generation how government impacts their lives and can significantly alter their lives or through inaction how it can alter their lives, it is the aftermath of Hurricane Katrina. Because we have so many glaring examples of what went wrong, of what should have happened and did not, and how hundreds of thousands of people's lives have now been turned upside down. And normally, I think people that are in our generation look at, and quite honestly, older and younger than our generation look at the victims of Hurricane Katrina or of any tragedy which is a natural human thing to do and say to themselves, you know, that is not me. That is them. That would never happen to me. I do not live in a community where that could happen.

But the gross underpreparation and disregard for the potential for a Katrina to happen, I mean, substitute any potential disaster in my region of the country and there but for the grace of God.

We have got to take the next step and help not just our generation but all Americans understand what should happen for these Katrina victims now. They need housing. They do not need a lot of talk. Of course, they need sympathy and empathy. They need emotional assistance, but they need housing. They need roofs over their head. They need economic security. They need to know how it is they are going to get a job again, where are they going to get a job again. How are they going to get their home loans resolved?

I was reading an extensive article today how you have banks that were in those gulf coast States that the bank was blown out, the properties that they lent money on are gone, the people are gone. So what happens to the transaction? How do they get the money back? What is Congress going to do to try to help put all that back together and sew it all back together?

Then there is health care. We have to make sure that these people can go to the doctor and get well. Some of them were not well to start with. Some of them were the picture of health and no longer are.

Finally, we have got to make sure that these kids, these thousands and thousands of displaced kids, get back to school somewhere and that the communities that they are going to end up going to school in, we are from south Florida. An influx of children the size of which came out of the gulf coast States is not a depth that our community could absorb. We are already in an overcrowded situation in our public schools, and so are many communities.

So we need to make sure that the leadership in this Congress understands that those are the kinds of tangible things that we need to talk about and stop moving forward with an investigation that is basically turning inward on itself. We need the independent commission. Objective observers, experts, people who can be trusted because it is trust that we need to restore so that when this, God forbid, happens again, and, unfortunately, we know nature will cause yet another problem like this to occur, that we have the accountability in place to know it will not happen. And a partisan committee set up by the Congress with a majority of one party serving on it, whether it is our party or the Republican Party, is not the appropriate way to handle this.

□ 2310

Mr. RYAN of Ohio. Mr. Speaker, this is what has been going on in this chamber for years. I mean, since we got here, since the gentleman from Florida (Mr. MEEK) and I got here, and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) got here. Everything has been partisan. The committees have been partisan. Eleven-nine they want the oversight committee to be, which means basically the Democrats do not have any say.

If you have the majority in the committee, that majority party will dictate everything that goes by an eleven to nine vote. We saw it happen with the prescription drug. We saw it happen with all these other ones.

The bottom line is the committees that are set up now in Congress do not have proper oversight, do not reflect, I think, the will of the American people and I think ultimately do not reflect the truth of what is going on.

Mr. MEEK of Florida. Mr. Speaker, I think it is important to just understand that we have the same thing happening. This is not a mystery.

After 9/11 we did a little work. I tell folks all the time that we do work within the 30-Something Working Group. We do not come to the floor with the Debbie Wasserman Schultz-Tim Ryan-Kendrick report.

Mr. RYAN of Ohio. These are facts.

Mr. MEEK of Florida. These are facts. We do not get in the back of the chamber and say this is what we are going to say today; this is the story today; let us look at who said what today in the paper today. We want third party validators, and I am going to tell you what is important here.

We did a little work. We have something in the Congress, and I know many of the Members know. We call it the Congressional Research Service. These are the individuals that are in the Library of Congress.

Mr. RYAN of Ohio. Nonpartisan.

Mr. MEEK of Florida. Nonpartisan, academics.

Mr. RYAN of Ohio. Smarter than us.

Mr. MEEK of Florida. Very smart, I must add, and I am just glad to rub elbows with them. We have been spending a lot of time together. They have been coming over to the office.

Today, we had a conversation, and one of the gentlemen from the Congressional Research Service said, Congressman, I actually had to wear a coat to work today to come over here. I thought that was quite interesting. I want to try to find a little humor within this tragedy, but at the same time it is important, and you have to look at history.

I just want to make sure that Members understand, after the 9/11 Commission, it is almost like the Congress protects or tried to protect itself as an institution. It is just natural. I mean, it is almost like if something happens that may be embarrassing to the Federal Government, we then circle the wagons and say we have to protect the institution, regardless of the fact that it may end up in that circling wagons and protecting the institution, when I say the institution, the Washington Beltway, the inside politics here, partisan politics here in Washington, D.C., we must protect ourselves; we need to protect ourselves.

What do we have to do first? We have to have control of the situation, and so by saying that we will pass a bill on a bipartisan panel, you let the majority side tell you that it is bipartisan. We already said that it is eleven-nine, eleven Republicans, nine Democrats, and under this kind of situation, you are going to need subpoenas to make sure the people can come and testify.

Mr. RYAN of Ohio. That is exactly right.

Mr. MEEK of Florida. Under oath, and let it be known they are telling the truth to the American people.

Mr. RYAN of Ohio. And so Republicans do not want certain people to testify. They have votes to prevent the Democratic group from saying, hey, we need to talk to this guy from FEMA or wherever, homeland security.

Ms. WASSERMAN SCHULTZ. It would be like if Enron executives or Tyco executives suggested that they would do the investigation on what went wrong with their two companies themselves, the corporate executives.

Mr. RYAN of Ohio. We do not need the government to come in here; we will investigate it. You are exactly right. That is what is going to happen. It is going to be the same kind of cover-up and whitewash, get out the Brillo pads because we are going to clean this up. We need accountability and I think the American people want it and demand it right now.

Mr. MEEK of Florida. There is no question. The latest Washington Post-ABC poll found that 76 percent of the public supports the creation of a 9/11-type independent panel. When we say independent panel, let me just go down the history of what happened after 9/11.

Basically what happened is that the Congress did what it is doing now. It said, oh, we will review this and we will get back to you in some months, do not worry, do not ask any questions. Even after 9/11, it was on the Permanent Select Committee on Intelligence level. I think the only reason why the Senate, the other body across the hall, and the House got together was that you had Congressman Porter Goss at that time and Senator GRAHAM from the same State, and they knew each other for a number of years. They got their committees together, and behind closed doors, they had meetings. They questioned the CIA, and they questioned a number of other folks as it relates to what happened and what went down.

There are a lot of honorable Members on the Permanent Select Committee on Intelligence here in the Congress, some that I know. Some are good friends of mine, but the bottom line is, it is not about relationships. This is about making sure the American people get what they need, not only the truth, but to make sure that we have the ability to correct ourselves. Let me just go down the line here.

Then the 9/11 families, God bless them, came to the Congress for months, talking to congressional leaders. Two times here on this floor an independent panel was introduced in the form of an amendment because that is the only way as Democrats we can get anything to this floor. I must add in case some Members forgot, the Republican party is in the majority. The Republican leadership runs what happens on that side of the aisle, and I believe there was some good-hearted Republican Members. Some of them are friends of mine. We talk, we read some of the same newspapers. I come from some of the same area of the country, and they wanted an independent panel but could not vote for an independent panel those first two times here in this House. That is the truth.

So when it came down to the amendment in the Intelligence bill that created the independent panel, the pressure from the American people and the pressure from those 9/11 families helped. Once again, I am glad they came up here and forced this Congress to do what it was supposed to do because we never would have had the outcome measures that we had with the 9/11 bill passing on this floor that has made this country safer, that has made it where agencies can talk to one another. It sounds kind of familiar.

FEMA, that is a true, it is an acronym, but it is a four-letter acronym, and a lot of folks have problems with FEMA. I know the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I have a problem with FEMA as it relates to not letting our constituents being able to make claims. Their homes were damaged, too, and there are going to be problems in the Gulf States as it relates to that.

So I am saying this to make a point. It took an entire year for the 9/11 Commission families and Americans to get justice as it relates to getting a real independent review, and I am talking about the people from the White House, all the way down to the local government, and they came out and it was bipartisan and they worked with one another. These were past elected officials, some individuals that were professionals in the area of intelligence. We had governors on there.

This is the kind of review that the American people deserve and the individuals that have lost their lives and the injured. We still have children now that are still missing. This is not lightweight stuff. This is heavy, very heavy. So it is important that we do this.

I want to talk about Davis-Bacon when we get a chance, but I just want to make sure that we share with the Members that this is nothing new. This is what the Congress does. This is what they do. This is what we do. I am not a part of it because I voted against it, and I am glad that I did, not that I do not want to get down to the bottom of it. I know what the deal is. I know when I see the Potomac Two-Step, when I start hearing the music, I understand what is going on. I understand this is inside the Beltway. I understand there is a Republican President in the White House and there is some protection that needs to take place here. I understand there are individuals that will probably do things better under other circumstances.

So, as we continue to move on week after week on the 30-Something Working Group, this will be exposed. The way when I am talking about right now, where we have on this paper will continue to be exposed to not only Members of Congress saying, listen, if you do not think that no one wants to say it out loud on the CONGRESSIONAL RECORD, we are going to say it out loud: Protect those families. They need the representation, to make sure we have the independent counsel. Fine, if they want to do the independent panel here. Whatever the majority wants, that is fine.

□ 2320

But we need an independent panel.

Mr. RYAN of Ohio. And I think the 30-something Working Group is encouraging and 100 percent behind Leader PELOSI on this. We do not want to appoint anyone to this.

Ms. WASSERMAN SCHULTZ. That is right.

Mr. RYAN of Ohio. Why justify this? Why give some kind of credence or credibility to this nonsense that is going on? This is America, and so America should have 50-50. The Presidential election was about 50-50, and we should all be right down the line.

Ms. WASSERMAN SCHULTZ. And the gentleman is absolutely right, we are here to say it right out loud. I also voted against the partisan committee that was voted on last week.

And something else we should address out loud are the ludicrous comparisons that have been made to other so-called partisan or internal congressional investigations. They are comparing the Katrina committee that was formed in the Congress last week to the Iran-Contra investigation. Well, there is absolutely no comparison. The Iran-Contra investigation was by a Democratic Congress versus a Republican administration, where clearly there would not be the legislative branch and the executive branch walking in lockstep. Clearly there was the accountability there when you have two different party leaderships running those two different branches of government. So that is a ludicrous comparison and makes absolutely no sense to use it, and it is disingenuous to use it.

And to add insult to injury, and I also hope we spend some time talking about this, what the leadership in the Congress is talking about, as if it is not bad enough we are not going to really get to the bottom of why there was a serious lapse in emergency preparedness and disaster response in the gulf coast States, now, during the rebuilding effort, when we have all said and all Americans have locked elbows and said we will rebuild the gulf coast region and we will do everything we can to help them, and we absolutely should, what are they talking about here in the Congress? They are talking about massive spending cuts, including cutting the prescription drug benefit for our senior citizens in Medicare; eliminating it, repealing it, or delaying its implementation as an offset to paying for the reconstruction of the gulf coast States.

Mr. MEEK of Florida. I do not want to cut my colleague off.

Ms. WASSERMAN SCHULTZ. Go right ahead.

Mr. MEEK of Florida. It is about priorities. Priorities.

Mr. RYAN of Ohio. Bingo.

Mr. MEEK of Florida. I want to say that out loud. And I cannot say we, because we are not a part of that, but the majority, the majority leadership, I will put it that way, and the White House, would much rather protect billionaires in receiving taxes. For instance, let us say that they decide to repeal this tax cut for 2 years for billionaires. Let us make a sacrifice on behalf of the country.

Ms. WASSERMAN SCHULTZ. Let us roll back a piece of it.

Mr. MEEK of Florida. Roll back a piece of it. So maybe they cannot buy another yacht for 2 years, but just hold it off for a couple of years to give us the money to be able to respond to not only the natural disaster but also as it relates to what is going on in Iraq right now. That is coming in. That train is going to roll in here again to the tune of $50 billion.

Priorities. We would much rather take prescription drugs away from seniors. And I am smiling because it just seems like a bad dream. We would much rather cut the transportation bill.

Ms. WASSERMAN SCHULTZ. That is right.

Mr. MEEK of Florida. That is going to put people to work and allow local communities that have traffic congestion, to let that continue because we want to protect the few.

Ms. WASSERMAN SCHULTZ. I am sorry, we are all just champing at the bit tonight, but including in a region where the plight of over 100,000 people after the hurricane was the result of their poverty. So now we are going to go in, and the second proposal for spending cuts as opposed to rolling back the tax cuts is to repeal or eliminate or delay massive transportation funding, particularly in communities where mass transit is necessary and the only way poor people can get to work is using mass transit. So they are victims of a natural disaster; and now, a few months later, we will make them victims of a congressional disaster.

Mr. RYAN of Ohio. If I can say something here. We are taking from the poor to give to the poor. That is exactly what we are doing. My district is one of the poorest in the country, and they say they want to take the $15 million, which is not really a whole lot of money, for projects that are going to increase economic development in a district like mine, and I know my colleagues have some areas in the same way, and shift it to poor people?

Well, what have the wealthiest people in the world or in the country been asked to sacrifice in the last 5 years? Nothing. Bill Clinton said he got four tax cuts. This guy makes millions of dollars a year. He gets four tax cuts in the last 3 or 4 years. This President needs to have the guts, and I choose my words carefully, the guts to ask his wealthiest contributors to pony up and actually help the country.

This is not partisan. This is not about a particular insurance industry or pharmaceutical industry. This is about the country. Can we for once make a decision that is based on the whole country, blue States, red States, everyone included? We are all going to help them. We are even going to ask the wealthiest people.

Ms. WASSERMAN SCHULTZ. They have a name for it. They are calling it Operation Offset. This is their plan. They are going to come back here in a few days and propose Operation Offset, which is going to say that we are not touching the tax cuts. In fact, I will quote. I believe it is the chairman of the Republican study group, our colleague from Indiana. He said, we need to rebuild. We can find the cuts in Washington, D.C. to do that, I really believe that. And his proposal is to set aside all those additional highway projects and delay the drug benefit by a year. Those are just some of the proposals that are expected to come down the pike.

Now, before I yield to the gentleman from Florida, I represent a district that is not poverty stricken. There are poverty stricken sections, but there are communities in my district that are quite wealthy. And I have people in those communities stopping me in the supermarket and saying, Debbie, keep my tax cut. These are people that need help. We need to make sure they can have health care and that they have a roof over their head. So there are people out there that benefit from these tax cuts that get it, so why do they not get it here?

Mr. RYAN of Ohio. And if we just had the leadership, my friends, to ask those people. It is not like the American people are not generous at this point. They have given everything, if you just ask them.

And we are not even asking average Americans to give. We are just saying the top 1 percent of the people; $70 billion in tax cuts over the year, primarily to the top 1 percent. Will somebody in Washington, D.C. who has the hand on the lever of government ask these people to contributes to what is going on here?

No, they want to come to Youngstown, Ohio, where 50 percent of the kids going to the school district in Youngstown live in poverty. They want to ask them to give up the millions of dollars in transportation money that will build a roadway to build an industrial park so that we can get jobs to help grow our economy so that people can actually pay property taxes and so that we can fund the schools so that maybe some of those kids do not live in poverty. They want to take it from us.

And honest to God, honest to God, I raise my hand right now, if the President was willing to ask the top 1 percent to give up their tax cut, I would be willing to give up some of my transportation money. I really would. Honest to God, as much as it would hurt my community, I recognize the situation that the country is in right now and I would be willing to say, Mr. President, how much do you need? As long as everyone is sharing the burden here.

I just cannot accept the fact that they are going to ask us to give up our money for poor districts and not ask the wealthiest people in the country. That is insanity. It is criminal.

Mr. MEEK of Florida. Look at us. We are here on the floor of the U.S. House of Representatives saying that the President, the leader of the Free World, the last standing superpower on Earth, that he should ask the most wealthy, the individuals that are receiving unprecedented tax cuts, that we have to say, can we please ask for some of that money back, even though you did not ask for it?

What happened to the leadership? It goes to show you what kind of government we have right now, especially when it comes down to the majority. We have to ask billionaires. Please, we are the Congress. But it is quite interesting, my colleagues, that we do not have to ask the elderly that are going to be delayed in their prescription drug benefits. We just do it. Or the majority just does it.

Ms. WASSERMAN SCHULTZ. We do not ask them.

Mr. MEEK of Florida. We tell them what we are going to do. We do not have to go out and ask mayors, Governors, people in local communities, like my colleague mentioned in Youngstown, and I am pretty sure my colleague and I from Florida can give similar examples of where to help our communities. Does anyone think the President is going to ask, can we have some of that transportation money back, even though I signed the bill?

□ 2330

I am not justifying all of the projects in the transportation bill. We know there are some issues within that bill. But this is the kind of America that we are living in right now. We are living in an America where on the one hand we are saying we have to ask the individuals that have, and I am not talking about the folks that are making $100,000 or $200,000 a year, I am talking about the folks who are making millions and millions a year. We have to go to them, head down, and say is it possible, if you will, please, allow us to have some. So that means if you are walking into a drugstore, that you are not going to be asked about your options.

And I want to segue over to Davis-Bacon, and I want to give our Web site out so that we hear from some folks on this. We need some feedback here in Congress. We need some intervention on behalf of the American people.

Mr. RYAN of Ohio. We need some adult supervision.

Mr. MEEK of Florida. It cannot be the water because I am drinking the water here in the Capitol, and I am not running around saying that we need to protect billionaires.

I also want to talk about, and I do not want folks to get confused there were no recommendations; there was a bill dropped today by the gentleman from California (Mr. WAXMAN) and the gentlewoman from California (Ms. PELOSI) dealing with contractor fraud, making sure that the victims in the Gulf States do not become victims again, not by Hurricane Rita but Hurricane Washington, D.C. that is going to take away the opportunities that will come out of tragedy.

And that is a very substantial bill, something that I can say from the Democratic side of the aisle that we have been putting out proposal after proposal, day after day. If we were in charge, if we were the committee chairpersons, if we had a member of our caucus that was the majority leader, it would not be a letter, it would not be a proposal on an idea; the American people will see action carried out and will give another voice in this perspective.

Let me mention something about Davis-Bacon, and let me say the Congressional Research Service. I was reading in the newspaper, some Members of Congress on the majority side were saying they are concerned about Davis-Bacon because of the unions. Let us do "operation clearup" here. We had the Congressional Research Service look at that. I did not think about Louisiana as being a union State, nor Mississippi nor Alabama nor Florida.

Mr. RYAN of Ohio. They are right-to-work States.

Mr. MEEK of Florida. That is what I am talking about.

Actually Mississippi, quite interesting, is number 45 in the Nation as it relates to being a unionized State. Mississippi, union members as a percentage of employment, 4.2 percent. Wow, if we do not do something about Davis-Bacon, that 4.2 percent, that is going to suck up all of the money.

Mr. RYAN of Ohio. Those union dues, and let us make that quite clear, the argument against having Davis-Bacon involved in FEMA is that the money will go to union dues in those States. And 4.2 percent of the workers in Mississippi are union workers, and this administration is trying to give us a bunch of bunk that the FEMA money is going to go to union dues when only 4 percent of the workers are involved in unions. It is bunk.

Mr. MEEK of Florida. Mr. Speaker, we get excited with third-party validators, and we come out with the truth, versus what individuals who may sit in the back of this Chamber asking what are we going to say today. Let me say this: Louisiana, the State where obviously a lot of this money is going to be spent, 6.8 percent organized labor. We have to watch out for that 6.8 percent.

Alabama, a lot of jobs with municipal workers, 8.8 percent, not even 10 percent of the workforce. So how in the world can anyone be scared of Davis-Bacon and the prevailing wage?

Before I put this letter down, let me mention that Davis-Bacon, we talk about prevailing wages. These were two Republican Members of Congress who passed this legislation. Davis and Bacon were both Republicans. We all know that. They did it after World War II to make sure there was a prevailing wage and people would have an opportunity to support their families.

Ms. WASSERMAN SCHULTZ. Please explain prevailing wage.

Mr. MEEK of Florida. I am getting there.

Ms. WASSERMAN SCHULTZ. Sorry.

Mr. MEEK of Florida. This was during rough times in the United States. In Louisiana and most of the parishes, prevailing wage is $9.60. It changes from county to county, but mainly $9.60. Minimum wage is $5 and change, and is not a wage that anyone can say I am going to rebuild my house making minimum wage. But when Federal dollars are being spent in contracting, the prevailing wage is supposed to be in place to make sure that the worker, the individual that is going to work. And I am talking about fact, not fiction.

On Sunday I flew with Members of Congress over Louisiana. I was speaking with the Governor of Louisiana, and she told us she wants her people to make prevailing wage. She wants to make sure that Louisianans who want to participate in the rebuilding of their State, that they are not cheated, that they are not left behind, that other individuals from other States or other countries, and I have to add that too, come in and take these jobs away from these people who are victims. Better yet, we are going to do wonderful things in the Gulf States, and this also is evident in my community, Miami-Dade County.

Mr. Speaker, I think it is important. And the only way the proclamation can be overturned that the President waives the Davis-Bacon requirement is through an act of Congress. That means both House and Senate would have to pass an act overriding the President or saying that Davis-Bacon should be reinstituted. Subsection 6 of Davis-Bacon allows the President in time of national emergency to be able to waive the prevailing wage.

We do not hear any discussion about waiving the prevailing wage in Iraq contracts or Afghanistan contracts. It really benefits the contractor. I can see if it was something there that said if we waive Davis-Bacon, then we can save money. That is what they are saying, but that is not actually what will happen. Contractors will make more money because they do not have to pay the people who are out there punching in and punching out every day.

□ 2340

Mr. RYAN of Ohio. And, Mr. Speaker, if the gentleman will continue to yield, it is important to understand that there is not the oversight that he talked about earlier tonight and we talked about last week; there is not the oversight of the contractors. We have got Halliburton. The same people that have been the contractors in the war, the same process, the same procedure, is the same thing that is going on down in the Katrina States.

So we are taking the workers and we are saying they cannot make the prevailing wage here with 8.8 percent, even lower in some of the States, and then we are also not going to have the oversight of the contractors. So what are the contractors going to do? They are going to squeeze the worker. They are going to take the money without the oversight. They are going to get everything that they want. And I do not think that the American taxpayer is going to be happy with that. If people have got problems with this, give us a ring here on the Internet: 30somethingdems@mail.house.gov. Send us an e-mail.

We are going to continue this discussion in the weeks and months to come because we are not going to sit by and let this administration steamroll the workers that want to go back and help rebuild their own community.

Mr. MEEK of Florida. Do not leave the Congress out because we have a responsibility too, Mr. Speaker.

Mr. RYAN of Ohio. We have a constitutional responsibility to make sure that this institution has proper oversight. Article I, section 1, this House right here governs the country, the people. And 11 to nine in the committee is not going to be sufficient. So we are going to keep the pressure on, and we are going to make sure that this administration adheres to the standards that the American people want, not what the majority wants.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, to stay on Davis-Bacon for a second, there was also some irony in the President's waiver because last year when it was 2004 and we were in advance of a Presidential election, he took great pains at expressing his deep affection for Florida and Floridians, talked about how important a State we were and made many trips to our State. Interestingly enough, he waived the Davis-Bacon requirements for Broward, Miami-Dade, and Monroe County in this last go-round with Katrina.

Mr. MEEK of Florida. Make sure we clarify because I want to make sure that Members do not get confused. Under Katrina he did. But there were how many storms last year during the Presidential election that came through Florida?

Ms. WASSERMAN SCHULTZ. There were four storms last year that came through Florida. Not one of them did he do that. And after Katrina, in a year that is not an election year, he waives the prevailing wage requirements in Davis-Bacon in three counties. Yet FEMA, his administration, has refused to reimburse and grant individual assistance reimbursement for people who had their homes damaged, looking through their roof at the sky that were victims in Florida of Hurricane Katrina.

If they are not going to reimburse people and they are going to have to rebuild themselves or be left out in the cold and not rebuild at all, then what is the burning need to waive Davis-Bacon and the prevailing wage requirements in those counties? I guess only to help contractors, only to ensure that whatever building is going on is going to put as much money in the pocket of a contractor and workers be dammed because they really do not matter anyway because it is not an election year.

I mean, the way that we can ensure that we prevent this fraud and abuse in contracting is stop the sweetheart deals, stop the monopoly contracts, make sure that we have some bidding and responsible bidding so that we know that the contractors that can actually do the work for a responsible amount of money are the ones that get the contract.

We have a funeral and cemetery company that got a contract, a no-bid contract, in Louisiana to bury and, I guess, deal with the bodies, and there are so many of them; and this is the same company that was prosecuted for throwing bodies into the forest of a cemetery in West Palm Beach, Florida. Prosecuted. Buried people in the same grave, moved bodies from one grave to another. This is the kind of track record this company has, and now they have been given a sole-source contract in Louisiana. I mean is it not time that we stop the madness in giveaways that this administration has been in lockstep involvement in trying to help corporations as opposed to real people since the day that they walked into the White House?

I mean, our legislation that was introduced by the gentleman from California (Mr. WAXMAN) and the gentlewoman from California (Ms. PELOSI) today would do several extremely important things. One is it would establish an independent commission to prevent fraud and abuse. I mean, that is essential. We have to have some reviews of the process. We have to review contract awards to ensure that the Federal Government is complying with the competition requirements that there are. I mean, the implication of potential payoffs is just rampant without that type of review.

We have to review whether contract awards are based on merit as opposed to relationships between awardees and Federal Government officials. I do not know if it is any coincidence, but the Vice President is the former CEO of Halliburton; and I would love to see how many contracts Halliburton has gotten. I am sure there is no coincidence there. Nothing granted to Halliburton based on relationship with the administration. Right? Could not possibly be.

Review in realtime the spending that is going on under ongoing Federal contracts to determine whether it is wasteful, whether they are actually doing the job that we contracted with them to do. In Florida there is a huge review going on over the private contracting that the government has been involved in because in almost every instance none of the private contractors are meeting their obligations. They are not meeting their accountability standards. Money is going out the door.

At the Federal level, we deal in the billions. Billions. People do not have any concept. It is hard to get our mind around that much money. If we do not adopt an independent commission and start injecting, insisting, on some accountability, then it is mindboggling how much waste we are going to let go out the door.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, as we look at our constitutional responsibility as Members of Congress, it gives me no pleasure to be a Member of the 109th Congress, the highest deficit in the history of the Republic. I think that there is a real reason to have not only debate but also action as it relates to the deficit. And when we give irresponsible tax cuts, we spend like we are in the black versus the red, and we continue to spend. We cannot control ourselves and we are spending.

Now, when it comes down to the reality of where we are now, that is the reason why people have insurance. That is the reason why folks save money. They save in a bank account for a rainy day. The majority has not allowed that to happen here in this Congress.

On the Democratic side of the aisle, every time it comes down to the budget, it is a partisan vote. On our side of the aisle, the amendment comes down to pay-as-you-go. Pay-as-you-go. For every dollar we spend, we have to represent how would we pay for that dollar that we are spending, how would we reduce the budget at the same time we are passing legislation to spend Federal dollars. That is not anything new. I mean, this is what happens.

So the Congress when the Democrats were in control, we balanced the budget. Balanced the budget. Surplus. The surplus is getting so small now in the rear-view mirror, we can barely see it. Not because of our doing, but because of the majority side.

So it gives me no pleasure to be a part of this Congress, the highest deficit in the history of the Republic, because someday I am going to be walking around somewhere with a big hat on, fishing on a peer somewhere, and someone is going to say, you were part of the Congress in the 108th and 109th Congress when they just ran the deficit through the roof. What did you do? So I think it is important that we point this out.

□ 2350

Now, there is a good, healthy discussion; and we know that we have individuals that are living in large homes that are making very little sacrifice as it relates to the Federal commitment to education, to health care, to making sure our men and women have the equipment that they need over in Iraq and Afghanistan and other foreign lands, and now we have a natural disaster here in the country. Better yet, we have people that are saying here in the Congress, not only are we repeating what the Majority side is saying, oh, well, maybe we should ask, or maybe they should ask the wealthy Americans' top half percent, what have you, to give back some of what we have given them. Better yet, it is not carried out the same way as it relates to asking a senior citizen who cannot afford prescription drugs or asking a mayor or a State: the transportation dollars that we gave you, we want to take them back, or asking a child that is in an overcrowded classroom who every year, under the threat of losing Title I, reduced lunch, asking them to make a sacrifice; no, it just happens to them. That is the difference. That is the difference.

I think the Members need to understand, when we start talking about the differences and say, are there any great ideas, there are a number of great ideas, and there will be action carried out with those great ideas, if we were in the majority, to bring about the philosophy of this Congress, of the majority of the Congress to go to the White House. And the real issue, when you start looking at responsibility and start talking about responsibility of this Congress, I think it is important for us to understand, and I keep saying the majority runs this House, and the minority, we try to make sure that the American people get what they need. We offer amendments on the Floor many times which are voted down in a procedural vote.

But it is important as we close here tonight to let the American people know that there are amendments and there have been amendments here in the House and on the other side of the Rotunda, and this Congress that has been offered to create an independent commission to make sure that we never, ever have to go through what we are going through again, not only the natural disaster issue, but on a governance issue. Now, because of a lack of governance, a lack of follow-through, a lack of oversight, $200 billion is on the horizon of the Federal tax dollar going to the Gulf States, rightfully so; guess what? If we were on our j-o-b on the oversight, if the State government was on their j-o-b as it relates to the oversight, if the levee board down in New Orleans and the parishes in the area were on their j-o-b, then maybe, just maybe, we would not be spending $200 billion. And the $200 billion, the way the majority would have it, will affect every man, woman, and child, individuals that are not billionaires. But, better yet, the majority is proposing with a straight face, with a straight face that we should bring about cuts for every-day Americans, but protect, protect those individuals that go and put their card in the ATM and do not even worry about how much money they get out, because they do not have to worry about it.

So I think it is important. I am not here to say, well, you know, we need to do X, Y, and Z and every American needs to, we need to take the tax cut, no. Some of the tax cuts are good for working families. But when you have billionaires that we cannot even man up and woman up and leader up, and we are not even willing to go see the wizard to get some courage, we are saying, we are going to ask them to give back some of the money that we have given them that they did not even ask for.

So I think this debate may very well be healthy, and I hope that the American people see exactly what is going on here in Washington, D.C., and I hope that some individuals that look at this entire situation say to themselves, hey, I am a Democrat and I disagree with that, or hey, I am a Republican and I disagree with that; or I am an independent and I disagree with that; or I am not even registered to vote, but I disagree with that, but I am going to get involved. Because we need the kind of representation here in Washington, D.C. that is going to protect the country, not just a few individuals, that is going to make sure that we do not waive Davis-Bacon and prevailing wage, to make sure that victims that swam and were clinging on to their roof, in the attic, had to leave some of their family members in the attic who died, behind, for the sake of making sure that contractors, of all people, get their just due out of the contract.

So I think it is important that this is very real and we need to make sure that every American understands what is going on, and is not just the minority side saying, well, they are not doing this and they are not doing that. We have ideas. We have proposed those ideas, you can go on the website and find those ideas. But, guess what? They will never surface to legislation unless we move in a bipartisan way and look at this. We do not have the ability, and when I say we, the majority of the Congress, the way it is operated, we do not have the ability to do it in a bipartisan way on this issue. It is evident. And we are going to continue to provide that evidence to the American people.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, as we have the last few minutes here, let us just recap what is not happening that should be happening.

The American people clearly have indicated that they want an independent commission. They want a commission that is going to truly investigate what happened so that it never happens again. Instead, they get a partisan committee created in Congress with an imbalance of Republicans to Democrats and Congress investigating itself. What are they getting? Instead of a bipartisan effort to truly rebuild the Gulf States, they are getting proposals to cut prescription drugs for senior citizens, transportation projects for people that are in dire need of being able to use that transportation and unclog the arteries of America, billions of dollars in proposed cuts in higher education, in college aid in the budget; only a couple of weeks delay in the reconciliation process, our budget reconciliation process which is also a round of cuts; a response from the Republican leadership here that the answer to their ballooning the deficit is to cut into the hearts of the people that need it the most.

Mr. Speaker, at the end of the day, what we are proposing is an independent commission. We are proposing a review, a thorough review of the contracting process to make sure that there is some accountability in the way we spend these dollars. We are proposing housing and economic security and education assistance for the Katrina victims that need it the most. And I have to conclude by saying that we also have proposed passing legislation to ensure that all victims of Hurricane Katrina, including those in our home State of Florida, get reimbursement for the damage that they received, because they certainly are not getting that help right now.

Mr. MEEK of Florida. Mr. Speaker, I agree with the gentlewoman. I want to thank not only the gentlewoman from Florida, but the gentleman from Ohio (Mr. RYAN) and the rest of the 30 Something Working Group for doing what they do. We would also like to thank the democratic leadership for allowing us to come to the Floor again, Mr. Speaker, to not only share with the Members, but the American people, about what is happening here in the Congress. We passed out our e-mail address; again, it is 30somethingdems@mail.house.gov.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for today on account of an airplane mechanical problem.

Mr. FORD (at the request of Ms. PELOSI) for today.

Mr. MENENDEZ (at the request of Ms. PELOSI) for today.

Mr. MANZULLO (at the request of Mr. DELAY) for today on account of inspecting hurricane damage.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mrs. McCARTHY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. KILPATRICK of Michigan, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, September 23 and 27.

Mr. OSBORNE, for 5 minutes, today and September 21.

Mr. BURTON of Indiana, for 5 minutes, September 21, 22, and 23.

Mr. RAMSTAD, for 5 minutes, September 21.

Mr. BRADLEY of New Hampshire, for 5 minutes, September 21.

Mr. GINGREY, for 5 minutes, today.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, September 22.

Mr. STEARNS, for 5 minutes, September 21.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 21, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4007. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Revisions in Requirement of Certificates of Privilege [Docket No. FV05-966-1 FR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4008. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Modification of Pack Requirements [Docket No. FV05-946-3 IFR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4009. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Suspension of Provision Regarding Eligibility of Walnut Marketing Board Members [Docket No. FV05-984-1 IFR] received September 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4010. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyhexatin; Tolerance Actions [OPP-2005-0160; FRL-7732-8] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4011. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Thuringiensis Cry34Ab1 and Cry35Ab1 Proteins and the Genetic Material Necessary of Their Production in Corn; Exemption from the Requirement of a Tolerance [OPP-2005-0211-FRL-7735-4] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4012. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aminopyridine; Ammonia, Chloropicrin, Diazinon, Dihydro-5-heptyl-2(3H)-furanone, Dihydro-5-pentyl-2(3H)-furanone, and Viclozolin; Tolerance Actions [OPP-2005-0209; FRL-7732-5] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4013. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7968-3] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4014. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plan: Minnesota [R05-OAR-2005-MN-0002; FRL-7969-7] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4015. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York; Revised Motor Vehicle Emissions Budgets for 1990 and 2007 using MOBILE6 [Region II Docket No. NY69-280, FRL-7968-1] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4016. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri; Correction [R07-OAR-2005-MO-0003; FRL-7969-6] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4017. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Ogden City Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions [R08-OAR-2005-UT-0003; FRL-7961-7] received September 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4018. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2005-IA-0005; FRL-7967-5] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4019. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA-319-0488a; FRL-7966-4] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4020. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Maryland; Control of Emissions from Commercial and Industrial Solid Waste Incineration (CISWI) Units [R03-OAR-2005-MD-0008; FRL-7966-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4021. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan and Revision to the Definition of Volatile Organic Compounds (VOC) — Removal of VOC Exemptions for Califonia's Aerosol Coating Products Reactivity-based Regulation [OAR-2003-0200; FRL-7966-2] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4022. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Onondaga County Carbon Monoxide Maintenance Plan Revision; State of New York [Region II Docket No. R02-OAR-2005-NY-0002; FRL-7959-1] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4023. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance [OPP-2005-0205; FRL-7725-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4024. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [CA-319-0488c; FRL-7966-5] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4025. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Territory of American Samoa State Implementation Plan, Update to Materials Incorporated by Reference [AS123-NBK; FRL-7955-6] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4026. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; LA-3 Ocean Dredged Material Disposal Site Designation [FRL-7967-7] received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4027. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Commercial Spectrum Enhancement Act and Modernization of the Commission's Competitive Bidding Rules and Procedures [WT Docket No. 05-211] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4028. A letter from the Interim Legal Advisor/Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Biennial Regulatory Review — Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, [WT Docket No. 03-264] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4029. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Hawley and Munday, Texas) [MB Docket No. 04-408; RM-11107] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4030. A letter from the Special Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Charlotte and Grand Ledge, Michigan) [MB Docket No. 03-222; RM-10812] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4031. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 03-123; CG Docket No. 98-67] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4032. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 98-67; CG Docket No. 03-123] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4033. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 98-67; CG Docket No. 03-123] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4034. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. PA-34 Series Airplanes [Docket No. FAA-2004-19960; Directorate Identifier 2004-CE-47-AD; Amendment 39-14153; AD 2005-13-16] (RIN: 2120-AA64] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-602, AT-802, and AT-802A Airplanes [Docket No. FAA-2004-19837; Directorate Identifier 2004-CE-43-AD; Amendment 39-14149; AD 2005-13-12] received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 650 Airplanes [Docket No. 2002-NM-332-AD; Amendment 39-14158; AD 2005-13-21] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4037. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, -400D, -400F; 767-200, -300, -300F; and 777-200 and -300 Series Airplanes [Docket No. FAA-2004-18784; Directorate Identifier 2004-NM-59-AD; Amendment 39-14157; AD 2005-13-20] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4038. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. FAA-2005-20166; Directorate Identifier 2004-NM-175-AD; Amendment 39-14135; AD 2005-12-19] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4039. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. FAA-2004-19867; Directorate Identifier 2004-NM-58-AD; Amendment 39-14151; AD 2005-13-14] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4040. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, -500, -600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2004-19567; Directorate Identifier 2004-NM-118-AD; Amendment 39-14152; AD 2005-13-15] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4041. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AvCraft Dornier Model 328-100 Airplanes [Docket No. FAA-2005-21053; Directorate Identifier 2005-NM-053-AD; Amendment 39-14161; AD 2005-13-24] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4042. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller, Inc. McCauley Propeller Systems, and Sensenich Propeller Manufacturing Company, Inc. Propellers [Docket No. 2003-NE-53-AD; Amendment 39-14188; AD 2005-14-11] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4043. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes; Model DC-10-15 Airplanes; Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes; and Model DC-10-40 and DC-10-40F Airplanes [Docket No. FAA-2004-18670; Directorate Identifier 2002-NM-83-AD; Amendment 39-14187; AD 2005-14-10] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707-300B, -300C, and -400 Series Airplanes [Docket No. FAA-2005-20725; Directorate Identifier 2003-NM-250-AD; Amendment 39-14183; AD 2005-14-06] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2004-19795; Directorate Identifier 2004-NM-196-AD; Amendment 39-14181; AD 2005-14-04] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4046. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-20733; Directorate Identifier 2005-NM-004-AD; Amendment 39-14179; AD 2005-14-02] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4047. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-20243; Directorate Identifier 2004-NM-153-AD; Amendment 39-14185; AD 2005-14-08] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4048. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rockwell International (Aircraft Specification No. A-2-575 Previously Held by North American and Recently Purchased by Boeing) Models AT-6 (SNJ-2), AT-6A (SNJ-3), AT-6B, AT-6C (SNJ-4), AT-6D (SNJ-5), AT-6F (SNJ-6), BC-1A, SNJ-7, and T-6G Airplanes; and Autair Ltd. (Aircraft Specification No. AR-11 Previously Held by Noorduyn Aviation Ltd.) Model Harvard (Army AT-16) Airplanes [Docket No. FAA-2005-21463; Directorate Identifier 2005-CE-30-AD; Amendment 39-14144; AD 2005-12-51] (RIN: 2120-AA64) Received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4049. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Models RB211 Trent 768-60, Trent 772-60, and Trent 772B-60 Turbofan Engines [Docket No. FAA-2005-21730; Directorate Identifier 2005-NE-18-AD; Amendment 39-14186; AD 2005-14-09] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4050. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-203 and B4-203 Airplanes; Model A310-200 and -300 Series Airplanes; and Model A300-B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2005-20474; Directorate Identifier 2004-NM-221-AD; Amendment 39-14178; AD 2005-14-01] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4051. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 and EMB-135 Series Airplanes [Docket No. 2004-NM-37-AD; Amendment 39-14180; AD 2005-14-03] (RIN: 2120-AA64) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4052. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Packaging, Handling, and Transportation (RIN: 2700-AD16] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4053. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Head of Contracting Activity (HCA) Change for NASA Shared Services Center (NSSC) — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4054. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Intellectual Property Required Reports and Publications (RIN: 2700-AD14) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (Rept. 109–226). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 451. Resolution providing for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes (Rept. 109–227). Referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MELANCON (for himself and Mr. GORDON):

H.R. 3826. A bill to provide for the establishment of a Katrina Assistance Program through the Manufacturing Extension Partnership program, and for other purposes; to the Committee on Science.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, and Mr. HOSTETTLER):

H.R. 3827. A bill to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 3828. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax of at least $500 to offset the cost of high 2005 gasoline and diesel fuel prices; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 3829. A bill to designate the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

By Mr. FOLEY (for himself, Mr. HASTINGS of Florida, Mr. MACK, Mr. BOYD, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Florida, Mr. BILIRAKIS, Mr. MEEK of Florida, Mr. MILLER of Florida, Ms. HARRIS, Mr. WELDON of Florida, Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Mr. PUTNAM, Mr. WEXLER, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, Mr. FEENEY, Mr. SHAW, Mr. MICA, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Mr. KELLER, and Mr. STEARNS):

H.R. 3830. A bill to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building"; to the Committee on Government Reform.

By Mr. GERLACH:

H.R. 3831. A bill to amend the Internal Revenue Code of 1986 to include certain safe harbor deferred compensation plans for domestic and similar workers in the waiver of the tax on nondeductible contributions; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. NADLER, Mr. SERRANO, Mr. CLEAVER, Mr. DELAHUNT, Mr. GRIJALVA, Mr. JEFFERSON, Mr. MENENDEZ, Mr. OWENS, and Ms. WASSERMAN SCHULTZ):

H.R. 3832. A bill to amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 3833. A bill to amend title 18, United States Code, to provide penalties for violent crimes against members of the National Guard during Presidentially declared emergencies; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 3834. A bill to repeal the authority of the President to suspend the prevailing wage requirements of the Davis-Bacon Act during times of national emergency and to reinstate the application of such requirements to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. MCINTYRE, Mr. FARR, Mr. ABERCROMBIE, Mr. SIMMONS, Mr. WICKER, Mr. YOUNG of Alaska, and Mr. FOLEY):

H.R. 3835. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. CHABOT, Mr. CHOCOLA, Mr. DOOLITTLE, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Ms. HART, Mr. HENSARLING, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. MCHENRY, Mrs. MUSGRAVE, Mr. PENCE, Mr. PITTS, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. WAMP, Mr. WESTMORELAND, Mr. WICKER, and Mr. WILSON of South Carolina):

H.R. 3836. A bill to expedite the construction of new refining capacity in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. ABERCROMBIE, Mrs. CAPITO, Mrs. CAPPS, Mr. CROWLEY, Mr. FILNER, Mr. GRIJALVA, Ms. HART, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MCDERMOTT, Mr. OWENS, Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. WEXLER):

H.R. 3837. A bill to ensure that the confidential communications of a member of the

Armed Forces with a victim service organization or a health care professional are not disclosed, and for other purposes; to the Committee on Armed Services.

By Mr. WAXMAN (for himself, Ms. Pelosi, Mr. Hoyer, Mr. Obey, Mr. Thompson of Mississippi, Mr. Dingell, Mr. Conyers, Mr. Rangel, Mr. Frank of Massachusetts, Mr. Lantos, Ms. Slaughter, Ms. DeLauro, Mr. Emanuel, Mrs. Maloney, Mr. Owens, Mr. Cummings, Ms. Norton, Ms. Watson, and Mr. Lynch):

H.R. 3838. A bill to establish the Independent Commission to Prevent Fraud and Abuse in the Response to Hurricane Katrina, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3839. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Resources.

By Mr. FORD:

H.J. Res. 64. A joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. LaHOOD:

H.J. Res. 65. A joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

By Mr. DAVIS of Illinois (for himself, Mr. Meek of Florida, Ms. Norton, Mr. Butterfield, Ms. Carson, Mr. Cummings, Mr. Lewis of Georgia, Ms. Eddie Bernice Johnson of Texas, Ms. Kilpatrick of Michigan, and Mrs. Christensen):

H. Con. Res. 246. Concurrent resolution paying tribute to John Harold Johnson in recognition of his many achievements and contributions; to the Committee on Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. Conyers, Mr. Doggett, Mr. Neal of Massachusetts, Mr. Grijalva, Mr. Filner, Mr. Serrano, Mr. Kucinich, Mr. Hoyer, Mr. McDermott, Mr. Emanuel, Mr. Brown of Ohio, Mr. Gene Green of Texas, Mr. McGovern, Mr. Stark, Mr. Fattah, Mr. Payne, Mr. Hinchey, Mr. Honda, and Ms. Schakowsky):

H. Con. Res. 247. Concurrent resolution expressing the sense of Congress that a requirement that United States citizens obtain photo identification cards before being able to vote has not been shown to ensure ballot integrity and places an undue burden on the legitimate voting rights of citizens; to the Committee on the Judiciary.

By Mr. WAXMAN (for. himself, Mr. Lantos, Ms. Schakowsky, Mr. Cardin, Mr. Crowley, Mr. Van Hollen, and Ms. Jackson-Lee of Texas):

H. Con. Res. 248. Concurrent resolution honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. Reyes, Mr. Meehan, Mr. Moran of Virginia, Mr. Hinchey, Mr. Jefferson, Mr. Meek of Florida, Ms. Matsui, Ms. Harman, Mr. Kildee, Mr. Engel, Ms. Wasserman Schultz, Mr. McDermott, Mr. Saxton, Mr. King of New York, Mr. Hoekstra, Mr. Davis of Illinois, Ms. Bean, Mrs. McCarthy, Mr. Upton, Mr. Stark, Mr. Ortiz, Mr. Walsh, Ms. Schakowsky, Mr. Waxman, Mr. Young of Florida, Ms. DeGette, and Mr. Obey):

H. Res. 452. A resolution recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization; to the Committee on Energy and Commerce.

By Mr. McCOTTER (for himself, Mr. Norwood, Mr. Davis of Tennessee, Mr. Ford, Mrs. Capito, Mrs. Schmidt, Mr. Sam Johnson of Texas, Mr. Barrett of South Carolina, Mr. Pearce, Mr. Ferguson, and Mr. Shuster):

H. Res. 453. A resolution expressing the sense of the House of Representatives with respect to a court decision relating to the Pledge of Allegiance; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DAVIS of Illinois introduced a bill (H.R. 3840) for the relief of David Adekoya; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. Tauscher, Mr. Marchant, and Mr. Boehlert.

H.R. 220: Mr. Wamp.

H.R. 303: Mr. Rahall.

H.R. 503: Mr. Chabot and Ms. Matsui.

H.R. 583: Mrs. Jones of Ohio and Mrs. Tauscher.

H.R. 657: Mr. Upton, Mr. Gerlach, Mr. Frelinghuysen, Mr. Bass, Mr. Schwarz of Michigan, Mr. Platts, Mr. Petri, Mr. Kuhl of New York, Mr. Ehlers, Mr. Leach, Mr. Dent, Mr. Shays, Mr. Kirk, Mr. Boehlert, Mrs. Kelly, Mrs. Johnson of Connecticut, Mr. Bradley of New Hampshire, Mr. Hinojosa, Mr. Crowley, Ms. Wasserman Schultz, Mr. Sherman, Ms. Schakowsky, Mr. Holden, Mr. Gillmor, Mr. Gutierrez, and Ms. Matsui.

H.R. 689: Mr. Marchant.

H.R. 745: Mr. Garrett of New Jersey.

H.R. 764: Mr. Hayworth.

H.R. 783: Mr. Terry.

H.R. 788: Mr. Marshall.

H.R. 813: Mr. Jefferson.

H.R. 818: Mr. Paul and Mr. Bartlett of Maryland.

H.R. 839: Mrs. Davis of California.

H.R. 859: Mr. Dent.

H.R. 896: Mr. Hinchey and Mr. Melancon.

H.R. 910: Mr. Ford, Mr. Peterson of Minnesota, Mr. Boehlert, Ms. Slaughter, Mr. Moran of Kansas, and Mr. Gutierrez.

H.R. 920: Mr. McCaul of Texas, Mr. Menendez, and Mr. Michaud.

H.R. 923: Mr. Wilson of South Carolina and Mr. McCotter.

H.R. 939: Ms. Berkley.

H.R. 947: Mr. Aderholt.

H.R. 968: Ms. Bean.

H.R. 986: Mr. Calvert.

H.R. 995: Mr. Andrews.

H.R. 997: Mr. Shimkus and Mr. Chocola.

H.R. 998: Mr. Ford and Mrs. Miller of Michigan.

H.R. 1000: Mr. Allen.

H.R. 1002: Mr. Israel, Mr. Rahall, and Mr. Crowley.

H.R. 1020: Mr. Neal of Massachusetts and Mr. Cardin.

H.R. 1043: Mr. Hinchey, Mr. Gene Green of Texas, and Mr. Shimkus.

H.R. 1157: Mr. Lewis of Georgia.

H.R. 1183: Mr. Burgess.

H.R. 1258: Mr. Stupak.

H.R. 1262: Mr. Bartlett of Maryland.

H.R. 1297: Mr. Scott of Virginia.

H.R. 1313: Mrs. Capito.

H.R. 1356: Mr. Ford.

H.R. 1366: Mr. Goode.

H.R. 1371: Mr. Paul.

H.R. 1382: Mr. Westmoreland and Mr. Gutknecht.

H.R. 1402: Ms. DeGette, Mr. Ross, and Ms. Bordallo.

H.R. 1417: Mr. Reynolds.

H.R. 1431: Mr. Pascrell.

H.R. 1491: Ms. Millender-McDonald.

H.R. 1561: Mr. Simpson, Mr. Gillmor, Mr. King of Iowa, Mr. Allen, and Mr. Price of North Carolina.

H.R. 1574: Mr. Lipinski.

H.R. 1578: Mrs. Jones of Ohio and Ms. Matsui.

H.R. 1607: Mr. Hulshof.

H.R. 1615: Mrs. Maloney, Mr. Berman, Mr. Weiner, Mr. Michaud, and Mrs. Capps.

H.R. 1651: Mr. Gillmor.

H.R. 1668: Mr. Clay and Mr. Weiner.

H.R. 1709: Mr. Lewis of Georgia, Ms. Millender-McDonald, Mr. Rothman, Mr. Evans, Mr. Baird, and Ms. Velázquez.

H.R. 1736: Mr. McCotter.

H.R. 1738: Ms. Velázquez.

H.R. 1792: Mr. Walden of Oregon.

H.R. 1849: Mr. Wu and Mr. Gordon.

H.R. 1951: Mr. Shaw.

H.R. 1953: Mrs. Kelly and Mr. Sessions.

H.R. 1973: Mr. Price of North Carolina and Mr. Berman.

H.R. 2037: Mr. Baca and Mr. Filner.

H.R. 2048: Mrs. Myrick, Mr. Fitzpatrick of Pennsylvania, Ms. Eshoo, Mr. DeFazio, Mr. Peterson of Pennsylvania, Mr. Bilirakis, Mr. Rush, Mr. Hastings of Florida, and Mr. Strickland.

H.R. 2061: Mr. Crenshaw, Mr. Weldon of Florida, and Mr. Bartlett of Maryland.

H.R. 2070: Mr. Tierney.

H.R. 2106: Mr. Crowley.

H.R. 2229: Ms. Harris.

H.R. 2234: Mr. Jefferson, Ms. Loretta Sanchez of California, and Mr. Delahunt.

H.R. 2238: Mr. Fitzpatrick of Pennsylvania.

H.R. 2317: Mr. Clay and Mr. Dicks.

H.R. 2328: Mr. Owens.

H.R. 2369: Mr. Jenkins.

H.R. 2389: Mr. King of New York.

H.R. 2412: Ms. Berkley.

H.R. 2511: Mr. Udall of New Mexico.

H.R. 2526: Ms. Bean.

H.R. 2533: Ms. Matsui, Mr. Levin, and Ms. Roybal-Allard.

H.R. 2642: Ms. DeGette.

H.R. 2668: Mrs. Schmidt.

H.R. 2694: Mr. Hinchey.

H.R. 2716: Mr. Oberstar.

H.R. 2719: Mr. Platts.

H.R. 2799: Mr. Jefferson and Mr. Sanders.

H.R. 2804: Mr. McCaul of Texas.

H.R. 2822: Mr. Garrett of New Jersey.

H.R. 2823: Mr. Alexander.

H.R. 2895: Mr. Udall of Colorado.

H.R. 2943: Mr. Capuano.

H.R. 2963: Mr. Kucinich and Ms. Eddie Bernice Johnson of Texas.

H.R. 3011: Mr. Hunter, Mr. Rogers of Alabama, Mr. King of Iowa, and Mr. McIntyre.

H.R. 3042: Mr. Kildee.

H.R. 3111: Mr. Melancon.

H.R. 3128: Ms. Berkley, Mr. Brown of Ohio, Ms. Zoe Lofgren of California, Mr. Capuano, and Mr. McDermott.

H.R. 3134: Mr. Sessions.

H.R. 3137: Mr. Gutknecht, Mrs. Capito, Mr. Marchant, Mr. Shadegg, and Mr. Alexander.

H.R. 3160: Mr. Serrano, Ms. DeGette, and Mr. Owens.

H.R. 3162: Mr. Michaud.

H.R. 3180: Mr. Garrett of New Jersey and Mr. English of Pennsylvania.

H.R. 3191: Mr. Evans, Mr. Blumenauer, Mr. Tancredo, Ms. Millender-McDonald, Mr. Leach, Mr. Wexler, Ms. Watson, Mr. Lantos, Mr. Honda, Mr. Crowley, and Mr. Meeks of New York.

H.R. 3197: Mr. McCaul of Texas.

H.R. 3248: Mr. Shimkus, Ms. Baldwin, Mr. Snyder, and Mr. Abercrombie.

H.R. 3255: Mr. Cooper.

H.R. 3300: Mr. Conaway.

H.R. 3313: Mr. Waxman, Mr. Owens, Mr. Moran of Virginia, Mr. McNulty, Mr. Payne, Mr. Hinchey, Mr. Farr, Ms. Eshoo, Ms. Solis, Mrs. Maloney, Ms. McCollum of Minnesota, Mr. Grijalva, Mr. Abercrombie, Ms. Moore of Wisconsin, Mr. Crowley, Mr. Cummings, Mr. McDermott, Mr. Hastings of Florida, Ms. Linda T. Sánchez of California, Mrs. McCarthy, Mr. Serrano, Mr. Doggett, Mr. Kucinich, Mr. Kind, Ms. McKinney, Mr. Van Hollen, Mr. Brown of Ohio, Ms. Jackson-Lee of Texas, Mr. Miller of North Carolina, and Mr. Stark.

H.R. 3326: Mr. Baird, Mr. Davis of Illinois, Mr. Udall of Colorado, Mr. Jefferson, Mr. Lewis of Georgia, Mrs. Jones of Ohio, and Mrs. McCarthy.

H.R. 3352: Mr. Whitfield.

H.R. 3360: Mr. Hulshof.

H.R. 3361: Mr. Levin.

H.R. 3373: Mr. Van Hollen, Mrs. Kelly, Mr. Souder, Mr. English of Pennsylvania, Mr. Shimkus, Mr. Latham, Mr. Aderholt, Mr. Olver, Mr. Doyle, Ms. Millender-McDonald, and Mrs. Maloney.

H.R. 3379: Ms. Jackson-Lee of Texas and Ms. DeLauro.

H.R. 3380: Ms. DeLauro, Mr. Kennedy of Rhode Island, and Ms. Zoe Lofgren of California.

H.R. 3402: Ms. Waters.

H.R. 3405: Mr. Clay, Mr. Edwards, Mrs. Myrick, Mr. Everett, Mr. Lewis of California, and Mr. Putnam.

H.R. 3420: Mr. Cleaver and Mr. Stark.

H.R. 3436: Mr. King of Iowa.

H.R. 3438: Mr. Wynn.

H.R. 3478: Mr. McGovern, Mr. Garrett of New Jersey, and Mr. Hunter.

H.R. 3492: Mr. Blumenauer, Mr. Grijalva, Mr. George Miller of California, and Mr. Cummings.

H.R. 3502: Mr. Jefferson.

H.R. 3505: Mr. Hinojosa, Mr. Ross, Mr. Rothman, Mr. Crowley, Ms. Wasserman Schultz, Mr. Feeney, Mr. Bachus, Mr. Marchant, Mr. Gillmor, Mr. Neugebauer, Mr. Lewis of California, Mr. Meeks of New York, Mr. Pearce, Mr. Ryun of Kansas, Mr. Israel, Mr. Paul, Mr. Sessions, Mr. Jones of North Carolina, Ms. Roybal-Allard, Mr. Garrett of New Jersey, Ms. Hooley, Mr. Renzi, and Mr. Cantor.

H.R. 3546: Mr. Berry.

H.R. 3561: Mrs. McCarthy, Ms. Wasserman Schultz, and Mr. McDermott.

H.R. 3584: Mr. McDermott.

H.R. 3588: Mr. McNulty, Mr. Smith of Washington, and Ms. Eshoo.

H.R. 3616: Mr. Platts and Mr. Waxman.

H.R. 3628: Mr. McDermott, Mr. Moran of Virginia, Mr. Michaud, Mr. Bonner, and Mr. Lewis of Georgia.

H.R. 3659: Mr. Carnahan.

H.R. 3665: Mr. Abercrombie, Mr. Case, Mr. Grijalva, and Mr. Michaud.

H.R. 3666: Mrs. Maloney and Mr. McDermott.

H.R. 3667: Mr. Herger and Mr. Thomas.

H.R. 3670: Mrs. Maloney and Mr. McDermott.

H.R. 3685: Mr. Pastor.

H.R. 3690: Ms. Eshoo and Mr. Frank of Massachusetts.

H.R. 3699: Mrs. Drake.

H.R. 3701: Mr. Rothman.

H.R. 3702: Mrs. Emerson, Mr. Ross, Mr. Snyder, Mr. Boozman, Mr. Evans, Mr. Skelton, and Mr. Filner.

H.R. 3708: Mr. Ortiz.

H.R. 3709: Mr. Hensarling, Mr. Honda, Ms. McCollum of Minnesota, Mr. Sodrel, Mr. Tiahrt, Mr. Akin, Mr. Garrett of New Jersey, and Mr. Marchant.

H.R. 3711: Mr. Inslee, Mr. Al Green of Texas, and Ms. Herseth.

H.R. 3727: Mrs. Maloney and Mr. McDermott.

H.R. 3748: Mr. Davis of Alabama, Mr. McCaul of Texas, Mr. Kucinich, Mr. Weiner, and Ms. Schakowsky.

H.R. 3754: Mr. Salazar.

H.R. 3757: Mr. Duncan and Mr. Paul.

H.R. 3760: Mr. Wynn.

H.R. 3761: Mrs. Biggert and Mr. Tiberi.

H.R. 3764: Mr. Barrow, Ms. Millender-McDonald, and Ms. Moore of Wisconsin.

H.R. 3774: Ms. Kaptur, Mr. Grijalva, Mr. Conyers, and Mr. Brady of Pennsylvania.

H.R. 3781: Mr. King of New York.

H.R. 3782: Mrs. Cubin, Mr. Everett, Mr. Walden of Oregon, Mr. Sullivan, Mrs. Johnson of Connecticut, and Ms. Berkley.

H.R. 3787: Mr. Frank of Massachusetts.

H.R. 3792: Mr. Ford and Mr. Owens.

H.R. 3796: Mr. Price of North Carolina, Mr. Shays, Mrs. Davis of California, Mr. Osborne, and Mr. Higgins.

H.R. 3800: Ms. Wasserman Schultz, Mr. Conyers, and Mr. Grijalva.

H.R. 3809: Mr. Evans and Mr. Skelton.

H.R. 3824: Mr. Cannon.

H.J. Res. 12: Mr. Sherman.

H.J. Res. 38: Mr. Abercrombie, Mr. Filner, Mr. McGovern, and Mr. Markey.

H.J. Res. 61: Mrs. Christensen, Mr. LoBiondo, Mr. Honda, Mr. Kucinich, Mr. Pallone, Mrs. Napolitano, Ms. DeLauro, Mr. Van Hollen, Mr. Chandler, Mr. Rothman, Mr. Smith of New Jersey, Mr. Udall of New Mexico, Mr. Garrett of New Jersey, Mr. Cooper, Mr. Price of North Carolina, Mr. Johnson of Illinois, Mrs. Jones of Ohio, Mr. Cannon, Mr. Fortuño, Mr. McHugh, Mr. Gibbons, Mr. Franks of Arizona, Mr. Shaw, Mr. Bilirakis, Mr. Gutierrez, Miss McMorris, Mr. Murphy, Mr. Shuster, Mrs. Drake, Mr. Pomeroy, Mr. Schiff, Mr. McKeon, Mr. Marchant, Mr. Weldon of Pennsylvania, Mr. Snyder, Mr. Boehlert, Mr. Frank of Massachusetts, Ms. Matsui, Mr. Udall of Colorado, Mr. Ryan of Ohio, Mr. Larsen of Washington, Mr. Meehan, Ms. Baldwin, Mrs. Lowey, Mr. Markey, Mr. Dicks, Ms. Loretta Sanchez of California, Mr. Crowley, Mr. Skelton, Mrs. Davis of California, Mr. Kildee, Mr. Meeks of New York, and Mr. Renzi.

H. Con. Res. 130: Mrs. Blackburn, Mr. Tancredo, Mr. Conaway, Mr. Bachus, Mrs. Bono, Mr. Rogers of Michigan, Mr. Terry, and Ms. Linda T. Sánchez of California.

H. Con. Res. 173: Ms. Wasserman Schultz, Mr. Farr, Mr. Filner, Ms. Solis, Mr. Peterson of Minnesota, Mrs. Christensen, Mr. Manzullo, Mr. Castle, Mr. Reynolds, and Mr. Foley.

H. Con. Res. 177: Mr. Bishop of Georgia, Mr. Crowley, Mr. Moran of Virginia, and Mr. Frank of Massachusetts.

H. Con. Res. 178: Mr. Abercrombie, Mr. McHugh, Mr. Van Hollen, Mr. Jefferson, and Mr. McNulty.

H. Con. Res. 190: Mr. Towns.

H. Con. Res. 210: Mr. Calvert, Mr. Davis of Florida, Ms. Matsui, Mr. Allen, Mr. Berman, Mr. Hoekstra, Mr. McGovern, Mrs. Tauscher, Mr. Rush, Mr. Castle, Mr. George Miller of California, Mr. Brown of Ohio, Mr. Lewis of Georgia, Miss McMorris, Mr. Whitfield, Mr. Foley, Mr. Hinojosa, Mr. Kind, Mr. Strickland, Ms. Baldwin, Mr. Rangel, Mr. Tiberi, Mr. McDermott, Mr. Thomas, Mr. Langevin, Mr. Clyburn, Mr. Hinchey, Mr. Ortiz, Mr. Waxman, Mrs. McCarthy, and Mr. Boustany.

H. Con. Res. 222: Mr. Bradley of New Hampshire, Mr. Lynch, and Mr. Kildee.

H. Con. Res. 231: Mr. Murtha, Mr. Walsh, Mr. Moore of Kansas, Mr. Simmons, and Ms. Eshoo.

H. Con. Res. 245: Mr. Chabot, Mr. Pence, Mr. Cannon, Mr. Norwood, Mr. Sam Johnson of Texas, and Mr. Fortuño.

H. Res. 15: Mr. Andrews, Mr. Sherwood, Mr. Moran of Virginia, Mr. Shaw, and Mr. Waxman.

H. Res. 84: Mr. Payne.

H. Res. 172: Mr. Dicks.

H. Res. 215: Mr. Akin.

H. Res. 222: Mr. Boehlert.

H. Res. 316: Mr. Kuhl of New York.

H. Res. 335: Mr. Frank of Massachusetts, Mr. Butterfield, Mr. Marshall, Mr. McCotter, and Mr. Tiberi.

H. Res. 367: Mr. Frank of Massachusetts.

H. Res. 389: Mr. Keller and Mr. Matheson.

H. Res. 415: Mr. Smith of New Jersey.

H. Res. 438: Mr. Holden, Mr. Burton of Indiana, Mr. Nadler, Mr. Pallone, Mr. Crowley, Mr. Visclosky, Mr. McNulty, Mr. Bishop of Georgia, Mrs. McCarthy, Mr. Marshall, and Mr. Weiner.

H. Res. 441: Ms. Berkley, Mr. Goode, and Mr. Al Green of Texas.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

68. The SPEAKER presented a petition of the City of Pembroke Pines, Florida, relative to Resolution No. 3033, requesting affirmative action to maintain the Community Development Block Grant (CDBG) program funding, and seeking restoration of lost funding via the proposed fiscal year 2005 budget; which was referred to the Committee on Financial Services.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2123

OFFERED BY: MR. FILNER

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. _____. TEACHER RETENTION REPORT.

Not later than one year after implementation of the Head Start teacher qualifications and development under amendments made by this Act, the Secretary of Health and Human Services shall submit to Congress a report on Head Start teacher retention levels.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING BETHLEHEM APOSTOLIC TEMPLE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. NEY. Mr. Speaker:

Whereas, Bethlehem Apostolic Temple is celebrating their 73rd Church Anniversary; and

Whereas, Dr. D.W. Cummings, Senior Pastor, is celebrating his 25th Anniversary with Bethlehem Apostolic Temple; and

Whereas, Bethlehem Apostolic Temple and Dr. D.W. Cummings have served and worshipped with their community with devotion and care; and

Whereas, I wish Bethlehem Apostolic Temple and Dr. D.W. Cummings the best of luck in all of their future endeavors.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Bethlehem Apostolic Temple and Dr. D.W. Cummings as they celebrate these momentous occasions.

HONORING MARY RUTHSDOTTER FOR INFLUENCING THE IMPORTANCE OF WOMEN'S HISTORY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor my friend, Mary Ruthsdotter, of Sebastopol, California. Mary will be 61 years old on October 14, an appropriate occasion to reflect on her profound influence on the recognition of the historical importance of women in this country.

In 1980, with Molly Murphy MacGregor, Maria Cuevas, Paula Hammett and Bette Morgan, Mary founded the National Women's History Project (NWHP) in Santa Rosa, California. It was both the fulfillment of a dream to organize a national clearinghouse and curriculum development center and the beginning of a sustained effort to celebrate the diverse and historic accomplishments of women.

Mary's passion for women's issues began shortly after she moved to Sonoma County from southern California with her husband David Crawford and her daughter Alice. Although not previously involved in the burgeoning women's movement, she became interested after receiving a letter from the Sonoma County Commission on the Status of Woman and volunteered to work for the group (she later became Chair). She soon realized the Commission could not provide all the needed services for women and was instrumental in organizing the nonprofit Women's Support Network to fill these gaps and operate as an umbrella agency for other groups.

The NWHP, with the assistance of other supporters, spearheaded the movement for National Women's History Week leading to the designation of March as National Women's History Month in 1987. This designation raised the group's national profile; however, Mary's work with them involved much more.

In the days when the Internet was not available for widespread communication, Mary established a nation-wide network and newsletter and was instrumental in providing resource materials and lists to schools. She coproduced a video series, Women in American Life, as well as the first video documenting the role of Latino women, Adelante, Mujeres. Publishers all over the country sent thousands of books as Mary coordinated book reviews on the subject of women in history. She later indexed all the selections and donated them to Sonoma State University. In fact, she still reads women's biographies for fun.

Mary's can-do attitude, high energy, organization, and up-beat optimism are hallmarks of all aspects of her life. Several years ago she and her husband were leaders in organizing an "intentional community," a co-housing project in Sebastopol, CA, where people of different ages and backgrounds could share in and enrich each other's lives. They have recently returned from visiting their daughter, son-in-law, and grandson in Australia.

Recently, Mary worked as a field representative for State Assemblymember Patricia Wiggins who described how creatively "Mary never gave up when she was providing service and refused to let the bureaucracy interfere in her progress." When a local hospital encountered long delays from the State in securing certification for a newly hired physician, Mary got busy on the phone. When she asked where his application was in the stack, her contact replied, "On the bottom." So, Mary said, "Well, why don't you just put it on the top?" The worker did, and the hospital received certification immediately. She was the heroine in many, many similar situations.

Mr. Speaker, as Mary wrote in her article Women and Equal Rights, "Today, America is living the legacy of the great progress women have made, while their earnest quest for full and true equality continues." Mary Ruthsdotter exemplifies the passion and spirit behind this quest. She is a role model for young women and an inspiration for all of us. Thank you, Mary, for all you are and what you mean to so many.

TRIBUTE TO THE SAN MATEO COUNTY MEDICAL ASSOCIATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the San Mateo County Medical Association as it celebrates a century of service to the people of San Mateo County, California.

In response to an invitation from the California Medical Association, a handful of Peninsula physicians met in the front parlor of the Union Hotel in the City of San Mateo, California., on December 22, 1904, to discuss the creation of a local society. The doctors reconvened on January 16th of the next year and elected the distinguished Dr. Harry Garritson Plymire of South San Francisco as their temporary President. The first official meeting of the San Mateo County Medical Society was called to order on September 12, 1905, and 16 physicians were listed as charter members. The constitution of the new organization stated that its purpose was to "promote the science. and art of medicine while conserving and advancing public health."

The Society incorporated as the San Mateo County Medical Association in 1992 and it continues its constitutional mission of promoting the art and science of medicine and advancing public health. It publishes a pictorial directory of physicians as well as 10 editions of a bulletin each year. Various Association committees examine medical issues to interpret current practices and foster new professional insights. Together with the California Medical Association, the San Mateo County Medical Association shares the primary goals of organized medicine for the State of California: To educate and serve physicians, promote quality health care for the people of the State and create a strong voice on health care issues.

Mr. Speaker, I ask my colleagues to join me in honoring the San Mateo County Medical Association and all of its members, both past and present, for their extraordinary service to our community and out country.

ON THE 150TH ANNIVERSARY OF THE FOUNDING OF FIRST CHRISTIAN CHURCH

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. GRANGER. Mr. Speaker, I rise today to recognize an outstanding church in my district, First Christian Church, located in the great city of Fort Worth, Texas. On Sunday, October 2, 2005, First Christian Church celebrates the 150th anniversary of its organization which began in 1855 in the home of Dr. and Carroll Peak.

The First Christian Church holds the distinction of being Fort Worth's oldest continuously operating church, forming just 6 years after Major Ripley Arnold brought a unit of the U.S. Army to a cliff overlooking the Trinity River to establish a military outpost in 1849 that he named in honor of his commanding general.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Today, First Christian Church continues as a vibrant, engaged church located in the heart of downtown Fort Worth, one of the great downtowns in America. Appropriately, the church's theme for its 150th anniversary celebration is "From the Frontier to the Future,"

The First Christian Church and its members have served the Fort Worth community well over the last 150 years. In 1865, Rev. J.A. Clark founded Add-Ran Male and Female College in the First Christian Church, but moved the institution for a time to a more sedate location south of Fort Worth known as Thorp Springs. Add-Ran College today is one of Fort Worth's most prestigious universities, Texas Christian University (TCU). TCU has been in Fort Worth since 1911. In 1878, First Christian built a "rock church" on a site at 612 Throckmorton Street. The property was purchased for $1,500. First Christian Church continues at that site today in a sanctuary that was erected in 1914 to replace the rock church. The Renaissance Revival style church, designed by architects E.W. Van Slyke and Clyde Woodruff, was designated an official Texas Historical Landmark in 1970 and was placed on the National Register of Historical Sites in 1983.

First Christian Church has been blessed.

One of First Christian's early members and president of its board for 53 years, K. M. Van Zandt also was instrumental in transforming Fort Worth from a small, former military outpost into one of the major cities of Texas and the United States. Van Zandt, while serving his church, helped other Christian churches form in Fort Worth and provided leadership for construction of the present sanctuary. At the same time, he formed with other Fort Worth business leaders a construction company that brought the railroad to the city, co-created and led a bank that was the town's leading financial institution for almost a century and cofounded the community's first newspaper, as well as making time to serve on the local school board and in the Texas Legislature.

In 1912, Dr. L.D. Anderson became pastor. During Dr. Anderson's 49-year ministry, First Christian Church thrived with membership reaching 3,000. First Christian's historic church was restored and updated in the course of a seven-year renovation project that was completed in 1993.

Not only has First Christian Church withstood the test of time as a Fort Worth institution, it also has endured Mother Nature. First Christian is in the heart of the Downtown Fort Worth area that was struck by a devastating tornado in 2000. While neighboring buildings suffered extensive destruction, First Christian escaped with damage only to the rear of its sanctuary and the church dome. The dome had been restored only a few years earlier. Through hard work and dedication, the sanctuary and dome were again restored by 2001, while the church continued to service its members and to give strength to the community in trying times.

Mr. Speaker, it is my honor to recognize First Christian Church as a church that began in the early days of Fort Worth and that, like the city which it calls home, has grown and evolved into a great institution. It is my honor to praise the past and the present leadership of this outstanding and companionate institution for serving their members well and for their role in making Fort Worth a truly great place in which not only to live, but also to work.

TRIBUTE TO CLIFFORD D. LINK

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to honor Naval Criminal Investigative Service (NCIS) Special Agent Clifford D. Link, Assistant Director for Financial Management, who will retire after 30 years of federal service on October 1, 2005.

Assistant Director Link started his federal career in June 1975 as a GS–2 clerk with the Federal Bureau of Investigation (FBI) in New York. Working full-time during the day and attending classes at night, Assistant Director Link graduated from the distinguished John Jay College of Criminal Justice in New York. Subsequently, he was promoted in grade and joined the FBI Special Support Group (SSG) conducting counterintelligence surveillances.

In 1978, Assistant Director Link was introduced to the (then) Naval Investigative Service (NIS) during a joint NIS/FBI proactive counterintelligence operation "Operation Lemonade". As a member of the FBI SSG, then Investigative Assistant Link was providing surveillance support to the joint operation. Through that relationship, Assistant Director Link was convinced that NIS was a growing, dynamic and progressive worldwide organization and that a NIS career would be challenging and rewarding.

In October 1979, Assistant Director Link was offered a NIS Special Agent position with his initial assignment to NIS Resident Agency (NISRA) Washington, DC. Since then, Assistant Director Link has served as a Special Agent at NIS Resident Unit (NISRU) Bethesda, MD; NISRA Yokohama, Japan; and NISRA New York. Assistant Director Link also served in assignments as the Assistant Special Agent in Charge (ASAC) NISRA Point Loma, CA; ASAC NCIS Fraud Unit, San Diego, CA; SAC NCIS Fraud Unit, San Francisco, CA; ASAC (FCI) NCIS San Diego Field Office; RAC NCISRA Camp Pendleton, CA and DSAC San Diego Field Office. Assistant Director Link's NCIS Headquarters assignments included Program Manager for Defense Counterintelligence , Integrated Information Systems, Executive Assistant to the Director for Planning and Strategy, Executive Assistant to the Director for Modernization, Executive Assistant to the Director for Transformation, and his current position as Assistant Director for Financial Management.

During the 26 years of his NCIS career, Assistant Director Link has engaged in practically every aspect of NCIS operations, including criminal investigations, special and undercover operations, counterintelligence investigations and operations, fraud, counterterrorism, antiterrorism, force protection, hostage negotiations and overseas deployments. He also participated in and led protective service operations that put him in the presence of Presidents, Vice Presidents, Cabinet Secretaries, Members of Congress, Ambassadors, Foreign Dignitaries, Flag and General Officers, and various other federal, state and local leaders. Assistant Director Link had the opportunity to travel all over the globe, to include Europe, the Far East, Middle East and Iraq.

After the bombing of the USS *Cole*, Assistant Director Link served as leader of the Secretary of the Navy's Situational Awareness and Intelligence Working Group and as a member of the Department of Defense Counterintelligence Working Group. He continued as a member of these task forces after the 9/11 attacks.

Transitioning to his NCISHQ assignment, Assistant Director Link was a co-leader in the NCIS Zero Based Review, was a member of the NCIS Strategic Management Council, led the development of the new NCIS Management and Administration Office, participated in the NCIS Modernization effort and, for the past year, has led the Financial Management Directorate. Mr. Speaker, Assistant Director Link has served this nation honorably for 30 years and deserves the recognition of this body, his community and the United States of America.

WELCOMING PRESIDENT CHEN OF THE REPUBLIC OF CHINA

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. GINGREY. Mr. Speaker, on behalf of my constituents in the state of Georgia, it is a privilege to welcome President Chen of the Republic of China to the United States. As you know, the United States has a rich history of personal liberty, democracy, and republican government. It has been over 26 years since Congress passed the Taiwan Relations Act recognizing our nation's friendship. It is my hope that all of China will one day live in a peaceful Democratic society, enjoying free enterprise and personal freedom.

Our shared goals of democracy, increasing standards of living, peaceful association, and economic development are vital to the growth and security of our nations. The Republic of China is a strong example of the achievement of these goals. Mr. Speaker, Taiwan enjoys a democratic government that fully upholds human rights, where its citizens enjoy the freedom to assemble and practice their religion of choice. These attributes allow the Republic of China to benefit from the world's 14th largest economy and one of the world's highest standards of living.

I personally cherish the close relationship between the Republic of China and the United States. Thousands of Taiwanese students study at U.S. colleges and universities while Taiwanese tourists choose the United States as their number one overseas destination outside of Asia. Moreover, Taiwanese consumers make the Republic of China one of our nation's closest trade allies.

I would like to thank President Chen for the support and friendship of the Republic of China. I believe he deserves a great deal of credit and thanks for his leadership in successfully maintaining the peace and stability in the Taiwan Strait. Mr. Speaker, I ask that you will join me in once again welcoming President Chen to the United States as our nation looks forward to working with his administration to promote peace, explore new economic frontiers, and expand our friendship.

A PROCLAMATION HONORING MARY EDITH STONEBURNER ON HER 100TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. NEY. Mr. Speaker:

Whereas, Mary Edith Stoneburner was born on September 29th, 1905; and

Whereas, Mary Edith Stoneburner is celebrating her 100th birthday today; and

Whereas, Mary Edith Stoneburner, is a long-time active participant in the social and civic life of her community; and

Whereas, Mary Edith Stoneburner has exemplified a love for her family and friends and must be commended for her life-long dedication to helping others.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in wishing Mary Edith Stoneburner a very happy 100th birthday.

TRIBUTE TO DR. I. KING JORDAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. WOOLSEY. Mr. Speaker, I rise to honor Dr. I. King Jordan upon his retirement as President of Gallaudet University on December 31, 2005. Dr. Jordan is an accomplished, respected leader and someone I consider a personal friend.

Dr. Jordan became the Nation's first deaf university President when appointed in 1988 and the first deaf President to preside over Gallaudet University. During his tenure there he has proven to be an able, caring leader propelling the University forward as well as becoming a strong advocate for deaf students on the federal level.

Among his accomplishments, he led the University's first ever capital campaign, raising nearly $40 million, which supported the construction of the state-of-the-art Student Academic Center and contributed to the extraordinary increase in the University's endowment, which paved the way for an increase in scholarships and more academic programs. He also established a fellows program to provide support for deaf college graduates to complete their terminal degrees and become faculty members.

Dr. Jordan was not only a strong advocate for the Gallaudet community, but for individuals with disabilities across this Nation. Another proud accomplishment of Dr. Jordan's is the work he did to assist with the passage of the American's with Disabilities Act (ADA) in 1990. He was a lead witness in support of the ADA during a joint session of Congress and delivered significant testimony in Congress and across the country during the deliberations of this bill.

Before coming to Gallaudet Dr. Jordan's life was filled with many other accomplishments. A native of Glen Riddle, Pennsylvania, a small town near Philadelphia, Dr. Jordan earned a B.A. in psychology from Gallaudet University and M.A. and Ph.D. degrees in Psychology from the University of Tennessee.

Upon receiving his doctorate, Dr. Jordan joined the faculty of Gallaudet's Department of Psychology. Before his appointment as President, Dr. Jordan served as chair of Gallaudet's Psychology Department and as Dean of the College of Arts and Sciences. He has been a research fellow at Donaldson's School for the Deaf in Edinburgh Scotland and an exchange scholar at Jagiellonian University in Krakow, Poland.

Dr. Jordan holds eleven honorary degrees and is the recipient of numerous awards, among them: The Presidential Citizen's Medal, presented by Bill Clinton in 2001; the Washingtonian of the Year Award; the James L. Fisher Award from the Council for Advancement and Support of Education (CASE); the Larry Stewart Award from the American Psychological Association and the Distinguished Leadership Award from the National Association for Community Leadership. President George H.W. Bush appointed Dr. Jordan Vice Chair of the President's Committee on Employment of People with Disabilities (PCEPD) in 1990, and President Clinton reappointed Dr. Jordan to that role in 1993. In the summer of 2005, Dr. Jordan was presented the George Bush Medal for the Empowerment of People with Disabilities from President George H.W. Bush.

Mr. Speaker, I wish Dr. Jordan much happiness in his retirement as he looks forward to traveling with his wife Lynda and spending more time with his family. His compassion and service will be greatly missed. I am proud to have had a chance to work with him these past years.

TRIBUTE TO EDWARD LEO COYLE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor Edward Leo Coyle as he celebrates the centennial of his life on September 27, 2005.

Edward Leo Coyle, known to his friends as Ed, was born on September 27, 1905, on Mount Pleasant Avenue in Columbus, Ohio. He was the youngest of five children born to William and Anne Bradley Coyle.

Ed Coyle attended Catholic schools and after graduating from high school he attended Ohio State University. After graduation from Ohio State, he followed in his older brother's footsteps, attending the University of Cincinnati Law School. He passed the Bar in 1930 and entered the legal profession at the start of the Great Depression. He joined his brother William in the practice of law, and served as Special Counsel to the Ohio Attorney General.

Ed Coyle married Winifred S. "Teddy" Johnson in 1936. The couple had two children, a son Ed and their daughter Nancy, now Mrs. Joseph Huber, a resident of the 14th Congressional District. He now has four grandsons, Michael and Jim Coyle and David and Matthew Huber, as well as three great grandsons, Jacob, Justin and Ryan Coyle.

Ed Coyle was employed as a lawyer for the Curtiss-Wright Company during the war, and then practiced law in his own office until 1950 when he and his family moved to southern California. He joined Bank of America and served as a Trust Officer in charge of the Glendale District Trust Department until his retirement in 1970.

In 1976, Ed and Teddy moved to Palo Alto where Ed became a member of the Senior Group at the Palo Alto Golf Course, playing until he was 90. He gave generously of his time and talents as a volunteer at the Senior Center, counseling others on financial issues. Today although he suffers from neuropathy, he keeps up with his grandsons and walks each day at the Stanford University Track.

Mr. Speaker, I ask my colleagues to join me in honoring Edward Coyle on his 100th birthday and recognizing his countless contributions to our community and our country.

IN RECOGNITION OF THE 62ND ANNIVERSARY OF THE USS "ELOKOMIN" (AO)

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. LYNCH. Mr. Speaker, I rise today in recognition of the plaque dedication for the USS *Elokomin*, AO, an auxiliary oiler of the United States Navy whose keel was laid on March 9, 1943 and—served our Nation with honor until its decommission in March of 1970. I am here to honor the men who served on the *Elokomin* and to celebrate the 62nd anniversary of this extraordinary vessel.

The USS *Elokomin* served with distinction and received numerous Naval commendations for her service. During World War II, the *Elokomin* was more heavily armed than a destroyer-escort, having one 5-inch 38 caliber dual-purpose gun, four 3-inch 50 caliber dual-purpose guns, four 40-millimeter twin-mount guns and eight 20-millimeter guns.

However, the story of the *Elokomin* is really the story of the men who served aboard her. The USS *Elokomin*, AO–50 Crewmembers Association was established in the 1980s and it is my understanding that since its first reunion in 1986, the Association has met regularly to keep the memory of this ship and her crew alive. These men and their families should be proud of their commitment not only to our country but also to each other. Their dedication and loyalty is commendable.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with the veterans, their family and friends who will gather later this month for a celebration and dedication of the USS *Elokomin* at the Navy Memorial here in Washington, DC. I hope my colleagues will join me in celebrating this distinguished ship and the men who so ably served aboard her to defend this Nation.

COMMEMORATING 100 YEARS OF CHEESMAN DAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the century of service the Cheesman Dam has provided Coloradans. The dam is an engineering marvel that has provided water to the Denver metropolitan area for the past century.

The dam was constructed with the goal of providing the natural resources necessary to Denver area expansion. The dam has provided effective water management that has brought both environmental stability and economic growth to Denver.

Chief Engineer C.P. Allen executed the construction of Cheesman Dam with speed, precision, and creativity. The dam contains three million cubic feet of masonry, 21,000 tons of concrete and weighs an impressive 300,000 tons. The world's largest dam at the time of its completion, Cheesman was hailed by many as an engineering marvel. Though it didn't remain the largest dam in the world, it has continued to garner engineering acclaim. In 1975 it was proclaimed a National Historic Civil Engineering Landmark by the American Society of Civil Engineers.

Cheesman's engineering prowess and historical significance are not its only qualities worthy of praise. The dam is, in many ways, a unique reflection of the Colorado spirit. Built to emulate the surrounding natural area, Cheesman's granite construction attempts to assimilate modem engineering advancement with the beauty of Colorado's open space. Its spillway follows the same pattern as it was intentionally developed in the formation of a natural cliff rather then a typical dam.

The American Society of Civil Engineers explains that the, "Cheesman Dam is . . . of such historical significance and contemporary importance that is should never be forgotten, but placed side-by-side with other national and historical landmarks of the engineering profession."

Its 100th anniversary is an accomplishment for the hundreds of workers that laid the stone in its construction and its talented engineers. Special recognition is also owed Denver Water and all of its employees—past and present—who have maintained this critical feature of Denver's water supply system. Through the efforts of Denver Water and the foresight of those who built this facility 100 years ago, Denver has been able to thrive and prosper.

A PROCLAMATION RECOGNIZING DR. KALLA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. NEY. Mr. Speaker:

Whereas Dr. Kalla is an exceptional individual worthy of merit and recognition; and

Whereas, Dr. Kalla has proven himself to be a man of strong will and character; and

Whereas Dr. Kalla shall be lauded for his strength, tenacity, and perseverance in his battle with cancer;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Dr. Kalla for his outstanding accomplishment.

CONGRATULATING STEVE McCULLOUGH

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to offer congratulations to my good friend Steve McCullough upon his retirement from employment as the city manager for the city of Irving, Texas. He has dedicated himself to the betterment of his community and neighbors and his tireless commitment and service should be commended.

Steve began his 30-year career with the City of Irving in June 1975 when he was employed as an administrative assistant in the Finance Department. He joined the City Manager's Office in 1978 and was named deputy city manager in 1986. He has held the position of city manager in Irving since December 1993. Additionally, Steve was appointed by the governor of Texas to the Texas Municipal Retirement System Board of Trustees in 1990 and served as chairman in 1992 and 1995.

During his tenure as city manager, Steve served under five mayors and 26 council members. He was essential in developing and implementing many key initiatives including the Texas Transportation Summit and TEX–21, the Transportation Excellence for the 21st Century and a new Comprehensive Plan for the City of Irving. Under his direction, the Lake Chapman Water Supply project, the Family Advocacy Center, the North Police Substation, the Heritage Senior Center, Campion Trails and the Valley View Municipal Complex were constructed. In addition, Steve was instrumental in the planning of a DART light rail line through Las Colinas to DFW International Airport and achieving and maintaining the city's AAA bond ratings.

I want to thank Steve McCullough for all that he has done to make Irving a better place to live, work and raise a family. He leaves behind a vision of pride, progress and continued success for the City of Irving, and I wish him all the best upon his retirement.

IN HONOR OF SIMON WIESENTHAL

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. FERGUSON. Mr. Speaker, I rise today to recognize and honor Simon Wiesenthal, who died today at the age of 96.

Simon Wiesenthal, a concentration camp survivor, worked tirelessly to bring Nazi war criminals to justice. By compiling testimonial evidence at his Jewish Documentation Center in Vienna, Austria, Wiesenthal provided trial material and evidence to the lawyers who prosecuted the Nazis for their crimes. Through his lifetime, Wiesenthal helped to bring as many as 1,100 Nazis, including Adolf Eichmann, to justice.

For Wiesenthal—who lived by a standard of justice, not vengeance—trying the Nazis for their war crimes brought moral restitution to the Jewish people who suffered so severely under the Nazi regime. Wiesenthal dedicated his life to preserving the memory of all those who lost their lives in the Holocaust, even when many in the world wanted to forget.

The Holocaust was an act of brutal genocide and unprecedented evil. But those such as Simon Wiesenthal remind us that the cause of justice is never lost.

NATIONAL ADDICTION COUNSELORS DAY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am pleased to offer my support for National Addiction Counselors Day, today, September 20, 2005. As we recognize the tremendous success of treatment for addiction disorders during the entire month of September, we must also acknowledge the great work of addiction counselors.

A staggering 63 percent of Americans say that addiction to alcohol or other drugs has had an impact on them at some point in their lives. Recovery Month, sponsored by the Substance Abuse and Mental Health Services Administration, SAMHSA, focuses on helping individuals with addiction problems access treatment and support services, as well as promotes measures that make treatment more affordable, equitable, and available. As a cosponsor of the Paul Wellstone Mental Health Equitable Treatment Act, I am working to end discrimination within the health insurance system against those with mental illness and addiction disorders. Unfortunately, lack of insurance coverage is only one of several barriers that prevent individuals from seeking treatment. In fact, of the 22.2 million individuals needing treatment for substance abuse disorders, 20.3 million have not received it.

No one is immune from addiction; it afflicts people of all ages, races, classes, and professions. The impact is felt not only by individuals and their families, but by society as well. Addiction costs our society and economy billions of dollars each year, in health care costs, property damage, and lost productivity. It also costs lives, and causes immense amounts of grief and pain. The professionals who treat this destructive disease are a dedicated, knowledgeable group which has committed themselves to this serious health crisis. Today there are hundreds of thousands of clean and sober individuals living productive lives only because, in a moment-of-truth, a counselor was there and made the difference.

I urge my colleagues to join me in recognizing the valuable contributions of addiction counselors by honoring National Addiction Counselors Day.

THE DENNISON FAMILY OF FAIRBORN, OHIO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to the Dennison family of Fairborn, Ohio. The Dennison's are a wonderful family that has made many contributions to the community over the years.

Originally from West Virginia, Steve Dennison joined the Air Force in 1983 as a Munitions Systems Specialist. He served for 22 years and retired from the service on May 31, 2005 to go to work as a Conventional Munitions Specialist at the Headquarters of the Air Force Materiel Command, at Wright-Patterson Air Force Base in Ohio.

Steve and his wife, Tammy, had two children, Megan and Jacob. Unfortunately, these children were born with the lethal genetic childhood disease, ataxia-telangiectasia, or A–T for short. This disease causes the progressive loss of muscle control, cancer and immune system problems. Generally, the lifespan for children with A–T is 20 years. Unfortunately for the Dennison family, both of their children were born with severe symptoms of this already brutal disease.

In 2004, the Dennisons lost Megan at the age of 16, even as they worked night and day to keep her healthy and were greatly supported by the community. Jacob, age 16, whose mental capacity is sharp, like most children with A–T, misses his sister and is fully aware of what the future may hold for him.

In closing, the Dennison family's courage and strength and Steve's distinguished service to the country are an inspiration to us all. I wish the Dennison family the best in the future. For the Dennison family and all the other families with children suffering from this devastating disease, I wish for a cure.

A PROCLAMATION IN MEMORY OF G. DAVID TOZZI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of G. David Tozzi; and

Whereas, G. David Tozzi will be remembered by his mother, Irene, his sisters Nancy and Jennie, his brothers-in-law Raymond and Thomas, and his beloved nephews Tommy and David; and

Whereas, G. David Tozzi was born in Bellaire, Ohio, and resided in St. Clairsville, Ohio; and

Whereas, G. David Tozzi was a dedicated employee of the First Energy Corporation, a devout member of the St. Mary's Catholic Church in St. Clairsville and a loyal member of the Bellaire Elks; and

Whereas, G. David Tozzi will certainly be remembered by all those who knew him because of his upright character.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of G. David Tozzi.

HONORING THE 100TH ANNIVERSARY OF THE SOLVAY PUBLIC LIBRARY, CELEBRATED ON SEPTEMBER 25, 2005

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. WALSH. Mr. Speaker, I rise today to recognize the 100th Anniversary of the Solvay Public Library located in the Village of Solvay, New York. The history of the Solvay Public Library actually began on January 14, 1903, with an endowment by steel magnate Andrew Carnegie. Along with this endowment, the assistance of Frederick Hazard, President of the Solvay Process Company, and the Village of Solvay led to the creation of the public library. In May of 1903, the University of the State of New York granted an official charter the to Solvay Public Library.

The Solvay Public Library officially opened its doors on September 25, 1905, with a collection of 2,042 books. Since then, the library has served as an integral part of the Village of Solvay and its community. Since 1906, the library has offered weekly story hours, which continue to this day. During World War I, the Solvay Public Library converted its Community Room into a lounge for soldiers camped at the State Fair Grounds. In 2001, the Solvay Public Library Board of Trustees initiated a "Preservation and Expansion" Campaign to make the building handicapped accessible and to out reach even further into the community.

On behalf of all who have benefited from the services of the Solvay Public Library, the citizens of the Village of Solvay, and the people of Central New York, I would like to extend my best wishes for many more successful years of service to this outstanding public library.

HONORING DR. MARIE V. McDEMMOND

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. MORAN of Virginia. Mr. Speaker, today I rise in honor of Dr. Marie V. McDemmond, immediate past president of Norfolk State University and the 2005 Forever Upward award designee for her service and dedication to the cause of higher education in the Commonwealth of Virginia.

Dr. McDemmond retired from Norfolk State University as president earlier this year, and while her indelible leadership skills will be sorely missed by all, I am pleased that Marie has chosen to continue to continue to serve NSU by teaching.

Dr. Marie McDemmond made great strides in 1997 when she began her presidency at Norfolk State University by not only being the first woman to lead the university, but also the first African-American woman to head a public, 4-year institution of higher education in the Commonwealth of Virginia. Under her leadership, Norfolk State University has developed into a vibrant institution with cutting edge programs and operations, and is poised to be a leader in information technologies and other fields that significantly contribute to our Nation's economy.

Under Dr. McDemmond's leadership, Norfolk State University's reputation as a leading minority-serving institution has soared. Dr. McDemmond's vision has also helped to bridge both the digital divide and opportunity divide at several Historically Black colleges and other universities. Her innovative style, while working with other leading educators and government officials, contributed to these great successes will benefit the entire higher education community for many years to come.

I am pleased to rise in honor Dr. Marie McDemmond, a true education leader who embodies Norfolk State University's creed of "Achieving with Excellence."

100TH ANNIVERSARY OF THE PANGERE CORPORATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of the Pangere Corporation throughout its 100 years of service in Northwest Indiana. To commemorate this special occasion, the Pangere Corporation will be holding an anniversary celebration on September 24, 2005, at the Center for Visual and Performing Arts in Munster, Indiana.

John T. Pangere established The Pangere Corporation in 1905 as an industrial painting contracting company. He built the framework of a company that today offers a complete line of construction services. Because their roots are in Gary and they wanted to give back to the community what it had given them over the years, the Pangere family built its headquarters in the center of Gary, Indiana. Northwest Indiana has certainly been rewarded by the true service and uncompromising dedication this company has displayed to the community.

Throughout its growth and expansion, the officers and owners of the Pangere Corporation have strived to maintain the corporate culture and values of being a family business. The Pangere family recognizes the need and importance of community involvement. The company contributes financially to many charitable and community organizations and its employees are encouraged to participate in community events. Steve Pangere has given his time and efforts selflessly to the people of Northwest Indiana. He serves as a board member of several charitable organizations and he has taught his employees the true meaning of service.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the Pangere Corporation on their 100th Anniversary. This company has contributed to the growth and development of the economy of the First Congressional District. Their service and devotion deserves the highest commendation, and I am proud to represent them in Congress.

MEETING OF THE IRANIAN HUMAN RIGHTS AND DEMOCRACY CAUCUS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. TANCREDO. Mr. Speaker, please submit the following transcript from the June 25, 2005 meeting of the Iranian Human Rights and Democracy Caucus for the RECORD.

Congressman Tom Tancredo: We are going to be talking about the election in Iran and the aftermath of the election. According to reports the mullahs employed a variety of methods to get Mahmood Ahmadinejad elected and including the use of 5 million national ID cards of the deceased, voting with unofficial ID cards, voting with both passports and birth certificates outside of Iran to allow the mullahs men to write in their votes twice, paying $15.5 million 300,000 members of the parliamentary Bassij force in support of a particular candidate, buying votes for $35.00 each in many provinces, furthermore in recent years we have learned critical information about the mullahs of nuclear program. Since then the international community has come to better appreciate the extent of Iran's involvement in terrorist activity abroad, nuclear ambitions and interference in Iraq, Lebanon and Palestine. It would be a monumental error if we assume that the mullahs are reformable, can tolerate intellectually progress and regional or international peace. I look forward to the testimony of today's witnesses and I hope they can illuminate for us Iran's recent elections and their implications for the U.S. and the world.

Dr. Kenneth Katzman (Excerpt): Congressional Research Service—The twists and turns of the Iranian presidential election in 2005 might indicate that Iranian politics are more vibrant and less scripted than some experts, and some Administration officials appear to believe. On the other hand, Bush Administration criticism of the Council of Guardians' heavy hand in candidate selection—and eliminating of all women candidates from the competition—is accurate. . . . Although Iranian voters apparently did not vote for him because of his foreign policy positions, his victory has now ensured a hardliner lock on virtually all major institutions—the Supreme Leadership, the Council of Guardians, 6 clerics appointed by Khamenei plus 6 jurists appointed by the judiciary, the Majles, the Expediency Council, and now the presidency and government ministries. The 86-seat Assembly of Experts is elected. Reformists are now virtually shut out. . . . Potential alterations to Tehran's bargaining strategies at the nuclear talks with the so-called "EU–3", Britain, France, and Germany, are perhaps harder to judge. During his second round campaign, Ahmadinejad pointedly criticized the Foreign Ministry negotiators as too willing to make dramatic concessions in order to reach a deal with the EU-3. Those penalties will likely be the subject of discussion between the United States and its European allies.

Professor Raymond Tanter (Excerpt): Iran Policy Committee—With regard to the turnout in the June 2005 Iranian elections, a Council on Foreign Relations analyst referenced Iran's notorious Ministry of Intelligence and Security to validate the regime's announced turnout numbers. . . . I think if disinformation means anything it means that you don't go to the Ministry of Intelligence and Security to find out what the turnout is! I've heard reports from some of the smaller cities in Iran that the opposition-led boycott was very effective. The turnout was between 10 percent and 20 percent not the regime's inflated figure of over 50 percent. It doesn't take a rocket scientist to figure out that the lower the turnout rate, the less the legitimacy of that government. . . . In addition, the so-called election was actually a "selection" because the Supreme Leader Khamenie handpicked candidates in advance of the vote. He started nearly two years ago to have the revolutionary guards take control over all organs of the regime. This power play did not begin a month before the June elections. There was some internal dissent, and Khamenie thought it was important for him to control all organs of power. . . . President Bush deserves credit for condemning the "sham selections" and hence de-legitimizing them in advance.

Here is a three-point plan of the Iran Policy Committee to facilitate regime change in Iran. First, remove the Mujaheddin-e Khalq from the Foreign Terrorist Organizations list. Secondly, expand U.S. funding for Iranian opposition groups and nongovernmental organizations committed to democratic change in Iran, including the Mujaheddin-e Khalq and related groups. Thirdly, invite Iranian opposition leaders to the White House and to the Congress; these leaders would include leaders of the Mujaheddin-e Khalq and members of the National Council of Resistance of Iran.

Congressman Tom Tancredo: It does seem, listening to you, there is a ray of sunshine and you both have just let shine on this because, would we be Pollyannaish to think and that it is good that he is going to disavow any foreign investment and therefore any internationalization of the economy, those oil revenues will be less effective perhaps and the mischief making, then they otherwise would be if the economy were to thrive under a more expansive or more open arrangement.

Congressman Tom Tancredo: I would like to recognize a member who has joined us, congressman Clay.

Congressman William Lacy Clay: I appreciate hearing from Dr. Tanter and the other witnesses here, defined out their take on the recent elections in Iran. Let me also say that it's OK to mention Florida, you can also mention Ohio. This is a bipartisan committee [laughter] I'm delighted to be here, it's a pleasure, thank you.

Ilan Berman (Excerpt): American Foreign Policy Council—. . . A great deal of think has been spilt in recent weeks in an attempt to game the Iranian elections. The art of predicting have the next president is going to be has been elevated to high drama, certainly on the editorial pages that we've all read. Also I think it's important to note that most of this analysis has been spectacularly wrong, not just wrong but spectacularly wrong. . . . The power centers within the Islamic Republic are fully consolidated under the leadership of the Supreme Leader Ali Khamenei. In the past, the outgoing President Mohammad Khatami had succeeded on a very notable but very few and far between occasions on breaking with the clerical leadership and doing so publicly. With the rise of Mr. Ahmadinejad such descent is more than likely going to become a thing of the past. Given his political leanings and his revolutionary credentials he is likely to steer the Iranian presidency into the out right rubber stamp of the clerical leadership. That is the first implication. . . . Second is that Mr. Ahmadinejad's ascendance to power actually mirrors a deeper political shift that has taken place within that the Iranian politics over the last couple of years. The reformists we now all see are in retreat and internal political changes have shifted power and shifted power dramatically to a cadre of clerical hardliners who are committed to revitalizing and even expanding the Islamic revolution. . . . Iran in short, constitutes a mounting strategic challenge to the United States and also to U.S. objectives and the broader Middle East and the war on terror. Unfortunately, and I use the same caviar and the Dr. Katzman did, that these are my views alone, the White House seems to have failed to articulate a comprehensive strategy towards addressing, not only the nuclear program but also the broader strategic threat from the Iranian regime and I think I'd like to conclude by saying that this is a high time in a good benchmark for us to urge to change that policy and to actually adopt a proactive approach.

Question from VOA: I'm wondering what the future relations between Iran and the United States and I see it as stage that there is a divergence between the European in the U.S. concerns. The EU is welcoming the elections and the Americans are denouncing the elections. What do you see as the future of Iran, U.S. EU relations and negotiations on the nuclear issue?

Congressman Tom Tancredo: I think we will have quite a tussle over the possibility of sanctions we mentioned earlier that if they do have an effect and I would imagine that will be arguing with our friends in Europe about things like that. Is not surprising to me that we see this divergence of opinion between Europe and the United States with regard to Iran but I have to admit myself that I have a hard time understanding the opinions that are being expressed about the president. I think to some degree our State Department is a reflection of Europe. We're going to be very pragmatic about this, we may not like it but that's the way it is and we'll make the best of it. That's the pragmatic view and I think that Europe takes that and I would say the more realistic view is that we have to change the situation. The status quo is not acceptable, it's far too dangerous. But I don't know that my opinion will be the one taken by the administration.

CONGRATULATIONS TO THE EDEN LODGE NO. 46

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. PRICE of Georgia. Mr. Speaker, it is with great honor and enthusiasm that I congratulate the Eden Lodge No. 46 as they join together to celebrate their 110th birthday along with their sister chapter King Solomon Chapter No. 42 celebrating their 103rd anniversary.

Located in the city of Marietta, the Eden Lodge and King Solomon Chapter have a rich heritage and continue to serve the Cobb Community and beyond.

The Eden Lodge began in 1894 and the lodge proceeded to grow in the years that followed. After the Great Depression and the hard times that followed during World War II the Eden Lodge was reactivated and grew its strength when in 1961 Eden Lodge built its Masonic Hall.

I would especially like to commend the following members for their leadership and active participation in the Eden Lodge: Emanuel Wilson, Charles Ferguson, Sr., Charles E. Bartlett, Sr., Reginald H. Kemp, Joseph L. Collins, and Mario L. Eury.

With pride, I recognize the Eden Lodge for its 110 years and the King Solomon Chapter for its 103 years of offering a place of fellowship and friendship to the people of Marietta, Georgia and beyond.

Mr. Speaker, I ask all Members to join me in honoring and congratulating the membership for their remarkable achievements.

HONORING THE LIFE AND ACCOMPLISHMENTS OF PUBLISHING PIONEER JOHN H. JOHNSON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the life of innovator and publishing pioneer John H. Johnson. After living a remarkably accomplished life that spanned 87 years, John H. Johnson passed on Monday, August 8, 2005.

By embracing positive portrayals of African-Americans, John Johnson's vision and innovation forever shaped the way African-Americans are portrayed in the media and advertising. At a time when media representations of blacks were mostly damaging and stereotypical, Mr. Johnson produced publications that highlighted African-American accomplishments and success.

This innovation and foresight brought together the African-American community. By giving African-Americans something to rally around, he instilled a sense of unity among the black community and created a positive identity. In addition, John Johnson successfully guided the mainstream media and corporations to expand outreach to blacks.

It has been said that the ultimate measure of a person's life is the extent to which they made the world a better place. John H. Johnson's work has forever shaped the African-American community. His contributions will always be remembered. We were all greatly saddened to learn of the passing of John H. Johnson.

A PROCLAMATION IN MEMORY OF WALTER ZALESNY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family and friends of Walter Zalesny; and

Whereas, Walter Zalesny will be remembered by his son Barry, his daughters Sharon and Fran, his four grandchildren and seven great granddaughters; and

Whereas, Walter Zalesny was born in Wegee, OH, and resided in Bellaire, OH; and

Whereas, Walter Zalesny served in the Belmont County Engineer's Office and was a loyal member of the VFW and American Legion and a devout Presbyterian; and

Whereas, Walter Zalesny will be remembered for his service in the U.S. Navy and for his ability to touch so many lives;

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family and friends of Walter Zalesny.

NATIONAL BACKPACK AWARENESS DAY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. ROGERS of Michigan. Mr. Speaker, as September 21, 2005 is National School Backpack Awareness Day, I would like to recognize the many occupational therapists that live and work in my district. Each September, the American Occupational Therapy Association's (AOTA) members, students, and other health professionals join forces to alert the public, particularly teachers, parents, and children about the dangers of overweight backpacks and improper use.

Occupational therapy is a health, wellness, and rehabilitation service provided by qualified professionals whose expertise includes anatomy, physiology, psychology and other disciplines. Thousands of occupational therapists work with children in school systems, pediatric hospitals, and other health care facilities everyday to improve skills that will help them perform daily tasks at home, at school, and at play.

The AOTA is sponsoring its fourth annual National School Backpack Awareness Day to promote healthy backpack use among students. The goal of the National School Backpack Awareness Day is to reduce the load being carried to fifteen percent or less of a child's weight, to educate them on the risks of carrying too much weight and the proper ways to pack and wear their backpacks.

Over 700 participants in schools, stores, health fairs, and other areas from all fifty states will take part to "weigh-in" over 200,000 children and ensure their backpacks are fifteen percent or less of their weight. As part of the 2005 Healthy Families Community Fair in Clinton, MI in October, children and their families will be able to learn about the importance of loading and wearing backpacks the right way to avoid back and shoulder pain or strain, stooped posture, musculoskeletal pain, and aching heads.

In schools, occupational therapists use their unique expertise to help children to be prepared for and perform important learning and school-related activities and to fulfill their role as students. Additionally, they play a critical role in training parents, other staff members, and caregivers regarding the education, health, and success of students with diverse learning needs.

Please join me in support of all the school children, occupational therapists, and participants of the 2005 National School Backpack Awareness Day.

THANKS TO THE PEOPLE OF SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. CLYBURN. Mr. Speaker, I rise to say thanks to the people of South Carolina, most especially those in the midlands area, for the tremendous outpouring of love and respect shown to victims of Katrina. And, I want to pay particular thanks to the Mayor of Columbia, Bob Coble; Columbia businessman, Sam Tenenbaum; Columbia Chamber of Commerce President, Ike McLeese; and the President of the University of South Carolina, Andrew Sorensen. This dynamic quartet decided that they would be guided from the beginning by the Golden Rule: "Do unto others as we would have them do unto us." Consequently, they decided that nobody coming to Columbia would be placed in a shelter. Everybody would be put in motel rooms or in individual homes. We have just received word that we will be receiving additional evacuees tomorrow morning and I now call upon the people who will be manning our one-stop reception center to continue putting the Golden Rule into practice.

TRIBUTE TO MAJOR GENERAL DANIEL G. MONGEON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor a lifetime commitment of service to the United States of America. On October 14th, 2005, Major General Daniel G. Mongeon of Alexandria, Virginia will retire after 34 years of dedicated service in the United States Army.

General Mongeon was commissioned as a Second Lieutenant in the Quartermaster Corps through the Reserve Officers Training Corps program at the University of Arizona, where he earned his Bachelor of Science degree in Public Administration and was designated a Distinguished Military Graduate. Thereafter he received his Master's degree in Logistics Management from the University of Arkansas. His military education includes the Quartermaster Officer Basic and Advanced Courses, the Command and General Staff College, and the Army War College.

After commissioning and initial training, his initial assignments included a posting as Logistics Officer for the United States Army Security Agency's Communication Unit at Camp Drake, Japan. From there he transferred in December 1972 to Camp Zama, Japan where he was Executive Officer for the U.S. Army Garrison and subsequently as Welfare/Sundry Funds Division Chief and Installation Club Manager.

From 1978 to 1984 he served as the Division Services Officer, Property Book Officer and finally Commander, Headquarters and Headquarters Company, of the 4th Infantry Division (Mechanized) at Fort Carson, Colorado. After completing graduate school he was transferred to the Office of the Deputy Chief of Staff for Logistics, United States Army. There he served initially as a Logistics Staff Officer and then as Assistant Executive Officer. He ended his tour on the Army Staff with an appointment as Military Assistant to the Deputy Chief of Staff, Logistics.

In 1985 he was transferred to United States Army Europe and 7th Army where he was the S–3 (Operations) and later Executive Officer of the 203rd Forward Support Battalion. In July 1987 he was transferred to Headquarters 3rd Infantry Division (Mechanized) to be the Deputy G–4 (Logistics). In January 1988 he was selected for the position as Aide-de-Camp to the Supreme Allied Commander Europe (SACEUR).

In February of 1990 he assumed command of the Support Squadron, 3rd Armored Cavalry Regiment at Fort Bliss, Texas. From there he deployed with his unit to Operation Desert Shield and the first Gulf War—Operation Desert Storm.

Following a year of study at the Army War College, he again transferred overseas to United States Army South and assumed command of the 41st Area Support Group in Panama. In July 1995 he returned to Washington and joined the Joint Staff, initially as Deputy Director for Logistics, Readiness, and Requirements and then as Executive Officer to the Director of Logistics J–4. In September of 1997 he was designated Special Assistant to the Director for Logistics, J–4.

He was promoted to rank of Brigadier General and assumed command of the Defense Logistics Agency's Defense Supply Center Philadelphia in 1998. From there he again returned to the Army Staff to be the Director of Sustainment in the Office of the Deputy Chief of Staff for Logistics. He was then transferred to Headquarters United States Army Forces Command at Fort McPherson, Georgia to become the Deputy Chief of Staff, G–4. Major General Mongeon entered into his current assignment Director of Logistics Operation J–3, Defense Logistics Agency in October of 2003 where he has been able to bring his wealth of experience and singular talents to bear on solving some of the most intricate sustainment challenges faced by our nation's military establishment.

His tireless and selfless dedication to serving his country is represented by the many decorations he has earned including the Distinguished Service Medal with Oak Leaf Cluster, the Defense Superior Service Medal with Oak Leaf Cluster, the Legion of Merit with 2 Oak Leaf Clusters, the Bronze Star Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal with 2 Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal with Oak Leaf Cluster, two awards of the Joint Meritorious Unit Award, the Joint Chiefs of Staff Identification Badge, and the Army Staff Identification Badge.

In closing I wish to commend General Mongeon for his many years of distinguished service to our nation, protecting our freedoms of life, liberty and the pursuit of happiness. I wish him and his wife, Schele, Godspeed in his retirement.

TRIBUTE TO CLARA BARTON NATIONAL HISTORIC SITE IN GLEN ECHO

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to the Clara Barton National Historic Site in my Congressional District for being awarded accreditation by the American Association of Museums.

This honor is a national recognition of the museum's dedication to excellence in education and its high standards for public service and accountability. Out of the nearly 16,000 museums in the United States, only about 750, or 5 percent, are accredited.

Clara Barton is a responsible steward of public and private resources—cultural, physical, and financial—and is fulfilling its public trust responsibilities. It also plays a critical civic role as a center of learning and an educational resource for school children, teachers, and individuals of all ages.

Accredited status will increase Clara Barton's visibility—at the local and national levels—adding to the vibrancy of our community and improving our quality of life.

Mr. Speaker, please join me in celebrating the Clara Barton National Historic Site's noteworthy achievement.

YANKEE FRUGALITY: ALTERNATIVE ENERGY WORKS—AND SAVES MONEY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. SANDERS. Mr. Speaker, it gives me great pleasure to bring to your attention, to the attention of the House, and to the attention of the Nation, the remarkable step forward made by the Washington Electric Co-operative in Vermont. This week they opened a new facility which produces electricity from methane, a gas formerly burned as a useless byproduct of the landfill in Coventry, VT. It is a wonderful example of Yankee inventiveness—and Yankee frugality.

The new facility, which costs a relatively modest $8.5 million, will produce enough electricity for one-third of the Washington co-op's customers, a percentage expected to rise to half when the plant is fully operational and tuned to take advantage of all the methane produced by decomposition in the landfill.

In a time of soaring energy and electricity prices, the co-op has not raised electricity prices for 5 years. Rates are not expected to rise in the next 5 years either, because the new powerplant operates economically and the electric utility makes good use of renewable energy certificates.

This is a wonderful lesson for the Nation, which is increasingly pressed by both shortages of fossil fuel and by soaring prices for energy of all sorts.

We need to find sources of alternative energy which can meet our needs for power. Contrary to what the large oil companies tell us, not only are such alternatives available now, those alternatives are often far more economical than using fossil fuels.

Whether it is methane power, wind power, solar power, geothermal power, or the use of hydrogen fuel cells as an alternative to gasoline in cars, we must cut out dependence on foreign oil now. We will be better off environmentally, our national security will be enhanced, and—as the Washington co-op has so boldly demonstrated—we may well be better off economically as well.

In short, we need an energy revolution by breaking our dependence on fossil fuels. I am very, very confident our small State of Vermont will lead this. We will be noticed by not only the country but the world.

My congratulations to the Washington Electric Co-Op for showing America, with its new facility in Coventry, what can and should be done to make our energy sources secure and sustainable.

PERSONAL EXPLANATION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mrs. MUSGRAVE. Mr. Speaker, due to meetings during the series of votes on Thursday, September 15, I did not make it back to the House floor in time for the last vote (rollcall vote No. 475).

H. Res. 473 was to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

Mr. Speaker, had I been present, I would have votes "yes" to establish the hurricane commission.

PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. MILLENDER-McDONALD. Mr. Chairman, as a Member on the Coast Guard Subcommittee, I want to thank you and Ranking Member FILNER for your continued leadership in bringing this bill to the House floor today.

Year after year a select group of Members come to the Floor and sing the praises of the Coast Guard on how this agency continues to do more with less.

Recently, our Nation has witnessed what we have been addressing each year.

This month we witnessed just how vital the Coast Guard is to the safety and security of our country.

The Coast Guard was the only Federal agency that responded in the Gulf Coast States in a timely and efficient manner.

Here are the Search and Rescue numbers for the Coast Guard in response to Katrina: 24,132 lives saved to date; 33,537 lives saved or evacuated to date; 12,534 Cumulative lives saved by air resources; 11,598 Cumulative lives saved by surface resources; 9,405 Cumulated hospital evacuations.

Where would we be without the Coast Guard during the devastation of Hurricane Katrina?

As we speak here today—the Coast Guard continues to save lives. We must support them! We need more agencies like the Coast Guard.

The Coast Guard and Maritime Transportation Act of 2005 authorizes $8.7 billion for the Coast Guard and authorizes $1.6 billion for the Coast Guard's Deepwater program to replace aging ships and aircraft, and requires a new implementation plan.

This bill before us today is important—now more than ever. It is our obligation to provide the Coast Guard with the tools to heighten their service.

I will argue that we need to go further as a Congress and increase the appropriated funding for the Deepwater program. I hope that with the Coast Guard's strong showing in the gulf States during Katrina validates why the appropriations committee and the Administration should make a greater commitment to the Coast Guard and the Deepwater program this year by increasing funding for the program.

Finally, I want to take this opportunity to reiterate a request for a joint port security hearing with the Coast Guard subcommittee and the Full Homeland Security Committee.

In the aftermath of Katrina, we are reminded just how much work needs to be done in coordinating with Federal and local agencies and emergency responders.

Our approach to port security is no different. The Coast Guard is responsible for securing the 95,000 coast lines that includes Great Lakes and inland waterways. This is our longest border. Given the miscommunication surrounding FEMA, the Department of Homeland Security and local and State emergency responders, a joint port security hearing is an excellent opportunity to make sure we are all on the same page—if there were to be a catastrophe at one of our ports—terrorist or natural—we will be able to respond and save lives.

In closing, I urge my colleagues to vote for this important bill that provides for the Coast Guard to continue to do its extraordinary job.

Mr. Chairman, I look forward to continuing to work with you on these and other vital issues that face our country.

RECOGNIZING RITA BALIAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the exceptional contributions of Rita Balian, a humanitarian activist and community leader who has worked tirelessly on behalf of women and children in the United States and Armenia.

Ever since the earthquake in Armenia in 1988, Ms. Balian has dedicated her time, talent and expertise to help the people of Armenia. She has realized many projects in support of women, schools, and universities. Since 1996, she has concentrated her efforts on women's health, taking American technology, management skills and medical expertise to Armenia.

She is the founder, president and chief executive officer of the Armenian American Cultural Association (AACA), a non-profit charitable organization incorporated in 1995 in Arlington, Virginia. Through AACA, Ms. Balian established the Armenian American Wellness Center in Yerevan, a humanitarian project dedicated to saving, prolonging, and improving the lives of women through the early and accurate detection of breast and cervical cancer and to providing primary health care services to ensure the good health and well-being of families in Armenia. To facilitate the Wellness Center's work, Ms. Balian partnered the Center with seven major U.S. medical institutions. Since the Wellness Center's establishment in 1997, it has screened over 60,000 women and saved the lives of over 1,500 through the early detection of life-threatening illnesses.

Ms. Balian has dedicated herself to expanding the services offered at the Wellness Center and providing increased access to those services. The Center has added protocols in gynecology, family medicine, and pathology and reaches out to Armenians living in rural areas through monthly outreach missions and the establishment of two satellite clinics.

Along with her work on behalf of the Wellness Center, Ms. Balian's accomplishments also include the establishment of a sister-city program between the cities of Gyumri, Armenia and Alexandria, Virginia. She cochaired the Alexandria/Gyumri Sister City Committee for six years, organized several municipal, cultural and educational exchanges and established the Alexandria Armenian Day Festival, which is now an annual celebration.

Through her work with the Armenian General Benevolence Union (AGBU), the largest and oldest Armenian philanthropic organization in the world, Mrs. Balian and her husband cofounded the AGBU New York Summer Intern Program for Armenian college students from around the world. She continues to manage the intern program, which is now in its nineteenth year.

She has received many awards in recognition of her work with the Wellness Center; most notably the "Spirit of Life Cancer Advocacy Award" in September 2003 from the International Spirit of Life Foundation and the Washington Cancer Institute, the "Outstanding Citizen Achievement Award" from the United States Agency for International Development in January 2003, and the Armenian Church's highest medal of honor, the St. Nersess Shnorhali Medal, bestowed upon her through a Pontifical Encyclical by His Holiness, the Catholicos Karekin II, in October 2001.

The Armenian people have acknowledged Ms. Balian's humanitarian work as well. She has received honorary doctoral degrees from three different universities in Armenia, and in April 1996, Rita and her husband, Vartkess Balian, became honorary citizens of the Republic of Armenia through a special presidential decree presented to them at the Armenian Embassy in Washington, DC.

She has also been honored by the United Nations for her advocacy on behalf of women's and children's rights and by the American Red Cross for her leadership in obtaining humanitarian assistance for the victims of the 1988 earthquake in Armenia.

Since March of 2004, Ms. Balian has served as a member of Governor Warner's Virginia/Armenia Advisory Commission.

Mr. Speaker, I am proud to recognize the numerous accomplishments of Rita Balian. Her dedication to the people of Armenia and her efforts to increase international understanding reflect a deep sense of purpose and remarkable ability to achieve difficult and worthy goals. Her work serves as an inspiration to us all.

ON THE PASSING OF SIMON WIESENTHAL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor Simon Wiesenthal, a man who survived the atrocities of the Holocaust and dedicated his life to ensuring that the world never forgets the more than six million Jews who perished during one of the darkest periods in human history.

Mr. Wiesenthal brought to justice more than 1,000 Nazi war criminals. He will be remembered for his fight against ignorance and anti-Semitism through a dedication to teaching others about the origins and realities of the Holocaust. He spent his life working to ensure that the unfathomable savagery of the Holocaust would not be repeated.

Today as we mourn the loss of Mr. Wiesenthal, we celebrate his spirit and honor his life and work by vowing to carry on his mission of eradicating intolerance and injustice.

A TRIBUTE TO BLM DESERT DISTRICT MANAGER LINDA HANSEN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to Bureau of Land Management California Desert District Manager Linda Hansen, a dedicated public servant who has been a leader in balancing the protection of our vast public lands in the California desert with the needs of our public to use those lands in the most beneficial way.

Throughout my years here in the House of Representatives, I have had the honor and pleasure of representing much of the Southern California desert lands, which range from the Sierra Nevada on the north to the Mexican border. The land itself is some of our nation's most unique and unspoiled, and the people who live, work and recreate there are very unique in their own ways. Many desert peaks provide vistas of hundreds of miles in every direction with no sign of civilization. But often a short drive down a canyon road can reveal a group of homes, a working ranch or rare mineral mine that are every bit as vital to the desert experience.

It takes a special leader to balance the needs of the desert lands and their users. For the past 3½ years those needs have been very well balanced by the capable hands of Linda Hansen, the manager of the 10.5 million-acre California Desert District of the BLM. She has found ways to protect desert dunes and grant access to off-road vehicle riders. She has helped preserve desert wildlife like the Bighorn Sheep and met the needs of the thousands of hunters who know those arid lands so well.

Linda Hansen joined the BLM by chance 28 years ago, taking a job as a receptionist in the Carson City office after her family moved there. She worked her way up through the ranks over the years, serving in both the state and national offices, and was finally named in 2002 to be the first female director of the Desert District.

During her three years, the BLM has completed regional land use plans to guide management of public lands in the Northern and Eastern Colorado Desert, Northern and Eastern Mojave Desert, Coachella Valley, and the Imperial Sand Dunes. She also oversaw the final stages of development of the largest Habitat Conservation Plan in the United States in the West Mojave Desert, slated for completion by the end of 2005.

She has improved the working relationship with her federal management partners, including the Forest Service, National Park Service, Department of Defense, and Fish and Wildlife Service. An Imperial Valley native, she has helped forge a compromise that allowed off-road enthusiasts to use the Imperial Dunes, while at the same time protecting much of the Dunes' fragile eco-system. At the same time, she has forged the United Desert Gateway, helping communities like El Centro and Brawley reap the benefits of the increased visitation there. Along the way, she has gained a reputation for being fair and patient in dealing with everyone who is dedicated to the protection and enjoyment of the desert.

Mr. Speaker, after 31 years of federal service and 28 years with the BLM, Linda Hansen will soon be retiring. Please join me in thanking her for her dedication, patience and perseverance, and wishing her well in her future endeavors.

IMPLEMENTING THE MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT OF 2004

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. SMITH of New Jersey. Mr. Speaker, today I chaired a hearing examining the implementation of PL 108–484, the Microenterprise Results and Accountability Act of 2004.

Earlier this year, I traveled to coastal areas of Indonesia, Thailand, and Sri Lanka which had been devastated by the tsunami. The destruction from those 50-foot-high waves was almost total, and the vast majority of individuals affected were fisherman and other working poor whose boats and nets and livelihoods had been completely swept away. While they gratefully received the emergency food, aid and shelter which our military and our USAID disaster relief teams so efficiently provided, in the medium term, what these folks really needed and wanted was a small loan to enable them to rebuild their businesses and become self-sufficient again.

The same could be said of areas in our own country which have been devastated by Hurricane Katrina. While I am not aware of any microloan programs operating in New Orleans, having read Dr. Morduch's testimony which he will give later today, I do know that a microcredit group, Accion New York, serves over 6,000 customers in the New York metropolitan area.

Whether here or abroad, I have long been a fan of microcredit programs because I have seen them work. The term "foreign aid" often has a bad connotation—and there are some good reasons why, too. Many times in the past, foreign aid was delivered in a topdown manner to corrupt governments and organizations, where it never really reached the intended recipients.

Microenterprise, on the other hand, takes a totally different approach. It's a "trickle-up" approach that focuses on helping the poorest people on the planet build themselves up, little by little, into self-sufficiency by giving them access to financing. The success of microenterprise lending programs to empower entrepreneurs and borrowers in the developing world cannot be overstated.

Over two million clients are currently benefiting from USAID-assisted programs that provide the necessary capital through small loans, usually of a few hundred dollars or less, for entrepreneurs to start and expand their own small businesses. It is estimated that 97 percent of microenterprise loans are successfully repaid and 70 percent go to women, who are often very vulnerable, subjected to abuse, and in need of economic opportunities in the developing world. Microenterprise is a key vehicle to assist victims of trafficking and to raise the social and economic status of women around the world.

Microenterprise also complements the principles President Bush has outlined for more effective foreign aid through the Millennium Challenge Account, and is a key component for fulfilling the UN's Millennium Development Goals to eradicate world poverty by the year 2015. Business owners assisted by microlending are not only able to increase their own incomes, but through their own efforts, they create jobs and help economies grow.

Success stories from the beneficiaries of microenterprise are quite numerous. Take for example, Dorothy Eyiah from Ghana. Dorothy was resourceful, but she had no idea how she was going to support her AIDS-stricken sister and family when she brought them into her home in Ghana. She used to support herself selling ice, but that wasn't going to pay for the food and medicines she now needed. She started praying. All doors seemed shut until Dorothy met some women within her village who were part of an Opportunity International Trust Bank. The Trust Bank could help her grow a small business—providing her with financing, training, support. Five loans later, Dorothy is the secretary of her Trust Bank and runs three businesses, employing nine people from her village. She is content. Her sister is comfortable, all the children are in school, and their needs are being met. "God has been so good to me," she says.

Success stories such as this are what microfinance and the Microenterprise Results and Accountability Act of 2004 are all about. By building the best possible microenterprise program, we will be able to reach the greatest possible number of poor people with services that truly have an impact on their lives. As we compare the effectiveness of various methods of implementing microcredit programs, success will be measured by the ability to reach very poor people and other underserved populations, including women, and by the kind of impact these programs have on poor families. We are concerned not only with the efficient delivery of financial services, but also with the well-being of those who receive those services. We want to see poor people work their way out of poverty, increase their income, build their assets, and grow their businesses, and we also want to see them educate their children, achieve greater self-esteem, strengthen their families, and improve the quality of their lives.

I introduced the Microenterprise Results and Accountability Act of 2004 at the beginning of the 108th Congress, and the final product represents the culmination of months of hard work and discussion by Republicans and Democrats in both the House and Senate, members of the microenterprise community, and USAID, to build upon one of our most progressive and successful foreign aid programs.

This legislation is primarily about ensuring better results, not authorizing additional money. A comprehensive GAO report completed in November 2003 revealed that oversight and accountability of microenterprise programs administered by USAID is weak, and that programs are not having the desired effect of reaching the very poor—those earning less than the equivalent of $1/day—to the greatest extent possible.

In response to those concerns, PL 108–484 builds-in accountability through a focus on cost-effectiveness and efficiency. The law establishes a dedicated Microenterprise Office within USAID which will approve strategic plans of field missions, establish a monitoring system in order to maximize the impact of programs and measure results, and coordinate preparation of a yearly report to Congress. The legislation also ensures that more funds go to the "very poor" through the development and implementation of easy-to-use, cost-effective poverty assessment techniques. Identifying and targeting the poorest potential clients who would stand to benefit most from microenterprise loans has proven to be more difficult than originally anticipated. I am hopeful that once developed, these poverty assessment techniques may prove useful not only for microenterprise but also in other areas of our foreign aid.

PL 108–484 also stipulates that USAID should emphasize the use of global microfinance networks and other non-profit private voluntary organizations in the implementation of microenterprise and microfinance programs. In the last two years, I am concerned that USAID has been shifting its focus away from non-profit organizations and networks to contractors in the implementation of the Agency's microenterprise program.

While for-profit entities such as consulting firms are making excellent contributions in the areas of technical assistance, research and policy reform, global microfinance networks and non-profit private voluntary organizations have the operational experience and track record in microenterprise and microfinance service delivery to poor people. These organizations are able to get resources directly to clients, and are well positioned to reach the very poorest economically active entrepreneurs in the countries where they work. Further, such networks have built self-sustaining microfinance institutions that now cover, on average, almost all of their operating costs. More than $150 million in earned revenue was captured by these institutions in 2002 to cover their operating costs, in addition to private donations that have added significant leverage to USAID's investments. These networks have excelled in rapidly developing microfinance institutions in volatile and risky situations, including during the early stages of a country's transition from war to peace.

When we provide microloans for the developing world, we export values upon which our nation is based upon, including the ideal that if you work hard and dream big, you can succeed.

ACKNOWLEDGING THE SERVICE OF RAY CHRISTENSEN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge and honor the important contributions Ray C. Christensen has made to Colorado and the country's agricultural community. Ray has served as the executive vice president of the Colorado Farm Bureau for the last 20 years and with his retirement, Colorado will lose a powerful advocate for agriculture.

Shortly after I was elected to the State legislature in 1996, I came to know Ray and was often reminded of how highly regarded he was at the State capitol. I was aware of agricultural issues, but hardly an expert—and I knew other legislators in both parties who took a somewhat disdainful attitude toward farm issues. Others felt that agricultural matters were best left to State legislators from rural areas. But as Lew Entz—now a State Senator—reminded me, "If you eat, you are in agriculture."

I took that to heart then, and I take it to heart as a Member of Congress. From the farm to the table, nothing is plainer or more important, and no one embodies this truth better than Ray Christensen.

Ray's professional biography makes this abundantly clear. He graduated from South Dakota University with a B.S. and graduate degrees in geography and agriculture. He has held positions at the South Dakota Department of Agriculture, the Missouri River Basin Commission, and the office of Public Affairs for the Farm Bureau. He has also served on the Colorado Agricultural Council, Denver Agricultural and Livestock Club, Colorado Public Expenditures Council, Colorado Medical Society Foundation, CSU Cooperative Extension Advisory Council and Colorado Commission on Taxation.

As executive vice president of the Colorado Farm Bureau, Ray cultivated valuable relationships with Colorado businesses, environmental organizations, and social advocacy groups, ensuring long-term progress that spans beyond the agricultural community. Uniquely dedicated to cooperation and driven by the concerns of the family farm, Ray has provided invaluable service to Colorado agriculture.

Ray and I come from different walks of life and different political leanings, but I have always respected his depth of experience and his steadfast commitment to rural America.

Mr. Speaker, I ask my colleagues to join me in honoring Ray Christensen and in wishing him success in all his future endeavors. It has been a privilege to work with him on a number of issues, and as a friend from Colorado once remarked to me, "It's a whole lot better to have Ray on your side than the other way around."

I couldn't say it any better.

TRIBUTE TO MAJOR GENERAL MARY L. SAUNDERS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the career of MG Mary L. Saunders. General Saunders has served her country for more than 34 years and will retire from the United States Air Force on October 1, 2005.

General Saunders was born in Nacogdoches, TX, and grew up in Houston. She was commissioned as an officer in the Air Force after earning a bachelor's degree from Texas Woman's University in 1970, and served in a variety of assignments during her military career, excelling in key logistical positions. The general made her mark on Air Force logistics in a variety of transportation squadron, air terminal operations, and contingency plans staff positions. In August 1996, General Saunders was selected as the director of Transportation, Office of the Deputy Chief of Staff for Installations and Logistics, Headquarters U.S. Air Force, Washington, DC. In 2004, the Department of Defense, in recognition of her superb organizational skills, appointed the general as the vice director of the Defense Logistics Agency, DLA, Fort Belvoir, VA.

From early in her career, General Saunders' exceptional leadership abilities were evident to both superiors and subordinates as she repeatedly proved herself in select command positions. These include serving as deputy commander and commander, Military Air Traffic Coordinating Office, Military Traffic Management Command, McGuire AFB, NJ; commander, 475th Transportation Squadron, Yokota Air Base, Japan; and commander, Defense Supply Center, Columbus, OH.

During her long service as a logistics expert, General Saunders was a crucial voice for critical Air Force policy and programs, always providing clear, concise and timely counsel to her service's senior leaders. Her later role in the joint service arena proved invaluable to the Department of Defense as she led a variety of logistics, acquisition, and technical services for DLA in times of peace and conflict. Always, the general put a human face to the Air Force's core values of integrity first, service before self and excellence in all we do. Her increasingly responsible positions and public recognition bear this out.

I am especially pleased to note that upon her retirement, General Saunders plans to return to her home State of Texas to continue her life of service at her alma mater. In January 2006, she will become the executive director of the Leadership Institute at Texas Woman's University at Denton.

As General Saunders transitions from her role as a military leader to a community leader, we wish her great health and happiness. I know I speak for all of my colleagues in expressing my heartfelt appreciation for her many years of service. I am confident in the years ahead, Mary Saunders will continue to leave her indelible mark on our country.

THE MILITARY VICTIMS OF VIOLENCE CONFIDENTIALITY ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. SLAUGHTER. Mr. Speaker, today, I am proud to introduce the Military Victims of Violence Confidentiality Act. This important piece of legislation will ensure greater protections for women in the military who are victims of violence by keeping their medical and counseling records confidential and allowing them to obtain valuable treatment services without further victimization.

The military should be at the forefront of prosecuting assailants and setting the highest standards for treatment of service women victimized by sexual assault and domestic violence. Yet, our Armed Forces have failed to enforce the most basic protections to ensure these victims can receive necessary counseling and treatment. Counseling and treatment is essential to begin the healing process, and service members should be able to seek access to these services without fear of exposure or public humiliation.

Recently, the issue of protecting confidential communications was brought to light in the case of U.S. v Harding. Ms. Jessica Brakey was allegedly sexually assaulted in 2000 while serving as a cadet at the Air Force Academy. Following the assault, Ms. Brakey sought counseling by victim advocate, Ms. Jennifer Bier—a civilian who was contracted by the military. Under Colorado's rape shield law, the disclosure of a victim's counseling records is prohibited. However, the military court issued an extremely broad subpoena for Ms. Brakey's treatment records with Ms. Bier, as well as her complete 10-year medical history. When Ms. Bier refused to turn over these records to the military court, the judge suspended the case against the alleged assailant.

Unfortunately, this precedent setting case sent a clear message to the thousands of women in the military who are victims of sexual assault and domestic violence each year that the Armed Forces will not protect you. It is critical that we take appropriate action to ensure that victims of these crimes are able to seek treatment and counseling without repercussion.

Although this bill is supported by many organizations that work to prevent and respond to sexual assault and domestic violence, the need for this legislation is also recognized within the military. The Department of Defense's, DoD, own Task Force on Sexual Harassment and Violence at the Military Service Academies issued a report in June 2005 which recommended that "Congress should create a statutory privilege protecting communications made by victims of sexual assault to health care providers and victim advocates. This privilege should extend to both medical health care providers and to those victim advocates designated and trained to perform that duty in a manner prescribed by DoD regulation."

This is exactly what my bill will do. The Military Victims of Violence Confidentiality Act will establish comprehensive confidentiality protocols to protect the rights of victims within military law. Under my bill, communications made to secure advice, counseling, treatment or assistance concerning a victim's mental, physical, or emotional state will remain confidential. Moreover, a victim will be able to refuse to disclose and prevent any other person from disclosing a confidential communication.

If a victim's doctor and advocate cannot protect the confidentiality of treatment sessions, sexual assault and domestic violence victims will be unlikely to seek essential care for fear of stigma, public embarrassment, or threats to their career. Consequently, the military will continue to lose valuable women soldiers. These women put themselves in harm's way to protect us and our Nation from threats at home and abroad. The military should work as hard to ensure they are protected when dealing with a horrible tragedy.

Do not allow our brave service members to be victimized twice, once by their perpetrator and then again by the lack of appropriate, compassionate, and confidential care. Mr. Speaker, I encourage all Members to join me in cosponsoring the Military Victims of Violence Confidentiality Act.

REMEMBERING THE LIFE OF SIMON WIESENTHAL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life of one of the great figures in Jewish and world history, the late Simon Wiesenthal. Mr. Wiesenthal, a Holocaust survivor who crusaded to ensure that those responsible for the Holocaust were brought to justice, passed away earlier today in his home in Vienna, Austria. Simon Wiesenthal followed his creed of "justice, not vengeance" and oversaw the arrest, capture and conviction of many Nazi war criminals.

Simon Wiesenthal was imprisoned at five German Condentration camps during the Nazi Holocaust, narrowly escaping execution on numerous occasions. After he was liberated, Mr. Wiesenthal went to work for the United States Army and began gathering information to be used in the Nazi war crimes trials. After the Nuremberg trials, while the governments of the United States and the Soviet Union were no longer interested in pursuing Nazi war criminals, Wiesenthal continued the charge to arrest and convict those responsible for the genocide of more than eleven million innocent people, including six million Jews and 89 of Wiesenthal's personal relatives.

Wiesenthal's most celebrated capture was that of Adolf Eichmann, one of Hitler's main engineers of his final solution. While Eichmann's wife claimed that he was dead, Wiesenthal was able to prove that the evidence for his death was insufficient. Wiesenthal then assisted Israeli efforts to track down Eichmann. Eventually, the war criminal was caught and executed thanks in large part to Wiesenthal's efforts.

After the extremely high profile capture of Eichmann, Wiesenthal was able to gather enough support to continue in his efforts. He continued his mission and was able to secure the arrests and convictions of other important Nazis. His work led to the capture of Karl Silberbauer, a member of the German Gestapo who arrested Anne Frank. Silberbauer's confessions disproved the claims that The Diary of Anne Frank was a forgery. Wiesenthal was also instrumental in the capture and conviction of Franz Stangl who was in charge of running the Treblinka and Sobibor concentration camps. Wiesenthal also is credited with locating Hermine Braunsteiner-Ryan, a housewife living in New York who had supervised the murder of hundreds of children during the war.

Simon Wiesenthal believed that it was his mission to ensure that the victims of the Holocaust were not forgotten and that the type of atrocities that occurred during the Second World War do not happen to anyone anywhere ever again. Personally, I was honored to have made his acquaintance and was humbled by his presence.

Thanks to Simon Wiesenthal's lifelong dedication to the cause and organizations such as the Simon Wiesenthal Center, neither he nor the victims of the Nazi atrocities will ever be forgotten. It is now our responsibility to continue the vision of Simon Wiesenthal. We can not allow the horror of what occurred at Auschwitz and Treblinka and the other concentration camps to be erased from our memory; we can not allow racism and hatred to fester to the point where genocide becomes an option; and we can not allow those who commit acts of genocide to walk away without having to answer for the horrific crimes they have committed. The world has lost a champion for compassion and humanity in the death of Simon Wiesenthal. May his memory always be a blessing unto all of us.

COMMEMORATING THE LIFE OF SIMON WIESENTHAL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. BERMAN. Mr. Speaker, I am deeply saddened today to learn of the death of Simon Wiesenthal, one of the world's great humanitarians. Over the past 50 years he tirelessly fought to preserve the memory of those who perished in the Holocaust and dared the world to learn from their mistakes.

Wiesenthal, along with his wife Cyla, survived the Holocaust determined to bring those responsible to justice, for this, the most monstrous event in the history of the modern world. Though he weighed only 100 lbs when he was liberated from the notorious Mauthausen concentration camp, Wiesenthal soon began the enormous task of compiling evidence against Nazi war criminals.

Even before the war ended, Wiesenthal was working with the U.S. Army to gather evidence to be used in future war crimes trials. Wiesenthal also came to the aid of refugees who survived the war by serving as the head of the Jewish Central Committee of the United States Zone in Austria. This marked the beginning of a long career dedicated to pursuing those who helped perpetrate the Holocaust.

While the world tried to forget the tragedy that had unfolded through much of Europe, Wiesenthal was determined to keep alive the memory of its victims. He soon abandoned his previous life as an architect when the Allies lost interest in prosecuting war criminals. Wiesenthal himself led the campaign for justice from his own apartment in Vienna, tracking down Nazis around the globe attempting to escape prosecution. Over 1,100 war criminals were brought to justice with Wiesenthal's help, including the architect of the "Final Solution," Adolf Eichmann.

Wiesenthal's tireless hunt for Nazi war criminals stemmed from his belief that the world must never forget the scope of human suffering endured during the Holocaust, lest such a conflagration take place again in the future. He declared:

> The history of man is the history of crimes, and history can repeat. So information is a defense. Through this we can build, we must build a defense against repetition.

And so he managed to transform the most tragic event into a learning experience for all of humanity. The Simon Wiesenthal Center based in Los Angeles was established to—through interactive workshops, exhibits, and videos—explore issues of prejudice, diversity, tolerance, and cooperation in the workplace and in the community. His idea was that teaching respect for people of different race, religion, color would be a way of preventing history from repeating itself.

Though Wiesenthal is no longer with us, his legacy will be felt for generations to come. In addition to fighting racism, anti-Semitism, and genocide, the center that bears his name continues to investigate hundreds of surviving war criminals who have escaped justice. And of course, he reminded us to never forget.

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. SHAYS. Mr. Speaker, as September is National Alcohol and Drug Addiction Recovery Month, I would like to share the story of a resident of the Fourth Congressional District, Walter Ginter, who is recovering from a drug addiction.

I recently met with Mr. Ginter and heard of his struggle to overcome his addiction. In addition to wanting to call attention to the plight of recovering addicts, he was particularly concerned that as we consider the plight of many victims of Hurricane Katrina, we ensure that we pay particular attention to those recovering from dependency. Since many are in treatment programs, interruption from these programs can result in setbacks. This is one of the many, many things that we need to consider as we go forward in rebuilding the lives of those affected in Louisiana, Mississippi and Alabama.

Our country has improved greatly, but we still have work to do in providing access to treatment and eliminating the stigma surrounding chemical dependency. I hope this month of awareness will help us accomplish this worthy goal.

The following is Mr. Ginter's story:

> My name is Walter Ginter. I am 56 years old. I own a house in Westport CT. I participate in civic activities, have a subscription to the Westport Country Playhouse, and I am a registered Republican. Most days, along with hundreds of other Westport residents, I commute on Metro North Railroad to NYC. I am indistinguishable from the other commuters and completely typical in every way but one. Each day I take medication for a chronic medical condition. Taking a maintenance medication is hardly atypical, I am sure that other commuters take maintenance medications. The difference is that I take a medication to treat my opiate dependence.
>
> I first became opiate dependent in 1971, when I was in the army. I spent much of the next 20 years in and out of various treatment programs in my effort to stop using heroin. For me, the only treatment that was effective was methadone maintenance. While on methadone I got my life together and attained the goal promised by the SAMSHA matrix, "a life in the community for everyone."
>
> However, every few years, no matter how well my life was going I felt pressured to leave methadone treatment. Sometimes the pressure came from well meaning friends but mostly from myself. I felt inadequate, weak; even cowardly. . . . I tried again and again . . . but each time I left methadone treatment I relapsed.
>
> Eventually, through advocacy, I learned that opiate addiction wasn't a moral issue or a matter of strength or weakness but primarily a brain disorder. The reason I did well on methadone was because it restored my normal brain function.
>
> Today, I am Director of Training for the National Alliance of Methadone Advocates. Through training and education we are trying to end the stigma experienced by patients on medication. Some methadone advocates like to say, "Methadone is Recovery." They are wrong! Methadone is not Recovery. Recovery has nothing to do with taking medication or not taking medication. Recovery is living a sober, happy, productive lifestyle. However, thousands of methadone patients are living that life and haven't been taught anything about recovery.
>
> That is what recovery advocacy is for me. Teaching and training so that my brothers and sisters who take medications can start enjoying life as recovering persons.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. GALLEGLY. Mr. Speaker, on Thursday, September 15, 2005, I was unable to vote on agreeing to H. Res. 437, to Establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (rollcall vote 475). Had I been present, I would have voted "yea."

OUR RESPONSIBILITY TO DESTROY OUR NATION'S STOCKPILE OF DEADLY CHEMICAL WEAPONS BY APRIL 2007

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to speak about our responsibility to destroy our Nation's stockpile of deadly chemical weapons by April 2007, while also being forthright about the costs and time required to comply with this obligation. This is a commitment that we made to both the American people and the world when the Senate ratified the Chemical Weapons Convention (CWC) in 1997. As outlined by statute, Congress retains a continuing oversight role in the CWC's implementation.

So far, we've destroyed 37 percent of our total stockpile of chemical weapons. Without a doubt, the destruction of these chemical weapons is a complicated and costly process. No one is under the illusion that we will meet the 2007 deadline for complete destruction. Unfortunately, civilian officials in the Department of Defense have managed, and continue to manage, much of this program in a way that has guaranteed that we will not meet our treaty obligations by the deadline. In fact, we will be hard pressed to meet the five-year extension that we will be forced to apply for in April of 2006. More importantly, the Department of Defense continues to mislead Congress and the public about the true financial cost of, and time requirements for, complete destruction of the remaining two-thirds of our chemical weapons.

I have become intimately involved with this issue because the Army has proposed to send four million gallons of VX hydrolysate from Newport, Indiana to a DuPont facility in New Jersey where it would be treated and then dumped into the Delaware River. I've joined with many of my colleagues from New Jersey and Delaware to shine a brighter light on this illogical proposal. I believe that our involvement has provided people who live near the Delaware River and people in Newport with much more information about this proposal than they would have received otherwise. But we have a long way to go.

At our urging, the Centers for Disease Control and Prevention and the U.S. Environmental Protection Agency are taking a much closer look at this proposal. In April of this year they issued a report that could not recommend proceeding with the treatment and disposal at the DuPont facility until EPA's noted deficiencies are addressed. EPA's ecologic analysis indicated that there are too many unknowns to determine whether the ecologic risk from the discharge of treated VX hydrolysate to the Delaware River is acceptable.

As decisions are being made about how to deal with hydrolysate at other chemical weapon sites, specifically the Blue Grass Depot in Kentucky and the Pueblo Depot in Colorado, I find it insightful to juxtapose findings by the Department of Defense related to those sites with proposals made regarding the hydrolysate at Newport. The Department of Defense agency responsible for destroying the weapons at Blue Grass has determined that shipping hydrolysate off-site isn't worth the trouble. While under perfect conditions, off-site treatment could potentially offer cost and time savings, the conditions involved with the destruction of chemical weapons are far from perfect.

With respect to Newport, the battle over off-site disposal has added at least three years and an indeterminable amount of taxpayer money to the final completion and cost of destruction of the 1,200 tons of VX stored there. I have repeatedly called for the release of a detailed cost-benefit analysis of various destruction options for the VX hydrolysate at Newport, but the Department of Defense refuses to provide this information. Recently the Department of Defense stated that one option for treating the VX hydrolysate, supercritical water oxidation, would add $300 million and an additional two years. But they provide absolutely no supporting evidence of this claim. In fact, some say that this method would cost $30 to $35 million and could be up and running in a year. Another key fact going unmentioned is that VX would continue to be neutralized while an on-site hydrolysate treatment facility is built. After all isn't neutralization of the VX the most important thing we want to accomplish? I call on the Department of Defense to provide a detailed justification of this $300 million dollar claim in addition to why they think it would add two years to final destruction.

For too long the decision making process for the destruction of our chemical weapons has been a closed process that hasn't adequately considered the opinions of affected communities. I call on Congress to tighten its oversight of this program and demand a detailed justification of all possible ways to destroy chemical weapon hydrolysate at Newport, Blue Grass and Pueblo. Those communities have suffered long enough with the presence of these deadly weapons. We must demand a much better justification of why we should expose new communities to this risk. As seen by the frustrating and problematic path that the Department of Defense has followed in Newport since September 11, 2001, the stubborn pursuit of off-site disposal of hydrolysate has resulted in longer exposure to the threat of chemical weapons in our country while preventing us from meeting our treaty obligations. It is past due for Congress to take a much more active role in exercising its Constitutional responsibility of oversight of this effort.

TRIBUTE TO SIMON WIESENTHAL

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise to commemorate Simon Wiesenthal, who passed away last night at the age of 96. Wiesenthal, a Holocaust survivor, was responsible for bringing over 1,100 Nazi war criminals to justice. Equally as important, he played a major roll in the founding of the Simon Wiesenthal Center in Los Angeles and the world renowned Museum of Tolerance, which works diligently for the defense of human rights and the Jewish people.

The work of Mr. Wiesenthal is especially important to my district which is home to one of the largest concentrations of Holocaust survivors in the United States. Just this past weekend I stood with many of those survivors and several of their liberators in Skokie, Illinois to celebrate the 60th anniversary of the liberation of the Nazi concentration camps. As the conscience and voice for not only the Holocaust's 6,000,000 Jewish victims but for the millions of others who were murdered by the Nazis as well, Wiesenthal was and will always remain a hero to our community.

When Simon Wiesenthal was asked why he chose to pursue the Nazi criminals and, bring them to justice, Wiesenthal responded, "You believe in God and life after death. I also believe. When we come to the other world and meet the millions of Jews who died in the camps and they ask us, 'What have you done?', there will be many answers. You will say, 'I became a jeweler.' Another will say, I have smuggled coffee and American cigarettes.' Another will say, 'I built houses.' But I will say, 'I didn't forget you'."

When the Holocaust came to an end, Simon Wiesenthal never forgot. And because he became the leading representative of the victims, determined to bring the perpetrators of history's greatest crime to justice, we will never forget Simon Wiesenthal. Many have noted that the heinous acts of the Holocaust, for their scale and brutality, make real justice for victims and survivors impossible. No punishment, even death for those Nazi criminals who were later apprehended, could match the horrific misery suffered by Hitler's victims. But, nonetheless, Simon Wiesenthal's work, his tireless pursuit of the last century's most abhorrent criminals, brought a measure of justice and a measure of peace to the Jewish community. Most importantly, he was a reminder that "Never Forget" is not a guarantee, but a pledge, one for which we all share responsibility. Mr. Wiesenthal's work reminded the world that crimes against humanity left unpunished, will be repeated. With the passing of Simon Wiesenthal, the world now has an additional responsibility to embrace the lessons of the Holocaust and fight hatred and intolerance wherever it exists.

REMEMBERING THE LIFE AND HONORING THE LEGACY OF SIMON WIESENTHAL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. HOLT. Mr. Speaker, today we mourn the passing of Simon Wiesenthal, a man who dedicated his life to the search of fugitive Nazi war criminals. The ideals of truth and justice guided his effort to fight anti-Semitism and as we mourn, we are reminded of our commitment to these ideals as part of our duty to humanity.

Simon Wiesenthal was born on December 31, 1908 in Buczacz, Galicia, then part of the Austro-Hungarian Empire and now part of Ukraine. He received a degree in architectural engineering in 1932 from the Technical University of Prague, and in 1936 he began working at an architectural office in Lvov; he did not, however, continue his career in architecture. Three years later, with the partition of Poland and the flood of the Red Army in Lvov, Simon Wiesenthal began losing family members to German brutality. After escaping several near-death situations himself, in 1945 Simon Wiesenthal was liberated by American forces from the concentration camp of Mauthausen in Austria.

After almost giving up, Simon Wiesenthal regained his strength and redefined his life's task as a quest for justice. He did not vow to fight for vengeance. Instead, the goal of his noble cause was to create a historical memory that would prevent any repetition of the horrible atrocities committed during the Holocaust.

He was instrumental in tracking down fugitive Nazis, and a significant component of his mission was to pressure governments around the world to continue their pursuit and persecution of war criminals. The Simon Wiesenthal Center, an international Jewish human rights organization dedicated to preserving the memory of the Holocaust carries on his legacy.

Simon Wiesenthal was committed to the remembrance of those who he feared would be forgotten, and today we become committed to remembering him. While in Vienna in 1993, Simon Wiesenthal said, "To young people here, I am the last. I'm the one who can still speak. After me, it's history." To continue his mission, we must not forget this history. We must continue to fight for the same principles that defined Simon Wiesenthal's objective. It is troubling that even today one of the most notorious sentiments of the Second World War—anti-Semitism—has yet to be eradicated. It is our duty to combat anti-Semitism and all religious bigotry whenever and wherever it arises.

When asked why he chose to search for Nazi war criminals instead of continuing a career in architecture, Simon Wiesenthal responded: "You're a religious man. You believe in God and life after death. I also believe. When we come to the other world and meet the millions of Jews who died in the camps and they ask us, 'What have you done?' there will be many answers. You will say, 'I became a jeweler.' Another will say, 'I smuggled coffee and American cigarettes.' Still another will say, 'I built houses,' but I will say, 'I didn't forget you.'"

And today, we must unite to say that we will not forget Simon Wiesenthal and we, as strong and responsible human beings, will carry forth his mission.

SOUTH CAROLINA ENDURES TRAGIC LOSSES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday, September 14, 2005, the people of South Carolina endured a tragic loss in an auto accident killing Circuit Judge Marc Westbrook and his law clerk, Randall Davis, Jr. The following obituaries are from The State newspaper of Columbia, South Carolina, on September 16, 2005. South Carolina will always cherish their memories.

JUDGE MARC H. WESTBROOK

Services for Judge Marc H. Westbrook, 58, of West Columbia, South Carolina, will be held at 3 p.m. Sunday, September 18, 2005, at Springdale Baptist Church, officiated by Rev. Tommy McGill. Burial will follow in Southland Memorial Gardens. Former law clerks who served with Judge Westbrook will act as pallbearers including Kelly Shull Cannon, Sara Cobb, Eric Dell, John Frick, Cary Goings, Tasha Stringer Grinnell, Carson M. Henderson, Candace Jackson, Brian Jeffcoat, Lynn Seithel Jekel, Michelle Lupton, Ervin Maye, Daun Steigner, Jane Waters and Alan Wilson. Members of the South Carolina Judiciary will serve as honorary pallbearers. The family will receive friends from 6-8 p.m. Saturday, September 17, at Lexington County Judicial Center, 205 E. Main St., Lexington. Thompson Funeral Home of Lexington is handling arrangements.

Memorials may be made to Springdale Baptist Church, 357 Wattling Road, West Columbia, SC 29169.

Judge Westbrook died Wednesday, September 14, 2005. He was born on October 3, 1946, in Charleston, South Carolina, to T.H. Westbrook and the late Margaret Virginia Wynn Westbrook. Judge Westbrook was graduated from T.L. Hanna High School in Anderson in 1964, Anderson Junior College in 1966, the University of South Carolina in 1969, and the University of South Carolina School of Law in 1973. He was active in numerous activities in undergraduate school, and in law school he participated in the National Moot Court Competition.

He was in private practice from 1973–1983. During that time, he was active in local community affairs. He served as President of the Heart Association; P.T.A. President and Executive Committeeman; Director for the Council on Child Abuse and Neglect; and President and coach for Dixie Youth and Dixie Boys Baseball.

Judge Westbrook was a charter member of the West Metro Rotary Club, and former member of the Jaycees, Lions' Club, Sertoma, Woodmen of the World, and the Masons. He also served on the Central Midlands Regional Planning Council; the Governor's Advisory Committee on Intergovernmental Relations; the Lexington County Hospital Advisory Board; the Anderson College Board of Directors; and was an Anderson College Distinguished Young Alumnus.

Judge Westbrook was chairman of the Chief Justice's Committee on Circuit Court Technology and the High School Mock Trial sub-committee for the South Carolina Bar. He was a member of the Joint Commission on ADR (1997–2003), presided over Lexington County Drug Court, and served as chairman of the Planning Committee for the Lexington County Judicial Center Building Project.

Judge Westbrook was a member of Springdale Baptist Church since 1973. During that time he had served as a Deacon and was currently serving as the church's interim Music Director. Judge Westbrook also served as Music Director for several other local churches. He participated with the Lexington Baptist Association as Music Director and as a member of the Executive Committee, and was a former member of the Palmetto Mastersingers.

Prior to taking the bench, Judge Westbrook was elected in 1976 as the youngest member of Lexington County Council, and is still the youngest person to serve as Chairman of that body. In 1978, he was elected to the South Carolina House of Representatives from Lexington County, where he served until his appointment as a Family Court Judge in 1983. Judge Westbrook was elected to the Circuit Court in 1994. On February 22, 2005, the main courtroom in the newly constructed Lexington County Judicial Center was named in honor of Judge Westbrook.

Surviving, in addition to his father, T.H. Westbrook of Cayce, are his wife, Linda Lawhon Westbrook of West Columbia; sons and daughter-in-law, Thad H. and Christy Westbrook of Irmo, Richard N. Westbrook of Hilton Head Island; sisters and brothers-in-law, Dottie W. and Mark Luyster of Lexington, Anna W. and Cotton McLeod of West Columbia; brothers and sisters-in-law, The Rev. Dr. Charles Norris and Jane Westbrook, currently of Thailand, Neal Randal and Laura Westbrook of Asheville, NC; granddaughter, Abigail Caroline Westbrook; a number of nieces and nephews; and several great nieces and nephews. Judge Westbrook was predeceased by a brother, James Timothy Westbrook.

RANDALL DAVIS, JR.

Services for James Randall Davis, Jr., 27, of Lexington, SC, will be held at 10:00 a.m. Saturday, September 17, 2005, at St. Peter's Catholic Church, officiated by Msgr. Leigh A. Lehocky. Burial will follow in Woodridge Memorial Park. Pallbearers will be James E. Barfield, Nikki G. Setzler, Timothy G. Driggers, Erik Hoffman, Matt McMahon and Eric Shell. Honorary pallbearers will be George S. Nicholson, Jr., Patrick J. Frawley, Jeff M. Anderson, Carey M. Ayer, John F. Fisher, Judith Callison Fisher, Lisa Lee Smith and John J. McCauley. The family will receive friends from 6-8 p.m. Friday at Thompson Funeral Home of Lexington. Memorials may be made to St. Peter's Catholic Church Parish Life Center; the American Heart Association; or to the University of South Carolina Law School Scholarship Fund.

Mr. Davis died Wednesday, September 14, 2005. Born in Columbia, SC, he was the son of James Randall Davis, Sr. and the late Anita Eleanor Kozlowski Davis. He was a graduate of Lexington High School and the University of South Carolina. Mr. Davis was a third year law student at Thomas Cooley Law School in Michigan. He was a law clerk for Circuit Judge Marc Westbrook, the Nicholson Law Firm in Lexington, and the Nexsen-Pruet Law Firm in Charleston. Mr. Davis served as a page for four years in the S.C. Senate for Senator Nikki Setzler. He also worked for the National Advocacy Center in Columbia. Mr. Davis was a member of St. Peter's Catholic Church.

Randall loved his family and was especially devoted to his grandparents. He enjoyed the beach and dearly loved his animals. He always had a smile for everyone he met.

Surviving, in addition to his father, Randy Davis of Lexington, are his sister, Julie Davis of Lexington; maternal grandmother, Louise Kozlowski of Springdale; uncles and aunts, Terry and Susan Darby, Kenneth and Chris Davis; cousins, Claire Darby, Elizabeth and Kenny Davis; and numerous relatives in South Carolina, New York, and Germany. Mr. Davis was preceded in death by his paternal grandparents, Kenneth L. and Mildred C. Davis; and his maternal grandfather, Stanley V. Kozlowski.

HONORING EDWARDSVILLE POLICE OFFICER CHARLES KOHLBERG

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Edwardsville Police Officer Charles Kohlberg.

Officer Kohlberg recently took heroic actions to save the life of 18-year-old Megan Few. Miss Few's airway became obstructed as she was eating lunch at Edwardsville High School. Officer Kohlberg applied the Heimlich maneuver and saved Miss Few's life.

Along with the Few family and the City of Edwardsville, I am pleased to extend my gratitude and appreciation to Officer Kohlberg for his heroic efforts. May God bless.

HOUSE OF REPRESENTATIVES—*Wednesday, September 21, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, September 21, 2005.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Monsignor Kenneth Velo, Office of Catholic Collaboration, DePaul University, Chicago, Illinois, offered the following prayer:

E Pluribus Unum, out of many one, is not only an expression fundamental to these United States but also a reality we experience so often and one you visit each day as you seek consensus in this great Chamber.

So many differences, yet one great Nation, America. If there is one desire we all have, I believe it is peace. We bow our heads this morning, for though there are varied religious traditions here, it is faith and service that calls us together.

Our prayer this day includes family and friends, young and old. Our thoughts embrace the poor, the sick, the less fortunate. Our remembrances recall our beloved dead. For the people of the Middle East, for our women and men in uniform serving there and beyond, give peace, O God, give peace again.

For our brothers and sisters on the gulf coast and in particular New Orleans, Biloxi, and these days Texas as well, give peace, O God, give peace again.

For those who suffer in mind or body, those in pain from grief or loss, give peace, O God, give peace again.

May those who are homeless have shelter, the sick have comfort, and the dying have dignity. May those who are hungry have bread, and may we who have bread hunger for justice and peace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. REYES) come forward and lead the House in the Pledge of Allegiance.

Mr. REYES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING MONSIGNOR KENNETH VELO

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, it is my great pleasure to recognize and welcome Monsignor Velo, one of Chicago's most distinguished religious leaders, as today's guest chaplain.

Born on Chicago's south side, the Monsignor was ordained in 1973. In 1985, Monsignor Velo became the executive assistant to the late Joseph Cardinal Bernardin, a position he held for 14 years. Monsignor Velo and Cardinal Bernardin were close friends, and it was Monsignor Velo who cared for Cardinal Bernardin's mother after the Cardinal passed away.

Impressed by his reputation as a public servant, the late Pope John Paul, II appointed Monsignor Velo to be president of the Catholic Church Extension Society. Today he is senior executive of the Office of Catholic Collaboration at DePaul University, the largest Catholic university in the country, located in Chicago's Lincoln Park.

Monsignor Velo is an important Chicagoan with an impressive background and résumé. But more important, Monsignor Velo is a humanitarian who has dedicated his life to God and to improving the lives of everyone around him. Chicago is blessed by Monsignor Velo. Madam Speaker, I thank him for his service and for being here today.

NATIONAL EMPLOY THE OLDER WORKER WEEK

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to highlight that we are currently celebrating National Employ the Older Worker Week. This week, which is sponsored by the American Legion, has been observed for over 40 years. It is appropriate to recognize and appreciate this growing demographic workforce.

After all, our country is witnessing major growth in the number of Americans that are nearing the traditional retirement age. It is estimated that by 2008 nearly half of the workforce will be over 45 years old.

As our population continues to grow older, these citizens will play an even more important role in our economy. Older workers bring many assets to the workplace, including good work ethics, motivation, experience, and knowledge. My hat goes off to our older workers who are learning new skills and are exercising the many skills they already know in order to give back to society.

I am a firm believer that every single person at any age has certain gifts and talents from God. I am pleased our older workers are committed to sharing their talents with others. It is my hope that employers around the country will continue to recognize the many benefits of hiring older workers and expand job opportunities for these fine citizens.

THE NEED FOR AN EXIT STRATEGY IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, 3 years ago we heard the drums of war beating in this House Chamber, and Congress voted to take this Nation to war against Iraq.

We later learned that Iraq had no weapons of mass destruction, was not trying to get uranium from Niger, had no intention nor capability of attacking the United States. Yet we went to war and war against Iraq remains.

We went to war without any thought of how we would get out of that war. We went to war with a big buildup; but when it came to talking about an exit from Iraq, there was very little or no discussion except for the one thing. Democrats and Republicans alike to come together, in support of House Joint Resolution 55, a resolution that requires the administration to produce, by the end of the year, an exit strategy and to begin the execution of that strategy by October 1 of 2006.

We owe it to those who serve. We owe it to the troops who gave their lives.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We owe it to their parents and to their families, to have an exit strategy so that we can let the world community take the burden of the years ahead in Iraq.

CONGRATULATING NORFOLK PUBLIC SCHOOLS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute.)

Mrs. DRAKE. Madam Speaker, it is with great pride that I congratulate Norfolk public schools for winning the Broad Prize for Urban Education. Eighty-two school districts participated. Five finalists were selected. Yesterday the winner was announced: Norfolk public schools.

The criterion for this award is significantly improving student achievement and reducing the performance gap. Congratulations to Norfolk, Virginia, for their hard work, their dedication and their creativity, and a heartfelt thanks to the Broad Foundation for their vision and their commitment to America's children.

These models and programs will be used across America to improve the quality of education for all children.

DO THE KATRINA RECOVERY RIGHT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, we are united not just in our compassion for the victims of Katrina, but a sincere interest in doing recovery right.

Republicans and Democrats, both ends of the political spectrum, can agree that we do not want some Stalinist plan imposed on a manufactured community doomed to fail.

We need the courage to be partners respectfully, the wisdom to define the role carefully, the stamina to follow through thoroughly, and the integrity to avoid partisanship. We must meet the immediate needs of the refugees affected; but we must restore communities that are stronger, safer, and more sustainable.

We must involve all Americans with the skills and concerns starting with locals, wherever they may be. We must make this a model for how to do it right because it is not just about rescuing a damaged region; it is about how to make the Federal Government more effective.

KATRINA ABUSE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, as the skies have cleared in the aftermath of Katrina, and the howling winds and rain of Rita develop in the gulf and head for Texas, we have learned that giving away American money in the form of emergency debit cards should be reevaluated.

There are reports in Houston of evacuees using their taxpayer debit cards to buy expensive jewelry, $800 Louis Vuitton purses. $2,000 cards are exchanged on the black market for cash in order to buy drugs, alcohol, and as they say, street entertainment.

There are reports of individuals using multiple stolen identifications to get numerous cards. At the Astrodome there are reports of dice games with the pot being debit cards.

Madam Speaker, we are also hearing the topless clubs are doing a booming business thanks to the evacuees. A local bartender has reported that the debit cards are used at his topless club to gain admission and purchase lap dances. Maybe these are emergency lap dances for the displaced and distressed evacuees.

Madam Speaker, when American money is given away in the name of compassion without adequate control, we see the above abuse. Those who take advantage of this disaster should be held accountable.

As the saying goes, Madam Speaker, no good deed goes unpunished. This ought not to be.

RECOGNIZING THE 80TH ANNIVERSARY OF CATHEDRAL HIGH SCHOOL OF EL PASO, TEXAS

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Madam Speaker, I am proud to rise today in recognition of the 80th anniversary of Cathedral High School located in my district in El Paso, Texas.

Since Cathedral High School opened its doors with a faculty of four LaSallian brothers in 1925, it has woven itself into the fabric of the El Paso-Ciudad Juarez community.

The school has educated and taught the histories of two cultures and two nations to the sons of both. Over the years, Cathedral has produced thousands of college-bound graduates, many of whom have become great civic leaders and accomplished professionals. Among these men we count Ambassador Raymond Telles.

Ambassador Telles' Cathedral education prepared him to become the first Hispanic mayor of El Paso and to be appointed ambassador to Costa Rica, among many distinguished posts which he held.

He is an inspiration to generations of Cathedral graduates, to El Pasoans, and to Hispanics across the United States. Madam Speaker, I ask my colleagues to join me in recognizing the 80th anniversary of Cathedral High School and wishing them continued success and excellence.

IN TRIBUTE TO AMERICA'S FIRST RESPONDERS

(Mr. NEY asked and was given permission to address the House for 1 minute.)

Mr. NEY. Madam Speaker, I rise today to pay tribute to the firefighters, police officers, and other first responders who have answered the call of duty and traveled from around the country to the gulf coast in order to help their fellow citizens and communities who have been devastated by Hurricane Katrina.

Many in this country sometimes forget that men and women put their lives on the line every day seeking not headlines or glory, but the simple satisfaction of helping and saving their fellow citizens. Their brave deeds, good work, and tremendous dedication deserve and demand the grateful respect and recognition of all.

And now more than ever, in recent days we have literally seen thousands of firefighters, police officers, EMS workers, and others pour into New Orleans and other devastated gulf coast areas to bolster relief efforts and save hundreds, if not thousands, of lives.

I am particularly proud to recognize those who have volunteered from around Ohio's 18th District as well as a number of our own United States Capitol Hill police officers who are currently on their way to the gulf coast.

These men and women are a shining example of everything that is good about our country today. The least we can do is to honor them and recognize them on the floor.

KATRINA AND RELIEF FOR LATINOS

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, I am discouraged to learn that FEMA's approach towards Latinos seeking hurricane relief assistance is woefully inadequate.

Yesterday the Los Angeles Times highlighted the neighborhood in Kenner, Louisiana, that has failed to receive emergency shelter assistance from FEMA. The article quoted a FEMA spokesperson who stated, "Part of the problem for the Hispanic community is that if you are illegal, you cannot apply for housing."

It is unfortunate, however, that FEMA made such an ignorant and false assumption. About 1,500 to 1,800 people living in the HUD subsidized apartments are legal residents. Legal. And they qualify for assistance according to city officials.

☐ 1015

Latinos contribute significantly to the social and economic fabric of the gulf coast, working in casinos, in the poultry industry, in hotels, and on construction sites. These communities should also be eligible for emergency aid and ensure that their families are safe and healthy. They should not be made victims because of someone's ignorance.

Just as Hurricane Katrina did not discriminate when it swooped along the gulf coast, neither should FEMA make such a gross, negligent, and ignorant assumption about a person's immigration status.

HONORING SIMON WIESENTHAL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I rise today to honor Holocaust survivor and freedom advocate Simon Wiesenthal. An extraordinary man of courage, he believed there can be no freedom without justice.

Dedicating his life to this pursuit, he was responsible for finding and bringing to trial over 1,100 Nazi war criminals. A survivor of several different concentration camps through the course of World War II, he was finally liberated May 5, 1945. Sadly, most of his family had perished in the camps, over 89 persons. However, he cherished their memories and was strengthened with purpose.

In an interview years later he said, "I want to be their mouthpiece. I want to keep their memory alive, to make sure the dead live on in that memory."

Simon Wiesenthal is a legendary example of what a person with a vision and a will can do. They can change the world.

CANDLELIGHT VIGIL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, as we have begun to attempt to rebuild the gulf coast region, tonight the Congressional Black Caucus and the Congressional Black Caucus Foundation will host and hold a candlelight vigil on the west steps of the United States Capitol at 8 p.m. As we do that, we hope that it will recommit both this government and our Nation to the survival of the survivors and the rebuilding of their region.

Might I also say that I join in offering the immigration relief for hurricane victims' legislation that will be on the floor, which is H.R. 3827, that will provide for benefits for immigrants that may have lost those papers or documents relevant to their pending case, and we should be concerned.

Finally, as Hurricane Rita comes upon us in the gulf coast, in my city of Houston, might I ask for FEMA to be prepared and on the ground. And might I say to Houstonians and Galvestonians and others, follow the instructions, go to the evacuation sites, and make sure that all of the people of that region are safe. Our prayers are with you.

SHARED SACRIFICE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, much has been said about leadership in the Katrina response. Some elected leaders failed because they were not decisive and did not make tough choices when the times called for them. We should not repeat those mistakes.

True leaders make tough choices and inspire shared sacrifice when times get tough. President Bush outlined an unprecedented Federal commitment to cleaning up the mess left by Hurricane Katrina, and this body will give him a plan that largely reflects what he wants.

The devil, as it is said, is in the details. How do we pay for this? We cannot just throw money into programs and ideas. A successful plan to rebuild the region will be limited in scope, targeted to specific needs, and its cost offset from other areas of the budget.

It is wrong to use this tragedy as an excuse to pile more debt onto future generations. Let us help Katrina's victims but let us also tighten our belts and pay for it today.

REMEMBERING SIMON WIESENTHAL

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Madam Speaker, I too rise to reflect on the life and contributions of Simon Wiesenthal who passed away 2 days ago at the age of 96.

Simon Wiesenthal is known by many to be the "conscience of the Holocaust," for after the atrocities ended, he spent his entire life researching and locating former Nazis to bring them to justice.

Throughout the course of the Holocaust, Simon Wiesenthal and his wife lost a total of 89 family members. American soldiers liberated him from the Mauthausen concentration camp in 1945. He was barely alive, weighing less than 100 pounds.

As a prisoner in 12 concentration camps, Simon Wiesenthal memorized the names of his perpetrators and later he embarked on his mission to bring them to justice. He created the Jewish Documentation Center to assemble evidence for trial. His most famous cases included the capture of Adolf Eichmann, the man who supervised the implementation of the "Final Solution." Wiesenthal also helped locate the Gestapo officer who arrested Anne Frank. In total, he helped trace some 1,100 Nazis.

In a conversation with a former concentration camp inmate, Wiesenthal explained, when we come to the other world and meet the millions of Jews who died in the camps and they ask us, What have you done, there will be many answers. But I will say, we did not forget you.

Now it is our turn to say to Mr. Wiesenthal, we will not forget you. We will honor his life and his work by continuing to bring perpetrators to justice and continuing to fight intolerance and anti-Semitism wherever it exists.

SINGAPORE SHINES IN AFTERMATH OF HURRICANE KATRINA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, our Nation has been appreciative of the tremendous outpouring of support from other nations for the survivors of Hurricane Katrina.

After playing a critical role in the tsunami relief efforts earlier this year, the Republic of Singapore was one of the first countries that understood the devastation in our Nation and immediately reached out to help those left in Katrina's wake.

In the beginning of September, Singapore's Air Force deployed four Chinook helicopters to Fort Polk, Louisiana, to assist in relief operations. As they worked side by side with members of the Texas Army National Guard, Singapore's airmen flew more than 80 sorties to transport over 800 evacuees and security personnel. They also flew more than 540 tons of equipment, humanitarian supplies, and sand to help fix the breaches in the levees of New Orleans.

Ambassador Chan Heng Chee's leadership and support has been particularly helpful during this time of crisis. As our nations continue to work together, America remains grateful for its strong friendship with Singapore as allies in the war on terrorism.

In conclusion, God bless our troops and we will never forget September 11.

FREEDOM'S PROGRESS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, I rise today to congratulate the people of Afghanistan on the elections they just held.

The saying that "freedom is not free" rings true for those who defied the Taliban, defied the warlords, and made history by freely electing their leaders this past Sunday.

During the past 4 years, people have forgotten what the Taliban stood for: public executions at soccer stadiums; banning the Internet, music, television and education; preventing women from going to school or work outside the home. A woman caught wearing fingernail polish may have had her fingertips chopped off.

This week however, Afghans, 12 million strong, have shown the world that they will not go back to tyranny, they will not take a step back into oppression, and will not buckle when taking on the challenges of democracy.

Madam Speaker, Afghanistan demonstrates the most recent chapter in freedom's march. It is a glorious story whose success should be recognized and applauded.

OPERATION OFFSET

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, today at 11:30 I will join some of my colleagues in a press conference for Operation Offset.

I want to thank the leadership for the opportunity to participate in providing offsets as we look at ways to fund Hurricane Katrina's disaster relief program. I want to thank them for leading the way with the 2006 budget that this body recently passed. And I want to thank them for the opportunity to focus on what I think is the heart and soul of our conference, fiscal stewardship.

As I make my remarks today, my focus is going to be on government overpayments, one of which is the earned income tax credit which is overpaid by $9 billion annually over a 10-year period. A savings of $90 billion could be realized here. The GAO, the CBO, and the Inspectors General have numerous ideas and suggestions and ways that we can rein in government spending. It is time for us to heed our own advice.

PROPER CONGRESSIONAL INVESTIGATION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, we are starting to hear a lot of talk about where is the proper place for the investigation into the response and the aftermath of Hurricane Katrina.

Madam Speaker, I submit that the proper place for that investigation is here in the United States Congress. We have the responsibility, indeed, we have the constitutional obligation to be the ones responsible for this oversight investigation. In fact, my committee, the Committee on Energy and Commerce, maintains a standing subcommittee called the Subcommittee on Oversight and Investigations, a committee that already has subpoena power, a committee that has a history of bipartisanship.

No matter which party was in power, this committee does have a history of bipartisanship, and I think it is the correct committee to investigate the response in the aftermath to the hurricane.

An independent commission, as we have already seen in the last year, can become a side show for partisanship, and yet we still have to convene our own congressional committees in order to write the legislation.

No, the correct path for this Congress to take is to use an already established committee for the investigation of the response and aftermath of Hurricane Katrina.

THANKING AMERICA'S FIRST RESPONDERS

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to pay tribute to America's first responders, the men and women who work every day to safeguard our communities. This Nation owes so much to the firemen, the EMTs and other emergency workers who put themselves in harm's way to keep us and our loved ones safe.

In the aftermath of Hurricane Katrina, our country is once again reminded of the dedication and bravery of our first responders. Their contributions in the gulf coast were felt by every person rescued from a rooftop, by every person receiving medical care, and every person evacuated from a flooded city.

These past few weeks, we have been able to watch the valor of our first responders on TV and we have read about it in the newspapers, but we should remember that these men and women are protecting our community every single day, not just when a disaster strikes. And while it may not be televised every day, their heroism is certainly valued every day.

Madam Speaker, I ask that you join me in thanking America's first responders.

APPLAUDING GOVERNOR HALEY BARBOUR

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, we just had the opportunity this morning, some of us, to hear from the Governor of Mississippi, Haley Barbour.

What a refreshing example of leadership Mr. Barbour has offered our country. Unfortunately, as compared to the Governor of his neighboring State, Louisiana, faced with the same disasters, faced with loss of life, faced with billions of dollars in property damage, Mr. Barbour did not take the opportunity to bash Washington, to whine about what the Federal Government did or did not do; but, rather, on a local level, with folks like the mayor of Biloxi and the mayors of all the other towns and the police chiefs and the police forces and the local emergency management agencies, faced up to the disaster, did everything that they could to show folks that yes, this is tough, and unfortunately government is not the answer to everything, but we can work together, we can face up to this thing and we can bring Mississippi back and bring Mississippi back strong.

I applaud Governor Barbour for the leadership he has provided. He gave us a case of one police force where the police station was flooded. The police officers did not cut and run. They did not evacuate. They went to the top floor. The top floor got flooded. They went to the roof of the building. It got flooded. They swam to nearby tree tops. They spent the night on trees. And yet the next morning rather than whine and say, oh, pity me, they came back to work and never evacuated, even though on a personal level all of those police officers from this particular precinct lost all their houses. Their homes were gone and their families had to evacuate for many weeks of separation.

That is the face of some of the great American people that we are seeing, not just in Mississippi but also in Louisiana and Alabama, but I particularly applaud Governor Barbour for his leadership.

RED TAPE HINDERING AID TO EVACUEES

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Madam Speaker, it is amazing to me that American troops can get sick off Halliburton food, yet Halliburton continues to get contract after contract after contract. But when tons of British food rations are provided to the Hurricane Katrina survivors, all they get is red tape from the FDA and the Bush administration. For crying out loud.

If the report is to be believed, tons of British aid donated to help Hurricane Katrina survivors is to be burned by the Americans because U.S. red tape is stopping it from reaching the hungry evacuees. But these are the same food rations that are eaten by the British troops in Iraq, and the USDA has condemned them as unfit for human consumption while Halliburton continues to serve unfit rations to our troops in Afghanistan and Iraq.

It is a crying shame. When will the incompetence end?

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PROVIDING FOR ACCEPTANCE OF STATUE OF PO'PAY FOR PLACEMENT IN NATIONAL STATUARY HALL

Mr. NEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

The Clerk read as follows:

H. CON. RES. 242

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ACCEPTANCE OF STATUE OF PO'PAY FROM THE PEOPLE OF NEW MEXICO FOR PLACEMENT IN NATIONAL STATUARY HALL.

(a) IN GENERAL.—The statue of Po'Pay, furnished by the people of New Mexico for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of New Mexico for providing this commemoration of one of New Mexico's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of New Mexico is authorized to use the Rotunda of the Capitol on September 22, 2005, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location in the National Statuary Hall Collection.

SEC. 2. TRANSMITTAL TO GOVERNOR OF NEW MEXICO.

The Clerk of the House of Representatives shall transmit an enrolled copy of this concurrent resolution to the Governor of New Mexico.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Concurrent Resolution 242. As the chairman of the Joint Committee on the Library, which has the privilege and responsibility for the acceptance and placement of statues, the National Statuary Hall collection, I want to first thank my colleagues from the New Mexico delegation and their constituents for the statue of the Indian Pueblo leader Po'Pay. This resolution was introduced by the gentlewoman from New Mexico (Mrs. WILSON) and also supported by the gentleman from New Mexico (Mr. UDALL) and the gentleman from New Mexico (Mr. PEARCE). I also want to thank all three of those Members for bringing this resolution before us.

Po'Pay was the San Juan Pueblo Indian leader and organizer of the Pueblo Revolt of 1680 that drove the Spanish colonials from Pueblo lands. It was not until after his death that the Spanish recolonized the land. But because of Po'Pay, they granted the Pueblo more rights and freedoms during their recolonization.

This statue will join the six other Native American leaders honored in the collection. It is significant because not only is it New Mexico's second; it is the 100th and final original statute to be accepted into the National Statuary Hall collection.

Approximately 3 years after the bare 7.5-ton mass of Tennessee marble arrived in New Mexico, Native American sculptor Cliff Fragua unveiled his statue of Po'Pay at San Juan Pueblo.

Again, I want to thank the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from New Mexico (Mr. PEARCE), and the gentleman from New Mexico (Mr. UDALL). I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD), who serves as our ranking member but also as a member of the Joint Committee on the Library for helping us get this work product out so swiftly and for her concern about this issue.

Madam Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I am pleased to support House Concurrent Resolution 242, authorizing use of the Capitol Rotunda on September 22 for a ceremony to receive the statue of the Indian leader Po'Pay, leader of the Pueblo Revolt of 1680 against the Spanish, from the State of New Mexico.

This is New Mexico's second statute to be submitted for the National Statuary Hall Collection and the last of the 100 statues authorized to be submitted by the States since the collection was established by law in 1864. The collection is now finally complete, though in the future, some States may choose to replace their existing statues with different significant historical figures.

In 1998, the New Mexico legislature selected Po'Pay as a subject of the State's second statue for the National Statuary Hall Commission and created the New Mexico Statuary Hall Commission, whose members were appointed by the Governor. Sculptor Cliff Fragua, a Pueblo Indian himself, was awarded the commission to create the statue in December 1999.

The 7-foot-high statue is carved from pink Tennessee marble and will stand on a 3-foot-high pedestal comprised of a steel frame clad in black granite.

Po'Pay was born around 1630 in the San Juan Pueblo, in what is now called New Mexico. As an adult, he became a medicine man and was responsible for his people's spiritual life. He also shared their suffering at the hands of Spanish settlers and missionaries, who forced them to provide labor and food to support the Spanish community. The Spaniards also pressured them to give up their religion and way of life and to adopt Christianity, and those found practicing their religion were tortured and flogged, while others were executed.

In 1675, Po'Pay and 46 other Pueblo leaders were convicted of sorcery. He was among those flogged while others were executed.

In 1680, Po'Pay organized the Pueblo Revolt against the Spanish. To coordinate the timing of the uprising, he and his followers sent runners to each pueblo with knotted deerskin strips. One knot was to be untied each day, and the revolt would begin on the day the last one was untied. After the Spaniards arrested two of the runners, the pueblos were quickly notified to accelerate the revolt. The attacks began on August 10, 2 days before the last knot would have been untied. The Spaniards took refuge at Santa Fe; the besieging Indians cut off their water supply, but soon permitted them to leave the area.

While the Spanish ultimately returned in 1692 and restored control over New Mexico as a Spanish territory, their interest in and ability to disrupt the native cultures were severely diminished. The Pueblo Revolt helped to ensure the survival of the Pueblo culture and shaped the history of the American Southwest.

Madam Speaker, as a member of the Joint Committee on the Library, which supervises the National Statuary Hall Collection, I am pleased to participate in this significant milestone for such a piece of art to be placed in the Nation's Capitol Building.

Madam Speaker, I reserve the balance of my time.

Mr. NEY. Madam Speaker, I yield 5 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Speaker, I thank my colleague very much for bringing this resolution forward today. I wanted to thank the Statuary Hall Commission for its work and particularly to recognize the gentleman from New Mexico (Mr. UDALL) and his wife, Jill Cooper, who serves on that commission, and thank her for her work, as well as the sculptor, Cliff Fragua from Jemez Pueblo.

This has been a great effort on the part of New Mexico, and it completes a collection here in the Capitol that was started in 1864. Every State can provide two statues of people from their States that are significant in the history of their States to a collection that is housed here in the Capitol. This statue will complete that collection for the first time in 141 years of this Nation's history, and this new statue will now be here so that the people of the country, the some 2 million visitors who come here each year, can see this collection.

Po'Pay represents a time in New Mexico's history that really shapes our heritage and our culture to this day. As my colleague mentioned, and explained the history of this very important man, when Francisco Vasquez de Coronado came to New Mexico in 1540 and then de Onate came in 1598, they took formal possession of New Mexico for Spain.

In 1598, 7 years before the English landed at Jamestown, New Mexico was permanently settled by a European power. But the way they treated the Indians at that time was nothing to be proud of. The Indians were forced to work on Spanish grants. They were not recognized in their religion. At that time, Juan de Onate tried to exterminate the Pueblo religion. The treatment of the Indians led to a revolt in 1680 led by Po'Pay.

Po'Pay is not without controversy. He suppressed others and served as kind of a dictator from Santa Fe for several years until his death. But he did have an important effect on New Mexico's history, because when Diego de Vargas returned in 1692 to New Mexico, the attitude toward the Pueblo people was profoundly different.

The Spanish established an office of Indian protection that recognized the territorial integrity of the Pueblos and offered protection from outsiders. Where in other parts of America the Indian culture and territory were all displaced, in New Mexico they were protected.

In particular, they allowed the blending of cultures; and while de Vargas brought with him priests and Catholicism was established and proselytized in New Mexico, they continued to recognize and allow the unique Pueblo religion, which is why in New Mexico today, just about two miles north of my home at Sandia Pueblo, is one of the most beautiful, newest Catholic churches in New Mexico on Sandia Pueblo, which also has its own unique traditional religious rights.

The blending of cultures in New Mexico is one of the things that makes it unique. Po'Pay's revolt is one of the things that made that possible. It is with tremendous honor that this week we will offer this statue from the State of New Mexico and its people to the Capitol collection.

Ms. MILLENDER-McDONALD. Madam Speaker, it gives me great pleasure to yield 4½ minutes to the gentleman from New Mexico (Mr. UDALL) who really this Po'Pay would have been his constituent had we had a country at that time.

Mr. UDALL of New Mexico. Madam Speaker, as a cosponsor of the resolution before us, I rise in strong support of its passage and am looking forward to the unveiling of this beautiful statue at tomorrow's ceremony in the rotunda. My district is home to 14 of the 19 Pueblos in New Mexico, and I am very pleased this moment has finally arrived.

Today and tomorrow are exciting days for our State as we at long last unveil our second statue in the United States Capitol. As every New Mexican knows, we are proud of our other statue, that of Senator Dennis Chavez, El Senador, the first Hispanic Member of the United States Senate and a champion of civil rights.

The statue of Po'Pay has had a long journey to get here. The journey began in 1997 when State Senator Manny Aragon and State Representative Nick Salazar introduced Senate bill 404 to the New Mexico State legislature which formally nominated Po'Pay to be the second figure placed in Statuary Hall to represent our State. The bill was soon passed and signed by the Governor, leading to the creation of the Statuary Hall Commission and Foundation which was responsible for determining the statue's appearance and fundraising.

The appearance of Po'Pay was a particularly difficult problem because there are no pictures or physical descriptions of him. Nevertheless, the stunning sculpture that will be unveiled tomorrow gives us a powerful glimpse of who Po'Pay was.

And who was Po'Pay? Very little is known of this man's life; but he was a native of San Juan Pueblo, soon to officially change its name to what it was before Spanish missionaries arrived in New Mexico more than 400 years ago, Ohkay Owingeh, located in northern New Mexico and which I today have the honor of representing in the Congress. He was by most accounts a religious leader. But in 1680 he organized a widespread rebellion against the Spanish throughout the region on a single day.

Po'Pay is considered to be the leader of the first American Revolution. He has been recognized throughout history as the man who made it possible for Pueblo culture to live and to sustain itself through the centuries. The 19 New Mexico Pueblos and Hopi villages in Arizona attribute their ability to continue their traditions and way of life to the efforts of the Pueblo revolt and its leader Po'Pay.

The Pueblo Revolt of 1680, as it is now known, was the single most successful act of resistance by Native Americans against a European colonial power. It established Indian independence in the Pueblos for more than a decade; and even after Spanish rule was reimposed, it forced the imperial authorities to observe religious tolerance. Ever since the 17th century, the cross and the kiva have existed side by side in Pueblo communities.

It is for these reasons that Po'Pay is being honored with a statue in the Capitol. It is fitting that Po'Pay is joining Senator Dennis Chavez as our State's representative in the Halls of Congress. As one member of the Statuary Hall Commission stated recently, "The selection of Po'Pay to be placed in Statuary Hall serves as a unique reminder to the world that two unique cultures can coexist without destruction of their traditional cultural values and beliefs."

□ 1045

Cliff Fragua, the sculptor who crafted this rendering of Po'Pay out of a 7-foot slab of Tennessee marble, also deserves a word of praise for his beautiful work. Thousands of visitors to Washington, D.C., each year will see this work and gain a sense of New Mexico's history and our country's history. I would also like to point out that this statue created by Mr. Fragua will be the first in Statuary Hall created by a Native American.

Madam Speaker, passage of this resolution today is a precursor to what will be a great day and celebration tomorrow for our State. I am honored to be a part of it. I would also like to recognize my wife Jill's role on the Statuary Hall Commission and to thank Chris Romero and Theresa Aguilar of my staff for all the hard work they have put in with the commission during the planning of this event. I would also like to recognize Mr. Benny Shendo, secretary of the Department of Indian Affairs in New Mexico, who will be in Washington for this ceremony. And to close, to thank the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-McDONALD) for yielding me the time.

Mr. NEY. Madam Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Madam Speaker, I rise today to urge strong support for House Concurrent Resolution 242 and join with the other members of New Mexico's congressional delegation to celebrate the presentation of the Po'Pay statue for placement in the National Statuary Hall here in the United States Capitol.

My colleagues have mentioned most of the specifics already, but the event is particularly an honor for the State of New Mexico as the Po'Pay statue is the 100th and last presented to the hall, completing the Capitol's collection which began in 1864. The statue also completes the Capitol's collection in another way. As the gentleman from New Mexico mentioned, Mr. Fragua is the only American Indian sculptor who will be represented among the 100 statues here in Statuary Hall.

It is fitting that the last vacancy memorializing America's heroes be filled by a statue that represents not only New Mexico's rich and unique multicultural heritage, but America's great multicultural composition of many languages, customs, and traditions.

In facing the monumental task of creating Po'Pay out of a 7.5-ton block of pink Tennessee marble, sculptor Cliff Fragua began with no physical references of his subject. There was no drawing, no description of Po'Pay's features, only a rich oral history manifesting a humble man who, caring deeply about the survival of his culture, became a hero for defending his way of life.

Madam Speaker, what a superb way to complete America's storybook of characters. America has no one face, no one color, no one feature from which to reference its likeness, only a humble determination for freedom and liberty that unites us all.

Ms. MILLENDER-McDONALD. Madam Speaker, I fully support H. Con. Res. 242, and I yield back the balance of my time.

Mr. NEY. Madam Speaker, I yield myself the balance of my time.

Again I want to thank the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) for bringing this important resolution to us and, again, our ranking member from California (Ms. MILLENDER-McDONALD) for her service on both committees. Also, I would note we are going to have an historic unveiling today at 2 o'clock with the gentlewoman from California (Ms. MILLENDER-McDONALD) and the gentleman from Pennsylvania (Mr. FATTAH) of Representative Rainey, who was the first elected African American to the U.S. House, and will be the first time an African American portrait will be placed in the House, which is going to be a glorious ceremony we will be sharing with our ranking member. So we are busy today with the committees. It has been a pleasure to be a part of this.

Ms. NORTON. Madam Speaker, I congratulate the New Mexico delegation and urge the House to approve this resolution placing a second statue honoring a New Mexico citizen in Statuary Hall. I must take this opportunity as well to urge the House to do the same for the District of Columbia. Our citizens do not have even one statue. Surely, the time is overdue for the District to receive at least this small recognition of our citizenship for all to see.

The District of Columbia was born with the Nation itself. The city has more than two centuries of its very own rich and uniquely American history. The District boasts distinguished figures in history from whom selections for statues could readily be made. It should go without saying that the almost 600,000 American citizens who live in the Nation's capital deserve the honor of having two of their history makers represented in the Capitol as citizens of New Mexico and all 50 States have long enjoyed. D.C. residents have not yet obtained the same full political equality and voting rights as States, but they have always had every one of the responsibilities of the States, including paying all Federal taxes and serving in all wars. Every time we allow the District to be excluded from its place among the 50 States, we undermine our own leadership role for democracy around the world. Authorizing two District statues has special importance for our residents because the statues would be seen by millions of visitors every year, reinforcing our proud citizenship and unity with other Americans, whose historical figures are commemorated.

A bill for the District has failed to get the necessary word from the Speaker, which is necessary for hearings, despite my request and the written request from Leader Pelosi. Yet, this recognition for the District of Columbia, whose citizens are serving our country as I speak, in Iraq, Afghanistan, and throughout the world is no more controversial—nor should it be—than the New Mexico bill.

New Mexico and its citizens deserve this honor and get it simply because they are American citizens. As we pass this resolution for New Mexico and its citizens today, I ask the House to remember that we are all equal in this country, and that it is time that our legislature and the halls where these statues will stand reflected that equality.

Mr. NEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 242.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H. Con. Res. 242.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

UNITED STATES PAROLE COMMISSION EXTENSION AND SENTENCING COMMISSION AUTHORITY ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1368) to extend the existence of the Parole Commission, and for other purposes.

The Clerk read as follows:

S. 1368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Parole Commission Extension and Sentencing Commission Authority Act of 2005".

SEC. 2. EXTENSION OF EXISTENCE OF THE PAROLE COMMISSION.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "eighteen years" or "eighteen-year period" shall be deemed a reference to "21 years" or "21-year period", respectively.

SEC. 3. PROVISION OF EMERGENCY AMENDMENT AUTHORITY FOR SENTENCING COMMISSION.

In accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired, the United States Sentencing Commission shall—

(1) not later than 60 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 6703 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); and

(2) not later than 180 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 3 of the Anabolic Steroid Control Act of 2004 (Public Law 108–358).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1368, the Senate bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1368, the United States Parole Commission Extension and Sentencing

Commission Authority Act of 2005. This bill extends the Parole Commission for an additional 3 years and provides the Sentencing Commission with authority to adopt emergency guideline changes for obstruction of justice and anabolic steroids offenses.

Congress initially created the Parole Commission in 1976. However, with the creation of Federal sentencing guidelines, the Parole Commission was slated to expire 5 years after the new sentencing system was implemented. Since the enactment of the Sentencing Reform Act of 1984, Congress has extended the Parole Commission on several occasions. Without further congressional action, the Parole Commission is currently scheduled to expire on October 31, 2005.

The Parole Commission is responsible for handling parole cases for offenders who were sentenced prior to the enactment of the Sentencing Reform Act of 1984, which created the Sentencing Commission, and eventually led to the elimination of Federal parole for offenders sentenced after 1987. Additionally, in 1997, the Parole Commission was assigned responsibility for supervising offenders in the District of Columbia, which were previously supervised by the D.C. Board of Parole. Enacting this bill is necessary in order for the Parole Commission to continue to carry on these important functions.

The provisions in this bill relating to the Sentencing Commission's authority are needed to ensure that the Commission can expeditiously adopt new sentencing guidelines pursuant to two laws enacted during the previous Congress. Under this legislation, the Sentencing Commission will have 60 days to implement the new sentencing guidelines of section 6703 of the Intelligence Reform Terrorism Prevention Act of 2004, which increases penalties for obstruction of justice offenses involving international or domestic terrorism.

Additionally, this legislation directs the Commission within 180 days to amend the Federal sentencing guidelines to reflect the seriousness of steroid offenses in accordance with the Anabolic Steroid Control Act of 2004. Granting emergency amendment authority to the Commission in these two areas will permit the Commission to promulgate appropriate amendments as quickly as possible.

I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1368, which passed the Senate by unanimous consent, is identical to H.R. 3020, which was reported out of the Committee on the Judiciary by voice vote without apparent opposition.

For the reasons outlined by the chairman of the Committee on the Judiciary, the bill will reauthorize the U.S. Parole Commission for an additional 3 years. It will also give the Sentencing Commission emergency authority to promulgate sentencing guidelines which will implement sentencing policies reflective of recent changes in Federal law relating to sentencing in areas of obstruction of justice and anabolic steroids. Both provisions are necessary to continue to properly implement Federal sentencing laws, and I, therefore, urge my colleagues to support the bill.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1368.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

IMMIGRATION RELIEF FOR HURRICANE KATRINA VICTIMS ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3827) to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes.

The Clerk read as follows:

H.R. 3827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration Relief for Hurricane Katrina Victims Act of 2005".

SEC. 2. SPECIAL IMMIGRANT STATUS.

(a) In General.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a(27)), if the alien—

(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) Aliens Described.—

(1) Principal aliens.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary of Homeland Security on or before August 29, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified hurricane disaster that had as a consequence—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) Spouses and children.—

(A) In general.—An alien is described in this subsection if—

(i) the alien was, on August 29, 2005, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 29, 2007.

(B) Construction.—For purposes of construing the terms "accompanying" and "following to join" in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) Grandparents of orphans.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a consequence of a specified hurricane disaster, if either of such deceased parents was, on August 29, 2005 a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) Priority Date.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary of Homeland Security under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) Numerical Limitations.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 3. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) Automatic Extension of Nonimmigrant Status.—

(1) In general.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 29, 2005, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a consequence of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien was, on August 29, 2005, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a consequence of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on August 29, 2005, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status due to a circumstance described in paragraph (3)(A) that is a consequence of a specified hurricane disaster, the alien's application shall be considered timely filed if it is filed not later than 180 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on August 29, 2005, if the alien was prevented from timely departing the United States due to a circumstance described in paragraph (3)(B) that is a consequence of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 30, 2005, and ending on the date of the alien's departure, if such departure occurs on or before December 31, 2005.

(3) CIRCUMSTANCES PREVENTING TIMELY ACTION.—

(A) FILING DELAYS.—For purposes of paragraph (1), circumstances preventing an alien from filing a timely application are—

(i) injury;

(ii) office closures;

(iii) mail or courier service cessations or delays; and

(iv) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(B) DEPARTURE DELAYS.—For purposes of paragraph (2), circumstances preventing an alien from timely departing the United States are—

(i) injury;

(ii) office closures;

(iii) airline flight cessations or delays; and

(iv) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2005 may be used by the alien during the period beginning on October 1, 2005, and ending on April 1, 2006, if the alien establishes that the alien was prevented from using it during fiscal year 2005 due to a circumstance described in paragraph (4) that is a consequence of a specified hurricane disaster.

(2) WORLDWIDE LEVEL.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1) or (3), the alien shall be counted as a diversity immigrant for fiscal year 2005 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2006.

(3) TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2005, if such principal alien died as a consequence of a specified hurricane disaster, the aliens who were, on August 29, 2005, the spouse and children of such principal alien shall, until June 30, 2006, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act as if the principal alien were not deceased and as if the spouse or child's visa application had been adjudicated by September 30, 2005.

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2005 are—

(A) office closures;

(B) mail or courier service cessations or delays;

(C) airline flight cessations or delays; and

(D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(d) EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before February 26, 2006 if the alien was unable to effect entry into the United States due to a circumstance described in paragraph (2) that is a consequence of a specified hurricane disaster, then the period of validity of the visa is extended until February 26, 2006, unless a longer period of validity is otherwise provided under this Act.

(2) CIRCUMSTANCES PREVENTING ENTRY.—For purposes of paragraph (1), circumstances preventing an alien from effecting entry into the United States are—

(A) destruction of, or damage rendering uninhabitable, the intended residence of the alien;

(B) a legal prohibition on inhabiting or accessing the intended residence of the alien;

(C) office closures;

(D) airline flight cessations or delays; and

(E) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(e) GRANTS OF PAROLE EXTENDED.—

(1) IN GENERAL.—In the case of any parole granted by the Secretary of Homeland Security under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after August 26, 2005, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date due to a circumstance described in paragraph (2) that is a consequence of a specified hurricane disaster, the parole is deemed extended for an additional 90 days.

(2) CIRCUMSTANCES PREVENTING RETURN.—For purposes of paragraph (1), circumstances preventing an alien from timely returning to the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(f) VOLUNTARY DEPARTURE.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure of an alien under such section expired during the period beginning on August 26, 2005, and ending on October 26, 2005, and the alien was unable voluntarily to depart as a consequence of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

SEC. 4. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a consequence of a specified hurricane disaster, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to be an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a consequence of a specified hurricane disaster, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien (or a parent or guardian of the alien) files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien (or parent or guardian) described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) UNCONDITIONAL STATUS.—An alien who obtains the status of an alien lawfully admitted for permanent residence pursuant to this subsection shall not be considered to have obtained such status on a conditional basis, and shall not be subject to section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a).

(b) Spouses, Children, Unmarried Sons and Daughters of Lawful Permanent Resident Aliens.—

(1) In general.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 29, 2005, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) Self-petitions.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary of Homeland Security, if the spouse, child, .son, or daughter was present in the United States on August 29, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a consequence of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(4) Unconditional status.—An alien who obtains the status of an alien lawfully admitted for permanent residence pursuant to this subsection shall not be considered to have obtained such status on a conditional basis, and shall not be subject to section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a).

(c) Applications for Adjustment of Status by Surviving Spouses and Children of Employment-Based Immigrants.—

(1) In general.—Any alien who was, on August 29, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a consequence of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) Applications for Asylum or Admission as Refugee by Surviving Spouses and Children of Asylees and Refugees.—

(1) Asylum.—

(A) In general.—Any alien who was, on August 29, 2005, the spouse or child of an individual described in subparagraph (B), may have the alien's eligibility to be granted asylum determined under section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) as if such individual had not died.

(B) Principals described.—An individual is described in this subparagraph if the individual—

(i) died as a consequence of a specified hurricane disaster; and

(ii) before such death, was granted asylum under section 208 of such Act (8 U.S.C. 1158).

(2) Admission as a refugee.—

(A) In general.—Any alien who was, on August 29, 2005, the spouse or child of an individual described in subparagraph (B), may have the alien's eligibility to be admitted to the United States as a refugee determined under section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) as if such individual had not died.

(B) Principals described.—An individual is described in this subparagraph if the individual—

(i) died as a consequence of a specified hurricane disaster; and

(ii) before such death, was admitted to the United States as a refugee under section 207 of such Act (8 U.S.C. 1157).

(e) Waiver of Public Charge Grounds.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 5. NATURALIZATION.

(a) In General.—With respect to an applicant for naturalization who resided, on August 29, 2005, within a portion of a district of U.S. Citizenship and Immigration Services that was declared by the President to be affected by a specified hurricane disaster, the Secretary of Homeland Security may administer the provisions of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) without regard to any provision of such title otherwise requiring residence to be maintained, or any other action to be taken, in any specific State or district of U.S. Citizenship and Immigration Services.

(b) Court Authority to Administer Oaths.—Notwithstanding section 310(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(1)), with respect to an applicant for naturalization described in subsection (a), an eligible court (as defined in section 310(b)(5) of such Act (8 U.S.C. 1421(b)(5))) may administer the oath of allegiance under section 337(a) of such Act (8 U.S.C. 1448(a)) to the applicant regardless of whether the applicant is permanently residing within the jurisdiction of the court.

SEC. 6. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) In General.—In the case of an nonimmigrant alien described in subsection (b), the alien's nonimmigrant status shall be considered to have been maintained during the period beginning on August 29, 2005, and ending on February 1, 2006, if, on February 1, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 29, 2005.

(b) Aliens Described.—An alien is described in this subsection if the alien—

(1) was, on August 29, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a consequence of a specified hurricane disaster.

SEC. 7. NOTICES OF CHANGE OF ADDRESS.

(a) In General.—In the case of any notice of change of address otherwise required to be submitted to the Secretary of Homeland Security by an alien described in subsection (b)—

(1) if the notice relates to a change of address occurring during the period beginning on August 29, 2005, and ending on November 15, 2005, the alien shall have until December 1, 2005, to submit such notice; and

(2) if the notice relates to a change of address occurring during the period beginning on November 16, 2005, and ending on February 16, 2006, the alien shall have until February 28, 2006, to submit such notice.

(b) Aliens Described.—An alien is described in this subsection if the alien—

(1) resided, on August 29, 2005, within a district of U.S. Citizenship and Immigration Services that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary of Homeland Security in writing of a change of address.

SEC. 8. TEMPORARY ADMINISTRATIVE RELIEF.

The Secretary of Homeland Security, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on August 29, 2005;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a consequence of a specified hurricane disaster; and

(3) is not otherwise entitled to relief under any other provision of this Act.

SEC. 9. EMPLOYMENT VERIFICATION DURING EFFECTIVENESS OF MAJOR DISASTER DECLARATION.

(a) In General.—Section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) is amended—

(1) in subparagraph (A), by striking "The person" and inserting "Subject to subparagraph (F), the person"; and

(2) by adding at the end the following:

"(F) Special rule during major disaster declaration.—In a case in which the President has declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary of Homeland Security may provide, in the Secretary's sole and unreviewable discretion and only during the period in which such declaration is in effect, that a person or other entity hiring, recruiting, or referring an individual for employment in the United States is not required to make the attestation or conduct the verification required under subparagraph (A) until, at the latest, 90 days after the hiring, recruitment, or referral, if the individual hired, recruited or referred attests under penalty of perjury at the time of being hired, recruited, or referred that the individual does not possess the documents necessary to satisfy clause (i) or (ii) of subparagraph (A) as a result of such disaster.".

(b) Conforming Amendment.—Section 274A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(2)) is amended by adding at the end the following:

"Paragraph (1)(F) shall not be construed to affect the obligation under the preceding sentence.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to hiring, recruitment, or referral of an individual for employment in the United States occurring on or after August 29, 2005.

SEC. 10. REPLACEMENT OF DOCUMENTS EVIDENCING IDENTITY AND EMPLOYMENT AUTHORIZATION FOR VICTIMS OF HURRICANE KATRINA.

(a) IMMEDIATE ASSISTANCE.—

(1) DOCUMENT REPLACEMENT.—The Secretary of Homeland Security is authorized to provide immediate assistance in States in which persons displaced by a specified hurricane disaster are residing for the purpose of replacing for such persons documents that were—

(A) previously issued by the Secretary and described in subparagraph (B), (C), or (D) of section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)); and

(B) lost, stolen, or destroyed due to such disaster.

(2) SUBSTITUTE.—Where replacement of a document described in paragraph (1) is not feasible, the Secretary of Homeland Security may provide to a displaced person described in such paragraph a temporary substitute document.

(b) PROCEDURES FOR DOCUMENT REPLACEMENT.—The Secretary of Homeland Security shall ensure that, when the Secretary replaces (or provides a temporary substitute for) a document relating to an alien and described in subparagraph (B), (C), or (D) of section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) that was lost, stolen, or destroyed due to a specified hurricane disaster, the Secretary—

(1) authenticates information using biometric identifiers contained in records of the Department of Homeland Security; and

(2) annotates the records in U.S. Citizenship and Immigration Services information systems in such a way as to indicate that the replacement or substitute document was issued in the absence of an original due to such disaster.

(c) WAIVER OF FEES FOR DATABASE ACCESS.—

(1) U.S. CITIZENSHIP AND IMMIGRATION SERVICES.—The Director of U.S. Citizenship and Immigration Services is authorized to waive fees and costs associated with a request, made by a person or agency described in paragraph (2), for use of the Verification Information System database associated with the Systematic Alien Verification for Entitlements Program in order to verify immigration status or employment eligibility with respect to a displaced person described in subsection (a)(1).

(2) REQUESTING PERSONS.—The persons described in this paragraph are as follows:

(A) Employers.

(B) State or local government agencies.

(C) The American National Red Cross.

(D) Organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code whose mission is to assist displaced persons described in subsection (a)(1).

SEC. 11. AGE-OUT PROTECTIONS.

In administering Federal immigration laws, the Secretary of Homeland Security may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of a principal applicant or beneficiary) reaching an age that would render the applicant or beneficiary ineligible for the relief or benefit sought, if the failure to meet the age requirement is a consequence of a specified hurricane disaster.

SEC. 12. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish appropriate standards for evidence demonstrating, for purposes of this Act, that any of the following occurred as a consequence of a specified hurricane disaster.

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) DEATH CERTIFICATES.—The standards established under subsection (a) shall authorize the Secretary to make a determination of death in the absence of a death certificate, where appropriate.

(c) AFFIDAVIT OF SURVIVING SPOUSE.—For purposes of a benefit under section 2, or subsection (b) or (c) of section 4, that is conditioned on the beneficiary having been the spouse of an individual who died as a consequence of a specified hurricane disaster, the standards established under subsection (a) shall authorize the Secretary to make a determination of death based on the sworn affidavit of such surviving spouse, in the absence of evidence to the contrary.

SEC. 13. WAIVER OF REGULATIONS.

The Secretary of Homeland Security shall carry out this Act as expeditiously as possible. The Secretary of Homeland Security is not required to promulgate regulations prior to implementing this Act.

SEC. 14. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this Act, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this Act.

(b) SPECIFIED HURRICANE DISASTER.—For purposes of this Act, the term "specified hurricane disaster" means any major disaster resulting from Hurricane Katrina declared by the President under the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3827, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Hurricane Katrina has devastated the lives of hundreds of thousands of individuals living along the gulf coast. This population includes legal aliens who may now face hardships under our immigration laws as a result of being displaced by the storm or, worse yet, due to the loss of a loved one. Today we have the opportunity to provide humanitarian relief to these hurricane victims by passing H.R. 3827.

I have worked with my ranking member, the gentleman from Michigan (Mr. CONYERS), to develop this legislation to help law-abiding aliens and their families avoid unfair consequences and get back on their feet. It is similar to the relief that we provided in the USA PATRIOT Act of 2001 for the legal immigrant victims of September 11. I will briefly outline some of the bill's most significant provisions.

First, the bill provides special immigration status to individuals whose immigration petitions were nullified as a result of Hurricane Katrina. This relief would be available to aliens who were the beneficiary of an immigration petition or labor certification application before Katrina struck if the petitioner or applicant died or was disabled or, in the case of an employment-based petition, the placement was destroyed.

Grandparents of orphans are also provided special immigration status in cases where both parents died as a result of the hurricane, if at least one of those parents was a citizen or legal permanent resident.

The bill also allows spouses and children of citizens and legal permanent residents who died as a consequence of the hurricane to continue their petitions as if the death had not occurred. Without this relief, many spouses and children would have their visa petitions nullified. This legislation also provides similar relief for the immediate relatives of asylees and refugees who died because of the hurricane.

Many people were displaced from their homes and stranded in other locations during and after Hurricane Katrina. As a result, there may be instances in which an alien might not be able to meet the deadline set forth in our immigration laws. This bill provides an extension of status until December 31 for nonimmigrant aliens who were lawfully present on the date of the hurricane but who were unable to timely depart the country as a result of Hurricane Katrina.

H.R. 3827 also provides relief for individuals who were the recipients of immigrant visas but who were not able to use them immediately as a consequence of the hurricane. Additionally, this bill assists aliens, lawfully in the United States on student visas, by preventing them from falling out of status due to hurricane-related circumstances, provided they are reenrolled in another qualifying school by February 1, 2006.

Undoubtedly, some lawful aliens lost their green cards and other federally issued work authorization documents as a result of Hurricane Katrina.

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In order to help these people get back on their feet as soon as possible, this bill authorizes expeditious replacement of these documents. Further, the bill allows employers to make jobs available to citizens and aliens who lost their work authorization documents in the hurricane. Employers will be required to check the documents of these workers within 90 days after the worker has received replacement documents. Individuals will be able to begin working and supporting themselves and their families while providing sufficient time for the employee to obtain replacement documents.

Finally, for individuals who resided in the hurricane-affected regions, this legislation allows individuals to take the oath of citizenship in any Federal court without regard to residence.

Mr. Speaker, the Immigration Relief for Hurricane Katrina Victims Act of 2005 is one more way we can help gulf coast residents rebuild their lives. I urge my colleagues to support this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3827 was introduced by the gentleman from Wisconsin (Chairman SENSENBRENNER); the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS); and the ranking member of the Subcommittee on Immigration, the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. Speaker, among the many tragic consequences of Hurricane Katrina, immigrants and foreign visitors lost important immigration benefits: as the gentleman from Wisconsin (Mr. SENSENBRENNER) indicated, spouses who had filed family-based visa petition on behalf of their family members who may have died, and that obviously nullifies those petitions. This bill would provide special immigration status for the surviving family members.

Another example is the plight of foreign students who lost their schools in the hurricane. This bill would allow them to continue their student status at a new school if they can resume their studies by February 1. This bill was the result of bipartisan cooperation, and I urge my colleagues to support the Immigration Relief for Hurricane Katrina Victims Act of 2005.

Ms. JACKSON-LEE of Texas. Mr. Speaker, hurricane Katrina may be the worst natural disaster to hit the United States in the last hundred years. As of September 15, 2005, Federal disaster declarations have been issued which cover 90,000 square miles of affected areas. More than 71,100 federal personnel have been deployed; 122,000 people are housed in shelters throughout the 50 states and the District of Columbia; and 509,000 households have received $1.1 billion in disaster assistance.

As the ranking member of the Subcommittee on Immigration, Border Security, and Claims, I also am concerned about the impact the hurricane has had on the foreign nationals who were residing in the disaster area. I rise today in support of a bipartisan bill that was introduced by my colleague Congressman F. JAMES SENSENBRENNER which would provide relief to these disaster victims too, the Immigration Relief for Hurricane Katrina Victims Act of 2005. I am pleased to be an original cosponsor of this bill.

I want to thank Congressman SENSENBRENNER for his leadership on this issue and for his willingness to work with me and with my colleague, Congressman JOHN CONYERS, in drafting the provisions of the bill. The Immigration Relief for Hurricane Katrina Victims Act is an example of what can be accomplished when we work together.

Among other things, it would provide special immigrant status for aliens who were the beneficiaries of immigrant petitions or labor certification applications pending on the date of Hurricane Katrina's arrival. It also would provide special immigrant status for the grandparents of orphans in cases where both parents died as a consequence of the hurricane and one of the parents was a citizen or a lawful permanent resident.

It would provide nonimmigrant status for aliens who were disabled, or whose spouse or parent died or was disabled, as a consequence of Hurricane Katrina. It would provide that the spouses and children of citizens who died as a consequence of the hurricane would continue to be considered "immediate relatives" for visa petition purposes.

It would provide further that the spouses, children, and unmarried sons and daughters of lawful permanent residents who died as a consequence of the hurricane while a visa petition was pending in their behalf, would continue to be eligible for the preference classification they would have had if the deaths had not occurred.

The Immigration Relief for Hurricane Katrina Victims Act would provide relief for nonimmigrant students and exchange program participants by giving them enough time to enroll in a new program.

The Immigration Relief for Hurricane Katrina Victims Act also would provide a variety of fixes for administrative problems. For instance, it would extend the deadline for notifying the Department of Homeland Security regarding a change of address. It would allow the Secretary of Homeland Security to postpone employment eligibility requirements for employers for a 90-day period when a natural disaster has been declared.

It would authorize the Secretary to provide immediate assistance for replacing documents issued by the Secretary that were lost, stolen, or destroyed due to the hurricane. Where replacement of a document is not feasible, the Secretary would be authorized to issue temporary substitute documents.

One of my goals in working on this bill was to ensure that people will be able to establish eligibility for the relief that they are entitled to receive. For instance, it may not be possible to obtain a death certificate as proof that a spouse or parent was killed by the hurricane. The Immigration Relief for Hurricane Katrina Victims Act would provide the Secretary with the authority to make a determination of death in the absence of a death certificate where this is appropriate. In other situations, it would authorize the Secretary to make the death determination solely on the basis of a sworn affidavit.

I urge you to vote for the Immigration Relief for Hurricane Katrina Victims Act of 2005.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3827.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

KARL MALDEN STATION

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3667) to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

The Clerk read as follows:

H.R. 3667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KARL MALDEN STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, shall be known and designated as the "Karl Malden Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Karl Malden Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise to consider H.R. 3667. This worthwhile legislation, introduced by the distinguished ranking member of the committee, the gentleman from California (Mr. WAXMAN), designates the postal facility located at 200 South Barrington Street in Los Angeles, California, as the Karl Malden Station.

Born to immigrant parents in Chicago in 1912, Karl Malden worked for several years within the steel factories of Gary, Indiana. He attended acting school, and as a young man he moved to New York City. At age 25, he made his Broadway debut in 1937. Malden's promising career was interrupted during World War II when he served the Nation in the Air Force.

Following the war, Mr. Malden transitioned from stage to screen where he immediately won an Oscar for his portrayal of Mitch in "A Streetcar Named Desire," the famous Tennessee Williams show. Mr. Malden's list of other prestigious films includes "On the Waterfront," "Baby Doll," and "Cheyenne Autumn."

Mr. Malden became a television star. Perhaps his most notable TV role was in the 1970s police drama, "The Streets of San Francisco." The show ran from 1972 until 1977 and starred Malden as Detective Lt. Mike Stone alongside a young actor by the name of Michael Douglas as Inspector Steve Keller.

Notably, Malden won an Emmy for his performance in the 1984 TV miniseries "Fatal Vision." Malden's career peaked when he was elected president of the Academy of the Motion Picture Arts and Sciences in 1988. Mr. Malden recently completed a book entitled, "When Do I Start: A Memoir."

In October of 2003, Malden was named the 40th recipient of the Screen Actor's Guild's Life Achievement Award for career achievement and humanitarian accomplishments.

This post office in Los Angeles, California, will be a fitting tribute to his legacy and his pursuit of excellence in the theater arts.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3667, legislation naming a post office in Los Angeles, California, after Karl Malden. This bill, which was jointly introduced by the gentleman from California (Mr. WAXMAN) and the gentleman from New York (Mr. MCHUGH) on September 7, 2005, was unanimously reported by our committee on September 15.

Karl Malden was born in Chicago, and at the age of 5 moved to Gary, Indiana. After high school, he attended and graduated from the Goodman Theater Dramatic School. He met his wife at Goodman, and they moved to New York City, my hometown, when Broadway called.

Karl began his acting career on Broadway in 1937 before entering the film industry in 1940. His acting career was interrupted by World War II where he served as a noncommissioned officer in the U.S. 8th Air Force. When he returned from the war, Karl Malden moved from Broadway to film.

His first appearance on the small screen was the movie "They Knew What They Wanted" in 1940, and in 1951 he won the Academy Award for the Best Supporting Actor in "A Streetcar Named Desire." He appeared in over 50 different films. These films included "On the Waterfront" in 1954, "Pollyanna" in 1960, "How the West Was Won" in 1962, and "Patton" in 1970, in which he played the role of Omar Bradley. His notable TV appearances included "The Streets of San Francisco" and the film "The Hijacking of Achille Lauro" in 1989, and a series of commercials for American Express in the 1970s and 1980s in which he delivered the now-famous line "Don't leave home without it."

In October 2003, Karl Malden was named the 40th recipient of the Screen Actors Guild's Lifetime Achievement Award. Mr. Malden has lived in Brentwood, California since 1960 and served for nearly 15 years as a member of the Citizens' Stamp Advisory Committee which selects the subjects and design of postal issues. I am pleased to note that four of Mr. Malden's colleagues on the advisory committee, Cary Brick, Michael Brock, Jean Firstenberg and Ron Robinson, contacted the gentleman from California (Mr. WAXMAN) and the gentleman from New York (Mr. MCHUGH) requesting that this legislation naming the Brentwood post office in Mr. Malden's honor be introduced and passed. His colleagues viewed the designation as a fitting tribute to his dedication and service, and we agreed and reported it out unanimously from the committee.

I commend my colleagues for seeking to honor the legacy of Karl Malden, a distinguished actor and active member of his community. I would like to thank the House leadership and the gentleman from Virginia (Chairman TOM DAVIS) for moving so quickly on this legislation, and I would also like to acknowledge the hard work of the gentleman from California (Mr. WAXMAN) and his staff; the gentleman from New York (Mr. MCHUGH) and his chief of staff, Robert Taub; and Michael Layman of the chairman's staff. I join my colleagues on the committee in urging the swift passage of this legislation.

Mr. WAXMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3667, which names a post office in Brentwood, California after Karl Malden. This bill, jointly sponsored by me and my colleague, Representative MCHUGH was unanimously reported by the Government Reform Committee on September 15, 2005.

Mr. Malden, a 93-year-old World War II veteran and Oscar-winning actor, has lived in Brentwood, California since 1960. He has served for nearly 15 years as a member of the United States Postal Service Citizens' Stamp Advisory Committee, which selects the subjects and design of postal issues.

Mr. Malden's colleagues on the Advisory Committee believe that naming a post office in his honor would be a fitting tribute to his many years of service to the mission of the United States Postal Service. I agree, and I am very pleased that this bill will make that happen.

I wish to thank my colleague, Representative MCHUGH, Chairman DAVIS, and the members of the Citizen's Stamp Advisory Committee for their work to honor Mr. Malden. I want to extend a special thank you to Michael Layman, professional staff member to Chairman DAVIS, and Robert Taub, chief of staff to Representative MCHUGH for their hard work in getting this bill through committee to the House floor.

Mrs. MALONEY. Mr. Speaker, I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3667.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JACOB L. FRAZIER POST OFFICE BUILDING

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3767) to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

The Clerk read as follows:

H.R. 3767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JACOB L. FRAZIER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, shall be known and designated as the "Jacob L. Frazier Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jacob L. Frazier Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3767. This legislation, introduced by the very distinguished Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and cosponsored by the entire Illinois State delegation, recognizes the remarkable life of an amazing young man.

Staff Sergeant Jacob Frazier of the 169th Air Support Operation Squadron, 182nd Airlift Wing, Illinois Air National Guard loved his family, and he loved his country.

Growing up, he was an outstanding football player and golfer. He was also a member of the school choir at Burlington Central High School in Burlington, Illinois. After graduation from high school, he joined the Illinois Air National Guard. Sergeant Frazier was an integral contributor to America's fight in the war on terror.

Sadly, he was killed during an ambush on his reconnaissance convoy in southern Afghanistan on March 29, 2003. He was 24 years old. During the mission, Jacob was bravely serving with the Army's Green Berets as part of a special operations team.

Mr. Speaker, Jacob was survived by his fiancee, Jessica Fregin; his loving parents, Joyce and Jim Frazier; and four loyal siblings, two sisters, Jessica and Kathryn, and two brothers, Zachary and Daniel.

I know this legislation meant a great deal to the Speaker, and I salute him for advancing H.R. 3767. This is such a deserved memorial for Jacob, to whom all American citizens owe a solemn debt. I know my colleagues will join the Speaker and me in support of this bill to honor Jacob Frazier's priceless life and his immeasurable contributions to our Nation.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am very pleased to join my colleagues in the consideration of H.R. 3767, which designates a postal service in St. Charles, Illinois, after the late Jacob L. Frazier.

This legislation was introduced by the gentleman from Illinois (Mr. HASTERT) on September 14 and unanimously passed out of the Committee on Government Reform on September 15. This legislation has the support and cosponsorship of the entire Illinois delegation.

Jacob Frazier, 24, was a staff sergeant in the U.S. Air Force attached to special forces. A native of St. Charles, he enlisted in the Illinois Air National Guard in 1997. He was assigned to the 169th Air Support Operations Squadron, 182nd Airlift Wing in Peoria, Illinois.

Sadly, Staff Sergeant Frazier died on March 23, 2003, from wounds sustained from an ambush in Geresk, southern Afghanistan. He was the Illinois Air National Guard's first combat casualty in Afghanistan.

Jacob Frazier leaves behind his parents, Jim and Joyce; four younger siblings, sisters Jessica and Kathryn, and twin brothers, Zachary and Daniel; his fiancee, Jessica Fregin; and a host of other family members.

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Mr. Speaker, it is always an honor to stand on the House floor and recognize the ultimate sacrifice of a soldier. Our thoughts and prayers are with the Frazier family and Ms. Fregin. It is indeed proper and fitting that we honor Staff Sergeant Jacob Frazier by designating the St. Charles Post Office, and I urge the swift passage of this legislation.

Mr. HASTERT. Mr. Speaker, I rise today in support of H.R. 3767, a bill to designate the U.S. postal facility at 2600 Oak Street in St. Charles, Illinois, the Jacob L. Frazier Post Office Building.

I thank the entire Illinois delegation for co-sponsoring this legislation honoring Jacob L. Frazier, the first soldier from my district to lose his life in the War on Terror.

Staff Sergeant Jacob Frazier served as a tactical air controller with the Illinois National Guard 182nd Airlift Wing based in Peoria, Illinois.

Jacob was killed while working with the Army's elite Green Berets on March 29, 2003.

His team was ambushed in a southern province of Afghanistan as it returned from touring a clinic and school that were recently built with American aid.

Staff Sergeant Jacob Frazier was 24 years old.

He left behind his proud and loving family, parents Joyce and Jim, sisters Jessica and Kathryn, brothers Zachary and Daniel, and fiancee Jessica Fregin.

To his family, Jacob was more than a brother and son—he was a compassionate and loyal friend.

To his classmates at Burlington Central High School in Burlington, Illinois, Jacob was a natural leader who consistently thought of others before himself.

And to his fellow soldiers, Jacob was the tireless worker who never turned down a mission.

Faced with unlimited potential in his young life, Jacob made the courageous and conscious decision to put himself in harm's way to defend the people and ideals of his country.

It is only because of such selflessness that our Nation enjoys peace and freedom at home—and we must never forget his sacrifice.

By dedicating the St. Charles postal facility in Jacob's name, we ensure that his legacy will carry on for years to come.

Family, friends and community members will have an enduring reminder of the man they knew and loved.

And those who never had the honor of meeting Jacob will be reminded of the American patriot who set aside his self-interest and safety to achieve a greater good.

Further, the Jacob L. Frazier Post Office will serve as a memorial to all the brave men and women from the Fox Valley who have given their lives while serving this great Nation.

Once again, I thank the members of the Illinois delegation for co-sponsoring this legislation and urge my colleagues to approve H.R. 3767 and create a lasting memory for this truly great American.

Mrs. MOLONEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I urge all Members to join me in passage of H.R. 3767.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3767.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE WEST OAHU LITTLE LEAGUE BASEBALL TEAM FOR WINNING THE 2005 LITTLE LEAGUE WORLD SERIES

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 429) congratulating the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series.

The Clerk read as follows:

H. RES. 429

Whereas on Sunday, August 28, 2005, the West Oahu Little League baseball team of Ewa Beach, Hawaii, defeated the Curacao Little League team by a score of 7-6 to win the 2005 Little League World Series Championship at South Williamsport, Pennsylvania;

Whereas the Championship game was one of the most exciting in Little League history, with West Oahu overcoming a 3-run deficit and winning the game in the seventh inning;

Whereas the 2005 West Oahu Little League World Championship team consists of players Layson "Kaeo" Aliviado, Harrison Kam, Ty Tirpak, Zachary Ranit, Ethan Javier, Vonn Fe'ao, Quentin Guevara, Sheyne Baniaga, Michael Memea, Zachary Rosete, Myron "Kini" Enos, Jr., Alaka'i Aglipay, Manager Layton Aliviado, Dugout Coach Tyron Kitashima, and First Base Coach Clint Tirpak;

Whereas the championship victory of the West Oahu Little League Baseball Team testifies to the sportsmanship, hard work, and dedication of its members; and

Whereas the achievement of the West Oahu Little League Baseball Team is the cause of enormous pride for the Nation, the State of Hawaii and the community of Ewa Beach: Now, therefore, be it

Resolved, That the House of Representatives congratulates the West Oahu Little

League Baseball Team on its victory in the 2005 Little League World Series Championship games.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker the West Oahu Little League Baseball team in Ewa Beach, Hawaii defeated Curacao by a score of 7-6 to win the 2005 Little League World Series Championship at South Williamsport, Pennsylvania on August 28. This resolution congratulates the team, their coaches, their parents, families, and friends for their incredible journey to the world championship.

Mr. Speaker, this was the first American team to win the World Series since Louisville, Kentucky defeated Japan in 2002. The road to the world championship and the experience of playing against the best players in the world at their age will be remembered and cherished by these young men for the rest of their lives.

I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for introducing this measure on behalf of the Ewa Beach Little League championship team.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on August 28, 2005, the West Oahu Little League Baseball team, hailing from Ewa Beach, Hawaii, won the Little League World Series championship in South Williamsport, Pennsylvania. They beat the defending champions from Willemstad, Curacao by a score of 7–6 in dramatic fashion.

Trailing for much of the game, the West Oahu team rallied in the bottom of the sixth inning, evening the score at 6-6 and sending the game into extra innings. The first batter in the bottom of the seventh inning hit a spectacular home run over the center field wall to seal the victory for the West Oahu team, the first Little League World Series champions in the history of the State of Hawaii.

The West Oahu victory in the 59th Little League World Series championship is and likely will remain one of the most exciting finishes in the championship's storied history. The hard work and dedication of West Oahu team members and their coaches and their families and friends are reflected in this tremendous accomplishment.

I hope my colleagues will join me in congratulating this team in their momentous achievement in winning the Little League World Series championship.

Mr. Speaker, I yield 3 minutes to the gentleman from the great State of Hawaii (Mr. ABERCROMBIE), the author of this resolution.

Mr. ABERCROMBIE. Mr. Speaker, I rise to speak in favor of House Resolution 429, as one might imagine.

As has been indicated, on Sunday August 28, 2005, the West Oahu Little League team from Ewa Beach, Hawaii won the Little League World Series in South Williamsport, Pennsylvania. They overcame a three-run deficit to win the world championship by defeating the Curacao team 7–6 in an extra-inning cliff-hanger.

It was one of the most exciting championship games in Little League history. And I thank many of the Members, Mr. Speaker, who commented upon it to me when I returned to the House. They enjoyed it as well.

The 2005 West Oahu Little League championship team consists of players Layson "Kaeo" Aliviado, Harrison Kam, Ty Tirpak, Zachary Ranit, Ethan Javier, Vonn Fa'eo, Quentin Guuevera, Sheyne Baniaga, Michael Memea, Zachary Rosete, Myron "Kini" Enos, Jr., Alaka'i Aglipay, and Manager Layton Aliviado, dugout coach Tyron Kitashima, and first base coach Clint Tirpak.

In their quest for the championship, the West Oahu Little League team demonstrated the highest level of achievement, commitment, self-discipline, and sportsmanship. Their achievement has generated enormous pride in their hometown of Ewa Beach, throughout the State of Hawaii, and across the Nation.

Aloha, and a well-earned congratulations to the world championships: the West Oahu Little League team.

And may I conclude, Mr. Speaker, by thanking the chairman and the good representative from New York (Mrs. MALONEY) for their help in putting this resolution forward and for their support.

Mrs. MALONEY. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I am very happy to join the gentleman from Hawaii (Mr. ABERCROMBIE) in introducing this resolution. I also thank our colleagues for bringing it forward on to the floor to give us a chance to show our pride in our great Hawaii as well as our country.

I remember as a young boy being given a book by my parents. It was one of those Reader's Digest books of annotated inspirational stories, and in that book was a story of an American team who came from great odds to win the Little League World championship. I wish I could remember today what year that was or what team that was, but never in my wildest dreams would I have expected to be standing here on the floor of the House congratulating a team from my Hawaii for doing the exact same thing so many decades later.

Anybody that watched this team come through the brackets to win the championship of our Nation could not help but have incredible pride at their achievements, and anybody that watched that game watched one of the great sporting events in history when the team came back from incredible odds to tie the score and then go on through fierce determination to win the championship of the world, and a team from Ewa Beach, Hawaii. Such an amazing, amazing accomplishment for the boys from Ewa Beach. And as we watched that game, we saw not only the epitome of Little League, not only the epitome of our country, but the very epitome of team spirit and team aloha. We saw parents urging that team on. We saw willpower. We saw commitment. We saw fire coming out of that pitcher's eyes in the bottom of that last inning, and we saw that home run being hit off of sheer determination.

We are so proud in Hawaii of our Ewa Beach World Series champions. We are so proud of what we have accomplished. We are so proud to do this on behalf of our entire country.

I wish all of our team the very best as they go forward with their lives, having had the experience of their lives. And I wish to this House and to the Senate and to this Congress a great gratitude for being able to stand here and brag about the great team from Hawaii. Mahalo aloha.

Mrs. MALONEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

I do want to just personally, as one who loves baseball, who believes that baseball is America's pastime, congratulate this wonderful team and all of its supporters in the aloha State for bringing the trophy back to the United States of America.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Res. 429 congratulating the West Oahu Little League baseball team for winning the 2005 Little League Baseball World Series. I commend my good friends Mr. ABERCROMBIE and Mr. CASE for introducing this Resolution.

The West Oahu Little League baseball team truly deserves the accolades this Resolution bestows upon these young boys deserve to be recognized for their tremendous accomplishment as the first Little League World Series Champions from the state of Hawaii.

With one swing of the bat, the simple joy of baseball was transformed into a monumental achievement as Michael Memea's home run lifted the West Oahu Team to the Little League World Championship title. Now, this team is a source of great pride for Hawaii and for all Americans. Throughout the Series, people in Hawaii were glued to their television sets for news of the progress of the West Oahu team. When the travel-weary, newly crowned Champions arrived at the airport in Honolulu, they were greeted by a crowd of over 700 people, including Governor Lingle, Mayor Mufi Hanneman, and the state representatives from Ewa Beach.

The young men on this team and their coaches deserve the highest praise for winning the Little League World Series and I am proud to support this Resolution honoring their achievement.

Mr. CASE. Mr. Speaker, I rise with deep pride today to honor and congratulate the West Oahu Little League Baseball Team of Ewe Beach, Hawaii for winning the 2005 Little League World Series Championship in one of the most exciting championship games ever played, in any sport, any league!

It was almost a miracle that these champions, the very best of our Hawaii and country, even made it to the championship, fighting their way through some of the toughest brackets and past great teams from throughout our nation. And in the bottom of the sixth and last inning, down 6–3, their great coach, Layton Aliviado, told them: "If you guys want it, let's go get it."

That's exactly what the team did, scoring three runs to tie the game and send it into extra innings. Then, in the top of the first extra inning, a fiery and determined Vonn Fe'ao shut down opposing Curacao, last year's world champs, striking out the batters in order. And in the bottom of that inning, Jason Memea blasted a walk-off solo home run to win the game and world championship.

To all the members of our West Oahu team—Alaka'i Aglipay, Layson Aliviado, Sheyne Baniaga, Myron "Kini" Enos, Vonn Fe'ao, Quentin Guevara, Ethan Javier, Harrison Kam, Michael Memea, Zachary Ranit, Zachary Rosete, Ty Tirpak—and their coaches—Layton Aliviado, Tyron Kitashima and Clint Tirpak—mahalo nui loa—(thank you very much) for representing our state of Hawaii and the rest of our Nation with great pride and aloha that exemplifies "one team, one dream." You showed the heart of champions, epitomizing the best of baseball, sport, our Hawaii and the indomitable spirit of our country.

Mr. HONDA. Mr. Speaker, I rise today as Chair of the Congressional Asian Pacific American Caucus in strong support of H. Res. 429, introduced by my colleagues from Hawaii, Representatives ABERCROMBIE and CASE, to congratulate this year's Little League World Series Champions.

On Sunday, August 28, 2005, the West Oahu Little League Baseball team was thrust into the international spotlight by winning the Little League Baseball World Series. This victory brought enormous pride to the United States as well as the Asian and Pacific Islander American (APIA) community. In one of the most exciting championship game in Little League history, athletes and coaches from Eva Beach, Hawaii, primarily of APIA decent, exemplified the American "can-do-spirit" with a come from behind victory over the equally talented Little League team from Curacao.

For many of the international participants in the Little League World Series Championships, this tournament held in Williamsport, Pennsylvania is their first trip to the continental United States. This was also true for the team from West Oahu. Their dramatic victory is a testament to their determination, courage and perseverance.

Although the championship was ultimately delivered with one dramatic swing of the bat, getting to that position results from tremendous work, commitment and sacrifices made by players, coaches, volunteers, municipal park employees, teachers and most importantly the families of the players.

Mr. Speaker, let us encourage our young champions from Eva Beach to keep swinging for the fence, on and off the field and let them be role models for all of us.

Mr. GUTKNECHT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and agree to the resolution, H. Res. 429.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING GOLD STAR MOTHERS DAY

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 61) supporting the goals and ideals of Gold Star Mothers Day.

The Clerk read as follows:

H.J. RES. 61

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces, and thus perpetuate the memory of all whose lives were sacrificed in our wars;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Veterans' Administration, and aid the men and women who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout our history;

Whereas we honor ourselves and the mothers of America when we revere and emphasize the role of the home and the family as the true foundations of our Nation;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas September 25, 2005, is being recognized as Gold Star Mothers Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) supports the goals and ideals of Gold Star Mothers Day; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Gold Star Mothers is an organization that was founded back in 1928, and it is an organization that no one would ever want to join.

For the benefit of those who do not know, there is only one way that one can become a member of the Gold Star Mothers Association, and that is that they receive a message from the Pentagon, and normally that comes in the form of two uniformed officers coming to their door to inform them that they have lost a son or a daughter in combat.

The organization was started back in 1928 by a group of mothers who thought that they could help each other in the healing process by coming together. They also thought it was important to advance the goals of the United States of America and to continue to remind us about our patriotic responsibilities as Americans.

The Gold Star Mothers have been around a long time. In 1936 President Franklin Delano Roosevelt signed a proclamation designating that the fourth Sunday in September will be Gold Star Mothers Day, and, unfortunately, we as Americans began to forget that the fourth Sunday in September was designated as Gold Star Mothers Day.

A year ago I was at a special celebration in Rochester, Minnesota at our veterans memorial where they unveiled a new statue depicting a Gold Star Mother, and many of the veterans that were there and some of the leaders of that group asked if I would do all that I could to remind Americans that there is a special day for Gold Star Mothers and to do what I could to at least bring attention to the fact that the fourth Sunday this year, September 25, is

Gold Star Mothers Day. So we began that process almost a year ago of putting together this joint resolution of doing what we can to call attention to the fact, that they do have a special day and they deserve special recognition not only by Members of this House and the United States Congress but by all Americans. So we have put together this joint resolution. I am happy to say that we have well over 200 cosponsors in the House. And, frankly, I suspect if we were given enough time, we would have virtually every Member of this House in support of this joint resolution.

This is not about making any political statement of any kind. These are very special people. They deserve our recognition. This Sunday, September 25, is their day. So this joint resolution is just calling attention not only to the House, but hopefully to all Americans, that Gold Star Mothers are special people, they have a special day, and we recognize them on September 25.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the American Gold Star Mothers is an organization of women whose sons and daughters gave their lives in the service of their country. It is a group no one wishes to be a member of, but as their children answered the call of duty, so do mothers who are left behind.

Grace Darling Seibold was compelled to help others grieve and veterans heal upon learning of her own son's death in 1918 during World War I. "Realizing that self-contained grief is self-destructive," Seibold formed a group of grieving mothers to comfort not only each other but wounded soldiers as well.

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The group of 25 mothers who bonded by sacrifice and tragedy was formally established as Gold Star Mothers, Inc., on January 5, 1929. The Gold Star Mothers organization now consists of over 900 members. The organization assists veterans with benefit claims, families with funeral arrangements, and, of course, mothers with grief. The Gold Star Mothers are a true representation of the many levels of service and sacrifice that exists in the defense of our country.

The Gold Star Mothers are a true testament to American patriotism and should be recognized for their sacrifice. Mr. Speaker, I move that my colleagues in the Senate and the House of Representatives join me in recognizing the establishment of Gold Star Mothers Day.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend and colleague, the gentleman from Minnesota (Chairman GUTKNECHT), for offering this legislation. It is very timely and extremely important. I also thank him for his sensitivity to our Nation's Gold Star Mothers who have suffered so much.

I am proud to rise today, Mr. Speaker, to strongly support H.J. Res. 61, which recognizes a group of very, very special women, American's Gold Star Mothers. These women are from different parts of our great country and have different backgrounds, are of varying age, hold different beliefs, and practice different religions.

Despite so many differences, they share the same experience. Each of these women raised a young man or woman who served their country in the Armed Forces. Their children helped to bring freedom and promote peace and justice for those who have never felt its touch. Sadly, Mr. Speaker, each raised a young man or woman who gave their life for their country, the ultimate sacrifice.

These special women, the Gold Star Mothers of America, are members of a congressionally chartered organization. They are part of a group that had its beginning in the first great conflict of the 20th century, World War I. At the time, service flags were displayed on homes that had family members serving the country and blue stars were displayed for each family member in the Armed Forces. Eventually, as casualties grew, the blue stars were turned to gold stars in recognition of each servicemember who died for their country. In 1936, as my friend and colleague, the gentleman from Minnesota (Chairman GUTKNECHT), said, Congress designated the last Sunday in September as Gold Star Mothers Day.

Mr. Speaker, as we know, their loss is unimaginable, their pain is unspeakable; yet these women find the spirit to walk together simply for the benefit of others and to work very hard for the benefit of others, to make sure that each of us remembers the sacrifice of their son or beloved daughter. They have a unique ability to remind us of our noble cause, ensuring that we will forever remember that America's freedom originated and is maintained through a constant struggle that is still being fought today.

In addition, they remind us that the decision to send troops into harm's way is made with severe consequence, the loss of the precious life of a young American. The way in which these ladies channel their sorrow, their grief, their anger, to further the ideals to which their sons and daughters gave their lives, is truly remarkable.

The actions of these women are amazing. I have met them for years as a Member of this Congress. Every year we would have them testify before the House Committee on Veterans' Affairs, and then in meetings afterwards, as well as in my own district and State, and I have met with so many Gold Star Mothers who tell their stories of their son or daughter, often accompanied with tears.

But they can also teach us a very important lesson, Mr. Speaker. At a time when overt partisanship seems rampant, while our country yearns so desperately for its people to come together on so many fronts, the Gold Star Mothers represent the very best of American values and ideals. If they, despite their grief, can come together to provide so much to other veterans and the community at large, surely we can all take the time to let them know that their country is proud of them and salutes them on their Mothers Day.

Mrs. MALONEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume. I want to thank my colleague, the gentlewoman from New York (Mrs. MALONEY); and I especially want to thank my colleague, the gentleman from New Jersey (Mr. SMITH), for his very, very special speech that he just gave.

Mr. Speaker, I would like to recognize personally five very special women from my congressional district who have received that call or had that visit from military officials.

First, let me recognize Vickie Bruce from Rochester, Minnesota. Her son, Corporal Travis Bruce, graduated from Mayo High School in Rochester, Minnesota. He also served as a personal security officer for Ambassador Bremmer. He was killed in the line of duty March 23, 2005.

Marny Fasnacht from Janesville, Minnesota. Her son, First Lieutenant Michael Fasnacht of the U.S. Army, graduated from Minnesota State University in Mankato, Minnesota. He was an Army Ranger. He was hit by a remote bomb while on patrol in a Bradley fighting vehicle and died June 8, 2005.

Maria Bernal of Alden, Minnesota. Her son, Juan, graduated from Weslaco High School in Texas. He served in the Marines for 5 years. He was injured during security and stability operations in Anbar Province, Iraq. He died August 2, 2005.

Deb Goodnature, Clarks Grove, Minnesota. Her son, Chief Warrant Officer Corey Goodnature, served in the United States Army. He graduated from the University of Minnesota. He was in Special Operations, and he was a Night Stalker. He was shot down flying his helicopter in eastern Afghanistan and died June 28 of 2005.

Finally, let me recognize Norma Benson from Winona, Minnesota. Her son, Sergeant Mike Benson of the U.S. Army, was a Winona native. He had served 19 years in the United States military. He was a victim of a suicide bomb attack in Iraq. He died August 10 of 2005.

Mr. Speaker, this is not about making some political statement; it is simply about saying thank you, congratulations, we appreciate you, and recognizing that the fourth Sunday in September is Gold Star Mothers Day. They deserve this day. They deserve our appreciation.

Mr. MATHESON. Mr. Speaker, I rise today in support of a resolution honoring the Gold Star Mothers of America.

As a parent, I can only imagine the pain that is felt by surviving family members after the death of child. To the Gold Star Mothers in Utah and throughout our Nation, this nation is deeply in your debt. Your children served this great country of ours and they have paid the highest price. We can ask no more of any American.

In the past 3 years, I have had the honor and the privilege to meet many soldiers as they leave for war. These brave soldiers are not complaining in their last moments in America, rather, they are strong, and proud to serve this country. They remind me that the price of freedom is terribly high. It's a cost they have agreed to bear, but those of us here at home cannot take it for granted.

The American Gold Star Mothers organization was founded by Grace Darling Seibold after the death of her son in 1918, during World War I. Somehow, through her pain and her loss, Grace still managed to devote her time to organizing a group of other mothers who had lost soldiers in combat. In the years since the Gold Star Mothers was founded, these women have always honored fallen soldiers and they have channeled their own grief into lessening the pain of other families.

It's easy to talk about the sacrifices made by brave Americans, but the pain and the memories are always carried by the loved ones left behind. Many families have soldiers who come home wounded; some families have soldiers who do not make it home at all. The hardship that these families face may seem unbearable and it is our duty as members of Congress to do whatever we can to ease their burden.

Homes in Utah that have received Gold Stars, Purple Hearts, folded flags and last letters home know the price of freedom. They pray to end this war and all wars, so that others may be spared such a loss.

I believe that we will never be able to thank those soldiers and their families enough for the sacrifice that they make, but I do believe we should try. This resolution is one small way for us to honor mothers who have lost children in service to this nation. I am proud to support making September 25th Gold Star Mothers Day.

Mr. VISCLOSKY. Mr. Speaker, it is with great pride and respect that I wish to commend the mothers of Indiana's First Congressional District who have suffered the ultimate sacrifice of motherhood by losing sons and daughters who served in the Armed Forces. Their courage and perseverance perpetuate the memory of all whose lives were sacrificed in our wars.

In honor of Gold Star Mother's Day 2005, I would in particular like to recognize the mothers of the First Congressional District who have lost a child in Operation Enduring Freedom and Operation Iraqi Freedom. They are Katherine Brown, the mother of Army Specialist Adam J. Harting; Kim Greenberg, the mother of Army Specialist Nicholas R. Idalski; Summer Lipford, the mother of Army Private First Class Steven F. Sirko; Towina "Gail" Nightingale, the mother of Army Private First Class Nathan E. Stahl; Marie Lisa Campos Miranda, the mother of Army Private Luis Perez; Susan Amos, the mother of Army Private First Class John Amos; Janie Espinoza, the mother of Army Reserve Specialist Roy Russell Buckley; Roberta Rios, the mother of Marine Sergeant Duane R. Rios; Leslie Sanders, the mother of Army Specialist Gregory P. Sanders; the late Janet Winters, the mother of Marine Sergeant Jeannette L. Winters.

The Gold Star Mothers and the soldiers of the First Congressional District are powerful examples of service and sacrifice for us all. With dignity, bravery, and compassion, they have worked to promote patriotism, foster peace, and encourage goodwill. Their generosity of spirit has touched the lives of countless Americans and made certain that the selflessness they demonstrated in service to our country remains a prominent part of our national character. I speak for this entire body when I say that words cannot express the gratitude we have for these courageous individuals.

Gold Star Mother's Day was established in respect and recognition of the sacrifices our Gold Star Mothers have made. The Congress designated the last Sunday in September as "Gold Star Mother's Day" in 1936 and authorized and requested the President to issue a proclamation in observance of this day. This day is a fitting public salute of the sympathy and the respect that our Nation holds for its Gold Star Mothers.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring the mothers of the fallen heroes of the First Congressional District. Today, as we enjoy the peace and security our Nation has achieved through the sacrifices of American citizens, Gold Star Mothers can take solace in knowing that their sons and daughters left all humanity a legacy of invaluable meaning. Let us never forget the sacrifices they made to preserve the ideals of freedom and democracy.

Mrs. MUSGRAVE. Mr. Speaker, as our Nation honors Gold Star Mothers, I rise today to honor a Gold Star mother from Colorado. Everyone knows that teachers have a heart for kids. Marian Lutters from Burlington, Colorado, devoted much of her life to elementary students.

Before he left for Iraq, Mrs. Lutters' students were privileged to have her son Derrick come to her second grade classroom. He explained that he was going to Iraq as a soldier. He explained what the conflict was all about and what he wanted to accomplish. The young students were attentive and some of them later wrote letters to Derrick while he was in Iraq.

Sadly, Derrick Lutters lost his life in battle on May 1, 2005, during Operation Iraqi Freedom. Derrick's death was a tragedy for his family and the entire community. Small towns are like that—they are like family and very close knit. Derrick's friends and former coworkers were devastated by the loss.

Marian Lutters expressed how proud the entire family was of her son, "He said he wanted to protect people and help establish a better way of life, especially for children." Her words aptly honor her son's ultimate sacrifice.

Mrs. Lutters is supported by the entire community, and it is my desire that she also feels the continued respect, admiration, and heartfelt sympathy from the Members of Congress and Americans across the country.

Mr. Speaker, as our Nation honors Gold Star Mothers, I rise today to honor a Gold Star mother from Colorado. JoAnn Rehn was born and raised in Milbank, South Dakota, on a dairy farm called Schmidt Dairy. She married her husband Charles Rehn about 40 years ago. They had 3 sons. The oldest, Joe, the middle Randall, and Jimmy the youngest.

They moved to Colorado 33 years ago and settled in Longmont, where JoAnn lives today. For many years she has run a small business out of her home. She is a hardworking, industrious woman.

The military heritage comes from a great, great grandfather on the father's side. He was a Swedish General. JoAnn's son Randy joined the military in the mid-80's. Jobs were scarce, he was a gung-ho guy, and there was lots of opportunity in the military.

Sadly, Randy lost his life on April 3, 2003 in battle during Operation Iraqi Freedom. Despite the heartbreak of losing Randy, the family still believes he died for a noble cause. When asked why his mother should be honored, Randy's brother Joe said, "She believed in what he was doing, fighting for our freedom, and despite the loss, she would make the sacrifice again. Our freedom is worth more than dollars. Having Randy gone is a negative for me and our family. But here is the positive part: freedom for America is what it is all about and God bless everyone else that feels the same way."

Randy's brother Joe also thinks it is really hard on his Mom to hear about more soldiers being killed on the news everyday. "You have to continually re-live the loss over and over, and that makes moms and families hurt continually. Hopefully it ends soon and we can all move on," Joe said.

Up to 1,000 people attended Randy's funeral in Longmont, paying the highest respect to him and his loved ones. It is my hope that Randy Rehn's family, especially his dear mother, feels the continued respect, admiration, and heartfelt sympathy from Members of Congress and Americans across this great nation.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.J. Res. 61. In 1936, Congress designated the last Sunday in September as Gold Star Mothers Day. This resolution, of which I am a cosponsor, expresses the support of this House for the goals and ideals of Gold Star Mothers Day.

The American Gold Star Mothers are a group of mothers who have lost sons and daughters who served in the armed services. The group also assists veterans and their dependents in submitting claims to the Veterans Affairs Department.

The Gold Star Mothers are a true representation of the many levels of service and sacrifice that exists in the defense of our country.

Like many members across the country, the Gold Star Mothers in my district of El Paso, Texas, remind us of the never-ending bond between families. They remind us of the sacrifice that families of veterans make as they endure the fears and concerns of having loved ones overseas, and the loss of loved ones who never return.

Mr. Speaker, I urge my colleagues and this House to swiftly pass the resolution before us.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.J. Res. 61, Supporting the Goals and Ideals of Gold Star Mothers Day. I am proud to be a cosponsor of this important resolution, which honors the mothers of those who have made the ultimate sacrifice for our nation.

We often invoke the sacrifices of our nation's fallen in general. Seldom do we take the time to thank them and their families individually. In June and July of this year, I joined 21 other members from both sides of the aisle to read the names of each of our fallen on the house floor. I am pleased to have this opportunity to recognize an thank the mothers of these individual heroes.

President Franklin D. Roosevelt once wrote to the mother of a fallen serviceman, "He stands in the unbroken line of Patriots who have dared to die that freedom might live, and grow and increase its blessings. Freedom lives, and through it he lives, in a way that humbles the undertakings of most men."

Organizations such as American Gold Star Mothers keep the memory of these heroes alive, as they help fellow mothers and family members of the fallen work through the grief of losing a loved one. They are also actively involved in their communities, visiting VA hospitals, helping veterans with claims to the Veterans Administration and volunteering at patriotic and memorial services throughout the year.

Mr. Speaker, I would like to echo the words of President Abraham Lincoln, who wrote to the mother of five fallen soldiers in the Civil War: "I pray that our heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the alter of freedom."

We owe gold star mothers and their families a debt that can never be fully repaid. I hope all Americans will take this opportunity to recognize and thank America's Gold Star Mothers.

Mr. GUTKNECHT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the joint resolution, H.J. Res. 61.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MALONEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 250, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 451 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 451 is a structured rule. It provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on Science and now printed in the bill shall be considered as an original bill for the purpose of amendment, and shall be considered as read.

It waives all points of order against the committee amendment in the nature of a substitute. It makes in order only those amendments printed in the Committee on Rules report accompanying the resolution. It provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

It waives all points of order against the amendments printed in the report, and it provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in support of House Resolution 451 and its underlying bill, H.R. 250, the Manufacturing Technology Competitiveness Act of 2005.

Mr. Speaker, I first want to recognize the contributions of the Committee on Science chairman, the gentleman from New York (Mr. BOEHLERT); the gentleman from Tennessee (Ranking Member GORDON); the gentleman from Oregon (Ranking Member WU); and the gentleman from Michigan (Subcommittee Chairman EHLERS), of course, the author of H.R. 250. I thank all of them for this timely piece of legislation.

Today, the House has an opportunity to consider legislation that will make the United States even more competitive in the global economy. Through the establishment of an interagency committee to coordinate Federal manufacturing research and development efforts, H.R. 250 provides many useful tools to keep the United States on the cutting edge of technological and manufacturing innovation.

H.R. 250 would direct the President to establish or designate an interagency committee on manufacturing, research, and development. And in order to ensure sufficient review and diverse input, the committee would also receive assistance from an advisory committee representing nongovernmental interests. This essential component ensures that government efforts are as relevant and responsive as possible to the needs of our manufacturing base.

Without question, Mr. Speaker, some of this country's greatest intellectual and innovative resources rest in the halls of our educational institutions and in the research and development departments of our businesses across the country. Therefore, this bill establishes a pilot grant program within the Department of Commerce's National Institute of Standards and Technology to fund research partnerships between firms, community colleges, universities, research institutions, State agencies, and nonprofits to develop new, cutting-edge manufacturing technologies.

Additionally, through the Manufacturing Extensive Partnerships, the MEP program, there are regional centers across the country that provide States with grants to allow the successful transfer of technology from the Federal Government to the private sector.

Obviously, there is no sense in developing new and innovative technology if it cannot be successfully passed on to the manufacturing sector of our economy, the true engine of economic growth.

□ 1145

H.R. 250 would refine the guidelines and the requirements established through the Manufacturing Extension Program to ensure that these regional centers are fulfilling their duty to keep innovative manufacturing technology flowing.

Mr. Speaker, I can personally speak to the successes of the Manufacturing Extension Program. The Georgia Manufacturing Extension Partnership is led by my alma mater, the Georgia Institute of Technology, Georgia Tech.

Georgia Tech's Economic Development Institute, along with the University of Georgia, Georgia Power, and others coordinate and deploy experts to advise and work with manufacturers throughout the State of Georgia, so they can be more innovative, more productive, and maximize their efficiency.

Mr. Speaker, on a couple of occasions I have had the opportunity to tour facilities in my district that have been assisted through Georgia's MEP program. Specifically, I toured A&L Shielding, Inc., in Rome, Georgia; and I was able to see concrete improvements made to their facility. These improvements enhanced their efficiency, increased their productivity, making A&L Shielding much more competitive.

So, Mr. Speaker, I do not think there is any Member of this House who does not realize the importance of education and fostering new and more efficient technology. Therefore, this act would establish a standards education program at the National Institute of Standards and Technology to award grants on a cost-shared basis to institutions of higher education.

These grants will go a long way to develop top-notch curricula related to engineering, business, science, and economic standards. This investment in educational standards is not only an investment in future development, but it also is an insurance policy for American competitives.

In closing, Mr. Speaker, H.R. 250 marks an excellent opportunity for the House to improve this country's manufacturing and technological potential for many years to come. Again, I would like to encourage each of my colleagues to support not only this rule but also the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the Bush administration's record on manufacturing is abysmal: 2.8 million manufacturing jobs have been lost since 2001, including 24,000 this year alone. It is clear that they either do not know or do not care about the disappearing manufacturing sector of our economy.

For example, last year the administration requested $39 million for the Manufacturing Extension Partnership Program, a severe reduction over the previous year. Fortunately, the Congress provided $106 million for this important program.

However, the administration was not done in their attempts to kill this program. They opposed efforts to extend the MEP in last year's version of the Manufacturing Technology Competitiveness Act. As if that were not bad enough, Mr. Speaker, this year's $46.8 million budget request would again have decimated the MEP and punished the small business manufacturers the Republican leadership claims they want to help.

Fortunately, the bill before us today fully authorizes the MEP. Mr. Speaker, let me give you just one MEP success story. In my district, Chase Leather Products of Fall River, Massachusetts, has been manufacturing high-quality leather and synthetic fabric products for nearly a century.

Faced with a 25 percent reduction in business over the past several years, Chase turned to the Massachusetts MEP for help. After training Chase's personnel in lean manufacturing techniques, such as value stream mapping and revising the plant layout, Chase was able to deliver 100 percent on-time delivery to their customers. This improved performance has caused one of Chase's customers, Motorola, to move a $2 million-plus contract back from India to Massachusetts.

Small improvements in technology helped this company not only make a better product but a better economy for the Fall River community.

Like other State MEPs, the Massachusetts Manufacturing Extension Partnership Program is supported by the National Institute of Standards and Technology and the U.S. Department of Commerce and the State of Massachusetts to help small and medium-sized manufacturers identify and implement advanced manufacturing and management technologies.

Through a network of resources, the MEP links client firms with local and national sources of expertise to address specific problems. By 2004, the MEP program in Massachusetts had created or retained 2,224 jobs that paid a total of $116.4 million of wages and benefits, increased economic output worth $365.1 million, and generated or retained over $46.8 million in additional tax and nontax revenues at the Federal, State and local levels.

There are success stories like this all over the country. But the Bush administration and the Republican leadership refuse to recognize them. Simply, Mr. Speaker, we are not doing what it takes to keep manufacturing jobs in the United States, and part of the problem is that the Bush administration continually drags its feet.

Earlier investments in technology, manufacturing, and education have made the United States economy the strongest in the world. We must continue investing in these important efforts. With 87,200 manufacturing jobs lost in Massachusetts, 349,000 lost in California, 67,000 lost in Georgia, we cannot continue to sit on our hands. We must make the necessary investments.

Fortunately, Mr. Speaker, the gentleman from New York (Chairman BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) have come together to produce the Manufacturing Technology Competitiveness Act. It includes the reauthorization of the MEP as well as other important job creation programs.

They have fashioned, mostly, a good bill. However, I am extremely disappointed that this bill does not include the reauthorization of the Advanced Technology Program, a program that is widely supported. And I am disappointed that this rule does not make the Honda amendment in order.

The Honda amendment would reauthorize the Advanced Technology Program, and it deserves an up-or-down vote in this House. If it were allowed, I believe it would pass. Therefore, Mr. Speaker, because we have been denied an up-or-down vote on this important issue, and we have not been given a good reason why we cannot have an up-or-down vote on this important issue. I would urge all of my colleagues, Democrats and Republicans, to vote "no" on this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to point out that in response to some of the remarks made by my friend, the gentleman from Massachusetts (Mr. McGOVERN), in regard to the funding of this bill, I want to point out to my colleagues that it does create additional competitive grant programs from which the MEP centers can obtain supplemental funding for manufacturing-related projects.

H.R. 250 would also allow MEPs to accept and distribute funds from other Federal agencies without requiring matching funds, and the MEP funding would be authorized at $110 million in fiscal year 2006, including funds for a competitive grant program. The authorization would actually increase by $5 million per year to $120 million in fiscal year 2008.

I want to also, Mr. Speaker, highlight again an outstanding MEP program in my State of Georgia, as I mentioned in my opening remarks, my alma mater, Georgia Tech, and the Economic Development Initiative.

Let me just highlight Georgia's MEP partnership. It is led by Georgia Tech's Economic Development Institute, and it provides technical assistance, management training and other types of assistance intended to increase productivity and help companies become more competitive in the global market.

We know how important that is. This program comprises a team of more than 125 professionals located both at Georgia Tech and throughout regional offices across the State of Georgia. This incredible staff offers a number of vital services and programs to business and industry.

Mr. Speaker, I would like to take this opportunity to name a few of these services and programs to demonstrate the extensive range of assistance that is available: Quality and International Standards, Lean Enterprise, Energy Management, Environmental Management, Information Technology, Trade Adjustment Assistance for Firms, Government Procurement Assistance, B2B Marketing For Manufacturers, Strategic Planning, Economic Development Research, Community Services, Economic Development Training, Tourism, Facilitec, Georgia State-Wide Minority Business Development Center.

While this is not an exhaustive list, it is a long one, and I believe it clearly attests to the important impact MEPs have had on and continue to have on business and industry in Georgia.

The criticism that this administration or this leadership is not doing enough and is not concerned enough about manufacturing job losses is certainly not true. This is a good bill. As I say, I commend the chairman and the ranking member.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, let me just again say to the gentleman from Georgia (Mr. GINGREY), whom I have great respect for, I repeat my claim that this administration has an abysmal record when it comes to protecting manufacturing jobs: 2.8 million manufacturing jobs have been lost since 2001. And that number continues to grow. So they do have an abysmal record.

The gentleman from Georgia (Mr. GINGREY) mentioned all of these wonderful new programs that are going to be authorized in this bill. And it is nice to be able to say all of those things, because we all like to talk about all of these great new programs.

But it is important to note that all of these new programs you talk about, none of them are appropriated. So if they are not appropriated, they are not real. And I would also say to the gentleman from Georgia (Mr. GINGREY) that, again, I was hoping that he would answer the question as to why the advanced technology program was cut out of this bill or why the gentleman from California (Mr. HONDA) cannot have his amendment.

This is about taking our manufacturing base and bringing it from 20th-century technology to 21st-century technology. It is incredibly important, and yet we do not even have the right to be able to vote up or down on it.

Mr. Speaker, I yield 8 minutes to the gentlemen from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I rise today in opposition to the rule for H.R. 250, the Manufacturing Technology Competitiveness Act.

I had requested the Rules Committee to allow the bill to come to the floor under an open rule. As we continue to lose manufacturing jobs, which used to be the bulk of middle-class jobs, all Members should be allowed to offer their best ideas on the floor to reverse this trend.

I am especially disappointed that the Rules Committee did not allow the gentleman from California's amendment authorizing funding for the Advanced Technology Program.

H.R. 250 is essentially a complete authorization of the programs of the National Institute of Standards and Technology except ATP. We keep saying that we need to maintain our innovative edge to remain competitive in the ever-increasing global market. The ATP is designed to do just that, to bring research results to proof of concept so they can be commercialized by industry.

The ATP program is not some experimental program or a gamble. First funded during the first Bush administration, ATP is a successful program with a proven track record. It has the stamp of approval of the National Academy of Science, it has the strong support of the business community, including the National Association of Manufacturers, the Industrial Research Institute, the Information Technology Association of America, and the National Governors Association.

All of these groups believe ATP plays an important role in maintaining our lead in innovation. Even the administration's own analysis of the program shows that it is highly successful and has generated millions of dollars and the creation of new technologies.

During the past 3 years, the Science Committee has held numerous committees on nanotechnology, innovation and technology development. The one recurring theme of the witnesses has become clear: fund the advanced technology program.

There were other amendments not allowed by this rule, which would have also improved H.R. 250. Frankly, I just do not know why we cannot openly debate the merits of any good idea that is going to help us create more jobs and be more competitive.

□ 1200

As China, India, and other countries increase not only the amount of scientists and engineers they graduate, but also their research and technology and development funding, we need to support proven programs and effective programs like the ATP.

Now, I would like to ask my friend from Georgia who also sits on the Committee on Science, who sits through all of these hearings, heard witness after witness, the Governors Association and others, said the ATP program is important.

Mr. Speaker, I yield to my friend to explain why the ATP amendment was not allowed in this rule.

Mr. GINGREY. I thank the gentleman from Tennessee for yielding to me.

I want to point out to him that of the amendments that were made in order, other than the manager's amendment, these were all, all four amendments made in order were Democratic amendments.

Mr. GORDON. Were all the amendments that were left out also Democratic amendments?

Mr. GINGREY. No, I think there were probably some Republican amendments that were left out as well.

If the gentleman will continue to yield, the Udall amendment is the one I particularly wanted to reference. The gentleman from Colorado (Mr. UDALL) has an amendment that will be thoroughly discussed here this morning, which actually increases the authorization level of the National Science

Foundation's Advanced Technology Education Program.

Mr. GORDON. Reclaiming my time, I will sort of refocus the question. The question was after sitting through all the hearings, with everyone saying that the ATP program was good, and with job losses in Georgia and Tennessee and all across the country, when we could have improved this bill with a program that President Bush's father started, I would just like to ask why were we not allowed an amendment to continue this program?

Mr. GINGREY. Let me again say the gentleman, as ranking member of the Committee on Science, knows that I was not there for subcommittee markup or whole committee markup to debate these amendments that came through committee. I am not a member of that committee, as the gentleman knows.

All I can say is in this rule we are giving the minority side an opportunity to bring this issue in the form of an amendment to the floor so we can have a fair and open debate and we can have an up-or-down vote on it. And I am not going to discuss the merits of the amendment. We will let the Member presenting the amendment, the gentleman from Colorado (Mr. UDALL), do that, and then we will vote on it.

Mr. GORDON. Reclaiming my time. I do not want to discuss the merits right now. I want to know why the ATP program, started by the Bush administration, supported by a bipartisan group of Governors, every other manufacturing group that came before our committee, I assume these same arguments were made. As the gentleman sat through the Committee on Rules, I am sure you did not hear anyone say that the ATP program would not create jobs and be good for this country. I just want to know why we are not allowed to do that.

The gentleman said we were going to have an open debate. We do not have an open debate. This is not an open rule. It would seem to me, and we are appreciative of three or four Democratic amendments, but I do not care if they are Democratic or Republican amendments, I want good ideas from anybody that has got them, how to create jobs in this country and be more competitive.

We ought to have an open rule. I am sure Republicans have good ideas. Let them come in here. Let us have an open rule on having more and better jobs in this country. We do not have that, obviously, which is a shame. But I would be happy to yield once again to my friend to explain to me why the ATP program, which was endorsed by all these folks, why we are not allowed to let that go forward, a program that President Bush started himself. Also, the other question is why should we not get all the good ideas possible?

Mr. GINGREY. Again, in response to the gentleman from Tennessee, I am not going to stand here in presenting the rule and try to discuss the merits of the amendments that were made in order.

I would just say to the gentleman that the Committee on Rules, I think in an abundance of fairness, looked at these amendments. There were other amendments submitted, probably on both sides of the aisle, that were not made in order; but these four amendments submitted by Members of the gentleman from Tennessee's party, and that means that we felt these should be discussed and that these are reasonable amendments. They are germane to the issue. And the gentleman will have an opportunity to do that.

Mr. GORDON. Reclaiming my time, I come from a part of Tennessee where, and I do not think it is unique, that we are losing jobs every day. They are going overseas. They are going to Mexico. My constituents, and I would assume most everyone's here constituents, are saying we need more ideas, we do not like what is going on, bring us some ideas, let us have some changes.

So we are limiting ourselves now to four amendments? Four ways to try to bring jobs back into this country?

Why in the world do we not have an open rule and find all the ideas, Democrats, Republicans? We have an independent in this body. If he has some ideas, bring it on. If they are bad ones, vote them down. If they are not, then let us vote for them. We need more and better jobs in this country. This is the way to do it.

I am really shocked and, I would have to say, offended that we are not given the opportunity to try to find more and better ways to bring jobs to this country.

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the subcommittee chairman and author of the bill.

Mr. EHLERS. Mr. Speaker, I rise today in strong support of the rule to bring up H.R. 250, the Manufacturing Technology Competitiveness Act.

I believe this rule is fair and balanced. The main goal of H.R. 250 is to authorize manufacturing programs at the National Institute of Standards and Technology that help small- and medium-sized manufacturers innovate so that they can remain competitive in the global marketplace. One of these programs is a highly successful manufacturing extension partnership program, better known as the MEP program. This program has roughly 60 centers and 350 satellite offices throughout the country. These centers provide small manufacturers with tools and assistance on how to increase productivity and efficiency. They do many things. For example, they might help to redesign a factory floor or help to train workers on how to use the latest technology or equipment.

This legislation also creates a collaborative grant pilot program to support research partnerships between academia, industry, nonprofits, and other entities to develop innovative technologies and solutions to scientific problems in manufacturing.

To truly help the manufacturers, we must have a bill that can be passed into law. Therefore, I want to keep this legislation focused on these specific programs that have strong bipartisan support. However, others have wanted to add extraneous provisions that, while well intentioned, take away from the focus of the bill. This is why I oppose some of the amendments made in order, because I believe they will detract from the bill.

This rule largely helps ensure the debate will remain on the manufacturing programs at NIST. I think that is fair and is in the best interest of our manufacturing community.

I urge my colleagues to support this fair and balanced rule.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, my friend from Michigan (Mr. EHLERS), who does a wonderful job on our Committee on Science, I think did a very good job there in talking about a lot of good things in this bill. And there are a lot of good things in this bill. But I want to yield some additional time to him so he can explain why the ATP program, another good idea, why we cannot even have a vote on putting it in this bill today?

Mr. EHLERS. Mr. Speaker, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, the gentleman from Tennessee raises a valid question.

I understand the gentleman's concern about the actions of the Committee on Rules; I have served in the minority at the State and Federal level myself. But I also want to tell the gentleman that members in the majority upon occasion are also disappointed by the decisions of the Committee on Rules. I recently jested, during the famous annual ice cream socials that committee has, that my ice cream was the first thing I had received from the Committee on Rules. But I must add that they have been very kind to me.

In response to the gentleman's question, the ATP program is, by and large, a good program. But it needs improvement. And I am willing to put in the time and energy to try to improve that program and to have it be accepted by all.

Mr. McGOVERN. Mr. Speaker, I want to thank the gentleman for acknowledging the unfairness of the Committee on Rules.

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, I also rise to oppose this rule because it does not allow this Congress to consider the amendments offered by the gentleman from California (Mr. HONDA) to authorize or reauthorize the advanced technology program.

Mr. Speaker, in the almost 3 years that I have served in the House of Representatives, I am not sure that I have heard any words spoken on this floor with which I have disagreed more strongly than with the statement of the gentleman from Georgia (Mr. GINGREY) just a few minutes ago that we were doing enough already to address the problem of manufacturing job loss. I think his exact words were it is simply not true that we are not doing enough, that Congress and the President are not doing enough to address manufacturing job loss.

If the gentleman from Georgia (Mr. GINGREY) thinks this, if any Member of Congress thinks that, I invite them to come and visit my district. I want to introduce them to some of the people who have lost their jobs. My State has lost almost 200,000 manufacturing jobs in the last 4 years. They are in industries that have been the backbone of my State's economy: tobacco, textiles, furniture. And those were jobs that people depended upon to build their lives around, to support themselves and to support their families, and they are gone.

It is not that they have laid off a shift until the economy turns around. The plants are closed. The equipment is sold. The jobs are gone forever.

What to do about that was part of the debate about CAFTA, about any kind of trade agreement that we have. And I voted against CAFTA, but I also agree that that is not the entire answer because it cannot possibly be our Nation's economic future to build our economy around low-skilled jobs and labor-intensive industries.

We have got to be the most innovative economy in the world. When I meet with the workers who have lost their jobs, they do not say, What are you going to do to make the plant reopen? They do ask, Where are the new jobs going to come from and what is Congress doing about it?

I certainly do not tell them what the gentleman from Georgia said. I do not say we are already doing everything that can be done. I say we are doing not nearly enough, but I am working hard to do more.

We have got to be the most innovative economy in the world. We have got to be where every new research, where all the new research happens first, and where we turn that research into a commercial application to create jobs.

Mr. Speaker, the advanced technology program, ATP, works with industry in this very, very competitive world market, to work with industry to create new technologies, to get them up, to get them running, to get patents, to do a proof of concept. It is about the only source of patient capital for many high-tech small companies in areas like nanotechnology where we really need to be at the forefront.

Most of the debate about jobs, Mr. Speaker, is what are we going to do about jobs between now and the next election. The ATP should be a debate about what are we going to do about jobs for the next generation.

Mr. Speaker, I oppose this rule without the Honda amendment.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GILLMOR), a member of the Committee on Energy and Commerce.

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the rule and in support of H.R. 250. I would like to commend the gentleman from New York (Mr. BOEHLERT) and also my colleague, the gentleman from Michigan (Mr. EHLERS), for their leadership on this very important issue.

On August 1, I had the opportunity to host the Manufacturing Roundtable in my district with assistant secretaries from the Departments of Commerce and Labor, Al Frink and Emily DeRocco. During this event we listened to the concerns of a wide variety of manufacturers, large and small, about the future of their industry. Among their main interests was the role that technology will play in keeping America competitive in the global marketplace.

This industry remains vital to our standing in the world and necessitates a continued and sincere investment in the future of manufacturing. Through H.R. 250, we begin to manage a problem facing manufacturers of all sizes: the use of emerging technologies.

Mr. Speaker, the government does not create jobs or grow the economy. Instead, the government can produce an environment conducive to economic growth and job creation.

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Thanks to sound public policy decisions such as H.R. 250, we are now able to effectively address the problems facing the manufacturing community and create the environment in which manufacturers can grow and flourish.

By passing H.R. 250, Congress is producing a climate in the manufacturing industry that can yield more jobs, improve productivity, and increase our competitive advantage in the global economy.

I would urge all our colleagues to support this positive and pro-growth legislation. Let us support our country's manufacturers and pass this important legislation.

Mr. McGOVERN. Mr. Speaker, I yield 1 additional minute to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, I have asked a member of the Committee on Rules to explain why we did not have an opportunity to vote on the ATP program to bring more jobs to this country, and I did not get a satisfactory answer.

I asked a very informed member of the Committee on Science to explain why we could not get a vote on the ATP program, which is so important.

Now we have a member of the Committee on Energy and Commerce, the gentleman from Ohio (Mr. GILLMOR) here. Before the gentleman leaves, let us give the Committee on Energy and Commerce an opportunity to explain why we should not have a vote on the ATP program to bring more and better jobs to this country.

I yield to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I yield back.

Mr. GORDON. Mr. Speaker, it is beyond me why we do not bring the best of ideas, Democrat, Republican, Independent, in here to try and create more and better jobs. I am really startled and shocked.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I rise today in opposition to the rule for consideration of H.R. 250, the Manufacturing Technology Competitiveness Act.

I oppose this rule because it does not make in order a very reasonable amendment which would have added a 1-year authorization for the Advanced Technology Program at the National Institute of Standards and Technology.

There is no real logical reason for not allowing me to offer the amendment, and I think the gentleman from Tennessee (Mr. GORDON) has proven that over and over again when we provide opportunities for the other side to respond to the question. I think I have the answer.

In our subcommittee meeting, we had a conversation when we were dealing with ATP, my amendment; and when I asked the question, why has this not been supported, the chairman said a little bit hesitantly, and I think he was a little embarrassed, he said that the President does not want to see this in the bill, and I will be just straightforward; that is what he said.

It seems to me that the President proposes, as the saying goes, and Congress disposes. It is our job to put things into the bill. It is his job to either sign the bill or not sign the bill. If he does not like this, he should veto it; but at least we should have the opportunity to debate this on the floor, because we did not have that opportunity in subcommittee.

It seems to me that if we understand that small business is 70 percent of the economic machine of this country, and if the President himself has said that he adores and he embraces small business in this country, his words seem to ring very hollow if he is not willing to fund ATP.

There are no problems with ATP. It is a program that has been going for years, since the first Bush administration. It has been supported bipartisanly. What is happening is the funding is being cut slowly over and over and over again, so that what we do is end up starving the beast.

Mr. Speaker, I urge that we allow this to be heard. It is an egregious abuse of power.

Mr. GINGREY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Massachusetts for the time.

H.R. 250 should have been a good idea. It makes sense to encourage ties between manufacturers and academic institutions; but as the gentleman from Tennessee (Mr. GORDON) and the gentleman from California (Mr. HONDA) said, the restrictive rule prevented consideration of a number of amendments that would have improved the bill, especially amendments to strengthen the Advanced Technology Program, which is especially important in manufacturing-intensive States like the gentleman from Ohio's (Mr. GILLMOR) and mine, which struggles with ever-increasing energy costs.

We also missed an opportunity today to dramatically increase funding for MEP and to target increased Federal assistance to States that have suffered especially high manufacturing job-loss rates.

The story of this bill is a story of missed opportunity. This Congress has no manufacturing policy. We pass trade bill after trade bill. Our trade deficit has gone from $38 billion my first year when I ran for Congress 12 years, 13 years ago, to $617 billion, from $38 billion to $617 billion in a dozen years. Job loss has become more and more prevalent.

Whether it is Tennessee or Michigan or California or Massachusetts or my State of Ohio, we have lost almost a quarter million manufacturing jobs in the last 5 years; and as the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN) know, we continue passing tax legislation that gives incentives to companies, the large manufacturers that outsource to India and China, rather than giving incentives to companies that manufacture in this country.

Mr. Speaker, we need a manufacturing policy. What the gentleman from California (Mr. HONDA) and the gentleman from Tennessee (Mr. GORDON) have advocated will move us in that direction. We should defeat the rule. We should start again and do it right.

Mr. McGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the senior Democrat on the committee, the gentleman from Tennessee, has tried very hard to get an answer as to why a very straightforward amendment could not be voted on, and he could not get an answer.

I will tell him he could not get an answer because the real answer is embarrassing. We have got now increasing unhappiness on the conservative wing of the Republican Party, its dominant wing, about the notion that we should have democracy on the floor of the House of Representatives.

We had a bill that was voted out of the Committee on Financial Services 65 to 5. It is being held off the floor despite the urgings of the chairman of the committee and the two relevant subcommittee chairmen because the conservatives think the House might vote wrong, and they have now acknowledged this.

In the September 19 Washington Times, talking about the hate crimes amendment which was adopted because we had an open rule, here is what the gentleman from Indiana (Mr. PENCE), the chairman of the Republican Study Committee, says: "Our side lets this hate-crimes amendment get into a children's protection bill because we let it come to the floor on an open rule, a vehicle made for liberals to use."

So that is the problem. Apparently the right wing has gotten so little confidence in its ability to win votes on the floor that they now consider openness a liberal plot.

The gentleman from North Carolina (Mr. McHENRY), according to the article, says he does not know how or why the House leadership allowed the children's safety bill to come to the floor under an open rule, meaning unlimited amendments could be proposed and voted on.

To quote the gentleman from North Carolina (Mr. McHENRY): "As members of the majority party, we're asking: How could we allow this to happen? Why did we give the opposition an easy route to victory?"

Well, it used to be called democracy and open procedures. So what we have is an acknowledgment by this very conservative wing that their position could not sustain itself in open debate and vote on the floor of the House, and so they are insisting that the House Committee on Rules not let things come up.

That is the answer to the gentleman from Tennessee. His amendment was not allowed in order because it would have won. I guarantee him, if they were convinced they could have beat it, they would have let it come in.

I have to repeat, with this now open repudiation of the notion that the House should be allowed to work its will, and I know we do not address people watching on television, I will say this to my colleagues, Mr. Speaker, if there are people in the newly elected parliament of Afghanistan or the constituent assembly in Iraq are watching, as we preach to them democracy, as we tell them as members of a legislative body they should express the will of the people, if they understand this new opposition on the part of the conservatives who dominate the Republican Party, the openness on the floor of the House, please do not try this at home.

[From the Washington Times, Sept. 19, 2005]

HATE-CRIME ADD-ON TO CHILD SAFETY BILL IRKS HOUSE GOP

(By Ralph Z. Hallow)

The chairman of the 100-member House Republican Study Committee says conservative lawmakers, already angry about what they see as out-of-control spending, are furious over passage last week of a bill that included an amendment expanding federal hate-crimes protections.

"House conservatives barraged me with their frustration and concern over this bill," said Indiana Rep. Mike Pence, the RSC chairman. "Our guys are starting to spoil for a fight after this bill."

The bill, which passed 223–199, would federalize local crimes if the suspected motive is animosity toward homosexuals or "transgender" persons. Existing federal hate-crimes laws already cover women and minorities.

With the help of 30 mostly liberal Republicans, Democrats succeeded in making the measure part of a children's safety bill in a move that took conservatives by surprise.

"First, we have $50 billion in new spending for Hurricane Katrina relief, with no offsets in other spending," Mr. Pence said. "Next thing, our side lets this hate-crimes amendment get into a children's protection bill because we let it come to the floor on an open rule—a vehicle made for liberals to use."

North Carolina Rep. Patrick T. McHenry, another conservative Republican, says he doesn't know how or why the House Republican leadership allowed the children's safety bill to come to the floor under an open rule, meaning unlimited amendments could be proposed and voted on.

"We gave the far left a ripe opportunity for success," Mr. McHenry said. "As members of the majority party, we're asking: How could we allow this to happen? Why did we give the opposition an easy route to victory?"

Conservatives in Congress have fought hate-crimes measures, saying such legislation bestows on government the power to presume to know and to punish criminal motives, rather than the crimes themselves.

Rep. John Conyers Jr., Michigan Democrat, presented the hate-crimes legislation in the form of an amendment to House Judiciary Chairman F. James Sensenbrenner Jr.'s children's safety bill, which strengthens the monitoring of child sex offenders and increases penalties for molestation.

Co-sponsors of the hate-crimes amendment included Massachusetts Rep. Barney Frank and Wisconsin Rep. Tammy Baldwin, both Democrats, and Connecticut Rep. Christopher Shays and Florida Rep. Ileana Ros-Lehtinen, both Republicans.

Mr. Pence says House Republicans voted to pass the child-safety bill—it sailed through on a 371-52 vote—with the Conyers hate-crimes amendment attached because they wanted the children's protection portion and thought the Conyers amendment would not survive joint House-Senate conference reworking of the bill.

"I voted for [the measure] thinking it would be fixed in conference," Mr. Pence said. "I hope it will, but there are rumblings that the Senate may take the bill as is and pass it and send it to the president, which would be very frustrating to a lot of us."

"But I have enough confidence in Chairman Sensenbrenner that he will clean this bill up."

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I simply want to say, listening to this debate, to the gentleman from Georgia; to my friend from Michigan; to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules; and to the Speaker of the House; and to the gentleman from Texas (Mr. DELAY), this is outrageous. You have no excuse. Three million manufacturing jobs lost in the last 4 years or so, another 110,000 the first 8 months, and you will not allow a debate on an amendment that relates to manufacturing, the ATP amendment of Mr. HONDA's.

This shows two things: number one, an abuse of power. This is no longer the House of the people. This is the House of people who mistake autocracy for democracy. Secondly, do not stand up with your platitudes about caring about manufacturing when you will not even allow us to debate a bill that relates to an instrumentality. What has ATP done? Oh, not industrial policy. It has funded path-finding research in composites, high temperature superconductors, next-generation liquid crystal displays, and low-cost manufacturing for digital mammography which is in the news every day now. And you will not even debate it. It is a shame.

Mr. McGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I come from the State of Ohio where any debate over manufacturing technology is taken to heart because Ohio is one of those States which has had heavy job losses in manufacturing; but I look at this bill and this restrictive rule, and it really does not address some of the underlying issues.

How can we advance manufacturing technology competitiveness in this country if we really do not have a national strategy to do so? We are legislating piecemeal here and often missing the mark. We cannot have a manufacturing strategy if it does not take into account manufacturing job losses that come because of our trade practices.

So what has happened here is that Congress is called upon to take action in areas that are only piecemeal; that are not going to protect existing industries; that will not surely provide opportunities for the future. We are already being overtaken by China and other countries. This bill falls short. The rule is restrictive, and I join my colleagues in raising objections.

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Mr. Speaker, let me just first say I do not want to offend anyone personally here today, and this is not a personal argument. It is just that because I know the Republicans here just like myself work hard, they care about their country and they go home most every weekend like I do. I want to go home again this weekend. I will meet somebody else with tears in their eyes saying I have lost my job, help me.

We have a chance to help them today. Why in the world can we not have an open rule, bring every idea, Democrat, Republican, Independent, before us and try to create more and better jobs?

I am going to vote against this rule so that we can have an open debate and bring more and better jobs to this country.

Mr. McGOVERN. Mr. Speaker, I yield myself the remaining time.

Let me close by again urging all my colleagues to vote "no" on this rule. The Committee on Rules used to be a tool to manage debate. It is now used as a weapon to stifle debate.

There is no excuse whatsoever why the gentleman from California's (Mr. HONDA) amendment was not made in order, and no one on the other side has been able to even defend the omission of the gentleman from California's (Mr. HONDA) amendment.

Yesterday, when Democrats balked at an amendment to the Head Start reauthorization bill that would allow religious institutions to discriminate, the other side, the Republicans, said, no, well, let the House work its will; that is what the House of Representatives is there for. Why is it okay for the House to work its will on that amendment, but not on the gentleman from California's (Mr. HONDA) amendment?

The fact of the matter is this economy under Bush has performed abysmally when it has come to manufacturing. We have lost millions and millions and millions of jobs. We need to do more. The administration needs to do more, but Congress needs to do more as well.

Another 7,000 manufacturing jobs were lost in May. The manufacturing sector in this country continues to suffer. They do not want reauthorization bills with new programs that are not funded. They want us to actually put our money where our rhetoric is.

Mr. Speaker, I urge a "no" vote on the rule.

☐ 1230

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time. I rise again in support of House Resolution 451 and the underlying bill.

I want to thank my colleagues for a very productive discussion on this very important piece of legislation. Additionally, I would again like to recognize the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), and the subcommittee chairman, the gentleman from Michigan (Mr. EHLERS), for all of their work on the committee and the final result, H.R. 250.

Mr. Speaker, despite the fact that this economy has added over 4 million jobs in less than 2 years, we should not limit our potential growth or fail to protect against any future threats to our economic base. For this reason, H.R. 250 epitomizes innovative thinking in an ever-competitive global marketplace. From the establishment of an Interagency Committee on Manufacturing Research and Development, to the reauthorization of the Manufacturing Extension Partnership program, this bill goes a long way to ensure that our manufacturers are partnered with the resources they need to retool for more efficient production and to be innovative in the future.

I want to point out to my colleagues on the other side that this bill in the last Congress was killed in the Senate over disagreement regarding ATP, the Advanced Technology Program. One of Abraham Lincoln's famous quotes was this: "When it is not possible to achieve the best, it is best to achieve the possible." And these manufacturers need this MEP program and they need this bill, and that is what we are doing here today.

Mr. Speaker, I wholeheartedly believe American manufacturers should be allowed to compete openly and fairly in this global marketplace. This Congress must ensure that our manufacturers have every tool available to grow and to sell in any and all markets. Therefore, let us pass this bill and make sure that we are untying the hands of our manufacturers so they can fight and win in a global market. Mr. Speaker, I encourage my colleagues to support the rule and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am disappointed that despite the fact that the Manufacturing Technology Competitiveness Act of 2005 represents an important piece of legislation for this Congress as it did previously in the Science Committee and it is because of that I hoped this body would have taken into account all points of view. Unfortunately, four key Democratic amendments were rejected by the Rules Committee.

Mr. HONDA's amendment would have authorized $140 million for the vitally important Advanced Technology Program for Fiscal Year 2006. Mr. STUPAK's amendment would have also authorized $20 million for the Advanced

Technology Program to hold a competition and issue awards for research to improve energy efficient and reduce domestic dependence on gasoline and heating oil. Clearly, this kind of amendment is desperately needed at a time when people can barely afford to heat their homes and still have money left over to buy food. Mr. COSTELLO's amendment would have required the Department of Commerce to release all staff reports done by Technology Administration staff relating to the off-shoring of American jobs, an issue that has never been fully addressed. Finally, Mr. CARNAHAN's amendment would have struck the current language creating an Advisory Committee and established a Presidential Council on Manufacturing. It would have directed the Council to issue reports on selected topic areas and within 18 months issue a National Manufacturing Strategy. Clearly, these four amendments would have provided a more comprehensive approach to solving our manufacturing crisis.

In essence H.R. 250 is simply an authorization bill for all of the programs at the National Institute of Standards and Technology, NIST, except for the NIST's Advanced Technology Program, ATP. H.R. 250 does authorize full funding for the Manufacturing Extension Partnership, MEP, which is also a NIST program. With the exception of ATP funding, H.R. 250 is an acceptable NIST authorization bill. However, it purports to be a manufacturing competitiveness and innovation bill—in these goals it falls far short.

Clearly, some of the provisions of this bill are positive in their intent, but they can be expanded without interfering with the core of the legislation. My Democratic colleagues have offered a number of good Amendments which should have been allowed through the Rules Committee in order to take in all points of view. Together this body could have truly enhanced the Manufacturing Technology Competitiveness Act of 2005.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition of this rule, though there are some positive aspects to highlight.

I am pleased that the Rules Committee made several amendments in order, specifically my own amendment increasing funding to the Advance Technological Education program and Mr. GORDON's amendment requesting a three-year programmatic and operational plan for the Manufacturing Extension Partnership.

However, I feel this rule would have been improved by making in order Mr. HONDA's amendment authorizing the Advanced Technology Program. This legislation has been described as a means to create jobs and support manufacturing. ATP does just this. This program has proven results and is an effective investment for our manufacturing and technological industries. The Committee's decisions seem short-sighted, especially since the manufacturing sector is still suffering. Mr. HONDA's amendment deserves debate on the floor and I feel the Rules Committee has missed an opportunity to improve this bill.

In the end I did not feel that the good outweighed the bad in this rule. So I will be voting against the rule and I urge members to do the same.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to the rule for H.R. 250, the Manufacturing Technology Competitiveness Act of 2005. We had an opportunity today to address key manufacturing competitiveness and innovation issues, but instead the bill before us is simply a narrow reauthorization bill that eliminates funding for the Advanced Technology Program, ATP. Democrats tried to broaden this narrow manufacturing bill by bringing eight manufacturing amendments to the Rules Committee. Unfortunately, the Republican-crafted rule blocks the four of the eight Democratic amendments. I am disappointed that this bill does so little to achieve its stated goal of addressing the long term problems facing our Nation's manufacturers.

Congress must confront that we are in a manufacturing crisis. The U.S. manufacturing sector is facing a crisis—since 2001 we have lost 2.8 million manufacturing jobs. In the first three months of this year, we have lost another 24,000 manufacturing jobs. I am very concerned about the issue of off-shoring of our professional manufacturing jobs. We have to get a handle on this problem and we need sufficient and accurate data to make sound policy decisions. Once we understand the problem, we can then develop policies to address it. An effective way to do that is, in fact, to mandate a study to report back to the Congress within a nine-month period so that we, in fact, can take a look at the number of jobs that have been lost and the ramifications as well as the other areas that the Secretary would be looking at. Given the crisis facing our manufacturing sector, I have asked Congress to work with the administration to address the issue of off-shoring, by studying its effects and implications. To date, Congress still does not have the data to do an analysis of off-shoring trends. If we are serious about making America more competitive and maintaining high-skilled jobs in the U.S., we first have to understand the real impact of job outsourcing. Manufacturing plays a crucial role in the growth and health of the U.S. economy. It is an industry that helped build the great country we have today and we need to work together to get a handle on this serious problem facing our manufacturing base.

Mr. CARNAHAN. Mr. Speaker, I rise to oppose the rule to provide for consideration of H.R. 250, the Manufacturing Technology Competitiveness Act. The rule did not make in order an amendment that I submitted which would have elevated the advisory committee, present now and codified by H.R. 250, to a Presidential Council on Manufacturing. The amendment would have broadened the diversity of the Council and provided much needed accountability to their strategic role.

If our manufacturing industry and our manufacturing jobs are truly as important as much rhetoric suggests, we owe it to Americans in the industry to create a council that has the ear of our President.

As many of us know, the Council on Manufacturing has been in existence since last year and is now solely comprised of industry representatives. My amendment would broaden the diversity of those that sit on the panel to include labor, research, and academia, bringing a much needed voice to individuals adversely affected by and who have expertise in the current state of manufacturing.

Furthermore, under my amendment, the President's Manufacturing Council would be directed to develop a National Manufacturing Strategy with clear issues to consider and specific reports to be submitted to Congress.

As it stands currently, the Advisory Council is not carrying out its responsibilities as envisioned by H.R. 250, which assigns responsibilities to the Council to review federal manufacturing R&D and to review the actions of the Interagency Working Group on Manufacturing R&D. The Council has accomplished neither of these stated goals.

Perhaps most astonishing, according to the Commerce Department staff, the Council does not have an agenda for the coming year, nor were they certain that such an agenda would even be developed.

The National Council for Advanced Manufacturing reported on the Bush Manufacturing Initiative suggesting that the Council have a more expansive role, that they have a strong Congressional mandate, and that the committee be chaired by the Secretary of Commerce.

My colleagues, I believe it is clear that the Council as it stands now does not meet these recommendations.

We have seen drastic changes in manufacturing jobs in this country, transfer of entire operations overseas, and communities deeply affected by these changes.

While there is much disagreement in this body about how to tackle the problems affiliated with the changing climate of our workforce, I seldom hear disagreement that there is an ongoing change in the U.S. manufacturing sector.

Unfortunately, this rule will not allow us to consider the design of the Council. I urge a 'no' vote on the rule so that we may have the opportunity to proactively address the problems of the manufacturing industry and to fulfill a promise to working Americans in the sector that we value their industry and their contribution to our nation.

We will not sit idly by while our neighbors lose their jobs and their way of life.

Vote no so that we may task this Council with a strong mandate and a clear role.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GINGREY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 3768, KATRINA EMERGENCY TAX RELIEF ACT OF 2005

Mr. McCRERY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 454) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3768.

The Clerk read as follows:

H. RES. 454

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 3768, with the Senate amendment thereto, and to have concurred in the Senate amendment to the bill with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the bill, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Katrina Emergency Tax Relief Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.
Sec. 2. Hurricane Katrina disaster area.

TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA

Sec. 101. Tax-favored withdrawals from retirement plans for relief relating to Hurricane Katrina.
Sec. 102. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.
Sec. 103. Loans from qualified plans for relief relating to Hurricane Katrina.
Sec. 104. Provisions relating to plan amendments.

TITLE II—EMPLOYMENT RELIEF

Sec. 201. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

TITLE III—CHARITABLE GIVING INCENTIVES

Sec. 301. Temporary suspension of limitations on charitable contributions.
Sec. 302. Additional exemption for housing Hurricane Katrina displaced individuals.
Sec. 303. Increase in standard mileage rate for charitable use of vehicles.
Sec. 304. Mileage reimbursements to charitable volunteers excluded from gross income.
Sec. 305. Charitable deduction for contributions of food inventory.
Sec. 306. Charitable deduction for contributions of book inventories to public schools.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

Sec. 401. Exclusions of certain cancellations of indebtedness by reason of Hurricane Katrina.
Sec. 402. Suspension of certain limitations on personal casualty losses.
Sec. 403. Required exercise of authority under section 7508A for tax relief relating to Hurricane Katrina.
Sec. 404. Special rules for mortgage revenue bonds.
Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
Sec. 406. Special rule for determining earned income.
Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

TITLE V—EMERGENCY REQUIREMENT

Sec. 501. Emergency requirement.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act—

(1) HURRICANE KATRINA DISASTER AREA.—The term "Hurricane Katrina disaster area" means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(2) CORE DISASTER AREA.—The term "core disaster area" means that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act.

TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA

SEC. 101. TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified Hurricane Katrina distribution.

(b) AGGREGATE DOLLAR LIMITATION.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified Hurricane Katrina distributions for any taxable year shall not exceed the excess (if any) of—

(A) $100,000, over

(B) the aggregate amounts treated as qualified Hurricane Katrina distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified Hurricane Katrina distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified Hurricane Katrina distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified Hurricane Katrina distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified Hurricane Katrina distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified Hurricane Katrina distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED HURRICANE KATRINA DISTRIBUTION.—Except as provided in subsection (b), the term "qualified Hurricane Katrina distribution" means any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

(2) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(e) INCOME INCLUSION SPREAD OVER 3 YEAR PERIOD FOR QUALIFIED HURRICANE KATRINA DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified Hurricane Katrina distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of such Code, qualified Hurricane Katrina distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED HURRICANE KATRINA DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified Hurricane Katrina distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

SEC. 102. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, during

the period beginning on August 25, 2005, and ending on February 28, 2006, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—Rules similar to the rules of paragraphs (2) and (3) of section 101(c) of this Act shall apply for purposes of this section.

(b) QUALIFIED DISTRIBUTION DEFINED.—For purposes of this section, the term "qualified distribution" means any distribution—

(1) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of such Code,

(2) received after February 28, 2005, and before August 29, 2005, and

(3) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

SEC. 103. LOANS FROM QUALIFIED PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made after the date of enactment of this Act and before January 1, 2007—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(2) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(b) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after August 25, 2005, from a qualified employer plan (as defined in section 72(p)(4) of such Code)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on August 25, 2005, and ending on December 31, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in paragraph (1) shall be disregarded.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

SEC. 104. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE.—For purposes of this section, the term "Hurricane Katrina employee" means—

(1) any individual who on August 28, 2005, had a principal place of abode in the core disaster area and who is hired during the 2-year period beginning on such date for a position the principal place of employment of which is located in the core disaster area, and

(2) any individual who on such date had a principal place of abode in the core disaster area, who is displaced from such abode by reason of Hurricane Katrina, and who is hired during the period beginning on such date and ending on December 31, 2005.

(c) REASONABLE IDENTIFICATION ACCEPTABLE.—In lieu of the certification requirement under subparagraph (A) of section 51(d)(12) of such Code, an individual may provide to the employer reasonable evidence that the individual is a Hurricane Katrina employee, and subparagraph (B) of such section shall be applied as if such evidence were a certification described in such subparagraph.

(d) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply, and

(2) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee as a Hurricane Katrina employee, unless such employee was an employee of the employer on August 28, 2005.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a core disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a core disaster area.

(3) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of such Code, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) CREDIT NOT ALLOWED FOR LARGE BUSINESSES.—The term "eligible employer" shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of such Code shall apply.

(e) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of such Code with respect to such employee for such period.

(f) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), section 170(b) of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 of such Code to other contributions.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under such section 170(b)(1).

(B) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term "qualified contribution" means any charitable contribution (as defined in section 170(c) of such Code)—

(A) paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code),

(B) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, and

(C) with respect to which the taxpayer has elected the application of this section.

(2) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

(3) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under paragraph (1)(C) shall be made separately by each partner or shareholder.

SEC. 302. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 or 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by $500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed $2,000, reduced by the amount of the reduction under this section for all prior taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer for any prior taxable year.

(3) IDENTIFYING INFORMATION REQUIRED.—An individual shall not be taken into account under subsection (a) for a taxable year unless the taxpayer identification number of such individual is included on the return of the taxpayer for such taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this section, the term "Hurricane Katrina displaced individual" means, with respect to any taxpayer for any taxable year, any natural person if—

(1) such person's principal place of abode on August 28, 2005, was in the Hurricane Katrina disaster area,

(2)(A) in the case of such an abode located in the core disaster area, such person is displaced from such abode, or

(B) in the case of such an abode located outside of the core disaster area, such person is displaced from such abode, and

(i) such abode was damaged by Hurricane Katrina, or

(ii) such person was evacuated from such abode by reason of Hurricane Katrina, and

(3) such person is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

(d) COMPENSATION FOR HOUSING.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such housing.

SEC. 303. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF VEHICLES.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a vehicle described in subsection (f)(12)(E)(i) of such section for provision of relief related to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006, the standard mileage rate shall be 70 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

SEC. 304. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income of an individual for taxable years ending on or after August 25, 2005, does not include amounts received, from an organization described in section 170(c) of such Code, as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization in connection with providing relief relating to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under chapter 1 of such Code if section 274(d) of such Code were applied—

(1) by using the standard business mileage rate in effect under section 162(a) at the time of such use, and

(2) as if the individual were an employee of an organization not described in section 170(c) of such Code.

(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

(c) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of such Code with respect to the expenses excludable from gross income under subsection (a).

SEC. 305. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

"(i) GENERAL RULE.—In the case of a charitable contribution of food from any trade or business of the taxpayer, this paragraph shall be applied—

"(I) without regard to whether the contribution is made by a C corporation, and

"(II) only to food that is apparently wholesome food.

"(ii) LIMITATION.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

"(iii) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.

"(iv) TERMINATION.—This subparagraph shall not apply to contributions made after December 31, 2005.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

SEC. 306. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property), as amended by section 305, is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.—

"(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether the donee is an organization described in the matter preceding clause (i) of subparagraph (A).

"(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books to a public school which is an educational organization described in subsection (b)(1)(A)(ii) and which provides elementary education or secondary education (kindergarten through grade 12).

"(iii) CERTIFICATION BY DONEE.—Subparagraph (A) shall not apply to any contribution unless (in addition to the certifications required by subparagraph (A) (as modified by this subparagraph)), the donee certifies in writing that—

"(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee's educational programs, and

"(II) the donee will use the books in its educational programs.

"(iv) TERMINATION.—This subparagraph shall not apply to contributions made after December 31, 2005.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS BY REASON OF HURRICANE KATRINA.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person described in subsection (b) by an applicable entity (as defined in section 6050P(c)(1) of such Code).

(b) PERSONS DESCRIBED.—A natural person is described in this subsection if the principal place of abode of such person on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such person suffered economic loss by reason of Hurricane Katrina.

(c) EXCEPTIONS.—

(1) BUSINESS INDEBTEDNESS.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(2) REAL PROPERTY OUTSIDE CORE DISASTER AREA.—Subsection (a) shall not apply to any discharge of indebtedness to the extent that real property constituting security for such indebtedness is located outside of the Hurricane Katrina disaster area.

(d) DENIAL OF DOUBLE BENEFIT.—For purposes of the Internal Revenue Code of 1986, the amount excluded from gross income under subsection (a) shall be treated in the same manner as an amount excluded under section 108(a) of such Code.

(e) EFFECTIVE DATE.—This section shall apply to discharges made on or after August 25, 2005, and before January 1, 2007.

SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF RELATING TO HURRICANE KATRINA.

(a) AUTHORITY INCLUDES SUSPENSION OF PAYMENT OF EMPLOYMENT AND EXCISE TAXES.—Subparagraphs (A) and (B) of section 7508(a)(1) of the Internal Revenue Code of 1986 are amended to read as follows:

"(A) Filing any return of income, estate, gift, employment, or excise tax;

"(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;".

(b) APPLICATION WITH RESPECT TO HURRICANE KATRINA.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 25, 2005.

SEC. 404. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

(a) IN GENERAL.—In the case of financing provided with respect to a qualified Hurricane Katrina recovery residence, subsection (d) of section 143 of the Internal Revenue Code of 1986 shall be applied as if such residence were a targeted area residence.

(b) QUALIFIED HURRICANE KATRINA RECOVERY RESIDENCE.—For purposes of this section, the term "qualified Hurricane Katrina recovery residence" means—

(1) any residence in the core disaster area, and

(2) any other residence if—

(A) such other residence is located in the same State as the principal residence referred to in subparagraph (B), and

(B) the mortgagor with respect to such other residence owned a principal residence on August 28, 2005, which—

(i) was located in the Hurricane Katrina disaster area, and

(ii) was rendered uninhabitable by reason of Hurricane Katrina.

(c) SPECIAL RULE FOR HOME IMPROVEMENT LOANS.—In the case of any loan with respect to a residence in the Hurricane Katrina disaster area, section 143(k)(4) of such Code shall be applied by substituting $150,000 for the dollar amount contained therein to the extent such loan is for the repair of damage by reason of Hurricane Katrina.

(d) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2007.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Clause (i) of section 1033(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied by substituting "5 years" for "2 years" with respect to property in the Hurricane Katrina disaster area which is compulsorily or involuntarily converted on or after August 25, 2005, by reason of Hurricane Katrina, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes August 25, 2005, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 25, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means any individual whose principal place of abode on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

(c) EARNED INCOME.—For purposes of this section, the term "earned income" has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 25, 2005—

(A) such subsection shall apply if either spouse is a qualified individual, and

(B) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this section, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. McCRERY) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. McCRERY).

GENERAL LEAVE

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject matter of the resolution under consideration, H. Res. 454.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today is a bicameral, bipartisan compromise on the bill that we passed through this House last week dealing with tax relief primarily for individuals who were affected by Hurricane Katrina. The Senate, as you know, Mr. Speaker, passed a slightly different bill, and in the time since the passage in the House and the Senate, we have gotten together with our colleagues from the other body and worked out those differences, and today we have on the floor a bill that, when it passes the House today, should immediately pass the Senate thereafter and be sent to the President for his signature.

I am pleased to say that the level of cooperation across the aisle and across the Capitol with respect to taking care of the needs of individuals who were affected by Hurricane Katrina continues in a manner that does us all proud.

So the bill today on the floor, Mr. Speaker, as I said, primarily provides for individual tax relief. There are several provisions which provide tax relief to businesses in the affected areas, but of course those businesses, we hope, will be employing and paying residents of the affected areas. So at least indirectly, even those provisions promote the welfare of those individuals who were affected by Hurricane Katrina.

Just to enumerate some of the provisions in this bill that will help individuals over these troubled times for them, any loss of tax benefits that would occur under current law, due to the relocation of that individual or family, would not take place because this House will pass this bill. In other words, this bill will hold harmless those families and individuals who might have lost some tax benefit due to a temporary relocation that was necessary due to the storm. Any debt that is forgiven to these individuals, those individuals will not be taxed on that debt. The debt forgiveness will not be counted as income to those individuals, as it would be under current law.

Also, anybody that provides housing assistance to dislocated persons will, under this bill, be given a tax deduction of $500 per person they are housing, up to a maximum of $2,000 tax deduction. And, of course, that is meant to help with the burden of bringing people into one's home and thereby encouraging people to house dislocated persons from that affected area.

Also, under current law, there is a deduction for personal casualty losses, but there is a limit on that deduction. This bill would waive that limit and allow individuals to fully deduct their loss.

This bill would allow affected individuals to withdraw from their IRAs and pensions. For those individuals, the 10 percent penalty or 10 percent tax for early withdrawal of those funds, up to a maximum of $100,000, those affected people could withdraw from those vehicles and put that money into their home, helping them with repairs and so forth, and that would be a big help to those individuals. There are provisions that would allow those folks to repay their IRA over time and avoid any tax on those withdrawals as well.

Several of these provisions, as I said, help businesses, help employers; and, of course, we are trying to encourage employers in these affected areas to bring workers back and to create jobs so that people can come back and have an income. One thing that we will extend to employers in this area is the work opportunity tax credit. The credit will give a 40 percent credit for the first $6,000 of wages paid to an employee in the first year, so up to $2,400 tax credit for hiring somebody in these affected areas.

There is also an employee retention tax credit, which is very important. As you know, Mr. Speaker, many of the businesses in these affected areas are basically out of business now. Their businesses were destroyed, so they have no ongoing business at this time. Yet many of those employers have the wherewithal to continue paying their employees until their business can get back up and running. And while we certainly congratulate those employers, we know they cannot do that, many of them cannot do that for long. Because we want to encourage them to continue paying their employees even though their business is not up and going, we have an employee retention tax credit available to those employers who wish to continue paying their employees.

With respect to replacing damaged property, under current law, if it is business property, the insurance proceeds are not taxable if they replace that business property within 2 years. And for individuals replacing individual property, they have 4 years to replace that property. This bill will make the time period 5 years for either businesses or individuals.

Also, another help to businesses and employers in this bill is an extension of the deadline for paying excise and employment taxes. That is going to be a problem for some of those businesses, particularly small businesses who were destroyed by the storm.

Also, on the business side, Mr. Speaker, we encourage cash donations by corporations by removing the limit on those corporate donations, as well as we provide the same charitable donation the deduction for charitable donation of food inventory to S corporations, partnerships, and sole proprietors that is now available under the law to C corporations.

So, in sum, Mr. Speaker, this bill provides a number of tax benefits to both individuals and businesses to help them get over these very difficult times that they are experiencing because of their losses due to Hurricane Katrina, and also starts us on the way to rebuilding a business infrastructure, a jobs infrastructure, in these affected areas which will be so critical to the overall recovery of the area.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

First, let me thank the leadership on the other side of the aisle for the cooperation that they have given. I have worked very closely with the chairman, the gentleman from California (Mr. THOMAS), and I am so pleased the gentleman from Louisiana (Mr. McCRERY) and the gentleman from Louisiana (Mr. JEFFERSON), who come from the affected areas, have been able to work together to assist the Congress, and especially those of us on the committee, to see how fast we could get some type of assistance to the victims of this horrendous disaster.

As the gentleman from Louisiana (Mr. McCRERY) stated, this is a temporary provision that is not meant to indicate that the Congress has completed its work on this task. As a matter of fact, it is hardly even a beginning, but that is what we thought we could do.

The good that has come out of this is a sense of bipartisanship, that Katrina was not a Republican or a Democratic disaster, it was one that struck America. And I think the President of the United States has definitely set the tone as to what most all Americans, and certainly people from all over the world realize, that this is not just building or rebuilding a city, it is not just restoring a culture, but it certainly is making the people there whole. So as we pass this bill on the consent calendar, I hope that the tone that has been set on the other side of the aisle can continue to be a bipartisan and bicameral effort in order to do the best we can in terms of restoring the dignity and the culture of this great city.

To do this, some of us are working very closely with the people that come from this area, hoping that we can get an authority on the empowerment zone concept that goes far beyond the limitations that we have on the tax-writing committee. We hope that we can get the local officials, the State officials, as well as the business people, to come up with a comprehensive plan that would allow all of us, no matter what committees that we sit on, to be a part of this great American recovery effort.

□ 1245

We also have to make certain that the people that are providing the assistance down there are held accountable and that every effort is made to make certain that, one, the people who were forced to leave the area have an opportunity to return; and to some extent our tax policy will reflect what we can do to provide incentives for them to come back home. It is also important that we take into consideration the environmental conditions that exist there to make certain that it is not contaminated when the people come back.

We would also like to see an independent commission that goes far beyond what has been suggested by the Speaker to make certain that as we move forward that we do not make the same mistakes that were made in the past, and where there have been mistakes, we do not give medals of honor to those people who made them, but rather work to correct them and make certain we have competent bipartisan workers doing the Nation's business to rebuild the area that has been affected.

Some Members on this side will share their experiences with 9/11, some of the things that did and did not happen; and I would hope that we would be able to share those views today and as we move forward to make certain that when we do have a plan, there are jobs there and we deal with housing, schools, and deal with all of these things with the same vigor as the President had indicated that we would do.

Again, I would like to thank the gentleman from California (Chairman THOMAS), the gentleman from Louisiana (Mr. MCCRERY), and the members of the Committee on Ways and Means for the speed with which we reacted to this. I hope it has set a tone, if not for the entire Congress as we relate to other things, at least to begin with Hurricane Katrina and see what we can do to set an example for the other committees in working together.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise just to thank the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means, for his work in putting together not only this bill but also in gathering ideas from his experiences with New York following 9/11 and also ideas that he has gathered from Members on his side of the aisle with how we best deal with the tragedy that has occurred and the rebuilding efforts that necessarily have to follow, not only in terms of the jurisdiction of our committee, but other areas that this Congress must address to adequately ensure the recovery of the devastated areas along the gulf coast. I thank the gentleman for his help.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), who has done a great deal of work on 9/11; and she would like to share some of her views with us today.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his leadership. This country is united and determined to help the victims of Hurricane Katrina. By passing this important bill, we can quickly move refunds into the hands of families and businesses that have worked hard and paid their taxes.

I do want to provide and share with my colleagues a report that the New York delegation, under the leadership of the gentleman from New York (Mr. RANGEL) and others, developed for our gulf coast colleagues that outlines the experiences that we had, the challenges that we had in the recovery process in our efforts to help New Yorkers.

I thank this body for their swift and committed help in helping New Yorkers. But despite the efforts of our entire delegation to get a report about what exactly happened in the seven tax benefit programs that came into New York, we asked for a GAO report, again under the leadership of the gentleman from New York (Mr. RANGEL) and others, and they have told us that they do not track this information and do not have any information on whether the tax benefits were used, who they went to, or if anyone even benefited from them.

I share that experience with my colleagues so they might want to add to the legislation, if it is not already in it, that there be a mandate that the impact of what we are trying to do to help people in fact is tracked when we are spending, or may spend, billions of dollars. The taxpayers, the victims, and this body deserve an accurate tracking of what exactly happened and if our intentions to help people really was realized in dollars in their pockets and dollars in economic development. I want to share with my colleagues from the gulf region this report.

Our recovery in New York is still ongoing 4 years afterwards. I hope we are not here 4 years from now waving a similar report from Louisiana, Mississippi and Alabama trying to find out what happened with the efforts that I truly support today to help families and victims of Hurricane Katrina, and I strongly support this legislation.

Mr. Speaker, anyone interested in viewing the reports mentioned in my speech please visit my website at www.house.gov/maloney.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I will vote for this bill; but I have to hand it to this administration, they want to lower your taxes so earnestly that they will even lower your wages to do it.

Through an executive order, the President lowered the wages workers will be paid to rebuild the hurricane-affected region. He suspended the Davis-Bacon Act, a 74-year-old law which requires that companies receiving Federal contracts pay the average wage to employees hired to perform those Federal contracts. With smaller incomes, workers will pay less.

But corporate income, unlike worker incomes, will rise. The corporate contractors will be able to keep more of the contract for themselves through a combination of setting lower wages for workers and receiving tax exemptions under the provisions of H.R. 3768. Suspension of the Davis-Bacon Act will give contractors unprecedented power to set wages. That is because the hurricane destroyed the labor market in the region. Nearly everyone is out of work; nearly everyone needs a job. After losing everything, how many people will be able to hold out for higher wages? Not many.

Thus, labor market forces will not determine wages. Instead, hurricane victims and workers who may be brought into the region are at the mercy of Halliburton and Fluor corporations, just to name a couple contractors who have won or will win construction contracts in hurricane reconstruction and which will dictate wage levels.

The bottom line is this: hurricane tax relief means one thing if you are a hurricane victim and another if you a corporate contractor receiving Federal funds to rebuild the hurricane-affected region. Tax relief for hurricane victims will primarily take the form of paying less taxes on smaller wages. But tax relief means something very different to the corporate contractors. They will be paying less taxes on increased income.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Ohio (Mrs. JONES), an outstanding member of the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, I would like to compliment both the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) on the work they have done on this legislation.

I introduced a piece of legislation. This bill's number is H.R. 3768, mine is H.R. 3769. I hope as we go through the process you would take a look at the legislation that I have. The legislation I have has two of the same provisions, the temporary housing tax credit as well as the work opportunity tax credit for Hurricane Katrina victims.

But I would ask Members to consider expanding the low-income tax credit to assist Katrina victims in obtaining affordable housing. This legislation would make the following changes to low-income housing tax credit. It will double the housing tax credit authority for Louisiana, Mississippi, and Alabama for 2006 and 2007 to $3.70 times State population. The current cap is $1.85.

It would extend difficult development area designation to Federal disaster areas in Louisiana, Mississippi, Alabama, and Florida through 2007. The difficult development areas are currently those areas with high construction land and utility costs because of their location. In DDAs, the tax credit is based on 130 percent of the project's total cost instead of the normal 100 percent, providing an incentive to developers to invest in these most-distressed areas.

This legislation will make affordable housing projects in Federal disaster areas in Louisiana, Mississippi, Alabama, and Florida eligible for the DDA designation and the basis boost, increasing investment and economic development in the region.

It would also waive the national pool "full subscription" requirement for Louisiana, Mississippi, Alabama, and Florida through 2007. Currently, the low-income housing tax credit not used by States is added to a national pool. The tax credit in that national pool is then distributed to those States that apply for the excess credits. However, to be eligible for those credits, a State must have used all of its previously allocated tax credits, or full subscription.

This legislation waives the requirement for Louisiana, Alabama, Mississippi, and Florida. I would hope that you would take a look at this piece of legislation because I think it will also help Katrina victims.

Last, I would ask you to consider giving them a home buyer tax credit that would encourage people from these States to go back to the States where they lived and they would get a $5,000 tax credit to rebuild a new home in those communities. I support this legislation. I would encourage you to consider the two areas that I mentioned.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the gentlewoman from Ohio, a distinguished member of the Committee on Ways and Means for coming up with some good ideas to assist in getting people back home and into housing. Her ideas are on a list that we are examining. I am very attracted to the substance of her ideas on this matter.

I cannot guarantee that it is going to be in future legislation; but it is something that I am looking at very closely, as are others on the committee, including the gentleman from New York (Mr. RANGEL), I am sure. I think we will be able to get together on some of the gentlewoman's comments. I thank the gentlewoman for her assistance in helping us put together even more legislation following today's bill to help those folks get back home.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I want to commend the gentleman from California (Chairman THOMAS); the ranking member, the gentleman from New York (Mr. RANGEL); and the gentleman from Louisiana (Mr. McCRERY) for working on a bipartisan basis to bring this legislation to the floor. It will go a long ways towards helping the 1.3 million families devastated by Hurricane Katrina.

I am especially pleased that this bill prevents the loss of tax benefits, like the earned income tax credit and the child credit, by reason of job loss or relocation due to Hurricane Katrina. I believe, as I have talked on the floor, that we can do more in this area.

I hope in the future tax bills that we look at, we will consider legislation introduced by the gentleman from Georgia (Mr. LEWIS), the gentleman from Mississippi (Mr. TAYLOR), and the gentleman from Louisiana (Mr. MELACON), and I to immediately fast track the earned income tax credit and the child tax credit refunds earned by working families so they receive them now rather than later.

Many constituents of the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Louisiana (Mr. MELACON) have lost their belongings and their homes. Others have been left destitute with nothing more than the clothes on their backs. The Federal Government can respond as they have in past instances, advancing the refunds that Hurricane Katrina victims have earned. By taking these steps, we can fast track the refunds to families that have worked, paid taxes and earned them, all the while stimulating local economies. It is a win-win for those families and communities in America.

I would like to draw attention to the Congressional Research Service that on Monday issued a report entitled "Tax Policy Options After Hurricane Katrina." The study says that measures directed at the earned income tax credit and refundable child credits are the best ways to stimulate the local economy.

I understand that the gentleman from California (Chairman THOMAS) and the gentleman from Louisiana (Mr. McCRERY) plan to introduce a third Hurricane Katrina tax bill in the coming weeks. I hope that they look at this report just issued on Monday by the Congressional Research Service that this would be the best way to help families and local communities through fast-tracking the earned income tax credits and the refundable child credit.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1300

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the esteemed ranking member for yielding me this time, and I thank the sponsor of this legislation and the bipartisan effort that has been offered here today.

Mr. Speaker, as the Members well know, Hurricane Rita is fast approaching the gulf coast again. My own community of Galveston, Houston, and other surrounding areas that many of us represent is about to face the unknown, and it is important for the face of Congress today to be bipartisan.

I want to congratulate the gentleman from New York (Mr. RANGEL), the gentleman from Louisiana (Mr. McCRERY), and all of the supporters, the gentleman from Louisiana (Mr. JEFFERSON), all who have lived this in a very unique and special way.

But as we move toward this legislation, might I reinforce some concepts that are so very important, particularly if the New Orleans region is hit again and the tragedy of the levees again spills water into that region, we want to go forward in the reconstruction in a bipartisan way. We want Members and local leaders to be consulted. We also want regional development authorities to be developed. And, particularly, as I was asked today, we want an inspector general or a recovery czar to make sure that, as we give tax relief, that we also give dollars for reconstruction. These dollars will be used effectively and invested not only in the large corporations, the standard bearers of Rebuild America that have gone on to Iraq and other places, but let us put those dollars that will help rebuild small businesses in the hands of small businesses, minority-owned businesses and women-owned businesses. Let us make sure that the relief that has been given impacts individuals in their properties that still exist in New Orleans, for example, although under water. The physical structure of the house may be leveled, but they will need to have the tax benefits so that they can make sure that they are able to rebuild.

This legislation, for example, exempts income from forgiveness of debt from tax. It prevents loss of tax benefits such as the earned income tax credit, waives the 10 percent penalty on early distributions from retirement plans, provides the work opportunity tax credit, and many others. It also deals with the charitable incentives that will allow people to give.

But I think the main point is we are still facing the forward road. It is time to work together for the rebuilding of the region and to prepare us for whatever the results are of Hurricane Rita.

May God bless those in Houston and the surrounding areas and those who will be facing this horrible storm. May they know that we are focused on their work and on their future. May God bless them, and our prayers are with them.

Mr. RANGEL. Mr. Speaker, I yield back the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. MCCRERY) that the House suspend the rules and agree to the resolution, H. Res. 454.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RANGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1330

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 1 o'clock and 30 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the house by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Res. 451, de novo;

H.J. Res. 61, by the yeas and nays;

H. Res. 454, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 250, MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question on agreeing to House Resolution 451 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 198, not voting 13, as follows:

[Roll No. 478]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Barton (TX)
Boswell
Buyer
Camp
DeLay
Doolittle
Hefley
Kind
Linder
McKinney
Ortiz
Towns
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1354

Mr. BLUMENAUER, Mr. HOLT and Mr. ROSS changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING GOLD STAR MOTHERS DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 61.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the joint resolution, H.J. Res. 61, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 479]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Becerra
Boswell
Camp
DeLay
Doolittle
Fossella
Hefley
Kind
Linder
Ortiz
Sanders
Towns
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1402

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 479 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. BECERRA. Mr. Speaker, on Wednesday, September 21, 2005, I was unable to cast my floor vote on rollcall 479. The vote I missed was a motion to suspend the rules and pass H.J. Res. 61, supporting the goals and ideals of Gold Star Mothers Day.

Had I been present for the vote, I would have voted "yea" on rollcall 479.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 3768, KATRINA EMERGENCY TAX RELIEF ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 454.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MCCRERY) that the House suspend the rules and agree to the resolution, H. Res. 454, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 480]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett

Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Boswell
Camp
DeLay
Doolittle
Hefley
Kind
Linder
Ortiz
Towns
Weller

☐ 1412

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 250, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 451 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 250.

☐ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, with Mrs. CAPITO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 250, and I want to congratulate the gentleman from Michigan (Mr. EHLERS) and all the members of the Committee on Science on both sides of the aisle who contributed so significantly to this bill; but before I begin to speak about the bill, let me say something about the rule because I was not available to participate in the debate.

☐ 1415

The Committee on Rules acted reasonably, following my request, for not making the amendments on the Advanced Technology Program in order. We did debate ATP fully in committee. I suspect we will debate ATP again during a motion to recommit. This is not a subject on which anyone has been denied process.

But our goal with this bill is to improve the lot of American manufacturers. ATP is a controversial issue that will weigh down the progress on this bill. There is no reason for that to happen. We ought to debate this bill on its merits, which are not contested, and then handle ATP separately. I support ATP. I helped create the program. I will work with the appropriators to try to keep it funded. But I also support this bill, and I see no reason to kill this important bill to allow a political debate on ATP.

Now, let me turn to the bill we are actually debating. This bill passed the House by voice vote last year, and this time around we should have enough to get time to get this measure to the President's desk. I expect another strong show of support from the House today.

It is easy to see why this bill has garnered such overwhelming support. It deals with a real problem by bolstering successful programs and authorizing innovative new approaches based on those programs. The problem the bill addresses is the decline of U.S. manufacturing. Our Nation needs a diverse economy, and that economy must include manufacturing. We cannot be wholly dependent on others for the goods that enable American families and American businesses to function. Manufacturing provides high-paying jobs and helps us hone our technical edge. Yet the signs of manufacturing decline are all about us.

So what can we do? Well, for starters, we can be sure we are adequately funding programs that have already proven themselves successful at helping domestic manufacturers. This bill does that by authorizing funding for the laboratories of the National Institute of Standards and Technology, for its Manufacturing Extension Partnership, and for the Advanced Technology Education program of the National Science Foundation.

All these programs have proven track records. NIST, the Nation's oldest Federal laboratory, has long been a reliable partner of the private sector, conducting research needed to keep American industry at the cutting edge of technology. The MEP program, which provides technical assistance to small- and medium-sized manufacturers, has helped ensure that smaller businesses can apply the latest advances in technology and manufacturing know-how. Every study of this popular program has found that it has saved and created new jobs. And the ATE program has channeled critical funding to community colleges to enable the U.S. to have the technical workforce we need to retain manufacturing jobs. So this bill targets money to programs that have truly made a difference in helping American manufacturing.

But we cannot rest on our laurels, because the U.S. manufacturing sector is still not as robust as we would like. So while being mindful of fiscal constraints, and we have to be mindful of that, our bill authorizes pilot efforts to see if programs like MEP can be made even more effective. We create a program that would bring manufacturers and universities together to conduct research on specific problems of concern to manufacturers. We create fellowships to encourage more students to pursue research in areas related to manufacturing. In short, this is a targeted, practical bill that will provide real assistance to the Nation's manufacturers.

For that reason, the bill is endorsed by the National Association of Manufacturers, and I urge my colleagues to continue their overwhelming bipartisan support for this meritorious bill.

Madam Chairman, I reserve the balance of my time.

Mr. GORDON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the bill we have before us today is, in essence, an authorization for the National Institute of Standards and Technology. H.R. 250 authorizes all of NIST programs, except for the Advanced Technology Program.

I strongly support NIST and realize the importance of all its programs to the U.S. industrial sector. Dollar for dollar, NIST represents an excellent return for the investment to the American taxpayer in terms of its impact on our economy. However, H.R. 250 purports to be a bill to help the U.S. manufacturing base and to stimulate innovation. Unfortunately, H.R. 250 falls far short of these goals.

U.S. manufacturing is facing a crisis. Since 2001, we have lost 2.8 million manufacturing jobs. While there is bipartisan agreement that we need to retain our high-skill, high-wage manufacturing jobs, this crisis has received little attention from the administration or Congress.

What we have today is a missed opportunity. Even within the bill's scope, H.R. 250 does little to address education or workforce training. For example, the only NIST program not included in this legislation is, once again, the Advanced Technology Program. The ATP is one NIST program designed to bridge the gap between basic research and proof of concept. Currently, almost one-third of all ATP projects focus on some aspect of manufacturing.

Long before the National Nanotechnology Initiative, with its hundreds of millions of Federal dollars to support nanotechnology research, ATP had already supported successful nanotechnology projects. An early nanotech project resulted in one of the earliest commercial successes. Currently, 10 percent of ATP projects are in the field of nanotechnology, representing a public-private investment of over $170 million. Time and again witnesses have appeared before the Committee on Science recommending that ATP be fully funded.

Just last month, at the Committee on Science hearing on innovation, high-level business experts recommended that ATP be fully funded. As my chairman knows, the National Governors Association supports it, the National Association of Manufacturers, and the ITAA. It makes no sense that a bill whose goal it is to bolster manufacturing competitiveness and innovation does not include ATP funding.

In closing, I will vote for H.R. 250, but I am sorely disappointed that H.R. 250 does so little to rebuild the U.S. manufacturing base. And let me also conclude with this, Madam Chairman. My chairman spoke earlier about how we had already debated ATP; that we have had a chance. The committee debated ATP, but we did not have a chance on this floor. Why in the world should we not take every type of Democrat, Republican, and independent suggestion to help our manufacturing base? I would like to pose that question.

Also, and correct me if I am wrong, but I do not think a single person has come before our committee and said that the ATP program is not important, not as good, and does not create jobs. The idea that, well, let us not put it on here because it might weigh the bill down and the President may not like this, well, we know the President does not like it. But the fact of the matter is that the Senate has already appropriated money for it. Last week, the Senate voted 2 to 1 to reject taking it out, so why can the House of Representatives not stand up here also and get a majority vote, which we will get on the ATP program, which is a good program and would make H.R. 250 really a bill worth doing.

Madam Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Madam Chairman, I yield 6 minutes to the gentleman from Michigan (Mr. EHLERS), the very distinguished author of this bill. And I say that with some reservations, because as is the habit of the Committee on Science, bills are reported out after very thorough and complete consultation with the minority, and so a lot of fingerprints are all over the bill. But the driving force behind this very important legislation is my distinguished colleague from Michigan.

Mr. EHLERS. Madam Chairman, I thank the gentleman for yielding me this time, and I rise today in strong support of H.R. 250, the Manufacturing Technology Competitiveness Act.

This bill is essentially the same bill that I authored and which the House passed in July 2004. Unfortunately, the Senate did not take up the legislation because of a dispute involving the ATP program, so the bill died in the Senate. I am hopeful that this time the bill will make it all the way through the process and be signed into law by the President.

The goal of my legislation is simple: It is to help small- and medium-sized manufacturers be more competitive in the global marketplace. However, my passion for this issue is not related or restricted just to manufacturing. For some 20 years, I have been speaking out about the need for a better technology transfer system in this country, and repeatedly throughout that time I have used an existing system as a model; that existing program is the cooperative extension service in the Department of Agriculture.

I was amazed, when I was in the State legislature in Michigan, to learn that a new discovery made in the labs of Michigan State University one year was used by the farmers in the field the next year. That is a model of tech transfer that is worth copying. That is partly what this bill attempts to do, to strengthen a manufacturing extension service. I believe it is absolutely essential for us to do this. It is even more essential for us to fund it appropriately.

For those who have objected to the money authorized in this bill, I would simply remind them that every year, without the blink of an eye or a single question, this Congress appropriates over $400 million for the agricultural extension service, which serves an industry which is very, very important but employs less than 2 percent of the people in this country. In view of that, I have always been troubled why it is so difficult for us to find $100 million to help a manufacturing industry that employs 14 to 15 percent of the workers in this country.

Grand Rapids, Michigan, my hometown, like other communities all over the U.S., has been struggling with multiple threats to its industries. Globalization is rapidly changing the way business is done, and our small- and medium-sized firms in particular are at the mercy of this process and the exposure to the increased competition that it brings. As the Congressman from Grand Rapids, I wanted to do what I could to help these small but important firms.

In talking to manufacturers in my district, one thing was clear: They said that the MEP program was a tremendously important program in helping them remain competitive. MEP has over 350 manufacturing extension offices located in all 50 States and Puerto Rico. These centers provide small manufacturers with tools and assistance in how to increase productivity and efficiency.

For example, the Michigan MEP center in Grand Rapids, known as the Right Place program, helped a struggling company, Wolverine Coil Spring, to develop more efficient packaging and auditing systems, and in this case turned it into a very successful company.

In the fiscal year 2004 appropriation, Congress cut funding from $106 million in fiscal year 2003 to $39 million in 2004. This limited funding caused many centers to lay off people and cut back their services. Fortunately, Congress has now restored their funding in the current fiscal year and the program has recovered. I am pleased that this year both House and Senate Appropriation Committees are recommending appropriate funding.

Another major concern that has been raised is the increasing technological advances being made by other countries. For our firms to compete today and in the future, we need more research and development into how to manufacture things better, faster, and cheaper, and that is also handled in this bill.

With all these thoughts in mind, I developed this bill, which will specifically:

Authorize the MEP program at $110 million to ensure all centers remain open and provide additional ways for MEP to help small- and medium-sized manufacturers by establishing a competitive grant program for the centers;

Ensure that Federal agencies will coordinate their programs related to manufacturing R&D and target them on concerns that matter most to industry; help industry improve their manufacturing processes and technology by establishing a pilot grant program that would fund joint efforts by universities and industry to solve problems in manufacturing technology;

Authorize the laboratory programs at the National Institute for Standards and Technology, better known as NIST, which provide critical research and standards for most of our industries;

And train more students and senior researchers in the manufacturing sciences, and provide technology training programs for future manufacturing workers by establishing postdoctoral and senior research fellowships at NIST. It will also increase support for the Advanced Technological Education program (ATE) at the National Science Foundation.

This legislation has received widespread and bipartisan support. I note that the National Association of Manufacturers, the American Small Manufacturers Coalition, and the National Coalition for Advanced Manufacturing, just to name a few, all support this legislation.

□ 1430

I also want to thank my colleagues on the Committee on Appropriations, the gentleman from Virginia (Mr. WOLF) and the gentleman from Michigan (Mr. KNOLLENBERG), for their help in providing the program with $106 million in the next fiscal year budget.

As I said from the beginning, my goal was to develop legislation that would help our small manufacturers better compete in the global marketplace, and H.R. 250 does just that.

I want to conclude by thanking the gentleman from Oregon (Mr. WU), the ranking member of my subcommittee, and the gentleman from Tennessee (Mr. GORDON), the ranking member of the full committee, for their help and input throughout this process; and especially I want to thank the gentleman from New York (Chairman BOEHLERT) for his unwavering commitment to help move this legislation through Congress and get it signed into law.

I strongly urge all of my colleagues to support their small and medium-sized manufacturers by supporting this bill.

Mr. GORDON. Madam Chairman, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Madam Chairman, I rise in support of the Manufacturing Technology Competitiveness Act because this legislation will take some small steps to help strengthen manufacturing technology and education. It will help small and medium-sized manufacturing in Maine by authorizing $2.1 billion for various activities intended to improve the competitiveness of our businesses.

Maine's manufacturing economy has been hard hit in recent years. Since the passage of NAFTA, Maine has lost over 24,000 manufacturing jobs. Job loss is all too familiar to too many Mainers.

During my first term in office after I was sworn in as a Member of Congress, I learned that the mill where I worked for over 28 years was closing its doors. It is the mill my father worked at for 43 years, my grandfather for 40 years, as did a lot of friends and neighbors. The region was devastated.

It is time to turn this economy around for all the mills all across the country. As a member of the House Manufacturing Task Force and Manufacturing Caucus, I have been working hard to promote Federal opportunities for businesses and nonprofit centers. I am also a strong supporter of the Manufacturing Extension Partnership. I am glad to see that MEP gets some funding in this bill even though they deserve more after years of proposed cuts by this administration.

Madam Chairman, the fact is that this should only be a start. I believe this bill is a small step in the right direction, but our Nation is facing a massive loss of manufacturing jobs and businesses. We should pass this bill today; but if we let this be the only thing that we do to help manufacturing this year, then Congress has failed and our businesses and our workers will lose out.

Mr. BOEHLERT. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), one of the most outspoken and effective advocates for manufacturing.

Mr. MANZULLO. Madam Chairman, I rise today in strong support of H.R. 250. I want to thank the gentleman from New York (Chairman BOEHLERT) for his leadership on the bill and commend the gentleman from Michigan (Chairman EHLERS) for introducing legislation that is so vital to the future of manufacturing in our country.

Recently, I met with a representative of Honeywell Federal Manufacturing & Technologies out of Kansas City. He discussed his research and development activities on micromechanical parts, such as gears and other smaller devices. This work is very similar to that performed at the EIGERlab which is also a Federal micro-manufacturing research and development facility that I recently helped establish in the district I represent.

EIGERlab has attracted a collection of scientists and researchers and has already proven to be a valuable center for advanced manufacturing R&D. H.R. 250 would help decentralize and streamline this type of manufacturing research so that efforts and duplication would be minimized, helping to ensure that American manufacturers can not only stay competitive, but thrive. The Kansas City facility uses a German process similar to an EDM wire. The EIGERlab uses a milling process, both making gears the size of Lincoln's nose on a Lincoln penny.

H.R. 250 also provides robust authorizations for numerous manufacturing initiatives, including the Manufacturing Extension Partnership, which is quite active in the area that I represent.

Steve Yagle, the president of Reliable Machine Company in Rockford, Illinois said "the training he received from IMEC has made Reliable more profitable, higher level of quality to our customers, increased our efficiency to be competitive," and, "from this will be job creation, and a plan to handle company development as we grow."

As we can see, funding programs like MEP are vital to helping our small manufacturers. I spend 75 to 80 percent of my time in Congress working on manufacturing issues, traveling the country and looking at new machines and new manufacturing processes. The American manufacturer needs as much help as he can get. H.R. 250 goes a long way, and I would urge its passage.

Mr. GORDON. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Chairman, I thank the gentleman from Tennessee (Mr. GORDON), the ranking member, and the gentleman from New York (Chairman BOEHLERT). I rise to express my support for a comprehensive Federal manufacturing policy. I have been calling for this for at least 10 years. This is necessary. This is important.

This bill is doing more today to stimulate the economy than anyone realizes. We have been gimmicked on both sides of the aisle about how we are going to get people back to work. This is real. This is not reality TV. I want to associate myself with the words of my good friend, the gentleman from Michigan (Mr. EHLERS). He has hit the nail on the head. If we do not deal with this now, we will be so far behind we will never be able to catch up.

Members have to admit, not here on the floor, of course, that the manufacturing czar was a joke, was an absolute joke. I am not impressed with the fact that the National Association of Manufacturers supports this bill because they were at the throttle when New Jersey lost 40 percent of its manufacturing jobs since 1990. They were there as the guardians, and they did absolutely nothing, zero.

The Larson amendment, which will be offered later, would create a meaningful Under Secretary of manufacturing and technology. I plead with Members. I think this is a good move, not a bureaucratic move. I think it is important that we send a message to the entire Congress of the United States.

I am a native of Paterson, with one T, New Jersey. The gentleman has one in New York with two T's. I deeply understand the value of working with one's hands and the value that a manufacturing base can bring to individual communities. Paterson was founded by none other than Alexander Hamilton. It is interesting, as a Democrat I became a Hamiltonian.

Looking back, we find that things have not changed so much in the past 2 centuries. In his day, Hamilton urged Congress to promote manufacturing so the United States could be independent of other nations for military and other essential supplies. Once we have lost the manufacturing apparatus, our ability even to manufacture weapons, weapons, diminishes. God forbid if we ever get to that point, but we are talking about two gentlemen here. What you are talking about is critical, very critical to the economic base of this Nation. Unfortunately, a lot of the meeting is not listening because this is not a sexy enough subject. It is only about jobs.

Hamilton also rightly foresaw the importance of a diversified economy. Remember the battle with Jefferson? Jefferson wanted to continue this as an agrarian society for the rest of the 18th and 19th centuries. It was impossible. We need a diversified economy. We cannot rely solely on an agrarian economy, and we cannot rely on the service sector. That has not worked.

As I said, we have lost over 40 percent of our jobs. New Jersey, New England, the Midwest, the whole Nation needs a manufacturing administration to step up to the plate, to focus on the ways we can keep a thriving manufacturing sector from all angles. I think this is important to homeland security. We need to discuss that more often.

We must have an agency dedicated to addressing some of our failed trade policies and the outsourcing of American jobs. Some of that outsourcing is good. Some of it is horrible. Service jobs, such as part-timing the American working force, and even we are paying for the folks that work at Wal-Mart whether they are full-time or part-time. We are picking up their medical services. This is a cost to the taxpayers of this country never mentioned. The middle class is paying for health services for these people. The loss of manufacturing jobs is leading to an erosion of the middle class with more families seeing their salaries and quality of life decrease.

This bill does some very good things. I ask that we support the amendments that are going to be put forward and also the Larson amendment. Let us make the bill a little better, and I want to thank the chairman and the ranking member. They are ahead of their time, but we need to catch up with what has happened in the past 20 years.

Mr. BOEHLERT. Madam Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), who is a leader in the manufacturing and steel caucuses, and so many other caucuses that are involved with protecting American jobs and growing American jobs.

Ms. HART. Madam Chairman, I thank the chairman for his kind words and for recognizing me on this bill and for his continued support of manufacturing technology and advancements for our manufacturers so they can compete effectively.

I also am pleased that the ranking member and the subcommittee chairman also support this moving forward because H.R. 250 supports a number of important initiatives that will help American manufacturers be more competitive in the world economy. We live in a real world, a world economy.

One of the provisions in this bill that is most important to that competition is the reauthorization of the MEP, Manufacturing Extension Partnership.

MEP makes it possible for even the smallest firms to tap into expertise and knowledge that they could not afford on their own. Each center, such as Catalyst Connection in Pittsburgh, works directly with area manufacturers to provide expertise as well as services tailored to the most critical needs of these manufacturers. The organization provides a wide variety of assistance. Some examples are process improvements, worker training, business practices, and applications of information technology.

Many of these items are required for firms to be competitive in today's market. Small manufacturers are the driving force behind our U.S. economy, and increasing productivity and job creation in this sector is critical.

In fact, the National Institute of Standards and Technology, which manages this program, recently showed positive results nationwide. In a single year, MEP clients reported a $2.8 billion increase in sales. They have hired new workers and retained 35,000 workers; experienced $681 million in cost savings; and $941 million in plant and equipment investments have been made.

Last month I visited Sharon Custom Metal Forming in Farrell, Pennsylvania, and met with management and employees of this country. One of the issues they highlighted was how their utilization of MEP has improved their business and made them more competitive. They are not alone. That happens all over my district, and continuing to fund this program means we will continue to give our entrepreneurs and small business people a competitive edge that will help them to continue to succeed in today's global market.

Mr. GORDON. Madam Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT), who is one of the Members who gets it, who understands how important it is to protect our manufacturing base.

Mr. DENT. Madam Chairman, I rise today to speak in support of H.R. 250, the Manufacturing Technology Competitiveness Act. Promotion of manufacturing technologies has traditionally been a key to wealth creation in this country. Manufacturing a better product, from automobiles to chemicals to computers to airplanes, has provided the means for this country to become the wealthiest in the history of the world.

As we enter the 21st century, our challenge to remain competitive becomes even more difficult. H.R. 250 provides many tools that will help us meet this challenge. For one thing, it reauthorizes funding for MEP. This is a highly successful program which has just been discussed. It brings together businesses and consultants and provides technical expertise for manufacturing and marketing in those particular businesses. In doing this, it helps small manufacturers improve performance, productivity and helps them remain competitive.

In my congressional district, the MEP has provided assistance to the Manufacturers Resource Center located at Lehigh University, which is a State-funded program. I should also mention we have the highly successful and critically acclaimed Ben Franklin Technology Development Authority, which I served on for many years, along with the NRC board at the State level.

I can tell Members firsthand that those programs have provided tremendous support to people in my community. I can give Members specific examples that are not far from home. I can take Members to Apollo Metals in the city of Bethlehem. There are about 125 people at Apollo Metals. They have become more productive as a result of the assistance they have received through this Manufacturers Resource Center.

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In fact, I will just read a testimonial. "We will be implementing the changes recommended by the Manufacturers Resource Center and looking forward to our improved ability to add to our already excellent customer service by shortening lead times, improving the customers' ability to get information in a timely fashion, and in maintaining our cost competitiveness." And that is from their president.

I can also point to Solartech, another company in my district. Those solar panels we see on the road that tell us to slow down, tell us what the traffic conditions are, a small company of about 100 people in my district exports, again assisted by these particular operations.

I urge adoption of this bill.

Mr. GORDON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me sincerely say that I do not think anybody in the United States Congress serves with a better chairman than I do, with the gentleman from New York (Chairman BOEHLERT). I also sincerely believe that there is not a more constructive voice on the Committee on Science than the gentleman from Michigan (Mr. EHLERS), and I want to thank them for really bucking the President and helping us to work to save the MEP program. It was important.

But I still have to say I am disappointed in this bill. I am disappointed that it is a missed opportunity. I am going to have to go home this weekend, and I am going to see folks as I travel around the district, as always, that are going to tell me they have lost their job, some with tears in their eyes. They are going to say, What can you do to help us? I am going to tell them we passed H.R. 250. But I am going to do so embarrassed, embarrassed that we did not do all that we could do.

It has been said before and I will say it again. The ATP program is a proven job-creating program. It is endorsed by the National Governors Association. It is endorsed by the National Association of Manufacturing. We had not one single witness before our committee to say it is not a good bill. The only thing that we said is that we cannot add this, we cannot even vote on it because the President might veto this bill, and we had better have a little bit than the best we can.

The fact of the matter is that the other body has already voted money for the ATP program. Last week the other body voted down, more than 2 to 1, an amendment to do away with the program. And we have a President who in almost 5 years has never vetoed a single bill. I think that is a record, an historic record. Yet we are afraid to do our best when our constituents are losing their jobs left and right because of offshoring.

I am going to vote for this bill, but I am going to do so, and be embarrassed when I go home this weekend, that we did not do the best job we could.

Madam Chairman, I yield back the balance of my time.

Mr. BOEHLERT. Madam Chairman, I yield myself such time as I may consume.

Before I close on a bill that we can all be proud of, Republicans and Democrats alike, I want to thank the staff on both sides of the aisle who have worked on this bill over the past several years, including, not exclusive, but including Olwen Huxley and Amy Carroll, and particularly Eric Webster of our committee staff.

I want to give special thanks to Mr. Webster, who is leaving the Hill this week, after 12 years, to join the National Oceanic and Atmospheric Administration. We are sure Mr. Webster will be just as effective at prodding NOAA from the inside as he has been for us, and that is very effective. We will sorely miss Eric Webster, who started in my office several years ago as an intern and became our top legislative assistant and also worked for the very distinguished gentleman from Maryland (Mr. GILCHREST) as legislative director before coming to the Committee on Science. He has added immeasurably to the products that we have produced in our committee, and all of us want to thank him for his efforts. And we want to wish him, his wife Natalie, and daughter Gabriella, all the best as they go forward in this new chapter in the continuing saga of "Eric Webster Comes to Washington."

Mr. UDALL of Colorado. Madam Chairman, I rise in support of this bill even though we have missed an opportunity to improve upon it.

While I am pleased that we are providing an authorization for the National Institute of Standards and Technology and supporting the vital MEP program, this bill falls short by failing to authorize the Advanced Technology Partnership, ATP.

I am also disappointed that this body did not pass my amendment increasing funding for the Advanced Technological Education program. ATE works with community colleges and industry to assure that students entering the workforce have the skills they need to be competitive. A technologically trained workforce is vital to strong manufacturing and technological industries, and ATE directly impacts the workforce.

We have heard over and over again today the need to better support our manufacturing industry. And I believe there are portions of this bill that make important strides in that direction. For example, this bill includes authorizing the Manufacturing Extension Partnership, MEP, program at $110 million for FY06. MEP provides vital support to small manufacturing companies in our country to remain successful and competitive in a global market. These small manufacturing companies make up 98 percent of the manufacturing industry in this country, yet they are continually struggling and jobs are being lost. MEP centers works directly with local manufacturers to provide expertise and services tailored to their most critical needs, which range from process improvements and worker training to business practices and information technology applications. This is a Federal, State, and private-sector partnership where every Federal dollar leverages two dollars in state and private-sector funding. A small Federal investment leverages billions of dollars in benefits for the economy in terms of jobs created and retained, investment and sales.

This bill also provides authorization numbers for the construction and maintenance of NIST facilities. The urgency of this is shown by the facilities in my district, which are 50 plus years old and in need of maintenance. These authorization levels will allow NIST to upgrade these facilities to ensure they continue to perform cutting edge research.

While this bill widely supports MEP it leaves behind another highly successful program, ATP. We have continually heard the majority express their support for this program, but time and time again they have not taken the opportunity to fund it. During the markup of this bill in the Science Committee Mr. HONDA offered a similar amendment to the one he offered before the Rules Committee. His amendment had the same authorization levels that were upheld in the Senate a week ago. Unfortunately, the majority did not support it. When I offered an amendment to fund current ATP projects through completion and cover closeout costs, Chairman BOEHLERT indicated that my amendment would mean that we have "given up on ATP." But what I see is that the

Republican majority supports this important program with words, rather than deeds. I was hopeful that we would agree with the Senate and support ATP aggressively since the program has proven to be effective. Now we must look to the Senate to improve this bill.

Madam Chairman, though we face a tough budgetary future we need to realign our priorities to provide the foundation for our economy to grow. We no longer have the luxury of only competing with ourselves. Countries across the globe have the skills, knowledge, and workforce to compete in manufacturing and technological innovation. At the same time, we are witnessing in this country a decline in science and math graduates, below average test scores in math, and jobs continually being moved overseas.

While this bill does improve upon the current situation, it in no way solves enough to truly invigorate our manufacturing industry. We need to truly support research and development, science and math education, and workforce training.

So Madam Chairman, it is with disappointment that I support this bill. It is a modest and narrow effort to support this country's manufacturing base, but it is better than nothing in terms of supporting manufacturing.

Mr. CASTLE. Madam Chairman, I rise today to strongly support swift passage of this legislation. I thank Representative EHLERS and Chairman BOEHLERT for their work on this important measure. I would like to highlight the success of The Delaware Manufacturing Extension Partnership, DEMEP, in its contributions to manufacturing across the First State.

The Federal funding Delaware MEP receives through the national MEP program has helped them to develop the resources necessary to contribute to the success of Delaware's small and medium-sized manufacturers in improving their global competitiveness. By identifying, transferring, and implementing appropriate best practices, Delaware MEP has helped manufacturers to substantially improve their quality, productivity, and profitability.

The manufacturing sector in Delaware is dealing with the same burdens that are affecting all U.S. manufacturers—rising costs of labor, health care, energy, and regulatory compliance. The Delaware MEP exists to strengthen local manufacturers by assisting them in dealing with these important issues. Of the 60 MEP centers in the U.S. and Puerto Rico, the Delaware MEP ranks No. 1 in impact to Client's bottom line dollars generated per Federal dollar invested, meaning $65.08 for every $1 invested in 2004; and they rank No. 2 in customer satisfaction. Additionally, the Delaware MEP helped retain or create 1,020 jobs in Delaware in 2003.

The Delaware MEP offers Delaware manufacturers a variety of public seminars and workshops, as well as confidential management assistance to help companies improve their competitiveness. Programs include: the Lean Enterprises program to support growth by enhancing work processes; the Quality Management program that ensures consistent product quality and minimizes waste; and the Driving Revenue Growth program to increase sales using marketing strategies. Programs such as these have helped Delaware companies record significant improvements in productivity and profitability while decreasing waste.

In its 11th year of service, Delaware MEP has successfully strengthened competitiveness, improved productivity, and increased profits for Delaware manufacturers by guiding them in the implementation of best practices.

The Delaware MEP will continue to work with its many local, regional, and national partners—including the United States Department of Commerce, National Institute of Standards and Technology, NIST, the Delaware Office of Economic Development, DEDO, Delaware Technical and Community College, and the Delaware State and local Chambers of Commerce—to bring innovative programs to Delaware manufacturers to serve their competitive needs and to help them compete and prosper.

Madam Chairman, these programs will continue to support manufacturing in Delaware and in the United States, contributing greatly to job creation and a stronger economy. I urge my colleagues to support this legislation.

Mr. KNOLLENBERG. Madam Chairman, I rise in strong support of H.R. 250, the Manufacturing Technology Competitiveness Act of 2005. First allow me to congratulate my colleague from Michigan for his hard work in bringing this bill to the floor of the House today. He has been an important champion for manufacturing and this bill is a great example.

American businesses and workers are the most productive in the world. However, because of massive global competition and increasing non-direct costs, our manufacturers are under severe pressure. In many cases these businesses are being forced to deliver their products at constant or even lower prices in order to get their products sold.

At the same time, the costs of inputs they cannot directly control like health care, litigation, raw materials, energy, and many others are increasing. These trends are squeezing the industry incredibly hard.

Manufacturers throughout the country are reacting to this environment by taking the steps they can to become even more efficient and competitive. And they're continually making progress.

While American manufacturers are taking the steps they need to take, it's important for the government to look at appropriate ways we can help. Technology is an area where the federal government has an enormous impact. This bill includes some important steps forward in enhancing American manufacturing technology.

H.R. 250 provides grants, encourages scholarship and strengthens the Manufacturing Extension Partnership. MEP is an important Federal program that has had a documented positive impact on our manufacturing sector, and which is particularly vital to our small and medium-sized manufacturers.

As many Members of Congress know, MEP is a Federal-State-private network of over 60 centers with 400 locations in all 50 States. These not-for-profit centers work with small and medium-sized manufacturers to help them adopt and use the latest and most efficient technologies, processes, and business practices.

The results of MEP speak for themselves. In fiscal year 2003 alone, MEP served more than 18,000 manufacturers nationwide. Those manufacturers reported an additional $2.6 billion in sales, $686 million more in cost savings, $912 million of additional investment in plant modernization, and more than 50,000 more jobs just as a result of their projects with MEP Centers that year. Additionally, an estimate of the federal return on our investment in MEP Centers is $4 in Federal tax revenue for every $1 invested in the program.

Madam Chairman, for all these reasons, it is important for Congress to pass this bill. I urge my colleagues to join me in supporting American manufacturing by supporting this bill.

Mr. BLUMENAUER. Madam Chairman, I am proud to support H.R. 250, the Manufacturing Technology Competitiveness Act. In this era of globalization, Congress must make a commitment to providing the right incentives and resources to keep our manufacturing sector competitive. I have met with a group of public and private organizations in Portland, Oregon, the Manufacturing 21 Coalition, and was told that a skilled workforce and incentives for innovation are their priorities.

This bill will provide funding for valuable research and development programs to develop new technologies and education dollars that will help ensure we develop a workforce that is able to efficiently work with new technologies. I was displeased to see that the Rules Committee ruled out of order some amendments that would have enhanced the benefits of this legislation. Nevertheless, I am pleased that the House is taking steps to ensure that we enhance manufacturing businesses in our local communities.

Ms. JACKSON-LEE of Texas. Madam Chairman, the Manufacturing Technology Competitiveness Act of 2005 represents an important piece of legislation for this Congress as it did previously in the Science Committee and it is because of that I hoped this body would have taken into account all points of view.

After 8 years I am pleased that the Science Committee has decided to move an almost complete authorization for the National Institute of Standards and Technology, NIST. H.R. 250, the Manufacturing Technology Competitiveness Act of 2005, authorizes all of NIST's programs except for the Advanced Technology Program, ATP. I have always strongly supported NIST and fully recognize the importance of all of its programs to the US industrial sector. However, H.R. 250 purports to be a bill to help the American manufacturing base. I unfortunately feel that H.R. 250 falls far short of this goal.

This is virtually the same bill that passed the Committee and House a year ago and that the Senate never took up. The U.S. manufacturing sector is facing a crisis—since 2001 we have lost 2.7 million manufacturing jobs. In the first 3 months of this year, we have lost another 24,000 manufacturing jobs. A year ago, the administration announced its Manufacturing Initiative, the creation of an Assistant Secretary for Manufacturing and Services supported by a $40 million dollar-plus bureaucracy, and established a Manufacturing Council. Since these announcements, very little has been heard from these organizations. While there is bipartisan agreement that the Federal Government needs to retain high-skill, high-pay, manufacturing jobs in the U.S., I am disappointed that this crisis has received so little attention from the Administration, the House, and the Senate.

This legislation directs the President to establish or designate an Interagency Committee to plan and coordinate Federal efforts in manufacturing research and development, with an Advisory Committee from the non-Federal sector. In addition, this bill amends the National Institute of Standards and Technology Act, NIST Act, to establish: (1) a pilot program of collaborative manufacturing research grants; (2) manufacturing sciences research fellowships; (3) manufacturing extension center competitive grants; and (4) standards education grants to develop higher education curricula on the role of standards in engineering, business, science, and economics.

Clearly, these provisions are positive in their intent, but they can be expanded without interfering with the core of the legislation. My Democratic colleagues have offered a number of good amendments which should be adopted in order to take in all points of view. Together this body can enhance the Manufacturing Technology Competitiveness Act of 2005.

Mr. BACA. Madam Chairman, I ask unanimous consent to revise and extend my remarks.

Madam Chairman, I am a strong supporter of American manufacturing and think this bill can be a good step in the right direction.

For too long, this administration's trade policies have led to a hemorrhage of manufacturing jobs out of Main Street and into Mainland China.

There is one particular program authorized by this bill that is important to my constituents in California—that is the Manufacturing Extension Partnership, MEP.

The MEP provides our manufacturers with the tools to compete in a competitive marketplace. It helps maintain our country's manufacturing productivity and competitiveness.

A survey of just one-third of MEP customers found that they had created or saved more than 35,000 jobs, and that is just one-third of the customers, thanks to this program. And the MEP centers help more than 18,000 small companies each and every year.

Assistance to manufacturers is more important than ever due to this administration's misguided view that sending American manufacturing jobs overseas is good for the economy.

We need more American jobs, not less.

We need expanded economic activity and an enhanced tax base, not residential communities with nothing but service sector jobs.

Madam Chairman, I strongly support H.R. 250 for these very reasons. I hope that as the bill moves to conference, that Chairman GORDON will include Mr. HONDA'S proposal to extend the authorization of the Advanced Technology Program for an additional year.

Mr. TURNER. Madam Chairman, I support H.R. 250, the Manufacturing Technology Competitiveness Act of 2005.

Mr. Chairman, Dayton, Ohio, in my district is a center for manufacturing innovation. Manufacturers from Dayton have invented everything from the airplane to the electric car starter. Dayton is one of the top cities in America for patents per capita. H.R. 250 will ensure that Dayton's strong tradition of innovation will continue into the future.

H.R. 250 reauthorizes the Manufacturing Extension Partnership, MEP, Program, a program that has created centers throughout the country which help teach manufacturers technology developed by the National Institute of Standards and Technology. The National Institute of Standards and Technology, NIST, helps American businesses move into new manufacturing frontiers, expanding opportunities for the American manufacturing sector.

The Edison Materials Technology Center, or EMTEC located in my district, Kettering, Ohio, is an NIST center, and recipient of MEP Program grant money. EMTEC has partnered with over 125 businesses, universities and government agencies to bring new technologies to the factory floor.

Additionally, H.R. 250 authorizes funding for the National Science Foundation's Advanced Technological Education, ATE, program. This program provides funds to community and technical colleges for workforce education and training at the university and secondary levels. The continuation of the ATE program will assure that Ohio manufacturers have the best trained personnel.

Madam Chairman, this legislation will help our manufacturers maintain and enhance their competitive edge. I urge my colleagues to vote for this bill.

Mr. WU. Madam Chairman, I am pleased that Congress is considering the authorization of the National Institute of Standards and Technology. There is no other federal agency that more directly supports American industrial innovation and competitiveness than NIST.

NIST's standards and metrology activities support the chemical, telecommunications, and energy sectors to name a few.

The Manufacturing Extension Partnership is a successful program under NIST that helps our small manufacturing community remain competitive in the face of increasing global competition. The result: high-wage, high-skill jobs remain in the U.S. rather than moving offshore.

While I believe that H.R. 250, the Manufacturing Technology Competitiveness Act, is a good start, we must do much more to make the bill's contents live up to its title. Our manufacturing base is facing a crisis. Since 2001, we have lost 2.7 million manufacturing jobs.

However, the Advanced Technology Program, which spurs the development of broad-based technologies that can create the industries of tomorrow, is not being included in this bill. This is a terrible mistake. The future of American manufacturing lies in our ability to promote risk taking and to promote the pursuit of new technologies that go well beyond the limits of conventional practices. ATP is a logical tool to use to achieve these goals.

For all the hype given to the Nanotechnology Initiative, few recall that it was an early ATP award that fostered the development of the use of nanoparticles in the cosmetic industry. This is one of the few examples of commercially viable nanotechnology. Yet, this bill ignores the potential that can come out of ATP.

If we wish to truly strengthen the U.S. manufacturing base, we need to bring our full resources to bear on this issue—including ATP and technical education.

Unfortunately, the underlying bill does not do this. I am extremely disappointed that this bill does not include ATP and vocational education. If we are going to grow our economy in the 21st century, we have to be the most innovative country in the world. This bill will not get us there.

Mr. BOEHLERT. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manufacturing Technology Competitiveness Act of 2005".

SEC. 2. INTERAGENCY COMMITTEE AND ADVISORY COMMITTEE.

(a) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—The President shall establish or designate an interagency committee on manufacturing research and development, which shall include representatives from the Office of Science and Technology Policy, the National Institute of Standards and Technology, the Science and Technology Directorate of the Department of Homeland Security, the National Science Foundation, the Department of Energy, and any other agency that the President may designate. The Chair of the Interagency Committee shall be designated by the Director of the Office of Science and Technology Policy.

(2) FUNCTIONS.—The Interagency Committee shall be responsible for the planning and coordination of Federal efforts in manufacturing research and development through—

(A) establishing goals and priorities for manufacturing research and development, including the strengthening of United States manufacturing through the support and coordination of Federal manufacturing research, development, technology transfer, standards, and technical training;

(B) developing, within 6 months after the date of enactment of this Act, and updating every 3 years for delivery with the President's annual budget request to Congress, a strategic plan, to be transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, for manufacturing research and development that includes an analysis of the research, development, technology transfer, standards, technical training, and integration needs of the manufacturing sector important to ensuring and maintaining United States competitiveness;

(C) proposing an annual coordinated interagency budget for manufacturing research and development to the Office of Management and Budget; and

(D) developing and transmitting to Congress an annual report on the Federal programs involved in manufacturing research, development, technical training, standards, and integration, their funding levels, and their impacts on United States manufacturing competitiveness, including the identification and analysis of the manufacturing research and development problems that require additional attention, and recommendations of how Federal programs should address those problems.

(3) RECOMMENDATIONS AND VIEWS.—In carrying out its functions under paragraph (2), the Interagency Committee shall consider the recommendations of the Advisory Committee and the views of academic, State, industry, and other entities involved in manufacturing research and development.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the President shall establish or designate an advisory committee to provide advice and information to the Interagency Committee.

(2) RECOMMENDATIONS.—The Advisory Committee shall assist the Interagency Committee by providing it with recommendations on—

(A) the goals and priorities for manufacturing research and development;

(B) the strategic plan, including proposals on how to strengthen research and development to help manufacturing; and

(C) other issues it considers appropriate.

(3) REPORT.—The Advisory Committee shall provide an annual report to the Interagency Committee and the Congress that shall assess—

(A) the progress made in implementing the strategic plan and challenges to this progress;

(B) the effectiveness of activities under the strategic plan in improving United States manufacturing competitiveness;

(C) the need to revise the goals and priorities established by the Interagency Committee; and

(D) new and emerging problems and opportunities affecting the manufacturing research community, research infrastructure, and the measurement and statistical analysis of manufacturing that may need to be considered by the Interagency Committee.

(4) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 3. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note) as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

"SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

"(a) AUTHORITY.—

"(1) ESTABLISHMENT.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

"(2) PARTICIPANTS.—Such partnerships shall include at least—

"(A) 1 manufacturing industry partner; and

"(B) 1 nonindustry partner.

"(3) PURPOSE.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

"(b) PROGRAM CONTRIBUTION.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

"(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

"(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

"(2) the research that the grant would fund; and

"(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

"(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

"(1) the degree to which projects will have a broad impact on manufacturing;

"(2) the novelty and scientific and technical merit of the proposed projects; and

"(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

"(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

"(f) DURATION.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.".

SEC. 4. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Director is authorized"; and

(2) by adding at the end the following new subsection:

"(b) MANUFACTURING FELLOWSHIP PROGRAM.—

"(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

"(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

"(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

"(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(3) STIPEND LEVELS.—Under this section, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.".

SEC. 5. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting "A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center." after "sixth year at declining levels.".

(b) FEDERAL SHARE.—Strike section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) and insert the following:

"(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).".

(c) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsections:

"(e) COMPETITIVE GRANT PROGRAM.—

"(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

"(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

"(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond these traditional areas.

"(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

"(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

"(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

"(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

"(C) that will contribute to the long-term economic stability of that region.

"(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.

"(f) AUDITS.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A–133 and shall make such audits available to the public on request.".

SEC. 6. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the

National Institute of Standards and Technology—

(1) $426,267,000 for fiscal year 2006, of which—

(A) $50,833,000 shall be for Electronics and Electrical Engineering;

(B) $28,023,000 shall be for Manufacturing Engineering;

(C) $52,433,000 shall be for Chemical Science and Technology;

(D) $46,706,000 shall be for Physics;

(E) $33,500,000 shall be for Material Science and Engineering;

(F) $24,321,000 shall be for Building and Fire Research;

(G) $68,423,000 shall be for Computer Science and Applied Mathematics;

(H) $20,134,000 shall be for Technical Assistance;

(I) $48,326,000 shall be for Research Support Activities;

(J) $29,369,000 shall be for the National Institute of Standards and Technology Center for Neutron Research; and

(K) $18,543,000 shall be for the National Nanomanufacturing and Nanometrology Facility;

(2) $447,580,000 for fiscal year 2007; and

(3) $456,979,000 for fiscal year 2008.

(b) MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $5,654,000 for fiscal year 2006;

(2) $5,795,000 for fiscal year 2007; and

(3) $5,939,000 for fiscal year 2008.

(c) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) $58,898,000 for fiscal year 2006;

(2) $61,843,000 for fiscal year 2007; and

(3) $63,389,000 for fiscal year 2008.

(d) ADVANCED TECHNOLOGY PROGRAM ELIMINATION REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary shall provide to the Congress a report detailing the impacts of the possible elimination of the Advanced Technology Program on the laboratory programs at the National Institute of Standards Technology.

(e) LOSS OF FUNDING.—At the time of the President's budget request for fiscal year 2007, the Secretary shall provide the Congress a report on how the Department of Commerce plans to absorb the loss of Advanced Technology Program funds to the laboratory programs at the National Institute of Standards and Technology, or otherwise mitigate the effects of this loss on its programs and personnel.

SEC. 7. STANDARDS EDUCATION PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) $773,000 for fiscal year 2006;

(2) $796,000 for fiscal year 2007; and

(3) $820,000 for fiscal year 2008.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l)—

(1) $110,000,000 for fiscal year 2006, of which not more than $1,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) $115,000,000 for fiscal year 2007, of which not more than $4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(3) $120,000,000 for fiscal year 2008, of which not more than $4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

(b) COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

(1) $10,000,000 for fiscal year 2006;

(2) $10,000,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

(c) FELLOWSHIPS.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards and Technology Act, as added by section 4 of this Act—

(1) $1,500,000 for fiscal year 2006;

(2) $1,750,000 for fiscal year 2007; and

(3) $2,000,000 for fiscal year 2008.

SEC. 9. TECHNICAL WORKFORCE EDUCATION AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Science Foundation, from sums otherwise authorized to be appropriated, for the Advanced Technological Education Program established under section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i)—

(1) $55,000,000 for fiscal year 2006, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification;

(2) $57,750,000 for fiscal year 2007, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification; and

(3) $60,600,000 for fiscal year 2008, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification.

(b) AMENDMENT.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) by inserting ", including manufacturing" after "advanced-technology fields" each place it appears other than in subsection (c)(2); and

(2) by inserting ", including manufacturing," after "advanced-technology fields" in subsection (c)(2).

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–227. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–227.

AMENDMENT NO. 1 OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOEHLERT:

At the end of the bill, add the following new sections:

SEC. 10. KATRINA ASSISTANCE PROGRAM.

(a) PROGRAM ESTABLISHMENT.— Not later than 30 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall establish within the Manufacturing Extension Partnership program established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l) a Katrina Assistance Program, to provide assistance to impacted small and medium-sized manufacturers in the areas affected by Hurricane Katrina.

(b) PURPOSES.—The Katrina Assistance Program shall—

(1) establish triage teams, consisting of personnel from within the national network of Manufacturing Extension Partnership Centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) and local experts, the purpose of which shall be to assist impacted manufacturers;

(2) develop virtual assistance centers, consisting of databases incorporating the results and recommendations of the triage team assessments;

(3) assess the potential disruption on national manufacturing supply chains as a result of Hurricane Katrina, and develop recommendations of how to minimize such disruption; and

(4) provide assistance to small and medium-sized manufacturers in the areas affected by Hurricane Katrina, consistent with

the authorities of the Manufacturing Extension Partnership program established under section 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(c) NO MATCHING FUND REQUIREMENT.—Assistance under the Program established under this section shall be exempt from matching requirements for the Manufacturing Extension Partnership program under the National Institute of Standards and Technology Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for the Katrina Assistance Program established under this section.

SEC. 11. BUILT ENVIRONMENT INVESTIGATION FOR HURRICANE KATRINA.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall carry out an engineering performance study of the effects of Hurricane Katrina in the areas of Louisiana, Alabama, and Mississippi covered by the President's major disaster declarations of August 29, 2005. The study shall be based on an examination of physical structures damaged due to excessive wind, storm surge, and flooding, including—

(1) key physical infrastructures such as ports, utilities, lifelines associated with infrastructure facilities, and transportation systems; and

(2) engineered and nonengineered buildings.

(b) PURPOSE.—The purpose of the study shall be to—

(1) develop new knowledge concerning practices related to building standards and codes; and

(2) review the adequacy of current building codes and standards for excessive wind, storm surge, and flooding.

(c) MEETINGS AND CONFERENCES.—The Director of the National Institute of Standards and Technology may convene public meetings and conferences to inform the public, government authorities, and relevant professional associations regarding findings and recommendations of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology $3,000,000 for carrying out this section.

The CHAIRMAN. Pursuant to House Resolution 451, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of the amendment. Let me start by thanking the gentleman from Louisiana (Mr. MELANCON) for bringing forward the proposal that led to this amendment. And let me thank him and the gentleman from Tennessee (Mr. GORDON) for working with us to craft this amendment in a way that should avoid controversy.

This amendment is designed to help the victims of Hurricane Katrina and to help save lives in future hurricanes, goals we obviously all share. The amendment would accomplish its goals in two ways.

First, it authorizes the Manufacturing Extension Partnership program to establish a special effort to help Katrina victims by drawing on all the resources of the nationwide network of MEP centers. The MEP centers have a wide variety of ways to help businesses that have had losses or have been wiped out by Hurricane Katrina. We all want to do everything possible to help gulf coast businesses and their owners and customers to get back on their feet, something that is critically important, brought to my attention once again very vividly in a meeting this morning with Governor Haley Barbour of Mississippi.

The Katrina program would also waive the usual matching requirements for assistance, as neither the States nor the businesses are in a position to provide such a matching payment now. I should add that we do not expect this program to be particularly costly as it draws on existing MEP resources, and the MEP program as a whole costs roughly $100 million, not a number that stands out in comparison to the mega numbers we are hearing about necessary hurricane relief.

The second part of the amendment draws on the expertise of the National Institute of Standards and Technology to investigate why buildings and other structures failed during the storm. This is a traditional role for NIST, and it has played it many times after building failures and has resulted in greater understanding of building performance and stronger building codes. We ought to be learning from this hurricane to prevent future losses of life and property in storms to come. A NIST investigation is the best way to do that.

This bill is silent as to what legal mechanisms NIST should use to carry out its investigation. I would prefer and I know my colleagues across the aisle would prefer that NIST invoke the National Construction Safety Team Act that was signed into law after the World Trade Center collapsed. But the bill does not mandate that NIST take that approach.

In short, this amendment instructs NIST to take reasonable, affordable steps to help the victims of Katrina and to prevent losses from future storms. I urge its adoption.

Madam Chairman, I yield back the balance of my time.

Mr. GORDON. Madam Speaker, I ask unanimous consent to claim the time in opposition under the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, in 1969 I was a college student when Camille hit the gulf coast, and I went down to Pass Christian to try to help clean up with the National Guard. Let me say one really has to be there to fully appreciate the devastation and the despair in the victims' hearts. I know it is there this time also.

The gentleman from Louisiana (Mr. MELANCON) has been there. He has worked with his constituents and folks all across that area and has brought back to us some good sense, and that is how we can make the MEP program help that area, helping the businesses come back, helping people develop jobs. And I want to compliment the gentleman from New York (Chairman BOEHLERT), who I think well stated the purpose of this bill, for recognizing it, agreeing to accept it. I think this is going to be a positive addition to not only the bill but also to the lives and businesses in this hard-hit area.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–227.

AMENDMENT NO. 2 OFFERED BY MR. GORDON

Mr. GORDON. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GORDON:

At the end of section 5, add the following new subsection:

(d) PROGRAMMATIC AND OPERATIONAL PLAN.—Not later than 120 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year programmatic and operational plan for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l). The plan shall include comments on the plan from the Manufacturing Extension Partnership State partners and the Manufacturing Extension Partnership National Advisory Board.

The CHAIRMAN. Pursuant to House Resolution 451, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this is a very straightforward amendment. This amendment requires the Director of the National Institute of Standards and Technology to submit to Congress a 3-year operational and planning document for the Manufacturing Extension Partnership program. The past 4 years, the administration's MEP budget request has been much less than required to maintain the existing national network of MEP centers. In fact, for 2 years the administration has proposed eliminating MEP funding altogether. Despite their meager budget requests, the administration has consistently maintained that it will maintain a fully operational MEP network. However, the administration has not consulted with the State partners or MEP centers to explain the rationale for its funding request or how they intend to maintain the current MEP center structure.

Both States and small manufacturers have been frustrated by the administration's lack of planning and cooperation. My amendment would address this issue by requiring the administration to put together a 3-year MEP operation plan that would include commitments of its State partners and the MEP National Advisory Board. This amendment has also been endorsed by the American Small Manufacturers Coalition, the umbrella operation of the MEP centers and the small manufacturers they serve.

I would urge adoption of this amendment.

Mr. BOEHLERT. Madam Chairman, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, I think this amendment enhances the bill. It adds to the quality of an already good bill, and we are pleased to accept it.

Mr. GORDON. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–227.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 20, after line 14, insert the following: Funds shall be made available under this subsection, to the maximum extent practicable, to diverse institutions, including Historically Black Colleges and Universities and other minority serving institutions.

The CHAIRMAN. Pursuant to House Resolution 451, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

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Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

I thank the chairman of the full committee and the ranking member of the full committee, and if I might add my appreciation for the cooperation of both staffs and both the gentleman from New York (Chairman BOEHLERT) and the gentleman from Tennessee (Ranking Member GORDON) for helping with this amendment, and as well the cooperation and the timeliness of this amendment.

My amendment would ensure that minority-serving institutions, including Historically Black Colleges and Universities, have access to the National Science Foundation's Advanced Technological Education Program. The ATE program promotes improvement in technological education at the undergraduate and secondary school levels by supporting curriculum development; the preparation and professional development of college faculty and secondary schoolteachers; internships and field experiences for faculty, teachers, and students; and other activities. We have often, Madam Chairman, spoken in the Committee on Science about the broadness of opportunity, and here lies in this bill the opportunity to enhance that with this amendment.

The Manufacturing Technology Competitiveness Act of 2005 is a perfect vehicle to emphasize the involvement of a diverse community, and the focus of science and technology in our Historically Black Colleges and Hispanic-serving colleges. With an emphasis on 2-year colleges, the program focuses on the education of technicians for the high-technology fields that drive our Nation's economy. It is vitally important that this high-value program is made available to minority-serving institutions, including HBCUs.

Unfortunately, we do not have nearly enough minority representation in the fields of science and engineering. Minorities represent only a small proportion of scientists and engineers in the United States. Collectively, blacks, Hispanics, and other ethnic groups, the latter includes American Indians and Alaska natives, constituted 24 percent of the total U.S. population but only 7 percent of the total science and engineering workforce in 1999. Blacks and Hispanics each accounted for about 3 percent of scientists and engineers and other ethnic groups represented less than 0.5. Furthermore, for science and engineering graduates, there are only 835,000 scientists who are female in the United States. Meanwhile, white students number 2 million, black students account for only 121,000 scientists, and Hispanic students for only 120,000 scientists.

Madam Chairman, I want to see all Americans be engaged in the sciences because that is the wave of the future. I have always said that science is the work of the 21st century, and we are in the 21st century. I believe it is important to offer an amendment that provides for the opportunities for minorities.

Might I say, in the backdrop of Hurricane Katrina, Mr. Chairman and Ranking Member, I want my colleagues to know that two of our Historically Black Colleges, Xavier and Dillard, are now underwater in New Orleans. We know that Dillard produced the most number of undergraduates that went into the sciences and then went on to medical school. So this amendment may be timely because of what we are going through, and prospectively what we might be going through with Hurricane Rita.

All I can say is that the opportunity for more in the sciences and more having the opportunity under this very important competitive bill, I believe makes a first step and a good step toward the improvement of the sciences and science graduates in America.

Madam Chairman, my amendment would ensure that minority serving institutions including Historically Black Colleges and Universities, HBCUs, have access to the National Science Foundation's Advanced Technological Education Program, ATE. The ATE program promotes improvement in technological education at the undergraduate and secondary school levels by supporting curriculum development; the preparation and professional development of college faculty and secondary school teachers; internships and field experiences for faculty, teachers, and students; and other activities. With an emphasis on two-year colleges, the program focuses on the education of technicians for the high-technology fields that drive our Nation's economy. It is vitally important that this high-value program is made available to minority serving institutions including HBCUs.

Unfortunately, we do not have nearly enough minority representation in the fields of science and engineering. Minorities represent only a small proportion of scientists and engineers in the United States. Collectively, Blacks, Hispanics, and other ethnic groups—the latter includes American Indian/Alaskan Natives—constituted 24 percent of the total U.S. population and only 7 percent of the total science and engineering workforce in 1999. Blacks and Hispanics each accounted for about 3 percent of scientists and engineers, and other ethnic groups represented less than 0.5 percent. Furthermore, for Science and Engineering graduates, there are only 835,000 scientists who are female in the United States, meanwhile white students number 2 million-plus, black students account for only 121,000 scientists and Hispanic students for only 120,000 scientists. This problem extends into the salaries paid to minorities in the fields of science and engineering. The median annual salaries of individuals in science and engineering show amongst individuals with less than 5 years experience, i.e. recent graduates, white individuals make an average of $61,000, while their black and Hispanic counterparts make only $53,000 and $55,000 respectively. Clearly, there is a disparity here that needs to be filled and I believe this amendment makes a positive step in that direction.

For most of America's history, African Americans who received a college education could only get it from an HBCU. Today, HBCUs remain one of the surest ways for an African American, or student of any race, to receive a high quality education. Seven of the top eleven producers of African American baccalaureates in engineering were HBCUs, including #1 North Carolina A&T State University. The top three producers of African American baccalaureates in health professions (#1 Southern University and A&M College, #2 Florida A&M University and #3 Howard University were HBCUs. The twelve top producers of African American baccalaureates in the physical sciences, including #1 Xavier University of Louisiana, were all HBCUs.

Hispanic Serving Institutions, HISs, are also instrumental in educating a growing minority population. According to the Hispanic Association of Colleges and Universities Hispanics are historically underrepresented in the areas of science, technology, engineering and mathematics. HSIs receive only half the Federal funding per student, on average, accorded to every other degree-granting institution. Indeed it seems sadly clear that HSIs are a long way from Federal funding parity with other institutions of higher learning.

I hope every Member of this Committee can agree on the importance of HBCUs and HSIs and I hope they will support my amendment to create equity in the fields of science and engineering.

Mr. BOEHLERT. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. BOEHLERT. Madam Chairman, I want to thank the gentlewoman for offering this amendment, particularly the timing of it. It is very significant. I understand the gentlewoman will be asking for a rollcall vote, and I will proudly vote "aye."

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished chairman of the committee. Again, that speaks to the work we do on this committee.

Madam Chairman, I am very honored to likewise yield to the distinguished ranking member, the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Madam Chairman, this amendment builds upon the good work that the gentlewoman from Texas (Ms. JACKSON-LEE) does in ensuring that minority-serving institutions have equal access to Federal research and education programs. Our community colleges are at the forefront of educating minorities, and this amendment highlights their importance.

This is a good amendment, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished ranking member and the distinguished chairman. Let me also thank my staff, Assad Akhter for his work, and the staff of the Committee on Science both on the majority and minority side.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 109-227.

AMENDMENT NO. 4 OFFERED BY MR. LARSON OF CONNECTICUT

Mr. LARSON of Connecticut. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LARSON of Connecticut:

At the end of the bill, add the following new section:

SEC. 10. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended to read as follows:

"SEC. 5. MANUFACTURING AND TECHNOLOGY ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Commerce a Manufacturing and Technology Administration, which shall operate in accordance with the provisions, findings, and purposes of this Act. The Manufacturing and Technology Administration shall include—

"(1) the National Institute of Standards and Technology;

"(2) the National Technical Information Service; and

"(3) a policy analysis office, which shall be known as the Office of Manufacturing and Technology Policy.

"(b) UNDER SECRETARY AND ASSISTANT SECRETARIES.—The President shall appoint, by and with the advice and consent of the Senate, to the extent provided for in appropriations Acts—

"(1) an Under Secretary of Commerce for Manufacturing and Technology, who shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code;

"(2) an Assistant Secretary of Manufacturing who shall serve as a policy analyst for the Under Secretary; and

"(3) an Assistant Secretary of Technology who shall serve as a policy analyst for the Under Secretary.

"(c) DUTIES.—The Secretary, through the Under Secretary, as appropriate, shall—

"(1) manage the Manufacturing and Technology Administration and supervise its agencies, programs, and activities;

"(2) conduct manufacturing and technology policy analyses to improve United States industrial productivity, manufacturing capabilities, and innovation, and cooperate with United States industry to improve its productivity, manufacturing capabilities, and ability to compete successfully in an international marketplace;

"(3) identify manufacturing and technological needs, problems, and opportunities within and across industrial sectors, that, if addressed, could make significant contributions to the economy of the United States;

"(4) assess whether the capital, technical, and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

"(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures for improving United States manufacturing capabilities and productivity;

"(6) provide that cooperative efforts to stimulate industrial competitiveness and innovation be undertaken between the Under Secretary and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

"(7) encourage and assist the creation of centers and other joint initiatives by State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, or Federal laboratories to encourage technology transfer, to encourage innovation, and to promote an appropriate climate for investment in technology-related industries;

"(8) propose and encourage cooperative research involving appropriate Federal entities, State or local governments, regional organizations, colleges or universities, nonprofit organizations, or private industry to promote the common use of resources, to improve training programs and curricula, to stimulate interest in manufacturing and technology careers, and to encourage the effective dissemination of manufacturing and technology skills within the wider community;

"(9) serve as a focal point for discussions among United States companies on topics of interest to industry and labor, including discussions regarding manufacturing, competitiveness, and emerging technologies;

"(10) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin and publish the results of studies and policy experiments; and

"(11) assist in the implementation of the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.).".

The Acting CHAIRMAN. Pursuant to House Resolution 451, the gentleman from Connecticut (Mr. LARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let me start by associating myself with the remarks of the distinguished Democrat from Tennessee and the accolades that have been given to the gentleman from New York (Chairman BOEHLERT), the gentleman from Michigan (Mr. EHLERS), and the gentleman from Illinois (Mr. MANZULLO) who was on the floor earlier, for the hard work and effort that they have put forward.

My amendment cuts right to the chase of a deep and abiding concern that I and a number of small manufacturers in the State of Connecticut and, I dare say, across this Nation have. We all know the statistics: 3 million Americans employed in manufacturing have lost their jobs. 110,000 in this year alone; 57,000 jobs have been lost in the State of Connecticut since 2001.

The genesis of this amendment came at a Chamber of Commerce meeting when small businessmen got up and spoke out with great alarm, wondering out loud how is it that we can have a Department of Agriculture and not a department of manufacturing that focuses on these issues. Where is the ombudsman and voice for us at the national level? They prevailed upon me to introduce this legislation. I am proud to say it is endorsed by the National Council for the Advancement of Manufacturing and the IAM, to name a few. But the focus here is to make sure that we have an individual within a department that is doing its job.

Now, the President has appointed a so-called "manufacturing czar," but he has no budget and he has no resources. This amendment is straightforward and pragmatic. It redirects and reorients the already existing resources that we have in order to create a position whose sole focus becomes manufacturing and who becomes the ombudsman for the small manufacturer who is crying out as they continue to see their jobs outsourced overseas, as they see very little voice that they have in terms of the larger scale dealing with the WTO and a number of the trade agreements that come forward.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I rise to reluctantly claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, this might have been a reasonable amendment a couple of years ago, and, guess what? We are used to expecting reasonable amendments from my distinguished colleague from Connecticut. Back then, all of us, including the gentleman from Connecticut (Mr. LARSON) were calling on the administration to bring more focus on the Commerce Department to the problem of manufacturers. Quite frankly, I do not think they were paying enough attention. But guess what? The administration heeded our calls. It created a new Assistant Secretary for Manufacturing and took other steps to create a focus on manufacturers in the Department, and it did so in a streamlined way.

So I think it is really time to declare victory and go home on this issue. We have won what we were seeking: someone in that Department of Commerce to focus attention on manufacturing. The gentleman from Connecticut (Mr. LARSON) wanted it, I wanted it, the gentleman from Tennessee (Mr. GORDON) wanted it, the gentleman from Michigan (Mr. EHLERS) wanted it, we all wanted it, and they listened. It is not too often that the administration listens to the Congress. The legislative branch is sometimes considered politically inconvenient for the executive branch. This time they listened.

Indeed, the Larson amendment would override or duplicate the administration's efforts, it is hard to tell which, and reorganize the Department yet again. That is a waste of time and money; it is utterly unnecessary.

Now, the gentleman from Connecticut may respond that the Assistant Secretary appointed by the President has not accomplished very much. That person certainly has his hands full, and I am not going to debate his performance here. But if the gentleman is arguing that creating a new Assistant Secretary has not done any good, how is that an argument for his amendment? Why does he think that creating the similar positions he is proposing would be a panacea?

The way to help manufacturers is not by creating more bureaucracy in downtown Washington. What we need to do is fund programs that help manufacturers. That is what this bill would do by aiding the successful programs of the National Institute of Standards and Technology.

If anything, the Larson language would actually impede this program. It would add to the bureaucracy that sits on top of NIST, when we want NIST to have as much of its own funding and latitude as possible. The gentleman from Connecticut (Mr. LARSON's) new officials would be in a position to siphon money away from this and interfere with its programs. How would that help manufacturers?

Let us speed this bill along and not weigh it down with new bureaucracies who would detract from the very programs we are trying to augment.

The House soundly defeated this amendment last year. We defeated it in committee this year. That was the right decision, and it is time to dispense with this amendment again.

Having said that, let me say that does not diminish one iota the respect I have for our distinguished colleague from Connecticut, who is one of the most valued members of the Committee on Science. But, having said all of the above, I have to once again indicate how reluctant I am to oppose the gentleman from Connecticut (Mr. LARSON) because of my affection and respect for him: I am not really opposing the gentleman, I am opposing his amendment, and I urge its defeat.

Mr. Chairman, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Chairman, I appreciate the chairman not opposing me, and I appreciate and I understand his unwillingness to debate what Mr. Frink has been able to accomplish in his position to date.

The hard truth is that we have not been able to accomplish much, and the reason is, I think as everyone knows, it has become intuitively obvious to the National Coalition for the Advancement of Manufacturing, that he is located within the bowels of an administration and given no budget and no resources to carry out a goal that all of us agree needs to be accomplished.

So that is why we take and reorient existing resources to accomplish that goal; so there is no new bureaucracy that is created, it is just reoriented and refocused in a manner that will provide a voice, with resources and a budget, to speak out on behalf of manufacturers. This bill is not of my creation. It comes out of the mouths of those people who are directly impacted: the small manufacturers all across the State of Connecticut and this great Nation of ours.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO) who understands these issues and understands what is happening in our State of Connecticut with regard to manufacturing.

Ms. DELAURO. Mr. Chairman, as stated, 3 million Americans employed in manufacturing lost jobs in the last 4 years, 110,000 this year; total manufacturing losses in the State of Connecticut, 57,000.

It would seem to me that whomever we have at the head of this effort does not understand the scope of the job, the magnitude of it, and is not provided with enough authority to be able to conduct the job, as my colleague has pointed out. We do need someone who has real influence, substance, not a person who has marginal authority; because when you give marginal authority, it tells you what the administration thinks of the position's importance, quite frankly, of manufacturing importance.

As has been commented on, this agency and the czar that is housed within the Assistant Secretary, does not have a range of expertise to address the issues before our manufacturers, has no funding to support the position. If you have no funding, if you have no authority, then the position is one that does not really make any difference.

Mr. Chairman, we are coping with Katrina, we are coping with ongoing violence in Iraq, we are letting the moment to revitalize our manufacturing sector slip away. We need to send a signal that Congress takes this crisis seriously. If Katrina has taught us anything, it is that competence in government can make a difference in dealing with the crisis. Support the Larson amendment.

□ 1515

Mr. BOEHLERT. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I would simply like to observe a few things. First of all, the original version of this bill, which I introduced last year, did establish an Under Secretary position, as the Larson amendment did.

The administration took the hint and created the present position of an Assistant Secretary. And furthermore, I would like to comment in spite of the comments made that there is no funding and no authority, this person does have authority, this person does have funding, this person does have staff.

In addition, he has formed a council of manufacturers. It is a good committee that is actively working. They held one meeting in my district, which I attended. And things are rolling. I think it would be inappropriate at this time to pull the rug out from under that operation and start fresh with a new position.

Let us give these folks and this individual a chance to perform and then make our judgment after we have seen how their performance ranks.

Mr. LARSON of Connecticut. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. GORDON) whose sentiments that he expressed earlier today are mine, as well, with respect to this bill. I have the greatest admiration for my colleagues on the other side, but I have to go home and face constituents who wonder aloud why they do not have a voice, an ombudsman, and why moving at a snail's pace in this direction cannot wait.

Mr. GORDON. Mr. Chairman, let me just very quickly say that my friend, the gentleman from Connecticut (Mr. LARSON), has been a great champion for the manufacturing sector of our economy.

And this is a very commonsense amendment that I think is a positive addition to a bill that as I said earlier missed the opportunity to be as good as it could be.

The only argument against his amendment is that the administration is doing a good job with the manufacturing sector and promoting it, so let us do not mess it up. Well, I would just say to all of my colleagues, if you are satisfied with what the administration is doing promoting manufacturing, then vote against this amendment. If you are not satisfied with what the administration is doing and think they can do more to help our manufacturing economy, then you need to vote for this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will make one comment. I have been here 22 years, and I go home every single weekend. I take great pride in that. I have never had a constituent say to me, I want you to create a new Under Secretary within the Department, and I want you to change the title of an Assistant Secretary.

All they want are results, and we are beginning to get results. And we have got to add to that impetus, and we are doing so with the base bill. I urge the adoption of the base bill and opposition, reluctantly, to the Larson amendment.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Connecticut (Mr. LARSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut (Mr. LARSON) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–227.

AMENDMENT NO. 5 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. UDALL of Colorado:

Page 20, line 3, strike "$55,000,000" and insert "$70,000,000".

Page 20, line 7, strike "$57,750,000" and insert "$73,500,000".

Page 20, line 11, strike "$60,600,000" and insert "$77,000,000".

The Acting CHAIRMAN. Pursuant to House Resolution 451, the gentleman from Colorado (Mr. UDALL) and the gentleman from New York (Mr. BOEHLERT) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard repeatedly today about the importance of supporting our Nation's manufacturing industry. One of the most critical elements of our manufacturing competitiveness is a technically trained workforce.

My amendment addresses this by increasing authorization levels of the Advanced Technological Education program.

This important amendment has the support of the American Association of Community Colleges. The ATE program works with community colleges to develop curricula designed to prepare students for the local job market. This program has been highly successful with only modest funding.

This amendment would boost the authorization for ATE from the $55 million currently in H.R. 250 to $70 million. The ATE program is different from other technical and vocational programs in that it works directly with industry to identify the skill sets students will need to compete and enter the workforce.

Arguments have been made that this is too high of a budgetary increase and that this would make the ATE program the highest funded education program in the National Science Foundation.

However, if you look at this, actually the level of authorization in my amendment is well within the NSF doubling authorization levels that passed this House overwhelmingly in 2002. At the same time, there are several programs that receive greater funding in the education directorate at NSF.

In fact, authorizing the ATE at $70 million ranks the program sixth. This is a small investment that will provide long-term dividends for our manufacturing industry. I urge Members of this body to support the technological training of our workforce and to vote in favor of my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset there are some things that I love in addition to my wife and family and everybody else. I love technology education. I love our community colleges.

It is easy to understand why this amendment is being offered, and it is easy to see why it needs to be defeated. It is easy to see why it is being offered, because it provides additional support to a very good program, the Advanced Technology Education program of the National Science Foundation.

As someone who has pushed for years at NSF to do more for community colleges, and when I first came here 23 years ago, community colleges were not even on the radar screen at NSF, but, boy they have got the message, and they are doing an outstanding job; and they recognize the capabilities of community colleges. And they understand the importance of the Advanced Technology Program, and so do I. I could not agree more with the gentleman from Colorado (Mr. UDALL).

But it is easy to see why this amendment needs to be opposed. Now, that may sound strange, but let me explain. We have already demonstrated our support for Advanced Technology Education quite tangibly in the base bill, H.R. 250. The bill would increase funding for ATE not by 2 percent or 5 percent or 10 or 20; it is a third over 3 years.

And the gentleman from Colorado (Mr. UDALL) deserves a lot of the credit for ensuring that the additional funding was in the bill. But I will not let him claim all of that credit, because guess what, all of the members of the committee, Republicans and Democrats alike, recognized the importance of technology education and recognized the value of our community colleges in providing that education.

But now he wants to up the ante. His amendment would increase ATE funding by 70 percent. That is right: 70 percent over 3 years. Where is it going to stop? We do not have enough of this money. We cannot manufacture it fast enough. That would be an extravagant thing to do at any point, but it borders on the absurd in today's budget climate.

Such an increase is unrealistic, and it would make ATE a higher priority than other education programs at NSF, a step I am not prepared to take given our needs across the spectrum of science and math education programs.

So I would urge my colleagues to use their common sense in reviewing this amendment. Is a 33 percent increase in authorization levels not sufficient in this fiscal climate? I think it is pretty generous. I urge opposition to an amendment that I think is excessive.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I rise in strong support of this amendment offered by my colleague, the gentleman from Colorado (Mr. UDALL).

In 1992, I did author the legislation that created the Advanced Technical Education program. And with the help of Mr. BOEHLERT and many others, I got it passed on this floor. Today, ATE remains the only NSF program focused primarily on our Nation's community colleges, which educate the vast majority of the three to five technicians that support each engineer, scientist, and medical doctor in this country.

Over the last 3 years, the number of proposals for ATE funding has increased by over 40 percent. Success stories abound. It is obvious the program is working. Yet over these same 3 years, the number of awards has actually gone down, and the success rate for proposals has declined from 32 percent in 2003 to a projected 20 percent in 2005.

This means that nearly 80 percent of the community colleges that develop innovative curricula, teaching methods, and partnerships with local industry are being denied ATE support.

Over the years, I have worked on the Appropriations Committee to maintain adequate funding for the ATE despite the cuts often called for in the President's budget requests. Some years we have done better than others.

But this authorization does matter. If all we are doing is authorizing ATE at about the current funding level, we will continue to deny more and more community colleges a chance to equip American workers with the skills they need to compete in the global economy.

Twenty percent is simply not a high enough approval rate. The Udall amendment would allow ATE to achieve its potential, helping us to get back on track as the global leader in innovation. There is nothing extravagant about this, Mr. Chairman. It is a good program, and it deserves to be adequately funded.

I thank the gentleman from Colorado (Mr. UDALL) for sponsoring this important amendment. I urge all colleagues to give it their support.

Mr. BOEHLERT. Mr. Chairman, let me just point out to the gentleman from North Carolina (Mr. PRICE), for whom I have the highest regard, he said if all we are going to do is fund it at about the current level, that is not good enough.

I would agree that is not good enough. That is why we are increasing it by 33 percent.

Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Chairman, I rise in opposition to the amendment and would point out that growth is good, but not lopsided growth. Growth in the NSF budget is generally a very good idea, and the committee feels that way and has voted that way.

But this is lopsided growth, such that one program gets a 70 percent increases as a result of this amendment when others equally deserving like the math and science partnership would not get that level of increase.

Imagine what that does over at NSF. Yet one program that has some congressional supporters proposes a 70 percent increase, while the other programs are down in a middling kind of increase, that really does create some instability and some inequities, I believe, over at NSF.

So what we have got is, in tight budget times, as the chairman says, a 30 percent increase for this program which seems like an appropriate amount.

So I hope the House rejects the amendment and supports the committee's underlying bill.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to respond to the gentleman from New York (Mr. BOEHLERT) as well as the gentleman from South Carolina (Mr. INGLIS). The point of the authorized levels that we are proposing in this amendment is to meet the demand. This is not just a number that we pulled out of the air. It is a number that reflects the demand that the National Science Foundation is seeing for this particular area of ATE.

If we were to meet the demand that NSF typically will meet, it would be at 25 percent of the proposal that would be funded. That means 75 percent of the proposals are not funded. That number is about $68 million. So all we are trying to do is give the appropriators the flexibility to meet this important demand.

Why is this demand important? Well, if you think about the jobs that are created because of this investment, and the debate we have had today about the importance of manufacturing in our future, this makes real sense.

□ 1530

The students that are being funded based on the American Association of Community Colleges numbers, 47 percent are African American, 56 percent are Hispanic. These colleges play a crucial role in serving our minority communities, populations which my good friend, the gentleman from Michigan (Mr. EHLERS), knows are underrepresented in the science, technology, engineering, and math fields. There is no better way to make a real impact for a small investment on the long-term future of our economy. Please support this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I rise to oppose the amendment.

I have to say there are very few Members of this Congress who have worked harder to improve NSF funding than I have. I have spent many, many hours at it and we are grateful to get a few percent increase every year.

In this bill that is before us now, we have given a greater than 20 percent increase to this particular item. If that ends up being appropriated, it will be the largest increase for any part of NSF that they have received for many years, and yet the amendment would increase it even more. It would result in a huge increase; much, much greater. We simply cannot afford that in NSF.

We have a great deal of research to do to keep this Nation moving. We have to improve our math and science education programs in this Nation in order to meet competition from abroad and to have a better-educated electorate. We simply cannot afford to pour all that money into this one particular item without causing detriment to the rest of the National Science Foundation. I simply do not want to see that happen. I urge a rejection of this amendment.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. UDALL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 3 by the gentlewoman from Texas (Ms. JACKSON-LEE); amendment No. 4 by the gentleman from Connecticut (Mr. LARSON); amendment No. 5 by the gentleman from Colorado (Mr. UDALL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 8, not voting 9, as follows:

[Roll No. 481]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—8

Brown-Waite, Ginny
Culberson
Johnson, Sam
King (IA)
McHenry
Sessions
Taylor (NC)
Young (AK)

NOT VOTING—9

Barton (TX)
Boswell
Camp
DeLay
Doolittle
Hefley
Kind
Ortiz
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1559

Messrs. BARRETT of South Carolina, MILLER of Florida, MCKEON, BOUSTANY, Hensarling, Norwood, Gary G. Miller of California, Mrs. CUBIN, and Ms. WATERS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. LARSON OF CONNECTICUT

The Acting CHAIRMAN (Mr. TERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. LARSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 213, not voting 10, as follows:

[Roll No. 482]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey

Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell

Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter

Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson

Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)

Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)

Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel

Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton

Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barton (TX)
Boswell
Camp
Carter

DeLay
Doolittle
Hefley
Kind

Ortiz
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1608

Mr. SCHWARZ of Michigan changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. UDALL OF COLORADO

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 212, not voting 11, as follows:

[Roll No. 483]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case

Chandler
Clay
Cleaver
Clyburn
Coble
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo

Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gibbons
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)

Jackson Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald

Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky

Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier

Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller

Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri

Pickering
Pitts
Platts
Poe
Pombo
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Boswell
Camp
Conyers
DeLay
Doolittle
Hefley
Kind
Meeks (NY)
Ortiz
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1616

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. TERRY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. TERRY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 250) to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes, pursuant to House Resolution 451, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HONDA

Mr. HONDA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HONDA. I am, in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Honda moves to recommit the bill H.R. 250 to the Committee on Science with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 8, insert the following new subsection:

(d) ADVANCED TECHNOLOGY PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) $140,000,000 for fiscal year 2006, of which $40,000,000 shall be for new awards.

Mr. HONDA (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. HONDA) is recognized for 5 minutes in support of his motion to recommit.

Mr. HONDA. Mr. Speaker, this motion to recommit with instructions would amend the bill by adding an authorization of the Advanced Technology Program within the National Institute of Standards and Technology at a level of $140 million for fiscal year 2006.

The Advanced Technology Program partners with industry by providing funds for early-stage technologies that are viewed to be too technically risky or too nascent by private funding sources.

It is one of the Federal Government's best means of promoting risk-taking and promoting the pursuit of new technology that go well beyond the limits of conventional practices.

Experts agree that these are key elements for maintaining American manufacturing competitiveness in the future. The opponents of this motion have claimed that ATP does not belong in a manufacturing bill, but the evidence shows that it does. In 43 peer reviewed ATP competitions, 39 percent of the awards have involved development of advanced manufacturing technologies.

At a June 2003 Committee on Science hearing on manufacturing R&D, the witnesses were unanimous in their belief that ATP was an important element to improving the U.S. manufacturing infrastructure and competitiveness. Supporters of H.R. 250 have mentioned that the bill is supported by the National Association of Manufacturers. But you should be aware that NAM also supports ATP, as most recently expressed in a letter to Senator SHELBY, chairman of the Senate Appropriations Subcommittee on Commerce, Justice, and Science.

Other industry groups that support ATP funding include the Electronics Industries Alliance, the Alliance for Science and Technology Research in America, and the Council on Competitiveness. The Senate Committee on Science's own views and estimates on the fiscal year 2006 budget request state: "The committee continues to support the Advanced Technology Program and is disappointed that the administration has again included no funds for the program in the budget request."

It is the job of the Congress, not the President, to make these spending decisions. Year after year we provide funding for ATP in appropriations bills, but we fail to provide the certainty in the program that an authorization will bring. Today we have a chance to do so.

ATP has been targeted for termination because it has been tagged as corporate welfare, but this is a mischaracterization. ATP conducts peer-reviewed competitions open to all technology areas with demanding standards for awardees. Awardees receive relatively small amounts of funding that they must match with their own contributions.

Contrast this with the energy bill signed into law earlier this year that provides billions of dollars in direct spending, subsidies, loan guarantees, and tax breaks to an industry that is reaping record high profits.

While we engage in a philosophical debate about whether to fund ATP, other nations are taking even bigger steps to improve their manufacturing capabilities, and as a result advanced manufacturing work is now being done outside of the U.S.

It is essential that we do something to help American manufacturers stay at the cutting edge, ahead of foreign competitors, and keeping ATP alive is a good start.

I merely seek to authorize funding for ATP for fiscal year 2006 at the same funding level that is included in the Senate's CJS bill for fiscal year 2006, a level that was supported just last week by a vote of 68 to 29. Given this level of Senate support, the conference report on that bill is almost certain to include funding for ATP, so we might as well pass this motion and authorize that spending.

Now, I have heard claims that we cannot include ATP in this bill because the administration opposes it. Well, the administration opposed full funding for the Manufacturing Extension Partnership program, but this bill contains full funding for MEP. Congress overrode the administration when it was the right thing to do. Including ATP is the right thing to do, too. If the President has such a problem with it, he can make this bill his first veto.

In April, President Bush told the National Small Business Conference that he "appreciates the fact that the small business entrepreneurs are some of the great innovators of our Nation" and that he "appreciates the fact that our small business owners are taking risks and pursuing dreams."

But his actions show that he fails to appreciate that some of the most important advances are extremely risky, and to take those risks, businesses need a little help from the government. That is what ATP does. The most risky ventures are the ones with the greatest potential. If we fail to provide that help to American businesses, other countries are going to do it. They are already doing it, and that is why jobs are going overseas.

I urge a "yes" vote on my motion to recommit with instructions.

Mr. BOEHLERT. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, we have in this motion to recommit a textbook example of how the perfect is the enemy of the good. Personally, I support the Advanced Technology Program, although I know that many of my colleagues on this side of the aisle do not. But I support this bill, and the Members on the other side of the aisle support this bill as well.

We all want to demonstrate our support for the Manufacturing Extension Partnership which has served so well and the other programs authorized in this bill so we can facilitate assistance going to American manufacturers who desperately need it. That has been the entire tenor of the debate today.

But now, as we are on the verge of accomplishing our mutual goal of helping manufacturers, we have before us a motion that will have the effect of killing the bill. That is not speculation. We know that disputes over ATP are why this bill died in the Senate in the last Congress. We know that the administration adamantly opposes ATP and will block the progress of this bill if ATP is included.

A vote for this motion is not a vote for ATP; it is a vote to kill a bill that will help American manufacturers. And killing this bill over ATP would be especially irresponsible because the Congress will have other chances to save the ATP program. For starters, we will vote on appropriations for the program. It is not clear at all how the gamesmanship behind this motion will benefit the ATP program. It just make it more of a political football. It is very clear how that gamesmanship works to the detriment of the bill and the aid it will provide to American manufacturers, so I urge my colleagues to vote down this politically motivated amendment.

We will have other chances to debate ATP. We will not have another chance for this bill, which in its current form has widespread bipartisan support. Let us put politics aside and make some real progress. Defeat the motion and support H.R. 250.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HONDA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 196, noes 226, not voting 11, as follows:

[Roll No. 484]

AYES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Boswell
Camp
DeLay
Doolittle
Hefley
Kind
McKinney
Ortiz
Waxman
Weller

□ 1645

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BASS). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McDERMOTT. Would the Chair please make a ruling on when the vote has been signaled by the Chair. I was of the opinion that when the gavel came down, that was the end of it.

The SPEAKER pro tempore. The gentleman from Arizona was on his feet attempting to reach the microphone.

Mr. McDERMOTT. I see there are no rules in the House.

The SPEAKER pro tempore. The gentleman's demand for the yeas and nays was timely.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 24, not voting 15, as follows:

[Roll No. 485]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Barrett (SC)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gutknecht
Hensarling
Hostettler
Johnson, Sam
Jones (NC)
King (IA)
Marchant
McHenry
Miller (FL)
Miller, Gary
Musgrave
Myrick
Pence
Royce
Shadegg
Stearns
Tancredo
Westmoreland

NOT VOTING—15

Barton (TX)
Bean
Boswell
Boucher
Camp
Davis (KY)
DeLay
Doolittle
Feeney
Harris
Hefley
Kind
Ortiz
Paul
Weller

□ 1657

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Kentucky. Mr. Speaker, on rollcall No. 485, I put my card in the machine but it didn't register my vote. Had it registered I would have voted "yea."

Ms. HARRIS. Mr. Speaker, on rollcall No. 485, I was inadvertently detained. Had I been present, I would have voted "yea."

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. HOEKSTRA, from the Permanent Select Committee on Intelligence, submitted a privileged report (Rept. No. 109-228) on the resolution (H. Res. 418) requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–57)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in Effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication.

stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2004 (69 FR 56923).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2005.*

☐ 1700

HONORING ANDREW STUCKEY

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, I come to the floor today to congratulate a remarkable young constituent of mine, Mr. Andrew Stuckey.

Andrew is a high school student senior from Longview, Texas, an extremely bright young man who is planning to attend Texas A&M University after he graduates; he also happens to be deaf. He is very involved in SkillsUSA, a national organization serving teachers and high school and college students who are preparing for careers in technical, skilled and service occupations, including health occupations.

More than 280,000 students and instructors join SkillsUSA annually, organized into more than 14,700 sections, and 54 State and territorial associations.

SkillsUSA has served more than 8.8 million members. Andrew is a talented drafter and won "best in show" for his work in the district competition. He currently serves as a SkillsUSA Texas State Parliamentarian for 2005 and 2006.

Mr. Stuckey is an extremely focused, motivated young gentleman; and I have no doubt that he will succeed in whatever career path he chooses. Again, I come to the well to pay tribute to a hard-working young man, and may God bless him in all of his future endeavors.

PRESIDENT BUSH'S PREPARATION FOR HURRICANE KATRINA

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, I rise to commend the President for his quick and compassionate helping hand that he has extended to the people of New Orleans. Now, some people might carp about the poor planning by the horse-show man that turned into a 5-level hurricane.

But the President was right on the job. He immediately noticed that there were going to be some reconstruction jobs. So he immediately signed an order to cut their wages. He said, we do not want truck drivers making $9 an hour. Why, we can get them for minimum wage.

We do not want these people who have had their houses lost and lost everything getting a decent wage when they are doing reconstruction. We want as the public policy of the United States that no one gets anything but the minimum wage.

I tell you, this President has more heart than I can believe. How he could stand up and say that, and do that, given the failure of his administration, shows that he has a big heart.

TRIBUTE TO ALICE MOORE

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, an important event is soon approaching for a wonderful American lady, my mother-in-law, Alice Moore. She is celebrating her 85th birthday. Alice Stewart Sampson Moore was born on September 28, 1920, in Yonkers, New York.

Her parents, William and Matilda, gave her a good Christian upbringing in the Episcopal Church. She turned her interest and learning into a career teaching education in Yonkers, New York.

She is a proud mother of 11, and a great grandmother of even more. Although no longer working, Alice continues to serve in her community, volunteering at an elementary school and at the hospital in Englewood, Florida.

Last year she suffered through the hurricanes that devastated parts of Florida, and her house did not escape damage. However, drawing on her Irish spirit, she cheerfully dealt with those setbacks and got back to pursuits.

For many men, a mother-in-law is an intimidating figure. Although a stern taskmaster, Alice speaks her mind and she is a delightful person. Her smile lights up the room. She reminds me of Barbara Bush. She is a giving person with a warm disposition and serving heart.

That is why I call her a thousand points of light times two. Mr. Speaker, in recognizing her accomplishments in education and as a volunteer, perhaps I should note another important accomplishment, being the mother of my wife, Joan Betty Moore Stearns. I am eternally indebted to you, Alice, and I wish you all the best. Happy birthday.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE NEED TO PROPERLY FUND THE MANUFACTURING EXTENSION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Manufacturing Extension Program helps small manufacturers in my State of Ohio and nationwide to improve their efficiency, increase their competitiveness, and stay in business.

With funding of about $111 million in 2003, the Manufacturing Extension Program, MEP, helped over 18,000 U.S. manufacturing firms increase sales by almost a billion dollars and cut costs by almost $700 million.

In Ohio, that meant helping some 2,700 businesses to create or retain over 1,100 jobs, increase sales by $20 million, cut costs by over $47 million, and increase investments by $58 million. But despite that track record of success, President Bush, in order to pay for the tax cuts that go overwhelmingly to the 1 percent wealthiest people in this country, President Bush has repeatedly put the Manufacturing Extension Program on the chopping block.

He proposed another round of MEP funding cuts for next year. The President's 2006 budget cuts MEP funding by 56 percent, understanding all of the manufacturing jobs lost in State after State after State, some 2½ million jobs in the last 5 years, the President wants to cut one of the few programs that works for American manufacturing.

Today the House passed H.R. 250, legislation which would extend MEP by adding a new component that links small manufacturers with academic institutions. But this bill should have given us an opportunity to do much more for American manufacturers.

Members of the House Science Committee, the gentleman from Tennessee (Mr. GORDON) and the gentleman from

California (Mr. HONDA), had planned to offer amendments that would have strengthened MEP's partner program, the Advanced Technology Program, that helps manufacturers improve their energy efficiency.

The Republican-led Congress did not agree to allow that amendment. We also missed an opportunity to expand and improve MEP itself. We should have used that bill to dramatically increase funding so that we can help U.S. manufacturing. Congress chose not to.

My home State of Ohio has lost one in six, one-sixth of its manufacturing jobs since 2001. An improved MEP could have made the difference for many small businesses who must fight every day to survive, but the Republican leadership used the partisan Rules Committee to block even attempts at amendments.

The problem, Mr. Speaker, is this Congress, this country, this government, has no manufacturing policy, no policy to retain manufacturing, no policy to expand manufacturing in this country. America's trade deficit the year I ran for Congress in 1992 for the first time was $38 billion. The trade deficit last year was $618 billion. From a $38 billion trade deficit, that means we have bought $38 billion more than we had sold back in 1992, to a $618 billion trade deficit today. That is a result of huge outsourcing of jobs and a major loss of U.S. manufacturing jobs.

Our trade deficit with China was $162 billion, with China alone last year. The United States has become the world's largest debtor Nation, adding $2.5 trillion to our national debt in 2002 alone.

Countries like Japan and China are quickly gaining control over our economy as they buy up more and more of our debt. These failed trade and fiscal policies have hit manufacturers in our country hard.

So Congress today had an opportunity, a lost opportunity, with the Manufacturing Extension Program. We failed in the opportunity to pass Crane-Rangel, a bill that would reward manufacturers that stay in the United States and manufacture here. Instead, this Congress continues to give tax breaks and incentives to those large corporations that outsource, that go offshore and produce their jobs there.

We passed an alternative that gave billions of dollars to these multinational corporations. Mr. Speaker, this Congress has been a Congress of lost opportunity for American manufacturing. We should change the direction of our trade policy. We should change the direction of our tax policy.

We should help these manufacturers in the United States, those small companies of 50, 100, and 200 employees that have really built our industrial base and built the middle class of this country. We can do much better than this.

EXCHANGE OF SPECIAL ORDER TIME

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Utah (Mr. BISHOP).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FUND ALCOHOL AND DRUG ADDICTION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, this month marks the 16th annual observance of National Alcohol and Drug Addiction Recovery Month. As we celebrate Recovery Month, it is time for Congress to knock down the barriers to treatment and recovery for 26 million Americans suffering the ravages of alcohol and drug addiction.

Mr. Speaker, it is a national disgrace that 270,000 Americans were denied treatment last year. It is a national tragedy that 150,000 of our fellow Americans died last year as a direct result of chemical addiction. It is a national crisis that the costs of addiction amount to $400 billion a year in increased health care costs, criminal justice costs, social service costs, and other related costs.

And think of the costs that cannot be measured in dollars and cents: the costs of human suffering, broken families, shattered dreams and destroyed lives. But there is hope. Treatment for alcohol and drug addiction works and recovery happens.

Mr. Speaker, as a grateful recovering alcoholic of 24 years myself, I am living proof that treatment does work and that recovery is real. The problem is too many people do not have the access to treatment that I have.

That is why Congress must pass the Treat America Act that I have authored with my good friend, the gentleman from Rhode Island (Mr. KENNEDY), H.R. 1258.

This treatment parity legislation will give Americans suffering from addiction greater access to treatment by prohibiting health insurers from placing discriminatory restrictions on treatment.

☐ 1715

Discriminatory barriers, by the way, that do not exist for any other disease.

Chemical dependency treatment parity is not only the right thing to do, it is also the cost-effective thing to do. Study after study has shown the average premium increase due to full premium parity is less than one-half of 1 percent. So in other words, for the price of a cup of coffee per day, we could treat 16 million alcoholics and addicts who are presently in health plans and being discriminated against. We also need to provide greater access to treatment for the 10 million alcoholics and drug addicts in the Medicaid program.

Mr. Speaker, the American Medical Association, the AMA, categorized addiction as a disease in 1956. Now, 50 years later, it is long overdue for Congress to treat the illness of addiction as the progressive and fatal disease it is. It is time to end the discrimination against people who need treatment for chemical addiction. It is time for Congress to deal with our Nation's number one public health problem.

It is time for Congress and the President to pass chemical addiction treatment parity. With 26 million Americans still suffering, we cannot afford to wait. With some 300,000 Americans being denied treatment this year, we cannot afford to wait. With 150,000 people dying last year as the direct result of addiction, we cannot afford to wait.

Mr. Speaker, I hope my colleagues will join me and the gentleman from Rhode Island (Mr. KENNEDY) and thousands of other recovering people in recommitting our efforts to pass treatment parity. Also, we need to recognize the addiction counselors and treatment professionals throughout our great country who have dedicated their lives to helping people recover. They are America's unsung heroes.

Finally, Mr. Speaker, let us celebrate "Recovery Month" by honoring the millions of Americans who are experiencing the promise and possibility of recovery, and let us never forget that 26 million Americans are still in need of our help.

FINDING OFFSETS FOR KATRINA

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the cleanup effort along the gulf coast is now fully underway. The floodwaters of New Orleans have receded. We are shifting our focus to rebuilding and restoring lives as we all watch as another hurricane is on its way, and obviously put this work on hold as we again once again not only evacuate that part of the coast but also parts of Texas.

Congress has allocated more than $60 billion in disaster relief. It was the right thing to do, but with some estimates as high as $200 billion, some here are questioning whether or not we can afford rebuilding given our fiscal situation.

I would like to remind some of my colleagues that a number of us mentioned that we may get into a situation where we could have a crisis and we should be able to handle as a country the condition and economic condition.

and we already have over $7 trillion of debt. In the last 5 years this Congress has added nearly $2 trillion to America's debt. China and Japan have become our bankers. And now we are in dire straits where we cannot help Americans unless we write $200 billion in hot checks.

This Congress is becoming known as the Congress of hot checks. That is all we do. We got a problem, we write hot checks around here. Now the truth is, some Members of Congress have written $400 billion for the effort in Iraq, hot checks. Now we say we cannot pay for our own Americans, $200 billion to rebuild their lives, rebuild their communities, and restore their families unless we find ways to cut.

My suggestion to all of us is if we were willing to do $400 billion and going for Iraq, we have got to figure out a way to help our fellow Americans in time of need. That is our obligation to fellow Americans. If we are willing to do $400 billion for Iraq, we need to do $200 billion for Americans who live in Mississippi, Louisiana, Alabama, who have been affected and had their lives for no other reason other than natural disaster literally uprooted.

Some have talked about cutting health care. Some have talked about cutting education. Some have talked about cutting basic infrastructure. Others are talking about repealing the estate tax and tax cuts for those who earn hundreds upon hundreds of thousands of dollars, the top 1 percent. Instead, I believe what we should have is a balanced approach. There should be tax cuts on the table and spending. That is the way to fund the reconstruction of Katrina's damage to Louisiana, to Mississippi, and Alabama.

Let me give you some examples in the tax area, places that I refer to as corporate welfare. When we had the corporate tax bill up last year, it was a $5 billion problem that we had to solve. This Congress passed $150 billion in tax giveaways to solve a $5 billion problem. Now, I cannot believe none of you think that we cannot find a little fat in that bill. If you go back and look at it, you can eliminate handouts to special interests, somewhere around $32 billion.

A couple of examples. A repeal of the bill's provisions that weaken interest allocation rules would generate $14.4 billion; $5 billion by repealing the special rules for the timber industry; $100 million for NASCAR track owner subsidy; $169 million tax break for Puerto Rican rum makers; and the suspension of duties on ceiling fans, which would provide an additional $92 million. That bill is not the only bill, but those are examples.

I ask you, nobody planned through Katrina's damage, but given the damage, do we really need to give the ceiling fan industry $92 million? Do we really need to give the Puerto Rican rum makers $169 million when literally families are asunder and they need the help to get their homes, their lives back together, their education, their savings accounts, their health care?

We recently passed an $80 billion energy bill. We are providing Exxon Mobil and other energy companies $9 billion in tax subsidies to drill for oil when oil is at $65 a barrel, the highest it has ever been. At what time does that market work out its own where it becomes efficient that the oil companies are getting $69 a barrel? You know what? We do not need a tax subsidy from taxpayers to drill and explore for oil. Ten dollars a barrel, I got it. Fifteen dollars a barrel, I got it. Twenty-five dollars a barrel, I got it. We will help our domestic industry.

Exxon Mobil and the other corporations, this quarter alone, had a $10 billion profit, 69 percent up since last year. At what point do we stop subsidizing big oil? There is another place we can save money. Unfortunately, because of that subsidy, the American taxpayers are not only paying $3 a barrel for oil, but on April 15 they are paying another $10 billion to the energy industry because they are subsidizing it on Tax Day and every day at the pump.

Mr. Speaker, this afternoon I did some quick research and found we could easily come up with more than $56 billion in offsets just eliminating corporate welfare this Congress has handed out in just the past year. The fact is that this country can afford to rebuild after Hurricane Katrina, but it cannot be done on the backs of those who need our help the most. It cannot be done by cutting health care. It cannot be done by cutting education. It will take leadership and require Congress to do something this Congress that writes hot checks has not done before, and that is stand up to special interests.

The American people expect us to do what is right for America. We are all in this together. Let us take on the special interests, the corporate interests as it relates to corporate welfare. Everybody has skin in the game when it comes to rebuilding America.

CELEBRATING RECOVERY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I too rise with my colleague from Minnesota and my colleague from Rhode Island to speak about "Recovery Month" and what it means for individuals and what it means for our country as a whole. But, Mr. Speaker, today I would like to focus my remarks on a story, a life story written by one of my constituents. Her name is Lois Davieau of East Rochester, New Hampshire.

I recently met Ms. Davieu when she came to my office to tell me about her long and arduous battle with crack cocaine. She asked me to share her story, a compelling story, on our House floor during the 16th annual celebration of "Recovery Month" in the hopes that her story will enlighten others. I would like to now read to you her personal story of addiction and recovery.

Let me begin by setting the scene for you, in her words.

A perfect family home on five acres of land in a small quaint country town. Everyone in town knows everyone else. My best friend Steven is a quiet boy, always a bit timid. We have always had great adventures when we play together. We hear Steven's mom yell for him, and Steven runs for the house without saying good-bye. I run to the big tree to go away for a while. I know all too well those screams. Only they are silently held within me.

Later in her life, Lois has five children. And I continue her story again.

So here I am with five children, and the only thing that has changed is that I am alone. My parents offered to take the three oldest children over the summer vacation so that I may work some extra hours and get ahead. But something inside of me panics. No, I think, they are the only reason that I pull myself out of bed.

My mother convinces me to send them for a couple of weeks and I had no idea why at that moment. I was overcome with emotional panic. Today I know why. Crack cocaine, though, found me in my darkest and lowest points. I was so lonely and so empty. I was working 60 hours a week, 20 of which were in a bar at night. I made some friends there. They helped me feel better by bringing me into the fold. The drug helped me open up and become much more sociable; so I thought to myself, what is a little social drug use going to hurt? But 8 months later I was living under a bridge, eating oranges off of neighborhood trees and doing what I had to do to stop the vast sea of darkness and emotional pain.

I tried to stop 100 times. I would go a couple of weeks, get a job, and then the darkness would swarm back in. That life lasted for about 8 months. I woke, after 3 straight days of using, in a dealer's house on a couch that was infested with fleas. I do not know what I was dreaming, but I know I woke in a complete and total hysterical panic. After sobbing and completely breaking down, I stood up. I walked to the highway. I put out my thumb and headed north. I knew the risks I was taking alone on that highway but it did not matter. I was lost. There was no one piece of me that I recognized.

That is where I begin my journey to recovery. Eighteen years later is where my story of recovery begins today. Recovery for me has been a path strewn with obstacles, gifts in disguise, and self-actualization. My obstacles were both self-inflicted and socially inflicted.

I start my education of recovery in a self-help group. At that time, drug addicts were not to be tolerated. They could not be mingled with alcoholics. Once again, I thought, I do not fit in. I hid in the background and listened. When I had been around long enough to be recognized. I just replaced the word "crack" with "alcohol" and everyone was happy. I did what I had to do to stay straight. When asked on a job application about drugs, I lied. When asked on an insurance form, I lied. I was surviving the best way I knew. Now I was living a clean and socially acceptable life, though lying about my disease.

So today I stand, I tell you, it is not just the way it is. I am cured from my disease, and I am not recovered from my disease. Yes, it is in check. I, like most other persons with a progressive chronic disease, am in remission; but I have early warning signs and symptoms of recurrence that I watch for. I know that I am responsible for the stigma of my disease by not coming forward and allowing those who still suffer to see the hope in me. The stigma of my disease stops here and now. I am responsible for giving hope to the person who still suffers from their or a loved one's disease, because without my face, without any voice, I still suffer in silence. I am not ashamed of my disease; I am ashamed of my behavior towards my disease.

Today I ask for you to feel the fear, the struggle, the challenge, the hope, the celebration that resides in this person, a person with addiction.

Mr. Speaker, those are the words of one of the most compelling constituents that I have had the honor of having in my office, who told me in her heartfelt story which I have been able to relate to you of her road through the long journey to a place that many of us do not know and to the recovery. Hers is a story of hope, of compassion that we all need to feel, and a system that needs to work for people like Lois.

Mr. Speaker, I thank you for the opportunity to address this great Nation.

☐ 1730

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-229) on the resolution (H. Res. 455) providing for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECOGNIZING RECOVERY MONTH

The SPEAKER pro tempore (Mr. GOHMERT). Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to join my colleagues in recognizing Recovery Month sponsored by the Substance Abuse and Mental Health Services Administration and by the Center for Substance Abuse and Treatment.

As the co-chairman of the newly formed Addiction, Treatment and Recovery Caucus, it has been an eye-opening experience to speak with recovery groups working to bring an end to the stigma surrounding addictive disorders.

At every event and every meeting, someone will inevitably take me aside, quietly whisper to me about how their parent had abused drugs for years without knowing it or how their child was attempting to rebuild their life after spending time in a juvenile detention facility for a drug-related crime or how they lost one after years of battling addiction. While these people quietly share their most intimate family secrets, they may not realize that addictive disorders impact over 63 percent of our Nation and that they are far from alone.

In the past several years, advancements in medical science have allowed us to take incredible images of the brain. The National Institutes of Drug Abuse, NIDA, has found evidence of tissue malfunction in the brain of those with addiction.

Mr. Speaker, I would like to show a few of the slides of what a new technology called the PET scan reveals to us about the various afflictions of the brain and brain disorders and how those brain disorders can appear now under a particular kind of X-ray. As everybody can see very clearly, brains operate differently; and those differences come from different metabolic differences and, in many respects, come from simply genetic differences that predispose some people to having mental disorders or having addictive disorders or having alcoholic disorders.

The fact of the matter is now we do not have to be quiet because there is no stigma to alcoholism or drug abuse. This is no reflection on someone's character.

My mother is still battling alcoholism. I am a recovering alcoholic. I know many other members of my family are recovering. I know many of my friends who have families where alcohol and drug abuse plague their families and run amok.

The fact of the matter is, for so long, people have kept quiet about these illnesses because they felt that there was something wrong with them. The fact is now we have been able to look into the brain, see the areas that are affected, see the genetic components to alcoholism and drug addiction and begin to repair those.

Just like every other illness, whether it be diabetes or asthma, drug and alcohol abuse is a chronic disorder like those illnesses. Yet, unlike diabetes and unlike asthma and like every other physical illness of the body, the physical illness and disorder of the brain is discriminated against by insurance companies in this country. As a result of it being discriminated against, millions of Americans do not get the treatment that they could be benefiting from in such incredible ways.

Why should we provide this treatment? Well, aside from the fact that it is the humane thing to do, it actually saves us money. For one thing, it saves us all the cost to our prison system. We have, as a Nation, the largest prison population of any industrialized nation in the world; and Mr. Speaker, the sheriff of Los Angeles County says he runs the largest treatment and drug abuse facility in America. He runs the Los Angeles County jails, and that is appropriate saying that because, quite frankly, our jails are becoming the treatment of last resort.

ENVIRONMENTAL EXTREMISM

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the whole Nation has been saddened by the terrible and tragic events of Hurricane Katrina. Because of our great concern about this, I would like to read a portion of a story the Los Angeles Times ran just 12 days ago on September 9.

The Los Angeles Times said: "In the wake of Hurricane Betsy 40 years ago, Congress approved a massive hurricane barrier to protect New Orleans from storm surges that could inundate the city.

"But the project, signed into law by President Johnson, was derailed in 1977 by an environmental lawsuit. Now the question is: Could that barrier have protected New Orleans from the damage wrought by Hurricane Katrina?

"If we had built the barriers, New Orleans would not be flooded,' said Joseph Towers, the retired chief counsel for the Army Corps of Engineers New Orleans district.

"Tower's view is endorsed by a former key Senator, along with academic experts, who say a hurricane barrier is the only way to control the powerful storm surges that enter Lake Pontchartrain and threaten the city."

Still quoting the Los Angeles story: "The project was stopped in its tracks when an environmental lawsuit won a Federal injunction on the grounds that the Army's environmental impact statement was flawed. By the mid-

1980s. the Corps of Engineers abandoned the project."

The story goes on, but I will just say this: that project, which was stopped by environmental lawsuits, really led or allowed the damage, the horrible events that happened in New Orleans and the surrounding areas. Environmental extremism, Mr. Speaker, has caused almost every highway, aviation, and water project in this country to take three or four times longer than it should and cost about three or four times more than it should. This hurts the poor and the lower income and the working people of this country most of all.

Perhaps wealthy environmentalists do not realize how much they hurt people by driving up costs and destroying jobs; but hurt they do. Some projects they are able to stop altogether. This barrier protection for New Orleans is just one of many examples. but certainly the worst.

However, some people say the city was at fault in its response to this tragedy. Some say it was the State. Some say it was the Federal response that was too slow. Actually, there were mistakes made at all levels, but most people at all levels responded more quickly and with more money than any other country in the world would have been able to do when faced with a similar natural disaster.

We should be proud of how the American people have responded. I doubt there is a fire or police or sheriff's department of any size in this country that has not sent people to the affected area. Private contributions and volunteer help worth billions has been provided. Congress has voted to send $62 billion there. Fortunately, the death toll, while still terrible, was not even close to the predicted 10,000, probably with apparently a few hundred.

What should we do now? The best way we can help is for the other body, the Senate, to follow the leadership of this House and pass the Water Resources Development Act. This bill was passed several weeks before our August recess by a vote of 406 to 14 here in the House. We passed it in the House by a similar margin in 2003, but it bogged down in the Senate.

This bill provides roughly $2 billion for hurricane and flood protection and environmental restoration for the Louisiana coastal region and the gulf coast. No bill before the Congress will do more to protect those areas in the future than this worthy bill. The Senate should not let this bill be bogged down again. It should follow the lead of the House and pass this very important bill just as soon as possible.

No bill does more to provide protection against these tragedies, not only in Louisiana and Mississippi but in other at-risk areas, than does the Water Resources Development Act.

I hope everyone will work together to pass this very important legislation just as soon as possible.

ARAB THOUGHT FORUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I recently journeyed to Amman, Jordan, where I met with Iraqi exiles and Jordanian leaders. While there, I had the privilege of addressing a special meeting of the widely respected Arab Thought Forum, a community of leaders from throughout the Middle East.

For a quarter of a century, the ATF has examined issues affecting the Arab world and developed realistic solutions. There are over 200 members from throughout the Arab world. His Royal Highness Prince El Hassan Bin Talal of Jordan is the president.

My goal was to listen, to learn, and to bring back whatever message this distinguished organization wanted America to hear directly. Their perspective is uniquely valuable. They are not anti-U.S. or anti-West. They support us even as they champion a strong and safe Arab world. The ATF wants Iraq to succeed. They live every day what we see for a few minutes every night on the news. They do not hate us, but they know who does. They know that hatred is a cancer that spreads if not treated, and they know that Western words that defy Iraqi reality is not treatment.

Every night we witness the unbearable heartbreak of another child dead, another family wailing in agony, unaware of the news camera that acts as a voyeur in their anguish.

How often have we neutralized our feelings to the sight of an Iraqi convulsed in the street, rocking back and forth, holding on to the lifeless body of a loved one? Even the most callous cannot help but admit that Iraq has become a minefield of hatred and violence that pierces Western rhetoric to the very heart. Iraq is close to civil war, and the presence of U.S. forces is a focal point for this blind rage.

Saying it is time to get out would be very easy for me. Saying it is time to find a way out is not, but I am saying just that. The United States needs a plan that protects our soldiers and offers some chance to stabilize Iraq. We are nowhere close to that today.

Over 1,900 U.S. soldiers have died, between 25,000 and 100,000 Iraqis have been killed, and tens of thousands of Americans and Iraqis have been wounded, and the violence goes on.

The development of an Iraqi Constitution was supposed to be a peace process by another name to bring Kurds, Shiites and Sunnis together, but the Sunnis leaders strongly rejected the process and the document it produced.

Middle Eastern leaders told me that the constitution is sort of a "damned if you do, damned if you don't" sort of affair. They say, as written now, passage would mean another 15 years of war and civil war at the least. If it fails, the insurgents will claim victory over the United States and plunge Iraq even deeper into violence.

As many Arab leaders see it, we are rushing headlong into a lose-lose situation. To these people, the conclusion is inescapable. Many I met privately believe that the United States' actions can only mean the U.S. entered Iraq for oil. They fear the United States will remain not because it is in Iraq's best interests, but because it is in America's oil interests.

Why else, they ask, would the administration refuse to pledge that we will not build permanent military bases? Why else, they wonder, would the administration stubbornly refuse to alter their course in the face of reality? These are our friends talking.

In that spirit, they offered an idea, a breakthrough that changes everything. They do not condemn the administration or America. They do not call for the immediate withdrawal of U.S. forces. Instead, they asked me to bring back a message of hope that peace can be achieved not by force, rhetoric, or the United States alone.

☐ 1745

The Arab Thought Forum believes the road to peace can only be found by having a respected Arab leader convene an Iraqi summit conference without the West dictating the terms. Without the West dictating the terms. It may even be possible for his Royal Highness al Hassan to lead such a summit, but only if the United States stops talking and starts listening. No one I met believes the present course will lead to peace in Iraq.

This weekend, thousands of Americans will participate here in Washington and across the Nation in Operation Cease-Fire. The event will convulse the Nation, pitting Americans who want us out of Iraq immediately against those who believe it is worth going on. We remain deeply divided.

Mr. Speaker, urge the President to stop the rhetoric and get the Arab Thought Forum on point to have such a summit. Only by sitting down with all the parties, led by an Arab, can this be stopped.

FOREIGN EXCHANGE STUDENTS ARE GOODWILL AMBASSADORS FOR U.S.

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, last Sunday during the Emmy awards, I realized that one of the most popular new comedies about domestic life in America is Desperate Housewives, and one of the most popular ongoing dramas about domestic life in America is The Sopranos. And even though a majority of Americans still have regular contact with church, one of the few shows that actually shows contact between a family and religion is The Simpsons. Now, it is not my intention to try to bash television shows or Hollywood, but these are hardly adequate or accurate views of America, and this inaccuracy does have policy implications.

If the image of America is derived from the popular culture and not the reality of what America is, it has an impact on our foreign affairs. Let me try to illustrate. In the year 2003, I was part of the Congressional Study Group on Germany and had the opportunity, with others, of representing the United States in Berlin with the German Government, which at the time was, shall we say, not a big U.S. supporter of U.S. foreign policy.

In fact, that particular German Government had just a very narrow election by doing a significant amount of America bashing to get there. But the tone of that government would have been more acrimonious were it not for a senior SPD member, Hans Ulrich Kluse, from Hamburg, who, at considerable political risk, put his reputation on the line to insist that his government try to make more cooperative pragmatic relations with the United States.

At the time, I wondered why somebody would spend so much political capital to be pro-American, until I also realized that the references he always gave when he was speaking about America were to his experiences in the 1950s as a foreign exchange student in Clinton, Iowa. I also realized his experiences with real American families gave him an insight and friendship that no one can ever gain by watching America as purported by television and the movies.

As I traveled that year as well as last year to Germany, I realized that those places in Germany that are extremely pro-American are those where they have the greatest contact with Americans. And in like manner, where anti-American attitude develops and proliferates is in those areas that have the least amount of contact, which may be one of the reasons why the Ambassador from the United States at that particular time was undertaking a prolonged and expensive initiative to try to increase the contact between Americans and Germans, especially Germans of school age. Such contacts, he thought, were the only way to improve Americans' image abroad and mitigate anti-American attitudes where they may be growing in the future.

In fact, I found one constituent, who did not know my interest in this area, who wrote me. Martha, from Park City said, "At a time when youth in strategic parts of the world such as the Middle East are confronted with dangerous cultúral misunderstandings about the United States, youth exchange programs are uniquely suited to allow young people to experience an America unfiltered by Hollywood. These exchange participants frequently take home an understanding and often appreciation for America's people, society, and values."

She is right on. Every year we have the opportunity of sending 30,000 ambassadors out into the world. And for 19 years, the host families of those 30,000 potential ambassadors have been receiving a tax deduction of $50, which is nice. But that is why I am happy to have joined with the gentleman from New Jersey (Mr. ANDREWS) and nine others to sponsor H.R. 1504, which will change that $50 to $200. That is not enough to cover the expense of host families, but it is enough to encourage families to open their doors so that more kids can have the opportunity to experience an American way of life, which may indeed be the smartest foreign policy decision we could possibly make.

With America and America's way of life under constant attack, both literally and rhetorically, it would be wise to do everything we could to encourage students of the world to experience what this country has to offer, return home, and then watch that influence tend to grow.

If our image abroad is important to the spreading of democracy and to the defeat of terrorism, and I think it is, it is good to get the good kids of the world with those good families in America. And the payoff will be improved foreign policy options and relations 10 and 20 years from now. Such an investment would be wise.

I would urge my colleagues to look at the details of H.R. 1504 and join us in planting seeds that can be reaped to the benefit of American foreign policy in the future.

TRIBUTE TO ROGER A. NICKERSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise tonight to pay tribute and honor a great American patriot, Roger Nickerson, my uncle, who passed away last Monday. Roger Nickerson embodied all that is good and decent about America. He loved our country, and he served it with honor and distinction for 30 years in the United States Navy, both in Active and Reserve status. He retired as a Master Chief, with many medals and accomplishments.

The Chief, as many of us liked to call him, then worked for the INS for 7 years before retiring with his wife Rosemary to Stoddard, Wisconsin, where he converted an old one-room schoolhouse into their beautiful home.

He was truly a Renaissance man, capable of doing anything with his hands, and with a high standard for perfection. If anyone can be described as the strong silent type, it was the Chief. He had the looks of Robert Redford and the coolness of Clint Eastwood. In short, he was a great role model for those of us who knew him.

But as much as he loved his country and was proud of his service, he loved his family even more. He was a terrific husband, father, grandfather, brother, uncle, and friend. There was nothing he would not do for family and friends. And if there is such a thing, as I believe there is, as a lifelong soul mate, the Chief found her in his wife Rosemary. They met at an early age and their commitment blossomed into a lifelong adventure, taking them and their kids to new destinations every few years due to his military service.

His greatest source of pride was his children, Randy, Robin, Rhonda, Robbie, and his many grandchildren. I know the good Lord does not produce too many Roger Nickersons in this world. All of us who knew him feel blessed and fortunate to have had him in our lives. Now he has found his peace and comfort by rejoining his youngest son, Robert, in the presence of our Lord, where they will wait for the rest of us to join them. May God bless them and keep them in his care.

Roger Nickerson, the Chief, was loved by many and will be missed. Mr. Speaker, I just wanted the rest of our Nation to know a little bit about this great American patriot here tonight.

FREE ACT TO RESPOND TO PRICE GOUGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, in the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations and giving their time to help the people of the gulf coast recover. That is how American people react when they see their fellow citizens in need. Unfortunately, some people have looked at Hurricane Katrina not as a chance to give but as an opportunity to profit. Some have decided to take advantage of this terrible tragedy and line their own pockets by price gouging the American people at the gas pump and in the energy needs they will experience this winter in order to heat their home and their place of employment.

At a time when Americans are choosing between filling their gas tanks or filling their prescriptions or providing for their families, oil companies are reaping record profits. People are rightly angry and frustrated with these high gas prices, and they deserve to have someone on their side fighting to ensure that they do not get mugged at the gas pump. Sadly, the administration's answer has been to sit on their hands while consumers get the shakedown from the oil companies.

Today, we learn that eight Governors, including Michigan's Governor Granholm, sent a letter to the President and the Senate and the House leadership urging Congress to act immediately by putting forth legislation that would return excessive, unconscionably collected profits to the consumers. The letter, which was signed by Governor James Doyle of Wisconsin, states: "When the wholesale price of gas went up by 60 cents almost overnight, oil companies were obviously using the most devastating natural disaster in our Nation's history to reap a windfall at the expense of the American consumers. To price gouge consumers under normal circumstances is dishonest enough," the letter stated, "but to make money off the severe misfortune of others is downright immoral."

It is obvious to me that Congress needs to protect Americans from price gouging and market manipulations. As the lead sponsor of the FREE Act, Federal Response to Energy Emergencies, that I will soon introduce, is the Democrats' answer to the Nation's record high gas and oil prices. I have been joined in drafting this legislation by the Democratic Rural Caucus, especially the gentleman from Illinois (Mr. RUSH) and the gentlewoman from South Dakota (Ms. HERSETH).

Currently, only 28 States have laws on the books that define price gouging and have enforcement mechanisms to go after those who are ripping off consumers. At the Federal level, there is no oversight to protect consumers from this predatory pricing. That is why we need this Federal legislation now. No American should have to pay too much for gas for their automobile or to heat their home this winter because the oil companies are rigging the prices.

Our bill will give the President authority to take immediate action in the face of an energy crisis by declaring a national energy emergency. Our legislation mandates that the FTC, the Federal Trade Commission, for the first time ever will have to define price gouging and the criteria that makes up price gouging. It will also provide the FTC and the Department of Justice with the authority to investigate and prosecute those who engage in predatory pricing, from oil companies all the way down to the local gas stations, with an emphasis on those who profit most. This includes the gouging of gasoline prices, home heating oil, or natural gas.

Our legislation expands the Federal Trade Commission's authority to more aggressively pursue instances of market manipulation, such as geographic price setting or territorial restrictions imposed by refineries and those who are what they call "gaming the system." Our legislation empowers the Federal Government to impose tough civil penalties of up to triple damages of all excess profits on companies that have cheated consumers. It also imposes tough criminal penalties of up to $100 million on corporations, and fines of up to $1 million plus jail sentences for up to 10 years on individuals.

This bill will provide relief to farmers and small businesses paying skyrocketing energy and transportation costs, and expand the Low Income Home Energy Assistance Program, LIHEAP, through fines paid by price gouging companies.

My bill will protect consumers from unfair gas prices and punish those who think that at a time of national tragedy it is the right time to rob Americans of their hard-earned money. It is the right thing to do for consumers and for our Nation's economy.

Look at what has been going on in the last few months, even before Hurricane Katrina. This is an article out of the Soo Evening News, a newspaper in my district. It is July 20, 2005. It is before the hurricane season. That day, in my home State of Michigan, gas prices went up 80 cents; eighty cents in one day, based upon rumor, fear, and speculation. You cannot tell me that no one is profiting excessively from America's fear.

Also, I found an article in the Washington Post with the headline, "Oil Prices Spike as Storm Nears, Jump of $4.39 is Largest One-day Surge on Record." These are the reasons we must have this legislation. Let us pass the FREE Act.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come before the House, and I want to thank the Democratic leadership for allowing us, the 30-Something Working Group, to come to the floor to talk about issues that are facing not only young Americans but Americans in general.

The 30-Something Working Group, as I have stated before, time after time, is a group of 30-something Members on the Democratic side of the aisle who meet every week. We come together on the issues that are facing Americans and discuss things that, A, are working or, B, things that are not working on behalf of the American people, and we try to bring that to the attention of our colleagues here in this House.

☐ 1800

I think it is important for us to not only be very aware of what is happening now in the action or inaction here in the Congress or here in this House. I think it is also important for us to realize that Hurricane Katrina survivors and those that are still in recovery are in need of a government that is willing to respond not only as it relates to saying, well, we passed the $62.2 billion emergency appropriation, but to make sure that we never have to be placed in a position that we are in now, not this House, but the people affected by the storm, and not as it relates to the natural disaster.

We know that is an act of God and that will happen; but as it relates to governance, who dropped the ball or who did not respond in time, who did not get a letter because too many people lost their lives because the response was not what it should have been.

Mr. Speaker, it was not the hurricane that killed a number of people, people who have children lost at this point, that homes are devastated in New Orleans because of the flooding. It was not just the storm that made that happen. Governance broke down somewhere. Our reason for coming to the floor today is to not only share with our colleagues but to make sure that we are abundantly clear with the American people about the importance of having an independent commission out of the control of this House and out of the control of this Congress to allow appointments to take place, bipartisan, and independent.

Right now we have a partisan select committee that will be meeting sometime in the very near future, maybe tomorrow, organizing and trying to bring witnesses before them. I am very, very proud, and when I say very, very proud, this is the moment we live for to be able to stand up on behalf of those who are not here to stand up on behalf of themselves.

We know that the American people have said, 70 percent of the American people have said, they want an independent committee like the 9/11 Commission to look at what happened or what did not happen as it relates to the response and preparation for Hurricane Katrina. We are looking at the number of 200 billion Federal dollars being spent to rebuild and help those Americans get back on their feet.

It is important for us to have this independent commission to be able to make sure that we are not at this point ever again, especially when it comes down to the breakdown of government. I think it is important. I am not trying to be a pessimist in any way, but I think it is important for us to call it what it is. It is a partisan select committee created by the House of Representatives, passed outside of what we call regular order here in the process, outside of regular order, going to certain committees that have oversight over the necessary agencies. But to say we are going to get to the bottom of what happened is just not the way to go about doing it. Not even 50/50, or 10 on one side and 10 on the other side to make sure accountability is there so the American people can have some confidence.

No, because the majority wanted to keep control of the process and because the President and others that are here in this Congress wanted to keep control of the process, we have a partisan select committee that has been appointed and given the charge to find out the truth. I think that not only Democrats on this side of the aisle but some of my good friends on the other side of the aisle should speak out. I know that Democrats have, but I challenge some of my colleagues on the other side of the aisle to speak out and say this is wrong, because we know it is wrong. We know it is going to be partisan, and we know we will not get the hard questions answered.

We know that if the administration has anything to do with the response, which admittedly the President has said it was not what it should have been, that would have been fine if we were talking about a check that was not mailed out, a rebate check and it was 3 days late. We are talking about loss of life, loss of property. We are talking about children as we speak now that are still missing. We are talking about people who spent 3 days on their own roof or in their attic or 3 days on a bridge without water, without proper sanitation and without a response from the Federal Government to be able to save not only their lives in some cases but also as it relates to saving their property, of making sure that we were there to respond.

Mr. RYAN of Ohio. Mr. Speaker, I agree with the gentleman, and I think this is an opportunity for us to step up and do this in a way that the American people will see this as an honest attempt to try to figure out what the problems are and what the problem was and what the problem is, and if we continue down the road, what the problems will be.

The real issue I think and why over 70 percent of the American people want an independent commission, bipartisan, half Democrats half Republicans, people who do not sit in this body, people who do not have to ask the administration for favors during the appropriations process, or through the regulatory process, that is, the problem is we have Members who will be on this floor who will need favors from the administration, will be cutting deals in here, will be the same people who are going to try to figure out what the problems are.

I want to say on behalf of myself, I hate this. I hate the fact that we have to come to the floor and talk about this stuff. We spoke about Social Security for months and months. I hate the fact that we have to be critical of this administration. I hate the fact that we have to be critical of Michael Brown and the whole process, but that is our constitutional obligation. When we raise our hands the first week in January every other year, we swear an oath to the Constitution.

The outfit, the gang that is running this place, just cannot seem to shoot straight. They did not tell us the truth with the Medicare prescription drug number. It was $400 billion the night we voted on it, and it turned into $700 billion or $800 billion. There was misinformation before the war on terror. The budget numbers that were given daily, weekly over the past few years are not accurate, never are.

The spiel about the tax cuts are going to create all these new jobs, not true. That is why 70 percent of the American people want an independent commission. They think this is the gang that cannot shoot straight, and it is.

And for the President to be giving a speech on Social Security two days afterwards when all of America is watching this on their television, how far removed is he? How insulated from the average American is he? That is the problem: we have a disconnect between this government and the American people. I hope that this independent commission that we are pushing for, like the 9/11 Commission, will be one that will bring some credibility back to the government, one that will take an accurate look at what happened here and bring us the facts.

Mr. MEEK of Florida. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman from Ohio (Mr. RYAN) speaks the truth. There is no question about it. Now we are hearing on CNN, and we have to hear it on CNN, unfortunately, that the Republican leadership plans to go forward with their partisan committee to investigate Hurricane Katrina. Rightfully so, the gentlewoman from California (Ms. PELOSI) has refused to appoint Democratic Members, and everyone I have spoken to in our Democratic Caucus, if asked to serve by the gentleman from Illinois (Mr. HASTERT), we will stand our ground and insist on there being an independent commission.

The example we have been using here on this floor is would the American public be comfortable if Enron executives examined and investigated what went wrong in their corporation and their corporate scandals? How about Tyco? You would never accept those kinds of internal reviews as being accountable, objective, or independent.

If Congress is going to truly inspire the confidence again of the American people, which is what we so desperately need to do when it comes to our emergency preparedness procedures, it is to not engage in partisan infighting and backside-covering, because that is what they are doing here with insisting on having a partisan internal congressional committee instead of an independent, objective 9/11-style commission. It is confidence that we need to restore because it is the issue of security that Americans most want to feel comfortable that their government is taking care of.

That was supposedly why the President was reelected last year. One of the reasons many people cited was because they felt he would keep them safer, this administration would be more likely, supposedly, to keep them safer. I bet a lot of those people are scratching their heads wondering why they cast that vote and where is the action to back up the words that the administration campaigned on all of last year.

Mr. MEEK of Florida. Mr. Speaker, I think it is important for us to realize when it is time to lead and when it is time to not only lead but stand up on behalf of the folks that elected us here. It is important for us to stand up.

The American people, they do not want us to be partisan, and they do not want a partisan select committee selected by the House that is partisan. They want an independent commission like the 9/11 Commission. They want that. I guarantee you the folks in Alabama and Mississippi and definitely the people in Louisiana, and I would even say the folks in Florida, want an independent commission.

Members do not see anyone running around here saying we want a partisan commission to look at what happened. I do not see one headline that says we want it to be partisan so we do not find out exactly what we need to find out, not the who done it and who did it kind of thing, but where the ball was dropped so we can save lives, American lives. This is not a foreign country somewhere.

We are saying we need to make sure that we prevent loss of life. There are Americans that died in the aftermath of this hurricane. I say the aftermath. I cannot help but remember the story where the gentleman was caught on television, and a reporter walked up and said what is wrong. "My wife, she is gone. I was holding her hand. I could not hold on. She said, 'You cannot hold me any longer.'" That was not a natural disaster; that was the fact that we did not have in place what we needed to have in place to make sure the governance, the government, be it local, State or Federal, was responding to these individuals.

I have papers stacked this high with pictures of people sitting in front of their loved ones because they ran out of insulin or oxygen. This is a failure, and we will never know, we will not know the truth if we allow this Congress, the majority of this Congress to deny the American people, not just the Democrats in Congress but the American people and the victims of Hurricane Katrina, the truth and to make sure and ensure that it will not happen again, because we will be better by having a nonpartisan commission outside of this Congress to evaluate what went wrong, what went right, and what we have to focus on.

□ 1815

We are better now because of the 9/11 Commission. We passed a bill here on this floor because of their work. We were able to save American lives and protect America in the future.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to piggyback on what he is saying here because not only do the American people want an independent review so that their confidence can be restored. They want their representatives in Congress to be statespeople. They want us to step up and put partisanship aside. My colleagues are veterans of this process, and I have been here 9, almost 10 months now, and the thing that has been the most startling to me is how partisan it is here. It does not need to be this way. I know. I have spoken to some Members even today, some Members who are leaders on the Republican side who I know if we came around the table and sat down and hashed out how we could best approach the review of what happened with Katrina and the response and our lack of preparedness, I know we could work it out. But the leadership here does not allow that to happen. It is all about winning. It is all about "our way or the highway." And Americans are sick of "our way or the highway" politics. They just want us to get it done and do the right thing. And I just do not understand why it has to be about winning, it has to be about we are going to protect our backsides, we are going to make sure that the truth really does not come out. God forbid if we actually admit that we made a mistake. That is just irresponsible.

And to me the most devastating thing, besides the loss of life and the children, the little babies that we see being held by people who are not their mothers, because their parents are gone and no one knows where they are, the thing that is most devastating to me is knowing that there are millions of people in this country who do not believe in us anymore, who do not believe in this process. Look at the polling numbers on Congress and how Americans feel about the job we are doing. Our constituents might like us as individuals, and that is only some of us; but as a body, as an institution, we have lost their faith. And we have lost their faith because all we do is throw up our elbows and duke it out and fight to the finish. They want us to do our jobs and do right by them, and that means putting aside winning, and making sure that we can come together as Americans, like we did after 9/11, like I saw Congress do after 9/11 when we were all linking arms and working together.

Maybe Katrina, because it only happened to one region of the country, was not a unifying enough event. But if there is ever a time. We just had Rita hit Florida. It is bearing down as a category 5 on Texas now. I mean, clearly no one is immune from this in this country, and it is time that we exercise some leadership. And I think we should ask our leadership, especially the leadership running this Congress, to say to themselves, it is not all about me. That is what the American people want us to do. I just wonder whether they have the courage and the nerve to do it. It certainly does not seem that way.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, it does not look like it. And I think David Broder had a great quote saying that majority Republicans see themselves first and foremost as members of the Bush team. Well, this is not about their team winning. This is not about politics, and we know for the last 5 years it has been all politics all the time here, as I talked about Medicare and all the other issues. And now here we go again.

Here is the thing I think that we need to recognize. When we have this colossal of a screwup, somebody is going to get embarrassed. It is not going to be pretty. Someone has got to hang for this, and someone has got to take responsibility. And that is the thing I think the American people want from their government. They want responsible Members, but they want accountability. And accountability means someone is going to get embarrassed, and it means that someone in FEMA screwed up. But do my colleagues know what? It is not about President Bush. It is not about that one person who screwed up. It is not about the series of people who contributed as the days went on from the screwup. Do the gentleman from Florida (Mr. MEEK) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) know what this is about? This is about fixing the problem, as they said earlier. And if someone needs to get embarrassed, they need to recognize that this Chamber, this country, and the way we respond to emergency situations, whether they are natural disasters or terrorist attacks, that response and our responsibility is bigger than the couple of people who are going to get embarrassed.

There are certain things that are bigger than winning and more important than winning, and that means we have got to make sure that we do this in the right way. This cannot be a whitewash. We cannot get out the Brillo pads and try to make this look clean. We have got to find out where the ugliness is, where the lack of communication was.

Knowing about the simulation last summer in July of 2004 of Hurricane Pam, a simulated hurricane that FEMA did a study on that, if it hit New Orleans what would happen, and they predicted right down the line every single thing that would happen. A category 4 in New Orleans, levees would break, a million people would need to get evacuated. And every other situation that happened, FEMA's response, the simulated Hurricane Pam told us exactly what is going to happen.

So my point is that someone is going to get embarrassed here and it is not going to be pretty. But at the end of the day, the system is going to be stronger because we are going to know what the mistakes were and we are going to know how to fix them. But if they are not willing to find out what the problem is, then they are not going to be able to fix it. And our responsibility is to fix it. So although this may be painful for the majority party and it may be painful for the Bush administration, this system that we have is bigger than all of them put together, and that is what we are here to do is preserve this system.

Mr. MEEK of Florida. Mr. Speaker, the gentleman from Ohio (Mr. RYAN) heard me once before speak of the fact that it is not personal, it is just business. And that is the reason why we are here. We are here to conduct business.

I have very good friends on the other side of the aisle. I am talking about good friends that I had long-lasting relationships with prior to becoming a Member of Congress. As it relates to this select committee, those individuals that were fortunate enough to be appointed by the House leadership, many of them are good friends of mine. I mean, these are individuals that I talk to, and we talk about football and we talk about things that just regular everyday associates would talk about.

But it is not about them. It is about the fact that there has been a select committee elected on partisan lines, partisan lines, with a partisan vote that will meet tomorrow and, as we read through the media, will meet next week, a partisan committee to carry out a bipartisan job. A bipartisan job. How can they carry out a bipartisan job when from the beginning it already smacks of political overtones? It is almost like, as the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) said, and I think she said it right, we are going to do our in-house investigation. What usually happens when people do an in-house investigation is someone screams for an independent investigation. For those men and women that are in business out there in America, they always have to get, 9 times out of 10, an outside audit for their company versus an inside audit. Independent it is called. And I think it is important for an independent commission, when we get one, because we are willing to fight. The Democrat side of the aisle is saying we are willing to fight on behalf of what the American people want.

Now, I did not hear one speech during the creation or the vote last Thursday on this partisan commission or select committee of saying that the people want a partisan select committee, and I am here to say that it is important that we have one. Not one speech. But that is what we have now. Because there are some individuals here in the Beltway that want vindication and validation, which, I guess, vindication, not rightfully so, but just to say, well, I had nothing to do with it and to beat up on Michael Brown of all people. And I think there is pretty much consensus on the fact that he did not possess the experience and the leadership qualities to be able to carry out the mission of being Director of FEMA. We know that. I mean, that is almost like the President's showing up 3 or 4 days later, or what have you, after he was supposed to be there, and saying there are a lot of homes, a lot of flooding going on. And people say, oh, really? We saw that on TV like 4 days ago. We are getting blankets and all these things in now when they should have had them 3 days ago. The world watched people on top of their roofs, and thank God for the Coast Guard who were there trying to pluck people off when we had mountains of Federal resources sitting somewhere at some staged area while people are there starving.

I went to Mississippi, Hancock County. Folks said they had sanctioned looting. The mayor standing out in front saying go in and get what they need, the essentials to survive. In America. This is not behind a war zone. This is not in a fort area. This is America where they can go in and help people, but failed to do so.

Once again I want to make sure that I am crystal on this and we are crystal. We are not only talking about what did not happen as it relates to the Federal response. We are talking about the State response. We are talking about the local parish response. We are talking about whoever was in charge of carrying out the plan, making sure it does not happen again. This is not isolated to the Gulf States. This is America, because we all learned what happened on 9/11 happened here in Washington, DC, happened in Pennsylvania with the plane going down, happened in New York City. But guess what? Having that independent commission helped prevent terrorism throughout the country. LAX is a more secure airport because of the 9/11 Commission. More secure. And I think it is important that we realize that this battle is not on behalf of what we want on the Democratic side. The battle is worth fighting on behalf of the American people. And I will tell the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Ohio (Mr. RYAN) I know for a fact that there are some Republicans that sit on that side of the aisle that know 110 percent that we are right. And I will say this, just like I have said it before, when it came down to some of the votes that took place and when I called for some of my colleagues on the other side of the aisle to go see the wizard, get some courage, and stand up publicly to this rhetoric of a partisan select committee to investigate yourself.

If I messed up and I was to come to the floor and say I have decided that I am going to investigate myself, I mean it sounds a little funny because it is.

Ms. WASSERMAN SCHULTZ. It would be funny if it were not so sad.

Mr. MEEK of Florida. If it was not so sad. I will investigate myself, and we will be back in a number of months and give our findings. That would be fine if we did not live in a democracy. But we do live in a democracy, and I think it is important that we call it for what it is. It is a partisan select committee based on trying to find out what happened or what did not happen in Katrina, and it is not bipartisan.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, let us put a little meat on this bone. Let us put a little meat on this bone. Why do they not want us to look at this thing? Because they know what we are going to find out. They know we are going to find out that FEMA became a haven for political hacks, period; end of story, dot. Political cronyism at its best. College roommates, the campaign manager's college roommate gets the head of FEMA. They get the head of FEMA? They have no emergency management experience at all, none. James Lee Witt, who was there for President Clinton, was the FEMA emergency manager for Arkansas. So if we have a bipartisan commission that maybe is not run by this House, that will come out. It will come out that eight of the top-level people in FEMA were all political cronies, all political hacks given a job. We do not give people jobs in FEMA. We give people ambassadorships who make big campaign donations. We know that happens. But we do not put them in charge of FEMA.

What would come out is that we would find out that FEMA's budget was slashed.

□ 1830

All the offense that the Clinton administration was playing with FEMA to prevent some of this stuff: budget cuts, tuck FEMA in with Homeland Security, make it more bureaucratic, and you put a bunch of political hacks in charge of it. That is what is going to come out. That is what is going to come out. You cannot run down government at every turn. For the last 10 or 15 years down here, everybody has just been running down government: Government cannot do anything right, government is the problem, government is bad, government is in our way, government this, government that. Every problem in the whole world was the government's. And then when we need the government there to help, well, no wonder it is ineffective. It has been disrespected, the budget has been cut, we do not have professionals there. We need the best and brightest in government. If you keep running it down, you are not going to get them.

So that is the meat on that bone, is that they are going to find out it was a haven for political hacks, the budget was cut, no professionals over there, no certified emergency management specialists. And that is what happened, and that is what will come out if there is a bipartisan commission.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, let us make the meat on that bone turkey, and let us talk turkey now, because beyond the partisan commission and beyond what we are saying, which is that there should be an independent commission so that we can truly get to the bottom of this, let us go a step further, because there are other things going on in Congress related to the reaction to Katrina.

We know that for the next several years we will have what will be a massive public works effort to rebuild the Gulf States, which we will be behind wholeheartedly, because there but for the grace of God go we, and we would want our colleagues to do the same and be supportive if it happened in our State. Our colleagues were very supportive of Floridians when we faced Andrew down and the follow-up to Andrew. But there are going to be some serious needs that will need to be met.

How is the Republican leadership talking about responding to those needs? Well, let us go through it. First, they are talking about keeping the tax cuts in place: Let us not touch the tax cuts, because wealthy people, they need them. It is really important. So those are off the table, those are off limits. On top of that, they are saying, you know, we got some concern occasionally about the deficit, so the right-wingers on the other side of the aisle are saying that, you know, the cost of rebuilding the Gulf States is going to be prohibitive, and we want to preserve wealthy people's tax cuts while we are rebuilding the Gulf Coast States, so we need to look to some more spending cuts. And where are they talking about those spending cuts being from? Well, they are starting off with delaying the prescription drug benefit for Medicare recipients, for senior citizens who can barely make ends meet, for senior citizens who have to choose between medicine and meals, for people who literally live, bottom line, day to day. Then, they are also talking about cutting transportation projects, thousands and thousands of transportation projects, billions of dollars.

Now, who did Katrina hurt the most? The poor people, the people who are poverty stricken, 100,000 of them at least, who could not get out of New Orleans and who had to go to the Superdome to be able to find refuge. So how, when we are trying to find them jobs, are we going to get them to those jobs if we cut transportation projects, if we do not have mass transit assistance? That is how poor people get to work.

Where is the heart? Where is the trust? There is no heart in this leadership, no caring, no feeling. It is all about them. It is, you know, we got ours and the people that support us, we gave them theirs, and we are going to make sure they keep it, and everybody else be damned. That is what these people are all about.

When it comes down to it, over the next 14 months, as we go through a discussion with the American people about the choices that they will have, it is going to be about trust. Who do you trust to take care of you? Who do you trust to be there for you in your time of need, to protect you when you are in potential danger, and to be there for you when it is time to clean up and help you move your life forward?

Mr. RYAN of Ohio. And let us be honest. This outfit, this gang has had their chance for the last 5 or 6 years, in Congress for the last 11 years, going on 12 years. They have had their chance. Look at FEMA. Look at the economy. Look at the tax structure. Look at the Medicare program. Look at the health care situation. Look at the poverty that we saw, with no real attempt to even try to fix it. I mean, let us be honest, there has been no attempt, none. Tax cuts? Wait a minute. How are tax cuts helping people that can barely survive?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in the last few minutes, and if the gentleman from Florida wants to go over this, I would be happy to yield to him.

We have on our side of the aisle a series of proposals, an action plan that Leader PELOSI has put forward related to housing and economic security and health care that we are going to be talking about over the next several months, because it is not all about complaining. It is not all about we do not like what they are doing. We have a series of proposals that we want to see happen to ensure that people can move their lives forward. We have to make sure that these people have health care. We have to make sure that they have roofs over their heads. We have to make sure that they have access to jobs and job training. We have to make sure their kids have a place to go to school and that the communities where these kids go to school can actually make sure they have room for them, like our community. The people coming down to south Florida, we are exploding in our public schools. We could barely take on another kid who is moving to south Florida voluntarily. So we have plans, and we are going to make sure that those plans are outlined and that we pursue them and that the American people understand that we are going to be there for them when they need us.

Mr. MEEK of Florida. Well, plans would actually be action if we were in the majority, or if we had a majority party that were willing to move in a bipartisan way in responding to the aftermath of Katrina. And also what Hurricane Katrina has exposed in America is the fact that we are not prepared to face a natural disaster or a disaster, period. We are not coordinated in this country to be able to have a response that will be appropriate to the American people in their time of need.

Mr. Speaker, the gentlewoman left off with what is being proposed, and what is also being proposed is a $9 billion cut in student aid. I know we passed a bill to kind of help with a Pell grant, but this week the majority comes back with a $9 billion discussion of helping to pay for Katrina. So it is almost like I am going to give you something, but I am going to take $9 billion back.

Mr. Speaker, I am so glad that we have the opportunity to come to the floor, and we have had to double up on 30-Something, because it is too much, too much going on.

Ms. WASSERMAN SCHULTZ. Too much to talk about.

Mr. MEEK of Florida. I will tell my colleagues, and I will warn my colleagues on the majority side, especially those who are making decisions, it is time to start making the right decisions. When you have 8 States who say that they want the Federal Government or this Congress to investigate oil companies, we are paying $3.50, $3.90 a gallon; meanwhile, profits still soaring as it relates to the oil companies that are saying, oh, we have to go up on gas prices because the oil production is not what it should be. But they are not hurting. There are some people who could not make it to work because they could not afford to put a quarter of a tank of gas in their car or their truck if it was a small business. Sure, prices went up, because they could not move product. Diesel fuel went up, let alone jet fuel. Flights were canceled. But, meanwhile, the folks that provide the oil, they are having record profits. So eight Governors have asked for intervention by this Congress.

And, I have been passed a note here that they are also predicting that gas, based on what Rita does, could go to $5 or better. So I hate to say to not only my constituents, but also Members of this Congress, run out and fill your tank now, because Rita is a reality, and it is going to be a category 5. Because we gave money away to billionaires, not to the folks that we are talking about, not the folks that are on the cover of these magazines. What happened? How did it go wrong? Is this America? Question: Is this America?

Deficits. The deficits were here prior to Katrina, prior to Rita. When this administration came into power, that is when we started getting into deficits. We had surpluses as far as the eye could see.

So I am saying that, and I am hopeful that some of our friends, especially the ones making decisions on the other side of the aisle, will say, well, you know, maybe we need to rethink this.

Mr. RYAN of Ohio. Maybe we made a bunch of mistakes. Maybe we made a couple mistakes.

Ms. WASSERMAN SCHULTZ. They do not make mistakes.

Mr. MEEK of Florida. Maybe we need to sit down as adults and look at how we can approach this and use not only the contributions, but the wisdom of all Members of Congress into, into what? Achieving what the American people want. That is not a radical idea. That is very simple. We have one side of the aisle that is saying that we want to do that. We have one side of the aisle, if given the opportunity to be in the majority, will do that. But tomorrow, I say to my colleagues, there will be a committee meeting, a partisan committee meeting, to organize themselves to get to the bottom of what really happened and did not happen, to report to the American people the truth. I will tell my colleagues right now that that just will not fly.

I am asking, as a member of the Democratic Caucus and asking as a Member of Congress period, and Leader PELOSI, the Democratic leadership, I am on the second floor of a 9-floor building. Hang in there, because there are a number of people and Americans, Republicans, Democrats, Independents, those that cannot even vote yet and those who choose not to vote are counting on our leadership to make sure that this never happens again.

They deserve an independent commission to be able to look at what happened, what did not happen. Subpoena those that need to be subpoenaed and pulled in, because Michael Brown, as far as I am concerned, is just crust on the pie. We are not really getting down to what is in the pie when we deal with Michael Brown. Michael Brown is so exposed he is just like the Washington Monument that sits in the Mall; everyone can see it all over Washington, D.C. If you get lost here in Washington, D.C., just look for the monument and you know you are on the right track.

Michael Brown is there. I feel bad for him, because the guy cannot even go to the Mall without people looking at him and saying, it was you. No, it was not Michael Brown. It was those individuals that allowed Michael Brown to be the director of FEMA. It was those individuals that made partisan decisions based on political activity in a partisan campaign, and said we are going to park our people here, our precinct captains in the emergency management agency. In our time of need, we want our friends, political friends, to be in those positions.

Better yet, even if FEMA, let us say if they did not have the ability to be able to govern themselves in a time of a natural disaster and respond, those individuals that were overseeing FEMA, it goes further. Yes, the Department of Homeland Security, you have people in the White House that are in charge of certain agencies that bring about accountability on those agencies on behalf of the President; you have so many people that are from the top, which is the President of the United States, Commander in Chief, if you want to speak militarily, all the way to the parish commissioner or levee board in New Orleans. In that track, need it be elected, appointed, they have to be brought in to task to make sure that it does not happen again.

Were there plans? Of course there were plans to be able to evacuate people, to be able to make sure that the Federal response is staged, and to go in when the winds die down to 40, the wind count or what have you. I am not a meteorologist; I feel like one, because when you watch TV, and it is hypnotic watching the reporting of this, 40-mile-per-hour winds. But it did not happen. And we can get down to the truth. It very well could be; I mean, I heard some folks from Louisiana saying, yes, the National Guard was in there trying to do the best they could. They did have food in the Superdome. They did have food in the Civic Center in New Orleans. No, we were there. We were here in the streets. They were not here by themselves. We will never know the truth until we have an independent commission.

I am glad, once again, I am going to say it again just in case. I want it to be printed correctly in the CONGRESSIONAL RECORD that the leader, by not appointing to this partisan committee, select committee, partisan, I want to say that, partisan committee that will have partisan findings, I commend not only her leadership, not on behalf of the Democratic Caucus, but on behalf of the American people. The question should not be, why are you not appointing Democratic Members to this partisan committee? It should be, why do we have a partisan committee, select committee in the first place for this bipartisan job?

□ 1845

Restore this bipartisan job. It is bipartisan because that is what we call it. No, that is not bipartisan. You have 11 members on the majority side, including the chairman who controls everything, and you have nine members on the minority side who cannot even call a committee meeting or call a witness up without the permission of the majority.

So once again, we are in a situation where we are saying, we will investigate ourselves and we will get back to you in a number of months on our findings of what we did wrong.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, you know, it certainly does not have to be that way. It certainly was not that way when the shoe was on the other foot, because some people listening might feel, well, you know, this is just the way Congress does it. Congress is a partisan body, it is a political body; and you know when one side is in charge, they run the show. They run these investigations, and that is just the way it is.

Well, in this situation, you have got a Republican Congress investigating a Republican administration. And let us go back to the Reagan years when you had the Iran-Contra scandal. Then you had a committee set up within the Congress, which was a Democratic Congress investigating a Republican administration, so obviously there was some inherently built-in accountability in that situation.

And when it came to the way that committee was appointed and developed, even internally within the Congress there was mutual agreement on both sides of the aisle that it was done in a bipartisan fashion. And I will quote then-Representative DICK CHENEY from Wyoming who is now our Vice President. He said, because he was one of the key sponsors of the committee of the legislation that created the Iran-Contra Committee, he said at that time, "I must say the majority has been exceedingly fair in the proceedings. The leadership of both parties has worked in a truly bipartisan fashion to create this committee," referring to the Iraq-Contra Committee.

Well, it is really unfortunate that when the shoe is on the other foot and they have the opportunity to do the right thing and work in a bipartisan fashion, that they are choosing not to. And it is certainly within their discretion. It is within their choice, and they are just wiping their hands and refusing to do it.

I know the gentleman from Ohio (Mr. RYAN) is pulling over our 30-something board, and we want to let people know how they can get in touch with us, and we want and we urge their feedback. We want to hear from people.

Mr. RYAN of Ohio. Before I give away the magic address here, I think we just need to call this what it is. This is a Republican committee. This is a Republican committee that will oversee a Republican mess.

Mr. MEEK of Florida. Period. Dot.

Mr. RYAN of Ohio. Period. End of story. Dot. And you might as well put Ken Melman or Ed Gillespie in charge of the committee, because you are going to get a political response. You are going to get a political whitewash from this whole thing.

And the American people are going to let this stand. I made the prediction last week, and I stand by it today, the American people will not let this stand. When there are 11 Republicans there tomorrow organizing this committee, you will be able to do it in a phone booth, because the Democrats are not going to be around. We are not going to lend any credence to this at all.

And put Ken Melman in charge of this committee because that would reflect accurately the end response in what it is going to be. 30somethingDems, 30 the number, somethingdems@mail.house.gov.

E-mail us. Let us know what you think. Tell us your thoughts. Share with us.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the way I want to conclude for us, or my portion of the conclusion, is to reiterate that at the end of the day we have plans.

If we were in charge, we would be moving to ensure that we got health care to the people who are victims of Katrina. We would be making sure that we helped get them some economic security. We would make sure that there was some accountability in the process of the doling out of contracts for the clean-up and the construction.

We would be making sure that education was of primary and paramount concern. We would be initiating an agenda to assist people and restore confidence in the emergency preparedness and disaster response procedures in America.

Because Katrina was not the first hurricane that bore down on our country; and as we have Rita churning in the gulf as a Category 5, we know she is not going to be the last. And, you know, I think we should conclude by praying for the people who are going to be experiencing Rita in the next few days and sending them our best wishes and urging them to heed the warnings that your emergency managers are going to be sending out to you.

So I look forward to joining you again as we do each week, and now, you know, in double session, because we have so much to talk about and let people know what is going on here in the Congress.

Mr. MEEK of Florida. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), you are 110 percent right as it relates to individuals taking Rita very seriously. Also I am hoping that emergency management, FEMA and other agencies, are doing the appropriate things that they need to do to be able to stage themselves so that individuals do not wait 3 days, 3 or 4 days.

We are coming in for a close here, but this is Louisiana, Mississippi, or the eastern part of Louisiana, Mississippi, and, also Alabama, and we have some of Florida in there, or all of Florida. I think it is important for us to understand, in this area right here, this is where Katrina struck.

The individuals that lived here had a slow response, but a response. A slow response. We had loss of life here after the storm because people could not get what they needed as Americans. Here, this same area, President signs a proclamation waiving Davis-Bacon which will allow these individuals in these States, and these communities right here, real people in these counties and the parishes right up here in Louisiana, same place, same President, flying in there, four, five visits, what have you, that are without a prevailing wage, which means a contractor can go in and say, no minimum wage for this job, even though Federal jobs in other parts of the country that are paid for with Federal dollars, paid for, they make a prevailing wage.

It is not a union issue. This is an American issue. We want to make sure that these folks rebuild. Better yet, the $62.3 billion-and-change that we have appropriated here in this Congress, when it comes down to these individuals receiving a paycheck when many of those jobs have been shut down and some have decided was the final blow for them to move somewhere else will not be able to receive a prevailing wage on the tax dollars that they have given in this area.

That is why we need an independent commission. These individuals, these very real people right here in Hancock County in Mississippi, one of the hardest hit areas here in a FEMA trailer waiting to speak to an operator. I know personally that they were outside for 2 hours waiting to get into this trailer of 10 phones. 10 phones.

They deserve an independent, bipartisan commission to make sure that the Federal response is better, quicker. So this goes far beyond regular order that we say here in the Congress. This is not a committee that has been standing for 50-something years and that is just the way we do business. This is a natural disaster and failure of governance.

And that is where we come in, on the failure of governance side. These are real Americans that are suffering. I ask our Republican leadership, do not allow this institution to do what it is doing now.

Do not split us further by having a partisan committee meet tomorrow because they can, not because it is the right thing, it is because they can. That is wrong.

If we were supposed to be the shining example of government, elected in a democracy, do not allow that to happen. Do not do it because you can. Because I can do things as a grown up, I do not do certain things in front of my children, because it is a bad example. This is a bad example.

And I will tell you that it is far beyond regular order. I am talking to my colleagues in this Congress, and you know exactly what I am saying. This is far beyond, because we are in the majority. That is right. We are supposed to have more people on the committee. This is a natural unprecedented disaster.

And this was a slow response or no response at all. So I say to Members that it is important that we do this. I want to thank, Mr. Speaker, our Democratic leader for allowing us to come to the floor once again.

I want to also say that it is an honor to address the House of Representatives, but this is a very pressing time, not only for our country, but also as it relates to our leadership, and I hope that we can come together and make sure that we have a bipartisan independent commission that the American people are calling for so badly.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 242. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1713. An act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

U.S.-ISRAEL RELATIONS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the majority leader.

Ms. FOXX. Mr. Speaker, I think I will be joined by some colleagues shortly, I hope.

Congress recently returned to Washington following a busy month of work in the district. For a majority of August, I traveled throughout North Carolina's 5th District and conducted scores of meetings with veterans, teachers, and many other constituent groups.

During this time, I gained valuable insight into the needs of the people I serve and look forward to continuing to address their concerns. The needs of my home district have always been and continue to be my number one priority.

However, as a Member of Congress, it is my duty to educate myself on internal affairs and foreign policy, especially when it pertains to the Middle East. While our foreign neighbors may be far away from northwest North Carolina, our relationships with them affect everyone.

For 1 week in August, I was fortunate to have the opportunity to travel to Israel with several colleagues. This educational trip gave me the opportunity to witness how America's national security interests are directly tied to developments in the Middle East, and specifically to Israel's own security.

Strategic cooperation between our country and Israel, in intelligence-sharing, fighting the war on terror, strengthening homeland security, promoting democracy, and increasing technology development is vital to the well-being of my constituents and, indeed, all Americans.

For most of the 1,500 years before the Roman destruction of Jerusalem in AD 70, the land of Israel was the independent home of the Jewish people. Since then, it has been occupied by many powers, from the Romans to conquering Arab armies to the Ottomans to the British.

Despite these periods of foreign occupation, there has always been a continuous Jewish presence, and the land of Israel remained the focal point for the Jewish people.

The United States and Israel have long maintained a strong friendship since the modern Jewish state was founded in 1948. In fact, we were the very first Nation to recognize Israel, just 11 minutes after its founding.

Our two countries share much more in common than many realize. We believe in freedom and equality and share many basic rights, such as free elections, a free press, and freedom of religion. We were both founded by people seeking freedom from tyranny, and we both continue to serve today as symbols of liberty in a world plagued by oppression.

Mr. Speaker, I would like now to recognize my colleague, the gentleman from Texas (Mr. MARCHANT), who has joined me and allow him to share some of his perspectives on this trip that we took in August, and then I will come back to the podium and speak some more.

Mr. MARCHANT. Mr. Speaker, last month I was fortunate as a Member of Congress to travel to Israel and witness firsthand the peace process that is currently taking place.

□ 1900

The trip was a unique opportunity to learn more about relations between the United States and Israel. This country has maintained a longstanding friendship with the Jewish state since its creation in 1948. Today, cooperation between the U.S. and Israel is essential as we fight the war on terror and promote peace in the Middle East. Israel is, has been, and will continue to be an important ally in the goal to spread democracy worldwide and promote peace in the Middle East.

I was privileged to have the opportunity to meet with many high-ranking officials from the region, including Israeli Prime Minister Ariel Sharon, as well as Former Prime Minister BiBi Netanyahu and Vice Prime Minister Shimon Peres. Talking with these leaders provided me with valuable insight into the ongoing peace process and plans for the region. While their approaches are different, their common goal remains the same: peace and fulfillment of the Jewish homeland.

On the final day I met with Mahmoud Abbas, Chairman of the Palestinian Authority. I, along with my colleagues, stressed with him how important it was to the United States that the terrorists be disarmed and that peace be advanced within the region.

Mr. Speaker, my rigorous schedule included an extensive tour of this country. Although Israel is smaller than the State of New Jersey, I was thoroughly impressed with its infrastructure and potential for growth. In just over 50 years of existence, Israel has developed a remarkable highway system and infrastructure. As we visited universities, holy sites, military bases, it was easy to tell how modern and highly accomplished Israel is today and what an incredible potential that it has with its people.

Throughout the country's history, the Israeli people have experienced violence and terror on their home soil. Normal citizens' lives have been threatened in schools, malls, and other public places at the hands of suicide bombers. Israel, though, is committed to combating terrorism and to world peace.

During my trip I was able to attend various briefings and got to see the security fence that separates Israel from Palestine and other tools that have been effectively used by Israelis to deter the terrorist attacks.

I traveled also to the developing Negev Desert area. This region has experienced a surge in development and opportunities with its diverse residents. The community is composed of Israelis, Arabs, and Bedouins. Its growing strength is vital to Israel's national security interests as well as an excellent place for new settlement. The United States needs to play a key role in the assistance of the development of this desert area.

This trip was also especially important because it took place in the midst of the disengagement of Gaza and the northern part of the West Bank. I was one of the few Americans to be able to visit Israel during this very historic time. Over 8,000 Israelis were relocated from the Gaza Strip.

The courageous decision to withdraw from Gaza carries serious risks for Israel. It proves the willingness of the Jewish state to take enormous chances for peace. Withdrawal provides Palestinian leadership the opportunity to curb terrorism and govern its people. Prime Minister Sharon explained that he believed the painstaking process is the best long-term decision for Israel. Only time will tell whether Gaza will become a catalyst for peace or the new headquarters of terrorism.

Now more than ever, Israel needs America's support. Israel's commitment to peace is vital in this time of war and oppression in the Middle East. As America continues with its mission to spread freedom and democracy, the Israeli people have to be, and will be, our very important allies. They deserve our respect and our cooperation.

Ms. FOXX. Mr. Speaker, we had a distinguished group with us on our trip, and I am very privileged to recognize the gentleman from Utah (Mr. BISHOP) who is going to share some of his observations of the trip with us now.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the gentlewoman from North Carolina (Ms. FOXX) giving me this opportunity of sharing a few of the experiences that I had while visiting Israel with the distinguished group this past summer.

I think there are four impressions that I will always take back from my short trip to Israel. The first one is how wonderful it was to be in a place where you saw a specific pro-American attitude from everyone, from the leaders of the country down to the people on the street, with whom you spoke.

Secondly, I have to admit that even though I was in Israel, I felt like I was back in Utah because the topography is very similar. The mountains of Judea, I was right on the Wasatch Front again. Going to the desert was like going to Price, to Moab back in Utah. Whereas in Israel they have the Sea of Galilee that empties into the Jordan River and empties into a Dead Sea, the saltiest sea in the world, in my home State we have Utah Lake which empties into the Jordan River which empties into the saltiest sea in this hemisphere, the Great Salt Lake. So I was back home.

Third, and perhaps for me most important, the ability of buying Dr. Pepper on the market in Jerusalem told me that I was in a country that was purely cultured and progressive, and I was extremely grateful for that.

Finally, I was truly impressed by the size. I think one of the things that we Americans do not realize so fully is how our size has always been a defense. Perhaps as somebody from the West, I recognize that as well, when my county is the size of Rhode Island. Sometime we take size for granted. It is part of our mentality.

But it is very clear in this country where you can go in a matter of hours from the mountains of the Golan down to the desert in Negev, that is not a large area. In fact, it takes me longer to drive from one end of my district to the other end than it does to go through the country of Israel.

When I realized, as you were looking out at the horizon, you will see one mountain top that is Palestinian and the next mountain top is Israeli. And how close they are. We understand that security becomes the major concern of this people. And once again we have kind of a cavalier attitude in the United States about how important security is to those people who live in this particular area. We also understand it is very clear that if there is ever going to be a lasting peace between the Palestinians and Israelis, if there is ever going to be a permanent government between the Palestinians and Israelis in this area of the world, then terrorism has to stop, and that has to be the first and foremost priority.

I think it is wonderful that we have this chance of exchanging ideas and changing institutions. I just gave a speech on this floor a few moments ago about the importance of foreign exchange students and having exchange students understanding American life. Taking it back becomes one of those things that will help us in the future in foreign affairs. I think this is the same way.

There is much that we can learn about the experience of Israel. As we are going through the issues of border security in the United States, there is much that we can learn from how the Israelis have handled that particular situation, much we can learn as far as technology that may be one of those things that can help us in the future.

I was also feeling especially important to be there, as some have mentioned, I think others will as well, to be there at the time of pullout from the Gaza Strip. Nothing, I think, that could ever happen has shown the commitment on the part of the Israeli Government to peace more than that. And everything happened with an ability of doing things in a peaceful and successful way. It showed that even though there was some protest, it was an orderly disengagement. Even though it may be strategic, it was still nonetheless a gamble on the part of the Israelis. It clearly illustrated that the ball is now in the court of the Palestinians and the Egyptians.

I am very pleased that the Egyptians seemed to have moved up and stepped up to take their position in the patrolling of the Philadelphia Corridor. And the amount of troops they have moved in there, though it is still under 1,000, it still is a significant presence. I hope that signals something that will be positive in the future.

It is also significant that the Palestinians have to make a positive response in the future to this particular situation. If they do not, if they simply say that permitting foreign civil war from taking place is sufficient, then they deserve the criticism of the world, for there will be no room for equivocation. Abbas has a choice in here of being a true hero of the future and moving the peace process forward or being a catalyst for the means of world chaos.

I was happy that before I went I also had the opportunity of reading a history of the Six Day War. Once again we sometimes have illusions and misconceptions as Americans. One of the misconceptions is the Israeli Army and the Israeli defense forces are impregnable, they are impenetrable, and they will always win in every situation.

Learning the details of the Six Day War and the places that we looked at when I actually got there, I realized that the victory of the Israelis in the Six Day War had as much to do with luck as it had to do with military ability. There were decisions that were made on both sides in that particular war, which if they had gone the other way, would have had an entirely different outcome.

That also illustrated one more time how the Israeli situation is indeed tenuous. We cannot place any blame on the Israelis for being so concerned about their security in a land where an enemy sworn against them is so close and has so many terrorist activities, killing over 1,000 people in the last 5 years. With those images coming back there, I am proud to be able to see the people who, perhaps even better than we do, understand the second amendment rights. And we need to fear the bad guys with guns, not necessarily the good guys with guns and people who are doing so much on their own for being responsible for their security and their future.

It was a very positive experience. I think there is much to learn from the good and the determination of our good friends in the State of Israel. It was an enjoyable trip. I appreciate the opportunity of being able to have enjoyed it with my good friend from North Carolina.

Ms. FOXX. Mr. Speaker, I thank the gentleman.

We all know that it is important to have people from very different perspectives serving in the Congress, and I think that the points of view that will be presented here sound very similar, but also each one of us has our unique perspectives on what stayed with us as a result.

One of the people who was with us on our trip was our distinguished deputy whip, the gentleman from Virginia (Mr. CANTOR), and I would like to ask the gentleman to share some of his views now.

Mr. CANTOR. Mr. Speaker, I thank the gentlewoman for organizing tonight's Special Order. I congratulate her on her outstanding leadership and her participation in the trip that we all were on.

I have been to Israel many times. I went on this trip, and this particular trip was special, like most others, because there is always something going on with the people of that land and their neighbors. And there is a constant quest for peace and one that, unfortunately, has not come to pass in the half a century or so that that country has existed.

One thing that strikes me always and struck me this summer was that Israel remains a beacon of freedom, remains our only democratic ally in the Middle East, and is proof of the survival of a people that have engaged in the war on terror that we here in America have found ourselves in, especially since 9/11.

As the gentleman from Utah (Mr. BISHOP) before me stated, we were able to travel to or near the Gaza Strip as the pullout, disengagement, was taking place. One of the visions that I remember was one that will go down in history. I imagine, with the settlers that were leaving Gush Katif, the area of the Gaza Strip in which many Israeli communities existed. They were actually at one of the junctions in the road and were pulling down the traffic directional signs pointing to their community and putting the signs in the back of their truck, knowing probably that there would never be such a sign that existed again, because the community will not exist again. A very tragic moment in many families' lives, but I think something that reflects the bold move by Prime Minister Sharon in conducting the disengagement and formulating the policy of disengagement. It was a tremendous step. It was a tremendous step to create an environment where peace can flourish.

The problem is, and I am troubled by the Palestinian response to Mr. Sharon's move, because as we saw the Israeli Army pull out of the Gaza Strip, we then saw gunshots from the Palestinians in so-called celebration in what they had termed a "victory" that they had driven Israel out. We saw the transfer of arms across the border with Egypt into Gaza.

□ 1915

We saw the Palestinians conducting the burning of synagogues there in the communities that had been abandoned, and we saw and we read in the news while we were there that there were rockets being launched from the Gaza Strip into Israel, all in response or all coinciding with the Israeli withdrawal from the Gaza Strip.

So it just troubles me that we did not see an in-kind gesture by the Palestinian Authority, by Mahmoud Abbas and others in his administration, that would show some type of gesture of goodwill to reflect the Israeli disengagement and withdrawal from the Gaza Strip; but if we look throughout what has happened over the past decade or more, we see that there is a continued pattern of this type of response from the Palestinian Authority.

Way back in the beginning of the last decade, in the early 1990s, with the formulation of Oslo, there was a lot of hope, hope among a lot of people that the Oslo process would bring a long-sought-after peace between Israelis and the Palestinians. In fact, what happened after the devolution of that period was the intifada which was the killing of many innocent people on both sides.

We saw the occurrence of the Wye Accords in 1998 with Arafat and then-Prime Minister Netanyahu, where Israel agreed to withdraw from Hebron, and it was a very holy place for the Jewish people; and the Palestinians responded with violence.

We saw in the year 2000, Camp David, potential of the accords between then-Prime Minister Barak and Mr. Arafat. It was at that time that Israel offered nearly 90 percent of the West Bank, offered sovereignty to the Palestinian people, offered east Jerusalem and the Temple Mount. What happened? Mr. Arafat walked away, and we have seen nothing but continued violence, continued terrorist attacks on the people of Israel.

Yet, after all of that, we see Prime Minister Sharon conducting the policy of disengagement, again taking one last stab at trying to achieve peace between the Israeli and Palestinian people. So I think that we must recognize that bold step.

Our President, who has been a terrific champion of a strong U.S.-Israel relationship, understands the importance that Israel plays in our national security strategy, the fact that Israel is fighting the war on terror on the front lines while we, our young men and women in uniform, are fighting that same war on terror, not too far away in that region in Iraq and Afghanistan. This President understands the importance that Israel plays and has supported Mr. Sharon in his moves to try and move the peace process forward.

Unfortunately, we just are not seeing any reciprocation on the part of the Palestinians. We now hear and read of the reports where Hamas is taking a part and intending to participate in the Palestinian elections that will occur soon. How in the world can we respect the participation of a professed terrorist group whose aim is to remove Israel from the map? How in the world does that help the Palestinian cause for peace?

I am here tonight to express some serious dismay at the response by the Palestinian Authority and to reflect and congratulate the policies of Israel and what they are trying to do to secure peace. Unfortunately, there again has been nothing in return that Israel has received, and I just encourage my colleagues to continue to monitor what is going on in that region and how it affects our security here in America and to, once again, commit ourselves to helping the security of Israel in its democratic way and to ensure its survival as our only democratic ally in the Middle East.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Virginia (Mr. CANTOR) so much. He has helped put many things that a lot of us are concerned about into perspective, and we are grateful to him for that.

I am going to talk a little bit more about Israel and give some facts about what is happening in Israel in its short history, but let me say that we know that Israel is one of the only countries in the Middle East that the United States can truly count on. It is not a fair weather friend. When terrorists strike American targets in the Middle East, Israel always stands by our side. We are truly fortunate to have a strong friend in Israel.

During our trip, we had the opportunity to travel to the countryside, visit military bases, universities, children's homes, holy sites, and strategic locations. One of the first things that struck me was just how much has been accomplished by the Israeli people in their nation's short history. I witnessed capitalism at work and saw how it has enabled the country to prosper. Israel has an amazing network of roads, a national water system, and has developed other impressive infrastructure. It is really hard to believe that they have accomplished so much in just 55 years.

So often when we hear about Israel, it is only in conjunction with conflicts affecting Israel. My visit made me aware of so many facts that are never mentioned or discussed by the media. I want to share a few of those with my colleagues.

The Middle East has been growing date palms for centuries. The average tree is about 18 to 20 feet tall and yields about 38 pounds of dates a year. Israeli date trees are now yielding 400 pounds a year and are short enough to be harvested from the ground or a short ladder.

Israel, the 100th smallest country, with less than 1,000th of the world's population, can lay claim to the following: The cell phone was developed in Israel by Israelis working in the Israeli branch of Motorola which has its largest development center in Israel. Most of the Windows NT and XP operating systems were developed by Microsoft Israel. The Pentium MMX chip technology was designed in Israel at Intel. Both the Pentium 4 microprocessor and the Centrino processor were entirely designed, developed, and produced in Israel.

Voice mail technology was developed in Israel. Both Microsoft and Cisco built their only R&D facilities outside the United States in Israel. The technology for the AOL Instant Messenger ICQ was developed in 1996 by four young Israelis. Israel has the highest percentage in the world of home computers per capita.

According to industry officials, Israel designed the airline industry's most impenetrable flight security. U.S. officials now look, finally, to Israel for advice on how to handle airborne security threats.

Israel has the highest ratio of university degrees to the population in the entire world. Israel produces more scientific papers per capita than any other nation by a large margin.

In proportion to its population, Israel has the largest number of start-up companies in the world. In absolute terms, Israel has the largest number of start-up companies of any country in the world except the United States.

Israel is ranked number two in the world for venture capital funds, right behind the United States. Outside the United States and Canada, Israel has the largest number of NASDAQ-listed companies. It has the highest average living standards in the Middle East. The per capita income in 2000 was over $17,500, exceeding that of the United Kingdom.

Twenty-four percent of Israel's workforce holds university degrees, ranking third in the industrial world, after the United States and Holland.

Twelve percent hold advanced degrees.

In 1984 and 1991, Israel airlifted a total of 22,000 Ethiopian Jews, called Operation Solomon, at risk in Ethiopia, to safety in Israel. Relative to its population, Israel is the largest immigrant-absorbing nation on Earth. Immigrants come in search of democracy, religious freedom, and economic opportunity.

Israel is the only country in the world that entered the 21st century with a net gain in its number of trees, made more remarkable because this was achieved in an area considered mainly desert.

Israel has more museums per capita than any other country. Israeli scientists developed the first fully computerized, no radiation, diagnostic instrument for breast cancer. An Israeli company developed a computerized system for ensuring administration of medications, removing human error from medical treatment. Every year in U.S. hospitals, 7,000 patients die from treatment mistakes.

Israel leads the world in the number of scientists and technicians in the workforce with 145 per 10,000 as opposed to 85 in the U.S., over 70 in Japan, and less than 60 in Germany. With over 25 percent of its workforce employed in technical professions, Israel places first in this category as well.

An Israeli company was the first to develop and install a large-scale solar-powered and fully functional electricity generating plant in Southern California's Mojave Desert; and as other people have alluded to, all of the above things have been done while Israel has been engaged in creating a very strong national defense with an implacable enemy that seeks its destruction and an economy continuously under strain by having to spend more per capita on its own protection than any other country on Earth.

Others have alluded to Israel's size. The entire country is smaller than the State of New Jersey. In fact, Israel is only 9 miles wide at its most narrow point. This helps illustrate how vulnerable the country is in terms of its security.

This point was also emphasized when we visited the Golan Heights. Israel became painfully aware of the location's strategic importance during the Yom Kippur War in 1973 when over 2,000 Israelis were killed. From atop this high mountain, enemies can launch rockets and artillery fire on the villages below. Israel's control of this piece of real estate is vital to its security interests.

We also had opportunities to walk the streets of Jerusalem and witness how closely the Jews and Arabs live together. This particular journey was also personally meaningful because I experienced the rich spiritual heritage of the Holy Land. It was humbling to see firsthand where Jesus Christ, King David, and King Solomon walked. I was also able to visit the sites of the Last Supper and Christ's crucifixion. These were very moving experiences.

As my colleagues have mentioned, we met with a broad spectrum of Israeli and Palestinian officials, including Prime Minister Sharon and Palestinian Authority Chairman Mahmoud Abbas. By talking to these leaders, we were able to gain fundamental insights on security, peace negotiations, and defense cooperation.

Israel has proved that it is willing to form a lasting peace with any country that has extended its hand in friendship. Indeed, one of the things that struck me most is that Israel does not say that it has an army. The media says it has an army; but in Israel, the people who protect Israel are called the Israeli Defense Force. Defense force. I think that is so important. Words are significant, and by calling folks who protect the country its defense force, it emphasizes that it wants peace and is not a country that is bent on fighting with its neighbors.

In the war on terror, American and Israeli interests are the same. We are both committed to stopping the proliferation of weapons of mass destruction and curbing state-sponsored terrorism.

□ 1930

For years, we have worked together for a more stable and peaceful Middle East.

Unfortunately, Israel has had to deal with war and terrorism since it was established in 1948, and has recently suffered through 4 intense years of violence that has targeted innocent civilians through suicide bombings on buses, in restaurants, and in shopping malls. I am saddened to report that Israel has endured more terrorist attacks than any other country in the entire world. The perseverance of the Israeli people, who constantly live their lives in the face of hatred and terrorism, is truly an inspiration to all of us who love freedom and democracy. The United States can learn a great deal from Israel's experience in fighting terror.

As we have already spoken of, just prior to my arrival in Israel, Prime Minister Sharon made the decision to disengage from Gaza and the northern West Bank. Israel has withdrawn thousands of citizens from their homes and communities and relocated them at tremendous emotional and financial cost to the Israeli Government. Disengagement from Gaza and parts of the West Bank hold enormous potential in advancing the peace process if the Palestinians demonstrate they can govern themselves and curb terrorism. Yet, while this movement has been supported by a majority of the public, it has been an emotionally painful undertaking that carries great political and security risks for Israel. Prime Minister Sharon explained that he was willing to take these risks because he believes that disengagement is in the best long-term interest of Israel.

After my rigorous and informative experiences overseas, I am more convinced than ever that it is crucial that the United States continue our strong support for Israel. The country is a beacon of democracy in a sea of violence and hostility. Both of our nations have a mutual interest in deterring terror, promoting democracy and stability throughout the world, and seeking peace in the Middle East. Israel's ability to function and defend itself against terrorism is in no small part due to unwavering support from the United States. Our country has a moral obligation to strengthen our fellow democracies, especially when they are in turbulent and dangerous regions in the world. It is in our national security interest to continue to support Israel financially and morally.

I want to end my remarks by quoting from a speech given by Prime Minister Sharon to the United Nations General Assembly on September 5, 2005. His final remarks are those that I think all Americans can agree with. "In a few days time on the Hebrew calendar, the New Year will begin, the 5,766th year since the Creation. According to Jewish belief, the fates of people and nations are determined at the New Year by the Creator, to be spared or to be doomed. May the Holy One, blessed be He, determine that this year, our fate and the fate of our neighbors is peace, mutual respect, and good neighborly relations."

That is a hope that all of us can share.

APPOINTMENT OF MEMBERS TO SELECT BIPARTISAN COMMITTEE TO INVESTIGATE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Pursuant to section 2(a) of House Resolution 437, 109th Congress, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina:

Mr. TOM DAVIS of Virginia, Chairman;
Mr. SENSENBRENNER of Wisconsin;
Mr. ROGERS of Kentucky;
Mr. SHAYS of Connecticut;
Mr. BONILLA of Texas;
Mr. BUYER of Indiana;
Mrs. MYRICK of North Carolina;
Mr. THORNBERRY of Texas;
Ms. GRANGER of Texas;
Mr. PICKERING of Mississippi;
Mr. SHUSTER of Pennsylvania.

UNITED STATES COAST GUARD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

GENERAL LEAVE

Mr. DELAHUNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DELAHUNT. Mr. Speaker, more often than not, debates on public policy that take place in this Chamber are often characterized with a certain level of disagreement, thoughtful disagreement, and, hopefully, respectful disagreement. But tonight that is not the case. Tonight we put aside partisan disagreements to thank the men and women of the United States Coast Guard for a job well done.

In the aftermath of Hurricane Katrina, many Americans have come to know the Coast Guard and their personnel and their heroism and their professionalism. They have been made acutely aware about the services provided by this remarkable service, for it, I would suggest, has truly been one of the Coast Guard's finest hours. And I know I speak as well for my good friend and colleague from the Committee on the Judiciary, the gentleman from North Carolina (Mr. COBLE), in expressing the profound gratitude of all Americans.

Mr. Speaker, I am privileged to represent southeastern Massachusetts, I believe home of some of the most beautiful and pristine coastline in all of New England and, in fact, in all of the United States, and also the birthplace of the United States Coast Guard. I happen to be a very proud veteran of the United States Coast Guard, like my colleague, the gentleman from North Carolina. Of course, he was an officer and a gentleman, while I was a mere enlisted man.

Back in 1997, my colleague and I, and another colleague, the gentleman from Mississippi (Mr. TAYLOR), who also served in the United States Coast Guard, sat down and decided that it was time to bring together Members of Congress who are committed to lifesaving, law enforcement, and environmental protection missions that were conducted at sea. So we created the Congressional Caucus of the United States Coast Guard. We did this to advocate for this outstanding service and to increase its profile not just in this institution but among the American people.

Well, their performance before, during, and in the aftermath of the tragedy which befell our Gulf States spoke volumes about the service that they provide to the American people. We learned a lot about the Coast Guard, or at least, and I am sure I speak for my friend who I will ask to say some words in a very few minutes, I know that for many, Hurricane Katrina increased their understanding of really what the Coast Guard is all about.

But it is not just about search and air rescues. In fact, they are the de facto lead agency for homeland security, responsible for guarding 95,000 miles of American coastline and 361 ports. Every day, the Coast Guard interdicts, for example, drugs bound for the United States. In fact, just this past week, while performing their functions in the gulf and along the coastline of the Gulf States, the Coast Guard seized two tons of cocaine off the Colombian coast in South America, cocaine that undoubtedly would have been sold on the streets of our neighborhoods somewhere in this country.

But before I proceed, let me introduce a dear friend, the gentleman from North Carolina (Mr. COBLE), a veteran of the United States Coast Guard.

Mr. COBLE. Mr. Speaker, I thank the distinguished gentleman from Massachusetts, and I want to say a word or two about the gentleman from Massachusetts (Mr. DELAHUNT).

First of all, I want to thank him for having taken out this Special Order. And by the way, he was an enlisted man and a gentleman. I too was an enlisted man and, hopefully, a gentleman; but my colleague and I became good friends, Mr. Speaker, as a result of our both serving on the Committee on the Judiciary. I learned one day early in the session that he was a Coast Guard veteran, and there are not that many of us around, as you know, in the Congress, and so we became good friends. I guess ideologically he and I are probably light years apart, but that has in no way hampered our friendship.

As my colleague knows, when Mother Nature rears her ugly head and devastation results therefrom, oftentimes accusatory fingers are forthcoming: Oh, it was not my fault; it was his fault or it was her fault. But that was not the case with the Coast Guard. I think in the wake of Katrina, the Coast Guard may well have been the only entity or agency that came out of that exercise free of fault and free of blame. The Coast Guard became America's hero.

Now, as the gentleman from Massachusetts pointed out, this certainly may well have been one of our finest hours. The landing ship tanks that were manned by Coast Guardsmen in World War II has oftentimes been called America's finest hour, and of course the day-to-day search-and-rescue operations that occur as a matter of fact are no big deal. Coasties go out and rescue distressed victims. No big thing for them. It is all in a day's work. But as my colleague pointed out, when we saw those heroic rescues by the Coast Guard air arm during Katrina, it was unbelievable.

It is a shame that it took a 9/11 or a Katrina for many Americans to become personal friends with the Coast Guard. The Coast Guard was the forgotten service. It was the fifth armed forcement, but rarely was much said about it. Oftentimes, and I am sure my colleague has been addressed in this manner, as have I, where Coast Guardsmen were referred to as members of the Hooligan Navy, the shallow-water sailors.

Oftentimes, when I was on Active Duty, which seems more like the dark ages, it was not uncommon for us to become beneficiaries of Navy hand-me-downs, equipment the Navy was about to survey or to abandon, which we would warmly embrace.

Mr. DELAHUNT. Like an orphan.

Mr. COBLE. Like an orphan, sure. Excellent example.

So I am very pleased, Mr. Speaker, that my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), took out this Special Order.

Now, this has nothing to do with Katrina, and I see our friend from New London has joined us as well, but oftentimes back home, I would appear at Veterans Day or Memorial Day services and inevitably you would hear the hymns of the Army, the Navy, the Air Force and the Marines, but conspicuously absent was the most beautiful marching hymn of all, Semper Paratus, the Coast Guard's marching hymn.

□ 1945

I went to a music director once at a high school and I asked her why was "Semper Paratus" not played. She said, you get it for me, and I will play it next year. It was the first one played the next year. Now each time I have been since 9/11, even back home, "Semper Paratus" is always included in the musical renditions. Of course it always is up here, but even in the hinterland it is being done.

Mr. Speaker, I say to the gentleman from Massachusetts (Mr. DELAHUNT), as a fellow coastie, and as a fellow member of the Committee on the Judiciary, I thank you again for having taken out this Special Order.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. COBLE). We have been joined by another friend and a strong advocate for the Coast Guard representing the coast of Connecticut, the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I thank the gentleman for yielding me this time. It is a great pleasure for me to be here tonight to speak in support of our wonderful Coast Guard and the great things that they have done, not only in response to the terrible storm, Hurricane Katrina, but also the many things that they have done over the years to keep our people and our homeland more secure.

It is also nice to gather in a bipartisan fashion not to point fingers of blame, but to speak words of praise, because I think that is very appropriate. The time will come when the various oversight panels, commissions and committees, our own oversight committees will do the job of looking into what has gone wrong; but I think it is easy for us to gather here tonight and point out some of the things that have gone right.

The distinguished coastie to my left, the gentleman from North Carolina (Mr. COBLE), a Coast Guard person many years ago, not too many years ago, but a few years ago, pointed out the motto is "Semper Paratus," always ready. They prepare their young men and young women in one of the finest institutions we have in this country, which is the Coast Guard Academy in New London, and I quickly say that the number of applications for that fine academy, for positions available, exceeds the number of applications that you get for your very fine Harvard college in Massachusetts and my very fine university in Connecticut.

In fact, of all colleges across the country, the Coast Guard Academy receives more applications for positions available than any other college in the country. It is a testament to the quality of education that they get there. It is a testament to the fine young men and women who graduate.

Mr. DELAHUNT. Mr. Speaker, I do not think that we can overstate and overemphasize the quality of education provided at the Coast Guard Academy. That is reflected really in the caliber and quality of the officers that it produces to serve in the United States Coast Guard and to have many of them go on to other careers in public service. It is a first-rate institution. With all due respect to the other services, clearly they also have service academies that are excellent, but the Coast Guard Academy in New London provides an education without equal.

Mr. SIMMONS. Mr. Speaker, I think the gentleman is absolutely correct. When we talk about being prepared or always being prepared, that preparation does begin for many of our Coast Guard officers at the academy. Of course then you have the OCS, which is also located at the academy. You have senior officer training, and you have leadership training for the noncommissioned officers in the Coast Guard.

So they are prepared. They are prepared to deal with difficult and dangerous situations. They are prepared to deal with fishermen at sea to make sure that our fisheries are regulated. They are prepared to deal with the recreational boaters that we have off the coast of Massachusetts, we have in Connecticut, and I suspect those are off the coast of North Carolina as well; and when those recreational boaters find themselves in difficulty, the Coast Guard is there.

They were prepared on 9/11, and when I went to New York City a few days after the attacks of 9/11, it was a Coast Guard cutter in the harbor of the Hudson River and a Coast Guard helicopter that was flying overhead, so a very quick and immediate response.

On Wednesday of the week of Hurricane Katrina, the day after the levees broke, I received a call from a friend of mine who lived in New Orleans, Louisiana, and he called to ask for my help to intervene in getting some Federal response down there as soon as possible. The next morning when I called him back, he said he had received a call from the Coast Guard, that he had called them and they called him back and that two Coast Guard vessels were in the process of clearing the channel up into Louisiana to provide supplies, food, fuel and all of the things that were necessary, and that they had done it within 24 hours of the breaking of the levees. So it was a Federal response that was immediate and directed to assist people in distress.

The results speak for themselves. There were 24,135 lives saved; 33,544 individuals saved or evacuated. And 12,000 of those were saved by air resources. That means helicopters with long lines down into tree tops and roof tops, which is, by the way, a very dangerous undertaking not only for the individual on the end of the line but for the helicopter pilot and the crew because often they have to hover over power lines or trees where they can strike and crash. But none of those things took place.

Mr. DELAHUNT. Mr. Speaker, I think it is important to note that there is no training in any service to use a sledge hammer to break through a roof to rescue an individual while you are dangling from a helicopter. Some of our more recognized acts of heroism have been by rescue swimmers. I remember vividly that scene in the movie and also in the book "Perfect Storm" when those rescue swimmers from the United States Coast Guard, Air Station Cape Cod, I might add, went into seas of 80 and 90 feet. But here in New Orleans in the Gulf States, they do not have a specialty that involves breaking through roofs, walking through toxic water and being in the position where they are dealing with all sorts of very dangerous circumstances; but they did it, and they did it so well.

Mr. COBLE. Mr. Speaker, this is a good time for me to say this. The enlisted rate rescue swimmer was not known when I was in the Coast Guard.

Mr. DELAHUNT. Nor when I was.

Mr. COBLE. It is probably the most unsung rate in the military. The Coast Guard has long been known as the armed service that gets more done for less. I do not mean this as an indictment against our sister services, by any means, but the orphan syndrome as has been pointed out. And this is a good time to mention the Deepwater Project because the Coast Guard needs additional appropriated moneys to address the antiquated equipment, the cutters, the helicopters, the aircraft that are in dire need of replacement.

Mr. SIMMONS. Mr. Speaker, I certainly agree with the gentleman from North Carolina (Mr. COBLE), and I thank the gentleman from Massachusetts (Mr. DELAHUNT) again for raising these issues tonight.

When we consider the flexibility of these men and women in addressing a problem that perhaps they had not seen before, and yet they did it successfully, they heard noises from the attics and rooftops, and they addressed those problems' need immediately. They broke through and were able to bring people out. It is a great testament to the service and to their willingness to risk their lives and their safety to save others. That always has characterized the Coast Guard.

I think it is a testament to the excellence of this service that when it became clear that the Federal response was not producing the results that we all would have wanted in that circumstance, for reasons which will be determined at some future date, who was named to take over? It was Vice Admiral Thad W. Allen, chief of staff, third-ranking man in the Coast Guard, somebody I have met and known before, somebody who has had distinguished sea duties, somebody who actually headed up the Long Island Sound Station for a number of years. He is a highly educated, highly experienced, highly trained man with a somewhat low profile, but the capability to get the job done. That is so typical of our Coast Guard, that they are not out there with a lot of flash and a lot of pizzazz; but they get the job done, and that is so important.

Mr. DELAHUNT. Mr. Speaker, the point that the gentleman from Connecticut (Mr. SIMMONS) made about Admiral Allen being nominated by the President and put in charge, I think, went a long way to restoring the confidence of the American people in our ability to handle from that point on this emergency. I know that I share with both the gentleman from Connecticut (Mr. SIMMONS) and with the gentleman from North Carolina (Mr. COBLE) tremendous confidence in Admiral Allen.

The gentleman from Connecticut (Mr. SIMMONS) made the point earlier about they responded so quickly to the disaster that the first rescue actually occurred as the eye of the storm passed; and in the midst of the eye they began operations, plucking people out of harm's way. It is truly remarkable because they had a plan. They did that prepositioning. They were ready. They honored their motto, "Semper Paratus."

They knew what they were doing, and they are doing it again. I just read recently a memorandum, a Coast Guard memorandum, prepositioning and preparing for Hurricane Rita. If Members would bear with me for just a moment, let me read this so that maybe we can reassure some folks who feel threatened by what I understand is now a Category 5 hurricane: "The Coast Guard is preparing assets throughout the Gulf States for the arrival of Hurricane Rita which is expected to reach the gulf coast later this week. The Coast Guard is making strategic shifts in personnel resources while others are conducting overdue maintenance to aircraft used to support Hurricane Katrina relief efforts."

That goes to the admonition of the gentleman from North Carolina (Mr. COBLE) about the Deepwater Project and the need to provide assets so this can-do service can do it, because we cannot continue to ask the impossible. I think we have to understand that those helicopters, those cutters, those small boats, not only are they old and in some cases they are described as legacy assets, and I presume that is a euphemism for really, really, really old, maybe my age or something along those lines.

But let me just cite one example of a legacy asset, and I think it really underscores the need for all of us, Democrats and Republicans, to come together and advocate for the assets that are necessary so the Coast Guard can continue to respond to these natural disasters, can continue to interdict drugs coming into our communities, can continue to respond to environmental disasters.

□ 2000

It is my understanding that they have responded in Louisiana and the Gulf States to over 240 fuel spills. Just imagine what that would mean if that preparedness, if that can-do attitude, if those resources were not there. I would believe it would be extremely dangerous and clearly wreak environmental ecological havoc in terms of the impacted and affected States. But they did it. They went out and they found a way to do it. But we cannot call upon them to continue to do it with legacy assets.

I remember vividly the story of a cutter called the *Storis*, launched in 1942, that still is in operation, that while in the Bering Sea on a rescue mission, while a lifeboat was being lowered to effect a rescue, the davits on the superstructure ripped off, dumping nine Coast Guard personnel into the freezing waters of the Bering Sea. Fortunately, those Coast Guard personnel were rescued, and those whom initially they were to rescue were also rescued. But think of the tragedy because of an aging fleet. I think out of 40 fleets, it ranks number 39 in terms of age as far as major naval fleets are concerned.

We are putting these heroes that are doing so much for us and for the American people at risk unless we accelerate the Deepwater Initiative, unless we provide the kind of assets that, when it comes time for such a crisis such as we have experienced and potentially could experience by this weekend, if we do not give them the assets, then we are asking them to do the impossible.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Connecticut.

Mr. SIMMONS. Mr. Speaker, let me speak briefly to that. I have had the honor for the last 4½, 5 years, to serve on the Coast Guard and Maritime Transportation Subcommittee. We initially supported the recommendations that were made by Admiral Loy, when he was commandant, to initiate the Deepwater project, which was the most ambitious recapitalization project in probably the whole history of the Coast Guard. And I am looking at the gentleman from North Carolina (Mr. COBLE). We might consider him a legacy asset as well, because his historic knowledge of the Coast Guard is so substantial. But I will tell the Members he is just as sharp today as he has ever been; so some legacies are good. But one of the key considerations that we had when we bought on to the Deepwater project was, would the Coast Guard be able to implement this program successfully, and it was a very ambitious program, implement it successfully over a period of years? Certainly the subcommittee and the full committee under the leadership of the gentleman from New Jersey (Chairman LOBIONDO) and the gentleman from Alaska (Chairman YOUNG) have been extremely supportive. On occasions there has been some slippage in the funding, and we have tried to address that as a body. We know that the Coast Guard has to submit through OMB and that there are always challenges in doing that. But I think that this Congress has committed itself in a bipartisan fashion to the Deepwater project, and I think that we are beginning to see the phasing out of some of those legacy assets. My recollection is a year or so ago, we took over 100 small vessels out of the inventory and have been replacing them with more capable boats, which I think is tremendously important.

But also something that many Americans do not focus on when it comes to the role of the Coast Guard in homeland security and in dealing both with natural disasters and manmade disasters like 9/11 is we anticipate that there may be a breakdown of civil order in an area that is hit by a disaster of this sort. That is just something that we expect. And the Coast Guard, unlike the military, is not restrained by posse comitatus. The Coast Guard has arrest powers. They exercise those arrest powers in the war on drugs, where they operate in the Caribbean and elsewhere, and they are allowed to board ships and to arrest. They can exercise those powers in issues such as smuggling or other illegal activities. But, in fact, the Coast Guard has the capacity to go into an area that has been devastated by a natural or a man-made disaster where civil order has broken down, where there is no communication, where police cannot talk to firemen, firemen cannot talk to police. They can actually go in and they can arrest those who are doing harm and save those who need to be saved. And that is a unique capacity for our Coast Guard, and it reflects a very important capability as we look to the future of homeland security.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, there is an additional task that I know that we are aware of, and our colleagues here and I think many Americans, that when we talk about port security on the land ready to deploy, particularly, for example, when an LNG tanker is coming into Boston Harbor or any harbor or any port in this country, that port security unit is there to ensure that there will be nothing untoward happen and that the vessel, the tanker, can unload without concern. And, again, those low profile, if you will, but absolutely essential critical tasks are performed every day.

I can remember directly in the aftermath of 9/11, cruise liners being boarded in Boston Harbor. And it was the Coast Guard that conducted the search, that had their divers go and check the hulls, that were there to provide confidence to the American people and to those particular passengers that they could enjoy their hard-earned vacation that they were taking on the cruise liner.

The Coast Guard implicates itself in so many different ways in our daily lives. The gentleman from Connecticut (Mr. SIMMONS) mentioned that if one is a recreational boater, there is nothing more assuring that, if they get themselves into some trouble, to know that they can get on that radio and they can call that Coast Guard; or if they are a commercial fisherman and they are out in tough waters and something should happen to their vessel, at least there is hope that they can be rescued.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, a very sad moment in our history, but a moment where, once again, the Coast Guard was there and got the job done, the gentleman may recall just a few years ago the son of the late President Kennedy was flying an aircraft along the New England Coast, accompanied by his wife and his wife's sister. And, tragically, the aircraft went down just to the west of Block Island at the mouth of Long Island Sound. And it was a terrible event for all of us who remembered his father and the terrible tragedy of his father's death, and now it seemed that once again this family was in distress and that something terrible had happened to them. But the Coast Guard from our New London station and the Coast Guard from the Long Island Sound station moved out there very quickly and very efficiently. They set up staging areas offshore. They were able to locate the aircraft and to recover the aircraft in what was a sad moment but an important moment in our history, and they did it in a fashion that was respectful, that respected the Kennedy family, and also respected the emotions of all Americans who followed that tragic case for a couple of days, and they did it without fanfare and without a lot of hoopla. They just went about their business and got it done.

Mr. COBLE. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, this is not unlike a family reunion. The gentleman from Massachusetts (Mr. DELAHUNT) and I are former Coast Guardsmen. The gentleman from Connecticut (Mr. SIMMONS) represented the Academy in his district.

Let me share this with my colleagues. It has nothing to do with the recent problems in New Orleans, but it has much to do with the Coast Guard. Some years ago, I was having an evening meal in the home of a Coast Guardsman, who is the son of a former keeper at one of the lifeboat stations along the Carolina Coast. And my Coast Guardsman friend's mom, and the dad of the family had since expired, but she was almost in tears when she was recalling the decommissioning or the shutting down of the lifesaving stations along the Carolina Coast. She said it will never be the same again. The Coast Guard will never be able to function.

Well, old habits die hard, as the gentlemen knows, and, of course, the Coast Guard continues to function. What was going on was they were streamlining. They were decommissioning four or five stations, making one great support center or a group station, if you will. But the Coast Guard will indeed function well.

And this has been a very fine evening. I thank the gentleman from Connecticut (Mr. SIMMONS) for having joined the gentleman from Massachusetts (Mr. DELAHUNT). The gentleman from Massachusetts (Mr. DELAHUNT) was the lead dog. It was his idea, and I appreciate very much his having done it.

Mr. DELAHUNT. Mr. Speaker, I thank the lieutenant commander for his comments. I feel like I should salute at this point in time, given our respective histories in the Coast Guard.

I would like to just make an observation in response to the gentleman from Connecticut's (Mr. SIMMONS) review of the tragedy that befell the Kennedy family. As they both know, I represent the South Shore of Boston, Cape Cod and Nantucket and Martha's Vineyard, and obviously Hyannisport is on Cape Cod. I know Senator KENNEDY well. I know the Kennedy family well. And everything that the gentleman from Connecticut (Mr. SIMMONS) said was so true, that the way the Coast Guard conducted itself in a respectful, professional, no fanfare manner meant so much to that family in a time of tragedy and crisis, as it does with every family in this country.

We talked about aircraft. I happen also to have the Coast Guard airway stationed at a military reservation on Cape Cod. So I am familiar with those helicopters that go out and those fixed-wing aircraft. And as both the gentlemen know, their main search-and-rescue helicopter, the Jayhawk, experienced inflight engine failures at a rate of 329 mishaps per 100,000. The FAA sets a safety standard that is acceptable in terms of an aircraft at 1, not 329, but 1 mishap per 100,000 hours of flight time.

So what we have is not only do we have an aging fleet, and the Deepwater Initiative incorporates upgrading the air assets of the Coast Guard, and as the gentleman from Connecticut well knows, the First District extends from the Canadian border down to New York and that air wing is so important. And these failures limit the Jayhawk's ability to hover over a distressed vessel, for example, and places the lives of its crew and those that hopefully will be rescued in grave danger.

The indisputable fact is that the demands on the Coast Guard have vastly outpaced the resources that are available to them.

□ 2015

I think it is our responsibility to give them those assets, because we want them to escort that LNG tanker. And when the parents of an overdosed teenager discover that the Coast Guard boats were not fast enough to catch the drug dealers, even though they had the intelligence, they could not respond because they did not have the vessel, we do not want to look them in the eyes and say that we failed them.

Or when the family of a deceased fisherman discovered that the Coast Guard could not get there in time because that Jayhawk helicopter was grounded, we do not want that.

Two centuries of experience has taught us that we can rely on the professionalism and the heroism and the commitment of the Coast Guard, whether it is hurricanes or airplane crashes or dealing with drug smugglers, or dealing with foreign factory trawlers that we had a problem with in terms of overfishing our territorial waters. The Coast Guard has always been there. They have been on call for some 200 years.

Mr. Speaker, it is tempting sometimes to put things off. It is really easy here in Washington to do that. It is very tempting. But a long way from here, out in those waves and those white caps, when something is happening to people, that is what we have to keep in mind. We want to not just thank them for what they have done and honor them for what they have done; but we want, I know, to provide them with the wherewithal to continue to honor that wonderful motto of "Semper Paratus, always ready."

Mr. SIMMONS. Mr. Speaker, are we getting close to the end of our time?

Mr. DELAHUNT. I think we are winding down, and I just promised the gentlewoman from Ohio (Ms. KAPTUR) that I would give her 5 minutes on some unrelated topic that I do not know what she is going to address.

Mr. SIMMONS. Well, I have a concluding remark, and I think the gentleman from North Carolina does as well.

Mr. COBLE. Mr. Speaker, I just want the gentleman from Massachusetts to keep in mind that the gentlewoman from the Buckeye State is an appropriator, so she can appropriate some of these monies.

Mr. DELAHUNT. That is right. So we will be very good to her tonight.

Mr. SIMMONS. That is what we call a very "appropriate" comment.

Two concluding remarks, and I thank the gentleman for this Special Order.

The first is that approximately 2,200 active duty Coast Guard members and their families live and work in the area of Katrina, and many of those 2,000 families, Coast Guard families, active-duty Coast Guard families lost their homes and discovered that their families were evacuees, just as much as were citizens along the gulf coast. Yet in spite of that distress, they continue to perform in an outstanding fashion.

The Coast Guard Foundation, which is located in my hometown of Stonington, Connecticut, put out a press release that all retirees and all folks who participate in supporting the Coast Guard Foundation are invited to provide financial assistance, and they hope to raise about $1 million of financial assistance to help those active duty families to recover with incidentals and costs that may not be covered as a routine matter.

So once again, it is an example of the Coast Guard family reaching out to take care of their own, to provide assistance, which is so much a part of the tradition of the Coast Guard.

Finally, I am most honored as an Army officer to be here with these distinguished Coast Guard officers and "Coasties," but I will share with my colleagues a personal story. My wife's father was in the Coast Guard, was the captain of the New London Port for a period during World War II, and then did convoy duty across the Atlantic for about 3½ years. So I feel a little bit of the tradition of the Coast Guard; and as we work to assist and support the next generation of Coasties, I think back to my father-in-law and his generation and all of the great things that they did.

Again, I thank the gentleman from Massachusetts and the gentleman from North Carolina for inviting me to participate.

Mr. DELAHUNT. Mr. Speaker, let me acknowledge the gentleman's advocacy on the part of the Coast Guard and the Coast Guard Foundation. Does the gentleman have an address or a contact for that foundation?

Mr. SIMMONS. Mr. Speaker, the foundation is located in Stonington, Connecticut, and their phone number is 860-535-0786, or they can call my office and we would be happy to put them in touch.

Mr. DELAHUNT. And that would be Congressman Robert Simmons, and I am sure that people from all over the country would not have difficulty finding that number, and it would certainly be a wonderful acknowledgment of the Coast Guard personnel that are saving lives, are protecting people, and yet have experienced their own losses as a result of Katrina. I know right now, those helicopters and those fixed-wing aircraft and those vessels of the United States Coast Guard are out there ready for Rita and any consequences that hopefully, God willing, will not be visited upon any of our American people.

Mr. FILNER. Mr. Speaker, today I am pleased to join my colleagues: the Gentleman from Massachusetts, Mr. DELAHUNT; the Gentleman from New Jersey, Mr. LOBIONDO; the Gentleman from North Carolina, Mr. COBLE; and the Gentleman from Mississippi, Mr. TAYLOR, to pay tribute to the U.S. Coast Guard. Let me also add a personal note to the Distinguished Gentleman from Mississippi, (Mr. TAYLOR) to express my deepest concerns for him and his family after the tragic events of Hurricane Katrina.

Mr. Speaker, as the Ranking Democrat on the Subcommittee on the Coast Guard and Maritime Transportation, I have the privilege of working closely with our men and women who bravely serve in the Coast Guard.

Mr. Speaker, on Friday September 16th, I had the privilege of joining my subcommittee's Chairman, Mr. LOBIONDO, on a tour of New Orleans and the disaster area impacted by Hurricane Katrina. Mr. LOBIONDO and I came together, put aside our political differences, and focused all of our attention on the needs of the Coast Guard. Even before we toured the Gulf Coast, Mr. LOBIONDO and I, along with Chairman YOUNG and Ranking Member OBERSTAR, added language to the Coast Guard and Maritime Authorization Act to honor and commend the Coast Guard for their valiant work in the wake of Hurricane Katrina.

During our visit, we had the opportunity to listen to crew members, pilots, and other Coast Guard personnel describe to us the horrific and tragic events that happened in the days following the hurricane.

Upon the announcement that a category 5 hurricane was on a path for the Gulf Coast region, the Coast Guard acted diligently to activate a plan of redeploying their forces and resources so that they could be on the ground operating as soon as the path of the storm had cleared.

The Coast Guard's plan exceeded expectations, and because of their resolve to respond to the country's needs, the Coast Guard was operational and in-place allowing the very first air rescue to take place within two hours of the hurricane passing the region.

The numbers speak for themselves: since Katrina hit the Gulf Coast the Coast Guard has saved or evacuated 33,500 people. One helicopter crew rescued 150 during a single shift!

Mr. Speaker, with incredible resolve and expertise, the U.S. Coast Guard brought order and infrastructure to the unstable region. Because of their strategic planning, training, and leadership the Coast Guard was able to implement and carry forth a plan of action that saved lives.

Before, during, and after the events of Hurricane Katrina the Coast Guard clearly showed the nation that their motto, Semper Paratus—Always Ready, is very well-earned.

In addition to exceptional performance in the Gulf Coast, the Coast Guard continues to serve our nation across the seas and borders of U.S. waters. On a daily basis, the Coast Guard is intercepting drug smugglers, monitoring illegal immigration, and rescuing hundreds lost at sea.

In recent years, the Coast Guard has been charged with some very difficult tasks. Since being moved to the Department of Homeland Security, their role has grown and expanded. To date, they have met many challenges, and exceeded every expectation.

Mr. Speaker, it is my hope that my colleagues will join me in honoring the service men and women of the Coast Guard. They are the ones who foresaw the dangers that threaten our soil and they are the ones that responded.

Let us never forget, that all of our service members, regardless of department, serve our nation bravely. They volunteer, without hesitation, and I join all Americans in gratitude for their service.

Mr. DELAHUNT. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR), my distinguished colleague and friend.

HONORING THE LIFE AND LEGACY OF BARNEY QUILTER

Ms. KAPTUR. Mr. Speaker, I would like to thank my dear colleague, the gentleman from Massachusetts (Mr. DELAHUNT), for yielding me the remaining time and thank our colleagues, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Connecticut (Mr. SIMMONS), for participating in this great tribute to the Coast Guard, which we on the Great Lakes know so well.

I am honored to add these words this evening as we close the House. That is, Mr. Speaker, summer's end has ushered in the end of an era to the region I represent of northwest Ohio. Our community's elder statesman, Barney Quilter, passed from this life on August 17, 2005, and he had achieved 86 years young. As husband, father, father figure for our community, kind and generous spirit, and political leader, he built a legacy that spanned more than 3 decades of service, even after his 1994 retirement from Ohio's General Assembly.

His achievements were stellar. He championed the Maumee Bay State Park on Lake Erie as a lasting legacy to the future, the largest State park in Ohio. He sponsored worker protection laws, guiding into place in our State cornerstones to working men and women's rights. Barney Quilter left so much to all of us. His quiet diligence brought so many efforts to fruition. Improvements throughout our State may be laid to his credit. Former colleague Patrick Sweeney of Cleveland explained that Representative Quilter's legacy can really be found in all of the accomplishments that do not carry his name. He noted, it just got done. You never saw Barney's fingerprints on a news release; it was just the way he was. His influence is, and will be for many years, enormous.

Born in 1919 to James and Helen Marie Quilter, James Barney Quilter grew up on Toledo's famous East Side. A boxer, his career ended when he was called into service in World War II where he served in the Army's 167th Combat Engineering Battalion. In 1967, he was persuaded to run for State representative. Reluctant, he finally agreed, but only for one term. Toledo's voters decided differently and reelected him to successive 2-year terms until he retired at the end of his 14th term.

Truly a statesman in the best sense of the word, Barney Quilter rose to power and prominence in the Ohio legislature, serving as its speaker pro tempore, leading the Ohio House in tandem with Speaker Riffe for 20 years, an acclaimed and effective, powerful team. Partisanship was not Barney's goal. He worked side by side with legislators to move forward initiatives which benefited all the people of Ohio.

Henry Clay said: "Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people." This creed expressed by the 19th century giant was exemplified in the tenure of Representative Barney Quilter. His example should be emulated by all of us in public life.

A noble public servant, Barney shared his expertise and wisdom with any and all who asked. He was a real mentor to many, including myself; to his own son Bernie who also followed a path into public service. His daughter Mary Ann has devoted herself to her family and to educating the next generation. Barney and Mary's family are living testimonials to the dedication to others their stellar family exemplifies.

Despite his legislative career, Barney Quilter never lost sight of his true happiness: his wife and his children. He and his wife Mary shared 52 loving years together until Mary's passing in 1996. For nearly 2 decades, Barney faithfully would minister to her, even reading to her regularly, as she bore gracefully a debilitating illness that made it impossible to communicate with her family. He loved her so much.

Barney's own passing leaves his son Bernie and daughter Mary Ann and six grandchildren with our heartfelt condolences. We mourn the passing of this great American. We can celebrate his life and his service. May his strength and goodness guide us all as we seek to follow in his footsteps, always moving forward, no matter how steep the hill. Thank you, Barney Quilter. Onward.

PROGRESS IN IRAQ

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to address my colleagues and the opportunity to raise some issues before the American people as we deliberate in this great body, the United States House of Representatives.

During the period of time that the House is not in session during August, commonly referred to as the August break, seldom is it a break for any of us, except that it changes our rhythm and we go do some other things. Generally, we do things to reach out and serve the people that we have the privilege and honor to represent.

This August was no exception. There were many Members who went out across the country and across the world and went on CODELs and traveled on their own accord and visited different places and brought back that breadth of knowledge. It occurred to me sometime in, I will say late May or early June, that it had been some time since I had been to the Middle East and been back to Iraq. I had been there twice in the past, but 12 months or more had gone by, and I had not been back there since.

As I listened to the mainstream media and began to get a picture of what was going on over in Iraq, it was a pessimistic one. As I talked to the troops who were coming back, particularly in Iowa, I got a different picture. As I listened to the briefings that came from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, General Myers, I got a picture that was consistent with the picture of our military that was serving on the ground in Iraq and in Kuwait and in supporting roles around that theater.

Yet you can listen to all the information you want to listen to, you can read all the documents you like, you can read The New York Times and watch the mainstream television stations, and you can surf the Internet, but the perspective does not come until you go and put your own boots on the ground and look the soldiers in the eye that are serving there in that theater; those that have been there; those that have put their lives on the line; those who have risked their lives willingly in order to protect and preserve the freedoms that we have here and advance those freedoms to the people who live there.

So we began to organize a trip to go during the month of August over to Iraq. I wanted to go also to Afghanistan at the same time. I was not able to add Afghanistan to this trip because there was an election coming up which just took place over in Afghanistan, so they were not going to allow Members of Congress in there to make their situation, in preparing for those elections, more difficult.

But Iraq was still an open area that we could go into. As I looked at the map of Iraq and the places that I had been, and in talking to the Members of this Congress who have made, some of them, as many as four trips or more over into that region, there were some places that we did not have a lot of experience with, some places we had not looked at.

In fact, this Congress appropriated $18.4 billion for the reconstruction in Iraq that included roads, sewers, bridges, electrical generation and transmission, and the oil distribution system; to upgrade the ports and upgrade the schools and hospitals, the kinds of things that would put Iraq up into maybe the last quarter of the 20th century or, if all goes well, at some time they will be into the first quarter of the 21st century.

☐ 2030

But, Mr. Speaker, in spite of all of the things that we have done over there, the disaster that Iraq has been from the perspective of allowing their infrastructure to erode over the last 35 years and a dictator that had his power as his God, and his people at his feet, a person who took his death and destruction to many wings of Iraq, and starved them and kept them from getting medicine and education and health care, and sometimes shut off their water, as he did in the southern part of Iraq.

But we invested in their infrastructure. The American people put $18.4 billion up front. And we said at the time it was about a $100 billion project to try to get Iraq up into the last quarter of the 20th century, a more modern world.

And if they cannot get their country more modernized, it is going to be significantly more difficult for them to be able to sustain the type of government that I pray will become a constitutional republic that represents the people in Iraq and the will of the people in Iraq.

And so the $18.4 billion was invested. And most of it was committed to projects, and we knew that in this Congress. And we committed to the support of that. But no one had really been over there to follow and track the projects. And in fact I was not aware of a single Member of Congress that had gone into Basra in the south, in the British region. So we put that on our schedule.

And the wetland area where the swamp Arabs lived, they were over 800,000 strong. And when Saddam was finished putting down their insurrection that began about in about 1991 or 1992, he had killed approximately 120,000 of them and run off maybe 450,000 and there remained maybe 200,000 of the 800,000 swamp Arabs that lived in an area that was a wetland twice the size of the Everglades. Saddam drained it, turned the water away from it, and forced many of them out and changed their life.

So we went to Basra and looked at that region in the south, and the oil region there. We went to the wetlands and flew over that in a British helicopter and looked at that, and we went up to Kirkuk in the north, another area that many Members had not seen.

And in that process we came back down through Baghdad, and we did meet with a significant number of people who had been involved in the reconstruction of Iraq. We saw project after project that was there. We saw places where the money went. And along with that on that trip myself, and also the gentleman from Texas (Mr. BURGESS) who was on his fourth trip, the gentleman from Texas (Mr. CUELLAR) from Laredo, who was elected to this Congress and sworn in here in early January of this year, and did not take him very long, he has made his trip to Iraq to start things out, and I appreciate your company along on that trip. Also the gentleman from Pennsylvania (Mr. DENT).

And, the four of us were the compadres that visited that area. And we had an intense 5-day trip that compressed a lot of hours in Iraq and very quickly saw a lot of the country and met a lot of the people, including soldiers from our own districts in almost every stop, although there were a few Texans along almost everywhere we went.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Iowa (Mr. KING) for his leadership and for what he did to organize that congressional delegation visit to Iraq. I enjoyed that and learned a great deal from that experience, along with the gentleman from Texas (Mr. CUELLAR) and the gentleman from Texas (Mr. BURGESS).

I think what we learned in Iraq is that clearly there are problems, and those problems remain; but considerable progress has been made. That progress to me was best exemplified by a man from Pennsylvania named Albert Chowansky, Jr.

And Albert Chowansky Jr., to me, exemplifies the spirit and sense of purpose reflected by American civilians working and serving in Iraq. This man, Albert is a Frackville, Schuylkill County native who left the coal regions in late 1970s, at the time a rather depressed area of the State to study engineering at Drexel University in Philadelphia.

And this well-traveled engineer is now managing the construction of the Taza power plant near Kirkuk in northern Iraq, and this is that power plant that I am referring to. We learned a great deal from that visit.

But this natural gas-powered plant, which Albert calls MOAG, or the mother of all generators, and it really is, is tangible proof of the positive reconstruction efforts proceeding in Iraq.

Visiting Iraq, the four of us, we saw efforts to rebuild a country, not just from a recent war, but from decades in which its people and its natural resources were raped and ravaged by an evil tyrant, Saddam Hussein.

As part of this bipartisan four-Member congressional delegation that visited Kirkuk, Basra, Baghdad, and Kuwait, we witnessed this and just a handful of the thousands of other coalition construction projects over a few days.

You know, many of us marveled at the accomplishments of the U.S. Army Corps of Engineers under whose auspices much of this massive construction and reconstruction continues, simultaneously fighting an insurgency, reconstructing a nation, and at that particular moment we were there, assisting in the development of a constitution, the drafting and development of a constitution, which is a daunting objective.

Security is intense. Most of the time we wore body armor and helmets, and we were protected by heavily armed personnel virtually all of the time. Nevertheless, I left Iraq feeling optimistic and hopeful that the slow gradual pace to normal life in much of Iraq is progressing, not without setbacks and heart-breaking loss of life, but still with purpose and determination.

You know, the transporting of this particular MOAG, the mother of all generators, is a story all by itself. Moving a nearly 500-ton piece of equipment 600 miles from Jordan across the dangerous Al-Anbar Province in western Iraq to Kirkuk by convoy is testament to the extraordinary logistical capabilities of the United States military.

You know, after a few ineffective, but still very troublesome, mortar attacks that landed near this particular power plant, Albert Chowansky worked with regional ethnic and tribal leaders to form a local work force, equitably distributing jobs to Sunni Arabs, Shiia Arabs, Tukomeins, and Kurds.

This project is nearly complete, and there have been no more mortar attacks. These are just some of the circumstances under which the reconstruction of Iraq's infrastructure is occurring. But there you have an example of just a guy using his good common sense and, realizing there were some attacks, went out and met with local tribal leaders, talked with them, distributed jobs and they all worked well together. And just good old-fashioned American innovation working locally to solve a very different, difficult and complex problem.

You know, our delegation also spent time in the southern Iraqi province of Basra at the confluence of the Tigris and Euphrates rivers. We visited the nearby port of Umm Qasr and rode with the Iraqi Navy in speed boats through the harbor.

The Iraqi Navy is actually more like a coast guard of about 800 sailors trained by the British Royal Navy and tasked with harbor security and with the protection of the oil platforms in the Persian Gulf. This is just a little picture of a meeting with some of the officers of the Iraqi Navy, myself, and the members of the delegation.

But we had a wonderful experience with the Iraqi Navy. And you could just get a sense of the professionalism, and of course they were well trained by the Royal Navy.

Flying with the British Army in a Merlin helicopter, we viewed the marshlands near Basra. And the gentleman from Iowa (Mr. KING) just referred to those marshlands. These marshes were originally twice the size of the Florida Everglades until Saddam Hussein drained them as retribution to the marsh Arabs who rose up against him after the 1991 Persian Gulf war.

Saddam Hussein displaced and killed tens of thousands of these people, at the very least, whose civilization had lived in this ancient homeland for 5,000 years.

It may again be possible to grow crops there, although it is unknown if we can ever fully undo the environmental terrorism of the deposed Iraqi leader.

Militarily, the Basra province is relatively quiet and is one of out of 14 of 18 provinces that have seen progress with comparatively less insurgent activity than in some years of Iraq.

The Royal Marines regional commander, General Jim Dutton, was quite confident in the capability of the Iraqi Army. We spent a fair amount of time with him. And he had quite high praise for the Iraqi Army in the southern region under his command.

Our delegation later then flew into Baghdad via U.S. Army helicopter, Black Hawk helicopters; and we flew a few hundred feet above the ground. We were escorted by Apache helicopters. We flew from Kirkuk at this point back down to Baghdad.

The British, we flew in the Merlin helicopters down in the Basra area. But from our view, and just a few hundred feet above ground, we could see oil pipelines and bridges across the Tigris River under construction, along with vacant gun embankments. It seemed like bone dry ditches just about everywhere, irrigation channels that were drug out and bone dry.

But there were a lot of ditches and a lot of scars on the Earth, vacant pools of oil exposed next to bodies of water. You know, in Baghdad, in Baghdad's Green Zone actually, our delegation met with General John Abizaid and General George Casey, respectively, the military commanders for Southwest Asia and Iraq.

The generals presented, I feel, a very sober yet hopeful analysis of the insurgency situation. Actually, there is not one insurgency in Iraq, but three disparate groups: The disgruntled Baathists, the Sunni extremists, and they are the most dangerous, of course, because they include both domestic and foreign al Qaeda-affiliated insurgents, and the third group are the so-called Rejectionists, a hodge podge of people who for whatever reasons are unhappy or angry but are more likely to be integrated back into the mainstream of society.

But regardless, that group of Sunni extremists is the most dangerous because they are al Qaeda affiliated, many of whom are coming from outside of Iraq. The generals told us that every month 3,000 insurgents are taken off the streets. That is what the generals told us. Every month 3,000 insurgents are taken off the streets, that is, they are captured or killed, mostly captured.

General Casey said that 180,000 Iraqi security forces are trained and equipped, and that number will be more than 200,000 come January. Our congressional delegation also met with embassy officials for an overview of the political reforms and progress on the constitutional convention that was occurring just down the street.

Of course, this was just prior to the constitutional convention being adopted by those who were participating. Federalism, the role of women, women's rights, of course, role of Islam, and control of the country's premier resource, oil, are among the issues to be resolved.

And I left feeling persuaded that all sides, Shiia, Sunni and Kurd, are dedicated to reaching an agreement. It was clear that they understood, even though the Kurds and Shiias represented a majority of the country, that they understood that they could not have a country without the Sunnis being included.

And that is not an easy thing for them, given the maltreatment that many of them had received at the hands of largely Sunni rule or the Baathists for some time.

You know, the American role in that constitutional process was not to impose a solution, but to facilitate discussion and present options. And in fact I just left the Capitol, the Cannon Building where I heard one of my constituents, Colonel Platte Moring give a presentation who helped there. He was in the Army National Guard. He made a presentation about his role in helping the Afghans develop a constitution about a year and a half earlier.

And so there were some similarities there. Again, the American role was really to help facilitate discussion, present options, and help them when they got in trouble, not to impose solutions.

I think that was very important. That was an experience here in Iraq and of course also in Afghanistan. That same day, we also had lunch with the American-Iraqi Chamber of Commerce, and we later met with three judges overseeing the special tribunal on war crimes who are the people who will try Saddam Hussein for crimes against his people.

The judges impressed me very much with their knowledge, their wisdom, and dedication to the establishment of an independent, impartial judiciary. Probably one of the best aspects of that whole visit is meeting with these judges. You get a sense of their commitment to the rule of law and the importance that they have a transparent process and one that they can be proud to show to the world with respect to the trial that they will be conducting at some point in the not-to-distant future. I believe before the end of the year, we are likely to hear more about that.

□ 2045

We also spent some time in Kuwait. There we witnessed the up-armoring of the various American vehicles. We also witnessed the massive logistical support operation that dispatches convoys of 800 trucks per day carrying everything necessary to support an engaged military. More than 20 percent of the trucks carry water. Of those 800 trucks, over 20 percent of them were carrying water. I met a gentleman from my hometown. Army Major Steve Miscenzski, an Easton native, was among the Pennsylvanians supporting this effort. We all dined with Steve and other Keystone State natives at Camp Arifjan. We also met some folks from Iowa and Texas. There are always Texans everywhere, a lot of Texans in the Middle East and everywhere we went. It was just great to see them all.

Throughout the trip, we ate in these mess halls with soldiers and Marines whose morale was exceptionally high considering the 125-degree heat that we walked into in Kuwait while wearing full body armor and helmets. I think we all would agree, too, that the food was quite good and plentiful. Veterans of previous wars would be envious. We hear our uncles talk in World War II about the old K-rations. They would have been envious of the food, I think, that was being served.

At every stop along the way, I was able to share some of the generosity of the people of the 15th Congressional District. I handed out phone calling cards as most of us did. I also handed out Gatorade mix packets to our troops from Pennsylvania and elsewhere, even some of our coalition partners from the UK and the Netherlands and Australia.

for example. These items, by the way, were donated by the Dexter and Dorothy Baker Foundation and a drive led by Chapman resident Dottie Niklos of Blue-Star Mothers through the Lehigh Valley Military Affairs Council. These gifts were well received by our troops. We insisted that they call home and they seemed to do that on a regular basis.

Leaving Kuwait, we flew home via Ramstein Air Force Base near Frankfurt, Germany. There we visited wounded troops in the Landstuhl military hospital. Many of the troops were wounded in Afghanistan as well as Iraq. At Ramstein, we briefly boarded an Air Force plane carrying wounded troops back to Andrews Air Force Base near Washington, D.C. On this plane, I had the honor and privilege to meet a young marine, Travis Gray, who was a fellow Allentown native. I do not know who was more excited by that, me or Travis, but I was just thrilled to meet this young man who was on his back in a stretcher in an Air Force plane. I am happy to report that Travis was in quite good spirits. I had called his mother shortly afterwards to give her a report on his condition. He seemed to be doing quite fine and he was improving. I think we had some pretty good news there for Travis and the whole Gray family.

The harsh reality of war really struck me and I think it struck my colleagues as well as I stepped off that plane carrying Travis and his fellow comrades to make way for the final two passengers, two unconscious, critically wounded soldiers. Watching as these two soldiers were boarded was an emotional time, as 12 airmen methodically and gently lifted their stretchers and all the life-sustaining medical equipment onto the plane. It was quite a sight and quite emotional. That is where the harsh reality of war really strikes one, witnessing that particular procedure.

I left Iraq feeling proud of the Americans serving there. The transition from Saddam's Iraq to a new country, establishing representative government consistent with the country's traditions, heritage and culture, has been painful, grueling and difficult. Nevertheless, our military's perseverance is inspirational, just as is the effort of our civilian personnel. In fact, one of those civilians I met there actually was a Capitol Hill staffer who I bumped into on a cold February night after being in Congress for about a month and a half. I met this young man. I was getting dinner and he was telling me he was about to head over, a civilian with DOD and who did I run into in Iraq, in Kirkuk, but this young man who was so proud of his service and will be home shortly. I have stayed in touch with him.

The point is the dedication of our military and civilian personnel to their work and this mission is truly extraordinary. Many people ask me when American troops will leave Iraq. I cannot give a precise answer, but it is my belief there will be a military presence in Iraq and Afghanistan for the foreseeable future. The question is how many troops will be required and under what circumstances will those troops be there. I believe we will see an eventual drawdown of those troops.

Like all Americans, I want our troops to come home safely. Like most thoughtful Americans, no matter how they viewed the circumstances leading up to the war or how it has been conducted, I understand that leaving Iraq prematurely without better stabilizing the country could yield catastrophic consequences.

That said, as the political and military situation stabilizes and improves, the American presence in Iraq will diminish. For now, it is a matter of patience and will.

The gentleman from Iowa again led our delegation and did a great job of it. I should note, too, that he was very gracious and on every occasion really did acknowledge the bravery not just of our personnel but also of the Iraqis who are serving there, many of whom are in the Iraqi navy, for example, and others in the security forces who really cannot tell many of their neighbors and friends what they do for a living. They cannot wear their uniforms to work. They serve at great risk to themselves and to their families but they believe that they have an obligation to make sure that country is stable and safe and free of the types of horrible violence that we have witnessed there far too often in recent days.

Mr. KING of Iowa. I thank the gentleman from Pennsylvania for his presentation as well as his participation. It was an honor for me to have the privilege to go there with my colleagues and an honor certainly to look our soldiers in the eye and the nonuniformed people that are over there, especially the Americans but all of our coalition people that are sacrificing and committing to make that region a better place.

Before you step away from the podium, one thing I would like to comment upon and that is your second picture over there to the left that shows yourself and the gentleman from Texas (Mr. CUELLAR) meeting some of the Iraqi navy. As you said, it is an 800-man navy. We don't expect the Iraqis to have a Navy, but there is, and trained by the Royal Marines, as you said. What impressed me as we went down that line, they were all lined up in rank order. As I went down that path and shook each one of their hands, and maybe there were 20 to 25 of them altogether, every single one of them looked me in the eye and every single one of them had some word of English that they must have practiced all night long that they could greet me and thank us for being there. We truly have partners and they are part of the coalition. When we say coalition troops, we mean American troops, all the troops that are part of that, and we mean the Iraqis. That picture brings that memory back. It was, I think, an unusual and unique situation that had taken place over there with our delegation that probably had not been the case in any of the others that had traveled over there. I wanted to point that out while I had the opportunity and I appreciate the gentleman from Pennsylvania's presentation.

Also, you made remarks with regard to the fact that we ran into people from our prospective States. We sat down in the mess hall and broke bread with Pennsylvanians and with Texans and with Iowans and with many of the States in the union. We walked into a room one evening, though, and everybody in that room was from Texas except you and me. So the next time I climbed aboard a C–130 that was full of soldiers, I walked back over there and I hollered out, is there anybody here not from Texas? About half of them gleefully raised their hands.

You are well represented over there. I bring this up in a humorous way to recognize that. At this point I would like to recognize the gentleman from Laredo, Texas (Mr. CUELLAR) who joined us on that trip.

Mr. CUELLAR. Mr. Speaker, I thank the gentleman from Iowa and the gentleman from Pennsylvania, also the gentleman from Texas (Mr. BURGESS) who joined us, also. I also want to thank you for your leadership, taking us, this particular delegation, the delegation that you took us on took us to different parts of Iraq that other delegations had not gone to, especially the southern part of Iraq.

I would like to talk about three things that are really what I would call snapshots of this particular trip that I think are important to share with us here today. The first one, of course, has to do with the reconstruction projects. Sometimes I believe the media does not give it enough time to focus on the reconstruction work, the schools, the clinics, the hospitals, the electrical plants, the water plants that are built, those types of projects that really have changed the daily lives of the Iraqi people. When you are talking about a child that for the first time sees a board that you can actually get some sort of stick and write on, the blackboard, it is something they have seen for the first time, you are changing the lives of those young Iraqi children that will really make a big difference. I think you would agree with me that as we are able to get them educated, as we are able to see them, able to teach them the principles of democracy, the principles of being able to associate, that we really are making some changes that will transform not only Iraq but the Middle East and that will have a ripple effect to the other countries. I think you would agree with me on that particular point.

The other point that I would like to talk about is also the commitment of the Iraqi people. I think the gentleman from Pennyslvania did a great job when he talked about the Iraqi businesspeople, men and women. All they want to do is they want to be able to have a business, be able to secure a future for their children and for their families. They want to be able to send their children without having to worry about being blown up in some bomb going to school. They just want to make sure they have a normal life just like you and I and a lot of folks want to have. I think seeing that in those Iraqi businesspeople, both men and women, was something that was very enlightening.

The other thing that the gentleman from Pennyslvania touched upon which I think is important is the commitment of the judiciary. Having an independent judiciary is extremely important. If you recall when we were talking to the judges and we talked to three different judges, what we call the investigating judge, the judge that will do the trial work and, of course, the appellate judge, that gave us a pretty good sense of the work, the very difficult work that they have to do. I remember one of the comments they said. They said, all we want is we don't want the Iraqi politicians to get involved in our job. We want to make sure we do our job in an independent manner. That is important, because think about this. Those judges are probably targeted. They are people that do not want them to do their job. They do not want them to try Saddam, the evil dictator. They want to make sure that they don't do their job. But what they wanted, these jurists, all they wanted to do was to be free from any influences and do their job. I think that has to be admired, especially under those very difficult circumstances.

The last point that I want to mention is also the commitment of our soldiers. When you think about it, when we were at that hospital in Germany, we had soldiers that had been injured, soldiers that were hurting. When we asked them what they were thinking about, the first thing they wanted to say was, I want to get well so I can go back and take care of my buddies and be with my buddies and my friends. That is a commitment of the U.S. military, that even when they are down, they are ready to get back and go back in the field so they can finish their job and the mission because they believe in what they are doing there.

The last point that I want to bring about is, I have been in different town hall meetings and people asking us when are our American soldiers coming back. As I told them, and I think we all realize this, we need to finish the mission. We need to make sure that that country is stabilized, because we took out a power structure that was not taking care of its people, and we cannot leave that vacuum there. We need to make sure that we put a structure there, a structure of government, a constitution, the rule of law, the principles of a constitution so the people can follow the rule and the laws there. Once we establish that law there, then I think we can start bringing our soldiers home. I think the constitution and especially that election or that vote on October 15 is going to be extremely important. The elections on December 15 when they elect their representatives, that will be extremely important. But also the building up of the Iraqi military is important.

I remember when I started back here with the gentleman from Pennyslvania back in January, we asked the question of the Department of Defense, how many soldiers do we have, Iraqi soldiers? At that time I recall it was about 120,000. We were informed last month that they had about 180,000. Sometime by the end of the year they should have over 200,000 soldiers, Iraqi soldiers. As one of the generals told us, when one Iraqi soldier stands up, one American soldier can go ahead and sit down.

□ 2100

It means that the faster we can build the Iraqi military security forces then the faster they can start taking care of their homeland, and that is extremely important.

So I certainly want to thank the gentleman from Iowa (Mr. KING) very, very much for the opportunity that he provided the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Texas (Mr. BURGESS) to go down there to see, first of all, the morale of our soldiers, to see the commitment of the Iraqi business people, the jurists, the people that want to have normal lives so they can have a future there. Certainly I want to thank him for giving me an opportunity to see the reconstruction projects, the schools, the clinics, the hospitals, the water plants, the electrical plants, to make sure that they can have the basic utilities that sometimes we take for granted.

I want to thank the gentleman from Iowa (Mr. KING) for the opportunity and certainly the gentleman from Pennsylvania (Mr. DENT), one of my freshmen colleagues, for having an opportunity where we are able to ask the questions and share our thoughts and ideas in a bipartisan way. Because, again, we want to do the best thing for our country, and we certainly want to do the best thing for the Iraqi country over there, also.

Mr. KING of Iowa. Mr. Speaker, I appreciate the gentleman from Texas (Mr. CUELLAR) willingness to join us in that travel across to that other side of the world, along with the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Texas (Mr. BURGESS) and those kind of trips build bonds that will help us reach across the aisle and work in a bipartisan fashion beyond this subject matter and into many others, I hope. That is one of the residual benefits of those long and grueling days over there. It did get a little warm I understood, 128-degrees, I know we saw that, and looking back on the pictures, did it get a little warmer than that?

Mr. CUELLAR. If the gentleman does not mind me interrupting for a second, I am from Laredo, Texas. It is one of the hottest places in the country, 104, 105, 107 degrees, but I have to say that being there at a place where it was 125 degrees, and I think that was a cool day compared to some of the days, that has to tell us that our soldiers have to go through very difficult times, but at the same time, the morale was good. They were doing their job, and they believed in what they were doing.

Mr. KING of Iowa. Mr. Speaker, I have seen over there on different occasions when the temperature cooled off down to 106, I have seen the Marines go out at three o'clock in the afternoon and play basketball in 106 temperature because it has cooled off.

I got an e-mail from a lieutenant colonel that we met over there at Camp Arifjan, Lieutenant Colonel Gary Ace, and he happens to be an individual that helped set up a trip a year ago last 4th of July for my staff and their families to take a bus and go up to Gettysburg for the 4th of July with the Army historian, to travel throughout all Gettysburg and review that on the historical day with the Army historian.

Lieutenant Colonel Gary Ace, who was deployed to the Middle East and met us there at Camp Arifjan at really our first stop, it was quite ironic. He sent me an e-mail a couple of days ago that said it has cooled off down to about 110 or 112, and it seems ironic to say so, but it is a relief from the heat.

I would just like to go through a number of the things that I reflected upon as I listened to the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Texas (Mr. CUELLAR) speak on this issue and refer back to a colloquy, if I might.

You brought a number of things to mind that I would like to embellish a little bit. One of them has to do with the heat and the water, and the gentleman from Pennsylvania's (Mr. DENT) remarks in particular, when he said bone-dry ditches. Certainly they are there and the fighting positions that have been dug for the tanks and armor, we see that from the air, especially in the north around the Kirkuk region, where we were.

Yet, in the south, there are irrigation ditches down there that have been hand dug and have been maintained for centuries. The water stands near the top of the ditch because it is the water that comes down the Tigress and Euphrates and it fans out in that delta. It is not sand. It is soil. It should be productive soil, and I looked at that from the air I do not know how many times. We finally got down on the ground and got a chance to look, and I could never understand why you could not see anything growing next to those ditches full of water, in the summertime, from the air, nothing green to be seen from the air.

That is because nothing grows there in those particular regions. So my old farm boys unlocked the key to that inadvertently when they stuck a thermometer in the soil. We plant corn in the spring in Iowa after the frost goes out and soil temperature gets up to 54 degrees. The soil temperature there, about that far down in the soil, was 154 degrees, and I am sure the broccoli I had a couple of days ago had not reached that temperature when they served it to me in the restaurant.

So that is some sense of what kind of heat there is, that relentless sun, and how that builds up in the soil. It would sterilize most sees. So they have to have a different kind of agriculture than I am used to, but maybe in Laredo, they could figure that out.

The American-Iraqi Chamber of Commerce, and the gentleman from Pennsylvania (Mr. DENT) referenced that and I think both of my colleagues did. It was an interesting surprise to me. It never occurred to me that there was a chamber of commerce in Iraq, and yet to find out that the Americans that were there teamed up with the Iraqis that are there, and they are seeking to build a free enterprise, retail organization that can help develop the kind of commerce that they need to grow that city and grow every city in that country.

To walk in there and have them ask, well, we would like to have you give a speech to the Baghdad Chamber of Commerce, now there is an ironic twist of fate in this life that this fellow from the cornfield never anticipated.

I looked around, and went, well, where is my interpreter; I guess I will be willing to do that. They said you do not need an interpreter, sir; they speak English here in Baghdad. So they set the microphone up and gave an introduction, and we all came and sat at the table, and my colleagues actually mixed around with them at their tables and gathered together afterwards. I gave a little speech there in English.

I could tell they understood me. They responded, smiled and laughed and clapped and frowned all at the right times. It occurred to me that if they could pull that off in Baghdad, we can pull that off in the United States of America, that English speech to the Chamber of Commerce in many of our major cities, but just a little bit of life's irony there.

They were open, they were welcome and curious. When that was over, all of us had a cluster of Iraqi Chamber of Commerce members around us with their business cards. They want to do business and trade cards and do commerce, and they are eager. In fact, we were in the Al Rasheed hotel. That was in the green zone, but that is the hotel that Deputy Security Wolfowitz was in when it was rocketed a year or more or so ago. That is one of those little ironies.

The other one that the gentleman from Texas (Mr. CUELLAR) mentioned, the odd request, and I was very curious about the judicial branch of the Iraqi government. I had, I will say, a friend and colleague from Iowa, the U.S. Attorney, Charles Larson, Senior, who served over there for more than a year, and I believe it was 15 to 16 months, trying to get the Iraqi judicial branch up to speed and trying to teach them what we know from our rule of law in the United States. He served over there intently and in a very dedicated way, along with his son, Major Chuck Larson, Junior, who served as a Army Reservist in the same area.

I have seen pictures of them together, and Chuck Larson, Senior, the U.S. Attorney, brought me back, an Iraqi flag, that flew over Baghdad the day of their first election they had when we saw those fingers dipped in purple. These gentlemen convinced me that we should take a look at the judicial branch of government in Iraq. That is what precipitated the request.

We wanted to go over to the courtroom. I wanted to sit in the courtroom where Saddam would be tried for his crimes. I sat in two of his thrones, and that was kind of good, kind of fitting, but I really wanted to go sit in the chair where he was going to be, really sit in the witness chair where people would testify against him. Because of security reasons we could not go out of the zone, across the street and into that building. So they brought the three judges to us.

We sat down and talked with them, and these people, they risk their lives. They are dedicated to the rule of law. They want the politicians out of that decision-making process. They do not want them leveraging the rule of law decision.

I am going to shift into my interpretation of what I heard that day, and I am not going to represent it as being a verbatim transcript of what came out of their mouths but how I sort it through because we're working through interpreters, but it works like. I was curious. I wanted to know was Saddam Hussein up for the death penalty. Could they sustain the death penalty? Was there law in Iraq in the face of the changing situation of the Constitution and the ratification that is pending for October 15, when he is queued up to go on trial October 19.

I asked the question directly: Will Saddam face the death penalty? The answer was, well, Mr. Congressman, we could not be commenting on a case that could come before this court. It sounded like an American judge, and it was the right answer.

Then I had to ask this long, convoluted, hypothetical question, and when I got all the way around the Horn, it might have been a double figure eight before I got back with my hypothetical, and then the answer was, if someone who might not be related to this case, that could have committed a crime similar to the one you have described that was similar to the one we may think Saddam has committed, could be up against a charge that would start the way they do in the United States with death first and then life in prison and then the penalty goes on down from there.

One of the other judges was eagerly shaking his pencil. He wanted the floor, and as I understood this and interpreted this, it was the paragraph that applied in that case to the crimes that I had described only provided for one penalty and that was the ultimate penalty. At that point, I volunteered if they could not find someone in Iraq to carry that out, I would be willing to do so provided he had been faced with the rule of law and had a just trial.

So I look forward eagerly for that trial to ensue, but it was an interesting and a unique experience to have that. It presented us also with a very neat, octagonal box of dates, that high class, and that is one of the things that Iraq does export. They export some oil, and they export quite a lot of dates, and those are about the only two products that leave that country to bring cash flow back in.

The areas around Basra have a tremendous amount of oil reserves yet, and the wells, the pipelines, the distribution system, the refineries are not in the most modern of conditions. They need capital investment from outside, and it needs to be upgraded into the modern and efficient world. That is a factor of the depreciation that comes from the years of neglect, in addition to some of the sabotage that has taken place, but the years of neglect would debilitate that system anyway. All that oil that they have is not coming to market as quickly as it should, Mr. Speaker.

Then we went up to the Kirkuk area, and I think we pointed this out in the helicopter, but we did not have very good audio there. There were areas where there was pooled oil that was not oil spilled. It was oil that had seeped to the top of the ground. There was that much concentration up there.

I am told that the oil reserves down south by Basra are larger and greater than those up by Kirkuk, but there is where I saw the oil that had seeped to the top of the ground. There is where I saw the most need, I think, for new drilling, new pipelines, new distribution systems, new refineries, and up there is where they had nine pipelines that crossed the Tigress River on a bridge.

During the operations in March of 2003, our air force went in and appropriately cut off that transportation route by blowing the bridge. When they did, nine pipelines, of course, were severed at the same time. They have all been reconnected, except for a 40-inch line that each time that they tried to lay that across the river, it would get sabotaged.

So they awarded a contract to lay it under the river, a 40-inch pipeline, 40 inches in diameter, so 3 feet and 4 inches in diameter. They have been trying to bore underneath there. Now, they are going to put it underneath in an open cut. I guess that is the kind of thing that I am interested in in my business, but to lay that pipeline 25 feet under the bed of the Tigress River, a 40-inch line, so that if the insurgents, or enemy, seeks to come along and detonate that, I suspect they will not have the ability to get down there 25 feet below the bottom of the Tigress River to blow up that 40-inch line. When it is running, it will help the cash flow of Iraq.

Speaking of that cash flow, the things that are missing, one thing that is missing from this discussion tonight. We have not talked about tactics, military security. We have referenced the bravery of our troops, the dedication, the sacrifice of our troops but not the tactics because, and I will just say this, is that as we looked at the condition of security in the country, as we listen to our military, our officers and our regular soldiers that come from our regions, that look us in the eye and speak with our accent and we know they tell us the truth, were not concerned about whether we could hang on to that country from a military tactical standpoint. It was never raised as an issue. They are doing their job, and they know they are doing the best they can with the security, and they feel in control of the situation.

It also was the case with the generals that briefed us, including General Dutton of the British, who said I can think of no alternative but optimism, and what would you do if you were not optimistic, if you did not think there was a positive solution, then what would your alternative be? Of course, there is no rational answer to that. He is right in kind of a clear, succinct, British way.

General Casey and General Abizaid briefed us. He said the enemy cannot win, if the politicians stay in the fight, and we had a discussion on the way back. The question was, did he mean American politicians or did he mean Iraqi politicians. We were kind of split down the line on that. It was a really good, healthy discussion, and I have just come to the point that I do not want to resolve that question. I want that to stand out there that he meant both. The Iraqi politicians and the American politicians must stay in the fight.

If we do that, if we send a consistent, solid message that we stick with this till the end, that America stands with the Iraqis until the Iraqis stand on their own, and by the way, they also advised us that a base would be turned over to the Iraqis for their control, and that has happened, and it has happened more than once since we have been back. I saw the clip a couple of days ago. Several bases now are Iraqi-run bases that we have.

Americans are stepping back. Iraqis are stepping forward. When it was America leading operations, the combat operations, it was Americans with Iraqis trying to lead them into combat in the early stages.

□ 2115

Now it is the Iraqis leading with American support, and sometimes it is Iraqis only. And you will see they have not cracked. They have not run. They have held together.

Far different than that first operation of sending Iraqis in April of 2004 into Fallujah. Those Iraqis were undertrained and underequipped, and we sent those Iraqis in there with berets and pistols on their belts and no radios and no armor, to fight alongside Marines that were trained and equipped and had communications. We should not have been surprised if they did not stand and fight. They were not ready. But they are getting ready.

It is not easy to establish a military tradition. I believe, though, that that security is coming. And when General Casey says that the enemy cannot win if the politicians stay in the fight, that means he has confidence in the security situation and the military situation that is there. I do too. I believe that in the history of this country, and probably in the history of the world, there has never been a nation go to war with a higher class of people that are in uniform on the ground in Iraq and in Afghanistan today.

And I say that for a number of reasons. One of them is that it is an all-volunteer military force. I do not know if we have ever done that before to this scale and for this duration to this scale. And we also have so many National Guard and so many reservists that add to our Active-Duty personnel that are extraordinarily professional. And these Guard and reservists have other professions that they bring in that add to the level of technical abilities, training and professionalism in a technical age, when if it goes beyond picking up an M–16 and putting on a pair of boots, these guys are professionals in a lot of ways and are specialists in a lot of ways. And I think it is the best quality that has ever gone to the war. And every time I look them in the eye, they convince me of that. And certainly they did over there.

Mr. Speaker, I have a lot more to say about this, and I will probably take a shot at it, but I want to take a moment to bounce this back over to my colleagues, who certainly have their minds on what we are talking about here, and surely there is a gap or two that my colleague from Pennsylvania may want to fill, and so I yield to him.

Mr. DENT. Mr. Speaker, I thank the gentleman for this colloquy, and he made a point that I think needs to be repeated. General Casey pointed this out to us. We were in Iraq in August, and of course there was a lot of press attention about the situation in Iraq, and much of it very negative press. But General Casey said to us, have you read any stories or heard any stories about Iraqi soldiers leaving their positions? Have you seen any stories like that lately? We said, well, no, we have not. He said, well, the reason that is the case is because that does not happen anymore.

My colleague pointed that out, that the Iraqi Army is much better trained and equipped than they had been earlier. So sometimes what we do not hear is very important; that the Iraqi Army is standing in, standing much stronger and is much better trained and equipped at doing the job that we expect them to do in many cases. They are not where they need to be just yet, but they are making great progress, and that is a story that has not been told very well, and I am glad the gentleman has raised that tonight.

Another thing the gentleman mentioned, too, about Iraq that again has not been discussed very much out in the public, is one of the people who joined us on that trip was a gentleman from the Army, an Assistant Secretary of the Army named Dean Popps, who was part of the CPA, the Coalition Provisional Authority, at one point. We had a discussion. We all know how Congressmen are. We can get very unfocused. We get into our business and we can get a little scattered. But there we were in Iraq and just focusing on the situation in Iraq. And I remember what Mr. Popps said; that when he was with the CPA, he said he looked at 52 state-run businesses, government-run businesses in Iraq, and many of these companies he said were dual-use companies. That is, in the front of, say, a fertilizer factory; yes, they were making fertilizer, but in the back it was chemicals. Or in the front of a sheet metal shop; yes, they were doing sheet metal in the front, but it was rockets or rocket launchers in the back. He even mentioned that anthrax grinders were found over there. He made a lot of comments to us that sometimes you just have not read a lot about that.

I thought that was a very interesting part of our experience, talking to people like the Assistant Secretary of the Army, who had been there for some time and actually been on the ground meeting with the people who ran those state-run businesses, to give us a bird's-eye view of what is really happening there.

Something else my colleague mentioned that is worth repeating. In Iraq, of course, we all know that they have these tremendous oil reserves, but their refinery capacity is really quite limited. So they produce the crude oil in Iraq, they send it out of the country, have it refined, bring it back into Iraq, and then they sell it at 13 cents a gallon. Of course, they are losing money selling gasoline. Again, coming out of this Saddam legacy of really a closed economy, it has created tremendous problems for the people of Iraq.

Electricity. Another thing we learned about. Electricity is not paid for by people. So, of course, if you do not pay for a particular commodity, you will tend to utilize more of it. So, of course, they have all kinds of problems with electricity. Lights do not go on, and there were many, many problems there.

We also learned, too, about the damage that Saddam Hussein had wreaked upon his people. Much of it was psychological damage. I think that is one thing our troops and the British learned, that it is difficult for many of the Iraqis to make decisions because their experience had always been that they had to get approval from Baghdad, from the central government. So decisionmaking was not something they were used to, and that is part of this transition from where we are today in this situation in Iraq.

We went through a liberation phase, an occupation phase, and we are now in the third phase. And this is a planned phase of our time in Iraq, is this partnership stage. We are in there now, but as we move and transition to a self-reliant stage, part of that transition really requires helping the Iraqis develop the ability to make decisions once again.

We saw the same thing in the old Eastern Bloc, after the Soviet Union collapsed and the Communist nations became free. Many Western people would go in and say the people had a hard time making decisions. They were never able to do that. And that is kind of what we see in Iraq. And part of our job is to help them, help them make this transition and help them to understand their options and to make decisions.

One other thing worth noting, too, that I find very interesting is that as we met with that Iraqi American Chamber of Commerce, I really enjoyed those conversations. When we were there, too, this whole notion of federalism was a very big issue to the Iraqis, and they were obviously quite concerned about the issue. They were sweating the issue. What do we do about federalism? And as Americans, you almost have to chuckle a little bit and say, you know, we had a little trouble with federalism ourselves. We set up these Articles of Confederation after the American Revolution. Things did not work out well with the Articles, and we developed the Constitution, which is a great Constitution, a great document, but not a perfect one. We made mistakes. And ultimately the issue of federalism was settled in our country by a Civil War in the 1860s. And to this day we are constantly having debates in this great Chamber about what is the role of the Federal versus the State Government. And my advice to some of the Iraqis there was do not feel as if you are going to get this question of federalism right on the draft. You are going to have to do the best you can.

And I think that is what they did in the document that they adopted. And coming from the State of Pennsylvania, I feel like I have some ability to talk to Iraqis on that issue, given that Philadelphia is the birthplace of American democracy, and of course Pennsylvania is the State where oil was first discovered, in western Pennsylvania. Not Texas, I say to my colleague, the gentleman from Texas (Mr. CUELLAR).

But nevertheless, I was most impressed again by the trip and that experience, and it is something I will remember for the rest of my life. And having said all that, I yield back to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, I thank my colleague for his comments. And in the short time we have left, Mr. Speaker, I now yield to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Just one minute more, and I thank my colleague for yielding to me, Mr. Speaker, and then I will let him close after this. Thanks to my colleague from Iowa and also to the gentleman from Pennsylvania (Mr. DENT).

And my colleague was right, the Assistant Secretary of the Army, Dean Popps, we all had different conversations; and if you will recall, one of the conversations that we had was how do we get the free enterprise system to work? How do we get foreign investment to come in? It is hard to attract foreign investment to Iraq if they do not have a constitution or the basic laws, if they do not have some of the basic things we take for granted. In other words, who is the owner of the property? Where is the title to the property? How do you borrow money if you do not have collateral to go in?

So there is a lot of work that needs to be done. But I have a lot of faith in the Iraqi people, and especially having had that opportunity to talk to some of the business people and some of the folks there. It gave me the optimism and the faith that we are doing the right thing. And I think once we finish this mission, then we need to do everything to bring our soldiers back safely to the United States, the men and women from all across the United States.

And, of course, I have to say that Texas had a large delegation there from San Antonio, Laredo, a couple of the places, New Braunfels. But again I do want to say thank you to the gentleman from Iowa (Mr. KING) for this opportunity, and the gentleman from Pennsylvania (Mr. DENT), and of course our doctor, the gentleman from Texas (Mr. BURGESS), who also went with us.

This is something that allows us to make better decisions here in Washington, being able to go and see what is happening in Iraq firsthand. So I thank my colleagues.

Mr. KING of Iowa. Mr. Speaker, I thank my colleagues. I appreciate their willingness to do this travel, along with my other colleague, the gentleman from Texas (Mr. BURGESS). I said when we got off that plane that I would go make that trip all over again with you, and I mean that sincerely. It is not always the case.

There are a couple of things that need to be fixed over there, and one of them is the constitution. Get it ratified, have the legitimate election, get the sovereignty established with legitimacy in Iraq so that they can sign contracts, and get that oil developed with foreign capital so that that capital can grow and flow and they can do business across the world. When that happens, the enemy will have to give up and recognize that they have lost.

While that is going on, the Iraqis are taking care of their own security. There is light at the end of this tunnel. There is a bright spot. And the least concern we have is whether our military is doing their job. They are doing their job. And now free enterprise needs to take hold to lift that burden off our military.

So I appreciate my colleagues' involvement here, and my hat's off to the United States military and their efforts over there and all around the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Ms. PELOSI) for today and September 22 on account of district business.

Mr. BARTON of Texas (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. HEFLEY (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KENNEDY of Rhode Island) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 22.

Mr. PAUL, for 5 minutes, September 22.

Mr. POE, for 5 minutes, September 27.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KIND, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1340. An act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 19, 2005 he presented to the President of the United States, for his approval, the following bills:

H.R. 3169. Pell Grant Hurricane and Disaster Relief Act.

H.R. 3668. Student Grant Hurricane and Disaster Relief Act.

H.R. 3672. TANF Emergency Response and Recovery Act of 2005.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Thursday, September 22, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4055. A letter from the Secretary, Department of Agriculture, transmitting a report of a violation of the Antideficiency Act in the Rural Electrification and Telecommunications Direct Loan Financing Account, Treasury Symbol 12X4208, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4056. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-39, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Singapore for defense articles and services; to the Committee on Armed Services.

4057. A letter from the Attorney Advisor, NHTSA, Deaprtment of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child restraint systems Child restraint systems recordkeeping requirements [Docket No. NHTSA-2005-22324] (RIN: 2127-AI95) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4058. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled "Performance Improvement 2005: Evaluation Activities of the U.S. Department of Health and Human Services," pursuant to section 241(b) of the Public Health Service (PHS) Act; to the Committee on Energy and Commerce.

4059. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on International Relations.

4060. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

4061. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

4062. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on International Relations.

4063. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

4064. A letter from the Chairman, National Labor Relations Board, transmitting the Inherently Governmental and Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

4065. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the implementation of Section 1001 of the USA PATRIOT Act covering January 1, 2005 through June 30, 2005; to the Committee on the Judiciary.

4066. A letter from the Chairman, Naval Sea Cadet Corps, transmitting the 2004 Annual Audit and the 2004 Annual Report of the Naval Sea Cadet Corps (NSCC), pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

4067. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result of Hurricane Katrina on August 27, 2005 in the State of Mississippi, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4068. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result of Hurricane Katrina on August 26, 2005 in the State of Louisiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

4069. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Offshore Marine Terminal, El Segundo, CA [COTP Los Angeles-Long Beach 03-002] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4070. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York

[CGD01-05-050] (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [CGD01-04-155] (RIN: 1625-AA00) (RIN: 1625-AA00) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4072. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination [Docket No. NHTSA-05-22265] (RIN: 2127-AJ66) received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4073. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class E Airspace; Columbia Regional Airport, MO [Docket No. FAA-2005-21705; Airspace Docket No. 05-ACE-21] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4074. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, 747-400, and 747-400D Series Airplanes [Docket No. FAA-2005-20661; Directorate Identifier 2004-NM-261-AD; Amendment 39-14206; AD 2005-16-01] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4075. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-7-100, DHC-7-101, DHC-7-102, and DHC-7-103 Airplanes [Docket No. FAA-2005-20595; Directorate Identifier 2004-NM-149-AD; Amendment 39-14208; AD 2005-16-03] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4076. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Equipped With Pratt & Whitney or Rolls-Royce Engines [Docket No. FAA-2005-20138; Directorate Identifier 2004-NM-167-AD; Amendment 39-14204; AD 2005-15-15] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4077. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, DC-8-43, DC-8F-54, and DC-8F-55 Airplanes; and DC-8-50, DC-8-60, DC-8-60F, DC-8-70, and DC-8-70F Series Airplanes [Docket No. 2001-NM-343-AD; Amendment 39-14203; AD 2005-15-14] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4078. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model HS.125 Series 700A Airplanes, Model BAe.125 Series 800A Airplanes, and Model Hawker 800 and Hawker 800XP Airplanes [Docket No. FAA-2005-20111; Directorate Identifier 2004-NM-154-AD; Amendment 39-14207; AD 2005-16-02] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4079. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727,727C, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes [Docket No. FAA-2[illegible]19679; Directorate Identifier 2003-NM-132-AD; Amendment 39-14184; AD 2005-14-07], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4080. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aircraft Assembly Placard Requirements [Docket No. FAA-2004-18477; Amendment Nos. 121-312; 135-98] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4081. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of the Class D and Class E Airspace; Topeka, Forbes Field, KS. [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airway V-537 [Docket No. FAA 2003-16676; Airspace Docket No. 03-ASO-16] (RIN: 2120-AA66) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington, MO. [Docket No. FAA-2005-21706; Airspace Docket No. 05-ACE-23] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; AK [Docket No. FAA-2005-20446; Airspace Docket No. 05-AAL-04] (RIN: 2120-AA66) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chalkyitsik, AK [Docket No. FAA-2005-20450; Airspace Docket No. 05-AAL-07] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Emmonak, AK [Docket No. FAA-2005-20555; Airspace Docket No. 05-AAL-08] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade Municipal Airport, KS. [Docket No. FAA-2005-21783; Airspace Docket No. 05-ACE-24] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Aspen, CO [Docket No. FAA 2003-16460; Airspace Docket 02-ANM-16] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mariposa, CA [Docket FAA 2004-19084; Airspace Docket 04-ANM-08] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4090 A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Blairstown, NJ [Docket No. FAA-2005-21103; Airspace Docket No. [illegible]-AEA-10] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4091. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Newton City-County Airport, KS. [Docket No. FAA-2005-21704; Airspapce Docket No. 05-ACE-20] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4092. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Legal Description of the Class E Airspace; Columbia Regional Airport, MO. [Docket No. FAA-2005-21705; Airspace Docket No. 05-ACE-21] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4093. A letter from the Secretary, Department of Agriculture, transmitting a copy of the Department's Annual Report to Congress on the Biomass Research and Development Initiative for FY 2004, pursuant to 7 U.S.C. 7624 note; jointly to the Committees on Energy and Commerce and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOEKSTRA: Permanent Select Committee on Intelligence. House Resolution 418. Resolution requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 109-228). Referred to the House Calendar and ordered to be printed.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 455. Resolution providing for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes (Rept. 109–229). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. GOHMERT, Mr. BARTLETT of Maryland, Mrs. KELLY, Mr. POE, Mr. AKIN, Mr. MCCOTTER, and Mr. KING of Iowa):

H.R. 3841. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. KUHL of New York:

H.R. 3842. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal excise tax on highway motor fuels when the weekly United States retail gasoline price, regular grade, is greater than $3.00 per gallon; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3843. A bill to amend the South Carolina National Heritage Corridor Act of 1996 to expand the boundaries of the heritage corridor to include Georgetown, Berkeley, and Saluda Counties, South Carolina; to the Committee on Resources.

By Mr. EMANUEL (for himself, Mr. LEWIS of Georgia, Mr. TAYLOR of Mississippi, Mr. MELANCON, and Mr. JEFFERSON):

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to provide for advance payment of the earned income tax credit and the child tax credit for 2005 in order to provide needed funds to victims of Hurricane Katrina and to stimulate local economies; to the Committee on Ways and Means.

By Mr. GINGREY (for himself, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. TAYLOR of Mississippi):

H.R. 3845. A bill to set at 90 percent the Federal medical assistance percentage (FMAP) and the enhanced FMAP for medical and child health assistance provided in States highly impacted by Hurricane Katrina and to Katrina Hurricane evacuees in other States during fiscal year 2006 under the Medicaid Program and SCHIP; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 3846. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program through the end of calendar year 2005; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin:

H.R. 3847. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program through the end of fiscal year 2007; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin:

H.R. 3848. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the Milk Income Loss Contract Program for an additional month; to the Committee on Agriculture.

By Mr. LUCAS (for himself, Mr. GOODLATTE, Mr. PETERSON of Minnesota, and Mr. HOLDEN):

H.R. 3849. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention, and the LRTAP POPs Protocol; to the Committee on Agriculture.

By Mrs. MALONEY (for herself, Mr. SHAYS, and Mr. BISHOP of New York):

H.R. 3850. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself and Mr. WESTMORELAND):

H.R. 3851. A bill to provide for the competitive operation of the Northeast rail corridor using State and private sector initiatives; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of North Carolina:

H.R. 3852. A bill to require enhanced disclosure to consumers regarding the consequences of making only minimum required payments in the repayment of credit card debt, and for other purposes; to the Committee on Financial Services.

By Mr. ROSS (for himself, Mr. BERRY, Mr. SNYDER, Mr. BOOZMAN, and Mr. DAVIS of Illinois):

H.R. 3853. A bill to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. LEACH, Ms. LEE, Mr. EVANS, Ms. SCHWARTZ of Pennsylvania, Mr. CROWLEY, Mr. WAXMAN, Mr. KIRK, Mr. EMANUEL, Mr. BERMAN, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. LARSON of Connecticut, Ms. BEAN, Mr. MCNULTY, Mr. OWENS, Mr. WEXLER, Mr. RUSH, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. STARK, and Mr. HONDA):

H.R. 3854. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. FLAKE, Mr. ROHRABACHER, Mrs. CUBIN, Mr. WELDON of Florida, Mr. PITTS, Mr. FEENEY, Mr. AKIN, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. POE, Mr. BISHOP of Utah, and Mr. OTTER):

H.R. 3855. A bill to raise funds necessary to respond to Hurricane Katrina and future disasters by selling a portion of the lands administered by the Forest Service and the Department of the Interior, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. ROS-LEHTINEN, Mr. VAN HOLLEN, Mr. LYNCH, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Ms. DELAURO, Mr. SCHIFF, Mr. MCGOVERN, Mr. HIGGINS, and Mr. HOLT):

H.J. Res. 66. A joint resolution supporting the goals and ideals of "Lights On Afterschool!", a national celebration of after-school programs; to the Committee on Education and the Workforce.

By Mr. PLATTS (for himself and Mr. ANDREWS):

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Mr. MCCRERY:

H. Res. 454. A resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 3768; considered and agreed to.

By Mr. CROWLEY (for himself, Mr. MCDERMOTT, Mr. BURTON of Indiana, Mr. WEXLER, and Mr. BLUMENAUER):

H. Res. 456. A resolution expressing support for the memorandum of understanding signed by the Government of the Republic of Indonesia and the Free Aceh Movement on August 15, 2005, to end the conflict in Aceh, a province in Sumatra, Indonesia; to the Committee on International Relations.

By Mr. HOLT (for himself, Mr. EHLERS, Mr. OLVER, Mrs. BIGGERT, and Mr. GINGREY):

H. Res. 457. A resolution recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week; to the Committee on Science.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

172. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 403, condemning the National Football League's recent actions restricting the availbility of televised games; to the Committee on Energy and Commerce.

173. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 365, urging the Congress of the United States to refrain from taking action in developing legislation that would have the effect of preventing or hindering the exploration, drilling, development and production of natural gas in the Great Lakes; to the Committee on Energy and Commerce.

174. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 346, memorializing the Congress of the United States to pass the Violence Against Women Act reauthorization legislation and to reaffirm our commitment to helping victims of violent crimes; to the Committee on Energy and Commerce.

175. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 326, encouraging the Congress of the United States and the Environmental Protection Agency to release funds to the states from

the Leaking Underground Storage Tank Trust Fund; to the Committee on Energy and Commerce.

176. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 332, urging the Congress of the United States to support and enact legislation placing reasonable requirements on the reporting of publicly funded clinical trials; to the Committee on Energy and Commerce.

177. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a House Resolution supporting the Taiwain-U.S. Free Trade Agreement (TUFTA); to the Committee on Ways and Means.

178. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 94, memorializing the Congress of the United States to reject privatizing Social Security; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 6, urging the Congress of the United States to enact legislation to make English the official language of the United States; jointly to the Committees on Education and the Workforce and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RUSH introduced a bill (H.R. 3856) for the relief of Elvira Arellano, Maria Isabel Benitez, Adrian Briseno Esparza, Francisco Javier Castro, Araceli Contreras Del Toro, Jaime Cruz, Disifredo Adan Del Valle, Oralia Espindola, Angel Espinoza Martinez, Laura Flores, Juan Antonio Guzman, Francisca Lino, Maria Natividad Loza, Maria Antonia Martin Gonzalez, Blanca Estela Nolte, Mario Pacheco, Domenico Papaianni, Romina Perea, Ruben Ramirez, Martha Elena Davalos, Hermion Davalos Renteria, Juan Jose Rangel, Jorge Santos, Martin Guerrero Barrios, Antonino Cerami, Juan Carlos Arreguin Lara, Sylvia Soler, Dayron Rios, Jose Pelayo, Juan Jose Mesa, Tomas Martinez, Aurelia Martinez, Veronica Lopez, Alma Delia Jimenez de Sosa, and Rosalva Gutierrez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. COSTELLO and Mr. NEUGEBAUER.

H.R. 65: Mr. BARTLETT of Maryland.

H.R. 202: Mr. THOMPSON of California.

H.R. 302: Mr. POMBO.

H.R. 323: Mr. SHERMAN.

H.R. 328: Mr. COSTELLO.

H.R. 445: Mr. WATT.

H.R. 503: Mr. HOLT.

H.R. 515: Mr. BERMAN.

H.R. 558: Ms. CORRINE BROWN of Florida.

H.R. 565: Mr. MENENDEZ.

H.R. 583: Mr. MURTHA.

H.R. 665: Mr. CROWLEY.

H.R. 698: Mr. MCCOTTER.

H.R. 747: Mr. JEFFERSON and Mr. MORAN of Kansas.

H.R. 771: Mr. MCNULTY.

H.R. 791: Mr. OLVER.

H.R. 799: Ms. ZOE LOFGREN of California.

H.R. 819: Ms. ZOE LOFGREN of California.

H.R. 890: Mr. CROWLEY.

H.R. 916: Mr. LATHAM, Mr. DICKS, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. WALSH, and Mr. TURNER.

H.R. 923: Ms. BERKLEY and Ms. HERSETH.

H.R. 925: Mr. MANZULLO.

H.R. 939: Mr. BAIRD.

H.R. 972: Ms. MCCOLLUM of Minnesota.

H.R. 986: Mr. MENENDEZ.

H.R. 997: Mr. CANTOR.

H.R. 999: Mr. SOUDER.

H.R. 1068: Mr. UPTON, Mr. COOPER, and Mr. PAYNE.

H.R. 1078: Mr. WYNN.

H.R. 1080: Mr. WYNN.

H.R. 1200: Mr. HONDA, Mr. DELAHUNT, and Mrs. JONES of Ohio.

H.R. 1216: Ms. MILLENDER-MCDONALD.

H.R. 1217: Mr. MEEKS of New York.

H.R. 1246: Mr. SCOTT of Virginia, Mr. LATOURETTE, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. DAVIS of Kentucky.

H.R. 1258: Mr. MORAN of Virginia.

H.R. 1259: Mr. SCHWARZ of Michigan and Mr. SHERMAN.

H.R. 1288: Mrs. SCHMIDT.

H.R. 1306: Mr. SESSIONS, Mr. WEXLER, Mr. STEARNS, Mr. WELLER, Mr. REYNOLDS, Mr. PRICE of North Carolina, and Mr. KING of New York.

H.R. 1310: Mr. WYNN.

H.R. 1356: Mr. ROTHMAN.

H.R. 1402: Mr. SKELTON and Mr. FRELINGHUYSEN.

H.R. 1447: Mr. KENNEDY of Rhode Island and Mr. WALDEN of Oregon.

H.R. 1520: Mr. STUPAK.

H.R. 1526: Mr. JACKSON of Illinois.

H.R. 1554: Mr. KLINE.

H.R. 1602: Mr. FOSSELLA and Ms. ZOE LOFGREN of California.

H.R. 1632: Mr. RAMSTAD.

H.R. 1634: Mr. STUPAK.

H.R. 1636: Mr. KUCINICH.

H.R. 1736: Mr. KILDEE.

H.R. 1806: Mr. SCHWARZ of Michigan.

H.R. 1814: Mr. SMITH of Washington.

H.R. 1898: Mr. REYNOLDS.

H.R. 1973: Mr. MARKEY.

H.R. 2043: Mr. OWENS.

H.R. 2068: Mr. LEWIS of Kentucky, Mr. SCHWARZ of Michigan, Mr. HULSHOF, and Mr. RYAN of Wisconsin.

H.R. 2129: Mr. SCHWARZ of Michigan.

H.R. 2209: Ms. HERSETH.

H.R. 2211: Mr. CLAY and Mr. TIAHRT.

H.R. 2231: Mr. GENE GREEN of Texas, Mr. GORDON, Mrs. WILSON of New Mexico, and Mr. CAPUANO.

H.R. 2237: Mrs. MALONEY.

H.R. 2298: Mr. SHERMAN.

H.R. 2308: Mr. MCGOVERN and Mr. PRICE of North Carolina.

H.R. 2317: Mr. SWEENEY and Ms. DELAURO.

H.R. 2327: Mr. LEWIS of Georgia.

H.R. 2386: Mr. EVERETT, Mr. CLAY, Mrs. CAPITO, Mr. KENNEDY of Rhode Island, Mr. PRICE of Georgia, Mrs. EMERSON, Mr. DAVIS of Tennessee, and Mr. BISHOP of Utah.

H.R. 2389: Mr. POMBO.

H.R. 2567: Mr. EVERETT and Mr. GORDON.

H.R. 2594: Mr. SHAW.

H.R. 2671: Mr. SCOTT of Virginia.

H.R. 2682: Mr. UPTON.

H.R. 2694: Mr. EMANUEL.

H.R. 2716: Mr. KILDEE.

H.R. 2730: Mr. FERGUSON, Mr. BARROW, and Ms. WASSERMAN SCHULTZ.

H.R. 2736: Mr. HONDA.

H.R. 2925: Miss MCMORRIS.

H.R. 2961: Mr. GRAVES and Mr. OSBORNE.

H.R. 2990: Mr. FOLEY and Mr. BARRETT of South Carolina.

H.R. 3072: Mr. RANGEL and Mr. CONYERS.

H.R. 3142: Mr. MILLER of North Carolina, Mr. WAXMAN, and Mr. BISHOP of New York.

H.R. 3160: Mr. STARK and Ms. WOOLSEY.

H.R. 3171: Mr. DAVIS of Florida, Mr. STRICKLAND, Mr. LATOURETTE, Mr. ISRAEL, Mr. SHERMAN, Mr. WU, Mr. FARR, and Mr. CAPUANO.

H.R. 3189: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3194: Mr. RANGEL, Mr. SANDERS, Mr. REYES, and Mr. MEEKS of New York.

H.R. 3203: Mrs. NAPOLITANO, Mr. SERRANO, Mr. BACA, Mr. LARSEN of Washington, Ms. DEGETTE, Mr. PASTOR, Ms. WASSERMAN SCHULTZ, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FARR, Mr. PAUL, Ms. SOLIS, Ms. WATSON, Mr. HASTINGS of Florida, Mr. OWENS, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. FILNER.

H.R. 3267: Ms. PELOSI.

H.R. 3282: Mr. MOORE of Kansas.

H.R. 3301: Mr. LAHOOD, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. DOOLITTLE, Mr. TERRY, and Mrs. CAPITO.

H.R. 3361: Mr. JACKSON of Illinois.

H.R. 3369: Mr. BERMAN.

H.R. 3428: Mr. DOOLITTLE, Mr. JEFFERSON, and Mr. MURPHY.

H.R. 3504: Mr. FILNER.

H.R. 3505: Mr. ADERHOLT and Mr. MILLER of Florida.

H.R. 3548: Mr. KUHL of New York, Mr. MCNULTY, Mr. OWENS, Mr. SERRANO, Ms. SLAUGHTER, and Mr. WALSH.

H.R. 3569: Mr. BRADY of Pennsylvania and Mr. GORDON.

H.R. 3617: Mr. PETERSON of Minnesota, Ms. ESHOO, and Mr. WELLER.

H.R. 3639: Mr. MCGOVERN.

H.R. 3666: Mr. KUCINICH.

H.R. 3670: Mr. KUCINICH.

H.R. 3671: Mrs. WILSON of New Mexico.

H.R. 3684: Mr. KINGSTON, Mr. STEARNS, Mr. CARTER, Mr. MCCAUL of Texas, and Mr. GARY G. MILLER of California.

H.R. 3708: Ms. SOLIS and Mr. CONYERS.

H.R. 3710: Mr. CARNAHAN.

H.R. 3711: Mr. WAXMAN and Mr. LANTOS.

H.R. 3712: Mr. BISHOP of New York.

H.R. 3727: Mr. KUCINICH.

H.R. 3739: Mr. WAMP and Mr. ROGERS of Michigan.

H.R. 3763: Ms. WATERS, Mr. SALAZAR, Mr. CUMMINGS, Mr. GORDON, Mr. BACA, Ms. Bean, Mr. EDWARDS, Mr. MURTHA, Mr. MEEHAN, Mr. PASTOR, Mr. FORD, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. GONZALEZ, and Mr. MEEKS of New York.

H.R. 3764: Mr. MOORE of Kansas.

H.R. 3774: Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. KILDEE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3782: Mr. STRICKLAND and Mr. MCNULTY.

H.R. 3785: Ms. HARRIS.

H.R. 3832: Mr. BISHOP of New York.

H.R. 3836: Mr. SHIMKUS.

H.J. Res. 38: Mr. PASCRELL.

H.J. Res. 57: Ms. GRANGER.

H.J. Res. 60: Mrs. CAPITO.

H.J. Res. 61: Mr. BUTTERFIELD, Mr. FORBES, Mr. ABERCROMBIE, Ms. PRYCE of Ohio, Mr. BLUNT, Mr. WALSH, Mr. SENSENBRENNER, Mrs. BIGGERT, Mrs. SCHMIDT, Mr. FRELINGHUYSEN, Mr. REHBERG, and Mr. CONYERS.

H. Con. Res. 43: Mr. GILLMOR.

H. Con. Res. 144: Mr. TOWNS.

H. Con. Res. 173: Mr. MARKEY.

H. Con. Res. 195: Mr. BERMAN.

H. Con. Res. 230: Mr. LANTOS, Mr. GREEN of Wisconsin, Mr. LINDER, Mr. MILLER of Florida, Mr. ENGEL, Mr. WEXLER, and Mr. FEENEY.

H. Con. Res. 245: Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. WAMP, Mr. GUTKNECHT, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. JONES of North Carolina, Mr. KINGSTON, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. PITTS, Mr. ROHRABACHER, Mr. TANCREDO, Mr. HENSARLING, Mr. HUNTER, Mr. BACHUS, Mr. KOLBE, Mr. SODREL, and Mrs. MUSGRAVE.

H. Con. Res. 248: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. HIGGINS, Mr. KIRK, Mr. SCOTT of Georgia, Mr. MORAN of Virginia, Ms. WATSON, Mrs. MALONEY, Mr. WEINER, Mr. HONDA, Mr. SHERMAN, Mr. ACKERMAN, Mr. CARDOZA, Mr. NADLER, Mr. HASTINGS of Florida, Mr. BURTON of Indiana, Mr. CONYERS, Mr. PENCE, Mr. BERMAN, Ms. MCCOLLUM of Minnesota, Mr. FILNER, Ms. BERKLEY, and Ms. WASSERMAN SCHULTZ.

H. Res. 84: Mr. BACHUS.

H. Res. 192: Mr. OWENS, Mr. SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. KUCINICH, and Mr. DELAHUNT.

H. Res. 409: Mr. SHAYS, Mr. EVANS, Mr. KUCINICH, and Mr. LYNCH.

H. Res. 444: Mr. RUSH, Mr. MCNULTY, Mr. MOORE of Kansas, Mr. MARKEY, Mr. OWENS, Mr. WILSON of South Carolina, Mr. MCDERMOTT, Mr. PALLONE, Mr. CAPUANO, Mr. ALLEN, Mr. CONYERS, Mr. SHIMKUS, Mr. KILDEE, Ms. WOOLSEY, and Mr. BERMAN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

69. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 419 requesting the Congress of United States enact legislation to assist reservists currently on active duty and facing a "pay-gap" between their civilian salaries and their military pay;to the Committee on Energy and Commerce.

70. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 418, requesting the Congress of the United States introduce and pass a bill, "to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media on the development of children; to the Committee on Energy and Commerce.

71. Also, a petition of the City Council of the City of Miami Springs, Florida, relative to Resolution No. 2005-3285, recognizing the 75th Anniversary of the death of Glenn Hammond Curtiss and supporting the establishment of Glenn Hammond Curtiss Day to recognize his innovative spirit and legacy; to the Committee on Government Reform.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2123

OFFERED BY: MR. STEARNS

AMENDMENT NO. 2: Page 110, line 7, after "families," insert "families with one or more children with disabilities,".

SENATE—*Wednesday, September 21, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our help in ages past, our hope for years to come, direct and control our lives. Control our tongues that our words may bring life and not death, clarity and not confusion. Control our hearts that we may hear the cries of the hurting. Control our minds that our thoughts may be illuminated by Your presence. Control our actions, that our deeds may match our creeds.

Today, give each Senator an awareness of Your sovereignty. Remind him or her that the hearts of world leaders are in Your hands, and Your purposes will prevail. Enable us all to walk through this world with our garments unstained by evil. Give us courage, endurance, and serenity to face life with a steadfast hope in You.

Remember those who are now braced for Hurricane Rita. We pray in Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, under our order from last night, we will start today's session with a 1-hour period of morning business. At approximately 10:30 this morning, we will return to the Agriculture appropriations bill. We have an agreement in place that first-degree amendments be filed at the desk no later than 4 p.m. today. I hope that there will not be many more amendments filed. We would like to finish this bill this evening, and we will stay in session later into the evening with votes in order to accomplish that, if necessary.

We have several meetings occurring this afternoon, including an all-Senators meeting from 4 to 5 today. Because of these meetings, it is important that we get started early this morning and process as many amendments as possible. Therefore, Senators should be aware that we will be scheduling votes as quickly as we can this morning, in order to make as much progress as possible, and of course we will alert Members as soon as the first vote is ordered.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Mr. ALLARD. Mr. President, I rise today in support of President Bush's nomination of Judge John Roberts to serve as Chief Justice of the United States.

It would be difficult to identify a jurist better qualified for our Nation's highest Court than Judge John Roberts. He is a distinguished jurist who enjoys broad bipartisan support.

There is good reason for this broad bipartisan support. Judge Roberts' sharp intellect and legal ability are beyond question. In addition, his humility, fairness, and open-minded approach to the practice of law have won him admirers from across the political spectrum.

During his career as a practicing attorney, Judge Roberts argued a variety of positions in a number of high-profile cases and has represented criminal defendants, environmental interests, and the State of Hawaii in a dispute over legislation meant to favor native Hawaiians as a group.

During the 2001 landmark Microsoft antitrust case before the District of Columbia court, he argued on behalf of the Clinton Justice Department and a group of primarily Democratic State attorneys general that several of Microsoft's business practices violated the Sherman Antitrust Act.

In the landmark 2002 environmental case, Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency, he successfully argued before the Supreme Court in favor of limits on property development and in support of protection of the Pristine Lake Tahoe Basin area.

Judge Roberts has been described as "one of the top appellate lawyers of his generation" by the Legal Times, and one of the top 10 civil litigators by the National Law Journal in 1999.

Colorado's own Rocky Mountain News offered its unequivocal endorsement of Judge Roberts. The Rocky Mountain News stated that "Roberts is not only well-spoken, he's tactful, amicable and focused" and "projects a temperament that should serve a Chief Justice well."

I ask unanimous consent to have the full September 17 article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News, Sept. 17, 2005]

ROBERTS RISES TO THE OCCASION

When Chief Justice John Roberts finished his testimony Thursday before the Senate Judiciary Committee—oops! we're getting ahead of ourselves. When the next chief justice finished his testimony, some senators complained they knew little more about him than when the hearings started because he'd dodged so many questions.

Weren't they listening? Most of us know a lot more about Roberts today than we did a week ago—even though he did, yes, dodge questions about issues that will come before the court. Every one of the current justices once dodged such questions, too.

We learned, for example, that Roberts is quick on his feet and able to respond with aplomb to questions that in some cases were asinine. Wisconsin Sen. Herb Kohl actually wanted Roberts to explain what role he'd play "in making right the wrongs revealed by Katrina." Roberts politely reminded him that courts are "passive institutions" that "decide the cases that are presented."

We learned that Roberts is not only well-spoken, he's tactful, amicable and focused—that he projects a temperament that should serve a chief justice well.

No, we still don't know how he'll rule on cases related to abortion or the regulatory powers of government under the commerce clause, to cite issues that exercised senators. But learning his views on such matters was never realistically in the cards.

Our favorite part of his testimony was when he was pressed to explore his analogy between being a judge and a baseball umpire.

H. Con. Res. 245: Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. WAMP, Mr. GUTKNECHT, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. JONES of North Carolina, Mr. KINGSTON, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. PITTS, Mr. ROHRABACHER, Mr. TANCREDO, Mr. HENSARLING, Mr. HUNTER, Mr. BACHUS, Mr. KOLBE, Mr. SODREL, and Mrs. MUSGRAVE.

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OFFERED BY: MR. STEARNS

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SENATE—*Wednesday, September 21, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our help in ages past, our hope for years to come, direct and control our lives. Control our tongues that our words may bring life and not death, clarity and not confusion. Control our hearts that we may hear the cries of the hurting. Control our minds that our thoughts may be illuminated by Your presence. Control our actions, that our deeds may match our creeds.

Today, give each Senator an awareness of Your sovereignty. Remind him or her that the hearts of world leaders are in Your hands, and Your purposes will prevail. Enable us all to walk through this world with our garments unstained by evil. Give us courage, endurance, and serenity to face life with a steadfast hope in You.

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PLEDGE OF ALLEGIANCE

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The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

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Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

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Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

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Mr. ALLARD. Mr. President, I rise today in support of President Bush's nomination of Judge John Roberts to serve as Chief Justice of the United States.

It would be difficult to identify a jurist better qualified for our Nation's highest Court than Judge John Roberts. He is a distinguished jurist who enjoys broad bipartisan support.

There is good reason for this broad bipartisan support. Judge Roberts' sharp intellect and legal ability are beyond question. In addition, his humility, fairness, and open-minded approach to the practice of law have won him admirers from across the political spectrum.

During his career as a practicing attorney, Judge Roberts argued a variety of positions in a number of high-profile cases and has represented criminal defendants, environmental interests, and the State of Hawaii in a dispute over legislation meant to favor native Hawaiians as a group.

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Judge Roberts has been described as "one of the top appellate lawyers of his generation" by the Legal Times, and one of the top 10 civil litigators by the National Law Journal in 1999.

Colorado's own Rocky Mountain News offered its unequivocal endorsement of Judge Roberts. The Rocky Mountain News stated that "Roberts is not only well-spoken, he's tactful, amicable and focused" and "projects a temperament that should serve a Chief Justice well."

I ask unanimous consent to have the full September 17 article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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ROBERTS RISES TO THE OCCASION

When Chief Justice John Roberts finished his testimony Thursday before the Senate Judiciary Committee—oops! we're getting ahead of ourselves. When the next chief justice finished his testimony, some senators complained they knew little more about him than when the hearings started because he'd dodged so many questions.

Weren't they listening? Most of us know a lot more about Roberts today than we did a week ago—even though he did, yes, dodge questions about issues that will come before the court. Every one of the current justices once dodged such questions, too.

We learned, for example, that Roberts is quick on his feet and able to respond with aplomb to questions that in some cases were asinine. Wisconsin Sen. Herb Kohl actually wanted Roberts to explain what role he'd play "in making right the wrongs revealed by Katrina." Roberts politely reminded him that courts are "passive institutions" that "decide the cases that are presented."

We learned that Roberts is not only well-spoken, he's tactful, amicable and focused—that he projects a temperament that should serve a chief justice well.

No, we still don't know how he'll rule on cases related to abortion or the regulatory powers of government under the commerce clause, to cite issues that exercised senators. But learning his views on such matters was never realistically in the cards.

Our favorite part of his testimony was when he was pressed to explore his analogy between being a judge and a baseball umpire.

He said he believed balls and strikes were objective facts even if an umpire isn't always correct in calling them.

"I do think there are right answers," he explained. "I know that it's fashionable in some places to suggest that there are no right answers and that judges are motivated by a constellation of different considerations . . . That's not the view of the law that I subscribe to.

"I think when you folks legislate, you do have something in mind . . . and you expect judges not to put in their own preferences, not to substitute their judgment for you, but to implement your view of what you are accomplishing in that statute. I think, when the framers framed the Constitution, it was the same thing. . . . And I think there is meaning there and I think there is meaning in your legislation. And the job of a good judge is to do as good a job as possible to get the right answer."

That's not a complete judicial philosophy, of course, but it's the start of a good one. And despite the scattered complaints, we suspect a majority of senators recognize it, too.

Mr. ALLARD. Mr. President, another Colorado newspaper, the Pueblo Chieftain, offered its praise for Judge Roberts stating that "Judge Roberts looks like the kind of justice who would apply the Constitution as it is written," adding "that's as it should be."

I ask unanimous consent to have the full September 8 editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pueblo Chieftain]

ALTERED CALCULUS

The death of Chief Justice William Rehnquist over the weekend has altered the calculus of Supreme Court nominations.

President Bush, who had named Circuit Court Judge John Roberts to fill the seat of retiring Associate Justice Sandra Day O'Connor, withdrew that nomination and renominated him to succeed Justice Rehnquist. It was a logical decision.

The American Bar Association already has given Judge Roberts, 50, its highest rating. He is well-regarded in legal circles. He's been under a microscope by senators and the media and found to be top-notch. Colorado's own Democratic Sen. Ken Salazar gives Judge Roberts high marks.

So the Beltway oddsmakers are calling Judge Roberts' confirmation in the Senate a sure bet. That brings into question, then, the president's choice to replace Justice O'Connor, who says she will remain on the bench until here replacement is confirmed.

During both of his presidential campaigns, Mr. Bush made as one of his key planks restoring the balance on the court away from the liberal, activist mode which became de rigueur when President Eisenhower named Earl Warren ("the biggest damn fool mistake I've ever made") as chief justice.

Credit Justice Rehniquist for slowly tipping the balance back during his tenure. But that balance is precarious.

President Bush will face an unrelenting deluge from liberals saying he should nominate someone from the "mainstream," meaning left of center. These groups would like to derail any Supreme Court nominee who has a conservative bone in his or her body, because it has been only through the liberal courts, not the legislative process, where they have been able to influence public policy.

Funny, though, but recent elections have shown that the mainstream is not over there in the Beltway/Hollywood liberals' bailiwick.

And elections mean something. President Clinton named Ruth Bader Ginsburg to the high court, and most Republicans in the Senate voted to confirm her. If President Bush names someone in the judicial philosophical mold of an Antonin Scalia and Clarence Thomas, he would be fulfilling a campaign pledge and helping return the court to its rightful role, not as a de facto legislature but as arbiter of the law and the Constitution.

Judge Roberts looks like the kind of justice who would apply the Constitution as it is written. And we urge President Bush to nominate another justice with the same inclination.

That's as it should be.

Mr. ALLARD. Mr. President, I believe Judge Roberts will be an advocate and practitioner of judicial restraint, a Justice who focuses on a narrow interpretation of the Constitution as the Framers intended. In his own words:

> My obligation is to the Constitution. That's the oath.

I believe he is temperamentally and intellectually inclined to stick to the facts and the law in cases that will come before him on the High Court, and that he will refrain from attempting to legislate from the bench. In his own words, Judge Roberts says:

> The role of the judge is limited . . . [j]udges are to decide the cases before them. They're not to legislate, they're not to execute the laws.

I also believe Judge Roberts' personal views will not determine the outcome of cases before him. In his own words, the "American justice system is epitomized by the fact that judges . . . wear . . . black robes. And that is meant to symbolize the fact that they're not individuals promoting their own particular views, but they are supposed to be doing their best to interpret the law, to interpret the Constitution, according to the rules of law—not their own preferences, not their own personal beliefs."

Judge Roberts recognizes the importance of property rights and the role of the legislature in drawing the line in cases of eminent domain. Commenting on the Court's recent decision in Kelo, Judge Roberts explained:

> What the Court was saying is there is this power, and then it's up to the legislature to determine whether it wants that to be available—whether it wants it to be available in limited circumstances, or whether it wants to go back to an understanding as reflected in the dissent, that this is not an appropriate public use.

President Bush has sent forward the name of an excellent nominee. His qualifications to serve as Chief Justice of the United States are even more apparent after his remarkable testimony before the Senate Judiciary Committee. Judge Roberts testified for approximately 22 hours, 10 hours longer than William Rehnquist when he became Chief Justice, 5 hours longer than Ruth Bader Ginsburg, and 4 hours longer than Stephen Breyer.

During the course of his testimony, Judge Roberts demonstrated an impressive command of the law and understanding of a myriad of legal issues. He provided thoughtful and thorough answers to over 500 challenging questions asked by Senators of both parties.

Personally, I admire his commitment to maintaining his judicial independence and ability to rule fairly by choosing not to prejudge cases that are likely to come before him. It is indicative of his undying and lifelong commitment to equal protection under the law.

I strongly urge my colleagues to give him a final vote in support of his nomination.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. MURRAY. Mr. President, I understand there is some time remaining on the Republican side. I ask unanimous consent to hold that remaining time, for me to begin with the Democratic side, and use such time as I shall need.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN INDEPENDENT FDA

Mrs. MURRAY. Mr. President, I rise today to address a matter of extreme importance, women's health, public safety, and the independence and credibility of one of our Nation's most revered Federal agencies, the FDA.

I am very concerned. American women are concerned, and consumers all across this country should be concerned that the FDA is letting politics trump science in the way it approves medicine for American consumers.

I have always supported a strong and independent Food and Drug Administration. It is the only way in which the FDA can truly operate effectively and with the confidence of American consumers and health care providers.

Americans must have faith when they walk into the local grocery store or local pharmacy that the products they purchase are safe, that they are effective, and that their approval has been based on sound science, not on political pressure or pandering to interest groups. By allowing politics to play a role in the decisionmaking, the FDA is now opening a Pandora's box that could have profound consequences in determining the safety and efficacy of the drug approval process.

Unfortunately, recent decisions and delays at the FDA have now called into question the agency's independence and allegiance to science-based decisions, and plan B is exhibit A. But don't take my word for it. Listen to Dr. Susan Wood, the former director of the FDA's Office of Women's Health. In resigning in protest, Dr. Wood wrote:

> I have spent the last 15 years working to ensure that science informs good health policy decisions. I can no longer serve a staff when scientific and clinical evidence fully evaluated and recommended by the professional staff here has been overruled.

In later comments to the Associated Press she said:

> There's fairly widespread concern about FDA's credibility among agency veterans as a result of the Plan B process.

Those are the words of a health care professional who worked for years within the FDA to improve women's health. Her resignation is a huge loss to the agency, to those in Congress who have championed women's health and, most importantly, her resignation is a loss to the millions of American women who rely on the FDA to make choices based on sound science.

Let me take a step back and explain what plan B is and why the FDA's actions are such a threat to the public's health. Plan B is a form of contraception. Plan B contains a specific concentrated dose of ordinary birth control pills that prevent pregnancy. Emergency contraception cannot interrupt or disrupt an established pregnancy. In fact, plan B has the potential to reduce the incidence of abortions, something I think every one of us can agree on. It is an important goal.

Raising the awareness and use of emergency contraceptives such as plan B is an important component to reducing the rate of abortion in the United States. An analysis conducted by the Alan Guttmacher Institute estimates that 51,000 abortions were prevented by emergency contraceptive use in 2000 and that increased use of emergency contraceptives accounted for up to 43 percent of the total decline in abortion rates between 1994 and 2000. Plan B has already been approved by the FDA for prescription use and it is available over the counter in seven States, including my home State of Washington. However, it is not available nationwide.

When it comes to emergency contraceptives, every hour counts. The effectiveness of plan B declines by 50 percent every 12 hours. The longer a woman must wait to see a doctor, get a prescription, and then find a pharmacy that will fill the prescription, the less effective plan B becomes. Even privately insured women with regular access to a health care provider have to overcome significant barriers to obtain a prescription for emergency contraceptives, including finding a pharmacy that stocks plan B within a short timeframe. For many uninsured women and teens, the barriers are often insurmountable.

Back in December of 2003, almost 2 years ago, the FDA's own scientific advisory board overwhelmingly recommended approval of plan B over-the-counter application by a vote of 23 to 4. However, the FDA has not adhered to its own guidelines for drug approval and continues to drag its heels.

In fact, Alastair Wood, who is a member of the advisory panel, told USA Today:

> What's disturbing is that the science was overwhelmingly here, and the FDA is supposed to make decisions on science.

At a HELP Committee hearing in April of this year, I pressed the President's nominee to head the FDA, Dr. Lester Crawford, to answer questions about this long-pending application for nationwide over-the-counter approval of plan B. When Dr. Crawford informed me that he couldn't answer my questions in a public forum, I invited him to my office to discuss the process in a private meeting. My colleagues Senator KENNEDY and Senator CLINTON joined me for a very frustrating meeting in which Dr. Crawford failed to provide any timeline or specific reasons for the FDA's highly unusual foot dragging on the plan B application. It was very clear to me after this disappointing meeting that politics had trumped science, and the public health mission of the FDA had been compromised.

For this reason, Senator CLINTON and I joined to place a hold on Dr. Crawford's nomination to head the FDA on June 15, 2005. We placed that hold saying we want a determination on the application. We did not advocate for a particular outcome. All we asked was that the FDA abide by its own rules and regulations. That is a very important point. Senator CLINTON and I did not demand approval. We simply called on the FDA to follow its own procedures. In the end, apparently, even that was asking too much.

The administration and the chairman of the HELP Committee understandably wanted Dr. Crawford confirmed. We began what I consider to be a very productive conversation about restoring integrity to the FDA's process and getting Dr. Crawford confirmed. I thank the chairman for his responsiveness and good-faith efforts. Our discussions culminated in a July 13 letter to the HELP Committee and cochair, to Senator ENZI and to Senator KENNEDY, from Health and Human Services Secretary Michael Leavitt.

This chart shows the letter from Secretary Leavitt:

> I have spoken to the FDA, and based on the feedback I have received, the FDA will act on this application by September 1, 2005.

Based on this letter, based on his personal assurance, Senator CLINTON and I then dropped our hold on Dr. Crawford and subsequently his nomination passed the Senate.

Now, unfortunately for the American people and especially for the integrity of the FDA, Secretary Leavitt and the FDA broke their promise. The FDA had a chance to restore the confidence of American consumers in promoting safe and effective treatments, but it failed in its mission.

A delay is not a decision. For over 6 months, Senator CLINTON and I asked for a simple answer, yes or no. It is a breach of faith to have had this administration give us their word that a decision would be made and have that promise violated. Now the FDA is claiming there are "unanswered" questions about plan B's effect on girls under 17. The fact is the pending application does not apply to that group. Today, girls under 17 may only receive this drug with a prescription. That would remain the case if the FDA were to approve plan B's application. The FDA's argument is highly suspect because the Government already regulates products with age restrictions. They do it with tobacco, nicotine gum, and alcohol.

The administration gave us their word, and then they pulled the rug out at the last minute. This continued delay goes against everything the FDA's own advisory panel found nearly 2 years ago, that plan B is safe, it is effective, and it should be available over the counter. There is no credible scientific reason to continue to deny increased access to this safe health care option. In fact, in his statement of further delay, Dr. Crawford acknowledged that the application has scientific merit, but he still refused to approve it.

I can only infer that the FDA and Dr. Crawford, as its head, are continuing to put politics ahead of science. I am not the only one. According to the Washington Post editorial page, August 30:

> In recent months, critics have accused the FDA—which is required by law to make decisions exclusively on scientific and legal grounds—of falling victim to outside political agendas.
>
> They have claimed that the Plan B decisions have reflected not sound science and legitimate caution but rather the influence of "moral" antiabortion lobbies . . .
>
> By abruptly rejecting an application that had been tailored to meet the FDA's requirements, Mr. Crawford appears to confirm the critics' worst fears.
>
> Whatever the legal arguments taking place, this unexpected delay at this stage of the approval process makes the FDA—long admired around the world for its neutrality and professionalism—look like an easily manipulated political tool.

Here is what Newsday said:

> Drugs and politics do not mix.
>
> The current case in point is Plan B, the morning after emergency contraceptive, and the politics of abortion.

> Taken together, they are threatening the Food and Drug Administration's credibility as an agency that dispassionately evaluates the safety and effectiveness of drugs.
>
> The FDA said Friday it will delay for 60 days a decision on whether to allow Plan B to be sold to those 16 and older without a prescription.
>
> Officials attributed the foot-dragging to a concern that younger teens would get the drugs and wouldn't use it responsibly.
>
> That rings hollow.
>
> When the FDA rejected an application for over-the-counter sales without age restriction 2 years ago it overruled that staff and an advisory panel, and discounted the experience of six states and 33 countries where such pills are sold without prescription.
>
> The most recent application responsibly included the age restriction.

Here is how the Virginian Pilot put it:

> Plan B contraceptives can prevent tens of thousands of abortions and unwanted pregnancies. Restriction on availability to minors is consistent with other national reproductive policies and therefore valid.
>
> A country that can put a man on the moon can surely figure out how to distinguish between younger and older women in selling a pill. If, that is, policymakers care half as much about science in one case as in the other.

And perhaps most succinctly, I quote from the Baltimore Sun:

> Dr. Crawford has been forced to adopt many improbable positions in order to keep his job. But now he is at risk of turning the world's most respected drug reviewing agency into a laughingstock.
>
> Nobody wins if that happens.

No amount of semantics or politicking can change the fact that the HHS Secretary and the FDA performed a bait and switch with the Senate and, more importantly, to the American people. Today, the Bush administration has its FDA Commissioner, but the American public still does not have an answer on plan B. Unfortunately, the FDA, which has long been known as the gold standard in drug approval, is now at risk of becoming known for a double standard.

The health and well-being of the American people should not blow with the political winds. Caring for our residents is an American issue, and part of that goal is ensuring that our residents have access to safe, effective medicines in a timely fashion. As a new member of the Senate HELP Committee back in 1997 I faced the daunting task of working to help reform the FDA. I, along with my colleagues, was dedicated to making the Food and Drug Modernization Act work.

The intent of this landmark legislation was to introduce a new culture at the FDA, one which would expedite the drug approval process by eliminating unnecessary bureaucratic delays while ensuring product safety.

This new partnership was intended to open the lines of communication and ensure that manufacturers had a clear understanding of what would be required in our drug approval process. The FDA has broken those lines of communication and has now called into question the future of drug approval within the agency.

I believe strongly in a strong and independent FDA, but I believe this agency has made a mockery of Congress and of its own procedures and its own protocols. They have abused the trust of Congress and of the American people in the way they have played around with plan B. It is far past time to return credibility to the FDA. The FDA needs to return to the gold standard, not continue to create a double standard that puts politics ahead of the health and safety of the American public.

This is not the last word on this issue. The problem with politics subverting the FDA's adherence to science and its integrity is so profound and so urgent that I intend to use every tool available to me as a Senator to make sure this discussion about our priorities and our future is not lost.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President. I ask unanimous consent that I may speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the distinguished Presiding Officer.

NOMINATION OF JOHN ROBERTS

Mr. LEAHY. Mr. President, this week, as we celebrate our Constitution's 218th anniversary, we are nearing the exercise of one of the Senate's most solemn constitutional requirements and responsibilities. Few decisions the Senate faces are as consequential and enduring as when the Senate decides whether to confirm, by giving its consent, the nomination of a justice—of course, even more so when the nomination is for Chief Justice of the United States.

The Supreme Court is different from the lower courts. The Supreme Court is the only Federal court required by the Constitution itself. Actually, the Chief Justice is the only member of the Court expressly named in the Constitution. All other courts are bound by the decisions of the Supreme Court. Its decisions are final. They are unappealable. Only the Supreme Court can modify or overrule its precedents. Its power is enormous. The role of the Chief Justice is to lead not only that all-powerful Court but the entire third branch of Government. We have had 43 Presidents in this country, but we have had only 16 Chief Justices—all appointed for life.

The distinguished senior Senator from West Virginia, Mr. BYRD, whose passionate advocacy established our Constitution Day commemoration, describes the Constitution very accurately as the soul of our Nation. The Senate's advice and consent responsibilities are at the core of this body's vital role in our Republic.

This week, we commemorate our Constitution in a time of great challenges, and we are reminded again how resilient our Constitution is in empowering our Nation to meet each era's challenges. The carefully calibrated checks and balances within our Constitution are essential to that. No branch of Government is intended to be the rubberstamp of another branch.

Each day, Americans are fighting and dying in Iraq. Hundreds of thousands of Americans have been displaced by disasters here at home. Four years after 9/11, with public confidence shattered, we have to embark on a review of why we are still not prepared to respond to a terrorist attack or foreseen natural disasters.

The cost of energy—gas and home heating fuels—continues to climb to all-time highs, adding to the cost of other goods. The administration is suspending environmental and worker protections. Poverty and the disparities of opportunity between races and classes continue their insidious rise each year. After having seen recent years of budget surpluses, now the country's budget deficits are at previously unheard of levels—between $300 billion and $400 billion a year. Our national debt is at $8 trillion—8,000 billion dollars—that is a profligate amount. It can only be paid off by our children and our grandchildren.

So Americans need to know their constitutional rights will be protected, that their Government is on their side, and that the courts will be a place of refuge, stability, independence, and justice.

The nomination of Judge John Roberts to be Chief Justice of the United States presents a close question and one that each Senator must carefully weigh and decide. This is a question that holds serious consequences for all Americans today and for generations to come. I have approached this nomination with an open mind, as I do all judicial nominations. There is no entitlement to confirmation for lifetime appointments on any court for any nomination by any President, Democratic or Republican.

I have served in the Senate for slightly over three decades, and on the Judiciary Committee for most of that time. I take my constitutional responsibility with respect to advice and consent seriously. I am 1 vote out of 100, but I recognize those 100 of us privileged to serve in the Senate are entrusted with protecting the rights of 280 million of our fellow citizens. We stand in their shoes. We and the President are the ones with a vote in the choice of the Chief Justice of the United States.

With this vote, I do not intend to lend my support to an effort by this

President to move the Supreme Court and the law dramatically to the right. Above all, balance and moderation on the Court are crucial. I want all Americans to know the Supreme Court will protect their rights and respect the authority of Congress to act in their interests. I want a Supreme Court that acts in its finest tradition as a source of justice. The Supreme Court must be an institution where the Bill of Rights and human dignity are honored.

I have voted for the vast majority of President Ford's, President Carter's, President Reagan's, President George H.W. Bush's, President Clinton's, and President George W. Bush's judicial nominees. I have drawn the line only at those nominees who were among the most ideologically extreme who came to us in the mode of activists. That is what they were intended to be. That is the way they were described. That is the way they came to us. In those cases, the President opted not to seek moderate candidates. I think some of these extreme choices were sent here to politicize the process and did so to a greater extent than I had previously seen in my 31 years in the Senate.

I have not reflexively opposed Republican nominees or conservative judicial nominees nominated by Republican Presidents. In fact, I recommended a Republican to President Clinton to fill Vermont's seat on the Second Circuit, Judge Fred Parker. I recommended another Republican, Judge Peter Hall, to President Bush to fill that seat after Judge Parker's death.

I voted for President Reagan's nominations of Justice Sandra Day O'Connor and Justice Anthony Kennedy, and for President Bush's nomination of Justice Souter.

Unfortunately, this President has said he approached this matter as if fulfilling a campaign pledge to appoint someone in the mold of Justice Thomas and Justice Scalia. I voted against confirmation of Justice Thomas. I voted for Justice Scalia, and I now question that vote, as many of those who voted for him do today. If I thought Judge Roberts would easily reject precedent in the manner of Justice Thomas or would use his position on the Supreme Court as a bulwark for activism in the manner of Justice Scalia, then I would not hesitate to vote no. If I were convinced he would undercut fundamental rights of privacy or equal protection, this would not even be a close question.

I want to vote for a Chief Justice of the United States who I am confident has a judicial philosophy that appreciates the vital role of the judiciary in protecting the rights and liberties of all Americans. Chief Justice Marshall understood the essential function of the judiciary as a check on Presidential power. Under his leadership, the Constitution's guarantee of an independent judiciary and the bedrock principle of judicial review became realities. But Chief Justice Roger Taney, who everybody said was a brilliant lawyer, led the Court in a different and destructive direction. He authored the Dred Scott decision which propelled the States toward Civil War by relying only on technical reasoning and an unjust holding that denied all African Americans the status of citizens.

Contrast that with Chief Justice Earl Warren. He led the Supreme Court and the Nation in a crowning achievement when he forged the unanimous decision in Brown v. Board of Education and breathed life into the equal protection guarantee of the 14th amendment and put a stop to segregation in this country, which will always be a blot on our national conscience.

The President has asked that this nomination be handled with fairness and dignity. No matter how we vote, the Judiciary Committee has met those standards. Our committee held a hearing on the merits. I worked with the chairman to expedite the committee's consideration of the nomination of John Roberts to the Supreme Court out of respect to Justice O'Connor and the work of the Court.

Fewer than 36 hours after the announcement of the passing of Chief Justice Rehnquist and during the horrific aftermath in the week following Hurricane Katrina, the President withdrew that nomination to be Associate Justice. Thereafter, we were sent this alternative nomination for Judge John Roberts to become the Chief Justice of the United States. Again, I cooperated with Chairman SPECTER in an accelerated consideration of this nomination.

I wish we had had as much cooperation coming from the administration. Although we started off well with some early efforts at consultation after Justice O'Connor's retirement announcement in early July, that consultation never blossomed into meaningful discussions. It was truncated after a bipartisan meeting with Senate leaders at the White House. The President did not share his thinking with us or his plans, although that would be the nature of true consultation. His naming of Judge Roberts as his choice to replace Justice O'Connor came as a surprise, not as something that came resulted from meaningful consultation.

He then preemptively announced that he decided to withdraw that nomination and, instead, nominated Judge Roberts to succeed Chief Justice Rehnquist. He did so at 8 a.m. on the Monday morning following the announcement on the previous Saturday night of the Chief's passing. There could and should have been consultation with the Senate on the nomination of somebody to succeed Chief Justice Rehnquist and to serve as the 17th Chief Justice of the United States. For that position as Chief Justice there was no consultation. In fact, I learned about the President's decision shortly before his televised announcement Monday morning.

I think the administration committed another disservice to this nomination and, especially to this nominee, by withholding information that has traditionally been shared with the Senate. The administration treated Senators' requests for information with little respect. Instead, for the first time in my memory, they grafted exceptions from the Freedom of Information Act to limit their response to legitimate requests from Senators for information.

In fact, they stonewalled entirely the narrowly tailored request for work papers from 16 of the cases John Roberts handled when he was the principal deputy to Kenneth Starr at the Solicitor General's office during the President's father's administration. The precedent from Chief Justice Rehnquist's hearing and others, of course, goes the other way.

Previous Presidents have paid the appropriate respect and acknowledgment to the Senate and to the constitutional process by working with the committee to provide such materials. Accordingly, it is understandable if a Senator were to vote against the President's nomination on this basis alone.

I must also say that some of my friends on the other side of the aisle disserved the confirmation process by urging the nominee not to answer questions or reveal his judicial philosophy during the course of the hearing. One notable exception was the chairman of the committee. I appreciate Senator SPECTER's commitment to the role of the Senate and his taking our duty to advise and consent as seriously as it deserves to be taken. Regrettably, many of the answers of the nominee seemed to take to heart the bad advice that he had heard from the other side.

Finally, I believe the nominee disserved himself by following the script that he developed while serving in the Reagan administration. He and this administration rejected the spirit of Attorney General Jackson's opinion that with respect to Senate consideration of nominations, no person shall be submitted "whose entire history will not stand light." The nominee took a narrow judicial ethics rule correctly limiting what a judge or judicial nominee should say about a particular case—I agree with him on that—and turned it into a broad excuse from comments on any issue that might arise at any time, in any case. He apparently rejected the Supreme Court's holding in 2002, in Republican Party of Minnesota v. White, in which Justice Scalia held that a State canon limiting judicial candidates from announcing their views on legal and political issues was unconstitutional.

By contrast, however, the public witnesses who appeared last Thursday were extraordinarily helpful in underscoring what is at stake for all Americans with this decision. No one who heard Congressman John Lewis, Wade Henderson, and Judge Nathaniel Jones can doubt the fundamental importance of our refusal to retreat from our Nation's commitment to civil rights. This Nation can never retreat from that commitment to civil rights or we fail as a nation.

The testimony of Coach Roderick Jackson and Beverly Jones reminded us how courageous Americans are still opening doors and going to our courts to right wrongs. The testimony of Anne Marie Talman of MALDEF reflected what is at stake when alien children are denied education and benefits that should be available to every child in America.

We had a dignified and fair process. Again, I commend Chairman SPECTER and those members of the committee on both sides of the aisle who did not prejudge the matter and who did not seek to politicize the process.

The hearings did provide the committee with some information. I was encouraged by Judge Roberts' answer to my question about providing the fifth vote needed to stay an execution when four other justices vote to review a capital case. That has not always been the practice of late. He was right to recognize the illogic—if not the injustice—of having the necessary votes to review the case but lacking the necessary vote to allow that review to take place, especially a review that takes place when someone's life is in the balance.

I hope the nominee will take up our suggestion to allow greater access to the Supreme Court's proceedings by authorizing their being televised. I will work with him and Chairman SPECTER and Senator GRASSLEY to increase transparency in the work of the increasingly important FISA court. This is the foreign intelligence surveillance court that acts in secret, with very little oversight—certainly precious little oversight in the past few years—from the Senate. Only recently have we begun to ask the questions we should have been asking.

I also urge him to consider ways to decentralize the power accumulated to the Chief Justice so that the Judicial Conference, the circuit courts, and others can do more. I encourage him to reform the recusal procedures and conflict-of-interest protections at all levels of the judiciary but in particular with regard to the Supreme Court itself. Perhaps what many have said were his own missteps in connection with his interviewing for this nomination during its consideration of the Hamdan case will inspire him to greater efforts in this important regard.

As a young man, Judge Roberts clerked for Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit. That is my circuit, a circuit I have been proud to argue before. The Second Circuit has been home to a number of leading judicial lights; certainly, Henry Friendly was among them. I hope he is going to be faithful to Judge Friendly's fairness and thoughtfulness, something all of us in that circuit respected.

I made no secret of my concerns about this nomination. In advance of the hearing, I met twice with Judge Roberts, and for nearly 3 hours in all I raised my concerns. I provided him additional opportunities to respond during the hearing. This is not a case of "gotcha." This is a case of finding out how he thinks and who he is.

I told him I was concerned that he would not act as an effective check on the abuse of presidential power. Judge Roberts' work in the Reagan and Bush Justice Departments, as well as his former period in the Reagan White House, seems to have led him to a philosophy of significant deference to presidential authority. It is exhibited in his recent decisions in the Hamdan, Acree, and Chao cases, among others. Maybe this deference was a principal basis on which the President chose him. None of us know.

But I did learn other things. I learned, throughout the process, that Judge Roberts and I share admiration for Justice Robert Jackson. Justice Jackson's protection of fundamental rights, including unpopular speech under the first amendment—of course, popular speech never needs protection; it is the unpopular speech that needs protection—and his willingness to serve as a check on presidential authority are among the finest actions by any Justice in our history.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. When Judge Roberts testified about his respect for Justice Jackson, I hoped it was a signal he was sending. I actually posed that question to him and asked him if he was sending us a signal.

I accept his assurance that he will act as an independent check on the President in the mold of Justice Jackson and that when he joins the Supreme Court, he will no longer heavily defer to presidential authority: It is one of the crucial roles of the Court, and I take him at his word that he will do so.

This is a fundamental question. We know that we are in a period in which the executive has a complicit and, some would say, compliant Republican Congress that refuses to serve as a check or balance. Without the courts to fulfill that constitutional role, excess will continue, and the balance will be tilted.

The other dimension of the fundamental balance of constitutional powers involves appropriate deference to congressional action taken by the people's elected representatives. The manner and techniques Judge Roberts has used while in the executive, private practice, and while briefly on the DC Circuit, show him to require an unrealistic exactitude in drafting laws that no collective body could ever meet, especially one of 535 people. I wish he had served in Congress or worked for a time in Congress so he would have a deeper understanding of the legislative process. I hope that his experience during the hearing and the many questions from Senators of both sides of the aisle have helped to increase his appreciation for congressional authority and its importance.

I believe the current activism of the Supreme Court must be curtailed. I hope that will not be a part of Chief Justice Rehnquist's legacy that John Roberts seeks to continue. Congress acts to protect the interests of Americans through the commerce clause, spending powers and the 14th amendment. That has to be respected. I am encouraged by his assurances that he will respect congressional authority.

My reading of his dissent from the denial of rehearing en banc of the Rancho Viejo v. Norton case, in which he made the "hapless toad" reference, is that he urged rehearing to "afford the opportunity to consider alternative grounds for sustaining application of the Act." Indeed, his steadfast reliance on the Supreme Court's recent Raich decision as significant precedent contravening further implications from Lopez and Morrison was intended to reassure us that he would not join the assault on congressional authority under the commerce clause. I heard him, and I rely on him to be true to the impression he created.

As a lawyer, John Roberts has been significantly involved in the development of Supreme Court authority limiting the authority of Congress under its constitutional spending powers. He argued before the Supreme Court in the 1980s, 1990s, and in this decade in a series of cases—South Dakota v. Dole, Wilder v. Virginia Hospital Association, Suter v. Artist M., and Gonzaga University v. Doe—in which he talked about narrowing Congress's spending powers and limiting the ability of individuals to sue to compel the protections Congress required under Federal law.

His briefs in Gonzaga adopted the extreme view that spending power enactment was a contract between the State and Federal Governments and that the intended beneficiaries of those programs had no rights to sue to enforce the commitments, even when states were violating the law and the Federal government was not effectively enforcing it. I questioned him extensively on that. At the hearing, he took pains to assure me and Senator FEINSTEIN, among others, that as Chief Justice, he would not continue to urge additional restrictions and would respect congressional authority. To do otherwise would greatly undermine Congress's ability to serve the interests of all Americans and protect the environment, assure equal justice, provide health care and other basic benefits. I think he knows that now.

From the initial questioning by Chairman SPECTER, throughout the testimony of the nominee, many Senators asked about the fundamental reproductive rights of women. He testified that he now recognizes Roe v. Wade and Planned Parenthood v. Casey as established precedents of the Supreme Court and entitled to respect.

He testified that he interprets the liberty protected by the due process clause of the 14th amendment as the constitutional bedrock of the right of privacy, both substantive and procedural. Here, too, within the overly strict confines of his own self-imposed constraints on his answers, he consciously created the impression that he would not be a judicial activist on this essential point. He left me with the understanding that he would not seek to overrule or undercut the right of a woman to choose. I trust that he is a person of honor and integrity, that he will act accordingly.

As Chief Justice, John Roberts would not be only an appointee of a Republican administration or a legal advocate for a narrow interest. As Chief Justice, he has to be able to check the abuse of presidential power. As Chief Justice, he must support congressional efforts to serve the interests of all Americans. As Chief Justice, he has to work to ensure that the Federal courts, and the Supreme Court in particular, are halls of justice where Americans such as Beverly Jones and Roderick Jackson and Christine Franklin can see and find redress for grievances, meaningful remedies for the violation of their rights, and protection of their fundamental interests.

Justice White wrote in the Franklin case:

> From the earliest years of the Republic, the Court has recognized the power of the Judiciary to award appropriate remedies to redress injuries actionable in court.

As Chief Justice, John Roberts has to ensure that the Supreme Court and all Federal courts never "abdicate our historic judicial authority to award appropriate relief in cases brought in our court system."

Supreme Court Justices decide what cases to decide. They consciously shape the direction of the law by choosing which cases to hear as well as how they are to be decided. We know he believes in the rule of law. I was impressed when he talked about why he went to law school—because he believes in the rule of law. That was the same reason that I went to Georgetown Law School. But court decisions—and especially Supreme Court decisions—are not mechanical applications of neutral principles. If they were, all judges would always reach the same results for the same reasons. But they don't. Legal decisions are not mechanical. They are matters of judgment and often matters of justice.

As Chief Justice, John Roberts is responsible for the way in which the judicial branch administers justice for all Americans. He must know, in his core, in his heart, in his whole being, the words engraved in the Vermont marble on the Supreme Court building are not just "under law" but "equal justice under law." It is not just the rule of law that he must serve but the cause of justice under our great charter.

I heard days of testimony and held hours of meeting with Judge Roberts. I would have liked more information, of course. I always want more.

Is a "no" vote the easier, more popular one? Of course. For me it would be. But in my judgment, in my experience, but especially my conscience, I find it is better on this nomination to vote yes than no. Ultimately, my Vermont roots have always told me to go with my conscience, and they do so today.

Judge Roberts is a man of integrity. I can only take him at his word that he does not have an ideological agenda. For me, a vote to confirm requires faith that the words he spoke to us have meaning. I can only take him at his word that he will steer the Court to serve as an appropriate check of potential abuses of Presidential power.

I respect those who have come to different conclusions, and I readily acknowledge the unknowable at this moment, that perhaps they are right and I am wrong. Only time will tell. All of us will vote this month, but only later will we know if Judge Roberts proves to be the kind of Chief Justice he says he will be, if he truly will be his own man. I hope and trust that he will be.

I will vote for his confirmation. I will give my consent as a Senator.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be allowed 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Mr. CORNYN. Mr. President, while the Senator is leaving the floor, I wish to say to the ranking member of the Judiciary Committee how much I appreciate his decision. I know how seriously he has weighed his decision whether to vote to confirm John Roberts as Chief Justice of the United States. I believe we are at our best in this body when we set aside our differences that come from our partisan affiliation. The fact that some of us are Republicans and some are Democrats is a fact of life, and we have to work within our political system to try to solve America's problems the best we can. But I do believe we are at our best when we rely upon the principles and the values that bind us together rather than those that distinguish us and separate us as Senators.

I must confess that yesterday I was more than a little bit disappointed when the distinguished Democratic leader announced that he would vote no on this nomination. Clearly, it is within his right and prerogative, as it is within any Senator's right and prerogative to vote as they see fit. But I guess what struck me was the fact that at the same time he announced he would vote no, he called Judge Roberts an "excellent lawyer" and "a thoughtful, mainstream judge" who may make "a fine Supreme Court Justice."

These were words quoted in today's editorial in the Washington Post entitled, "Words That Will Haunt." I guess what concerns me is you can be an excellent lawyer, you can be a thoughtful mainstream judge who may make a fine Supreme Court Justice, and yet because of the outside groups that demand allegiance to their positions that do not represent the mainstream of America, do not represent rational thought but, rather, the triumph over partisanship and special interest groups over the public interest, what worries me so much is that they seem to have such undue influence on the decisionmaking process of some Members when it comes to judicial confirmations.

Indeed, I believe it was because of the interest groups that we had several years of near meltdown when it came to the unprecedented use of the filibuster to block a simple up-or-down vote on the President's nominees, something that had never happened before that time in the 200 years of the history of the Senate, and particularly when it came to judicial confirmation votes.

I do want to address some of the concerns the distinguished ranking member, Senator LEAHY, raised because I do have a different view. Unfortunately, the formula that seems to be creating the theme here of consultation, questions, and documents is one that was foreshadowed in earlier news stories that said this was the strategy the outside groups were going to use in an attempt to defeat this nomination.

By that I mean—first on consultation—I know Senator LEAHY said he did not think consultation was adequate, but there was unprecedented consultation by the White House with Senators about the nomination, something that had never before occurred. The President listened to ideas of Senators on both sides of the aisle about the type of person and individual he should nominate to the Supreme Court.

Ultimately, though, the Constitution provides the authority to choose to the President and the President alone. The Constitution does not contemplate the Senate being cochoosers of the nominee but, rather, the President making that choice and then the Senate providing advice and consent during this judicial confirmation process, ultimately leading up to an up-or-down vote on the Senate floor.

I am a little disappointed that in spite of this attempt to reach out more than halfway to the Senate, and particularly the minority in the Senate on consultation, the President's good efforts have been rejected as inadequate. But I don't see how any reasonable outside observer could reach that conclusion.

Second, the issue of questions. What kind of questions should a nominee answer? The standard for this was set in the early 1990s by Ruth Bader Ginsburg who was nominated by President Clinton and confirmed to the U.S. Supreme Court. While she was willing to talk about things she had written in the past, it was clear that she was going to draw a very important line in terms of sending signals or prejudging cases or issues that were likely to come back before the Court. It was using that same standard observed by not only Judge Ginsburg but Judge Breyer, who was confirmed after her—also a Clinton nominee—Thurgood Marshall, Sandra Day O'Connor, or William Rehnquist in his confirmation proceeding.

It is clear, as Judge Roberts said, that there is an ethical line that judges cannot cross, one of which is set by the American Bar Association Model Code on Judicial Ethics. It says clearly, in confirmation proceedings—I asked Judge Roberts during the Senate Judiciary Committee hearings—that applies to judicial confirmation hearings. So it would have been unethical to cross the line. And now some Senators insist Judge Roberts should have crossed the line when it came to answering certain types of questions that would ask him to prejudge certain issues and cases.

But there is also a constitutional standard because the independence of the judiciary is a core value of our form of government and of the American people. Who could feel that a judge was truly independent and fair who has already stated in a confirmation hearing how he would rule on an issue that later comes before the Supreme Court? Everyone recognizes that is not fair, that is not an independent judiciary. So I believe the judge drew an appropriate line from that standpoint as well.

Finally, there is the third prong of this three-prong attack laid out by the special interest groups long before Judge Roberts was even nominated and has to do with the documents issue. This has to do with documents prepared by the Solicitor General's Office as it prepared to represent the United States in the Supreme Court.

I asked Judge Roberts whether that sort of ability to have candid and confidential communications among the lawyers who are representing the United States was part of a recognized privilege that all lawyers and clients share, whether it is the Government or whether it is individuals, and he said it was.

In fact, a number of Senators on our Judiciary Committee were quite upset last year when it appears confidential documents written by their committee lawyer to those Senators were then published in the outside world, claiming their rights had been violated. If the Senators are entitled to have confidential communication from our own lawyers and our own staff without having it published in the outside world, then surely the President of the United States enjoys that same right and privilege.

This nominee has withstood in admirable form more than 20 hours of questions from members of the Senate Judiciary Committee. There were 32 witnesses who testified after he did, including the American Bar Association which has given him an A plus, so to speak, that considered him unanimously to be well qualified for this position. In the end, though, this nominee is probably better known to the Senate and the Senate Judiciary Committee than any nominee in recent history, having only 2 years ago been confirmed by unanimous consent to the District of Columbia Court of Appeals, what some have called the second highest court in the land.

I ask my colleagues who are bound and determined to vote against this nominee who, by most accounts, is one of the most impressive nominees and outstanding nominees who has ever been nominated to the Supreme Court, is there any nominee of this President for whom they could vote? I fear the answer to that is no, that for some of our colleagues, there is no nominee by this President to the U.S. Supreme Court for whom they could ever vote.

That should sadden and disappoint all of us because what it means is that the bitter partisan divisions that separate us in this body far too often and distract us from the important work we have been sent here by our constituents to do have triumphed over the constitutional obligation to provide advice and consent and to conduct our ourselves with civility and dignity and to resist the pressures of interest groups who cry out for the political scalp of not just this President but all of his nominees and discourage good men and women from being willing to answer the call to public service. If they know they are getting ready to be put through a sausage grinder, if they know everything they did and said would be examined and distorted even and in the end that the merit of their nomination would play second fiddle to bitter partisan politics, I fear there are good men and women who would like to answer the call to public service who will simply say no.

I am looking forward on Thursday to the Senate Judiciary Committee voting Judge Roberts out of the committee and his nomination coming to the floor. I hope our colleagues will study his background, the record created before the Judiciary Committee, and come to their own decision, without regard to politics, without regard to partisanship, and judge it solely on the merits. But particularly it is my earnest hope and plea they resist the cry of the outside special interest groups who care nothing about good government but only about their narrow special interests and are using these nominations, more than anything, to raise money by scaring people and by distorting the qualifications and credentials of good men and women such as John Roberts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, I understand that under the order, we now go to the Agriculture appropriations bill. I have a few housekeeping details I would like to take care of on behalf of the leader, and then I ask unanimous consent that the senior Senator from Massachusetts be granted half an hour in which he may speak in morning business, with the understanding that we will then go back to the Agriculture appropriations bill without any other requests for morning business being honored.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I thank the Chair.

RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF SIMON WIESENTHAL

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 245 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The journal clerk read as follows:

> A resolution (S. Res. 245) recognizing the life and accomplishments of Simon Wiesenthal.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a man who dedicated himself to preserving the memory of the millions who perished in the Holocaust and to promoting human rights and preventing genocide.

Simon Wiesenthal lived through unimaginable tragedy and horror as a prisoner in Nazi concentration camps during World War II. He survived the Holocaust and spent the next 60 years of his life tracking down the war criminals who had perpetrated terrible atrocities.

During the course of World War II, Simon Wiesenthal spent 4 years in a series of 12 concentration camps. He was a prisoner in the Mauthausen camp when it was liberated by the U.S. Army on May 5, 1945.

COL Richard Seibel who led the troops in liberating the camp described the horror that they found in a report to his superiors:

> Mauthausen did exist. Man's inhumanity to man did exist. The world must not be allowed to forget the depths to which mankind can sink, lest it should happen again.

Mr. Wiesenthal and his wife Cyla had been separated by the war but were reunited shortly after it ended. Between the 2 of them, 89 family members were killed.

They decided to start a family of their own and in 1946 had a daughter, Paulinka, who went on to have children and grandchildren of her own.

Also following the war, Mr. Wiesenthal went to work for the War Crimes Office run by the Americans. This was just the start to a lifelong mission to bring Nazi war criminals to justice.

He opened his own Historical Documentation Center to collect information on war criminals that was used to search them out and prosecute them for their heinous crimes. The evidence collected at the documentation center was used in prosecutions at the International Military Tribunal in Nuremberg in 1945 and 1946.

Credited with hunting down 1,100 major and minor Nazi war criminals since the end of World War II, Mr. Wiesenthal is most renowned for his role in the capture of Adolf Eichmann. Eichmann engineered Adolf Hitler's "Final Solution of the Jewish Problem" that led to the extermination of 6 million Jews as well as millions of non-Jews.

Eichmann was captured by Israeli agents in Argentina in 1960. Observed at trial in 1961, Mr. Wiesenthal later described his impression of Eichmann:

> In my mind I had built up the image of a demonic superman. Instead I saw a frail, nondescript, shabby fellow in a glass cell between two Israeli policement: they looked more colorful and interesting than he did. There was nothing demonic about him; he looked like a bookkeeper who was afraid to ask for a raise.

I am privileged to say that I did personally know Simon Wiesenthal. I received him in my home to raise money for the Wiesenthal Center in Los Angeles. I also met with him in Vienna where I saw his small, cramped office and voluminous files.

He was one of the most amazing people; he stayed the course, never gave up, and was the greatest Nazi hunter of our time.

Dedicated in 1977 to all of the 11 million people of different nationalities, races, and creeds who died in the Holocaust, the Simon Wiesenthal Center in Los Angeles promotes tolerance and understanding through community involvement, educational outreach and social action, and confronts important issues such as racism, anti-Semitism, terrorism, and genocide.

The center's founder and dean, Rabbi Marvin Hier said the following about Simon Wiesenthal's legacy:

> I think he'll be remembered as the conscience of the Holocaust. In a way he became the permanent representative of the victims of the Holocaust, determined to bring the perpetrators of the greatest crime to justice.

We have lost a leading voice for raising awareness and understanding of the Holocaust. It is imperative that his legacy and dedication to the millions who were killed because of their religion, race or nationality be remembered. We must do all that we can to ensure that human atrocities like this never happen again.

Let me conclude with Mr. Wiesenthal's own words:

> When history looks back, I want people to know that the Nazis weren't able to kill millions of people and get away with it. . . . If we pardon this genocide, it will be repeated, and not only on Jews. If we don't learn this lesson, then millions died for nothing.

Mr. KOHL. Mr. President, today the world has lost one of the great crusaders for justice, Simon Wiesenthal. After suffering through many Nazi death camps, he emerged from the war with a mission to bring the architects of the Holocaust and their collaborators to account for their crimes. Later in life his work was valuable for establishing the facts of the Holocaust and keeping the memory of the suffering of the victims of the Holocaust alive. Simon Wiesenthal was a valuable voice of conscience when many around the world wanted to ignore these horrible crimes and forget this awful period of the 20th century.

A successful Ukrainian architect before the war, when the Nazis invaded the Soviet Union, he was rounded up with his family and narrowly escaped death. He would spend the rest of the war in a variety of death and work camps. After the war he was eager to work with the Americans to bring Nazis and their collaborators to justice for their war crimes during the Holocaust. When the Allies seemed to tire of bringing former members of the Third Reich to justice, Simon Wiesenthal continued his work on his own, painstakingly researching and identifying members of the Gestapo and SS.

He may be most famously known as the man who found Adolf Eichmann, the organizer of Hitler's campaign to eradicate the Jews. Bringing Eichmann to justice was no doubt the most high profile of his successes, and he was able to use that spotlight to help him find and ferret out more criminals. In all he was involved in over 1,100 cases involving Nazi war criminals.

Mr. Wiesenthal did more than just round up the perpetrators of the most notorious mass killing in history. He also used his name recognition to fight against rising anti-Semitism in Europe and around the world. He sounded the alarm over rising neo-Nazi movements, and fought against their malicious influence. His work documenting the Holocaust and the testimony of survivors was ground breaking and has formed am important part of what we know about that tragic period and the people who survived it.

Mr. Wiesenthal has been seen as an important voice of justice, forcing the world to face a difficult reality about the evil in humans. His work laid bare the worst that man is capable of, but it also showed the importance of justice and the power of the human spirit.

Mr. LEVIN. Mr. President, today we mourn the passing of a great man whose name has become synonymous with the pursuit of justice, Simon Wiesenthal. Mr. Wiesenthal dedicated his life to finding and prosecuting Nazi war criminals, and he was extraordinarily successful at doing so. He was a passionate, courageous man waging an often lonely yet critical fight.

Born 96 years ago in what is now the Ukraine, Mr. Wiesenthal barely survived the unimaginable horrors of the Holocaust, emerging from a concentration camp at the end of the war weighing less than 100 pounds. Though the Nazis had not succeeded in taking his life, he had lost 89 members of his family.

Simon Wiesenthal took this incomprehensible grief and turned it into action, embarking on a lifelong quest to find Nazi war criminals and secure justice for their victims. He had already begun this work in the concentration camps, committing to memory details of his captors. After the war, he worked first for the U.S. Army's War Crimes Office and then opened the Jewish Historical Documentation Center in Linz, Austria in 1947, to continue that work on his own. The Center later moved to Vienna, where Mr. Wiesenthal worked every day in a small office building, surrounded by files, meticulously documenting and tracking the guilty. He worked in that office until last year, when his health would no longer permit it.

In his most prominent success, information from Wiesenthal led Israeli agents to capture Adolf Eichmann, the architect of Hitler's extermination campaign, in Argentina in 1960. Wisenthal's other high-profile arrests include Anne Frank's captor, Karl Silberbauer, and the commandant of the Treblinka and Sobibor camps, Franz Stangl. The vast majority of his work, though, was pursuing lesser-known and unknown Nazis and demanding accountability for their roles. In all, he is credited with bringing more than 1,100 Nazi war criminals to justice.

Those prosecutions not only brought punishment to the guilty but also affirmed to the world that justice, even when delayed, must always be done.

As we honor and thank Mr. Wiesenthal for the results of his work, we owe him a special debt for the way he went about that work. Despite his personal tragedy and despite the staggering scale of the atrocities, Mr. Wiesenthal sought, as he said, "justice, not revenge." He broke the cycle of hate and elevated us all. Indeed, one of his strongest hopes was that his work would help us to rise above our history. As he said:

> The history of man is the history of crimes, and history can repeat. So information is a defense. Through this we can build, we must build, a defense against repetition.

The 11 million victims of the Holocaust had no finer, more dedicated, more capable advocate than Simon Wiesenthal. The living had no finer example of a hero. Our only solace in his passing is that the 11 million Simon Wiesenthal spoke for can finally say to him today: "Thank you for remembering us."

Mr. SALAZAR. Mr. President, I rise today to honor Simon Wiesenthal, a remarkable man, a Holocaust survivor, who dedicated his life to the pursuit of justice and worked to prevent anti-Semitism and prejudice of all kinds.

After surviving imprisonment at five German concentration camps and escaping death several times, Mr. Wiesenthal continued to remember the 6 million people who lost their lives during the Holocaust by working to bring over 1,100 war criminals to justice. He pursued justice, not revenge. He demanded public trials, not secret executions.

He made sure society would remember those crimes against humanity so that future purveyors of ethnic cleansing would know that they could never escape retribution.

Mr. Wiesenthal earned the respect of those throughout the world, having many honors and awards bestowed upon him. He received decorations from the Austrian and French resistance movements, the Dutch Freedom Medal, the Luxembourg Freedom Medal, the United Nations League for the Help of Refugees Award, the French Legion of Honor and the U.S. Congressional Gold Medal which was presented to him by President James Carter in 1980.

Mr. Wiesenthal never questioned giving up his prewar trade of architecture. In a New York Times article in 1964, Mr. Wiesenthal described attending Sabbath services with a fellow camp survivor who had become a wealthy jeweler.

The man asked why Wiesenthal had not resumed architecture—his prewar trade—for it would have made him rich.

"You're a religious man," Wiesenthal told his friend. "You believe in God and life after death. I also believe."

"When we come to the other world and meet the millions of Jews who died in the camps and they ask us, 'What have you done?' there will be many answers. You will say, 'I became a jeweler.' Another will say, 'I smuggled coffee and American cigarettes.' Another will say, 'I built houses.'

"But I will say, 'I didn't forget you.'"

Thank you Mr. Wiesenthal for leaving an indelible mark on society. We owe you a debt of gratitude, and we will never forget you.

Mr. COLEMAN. Mr. President, there are many kinds of heroes in our world.

Some create magnificent works of art which raise our spirits to nobler visions.

Some make tremendous scientific discoveries which revolutionize our understanding and our use of nature for human good.

Some reach unprecedented achievement by adventuring where humans have never been before.

But today we are honoring the late Simon Wiesenthal, a different kind of hero who didn't achieve in the realm of beauty, science or adventure. His life achievement instead was to hold up to humanity the truth about one of its ugliest chapters. He faced what is worst in humankind, and triumphed over it.

In almost every culture the concept of justice begins with finding the truth. Simon Wiesenthal was a principled and indefatigable pursuer of the truth of the Nazi holocaust. He was not content to let the stain of the Nazi murder of Jews and others to be washed away with the passage of time. He sought to document their acts so that they could be recorded forever.

But his life's work went beyond finding the truth. He traveled the globe to make sure surviving members of the Third Reich were held accountable for their monstrous crimes.

He summed up his life with the words "Never forget. Never again." He made us recognize that the simple act of forgetting opened the door for the unthinkable to recur.

World history tells us that every terrible evil starts small and grows to the point where it cannot be controlled except by extraordinary means and cost.

Simon Wiesenthal's life teaches us to deal with anti-Semitism wherever it rears its head so that we don't allow it to grow into something we can no longer stop.

He urged us not only to face the truth, but to act upon it.

Centuries ago a Spanish Rabbi named Maimomedes said this:

> Each of us should view ourselves as if the world were held in balance and a single act of goodness may tip the scales.

Simon Wiesenthal did countless acts of goodness and tipped the scales of world history and we honor him for that. But he also places a burden on all of us, for posterity's sake, to do our part, to raise our voices and to take action whenever we see hatred rear its head.

We honor him best by devoting ourselves to the work of justice and action he accomplished.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas Simon Wiesenthal was born on December 31, 1908, to Jewish merchants in Buczacz, in what is now the Lvov Oblast section of the Ukraine;

Whereas after he was denied admission to the Polytechnic Institute in Lvov because of quota restrictions on Jewish students, Simon Wiesenthal received his degree in engineering from the Technical University of Prague in 1932;

Whereas Simon Wiesenthal worked in an architectural office until he was forced to close his business and become a mechanic in a bedspring factory, following the Russian army's occupation of Lvov and purge of Jewish professionals;

Whereas following the Germany occupation of Ukraine in 1941, Simon Wiesenthal was initially detained in the Janwska concentration camp near Lvov, after which he and his wife were assigned to the forced labor camp serving the Ostbahn Works, which was the repair shop for Lvov's Eastern Railroad;

Whereas in August of 1942, Simon Wiesenthal's mother was sent to the Belzec death camp as part of Nazi Germany's "Final Solution", and by the end of the next month 89 of his relatives had been killed;

Whereas with the help of the Polish Underground Simon Wiesenthal was able to help his wife escape the Ostbahn camp in 1942, and in 1943 was himself able to escape just before

German guards began executing inmates, but he was recaptured the following year and sent to the Janwska camp;

Whereas following the collapse of the German eastern front, the SS guards at Janwska took Simon Wiesenthal and the remaining camp survivors and joined the westward retreat from approaching Russian forces;

Whereas Simon Wiesenthal was 1 of the few survivors of the retreat to Mauthausen, Austria and was on the brink of death, weighing only 99 pounds, when Mauthausen was liberated by American forces on May 5, 1945;

Whereas after surviving 12 Nazi prison camps, including 5 death camps, Wiesenthal chose not to return to his previous occupation, and instead dedicated himself to finding Nazi war criminals and bringing them to justice;

Whereas following the liberation of Mauthausen, Simon Wiesenthal began collecting evidence of Nazi activity for the War Crimes Section of the United States Army, and after the war continued these efforts for the Army's Office of Strategic Services and Counter-Intelligence Corps;

Whereas Simon Wiesenthal would also go on to head the Jewish Central Committee of the United States Zone of Austria, a relief and welfare organization;

Whereas Simon Wiesenthal and his wife were reunited in 1945, and had a daughter the next year;

Whereas the evidence supplied by Wiesenthal was utilized in the United States Zone war crime trials;

Whereas, after concluding his work with the United States Army in 1947, Simon Wiesenthal and others opened and operated the Jewish Historical Documentation Center in Linz, Austria, for the purpose of assembling evidence for future Nazi trials, before closing the office and providing its files to the Yad Vashem Archives in Israel in 1954;

Whereas despite his heavy involvement in relief work and occupational education for Soviet refugees, Simon Wiesenthal tenaciously continued his pursuit of Adolf Eichmann, who had served as the head of the Gestapo's Jewish Department and supervised the implementation of the "Final Solution";

Whereas in 1953, Simon Wiesenthal acquired evidence that Adolf Eichmann was living in Argentina and passed this information to the Government of Israel;

Whereas this information, coupled with information about Eichmann's whereabouts in Argentina provided to Israel by Germany in 1959, led to Eichmann's capture by Israeli agents, trial and conviction in Israel, and execution on May 31, 1961;

Whereas following Eichmann's capture, Wiesenthal opened a new Jewish Documentation Center in Vienna, Austria, for the purpose of collecting and analyzing information to aid in the location and apprehension of war criminals;

Whereas Karl Silberbauer, the Gestapo officer who arrested Anne Frank, Franz Stangl, the commandant of the Treblinka and Sobibor concentration camps in Poland, and Hermine Braunsteiner, who had supervised the killings of several hundred children at Majdanek, are among the approximately 1,100 war criminals found and brought to justice as a result of Simon Wiesenthal's investigative, analytical, and undercover operations;

Whereas Simon Wiesenthal bravely forged ahead with his mission of promoting tolerance and justice in the face of danger and resistance, including numerous threats and the bombing of his home in 1982;

Whereas the Simon Wiesenthal Center was established in 1977, to focus on the prosecution of Nazi war criminals, commemorate the events of the Holocaust, teach tolerance education, and promote Middle East affairs;

Whereas the Simon Wiesenthal Center monitors and combats the growth of neo-Nazi activity in Europe and keeps watch over concentration camp sites to ensure that the memory of the Holocaust and the sanctity of those sites are preserved;

Whereas the Simon Wiesenthal Center played a pivotal role in convincing foreign governments to pass laws enabling the prosecution of Nazi war criminals;

Whereas throughout his lifetime, Simon Wiesenthal has had many honors and awards bestowed upon him, including decorations from the Austrian and French resistance movements, the Dutch Freedom Medal, the Luxembourg Freedom Medal, the United Nations League for the Help of Refugees Award, the French Legion of Honor, and the United States Congressional Gold Medal, which was presented to him by President James Carter in 1980;

Whereas President Ronald W. Reagan once remarked, "For what Simon Wiesenthal represents are the animating principles of Western civilization since the day Moses came down from Sinai: the idea of justice, the idea of laws, the idea of the free will.";

Whereas President George H. W. Bush has stated that Simon Wiesenthal, "is our living embodiment of remembrance. The two pledges of Simon Wiesenthal's life inspire us all — 'Never forget' and 'Never again'.";

Whereas President William Clinton has remarked of Simon Wiesenthal, "To those who know his story, one of miraculous survival and of relentless pursuit of justice, the answer is apparent. From the unimaginable horrors of the Holocaust, only a few voices survived, to bear witness, to hold the guilty accountable, to honor the memory of those who were killed. Only if we heed these brave voices can we build a bulwark of humanity against the hatred and indifference that is still all too prevalent in this world of ours."; and

Whereas, at the end of a life dedicated to the pursuit of justice and advocacy for victims of the Holocaust, Simon Wiesenthal passed away on September 20, 2005, at the age of 96: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family and friends of Simon Wiesenthal;

(2) recognizes the life and accomplishments of Simon Wiesenthal, who, after surviving the Holocaust, spent more than 50 years helping to bring Nazi war criminals to justice and was a vigorous opponent of anti-Semitism, neo-Nazism, and racism; and

(3) recognizes and commends Simon Wiesenthal's legacy of promoting tolerance, his tireless efforts to bring about justice, and the continuing pursuit of these ideals.

IRAN NONPROLIFERATION ACT OF 2000

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 1713, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1713) to make amendments to the Nonproliferation Act of 2000 related to International Space Station payments.

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, on September 15 I introduced a bill to amend the Iran Nonproliferation Act of 2000, Public Law 106–178. The bill, S. 1713, provides authority for the administration to continue to cooperate with the Russian Federation on the International Space Station.

Current law prohibits certain payments from being made to Russia. When Congress enacted the Iran Nonproliferation Act, INPA, it did so to provide the President with a means to address proliferation of ballistic missile-related and other dangerous dual-use technology to Iran. Congress passed and the President signed legislation designed to give the executive branch additional tools with which to address Russian proliferation and the proliferation of other countries that are transferring dangerous weapons technology to Iran. The legislation was also meant to enhance significantly the ability of Congress to monitor proliferation to Iran and oversee executive efforts to combat it.

With regard to Russia, at the time of its enactment, the rationale for INPA restrictions on payments to Russia for cooperation on the International Space Station was that the Russian Aviation and Space Agency, RASA, could use any legal or operational authority it may have had over certain organizations and entities that might be proliferating to Iran to stop such activities.

I continue to believe that Russia must prevent proliferation to Iran of weapons of mass destruction, their means of delivery and the technical know-how to make them.

The bill I introduced last week does not condone the proliferation activities of Russian entities nor those of others proliferating to Iran. It does allow the United States to meet its obligations under the Agreement Concerning Cooperation on the Civil International Space Station. While it creates an exception for certain U.S. payments to Russia in support of the space station, it also mandates that Congress be kept aware of the specific Russian entities to which the United States makes payments, and that the President determine that such payments are not prejudicial to our nonproliferation policies with respect to cruise and ballistic missile proliferation to Iran or other state sponsors of terrorism.

Since the introduction of S. 1713, a question has arisen as to which agreements might be negotiated under its authority that could, in fact, obligate the United States to make payments beyond the date specified in section 3 of that bill. It is my intention that no payments may be made after January

1, 2012. Also, I understand that NASA intends to accelerate its crew exploration vehicle, CEV, program so as to avoid any complications that might arise as a result of continued U.S. utilization of Russian-provided technology during the period between the shuttle's retirement and the CEV becoming operational.

I want to thank all my colleagues for their cooperative consideration of this bill. I urge the Senate to pass S. 1713.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1713) was read the third time and passed, as follows:

S. 1713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Nonproliferation Amendments Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Director of Central Intelligence's most recent Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, states "Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, and China. Iran's earlier success in gaining technology and materials from Russian entities helped accelerate Iranian development of the Shahab-3 MRBM, and continuing Russian entity assistance has supported Iranian efforts to develop new missiles and increase Tehran's self-sufficiency in missile production."

(2) Vice Admiral Lowell E. Jacoby, the Director of the Defense Intelligence Agency, stated in testimony before the Select Committee on Intelligence of the Senate on February 16, 2005, that "Tehran probably will have the ability to produce nuclear weapons early in the next decade".

(3) Iran has—

(A) failed to act in accordance with the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the "Safeguards Agreement");

(B) acted in a manner inconsistent with the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards, signed at Vienna December 18, 2003 (commonly referred to as the "Additional Protocol");

(C) acted in a manner inconsistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly referred to as the "Nuclear Non-Proliferation Treaty"); and

(D) resumed uranium enrichment activities, thus ending the confidence building measures it adopted in its November 2003 agreement with the foreign ministers of the United Kingdom, France, and Germany.

(4) The executive branch has on multiple occasions used the authority provided under section 3 of the Iran Nonproliferation Act of 2000 (Public Law 106-178; 50 U.S.C. 1701 note) to impose sanctions on entities that have engaged in activities in violation of restrictions in the Act relating to—

(A) the export of equipment and technology controlled under multilateral export control lists, including under the Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement or otherwise having the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems to Iran; and

(B) the export of other items to Iran with the potential of making a material contribution to Iran's weapons of mass destruction programs or on United States national control lists for reasons related to the proliferation of weapons of mass destruction or missiles.

(5) The executive branch has never made a determination pursuant to section 6(b) of the Iran Nonproliferation Act of 2000 that—

(A) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(B) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(C) no entity under the jurisdiction or control of the Government of the Russian Federation, has, during the 1-year period prior to the date of the determination pursuant to section 6(b) of such Act, made transfers to Iran reportable under section 2(a) of the Act.

(6) On June 29, 2005, President George W. Bush issued Executive Order 13382 blocking property of weapons of mass destruction proliferators and their supporters, and used the authority of such order against 4 Iranian entities, Aerospace Industries Organization, Shahid Hemmat Industrial Group, Shahid Bakeri Industrial Group, and the Atomic Energy Organization of Iran, that have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items.

SEC. 3. AMENDMENTS TO IRAN NONPROLIFERATION ACT OF 2000 RELATED TO INTERNATIONAL SPACE STATION PAYMENTS.

(a) TREATMENT OF CERTAIN PAYMENTS.—Section 7(1)(B) of the Iran Nonproliferation Act of 2000 (Public Law 106-178; 50 U.S.C. 1701 note) is amended by inserting after "such date" the following: ", except that such term does not mean payments in cash or in kind made or to be made by the United States Government, to meet the obligations of the United States under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto, to January 1, 2012".

(b) REPORTING REQUIREMENTS.—Section 6 of such Act is amended by adding at the end the following new subsection:

"(i) REPORT ON CERTAIN PAYMENTS RELATED TO INTERNATIONAL SPACE STATION.—

"(1) IN GENERAL.—The President shall, together with each report submitted under section 2(a), submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in kind to meet the obligations of the United States under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

"(2) CONTENT.—Each report submitted under paragraph (1) shall include—

"(A) the specific purpose of each payment made to each entity or person identified in the report; and

"(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States Government to prevent the proliferation of ballistic or cruise missile systems in Iran and other countries that have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).".

Mr. BENNETT. I thank the Chair. I now yield the floor so that the Senator from Massachusetts can make his statement.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the chairman of the committee and the Senator from Utah for his courtesies. I know he is eager to get on with the legislation, and I am particularly grateful to him for the courtesy that he has extended this morning.

NOMINATION OF JOHN ROBERTS

Mr. KENNEDY. Mr. President, our Founders proclaimed the bedrock principle that we are all created equal. But everyone knows that when we started, the reality was far different. For more than two centuries, we have struggled, sometimes spilling precious blood, to fulfill that unique American promise. The goals, the principles, and the sacrifices of millions of Americans breathed an ever-fuller life into our constitutional ideals.

The Constitution itself has been the inspiration for this march of progress. The open-ended principles that our

Founders had the wisdom to bequeath us have acquired ever-deepening meaning over the years—a remarkably steady movement toward greater protection for individual rights and liberties, and an increasing assurance that governments at all levels have the authority to defend ordinary Americans from overreaching by those who would discriminate against them or exploit them.

We have made much progress. But our work is not finished, and we still look to our elected representatives and our independent courts to uphold those founding principles in each new generation, to continue the great march of progress, to never turn back and never give up our hard-won gains.

This was the basic issue in our hearings on the nomination of John Roberts to become our next Chief Justice. Would he bring to that high office the values and ideals that would enable our struggle for equality and opportunity for all to continue, or would he stand in the way?

The only records made available to us were those of John Roberts as an aggressive activist in the Reagan administration, eager to limit basic values that we have achieved at great cost and sacrifice over the years, especially in basic areas such as voting rights, women's rights, civil rights, and disability rights. He is an outstanding lawyer who says he could represent clients on any side of a question. As Congressman JOHN LEWIS eloquently stated in our hearings, 25 years ago, John Roberts was on the wrong side of the Nation's struggle to achieve genuine equality of opportunity for all Americans. Now, we need to know which side he is on today. We need to know that as Chief Justice of the United States, his sole client would be all the American people.

John Roberts is a highly intelligent nominee. He has argued 39 cases before the Supreme Court and won more than half of them. He is adept at turning questions on their head while giving seemingly appropriate answers. These skills served him well as a Supreme Court advocate. These same skills, however, did not contribute to a reasonable confirmation process. At the end of the 4 days of hearings, we still know very little more than we knew when we started.

In answer to another question about his views, he stated again:

> I will confront issues in this area as I would confront issues in any area, . . . and that would be to fully and fairly consider the arguments presented and decide them according to the rule of law.

In yet another instance, he proclaimed:

> The responsibility of the judicial branch is to decide particular cases that are presented to them in this area according to the rule of law.

And again:

> I became a lawyer or at least developed as a lawyer because I believe in the rule of law.

The rule of law—everyone in the Senate agrees with that. In fact, we have each taken an oath of office to protect and defend the Constitution, and we take that oath seriously. But it reveals little about how we will vote on the important questions of the day, and what values and ideals we bring to our decisions.

Judge Roberts said that a judge should be like an umpire, calling the balls and strikes but not making the rules.

But we all know that with any umpire, the call may depend on your point of view. An instant replay from another angle can show a very different result. Umpires follow the rules of the game. But in critical cases, it may depend on where they are standing when they make the call.

The same holds true of judges.

As Justice Oliver Wendell Holmes famously stated:

> The life of the law has not been logic; it has been experience.

As Justice Stephen Breyer offered in his confirmation hearing:

> I always think law requires both a heart and a head. If you do not have a heart, it becomes a sterile set of rules, removed from human problems, and it will not help. If you do not have a head, there is the risk that in trying to decide a particular person's problem in a case that may look fine for that person, you cause trouble for a lot of other people, making their lives yet worse.

The rule of law is not some mathematical formula for meting out justice. It is our values and ideals that give it real meaning in the case of the Constitution, not our personal values and ideals but our values and ideals, derived from the meaning of the constitutional text.

We all believe in the rule of law. But that is just the beginning of the conversation when it comes to the meaning of the Constitution. The Constitution of Justice Scalia and Justice Thomas is a very different document from the Constitution of Justice Stevens and Justice Souter. Everyone follows the same text. That is the rule of law. But the meaning of the text is often imprecise. You must examine the intent of the Framers, the history, and the current reality. And this examination will lead to very different outcomes depending on each Justice's constitutional world view. Is it a full and generous view of our rights and liberties and of government power to protect the people, or a narrow and cramped view of those rights and liberties and the government's power to protect ordinary Americans?

Based on the record available, there is clear and convincing evidence that Judge Roberts' view of the rule of law would narrow the protection of basic voting rights. The values and perspectives displayed over and over again in his record cast large doubts on his view of the validity of laws that remove barriers to equal opportunity for women, minorities, and the disabled. His record raises serious questions about the power of Congress to pass laws to protect citizens in matters that they care about.

In fact, there is nothing in the record to indicate otherwise. For all the hoopla and all the razzle-dazzle, the record is no different in its bedrock substance than it was the day the hearings started.

When Senator KOHL and others asked Judge Roberts whether he would disavow any of the positions he took over the years, he refused to do so. On the first day of the hearing, Senator KOHL asked: "Which of those positions were you supportive of, or are you still supportive of, and which would you disavow?" in order to try to determine what his views are today. Judge Roberts never provided a clear response.

In the area of voting rights, he has a long and detailed record of strong opposition to section 2 of the Voting Rights Act, which is widely acknowledged by scholars and civil rights experts to be one of the most powerful and effective civil rights laws ever enacted. It outlaws voting practices that deny or dilute the right to vote based on race, national origin, or language minority status—and is largely uncontroversial today. Before it was passed, there had not been a single African American elected since Reconstruction from seven of the Southern States with the greatest of African-American populations.

But in 1981 and 1982, Judge Roberts was one of a small group of attorneys in the Justice Department urging the administration to oppose a strong section 2, which allowed discrimination to be proved by demonstrating its results, not just its intent. Although Judge Roberts sought to characterize his opposition to this critical amendment as simply following the policy of the Reagan administration, the dozens of memos he wrote on this subject show that he personally believed the administration was right to oppose the "effects test."

In fact, he pressed to keep others from changing their minds about opposing the law. When the Assistant Attorney General for the Civil Rights Division Brad Reynolds raised concerns about sending the Senate a letter on this issue, John Roberts urged the Attorney General to send it, stating that "my own view is that something must be done to educate the Senators on the seriousness of this problem. . . ." Of course, the problem he saw was the amendment, not the discrimination it was designed to end.

He also urged the Attorney General to assert his leadership against the amendment to section 2. He wrote that the Attorney General should "head off any retrenchment efforts" by the White House staff who were inclined to support the amendment. He consistently urged the administration to require voters to bear the heavy burden of proving discriminatory intent in order to overturn practices that locked them out of the electoral process.

Judge Roberts clearly knew that his position would make it harder for voters to overturn restrictive voting laws. As he wrote at the time, "violations of section 2 should not be made too easy to prove. . . ." That was his quote, remember, when he wrote this there were no African Americans elected to Congress from the States with the largest Black populations, and only 18 in Congress overall. And there were only 6 Latinos in Congress. There is no indication in any of his writings on the Voting Rights Act that he was the least bit troubled by this obvious discrimination.

The year after section 2 was signed into law, Judge Roberts wrote in a memo to the White House counsel that "we were burned" by the Voting Rights Act legislation, even though it was signed by President Ronald Reagan.

Given his clear record of hostility to this key voting rights protection, the public has a right to know if he still holds these views. But Judge Roberts gave us hardly a clue.

When I asked him if he holds these views today, he refused to answer. He repeatedly tried to characterize his views as the views of the administration. He declined to say whether he agreed with them—then or now. That answer strains credibility, when the memos themselves declare: "my own view is that something must be done. . . ."

In fairness, he did concede that he no longer believes that section 2 is, to use his words from the 1980s, "constitutionally suspect." But the fact that it took almost 20 minutes for him to provide this obvious answer to a straightforward yes-or-no question is not reassuring.

Both Senator FEINGOLD and I tried to find out whether he came to agree with the strengthened Voting Rights Act after President Reagan signed it into law.

Even when Senator FEINGOLD asked whether Judge Roberts would acknowledge today that he had been wrong to oppose the effects test, he refused to give a yes-or-no answer.

Senator FEINGOLD asked:

> What I'm trying to figure out is, given the fact that you've followed this issue for such a long time, I would think you would have a view at this point about . . . whether the department was right in seeking to keep the intent test or whether time has shown that the effects test is really the more appropriate test.

Judge Roberts responded:

> I'm certainly not an expert in the area and haven't followed and have no way of evaluating the relative effectiveness of the law as amended or the law as it was prior to 1982.

So we still don't know whether he supports the basic law against voting practices that result in denying voting rights because of race, national origin, or language minority status.

You don't need to be a voting rights expert to say we are better off today in an America where persons of color can be elected to Congress from any State in the country, as opposed to the America of 1982, in which no African American had been elected to Congress since Reconstruction from Mississippi, Florida, Alabama, North Carolina, South Carolina, Virginia, or Louisiana, because restrictive election systems effectively denied African Americans and other minorities the equal chance to elect representatives of their choice. In these States, African Americans were a third or more of the population, but they were effectively blocked from electing any candidate of their choice decade after decade throughout the 20th century.

Yet Judge Roberts repeatedly refused to give even this simple reassurance about the act. Is that what he means by the rule of law?

Another very important area in which Judge Roberts refused to disavow his long history of opposition to civil rights is the prevention of discrimination by recipients of Federal funds. These laws were adopted because, Congress believed, as President Kennedy said in 1963, that "[s]imple justice requires that public funds, to which all taxpayers . . . contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in . . . discrimination." As an assistant to Attorney General William French Smith, John Roberts argued that these important laws should be narrowed.

In fact, his position was even more extreme than the Reagan administration's. In 1981, he supported a recommendation to exempt institutions from civil rights laws if the only Federal financial assistance they received was in the form of loans to their students. Under this view, the enormous subsidies the Federal Government gives to colleges and universities in the form of Federal financial aid would not have been enough to require them to obey the laws against discrimination. Can you imagine that? Those were just the type of things that President Kennedy was addressing. These are the universities, the colleges that are getting all this help and assistance from grants and loans which are essential to the running of it. He said oh, no, we are going to have to look at the other requirements. Because they get all these loans, it is still done meaning they have to conform to the nondiscrimination, title XI, the women, on hiring on race or the disabled. Let me continue.

At many private institutions, financial assistance to students was the only form of Federal aid, so Judge Roberts' suggestion would have left those institutions largely free to discriminate against women, the disabled, and minorities in both education and hiring.

In fact, Judge Roberts's position was so extreme that it was rejected by the Reagan administration and later by the Supreme Court. But in his testimony, Judge Roberts ignored this aspect of his record. He refused even to acknowledge that his past positions had gone beyond the administration's. Instead, he stated repeatedly that he was just doing his job.

He said:

> I was articulating and defending the administration's position. . . . The position that the administration advanced was the one I just described. The universities were covered due to Federal financial assistance to their students. It extended to the admissions office.

That is an accurate statement of the administration's position but the view Judge Roberts advanced in his December 8, 1981, memo was quite different.

I also asked whether he still agreed with the statement he made in 1985, that "[t]riggering coverage of an institution on the basis of its accepting students who receive Federal aid is not too onerous if only the admissions office is covered. If the entire institution is to be covered, however, it should be on the basis of something more solid than Federal aid to the students."

Again and again, Judge Roberts refused to say whether he still agrees with those words. He said only, "Well, Senator, the administration policy was as I articulated it. And it was my job to articulate the administration policy."

That is no answer at all. I never asked about the policy of the Reagan administration. I asked only whether today, he still believed, or would disavow, his earlier position. Given his repeated refusal to answer, I can only conclude that he still holds those views today, given his failure to respond.

In other words, his position was the following: It really doesn't make a difference, if a university is getting financial aid through grants or through loans, that they can go ahead and discriminate if they are not going to discriminate in the admissions office. So if they do not discriminate in the admissions office, then they can discriminate in the other areas of the university.

That happened to be the holding in the Grove City case. The question was: Was that what the Congress meant when it said we were not going to provide funds and permit any entities to discriminate? The overwhelming majority in the House and the Senate said: That is what we intended. If they are going to get this aid and assistance through college loans and grants, they can't discriminate against women in sports, against hiring of black professors or against the disabled, overwhelmingly.

Not Judge Roberts, no, no. He wanted it program specific.

Say they had 15 in the admissions office, and if they didn't discriminate based on race, disability or against women, it doesn't make any difference what the rest of the university did.

That position was absolutely, completely rejected by the administration and overwhelmingly in a bipartisan way. We asked Judge Roberts now what his position still was on this issue, and we could not get an answer.

In addition, in response to questions from Senator BIDEN, Judge Roberts refused to say he no longer agrees with his former position that laws against discrimination should be narrowly interpreted to apply only in the parts of the institution that directly receive Federal funds. Under this view, a college that received Federal financial assistance through its admissions office could not discriminate in admissions, but it could discriminate in every other aspect of its operations—in hiring teachers, in instructing students, and in athletics. When Senator BIDEN reminded Judge Roberts that he had written in 1982 that he "strongly agreed" with this view, Judge Roberts never said he no longer holds that position. Instead he testified under oath, "So if the view was strongly held, it was because I thought that was a correct reading of the law." Is that his view of the rule of law?

Another very important area in which Judge Roberts failed to give any reassurance was his position protecting women and girls against discrimination in educational programs under title IX. In the case of Franklin v. Gwinnett County, in 1991, Judge Roberts argued that title IX did not allow a high school girl who had been sexually abused by her teacher to recover damages. Judge Roberts' argument would have left the victim with no remedy at all.

Senator LEAHY asked him, "Do you now personally agree with and accept as binding law the reasoning of Justice White's opinion in Franklin v Gwinnett?" Judge Roberts replied that, "It certainly was a precedent of the court that I would apply under principles of stare decisis."

That answer sounds reassuring, until you realize that Judge Roberts never answered whether he personally agreed with this unanimous decision of the Court.

Senator LEAHY offered Judge Roberts several chances to disavow his position in the Franklin case. He asked, "Do you now accept that Justice White's position [in Franklin v. Gwinnett County] was right and the government's position was wrong?" Judge Roberts replied again, "I certainly accept the decision of the court—the 9 to 0 decision, as you say—as a binding precedent of the court. Again, I have no cause or agenda to revisit it or any quarrel with it."

That also sounded reassuring, until I recalled that Justice Thomas repeatedly used the same words—"I have no quarrel with it"—to evade answers during his nomination hearing. Justice Thomas testified, for instance that he had "no quarrel" with the test established by the Supreme Court in the Lemon v. Kurzman case for analyzing claims under the first amendment's prohibition on the establishment of religion. But just 2 years later, Justice Thomas joined a dissent ridiculing the test and saying it should not be applied, and Justice Thomas has consistently opposed the Lemon test ever since.

I wonder why it was so difficult for Judge Roberts simply to say, "Yes, in hindsight, I personally believe that Franklin v. Gwinnett was correctly decided, and that victims of intentional sex discrimination in educational programs do have a right to relief under title IX." Why was that so difficult an answer for Judge Roberts to give? Could it be that it was contrary to his view of the rule of law?

Judge Roberts's record is also one of consistent and long-standing opposition to affirmative action. In the 1980s, he urged the Reagan administration to oppose affirmative action. In the 1990s, in the administration of the first President Bush, he urged the Supreme Court to overturn a Federal affirmative action program. In private practice in the late 1990s and as recently as 2001, he litigated cases challenging affirmative action. That includes his repeated challenges to the Department of Transportation's disadvantaged business enterprise program, which has been upheld by every court that has reviewed it, and endorsed overwhelmingly by bipartisan majorities in the House and Senate.

On affirmative action, his view of the rule of law seems to be that established court precedents have little meaning, even though they have been found again and again to advance our progress on civil rights.

In 1981, he advocated abolishing race- and gender-conscious remedies for discrimination, although he admitted this position was in "tension" with the Supreme Court's opinion in United Steelworkers of America v. Weber, upholding affirmative action in employment—a case that had been decided only 2 years earlier. He wrote that the administration did not see that opinion—Supreme Court opinion—as a "guiding principle."

In the same memos dealing with the Weber decision, Judge Roberts even suggested that the opinion might be overturned because of changes in the Court's composition.

Given his long and consistent opposition to affirmative action, Senators were entitled to seek some reassurance from the nominee that he would not use the power of the Chief Justice to continue his past efforts to end affirmative action.

I asked Judge Roberts:

> Do you agree then with Justice O'Connor, writing for the majority, who gave great weight to the real-world impact of affirmative action policies in universities?

He stated:

> I can certainly say that I do think that that is the appropriate approach, without commenting on the outcome or the judgment in a particular case. But you do need to look at the real-world impact in this area, and I think in other areas as well.

So he thinks that we should consider real world impact, but he never stated whether he agreed with Justice O'Connor that the University of Michigan case was correctly decided. On that issue, we don't know any more than we did before the hearing.

Senator FEINSTEIN also asked Judge Roberts his views on affirmative action, but he avoided her question as well. She asked, Do you personally subscribe, not to quotas, but to measured efforts that can withstand strict scrutiny?" Judge Roberts replied, "A measured effort that can withstand strict scrutiny is . . . a very positive approach." Well, that sounds as though he agrees, but then he also said, "And I think people will disagree about exactly what the details should be."

When Senator FEINSTEIN stated she specifically wanted to know his view of Grutter v. Bollinger, the University of Michigan case upholding affirmative action, Judge Roberts gave a long—answer that was no answer at all. "In the Michigan case, obviously, you have I always forget whether it's the law school—but I think the law school program was upheld and the university program was struck down because of the differences in the program. But efforts to ensure the full participation in all aspects of our society by people, without regard to their race, ethnicity, gender, religious beliefs, all those are efforts that I think are appropriate."

But of course, Senator FEINSTEIN had not asked about efforts to ensure participation without regard to race. She asked his view on a particular affirmative action program at the University of Michigan Law School that took race into account. We still do not know whether he agrees with that important Supreme Court decision. His refusal to tell us is very troubling.

I ask unanimous consent for 5 additional minutes.

Mr. BENNETT. Mr. President, I shall not object, but the junior Senator from Massachusetts is looking for time and we are anxious to get on to the bill. I will not object to the request for an additional 5 minutes, but I hope the Senator could, in fact, finish in that 5-minute time.

Mr. KENNEDY. I will try and do it in a shorter time.

I am also troubled by Judge Roberts' refusal to distance himself from his past criticism of the very important Supreme Court decision Plyler v. Doe that held that the basic principle of equal protection requires all school-age children to have the same access to public education, including the children of undocumented immigrants. In a very real sense, the Plyler decision is as important to the children of undocumented workers as the Brown decision is to African-American children. Yet Judge Roberts strongly criticized the decision. On the day the case was decided, he coauthored a memo criticizing the Solicitor General's office for failing to file a brief, arguing that these children could be denied public education.

Senator DURBIN asked Judge Roberts:

> Did you agree with the decision . . . then? Or do you agree with the decision now?

Judge Roberts avoided the question, saying:

> I haven't looked at the decision in the Plyler v. Doe in 23 years.

Senator DURBIN asked:

> Is this settled law, as far as you are concerned, about our commitment in education . . .?

Judge Roberts avoided this, saying he had not looked at the case recently, and that when he wrote the memo he was doing his job.

So we are left with nothing to reassure us he has changed his mind from his harsh criticism of that opinion in the past. His many statements of support for the rule of law yield no clue about his true convictions on this important question today.

Finally, a number of my colleagues on the committee asked Judge Roberts about issues related to women's rights, women's right to privacy. On these important matters, too, he never gave answers that shed light on his current views.

No one is entitled to become Chief Justice of the United States. The confirmation of nominees to our courts, by and with the advice of the Senate, should not require a leap of faith. Nominees must earn their confirmation by providing full knowledge of the values and convictions they will bring to the decisions that may profoundly affect our progress as a nation toward the ideal of equality.

Judge Roberts has not done so. His repeated allegiance to the rule of law reveals little about the values he would bring to the job of Chief Justice of the United States. The record we have puts at serious risk the progress we have made toward our common American vision of equality of opportunity for all of our citizens.

Supporting or opposing nominees in the Supreme Court should not be a partisan issue. In my 43 years in the Senate, I have supported more nominees for the Supreme Court by Republican Presidents than by Democratic Presidents, but there is clear and convincing evidence that Judge Roberts is the wrong choice for Chief Justice.

I oppose the nomination. I urge my colleagues to do the same.

Mr. BENNETT. Mr. President, the order now is that we go to the Agriculture appropriations bill. I ask unanimous consent the junior Senator from Massachusetts be allowed to speak for 15 minutes as in morning business.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, we all know there are few things the Senate does which are as important as confirming a Supreme Court Justice, let alone the Chief Justice of the United States. We know that making the decision to support or oppose the nomination is both serious and complicated. We do not need to belabor those points.

What we do need to talk about is what kind of process ought to occur, must occur, before a Senator can vote for or against a judicial nominee. What kind of information should be provided? What kind of discourse should we engage in?

I met with Judge Roberts last week. I must say I enjoyed our conversation enormously. He is earnest, friendly, incredibly intelligent, and on a personal level I liked him. He has dedicated his life to the law, has given back to the legal community, and is certainly beyond question a superb lawyer. It may turn out he will be an outstanding Chief Justice. But I can't say with confidence that I know on a sufficient number of critical constitutional issues how he would rule or what his legal approach would be. I have read memos he wrote during the Reagan administration. I have reviewed the limited materials available from his time in the Solicitor General's office, where he worked under Ken Starr, and then in private practice at Hogan and Hartson. I have read the cases he participated in on the DC Circuit. I have listened to as much of the Judiciary Committee hearings as I could and I have reviewed transcripts where I couldn't.

After all of that, I still find something essential is missing, something critical to our democratic process, something to ensure that we have an appropriate understanding of both our courts and our judges and their role in America. That understanding requires a genuine exchange of information and a real development of ideas, similar, in fact, to that which occurs in every argument at the Supreme Court itself or in the appellate courts.

In appellate arguments, judges and Justices question lawyers, probing the depth of their legal arguments, testing their particular legal argument against the court's, or determining how it fits into their interpretation of the Constitution. They determine how interpretive principles apply and how they can reconcile apparently conflicting arguments. They make a judgment about the consequences of a potential outcome. The result in the end is a better understanding of the record before the court and, hopefully, a principled approach to deciding the case.

Judge Roberts' Judiciary Committee hearings, notwithstanding the efforts of the Chair and many other of the Senators partaking in it, continue an increasingly sterile confirmation process: little genuine legal engagement between the questioners and the questioned, no real exchange of information, and too little substantive discussion. The confirmation exercise has now become little more than an empty shell. People are left guessing, hoping they understand the nominee's positions.

The administration's steadfast refusal to disclose documents Judge Roberts worked on while serving as a Deputy Solicitor General in the first Bush administration has only compounded this problem. They claim disclosure of the documents will violate attorney-client privilege. I find that argument absurd. What client are they trying to protect? The Solicitor General represents the people of the United States of America. He is charged with arguing cases on behalf of all Americans. We were Judge Roberts' client when he worked in the Solicitor General's office. We have a right to know what he thought about the arguments he made on behalf of the American people.

When John Roberts served as a Deputy Solicitor General under Ken Starr, he was intimately involved in critical decisions that office made, such as whether to intervene in a pending case; what legal arguments to advance in support of their position; whether to push for Supreme Court review; what the consequences of those arguments or that action would be; how those arguments fit into their theory of constitutional interpretation, whether those arguments reflect the views of the American people—all of these decisions are critical to an individual's thinking, to their approach to the law, to their understanding of public trust and public responsibility, to their understanding of the Constitution itself. All of these decisions helped to shape how Federal law was applied and how our Constitution was interpreted during that period of time.

The fact is, there are bureaucrats, none of whom take an oath, as we do, to uphold the Constitution, who are aware of the contents of those particular memoranda. Yet we, the Senators, who are constitutionally obligated to give consent to this nominee, still do not know what positions Judge Roberts took, the arguments he made, or the thinking behind those arguments.

For example, the Solicitor General's office decided to intervene in Bray v. Alexandria Women's Health Clinic. That case was brought against abortion clinic protesters during the height of clinic violence and bombings. The plaintiffs argued that protesters were violating a Federal antidiscrimination law by blocking access to clinics and inciting violence. The Government intervened and argued that the Federal antidiscrimination law did not apply and, therefore, could not be used to stop the protesters.

Judge Roberts briefed and argued the case for the Government. I believe the arguments advanced by the Government and the consequences of those arguments are troubling, but what we do not know is even more important: What role did Judge Roberts play in making them? What did he think about that approach? Did he consider the consequences on life, limb, and individual? Did he argue for a more narrow or broad interpretation of the law?

At the same time, the Solicitor General's office intervened in a district court case in Wichita, KS, which raised the same issues that the Supreme Court in Bray was facing. The Government tried to get the district court to lift an injunction put in place to protect the safety of the clinic workers and patients. They argued that the plaintiffs could not win and, therefore, the injunction was improper. The district court denied the Government's request and chastised it for unnecessarily endangering people's lives. Those are the real consequences. We ought to know what kind of thinking, what were the legal approaches to the protection of those individuals' lives.

The question still remains, what role did Judge Roberts have in making that decision? What was the legal reasoning that prompted it? Did he consider the real-life dangers that would result from that legal argument?

The Solicitor General's office is never obligated to intervene in private litigation. There are thousands of cases pending every day like these questions. Why did the Government choose to intervene in those particular cases? And, even more importantly, what role did Judge Roberts have in making that decision?

The administration's refusal to disclose those documents, in my judgment, creates a serious roadblock in the Senate's ability to properly evaluate Judge Roberts. But Judge Roberts' refusal to genuinely engage in the confirmation hearings, answer legitimate questions, or at least shed light on them creates a bigger one.

I understand a Supreme Court nominee cannot answer questions about a case in controversy, cannot answer questions about a case that may well come before him, and I understand that he can't promise to resolve a future case in a particular way. I am not asking him to do that. I don't expect that to be the standard of the hearings.

But that does not mean you can't discuss the principles of decided cases and whether you agree with them. What legal principles do you bring to the job? It doesn't mean you should refuse to disclose an approach to constitutional analysis. It doesn't mean you should do nothing more than recite the status of current Supreme Court case law.

This is not the first time the Supreme Court nominees have refused to engage in that kind of meaningful discourse. Justice Souter refused to answer fundamental questions about his judicial philosophy. For that reason I voted against him at that time. I am happy to say I have been surprised, and pleasantly, that my concerns did not come to pass. Justice Thomas also refused to answer fundamental questions about judicial philosophy. As I said at the time, Justice Thomas found a lot of ways to say "I don't know" or "I disagree" or "I cannot agree" or "I can't say whether I agree." I voted against Justice Thomas because again I didn't know what the end product was going to be. I believe I was correct in making that decision.

At the end of the day I find myself in the same position I was with both of these Justices. Notwithstanding Judge Roberts' impressive legal résumé, I can't say with confidence that I know what specific constitutional approach he believes in or what kind of Chief Justice he will be. Will he protect the civil rights and civil liberties we fought for so long and hard, which he acknowledged in the course of the hearings? Will he support the power of Congress to enact critical environmental legislation? Will he be an effective check on executive branch actions? In my judgment, before you vote for Chief Justice, particularly one who may lead a court for potentially 30 years or more, we ought to know the answers to those fundamental questions. In the case of Judge Roberts, we don't.

For example, I don't know how Judge Roberts will approach cases challenging the power of Congress to enact vital national legislation. I understand that terms such as the "Commerce Clause," "Section 5 of the 14th Amendment," and "Spending Clause" don't mean a lot to everybody in the country on a daily basis. But however technical and legalistic the discussion of those terms may be, they are critical to us in our judgments as Senators about how our Government functions. A Justice with a limited view of congressional power will undermine Congress's ability to respond to national problems.

For example, under the commerce clause, Congress can only regulate things that affect interstate commerce. When Congress enacted the Violence Against Women Act in 1996, it made numerous very specific findings about how that violence affected interstate commerce. The Court found those findings insufficient and struck down that piece of legislation.

When asked by Senator SPECTER whether he agreed with the Court in this case, Judge Roberts refused to answer. When asked whether he would have found similar congressional findings insufficient, Judge Roberts refused to answer. I believe those answers ought to have been forthcoming, particularly when they address how Judge Roberts would interpret Congress's fundamental constitutional powers.

Judge Roberts has shed some light himself on his view of the commerce clause because he wrote about it in a dissenting opinion on the DC Circuit. In Rancho Viejo v. Norton, the so-called "hapless toad case," Roberts suggested that the Endangered Species Act, as applied to the California toads at issue, might be unconstitutional because they had an insufficient connection to interstate commerce.

He also suggested there might be other ways of looking at the case to preserve the act's constitutionality. When asked about it during the hearings, and again personally in my own meeting with him, Judge Roberts did not endorse one view or the other. He gave no sense of how he might interpret Congress's power and its limitations.

While his refusal to completely condemn the Endangered Species Act was obviously somewhat reassuring, at the end of the day, I am left without any real understanding of how he would approach a commerce clause question. I have no idea whether he will undermine Congress's ability to pass needed legislation. I have no idea how he will approach challenges to existing Federal environmental laws, such as the Endangered Species Act. Which of the possible approaches he laid out in Rancho Viejo does he believe is the most correct? This certainly creates a risk I personally am unwilling to accept when voting to confirm the next Chief Justice of the United States.

Another area of great concern to me is obviously the area of privacy, an area where Judge Roberts skillfully answered a lot of questions without giving a hint as to his own position. For example, while Roberts admitted that the Court has recognized that privacy is protected under the Constitution as part of the liberty in the due process clause, he refused to give any indication of what he thought about the Court's most recent decisions.

The furthest he went was to say he had no quarrel with the decisions in Griswold and Eisenstadt, yet this kind of endorsement is not reassuring. In his confirmation hearings, Justice Thomas agreed that the Court had found a constitutional right to privacy. Like Judge Roberts, he also stated he had no quarrel with the Court's holding in Eisenstadt. Yet when he got to the Supreme Court, he disavowed the very rights he had said the Constitution protected.

In fact, more recently in Lawrence v. Texas, Justice Thomas stated he could not "find [neither in the Bill of Rights nor any other part of the Constitution a] general right of privacy." The bottom line is I do not know how Judge Roberts will approach those questions with respect to the fundamental right of privacy.

In addition to what I do not know, what I do know about Judge Roberts also raises issues. I know in the early 1980s, while he worked in the Department of Justice and White House Counsel's Office, Judge Roberts took an active role in advocating on behalf of administration policies that would have greatly undermined our civil rights and liberties.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, may I ask for an additional few minutes? Thank you.

For example, Judge Roberts argued against using the "effects test" to determine whether section 2 of the Voting Rights Act was violated. Instead, he believed that an "intent" test—requiring proof of a discriminatory motive—should be required, regardless of the fact that many victims of discrimination would be absolutely unable to prove a real discriminatory intent and, therefore, would be unable to enjoy the protections afforded by the act. In some cases, the effect of Judge Roberts' intent test meant that disenfranchised individuals had to prove the motive of long dead officials who had crafted the legislation. Obviously, that is impossible. So he would have set up an unacceptable standard, one that would come between citizens and their constitutionally protected right to fair representation in our democracy.

Judge Roberts also argued that the obligations imposed on educational institutions by title IX should apply only to the specific program that received Federal funding rather than to the whole institution. Again, by limiting the application of an important antidiscrimination law, there is an effect, which is to deny people their constitutional right.

In the area of affirmative action, Judge Roberts argued in favor of limiting race-conscious remedies to instances where individuals were proven to be the victims of identifiable acts of impermissible discrimination.

I realize Judge Roberts took the positions I just described some time ago. I know he told the Judiciary Committee he was simply advocating the views of the administration at the time. But I think those of us who have worked in and around Government for a period of time find it hard to believe that a staffer at Justice or in the White House never wrote a memo that represented some of his views rather than just administration positions, particularly when the theme of those memos is consistent across the board—strict adherence to narrow principles of law despite their real-world impact, and particularly when some of the memos released from this time include acknowledgements by Judge Roberts that his own position failed to prevail in the internal deliberations.

That was certainly true when he argued, unsuccessfully, within the administration that Congress could strip the Federal courts of jurisdiction over abortion and desegregation cases.

I will conclude, Mr. President. I do not want to abuse the Senator's permissiveness here. Let me close with this particular argument.

Judge Roberts' more recent decision to join to Judge Randolph's opinion in Hamdan v. Rumsfeld is important with respect to the security consequences regarding the military and our soldiers. That opinion gave the President unfettered and unreviewable authority to place captured individuals outside the protections of the Geneva Convention. Six retired senior military officials with extensive experience in legal policy, the laws of war, and armed conflict, have filed a friend-of-the-court brief in the Supreme Court, arguing that Hamdan must be overturned immediately because it directly endangers American soldiers. These are the real effects of these rigid applications of law.

I understand that Judge Roberts felt he could not discuss the case while it was pending before the Supreme Court, but even when asked about his views of the scope of executive power unrelated to the Hamdan case, he was evasive. He did little more than describe the Court's current framework for analyzing assertions of executive power.

As a result, I do not know whether he believes that the state of war is a blank check for the President or whether he would closely scrutinize the legality of executive branch actions at all times. Given the fact that the Hamdan decision placed our troops at risk, I am forced to conclude that some of his future decisions might threaten the security of troops abroad and our security at home.

Now, some may argue that Democrats ought to vote for Judge Roberts because he is the best nominee we could expect from the administration. I cannot agree to confirm the next Chief Justice of the United States simply because the next nominee to the Court may be less protective of our fundamental rights or liberties or less dangerous to national security. Frankly, I am not sure how I would make that determination given the limited record before me.

Some may argue that Democrats should vote for Judge Roberts because of his resume. He obviously is qualified in terms of his legal education and litigation experience. But I do not think that should be the test. A Supreme Court Justice needs more qualifications than an impressive legal resume. They need compassion and sensitivity. They need a clarity with respect to their approach to the Constitution. They need an understanding of the consequences of their decisions and how they further democratic traditions.

As a Senator, I am duty bound to consider each nominee as an individual and how he or she will fit into the current Court—the current closely divided Supreme Court. I have a duty to protect the fundamental rights I believe our Constitution guarantees. I have a duty to preserve the incredible progress that has been made toward the realization of those rights for Americans. I have a duty to safeguard our national security, and to prevent the executive from using war as a blank check to violate both national and international law.

John Roberts will be confirmed. I hope and look forward to decisions that will allay all of my concerns. He may author or join opinions protecting the rights which we hold so dear, and in so doing he may prove all of my concerns to be groundless. I hope so. But the questions I have raised, the absence of critical documents, the lack of clarity surrounding fundamental issues on how he would interpret the Constitution, requires me to fulfill my constitutional duty by opposing his nomination to be the next Chief Justice.

I thank the Chair again, and I thank the Senator for his courtesy.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah.

NOMINATION OF JOHN ROBERTS TO BE CHIEF JUSTICE

Mr. BENNETT. Madam President, we are on the Agriculture bill, but the morning has been taken up with discussion of Judge Roberts. I think that is appropriate given the decision of the ranking member of the Judiciary Committee, Senator LEAHY, to support

Judge Roberts and to announce that here this morning. That was perhaps unexpected by some of the commentators and, therefore, deserved a little time.

I will take the opportunity, having listened to the junior Senator from Massachusetts, to respond to some of the things he said, not with the understanding that it is going to change anything anywhere but for the satisfaction of getting a few things off my chest.

The Senator complained bitterly, as he and others have done with respect to other nominees, that the memos given to the Solicitor General are not being made public. He did not tell us that every Solicitor General—regardless of party, regardless of administration—who is currently living has agreed with Judge Roberts, with Miguel Estrada, with others who worked in the Office of the Solicitor General, that those memos should, in fact, not be made public.

They are, in fact, covered by the attorney-client privilege. Some say, "Well, the American people are the client, not the Solicitor General." The Solicitor General is the attorney for the American people and has a right to attorney-client privilege within his own staff, as any attorney has for material within that attorney's own office, as if they are representing a private client.

This keeps coming up. It keeps being repeated in the hope that it catches on. We need to always remember that every single Solicitor General who is living—regardless of their party—says that is the bad thing to do. That is the wrong interpretation of the law. The Senator from Massachusetts did not point that out. I think it needs to be pointed out.

He made a reference to the bureaucrats who were involved here who, as he said, have not taken an oath to defend the Constitution as we Senators have. I have been a bureaucrat. I have taken an oath as a bureaucrat to defend the Constitution. Those who serve the United States in these positions are sworn in with the same oath Senators take. It should be made clear those people who took that position and were in that position were, in fact, under oath to defend the Constitution. It demeans them to suggest their actions were any less patriotic or anxious to protect the law than actions of Senators.

I will conclude by quoting from an editorial that appeared in the Los Angeles Times. The Los Angeles Times is not known as a paper supportive of Republican positions. Indeed, it is often thought of as being a companion publication with the New York Times. But the Los Angeles Times says:

> It will be a damning indictment of petty partisanship in Washington if an overwhelming majority of the Senate does not vote to confirm John G. Roberts Jr. to be the next chief justice of the United States.
>
> As last week's confirmation hearings made clear, Roberts is an exceptionally qualified nominee, well within the mainstream of American legal thought, who deserves broad bipartisan support. If a majority of Democrats in the Senate vote against Roberts, they will reveal themselves as nothing more than self-defeating obstructionists. . . .
>
> Even if one treats this vote merely as a tactical game, voting against an impressive, relatively moderate nominee hardly strengthens the Democrats' leverage [on the upcoming second nomination].
>
> If Roberts fails to win their support, Bush may justifiably conclude that he needn't even bother trying to find a justice palatable to the center. And if Bush next nominates someone who is genuinely unacceptable to most Americans, it will be harder for Democrats to point that out if they cry wolf over Roberts.

I am not sure that will change anything, but it makes me feel a little better having said it, after listening to the presentations we have heard over the last hour. I congratulate my friend, Senator LEAHY from Vermont, for his courage in standing up to internal pressures and his announcement that he will, following the advice of the Los Angeles Times and others who have examined this, in fact vote to confirm Judge Roberts. This guarantees that we will have a bipartisan vote out of committee, as we should, and that we will have strong bipartisan support here on the floor, as we should.

AMENDMENT NO. 1783

Returning to the Agriculture appropriations bill, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 1783.

Mr. BENNETT. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 173, at the end of the page, insert the following:
>
> "SEC. 7___. (a) Notwithstanding subtitles B and C of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.), during fiscal year 2006, the National Dairy Promotion and Research Board may obligate and expend funds for any activity to improve the environment and public health.
>
> "(b) The Secretary of Agriculture shall review the impact of any expenditures under subsection (a) and include the review in the 2007 report of the Secretary to Congress on the dairy promotion program established under subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).".

Mr. BENNETT. Madam President, we need a little background on this amendment. It may be controversial. I understand there are some Senators who have opposed it and will be coming to the floor.

It would allow the producers on the National Dairy Promotion and Research Board to vote to fund or not fund the dairy air emission research required under the Environmental Protection Agency's Air Quality Compliance Agreement. This sounds fairly technical. In fact, the money that is available to the board has always been used for particular purposes, and most dairy producers want to make sure that it stays restricted to those purposes. But something has come up that requires research. It has come not from the Department of Agriculture but from the Environmental Protection Agency in a new agreement that affects dairy farmers. And in order to defend themselves against the position taken by the EPA, they need research. They need it now, and they need it badly:

This amendment would allow a one-time use of dairy promotion and research funds to fund the research. Most dairy farmers are in favor of it. Dairy is the only program that does not have an option for funding its own research. The research will be conducted by Purdue University, according to protocols approved by the EPA. This is not in opposition to EPA procedures. The actual research will be performed by land grant universities in the States identified by the U.S. Dairy Environmental Task Force.

If we assume approval by the board, which would happen if my amendment were adopted, the funds will flow through an oversight organization, again approved by the EPA. The Agriculture Air Research Council, Inc., AARC, will contract with Purdue which will, in turn, contract with the universities in the States where the sites are selected. Dairy funds only will be used to fund the dairy research. AARC's board will include two members from the dairy industry and will monitor and audit the progress of the research and how the funds are spent.

The ultimate goal of all of this research will be to develop air emissions data that can be used in a process model that will allow any dairy farmer in the United States to input his dairy's operation information and find out what his emissions are. The information generated by this research, therefore, will benefit all dairy producers.

The reason is because the EPA has laid down rules with respect to emissions from dairy farmers. Most farmers have no clue as to how many emissions their farm is producing. The EPA has some fairly draconian restrictions to put on dairy farms, if the emissions go above a certain level. So how is a farmer to know whether he is in compliance, if there is no research on how the emissions can be measured? That is the reason we want the research done, and that is the reason farmers will benefit.

I believe Congress never intended the environmental statutes regarding emissions to apply to agriculture.

When we talk about emissions, we are talking about smokestacks and automobiles and things that have been created by human beings. Now the EPA has said, no, we must monitor and, where necessary, control the emissions that come from cows. Cows have been generating emissions for a long time, perhaps even before human beings came along. So let's look at it, but let's not have a rule that arbitrarily disadvantages the dairy farmers without giving them an opportunity to know what is going on. That is what is behind this. In order to deal with the EPA regulations, the farmers need to know what is happening with respect to emissions. My amendment would fund a one-time study to give them the information they need. I believe without statutory changes, the courts will continue to rule that the environmental laws do, in fact, apply to dairy farms, and that is an issue for the authorizing committee. It is not something we should deal with on the Agriculture bill. Barring changes to the laws, I believe the collection of these data and the development of an emissions model will provide more certainty to producers.

I ask my colleagues to support this amendment. Those who are opposed have been notified. I understand there are conflicts on both sides of the aisle at this particular moment. I am not sure how many Senators will be able to come down. We are open for business. We are ready for amendments. We are anxious to proceed. I hope my colleagues will accommodate us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Madam President, as certainly the Senate knows, we are considering the Senate appropriations bill. There is an amendment that the chairman has brought at the request of the national dairy industry that is of great concern to me. As a result of that, I stand today in opposition to legislation that would seek to divert funds from the National Dairy Promotion Program to be used as a one-time-only source to fund EPA's dairy air quality studies.

While I am wholeheartedly in support of the need for research money to carry out air quality studies, dipping into a program that all producers, large and small, are required to pay into to promote their products does not seem to meet the test of where we want to now reallocate this resource.

The Dairy Production Stabilization Act of 1983 was established to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets and use for fluid milk and dairy products. The act does provide for research dollars to be spent but only on research projects related to the advertisement and promotion of the sale and the consumption of dairy products. So should this act leave the door open as a slush fund available any time a select group needs quick money for a proposed unrelated intent of the law? I would hope not, I would think not, and I am afraid the amendment takes us in that direction.

On September 9, 2005, I and the entire Idaho congressional delegation sent a letter on this issue to Secretary Johanns. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IDAHO CONGRESSIONAL DELEGATIONS,
September 9, 2005.

Hon. MIKE JOHANNS,
Secretary, U.S. Department of Agriculture, Independence Avenue, SW., Washington, DC.

DEAR SECRETARY JOHANNS: We write to express opposition to a proposal to divert funds from the National Dairy Promotion Program to fund the Environmental Protection Agency's (EPA) dairy air quality studies.

We understand that a proposal has been put forward to provide for a "one time" use of National Dairy Promotion Program funds for dairy air quality studies. We support necessary environmental research. However, we share the concern of Idaho dairy producers that this proposal would provide a misdirection of funds that are intended, according to the Dairy Production Stabilization Act of 1983, to be used for dairy promotion and related research and education. In authorizing the program, Congress clearly stated that the assessments were to be used for "carrying out a coordinated program of promotion designed to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for fluid milk and dairy products produced in the United States."

The Act and the Dairy Promotion and Research Order, which implements the program, also defines research to be provided through the fund as "studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for dairy products. "Therefore, it is clear that the fund is meant to be used for research related to the promotion of dairy products and not for other purposes. If implemented, we are concerned with the precedent the proposal would set toward possible future diversion of these important promotion funds.

The dairy industry, the Administration, Congress, and interested parties must work to find the best ways to fund dairy environmental research that do not jeopardize promotion efforts. Last year, dairy producers in Idaho voted to assess themselves an extra $0.005/cwt. to fund environmental research. This is raising approximately $500,000 per year, enabling the establishment of a broad based research coordination team that includes the State and Regional EPA officials. This effort serves as an example of how the industry is working to enable research, while not compromising promotion.

Thank you for your attention to this matter. We look forward to continuing to work with you to ensure the continued success of U.S. agriculture.

Sincerely,

MIKE CRAPO,
United States Senator.
MIKE SIMPSON,
Member of Congress.
LARRY E. CRAIG,
United States Senator.
C.L. "BUTCH" OTTER,
Member of Congress.

Mr. CRAIG. Madam President, Idaho recently became the fourth largest dairy producer in the Nation, and coupled with that new status are our inherent growing pains. Over the past 15 years, Idaho's expansion in the dairy industry has been swift. So has the growth of the State's population. The two have come in conflict with each other over the need for Idaho's dairy industry to be good players in the environmental arena. That is a critical issue, and they have, in most instances, been successful in working out their problems.

Even with the increased pressure of urban encroachment and stringent environmental regulations—and our State has not turned its back on this issue—producers in my State continue to surprise me in their work, in their innovation, and the progressive thinking as it relates to resolving the environmental problems that I suggested are inherent with large concentrated herd and dairy development that is on going.

Idaho's industry realized a few years ago that it was vital they work collectively to support research to find new technologies and methods to mitigate the impact of the operations on the environment. So in 2004, Idaho dairy producers voted to assess themselves an extra half cent per hundredweight to fund environmental research. In other words, they didn't ask the country to do it, they didn't ask the Nation to do it, they did it themselves. This initiative raised about a half a million dollars per year, enabling the establishment of a broad-based research coordination team that includes Idaho and regional EPA officers.

This effort serves as an example of how the industry ought to be working to solve critical research problems rather than asking us now to dip into a fund that was dedicated to advertisement, promotion, and product development.

I am aware of EPA's work on the livestock "air consent agreement" to provide limited immunity from frivolous environmental lawsuits to producers who voluntarily allow EPA to conduct their quality research on their operations. I know that those who support this onetime dollar-dipping have good intentions, and I support all of their intentions fully. I have been working with them for a good number of months on other ways to shape Federal policy on air quality issues. However, asking Congress to allow a one-time-only access to the pool of money never intended for that purpose defies the integrity of the dairy promotion program that has worked so very effectively for now 22 years.

Supporters of this proposal say it would only cost around $5 to $8 million, but if it is that small amount, then if you look at the assessment that Idaho did on themselves, you would suggest that more and more could be raised if other States were to do as Idaho has done. The program assesses all producers to promote the products that these producers all provide to the consumer. The money from the promotion program that some, not all, in the industry now seek would only benefit a specific group of producers—about 1200—for a purpose completely unrelated to the intent of the program. Why should we allow a precedent to be set that robs Peter and the rest of his family to pay Paul? Never mind that this has never been done in the program's history.

Mr. President, again, I would like to express my support for the critical need for Federal investment in air quality and other environmental research programs for the dairy industry, but we should not open the gate to a flood that might never cease from a program that is intended for an entirely different purpose. With that, I will have to oppose the amendment.

Mr. BENNETT. Madam President, I listened to my friend from Idaho with great interest and great sympathy, and if, indeed, we could get all the other dairy producers to follow Idaho's example and put an assessment on themselves in order to come up with this money, I would agree with him this amendment is not necessary. Unfortunately, I believe there is an urgency here. The research needs to be done as quickly as possible, and this seems to be the logical place to which we should go.

I will say to the Senator from Idaho and to my other colleagues the fundamental problem here is not the research. The fundamental problem in my view is the absurdity of the EPA position with respect to the underlying question. That, as I said earlier, is not a matter for the appropriations subcommittee to deal with. It is a matter for the authorizing committee. But I will pledge to my friend from Idaho that to the degree we can have some influence on the EPA's position in conference, I will do everything I can to try to get a little common sense into this regulatory pattern.

With that, Madam President, I call for a voice vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1783) was agreed to.

Mr. BENNETT. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Madam President, I suggest the absence of a quorum.

Mr. CRAIG. Madam President, prior to the call of the roll, I wish to thank the chairman of the agriculture appropriations subcommittee for his work on this issue and his cooperation. Certainly, this industry, as it is important to my State, is important to his State. We work very cooperatively together. We have a lot of commonness across State lines as it relates to the dairy industry, and we share a great deal of work and research. I appreciate the urgency of the need as he has expressed it, but I felt it was extremely important that Idaho's position be heard and understood by the rest of the States because this could be done by the industry itself from another resource, not unlike how Idaho has approached it. And I hope that other States would recognize the need to resolve this issue, and I certainly agree with Senator BENNETT that the authorizing committee has a responsibility here and EPA needs to get their act together on this issue.

I yield the floor, noting the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Ms. SNOWE. Mr. President, I ask unanimous consent to proceed in morning business.

The PRESIDING OFFICER. Without objection, is is so ordered.

(The remarks of Ms. SNOWE, and Ms. MILKULSKI pertaining to the submission of S. Res. 246 are located in today's RECORD under "Submitted Resolutions.")

Ms. SNOWE. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Chair. First of all, I rise to encourage my colleagues to vote for the appropriations bill that is before us. It is the appropriations bill to fund The Department of Agriculture and the Food and Drug Administration. I would like to thank the chairman of the committee, the distinguished Senator from Utah, Mr. BENNETT, as well as the ranking member, for the excellent bill that they have put together, and therefore it warrants our support because it does fund the agricultural needs of our communities, and also funds the Food and Drug Administration.

Mr. President, Maryland is an agricultural State. It might surprise people because usually we are thought of as the home of high-tech research, Johns Hopkins University, the National Institutes of Health, but we are agricultural in soybeans and poultry. Also, we are the proud home of the Food and Drug Administration. We are so proud of the fact that the FDA is in Maryland and that the agency is charged with the mission of food safety and also with the safety of our drugs and our medical devices.

One might ask why is FDA in Agriculture appropriations. Well, because its original mission was food safety. But now it has expanded to the mission of ensuring the safety of our drugs and also of our medical devices.

It is wonderful to have them in the State, these competent people who work very hard putting America first, putting the safety of our people first, and also ensuring that drugs and medical devices move to areas of clinical practice.

But I am telling you I am really worried about what is going on at FDA currently. FDA has always been the gold standard in maintaining drug safety and drug efficacy. Yet today this agency is being politicized and degraded. The current administration has shown a persistent pattern of bringing incompetent leaders into critical positions. We have seen it at FEMA. We have seen it at other agencies. And now it is true at FDA. I see appointments being made on the basis of ideology instead of competency. I have seen people who have worked and devoted their lives to FDA resigning because they saw science being politicized. I am worried about this.

Now, I voted against the current FDA Director, not because he is not a pleasant man but because there were so many problems under his watch. And they are not getting better. Let's take the situation that occurred in the consideration of something called plan B. Regardless of how you feel about whether plan B emergency contraception should be available over the counter, I think we would all agree that a decision should be made. I understand it is controversial from a cultural standpoint, but the question is was it controversial from a scientific standpoint? Well, delay, delay, delay, delay. Even the head of the FDA recently promised Senators CLINTON and MURRAY that a decision would be made. Guess what happened? What happened was after the scientists made their decision, the Director delayed it because he said: How can we prevent teenagers from getting it? Well, Madam President, you are a mom. You know if we can keep alcohol and cigarettes out of the hands of teenagers, surely the Food and Drug Administration would know how to handle this issue of contraceptives with teenagers. Put it behind the counter. Dr. Susan Wood, the Director of the FDA Office of Women's Health, resigned in protest. Dr. Wood is a distinguished scientist. She is a competent policymaker. She headed up the Office of Women's Health that the distinguished Senator from Maine, Senator SNOWE, and I worked to establish, to be sure that as drugs and clinical devices went through the evaluation, special needs of women would be taken into consideration and also children—another aspect led by our colleague from Ohio, Senator DEWINE.

So this is what Wood's job was. Did she quit because of pay? Did she quit because she got some big job with the pharmaceutical industry? Why did she quit? She quit because, she said, "after spending the last 15 years to ensure that science forms policy decisions, I can no longer serve when scientific and clinical evidence are being overruled by the leadership."

Well, she quit. So what happened? Guess who they announced would serve as the acting director of the office last week? They announced a male, a guy, with a background in veterinary medicine. What a dismissive attitude of the Office of Women's Health.

Now, I am not saying a man could not handle that job. He probably would have to work twice as hard to prove himself. But nevertheless, an individual with a background in veterinary medicine in charge of the Office of Women's Health? I admire the veterinarian community. They play a very important role in our community. They are respected. They are admired. They have sophisticated training. But I do not believe, as we are looking at the impact of a drug on pregnancy, or of postmenopausal women that someone with a background in veterinary medicine should be in charge.

Guess what. Advocates and scientists pounded the table, and they put someone else in charge. And the FDA doesn't even have the guts to stand up for the immediate appointment it made. It backed off, saying: Oh, we never announced his appointment. However a lot of people have that e-mail. I do not know the qualifications of the new acting director, but we are not heading in a good direction.

I want FDA to be the gold standard on safety and efficacy. There are many countries around the world that are poor. They rely on what is approved by FDA because they could never afford to have an FDA. Doctors in clinical practice rely on the FDA to tell them what is a good and safe drug, or what is a good and safe medical device, or an effective device. This is phenomenal. I had the benefit of this myself. I wore a heart monitor, invented in the United States of America, that could tell my doctor whether the drugs they were giving me controlled a condition of arrhythmia that I have. It was wonderful to know it had been approved by FDA that it could tell me if what I was doing was safe, and could give advice to my physician on how best to treat me. This is what we want the FDA to be able to do.

We have a lot of problems. Look what is happening. We know what happened to Vioxx, out there prematurely, or with data withheld. We have all of these questions.

If you want to worry about teenagers, let's worry about antidepressants. I worry they can get antidepressants faster than they can get plan B. That is up to parents and others to control. But these antidepressants have had a very negative and dangerous effect on some teenagers. Where was FDA?

Now we have these implantable defibrillators that can go into your body, wonderful devices that can jump-start a heart. But guess what. They are found to have short circuits. The manufacturer knew about it, FDA knew about it, and they took no action on this. What is happening to our FDA?

I have fought for the right resources, I fought for the right legislative framework for FDA, and I am going to fight for the right leadership.

I wish Dr. Crawford would, No. 1, take charge of his agency. I am not calling for his resignation today, though he has to think about what he is doing over there. He cannot continue to politicize this agency. I am saying to him now that if he continues to politicize it, we will have to look at further action. I believe he is a decent person, but either he is getting direction from somewhere else or he has lost direction. This is meant to be a scientific agency, standing sentry over the safety of our food supply, doing the necessary evaluations as to whether a drug should come into clinical practice, and making decisions about whether a medical device can be safe and reliable and be the tool it was supposed to be, such as the one I had the benefit from.

So I say let's support the appropriations, let's make sure they have the right resources, but I sure in heck want them to have the right leadership so we can come to the right conclusions, and people all over the world—doctors, clinicians, and the American people can rely on FDA. I want to rely on FDA for science and not politics.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from New Mexico.

NOMINATION OF JOHN ROBERTS

Mr. BINGAMAN. Mr. President, I rise today to state my intention to support the nomination of John G. Roberts to be the next Chief Justice of the U.S. Supreme Court.

He has the experience, judicial temperament, and qualifications necessary to be Chief Justice, and his testimony before the Senate Judiciary Committee has given me reason to believe he is not an ideologue and that he will make decisions based on sound legal reasoning that is within the mainstream of judicial thought in this country. I do not believe that he has an agenda to reverse our Nation's historic commitment to civil rights, and I take him at his word when he says that he will take each case on its facts and apply the law regardless of his personal views. It is for these reasons that I intend to vote in favor of Judge Roberts' nomination.

Many people have raised legitimate concerns about views that Judge Roberts expressed in the past. As a 26-year-old staff attorney in the Reagan White House Counsel's Office, Roberts wrote a series of memos that raised concerns about his commitment to civil rights. At his confirmation hearing he said that he no longer held certain views and it was important to distinguish between his personal views and those of an advocate seeking to uphold the policies of his client.

Due to the limitations the Senate faced in obtaining documents, in making my decision I had to primarily rely on Judge Roberts' testimony before the Judiciary Committee. The assurances he provided in his testimony give me what I believe is a reasonable expectation regarding how he will approach cases if placed on the Court. I would like to take a moment to briefly discuss some of these expectations that I believe are reasonably based on what he said at that set of hearings.

First, Judge Roberts repeatedly stressed that he respects the rule of law and recognizes the importance of considering stare decisis in the decision making process. I agree that looking to settled precedent should always be the starting point in this process. It is essential that the decisions of the Supreme Court provide reliable guidance to the American people, Congress, and the executive branch, and I believe that the whimsical reinterpretation of settled law is not in the best interest of our Nation. Based on the answers that Judge Roberts gave, I believe it unlikely that Judge Roberts will chart a new right-wing course for the Court based on his own personal views. His answers indicate that he will apply the law in a fairminded way and that he will afford longstanding precedent adequate deference.

Second, when asked about whether the Constitution contains a right to privacy, which provides the legal basis for a woman's right to choose and the use of birth control, Judge Roberts made clear that he believed that it did. He stated clearly that the right to privacy was protected by the "liberty" due process clauses of the fifth and fourteenth amendments. More importantly, Judge Roberts asserted that the right to privacy conferred under the Constitution was a substantive and not merely a procedural right. This view is in stark contrast to that of Justice

Scalia, who has argued for a strict constructionist interpretation of the Constitution and believes the right to privacy is an artificial construct that lacks any foundation in the Constitution.

Third, Judge Roberts also distinguished his views from those who see Constitution as a static document and only recognize recourse to the "original" intent when interpreting it. I believe strongly that the Constitution was intended to be a living document, and that we must have a constitution that is able to address the challenges and adversities that we face as a modern society. When our country was founded we were living in very different times, and it is important that our Constitution reflect the new world we are living in. In his testimony, Roberts noted that although it was impermissible to contradict the plain text of the Constitution, where the Constitution uses general terms, such as "liberty" or "equal protection," it is acceptable to interpret the text in light of today's notions of liberty and equal justice, not just those concepts as they were contemplated in 1787.

Fourth, with regard to recent Supreme Court decisions that have restricted the ability of Congress to enact certain laws pursuant to the commerce clause, Roberts' answers indicated a willingness to interpret these cases in the context of the overwhelming jurisprudence supporting Congressional authority in this area. Further restrictions on the power of Congress to legislate under the commerce clause could have profound implications concerning the ability of Congress to pass laws with respect to the environment, civil rights, and many of the basic advancements we made during the Warren court.

In addition, Judge Roberts also specifically rejected the tenets of the Supreme Courts' 1905 decision in Lochner v. New York, which drastically curtailed the ability of Congress to pass critical workers' rights legislation, such as wage and child labor laws. Of course this decision has since been overruled, but some jurists nominated by President Bush, Judge Janice Rogers Brown, have advocated that the decision was correctly decided.

There is one other issue that I would like to discuss. Some of the most challenging issues that the Supreme Court will likely face over the next decade will involve how we balance civil liberties with the need to confront terrorism. The President has asserted tremendous authority in this area, including the right to indefinitely detain a U.S. citizen that he unilaterally deems an "enemy combatant." The Court will have to decide issues involving the detention of suspected terrorists, due process rights, constraints regarding the use of torture, and many other questions that will define our commitment to longstanding principles of civil rights and civil liberties. During the hearings, Judge Roberts rejected the Supreme Courts' decision in Korematsu, which upheld the mass detainment of Japanese Americans during World War II. Although this decision is a sad part of our history, in a technical sense it is still legally binding. Judge Roberts' complete rejection of this approach gives me hope that he understands that governmental powers are not without limit in times of war.

When asked whether he considers himself in the mold of Justices Scalia or Thomas, Judge Roberts stated clearly that he would be his own man. As I have stated, I expect that Judge Roberts will afford adequate deference to Congress, will follow longstanding precedent, and will apply the law in a fair and straightforward way. It is my hope that Judge Roberts will uphold these expectations.

TEAM NUTRITION

Mr. President, I now speak on a different issue. This is in relation to an amendment I have filed on the current pending legislation, the Agriculture appropriations bill. I will not offer that amendment at this point because we are still in discussions with the bill's manager and the ranking Democrat and their staffs to see if we can find an appropriate offset for this amendment. It is one I offer with Senator LUGAR as my cosponsor. I believe it is a very important amendment. It is an amendment to provide $10 million in additional funding to expand and develop new team nutrition programs across the country.

Senator LUGAR and I offer this amendment in light of the growing and profound evidence that our Nation must confront what both the Department of Agriculture and the Department of Health and Human Services refer to as our "growing epidemic of childhood obesity."

As Eric Bost, the Under Secretary for Food, Nutrition, and Consumer Services, testified before Congress in April of this year:

> Nearly 365,000 deaths a year are related to poor diet and physical inactivity; poor diet and inactivity are the second leading cause of preventable death after smoking.

He added:

> In the past 20 years the percentage of children who are overweight has doubled and the percentage of adolescents who are overweight has more than tripled. If we do not stem this tide, this may be the first generation of children who will not have a longer life expectancy than their parents.

According to a 2005 Institute of Medicine report, there are approximately 9 million children nationwide over the age of 6 who are considered obese, resulting in increases in children being diagnosed with type II diabetes and hypertension. In addition to the negative effects on the health and well-being of these children, the rise in childhood obesity has a profound economic cost for our country.

Between 1979 and 1999, obesity-associated hospital costs for children between the ages of 6 and 17 more than tripled, according to a study published in Children Pediatrics. To combat this, the administration has launched an initiative it refers to as part of its larger healthier U.S. initiative. It is called the Healthier U.S. School Challenge, which is focused on helping children live longer, better, and healthier lives.

Secretary Ann Veneman and the U.S. Department of Agriculture announced in July of this year:

> The school challenge builds upon the Team Nutrition Program and recognizes schools that achieve nutrition and physical activity standards.

The School Challenge and Team Nutrition requires schools to do essentially five things: One, to serve national school lunch meals that are verified to meet nutrition standards; second, to offer nutrition education, which is the purpose of the amendment Senator LUGAR and I are offering; third, to maintain national school lunch participation above certain levels; fourth, to offer physical activity for students in those schools; and fifth, to ensure that all foods offered through the school meet healthy standards as reflected in the dietary guidelines for Americans.

Although there are 28,000 schools nationwide that are participating as of October of last year as Team Nutrition schools, that is far from adequate. There are way too many schools that are not participating that should be participating. In fact, these programs are chronically underfunded. Team nutrition has once again been proposed by the administration, and in the current spending bill before the Senate the proposed funding is $10 million. This is equivalent to 21 cents per year for every child in public school in this country. There is nobody who could credibly argue that 21 cents per child per year is an adequate funding level for nutrition education. Unfortunately, the $10 million that has been proposed this year for funding in this program is what was proposed last year. It is what was proposed the year before. Essentially, we are on auto pilot in the Department of Agriculture with regard to this program. There is no effort to move ahead and deal with the very real, new challenges we have in trying to teach nutrition to the young people of this country.

Furthermore, there is not a single set of funding in over half of the States in the country as Team Nutrition dollars are only going to 21 States. Unfortunately, New Mexico is one of those States and is not able to participate in Team Nutrition at any level because the funding is so inadequate.

Today, one in seven young people is obese in this country; one in three is overweight. Obese children are twice as likely as nonobese children to become obese adults. Only 2 percent of children consume a diet that meets the five main recommendations of a healthy diet from the food guide pyramid that is published by the Secretary of Agriculture, and three out of four children in the United States consume more saturated fat than is recommended in the dietary guidelines for Americans published by the Secretary of Agriculture.

We need to support any effort we can to curb this growing obesity problem. We need to support making our children healthier today by teaching them and the adults in their lives about the importance of healthy eating habits and physical activity.

I urge the support of my amendment and Senator LUGAR's amendment. As I indicated, we will not call it for consideration or a vote at this time, but hope we are able to find an appropriate offset and get agreement to add this amendment to the legislation.

I would argue, I think without any reservation, that this is a small investment. It is a first step, but it is an important step we should be making as a Nation to confront the profound and growing problem many children in our society face.

I yield the floor.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, we understand in the House bill there is one section that deals with the country-of-origin labeling. This has been one of the most heated debates we have had in the livestock industry. It seems like it comes up every year.

In 2002, a mandatory country-of-origin labeling law was passed in the farm bill. I remind my colleagues it is the law of the land. It was signed into law. USDA was directed to start writing the administrative rules that all meat being imported into the United States have a label on it and also that meat domestically produced would also have a label saying: "Made in the U.S.A." That was in 2002. That was 3 years ago. We have gone through this debate, and I know sometimes it gets carried away and is very emotional. I understand in the House bill there is another delay in putting the rules into effect.'

Now, whether you agree or do not agree with the mandatory law, it is the law of the land. This old business of delay and delay and delay does not do anything for our beef or pork producers because there is no consistency in the law. They do not know what to expect and what to do.

In Montana, my producers are tired of waiting. The USDA published a proposed rule on mandatory country-of-origin labeling on October 27, 2003.

The public had a chance to comment. In fact, they even extended the comment period to give folks extra time to weigh in on this important issue. Three years have gone by, and here we are—no progress on labeling. This is unacceptable. The Department needs to publish a final rule, and they need to do it now. It is long past time to implement country-of-origin labeling. It is the law of the land. If you don't like the law, then repeal the law. But let's move on. At a minimum, at least let us take a look at the rule. Congress voted to delay COOL once already, and the anti-COOL forces are at it again. But we don't know what the labeling requirements will look like. So the USDA needs to act and to take a leadership role, and it needs to be published.

My producers in Montana will not tolerate another day of delay in this important program. We need to get it done, and it needs to be done right. And it needs to be mandatory. If Congress votes to make COOL voluntary, they may just as well repeal the law because voluntary COOL, or country-of-origin labeling, will not work.

In October of 2002, the Secretary did publish guidelines for a voluntary labeling program. Any retailer who chose could begin labeling their products. There is a lot of misconception and misinformation. Some would contend that if we have a mandatory labeling law, that would take precedence over a marketing label. In other words, if you wanted to label beef as certified Angus beef, they couldn't do that. Sure, they can do that. They can do it as long as it is domestically produced, and the vast majority of it is, or any other marketing tool that a State should have or that a product should have can still be published, but we have to have a label USA.

Since we put it off and the voluntary rule has been in effect, I wonder if anybody knows how many people took advantage of that voluntary program. It doesn't take long to count them: zero, none, zilch. Some of my friends say before we mandate a program, let's try making it voluntary. Well, we tried that. It has been a 3-year period. Nobody has used it. Nobody participated in a voluntary labeling program. Now it is time to shift the balance of power to the world of agricultural marketing.

Overwhelmingly, the folks who support country-of-origin labeling are small cow/calf producers. These are the people who work hard every day to raise healthy calves, produce a product, highest quality beef in the world. They take a lot of pride in their products. They want consumers to know that their beef was made in America, made in the good old USA. But they don't have a whole lot to say about this decision, though, because after they sell their calves, they go to a feedlot, and from the feedlot they go into processing. From processing they go into the retail channels. Somebody doesn't want to say this is a product of the USA. Costly, have to trace, herd ID—all of those things, yes, there will probably be a little work to it. But labeling is no more than putting the label on of their own logo. It is time we did it.

Cow/calf people right now have not had much luck in sharing our pride with our product. That is why Congress must act. Congress has acted. We have passed mandatory COOL 2002. It is the law of the land. That is the way it should be. Yet every year when Congress takes up Agriculture appropriations, we face another attempt on the part of some to prevent cattle producers from marketing their products as U.S. origin. What I am saying today is; enough is enough. Congress passed the law. Let's implement it. Producers are tired of waiting around. If you don't like the law, then repeal the law. But don't keep us in this limbo of standing here and waiting for something to happen, knowing that it never will.

I know we will try and deal with this, whether it be on the Senate floor—I would probably prefer not because the chairman of the Agriculture appropriations said maybe this is a time that we should have a little scrap in conference, and that is where I think it should be done. I trust his judgment on that. But, nonetheless, I want everybody to know—and I want the House of Representatives to know—that this is irresponsible. You passed that law just like we did. If you didn't like the law, then for goodness' sake, stand up and have nerve enough to repeal it. But if it is not repealed, let's implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENTS NOS. 1803, 1804, AND 1805, EN BLOC

Mr. BENNETT. Mr. President, I send to the desk a series of cleared amendments and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Utah [Mr. BENNETT] proposes amendments numbered 1803, 1804, and 1805, en bloc.

Mr. BENNETT. These amendments have been cleared on both sides. I ask for their approval by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 1803

At the appropriate place in the bill, insert the following new paragraph:

"SEC. . Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:" (C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

AMENDMENT NO. 1804

On page 170 strike Section 767 and replace it with the following new paragraph:

"SEC. . Notwithstanding any other provision of law, none of the funds provided for in this or any other Act may be used in this and each fiscal year hereafter for the review, clearance, or approval for sale in the United States of any contact lens unless the manufacturer certifies that it makes any contact lens it produces, markets, distributes, or sells available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution: Provided, That for the purposes of this section, the term 'manufacturer' includes the manufacturer and its parents, subsidiaries, affiliates, successors and assigns, and 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other appropriate distribution alternative without regard to whether it is associated with a prescriber: Provided further, That nothing in this section shall be interpreted as waiving any obligation of a seller under 15 USC 7603: Provided further, That to facilitate compliance with this section, 15 USC 7605 is amended by inserting after the period: "A manufacturer shall make any contact lens it produces, markets, distributes or sells available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution; provided that, for the purposes of this section, the term 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other appropriate distribution alternative without regard to whether it is associated with a prescriber; the term 'manufacturer' includes the manufacturer and its parents, subsidiaries, affiliates, successors and assigns; and any rule prescribed under this section shall take effect not later than 60 days after the date of enactment."

AMENDMENT NO. 1805

At the appropriate place in the bill, insert the following new paragraph:

"SEC. . The Federal facility located at the South Mississippi Branch Experiment Station in Poplarville, Mississippi, and known as the "Southern Horticultural Laboratory", shall be known and designated as the "Thad Cochran Southern Horticultural Laboratory": Provided, That any reference in law, map, regulation, document, paper, or other record of the United States to such Federal facility shall be deemed to be a reference to the "Thad Cochran Southern Horticultural Laboratory".

AMENDMENT NO. 1752, AS MODIFIED

Mr. BENNETT. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 1752, the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 173, after line 24 insert the following:

"SEC. . The Secretary of Agriculture may establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Mississippi Band of Choctaw Indians: *Provided*, That the interest rate for direct loans shall be 1 percent: *Provided further*, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients."

AMENDMENTS NOS. 1806 AND 1807

Mr. BENNETT. Mr. President, there are cleared amendments at the desk, one from Senator KYL and one from Senator LEAHY. I ask unanimous consent that they be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. KYL, proposes an amendment numbered 1806.

The Senator from Utah [Mr. BENNETT], for Mr. LEAHY, proposes an amendment numbered 1807.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 1806

(Purpose: To convey title in certain real property)

On page 173, after line 24, insert the following:

SEC. 7_____. As soon as practicable after the Agricultural Research Service operations at the Western Cotton Research Laboratory located at 4135 East Broadway Road in Phoenix, Arizona, have ceased, the Secretary of Agriculture may convey, without consideration, to the Arizona Cotton Growers Association and Supima all right, title, and interest of the United States in and to the real property at that location, including improvements.

AMENDMENT NO. 1807

(Purpose: To direct the Secretary of Agriculture to submit to Congress a report on whether to restore the National Organic Program)

On page 173, after line 24, insert the following:

SEC. 7 . The Secretary of Agriculture shall—

(1) as soon as practicable after the date of enactment of this Act, conduct an evaluation of any impacts of the court decision in Harvey v. Veneman, 396 F.3d 28 (1st Cir. Me. 2005); and

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report that—

(A) describes the results of the evaluation conducted under paragraph (1);

(B) includes a determination by the Secretary on whether restoring the National Organic Program, as in effect on the day before the date of the court decision described in paragraph (1), would adversely affect organic farmers, organic food processors, and consumers;

(C) analyzes issues regarding the use of synthetic ingredients in processing and handling;

(D) analyzes the utility of expedited petitions for commercially unavailable agricultural commodities and products; and

(E) considers the use of crops and forage from land included in the organic system plan of dairy farms that are in the third year of organic management.

AMENDMENT NO. 1808

Mr. BENNETT. Mr. President, there is an amendment from Senator FEINGOLD at the desk which I would like to call up and have a voice vote on at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. FEINGOLD, proposes an amendment numbered 1808.

The amendment is as follows:

(Purpose: To direct the Administrator of the Animal and Plant Health Inspection Service to publish uniform methods and rules for addressing chronic wasting disease)

On page 173, after line 24, insert the following:

SEC. 7 .(a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the "Administrator") shall publish in the Federal Register uniform methods and rules for addressing chronic wasting disease.

(b) If the Administrator does not publish the uniform methods and rules by the deadline specified in subsection (a), not later than 30 days after the deadline and every 30 days thereafter until the uniform methods and rules are published in accordance with that subsection, the Administrator shall submit to Congress a report that—

(1) describes the status of the uniform methods and rules; and

(2) provides an estimated completion date for the uniform methods and rules.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1808) was agreed to.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1809

Mr. BENNETT. Mr. President, there is an amendment at the desk offered by Senator McCONNELL which I would like to call up for consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. McCONNELL, proposes an amendment numbered 1809.

The amendment is as follows:

(Purpose: To provide for livestock assistance)

On page 173, after line 24, insert the following:

SEC. 7_____.(a) In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses within the definition of “livestock” covered by the program.

(b)(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting “horses”, after “bison”; and

(B) by striking “equine animals used for food or in the production of food,”.

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51) is amended by inserting “(including losses to elk, reindeer, bison, and horses)” after “livestock losses”.

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking “and bison” and inserting “bison, and horses”.

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 541) is amended by striking “and bison” and inserting “bison, and horses”.

(c)(1) This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

(2) This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.

Mr. BENNETT. Mr. President, I ask that the amendment be agreed to with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1809) was agreed to.

Mr. BENNETT. I ask unanimous consent that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTRY OF ORIGIN LABELING

Mr. THOMAS. Mr. President, I come to the floor to talk about part of the Senate bill that has to do with the identification of livestock products and the country of origin labeling. This is an issue we have talked about for some time and one that I think is very important. It is important to my State and to livestock producers there.

Country of origin labeling is a very simple thing: When you go into the store to buy a package of meat, it says on there where it comes from. That is not a unique idea. We do it on T-shirts and jackets and everything else and often many other foods. I think people would like to know, and have the right to know, where that product comes from.

Country of origin labeling actually was put on the Agriculture bill about 3 years ago, I believe. I was one of the original sponsors of the amendment that put it on the Agriculture bill in 2002, as a matter of fact. It has been around since. It simply says that consumers have the right to know what was the origin of this particular product that they are buying. It can be done by identifying the product as it comes off the farm or range and following it through the process. It does not require the same thing for hamburger or mixed food, which would be very difficult.

I believe most consumers support mandatory labeling and many nations require it on many kinds of foods and other products, including the United States. But this bill, even though it passed originally, has been postponed several times. I think there is something to that effect in the House appropriations bill now. It is time we do it. We ought to come to the snubbing post and get something done. It can be done. It has been done other places. I think there is support for doing it.

There is labeling of fish, shellfish, and other foods, and that appears to be working. As I said, it has been delayed more than once, and I think the idea is it would be put in place in 2006.

I am asking, as we bring this bill to completion and come on to working with the House in the conference, that we make sure we allow this bill, that has been passed and approved by the House and the Senate in the past, to go on and become law.

I will not take a great deal more time. I wish to point out it is something, No. 1, that can be done; No. 2, that there has been support for doing it. What we have done is kept postponing doing it. There are some people, some of the retailers and so on, who do not want to have to go to the trouble. But I think the process, for the consumers, is a good idea. People should have the right and they have the desire, I believe, to know the source of the product that they and their family are going to consume. I ask, as we go forward with this bill, we should keep that in mind and seek to complete this whole action, allowing it to move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1786, 1800, 1785

Mr. BENNETT. Mr. President, I understand that there are three amendments at the desk: one offered by Senator GORDON SMITH, one offered by Senator JOHN McCAIN, and one offered by MAX BAUCUS.

I ask these amendments be called up and considered en bloc. They are amendments No. 1786, for Senator SMITH; No. 1785, for Senator McCAIN; and No. 1800, for Senator BAUCUS.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes amendments numbered 1786, 1800, and 1785, en bloc.

Mr. BENNETT. I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1786

(Purpose: To allow the Secretary to authorize the use of certain funds that would otherwise be recaptured under the rural business enterprise grant program)

On page 173, after line 24, insert the following:

SEC. 7_____. With respect to the sale of the Thermo Pressed Laminates building in Klamath Falls, Oregon, the Secretary of Agriculture may allow the Klamath County Economic Development Corporation to establish a revolving economic development loan fund with the funds that otherwise would be required to be repaid to the Secretary in accordance with the rural business enterprise grant under section 310B(c)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)).

AMENDMENT NO. 1800

(Purpose: To express the sense of the Senate regarding public sector funding of agricultural research and development)

On page 173, after line 24, insert the following:

SEC. 7_____.(a) The Senate finds the following:

(1) Research and development have been critical components of the prosperity of the United States.

(2) The United States is entering an increasingly competitive world in the 21st century.

(3) The National Academy of Sciences has found that public agricultural research and development expenditures in the United States were the lowest of any developed country in the world.

(4) The Nation needs to ensure that public spending for agricultural research is commensurate with the importance of agriculture to the long-term economic health of the Nation.

(5) Research and development is critical to ensuring that American agriculture remains strong and vital in the coming decades.

(b) It is the sense of the Senate that, in order for the United States to remain competitive, the President and the Department of Agriculture should increase public sector funding of agricultural research and development.

AMENDMENT NO. 1785

(Purpose: To express the sense of the Senate regarding funding directives contained in H.R. 2744 or its accompanying report)

On page 173, after line 24, insert the following:

SEC. 7____. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

AMENDMENT NO. 1785

Mr. MCCAIN. Mr. President, this sense-of-the-Senate amendment is nearly identical to the amendment that was adopted unanimously last week during debate on the Commerce-Justice-Science appropriations bill. It is another attempt to reign in wasteful spending, particularly during this time when portions of our country along the gulf are enduring the devastating impact of Hurricane Katrina—indeed, a national tragedy.

As our Nation continues to manage the aftermath of Hurricane Katrina, the Congress and the administration must do what it can to help the hundreds of thousands of victims of one of the worst natural disasters in our history. And now, another hurricane is gaining momentum which could cause even more serious destruction to the region.

The costs of the recovery and relief effort will be enormous. We have already appropriated more than $62 billion, and that is likely a mere downpayment on the yet to be determined total expenditures that will be required. Indeed, we live in times of great need and limited resources.

Americans are being called to sacrifice, and so many are selflessly contributing what they can to the recovery efforts—they are donating money, opening their homes, or offering other useful assistance. Congress needs to do its part too. To the extent that it is possible, we should pay for this effort now rather than pass on even more debt to future generations. We should also make better use of taxpayers' money by eliminating wasteful spending, and that is what this amendment is about.

This year's Agriculture appropriations bill, and particularly its accompanying report, contain numerous questionable earmarks, the majority of which warrant further review, particularly given the circumstances that have arisen since the bill was reported by the Appropriations Committee in July.

Here are just a few examples: $2,000,000 for the National Sheep Industry Improvement Center; $50,000 earmarked to study the shiitake mushroom; $300,000 for USDA research at the Utah State University Space Dynamics Laboratory to accurately measure gaseous emissions from agriculture operations: $200,000 for grapefruit juice drug interaction research in Winterhaven, FL; $140,000 to the University of Nevada Reno to conduct a feasibility study for a cooperative sheep slaughter facility; $1,000,000 for grasshopper and Mormon cricket pest control in the State of Utah; $24,066,000 above the budget request for boll weevil pest management; $1,150,000 above the budget request for grasshopper pest management; $300,000 for biological weed control in Sidney, MT; $300,000 for the healthy beef initiative, Little Rock, AR; $200,000 to study sudden oak death in Oregon; $600,000 for cranberry production assistance in the States of Massachusetts and Wisconsin; $6,000,000 for the construction of the Animal Waste Management Research Laboratory in Bowling, KY; $1,000,000 for multiflora rose control in the State of West Virginia; $1,500,000 for the construction of the Center for Grape Genomics in Geneva, NY; $100,000 earmarked for animal identification and tracking in the State of Washington; $100,000 for brown tree snake management in Hawaii and Guam; $248,000 to reduce beaver damage to cropland and forests in the State of Wisconsin; and $400,000 earmarked for preventing blackbird damage to sunflowers in North and South Dakota.

Certainly I must not be the only one who questions these kinds of earmarks. We simply cannot afford "business as usual" around here.

The sense-of-the-Senate amendment that I am proposing would allow for a redirection of the funding for any of the earmarks that have not been authorized, have not been requested by the President, or are not related to the impact of Hurricane Katrina to be used for recovery efforts. This would occur if the agency or Department head determines, after consultation with the appropriate congressional committees—and this would mean authorizers as well as appropriators—that such an earmark is not of national significance or is not in the public interest. Since almost all of these earmarks are in the report language, which is not something I can amend, this amendment at least sends a strong message to the agencies that they will be held accountable for reviewing these directives and ensuring they are only funded if found to be in the public interest.

I hope the amendment can be easily adopted and not take much of the Senate's time, particularly since a similar provision was agreed to last week. In a time of national catastrophe, it is the responsibility of the U.S. Congress to take quick and decisive action to help those in need. It is not appropriate to continue the practice of wastefully earmarking scarce funds in the face of such a great tragedy. This should be a time of sacrifice for the sake of our suffering citizens.

Mr. President, despite high gas prices, despite a swelling $331 billion deficit, despite our military operations overseas, and despite our domestic emergencies, pork continues to thrive in good times and bad. The cumulative effect of these earmarks erodes the integrity of the appropriations process and, by extension, our responsibility to the taxpayer.

I thank the chairman and ranking member of the subcommittee for agreeing to accept this amendment.

Mr. BENNETT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1741

Mr. KOHL. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DEWINE, proposes an amendment numbered 1741.

Mr. KOHL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To pledge continued support for international hunger relief efforts and express the sense of the Senate that the United States Government should use resources and diplomatic leverage to secure food aid for countries that are in need of further assistance to prevent acute and chronic hunger)

On page 173, after line 24, insert the following:

SEC. 7_____. It is the sense of the Senate that—

(1) the Senate—

(A) encourages expanded efforts to alleviate hunger throughout developing countries; and

(B) pledges to continue to support international hunger relief efforts;

(2) the United States Government should use financial and diplomatic resources to work with other donors to ensure that food aid programs receive all necessary funding and supplies; and

(3) food aid should be provided in conjunction with measures to alleviate hunger, malnutrition, and poverty.

Mr. KOHL. Mr. President, I have worked a great deal with my friend from Ohio on international hunger issues and encourage my colleagues to support his amendment.

I also ask that I and Senator CHAMBLISS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. In recent weeks, we have witnessed disaster and hunger and displacement on our own shores. Those images are compelling. They remind us that hunger and displacement and enormous human need are chronic conditions in many parts of the world. For the people living in these circumstances, U.S. food aid is as important as it has ever been.

I hope this amendment forces policymakers to rethink and recommit themselves to international hunger relief.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1741) was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1812

Mr. BENNETT. Mr. President, I send an amendment to the desk for the senior Senator from Nevada, Mr. REID.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. REID, proposes an amendment numbered 1812.

Mr. BENNETT. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that funds made available for the Plant Materials Center in Fallon, Nevada, shall remain available until expended)

At the appropriate place, insert the following:

SEC. ____. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading "CONSERVATION OPERATIONS" under the heading "NATURAL RESOURCES CONSERVATION SERVICE" of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2823) shall remain available until expended.

Mr. BENNETT. Mr. President, I ask that this amendment be agreed to on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1812) was agreed to.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BENNETT. There is a briefing going on in the Capitol with Members of the Senate invited to attend. Accordingly, with the approval of leadership, I ask unanimous consent that the Senate stand in recess until 5 o'clock.

There being no objection, the Senate, at 4:01 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say to Senator BENNETT that I know he is managing a bill, and I see no one else is here on that bill at this time and I would like to make a statement about Judge Roberts.

NOMINATION OF JOHN ROBERTS

Mrs. BOXER. Mr. President, when a seat on the Supreme Court opened in July, I made a promise to the people of California. I promised I would only support a nominee I believed would protect their rights and freedoms.

After much thought, I have concluded that I cannot in good conscience give my constituents that assurance with the nominee we have before the Senate, Judge John Roberts. In fact, I am very worried that with Judge Roberts on the Supreme Court, the rights and freedoms that have made America a light to the rest of the world could be in serious jeopardy.

The question before the Senate is not whether Judge Roberts is a brilliant lawyer and not whether he is well qualified or well spoken or affable or unflappable. He is certainly all of those. But examining his credentials is where our analysis must begin, not end. The American people understand this. In poll after poll after poll, the American people say that before we vote, it is important to know where Judge Roberts stands on key issues that define us as Americans and what kind of country we will leave behind for our children.

The next Chief Justice will have the opportunity to steer a deeply divided Court and influence our lives and the lives of our families for generations. In recent years, the Court has issued 5-to-4 decisions to protect our air, to safeguard women's reproductive health and the rights of the disabled, to give HMO patients the right to a second opinion, to allow universities to use affirmative action, and to guarantee government neutrality toward religion.

With so many of our fundamental rights hanging in the balance, it is not good enough, in my view, to simply roll the dice, hoping a nominee will change his past views. It is not good enough to think this is the best we can expect from this President. I simply do not buy into that reasoning. And no, I don't buy into this reasoning either: Let's support this nominee because the next one might be worse. I will tell you why that rationale does not work for me and it will never work for me as long as the Constitution gives me and my colleagues in the Senate an equal role in this process.

It fails the bar that I set—the bar that says that I must be able to look into the eyes of my constituents and assure them that I feel confident in this choice. I said I could only vote for a nominee who would protect the rights and the freedoms of the people I represent.

I need to be able to look into the eyes of my constituents and to assure them I have made that judgment before I vote yes in their name. I can't do it here. We must demand far more in a nominee because the people we represent deserve no less.

I will vote no on this nomination because of what we know and what we do not know about Judge Roberts.

Long before President Bush made this nomination, we knew that his model judges were Justices Scalia and Thomas.

Now, President Bush isn't known for changing his mind, so that doesn't leave us in a good place if we're hoping for a moderate. Nor does a reading of Judge Robert's record while he served in the Reagan Administration 20 years ago.

In fact, some of Judge Roberts's writings raise serious concerns about whether he understands the ugly history of discrimination and injustice in our country, or the proper role of government in injustice and discrimination.

Of course, we were told over and over again by Judge Roberts and by this administration and some of his supporters: Do not pay attention to those memos; they were written long ago; he was just a young man; he was just a lowly staff attorney. Here is the point: Judge Roberts never backed away from those memos. When given the chance, he said over and over again they were written for someone else. Someone else is not up for the Supreme Court: Judge Roberts is up for the Supreme Court. So to simply say, Yes, I wrote that, but I wrote it for someone else, just does not pass the test.

Then we try to examine Judge Roberts' tenure years later as a top political appointee under the first President Bush. That is when he worked as Deputy Solicitor General for Ken Starr, who was the Solicitor General. Again and again, Senator LEAHY, Senator KENNEDY, Senator FEINSTEIN, all the Democrat Senators on the Judiciary Committee asked for documents relating to just 16 cases that would have shed some light on the way Judge Roberts approaches civil rights, reproductive health, the separation of church and state, environmental protection, and more. The Democratic women Senators asked too. But again and again, the administration refused to turn over the documents, and Judge Roberts refused to help us.

The President had access to that information when he nominated Judge Roberts. Why should this Senate a full partner in choosing the next Justice—have anything less?

This is not a small point of process. This goes to the heart and soul of what we are expected to do as Senators. We are supposed to be an equal partner in this process. We have the role of advice and consent to the President on judicial nominations. How can we do our job if the administration has access to information and yet we don't? I don't think it is fair. I don't think it is just.

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. KENNEDY. I thank the Senator for making her statement and particularly her comments about the effort by the Judiciary Committee to seek some 16 of the 300 cases in which Judge Roberts was involved as a Deputy Solicitor General.

As Judge Roberts pointed out during the hearings, when he was acting as the Solicitor General, he was acting as America's lawyer. That was not being a part of the Republican administration. The Solicitor General is to act as America's lawyer. That is why even Robert Bork, when he was Solicitor General, gave the information to the committee; and Brad Reynolds, who was in the Solicitor General's Office, also gave the materials from the Solicitor General to the committee.

As I have listened to the Senator, this is basically Judge Roberts' job interview for America. The members of the Judiciary Committee are just instruments to try to help the American people understand this nominee. It seems to me if the material had been favorable to Judge Roberts, they probably would have made it available. I imagine the American people are wondering, since others have made it available, why they did not make it available for him and why they denied the American people additional helpful information so they would be able to make up their own minds during the course of the hearing.

I underline the point the Senator made about the importance of information and the importance of documents. Would the Senator not agree this is basically Judge Roberts' interview with America, that the Judiciary Committee is the instrument by which the American people are forming an impression? It is a worthwhile part.

This is no more a client-lawyer relationship than the man in the moon, although some have suggested that. This is a longstanding process where that material has been made available to the Judiciary Committee. I have had the good opportunity to sit for some 20 nominees. I have seen the different procedures followed, and I have seen when it has worked the best. The information has been made available to the American people, and this is the point the Senator is making.

I wanted to ask the Senator if she agreed with me that this is his job interview with America?

Mrs. BOXER. I thank the Senator for asking me this question. I could not agree more. The American people have told us through many polls that they want to have this information. They want to know. They believe it is more important and I believe the number was 77 percent said it was more important to know about where Judge Roberts stood than it was to know about his qualifications. Everyone agrees on his qualifications. The Senator is absolutely right. It is, to me, very disappointing that the judge himself refused to help us.

It is also my understanding—and Senator KENNEDY, if I am wrong, I hope you will correct me—that when Judge Rehnquist was up for the Court, he also turned over documents from when he was a lawyer in government. So we had Judge Rehnquist, we had Robert Bork, and that was the right thing to do.

You have to ask the question. What are they hiding? The American people are very smart. They understand it. Why wouldn't one show the committee this information?

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. I am delighted to.

Mr. KENNEDY. The point being this was only a request for 16 cases out of the 300 cases he actually participated in directly. There were many more where he expressed an opinion. These 16 directly involve constitutional issues. One was on a case involving affirmative action where the Federal Communications Commission asked the Solicitor General's Office to support their program on affirmative action because no major television stations were available to any of the minorities, Black or Brown, in this country, and they were trying to work out a process where there could be greater availability and they would be able to participate in these various bids that were coming in. They requested the Solicitor General to help them. They had a program. It had been approved. They asked the Solicitor General's Office to help them with their program.

What happened is not only did Mr. Roberts decide he wouldn't help them, he filed a brief for the Solicitor General's Office in opposition to the agency's program that would have opened up greater competition, greater diversity in terms of communication and ownership. That is exceptionally done, rarely ever done. All we were trying to find out was the circumstances—why did this happen, this unique set of circumstances?

Clearly, if we had enough time, I suppose we could have had the Federal communications lawyers at that time come in, and we could have tried to do our own kind of investigation on this particular case. But that is not what these hearings are all about, and that was illustrative of the type of case that was being requested and was denied to the Judiciary Committee, which had a direct relevancy as to his competency—whether we were going to continue to march toward progress in striking down the walls of discrimination, the walls of denial of opportunity, the gender discrimination which we have had in this country and which we made very substantial progress in over the period of the last 30 years with title IX, the actions that we have taken in terms of the 1964, 1965 Act, the 1968 Housing Act.

Mrs. BOXER. I say to the Senator, I think what we have tried to do in this little exchange is make a point to the American people that information was denied to the Judiciary Committee, and that information was denied to the Senate. And, the only information we have is very slim. It is a 2-year stint on the DC Circuit Court of Appeals.

We have a lot of information from 20 years ago. So on the one hand, it is kind of a catch-22 circumstance here. When you go back 20 years ago, everybody says: Oh, that is old information. It does not reflect Judge Roberts. You ask Judge Roberts, he won't answer. He says he was writing for someone else. So we then need to look at the time in the 1990s when he worked in the Solicitor General's office. But, we cannot get that information. So we go around in a circle.

I have to say, if this debate were about a small matter, it would be one thing. But, we are talking about the future of this country. The importance of a position on the U.S. Supreme Court cannot be overstated.

Mr. KENNEDY. Mr. President, will the Senator yield further?

Mrs. BOXER. Mr. President, I am happy to yield.

Mr. KENNEDY. On those memoranda, I think the Senator quite appropriately recorded that he had written those a number of years ago. And he, when he was asked about those memos, indicated he was just working for the administration. Of course, he made the application to work for the administration; he was vetted for the administration; he got the job with the administration. So this was something he very much wanted to do. He was constantly promoted within the administration. He could have very easily worked in another area. As John Lewis pointed out, this was a key moment in American history in terms of the march toward progress and moving ahead in terms of knocking down walls of discrimination.

I say, as a member of the committee, I was disappointed that Judge Roberts would not say whether those were his views today. That was the key. You can accept that, well, he was just an attorney in the Ford administration and was carrying on the administration's policy, although I think that is a stretch in many of the different memoranda that he wrote, when he explicitly said "this is my opinion" and "I believe," as compared to "we believe" or "it is our position." I think that is very distinguishable.

But, nonetheless, he was asked repeatedly, as I mentioned in my comments earlier, by Senator KOHL, by Senator FEINGOLD, by Senator BIDEN, and other members of the committee, are those his views today? I expected he would say, "well, you know, times have changed. I wouldn't have used those words. I wouldn't have come, perhaps, to those conclusions," which would have been very understandable. But there is not a single instance—not a single instance—during the course of those hearings where he said: Those are not my views today. I have changed my position.

I think the Senator appropriately points out that aspect of the hearings and why that is troublesome. Because we only can conclude if he does not disown those positions, they may very well be his positions today, which would be very disturbing.

Mrs. BOXER. I say to the Senator, again you are making a very important point. The fact is, Senators on the Judiciary Committee—and I watched every minute of the hearings I could. I even watched the reruns of your hearings in the evening. You gave Judge Roberts ample opportunity in a very nice way to distance himself from his writings. He refused to do so. He simply said: I was doing this for my boss, and I was thinking like my boss. It is not good enough because he is the one who is up for Chief Justice.

I know Senator BENNETT would like me to conclude, and I will do so.

In his reviewing his record, I also looked for some assurance in the decisions Judge Roberts wrote during his two years on the DC Circuit. But, again, nothing. In fact, some cases raised serious concerns about his commitment to protect the environment and his support of an all-powerful executive branch.

Judge Roberts had three days to tell the Senate and the American people what he really believes today.

He had the chance repeatedly to distance himself from the controversial positions he once advocated. He did not.

Let's face it: Judge Roberts was specific only when it mattered least and evasive when it mattered most.

Last year I ran for the Senate, and I ran a commercial that people said was very direct, but that is the kind of Senator I am. I said in my own words, right in that commercial, I would do everything in my power to ensure that we never go back to those dark days of back-alley abortions, when thousands of women died and many others were rendered infertile.

We know that Judge Roberts signed a brief calling for Roe to be overturned. It was one of those 16 cases the administration will not release. And it concerned one of the many important topics about which Judge Roberts refused to answer questions.

To simply say Roe is a precedent, which he said over and over again, is stating the obvious. Every case of the Supreme Court is a precedent. And to say you respect precedent, yes, every judge must respect precedent. But it does not give us an inkling into his views, and that is not good enough.

We deserved an answer to Senator FEINSTEIN's questions about privacy: Does the right to privacy extend to the beginning of life and the end of life? We still don't know what Judge Roberts believes.

We deserved an answer to Senator BIDEN's question about gender discrimination. Does Judge Roberts stand by an interpretation of title IX that would have denied all remedies to a girl who was repeatedly sexually harassed by her teacher? We still do not know how Judge Roberts feels.

We deserved an answer to Senator KENNEDY's probing questions about civil rights. Does Judge Roberts have any concerns about the constitutionality of landmark civil rights laws? We still do not know.

How could he be silent on those laws. They stand out in history as landmark moments that changed the course of human events in America forever, that finally spoke to all our citizens and told them they were equal, and the government would make sure they were protected and safe.

We deserved answers to Senator LEAHY's questions about Congressional War Powers. We did not get them.

Now, Judge Roberts says as a Justice, he will "just" be an umpire calling balls and strikes. Of course, balls and strikes look a lot different depending on where the umpire is standing. And umpires have a lot of power to decide who wins and who loses.

So who will be the winners if we confirm Judge Roberts next week? Will it be the families of America? Will it be the children of America? Will it be the victims of violence? Will it be the poor and the powerless? Will it be the middle class? Will it be the environment? Will it be freedom? Will it be liberty? Will it be justice? Will it be our Constitution? Or will the winners be those who want to stop the national Government from acting to protect and defend our people and their rights and their freedoms?

I cannot tell my people that Judge Roberts will continue the steady march of progress that has defined our country's proud history.

So I will vote no. And because I believe the Senate deserves those 16 cases that Senator KENNEDY talked about, and answers to our questions, I will vote no.

I hope and pray my doubts about Judge Roberts are misplaced and that he will join the moderate wing of the Court to protect the Constitution of this country that I love so much and the deserving people of my great State who will be counting on him to protect their rights and their freedoms.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, the hour of 4 o'clock has come and gone. That was the hour by which all amendments to the bill had to be submitted. We had 120. We have disposed affirmatively of 31 of those, and we are not at all sure the other roughly 90 are all going to be offered.

The majority leader has made it clear he wants to finish this bill tonight, and so I say to those who have amendments still on the list, if they do not show up to offer their amendments, we will move to third reading at an appropriate time. We want to accommodate the majority leader's desire. I think it is the desire of most of the Members of the Senate to move forward. So I say to the other Members who do have amendments, you are on notice that if you do not let us know you are going to be here and try to reserve some time to call up your amendment, we will indeed move to third reading. There are hotlines that have been going out to Senators who have amendments filed to give them that message. We will go forward in that fashion.

AMENDMENTS NOS. 1754 AND 1755

Mr. President, I do have two additional amendments to those that have already been cleared, which I send to the desk and ask for their immediate consideration. Both are on behalf of Senator SALAZAR of Colorado.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. SALAZAR, proposes amendments numbered 1754 and 1755 en bloc.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 1754

(Purpose: To provide for a report on the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities)

On page 173, after line 24, insert the following:

SEC. 7___. Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of Energy, shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that describes the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities.

AMENDMENT NO. 1755

(Purpose: To require the Secretary of Agriculture to prepare a report on the conduct of activities to address bark beetle infestations)

On page 173, after line 24, insert the following:

SEC. 7_____. The Secretary of Agriculture (referred to in this section as the "Secretary") shall prepare a report for submission by the President to Congress, along with the fiscal year 2007 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations; and

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2).

Mr. BENNETT. Mr. President, I call for a vote on the two amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 1754 and 1755) were agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. With that, Mr. President, we continue to go through the amendments that are available to us to see if they can be cleared on both sides in an effort to get them cleared. But I say, once again, to Senators who may be watching, we need to have an understanding of whether you are coming forward. We will soon reach the point where the amendments that can be cleared on both sides have been. At that point, if a Senator has not notified us of his intention to proceed and has not shown up, we will move to third reading.

The PRESIDING OFFICER. The Senator from Utah should be advised that in my capacity as a Senator from Oklahoma, I plan to offer amendments, and I will make those arrangements forthwith.

Mr. BENNETT. I thank the Presiding Officer. We were aware of his intention to offer his amendments, and we will not take advantage of him being trapped in the Chair to move ahead without protecting his rights and his interests.

The PRESIDING OFFICER. The Chair thanks the Senator.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760, WITHDRAWN

Mr. DURBIN. Mr. President, I rise to enter into a brief colloquy with Senator COCHRAN, who is the chairman of the Senate Appropriations Committee, to discuss agriculture disaster assistance. The purpose of this colloquy is to set the stage for withdrawing a pending amendment which I am sure the chairman of the subcommittee, the Senator from Utah, will be happy to hear.

This has been a tough year for agricultural producers from coast to coast. Hurricane Katrina has decimated production throughout the gulf coast. The most recent USDA estimates released yesterday put hurricane-related losses in that region at nearly $900 million as a result of Hurricane Katrina. Having just visited this region with Senator COCHRAN a few days ago, I am not surprised. The devastation there is unimaginable, until one is on the scene.

In addition, we have had a terrible drought in the Midwest—in my home State of Illinois, Missouri, parts of Iowa, and Minnesota. We have had the worst drought in over 100 years in some parts of my State. Every county but one in Illinois has been designated a disaster area by the Secretary of Agriculture. Corn that should be standing 10 feet tall in some of the most fertile ground in America barely measures 6 feet and, sadly, is not going to produce much. The same is true for many of my counties when it comes to soybean production.

These drought conditions have reduced crop yields. Based on September USDA estimates of 2005 crop production and prices, the value of corn and soybean production in Illinois has been reduced by over $792 million, relative to what might have been expected under average growing conditions. In addition to these losses, there may be impacts on other crops and pastures as well.

We also face flooding in parts of North Dakota, red tide problems in New England that are shutting down shellfish producers who depend on the sea for their livelihoods, and an extended drought in the West and parts of the South, including Arkansas.

During this uncertain time, it is important to ensure that our agricultural producers stay in business. Most producers depend on farming for their livelihoods. In addition, there is an intrinsic good in knowing our food has been grown locally, is regulated by the Federal and State Governments, and is the safest in the world. We all benefit when American farmers are prosperous. For all of these reasons, I hope to ensure that our farmers, ranchers, and others who face disaster losses have their day in court when it comes to our Federal Government.

We have done this in the past. Last year, following a series of hurricanes, we enacted legislation to provide assistance to farmers who experienced crop loss.

I wish to ask the Senator from Mississippi to include agriculture losses incurred due to Hurricane Katrina and other national disasters, including the drought in the Midwest, in the next Katrina supplemental package.

I yield the floor to the Senator from Mississippi for a response.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am happy to join my friend from Illinois in bringing to the attention of the Senate the fact that there have been substantial losses that have occurred as a result of Hurricane Katrina, particularly in the States of Louisiana, Mississippi, and Alabama.

Having visited the State, as the Senator pointed out, just recently, it makes a vivid impression upon anyone who looks upon the widespread disaster that was caused by this dreadful hurricane.

While we do have on the books Federal crop insurance programs, other disaster assistance authorization, there always seems to be examples in a disaster of this kind of unmet needs and where, for some reason or another, the effect of the disaster is not fully protected by existing programs.

I am pleased to note, on page 88 in the committee report accompanying this appropriations bill, the committee includes information about the recent amendments to the Agricultural Risk Protection Act. It amended the original Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss and to improve the efficiency and integrity of the Federal Crop Insurance Program.

So progress has been made, but notwithstanding, I agree to work with the Senator from Illinois and the chairman of the subcommittee to craft language and funding that would be approved by the Senate, it is my hope, in any supplemental bill which the administration may request.

It is my understanding, from a visit yesterday with the Director of the Office of Management and Budget, it is expected that the administration will request an additional appropriation supplementing the funds that are available for many Government agencies and some departments to continue to provide disaster assistance to help recover from this dreadful hurricane.

In that legislation, when it does come before the Senate, we will work together to ensure that an appropriate provision is included, as described by the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Mississippi for coming over to the floor because I know there are thousands of agricultural producers across the United States who were anxious to hear we are mindful of the disasters they have faced and in the region of Hurricane Katrina and other natural disasters across our country.

I ask unanimous consent that the following cosponsors be added to the amendment I have sent to the desk: My colleague from Illinois, Senator OBAMA, who shares my feelings on the drought that has faced our State, as well as my colleague from across the Mississippi River, Senator BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, with this colloquy, however, I feel confident we can work together to resolve this problem in a reasonable way and, as a consequence, I ask unanimous consent to withdraw amendment No. 1760.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. OBAMA. Mr. President, I rise today to commend my colleague, the senior Senator from Illinois, Mr. DURBIN, for his work in crafting this legislation, of which I am a cosponsor. This amendment would provide critically needed disaster relief to Illinois farmers who face significant financial jeopardy from crop losses due to this season's historic drought.

Illinois agriculture is experiencing one of the driest periods in the last century and certainly one of the most severe droughts in two decades. Illinois is the Nation's leading producer of corn and soybeans. However, U.S. Department of Agriculture, USDA, reports show that more than half of the corn crop and almost a third of the soybean crop have been decimated by drought. Of the 102 counties in Illinois, 98 have reported crop damage due to the lack of rainfall.

In July, Senator DURBIN and I asked the Secretary of Agriculture to declare the affected counties in Illinois an agriculture disaster area. I am pleased that President Bush granted our request to give our Illinois farmers some much-deserved relief, qualifying Illinois farmers for USDA assistance programs, including low-interest emergency loans.

While this action provided an important amount of economic assistance, the scope and severity of this year's drought requires that additional measures be taken. At the present time, most of northern and western Illinois remains in a severe or extreme drought. Much of eastern Illinois is classified as abnormally dry. This is particularly alarming because farmers are at a critical point in the growing season.

Moreover, the reduction in fuel refining capacity caused by Hurricane Katrina has resulted in Illinois farmers facing a sudden surge in unanticipated fuel costs on top of already escalating fuel prices. The disruption in Mississippi River traffic at gulf ports, where half of the Nation's grain exports are shipped for foreign markets, has spiked shipping costs for farm commodities transported by barge downriver. The threat of an aflatoxin outbreak that affects corn during times of crop stress and drought is also of particular concern in recent weeks; should this condition progress after harvest and storage, farmers may face additional financial consequences in the coming months.

I understand that the Senior Senator from Mississippi, Mr. COCHRAN, has made a commitment to address this issue in the next hurricane supplemental appropriations bill that is sent to Congress. Given that commitment, I support Senator DURBIN's decision to withdraw the amendment, and I thank Senator COCHRAN for his cooperation.

Mr. BENNETT. Mr. President, we are making progress. I see the Senator from Minnesota on the floor and hope that he can proceed with his amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

AMENDMENT NO. 1844, AS MODIFIED

Mr. DAYTON. Mr. President, I call up amendment No. 1844 and send a modification to the desk and ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 1744, as modified.

Mr. DAYTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, line 16, strike "$23,103,000" and insert "$21,103,000".

On page 109, line 21, before the period at the end, insert the following: ": *Provided further*, That none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that, for purposes of counties declared to be disaster areas in calendar year 2005 by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) or by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), applies the phrase 'in the same crop year' to have a meaning other than not later than October 15 of the year in which the first crop was prevented from being planted".

Mr. DAYTON. Mr. President, this is a very simple amendment. It addresses the severe crisis in counties in northwestern Minnesota that were flooded last June after they had planted their crops. Many farmers in that region of my State lost most or even all of their crops. So the preventive planting program has been established which allows them to plant alfalfa and other cover. It says, after November 1, they may harvest the crop or graze on the crop. That works well for most of the country, but whoever wrote that date into law some time ago forgot to check the weather maps as they pertain to northern Minnesota which, by November 1, is often under snow.

The intent of the program is to provide for the ecological covering of the affected acreage, then allowing for farmers to salvage something off the land in addition to the preventive payment from the Government by harvesting it or allowing grazing on it. The effective date is too late to benefit Minnesota farmers.

This amendment would simply say, for those counties in Minnesota and elsewhere across the country that have been declared an agriculture disaster in this calendar year by either the President of the United States or by the Secretary of Agriculture, pursuant to their authorities, that they would then, for the purpose of this year only, be able to use that acreage for harvesting or grazing effective October 15. It moves up the timetable.

I think it preserves the original and actual intent of the program, and it means it applies to northern Minnesota, as it does to the rest of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the amendment offered by the Senator from Minnesota does involve some cost. We are, at the moment, unable to have a score from CBO. We are working on getting a scoring from CBO, so I ask we not vote on this amendment at the present time, until we get that.

I will say to the Senator and to Senators, generally, since the passage of the bill by the committee, we have had a number of requests, such as the one from the Senator from Minnesota, many of which appear to be meritorious but when added together, we get a sum of money that we simply cannot sustain under our allocation. So we have taken the position that we will not entertain these additional requests for money.

There are a number of Senators who have been disappointed as a result of that position, including, if I may say, the Senator from Utah. I felt that I had to deal with everybody equally, and those requests that have come in from my own State since the passage of the bill by the committee, with some difficulty, I have had to say to people, I cannot treat Utah differently than others.

This is a meritorious issue the Senator has raised, and I am not saying we will automatically oppose it because it does add to the list that I described. Because we want to know exactly what the number would be and get the information from CBO, I ask that we set this one aside for the time being, and when we have that information, then I will be in a better position to respond to the Senator's amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished chairman. I say that the practice of the committee chairman of treating himself equally with anyone else should be noted and praised. I commend it to the rest of the committee chairmen and ranking members as well. I thank the chairman for his remarks.

I apologize for the late moment and also the absence of a score. I had received a score today on a broader amendment, which was $2 million for this coming fiscal year 2006. I was asked to restrict the amendment. I believe, quite confidently, when the score is obtained, it will be less than that $2 million.

I am mindful of the imperatives on the subcommittee that they have to meet the mark they have been given. I recognize this will have an impact on that. I hope my staff might work with the chairman's staff and look for some suitable offset and some way to address this issue.

I thank the chairman for his consideration. I apologize again for adding to his burdens.

Mr. BENNETT. Mr. President, I thank the Senator for his comment and assure him this is no burden, and we will do the best we can.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Oklahoma.

Mr. COBURN. Mr. President, in a few moments, I will offer several amendments, but I feel inclined, because of what we have heard about the last two or three amendments that have come forward here, to comment.

There are products offered called crop insurance. It is very important for us as a Senate to remember that everything in life has risk. As we look at Katrina and the tremendous issues that have come forward, not everybody who has a loss in this country is entitled for the Federal taxpayers to pay for that loss. If my house burns down and I am underinsured, is that a Federal Government responsibility? At what level do we recognize personal responsibility and risk in terms of natural events?

There is no question we are going to be working hard to do our part at the Federal level to aid those involved in the tragedy of Hurricane Katrina, but the very idea that now we are considering helping those people means we jump on with everybody else who has a need in this country right now is a very dangerous trend that I guarantee we cannot afford.

I applaud the statement of the Senator from Utah in recognizing there is a limit to what we can afford. I know these issues will come through in regular order and process, but I think it has to be said that these are meritorious, that is right, but they are going to have to be listed with the rest of the priorities in this country of what has to come first.

We do not have an unending source of funds, although sometimes we act as if we do. These are going to have to be put in that order of priority. I am sure this body will do that in terms of priority, but what we cannot do is continue to mortgage the future of the next two generations by not making those hard choices.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

AMENDMENT NO. 1773

Mr. COBURN. Mr. President, I would like to call up amendment 1773.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1773.

Mr. COBURN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce spending levels, to promote more efficient use of resources, and to encourage more appropriate budget estimates)

On page 122, line 24, strike "$653,102,000" and insert "$610,754,560".

Mr. COBURN. Mr. President, this is the first of many amendments I am going to be offering the rest of the year to make a downpayment for our grandchildren to pay for Hurricane Katrina. I start small, but there are many in Washington who say we cannot do it, that there is not the waste, fraud, and abuse, there are not significant dollars that are not spent wisely and prioritized. This is one that I am not sure will pass, but it certainly cannot not be recognized by anybody who looks at the books of the rental assistance program that this is an appropriate amendment. The appropriation for this program in 2005 was $587,264,000. The budget estimate for 2006 was $650 million, the House allowance was $650 million, and the committee recommendation is $653 million.

According to the committee, this program and the objective of the program is to reduce rents paid by low-income families living in rural housing service financed with rental projects and farm labor housing projects. That is a meritorious goal. It is something we ought to be doing, and I fully support doing that. However, the payments from the fund are made to the project owner for the difference between the tenant's payment and the approved rental rate established for the unit.

Why would I offer an amendment to trim that back? It is because the rental assistance program has been gaming us, according to the Government Accountability Office. Let me explain how.

In March 2004, they reported that since 1990—this is 14 years—the rental housing program had consistently overestimated its budget needs for the rental assistance program. Concern had arisen about the issue in early 2003 because RLS reported hundreds of millions in unexpended balances tied to its rental assistance contracts. Specifically, in estimating the needs for rental assistance contracts, it routinely uses higher inflation factors than recommended by OMB, did not apply the inflation rates that are recommended to each year of a contract, and based the estimates of future spending on recent high usage rather than the average usage of the rental assistance program.

First, the agency used inflated factors that were higher than those recommended by the OMB budget process, that they didn't apply it separately to each year, but they did it cumulatively to gain the amount of money they were asking from Congress. The result was an inflation rate that was more than five times the rate of the last year than the first year. So therefore the numbers they are asking for and the balances that are retained are high. And they are not utilizing the money we are appropriating. They are just accumulating money. RLS based its estimates of future expenditures on recent maximum expenditures—and that may very well be right, but that is what we are doing in supplementals, that is what we have done the supplementals for—rather than the average rates for which the units were funded historically.

According to GAO in its most recent report the agency was not following the guidelines, and they actually overestimated their need last year by $51 million or 6 percent of their appropriations. That is not TOM COBURN saying that. That is the General Accounting Office saying it. The GAO has harshly criticized the agency for lacking proper internal control standards through its administration of this program. As a matter of fact, one single employee has largely been responsible for both budget estimating and allocating rental assistance funds. This amendment simply reduces it from a growth rate of 10 percent to a growth rate of 4 percent. That is higher than our rate of inflation, but it brings it back in line.

The agency has proven it cannot forecast its real needs accurately. It has not forecast its real needs accurately. It fails to track its real needs and fails to track its basic expenditures.

Let me underscore one point. This program will still receive a $23.5 million increase this year under this amendment. If we hope to approach any type of fiscal sanity in the Senate or in this country through this Government, then we have to start holding agencies accountable. We can have all the GAO reports we want. If they keep getting the money on the same basis that they are getting the money, then we are not going to change behavior. What we want to do is not hurt one person who is relying on us for this rental assistance, but what we do want is the agency to apply and come up to the standards that are recognized as necessary in the Federal Government.

This is one of several amendments I will be offering over the next couple of months. But it proves to the American taxpayer that we can do better. My hope is that the committee will look at this amendment, decide that the GAO was right, decide that they have overestimated it, and trim back this money.

This money is money that can be saved and used to start to offset the costs of this catastrophe that is in front of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, the Senator from Oklahoma is correct in the comments that he makes about the GAO and their study of this program. We have looked into it for the same reasons that the Senator from Oklahoma has and find that there have been mistakes made and there have been overestimates made. However, we have also discovered that the Department has recognized this and has made changes in the program, and the Department has reacted to the criticism that has come from the GAO.

The estimates that we have before us in this bill we believe are sound and the concern we have is that there is, in fact, no extra money sitting around. If we were to accept the amendment the Senator has offered, there would, in fact, be people who are currently in low-income housing who would lose that housing. They would lose that housing immediately upon passage of this bill.

It is further, of course, exacerbated by the situation created by Katrina, in that people have lost their housing by virtue of the hurricane, and to see others who have not been affected by the hurricane turned out because of the cutback in this program is something I do not think anybody would want to see.

The President requested $650 million, as the Senator said. We are at $653 million, based on the information that we have from the Department, which we now believe is far more accurate than the information of previous years. The GAO criticism is correct about misestimates.

Also, we point out these are 4-year contracts, so that something that appears to be money sitting there is, in fact, not necessarily money sitting there. It is money that has been committed over the 4-year contract. This is not just a single year's appropriation.

For these reasons I would have to oppose the amendment of the Senator because I believe in the present circumstances we do not want to have the consequence of having people who are currently in housing, currently receiving aid under this program, lose that aid and have to leave their housing. If it were entirely prospective, I would be more sympathetic to the amendment of the Senator, but all of the information I have is that it would, in fact, cause people who are currently receiving this to lose their housing.

I know the Senator from Oklahoma has some other amendments. I would like to give as much notice as possible to Senators around the city as to when we would take a vote. The Senator from Oklahoma says he would like to have this the subject of a rollcall vote. Of course, we will accommodate him. But if we could find out what other amendments the Senator has, and see if we could have a discussion and then set a time for those votes to be stacked—if indeed he wishes to have additional rollcall votes?

I ask if the Senator could respond to that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I will be happy to respond. The Senator from Utah has my great respect. I know he is an accountant and has a tremendous background in terms of finance. But if you overestimate for the 3 years prior to coming into this before you change it, and you have contracts based on that that were overestimated, you do have an excess of funds in there now. There will be no shortage of rental payments because of the over-roll of the overpayments, the overestimate of the contracts that have been made.

The good answer for the American people is this is going to throw people out. It is not going to throw a person out. There is plenty of money in this account. There is almost $50 million at the end of this year left in this account that is not expended and can be spent. So it is not accurate to say people will not be able to have the homes that they have.

I think the Senator will agree that if, in fact, you overestimate inflation rates 4 years running, and you have been appropriated all that money looking forward for that, and you had contracts on costs that were less than that, if anything the surplus will grow if the usage is the same.

To make the argument that we should not do this because somebody might be thrown out, when, in fact, it is not accurate based on the funding that is in this account at this time, doesn't do justice to the very problems that we have before us.

I do not expect this amendment to pass, and I probably will not ask for a rollcall vote. I don't know what I am going to do in terms of asking for a rollcall vote. But it is that kind of thing we have to look at. We have to tighten our belts. There is loose money in this program. It can be done better. They have demonstrated they have started to do better, but they have not demonstrated they are doing better. What I would ask is for us to send a message: Do better. It doesn't undercut the first person we are trying to help. We have already sent $62 billion out there for this disaster, and we are planning on sending more. If we need to make an adjustment in one of those appropriations bills, if in fact I am wrong and you are right—which I do not believe to be the case—we can do it then. But send the signal: Do it right, do it efficiently, and do it for the best price you can because our grandchildren are counting on you.

I hope at some point in time we will start getting to the realization that we have to start making some choices. This is a choice that is not going to hurt the first person, but it is going to change an agency to make them recognize you are going to start playing with real numbers and quit gaming the system. They have a cushion. They know they have a cushion. I believe the appropriators and accounting staff know they have a cushion, and we ought to take that cushion away and make them do what they should be doing.

Mr. BENNETT. Mr. President, I am unaware of the existence of the cushion. I would be happy to work with the Senator to try to find out exactly whether there is one and how much it is. But the information that I received both from the staff and, admittedly, from the Department, is there is no cushion and passage of this amendment would, in fact, cause people who are currently in housing to lose their housing.

I am not in a position to challenge the Senator's sources. I simply state that my sources have given me an additional answer. I have not looked over the books. I have not personally gone into the accounting of this situation, and therefore I am not in a position to do any more than state, as I have stated, that my information is different than his.

Clearly, this is a subject that needs to be pursued. I congratulate him on raising it. The question for the Senate now is how we proceed on this amendment, whether the Senator will ask for a rollcall vote and, if he does, when we schedule it.

Mr. COBURN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator may state his inquiry.

Mr. COBURN. Does a decision on a rollcall vote have to be made at this time?

The PRESIDING OFFICER. The Senator is not under any obligation to ask for the yeas and nays at this time.

Mr. COBURN. I will defer that at this time and have a discussion with the Senator from Utah about having a vote on this amendment.

Mr. BENNETT. Very good. We will have that discussion. As I say, my desire is to give Senators notice if they are at a location sufficiently far from the Capitol that they need a heads up. That is the only concern that I have. I will be here. I will be prepared to vote virtually at any time.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1796

Mr. BINGAMAN. Mr. President, I ask unanimous consent to call up Senate amendment No. 1796.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Hearing none, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. JEFFORDS, proposes amendment numbered 1796.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds to carry out the historic barn preservation program, with an offset)

On page 85, line 15, strike "$128,072,000" and insert "$126,072,000".

On page 126, between lines 3 and 4, insert the following:

HISTORIC BARN PRESERVATION PROGRAM

For the historic barn preservation program established under section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o), $2,000,000.

Mr. BINGAMAN. I ask unanimous consent to lay the amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1775

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

Mr. COBURN. Mr. President, I call up amendment No. 1775 and ask to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1775:

At the appropriate place, insert the following:

SEC. . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2744 shall also be included in the conference report or joint statement accompanying H.R. 2744 in order to be considered as having been approved by both Houses of Congress.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Mr. President, this is an amendment I offered earlier in the year on a previous appropriations bill. I want to set the stage for this because I think this is probably one of the most important amendments I will offer in the Senate. It is important the American public recognize what this amendment does.

Appropriations bills start in the House. They come to the Senate. They are met in conference.

In the House bill there is report language. In the Senate bill there is report language. In that report language is where you find out where the money is going to be spent. The purpose of this amendment is to make sure, when a bill comes out of conference, that the Members of this body know where all the money is going to be spent before they vote on the bill.

There is no lack of desire for many of us who want to know that, but it is hard to find out as you approach the conference bill; that is, for us. But it is also difficult for the American people to know.

What this amendment is about is about sunshine. It is about sunshine on the legislative process so that the American people know items that are special projects for Members of Congress, items that have been earmarked or especially directed that we ought to know of, and what that is ought to be in the report language, where it is going and to whom it is going.

This amendment received 34 votes last time. I think it is absolutely imperative for us to keep the integrity of our appropriations process so that we know, No. 1, what is in the bills that we vote on and have available to us—that information on report language, but, No. 2, for the American people to know.

It has been said they can find it on the Internet. They can if they care to really dig through it. But if there is report language that has it where you can go to, you can, in fact, know before we vote what the special interests are that influence the appropriations bills of this country.

This is simply saying sunshine, let us know what is in it, let us print what is in it, and let us not deny what is in it. If it is good, great; if not, take the lumps that go along with it.

If you are doing a special favor for someone, or earmarking one of your political constituencies, it ought to be out there, and it ought to be looked at.

This is a simple, straightforward amendment that we ought to honestly say that we like sunshine rather than darkness and less than straightforwardness.

It is my hope that the body will again consider this and add it to this bill so that, when we go to conference, everybody understands what is in the bill when it comes out of conference. We are going to know what is in the bill, and we will not have to play games to know what is in the bill.

I yield the floor.

Mr. BENNETT. Mr. President, as I examine this question, it is a question that involves the traditions and procedures of the full committee. At the risk of being accused of dodging, I would prefer to have Senator COCHRAN as chairman of the full committee examine and respond.

We have reached out to get hold of Senator COCHRAN to see if he is willing to do that. But this would be a departure from previous procedures.

As I understand, the Senator from Oklahoma would like there to be a permanent departure that occurs on virtually every appropriations bill from here on out. For that reason, I am a little reluctant to set a precedent on the bill over which I have responsibility which might then be cited as a precedent for all the other bills that would follow.

For that reason, I hope we can have Senator COCHRAN appear and have his position before we come to the question of whether or not we vote on it.

Mr. COBURN. Mr. President, so the Members of the body know, I intend to offer this on every bill that doesn't have it. Some of the bills have had it but some have not. So my intention is to offer this amendment for the next 6 years on every appropriations bill that comes through because I believe more information going to the American public is a whole lot better than information hidden and sequestered away from them to know what we are doing.

We are accountable. If we are doing our work, then we ought to be proud of our work, and we ought to put it out.

I will be happy to discuss this with the chairman of the committee. He knows. I have had this debate with him before. I am persistent, and the Senator from Utah knows that. I believe the people of Oklahoma believe it. I believe that the vast majority of Americans believe it. We ought to know what we are voting on, where the money is going and who is going to benefit from it ought to be printed.

On this amendment, I ask for the yeas and nays, and I ask for a rollcall vote on this amendment.

The PRESIDING OFFICER (Mr. SUNUNU). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

AMENDMENT NO. 1773

Mr. BENNETT. Mr. President, I call for the regular order on the Coburn amendment No. 1773.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BENNETT. Mr. President, I call for a vote on this by voice.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1773) was rejected.

Mr. BENNETT. Mr. President, I ask unanimous consent that the time between now and 7 o'clock be evenly divided between myself and Senator BINGAMAN from New Mexico, with the vote on the Coburn amendment No. 1775 to occur at 7 o'clock to be followed by a vote on the Bingaman amendment, with the yeas and nays ordered in both instances with no other amendments being allowed to either amendment prior to the time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

It shall be in order to order the yeas and nays on any amendment at this time.

Mr. BENNETT. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I renew my request.

The PRESIDING OFFICER. The Chair states that at 7 o'clock a rollcall vote will occur on the Coburn amendment, followed by a vote on the Bingaman amendment, with the time between now and then evenly divided between the Senator from Utah and the Senator from New Mexico.

Mr. BENNETT. Mr. President, I ask unanimous consent that between the two votes there be a period of 2 minutes for explanation equally divided between the Senator from New Mexico and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized for 10 minutes.

Mr. BINGAMAN. Thank you very much, Mr. President. And I thank my colleague from Utah for his courtesy.

AMENDMENT NO. 1797

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. LUGAR, proposes an amendment numbered 1797.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 85, line 15, strike "$128,072,000" and insert "$118,072,000".

On page 132, line 24, strike "$12,412,027,000" and insert "$12,422,027,000".

On page 132, line 26, strike "$7,224,406,000" and insert "$7,234,406,000".

On page 133, line 6, before the period, insert the following: ": *Provided further*, That not less than $20,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture".

Mr. BINGAMAN. Mr. President, this amendment I described earlier today, but let me describe it briefly again because it is very straightforward.

Each year, when the administration sends the Congress its budget request for the Department of Agriculture, it asks for $10 million for nutrition education. It is the Team Nutrition programs sponsored by the Department of Agriculture. This is funding that goes to 21 States to try to assist them in providing nutrition education in the schools. The other 29 States get no funds. My State gets no funds because there is not enough being appropriated. This program cannot cover more than the 21 States that are currently covered. So the children in my State do not get the benefit of this nutrition activity.

Why is nutrition education an important issue for this Congress and this country at this time in our history? I would suggest that the best case for explaining that is set out in this letter which I received from the American Heart Association endorsing the amendment that I am offering on behalf of myself and Senator LUGAR. Senator LUGAR is the cosponsor of my amendment.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
AMERICAN STROKE ASSOCIATION,
September 21, 2005.

DEAR SENATOR BINGAMAN: On behalf of the American Heart Association and its division, the American Stroke Association, I am pleased to offer our support for legislation that would expand funding for Team Nutrition. This program provides funding to states to support nutrition education and promote physical activity in schools. The current funding level of $10 million provides support to only 21 States. The additional funding would be used to expand the program so that more young people could obtain the knowledge and skills necessary to make healthy lifestyle choices.

Overweight and obesity, especially among children, have emerged as serious threats to our nation's health. Today, about 16 percent of all children and teens in the United States are overweight. Obesity is a major risk factor for coronary heart disease, which can lead to heart attack. Obesity can also induce diabetes, which makes the danger of heart attack especially high. Recent research suggests that obesity shortens the average lifespan by at least four to nine months, and if childhood obesity continues to increase, it could cut two to five years from the average lifespan. This could cause our current generation of children to become the first in American history to live shorter lives than their parents. Besides its toll on health, obesity contributes significantly to rising health care costs. The World Bank has estimated the cost of obesity at 12 percent of the nation's healthcare budget.

The American Heart Association is committed to lowering rates of overweight and obesity in the United States by helping Americans make better nutrition choices and by facilitating increased levels of physical activity at all ages. We support program and activities like those in your amendment, that can help reduce rates of obesity, cardiovascular disease and stroke. We commend you for your leadership on this issue and look forward to working with you to advance this legislation.

Sincerely,

SUE A. NELSON,
Vice President Federal Advocacy.

Mr. BINGAMAN. Mr. President, I will read parts of this letter so people can understand the case that is being made.

The American Heart Association letter directed to me, signed by Sue Nelson, Vice President for Federal Advocacy, says:

> Overweight and obesity, especially among children, have merged as serious threats to our Nation's health. Today, about 16 percent of all children and teens in the United States are overweight. Obesity is the major risk factor for coronary heart disease which can lead to heart attack. Obesity can induce diabetes which makes the danger of heart attack especially high. Recent research suggests that obesity shortens the average lifespan by at least 4 to 9 months, and if childhood obesity continues to increase it could cut 2 to 5 years from the average lifespan. It could cause our current generation of children to be the first in American history to live shorter lives than their parents. Besides its toll on health, obesity contributes significantly to rising health care costs.

The World Bank has estimated that the cost of obesity is 12 percent of this country's overall health care budget.

The problem is we don't seem to be willing to connect the dots. We don't seem to be willing to say if we spent a little more on something like nutrition education, maybe we would not have to spend 12 percent of our health care budget to deal with the problem of obesity. That is the simple reality.

All I am saying is, let's begin to connect the dots and put a reasonable amount of funding into the effort to provide instruction to children in our schools about how to eat a decent diet and maintain a decent body weight. That is the entire purpose of the amendment.

We used to appropriate more money for nutrition education than we do today. Unfortunately, the last 3 years we have fallen into an automatic $10 million a year. That means no new States can participate in the program. It means no new students can get the benefit of this instruction. To my mind that is not an acceptable circumstance, particularly with this change in the lifestyle of Americans which we see all around us.

We need to provide good information to our young people so they can grow up and lead healthy productive lives. We are not doing that today. When you look around other parts of the Federal budget and say, well, okay, maybe the Department of Agriculture is not providing help with this, but maybe the Department of Education is. They are not. This is the only effort being made by the Federal Government to assist.

We have a lot of lofty statements being made by the administration. I welcome those statements. We need to follow through with some reality in addition to the statements. The administration has launched an initiative. It refers to this initiative as the Healthier United States School Challenge, and it focuses on helping children to live longer, better, and healthier lives.

Our former Secretary of Agriculture Ann Veneman and the U.S. Department of Agriculture announced in July that the school challenge builds upon the team nutrition program and recognizes schools that have obtained nutrition and physical activity standards. So we are announcing initiatives and calling them the Healthier United States School Challenge, but we are not willing to put in funds to allow the programs to be available to most children in this country. To my mind, that is not a responsible course. We can do better.

I offered an amendment similar to this 2 years ago in the Senate when the Agriculture appropriations bill came up. At that time I was told, no, there is no money; we cannot afford to do this. I withdrew the amendment at that time and I was encouraged because both the managers of the bill advised they would try to find additional funds. They were not able to do that. I am sure in good faith they tried. They were not able to do that. Accordingly, we are still at $10 million.

I don't know of any other way to get this issue dealt with other than to ask the Senate to please vote on this. Please support my amendment and Senator LUGAR's amendment and increase this funding. The offset we have chosen is one that is called CCE, common computer environment. It is a $128 million item in the budget for improving the coordination of the computing in the various parts of the Department of Agriculture. I am sure it is a worthy purpose, but I would be willing to see that reduced by $10 million so we could put that $10 million into child nutrition education. That is the purpose of that amendment.

I hope my colleagues will support it. At this time I have used my 10 minutes and I will go ahead and yield the floor and have a chance to explain it very briefly before the actual vote occurs.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, there is no question but that an education program to try to get our young people to eat better makes sense. There is no question that we should do what we can to deal with the challenge of obesity.

Now let us look at a few realities with which we are faced. The President requested $10.25 million for the program. The amendment offered by Senator BINGAMAN and Senator LUGAR would virtually double that amount. There is no other program we are dealing with where the request is to double the funds. We have people who are requesting incremental increases of 5 percent and 10 percent, but quite frankly we have resisted.

The total number of earmarks and requests that have come in since the committee acted is over $50 million. We have stood firm against all of them and said we are sorry, the money isn't there. We feel we have to stand firm against it. So this $10 million would double the program as it currently exists and would be 20 percent of the total amount we on the subcommittee have said we cannot fund.

The offset is very interesting. It is the common computer environment. It always seems easy to say, well, we can get by, by delaying activity with the computers. Let's cut the computers because education is more important.

During the debate we have had today, we have heard complaints from people about interoperability, about inability to communicate in the time of emergency. Katrina has exposed problems with computers. If we were to cut the computer program as drastically as this would cut it, we run the risk of closing county offices. We run the risk of stopping the modernization of services right at a time when complaints are coming in about how antiquated those services are.

But interestingly, as the $50 million requests have come in, almost all of them, when we told them you have to have an offset, say let's cut the computers. If indeed we responded to every one of the requests for additional spending, we would have cut the computers $50 million.

I don't want to cut the computers at all. I accept the arguments that say we have challenges with communication in the Department; we need to have as modern a communication system as we possibly can. The common computer environment that is trying to create that interoperability should be encouraged and maintained.

For that reason, as fond as I am of the Senator from New Mexico and the Senator from Indiana, I have to oppose this amendment. I will ask my colleagues, when the time comes for the rollcall vote, to oppose it. There will be another bill next year. We will see where we are next year with overall spending. We will see where we are with respect to emergencies and how the Department of Agriculture is dealing with those emergencies.

I am convinced when we come to that, as we sift through all the damage that is done by Katrina and perhaps by Rita and other challenges, we would like to have as powerful and as modern a computer system to deal with communications as we possibly can.

For those reasons, the doubling of a program at a time of budget constraints that we find ourselves in, and taking the offset from a program where we feel we need to be as modern as we possibly can, gives me two reasons to say that I would be opposed to this amendment.

I still have an additional 5 minutes and I frankly have said all I need to say. I yield back the remainder of my time. If the Senator from New Mexico wishes to claim it, I am happy to have him use it; otherwise, we can go into a quorum call until such time as the vote starts at 7 o'clock, unless there are other Senators who wish to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I will speak for another couple of minutes.

I ask unanimous consent to add Senator MURKOWSKI and Senator COBURN as cosponsors of this amendment.

The PRESIDING OFFICER (Mr. BOND). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me make one point. This is requesting that we double the size of this program, but at the current time, we are spending 21 cents per child per year on nutrition education out of the Federal Government. This is suggesting we might want to spend up to 42 cents per child per year.

I remember when I offered this amendment 2 years ago, Senator BYRD said we ought to at least provide as much per child as it costs to buy a candy bar. I thought that was pretty good insight.

I see my colleague from Oklahoma, Senator COBURN, wishes to speak briefly.

Mr. COBURN. I thank the Senator for his amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, this is an area I am all too familiar with. If we are going to solve the health care crisis in America, it starts with prevention. In the year 2070, one out of every $2 of Medicare we spend will be for diabetes. Fifty percent of the diabetes that will occur in the future can be prevented by good nutrition education in the early years, not only of the children but of the parents.

This is a fantastic amendment. I told the Senator from New Mexico I wished I had thought of it. For every $1 we spend on prevention, we get $17 back. For every $1 we spend on computers, we probably get $2 or $3 back. It comes back to the questions of priorities.

This is a great idea. I understand the resistance to not cut anything in a bill that comes to the floor from a Committee on Appropriations. I understand that. But I think of all the amendments I have heard, including mine, other than sunshine, this is the best I have heard because it will have the greatest impact. We get the most value for the dollars we spend. That is what we should be about. I heartily support the amendment and I hope the Senate will too.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, we have had previous conversations about the effectiveness of the Agriculture Department. We are talking about our own backgrounds. I have a little bit of background in advertising. I would be anxious before we spend this money to do a little analysis of how effective the advertising has been.

You talk about instruction in schools. We all know that there are instructions that work and there are instructions that don't. My own experience is that the Government is not very good at advertising healthy lifestyle changes. We could have been spending—I have no idea. We have not researched this at all. I have no idea where the evidence might be. We could have been spending the 21 cents per pupil and wasting every bit of it in terms of results.

I have something of a background in advertising and I know how much advertising budgets get wasted simply because the advertising campaign is not effectively carried out.

I recommend to my colleagues we defeat this amendment and if, indeed, the Senator from Oklahoma and the Senator from New Mexico can examine this from their background and demonstrate we are getting a 17-to-1 return from this particular program, that we are getting a 17-to-1 return from the kind of instruction going on in classrooms, then I would be happy to endorse this at some future time.

In terms of what has been the result of the $10 million we have been spending, how certain will we be that doubling that is going to, in fact, increase health among our children? It may well be that a GAO study would say the $10 million has been spent on training materials that have been ineffective and produced no result whatever.

In effect, we are being asked to buy something of a pig in a poke without understanding exactly how it works. I hope we would stay with the committee allocation here. The issue is a very legitimate issue. I, for one, will be more than willing in the hearings to ask the Department to give us a demonstration of how effective this has been.

If it can be demonstrated that it has, in fact, reduced obesity and has had some impact on diabetes, at that point I would be all for doubling it or tripling it because of the 17-to-1 figure the Senator from Oklahoma cites. But lacking that information, in this particular situation I would be loathe to proceed.

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 1775

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the Coburn amendment No. 1775. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessary absent.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—55

Akaka
Alexander
Allen
Bayh
Biden
Bingaman
Boxer
Brownback
Burns
Burr
Cantwell
Chafee
Clinton
Coburn
Collins
Cornyn
Craig
Crapo
Dayton
DeMint
Dodd
Ensign
Feingold
Feinstein
Graham
Inhofe
Isakson
Kerry
Kohl
Kyl
Landrieu
Levin
Lieberman
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Roberts
Salazar
Santorum
Schumer
Sessions
Snowe
Specter
Stabenow
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NAYS—39

Allard
Baucus
Bennett
Bond
Bunning
Byrd
Carper
Chambliss
Cochran
Coleman
Conrad
DeWine
Dole
Dorgan
Durbin
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Jeffords
Johnson
Kennedy
Lautenberg
Leahy

Lincoln
Lott
Murray
Pryor
Reed
Reid
Sarbanes
Shelby
Smith
Stevens
Thune
Vitter

NOT VOTING—6

Corzine
Domenici
Enzi
Inouye
Mikulski
Rockefeller

The amendment (No. 1775) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have a unanimous consent request in which all Senators, I believe, will be interested.

Mr. President, I ask unanimous consent that after the next vote, there be no other rollcall votes until 9:30 tomorrow morning, with the understanding that all amendments will be offered tonight, all debate will take place tonight, and all votes that occur tomorrow will be stacked to be followed by final passage.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. That means, Mr. President, that there will be no more votes tonight, and amendments that require rollcall votes will be voted on in the morning, and that we will go to final passage immediately at 9:30 tomorrow after disposing of any rollcall votes. We have several amendments pending which we hope we can deal with by voice votes tonight, and I hope that we will not have any more rollcall votes and can go immediately to final passage.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I certainly understand the chairman's sentiments, but I ask the chairman of the Senate Judiciary Committee what the impact of this schedule will be on our hearing tomorrow.

Mr. SPECTER. Mr. President, the answer to that is, we will work around it. We will proceed, and we will get the nominee voted out of committee. We can accommodate it. That is the answer.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1797

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided on the amendment offered by the Senator from New Mexico. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, this amendment is being offered by myself, Senator LUGAR, Senator MURKOWSKI, and Senator COBURN. The amendment would add $10 million for child nutrition to the program that already exists in the Department of Agriculture called Team Nutrition. This is the only significant Federal effort we have to assist with nutritional education in our schools.

Today, it is drastically underfunded. This would allow us to add $10 million. Instead of spending 21 cents per child per year in this country on nutritional education from the Federal Government, we would be spending 42 cents.

This is an amendment that I think all Members should support. Clearly, this is needed to deal with the problem of childhood obesity that is becoming an epidemic in our society.

I hope my colleagues will all support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the President's request for this program was $10 million. This amendment doubles it and takes the money away from computers at a time when the Department is doing its very best to increase its interoperability and raise its level of technological ability. I do not think doubling a program that has not been evaluated for its effectiveness is the right thing to do in this time of heavy budget pressure.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1797. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—66

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Coleman
Collins
Conrad
Craig
Dayton
DeMint
DeWine
Dodd
Dole
Dorgan
Durbin
Ensign
Feingold
Feinstein
Grassley
Harkin
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Talent
Thune
Warner
Wyden

NAYS—29

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Cochran
Cornyn
Crapo
Enzi
Frist
Graham
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
Roberts
Stevens
Thomas
Vitter
Voinovich

NOT VOTING—5

Corzine
Domenici
Inouye
Mikulski
Rockefeller

The amendment (No. 1797) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I call up amendment No. 1835.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1835.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the use of certain funds)

On page 160, line 10, before the period at the end insert the following: "or for reimbursement of administrative costs under section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) to a State agency for which more than 10 percent of the costs (other than costs for issuance of benefits or nutrition education) are obtained under contract".

Mr. HARKIN. Mr. President, first, I want to commend Senator BENNETT and Senator KOHL for their work on the bill that is before us today, the Agriculture appropriations bill. They worked hard to put together a good bipartisan bill and overall I find no fault with it. I think it is a great bill and it will have my support. I thank both Senator BENNETT and Senator KOHL and their respective staffs for working with me and with my staff on a number of issues that are in the Agriculture appropriations bill.

I want to draw the attention of Senators to page 160 of the bill, section 746:

> None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

Well, what does all that say? What it says basically is that the Department of Agriculture cannot engage in any contracting out to private contractors applications processes for anyone coming in to get any assistance under rural development or farm loan programs. In other words, those have to be carried out by public employees, employees who are publicly hired, and that any activity relating to that must go through those employees.

It says basically it has to be that way until we in the Agriculture Committee on the Senate and the House authorize the Department of Agriculture to specifically engage in such contracting activity.

Do I support section 746? Yes, I think it is a good addition to the bill. I do not think the Secretary or the Department ought to be going out and contracting out to private entities these kinds of activities until we have had a chance to look at it, until the authorizing committees of the Senate and the House have hearings, take into consideration what is involved, and either grant that to the Secretary of Agriculture or not grant it.

So I think section 746 is basically a sound approach that recognizes both the value of the public sector and public employees, and recognizes the jurisdiction of the Agriculture Committees. However, there is something missing from section 746. I believe this same logic should apply to other USDA programs. In particular, I believe we need to protect vital services and benefits offered through the Food Stamp Program.

The amendment I am offering would apply the same protection that 746 applies to farm loan and rural development functions to the Food Stamp Program as well. In other words, my amendment basically says if you want to contract out to private contractors elements of the Food Stamp Program that have to do with application processes, you cannot do it until it is specifically authorized by Congress—just as the underlying bill requires for rural development or farm loan programs.

My amendment is basically an extension of the logic of the underlying bill. It is not a departure from it. It is not a major policy change. It simply says the Food Stamp Program, like rural development and farm loan programs, is a vital public service program. It is not broken, it is working well. If you want to make some changes, why don't you come to Congress. We will have some hearings, and we will see if it needs to be fixed.

I have been on the Agriculture Committee now for 30 years. That is right, this is my 30th year, now that I think about it: 10 in the House and 20 in the Senate. We have been through a lot in the Food Stamp Program in 30 years. We have always made changes to it to meet changing times and circumstances. I was one of those who was in the lead on getting rid of food stamps and getting it to an electronic benefit transfer program, where you have a debit program. It has worked well.

However, in all of those cases we in the Congress decided on the changes that should be made to the underlying program, not just the Secretary of Agriculture. As I said, this program is not broken. In fact, recent events have highlighted the value of the Food Stamp Program and the need to protect it from changes that could undermine it.

Amidst the devastation wrought by Hurricane Katrina, the Food Stamp Program has nobly and efficiently served those in need.

There has been a lot of criticism of the Federal Government's response to Katrina, but I have heard no criticism of the Food Stamp Program. In many places hit by Katrina, the Disaster Food Stamp Program was one of the first responders. We often think of first responders as being firefighters and policemen, emergency services personnel. That is true, they are. But in this case, first responders were also those public employees who helped those most in need get the food they needed for themselves and their families.

In Louisiana, nearly 300,000 households are already receiving food stamps and have been for the last couple of weeks since the hurricane hit. In Texas, another 125,000 households are receiving emergency food stamp assistance. Overall, approximately 1 million individuals affected or displaced by Hurricane Katrina are receiving emergency food stamp benefits.

The USDA was able to respond quickly and set up these programs efficiently, in large part because the programs were run by State agencies in consultation with the Federal Government. That was their purpose. That was their reason for being.

Why do we want to allow the Food Stamp Program to be privatized and put out to private contractors? Usually you do that if there is a problem, if something is failing to meet the needs of people. I defy anyone in this Senate to come up and show me or show anyone where the Food Stamp Program is failing to meet the needs of the people it serves, or is not being run efficiently.

When the next disaster occurs, do we want an outside contractor responsible for running the Disaster Food Stamp Program? Do we in the Senate want to open up the program to the risks associated with food stamp privatization in general? We can ill-afford to put the Food Stamp Program and the millions who benefit from it at this kind of risk.

What do I mean by risk? What is at the bottom of this? We know there has been a State that is currently seeking permission from the Department of Agriculture to privatize food stamps. Here is what they want to do. They want to close a number of food stamp offices where a person goes to meet face to face with someone to determine eligibility and get their approval for food stamps. They want to close about 100 of those and open up three call centers. If you want to apply for food stamps, they tell me you are going to have to call on the phone. Or you can go online, as if people who apply for food stamps are sitting at home at their computers.

Let's take the case of these call centers. I have no reason to believe that it couldn't work like this. Imagine, here are people desperately in need of food stamps. They get a number to call—probably an 800 number or something like that, probably toll free, I assume. They call up. A voice answers, an automated voice answering system answers and says: I understand because you are calling you probably want to apply for food stamps. If you want to apply for food stamps and you live in this area, punch 1; if you live in this area, punch 2; if you live in this area, punch 3. You get all the way through and you are pretty confused about where you live.

Let's say you figure it out and you say I am in this area and you punch 3. Then another voice comes on and says: OK, we understand you live in this area and you want to apply for food stamps. If you are a single person, punch 1; if there are two of you, punch 2; if you have a family of three, punch 3. You see what I am saying? Then you have to punch in another entry.

Another automated voice comes on and says the next step in this process: If you are over a certain age, press this number; if you are under a certain age, press this number; if you have ever applied for food stamps—do you see what I am getting at? You have a person on the phone who wants to apply for food stamps and they are sitting there trying to figure out, punch 3 for this, punch 4 for that.

Finally, after they get through all of these automated voice prompts they are probably told: Thank you, your waiting time to talk to the next operator is now 19 minutes. And you have to sit there and listen to music. If you are patient enough to wait that long, you are probably going to get someone on the line you will talk to. For all I know, by the time you actually get to them, the person on the other line may not even be in the United States. That is what this is all about.

There are some companies that want to do this. They probably figured out they can make a lot of money. They hire someone in another country for, I don't know, 50 cents an hour.

Again, the underlying bill says you cannot do that if you are a utility company and you want to apply for a rural development loan. They don't make you go through call centers. They have someone there you go see.

If you are a farmer, if you have a farm, you have assets, you own something, and you want to apply for a farm loan, you don't have to go through a call center. You go see someone. But by allowing wholesale privatization of the Food Stamp Program, we would not be providing to low-income Americans the same basic treatment. Poor people have to go through call centers and get all the runaround that we always get when we try to call and get someone in one of those call centers.

That is why section 746 needs to be amended. That is why it needs this addition, so that the Food Stamp Program is treated the same as farm loans or rural development. If they want to change it, have them come up to Congress. We will have hearings. We will take a look at it. Maybe they can make a good case. I don't know. But I am just concerned if we do not add this amendment, that waivers will be given that will allow contracting out the food stamp operations.

Furthermore, this may undo a lot of the progress we have made in improving program integrity. Right now, program error in the Food Stamp Program is the lowest than at any time in its existence. Why do you want to change it? If something is working, why try to fix it? Why would we choose to put these successes at risk by now turning it over to untested entities and call centers?

Under the current food stamp law, public employees of State food stamp agencies are responsible for two essential oversight functions: Payment accuracy and an annual self-evaluation of program management. But if these functions are turned over to a private contractor with no experience in running the Food Stamp Program, how do we know if they will be able to maintain program accuracy? Should we just roll the dice and take it on faith that they will continue the error rate as low as we have it right now?

I want to make it clear, I am not opposed to privatization of certain things. I point out the electronic benefit transfer program under food stamps is privatized. It is all run by—I guess Citibank or someone, I don't know. I could be a little wrong on that. But that is fine. There is nothing wrong with turning to specialized contractors for technical services like financial operations. What I am talking about is when you apply for food stamps: when you are in need and you want to apply or you want to modify your food stamps because of another child born or some other thing, something else has happened to change your life. That is when you need to have someone there who can help you immediately in your situation and talk to you.

Anyway, as I said, my amendment would not stop that. It would not stop the private contracting out for EBT, but it certainly would for fundamental program functions like application and eligibility processes.

To repeat for emphasis sake, there is no evidence that we have any problems in the Food Stamp Program that requires privatization. The error rate is the lowest ever. The accuracy rate is high. Emergency food stamps for disaster situations have worked extremely well. So there is no evidence, nor have we had a hearing, to suggest that privatizing the Food Stamp Program would in any way improve program effectiveness. That is why we should have extensive hearings on this before allowing any waivers to be granted.

The Food Stamp Program is strong. Not only does it deliver much needed food assistance to 25 million Americans, but as we have just shown with Katrina, it is serving hundreds of thousands of families, over a million people devastated by that hurricane.

My amendment simply ensures that the Food Stamp Program remains as it is with those public employees best suited to carry it out. It extends the logic that is in Section 1746 of the underlying bill dealing with rural development farm and loan programs to the Food Stamp Program as well.

As I said, if they want to do something, they can come to the Agriculture Committee. We can have hearings and take into account some problems that somebody might feel would be cured by privatizing and setting up these call centers for food stamp applications.

I ask for support of the amendment, and I yield the floor.

Mr. BENNETT. Mr. President, I ask that we proceed to a vote on the Harkin amendment by voice vote.

The PRESIDING OFFICER. Is there further debate on amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1835) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I thank the chairman of the committee for his kindness and having this vote. Hopefully we can at least keep this in as we move ahead going to conference.

I thank the chairman for his kindness.

Mr. BENNETT. Mr. President, I am unaware of any other Senator who is planning to offer any amendment. I don't want to cut anybody off, but I made it clear during the vote that all amendments have to be offered tonight and all debate take place tonight. We are scheduled for the vote tomorrow morning. My understanding is that the Dayton amendment is still pending, and, therefore, if it can't be disposed of tonight, it would be available for tomorrow morning. The Jeffords amendment is still pending, and if that cannot be resolved tonight, that would be voted on tomorrow morning. Those are the only two I am aware of at the present time.

I will suggest the absence of a quorum so we can check the list and see who else might be out there. But I would say to any who are monitoring our procedures on behalf of their respective Senators that the time for offering amendments is getting mighty short. We don't want to deny any Senator his or her rights, but I feel we have given fair warning this is what we will do.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1818

Mr. KOHL. Mr. President, I call up amendment No. 1818, which is at the desk, on behalf of Senator DODD.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] for Mr. DODD, for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN, proposes an amendment numbered 1818.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Food and Drug Administration to issue a monograph with respect to over-the-counter sunscreen)

On page 173, after line 24, insert the following:

SEC. 7 . (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the "FDA") began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) Not later than one year after the date of enactment of this Act, the FDA shall issue a comprehensive final monograph for over-the-counter sunscreen products, which shall include UVA and UVB labeling requirements.

AMENDMENT NO. 1849 TO AMENDMENT NO. 1818

Mr. KOHL. Mr. President, I send an amendment to the desk in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DODD, proposes an amendment numbered 1849 to amendment No. 1818.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress with respect to over-the-counter sunscreen)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7_____. (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the "FDA") began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) It is the sense of Congress that the FDA should, not later than one year after the date of enactment of this Act, issue a comprehensive final monograph for over-the-counter sunscreen products, including UVA and UVB labeling requirements, in order to provide consumers with all the necessary information regarding the dangers of skin cancer and the importance of wearing sunscreen.

Mr. KOHL. Mr. President, I urge adoption of the modification and adoption of the amendment as modified.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the second-degree amendment. The amendment (No. 1849) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 1818), as amended, was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I thank you.

Mr. BENNETT. Mr. President, no one has come forward, so we are prepared to close down with the two amendments still unresolved, Dayton and Jeffords, and then move to final passage after those two are resolved for a voice vote or yeas and nays, I assume which will be determined tomorrow. At the moment, the yeas and nays have not been ordered. I want to respect the rights of both of those Senators.

While we get together whatever final activity needs to go forward, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOLOKAI AGRICULTURE DEVELOPMENT

Mr. INOUYE. Would the distinguished Senators from Utah and Wisconsin yield? I would like to discuss with you a program that addresses the very limited employment and high barriers to entry into sustainable agricultural enterprises on the Island of Molokai.

Mr. BENNETT. I would be pleased to yield to the senior Senator from Hawaii.

Mr. KOHL. I, too, would also like to join in on the discussion of this matter.

Mr. INOUYE. I thank my distinguished colleagues for yielding. In fiscal year 2005 and prior fiscal years, the subcommittee has included $250,000 for a program that provides training, business coaching, and cost share assistance to new agricultural businesses on the Island of Molokai, that have the promise of being sustainable and beneficial to this predominantly Native Hawaiian community. In 2004, the program allowed past grantees who had demonstrated success in their businesses to apply for expansion and enhancement funding. As a result, eight businesses were able to strengthen their operations through diversification, value added treatment, and improved marketing. As a result of the program, increased quantities and percentages of local produce and value added products are available in Molokai's grocery stores, farmers markets and other venues. In addition, the marketing of sweet potatoes and papayas has continued to expand to the Island of Maui and on the mainland. In the coming year, the emphasis will be on first-time farm businesses. Mini start-up grants will be instituted to prepare new applicants for possible projects in the future. While this program is showing success in an economically depressed part of my State, the need for this program continues.

Despite the support by the Congress, no funds are provided for the program in fiscal year 2006. Accordingly, efforts to assist first-time farm businesses and to provide assistance and employment opportunities to the Island of Molokai will not continue without the continued support of the Congress and funding for the program. Would my colleagues consider including such support for the program during conference deliberations on the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill?

Mr. BENNETT. I would like to assure the Senator from Hawaii that I will work with Senator KOHL to ensure that this program will be considered in conference.

Mr. KOHL. I concur with my colleague from Utah, and will also work with him to have this program addressed in conference.

Mr. INOUYE. I thank my colleagues for their consideration and support of the Molokai Agriculture Development program.

POSITION TRANSFER

Mrs. MURRAY. Mr. President, I ask to be recognized for the purposes of a colloquy.

Senator KOHL, the legume plant pathologist position currently working in the CRIS titled "Improving Disease Management of Soil-borne Diseases of Edible Legumes" is being eliminated in a reorganization proposed by USDA ARS.

Root diseases are fast becoming a major problem in all of the production areas. These root diseases cause a loss of yields and quality of pulse crops.

A reduction of research support by USDA ARS at this time of rapidly increasing acreages of pulses in ND, MT, SD and NE is unacceptable. Eliminating this research could substantially hurt the entire pulse crop industry.

Within the fiscal year 2006 Agriculture appropriations, there is funding provided for a legume pathologist focused on root diseases. Due to the reorganization of the ARS Prosser facility, this pathologist will not be funded unless that position is moved to the ARS Pullman facility. The need for this project is clear and should be supported by ARS. In order to continue this vital research it is clear that it will need to be moved to ARS Pullman.

I ask that the conference report accompanying the Agriculture bill include language directing ARS to transfer the legume pathologist position and the $250,000 from the Vegetable and Forage Legume Research Unit at Prosser, WA, to the Grain Legume Genetics and Physiology Research Unit at Pullman, WA. This requires no new funding, as it will solely involve the transfer of the legume pathologist from Prosser to Pullman.

This will allow ARS to continue its research on pulse crops at no additional costs.

Senator KOHL, would you support this language moving the legume pathologist position from Prosser, WA, to Pullman, WA?

Mr. KOHL. Yes, Senator MURRAY. Thank you for bringing this issue to my attention. I will work with my colleagues in conference to support your request and include language in the final report.

Mr. BENNETT. I concur with my colleague's views on the need to move this ARS position to Pullman, WA, from Prosser, WA, and will work with Senator KOHL in conference to have language included in the final report.

Mrs. MURRAY. Thank you, Senator KOHL, and thank you, Mr. Chairman, for your support on this issue. This project is critical to the long-term health and viability of dry pea and lentil producers in Washington State and all across the country.

CITRUS CANKER COMPENSATION

Mr. MARTINEZ. Mr. President, I rise today to discuss the serious problem of a disease that threatens to wipe out the citrus industry of Florida. I sincerely appreciate the great efforts made thus far by Chairman BENNETT, the Senate Agriculture Appropriations Subcommittee, and their staff to work to address the on-going eradication efforts in Florida. Under the FY 2006 Agriculture appropriations bill, $40,000,000 has been directed towards the Animal and Plant Health Inspection Service to assist citrus producers in combating this terrible bacterium.

Citrus canker is a bacterial disease characterized by the lesions it leaves on citrus trees and fruit that leaves trees weakened and results in reduced fruit production.

The four hurricanes that hit Florida in 2004 caused significant spread of citrus canker into commercial growing areas. The 2004 hurricane season in Florida not only damaged citrus crops and trees, it was a primary cause of the spread of citrus canker beyond what was generally believed to be reaching a goal of eradication. The storms created an additional need for compensation to support the continuing eradication effort.

Compensation for citrus producers is a vital component of the program as many commercial growers would not allow their trees to be cut without the promise of compensation. There is no cure for canker. The only known way to contain the spread of citrus canker is to cut down infected and exposed trees in a 1,900 square foot area. In a commercial grove, that radius can encompass up to 250 acres around a single infected tree. That's why the post-hurricanes outbreak has led to the destruction of nearly 55,000 acres.

USDA has estimated that the 2002–2005 citrus crop will yield 151 million boxes of oranges, down from their 225 million box estimate earlier in 2004. This year's decrease of 94 million boxes represents a staggering decrease of 38 percent.

Before the 2004 hurricane season, the U.S. Department of Agriculture had compensated commercial growers an average $7,600 an acre for destroying their property. According to my growers in Florida and the Florida Department of Citrus, the backlog of unpaid compensation has grown to nearly $450 million. It is my hope that during the conference negotiations process with the House Agriculture Appropriations Subcommittee that citrus canker compensation funding will be addressed at an appropriate level on behalf of growers that abide by the USDA canker eradication program.

Mr. BENNETT. I thank Senator MARTINEZ, for sharing his concerns on this important issue. It is my understanding that the House has appropriated $10 million for citrus canker compensation payments and we are aware of the impact that this disease has on the citrus industry in his State. We are committed to working with his office to help provide funding for his growers that have worked with USDA to help eradicate this destructive bacteria.

Mr. MARTINEZ. I thank the chairman. I appreciate his support and look forward to working with him as well as the appropriations process moves forward.

SPECIALTY CROPS

Mr. BENNETT. Mr. President, throughout this entire process, both at subcommittee and at full committee level, Senator FEINSTEIN and Senator CRAIG have expressed great interest and concern about specialty crops, and they have asked us to take action with respect to specialty crops. We have been unable to find room in our allocation to deal with it. However, we recognize that the House has an allocation for specialty crops, and for that reason we believe we will be able to find a solution to this issue in conference.

The 2 Senators have been very cooperative and helpful. I want to make everyone understand that as we have worked our way through this they have been in no way less than enthusiastic about supporting the issue of specialty crops. If we get the problem solved in conference, as I am hopeful we can, and as I have commented to them that I will work to do, it will be in large measure because of the tenacity and leadership of Senator FEINSTEIN and Senator CRAIG. We appreciate their calling our attention to this particular issue.

Also, Senator DEWINE and Senator STABENOW have a problem which we have indicated we will do our best to deal with in conference. We understand the importance of the issue they have raised.

With that, I want to once again pay tribute to the ranking member, Senator KOHL, and to his staff as we have gone through this process. Both the majority and minority staff have worked as one rather than as two competing staff. That is one of the reasons we have been able to clear as many amendments as we have as expeditiously as we have.

I once again want to thank my ranking member not only for his professionalism but for his friendship as we have gone throughout this process.

Mr. KOHL. Mr. President, I thank Senator BENNETT very much for the sentiments expressed, which are felt similarly by myself and people who are working with me.

On the question of Senator FEINSTEIN and Senator CRAIG and others in specialty crops, as you have indicated, we all understand how important this program is across the country, not only in California and in Idaho but in other States, as well. I am aware the House bill includes funding.

I will join with Senator BENNETT and we will do everything we can to adopt the House level in conference.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I now ask unanimous consent there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority whip.

HISTORIC AFGHAN PARLIAMENTARY ELECTIONS

Mr. MCCONNELL. Madam President, I rise to share great news with all of our colleagues. Last Sunday, an estimated 6 million people in Afghanistan voted in that country's historic first legislative election in over three decades. This is a tremendous achievement for the citizens of Afghanistan, for the people of the broader Middle East, and for obviously the United States because of America's interest in seeing peace and democracy flourish around the world. And, of course, it is a victory in the war on terror.

Afghans turned out, despite threats of violence, and despite unfamiliarity with the parliamentary system, to vote in great numbers for a 249-member lower parliamentary house and the members of 34 provincial councils. Those councils, along with President Hamid Karzai, will help select the 51 members of the upper parliamentary house, and the Afghan Parliament will convene for the first time this coming December.

Four years ago, the ruthless Taliban regime ruled Afghanistan with an unyielding, murderous intolerance, and they laid down that country's welcome mat to terrorists. Al-Qaida called the Afghan deserts their home, and they plotted the deaths of Americans. Well, no more. Today a democratically elected President and Parliament chart a new course for that country.

The turnout rate in this historic parliamentary election is estimated to exceed the typical turnout rate in our own country for our so-called off-year congressional elections, that is, when there is no Presidential election on the ballot. This follows the remarkable trend set last October when Afghanistan elected Hamid Karzai in its first Presidential election ever, also with a higher turnout rate than we had in this country a month later. I do not think Americans have to worry about terrorist threats or deadly bombing attacks on their way to the polls, but obviously the people in Afghanistan were certainly concerned that that might happen.

In fact, though there was some scattered violence, the Afghan police and army did an excellent job on the whole of securing the polls and thwarting these would-be terrorists. For instance, the police defused a large cache of explosives in Mazar-i-Sharif. In the western town of Helmand, an attack on a polling station ended with the deaths of two men suspected to be remnant Taliban members. Police even caught two terrorists attempting to smuggle explosives hidden in a pen into a polling station.

Turnout among women was high as well. We do not have the official results yet, but President Karzai claims it should account for about 40 to 60 percent of the total turnout. This is Afghanistan we are talking about. Forty to 60 percent of the total turnout in the legislative elections were women. This Afghan election is a huge success story, despite the deafening silence about it in the mainstream media. I continue to be disappointed at the media's refusal to cover the good news taking place in the broader Middle East.

I would like to read the beginning of a commendable editorial from the September 19, 2005, edition of the Wall Street Journal. I ask unanimous consent to have the entirety of that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 19, 2005]

THE AFGHAN SUCCESS

> Who would have thought that free and successful elections in Afghanistan would so quickly become a non-story? We sure didn't, but that seems to be the case judging from the paucity of news coverage of yesterday's historic Afghan vote for a national parliament and provincial assemblies. Success is apparently boring.
>
> Taliban terrorists were unable to fulfill their pledge to disrupt the vote, not that they didn't try. They killed five candidates and four election workers leading up to the election, and yesterday another 15 people died in violence, including a Frenchman who was part of the international force helping to provide security. Despite such dangers, turnout was said to be heavy, though perhaps not up to the eight million who voted in last October's presidential election.
>
> The vote was also another milestone for Afghan women, with 580-some female candidates, or 10% of the total. The Taliban had threatened female candidates in particular, much as they had turned women into second-class citizens during their time in power. For a country that hadn't chosen a legislature in decades, and was thought too benighted to support democracy by many Western sages, this is worth celebrating.
>
> About 20,000 U.S. soldiers remain on the ground in the country, providing security while Afghan police and army forces continue to build. American and NATO forces will need to be there for some time, notably special forces who can pursue Taliban fighters who use terrorist tactics. But a legitimate new legislature will make it that much harder for the Taliban and its foreign recruits to find popular sympathy or sanctuary.
>
> It's worth recalling how perilous for U.S. interests this corner of Southwest Asia was only four years ago. With the Taliban running Afghanistan, and Pakistan intelligence helping them, an Islamist takeover in Islamabad was not out of the question. But now with the Taliban routed and Hamid Karzai governing in Kabul, the region is no longer an al Qaeda sanctuary. This is one battle in the war on terror that we're clearly winning.

Mr. MCCONNELL. Here is how it begins:

> Who would have thought that free and successful elections in Afghanistan would so quickly become a non-story? We sure didn't, but that seems to be the case judging from the paucity of news coverage of yesterday's historic Afghan vote for a national parliament and provincial assemblies. Success is apparently boring.

I think they must teach them in journalism school that only bad news is news. Let me repeat that last part. As President Bush and our armed forces continue to defend and spread freedom in the broader Middle East, if there is bad news, setbacks or casualties to report, the mainstream media will gladly hold the front page. But reporting success is apparently boring. Well, tell that to any one of the millions who cast their cherished ballot last Sunday.

I think the American people deserve to know the progress we are making in expanding freedom in countries that until now have known only terror. That is among one of the best ways of ensuring that terror does not strike our shores again, as it did on September 11, 2001. But it appears that the mainstream media is not that interested in good news. There is only one way to report this story: as a victory in the war on terror.

I ask all of our colleagues to join me in congratulating the Afghan people for taking this giant step toward becoming a free democratic state, justly governed under the rule of law. I ask them to join me in pledging the full support of the United States as Afghanistan continues to root out the last vestiges of its extremist terrorist element and moves forward into its democratic future. And I ask them to join me in declaring that whatever the final outcome of the elections, the true winners are the Afghan people, and the people of the region who can look to the Afghan exercise in democracy this past weekend as a model of success.

HONORING TERRENCE M. McDERMOTT

Mr. DURBIN. Mr. President, I rise today to honor a constituent, Terrence M. McDermott, executive vice president and chief executive officer of the National Association of Realtors, and congratulate him on his retirement.

Born and raised on the West Side of Chicago, Mr. McDermott attended Loyola University in Chicago and the National College of Education in Evanston, IL.

Before serving as CEO for the National Association of Realtors, Mr. McDermott gained nearly 30 years of experience in publishing and media. He also served as the executive vice president and chief executive officer of the American Institute of Architects and on the board of the American Architectural Foundation.

In addition to his many professional accomplishments, Mr. McDermott possesses a lifelong love of politics instilled by his family. Politics were routinely discussed around the dinner table, and Mr. McDermott worked as a volunteer on Senator Paul Douglas's last campaign before he could even vote.

Mr. McDermott is also an avid hunter and fisherman and plans to spend his retirement expanding his extensive decoy collection. Mr. McDermott and his wife Sue Ann recently celebrated their 39th anniversary and have two children, Matthew and Patricia.

I congratulate Mr. McDermott on his many accomplishments throughout his long and successful career, and I wish him many more years of happiness and accomplishment in retirement.

EXTENSION OF THE HIGHER EDUCATION ACT

Mr. ENZI. Mr. President, I rise today to encourage my colleagues to pass H.R. 3784, which would provide for a temporary extension of the Higher Education Act of 1965. As my colleagues are aware, the Senate Committee on Health, Education, Labor and Pensions approved legislation unanimously that would reauthorize Federal higher education programs for another 6 years. However, as many of these programs will expire on September 30, it is important that we extend the programs authorized by this act until the Congress can successfully complete work on the reauthorization legislation.

I am pleased to have been able to report that legislation with a unanimous vote out of committee. I am hopeful that the Senate will take action on that legislation quickly, either in the context of budget reconciliation or on its own, and that we can continue the commitment of Congress to support the access and affordability of higher education in this country.

HIGHER EDUCATION ACT EXTENSION

Mr. HATCH. Mr. President, while I recognize that the Senate Committee on Health, Education, Labor, and Pensions, HELP, is overwhelmed in addressing the needs associated with the Hurricane Katrina recovery, the Higher Education Act, HEA, is set to expire on September 30, 2005. I am concerned that with the extension of the HEA until December 31, 2005, we may be sending a signal that we are not planning on acting on the HEA reauthorization bill in the near future. I would like to know if my friend, the chairman of the HELP Committee, could give me his assurance he still intends to make passage of the permanent reauthorization a priority in the next few weeks?

Mr. ENZI. Mr. President, in response to that question, I would like to assure my colleague from Utah that the HELP Committee intends to keep this a high priority and we are hopeful of having a bill signed into law before December 31, 2005.

Mr. HATCH. Mr. President, I would like to thank the chairman for that confirmation.

LOCAL LAW ENFORCEMENT NEEDS OUR HELP

Mr. LEVIN. Mr. President, I have been a strong supporter of the Community Oriented Policing Services, or COPS, program since its creation in 1994. Nationwide, the COPS program has awarded more than $11 billion in grants, resulting in the hiring of 118,000 additional police officers. In Michigan, 514 local and State law enforcement agencies have received more than $220 million in grants through the COPS program. These grants have improved the safety of communities by putting more than 3,300 law enforcement officers on Michigan streets.

In the past month alone, the COPS program has awarded nearly $2 million in grants to Michigan communities. One COPS grant program, the Secure Our Schools Initiative, recently awarded more than $1 million in grants to nine Michigan communities to provide enhanced security for public schools. These grants help our schools pay for security assessments, security training for students and personnel and the installation of metal detectors, locks, lighting, and other important security measures. Another COPS grant program, the Tribal Resources Grant Program, awarded more than $800,000 in grants to eight Native-American communities in Michigan. These funds will strengthen the police departments in these communities by helping tribes hire and train police officers and modernize their equipment. COPS grants like these are critical to Michigan communities that are working to prevent and respond to violent crimes, especially those involving guns.

Unfortunately, authorization for the COPS program was permitted to expire at the end of fiscal year 2000. Although the program has survived through the annual appropriations process, it has received significant funding cuts under this administration. In fact, the fiscal year 2005 Omnibus Appropriations Act included only $606 million for the COPS program, $142 million below the amount appropriated in 2004. During consideration of the fiscal year 2006 Commerce-Justice-Science appropriations bill last week, I supported an amendment that would have provided $1 billion for the COPS program. Unfortunately, this amendment was defeated and the majority in the Senate voted to cut the COPS program further to $515 million for fiscal year 2006.

I have cosponsored the COPS Reauthorization Act introduced by Senator BIDEN. This bill would continue the COPS program for another 6 years at a funding level of $1.15 billion per year. This funding would allow State and local governments to hire an additional 50,000 police officers over the next 6 years. In addition, the bill would modernize the COPS program by authorizing $350 million in Law Enforcement Technology Grants to assist police departments in acquiring new technologies for the analysis of crime data and the examination of DNA evidence, among other uses. The COPS Reauthorization Act would also build upon the accomplishments of the original COPS program by authorizing $200 million in Community Prosecutor Grants. These grants would be used to hire community prosecutors trained to work at the local and neighborhood level to prevent crime and improve relations with residents.

The increased threat of terrorism as well as the continuing epidemic of gun violence underscores the need to devote more resources for our law enforcement agencies. The safety and security of our communities depends upon our local police departments, most often the first responders, being adequately staffed, trained, and equipped. I hope the Senate will do more to support the efforts of our local law enforcement officials by adequately funding programs such as COPS.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 1, 2004, a man was shot with a pellet gun in the back near his him in Bronx, NY. The apparent motivation for the attack was the man's sexual orientation.

I would note that recently in the House hate crimes legislation was passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead, I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

IN HONOR OF FORMER SENATOR CLAIBORNE PELL

Mr. DODD. Mr. President, I rise today to honor our former colleague Claiborne Pell, with whom I had the pleasure of serving in this body for 16 years.

I have always felt a special affinity for Senator Pell. Both of our fathers served in Congress. We represented neighboring States in the Northeast. We sat together on three committees and share many of the same views and principles about our great Nation and its role in the world. And, he was one of the few Senators who served with both my father and me. So it is with great personal pleasure that I come to the floor to honor him today.

Senator Pell accomplished important things during his Senate career, each one of which could have defined a successful tenure for any one Senator. He created a Federal college scholarship initiative—later to be named the "Pell Grant" in his honor. This initiative has opened the doors of our colleges and universities to millions of American students. He coauthored legislation to establish the National Endowment for the Arts and the National Endowment for the Humanities, both of which have enriched the cultural life of our Nation. He helped to establish the Northeast rail corridor. And he was a chief architect of the ban on nuclear testing on the ocean floor.

Throughout 36 years of service, Senator Pell left a graceful and indelible legacy. His commitment to education, the arts and humanities, and peace was an attempt to cultivate the best in all of us. And we have advanced as a nation in part because of his dedication to these ideals and his success in codifying them.

Almost as admirable as his legislative accomplishments was the manner in which he legislated. In the 16 years that I served alongside Senator Pell, even when he was the ranking member of the Foreign Relations Committee under the chairmanship of a hard-charging Senator from the other end of the political spectrum, I never saw him speak or act with anything but kindness and integrity. In the course of six elections to the U.S. Senate, Senator Pell never once attacked a political opponent who ran against him. He was a true gentleman. He always sought out the better nature of people through discussion and debate. He held immense respect for the history of the Senate and the vocation of public service. He was the model of what a leader should be.

Paying tribute to his tremendous career is reason enough to come to the floor today, but I have also come to speak on a more timely matter. Senator Pell is to be recognized this Friday by a regimental review at the U.S. Coast Guard Academy in Connecticut.

Senator Pell served in the Coast Guard for 37 years, enlisting 4 months before the attacks on Pearl Harbor. He began as a ship's cook, but quickly received his commission and served as a lieutenant on boats in the North Atlantic and Sicily. During World War II, he was arrested six times by enemy governments. After the war ended, he served as a captain in the Reserves until he reached the mandatory retirement age.

Senator Pell frequently cited his service as one of the defining moments in his life. He has always been an ardent supporter of the Coast Guard—believing, as I do, that it plays a vital role in keeping America safe. As the Coast Guard honors Senator Pell's service this week, it is important that we remember the Coast Guard personnel who continue to risk their lives to maintain the safety and security of our Nation.

Over the past few weeks, Coast Guard crews, operating with characteristic precision and professionalism, have rescued over 33,000 people in Louisiana, Mississippi, and Alabama. They have spent significant sums to do so—sums that were never contemplated to be spent for this purpose. Regrettably, however, none of the over $60 billion in aid that Congress recently sent to the Gulf coast region has been specifically set aside to replenish Coast Guard accounts. Their costs in both operations and reconstruction are estimated in the hundreds of millions of dollars. They are being forced to divert funds from continuing and future operations.

The men and women of today's Coast Guard are certainly vindicating Senator Pell's faith in and commitment to this branch of our military. By honoring their service—including by seeing to it that Coast Guard operations are fully supported by our Government—we honor the service of an outstanding leader, a great patriot, and a dear friend: Claiborne Pell. I wish him, his wife Nuala, and his family my best wishes on this wonderful occasion.

PAUL BRUHN: PRESERVING VERMONT FOR ALL GENERATIONS

Mr. LEAHY. Mr. President, it gives me great pleasure today to congratulate Paul Bruhn and the Preservation Trust of Vermont on an anniversary that marks 25 successful years of protecting and celebrating Vermont's historical treasures.

I am proud to be able to call Paul not only an accomplished Vermonter but also a very good friend. He was my first campaign manager and my first chief of staff, and the Preservation Trust of Vermont is only one of his significant gifts to the Green Mountain State.

Paul became the founding executive director of the Preservation Trust of Vermont in 1980, after helping me find my way through the Senate during my first term. Since then he has helped the Preservation Trust save countless architectural treasures in every corner of the State, helped reinvent communities that had eroded through years of neglect, and helped our State capitalize on its unique identity. Thanks in large part to his leadership, the Preservation Trust of Vermont has been a respected, appreciated, and integral part of Vermont's culture for the past quarter century.

My wife Marcelle and I consider ourselves highly fortunate to call Paul a close personal friend. Before my campaign in 1974, we saw in Paul attributes that we knew would bring Vermont wonderful things. As the consummate connector, Paul has been a humble servant of the public interest, forging and leading broad community coalitions to overcome some of the most difficult growing pains of development—retaining a community's character. He has used these talents to bring attention to and preserve the most unique and defining aspects of Vermont. From making sure Vermont music legend Sterling Weed had a band stand, to bringing attention to the wonderful architecture at the St. Johnsbury Athenaeum, he has helped Vermonters embrace their unique spirit and storied history.

Paul has always understood that a community's future vitality is directly linked to its past. When the city of Burlington was preparing to level the historic firehouse on Church Street—one of the most beautiful and unique buildings in the city—it was Paul who convinced me to open my first Senate office there to save the building from the wrecking ball. Years later, as historic downtowns across the country were being shuttered and demolished because of urban sprawl, Paul helped me work with local and State officials to find millions of dollars in Federal investments to revolutionize Burlington's historic center of commerce, turning Church Street into an award-winning pedestrian marketplace. Today the historic facades that have hung over Church Street for a century or more remind shoppers of Burlington's rich history.

There is hardly a nook or cranny, village or gore, throughout Vermont that has not felt the touch of Paul and the Preservation Trust of Vermont. Whether through a small Preservation Trust grant for the refinishing of a church tower, or through a multimillion dollar campaign led by Paul and the talented people he works with, every corner of the State from Burke to Bennington has benefited from Paul's community- and consensus-building.

Just last year, this native Vermonter was at the heart of an effort to have the entire State of Vermont designated as one of the top 10 endangered places by the National Preservation Trust. It was the first time in the organization's history that an entire State was added to the list. He helped the city of Rutland persuade Wal-Mart to anchor in the community's historic downtown instead of outside of town in a vacant field, a victory that few other communities across the country have won. That was not enough though, and he has brought Rutland's story to other communities throughout the State, where no matter the outcome, he has helped empower community leaders to make decisions rather than bow to the whims of out-of-state developers.

In my lifetime of public service, I have never met a person so adept at bringing people together and finding ways to make sure everyone has a voice. Years before he came to work for me, Paul was a key player in setting up the consumer fraud office within the Vermont attorney general's office, where he not only protected consumer rights, but also helped the office create a toll-free number that revolutionized the way Vermonters communicated with their government. When I entered the Senate, Paul and I brought this concept to the greatest deliberative body in the Senate by operating the first toll-free phone line in the Congress.

Paul has always put the interests of all Vermonters ahead of himself or any organization he has ever steered. The Preservation Trust of Vermont has been no different. Through his involvement, Vermont is a better place and Vermonters have realized the wonderful things our past has to offer. Thank you Paul, and congratulations to you and everyone who has ever helped make the Preservation Trust of Vermont the success it is today.

ADDITIONAL STATEMENTS

CHIEF MASTER SERGEANT CHARLES T. DUBOIS

• Mr. BOND. Mr. President, I rise today to honor a man who has served over 36 years in the U.S. Air Force, with the vast majority of that service in the Missouri Air National Guard. CMSgt Charles T. DuBois retired on September 10, 2005, after a long and distinguished record of service to the State of Missouri and the United States. Chief DuBois enlisted in the U.S. Air Force on June 18, 1969, at the height of the Vietnam War. He served in the Air Force until March 12, 1973, and entered the Air National Guard on September 14, 1975.

As a member of the 131st Fighter Wing in St. Louis, MO, Chief DuBois has been associated with a unit whose history has spanned over eight decades and whose former members have included the likes of aviation pioneer Charles Lindbergh.

Throughout Chief DuBois' service at the 131st, he has seen the unit transition from F–100s to F–4 Phantoms to F–15As, and now upon his retirement, the transition to F–15Cs, the Nation's premier homeland defense and air superiority aircraft. As a crew chief, Chief DuBois was fully qualified on: the B–52D; C–141A; C–124; C–5A; F–100 C, D & F; F–4 C, D & E; and the F–15 A, B, C, and D models.

Throughout his career Chief DuBois remained dedicated concomitantly to the vital missions of the Air National Guard and to the paramount commitment of taking care of his family. It is the latter that Chief DuBois will continue to fulfill upon his retirement as a devoted husband, father and son. He and his wife Theresa were married in November of 1977 and have one son, Michael, who serves on my staff as an advisor on, among a number of other issues, the National Guard. Chief DuBois has one daughter, Kristine, who lives and works in northern Virginia. As a dedicated son of someone whom I have had the pleasure and honor to work with when I was Governor of Missouri, GEN Charles H. DuBois and his wife Ruth, "Terry" as Chief DuBois goes by in civilian life, remains dedicated to their well-being. The General, or "Charlie Two Stars" as I often referred to him, and his lovely wife Ruth, can rest assured they raised a son who has served both his family and the military with honor.

The honor in which Chief DuBois has served can be seen in the numerous awards, ribbons and commendations he has been decorated with throughout his career. He has received the Air Force Meritorious Service Medal, the Air Force Commendation Medal with two devices, the Air Force Achievement Medal with one device, the Joint Meritorious Unit Award for 2 AEF duty tours in Provide Comfort and Northern Watch, and the National Defense Service Medal with two devices for his service during Vietnam and Desert Storm. These accolades represent only a handful of the numerous other State and Federal service medals Chief DuBois has collected during his 36 years of service. As Chief DuBois retired, he was the most senior chief master sergeant in the U.S. Air Force and Air National Guard and was the youngest guardsman to make chief when he did so, just like his father who, upon his retirement, was the most senior major general in the Air Force and Air Guard and the youngest at the time to make general.

Again, I wish to extend Chief Charles T. DuBois my heartiest congratulations upon his retirement and my sincere thanks for the 35-plus years of service he has rendered to the State of Missouri and the Nation.•

100TH ANNIVERSARY OF ALEXANDER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On September 2 through September 5, the residents of Alexander, ND, celebrated their community's history and founding.

Alexander is a small town in the northwestern part of North Dakota with a population of 216. Despite its size, Alexander holds an important place within North Dakota's history. It began on July 24, 1905, when the city was platted by Frank B. Chapman. That same year, a wide variety of businesses were constructed in the town, including the Dakota Trading Company Store, the Alexander State Bank, and the Alexander Hotel. Later that year, the McKenzie County Chronicle began publication in an office of the Alexander State Bank. In 1918, the town suffered a devastating fire; however, the town rebuilt and continued to grow.

Today, Alexander remains a proud community with an economy bolstered by farming, ranching, and oil extraction. In the city's park, hamburgers are served every summer Saturday evening. The town is also home to the Lewis and Clark Trail Museum, which is housed in the old school house. Each room in the museum highlights a different and unique view of the area's history.

Mr. President, I ask the Senate to join me in congratulating Alexander, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Alexander and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is such places as Alexander that have helped to shape this country into what it is today, which is why this community is deserving of our recognition.

Alexander has a proud past and a bright future.•

HONORING THE PUBLIC SERVICE OF GALE REINERS

• Mr. JOHNSON. Mr. President, I rise today to congratulate Mr. Gale Reiners for his 35 years of service to the Department of Veterans' Affairs. When he retires later this month, Mr. Reiners will have served his country for almost 40 years, both in the military and through his public service on behalf of our Nation's veterans.

During his tenure at the Regional VA Office in Sioux Falls, Gale provided important counsel and advice to veterans, family members, VA officials, veterans' service officers, and congressional members and their staff on a range of issues. Throughout that time, he has witnessed many changes in the VA, and has been diligent in assisting veterans with their questions, needs and issues. He has helped educate all those concerned about the ever-changing scope of the veterans' benefits program.

Gale wanted to retire 18 months ago but was persuaded to continue his duties at the VA. At the time he announced his retirement, the VA regional offices in North Dakota and South Dakota were working to combine various veterans' services. Gale's experience and knowledge of those programs proved invaluable during the transition period.

Mr. Reiners is a man of passion and integrity who takes his responsibility to South Dakota veterans very seriously. It will be difficult to find someone more knowledgeable than Mr. Reiners on the wide array of benefit and resource programs available to veterans. My staff has worked with Gale and his colleagues at the regional office in Sioux Falls on numerous issues impacting veterans and their families. Gale always addressed each inquiry with professionalism. I commend his dedication and commitment to making sure every veteran's case or question was always handled in a timely manner.

The State of South Dakota will miss Gale Reiners' leadership. After 35 years of service, Mr Reiners will be spending more time with his wife Patty, and their 4 children. It is with great honor that I share his impressive accomplishments with my colleagues, and I thank him for his service to this Nation and its veterans.•

IN RECOGNITION OF FERNANDO VALENZUELA

• Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the many important accomplishments of Fernando Valenzuela, former pitcher, current radio broadcast announcer and long time member of the Los Angeles Dodgers family.

Fernando Valenzuela has been an amazing asset to the Los Angeles community. He has enriched the lives of many young children through their participation in the Amigos de Fernando children's program—an innercity youth program he founded that is designed to reward underprivileged children for their positive and active involvement in community sports teams.

For the third consecutive Major League Baseball season, the Amigos de Fernando children's program, with support from the Los Angeles Dodgers, has continued to assist local children's groups. Through their efforts, innercity children's groups receive assistance in continuing to guide and positively influence the children they service. The Amigos de Fernando children's program has provided nearly 1,000 young people of the City of Los Angeles with new and positive experiences that would have otherwise been unavailable to them.

Fernando Valenzuela began his career with the Los Angeles Dodgers in 1979. Since his rookie year in Major League Baseball, he has reached many notable accomplishments including honors as Rookie of the Year in 1981 and the highly coveted Cy Young Award—presented to each league's most outstanding pitcher—also in 1981. In addition to his many personal accomplishments, Fernando also played a significant role in achieving many team distinctions and championships, including the National League Pennant and World Series Championships for the 1981 and 1988 seasons. After a brief absence from the Los Angeles area, Fernando rejoined the Los Angeles Dodgers organization in 2003 as a member of the Spanish-Language radio commentator team, providing his expertise and views to countless fans.

I invite all of my colleagues to join me and the children of the City of Los Angeles in commending Fernando Valenzuela for his great leadership and service to the community through the Amigos de Fernando. His efforts are truly worthy of this recognition.●

THE PASSING OF SANDRA FELDMAN

● Mr. SALAZAR. Mr. President, I rise to remember and celebrate the incredible life and legacy of Sandra Feldman, a past president of the American Federation of Teachers, who passed away on Monday at the age of 66 after a long battle with breast cancer.

Ms. Feldman was truly a trailblazer for education. She dedicated her life to enhancing educational opportunities for our youth, to bettering the lives of educators and to fighting for civil rights for workers, women and minorities.

Feldman grew up poor in Brooklyn, NY. She credited the public schools and libraries for "creating her future" and instilling in her a love of education. She spent her entire life enriching the lives of others.

In the 1960s, she fought for civil rights, participating in the Freedom Rides and the March on Washington for Jobs and Freedom. She later became a leader in the protection of various workers' rights movements in New York, including representation of nurses and teachers. In 1997, Feldman became the president of the American Federation of Teachers, one of the largest unions representing our teachers in this country, with 1.3 million members, including 4,800 in Colorado.

As president of the American Federation of Teachers, Ms. Feldman advocated for early childhood education, greater investment in public education and greater emphasis on high standards and accountability. Feldman was nationally recognized as a champion of universal preschool for young children, extended kindergarten for disadvantaged youngsters, and redesigning schools to promote academic achievement. Many of Feldman's proposals, which were implemented on the State and Federal level, positively changed the lives of youth.

I commend and honor the life of Sandra Feldman, who stood and fought for civil rights, workers' rights, and education. She was the epitome of a public

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS DECLARED BY EXECUTIVE ORDER 13224—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2005. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2004 (69 FR 56923).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2005.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:18 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bill:

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fun through the end of fiscal year 2005, and for other purposes.

The enrolled bill was subsequently signed by the President Pro tempore (Mr. STEVENS).

At 10:45 a.m., message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes.

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 3761. An act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

H.R. 3765. An act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 3784. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

At 2:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1368. An act to extend the existence of the Parole Commission, and for other purposes.

The message also announced that the House agree to the amendment of the Senate to the bill H.R. 3768, an act to provide emergency tax relief for persons affected by Hurricane Katrina, with an amendment, in which it requests the concurrence of the Senate.

At 5:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bill:

S. 1340. An act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus fund in the wildlife restoration fund become available for apportionment.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 5:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 242. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 394. An act to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 409. An act to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3784. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3761. An act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1745. A bill to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina.

S. 1748. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3829. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hours of Service of Drivers" (RIN2126-AA90) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3830. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fastener Quality Act" (RIN0693-AB55) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3831. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Fees" (RIN3084-AA86) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3832. A communication from the Special Advisor, Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 210 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 to Amend Section 338 of the Communications Act" ((FCC 05-159)(MB 05-181)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3833. A communication from the Attorney-Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3834. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance To Establish a New Cooperative Science Center Under NOAA's Educational Partnership Program (EPP) with Minority Serving Institutions for Scientific Environmental Technology" (Docket No. 030602141-5196-21) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3835. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Availability of Grants Funds for Fiscal Year 2006; Ballast Water Technology Demonstration Program" (RIN0648-ZB55) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3836. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Reef Fish Limited Access System" (I.D. No. 033105A) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3837. A communication from the Acting Deputy Assistant Administrator for Operations, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Framework Adjustment 1 to the Atlantic Deep-Sea Red Crab Fishery Management Plan" (RIN0648-AS35) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3838. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Prohibiting Retention of 'Other Rockfish' in the Central Regulatory Area of the Gulf of Alaska" (I.D. No. 072905A) received on August 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3839. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Zone off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 072105A) received on August 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3840. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Apportioning the Reserve of Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 080805B) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3841. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Opening Directed Fishing for Pacific Cod by Catcher Vessels Less than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 080805C) received on

August 23 2005; to the Committee on Commerce, Science, and Transportation.

EC-3842. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Prohibiting Directed Fishing for Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area" (I.D. No. 080805D) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3843. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Reallocating Pacific Cod from Vessels Using Jig Gear to Catcher Vessels Less than 60 Feet (18.3 Meters) Length Overall Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 080405C) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3844. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska" (I.D. No. 080305B) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3845. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska" (I.D. No. 080305A) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Charlotte, NC; Correction" ((RIN2120-AA66)(2005-0199)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marion, KY" ((RIN2120-AA66)(2005-0198)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3848. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class E Airspace; Lincoln, NE; Correction" ((RIN2120-AA66)(2005-0197)) received on August 31 2005; to the Committee on Commerce, Science, and Transportation.

EC-3849. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; McCook, NE; Correction" ((RIN2120-AA66)(2005-0196)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3850. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Worcester, MA" ((RIN2120-AA66)(2005-0200)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3851. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FAA-Approved Child Restraint Systems" (RIN2120-AI36) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3852. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 100, DHC 8 200, and DHC 8 300 Series Airplanes" ((RIN2120-AA64)(2005-0403)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (76)" ((RIN2120-AA65)(2005-0024)) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3854. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 5 regulations): [CGD05-05-026], [CGD05-05-040], [CGD07-05-038], [CGD11-05-003], [CGD11-05-008]" (RIN1625-AA08) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3855. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 17 regulations)" (RIN1625-AA87) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3856. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 92 regulations)" (RIN1625-AA00) received on August 31, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRAIG, from the Committee on Veterans' Affairs, without amendment:

S. 1234. A bill to increase, effective as of December 1, 2005 the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 109-138).

By Mr. CRAIG, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1235. A bill to amend chapters 19 and 37 of title 38, United States Code, to extend the availability of $400,000 in coverage under the servicemembers' life insurance and veterans' group life insurance programs, and for other purposes (Rept. No. 109-139).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. SUNUNU, Mr. DURBIN, Mr. PRYOR, Mrs. CLINTON, and Mr. CARPER):

S. 1738. A bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY:

S. 1739. A bill to amend the material witness statute to strengthen procedural safeguards, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. JOHNSON, and Mr. BUNNING):

S. 1740. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mrs. CLINTON):

S. 1741. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS:

S. 1742. A bill to amend the Food and Stamp Act of 1977 to exclude certain military housing allowances from the eligibility requirements for food stamps; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH:

S. 1743. A bill to authorize the Federal Trade Commission to investigate and assess penalties for price gouging with respect to oil and gas products; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mr. BINGAMAN):

S. 1744. A bill to prohibit price gouging relating to gasoline and diesel fuels in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1745. A bill to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina; read the first time.

By Mr. VITTER (for himself and Mr. KYL):

S. 1746. A bill to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. VITTER, Mrs. HUTCHISON, Mr. THUNE, Mr. LOTT, Mr. GRASSLEY, Mr. BROWNBACK, and Ms. LANDRIEU):

S. 1747. A bill to limit liability for volunteers and those providing goods and services for disaster relief, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mr. HARKIN, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. REED, Mr. SALAZAR, Mr. OBAMA, Mrs. BOXER, Ms. STABENOW, Mr. CORZINE, Mr. SCHUMER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. CARPER, Mr. JOHNSON, and Mr. LEAHY):

S. 1748. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future; read the first time.

By Mr. KENNEDY (for himself, Ms. LANDRIEU, Mr. HARKIN, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. DODD, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mr. LEAHY, Mr. SARBANES, Mr. KERRY, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mrs. BOXER, Mr. FEINGOLD, Mr. BAYH, Ms. CANTWELL, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. OBAMA):

S. 1749. A bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mr. COLEMAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. REID, Mr. BINGAMAN, Mr. WYDEN, Mrs. CLINTON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. KENNEDY, Ms. STABENOW, Mr. LIEBERMAN, Mr. JOHNSON, Mr. HARKIN, Mr. KOHL, Mrs. MURRAY, Mr. FEINGOLD, Mr. DODD, Mr. BROWNBACK, Mr. SMITH, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. BIDEN, Mr. CORZINE, Mr. ALLEN, Mr. INHOFE, Mr. CARPER, Mr. GRAHAM, Mr. DEWINE, Mr. NELSON of Florida, Mr. LEVIN, Mr. GRASSLEY, Mr. BURR, Mr. ALEXANDER, Mr. MCCAIN, Mr. NELSON of Nebraska, Mrs. HUTCHISON, Mr. SARBANES, Mr. SALAZAR, Mr. CORNYN, Mr. HAGEL, Mr. TALENT, Mr. CONRAD, Ms. SNOWE, Mr. SANTORUM, Mr. DURBIN, and Mr. LEAHY):

S. Res. 245. A resolution recognizing the life and accomplishments of Simon Wiesenthal; considered and agreed to.

By Ms. SNOWE (for herself, Ms. CANTWELL, Ms. MIKULSKI, Mr. INOUYE, Mr. STEVENS, Mr. MARTINEZ, Mr. LOTT, and Ms. MURKOWSKI):

S. Res. 246. A resolution to express the sense of the Senate regarding the missions and performance of the United States Coast Guard in responding to Hurricane Katrina; considered and agreed to.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. KERRY, his name was added as a cosponsor of S. 15, a bill to improve education for all students, and for other purposes.

S. 132

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 267

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 298

At the request of Mr. INOUYE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 298, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 424

At the request of Mr. BOND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 511

At the request of Mr. DEMINT, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 511, a bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU-486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 589

At the request of Mr. KYL, his name was added as a cosponsor of S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 760

At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 894

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 909

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 909, a bill to expand eligibility for governmental markers for marked graves of veterans at private cemeteries.

S. 1067

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1067, a bill to require the Secretary of Health and Human Services to undertake activities to ensure the provision of services under the PACE program to frail elders living in rural areas, and for other purposes.

S. 1081

At the request of Mr. KYL, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1620

At the request of Mr. CORZINE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1620, a bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

S. 1645

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1645, a bill to establish a first responder interoperable communications grant program.

S. 1685

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1685, a bill to ensure the evacuation of individuals with special needs in times of emergency.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1735

At the request of Ms. CANTWELL, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1735, a bill to improve the Federal Trade Commissions's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. CON. RES. 53

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution expressing the sense of Congress that any effort to impose photo identification requirements for voting should be rejected.

AMENDMENT NO. 1741

At the request of Mr. DEWINE, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Wisconsin (Mr. KOHL) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 1741 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1754

At the request of Mr. SALAZAR, the names of the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 1754 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1760

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 1760 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1761

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 1761 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1764

At the request of Mr. CRAIG, the names of the Senator from California (Mrs. BOXER), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 1764 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1768

At the request of Mr. SPECTER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1768 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 1739. A bill to amend the material witness statute to strengthen procedural safeguards, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, under the Federal material witness statute our government is authorized to arrest a witness in order to secure his testimony in a criminal proceeding. In order to obtain a material witness warrant, the government must establish that the witness has information that is material to a criminal proceeding, and that it may become impracticable to secure the witness's presence at the proceeding by a subpoena. Once arrested, a material witness may be detained for a reasonable period, until his testimony can be secured by deposition or appearance in court.

The material witness law was intended to ensure the appearance of witnesses in those rare cases where they might otherwise flee to avoid testifying in a criminal proceeding. This authority is an important tool for our government's law enforcement duties, but it must be exercised responsibly. As the Court of Appeals for the Second Circuit noted in 2003, in the case of United States v. Awadallah, "It would be improper for the government to use [the material witness statute] for other ends, such as the detention of persons suspected of criminal activity for which probable cause has not yet been established." Since September 11, 2001, however, that is exactly what the government has been doing. Indeed, senior Administration officials, including our current Attorney General, have admitted that the government routinely uses material witness warrants to detain suspects in the so-called war on terror.

A report released this summer by Human Rights Watch and the American Civil Liberties Union identifies 70 men, including more than a dozen citizens, whom the Department of Justice arrested as material witnesses in connection with its terrorism investigations. Many were never brought before a court or grand jury to testify for the simple reason that they were viewed not as witnesses, but as suspects. The evidence against these suspects was often flimsy at best, and would never have sufficed for criminal arrest and pre-trial detention. This twisting of a narrow law designed to secure testimony into a broad preventive detention authority has resulted in some notorious abuses.

Just days after 9/11, the FBI arrested eight Egyptian-born men in Evansville, IN—one a naturalized American citizen—as material witnesses, based on a bogus tip that they planned to fly a plane into the Sears Tower in Chicago. The men were held for more than a week in solitary confinement before being released. Many months later, the FBI issued a rare public apology to these men. That apology, while necessary, could not repair the damage that had been done to them and their families in the form of lost business, tainted reputations, and the accusing stares of their friends and neighbors.

The case of Abdallah Higazy further highlights the danger that can occur when this authority is abused. Shortly after 9/11, the 30-year-old Egyptian graduate student with a valid visa, was picked up after a security guard at a hotel located across the street from Ground Zero claimed to have found an aviation radio in the room where Higazy had stayed on 9/11. Higazy was held for more than a month in solitary confinement until he ultimately confessed that the radio was his. Higazy was then charged with lying to the FBI for initially denying possession of the radio. These charges were dropped after the true owner of the radio, an American pilot, went to the hotel to claim it.

In another, higher profile case in May 2004, Portland attorney Brandon Mayfield was arrested as a material witness in connection with the Madrid train bombing. An email sent from the Portland FBI office to the Los Angeles FBI office the day before Mayfield's arrest refers to him as a "Moslem convert" and notes as a "problem" that there was not enough evidence to arrest him for a crime. After spending two weeks in prison, Mayfield was released and the FBI was expressing regret about the erroneous fingerprint match that led to his arrest.

These and other examples of post-9/11 misuse of the material witness statute are documented in the HRW/ACLU report. As the report shows, such misuse does more than just circumvent the requirement of probable cause for a criminal arrest. Suspects arrested as material witnesses are denied the basic protections guaranteed to criminal defendants, including the right to view any exculpatory evidence and to be able to challenge the basis for their arrest and incarceration. The report concludes that the misuse of the material witness law "threatens U.S. citizens and non-citizens alike because it reflects a lowering of the standards designed to protect everyone from arbitrary and unreasonable arrest and detention."

The bill I introduce today will ensure that the material witness law is used only for the narrow purpose that Congress originally intended, to obtain testimony, and not to hold criminal suspects without charge when probable cause is lacking.

First, the bill raises the standard that the government must meet to obtain a material witness warrant. Under current law, a judge may order the arrest of a material witness if there is probable cause to believe that securing his presence by subpoena may become "impracticable." Under the bill, there must be probable cause to believe that the witness has been served with a subpoena and failed or refused to appear as required, or clear and convincing evidence that the service of a subpoena is likely to result in the person fleeing or cannot adequately secure the appearance of the person as required.

Second, the bill imports several due process safeguards from the Federal Rules of Criminal Procedure relating to the arrest and arraignment of criminal defendants. Among other things, the bill requires that a material witness warrant specify that the testimony of the witness is sought in a criminal case or grand jury proceeding, and command that the witness be arrested and brought to court without unnecessary delay. The warrant must also inform the witness of his right to retain counselor or request that one be appointed. The right to counsel is already guaranteed to material witnesses under the Criminal Justice Act, 18 U.S.C. 3006A(a)(1)(g), and protects the witness from erroneous, unnecessary, and prolonged incarceration.

The bill further provides that, upon arresting a material witness, the government must provide him with a copy of the warrant or inform him of the warrant's existence and purpose. A material witness must be brought before a judge "without unnecessary delay"—a term that has been strictly interpreted when applied to the criminally accused. The initial appearance must be in the district of arrest or an adjacent district. At the initial appearance, the judge must inform the witness of the basis for his arrest and of his right to counsel. The judge must also allow the witness a reasonable opportunity to consult with counsel. The judge must then determine whether the witness should be released or detained pending the taking of his testimony.

Third, the bill establishes clear procedures for material witness detention hearings. Current law provides that material witnesses shall be treated in accordance with 18 U.S.C. 3142, which governs the release or detention of defendants pending trial. Section 3142, however, contains many factors that are not applicable to material witnesses. For example, courts have held that a material witness may not be detained on the basis of dangerousness. (See Awadallah, 349 F.3d at 63 n.15.) The bill clarifies that in detention hearings for material witnesses, flight risk is the only relevant factor. A court shall order a material witness detained only if no condition or combination of conditions will reasonably assure the appearance of the witness as required. As under current law, no witness may be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition. In determining whether a material witness should be released or detained, the court shall take into account the available information concerning the history and characteristics of the witness, and may also consider challenges to the basis of the warrant.

Fourth, the bill establishes the "clear and convincing evidence" standard used in other civil detention contexts for material witness detentions. Few courts have directly examined what standard of proof should be required of the government to demonstrate that no conditions of release can reasonably assure a witness's appearance. While the lower "preponderance of the evidence" standard may suffice for pre-trial detention of defendants who pose a risk of flight, in the case of defendants there has also been a finding of probable cause to believe the person committed a crime. In the case of a witness, where there is no probable cause to believe the person committed a crime, the usual grounds for fearing flight—the defendant's aversion to risking a guilty verdict and attendant sentencing—are not present.

Fifth, the bill imposes reasonable but firm time limits on the detention of material witnesses. Current law sets no firm limit on how long a witness may be incarcerated before being presented in a criminal proceeding or released. This has resulted, according to the recent report, in many witnesses enduring imprisonment for two or more months, and in one case for more than a year. Under my bill, a material witness may initially be held for not more than five days, or until his testimony can adequately be secured, whichever is earlier. That period may be extended for additional periods of up to five days, upon a showing of good cause for why the testimony could not adequately be secured during the previous five-day period. The total period of detention may not exceed 10 days for a grand jury witness, or 30 days for a trial witness, and in no case may a witness be held any longer than necessary to secure his testimony.

Sixth, in recognition of the fact that material witnesses are not charged with any offense, the bill requires that they be held in a corrections facility that is separate, to the extent practicable, from persons charged with or convicted of a criminal offense, and under the least restrictive conditions possible.

Finally, to facilitate congressional oversight, the bill requires the Justice Department to report annually on the use of the material witness law. Since 9/11, the Department has withheld information relating to material witnesses on the theory—in my view, a flawed theory—that such information is covered by the grand jury secrecy rule. It is hard to imagine how the release of generalized data, such as the aggregate number of people detained as material witnesses, could damage any reputational interest or any of the other interests protected by Rule 6(e).

The recent, detailed report on post-9/11 uses of the material witness statute leaves no doubt that the law has been bent out of shape, with real consequences for citizens and non-citizens alike. My bill will restore the law to its original purpose and prevent future abuses. I urge its speedy passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OR DETENTION OF A MATERIAL WITNESS.

(a) AMENDMENTS TO TITLE 18.—Section 3144 of title 18, United States Code, is amended to read as follows:

"§3144. Release or detention of a material witness

"(a) ARREST OF MATERIAL WITNESS.—

"(1) IN GENERAL.—A judicial officer may order the arrest of a person as a material witness, if it appears from an affidavit filed by a party in a criminal case before a court of the United States, or by an attorney for the Government in a matter occurring before a Federal grand jury, that there is probable cause to believe that—

"(A) the testimony of such person is material in such case or matter; and

"(B) the person has been served with a summons or subpoena and failed or refused to appear as required.

"(2) EXCEPTION.—A judicial officer may waive the summons or subpoena requirement described in paragraph (1)(B), if the judicial officer finds by clear and convincing evidence that the service of a summons or subpoena—

"(A) is likely to result in the person fleeing; or

"(B) cannot adequately secure the appearance of the person as required.

"(b) WARRANT FOR MATERIAL WITNESS.—

"(1) REQUIREMENTS.—A warrant issued under subsection (a) shall—

"(A) contain the name of the material witness or, if the name of such witness is unknown, a name or description by which the witness can be identified with reasonable certainty;

"(B) specify that the testimony of the witness is sought in a criminal case or grand jury proceeding;

"(C) command that the witness be arrested and brought without unnecessary delay before a judicial officer;

"(D) inform the witness of the witness's right to retain counsel or to request that counsel be appointed if the witness cannot obtain counsel; and

"(E) be signed by a judicial officer.

"(2) EXECUTION OF WARRANT.—

"(A) ARREST OF WITNESS.—A warrant issued under subsection (a) shall be executed by arresting the material witness.

"(B) WARRANT TO BE PROVIDED TO WITNESS.—

"(i) IN GENERAL.—Upon arrest, an officer possessing the warrant shall show such warrant to the material witness.

"(ii) WARRANT NOT IN POSSESSION OF ARRESTING OFFICER.—If an officer does not possess the warrant at the time of arrest of a material witness, an officer—

"(I) shall inform the witness of the existence and purpose of the warrant; and

"(II) at the request of the witness, shall provide the warrant to the witness as soon as possible.

"(3) RETURN OF WARRANT.—

"(A) AFTER EXECUTION.—After executing a warrant issued under subsection (a), an officer shall return the warrant to the judicial officer before whom the material witness is brought in accordance with subsection (c).

"(B) UNEXECUTED WARRANT.—At the request of an attorney for the United States Government, an unexecuted warrant shall be brought back to and canceled by a judicial officer.

"(c) INITIAL APPEARANCE.—

"(1) APPEARANCE UPON ARREST.—A material witness arrested pursuant to a warrant issued under subsection (a) shall be brought without unnecessary delay before a judicial officer.

"(2) PLACE OF INITIAL APPEARANCE.—The initial appearance of a material witness arrested pursuant to a warrant issued under subsection (a) shall be—

"(A) in the district of arrest; or

"(B) in an adjacent district if—

"(i) the appearance can occur more promptly there; or

"(ii) the warrant was issued there and the initial appearance will occur on the day of the arrest.

"(3) PROCEDURES.—At the initial appearance described in paragraph (2), a judicial officer shall—

"(A) inform a material witness of—

"(i) the warrant against the witness, and the application and affidavit filed in support of the warrant; and

"(ii) the witness's right to retain counsel or to request that counsel be appointed if the witness cannot obtain counsel;

"(B) allow the witness a reasonable opportunity to consult with counsel;

"(C) release or detain the witness as provided by subsection (d); and

"(D) if the initial appearance occurs in a district other than where the warrant issued, transfer the witness to such district, provided that the judicial officer finds that the witness is the same person named in the warrant.

"(d) RELEASE OR DETENTION.—

"(1) IN GENERAL.—Upon the appearance before a judicial officer of a material witness arrested pursuant to a warrant issued under subsection (a), the judicial officer shall order the release or detention of such witness.

"(2) RELEASE.—

"(A) IN GENERAL.—A judicial officer shall order the release of a material witness arrested pursuant to a warrant issued under subsection (a) on personal recognizance or upon execution of an unsecured appearance bond under section 3142(b), or on a condition or combination of conditions under section 3142(c), unless the judicial officer determines by clear and convincing evidence that such release will not reasonably assure the appearance of the witness as required.

"(B) TESTIMONY SECURED BY DEPOSITION.—No material witness may be detained because of the inability of the witness to comply with any condition of release if the testimony of such witness can adequately be secured by deposition.

"(3) DETENTION.—

"(A) NO REASONABLE ASSURANCE OF APPEARANCE.—If, after a hearing pursuant to the provisions of section 3142(f)(2), a judicial officer finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of a material witness as required by this section, such judicial officer may order that the witness be detained for a period not to exceed 5 days, or until the testimony of the witness can adequately be secured by deposition or by appearance before the court or grand jury, whichever is earlier.

"(B) EXTENSION OF DETENTION.—

"(i) IN GENERAL.—Subject to clause (ii), upon the motion of a party (or an attorney for the United States Government in a matter occurring before a Federal grand jury), the period of detention under subparagraph (A) may be extended for additional periods of up to 5 days, or until the testimony of a material witness can adequately be secured by deposition or by appearance before the court or grand jury, whichever is earlier.

"(ii) LIMIT.—The total period of detention under this subparagraph may not exceed—

"(I) 30 days, where the testimony of the witness is sought in a criminal case; or

"(II) 10 days, where the testimony of the witness is sought in a grand jury proceeding.

"(C) GOOD CAUSE REQUIRED.—A motion under subparagraph (B) shall demonstrate good cause for why the testimony of a material witness could not adequately be secured by deposition or by appearance before the court or grand jury during the previous 5-day period.

"(4) FACTORS TO BE CONSIDERED.—A judicial officer, in determining whether a material witness should be released or detained—

"(A) shall take into account the available information concerning the history and characteristics of the witness, including the information described in section 3142(g)(3)(A); and

"(B) may consider challenges to the basis of the warrant.

"(5) CONTENTS OF RELEASE ORDER.—A release order issued under paragraph (2) shall comply with the requirements of paragraphs (1) and (2)(B) of section 3142(h).

"(6) CONTENTS OF DETENTION ORDER.—A detention order issued under paragraph (3) shall comply with the requirements of section 3142(i), provided that a judicial officer shall direct that a material witness be held—

"(A) in a facility separate and apart, to the extent practicable, from persons charged with or convicted of a criminal offense; and

"(B) under the least restrictive conditions possible.

"(e) REPORT.—

"(1) In general.—Notwithstanding any other provision of law, the Attorney General shall provide to the Committees on the Judiciary of the Senate and the House of Representatives an annual report regarding the use of this section by the United States Government during the preceding 1-year period.

"(2) Content of report.—A report required under paragraph (1) shall include—

"(A) the number of warrants sought under subsection (a), and the number either granted or denied;

"(B) the number of material witnesses arrested pursuant to a warrant issued under subsection (a) whose testimony was not secured by deposition or by appearance before the court or grand jury, and the reasons therefore; and

"(C) the average number of days that material witnesses arrested pursuant to a warrant issued under subsection (a) were detained.".

(b) Amendment to Federal Rules of Civil Procedure.—Rule 46(h) of the Federal Rules of Criminal Procedure is amended to read as follows:

"(h) Supervising Detention Pending Trial.—To eliminate unnecessary detention, the court must supervise the detention within the district of any defendants awaiting trial and of any persons held as material witnesses.".

By Mr. CRAPO (for himself, Mr. Johnson, and Mr. Bunning):

S. 1740. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce, along with my colleagues Tim Johnson of South Dakota and Jim Bunning of Kentucky, an important bill that will allow Americans to save more for the long term and will better prepare them for a secure retirement. The Generating Retirement Ownership Through Long-Term Holding, GROWTH, Act has substantial and growing bipartisan support in the House, and Senator Johnson and I are proud to introduce this bipartisan legislation that provides Americans a better tool to grow their long-term retirement savings.

The GROWTH Act would allow investors in mutual funds to keep more retirement savings invested longer and growing longer by deferring taxation of automatically reinvested capital gains until fund shares are sold, rather than allowing those long-term gains—which generate no current income or cash in hand—to be taxed every year.

To understand how beneficial this bill would be, it is important to understand the role of mutual funds in long-term retirement savings. Among households owning mutual funds, 92 percent are investing for retirement, with more than 70 percent saying their primary purpose in investing in funds is to prepare for retirement. Many of today's workers do not yet have in place the retirement savings supplement to Social Security that will prepare them for the future. In fact, almost half of American workers—nearly 71 million of 151 million workers—are not offered any form of pension or retirement savings plan at work.

Meanwhile, the number of years spent in retirement is growing and the costs individuals can expect to bear in retirement are growing, too. The Employee Benefit Research Institute estimates that an individual retiring at age 65 in 2014 will need $285,000 just to cover health coverage premiums and expenses. Individual savings efforts also face significant obstacles. Those not covered by an employer's retirement plan, for example, can set aside a deductible IRA contribution of only $4,000 this year—$4,500 if they are age 50 or older.

Mutual funds are a hugely important part of American workers' preparation for retirement, both through their employers' retirement plans and on their own. Mutual funds now make up half of the $3.2 trillion held by American workers through 401(k) plans and other similar job-based savings programs. About 34 million American households hold mutual funds through their defined contribution plans. More than 30 million American households are saving through taxable mutual fund accounts, either as supplements to their employers' plans or because they do not have such plans.

The GROWTH Act is also a good idea because it remedies an unfairness in the tax code that can make saving difficult for many Americans. Mutual fund investors who are struggling to save for retirement should not have to pay taxes on "profits" they have not realized. If they don't have money in hand, it makes no sense for them to have to pay taxes. The GROWTH Act would defer taxes until the mutual fund shares are sold and the investor has actual funds to pay the taxes.

The GROWTH Act would be a valuable contributor to retirement savings efforts. Mutual fund savers who automatically reinvest are doing what policymakers want to see. They are holding for the long term, contributing to national savings, and building up their own retirement nest egg. These Americans should be encouraged to save—not discouraged through a tax on automatic reinvestments. The GROWTH Act is a step that will show immediate results, a step that will help tens of millions of American savers and "should-be savers" over the course of their working lives, and a step that with time can make a real difference in the retirement readiness of American families.

I urge my colleagues to join Senator Johnson and me in supporting the GROWTH Act. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection the bill was ordered to be printed in the Record, as follows:

S. 1740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Generate Retirement Ownership Through Long-Term Holding Act of 2005".

SEC. 2. DEFERRAL OF REINVESTED CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) In General.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by inserting after section 1045 the following new section:

"SEC. 1046. REINVESTED CAPITAL GAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

"(a) Nonrecognition of Gain.—In the case of an individual, no gain shall be recognized on the receipt of a capital gain dividend distributed by a regulated investment company to which part I of subchapter M applies if such capital gain dividend is automatically reinvested in additional shares of the company pursuant to a dividend reinvestment plan.

"(b) Definitions and Special Rules.—For purposes of this section—

"(1) Capital gain dividend.—The term 'capital gain dividend' has the meaning given to such term by section 852(b)(3)(C).

"(2) Recognition of deferred capital gain dividends.—

"(A) In general.—Gain treated as unrecognized in accordance with subsection (a) shall be recognized in accordance with subparagraph (B)—

"(i) upon a subsequent sale or redemption by such individual of stock in the distributing company, or

"(ii) upon the death of the individual.

"(B) Gain recognition.—

"(i) In general.—Upon a sale or redemption described in subparagraph (A), the taxpayer shall recognize that portion of total gain treated as unrecognized in accordance with subsection (a) (and not previously recognized pursuant to this subparagraph) that is equivalent to the portion of the taxpayer's total shares in the distributing company that are sold or redeemed.

"(ii) Death of individual.—Except as provided by regulations, any portion of such total gain not recognized under clause (i) prior to the taxpayer's death shall be recognized upon the death of the taxpayer and included in the taxpayer's gross income for the taxable year ending on the date of the taxpayer's death.

"(3) Holding period.—

"(A) General rule.—The taxpayer's holding period in shares acquired through reinvestment of a capital gain dividend to which subsection (a) applies shall be determined by treating the shareholder as having held such shares for one year and a day as of the date such shares are acquired.

"(B) Special rule for distributions of qualified 5-year gains.—In the case of a distribution of a capital gain dividend (or portion thereof) in a taxable year beginning after December 31, 2008, and properly treated as qualified 5-year gain (within the meaning of section 1(h), as in effect after such date), subparagraph (A) shall apply by substituting '5 years and a day' for 'one year and a day'.

"(c) Section Not to Apply to Certain Taxpayers.—This section shall not apply to—

"(1) an individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, or

"(2) an estate or trust.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 852(b)(3)(B) of such Code is amended by adding at the end the following new sentence: "For rules regarding nonrecognition of gain with respect to reinvested capital gain dividends received by individuals, see section 1046.".

(2) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1045 the following new item:

"Sec. 1046. Reinvested capital gain dividends of regulated investment companies.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. SMITH:

S. 1743. A bill to authorize the Federal Trade Commission to investigate and assess penalties for price gouging with respect to oil and gas products; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today to introduce the Post-Disaster Consumer Protection Act of 2005. This bill is designed to prohibit price gouging of oil or gas products in the immediate aftermath of a declared disaster.

Hurricane Katrina had a devastating affect on the major oil and natural gas producing region of our Nation. This natural disaster has exposed our Nation's vulnerability to even short-term disruptions anywhere in the supply chain. Oil production curtailments, refinery shutdowns or pipeline disruptions can all cause price spikes in gasoline, diesel and aviation fuel.

Directly following Hurricane Katrina, extreme price volatility of gasoline throughout the United States led to accusations of price gouging. Reports were made of individual retailers charging as much as $5.87 a gallon for gas. Even in my State of Oregon, which is less reliant on Gulf of Mexico production, prices spiked in the immediate aftermath of the hurricane.

This bill declares that for the 30 days following the President's declaration of a disaster, it will be unlawful to engage in price gouging of oil or gas products for sale in the affected area, or of oil and gas products produced in the affected area for sale in interstate commerce.

In addition, this bill authorizes the Federal Trade Commission to determine what represents a gross disparity in pricing and to prevent violations under this act using its authorities under the Federal Trade Commission Act. Those authorities include seeking civil penalties of $11,000 per violation; assessing fines or repayment of illegal gains; freezing assets; and seeking preliminary injunctions, cease and desist orders or temporary restraining orders.

Drastic increases in oil and gas products have a negative impact on consumers and businesses. That is why we must have a system in place that discourages price gouging in the wake of a disaster, and allows enough time for markets to return to normal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Post-Disaster Consumer Protection Act of 2005".

SEC. 2. PRICE GOUGING PROHIBITION FOLLOWING MAJOR DISASTERS.

(a) DEFINITIONS.—In this section:

(1) AFFECTED AREA.—The term "affected area" means an area affected by a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(3) OIL OR GAS PRODUCTS.—The term "oil or gas products" means oil, gasoline, diesel, aviation fuel, natural gas, or home heating oil.

(4) PRICE GOUGING.—The term "price gouging" means the charging of an unconscionably excessive price by a supplier of an oil or gas product.

(5) SUPPLIER.—The term "supplier" includes a seller, reseller, wholesaler, or distributor of an oil or gas product.

(6) UNCONSCIONABLY EXCESSIVE PRICE.—The term "unconscionably excessive price" means a price charged—

(A)(i) for an oil or gas product sold in an affected area that represents a gross disparity, as determined by the Commission, between the price charged by a supplier for that product after a major disaster is declared and the average price charged for that product by that supplier in the affected area during the 30-day period immediately before the President declares the existence of the major disaster; or

(ii) for an oil or gas product produced in the affected area for sale in interstate commerce that represents a gross disparity, as determined by the Commission, between the price charged by a supplier for that product after a major disaster is declared and the average price charged for that product by that supplier during the 30-day period immediately before the President declares the existence of the major disaster;

(B) that is not attributable to increased wholesale or operational costs incurred by the supplier in connection with the provision of the oil or gas product or to international market trends; and

(C) that is not attributable to a loss of production or loss of pipeline transmission capability.

(b) PRICE GOUGING INVOLVING DISASTER VICTIMS.—

(1) OFFENSE.—During the 30-day period following the date on which a major disaster is declared by the President, it shall be unlawful for a supplier to sell, or to offer to sell, any oil or gas product at an unconscionably excessive price as described in subsection (a)(6).

(c) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—

(1) IN GENERAL.—The provisions of this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). A violation of any provision of this Act shall be treated as an unfair or deceptive act or practice violating a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a).

(2) ACTIONS BY THE COMMISSION.—The Commission may prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of this Act is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(d) EFFECT ON OTHER LAWS.—Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

By Mr. NELSON of Florida (for himself and Mr. BINGAMAN):

S. 1744. A bill to prohibit price gouging relating to gasoline and diesel fuels in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Price Gouging Act of 2005".

SEC. 2. PRICE GOUGING PROHIBITION FOLLOWING MAJOR DISASTERS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating sections 25 and 26 (15 U.S.C. 57c, 58) as sections 26 and 27, respectively; and

(2) by inserting after section 24 (15 U.S.C. 57b–5) the following:

"SEC. 25. PROTECTION FROM PRICE GOUGING FOLLOWING MAJOR DISASTERS.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED AREA.—The term 'affected area' means an area affected by a major disaster declared by the President under Federal law in existence on the date of enactment of this subsection.

"(2) PRICE GOUGING.—The term 'price gouging' means the charging of an unconscionably excessive price by a supplier in an affected area.

"(3) SUPPLIER.—The term 'supplier' means any person that sells gasoline or diesel fuel for resale or ultimate consumption.

"(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term 'unconscionably excessive price' means a price charged in an affected area for gasoline or diesel fuel that—

"(A) represents a gross disparity, as determined by the Commission in accordance with subsection (e), between the price charged for gasoline or diesel fuel and the average price of gasoline or diesel fuel charged by suppliers in the affected area during the 30-day period immediately before the President declares the existence of a major disaster; and

"(B) is not attributable to increased wholesale or operational costs incurred by the supplier in connection with the sale of gasoline or diesel fuel.

"(b) DETERMINATION OF THE COMMISSION.—Following the declaration of a major disaster by the President, the Commission shall—

"(1) consult with the Attorney General, the United States Attorney for the district in which the disaster occurred, and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for gasoline or diesel fuel provided in the affected area; and

"(2) establish within the Commission—

"(A) a toll-free hotline that a consumer may call to report an incidence of price gouging in the affected area; and

"(B) a program to develop and distribute to the public informational materials in English and Spanish to assist residents of the affected area in detecting and avoiding price gouging.

"(c) PRICE GOUGING INVOLVING DISASTER VICTIMS.—

"(1) OFFENSE.—During the 180-day period after the date on which a major disaster is declared by the President, no supplier shall sell, or offer to sell, gasoline or diesel fuel in an affected area at an unconscionably excessive price.

"(2) ACTION BY COMMISSION.—

"(A) IN GENERAL.—During the period described in paragraph (1), the Commission shall conduct investigations to determine whether any supplier in an affected area is in violation of paragraph (1).

"(B) POSITIVE DETERMINATION.—If the Commission determines under subparagraph (A) that a supplier is in violation of paragraph (1), the Commission shall take any action the Commission determines to be appropriate to remedy the violation.

"(3) CIVIL PENALTIES.—A supplier that commits an offense described in paragraph (1) may, in a civil action brought in a court of competent jurisdiction, be subject to—

"(A) a civil penalty of not more than $500,000;

"(B) an order to pay special and punitive damages;

"(C) an order to pay reasonable attorney's fees;

"(D) an order to pay costs of litigation relating to the offense;

"(E) an order for disgorgement of profits earned as a result of a violation of paragraph (1); and

"(F) any other relief determined by the court to be appropriate.

"(4) CRIMINAL PENALTY.—A supplier that knowingly commits an offense described in paragraph (1) shall be imprisoned not more than 1 year.

"(5) ACTION BY VICTIMS.—A person, Federal agency, State, or local government that suffers loss or damage as a result of a violation of paragraph (1) may bring a civil action against a supplier in any court of competent jurisdiction for disgorgement, special or punitive damages, injunctive relief, reasonable attorney's fees, costs of the litigation, and any other appropriate legal or equitable relief.

"(6) ACTION BY STATE ATTORNEYS GENERAL.—An attorney general of a State, or other authorized State official, may bring a civil action in the name of the State, on behalf of persons residing in the State, in any court of competent jurisdiction for disgorgement, special or punitive damages, reasonable attorney's fees, costs of litigation, and any other appropriate legal or equitable relief.

"(7) NO PREEMPTION.—Nothing in this section preempts any State law.

"(d) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

"(1) the number of price gouging complaints received by the Commission for each major disaster declared by the President during the preceding year;

"(2) the number of price gouging investigations of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

"(3) the number of enforcement actions of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

"(4) an evaluation of the effectiveness of the toll-free hotline and program established under subsection (b)(2); and

"(5) recommendations for any additional action with respect to the implementation or effectiveness of this section.

"(e) DEFINITION OF GROSS DISPARITY.—Not later than 180 days after the date of enactment of this subsection, the Commission shall promulgate regulations to define the term 'gross disparity' for purposes of this section.".

SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act, affects any authority of the Federal Trade Commission in existence on the date of enactment of this Act with respect to price gouging actions.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 1745. A bill to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina; read the first time.

Mr. KENNEDY. Mr. President, it is an honor to join Senator ENZI in introducing the Community Services Disaster Assistance Act.

The bill contains additional support for State Community Service Block Grant offices, and community action agencies. Community Service Block Grant agencies provide low-income communities with the support they need to achieve self-sufficiency on a daily basis. Their programs and services include literacy, child health care, afterschool activities, low-income housing development, food stamps, and emergency shelter assistance.

In the days after Hurricane Katrina, these agencies have been on the front lines. According to the National Association of State Community Service Programs, 32 States and their community action agencies have assisted over 65,000 evacuees. In this time of massive crisis, these agencies have been indispensable.

This bill will help the State offices and agencies continue their amazing work. Community action agencies are already able to receive emergency funds from FEMA, and this bill expresses the sense of the Senate that emergency assistance should be made available immediately.

The bill also authorizes State offices to transfer a portion of their funds for Community Service Block Grant administration or discretionary programs to the Gulf Coast States. Offices that wish to provide monetary support will be able to do so.

The bill establishes a temporary income eligibility waiver for services funded by Community Services Block Grants in places designated as disaster areas. Evacuees will not have to worry about having the right paperwork ready, they will receive the services they need exactly when they need it.

The bill also permits agencies and State offices to send their staff to federally designated disaster areas in other parts of the same State or in other states to provide disaster assistance.

Support for this emergency work is more important today than ever. The States hit hardest by the Hurricane and flood were also some of the poorest. We in Congress have a responsibility to do all we can to help these States rebuild and thrive again. Passing this bill is a needed early step because it provides urgently needed assistance to invaluable community service organizations, and I urge my colleagues to approve it.

Mr. CORNYN. Mr. President, I rise today to introduce new legislation, titled the Good Samaritan Liability Improvement and Volunteer Encouragement, or "GIVE" Act of 2005. I introduce this legislation to ensure that, as we continue to cope with the aftermath of Hurricane Katrina, that one of our country's greatest assets—the willingness of the American people to give to their neighbors in need—is not inhibited by one of its greatest liabilities—a broken civil justice system.

In addition, I will take a few moments to remind my colleagues of legislation that I introduced just before the August recess: the Respirator Access Assurance Act of 2005. This legislation is of even greater importance in the wake of Hurricane Katrina—its passage would help to ensure that the thousands of workers, volunteers, and citizens of New Orleans working to restore that great city have the necessary protection to sift through the clean-up.

From its beginning, the United States has been a generous nation. Indeed, in commenting on his observations of America in 1831, French historian Alexis de Tocqueville praised Americans for voluntarily assisting their neighbors during times of need. He noted, "When an American asks for the cooperation of his fellow citizens, it is seldom refused; and I have often seen it afforded spontaneously, and with great good will."

Since that time, America has continued to grow into an ever-more generous nation. As measured by financial contributions, giving by Americans is at an all-time high. According to the Giving USA Foundation, philanthropic donations totaled almost $250 billion in 2004 and represented a 5 percent increase over the previous year. The chair of Giving USA notes that "about 70 to 80 percent of Americans contribute annually to at least one charity."

Financial contributions are infinitely valuable. But, as we all know, the value of the gift of time cannot be underestimated. Each and every year, millions of Americans volunteer their time and their personal services to charity. Americans volunteer in soup kitchens, schools, and health clinics, devoting countless hours to assist others.

And in the wake of Hurricane Katrina, we have seen this charitable spirit shine brighter than ever. In the short time since Katrina hit the Gulf Coast, Americans have given more than $600 million to disaster relief efforts. Millions of Americans have sent money, donated food, sent needed tools and equipment, given clothing, volunteered medical or other services, and otherwise helped in whatever manner they could.

Perhaps most heartwarming of all, thousands of Americans have opened their homes to those who lost everything. I am particularly proud of my home State of Texas—where more than 250,000 of our neighbors sought shelter—and where virtually all of them have been able to find it.

But just as America enjoys a culture of giving and volunteering, she also faces a culture of litigation. And this "sue first, ask questions later" culture has produced an environment of fear that often gives pause to some people who would otherwise wish to extend a helping hand.

As Common Good co-founder and chair, Philip Howard pointed out in hearings before the House Judiciary Committee in June of 2004, "[w]hat we have found is that, in dealings throughout society, Americans no longer feel free to act on their reasonable judgment. The reason is that they no longer trust our system of justice. . . No part of society is immune. Playgrounds have been stripped of anything athletic. Even seesaws are disappearing because town councils can't afford to be sued if someone breaks an ankle. . . There is a missing link in American justice—rulings on who can sue for what."

Unfortunately, volunteers and nonprofits face this question every day. To what degree should people volunteering services or providing needed equipment and supplies be forced to choose between lending a helping hand or facing the specter of litigation? And, should non-profit organizations such as the Red Cross and the Salvation Army struggle to find appropriate housing for evacuees due to liability concerns?

In an attempt to respond to these concerns, 8 years ago the late Senator Paul Coverdell sponsored and successfully worked to enact the Volunteer Protection Act of 1997—legislation that protects volunteers from many frivolous lawsuits. However, as helpful and well-intentioned as this legislation was, more needs to be done to sufficiently protect all those lending a hand to those in need.

Consider, for example: Early this year, a jury in Milwaukee found the Catholic Archdiocese liable because a volunteer for a Catholic lay organization, driving her own car, ran a red light and caused an accident while delivering a statue of the Virgin Mary to an invalid person. Although the church does not direct the activities of this group, called the Legion of Mary, its meetings are held on church property. The jury decided the Archdiocese should pay $17 million to the paralyzed victim, an 82-year-old semi-retired barber.

In response to Hurricane Katrina, the Red Cross and the Salvation Army are unable to coordinate efforts to set up emergency housing in private homes for evacuees because of liability issues.

In the midst of administering chest compressions to a dying woman several days after Hurricane Katrina struck, Dr. Mark N. Perlmutter was ordered to stop by a federal official because he wasn't registered with the Federal Emergency Management Agency. "I begged him to let me continue," said Perlmutter, who left his home and practice as an orthopedic surgeon in Pennsylvania to come to Louisiana and volunteer to care for hurricane victims. "People were dying, and I was the only doctor on the tarmac where scores of non-responsive patients lay on stretchers. Two patients died in front of me . . . I asked him to let me stay until I was replaced by another doctor, but he refused. He said he was afraid of being sued."

So, today, even as volunteers, businesses, and non-profit organizations across the Nation are working to return New Orleans and the gulf coast region to something close to normal—I feel it is crucial to ensure that those volunteers are protected from needless and frivolous litigation.

That's why I am introducing today—and am proud to be joined by Senators HUTCHISON, VITTER, LOTT, GRASSLEY and THUNE—the Good Samaritan Liability Improvement and Volunteer Encouragement, or GIVE Act of 2005.

The legislation offers a comprehensive solution to the fear of litigation that unnecessarily burdens volunteers and often prevents the provision of necessary goods and services to those in need. It will provide protection for volunteers across the Nation, particularly those working in response to national disasters such as 9/11 or Hurricane Katrina. More specifically, the GIVE Act will provide that: Disaster relief volunteers, generally, are not liable for harm caused in carrying out their volunteer activities in connection with disaster relief, unless their act or omission constitutes willful, knowing or reckless misconduct; medical and other professionals can volunteer their services for disaster relief services based on being licensed in their home State regardless of where the declared disaster occurred; a disaster relief volunteer is protected from liability under the act even if the volunteer is not working for a specific non-profit organization; disaster relief volunteers can offer their services without subjecting their business partners or employers to liability; disaster relief volunteers are protected from punitive damages and non-economic damages are apportioned according to percentage of fault; non-profit organizations are not liable for the acts or omissions of their volunteers unless the organization has willfully disregarded or is recklessly indifferent to the safety of the individual harmed; all donors of goods or equipment—whether businesses, non-profits, or individuals—are not liable for harm caused by donating those items unless they acted with willful, knowing or reckless misconduct; and all litigation that proceeds despite any protections under this act or under the Volunteer Protection Act requires a high level of specificity and documentation in the claim and a review by a judge that the claim raises—as a matter of law—a genuine issue of material fact.

I urge my colleagues to support these two pieces of legislation—legislation designed to ensure that the fear of litigation that pervades our culture won't stand in the way of well-intentioned Americans trying to help their neighbors in need.

By Mr. KENNEDY (for himself, Ms. LANDRIEU, Mr. HARKIN, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. DODD, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mr. LEAHY, Mr. SARBANES, Mr. KERRY, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mrs. BOXER, Mr. FEINGOLD, Mr. BAYH, Ms. CANTWELL, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. OBAMA):

S. 1749. A bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Health, Education, labor, and Pensions.

Mr. KENNEDY. As we send hundreds of billions of dollars in Federal aid to the areas devastated by Hurrican Katrina, we must remember that we are just rebuilding highway and schools—we are rebuilding communities and neighborhoods. And the foundation of such communities is good jobs with fair wages.

The winds of Katrina exposed to all of America just how much more work remains to be done to achieve equality and fairness in this country. We are a stronger country when we are a fairer country. Yet, as the Administration awards billions of dollars in contracts to many of their corporate friends, they decide that the men and women of the gulf coast don't deserve to be paid a fair wage. The victims of Katrina have lost everything, and now President Bush says it is okay for them to lose their fair wages too. That is why I am introducing this legislation to ensure that that the workers involved in the recovery and reconstruction effort after Hurricane Katrina will earn a prevailing wage.

Many people harmed by Hurricane Katrina were already struggling to make ends meet. Mississippi and Louisiana rank 1st and 2nd among States by the percentage of people below the poverty line. Moreover, Mississippi and Louisiana rank 2nd and 3rd by the percentage of children below the poverty line. Now the devastation of hurricane has caused the jobs and businesses they relied on to disappear. Experts have said that from 400,000 to 1 million workers may become unemployed as a result of the hurricane, with the unemployment rate reaching 25 percent or higher in the gulf region. Many affected workers will be unemployed for 9 months or longer.

The new jobs in the clean up, recovery, and rebuilding of the area will be a major source of new employment, and we need to be sure that they pay decent wages. This is all that Davis-Bacon does: it simply ensures that workers on Federal Government projects earn a typical wage. Otherwise the large size of Federal contracts can overwhelm a local labor market lead to bidding wars that drive wages down. Indeed, Representative Davis and Senator Bacon were Republicans who wanted to protect local contractors, who would not be able to compete in such a price war.

Workers who take these jobs will already face special hazards. Each day the administration reveals more details about workers' exposure to elevated levels of e.coli, toxic chemicals from flooded Superfund sites, and contaminants from massive oil spills. These workers should not have to suffer below-market wages, too.

But the President apparently believes that workers in Louisiana, Mississippi, Alabama, and parts of Florida don't even deserve to earn a decent wage for a day's work. He would have you believe that Davis-Bacon wages are exorbitant—nothing could be further from the truth. Indeed, in areas affected by Katrina, some typical wages include: $9.16 per hour sheet metal workers, in Pearl River County, MS, $10.00 per hour for laborers in Livingston Parish, LA, $8.54 hour for truckdrivers in Mobile County, AL. And Federal spending post-Hurricane Katrina should be lifting workers up, not forcing them into a race to the bottom.

I urge the Congress to reverse the President's decision and to stand with the hardworking men and women of the gulf coast as they rebuild their towns and their lives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 245—RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF SIMON WIESENTHAL

Mr. SCHUMER (for himself, Mr. COLEMAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. REID, Mr. BINGAMAN, Mr. WYDEN, Mrs. CLINTON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. KENNEDY, Ms. STABENOW, Mr. LIEBERMAN, Mr. JOHNSON, Mr. HARKIN, Mr. KOHL, Mrs. MURRAY, Mr. FEINGOLD, Mr. DODD, Mr. BROWNBACK, Mr. SMITH, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. BIDEN, Mr. CORZINE, Mr. ALLEN, Mr. INHOFE, Mr. CARPER, Mr. GRAHAM, Mr. DEWINE, Mr. NELSON of Florida, Mr. LEVIN, Mr. GRASSLEY, Mr. BURR, Mr. ALEXANDER, Mr. MCCAIN, Mr. NELSON of Nebraska, Mrs. HUTCHISON, Mr. SARBANES, Mr. SALAZAR, Mr. CORNYN, Mr. HAGEL, Mr. TALENT, Mr. CONRAD, Ms. SNOWE, Mr. SANTORUM, Mr. DURBIN, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 245

Whereas Simon Wiesenthal was born on December 31, 1908, to Jewish merchants in Buczacz, in what is now the Lvov Oblast section of the Ukraine;

Whereas after he was denied admission to the Polytechnic Institute in Lvov because of quota restrictions on Jewish students, Simon Wiesenthal received his degree in engineering from the Technical University of Prague in 1932;

Whereas Simon Wiesenthal worked in an architectural office until he was forced to close his business and become a mechanic in a bedspring factory, following the Russian army's occupation of Lvov and purge of Jewish professionals;

Whereas following the Germany occupation of Ukraine in 1941, Simon Wiesenthal was initially detained in the Janwska concentration camp near Lvov, after which he and his wife were assigned to the forced labor camp serving the Ostbahn Works, which was the repair shop for Lvov's Eastern Railroad;

Whereas in August of 1942, Simon Wiesenthal's mother was sent to the Belzec death camp as part of Nazi Germany's "Final Solution", and by the end of the next month 89 of his relatives had been killed;

Whereas with the help of the Polish Underground Simon Wiesenthal was able to help his wife escape the Ostbahn camp in 1942, and in 1943 was himself able to escape just before German guards began executing inmates, but he was recaptured the following year and sent to the Janwska camp;

Whereas following the collapse of the German eastern front, the SS guards at Janwska took Simon Wiesenthal and the remaining camp survivors and joined the westward retreat from approaching Russian forces;

Whereas Simon Wiesenthal was 1 of the few survivors of the retreat to Mauthausen, Austria and was on the brink of death, weighing only 99 pounds, when Mauthausen was liberated by American forces on May 5, 1945;

Whereas after surviving 12 Nazi prison camps, including 5 death camps, Wiesenthal chose not to return to his previous occupation, and instead dedicated himself to finding Nazi war criminals and bringing them to justice;

Whereas following the liberation of Mauthausen, Simon Wiesenthal began collecting evidence of Nazi activity for the War Crimes Section of the United States Army, and after the war continued these efforts for the Army's Office of Strategic Services and Counter-Intelligence Corps;

Whereas Simon Wiesenthal would also go on to head the Jewish Central Committee of the United States Zone of Austria, a relief and welfare organization;

Whereas Simon Wiesenthal and his wife were reunited in 1945, and had a daughter the next year;

Whereas the evidence supplied by Wiesenthal was utilized in the United States Zone war crime trials;

Whereas, after concluding his work with the United States Army in 1947, Simon Wiesenthal and others opened and operated the Jewish Historical Documentation Center in Linz, Austria, for the purpose of assembling evidence for future Nazi trials, before closing the office and providing its files to the Yad Vashem Archives in Israel in 1954;

Whereas despite his heavy involvement in relief work and occupational education for Soviet refugees, Simon Wiesenthal tenaciously continued his pursuit of Adolf Eichmann, who had served as the head of the Gestapo's Jewish Department and supervised the implementation of the "Final Solution";

Whereas in 1953, Simon Wiesenthal acquired evidence that Adolf Eichmann was living in Argentina and passed this information to the Government of Israel;

Whereas this information, coupled with information about Eichmann's whereabouts in Argentina provided to Israel by Germany in 1959, led to Eichmann's capture by Israeli agents, trial and conviction in Israel, and execution on May 31, 1961;

Whereas following Eichmann's capture, Wiesenthal opened a new Jewish Documentation Center in Vienna, Austria, for the purpose of collecting and analyzing information to aid in the location and apprehension of war criminals;

Whereas Karl Silberbauer, the Gestapo officer who arrested Anne Frank, Franz Stangl, the commandant of the Treblinka and Sobibor concentration camps in Poland, and Hermine Braunsteiner, who had supervised the killings of several hundred children at Majdanek, are among the approximately 1,100 war criminals found and brought to justice as a result of Simon Wiesenthal's investigative, analytical, and undercover operations;

Whereas Simon Wiesenthal bravely forged ahead with his mission of promoting tolerance and justice in the face of danger and resistance, including numerous threats and the bombing of his home in 1982;

Whereas the Simon Wiesenthal Center was established in 1977, to focus on the prosecution of Nazi war criminals, commemorate the events of the Holocaust, teach tolerance education, and promote Middle East affairs;

Whereas the Simon Wiesenthal Center monitors and combats the growth of neo-Nazi activity in Europe and keeps watch over concentration camp sites to ensure that the memory of the Holocaust and the sanctity of those sites are preserved;

Whereas the Simon Wiesenthal Center played a pivotal role in convincing foreign governments to pass laws enabling the prosecution of Nazi war criminals;

Whereas throughout his lifetime, Simon Wiesenthal has had many honors and awards bestowed upon him, including decorations from the Austrian and French resistance movements, the Dutch Freedom Medal, the Luxembourg Freedom Medal, the United Nations League for the Help of Refugees Award, the French Legion of Honor, and the United States Congressional Gold Medal, which was presented to him by President James Carter in 1980;

Whereas President Ronald W. Reagan once remarked, "For what Simon Wiesenthal represents are the animating principles of Western civilization since the day Moses came down from Sinai: the idea of justice, the idea of laws, the idea of the free will.";

Whereas President George H. W. Bush has stated that Simon Wiesenthal, "is our living embodiment of remembrance. The two pledges of Simon Wiesenthal's life inspire us all — 'Never forget' and 'Never again'.";

Whereas President William Clinton has remarked of Simon Wiesenthal, "To those who know his story, one of miraculous survival and of relentless pursuit of justice, the answer is apparent. From the unimaginable horrors of the Holocaust, only a few voices survived, to bear witness, to hold the guilty accountable, to honor the memory of those who were killed. Only if we heed these brave voices can we build a bulwark of humanity against the hatred and indifference that is still all too prevalent in this world of ours."; and

Whereas, at the end of a life dedicated to the pursuit of justice and advocacy for victims of the Holocaust, Simon Wiesenthal passed away on September 20, 2005, at the age of 96: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family and friends of Simon Wiesenthal;

(2) recognizes the life and accomplishments of Simon Wiesenthal, who, after surviving the Holocaust, spent more than 50 years helping to bring Nazi war criminals to justice and was a vigorous opponent of anti-Semitism, neo-Nazism, and racism; and

(3) recognizes and commends Simon Wiesenthal's legacy of promoting tolerance, his tireless efforts to bring about justice, and the continuing pursuit of these ideals.

SENATE RESOLUTION 246—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE MISSIONS AND PERFORMANCE OF THE UNITED STATES COAST GUARD IN RESPONDING TO HURRICANE KATRINA

Ms. SNOWE (for herself, Ms. CANTWELL, Ms. MIKULSKI, Mr. INOUYE, Mr. STEVENS, Mr. MARTINEZ, Mr. LOTT, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 246

Whereas the United States Coast Guard has been charged by Congress with missions central to protecting the lives and well-being of individuals and communities in the United States, including protecting homeland security, conducting search and rescue of lives in danger, protecting marine environments from pollution, maintaining maritime safety and aids to navigation, enforcing Federal fishing laws, and intercepting illegal drugs and migrants before they reach our shores;

Whereas the Coast Guard anticipated the potential for significant loss of life and property as Hurricane Katrina approached Louisiana, Mississippi, and Alabama and made landfall on August 29, 2005 and, in advance of the storm, relocated its personnel, vessels, and aircraft out of harm's way;

Whereas Hurricane Katrina made landfall as a Category 4 hurricane with winds reaching 175 miles per hour and massive storm surges, the combination of which left a trail of devastation unprecedented on United States soil, as it leveled countless homes, businesses, and other structures, displaced millions of people from their communities, and otherwise made coastal urban and rural areas unliveable;

Whereas the Coast Guard immediately deployed nearly 1,000 personnel, including captains, crew, pilots, rescue swimmers, pollution response teams, and other specialists and reservists, from stations all over the country, to coastal areas affected by the hurricane, for a total regional force size of approximately 3,619 personnel;

Whereas Coast Guard personnel who had never personally worked together before began to work as teams to conduct and coordinate search and rescue operations while Hurricane Katrina continued to bear down on the central Gulf of Mexico shoreline;

Whereas the Coast Guard rescued or evacuated 33,544 individuals as of September 21, 2005, a number that represents eight times the number of lives saved by the Coast Guard in an average year;

Whereas three Coast Guard pollution response Strike Teams responded to 1,129 pollution incidents as of September 20, 2005, which include total discharges of more than 7 million gallons of oil, unknown amounts of sewage, and unknown quantities of other toxic chemicals, and the Coast Guard has contained or otherwise closed 426 of these cases;

Whereas Coast Guard buoy tenders have responded to 964 discrepancies in buoys and other aids to navigation and have restored 39 of 48 critical aids to navigation as of September 21, 2005;

Whereas the costs of responding to Hurricane Katrina have depleted the Coast Guard's operations and maintenance budget for fiscal year 2005 and are rapidly depleting its budget for fiscal year 2006, and the Coast Guard's costs associated with this hurricane are anticipated to exceed $500 million;

Whereas the Coast Guard performed its hurricane response missions largely with outdated legacy assets, increasing the wear and tear on these assets while foregoing regularly scheduled maintenance activities in the interest of sustaining its surge in lifesaving operations;

Whereas the Coast Guard already conducts its missions with the 40th oldest fleet of the 42 nations with Coast Guard or naval fleets;

Whereas the Coast Guard's program, known as Deepwater, for modernizing its fleet of vessels and aircraft, is vital for increasing the capabilities in performing its missions in the face of ever-increasing natural and human threats;

Whereas the Deepwater program requires sustained Federal funding commitments in order for the citizens of the United States to realize the benefits of the Coast Guard having state-of-the-art vessels, aircraft, technologies, and interoperable communication equipment;

Whereas in addition to covering operation and maintenance costs of a rapidly aging fleet, the Coast Guard needs to rebuild several Coast Guard facilities in Louisiana, Mississippi, and Alabama, including Station Gulfport which was completely destroyed and where personnel are now working in trailers amidst the ruins of that station;

Whereas the Coast Guard needs a strong Federal funding commitment to ensure that all of its unexpected expenditures during its response to Katrina are reimbursed;

Whereas more than 700 Coast Guard personnel stationed in the Gulf region lost their homes and all personal property and are now living on overcrowded Coast Guard vessels and in makeshift shelters;

Whereas before, during, and after the landfall of Hurricane Katrina, Coast Guard personnel exhibited determination and a full commitment to their missions, and the Coast Guard has proven to be one of the most resourceful and capable services in the United States government;

Whereas before, during, and after the landfall of Hurricane Katrina, Coast Guard personnel performed their missions with the highest level of bravery and self-sacrifice, and their effectiveness in performing their missions is unparalleled in the United States government;

Whereas the Coast Guard has an operational and command structure that allowed it to quickly take a leadership role in saving lives, without waiting for instruction or permission to act;

Whereas the Coast Guard's operational and command structure continues to serve as a model for other agencies that need to respond quickly to large-scale natural and man-made disasters;

Whereas the Coast Guard's effective leadership in responding to the aftermath of Hurricane Katrina, and the appointment of Vice Admiral Thad Allen as the primary Federal officer in charge of this response, is helping to restore the public's confidence in the Federal response effort: Now, therefore, be it

Resolved, by the Senate That it is the sense of the Senate that—

(1) the United States Coast Guard should receive Congress's highest commendation for its tremendous and highly effective response to the events surrounding Hurricane Katrina;

(2) the United States Congress should commit to providing the Coast Guard with the resources it needs to modernize and maintain its fleet of vessels and aircraft; and

(3) the Administration should ensure that the Coast Guard receives sufficient funding

to cover its unexpected operational and capital costs associated with Hurricane Katrina.

Ms. SNOWE. Mr. President, I rise today to commend and praise the extraordinary response of the U.S. Coast Guard to Hurricane Katrina, to demonstrate why that response exemplifies the imperative of providing that service with the modern assets required to carry out these lifesaving missions, and to submit a resolution recognizing the awe-inspiring efforts of the men and women of the U.S. Coast Guard.

I just visited the gulf coast region on Monday with the Commandant of the Coast Guard, Tom Collins, and we were guided by Eighth District Commander ADM Robert Duncan. What I saw and heard on that day is a story of heroism and a relentless can-do attitude that is nothing short of miraculous. The human spirit I witnessed was truly transcendental and a level I had never before experienced.

As we well know, Hurricane Katrina was the worst natural disaster ever to visit itself upon the United States, with an almost unimaginable magnitude of devastation and loss. The scale of the destruction has been most horrifically reflected in the faces of those we have seen over the past week, faces etched with an indelible and almost unimaginable sorrow, suffering, and burden. Their images have reverberated throughout a country in solidarity with their terrible plight. In Louisiana, Mississippi, and Alabama lives have been forever transformed along with the landscape, as we have witnessed untold scenes of homes that no longer exist, floods that ravaged entire neighborhoods and cities, fires that consumed what remains of buildings, and men, women, and children missing loved ones. We have also seen and heard the stories of those individuals who have rushed to the aid of our fellow man, demonstrating that no human or natural act can deprive us of our unyielding and singularly determined spirit. While the hurricane winds and rain have long since dissipated—and now we have anticipation of Hurricane Rita—we all have the collective concern and strength of this Nation that continues unabated, unbroken, undaunted, and unflagging.

We must now bring to bear all of our collective will and resources over what will undoubtedly be a long but ultimately victorious process of reclaiming the gulf coast towns and cities for the future. I extend my thoughts and prayers to my colleagues, Senators COCHRAN, LOTT, SESSIONS, SHELBY, LANDRIEU, and VITTER, as they work to guide their constituents and their families through these most difficult of times. I will certainly do everything I can to assist them and the citizens of their States.

Today, as chair of the Fisheries and Coast Guard Subcommittee, I believe it is entirely appropriate to focus the Nation's attention on the performance of the U.S. Coast Guard in response to Hurricane Katrina, as I believe it is an exemplary model for future responses. As I do so, I also thank all of our military Active-Duty and Reserve for their heroic service in the gulf shore region. Their performance under these conditions has been outstanding and unprecedented on American soil.

As a result of the U.S. Coast Guard's unparalleled performance and operations responding to the unfathomable destruction along the Gulf of Mexico, the plans for which were put into motion even before the storm subsided, thousands of children, senior citizens, and entire families are sleeping safely tonight. Indeed, the heart-wrenching stories I heard during my visit to the Coast Guard—of crews rescuing families trapped in attics, of children separated from their parents, rescue swimmers tapping on roofs seeking signs of life in submerged houses—will be forever etched in my own mind. People waving towels from windows signifying the need for help, pregnant women about to go into labor being hoisted into awaiting helicopters, rescue crews busting into windows and roofs because there was no means of escape for the occupants—the stories are real, seemingly endless, and all faced with an unrelenting sense of duty and humanity by the men and women of the Coast Guard.

Indeed, over the past few weeks, as we see in this chart, we have witnessed time and time again from news sources and television stations the perilous helicopter rescues occurring each and every day. There is an outstanding example of one on this chart that shows exactly the kind of circumstance the Coast Guard has to perform in which to save life after life. Incredibly, the Coast Guard, as of September 20, has saved 33,544 lives. That is the equivalent of the number of rescues performed by the Coast Guard in 8 to 10 years. They accomplished those rescue missions in just the past 2 weeks. The Coast Guard air station in New Orleans, which I visited on Monday, under the incredible leadership of CAPT Bruce Jones, has saved 6,471 lives, almost double the 3,689 lives the station had saved over its previous 50 years of operation.

This chart shows the level of catastrophe to which the Coast Guard responded. I talked to a rescue swimmer who genuinely believed that if he had completed 15 rescues that day, it somehow wasn't enough. What is perhaps most remarkable is that the Coast Guard simply did not rescue these people and deliver them to a nearby field or highway overpass until they could get further help. Nor did they forget that other family members remained in peril, not yet rescued. Rather, the men and women of the Coast Guard took it upon themselves to ensure to the best of their ability that families would be kept intact and assisted those they rescued even after the rescue operation was complete. They actually returned to overpasses to follow up with those whom they had rescued. And if they still needed additional assistance or they hadn't been taken to where they should have been going with the medical rescue crews, they made that happen.

They got them water if they needed it. If they required food, they brought them food. As ADM Robert Duncan, District Commander for the gulf region, so eloquently expressed:

> When the Coast Guard rescue teams touched a person, they owned them.

This meant the Coast Guard was making itself responsible for their continued well-being. I ask my colleagues, what could be a more touching or profound testament to the boundless will and compassion that the U.S. Coast Guard exhibited during this operation? The people of the Coast Guard have conducted themselves oblivious to the true level of their own personal sacrifice and seemingly without regard to the horrific conditions in which they serve. Seventy percent of them alone lost their houses; lost everything, that is, but their sense of duty to their fellow human beings in distress and despair.

The fact is, the Coast Guard has been, is, and will always remain a vital component of America's national security and disaster response. Coast Guard personnel risk their lives each and every day protecting our Nation and saving lives, no more so than during this national tragedy. Leadership, as we all know, starts from the top. For the U.S. Coast Guard, that individual is ADM Tom Collins. Admiral Collins has been a solid steady force in ensuring the rapid and safe execution of rescue operations.

In the midst of the storm and bureaucratic interagency chaos, the Coast Guard remained resolved, organized, focused, and responsive to those in desperate need.

The bottom line is that the members of the Coast Guard did not wait to be told to conduct their mission. They knew their mission. They refused to let anything, including redtape, get in their way. When they needed fuel for helicopters, they found fuel. When they needed water for their crews or for those they rescued, they found water. They did not ask if an operation was actually a State responsibility or local responsibility or another Federal agency's responsibility. They made it their responsibility. They took ownership of the life-and-death tasks at hand. Again, the can-do attitude of the Coast Guard is what allowed them to shine.

As Vice Admiral Allen, the principal Federal officer in charge of the relief operation, so simply stated:

> The Coast Guard has a bias for action.

And from all I have seen, I could not agree more.

Indeed, the results are a living testament to the service's efficiency and organization and the superlative leadership of Admiral Collins.

The Coast Guard had the foresight and the wherewithal to pre-position its assets before the storm struck and to respond rapidly to its aftermath. Moreover, the Coast Guard's exceptional planning led to not a single loss of a Coast Guard plane or boat and enabled it to be on the scene immediately upon the passage of the storm. This planning expertise and management of assets should be the example for all Federal agencies to follow.

The Coast Guard also sent to the area personnel from Coast Guard stations from around the country to help with the effort as part of its well-conceived plan. These personnel specialize in different fields and had never previously worked together yet got the job done as if they had been on the same team forever.

I think of the 160 crew members attached to the Coast Guard cutter Harriet Lane, a 270-foot cutter I visited on Monday, docked in New Orleans, that normally berths just 100 crew members. Yet all of those aboard worked flawlessly together, overcoming obstacle after obstacle.

In one instance, due to the cutter's inability to make water from oil-polluted river water, the crew set out to procure water from wherever possible. This mission led them to the discovery of water held in tanks controlled by the Forest Service on the pier. Unable to simply give them the water due to bureaucratic hurdles, the Coast Guard found a contractor who was able to pump water from their tanks into the cutter.

This is a ridiculous hurdle that should never have existed in the first place. Yet, once again, the Coast Guard didn't waste time with bureaucratic paperwork; instead, they got the job done.

The bottom line is, from what we have seen to date, I believe that the Coast Guard's Herculean efforts provides a model for the proper planning and execution of a mission to respond to a national emergency or crisis. And on that note, I was certainly pleased that Vice Admiral Allen was selected to coordinate the Federal response to Katrina. He will bring that Coast Guard sensibility to the entire operation.

These astounding results, however, do not come without a cost. The Coast Guard has already used the funds allocated for search and rescue operations for the entire year and beyond. Furthermore, the extensive rate of use during the rescue mission is also degrading Coast Guard assets faster and delaying necessary maintenance.

Supplemental funding, which the Coast Guard has not yet received, is essential to ensure that cutters, small boats, and aircraft can operate and continue its heroic service in the coming months.

The Coast Guard has sustained damage to several small boat stations and air stations and to other facilities throughout the region. The Coast Guard station in Gulfport, MS, simply no longer exists.

The Coast Guard is actively assisting Americans, and we in the Congress must return the favor and start helping the Coast Guard by providing them with crucial supplemental funding to cover the entirety of their operational requirements and to provide the necessary funding to replace its lost infrastructure.

In that light, I have sent a letter to the Director of the Office of Management and Budget encouraging him to include a funding line in the next supplemental appropriations bill for the Coast Guard. I thank my many colleagues who have joined me in support of this request.

In addition, the Coast Guard is charged with maintaining all the aids to navigation within the region, including those of the Mississippi River. These aids were either totally lost or severely damaged.

Again, it shows on this chart that Congress has also mandated the Coast Guard to respond to marine environmental pollution, which is now reaching untold levels of hazardous contamination throughout the Mississippi and Gulf of Mexico, and I think it is an indication of all the responses to the contamination of oil spills in the region to which the Coast Guard has had to respond. More than 7 million gallons of oil has polluted the water in New Orleans.

The bottom line is, not only have the people of the Coast Guard been risking their own lives to save the 33,544 other individuals, but they have also responded to hazardous liquid spills in the region, conducted 4,688 sorties, carried out 11,548 small boat and cutter sorties, repaired vital aids to navigation to facilitate the flow of commerce in the Mississippi, and have assisted in the replenishment of critical supplies to thousands of displaced persons.

Yet, as capable and successful as the Coast Guard has been in carrying out all of its missions, including opening the ports and the waterways and drug interdiction—they are even doing that down there in combination with all of these other missions—this service was already stretched thin in the aftermath of 9/11. Unless Congress pledges to equip the service with modern equipment, we jeopardize the success of any future missions. The Coast Guard requires new cutters and aircraft now, and it can start this process only if Congress fully funds Deepwater, the service's recapitalization program for procuring new cutters, small boats, and aircraft.

The Senate version of the Coast Guard bill authorizes a total of $8.2 billion for the Coast Guard, $400 million over the administration's request. Within that request, Deepwater authorized $1.1 billion, $134 million over the administration's request. We must ensure our numbers, the Senate numbers, which are the higher numbers, are maintained in conference of this legislation.

By accomplishing this, it will allow for a targeted acceleration of required assets, those resources deemed most critical to the Coast Guard now.

The current situation can only be categorized as dire. It is a national disgrace that this service that is integral to search and rescue operations, integral to our homeland security, as we saw in the aftermath of September 11 when they immediately secured New York Harbor, integral to our fishing industry, would be operating the 40th oldest fleet out of 42 in the world. Only the Philippines and Mexico have older fleets. Deepwater is designed to remedy this situation, but in 20 to 25 years, rather than as I have insisted and I have requested, that Deepwater needs to be completed in 10 to 15 years at the outset.

If anyone questions the condition of the Coast Guard assets, I suggest they go out and sail on an aging cutter, go fly on an aging airframe, and you will witness firsthand the conditions that we continue to place upon the dedicated members of the Coast Guard. You only have to recall the graphic portrayals of what occurred during Hurricane Katrina, when these Coast Guard men and women performed under such perilous circumstances, when they were able to save so many thousands and thousands of men and women—in fact, more than 33,544 individuals under very hazardous circumstances and conditions.

At my subcommittee's June 21 hearing on the revised Deepwater implementation plan, we once again revisited the Coast Guard's current status of its legacy assets and the extremely high maintenance costs associated with them. The inescapable conclusion was the Coast Guard cannot continue on the path it is currently being forced to walk. It requires the additional money, the additional cutters and aircraft, and the latest technologies associated with command, control, and communications.

On my visit to the cutter Harriet Lane in New Orleans this last week, I was briefed on the extreme difficulties encountered in trying to establish effective communications among Federal, State, and local agencies. This cutter does not have the communications capabilities of what a new Deepwater cutter would be able to provide.

In fact, when cell phones didn't work and text messages were limited, they tried to find old satellite phones to use to communicate. We know that the new equipment on the new ships would provide this kind of capability that is absolutely essential. They would be paramount in streamlining and making these rescue efforts more efficient.

Yet, even without this new technology, the Coast Guard, as I said, made it work with the resources they had at their disposal. With an inadequate amount of satellite receivers, the cutters still prioritized and switched communication channels to effectively prosecute the mission.

Yet the undeniable truth is, such a workaround should not have to happen and would not happen on new Deepwater cutters.

The Coast Guard is a service clearly already populated with heroes. We should not ask them all to be MacGuivers, as well as jury-rigging and Rube Goldberging rescue operations already perilous enough.

Doesn't America deserve better? Don't the men and women of the Coast Guard who perform so heroically deserve more from us than fighting 21st century threats and the war on terrorism with equipment from World War II?

Think about it: Some of these ships were operating when Emperor Hirohito of Japan surrendered to the United States, operating through the Korean war, the Vietnam war, the Cold War, the fall of the Berlin Wall and the Soviet Union, and yet they remain as part of our U.S. Coast Guard in the year 2005. Some vessels are so old the Coast Guard has to go to maritime museums to find spare parts.

How can we relegate the Coast Guard to this fate? As you look on this chart, USA Today did a very indepth story on the Coast Guard and its aging assets of ships and aircraft. It says, and this was done July 6:

> Aging Fleet Could Threaten Service's Antiterror Mission.

That is what it is all about. We should have learned in the aftermath of September 11 what we need to accelerate, what we need to establish for priorities and making sure the agency we ask so much from, the Coast Guard, that we ask to do so much for so little, gets at least the equipment they deserve when they are performing these risky missions, as we have seen so graphically over the last few weeks.

How can we relegate the Coast Guard to this fate? How can a nation of such resources fail to provide them to this indispensable service?

While the people of the Coast Guard certainly go above and beyond the call of duty, the very equipment they sail and fly on has gone way beyond the call of duty, and it is time they were retired for good.

Yet the Coast Guard will continue to operate one of the oldest fleets for another 20 to 25 years with the current funding formula that is being made available for the Deepwater program. We are not just talking about ships. Under Deepwater, vital aircraft, including the outdated HH–65 Dolphin and the HH–60 Jayhawk helicopters we have all seen conducting the rescue hoists on television, would be reengined and reoutfitted with improved navigation and radar equipment. But if Deepwater is not fully funded, these crucial improvements will not occur on a timely basis, preventing the Coast Guard from being fully capable when the next tragedy strikes.

These are not exaggerated predictions. Pilots told me firsthand that with the new technology, they could have seen much more clearly in the total darkness that loomed over New Orleans, allowing them to identify downed power lines, vertical obstructions, and citizens requiring assistance.

That is why I repeatedly urged the administration and the Congress, for the last 4 years, to increase the funding for this program immediately and why I successfully fought to include a report on the possibility of accelerating the Deepwater program from a 20-to-25-year program to a 10-year program in the Homeland Security bill.

The fact is, by reducing the duration of implementation for the program, the Coast Guard could receive these vital assets 10 to 15 years sooner, and not a moment too soon in my book. We cannot forget that ships are not constructed in weeks or months. They take years to design and fabricate.

Now, only one national security cutter is in fabrication. The offshore patrol cutter is not in production, and the fast response cutter remains in the design phase. So we must act now.

Moreover, the unequivocal findings of the report I required was acceleration of the Deepwater program is not only feasible, it would also save the American taxpayers a billion dollars in total acquisition costs.

So, I ask, what exactly is there not to get? By accelerating the Deepwater program, we would provide desperately-needed updated equipment to this premier security and search and rescue service, while saving taxpayer money, not to mention ultimately saving lives. Simply put, it defies the laws of common sense to not implement Deepwater as soon as possible.

That is why I have recently sent the appropriations committee a letter, urging them to increase the funding for Deepwater in this year's Homeland Security appropriations bill. Specifically, in the Senate version of the Coast Guard's authorization bill, we authorize $1.1 billion to be appropriated for Deepwater. This level will keep the Coast Guard on the proper road to guide them toward a modern maritime fleet of cutters and aircraft, able to perform their vital missions in the 21st century.

It is critically important we not only provide the level of funding but we also ensure that we accelerate the Deepwater acquisition program to 10 to 15 years as absolutely vital and essential.

So I hope we would be able to also release from the Senate the Coast Guard authorization legislation that allows for the increased funding, that allows for this process to continue and, in addition, to get the higher amount of the appropriations and to get the acceleration of the Deepwater program.

That is what I ask, that we release the Coast Guard authorization bill that is bottled up in the Senate. We need to remove all of the excuses and allow this process to go forward for the service that has conducted itself so courageously and heroically during the course of Hurricane Katrina.

In visiting with the men and women of the various Coast Guard stations, in New Orleans as well as the station in Gulfport, MS, I can tell you not one was complaining—not one. In fact, one admiral said, you know, we have just been telling you some of the obstacles we had to overcome to do our job, and we will do it no matter what, no matter the circumstance. We are asking you not to use it as a rationale to defer the needed repairs, maintenance, and the new equipment for the future because we don't know what is in the future when it comes to unforeseeable events. We cannot predict. We did not predict 9/11. We predicted Hurricane Katrina. Look what happened. It was the Coast Guard that performed that mission. But we have to make sure that the Coast Guard receives the funding it requires in the future in order to enable it to respond as it did during the course of Hurricane Katrina. We cannot build ships nor aircraft overnight. It takes several years to get these ships in the pipeline.

So unless we get the authorization bill out of the Senate and out of the entire Congress that we have been urging for months to get done, to have an accelerating program, to get the appropriations that are essential, that cannot happen. So I am pleading with the Senate, pleading with the Congress to do what is right for this magnificent agency that is, by the way, on the frontlines for protecting us and our homeland security, one of the greatest problems of which, as you know, is the transshipment of weapons of mass destruction.

The Coast Guard is also essential and a vital component in protecting our homeland.

They are a multimission agency. They are asked, as I said earlier, to do so much with so little. And even as they are performing down there in the gulf, they didn't ignore their other responsibilities—because of homeland security—for keeping the waterways open, which they have now done in the gulf, because it is important we continue the commerce, the interdiction of drugs: as a matter of fact, even over the weekend, providing the humanitarian assistance that is so vital, cleaning up the oil spills and the pollution that has occurred. As I showed you in a previous chart, as we have seen here in the active response that they have provided in so many areas, because of the spill of oil that is polluting the area and contaminating the water, that has complicated the task of the cleanup. You can't ask the Agency to do more in addition to the saving of 33,000 lives. When I talked to the rescue swimmers and the pilots, I asked them what was the greatest challenge and they said: You know, we were overwhelmed, we were overwhelmed because we had so many people to rescue, and we feel we are doing nothing in a day when we are rescuing 15 individuals—under, as you can imagine, some very difficult and dire circumstances.

I ask my colleagues, what more does the Coast Guard have to do to prove its immense value to America? After the service's heroic and well planned efforts in responding to Hurricane Katrina, they have clearly and convincingly shown that all Americans are well served by the United States Coast Guard.

Therefore, I am proud to send this resolution to the desk for consideration in the Senate, which gives recognition to the valiant work of the Coast Guard. The resolution also notes the necessity of improving the Coast Guard's aging fleet of ships and aircraft. I hope all of my colleagues can support this resolution.

Now is the time for us in the Congress to fully recognize the importance of the Coast Guard and provide the service with the assets it needs to do the job now and into the future. The time has come, it is now our responsibility and our solemn duty to ensure it has the resources needed in order to serve the citizens of the United States for decades to come and I hope my colleagues will join me in that effort.

It is vital because they are on the frontlines. They responded magnificently, and they should be recognized and rewarded and applauded for the job they have done and the job they will continue to do in the future. I thank the Chair.

Ms. MIKULSKI. Will the Senator yield to me for a request.

Ms. SNOWE. Yes, I am happy to yield.

Ms. MIKULSKI. Will the Senator allow me to be a cosponsor of her resolution?

Ms. SNOWE. Yes, I will be happy to.

Ms. MIKULSKI. I compliment her for her forceful words on the Coast Guard, and I wish to align myself with them, as I fully believe in the remarks of the Senator.

Ms. SNOWE. I am delighted to add my colleague, the Senator from Maryland, as a cosponsor. She has been an ardent advocate and supporter of the Coast Guard. I thank the Senator.

I ask unanimous consent to add the Senator from Maryland as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1770. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1771. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1772. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1773. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1774. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1775. Mr. COBURN (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1776. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1777. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1778. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1779. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1780. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1781. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1782. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1783. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1784. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1785. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1786. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1787. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1788. Mr. FEINGOLD (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1789. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1790. Mrs. CLINTON (for herself, Mrs. MURRAY, and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1791. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1792. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1793. Mr. BINGAMAN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1794. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1795. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1796. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1797. Mr. BINGAMAN (for himself, Mr. LUGAR, Ms. MURKOWSKI, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1798. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1799. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1800. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1801. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1802. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1803. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1804. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1805. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1806. Mr. BENNETT (for Mr. KYL) proposed an amendment to the bill H.R. 2744, supra.

SA 1807. Mr. BENNETT (for Mr. LEAHY) proposed an amendment to the bill H.R. 2744, supra.

SA 1808. Mr. BENNETT (for Mr. FEINGOLD (for himself and Mr. ALLARD)) proposed an amendment to the bill H.R. 2744, supra.

SA 1809. Mr. BENNETT (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 2744, supra.

SA 1810. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1811. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra: which was ordered to lie on the table.

SA 1812. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1813. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1814. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1815. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1816. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1817. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1818. Mr. DODD (for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1819. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1820. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1821. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1822. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1823. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1824. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1825. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1826. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1827. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1828. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1829. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1830. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1831. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744 supra; which was ordered to lie on the table.

SA 1832. Mr. BURNS (for himself, Mr. GRASSLEY, Mr. ROBERTS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1833. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1834. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1835. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1836. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1837. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1838. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1839. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1840. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1841. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1842. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1843. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1844. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1845. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1846. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1847. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1848. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1790 submitted by Mrs. CLINTON (for herself, Mrs. MURRAY, and Mr. CORZINE) and intended to be proposed to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1849. Mr. KOHL (for Mr. DODD) proposed an amendment to amendment SA 1818 submitted by Mr. DODD (for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 2744, supra.

TEXT OF AMENDMENTS

SA 1770. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 85, line 15, strike “$128,072,000” and insert “$127,072,000”.

On page 173, line 18, strike “$2,000,000” and insert “$3,000,000”.

On page 173, line 19, insert “, Idaho,” after “Utah”.

SA 1771. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 26, strike “$652,231,000” and insert “$545,500,000”.

SA 1772. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Each amount made available for discretionary programs under the heading “COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE” under the heading “AGRICULTURAL PROGRAMS” in title I shall be reduced on a pro rata basis by 10 percent.

SA 1773. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 122, line 24, strike “$653,102,000” and insert “$610,754,560”.

SA 1774. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, line 19, strike “$160,645,000” and insert “$64,800,000”.

SA 1775. Mr. COBURN (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2744 shall also be included in the conference report or joint statement accompanying H.R. 2744 in order to be considered as having been approved by both Houses of Congress.

SA 1776. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 17, strike "$40,711,395,000" and insert "$38,887,524,504".

SA 1777. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . No Federal funds may be appropriated under this Act to the Department of Agriculture until the date on which a risk assessment process is initiated in accordance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note; Public Law 107–300) for—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

(4) the marketing assistance loan and loan deficiency payment program under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.).

SA 1778. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . No Federal funds may be appropriated under this Act to the Department of Agriculture until the date on which a risk assessment process is initiated in accordance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note; Public Law 107–300) for—

(1) the rural rental assistance program established under section 521 of the Housing Act of 1949 (42 U.S.C. 1490a); and

(2) each program established or funded under the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.).

SA 1779. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . Notwithstanding any other provision of this Act, each amount provided by this Act for a discretionary program is reduced by 5 percent pro rata.

SA 1780. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by 5 percent pro rata.

SA 1781. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. No Federal funds may be appropriated under this Act to the Department of Agriculture until the date on which a risk assessment process is initiated in accordance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note; Public Law 107–300) for—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the rural rental assistance program established under section 521 of the Housing Act of 1949 (42 U.S.C. 1490a); and

(5) each program established or funded under the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.).

SA 1782. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table, as follows:

On page 85, line 15, strike "$128,072,000" and insert "$118,072,000".

On page 132, between lines 9 and 10, insert the following:

SEARCH GRANTS

For the SEARCH grant program established under section 6302(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2009 ee–1), $10,000,000.

SA 1783. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, at the end of the page, insert the following:

"SEC. 7___. (a) Notwithstanding subtitles B and C of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.), during fiscal year 2006, the National Dairy Promotion and Research Board may obligate and expend funds for any activity to improve the environment and public health.

"(b) The Secretary of Agriculture shall review the impact of any expenditures under subsection (a) and include the review in the 2007 report of the Secretary to Congress on the dairy promotion program established under subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).".

SA 1784. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, lines 1 and 2, strike "Alaska Department of Community and Economic Development" and insert "Alaska Department of Commerce, Community, and Economic Development".

On page 162, line 2, strike "be eligible to".

On page 162, lines 10 and 11, strike "Alaska Department of Community and Economic Development" and insert "Alaska Department of Commerce, Community, and Economic Development".

SA 1785. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

SA 1786. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7   . With respect to the sale of the Thermo Pressed Laminates building in Klamath Falls, Oregon, the Secretary of Agriculture may allow the Klamath County Economic Development Corporation to establish a revolving economic development loan fund with the funds that otherwise would be required to be repaid to the Secretary in accordance with the rural business enterprise grant under section 310B(c)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)).

SA 1787. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$118,072,000".

On page 120, line 24, strike "$90,000,000 for section 515 rental housing" and insert "$100,000,000 for section 515 rental housing, of which $30,000,000 shall be for new construction of rural housing units".

On page 123, line 9, insert after "Act:" the following: "*Provided further*, That of this amount, not less than $4,000,000 shall be available for new construction of rural housing units under section 515:".

SA 1788. Mr. FEINGOLD (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____.(a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the "Administrator") shall publish in the Federal Register uniform methods and rules for addressing chronic wasting disease.

(b) If the Administrator does not publish the uniform methods and rules by the deadline specified in subsection (a), not later than 30 days after the deadline and every 30 days thereafter until the uniform methods and rules are published in accordance with that subsection, the Administrator shall submit to Congress a report that—

(1) describes the status of the uniform methods and rules; and

(2) provides an estimated completion date for the uniform methods and rules.

SA 1789. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 10, after "for these offices:", insert "*Provided further*, That of the amounts appropriated for salaries and expenses for the Office of Regulatory Affairs, such sums as are necessary shall be used to study and prepare a report to Congress examining the prevalence of unsafe levels of pesticide chemical residue, as such term defined in section 201(q)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(q)(2)), in ginseng and products containing ginseng, which study shall include a comparison of the pesticide chemical residue in ginseng that is known to be foreign grown with such residue in ginseng that is known to be domestically grown, the sampling and testing of retail and wholesale samples of raw ginseng and products containing ginseng for pesticide chemical residue, and a determination, if possible, of the prevalence of ginseng and ginseng-containing products that are misbranded as containing ginseng grown in the United States or in Wisconsin, and shall be designed in such a manner that the ginseng samples collected from retail and wholesale establishments for the study can be used as part of potential enforcement actions if the Commissioner of Food and Drugs determines that the level of pesticide chemical residue is unsafe;".

SA 1790. Mrs. CLINTON (for herself, Mrs. MURRAY, and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: ": *Provided further*, that, if by January 21, 2006, the Food and Drug Administration has not approved or denied the Barr Pharmaceutical application for over the counter status for the drug Plan B, $10,000,000 of the amount provided for under this heading for the Office of the Commissioner shall not be expended until the Food and Drug Administration makes such a decision.".

SA 1791. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7   . COUNTRY OF ORIGIN LABELING FOR FISH.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended—

(1) in section 281 (7 U.S.C. 1638)—

(A) in paragraph (2)(A)—

(i) by striking clauses (iii) and (iv); and

(ii) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively;

(B) by striking paragraphs (3) and (9); and

(C) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively;

(2) in section 282(a) (7 U.S.C. 1638a(a))—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting "and" after the semi-colon;

(ii) by striking subparagraphs (C) and (D); and

(iii) by redesignating subparagraph (E) as subparagraph (C); and

(B) by striking paragraph (3);

(3) in section 285 (7 U.S.C. 1638d), by striking "2006" and all that follows and inserting "2006."; and

(4) by adding at the end the following:

"Subtitle E—Country of Origin Labeling for Fish

"SEC. 291. DEFINITIONS.

"In this subtitle:

"(1) FISH.—

"(A) IN GENERAL.—The term 'fish' means all fish and shellfish, including—

"(i) fresh or frozen fillets, steaks, nuggets, and any other flesh from fish or shellfish; and

"(ii) fish that have been canned, smoked, cured, or salted.

"(B) EXCLUSIONS.—The term 'fish' does not include—

"(i) seafood that has been processed; or

"(ii) canned tuna.

"(2) FOOD SERVICE ESTABLISHMENT.—The term 'food service establishment' means a restaurant, cafeteria, deli, lunch room, food stand, catering business, saloon, salad bar, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

"(3) METHOD OF PRODUCTION.—

"(A) IN GENERAL.—The term 'method of production' means whether fish is—

"(i) farm-raised; or

"(ii) wild.

"(B) DEFINITIONS.—In this paragraph:

"(i) FARM-RAISED.—The term 'farm-raised' means fish that are reared and harvested in an aquaculture facility (including a netpen aquaculture facility).

"(ii) WILD.—The term 'wild' means fish (whether hatched naturally or artificially) that spend the majority of their lives, and are harvested, in the wild.

"(4) PLACE OF ORIGIN.—The term 'place of origin' means—

"(A) the country from which a fish derives; or

"(B) in accordance with section 292(d)(2), the State or region from which a fish derives.

"(5) PROCESSED.—The term 'processed', with respect to a retail item derived from fish, means that the item—

"(A) has undergone specific processing, such as cooking, resulting in a change in the character of the fish; or

"(B) has been combined with at least 1 other substantive food component.

“(6) RETAILER.—

“(A) IN GENERAL.—The term ‘retailer’ means—

“(i) a retailer (as defined in section 1(b) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499a(b))); or

“(ii) a business the annual sales of fish of which account for at least 50 percent of the total annual sales of the business.

“(B) EXCLUSION.—The term ‘retailer’ does not include any person engaged in the business of selling fish through a food service establishment, including a food service establishment operated by a retailer.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

“(8) SUPPLIER.—The term ‘supplier’ means any person engaged in the business of producing, buying, or selling fish that are ultimately offered for sale by a retailer.

“SEC. 292. NOTICE OF PLACE OF ORIGIN AND METHOD OF PRODUCTION.

“(a) IN GENERAL.—In accordance with regulations promulgated by the Secretary under section 294(a)—

“(1) a supplier of fish that will be sold or transferred to a consumer by a retailer shall provide to each subsequent buyer (including a retailer) a statement describing the place of origin and method of production of the fish (including repackaged or further processed fish), along with any other information required under subsection (c); and

“(2) a retailer of fish shall inform consumers of the place of origin and method of production of fish based on the information provided by the supplier under paragraph (1).

“(b) SUPPLIER AS PURCHASER.—A supplier that obtains fish that is not accompanied by a statement required under subsection (a)(1) shall provide such a statement to a buyer of any fish that will be sold or transferred to a consumer by a retailer.

“(c) LABELING REQUIREMENTS.—

“(1) RESPONSIBILITY OF SUPPLIER.—

“(A) IN GENERAL.—A statement of a supplier under subsection (a)(1) shall be prepared in accordance with this paragraph.

“(B) CONSUMER-SIZED PACKAGES.—With respect to fish transferred to a retailer for sale to consumers in consumer-sized packages (including cans and bags)—

“(i) the place of origin and method of production of the fish shall be indicated on the label affixed to the product by the supplier; and

“(ii) any information required under paragraph (2) that does not appear on a label under clause (i) shall be indicated on a label or labeling that is affixed to, or otherwise accompanies, the bulk container in which the consumer-sized package is shipped.

“(C) BULK TRANSFERS.—With respect to fish transferred to a retailer in bulk, the information required under paragraph (2) shall be indicated on a label or labeling that is affixed to, or otherwise accompanies, the bulk container.

“(2) LABEL INFORMATION.—The information required under paragraph (1) shall include, with respect to the fish being shipped under the label—

“(A) the common name and scientific name for the species of fish;

“(B) the place of origin of the fish, as determined under subsection (d);

“(C) the method of production of the fish;

“(D) the name, address, and telephone number of the supplier that provided the statement required under subsection (b); and

“(E) any other information that the Secretary determines to be necessary.

“(3) LABEL AS GUARANTEE.—For purposes of section 293(e), a label under paragraph (1) shall be considered to be a guaranty.

“(d) PLACE OF ORIGIN.—

“(1) UNITED STATES COUNTRY OF ORIGIN.—Fish may be designated as having a United States country of origin only if—

“(A) in the case of farm-raised fish, the fish are hatched, raised, harvested, and processed in the United States; and

“(B) in the case of wild fish, the fish are—

“(i) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

“(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States.

“(2) STATE OR REGION OF ORIGIN.—Fish that meet the requirements of paragraph (1) for United States country of origin designation may be identified by the State or region of origin in lieu of the country of origin, under such regulations as the Secretary may promulgate.

“(3) NON-UNITED STATES COUNTRY OF ORIGIN.—Fish that do not meet the requirements of paragraph (1) for United States country of origin designation shall be designated as originating in the country—

“(A) in the waters of which the fish were caught; or

“(B) if the national designation of the waters is unknown or if the waters are designated as international, in which the vessel that caught the fish was flagged.

“(4) ORIGIN OF COMMINGLED FISH.—Fish that are derived from 2 or more countries shall be designated as having originated in each source country, listed alphabetically, without regard to proportional quantities of fish from each country.

“(e) METHOD OF NOTIFICATION.—

“(1) IN GENERAL.—The information required under subsection (a)(2) may be provided to consumers by means of a label, stamp, mark, placard, or other conspicuous, clear, and visible sign on the package, display, holding unit, or bin containing the fish.

“(2) LABELED BY SUPPLIER.—

“(A) IN GENERAL.—If the fish are individually labeled for retail sale by the supplier in a manner that meets the requirements of paragraph (1), the retailer shall not be required to provide any additional information to comply with this section.

“(B) GUARANTY.—A statement of the place of origin and method of production that appears on a label described in subparagraph (A) shall be considered to be a supplier guaranty of the place of origin and method of production of the fish.

“(f) AUDIT VERIFICATION SYSTEM.—

“(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall permit existing records to be used to substantiate the place of origin and method of production of the fish.

“(2) MANDATORY IDENTIFICATION.—The Secretary shall not use a mandatory identification system, including a lot code tracking system, to track or verify the place of origin or method of production of fish.

“(3) SUPPLIER RECORDS.—

“(A) IN GENERAL.—A supplier that provides a statement under subsection (b) shall keep records to document the place of origin and method of production of the fish for such a period as the Secretary determines to be reasonable to ensure that the records will be available until the fish is sold or otherwise transferred to a consumer.

“(B) OTHER SUPPLIERS.—A supplier that is not responsible for providing a statement under subsection (b) shall keep records sufficient to identify the previous supplier of the fish.

“(4) RETAILER RECORDS.—A retailer shall retain any label or labeling received under subsection (c) until the fish that is the subject of the label is sold or otherwise transferred to a consumer.

“(5) GUARANTY.—A guaranty provided in accordance with section 293(e) that is received from the immediate supplier of a retailer or a supplier shall be a record sufficient to document the place of origin and method of production of fish.

“SEC. 293. ENFORCEMENT.

“(a) WARNINGS.—If the Secretary determines that a supplier or retailer is in violation of section 292, the Secretary shall—

“(1) notify the supplier or retailer of the determination of the Secretary; and

“(2) provide the supplier or retailer a 30-day period, beginning on the date on which notice is received under paragraph (1) from the Secretary, during which the supplier or retailer may take necessary steps to comply with section 292.

“(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or supplier has knowingly and willfully violated section 292, after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the supplier or retailer in an amount of not more than $1,000 for each violation.

“(c) MEMORANDUM OF AGREEMENT.—

“(1) IN GENERAL.—The Secretary may execute a memorandum of agreement with any appropriate State agency, as determined by the Secretary, to assist in the administration of this subtitle.

“(2) PROCEDURES.—A memorandum of agreement under paragraph (1) shall describe any procedure a State agency shall follow to assist in the administration of this subtitle.

“(3) ENFORCEMENT ACTIONS.—Notwithstanding paragraphs (1) and (2), only the Secretary may bring an enforcement action under this subtitle.

“(d) NO OTHER LAWS.—A violation of this subtitle shall not be considered to be a violation of any other Federal law, including the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

“(e) GUARANTY.—

“(1) IN GENERAL.—A retailer or supplier shall not be in violation of, or subject to penalties under, this subtitle if the retailer or supplier provides a guaranty of the place of origin and method of production of the fish that is signed by and contains the name and address of the person from which the retailer or supplier received the fish.

“(2) FALSE GUARANTY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the provision of a guaranty that is false shall be a violation of this subtitle.

“(B) RELIANCE.—The provision of a false guaranty shall not be a violation if the retailer or supplier providing the false guaranty relied upon a guaranty to the same effect signed by and containing the name and address of the person from which the retailer or supplier received the fish.

“(f) KNOWLEDGE OF VIOLATION REQUIRED.—No person shall be held liable for a violation of this subtitle by reason of the conduct of another if the person did not have actual knowledge of the violation.

"SEC. 294. IMPLEMENTATION.

"(a) REGULATIONS.—Not later than April 1, 2006, the Secretary shall promulgate such regulations as are necessary to implement this subtitle.

"(b) PREEMPTION.—This subtitle preempts any State labeling requirement that requires a supplier or retailer to provide place of origin or method of production information for fish.

"(c) EFFECTIVE DATE.—Regulations promulgated under subsection (a) take effect on the date that is 180 days after the date of promulgation of the regulations.".

SA 1792. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. Section 1231(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3831(f)(1)) is amended by inserting "the Eastern Snake Plain Aquifer (Idaho)," after "Long Island Sound Region,".

SA 1793. Mr. BINGAMAN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$118,072,000".

On page 132, line 24, strike "$12,412,027,000" and insert "$12,422,027,000".

On page 132, line 26, strike "$7,224,406,000" and insert "$7,234,406,000".

On page 133, line 6, before the period, insert the following: ": *Provided further*, That not less than $20,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture".

SA 1794. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$127,822,000".

On page 112, line 11, strike "$819,561,000" and insert "$819,811,000".

On page 113, line 7, before the period at the end, insert the following: ": *Provided further*, That not less than $250,000 shall be used for sustainable agriculture development and resource conservation projects in the Native Hawaiian community of Molokai".

SA 1795. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$128,022,000".

On page 112, line 11, strike "$819,561,000" and insert "$819,611,000".

On page 113, line 7, before the period at the end, insert the following: ": *Provided further*, That not to exceed $50,000 is available for the upgrade of the dairy farm manure management system at Vermont Technical College in Randolph, Vermont".

SA 1796. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$126,072,000".

On page 126, between lines 3 and 4, insert the following:

HISTORIC BARN PRESERVATION PROGRAM

For the historic barn preservation program established under section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o), $2,000,000.

SA 1797. Mr. BINGAMAN (for himself, Mr. LUGAR, Ms. MURKOWSKI, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$118,072,000".

On page 132, line 24, strike "$12,412,027,000" and insert "$12,422,027,000".

On page 132, line 26, strike "$7,224,406,000" and insert "$7,234,406,000".

On page 133, line 6, before the period, insert the following: ": *Provided further*, That not less than $20,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture".

SA 1798. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$125,072,000".

On page 173, after line 24, add the following:

SEC. 7___. INUNDATED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary of Agriculture shall compensate owners of crop and grazing land that meets the requirements under subsection (b) in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of the natural overflow of the closed basins described in subsection (a), as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been inundated;

(B) land that has been rendered inaccessible due to the overflow of the closed basins; and

(C) a reasonable buffer strip adjoining the land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining land for which owners may receive compensation under this section.

(c) SIGN-UP.—Not later than 120 days after the date of enactment of this Act, the Secretary shall carry out a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has remained in production in the county where the land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for inundated land under this section, the owner shall not be eligible to participate in or receive benefits for the land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section shall take such actions as are necessary to not degrade any wildlife habitat that has naturally developed on the land.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation under this section to allow public access to and use

of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this section $3,000,000 for fiscal year 2006, to remain available until expended.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

(3) PAYMENT DATES.—

(A) IN GENERAL.—Not later than June 30, 2006, the Secretary shall make payments to eligible owners in an amount equal to 50 percent of the total annual payment amount for fiscal year 2006 as calculated under subsection (d).

(B) REMAINING PAYMENT.—During the period beginning on October 1, 2006, and ending on October 15, 2006, the Secretary shall make the remaining payments to eligible owners in an amount equal to 50 percent of the total annual payment amount for fiscal year 2006 as calculated under subsection (d).

SA 1799. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. It is the sense of the Senate that—

(1) agricultural producers throughout the United States are exploring new direct marketing opportunities to improve farm income;

(2) the Farmers' Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) funds competitive grants to local governments, chambers of commerce, farmers' market alliances, coops, and economic development organizations to aid in the development of new farmers' markets, community-supported agricultural enterprises, and other direct producer-to-consumer marketing initiatives; and

(3) the Senate should support funding for the Farmers' Market Promotion Program at a level equal to or greater than that contained in the House committee report.

SA 1800. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. (a) The Senate finds the following:

(1) Research and development have been critical components of the prosperity of the United States.

(2) The United States is entering an increasingly competitive world in the 21st century.

(3) The National Academy of Sciences has found that public agricultural research and development expenditures in the United States were the lowest of any developed country in the world.

(4) The Nation needs to ensure that public spending for agricultural research is commensurate with the importance of agriculture to the long-term economic health of the Nation.

(5) Research and development is critical to ensuring that American agriculture remains strong and vital in the coming decades.

(b) It is the sense of the Senate that, in order for the United States to remain competitive, the President and the Department of Agriculture should increase public sector funding of agricultural research and development.

SA 1801. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$127,972,000".

On page 93, line 26, strike "$652,231,000" and insert "$652,331,000".

On page 94, line 9, strike "$110,281,000" and insert "$110,381,000, of which, an additional $100,000 shall be made available for the Center for Agricultural and Trade Policies at North Dakota State University".

SA 1802. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, add the following:

SEC. . EMERGENCY NUTRITIONAL SUPPLEMENTAL ASSISTANCE.

(a) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term "eligible recipient" means an individual or household that, as determined by the Secretary of Agriculture, in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in addition to funds otherwise made available for fiscal year 2005 or 2006 to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture, to remain available until expended—

(A) $200,000,000 to carry out that program;

(B) $51,000,000 to make grants to the several States and the Commonwealth of Puerto Rico under that program in accordance with paragraph (2); and

(C) $200,000,000 to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(i) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(ii) infant formula;

(iii) bottled water; and

(iv) fruit juices.

(2) AMOUNT OF GRANTS.—Funds made available under paragraph (1)(B) shall be used to provide grants in the amount of—

(A) $1,000,000 to each of the several States; and

(B) $500,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(3) USE OF FUNDS.—Funds made available under paragraph (1)(C) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(4) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(5) EMERGENCY DESIGNATION.—The amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1803. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new paragraph:

"SEC. . Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1) is amended by adding at the end the following: "(C) It is not violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year."

SA 1804. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 170 strike Section 767 and replace it with the following new paragraph:

"SEC. . Notwithstanding any other provision of law, none of the funds provided for in this or any other Act may be used in this and each fiscal year hereafter for the review, clearance, or approval for sale in the United States of any contact lens unless the manufacturer certifies that it makes any contact lens it produces, markets, distributes, or sells available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution: *Provided*, That for the purposes of this section, the term 'manufacturer' includes the manufacturer and its parents, subsidiaries, affiliates, successors and assigns, and 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other appropriate distribution alternative without regard to whether it is associated with a prescriber: *Provided further*, That nothing in this section shall be interpreted as waiving any obligation of a seller under 15 USC 7603: *Provided further*, That to facilitate compliance with this section, 15 USC 7605 is amended by inserting after the period: "A manufacturer shall make any contact lens it produces, markets, distributes or sells available in a commercially reasonable and non-discriminatory manner directly to and generally within all alternative channels of distribution; provided that, for the purposes of this section, the term 'alternative channels of distribution' means any mail order company, Internet retailer, pharmacy, buying club, department store, mass merchandise outlet or other appropriate distribution alternative without regard to whether it is associated with a prescriber; the term 'manufacturer' includes the manufacturer and its parents, subsidiaries, affiliates, successors and assigns; and any rule prescribed under this section shall take effect not later than 60 days after the date of enactment."

SA 1805. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new paragraph:

"SEC. . The federal facility located at the South Mississippi Branch Experiment Station in Poplarville, Mississippi, and known as the "Southern Horticultural Laboratory", shall be known and designated as the "Thad Cochran Southern Horticultural Laboratory": *Provided*, That any reference in law, map, regulation, document, paper, or other record of the United States to such federal facility shall be deemed to be a reference to the "Thad Cochran Southern Horticultural Laboratory".

SA 1806. Mr. BENNETT (for Mr. KYL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . As soon as practicable after the Agricultural Research Service operations at the Western Cotton Research Laboratory located at 4135 East Broadway Road in Phoenix, Arizona, have ceased, the Secretary of Agriculture may convey, without consideration, to the Arizona Cotton Growers Association and Supima all right, title, and interest of the United States in and to the real property at that location, including improvements.

SA 1807. Mr. BENNETT (for Mr. LEAHY) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . The Secretary of Agriculture shall—

(1) as soon as practicable after the date of enactment of this Act, conduct an evaluation of any impacts of the court decision in Harvey v. Veneman, 396 F.3d 28 (1st Cir. Me. 2005); and

(2) not later than 90 days after the date of enactment of this Act, submit to Congress a report that—

(A) describes the results of the evaluation conducted under paragraph (1);

(B) includes a determination by the Secretary on whether restoring the National Organic Program, as in effect on the day before the date of the court decision described in paragraph (1), would adversely affect organic farmers, organic food processors, and consumers;

(C) analyzes issues regarding the use of synthetic ingredients in processing and handling;

(D) analyzes the utility of expedited petitions for commercially unavailable agricultural commodities and products; and

(E) considers the use of crops and forage from land included in the organic system plan of dairy farms that are in the third year of organic management.

SA 1808. Mr. BENNETT (for Mr. FEINGOLD (for himself and Mr. ALLARD)) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . (a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the "Administrator") shall publish in the Federal Register uniform methods and rules for addressing chronic wasting disease.

(b) If the Administrator does not publish the uniform methods and rules by the deadline specified in subsection (a), not later than 30 days after the deadline and every 30 days thereafter until the uniform methods and rules are published in accordance with that subsection, the Administrator shall submit to Congress a report that—

(1) describes the status of the uniform methods and rules; and

(2) provides an estimated completion date for the uniform methods and rules.

SA 1809. Mr. BENNETT (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. (a) In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses within the definition of "livestock" covered by the program.

(b)(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting "horses", after "bison"; and

(B) by striking "equine animals used for food or in the production of food,".

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51) is amended by inserting "(including losses to elk, reindeer, bison, and horses)" after "livestock losses".

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking "and bison" and inserting "bison, and horses".

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 541) is amended by striking "and bison" and inserting "bison, and horses".

(c)(1) This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

(2) This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.

SA 1810. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available under this Act may be used to carry out activities of the Oncologic Drugs Advisory Committee of the Food and Drug Administration whose committee membership consists of less than 2 patient representatives who are voting members of the committee.

SA 1811. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available under this Act may be used to carry out activities, including the review or approval of clinical trial protocols or special protocol assessments that would permit placebo-only or no-treatment-only concurrent controls, in any clinical investigation conducted with respect to any serious or life-threatening condition or disease, where reasonably effective alternative therapies that have been approved or cleared by the Secretary of Health and Human Services for the specific indications under investigation exist.

SA 1812. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading "CONSERVATION OPERATIONS" under the heading "NATURAL RESOURCES CONSERVATION SERVICE" of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2823) shall remain available until expended.

SA 1813. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading "CONSERVATION OPERATIONS" under the heading "NATURAL RESOURCES CONSERVATION SERVICE" of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2823) shall remain available until July 31, 2007.

SA 1814. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. BOTTLED DRINKING WATER STANDARDS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended by adding at the end the following:

"(c) OUT-OF STATE REGISTRATION OR LICENSING REQUIREMENTS.—

"(1) IN GENERAL.—A bottled water product that is manufactured or processed outside the State into which it is sold shall be deemed to meet any and all of the registration or licensing requirements of the State into which it is sold so long as the following requirements are complied with:

"(A) The company that manufactures, processes, or distributes the bottled water product, upon written request, makes available to any appropriate State agency in the State into which the bottled water is sold, a copy of any license or permit from the agency having jurisdiction in the State or country where the bottled water production facility is located, or in lieu of such registration, a statement certifying that the product meets all bottled water requirements, including bottled drinking water quality and safety standards, of the State or country of origin and any applicable regulations of the Food and Drug Administration, and a copy of the annual finished product water quality testing results demonstrating compliance with section 165.110(b) of title 21, Code of Federal Regulations.

"(B) The company that manufactures, processes, or distributes the bottled water product complies with the bottled drinking water quality and safety standards of the State into which it is sold.

"(C) The company that manufactures, processes, or distributes the bottled water product maintains legally required food and bottled water records, and remains subject to on-site inspections of its facilities by the State of origin, the State into which the bottled water product is sold, and the Food and Drug Administration.

"(D) The company that manufactures, processes, or distributes the bottled water product pays all applicable State fees related to the sale and distribution of the product imposed by the State into which the product is sold.

"(2) LIMITATION.—No State or political subdivision of a State may directly or indirectly establish or continue in effect, any requirement that conflicts with or interferes with the requirements of paragraph (1).".

SA 1815. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by $1,103,000,000.

SA 1816. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Notwithstanding any other provision of law, beginning in fiscal year 2006 and thereafter, individuals employed in 400 series personnel classification positions at the Natural Resources Conservation Service as of March 30, 2005, shall be considered to be eligible for continued employment in 400 series personnel classification positions within the Natural Resources Conservation Service.

SA 1817. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 10, after the colon, insert the following:

"*Provided further*, That of the funds provided herein for other activities, $5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony before the Senate Committee on Appropriations on the President's 2006 budget request and the date on which the Food and Drug Administration submitted its official written response to the Citizen Petition and Request for Administrative Stay, Docket No. 02P–0377 of the Food and Drug Administration:"

SA 1818. Mr. DODD (for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the "FDA") began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) Not later than one year after the date of enactment of this Act, the FDA shall issue a comprehensive final monograph for over-the-counter sunscreen products, which shall include UVA and UVB labeling requirements.

SA 1819. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall issue a rule that makes final the proposed rule published in the Federal Register on March 18, 2003 (68 Fed. Reg. 12881; relating to terminating the definition of "substantial activity" in the Hass Avocádo Promotion, Research, and Information Order).

SA 1820. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On pg. 143, line 10, after the colon, insert the following:

"Provided further, That of the funds provided herein for other activities, $5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony before the Senate Committee on Appropriations on the date on which the Food and Drug Administration submitted its official written response to the Citizen Petition and Request for Administrative Stay, Docket No. 02P–0377 of the Food and Drug Administration:"

SA 1821. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 3, before the period, insert the following: ": *Provided further*, That the Secretary of Agriculture, acting through the National Tribal Development Association, shall use not less than $1,500,000 of the amount made available under this heading to carry out the American Indian credit outreach initiative".

SA 1822. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Sec. (a) Notwithstanding the termination of authority provided in section 1307(a)(6) of Public Law 107–171, the Secretary shall use this authority for the 2007 crop.

(b) The authority provided by section 1307(a)(6) of Public Law 107–171 shall terminate beginning with the 2008 crop and shall be considered to have terminated notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SA 1823. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 2, strike "$164,773,000" and insert "$164,423,000".

On page 120, line 24, strike "$90,000,000" and insert "$89,500,000".

On page 128, line 1, strike "$500,000" and insert "$350,000".

On page 129, line 7, strike "$23,000,000" and insert "$22,500,000".

On page 132, between lines 9 and 10, insert the following:

NATIONAL RURAL DEVELOPMENT PARTNERSHIP

For the National Rural Development Partnership authorized under section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) to provide technical assistance and programmatic guidance for rural development at the State and local levels and to provide financial assistance to the 37 federally recognized State Rural Development Councils, $1,500,000.

SA 1824. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$123,572,000".

On page 100, line 1, strike "$807,768,000" and insert "$812,268,000".

On page 100, line 9, before the colon insert the following: "; of which not less than $10,440,000 shall be used for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana".

SA 1825. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$123,572,000".

On page 100, line 1, strike "$807,768,000" and insert "$815,807,000".

On page 100, line 9, before the colon insert the following: "; of which not less than $14,000,000 shall be used for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana".

SA 1826. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On Page 173, after line 24, insert the following:

SEC. 7 . None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under Section 801 of the Federal Food, Drug, and Cosmetic Act to allow the importation of a prescription drug that does not comply with sections 501, 502, and 505 of such Act from a communist country (as defined in section 406(e)(1) of the Trade Act of 1974 (19 U.S.C. 2436)), a socialist country or a country with a system of socialized healthcare, or a country that supports terrorism as determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979.

SA 1827. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Section 1502(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)(2)) is amended by striking "2,400,000 pounds" and inserting "800,000 pounds".

SA 1828. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Section 1502(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)(2)) is amended by striking "2,400,000 pounds" and inserting "700,000 pounds".

SA 1829. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. Section 1502(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)(2)) is amended by striking "2,400,000 pounds" and inserting "600,000 pounds".

SA 1830. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. Section 1502(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)(2)) is amended by striking "2,400,000 pounds" and inserting "500,000 pounds".

SA 1831. Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. CRAIG, Mr. CRAPO, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . Section 1502(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(d)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SA 1832. Mr. BURNS (for himself, Mr. GRASSLEY, Mr. ROBERTS, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. Notwithstanding any other provision of this Act, none of the funds made available by this Act or any other Act shall be used to pay salaries and expenses and other costs associated with implementing or administering section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) (except with respect to policies under that section in effect as of the date of enactment of this Act).

SA 1833. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$93,320,000".

On page 100, line 1, strike "$807,768,000" and insert "$842,520,000".

On page 173, after line 24, insert the following:

SEC. 7 . None of the funds made available under this Act may be used for treatment of wood, wood products, or wood packing material with methyl bromide.

SA 1834. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7_____. Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture, in coordination with the Secretary of Energy, shall submit to Congress and make available to the public on the Internet a report that shall—

(1) include a current, consolidated list and explanation of opportunities to develop renewable energy in rural America under programs administered by the Department of Agriculture and the Department of Energy;

(2) serve as an aid to develop renewable energy and renewable fuels in rural and agricultural communities, including information on grants, loan guarantees, tax deductions, and tax credits; and

(3) be updated at least annually.

SA 1835. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 160, line 10, before the period at the end insert the following: "or for reimbursement of administrative costs under section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) to a State agency for which more than 10 percent of the costs (other than costs for issuance of benefits or nutrition education) are obtained under contract".

SA 1836. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$123,072,000".

On page 99, line 10, strike "$5,888,000" and insert "$10,888,000".

SA 1837. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 132, strike line 4 and insert the following: "1974: *Provided further*, That communities with populations of not more than 40,000 shall be eligible to apply for loans under the broadband loan program.".

SA 1838. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "$128,072,000" and insert "$93,320,000".

On page 100, line 1, strike "$807,768,000" and insert "$842,520,000".

On page 173, after line 24, insert the following:

SEC. 7 . The Comptroller General of the United States shall—

(1) conduct a study on—

(A) the efficacy of methyl bromide for treatment of invasive insects and plants;

(B) any negative environmental and health effects methyl bromide may have on humans and animals; and

(C) other practicable methods that exist to prevent invasive insects from entering areas under the jurisdiction of the United States; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report describing the results of the study.

SA 1839. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. (a) There is appropriated $200,000 to the Institute of Agriculture and Natural Resources of the University of Nebraska-Lincoln, for use in accordance with subsection (b).

(b)(1) Amounts made available under subsection (a) shall be used only for—

(A) start-up costs for the 4-year hospitality, restaurant, and tourism management baccalaureate degree program of the Institute; and

(B) the design and implementation of course preparation and delivery relating to the program described in subparagraph (A).

(2) Funds made available under subsection (a) shall not be used for—

(A) construction of new facilities or brick and mortar facilities for the program described in paragraph (1)(A); or

(B) operational overhead funding of the University of Nebraska-Lincoln.

SA 1840. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7___. (a) Subject to subsection (b), during the school year beginning July 2005, the Secretary of Agriculture shall use funds made available under subsection (c) to provide for direct certification of children that are adversely affected by hurricanes in accordance with the terms and conditions of section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (without regard to section 9(b)(4)(D) of that Act), as determined by the Secretary.

(b) This section applies to any local educational agency that—

(1) is located in a county subject to a major disaster designation by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), between August 24, 2005 and September 18, 2005; and

(2) submits a petition to the Secretary.

(c) The Secretary shall use to carry out this section $29.000.000 of funds made available under section 32 of the Act of August 24. 1935.

SA 1841. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 . None of the funds made available by this Act may be used to pay the salaries or expenses of any officer or employee to carry out the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) in a manner that for the purpose of determining the eligibility of a child who is a member of the household of a member of a uniformed service, includes in household income the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of the member of a uniformed service for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10, United States Code.

SA 1842. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 10, strike the colon and insert the following: ": *Provided further*, That of the funds provided under this heading for other activities, $5,853,000 shall not be obligated until the Commissioner of Food and Drugs or Acting Commissioner of Food and Drugs has presented public testimony before the Committee on Appropriations of the Senate regarding the date on which the Food and Drug Administration submitted an official written response to the Citizen Petition and Request for Administrative Stay, Docket No. 02P–0377 of the Food and Drug Administration:".

SA 1843. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 10, strike the colon and insert the following: ": *Provided further*, That of the funds provided under this heading for other activities, $5,853,000 shall not be obligated until the Commissioner of Food and Drugs or Acting Commissioner of Food and Drugs has presented public testimony before the Committee on Appropriations of the Senate on the President's fiscal year 2006 budget request and regarding the date on which the Food and Drug Administration submitted an official written response to the Citizen Petition and Request for Administrative Stay, Docket No. 02P–0377 of the Food and Drug Administration:".

SA 1844. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 88, line 16, strike "$23,103,000" and insert "$21,103,000".

On page 109, line 21, before the period at the end, insert the following: ": *Provided further*, That none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that, for purposes of counties declared to be disaster areas in calendar year 2005 by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) or by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), applies the phrase 'in the same crop year' to have a meaning other than not later than October 15 of the year after the year in which the first crop was prevented from being planted".

SA 1845. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 16, strike "$23,103,000" and insert "$21,103,000".

On page 109, line 21, before the period at the end, insert the following: ": *Provided further*, That notwithstanding any other provision of law (including regulations), none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that applies the term 'crop year' in a manner that fails to take into account the varying climates of different regions of the United States".

SA 1846. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7____. The Secretary of Agriculture shall use $450,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SA 1847. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the follow: ": *Provided further* that, if by December 21, 2005, the Food and Drug Administration has not complied with the provisions of Public Law 106–554 related to the labeling of condoms to ensure that such labels are medically accurate in regard to the lack of effectiveness in preventing human papillomavirus infection, $10,000,000 of the amount provided under this heading for the office of the Commissioner shall not be expended until the Food and Drug Administration complies with such law.

SA 1848. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1790 submitted by Mrs. CLINTON (for herself, Mrs. MURRAY, and Mr. CORZINE) and intended to be proposed to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 8 of the amendment, strike the period and insert the following: ". *Provided further*, That if by December 21, 2005, the Food and Drug Administration has not complied with the provisions of section 516(b) of Public Law 106-554, related to the labeling of condoms to ensure such labels are medically accurate in regard to the lack of effectiveness in preventing human papillomavirus, $10,000,000 of the amount provided under this heading for the Office of the Commissioner shall not be expended until the Food and Drug Administration complies with such section.".

SA 1849. Mr. KOHL (for Mr. DODD) proposed an amendment to amendment SA 1818 submitted by Mr. DODD (for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN) to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7____. (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the "FDA") began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly,

the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) It is the sense of Congress that the FDA should, not later than one year after the date of enactment of this Act, issue a comprehensive final monograph for over-the-counter sunscreen products, including UVA and UVB labeling requirements, in order to provide consumers with all the necessary information regarding the dangers of skin cancer and the importance of wearing sunscreen.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, September 28, 2005, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the grazing programs of the Bureau of Land Management and the Forest Service, including proposed changes to grazing regulations, and the status of grazing permit renewals, monitoring programs and allotment restocking plans.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts at 202-224-7545 or Amy Millet at 202-224-8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday September 21, 2005 at 9 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be to review the status of the World Trade Organization negotiations on agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BENNETT. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 21, 2005, 10 a.m. and 2:30 p.m., on Energy Pricing, in SD 562.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 21, 2005, at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 21, 2005, at 10 a.m. for a hearing titled, "After the London Attacks: What Lessons Have Been Learned to Secure U.S. Transit Systems?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 21, 2005, at 9:30 a.m. in Room 385 of the Russell Senate Office Building to conduct an oversight hearing on Indian Gaming: Regulation of Class III Gaming. Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Able Danger and Intelligence Information Sharing" on Wednesday, September 21, 2005 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Curt Weldon, United States Representative, R-PA, 7th District; the Honorable Slade Gorton, former United States Senator, [R-WA], Preston, Gates & Ellis, Seattle, WA.

Panel II: Mark Zaid, Esq., Attorney at Law, Washington, DC; Erik Kleinsmith, former Army Major and Chief of Intelligence of the Land Information Warfare Analysis LIWA, Project Manager for Intelligence Analytical Training, Lockheed Martin, Newington, VA.

Panel III: Gary Bald, Executive Assistant Director, Counter Terrorism/Counter Intelligence, Federal Bureau of Investigation, United States Department of Justice, Washington, DC: William Dugan, Assistant to the Secretary of Defense for Intelligence Oversight, United States Department of Defense, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2005 at 2:30 p.m. to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. BENNETT. Mr. President. I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet Wednesday, September 21, 2005 to conduct a hearing to discuss the Endangered Species Act and the roles of States, Tribes and local governments. The hearing will be in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent John Smeltzer, a fellow in my office, be granted privilege of the floor during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, pursuant to Public Law 98-183, as amended by Public Law 103-419, appoints Arlan D. Melendez, of Nevada, to the United States Commission on Civil Rights.

PROVIDING FOR ACCEPTANCE OF A STATUE OF PO'PAY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 242, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 242) providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 242) was agreed to.

DISASTER RELIEF EMPLOYMENT

Mr. BENNETT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3761, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3761) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3761) was read the third time and passed.

KATRINA EMERGENCY TAX RELIEF ACT OF 2005

Mr. BENNETT. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3768, which was received from the House.

There being no objection, the Presiding officer laid before the Senate the following message from the House of Representatives:

H.R. 3768

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3768) entitled "An Act to provide emergency tax relief for persons affected by Hurricane Katrina", with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Katrina Emergency Tax Relief Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.
Sec. 2. Hurricane Katrina disaster area.

TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA
Sec. 101. Tax-favored withdrawals from retirement plans for relief relating to Hurricane Katrina.
Sec. 102. Recontributions of withdrawals for home purchases cancelled due to Hurricane Katrina.
Sec. 103. Loans from qualified plans for relief relating to Hurricane Katrina.
Sec. 104. Provisions relating to plan amendments.

TITLE II—EMPLOYMENT RELIEF
Sec. 201. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 202. Employee retention credit for employers affected by Hurricane Katrina.

TITLE III—CHARITABLE GIVING INCENTIVES
Sec. 301. Temporary suspension of limitations on charitable contributions.
Sec. 302. Additional exemption for housing Hurricane Katrina displaced individuals.
Sec. 303. Increase in standard mileage rate for charitable use of vehicles.
Sec. 304. Mileage reimbursements to charitable volunteers excluded from gross income.
Sec. 305. Charitable deduction for contributions of food inventory.
Sec. 306. Charitable deduction for contributions of book inventories to public schools.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS
Sec. 401. Exclusions of certain cancellations of indebtedness by reason of Hurricane Katrina.
Sec. 402. Suspension of certain limitations on personal casualty losses.
Sec. 403. Required exercise of authority under section 7508A for tax relief relating to Hurricane Katrina.
Sec. 404. Special rules for mortgage revenue bonds.
Sec. 405. Extension of replacement period for nonrecognition of gain for property located in Hurricane Katrina disaster area.
Sec. 406. Special rule for determining earned income.
Sec. 407. Secretarial authority to make adjustments regarding taxpayer and dependency status.

TITLE V—EMERGENCY REQUIREMENT
Sec. 501. Emergency requirement.

SEC. 2. HURRICANE KATRINA DISASTER AREA.

For purposes of this Act—

(1) HURRICANE KATRINA DISASTER AREA.—The term "Hurricane Katrina disaster area" means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(2) CORE DISASTER AREA.—The term "core disaster area" means that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act.

TITLE I—SPECIAL RULES FOR USE OF RETIREMENT FUNDS FOR RELIEF RELATING TO HURRICANE KATRINA

SEC. 101. TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified Hurricane Katrina distribution.

(b) AGGREGATE DOLLAR LIMITATION.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified Hurricane Katrina distributions for any taxable year shall not exceed the excess (if any) of—

(A) $100,000, over

(B) the aggregate amounts treated as qualified Hurricane Katrina distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified Hurricane Katrina distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified Hurricane Katrina distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified Hurricane Katrina distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified Hurricane Katrina distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified Hurricane Katrina distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified Hurricane Katrina distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED HURRICANE KATRINA DISTRIBUTION.—Except as provided in subsection (b), the term "qualified Hurricane Katrina distribution" means any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

(2) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(e) INCOME INCLUSION SPREAD OVER 3 YEAR PERIOD FOR QUALIFIED HURRICANE KATRINA DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified Hurricane Katrina distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of such Code, qualified Hurricane Katrina distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED HURRICANE KATRINA DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified Hurricane Katrina distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

SEC. 102. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, during the period beginning on August 25, 2005, and ending on February 28, 2006, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—Rules similar to the rules of paragraphs (2) and (3) of section 101(c) of this Act shall apply for purposes of this section.

(b) QUALIFIED DISTRIBUTION DEFINED.—For purposes of this section, the term "qualified distribution" means any distribution—

(1) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F) of such Code,

(2) received after February 28, 2005, and before August 29, 2005, and

(3) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

SEC. 103. LOANS FROM QUALIFIED PLANS FOR RELIEF RELATING TO HURRICANE KATRINA.

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made after the date of enactment of this Act and before January 1, 2007—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(2) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(b) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after August 25, 2005, from a qualified employer plan (as defined in section 72(p)(4) of such Code)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on August 25, 2005, and ending on December 31, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in paragraph (1) shall be disregarded.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

SEC. 104. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A).

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

TITLE II—EMPLOYMENT RELIEF

SEC. 201. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE.—For purposes of this section, the term "Hurricane Katrina employee" means—

(1) any individual who on August 28, 2005, had a principal place of abode in the core disaster area and who is hired during the 2-year period beginning on such date for a position the principal place of employment of which is located in the core disaster area, and

(2) any individual who on such date had a principal place of abode in the core disaster area, who is displaced from such abode by reason of Hurricane Katrina, and who is hired during the period beginning on such date and ending on December 31, 2005.

(c) REASONABLE IDENTIFICATION ACCEPTABLE.—In lieu of the certification requirement under subparagraph (A) of section 51(d)(12) of such Code, an individual may provide to the employer reasonable evidence that the individual is a Hurricane Katrina employee, and subparagraph (B) of such section shall be applied as if such evidence were a certification described in such subparagraph.

(d) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply, and

(2) section 51(i)(2) of such Code shall not apply with respect to the first hire of such employee as a Hurricane Katrina employee, unless such employee was an employee of the employer on August 28, 2005.

SEC. 202. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—In the case of an eligible employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(A) which conducted an active trade or business on August 28, 2005, in a core disaster area, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in a core disaster area.

(3) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of such Code, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) CREDIT NOT ALLOWED FOR LARGE BUSINESSES.—The term "eligible employer" shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of such Code shall apply.

(e) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of such Code with respect to such employee for such period.

(f) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

TITLE III—CHARITABLE GIVING INCENTIVES

SEC. 301. TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), section 170(b) of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 of such Code to other contributions.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under such section 170(b)(1).

(B) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED CONTRIBUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term "qualified contribution" means any charitable contribution (as defined in section 170(c) of such Code)—

(A) paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code),

(B) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, and

(C) with respect to which the taxpayer has elected the application of this section.

(2) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

(3) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under paragraph (1)(C) shall be made separately by each partner or shareholder.

SEC. 302. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 or 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by $500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed $2,000, reduced by the amount of the reduction under this section for all prior taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer for any prior taxable year.

(3) IDENTIFYING INFORMATION REQUIRED.—An individual shall not be taken into account under subsection (a) for a taxable year unless the taxpayer identification number of such individual is included on the return of the taxpayer for such taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this section, the term "Hurricane Katrina displaced individual" means, with respect to any taxpayer for any taxable year, any natural person if—

(1) such person's principal place of abode on August 28, 2005, was in the Hurricane Katrina disaster area,

(2)(A) in the case of such an abode located in the core disaster area, such person is displaced from such abode, or

(B) in the case of such an abode located outside of the core disaster area, such person is displaced from such abode, and

(i) such abode was damaged by Hurricane Katrina, or

(ii) such person was evacuated from such abode by reason of Hurricane Katrina, and

(3) such person is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

(d) COMPENSATION FOR HOUSING.—No deduction shall be allowed under this section if the taxpayer receives any rent or other amount (from any source) in connection with the providing of such housing.

SEC. 303. INCREASE IN STANDARD MILEAGE RATE FOR CHARITABLE USE OF VEHICLES.

Notwithstanding section 170(i) of the Internal Revenue Code of 1986, for purposes of computing the deduction under section 170 of such Code for use of a vehicle described in subsection (f)(12)(E)(i) of such section for provision of relief related to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006, the standard mileage rate shall be 70 percent of the standard mileage rate in effect under section 162(a) of such Code at the time of such use. Any increase under this section shall be rounded to the next highest cent.

SEC. 304. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income of an individual for taxable years ending on or after August 25, 2005, does not include amounts received, from an organization described in section 170(c) of such Code, as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization in connection with providing relief relating to Hurricane Katrina during the period beginning on August 25, 2005, and ending on December 31, 2006. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under chapter 1 of such Code if section 274(d) of such Code were applied—

(1) by using the standard business mileage rate in effect under section 162(a) at the time of such use, and

(2) as if the individual were an employee of an organization not described in section 170(c) of such Code.

(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

(c) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of such Code with respect to the expenses excludable from gross income under subsection (a).

SEC. 305. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Special rule for contributions of food inventory.—

"(i) General rule.—In the case of a charitable contribution of food from any trade or business of the taxpayer, this paragraph shall be applied—

"(I) without regard to whether the contribution is made by a C corporation, and

"(II) only to food that is apparently wholesome food.

"(ii) Limitation.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed 10 percent of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

"(iii) Apparently wholesome food.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.

"(iv) Termination.—This subparagraph shall not apply to contributions made after December 31, 2005.".

(b) Effective Date.—The amendment made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

SEC. 306. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) In General.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property), as amended by section 305, is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) Special rule for contributions of book inventory to public schools.—

"(i) Contributions of book inventory.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether the donee is an organization described in the matter preceding clause (i) of subparagraph (A).

"(ii) Qualified book contribution.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books to a public school which is an educational organization described in subsection (b)(1)(A)(ii) and which provides elementary education or secondary education (kindergarten through grade 12).

"(iii) Certification by donee.—Subparagraph (A) shall not apply to any contribution unless (in addition to the certifications required by subparagraph (A) (as modified by this subparagraph)), the donee certifies in writing that—

"(I) the books are suitable, in terms of currency, content, and quantity, for use in the donee's educational programs, and

"(II) the donee will use the books in its educational programs.

"(iv) Termination.—This subparagraph shall not apply to contributions made after December 31, 2005.".

(b) Effective Date.—The amendments made by this section shall apply to contributions made on or after August 28, 2005, in taxable years ending after such date.

TITLE IV—ADDITIONAL TAX RELIEF PROVISIONS

SEC. 401. EXCLUSIONS OF CERTAIN CANCELLATIONS OF INDEBTEDNESS BY REASON OF HURRICANE KATRINA.

(a) In General.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of a natural person described in subsection (b) by an applicable entity (as defined in section 6050P(c)(1) of such Code).

(b) Persons Described.—A natural person is described in this subsection if the principal place of abode of such person on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such person suffered economic loss by reason of Hurricane Katrina.

(c) Exceptions.—

(1) Business indebtedness.—Subsection (a) shall not apply to any indebtedness incurred in connection with a trade or business.

(2) Real property outside core disaster area.—Subsection (a) shall not apply to any discharge of indebtedness to the extent that real property constituting security for such indebtedness is located outside of the Hurricane Katrina disaster area.

(d) Denial of Double Benefit.—For purposes of the Internal Revenue Code of 1986, the amount excluded from gross income under subsection (a) shall be treated in the same manner as an amount excluded under section 108(a) of such Code.

(e) Effective Date.—This section shall apply to discharges made on or after August 25, 2005, and before January 1, 2007.

SEC. 402. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

SEC. 403. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF RELATING TO HURRICANE KATRINA.

(a) Authority Includes Suspension of Payment of Employment and Excise Taxes.—Subparagraphs (A) and (B) of section 7508(a)(1) of the Internal Revenue Code of 1986 are amended to read as follows:

"(A) Filing any return of income, estate, gift, employment, or excise tax;

"(B) Payment of any income, estate, gift, employment, or excise tax or any installment thereof or of any other liability to the United States in respect thereof;".

(b) Application With Respect to Hurricane Katrina.—In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, any relief provided by the Secretary of the Treasury under section 7508A of the Internal Revenue Code of 1986 shall be for a period ending not earlier than February 28, 2006, and shall be treated as applying to the filing of returns relating to, and the payment of, employment and excise taxes.

(c) Effective Date.—The amendment made by subsection (a) shall apply for any period for performing an act which has not expired before August 25, 2005.

SEC. 404. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

(a) In General.—In the case of financing provided with respect to a qualified Hurricane Katrina recovery residence, subsection (d) of section 143 of the Internal Revenue Code of 1986 shall be applied as if such residence were a targeted area residence.

(b) Qualified Hurricane Katrina Recovery Residence.—For purposes of this section, the term "qualified Hurricane Katrina recovery residence" means—

(1) any residence in the core disaster area, and

(2) any other residence if—

(A) such other residence is located in the same State as the principal residence referred to in subparagraph (B), and

(B) the mortgagor with respect to such other residence owned a principal residence on August 28, 2005, which—

(i) was located in the Hurricane Katrina disaster area, and

(ii) was rendered uninhabitable by reason of Hurricane Katrina.

(c) Special Rule for Home Improvement Loans.—In the case of any loan with respect to a residence in the Hurricane Katrina disaster area, section 143(k)(4) of such Code shall be applied by substituting $150,000 for the dollar amount contained therein to the extent such loan is for the repair of damage by reason of Hurricane Katrina.

(d) Application.—Subsection (a) shall not apply to financing provided after December 31, 2007.

SEC. 405. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN FOR PROPERTY LOCATED IN HURRICANE KATRINA DISASTER AREA.

Clause (i) of section 1033(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied by substituting "5 years" for "2 years" with respect to property in the Hurricane Katrina disaster area which is compulsorily or involuntarily converted on or after August 25, 2005, by reason of Hurricane Katrina, but only if substantially all of the use of the replacement property is in such area.

SEC. 406. SPECIAL RULE FOR DETERMINING EARNED INCOME.

(a) In General.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes August 25, 2005, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 25, 2005.

(b) Qualified Individual.—For purposes of this section, the term "qualified individual" means any individual whose principal place of abode on August 25, 2005, was located—

(1) in the core disaster area, or

(2) in the Hurricane Katrina disaster area (but outside the core disaster area) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

(c) Earned Income.—For purposes of this section, the term "earned income" has the meaning given such term under section 32(c) of such Code.

(d) Special Rules.—

(1) Application to joint returns.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 25, 2005—

(A) such subsection shall apply if either spouse is a qualified individual, and

(B) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this section, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under subsection (a).

SEC. 407. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury or the Secretary's delegate may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. GRASSLEY. Mr. President, so far, the Finance Committee has put forth two Hurricane Katrina relief bills. One is the emergency tax relief bill passed today.

The second is the health and welfare bill introduced last Thursday.

And we're working on a third bill to help rebuild and rejuvenate the Gulf region.

Today I met with Mississippi Governor Haley Barbour to hear about the needs of people in the Katrina area, both now and in the future.

In addition to Senator BAUCUS, I've been working with my colleagues from Mississippi, Louisiana, and Alabama, including the cosponsors of this tax bill—Senators LOTT, LANDRIEU, VITTER, COCHRAN and SHELBY.

For the next package, we're taking ideas from these senators.

I've talked with Senator VITTER, Senator LOTT and Senator LANDRIEU about tax incentives and expect to talk with the rest of the group in the coming days.

We've had the biggest natural disaster in history. People are hurting, and we're getting them help.

We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport and the other hurricane-hit areas.

The immediate relief package will help get short-term aid to hurricane victims by encouraging food donations and the employment of displaced individuals, for example.

For those who've suffered casualty losses, we've liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property.

We also want to help protect Katrina victims from undeserved IRS harassment.

It's good that the House and Senate quickly worked out minor differences in our respective versions of the bill.

We need to get these tax incentives on the books and help Katrina victims make a fresh start.

The President is working to restore a high quality of life to the people of the gulf region, and today we're contributing a solid piece of legislation to his effort.

After this package is completed, our focus will be on longer-term tax incentives to help rebuild homes and businesses.

We're looking at depreciation changes, tax-exempt bond authority, tax-exempt bond refunding, and enterprise-zone initiatives.

In the coming days and weeks, the Finance Committee will be examining these ideas with an eye toward the most effective and efficient use of the taxpayer's dollar.

The more thoughtful we are, and the more expeditiously we act, the sooner the people of the gulf region can return home, earn a living, and rebuild their communities.

Mr. BAUCUS. Mr. President, traveling down to the gulf coast region last week, I saw firsthand the havoc that Hurricane Katrina had wreaked. As colleagues who have been down there know, in many places, it is stunning. It is like a war zone. It is worse than the pictures.

At one stop, we went into what was left of a library. Muck and ruin covered books and other library materials. One shiny object caught my eye and I picked up. It was a DVD of the film, "The Perfect Storm."

The victims of Katrina have many immediate needs. The legislation that we pass today will address four of them.

One, they need cash. And they need it fast. Two, they need jobs. Three, they need housing. And four, charities need help from Congress so they can help the victims of the hurricane.

I am pleased that Congress could come together and act quickly on this emergency tax relief to address those needs.

First, victims of Katrina need immediate access to cash. The working poor should not lose government benefits that they currently receive. These benefits are an important supplement to low-income working families. A prolonged change in their living situation could affect their eligibility for these benefits, such as the earned income credit and the child tax credit. This bill will allow displaced individuals to use their 2004 income to calculate benefits on their 2005 tax return. It will further ensure that these working families do not lose deductions, credits or filing status because the family is displaced from their home.

We also allow victims of Katrina access to retirement accounts for immediate cash assistance. Under current law, there is a 10 percent penalty for early distributions of money in these accounts. We waive that penalty and allow displaced persons to recontribute to the retirement account over a 3-year period.

Victims also need tax relief if a commercial lender forgives their debt. When a commercial lender discharges debt—such as a cancellation of a mortgage—this amount is included as income for tax purposes. This legislation ensures that individuals affected by the hurricane are not taxed on this personal debt relief.

Second, victims of Katrina want to get back in the workforce. We provide businesses with the tools that they need to hire displaced workers. The Work Opportunity Tax Credit allows employers to claim a credit against wages paid to new workers that face barriers to employment. It applies to veterans, low-income families, and other targeted groups. We expand the Work Opportunity Tax Credit to cover all survivors of Hurricane Katrina who lived in the disaster zone no matter where they seek a job.

We also allow employers located in the disaster zone to take a $2,400 tax credit on wages paid to employees during the period the business was shut down. These employees have tapped into their savings to help out their employees.

Third, we address the housing needs of people dislocated by the hurricane. Many folks across the country have opened up their hearts and opened up their homes. These generous individuals now face increased living expenses—higher water, electric, and grocery bills. This is a considerable burden. We help defray these costs.

We create a special tax deduction for individuals who provide rent-free housing to dislocated persons for at least 60 days. The deduction is $500 for each dislocated person up to a maximum of $2,000.

Finally, the victims need the generosity of individuals and businesses across this country. There has been a surge in giving to charitable organizations. We should encourage this activity. Our bill provides incentives for corporations to increase gifts of cash, food, books, and other items sorely needed in the affected areas and communities.

We didn't get everything we wanted in this bill. I regret that my House colleagues did not accept our provision supporting "pay protection" for military reservists and guards and I will continue to work with my colleagues, Senators LANDRIEU and KERRY, to get this enacted. As passed by the Senate, employers in the disaster zone who continued to pay employees that were activated by the reserves or the National Guard would also be entitled to the employee retention credit. Over a third of the Guard members in Mississippi and Louisiana are currently serving in Iraq, and in Alabama, all major Guard units who have been activated for the disaster have already served in Iraq or are there currently. Around 500 of the 3,700 Louisiana National Guard members serving in Iraq lost their homes or their families were displaced due to Hurricane Katrina. If their loyal employers, who despite being hit by Hurricane Katrina, were continuing to help out these military families, why shouldn't Congress at a minimum extend this $2,400 employee retention credit? I am disappointed, but resolved to keep fighting on this matter.

In the coming weeks, I plan to work with my colleagues to draft a long-term tax relief package. We will draft legislation that will help rebuild homes and businesses, pump money into local economies, and help distressed working families.

I thank all Senators for allowing this emergency legislation to move forward today. Today, we have taken real steps, concrete steps, that will make a difference in the lives of people who can use the help. This is what we came here to government service to do. And I am glad that we have been able to do it.

Mr. KERRY. Mr. President, today, we are passing legislation which will provide immediate tax relief to those directly affected by this incredible disaster. This tax relief will help put cash in the hands of victims and encourage charitable giving. This legislation is needed, but I am deeply disappointed that this legislation is missing an extremely important component—relief for military reservists.

We have rightfully focused on rescuing, reuniting and rebuilding, but we must also make sure to take care of our strained military families. The first and best definition of patriotism is keeping faith with those who wear our uniform. That means giving our troops the resources they need to keep safe while they are keeping us safe. And it means supporting our troops at home as well as abroad.

The Senate passed Hurricane Katrina tax relief legislation which looked out for our military reservists. More than 40 percent of military reservists and National Guard members suffer a pay cut when they are called to defend our nation, including those serving in the gulf coast today. These citizens serve nobly. They are much more than weekend warriors. Currently, there are over 140,000 reservists called up for active duty in the war against terrorism and over ten thousand of these reservists and guardsman are from Louisiana, Alabama, and Mississippi. Over 50,000 National Guard members have been called up to assist with Hurricane Katrina.

Many of these reservists are being hit with a double-whammy. After recent service in Iraq or Afghanistan, they are coming home to an area that has been devastated. The all-volunteer army depends on these reservists. They have been serving our country with distinction and pride for many years, and should not be penalized financially for their honorable service.

The Senate passed bill included an employee retention credit which provides a 40 percent tax credit for wages paid up to $6,000 after August 28, 2005 and before December 31, 2005. This credit would help employers in the gulf coast who pay employees that are not able to work because the business was either damaged or destroyed and pay reservists and guardsmen that worked for them right up to the time before they were deployed.

Giving employers' incentives to pay reservist employees is the right thing to do. We have read about the Louisiana reservists who have come home from Iraq and found that they have lost everything. According to the Washington Post, nearly 550 of the Louisiana brigade's troops lost homes or loved ones or were otherwise affected by Katrina. The brigade is coming to the end of its rotation in Baghdad. This is exactly why we must provide a tax incentive that helps employers pay wages to these reservists. Businesses on the gulf coast want to do the right thing for their employees. But in the wake of this disaster, most just cannot afford it.

During negotiations between the House and the Senate on a final Hurricane Katrina tax package, the employee retention credit was scaled back. Wages paid to reservists are no longer eligible for the credit. This is the wrong message to be sending to our reservists who put their lives on the line defending our country.

Due to Operations Iraqi Freedom and Enduring Freedom in Afghanistan, the military has placed greater training and participation demands on reservists, taking them away from their families and jobs. We should be doing all we can to help these reservists, and this includes providing tax incentives to their employers who provide extended pay coverage.

Providing tax incentives to help employers in the gulf coast impacted by Hurricane Katrina was a step in the right direction in helping reservists. For the last couple of years, Senator LANDRIEU and I have worked on legislation to provide assistance to businesses that employ reservists who have been called up to active duty. That legislation would provide tax credits to employers who pay reservists wages that are above their military pay and to help with the costs of hiring replacement workers. This provision passed the Senate twice last year, unfortunately, it was not enacted into law.

This past Monday, I chaired a field hearing of the Committee on Small Business and Entrepreneurship entitled "Military Reservists and Small Business: Supporting our Military Families and their Patriotic Small Business Employers." The hearing focused on the financial difficulties reservists who work for small businesses and their families face when they are called up to active duty.

Lieutenant Colonel Sam Poulten told his compelling story. He was a partner in a real estate firm and he received a three-day notice that he was being called-up to serve as a medical Army reservist in Iraq. Lieutenant Colonel Poulten spent 13 months away from his business, which saw a loss in sales due to his absence. His wife had to resort to using credit cards to pay for basic necessities. Lieutenant Colonel Poulten is one of the many examples of a reservist whose family and business faced financial struggles due to long mobilization.

Captain Marshall Hanson, USNR (Ret), Legislative Director of the Reserve Officers Association, discussed the consequences of mobilization and demobilization on military families and employers. He stated:

> Families and employers play a large role in a citizen-warrior's decision on whether or not to enlist and to remain in the military. Employer pressure is cited as one of the top reasons why reservists quit military service.

We left military reservists who were personally impacted by Katrina out of this tax bill and this is wrong. After Monday's field hearing, I am convinced more than ever that we need to provide tax credits to small employers who pay reservists above their military wages and to help with the cost of a temporary replacement employee.

I thank Chairman GRASSLEY and Ranking Member BAUCUS for working with me to include wages paid to eligible reservists and guardsman as part of the employee retention tax credit. Unfortunately, we were not able to have this provision included in the final package.

I will continue to work on providing tax incentives for small business employers who have military reservists as employees. We must pass these tax incentives. If we do not make it easier for small businesses to employ military reservists, we will see a substantial decline in our reserve forces. According to published reports, the Army National Guard has missed its recruiting targets every month this year and appears certain to miss its third straight annual recruiting goal. Our military depends on these civilian-warriors. We need to recognize that the needs of our reserve forces are different than the needs of the career military. Our reservists did not sign-up for active duty, and they have been faced with long-term call ups and multiple call ups.

I do not understand why we cannot pass legislation which provides tax incentive to help employer's of civilian-warriors when we continue to pass tax cuts that just benefit the wealthy.

We need to do all that we can to help our reservists and the businesses that employ them to ensure that our great tradition of citizen soldiers does not fade or end because of the effect service can have on work and family in this time of crisis.

Mr. BENNETT. I ask unanimous consent the Senate concur in the House amendment to the Senate amendment and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES COAST GUARD RESPONSE TO HURRICANE KATRINA

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 246, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 246) to express the sense of the Senate regarding the missions and performance of the United States Coast Guard in responding to Hurricane Katrina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 246) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 246

Whereas the United States Coast Guard has been charged by Congress with missions central to protecting the lives and well-being of individuals and communities in the United States, including protecting homeland security, conducting search and rescue of lives in danger, protecting marine environments from pollution, maintaining maritime safety and aids to navigation, enforcing Federal fishing laws, and intercepting illegal drugs and migrants before they reach our shores;

Whereas the Coast Guard anticipated the potential for significant loss of life and property as Hurricane Katrina approached Louisiana, Mississippi, and Alabama and made landfall on August 29, 2005 and, in advance of the storm, relocated its personnel, vessels, and aircraft out of harm's way;

Whereas Hurricane Katrina made landfall as a Category 4 hurricane with winds reaching 175 miles per hour and massive storm surges, the combination of which left a trail of devastation unprecedented on United States soil, as it leveled countless homes, businesses, and other structures, displaced millions of people from their communities, and otherwise made coastal urban and rural areas unliveable;

Whereas the Coast Guard immediately deployed nearly 1,000 personnel, including captains, crew, pilots, rescue swimmers, pollution response teams, and other specialists and reservists, from stations all over the country, to coastal areas affected by the hurricane, for a total regional force size of approximately 3,619 personnel;

Whereas Coast Guard personnel who had never personally worked together before began to work as teams to conduct and coordinate search and rescue operations while Hurricane Katrina continued to bear down on the central Gulf of Mexico shoreline;

Whereas the Coast Guard rescued or evacuated 33,544 individuals as of September 21, 2005, a number that represents eight times the number of lives saved by the Coast Guard in an average year;

Whereas three Coast Guard pollution response Strike Teams responded to 1,129 pollution incidents as of September 20, 2005, which include total discharges of more than 7 million gallons of oil, unknown amounts of sewage, and unknown quantities of other toxic chemicals, and the Coast Guard has contained or otherwise closed 426 of these cases;

Whereas Coast Guard buoy tenders have responded to 964 discrepancies in buoys and other aids to navigation and have restored 39 of 48 critical aids to navigation as of September 21, 2005;

Whereas the costs of responding to Hurricane Katrina have depleted the Coast Guard's operations and maintenance budget for fiscal year 2005 and are rapidly depleting its budget for fiscal year 2006, and the Coast Guard's costs associated with this hurricane are anticipated to exceed $500 million;

Whereas the Coast Guard performed its hurricane response missions largely with outdated legacy assets, increasing the wear and tear on these assets while foregoing regularly scheduled maintenance activities in the interest of sustaining its surge in lifesaving operations;

Whereas the Coast Guard already conducts its missions with the 40th oldest fleet of the 42 nations with Coast Guard or naval fleets;

Whereas the Coast Guard's program, known as Deepwater, for modernizing its fleet of vessels and aircraft, is vital for increasing the capabilities in performing its missions in the face of ever-increasing natural and human threats;

Whereas the Deepwater program requires sustained Federal funding commitments in order for the citizens of the United States to realize the benefits of the Coast Guard having state-of-the-art vessels, aircraft, technologies, and interoperable communication equipment;

Whereas in addition to covering operation and maintenance costs of a rapidly aging fleet, the Coast Guard needs to rebuild several Coast Guard facilities in Louisiana, Mississippi, and Alabama, including Station Gulfport which was completely destroyed and where personnel are now working in trailers amidst the ruins of that station;

Whereas the Coast Guard needs a strong Federal funding commitment to ensure that all of its unexpected expenditures during its response to Katrina are reimbursed;

Whereas more than 700 Coast Guard personnel stationed in the Gulf region lost their homes and all personal property and are now living on overcrowded Coast Guard vessels and in makeshift shelters;

Whereas before, during, and after the landfall of Hurricane Katrina, Coast Guard personnel exhibited determination and a full commitment to their missions, and the Coast Guard has proven to be one of the most resourceful and capable services in the United States government;

Whereas before, during, and after the landfall of Hurricane Katrina, Coast Guard personnel performed their missions with the highest level of bravery and self-sacrifice, and their effectiveness in performing their missions is unparalleled in the United States government;

Whereas the Coast Guard has an operational and command structure that allowed it to quickly take a leadership role in saving lives, without waiting for instruction or permission to act;

Whereas the Coast Guard's operational and command structure continues to serve as a model for other agencies that need to respond quickly to large-scale natural and man-made disasters;

Whereas the Coast Guard's effective leadership in responding to the aftermath of Hurricane Katrina, and the appointment of Vice Admiral Thad Allen as the primary Federal officer in charge of this response, is helping to restore the public's confidence in the Federal response effort: Now, therefore, be it

Resolved, by the Senate That it is the sense of the Senate that—

(1) the United States Coast Guard should receive Congress's highest commendation for its tremendous and highly effective response to the events surrounding Hurricane Katrina;

(2) the United States Congress should commit to providing the Coast Guard with the resources it needs to modernize and maintain its fleet of vessels and aircraft; and

(3) the Administration should ensure that the Coast Guard receives sufficient funding to cover its unexpected operational and capital costs associated with Hurricane Katrina.

MEASURES READ THE FIRST TIME—S. 1745 AND S. 1748

Mr. BENNETT. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills.

The legislative clerk read as follows:

A bill (S. 1745) to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina.

A bill (S. 1748) to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

Mr. BENNETT. Mr. President, I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, SEPTEMBER 22, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 22. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 2744, the Agriculture appropriations bill; provided further that the Senate proceed to a vote in relation to the Dayton amendment No. 1844, to be followed by a vote in relation to the Jeffords amendment No. 1796, with no amendments in order to the amendments prior to the vote. I further ask consent that following those votes, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate. I also ask consent that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair then be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, tomorrow, the Senate will return to the consideration of the Agriculture appropriations bill. Under a previous order, we will start voting shortly after 9:30, with the final vote on passage. There could be as many as three votes in the morning. Following those votes, the majority leader has indicated that we will proceed to the Military Construction bill. Additional votes will occur on Thursday as we try to finish that appropriations bill as well. Again, Senators are to be reminded that a series of rollcall votes will begin tomorrow morning shortly after 9:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:36 p.m., adjourned until Thursday, September 22, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

PASSAVANT RETIREMENT COMMUNITY'S 100TH ANNIVERSARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Passavant Retirement Community on the 100th year anniversary of its founding.

Over the past 100 years, the Passavant Retirement Community has been successful at encouraging their residents to maintain their independence, while also staying involved in community activities. Situated on 42 acres in the historic Lawrence County town of Zelienople, the retirement community has a true sense of caring and community among residents and staff. I recognize Passavant Retirement Community for all of their hard work and dedication to serving the citizens of western Pennsylvania.

I ask my colleagues in the United States House of Representatives to join me in honoring the 100th anniversary of the Passavant Retirement Community. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such principled organizations as the Passavant Retirement Community.

A PROCLAMATION CONGRATULATING SENIOR AIRMAN MATTHEW D. DAWLEY FOR RECEIVING THE AIR FORCE ACHIEVEMENT MEDAL FOR MERITORIOUS SERVICE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. NEY. Mr. Speaker:

Whereas, Senior Airman Matthew Dawley has served his country with honor and courage in the United States Air Force; and

Whereas, Senior Airman Matthew Dawley is to be commended for his actions with the 45th Civil Engineer Squadron at Patrick Air Force Base, Florida; and

Whereas, Senior Airman Matthew Dawley is the recipient of the Air Force Achievement Medal for meritorious service.

Therefore, I join with family and friends and the entire 18th Congressional District of Ohio in thanking Senior Airman Matthew Dawley of the United States Air Force for his service to our country and celebrate with him in receiving the Air Force Achievement Medal. Your service has made us proud.

A TRIBUTE TO THE UNITED NATIONS ASSOCIATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor the United Nations Association of the United States of America, Pasadena/Foothills Chapter, on the occasion of the 60th anniversary of the United Nations.

The United Nations Association of the United States of America Pasadena/Foothills Chapter was formed in 1947 and is one of the largest UNA–USA chapters in the Nation, encompassing most of the San Gabriel Valley, Burbank, Glendale, and Northeast Los Angeles. In 1972, it was one of the first chapters to be incorporated and then began an extensive program to educate the general public about the United Nations.

The Pasadena/Foothills Chapter of the UNA–USA has been most active in the field of education. They sponsor the UNA–USA National High School Essay Contest annually and also host current-event lectures on a regular basis. A quarterly newsletter, Our World, is also published to increase public awareness of advocacy issues and current foreign affairs. The Chapter has also most recently sponsored a Great Decisions course at Pasadena City College, taught by a current board member.

The current focus of the Pasadena/Foothills Chapter is to incorporate the Model United Nations curriculum into elementary and high schools in the Pasadena Area. The Model U.N. program encourages leadership and cooperation, while giving students opportunities to take part in competitions in the arenas of International Affairs, Human Rights, and Conflict Resolution.

The Pasadena/Foothills Chapter is also involved in many philanthropic efforts and sponsors an event known as the Night of a Thousand Dinners, raising over $12,000 in the last 2 years for land mine clearance. Trips to U.N. Conferences in countries such as Turkey, China, Italy, Cuba, and South Africa have also been organized by the Chapter.

This year, the Pasadena/Foothills Chapter is celebrating the 60th Anniversary of the United Nations. The Chapter is organizing an event at the Pacific Asia Museum that showcases the artwork of local and international artists centering on the themes of peace and equality to commemorate the founding of the U.N.

I ask all Members to join me in recognizing the United Nations Association of the United States of America, Pasadena/Foothills chapter, for its nearly 60 years of incredible work and service to the greater Pasadena Area.

TRIBUTE TO MR. HYMAN KING OF BENTON, KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize a constituent and friend in my District, Mr. Hyman King of Benton, Kentucky. Mr. King was born on June 9, 1924, in Biggers, Arkansas and after traveling much of his youth, he settled in McKenzie, Tennessee to work in the family's wholesale grocery business. He served his country in the United States Navy during World War II and was stationed in North Africa, Europe, and aboard a troop transport ship.

After World War II ended, Mr. King returned home to Tennessee to continue working for his uncle at their wholesale grocery business. In February of 1950, Mr. King and his brother Derril King opened their own grocery in Benton and later opened another store in Draffenville, Kentucky. The store was known as King Brother's Supermarket and is still in operation 55 years later. Mr. King's nephews, Ronnie and Ted King, operate the stores now and still maintain the work ethic that was taught to them by their father and uncle. The stores have prospered because they are an integral part of the community they served over the past half century. Mr. King's service to his country and his economic contributions through the establishment of his successful business, make him a person of integrity and a respected citizen in his community.

NATIONAL RECOVERY MONTH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the 16th annual celebration of National Recovery Month, and to salute those who have shown us the promise and possibility of recovering from addiction. I am proud to be a member of the Congressional Caucus on Addiction, Treatment, and Recovery, and I join my colleagues in highlighting the need for increased access to treatment.

Despite the fact that virtually everyone has a relative, coworker, friend, or neighbor who has had problems with alcohol, drugs, or other addictive behaviors, the difficulties in getting into and completing a treatment program are not often publicly discussed. Public stigma further compounds the problems of a system that is alarmingly overburdened. Health insurance policies often do not cover treatment of alcohol or drug dependency; and, when they do, coverage is not always adequate.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In Wisconsin, more than 120,000 people are currently unable to gain access to treatment for alcohol or drug dependence. To family and friends trying to help a loved one, the many obstacles standing in their way can seem insurmountable. With appointment wait times often approaching three weeks or longer and costs of care becoming prohibitively expensive, only one in four people with alcohol or drug addiction is able to get treatment.

In Congress, I'm working to address the problem in several ways. I have re-introduced the Health Security for All Americans Act. This legislation would provide health care for all Americans by encouraging the States to expand coverage through various methods of their own choosing and providing them with the funds to do so. Equally important, the legislation sets standards for the level of coverage and includes parity for mental health and substance abuse treatment benefits. This means that no limitations or financial requirements could be imposed on the treatment of mental illness or substance abuse that are not also imposed on other medical and surgical benefits.

I'm pleased to report that exciting work is being done on this issue in my home State of Wisconsin. Last year, the University of Wisconsin—Madison, along with The Robert Wood Johnson Foundation and the Federal Substance Abuse and Mental Health Services Administration, launched a national program to help treatment providers find innovative ways to meet their many challenges. The Network for the Improvement of Addiction Treatment, or NIATx, works with providers who are trying to treat more people with fewer resources. The 29 participating organizations are applying business and quality improvement principles to reduce wait times to get into treatment and the number of no-shows for treatment while increasing admissions to treatment and the number of those continuing in treatment.

NIATx agencies experienced dramatic improvements in access to treatment and retention, proving that significant change may be a lot simpler, less time consuming, and less costly than is often presumed. They're also developing new ideas and tools to share with the rest of the treatment field.

As we celebrate National Recovery Month throughout September, it's important to recognize and salute the dedicated and determined addiction treatment providers, as well as and the brave and committed individuals who are recovering. I look forward to continuing my work with my colleagues, especially those who are members of the Addiction Treatment and Recovery Caucus, in ensuring that all Americans have access to timely and affordable addiction treatment.

J.J. KENNEDY, INC.'S 100TH ANNIVERSARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate J.J. Kennedy, Inc. on the 100th year anniversary of its founding.

Over the past one hundred years J.J. Kennedy, Inc., a family owned business, has grown from a feed and flour mill to a top ready-mix concrete and building supplies distributor. Incorporated in 1970, the business has expanded considerably now consisting of four locations and 75 employees strong. I recognize the J.J. Kennedy, Inc. for all of their hard work and dedication to serving the citizens of Western Pennsylvania. In order to mark the special occasion, a celebration is planned for Sunday, September 18th at Moraine State Park.

I ask my colleagues in the United States House of Representatives to join me in honoring the 100th anniversary of the J.J. Kennedy, Inc. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such principled businesses as the J.J. Kennedy, Inc.

A PROCLAMATION CELEBRATING THE CHILLICOTHE PAINTS' FRONTIER LEAGUE CHAMPIONSHIP APPEARANCE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. NEY. Mr. Speaker:

Whereas, the Chillicothe Paints were the first Frontier League team and are the preeminent Single-A Independent team in Ohio; and

Whereas, the Chillicothe Paints are celebrating 12 years of excellence in baseball; and

Whereas, the Chillicothe Paints 2005 season demonstrated the character and determination of the fine young men playing for the pride of Chillicothe.

Therefore, I join with the residents of Chillicothe and the whole 18th Congressional District of Ohio in celebration for the outstanding 2005 season of the Chillicothe Paints.

CELEBRATING THE BIRTH OF MISS GRACE ANNE DENTON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Kari and Wesley Denton of Burke, Virginia, formerly of Beaufort, South Carolina, on the birth of their beautiful baby girl. Grace Anne Denton was born on September 20, 2005 at 6:58 p.m., weighing 8 pounds, 14 ounces and measuring 21 inches long. Grace has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

HONORING SEPTEMBER AS SUICIDE PREVENTION MONTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mrs. CAPPS. Mr. Speaker, today I rise to recognize suicide as a public health problem, and suicide prevention as a community responsibility. The State of California has recognized September as "Suicide Prevention Month." This is in support and recognition of the National and International Suicide Prevention Week.

It remains essential to remember that suicide is the 11th leading cause of all deaths in the United States and the 3rd leading cause of death among people from the ages of 15 to 24. It is also the 10th leading cause of all deaths and the number one cause of all injury deaths in the State of California. Moreover, suicide remains the 9th leading cause of all deaths and the 2nd leading cause of all injury deaths in Santa Barbara County. Within the United States, one person completes suicide every 17 minutes; and it is estimated that 4.47 million people in the United States are survivors of suicide (those who have lost a loved one to suicide).

In addition, guns stored in the house are used for suicide 40 times more often than for self-protection and 54 percent of people who die by suicide use a firearm. Regarding mental illness, the stigma associated with mental illness works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide. Finally, we must remember that a great many suicides are preventable, and can be reduced through awareness, education and treatment.

I therefore commend The Glendon Association, a nonprofit 501(c)(3) organization based in Santa Barbara, California whose mission is to save lives and help people create more meaningful lives by addressing the social problems of suicide, violence, child abuse and troubled interpersonal relationships. The Glendon Association accomplishes this through community outreach, research, education and training within the local community, the State of California, nationally and internationally. I recognize the important work they do through their Annual Suicide Prevention Forums which in this, their 11th year, include three free community programs, open to the public, held in Santa Barbara, Santa Maria and San Luis Obispo, California.

HONORING DONALD LADA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KILDEE. Mr. Speaker, I am happy to rise before you today to recognize the accomplishments of a man who, for many years, has been a tireless advocate for our community, including our youth. On Thursday, September 22, in my hometown of Flint, Michigan, civic leaders, family and friends will join Youth Projects to honor Donald Lada for his dedicated service to the community.

After graduating from Traverse City High School, Don Lada attended Northwestern Michigan College, and later continued his education at Worsham Mortuary College. Don has been a licensed funeral director for 42 years, and spent 33 of those years at Brown Funeral Home, which he also owned, and remained active with after it was sold. The Memorial Tree and Plant-A-Tree programs at Brown are highlights of Don's tenure, as is a Veterans' Memorial and the designation of the Home as an official Korean War Commemorative Community.

Don's community involvement is tremendous; over the years, he has been a part of, or helped lead, nearly 30 different civic organizations, including the Eastside Business Association, which he also founded, Genesee County Emergency Management Team, Mott Children's Health Center, Avalon Hospice, Flint Chamber of Commerce, Masons, Elks, and the Flint Rotary Club, among many others. He has been recognized on numerous occasions by groups such as the Salvation Army and the Consortium on Child Abuse and Neglect, and has received keys to the cities of Burton and Flint. In 2004, Don became the first recipient of the Flint Journal's Community Advocacy Award.

Among Don's many blessings is his wonderful family: Dee, his wife of 45 years, their children Douglas and Debra, and their eight grandchildren.

Mr. Speaker, I have known Don Lada for many years, and have witnessed first-hand his selfless determination toward making the Flint area a safer place for our children to enjoy, and a better place in which to live. I am honored to call him my friend as well as my constituent. I ask my colleagues to please join me in congratulating Don on being acknowledged by his peers, and wishing him the very best in all his endeavors. Our community is clearly a better place because of his dedication.

ON THE 40TH ANNIVERSARY OF HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. CASE. Mr. Speaker, I rise proudly to join many others in offering my heartiest congratulations to the Hawaii County Economic Opportunity Council (HCEOC) on the occasion of its 40th anniversary on November 18, 2005.

Over these last four decades, HCEOC has epitomized the letter and spirit of economic opportunity envisioned by President John F. Kennedy and others. It has lifted two whole generations now of Big Islanders up and into lives of productive contributions and economic self-sufficiency, in the process advancing and enriching all of our Hawaii.

HCEOC has done so by providing good employment opportunities to those in need and by delivering to our Hawaii Island community with loyal and continued patronage for goods and services. Countless families, friends and neighbors have benefited directly from its programs, which include child development, education, housing, energy assistance, transportation services, and economic development projects.

Additionally, HCEOC has taken a leadership role in mentoring our Big Island youth and keeping them out of trouble and away from the scourge of drugs that has ravaged too many. HCEOC's after-school program, for example, has helped more than 4,000 students while unbelievably seeing only eight drop out. Not a single enrolled student has ever been arrested for drugs during or after his or her participation in the program.

Much of HCEOC's success is owed to its wonderful and dedicated staff, particularly its longtime executive director, George Yokoyama. George, indomitably optimistic and colorfully individual, has dedicated himself tirelessly and loyally over a long and illustrious career to help those too often forgotten or marginalized. George's deep commitment to his community is an inspiration to us all, and I know that I speak for all of us in thanking him for all he has done for our Hawaii.

Mahalo nui loa to HCEOC for making the Big Island, my home island, a better and more livable community. I wish each and all of you continued success over the next 40 years and beyond.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on September 20, 2005 during Rollcall vote No. 476, and No. 477 during the first session of the 109th Congress. The first vote was on H.R. 3761—the Flexibility for Displaced workers Act, and the second was H. Res. 441—to congratulate the National Aeronautics and Space Administration and the Discovery Crew.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted "yes" on these rollcall votes.

60TH ANNIVERSARY OF BOY SCOUT TROOP 329

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Boy Scout Troop 329 of McCandless Township, on the 60th anniversary of the troop's founding. For more than half of a century the troop has demonstrated steadfast commitment to its motto of, "Setting the Standard, Keeping with Traditions and Advancing to Higher Levels."

Over the past 60 years Troop 329 has helped young men achieve their greatest potential and prepare for a future of service and a life centered on giving. As a testament to the troop's motto, they have produced 44 Eagle Scouts over the past 10 years alone. In addition, the Scouts of Troop 329 have accomplished many Life Rank and Eagle Rank Service Projects, completed countless hours of community service, and attended various summer camps, including the Heritage Reservation and the National Jamboree.

I ask my colleagues in the United States House of Representatives to join me in honoring the 60th anniversary of the Boy Scout Troop 329. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a principled organization as Boy Scout Troop 329.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 476, on motion to suspend the rules and pass, as amended H.R. 3761—the Flexibility for Displaced Workers Act, I would have voted "yes."

Rollcall vote 477, on motion to suspend the rules and agree to H. Res. 441—congratulating the National Aeronautics and Space Administration and the Discovery Crew, I would have voted "yes."

AUDIE MURPHY, TEXAS WARRIOR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. POE. Mr. Speaker, I rise today to recognize a native Texan and the most decorated United States soldier of World War II. Audie Leon Murphy was born into humble beginnings in northeast Texas near Kingston, Texas. He grew up in nearby Celeste, Texas. A sharecropper's son, he was the 6th of 12 children, only 9 of whom survived to see their 18th birthday. Murphy grew up in extreme poverty. By his ninth birthday, he had already become an impressive rifle shot due to the fact that he spent a good portion of his childhood hunting rabbits and squirrels for food for his family's table. He had no idea that his shooting skills would be needed later.

When he wasn't hunting, he took odd jobs around the community—on farms, gas stations and local grocery stores. When Audie was 12, his father left his mother and the children to fend for themselves. He never returned and Audie became the breadwinner for the family. At age 16, he was working at a radio repair shop and tragedy struck his life yet again. His mother died and he and his siblings were left orphans.

In desperate need of money to help support his siblings, he tried to join the military. After the bombing of Pearl Harbor, Audie tried to enlist but was rejected because he was too young. Eventually he was accepted into the U.S. Army after being turned down by the Navy, Marines and Army Paratroopers because he was too short at only 5 feet, 5 inches tall and 110 pounds. He signed the papers a few days after his 18th birthday and was sent to training at Fort Wolters, Texas. During one of his first training sessions, he fell flat on his face and was knocked out cold. The company commanders took this opportunity to encourage him to pursue other opportunities such as cook or bakers school but he would have nothing of it. He persisted and was resolute about becoming a fierce, fighting soldier.

After 13 weeks of Basic Training, he was sent to Fort Meade, MD for advanced infantry training. Upon finishing training, he was sent to Morocco and eventually he was appointed to a Second Lieutenant in 1944 where he served in North Africa and in all European theaters.

In World War II, Murphy made a name for himself and on one fated day he earned the Congressional Medal of Honor and went down in history. On January 26, 1945, Murphy is credited with holding off two reinforced rifle companies singlehandedly for hours. On that day, Murphy's platoon was attacked by 6 enemy tanks and waves of infantry. To keep his men safe, Murphy ordered his men to withdraw, while he remained forward at his command post and continued to give fire directions to the artillery by telephone. Behind him, a U.S. tank destroyer received a direct hit. With the enemy tanks abreast of his precarious position, Second Lt. Murphy climbed on the burning tank destroyer, which was in danger of blowing up at any moment, and engaged his .50 caliber machinegun against the enemy. He was alone and exposed to German fire from 3 sides, but his determination and deadly fire killed dozens of Germans and caused their infantry to waver. The enemy tanks, losing infantry support, began to fall back. For an additional hour the Germans tried any and all of their weapons to eliminate Murphy, but he continued to hold his position and wiped out a squad that was attempting to sneak up unnoticed. Germans reached as close as 10 yards, only to be mowed down by his fierce fire. Wounded in one leg, Murphy continued the single-handed fight until his ammunition was exhausted. His directing of artillery fire killed or wounded about 50 enemy combatants.

Second Lt. Murphy's unconquerable courage and his refusal to give up saved his company from destruction, and enabled it to protect and hold the woods which had been the enemy's objective. He was a legendary and heroic American. In the end, he was credited with killing more than 240 German soldiers. Because of his valor in combat and action above and beyond the call of duty, he received the Congressional Medal of Honor and every other medal that the Army awards. He earned the Silver Star twice in three days, three Purple Hearts, and the Distinguished Service Cross. He even received 5 decorations that were presented to him by Belgium and France. When he was discharged, his face was on the front page of Life magazine and when he finally made it home, he was still not even 21 years old yet.

He finished WWII as a liaison officer, and returned to Texas after the war.

Upon return, Audie became famous not only for his heroic war actions but he also hit the big screen and made the move to Hollywood. He starred in more than 40 Western films and even played the part of himself when his autobiography, "To Hell and Back Again" was made into a movie. He also wrote more than 17 country and western songs.

Sixty years ago today, Audie was released from the Army as an active member and reassigned to inactive status. His final rank was Major in the Texas National Guard.

After all that he went through, Audie still maintained that his medals belonged to his entire company and that he was just, "another man." He never really cared about the medals or glory, just the men of his unit and those he left buried and missing across Europe. His son Terry even said that he was always embarrassed to be called a hero. He always said that the real heroes where those "who didn't come back." He once said, "I believe in all the men who stood up against the enemy, taking their beatings without whimper and their triumphs without boasting. The men who went and would go again to hell and back to preserve what our country thinks right and decent. My Country, America!"

Audie was killed in a plane crash, on May 30, 1971. He left behind his wife of 20 years, 2 sons, a wealth of family and friends and a legacy that will live on forever.

IN HONOR OF BARBARA GRAVES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. FARR. Mr. Speaker, I rise today in honor of a constituent and an activist who has worked tirelessly for her community and the Democratic Party. The condition of our local communities stands at the heart of our Nation's well being, and we should all commend and find ourselves humbled by those individuals who dedicate themselves to their specific improvement and prosperity. Barbara Graves is one such individual and, for her great work, is being honored by the Santa Cruz County Democratic Central Committee, SCCDCC, as the 2005 Democrat of the Year.

Barbara has worked tirelessly to improve and protect her community, having served as Capitola's alternate on the Regional Transportation Commission, Capitola's representative to the Advisory Committee of the Monterey Bay Unified Air Pollution Control District, Chair of Capitola Walks Club, the Ventana Chapter's Delegate Alternate to the Sierra Club's National Council, Chair of the local Sierra Club Political Committee, and Treasurer of the Environmental Council of Santa Cruz County. Ms. Graves serves currently as the Region 9 Director and Environmental Caucus Secretary of the California Democratic Party, and contributes in no small way to the betterment of her community by coordinating both the nonprofit "Traffic Busters in Schools" and WAVE. As part of her dedication to the Democratic Party and with the hopes of fostering political innovation she also coordinates the Santa Cruz County Precinct Captains Program providing, among other things, free training on the use of campaign data tools.

Mr. Speaker, I stand today to honor Ms. Barbara Graves as an exceptional citizen and community leader. Barbara's ongoing service to the Democratic Party and undaunted commitment to her community show her as an example to all those who wonder how it is that one person might affect real, substantial change, and I commend the Santa Cruz County D.C.C. on their recognition of Barbara's work and achievement. Thank you, Mr. Speaker, for the opportunity to honor this exemplary individual.

CELEBRATING THE BIRTHDAY OF RENEE ROSE, A GREAT CALIFORNIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to celebrate the 65th birthday of a great Californian, a great American and a great friend. Renee Rose—a beloved wife, mother, grandmother, daughter, colleague, one-time potential mayoral candidate, world traveler, restaurant and theatre connoisseur.

While not a native of California, Renee is as much a part of the San Francisco landscape as is the Golden Gate Bridge (but a few years younger). To all who have been befriended, or mothered by Renee—which is more than I could possibly get in this statement—she is a loyal, thoughtful, funny and incredibly giving friend that everyone treasures and feel blessed that Renee is part of their life. If we only go around once in life—everyone needs a Renee in it. May I also mention that she makes one heck-of-a chocolate fudge brownie. I salute you Renee and wish you a very happy birthday!

Mr. Speaker, I rise today to celebrate the birthday of Renee Rose. I urge my colleagues to join me in honoring this remarkable woman and the contributions she has made to California.

CONGRATULATING DOROTHY H. FINLEY ON RECEIVING THE ARIZONA THEATRE COMPANY'S GEORGY AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. PASTOR. Mr. Speaker, I rise before you today to draw attention to the accomplishments of a personal friend and longtime community leader, Dorothy H. Finley of Tucson, Arizona. On September 24, 2005, Dorothy will receive the Arizona Theatre Company's (ATC) "Georgy Award" at its Gala 2005 for her outstanding contributions to theater in the Tucson community.

As a longtime donor to ATC, Dorothy has served on ATC's Board of Trustees for many years and has sponsored partnerships between the theatre and Tucson schools. Her public service commitments include a wide range of organizations including non-profit groups and community associations including the Greater Tucson Economic Council, Arizona Aerospace Foundation, and the University of Arizona Alumni Association. Additionally, she serves on a number of governor-appointed positions including the Arizona State Liquor Board and the Governor's Council on Workforce Policy.

A native Arizonan, Dorothy has been a part of the Miller Brewing Company since 1948 when she and her late husband, Harold Finley, began the distributorship in Cochise county. Today, under her leadership, the company serves retailers throughout Pima, Pinal, and Santa Cruz counties.

A strong proponent of quality education, Dorothy has also been active in the academic arena. She has served as both a teacher and principal in the Tucson Unified School District for over 30 years. In addition, she was elected as Chairman of the TUSD Elementary School Principals, has served as President of the Arizona Elementary School Administrators, served on the Pima Community College Foundation Board of Directors, and founded the Women's Studies Advisory Council at the University of Arizona. In December 1994, she was nominated by the University of Arizona College of Education to receive the Alumni Association Sidney S. Woods Service Award for her outstanding service to the College and to the University.

In 1989, Dorothy received the Woman of the Year Award, and in 1994 she was named one of Tucson's Most Influential People. Dorothy was also honored at the Pentagon with the 2003 Honorary Zachary and Elizabeth National Distinguished Civilian Humanitarian Award.

Mr. Speaker and distinguished colleagues, I am honored to recognize Ms. Finley for receiving this prestigious award, and to express my gratitude for her service and leadership. Her deep commitment to the advancement of community culture and education has had a tremendous impact in the Tucson community. It is with great pleasure that I congratulate my friend Dorothy H. Finley today for this award, which duly recognizes her important work.

A TRIBUTE TO SANDRA HOLMAN-BACOTE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Sandra Holman-Bacote, upon her retirement as a Regional Director of the Pennsylvania Human Relations Commission which is mandated to enforce the Commonwealth's laws against discrimination.

During her 29-year tenure, Ms. Bacote has served five governors. She was the highest ranking woman in the State civil service system and she has provided exemplary service to the residents of the Commonwealth of Pennsylvania. Under her direction, the Philadelphia regional office, which has the responsibility to direct the Commission's investigative, enforcement and adjudication responsibilities in Philadelphia, Bucks, Chester, Delaware and Montgomery Counties, has been widely recognized because of its commitment and continuity of diligence, effectiveness and accessibility.

Fiercely committed to human and civil rights her appointment to the PHRC in 1976 was a natural fit. A distinguished alumnus of Temple University and the University of Pennsylvania, she was a part of the academic vanguard to integrate public administration and professional social work theory. Applying these disciplines she further expanded her portfolio to include international racism and discrimination as an official observer to the United Nation's Convention on the Elimination of Racism and Discrimination, in Geneva, Switzerland in 1983 and as a member of a non-Governmental Organization delegation to the United Nations Convention on the Status of Women in Nairobi, Kenya in 1985.

Throughout her career she has involved herself with hands-on community building efforts by serving on scores of community and civil rights organizations.

And as we look at her nearly three decades of leadership in the PHRC we see that she has successfully and valiantly combined government service, a sensitive and informed global perspective and a profound commitment to community and family.

WEST DEER VOLUNTEER FIRE DEPARTMENT'S 60TH ANNIVERSARY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the West Deer Volunteer Fire Department, WDVFD, on their 60th anniversary of service.

Over the past 60 years the WDVFD has maintained its mission of protecting the residents of Deer Township. Serving nearly 12,000 people and almost 29,000 square miles, the WDVFD has established a tremendous amount of respect among the community for their public service. Since 1945, the WDVFD has developed, maintained, and strengthened a strong mutual trust and open communication between the fire department and the community in which it protects.

I ask my colleagues in the United States House of Representatives to join me in honoring the 60th anniversary of the WDVFD. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such principled public servants as the West Deer Volunteer Fire Department.

REMEMBERING BASSIST KETER BETTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. RANGEL. Mr. Speaker, I rise today in remembrance of the legendary bassist William Thomas Betts, better known as "Keter", who died at age 77 on August 6, 2005.

Mr. Betts was born on July 25, 1928 in Port Chester, New York, raised by his mother, who was a hard working domestic worker. He received his nickname from a family friend who said he was as cute as a mosquito. From there, mosquito became Skeeter and evolved into Keter. Betts began his musical love affair while on a milk and bread errand for his mother. On his journey he came across a drummer in an Italian parade band. Enchanted by the music, he followed the band across town. After he braved the wrath of his mother for not coming right home, he expressed his fascination with the drums. His mother arranged for him to take drum lessons.

In 1946, Betts made the switch from the drums to the bass after the experience of having to lug the drums up and down four flights of stairs, and after an influential encounter with a bassist in Cab Calloway's band, Milt Hinton. At the age of nineteen, Betts landed his first professional gig, playing for Carmen Leggio for 13 weeks in the D.C. area. After touring the country from 1949 to 1951, Betts met jazz singer Dinah Washington and toured with her from 1951 .until 1956. The next 5 years found Betts working in the hottest clubs in the country and touring Europe and South America with Charlie Byrd and Woody Herman. In 1964, Betts joined up with Ella Fitzgerald for a short tour. He would rejoin her several more times, and their career together would span 24 years.

Since the early sixties, Betts has instructed countless young people on musical appreciation through various programs, including Washington's Performing Arts Society's Concerts in Schools and Prince George County's Arts Alive. Although he has appeared on countless albums and performances, Betts did not release his first solo album until 1998 called Bass, Buddies & Blues. One year later he released a second album, Bass, Buddies & Blues Beauty Too. Betts was also a member of the Smithsonian Jazz Masterworks Big Band and was inducted into the Washington Area Music Association Hall of Fame. Betts performed annually at the All-Star Christmas Jazz Jam on the Millennium Stage from 2000 to 2004.

William Thomas Betts, one of jazz's musical geniuses, was truly "on the top plateau of all the bass players." His contributions to both American musical history specifically and American history in general, cannot be denied. Although Betts will be greatly missed, his legacy lives through his music.

I submit the obituary of William Thomas Betts found in the August 6th edition of the Washington Post.

JAZZ BASSIST KETER BETTS DIES AT 77

(By Adam Bernstein)

Keter Betts, 77, a jazz bassist heard on more than 200 recordings, notably with guitarist Charlie Byrd and singers Dinah Washington and Ella Fitzgerald, was found dead Aug. 6 at his home in Silver Spring.

The cause of death has not been determined, according to the McGuire funeral home in the District.

Trumpeter Clark Terry, formerly with the Duke Ellington and "Tonight Show" orchestras, said Mr. Betts was "on the top plateau of all the bass players."

Mr. Betts played in hands with Oscar Peterson, Tommy Flanagan, Woody Herman, Nat Adderley, Joe Pass, Clifford Brown and Vince Guaraldi.

After he made the Washington area his home in the mid-1950s, Mr. Betts teamed with Byrd, the lyrical guitarist who made his name with sensual, samba-inspired bossa nova music. They were regulars at the Showboat Lounge in the District and made several State Department-sponsored trips abroad.

During one trip to Brazil, Mr. Betts became enthralled with samba records and, he said, spent months persuading Byrd to play the music around Washington.

Although Mr. Betts was on the million-selling "Jazz Samba" (1962) album—recorded at Washington's All Souls Unitarian Church—stars Byrd and saxophonist Stan Getz were credited with launching the bossa nova craze in the United States.

One of the most memorable songs from the album, "Desafinado," featured Mr. Betts doing the supple bass-line introduction. But his contribution to finding the music went unheralded until recent years, after he spoke to JazzTimes magazine about his role.

Ken Kimery, a producer and drummer with the Smithsonian Jazz Masterworks Orchestra, told The Washington Post in 2003: "My experience with him is that he feels the story will come out, and he does not feel he'll have to be the one who takes the effort to do that. . . . Here's a gentleman who's done so much and does not feel the need to self-promote."

William Thomas Betts was born in Port Chester, N.Y., July 22, 1928, and was raised by his single mother, a domestic worker. He got his nickname when a family friend said the baby was as cute as a mosquito. Mosquito became Skeeter, then Keter.

One day, his mother sent the youngster for milk and bread at the market. Thrilled by the sound of a passing Italian parade, he followed the drummer across town. He was gone four hours with the milk and bread.

"My mother almost killed me when I got home," he told an interviewer. "I got a whippin'. After that, I told my mother I wanted to play drums."

She figured that if her fury did not dissuade him, he must be serious. She arranged for drum lessons.

His switch to the bass came one day in 1946, his senior year in high school. He went to New York to see Cab Calloway's big band and meet the drummer. When bassist Milt Hinton appeared at the stage door, he told the teenager that the drummer was gone but that he would spring for a 35-cent lunch. He also talked up the bass.

Ultimately, Hinton's words were not as persuasive to Mr. Betts as the fact that carrying a drum set up four flights of stairs to his mother's apartment was excruciating.

Almost from the start, Mr. Betts's professional career brought him to Washington. New York area saxophonist Carmen Leggio invited Mr. Betts to play with his band at a club near the Howard Theatre in 1947.

In 1949, while Mr. Betts was playing at Washington's Club Bali, R&B bandleader Earl Bostic heard and hired him. He made his recording debut that year on Bostic's rendition of "Wrap Your Troubles in Dreams."

"I didn't want to play R&B," Mr. Betts said. "But it was a good chance to go on the road and see the country."

He met Dinah Washington in 1951, when she and pianist Wynton Kelly were doing a one-nighter with Bostic's band. The singer offered Mr. Betts a job, and he spent five years with the notorious Queen of the Blues and cut several classic records, including "Dinah Jams" (1954) and "Dinah!" (1956).

Her gruff exterior was "for the people," Mr. Betts said. "She was a different person inside." She paid for Mr. Betts's wedding reception in 1953 at Birdland in New York; Tito Puente provided the music.

Washington taught Mr. Betts a secret to good musicianship: Learn the lyrics. She said the best musicians know the entire song, not just the chord changes.

"There's an art to playing behind the singer," he said later. "When the singer comes onstage, they're buck naked. And it's the job of the group backing her up to dress that person for the audience."

He met Fitzgerald through his golfing partner, bassist Ray Brown, the singer's ex-husband and business manager. Mr. Betts played with Fitzgerald in the mid-1960s and again from 1971 to 1993, often doing weeks of one-nighters around the world.

Meanwhile, he played at the Kennedy Center and on jazz cruises. He also stayed active in musical education through Head Start, among other programs. At the Wolf Trap Institute for Early Learning Through the Arts, he often amazed the kindergarten set by taking "Happy Birthday" and covering it in different styles: classical, Brazilian, country and western, rock and jazz.

In 1994, he was inducted into the Washington Area Music Association's Hall of Fame.

He emerged as a bandleader with a flurry of recent CDs and composed a handful of songs, notably the sweet and tender "Pinky's Waltz," in memory of his wife, Mildred Grady Betts, who died in 2000.

Survivors include five children, William Betts Jr. of Washington, Jon Betts of Olney, Derek Betts of Los Angeles and Jacquelyn Betts and Jennifer Betts, both of Silver Spring; and four grandchildren.

INTRODUCTION OF THE DISASTER AREA HEALTH AND ENVIRONMENTAL MONITORING ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mrs. MALONEY. Mr. Speaker, today I am introducing the Disaster Area Health and Environmental Monitoring Act with my colleagues Representatives CHRIS SHAYS and TIM BISHOP.

During a disaster our first responders heroically rush to the disaster area with little regard for their personal safety in hopes of saving others. We owe it to them to at least monitor their health when it has been put at risk. Unfortunately, no such program exists. There is no better example of this than what has happened in the aftermath of 9/11.

Today, more than 4 years after 9/11, there are literally thousands of individuals who are still sick as a direct result of their work in and around Ground Zero. Included in the sick are police officers, firefighters, volunteers, residents, and area workers. Despite a clear need, there is still no one in the Federal Government in charge of caring for these individuals, there is no coordination among programs established to screen these illnesses and there is no Federal program that provides anyone with any treatment. Now as we consider options to monitor the medical impacts of Hurricane Katrina, there is no Federal program in place to set up a medical monitoring program. This is why we are introducing the Disaster Area Health and Environmental Monitoring Act—H.R. 5329 in the 108th Congress. This is the companion to legislation introduced in the Senate by Senators VOINOVICH and CLINTON—S. 1279—and has passed the Senate by unanimous consent last Congress.

The Disaster Area Health and Environmental Monitoring Act would create a standard for a monitoring program following a disaster when the President determines a monitoring program is needed. This monitoring program would be set up to screen the health of affected individuals. By creating a coordinated monitoring program, we can provide valuable information to affected individuals and we can assure our first responders that we will continue to care about the health affects after the disaster. I urge my colleagues to support this legislation.

SIMON WIESENTHAL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. SHERMAN. Mr. Speaker, Simon Wiesenthal refused to forget the horror he endured and witnessed in five Nazi death camps during the Holocaust. He would not let the world forget what the Jewish people and so many others suffered at the hands of Hitler's Third Reich. He dedicated his life to bringing Nazis to justice, educating the world about the Holocaust, and fighting to help ensure that the intolerance that brought it about would not be repeated. The spirit Wiesenthal brought to these lifelong pursuits will not end with his death.

Along with millions of other Jews, Wiesenthal was imprisoned by the Nazis during the Holocaust. Unwilling to accept this fate, Wiesenthal daringly escaped in 1943, only to be recaptured in 1944. Wiesenthal was sent back to a concentration camp, and as the German Eastern front collapsed Wiesenthal was marched with other prisoners across Europe. The trek left him near death when finally liberated by the advancing American army.

The moment his health returned, Wiesenthal sprang into action. He began to build a legal case against the Nazis, first for the American military's war crimes trials and then through an independent effort based in Vienna.

Wiesenthal relentlessly searched for Adolf Eichmann, the infamous Nazi who headed Hitler's Gestapo, and other Nazis who had evaded trial by the allies. Wiesenthal's work led to the capture of Eichmann and other infamous Nazis years after the world had given up on bringing them to justice. Although the Holocaust was fading into the world's memory, Wiesenthal continued to fight its battles every day with his time, determination, and spirit.

In Los Angeles, Simon Wiesenthal's memory lives on at the Simon Wiesenthal Center. The international organization works to preserve the memory of the Holocaust and to fight anti-Semitism and intolerance.

I had the honor of working with the Wiesenthal Center earlier this year in asking the British Government to keep a known terrorist supporter, Yussuf Al-Qaradawi, out of Great Britain. Al-Qaradawi has given religious justification and encouragement for terrorist attacks against Americans and Israelis. These efforts against intolerant religious extremism in the 21st century are a clear extension of Wiesenthal's lifelong mission.

Simon Wiesenthal's spirit, unbridled in life, will carry on in his memory through the Wiesenthal Center, its work, and the efforts of so many others fighting intolerance and preserving the memory of the Holocaust.

IN HONOR OF OTTAWA LAKE QUARRY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. DINGELL. Mr. Speaker, I rise today to honor the Ottawa Lake Quarry, in Monroe, Michigan. The Ottawa Lake Quarry, which is owned and operated by Stoneco, Inc., is being honored this year with the oldest occupational safety award in the nation, the National Mining Association's Sentinels of Safety trophy. Since its creation by then-Commerce Secretary and future President Herbert Hoover in 1925, this award has served to both recognize excellence in safety in mining and stimulate greater interest in developing safer mines. The Ottawa Lake Quarry is certainly deserving of this honor, as it has established a long record of safe mining.

The Ottawa Lake Quarry is receiving the award for the Small Metal and Nonmetal mills category. This trophy is an award of great distinction; I am proud that Ottawa Lake Quarry has attained this honor. The Ottawa Lake Quarry has earned this recognition for its tremendous commitment to safety and serves as an example for all of our industries.

REGARDING THE ARCTIC NATIONAL WILDLIFE REFUGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KUCINICH. Mr. Speaker, ladies and gentleman, there's an old saying that says "If the only tool you have is a hammer, you tend to see every problem as a nail."

I cannot think of a more appropriate metaphor for what we're seeing now.

The hammer being used by some in Congress is drilling in our pristine Arctic National Wildlife Refuge. And to them, there are simply not enough nails.

The latest nail, of course, is spiking gas prices. The knee-jerk drillers will tell you that the logical solution to expensive gas is to drill in the Arctic. But in a best case scenario, we would only see a reduction in gas price of 1.5 cents per gallon. And production wouldn't even start until at least 10 years from now. That doesn't help you and me. That helps the oil companies.

What they don't tell you is that, in the words of one oil industry expert, the difference between price gouging and taking advantage of market distortions is a political question. I strongly believe that price gouging may be occurring.

I am not alone. In May of 2005, 33 of my colleagues joined me in introducing the Gas Price Spike Act. It would tax windfall profits tax on gas, create tax credits for ultra-efficient vehicles, and lower fares for mass transit. Now that's a part of a real solution.

But our opponents are still convinced that gas prices are a nail. They are also convinced that our dangerous foreign dependence on oil is a nail. But even in a best case scenario, our dependency would still increase from 59 percent to 64 percent by 2025.

Our hammer happy friends think a job shortage is nail easily solved with the hammer of the Arctic. But improving energy efficiency and motor vehicle efficiency would generate more than 1.3 million jobs in 15 years—185 percent more jobs than domestic oil production.

The nail of investment in our economy can be covered by investing in Arctic oil extraction, they say. But one dollar spent on petroleum production creates only a buck-fifty in economic value to our economy. That same dollar, when invested in energy efficiency programs and incentives, gives us two dollars and 23 cents in economic value.

It should be clear that drilling the Arctic will not solve any of these problems. And there is no way drilling in the Arctic can solve the mother of all these problems: climate change. I don't care how creatively they spin it. We can only expect more extreme weather in the coming years and we absolutely must address it with meaningful efforts to reduce greenhouse gases. Drilling can only make it worse.

There are so many more realistic, more effective, more sustainable ways to proceed. In fact, some of my colleagues here today have joined me in efforts to address not only prices, but national security, our health, the integrity of our environment, and a lopsided economic recovery. We should raise the minimum fuel efficiency of cars and trucks, invest in the transition to wind and solar energy, emphasize biofuels like biodiesel, and encourage conservation.

The solutions are there for the taking. The time is now.

Please join me in driving the nail in the coffin on this backdoor effort to drill in the Arctic.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE VILLAGE OF WEBSTER, NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. WALSH. Mr. Speaker, I rise today in recognition of the village of Webster's Centennial Anniversary. Incorporated in 1905, the village of Webster is named in honor of the famous United States Senator from Massachusetts, Daniel Webster. The village has been celebrating this milestone with various events throughout the year.

Before splitting away from the town of Penfield, it was suggested that a center of town be established with four corners about 5 miles north of the center of Penfield. This gave rise to the Five Mile Line Road and the Four Corners.

Throughout the mid–1800's, the newly created Four Corners served as not only an important avenue for produce and goods moving north and south, but also as a vital thoroughfare for stage coaches and freight lines moving east and west. Multiple taverns and inns were built at this time and other various businesses saw their start at this busy intersection of commerce.

Along with the growth of industry in this area, came the problem of fires. To solve this dilemma, shortly after its incorporation, a much-needed volunteer fire department was organized for the people of Webster.

For many years after World War I, Webster kept its place as the primary shipping point for apple farmers across the Rochester area. At this time it boasted the world's largest basket factory and also stood as the center for the canning industry in Monroe County.

The village experienced added progress after the Great Depression and throughout the World War II era despite a steady decline in its rural agricultural lifestyle. The late 1950's saw the annexation of 182 acres to the village as well as the rise of Webster's largest corporate neighbor, the Xerox Corporation.

Today 5,500 residents call the village of Webster home. In providing an array of community services and fostering a neighborly atmosphere, the village continues various local traditions that began with its first settlers in 1812.

On behalf of the people of New York's 25th Congressional District, it is my honor to recognize and congratulate the residents of Webster on the village's 100th Anniversary.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KOLBE. Mr. Speaker, on September 20, my vote on H. Res. 441, a motion to suspend the rules and agree to Congratulate the National Aeronautics and Space Administration and the Discovery Crew (No. 477), did not register. I voted "aye."

URGING DEPARTMENT OF ENERGY TO EXPEDITE ULTRA-DEEP PROGRAM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. HALL. Mr. Speaker, the Congress has passed and the President has signed the Energy Policy Act of 2005, a historic bill that will put America on course for more energy independence. We now need to move as quickly as possible to increase production and distribution of energy supplies in the United States. The disruption of supplies and spiraling gasoline costs as a result of Hurricane Katrina—combined with the threat of disruption from other natural disasters or terrorist attacks—underscore the need to increase our energy supplies and reduce our dependence on foreign sources.

One provision in the Energy Act that will increase supplies is my provision for Ultra-deepwater and Unconventional Natural Gas and Other Petroleum Resources. I want to share with my colleagues the letter and attachments that I sent to Secretary of Energy Samuel Bodman last week. These provide further analysis and clarification of this program to develop the technologies needed to drill in ultra-deep and unconventional areas. This program will improve our energy and national security, increase natural gas and oil production, increase royalty revenues, and help lower energy costs for consumers. I urge the Department of Energy to take steps to implement the program as soon as possible.

Washington, DC, September 14, 2005.

Hon. SAMUEL W. BODMAN,
Secretary of Energy, Department of Energy, Independence Ave., SW., Washington, DC.

DEAR MR. SECRETARY: I want to congratulate you and your colleagues at the Department of Energy for your fine work in helping with the enactment of H.R. 6, the Energy Policy Act of 2005. There are many important provisions in the new law, and in this letter I want to draw your attention to "Subtitle J—Ultra-deepwater and Unconventional Natural Gas and Other Petroleum Resources."

As you may know, I first introduced this legislation in 2001 when it was included in H.R 4, the comprehensive energy bill that passed the House that year. Since that time I have shepherded this legislation through three separate Congresses. The provision has been the subject of Congressional hearings and much legislative debate. On the way to enactment in August, the provision was passed by either the House or Senate eight times in the last four years. The final version contained in the Energy Policy Act of 2005 embodies many improvements that were made throughout this long process and the important compromises that were reached during the Conference Committee meetings this past July. Since there was no detailed Conference Committee Report to accompany the bill, I am sending this letter to provide some additional context and clarification of legislative intent for this new program.

My purpose for introducing this legislation was to enhance the ability of the Department to conduct well-funded, multi-year, resource based natural gas and oil R&D activities to accelerate the development of new technologies and increase domestic natural gas and oil production in the near and mid-term. This new program is intended to complement the work of the Department and allow the current Oil and Natural Gas Program to focus its ongoing efforts on solving the more basic production and environmental issues that challenge our collective ability to increase production and to transition to a hydrogen based energy system in the longer term. For example, the vast methane hydrate and oil shale resources in the U.S. could make a substantial fossil fuel contribution to the ultimate evolution of a hydrogen based energy system for the country. The Oil and Natural Gas Program should also continue its important work analyzing the consequences of past and potential actions by other federal agencies on domestic natural gas and oil production, conducting public interest analysis and fostering the education of the next generation of American oil and gas technologists.

This new program will receive an assured, multi-year funding source from the Ultra-deepwater and Unconventional Natural Gas and Other Petroleum Research Fund to pay for research, development, demonstration and commercial applications to create and deploy the technologies needed to bring these vital natural gas resources to the consumers of this country. This Fund and the authorities established in the law provide the tools to "the Department of Energy to work through its National Energy Technology Laboratory to accomplish these objectives and to work to develop the technologies for lowering the cost of drilling to formations in the Outer Continental Shelf to depths greater than 15,000 feet and to address the technology challenges of small producers.

It is the intention of Congress that the Department will take steps immediately to implement this new program in accordance with the schedule established in the statute. We expect that the Department will use existing program direction management funds to conduct the solicitation and select the program consortium. It is critical that this new program be implemented as quickly as possible. Most recently, the Energy Information Administration forecast that natural gas prices in the Midwest will be 71 percent higher this winter than last. That means that gas prices during the coming heating season will top $12. Work needs to begin immediately to accelerate the development of the new technology needed to increase domestic natural gas production to avoid such high prices in the future.

The Ultra-deepwater and Unconventional Natural Gas and Other Petroleum Resources Program has been designed to foster the development of additional natural gas from the vast resources of technically recoverable natural gas in the United States. The 2003 National Petroleum Council study on natural gas estimated that there are 1969 Tcf of technically recoverable natural gas reserves in North America—equivalent to 90 years of gas supply at current rates of consumption. The lower-48 contains 1240 Tcf, about 56 years of supply, of which only about 210 are unavailable to be developed due to moratoria or other restriction. The balance is in Alaska and Canada. Some of the Alaskan resource is technically challenged, but the predominant problem there is with price due to the high cost of pipelines to transport the gas to market. Much of the Canadian technically challenged resource would become productive with the application of the new technologies developed by this program.

It is the intention of this legislation that the Department will carry out this program through two entities:

1. A single program consortium selected by the Secretary through a competitive solicitation will administer the programmatic activities as prescribed in the law and make awards to research performers to carry out research, development, demonstration, and commercial application activities under the program; this program consortium, which will operate with significant oversight of the Department, should provide much needed industry and academic expertise to the program as well as ensure that the cross-cutting technologies for both the ultra-deepwater and unconventional onshore research are coordinated, developed and deployed. Selecting a single consortium for this program will render the greatest benefit for consumers by ensuring that R&D activities that are applicable to multiple gas provinces are well coordinated and the results of the work are effectively disseminated. Of the funds made available for this program, 75% shall be administered by the program consortium. Up to 10% of that amount should be adequate for the program consortium to administer the program. Significant authority has been provided for the National Energy Technology Laboratory on behalf of the Secretary: to issue a competitive solicitation for the program consortium; evaluate, select, and award a contract or other agreement to a qualified program consortium; and, have primary review and oversight responsibility for the program consortium. Up to 5% of program funds to be administered by the program consortium are allocated in the law for NETL to perform these activities. The review and oversight responsibility includes review and approval of research awards proposed to be made by the program consortium. NETL may use the allocated funds for program direction and to establish a site office if it is necessary to carry out the program, which I encourage; and

2. The Secretary has been provided 25% of the total funds for the National Energy Technology Laboratory to carry out a program of research and other activities, including program direction, overall program oversight, contract management, and the establishment and operation of a technical committee to ensure that in-house research activities funded are technically complementary to, and not duplicative of, research conducted under this new program. While it is contemplated that the NETL may contract out some of this work, the intent of the legislation is to encourage NETL to build internal research and development capabilities with this portion of the program funds.

To ensure that this program is implemented as soon as possible, the legislation requires the Secretary to select the program consortium not later than 270 days after the date of enactment. That time line should provide sufficient time for a final contract with the selected program consortium to be completed and for work to commence when funds for the program consortium become available on October 1, 2006. In the preparation of the solicitation of proposals for the program consortium that will administer the program, I encourage the National Energy Technology Laboratory to seek broad public comment prior to the issuance of a final request for proposals.

I look forward to working with you to see that this program is successful. If it is effectively administered in accordance with the direction and timelines provided in the statute, I feel confident that it will improve energy and national security and achieve the additional natural gas and oil production, increased royalty revenues and lower energy costs for consumers as described in 2004 analysis by the Energy Information Administration.

I am attaching further analysis of the policy basis and thrust of the new program and plan to submit this letter and attachment for inclusion in the Congressional Record. Should you need additional information, please let me know. Again, I look forward to working with you on this important initiative.

With best personal regards, I am
Sincerely,
RALPH M. HALL,
Member of Congress.

Attachment.

THE ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS RESEARCH AND DEVELOPMENT PROGRAM

THE RESOURCE BASE AND THE POLICY

The Ultra-deepwater and Unconventional Onshore Natural Gas Research and Development Program constitutes the fourth element of a solid policy plan for increasing natural gas and other petroleum production and supply in the United States. The policy foundation for the program is found in analysis and recommendations of the National Petroleum Council (NPC), the Department of Energy (DOE), the Energy Information Administration (EIA) and the Bureau of Economic Geology (BEG) at the University of Texas. R&D experience indicates that the opportunity for dramatically increasing gas production from these resources is great. North America has substantial additional technically recoverable natural gas.

The 2003 NPC study estimated that there are 1,969 Tcf of technically recoverable natural gas reserves in North America—equivalent to 90 years of gas supply at current consumption rates.

1240 Tcf is in the lower-48—(56 years of gas supply at current consumption rates).

Only 210 Tcf is in moratoria areas or areas otherwise unavailable for development. (See Attachment A)

The balance is in Alaska and Canada.

Much of the Canadian technically challenged resource would become productive with application of the new technologies developed by this program.

While some of the Alaskan resource is technically challenged, the predominant problem there is with price due to the high cost of pipelines to transport the gas to market.

Development of additional technically recoverable natural gas requires a suite of policy actions.

Increased access to natural gas on federal lands affects about 210 Tcf.

Financial incentives can affect high cost gas resources such as Alaska, deep wells, marginal producing properties and gas pipeline infrastructure.

Regulatory streamlining can benefit new infrastructure such as pipelines and LNG terminals.

Technology development creates the means to access unconventional and ultradeepwater resources—1240 Tcf in the lower-48.

POLICY BASIS FOR INDUSTRY, ACADEMIC AND GOVERNMENT COLLABORATION ON SUSTAINED, RESOURCE-BASED R&D

In 1999, in the report "Meeting the Challenges of the Nation's Growing Natural Gas Demand," the National Petroleum Council (NPC) made several observations and recommendations for actions in order to meet growing natural gas demand in the United States:

Two regions—deepwater Gulf of Mexico and the Rockies will contribute most significantly to new supply. (page 10)

Deeper wells, deeper water, and nonconventional sources will be the key to future supply. (page 10)

Technology improvements are particularly important given the difficult conditions accompanying new resources. (page 15).

This study assumes that technology improvements will continue at an aggressive pace. (page 16)

. . . an unprecedented and cooperative effort among industry, government, and other stakeholders will be required to develop production from new and existing fields. (page 10)

The government should continue investing in research and development through collaborations with industry, state organizations, national laboratories and universities. (page 28)

In response to the 1999 NPC study, the Department of Energy conducted a roadmapping exercise through a series of work shops with 159 participants that included representatives from the production and service industry, research institutions, academia, the investment business, non-governmental organizations, and government. In November 2000, the DOE published the "Offshore Technology Roadmap for the Ultra Deepwater Gulf of Mexico" which contains conclusions and workshop highlights including:

Scientific research and development (R&D) of new technologies that will lower the cost of bringing these new energy supplies to the consumer, while protecting the environment, are needed. (page 4)

The cost to design and implement an ultradeepwater technology demonstration program is on the order of hundreds of millions of dollars. (page 4)

R&D spending by the industry is very low as a percentage of revenues compared to other industries. This is basically possible because in the global economy, industry can "coast" on older technology in other areas of the world. In newer reservoirs and easier drilling environments around the world (compared to the remaining opportunities in the United States), new technology is less in demand. The industry will develop the technology to produce in deepwater and ultradeepwater in the United States, but absent some outside stimulus, these developments will come at a very incremental pace. (page A–1)

If there is a national interest in increasing U.S. domestic production in the near term, then stimulus could be applied to achieve this goal. (page A–1)

. . . assuring timely development of the nation's ultra-deepwater resources requires a deliberate, coordinated, and well-financed effort on the part of industry, government, and academia to address the key technological gaps that present a barrier to this development. (page 4)

Investment in technology for ultra-deepwater development will require collaboration across all areas of a single company and between companies. This collaboration must be pervasive . . . between oil and gas companies and their service providers; . . . governmental agencies, and nongovernmental organizations; . . . and investors. (page A–2)

Employing new technology is a significant barrier in and of itself. In ultra deepwater, the initial technology deployment represents a multi-million dollar investment. The risks and costs for failure of initial deployment are high. (page A–5)

A "high-intensity" approach to design and commercialization is required to reduce the new technology deployment time frame or the cycle time. (page A–6)

Public funds for demonstration and/or testing will accelerate technology commercialization. (page A–7)

During the roadmapping process, stakeholders stated that "evolutionary elements of technology development must be tied together in a way that brings a revolutionary result." A critical point is that no single technology was identified as holding revolutionary potential. It is the integration of individual components of technology into a coherent and well-executed development process that will improve the efficiency of deepwater development to make it competitive with other provinces. It will take major technology advances on multiple fronts in exploration, production, drilling, flow assurance and infrastructure to achieve the revolutionary results . . . (pages 14–15)

In its report "Economic Analysis for a National Ultra-deepwater and Unconventional Oil and Gas Supply Research Fund" (June 2003), the Bureau of Economic Geology (BEG) at the University of Texas concluded that a well funded, resource based R&D program could substantially increase natural gas and oil production in the U.S. The results of modeling a program roughly twice the size of the program in the House bill indicate that this R&D work would yield a relatively rapid increase in oil and gas production on Federal lands currently available for leasing, resulting in a cumulative increase in Federal oil and gas royalty receipts of $12.4 billion over the next 10 years (and increasing thereafter). In developing its report, the Bureau of Economic Geology analyzed the experience of several successful R&D efforts. The attached charts illustrate the results of that analysis. (See Attachment B)

There is ample experience with the unconventional gas resources to provide clear examples of the potential for successfully increasing natural gas production through the implementation of a sustained, industry-led, well funded, resource-based, collaborative R&D project. The GRI/industry coalbed methane collaborative R&D program is especially noteworthy for transforming coalbed methane from a nuisance or hazard of coal production into a natural gas resource. Before the mid-1980's, there was no coalbed methane production. Now, coalbed methane constitutes more than 10 percent of domestic natural gas production.

A more detailed profile of the GRI/industry coalbed methane R&D program (see Attachment C) reveals the following: the program cost about $140 million ($70 million GRI/$70 million industry) over 10 years; production began to increase shortly after the start of the program and annual production of coalbed methane continues to increase and currently supplies around 10 percent of U.S. domestic annual production. Among the more important technologies that resulted from the program are the application of hydraulic fracturing to coalbeds, the capability to make accurate resource estimates, gas desorption understanding and cavity completions. Other examples of successful R&D programs in fields where production has steadily increased are the Barnett Shale in Texas and Michigan's Antrim Shale. Coalbed methane research programs now exist in at least 13 countries worldwide.

"Balancing Natural Gas Policy," the 2003 report of the National Petroleum Council says, "Technology is a critical driver for the growth of the gas industry in North America. This is dictated by the nature and complexity of the undiscovered resource base, which is generally characterized by deeper drilling, deepwater, and nonconventional reservoirs. Continued development of improved exploration and development technologies and cost reductions for drilling and platform construction will be critical to improving the economics of future gas supply." (Chapter 9, page 303) The attached chart indicates that technology advancements represent two of the top three most effective ways to increase gas supply and lower energy costs to consumers. (See Attachment D)

According to an EIA analysis of the H.R. 6 Conference Agreement in the 109th Congress, the program will yield net natural gas supplies of 3.8 trillion cubic feet over the EIA reference case and 850 million barrels of oil. In addition, EIA notes that "dedicated funding outside the annual appropriations process implies relatively low funding-related uncertainty for this program" and ". . . the new R&D program would increase the technological progress of the affected resources by 50% of its value in the [EIA] reference case." Further analysis indicates that federal royalties paid on the incremental supplies resulting from the R&D investment will pay for the program. (See Attachment E)

CONCLUSION

The Ultra-deepwater and Unconventional Onshore Natural Gas Research and Development Program fulfills the recommendations of the National Petroleum Council that "The government should continue investing in research and development through collaborations with industry, state organizations, national laboratories and universities." The program is designed for the purpose of assuring a well-funded and sustainable program of collaborative research to more quickly develop the technologies to develop our ultra-deepwater and unconventional natural gas resources—our largest domestic resources. The program design is based on analysis of R&D programs that have already been completed and have yielded large increases in natural gas production. According to analyses by the Bureau of Economic Geology and the Department of Energy's Energy Information Administration, the program will increase natural gas and oil supplies, lower costs to consumers, increase royalty revenues for the states and return enough additional royalty revenue to the Treasury to more than repay the cost of the program.

INCREASED RESEARCH AND DEVELOPMENT SPENDING FROM SECTIONS 941 TO 949 OF THE CEB

Two types of uncertainty characterize the effects of proposed authorizations of Federal R&D investments. First, the timing and level of the net change in Federal R&D spending is often different from the authorized amount. Second, a statistically reliable relationship between the level of R&D spending for specific technologies and the actual outcome of that R&D has not been developed. Even is both of these uncertainties were resolved, the analysis is complex because the levels of private sector R&B expenditures are usually unknown but often far exceed R&D spending by the Federal Government. Consequently, EIA cannot provide an estimate of the impact on technological change of an increase in Federal R&D spending. However, EIA can provide the results of a sensitivity case using an assumption of the technological impact that increased spending on R&D might have.

Sections 941 to 949 of the CEB calls for the allocation of $150 million annually into a fund (the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund) for Federally sponsored R&D. The money is to come from Federal royalty payments that are allocated in. each fiscal year from 2004 through 2013 and would not go through the annual appropriations process. The R&D is to be targeted for the development of ultra-deep (greater than 1,500 meters water depth) offshore, unconventional natural gas, and other petroleum resources. Unconventional natural gas and other petroleum resources are "natural gas and other petroleum resources located onshore in an economically inaccessible geological formation including resources of small producers."

Dedicated funding outside of the annual appropriations process implies relatively low funding-related uncertainty for this program. However, the uncertainty in relating increased Federal spending to technological progress remains important. Experts in the Department of Energy's Office of Fossil Energy (FE) believe that the new R&D funding would increase the technological progress for the affected resources (ultra deep offshore oil and gas and unconventional gas production) by 50 percent over its value in the Reference Case. They arrived at his conclusion by verifying that the proposed additional R&D funding would bring total Federal R&D spending back to the levels represented in the Reference Case of AEO1997 which used the same rates. The CEB case with the added FE assumptions regarding accelerated technological change due to the Section 941-to-949 programs, referred to as the FE/CEB case, was run to assess the impact of the assumed accelerated technological change on oil and gas supply and prices.

The pattern of natural gas wellhead prices and production in the FE/CEB case is as expected. Successful R&D increases supply from the ultra-deep and unconventional resources and lowers wellhead prices throughout the forecast. Natural gas wellhead prices are as much as $0.30 per mcf lower than in the Reference Case and as much as $0.20 per mcf lower than in the CEB Case.

Between 2009 and 2025, cumulative crude oil production from the ultra-deep offshore is over 850 million barrels higher than in the References Case and over 800 million barrels higher then the CEB Case. Cumulative natural gas production is 3.8 tcf higher than in the Reference Case and 3.2 tcf higher than the CEB Case. It is important to note that the technological improvements assumed for this case would also have an impact in producing areas outside the United States, which would potentially affect world oil markets.

TRIBUTE TO SARAH MAE FLEMMING BROWN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. CLYBURN. Mr. Speaker, it is with great pride and honor that I take this opportunity to pay tribute to the late Sarah Mae Flemming Brown for her valiant contributions to the cause of civil and human rights. Her place in history has not been fully recognized, but her determination to seek equity and fair treatment in our society deserves to be illuminated.

Ms. Flemming is an unsung hero whose pioneering quest to end segregation and racial hatred isn't told in our classrooms the way that so many other triumphant sagas are recounted, and in fact she didn't even tell the story to her children. But I want to recount her heroic stand, so it can from this point forward be included in the CONGRESSIONAL RECORD.

On June 22, 1954, the 20–year old maid boarded a bus in much the same manner that Rosa Parks later did. She took the only empty seat, one she believed began the rows in which black riders were allowed to sit. The driver challenged her, and humiliated, she signaled to get off at the next stop. The bus driver blocked her attempt to exit through the front of the bus and punched her in the stomach as he ordered her out the rear door. She wasn't trying to prove a point, and certainly there was no way of knowing how her apparently simple gesture of defiance would lead to monumental changes in our Nation's fundamental values.

Civil rights activists in Columbia, SC, heard of Ms. Flemming's ordeal and through Ms. Mojeska Simpkins enlisted Attorney Phillip Wittenberg, a white attorney in Columbia to represent her. Flemming v. South Carolina Electric and Gas was filed on July 21, 1954 in U.S. District Court. The allegation was that Ms. Flemming's 14th amendment right to equal protection had been violated.

On February 16, 1955, Federal District Judge George Bell Timmerman, Sr. dismissed the case. Ms. Flemming appealed to the Fourth Circuit Court of Appeals and her case was argued on June 21, 1955. The Fourth Circuit reversed Judge Timmerman on July 14,1955 and "remanded the case for further proceedings." SCE&G appealed the decision of the Appeals Court. On April 23, 1956, the United States Supreme Court dismissed SCE&G's appeal, and on June 13, 1956, Judge Timmerman dismissed the case once again.

Throughout this entire ordeal Ms. Flemming and Attorney Wittenberg endured intimidation and cross-burnings from the KKK. Things took their toll on Mr. Wittenberg and he decided not to handle a second appeal. Attorneys Matthew Perry and Lincoln Jenkins became the new lawyers of record for Ms. Flemming, and with their help and the help of NAACP lawyers the Fourth Circuit once again remanded the case to the trial court.

While Ms. Flemming was fighting her battle in Columbia, SC, things began fermenting in other parts of the South. On December 1, 1955, a now famous seamstress, Rosa Parks, boarded a city bus in Montgomery, AL, in much the same fashion as Sarah Flemming did on June 22, 1954, some 18 months before. Few people are aware of Ms. Flemming's story. Timing and significant forces combined to keep her story from common knowledge.

Judge George Bell Timmerman, Sr.'s son, George Bell Timmerman, Jr.—an avowed segregationist—was elected Governor of South Carolina in November 1954, and conspired with the local newspaper, the State, to black out, or it might be more appropriate to say, white out civil rights activities taking place in South Carolina. Consequently, history records that the United States Supreme Court case involving Rosa Parks decided on November 13, 1956 desegregated public transportation, although the Court had made clear in its remand of Ms. Flemming's case five months earlier, what the law of the land was.

Ms. Flemming went on to marry John Brown of Gaston County, N.C., and they had three children. She poured her heart and soul into Goodwill Baptist Church in Eastover, SC, and occasionally continued to work as a housekeeper. A heart attack brought on by diabetes took Mrs. Sarah Mae Flemming Brown just before her 60th birthday in 1993, a few months after I became the first African-American elected to this august body. Her death ended a seemingly simple life that had an extraordinary impact on this country.

The story of Ms. Flemming reminds us of the social progress that has been made in one generation and the progress that continues to be made as a testament to the vision and courage of such an advocate of American freedom and equality. Her legal team, that fought with her all the way to the U.S. Supreme Court, should also be commended for their insight and vision that would help lead to so many future legal triumphs toward ending government-imposed segregation. Ms. Flemming Brown's heroic actions should remind them and us that "if a tree were to fall in a wood and nobody's there to hear it, does not mean it does not make a sound."

I invite my colleagues to join me today in thanking Sarah Flemming Brown for providing the precedent that led to the desegregation of public transportation in these United States. We should also appreciate the great loyalty she and her family and friends have kept to South Carolina. I am humbled to share her story today for all to appreciate.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Tuesday, September 20th, due to a previous and unavoidable commitment. Therefore, I was unable to vote on H.R. 3761, the Flexibility for Displaced Workers Act (rollcall No. 476), and H. Res. 441, a resolution to congratulate the National Aeronautics and Space Administration and the Discovery crew (rollcall No. 477). Had I been present, I would have voted "aye" on both of these measures considered by the House.

TRIBUTE TO HIS HOLINESS ARAM I

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. SHERMAN. Mr. Speaker, it gives me great pleasure to join my Armenian American constituents of California's 27th Congressional District in welcoming His Holiness Aram I, Catholicos of the Great House of Cilicia to the State of California.

His Holiness Aram I was elected Catholicos on June 28, 1995. Four years earlier, His Holiness had been selected to serve as the Moderator for the World Council of Churches (WCC). This prominent ecumenical organization is composed of more than 340 churches from around the world and represents over 400 million Christians. His Holiness is the first Orthodox Christian and the youngest person to be elevated to the post of Moderator of the WCC.

Aram I was ordained a priest in 1968 and obtained the title of Vartabed (Doctor of the Armenian Church) in 1970. In 1979 he was elected Primate of the Armenian Orthodox community in Lebanon. The next year he received his Episcopal ordination. His tenure as Primate of the Armenian community in Lebanon coincided with the Lebanese Civil War. During this time and after, His Holiness reorganized parishes and schools, restructured and reactivated church-related institutions, and renewed community leadership.

As a strong supporter of inter-religious relations, dialogue and cooperation, Aram I has played a significant part in promoting common values, mutual understanding and peaceful coexistence among religions. He has worked tirelessly as Primate to foster tolerance and build mutual confidence between Christian and Muslim communities.

His Holiness is also active as a scholar and has written several books in which he frequently admonishes the vital importance of dialogue and collaboration among the living faiths of the world.

We can expect a message of peace and unity when His Holiness addresses the Los Angeles World Affairs Council on October 14th, 2005. His Holiness will also present the main address at a symposium to be held at the University of Southern California that will focus on how Christians respond to violence. I am honored that the Catholicos will be visiting the 27th District on October 7th to preside over church services to be held at Holy Martyrs Armenian Apostolic Church in Encino, California.

Mr. Speaker, please join me in recognizing the His Holiness Aram I, a man who has been a strong voice for mutual understanding among religions, cultures and civilizations; a true spiritual leader committed to peace, justice, and human rights.

CELEBRATING THE LIFE OF SIMON WIESENTHAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. DINGELL. Mr. Speaker, I rise today to pay respects to and celebrate the life of Simon Wiesenthal, a hero to everyone who believes in truth and justice.

Simon Wiesenthal's dedication to the capture of the vicious Nazi murderers touched millions who wanted justice for their pain, suffering and loss. He was a survivor who spent years in Nazi death camps, until 1945 when he was liberated by American soldiers. Rather than live in fear or permit the perpetrators behind those terrible atrocities live free, he hunted down Nazis that murdered innocent Jewish men, women, and children during the Holocaust so that they could be prosecuted. According to some accounts, his hard work led to over 1100 criminals being brought to justice.

Simon Wiesenthal's fight to ensure justice brought to light many of the grave problems that remained after World War II that many did not want to acknowledge. At a time when some may have wished to sweep the past under the rug, Simon Wiesenthal would not allow it. He changed history, by forcing all of us to confront history. For that we owe him a debt of gratitude.

Mr. Speaker, today, I ask my colleagues to rise and pay tribute to this great man and his efforts for justice and truth. We will never forget the 6 million Jews who died and we will never forget Simon Wiesenthal.

IN HONOR AND RECOGNITION OF THOMAS L. ORTOSKY FOR HIS HEROIC ACTIONS AND SELFLESS DEEDS AS A LETTER CARRIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Thomas L. Ortosky, as he receives the National Association of Letter Carriers' Regional Hero Award. His sincere, heroic and selfless act saved the lives of two young girls from his beloved community.

Mr. Ortosky was working from his delivery vehicle when he noticed two young girls on their bikes and a pack of dogs chasing after them. With no hesitation, Mr. Ortosky ran from his vehicle and fearlessly began to distract the dogs even though he was risking his own safety and perhaps his life. His good-hearted action worked. The girls rode off to safety while Mr. Ortosky bravely held off the dogs. The pack of dogs began nipping at him but Mr. Ortosky never hesitated. It was not until the dogs were captured by the animal warden that Mr. Ortosky was out of harm's way. And ever so dutifully and good-natured, Mr. Ortosky continued on his delivery route without ever notifying anyone about the incident and his heroic deed.

However, Mr. Ortosky's valiant and honorable deed did not go unnoticed. His grateful patrons reported the incident. With thanks from his community and the National Association of Letter Carriers' it is with great pride that as his representative I can recognize this great American.

Mr. Speaker and Colleagues, please join me in honor and recognition of Thomas L. Ortosky. Mr. Ortosky is truly a hero. He is a selfless and genuine human being and a role model for the people of his community as well as the country.

PERSONAL EXPLANATION

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. BUTTERFIELD. Mr. Speaker, on Tuesday September 6 through Thursday September 8, I was unable to attend for vote Nos. 456 through 464 due to a death in my family. Had I been present on rollcall vote No. 456, I would have voted, "aye"; on rollcall vote No. 457, I would have voted "aye"; on rollcall vote No. 458, I would have voted "nay"; on rollcall vote No. 459, I would have voted "nay"; on rollcall vote No. 460, I would have voted "aye"; on rollcall vote No. 461, I would have voted "aye"; on rollcall vote No. 462, I would have voted "aye"; on rollcall vote No. 463, I would have voted "aye"; on rollcall vote No. 464, I would have voted "aye."

I ask that the appropriate mentions be made in the RECORD.

RECOGNIZING THE CONTRIBUTIONS OF JENNY BLAU

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. SOLIS. Mr. Speaker, today I rise to recognize Jenny Blau, a dedicated, intelligent and compassionate woman whom I have been fortunate to have as part of my staff for the past two and a half years.

Since Jenny's first day in the office, she has approached each and every task I have given her with dedication. Jenny joined my office in February 2003 as an unpaid fellow and quickly assumed a role as a Legislative Assistant. As a Legislative Assistant, Jenny has been the point person for the Congressional Caucus for Women's Issues and has overseen legislation dealing with domestic violence, senior issues, and the murders of women in Ciudad Juarez, Mexico. Her extensive knowledge of women's issues and health care has proved invaluable. Jenny has played a pivotal role in raising awareness about women in the military, violence against women, and other issues that affect women.

Jenny's understanding of the challenges facing the Latino community has been particularly important to me. Jenny has organized numerous briefings and events to heighten awareness about the murder of women in Ciudad Juarez, Mexico, and domestic violence. She has also overseen successful events sponsored by Lifetime Television, the Oxygen Network and the Democratic Women's Working Group. These projects have left a lasting impact on the lives of women in the 32nd Congressional District of California and nationwide.

Jenny's kindness, work ethic, and professionalism have earned her the trust and respect of her colleagues and women's groups. I am very proud that she will follow her passion of medicine at the Georgetown University Medical School. I wish Jenny the best of luck in life and in all of her endeavors. Le deseo la mejor de las suertes a Jenny. Un dicho popular dice: "El que persevera, alcanza." Estoy segura que Jenny logrará todas sus metas.

THE MICROBICIDE DEVELOPMENT ACT: AN OPPORTUNITY TO SAVE MILLIONS OF LIVES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased to join today with my colleagues Representative CHRIS SHAYS and DANNY K. DAVIS in introducing the Microbicide Development Act, along with twenty seven of our colleagues. This bipartisan legislation recognizes the need to coordinate and accelerate federal microbicide research and development programs in order to provide a new and effective tool in fighting the HIV/AIDS pandemic here and around the world. At the 15th International AIDS Conference in Bangkok last year, microbicide development was listed at one of the "10 most promising biotechnologies for improving global health." It is time that we turn that promise into reality.

Microbicide products that can be applied topically—like gels or foams—are being developed today to help prevent the spread of HIV and other sexually-transmitted diseases in women. Microbicides would block infection by creating a barrier between the pathogen and its target cells. A computer modeling study by the London School of Hygiene and Tropical Medicine found that if an effective microbicide were used by 20 percent of women in just 73 low-income countries, it would prevent 2.5 million HIV infections over three years.

The Microbicide Development Act would help us realize the life-saving potential of microbicides. It would require development and implementation of a federal strategic plan to coordinate ongoing activities among the National Institutes of Health, Centers for Disease Control and Prevention, and the United States Agency of International Development (USAID). Through this increased emphasis and annual reports to Congress, we can ensure that the United States moves forward effectively and quickly as part of the global effort to stop AIDS.

The need to act to cut HIV infections and AIDS deaths is overwhelming and immediate. Most of us are aware of the stark figures. In the last 25 years, 40 million people around the world have been infected with the disease. Nearly 3 million lives are lost each year. In Africa alone, it is projected that 80 million people will die by 2025 unless we act decisively to stop the spread of AIDS.

Not as many are aware of the changing face of HIV/AIDS—the growth of infection rates among women. Over 14,000 people are infected with HIV each and every day—about 7,000 of them are women. Many of these women live in monogamous relationships but, because they are unable or too afraid to ask their husbands or partners to use condoms, they have no prevention tools at their disposal.

In fact, as Dr. Zeda Rosenberg, director of the non-profit International Partnership for Microbicides, points out, "For women, in many parts of the world, being poor, young and married are the most significant risk factors for acquiring HIV infection." Microbicides—products like gels or foams that can be applied topically—would provide an effective prevention tool that women can use to protect themselves, without having to rely on their partners.

Microbicides hold particular promise in Africa, where, as UN Secretary General Kofi Annan said in 2003, women must be placed at the center of the HIV/AIDS strategy. "If you want to save Africa, you must save the African woman first," he said. "It is they who nurture the social networks that help societies share burdens." Yet, as Lesotho's Minister of Health and Social Welfare Deborah K. Raditapole describes, many African women have little ability to protect themselves or their children: Having sex with her husband is considered a wife's duty, even when she knows that her husband has had other partners and wishes to protect herself. If she insists that he uses a condom or refuses to have sex with him, she may be beaten or abandoned. Even if a woman suspects that her spouse may have been exposed to HIV, she has nowhere to turn for support, and there are no laws to protect her.

That is why Ilene Wong, a Stanford Hospital physician, calls microbicide development a "lifesaving safety net." In The Washington Post last summer, she wrote: In my nightmares, I see the women we have failed to protect from AIDS. . . . I despair for my sisters in Africa, who know that abstinence is rarely an option for the powerless and poor. Rather, it's a luxury for those confident that they will eat tomorrow. A truly comprehensive and far-sighted global AIDS program would recognize that women need their own weapons against HIV. They need microbicides.

In the Gleneagles statement issued last July, the G8 recognized the need for a greater commitment to global health and joined the chorus of respected health organizations calling for expedited microbicide development. Other organizations that have recognized the potential of microbicides include the Global Coalition on Women and AIDS, the President's Emergency Plan for AIDS Relief (PEPFAR), the National Institutes of Health, the National Women's Health Network and the Alan Guttmacher Institute.

Microbicide development is not just a life-and-death matter for women in other countries, it is equally crucial for women in the United States. In Illinois, over 30,000 AIDS cases have been reported and we have suffered 16,400 deaths since 1981. As in other parts of the world, women and especially women of color represent a growing proportion of new infections in Illinois. The AIDS Foundation of Chicago has been a leader in calling for expanded microbicide R&D as part of their comprehensive efforts to address the AIDS epidemic. David Munar, Jim Pickett and others at the AIDS Foundation of Chicago have been instrumental in helping to design this bill and in bringing attention to the need to put prevention tools against HIV and other sexually transmitted diseases directly into women's and men's hands.

I also want to thank the many women who, infected themselves, have come forward to push for microbicide development in order to protect other women. Women like Chicagoan Debra Fleming, an African American woman who has lived with HIV for 20 years and says, "I know plenty of women who really don't have a choice when it comes to using protection with their partners. Condoms are just an option for them because a lot of these women are battered. With a microbicide, a woman can protect herself from both HIV and a black eye."

And I want to thank my constituent, Patrice Dean, who has been HIV+ for 15 years, who is also part of the fight for prevention. "If microbicides would have been available to me, I may never have become infected," she says. "They are important for all women, especially women of childbearing age who want to have a child but not risk infection. They are also important for married couples, where it may be difficult for a woman to negotiate condoms. Men don't like condoms, never have, never will. That is always an issue."

Women will soon comprise over half of the world's HIV/AIDS-infected people. They need HIV-prevention tools that they can use themselves, without having to rely on reluctant and sometimes even abusive partners. The Microbicide Development Act will spur development of those tools. I hope that my colleagues will join us in cosponsoring this bill and in pushing for its enactment.

IN HONOR AND MEMORY OF SIMON WIESENTHAL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. HIGGINS. Mr. Speaker, today I join my colleagues in mourning the loss and honoring the life of Simon Wiesenthal.

Simon Wiesenthal died this week in Vienna at the age of 96. He was a survivor of the resistance movement and lived through internment in Nazi concentration camps. He became the most famous Nazi hunter when he returned to Vienna after World War II. Mr. Wiesenthal devoted his career to exposing and documenting Nazi atrocities and bringing perpetrators to justice.

After World War II and the Holocaust, Mr. Wiesenthal became the permanent representative of Holocaust victims, determined to bring the perpetrators of one of history's greatest crimes to justice and punishment. He took the job no one else wanted, and he charged himself with the task that few sought.

He was a voice of conscience for all humanity and he inspired world leaders and individuals to fight anti-Semitism and intolerance. Mr. Wiesenthal is best known for his instrumental investigative research that contributed to the capture and conviction of more than 1,100 Nazi war criminals, including Adolf Eichmann, the architect of the "Final Solution." Through the Simon Wiesenthal Center, he also promoted Holocaust remembrance, the fight against racism and anti-Semitism, and the monitoring of neo-Nazi and other extremist groups worldwide.

Simon Wiesenthal's message, mission and courage will not die with him. He has shown us all what it means to fight the fight, whether unpopular or difficult, whether lonely or tedious. Because of Mr. Wiesenthal's courageous, gutsy and earnest work, we have learned as a country what it means to stand up for what is right. As a Member of Congress, I will always follow Mr. Wiesenthal's precedent, and will continue to lead my colleagues in Congress to fight anti-Semitism and intolerance wherever it may be.

CONGRATULATING THE O'LEARY COMPANY ON ITS 50TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to the O'Leary Company, an engineering, planning and construction company from western Massachusetts that is celebrating its 50th Anniversary of building excellence this month. Simply put, the company is the one of the most experienced design-build commercial contractors in the northeast region.

From humble beginnings, Edward J. O'Leary started his own construction business in Holyoke, Massachusetts in 1955. With an emphasis on quality workmanship and customer service, the company quickly began to grow. A relationship with the Kansas City based Butler Manufacturing Company was a defining point for the company. Working with Butler, a leader in the marketing, design and production of systems for commercial and industrial buildings, enabled Ed O'Leary to take on larger construction projects. That partnership has created hundreds of jobs, successfully completed 1,200 projects and sold more than $40 million dollars in Butler steel.

But the O'Leary Company's history is more that just sales and completed projects. Strong corporate values have long been the key to their success. They have a reputation in the community for integrity, reliability and quality. And their contribution to the local economy cannot be minimized.

Whether it is aircraft hangers at Westover Air Reserve Base, the Quill Corporation Building in Agawam, MA, the Ludlow Technical Products property, or the state-of-the-art WWLP TV–22 studio in Chicopee, MA, the O'Leary Company has helped make our region a better place to work and do business. They truly have made a difference in the quality of life in western Massachusetts.

Mr. Speaker, I ask my colleagues in the 109th Congress to please join with me in wishing Randy Conklin, Brian Hill and the employees of the O'Leary Company another 50 years of success. I am confident that they will remain an invaluable builder, employer and corporate partner in western Massachusetts for many years to come.

HONORING THE UNITED STATES JUNIOR GIRLS SOCCER TEAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to commend and honor the United States Junior Girls' Soccer Team, winners of the Gold Medal at the World Maccabi Games held in Israel this summer. The World Maccabi games are an Olympic-style competition that is among the top sporting events in the world. Participants in the games are Jewish athletes from countries all over the world. The National team was chosen from a group of 65 girls nationwide who were selected to try out last December. The ladies created a bond of true camaraderie and won several intense games. They out hustled, outmaneuvered and outplayed their toughest competition. The only thing that outshined their play was their sportsmanship and respect for the game. They are a true inspiration to soccer players nationwide.

Mr. Speaker, I would like to commend Jason Neidell, Wendi Whitman, and Mara Schanfield for their work in coaching the team to the Gold Medal. They provided leadership and guidance and an invaluable service to these ladies and the youth soccer movement. I would also like to honor Jamie Hacker, Allyson Gordon, and Genna Brand, who were selected as Captains of the team. May all of the ladies success in this program help them fully realize their potential for productive, successful lives, and I wish these girls all the best in their future endeavors.

The following are the members of the United States Junior Girls' Gold Medal winners at the 2005 Maccabi World Games:

Sarah Berger, Genna Brand, Allyson Gordon, Amanda Gurin, Jamie Hacker, Lizzie Haldane, Kasey Hirsty, Kayli Hirsty, Lindsay Jaffe, Carly Knue, Allison Kurtz, Samantha Kurtz, Rebecca Rostowsky, Zoe Samak, Alexandra Schwach, Dena Shleifer, Morani Stelmach, Rachael Sushner, Julie Kaufman, Sofia Vallone.

Head Coach—Jason Neidell, Assistant Coaches—Wendi Whitman and Mara Schanfield.

HONORING WILLIAM F. RICHARDSON

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor William F. Richardson on the occasion of his retirement after many years of distinguished service as the Executive Director of the Berks County Action Program in Pennsylvania.

As Executive Director of the Economic Opportunity Council and the Berks County Action Program (BCAP), Mr. Richardson has actively fought to mobilize the human and financial resources to combat poverty in the City of Reading and the County of Berks. Under Mr. Richardson's leadership, BCAP has initiated, coordinated, and implemented numerous social programs to fight against poverty. This organization is well known for its ability to stimulate activities within their local communities and for the services it continually provides for the low-income, financially distressed, and disadvantaged citizens in the area. These invaluable services include job training, counseling, vocational rehabilitation, housing, parenting classes, home management, child care classes, and substance abuse prevention.

In attempt to make a difference in the lives of the poor in his community, Mr. Richardson entered into community service as the assistant to former Mayor Victor Yarnell from 1968 to 1969. He then made the decision to leave City Hall and take a position as the assistant director for community liaison for the Reading Redevelopment Authority in 1969. In 1979, Mr. Richardson resigned from the Authority and came to his current position as the Executive Director of the Economic Opportunity Council.

Throughout the past 35 years, Mr. Richardson further proved his commitment to helping the less fortunate by participating as an active member of his community, serving on numerous boards, including those of the Reading Parking Authority and the Reading-Berks Human Relations Council. Mr. Richardson is also the president of the Greater Berks Food Bank.

Mr. Speaker, I ask that my colleagues join me in honoring this extraordinary gentleman and his selfless mission to help those in need and for the invaluable service he has so diligently provided. I wish him the very best of luck in his retirement.

HONORING BARBARA JEAN BROWN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. PELOSI. Mr. Speaker, I rise today to recognize and honor an extraordinary woman who dedicated her life to the service of San Francisco's most needy individuals. Barbara Jean Brown, known to those who loved her as "Mother Brown," passed away on August 9 after a year-long struggle with leukemia.

Mother Brown distinguished herself through her generous and untiring efforts feeding the poor and homeless of our city through Mother Brown's Dining Room. By offering a haven to countless individuals for more than 20 years, her spirit and kindness touched all those to whom she tended. I offer my deepest sympathy to her sons, Frederick and Jaamel; her brother, Arthur; and her sisters, Alice, Fanny, and Dennie Marie.

Mother Brown served San Francisco with dignity and love. The beginning of her public ministry consisted of parking an old, oversized Cadillac and serving hot meals out of her trunk that she had cooked in her own kitchen. Sharon Williams, the operations manager of Mother Brown's Dining Hall, said of her colleague, "She knew there was a need. She believed no one should ever go to bed hungry." Mother Brown never turned anyone away.

Her work did not go unnoticed. Government agencies, community organizations, and private corporations donated funds to allow Mother Brown to set up the Bayview Hope Homeless Resource Center and Mother Brown's Dining Room in a converted warehouse. With this new facility, Mother Brown was able to serve more people with additional resources and services. Beyond her work with the Center and Dining Room, she threw an annual Christmas party at the Bayview Opera House for those without a home during the holidays and donated 1,200 toys to children last year alone.

Barbara Jean Brown was born in Shreveport, LA, and moved to the bay area at the age of 5. After marrying, she had three children and lived in San Francisco's Bayview district, where she headquartered her community efforts. In addition to her life of public service, she supported herself through clerical and administrative work, including a term working in advertising for San Francisco's major newspapers, the Chronicle and the Examiner.

She began her charity work partnering with her eldest son, J.J. When he died at age 34, she invested the little money he left her into what would become the Bayview Hope Homeless Resource Center. Every dollar she later received from sponsorships and gifts went directly to her projects. Mother Brown demonstrated extraordinary generosity and selflessness.

San Francisco was fortunate to have this remarkable woman in our midst. Those whom she helped, served, cared for, and inspired will sorely miss her. However, her legacy continues as she leaves behind the Bayview Hope Homeless Resource Center and Mother Brown's Dining Room to carry on the mission she started so long ago.

CHEMISTRY WEEK RESOLUTION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. HOLT. Mr. Speaker, as we face the concern about the United States' ability to sustain its scientific and technological superiority throughout this decade and beyond, when we are losing jobs to more technologically literate nations, and when our science, technology, engineering, and mathematics education is in need of serious attention and renovation, it is important that we consider this resolution recognizing the importance of chemistry in our everyday lives, and in particular with the toys that we, or our children, grandchildren, or family members play with today. That is why today I am introducing along with Representative VERNON EHLERS a resolution recognizing the importance and positive contributions of chemistry to our everyday lives and supporting the goals and ideals of National Chemistry Week.

We have all seen the joy and wonder of children at play, and we can certainly all recall our favorite childhood toys, such as Silly Putty, the Slinky, and the Etch-a-Sketch. In fact, the astronauts on the Apollo 8 mission carried Silly Putty with them to alleviate boredom and to help fasten down tools during periods of weightlessness. Silly Putty came to us as a product of chemistry; Silly Putty is a polymer of isoprene.

BusinessWeek Online ran an article with the subtitle "Toymakers are pushing the boundaries in artificial intelligence, wireless communications, and virtual realities. And the benefits are flowing to other industries as well." The military, the medical field, gamers, chemists, and material scientists all connect to the toy industry. Chemists and material scientists have created such materials as self-healing plastics, giving toys and many other consumer goods a longer lifetime.

The curiosity that toys ignite through the "why did it do that?" and "how did that happen?" invigorate the exploration and discovery of the world around us. Many scientists and engineers turn to toys for moments of respite and of inspiration. Innovations in technology, at times can be traced back to moments with toys. That is why this year's's theme of National Chemistry Week, "The Joy of Toys", is relevant. What better ways to inspire and educate the potential chemists and engineers of tomorrow but through the loved experiences of playing with toys and learning what has made all the fun possible?

Toys spark imagination, imagination fuels innovation. The celebration of chemistry, a science which is the backbone to the health of many industries including pharmaceuticals, electronics, automotive, and aerospace, through the chemistry of toys is worthy of our wholehearted support. It is in the best interest of our Nation to create both a curiosity and a desire to understand our world to fuel a technological and scientifically literate, critical thinking population to carry us forward in the 21st century.

RECOGNITION OF HON. ROBERT J. STAKER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. RAHALL. Mr. Speaker, it is with great honor that I pay tribute to a devoted public servant, the Honorable Robert J. Staker. Judge Staker is retiring as Judge of the United States District Court of the Southern District of West Virginia after 26 years of service.

A long and distinguished history of accomplishment and public service marks Judge Staker's career. He served his country in the United States Navy in the 1940's. Judge Staker attended both Marshall University and West Virginia University, and received his law degree from West Virginia University College of Law in 1952. Judge Staker has committed himself to serving the people of West Virginia as a member of the legal profession.

He practiced law in Williamson, West Virginia from 1952 until 1968. He served as Judge of the Circuit Court of Mingo County from January 1969 to September 1979, when he assumed his current office as Judge of the United States District Court of the Southern District of West Virginia in Huntington. Judge Staker continued his career by becoming a Senior United States District Judge on January 1, 1965.

Judge Staker's tenure on the federal bench was one marked by common sense and common justice for all. It has been said that those who clearly recognize the voice of their own conscience, usually recognize also the voice of justice. Judge Staker's legacy on the federal court will echo the voice of justice for generations to come.

Mr. Speaker, I ask that my colleagues join me today in congratulating Judge Staker on his admirable career. It is with tremendous gratitude and appreciation for his extensive service to the community and deep love of the law that we honor his distinguished service. Together with his wife Sue Blankenship Poore, and his two sons J. Timothy Poore and Donald Seth Staker, I offer to him my sincerest wishes for great success in all his future endeavors as he begins the next chapter of his life.

INTERNATIONAL DAY OF PEACE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the International Day of Peace, a world-wide observance of 24 hours of non-violence and global cease-fire.

The International Day of Peace was first established by the United Nations in 1981 to coincide with the opening session of the UN every September, and, in 2001, was unanimously adopted by Member States to formally recognize the day on September 21 of each year. Today, citizens across the globe will mark this occasion. I know that there are many of my constituents observing the International Day of Peace, affirming a vision of our world at peace, and fostering cooperation between individuals, organizations and nations.

I hope that individuals will take the opportunity today to consider what they can do to promote unity and cultural understanding, and help make the idea of peace not just a utopian dream, but something that humankind can achieve. I applaud the efforts of Member States, organizations of the United Nations, governmental and nongovernmental agencies, as well as civil societies and religious groups for their promotion of the International Day of Peace and the principles of peace and non-violence through education and public awareness efforts.

As Secretary General Kofi Annan stated, "24 hours is not a lot of time." Please join me in taking a few moments today to reflect on our aspirations for peace and the measures we will take to achieve them on this International Day of Peace 2005.

RECOGNIZING THE CENTRAL OREGON CROP WALK

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize a very special event that is taking place in the heart of the 2nd Congressional District on Sunday, September 25, 2005—the Central Oregon Crop Walk. This weekend, over 125 walkers will gather in Bend, Oregon to raise awareness and funds to fight hunger at home in Central Oregon and in nearly 80 countries around the world.

Since 1998, this gathering has become an annual event in Bend and is now in its 8th year. This Fall, walkers participating in the Central Oregon Crop Walk join Oregonians in four other communities—Baker City, Hood River, Corvallis and Grants Pass—and 1,800 Walks nationwide, to make a real difference toward ending hunger one step at a time. Money raised by walkers in Oregon and around the nation supports Church World Service, an organization of 36 religious denominations united together to relieve poverty and aid in social and economic development. I applaud Oregonians participating in local Crop Walks and am very pleased to see so many faith groups coming together to support food programs that provide relief to families in our community and around the world.

Events like Crop Walks are a vital link in the chain of services—public and private—that provide for the most needy in our Nation and the working poor that struggle to make ends meet each month. There are also several pieces of important Congressional legislation that would move our Nation closer to resolving the challenge of food insecurity and hunger. The Hunger Free Communities Act (H.R. 2717) sets a goal of ending hunger by the year 2015 along with establishing grant programs that would support local food programs and improve the coordination of Federal, State and local nutrition services. The Stop Senior Hunger Act (H.R. 1792), which renews the federal commitment to locally-administered programs like Meals on Wheels and congregate meal programs at local senior centers, is another important component in tackling hunger by targeting the vulnerable senior population. Finally, common sense measures like the Relief Trucking Tax Credit Act (H.R. 1954), which would give transportation and trucking companies a 25-cent/mile tax credit for volunteering trucks and drivers to transfer charitably donated food for hunger relief efforts, will help more food reach those in need. Because hunger is a problem that can take a variety of faces and forms in communities around the country, resolving it requires a variety of approaches. For this reason, I am proud to be a cosponsor of each of these measures and am hopeful that when they are combined with efforts like the Crop Walk that hunger and food insecurity will be a challenge that we overcome once and for all.

I urge my colleagues to support these sound legislative endeavors, and join me in highlighting the outstanding work of participants of Crop Walks occurring throughout Oregon.

HONORING ALVINA KENNEDY ON THE OCCASION OF HER 75TH BIRTHDAY

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, as my mother approaches her 75th birthday, I would like to share with my colleagues what a wonderful encouragement and inspiration she has been to me, my family and so many others.

Alvina Dorothy Weber was born to Raymond and Helen Weber and graduated from high school in Benson, Minnesota. Her family had earlier lived for a time on a farm near Harold, South Dakota. Growing up on the frontier gave her a thankful heart for the many blessings we enjoy as Americans and a determination to make the most of those blessings. Her father Ray was of German Heritage and ran the local Sinclair service station in Benson. Her mother Helen was a Page whose English ancestors arrived in Hingham, Massachusetts in the mid-1600s.

I remember getting together with the Weber family gathering during the Christmas holidays and Ray and Helen giving each of their children—Phyllis, Kenneth, Donald, Robert and my mother—a nativity set that has formed the centerpiece of our family's Christmas decorations for the decades that followed.

My mother worked at the hospital in Benson where I was born and married my father Eugene Thomas Kennedy, a graduate of the high school in nearby Murdock. After a short period living in Hunter, North Dakota, when my oldest sister Monica was born, they returned to Murdock where my father worked at the Murdock State Bank. We lived in a home built by my grandparents, Charles and Rose Kennedy, right across the street from the Sacred Heart Church. It was in that house that my siblings Nancy, Steven, Peggy and I began our lives and in that church that my parents had us baptized. It was a grand old house with a fine porch, where we would often gather on summer days. I fondly remember peeking through the railings of the stairs and watching my parents visit with company when we were supposed to be in bed, riding my tricycle on the sidewalk and playing in our sandbox. My last memory of living in Murdock was when my mother gathered all of us children around the yellow-topped kitchen table to tell us that we were moving for the opportunity of a better job for my father. My father could have earned more money in the Cities, but my parents wanted to raise their children in the country, where neighbors really knew each other and cared about each other.

While living at our new home in the country just outside of Pequot Lakes, Minnesota where my parents still reside, she brought the final of her seven children—David and Neil—into the world. My mother took her parenting responsibilities very seriously. She would regularly sit all of us children down in the living room and read us newspaper clippings so we knew how the things she and my dad taught us applied to the world around us. She still sends me clippings regularly I and calls to make sure that I am reading them.

She taught us to care. We would all line up by the front door on the first day of school to take a picture with our new "back to school" clothes. Every year, she told each of us to be on the look out for children that were new to the school. She encouraged us to reach out to them and make them feel welcome.

She taught us how to share. If there was only one brownie left and two children, she let one child cut it in half and the other get the first pick as to which half to choose. She and my father encouraged us as children to contribute to charities of our choice, particularly during the holiday season.

She taught us responsibility and to hold ourselves to high standards, in part through our 4-H projects whether it be weeding the garden or caring for livestock—Hereford cattle in my case, chickens in the case of my sister.

She would get very frustrated when other children misbehaved and their parents responded, "My Johnnie wouldn't do that." She made it clear to us that in our case, she would consider us guilty until proven innocent if anyone called her about our behavior. If we tried to get permission to do some activity based on some other child being allowed to do so, she would reply, "Is his last name Kennedy?"

The feeding, caring and guiding of seven children was more than a full time job. She dedicated her life to that task. My mother has many positive qualities. Among those qualities is the ability to put on a great meal. A positive side effect of my sister raising chickens was that we had chicken dinner nearly every Sunday. My mother makes the best chicken gravy and the best brownies. Our normal meal when we had company was Swedish meat balls, which always baffled me since no one in our family had a drop of Swedish blood. In any case, they were always tasty.

She taught us to persevere. I started out with Little League when I was young and found that I really wasn't as good as the town boys that played a lot more growing up than I did. I was having difficulty fitting in with the group of boys that were largely strangers to me and certainly better ball players. She said that it was OK for me not to go out for baseball the next year, but that Kennedys were not quitters. She would not let me quit, a lesson that has stuck with me throughout my life.

She and my father have always been strong in their faith and have taken every opportunity to engender the light of faith in their children and grandchildren. We never missed mass, often prayed together and are still regularly reminded of our overriding mission to serve God's Will, not our own. My mother is a very active volunteer at St. Alice Catholic Church and encouraged my father to help lead the effort to build a larger church building. To encourage our good behavior during services, we were rewarded by being able to buy two cents worth of candy at the penny candy case at Pfeiffer's drug store if we behaved. We could have anything we wanted as long as it totaled two cents.

My parents spent time together in their early years in Rural Youth and were big fans of 4–H. To give their children the same opportunities, my mother spearheaded forming a 4–H club, which to me was critical since I met my wife Debbie in 4–H. As the prime leader of the Pelican Lakes 4–H Club, it grew to the largest and most active in the county. My mother would regularly be on the lookout for young people that needed positive influences in their lives and pulled them into the 4–H club to provide those influences.

My parents valued education highly. My mother encouraged my father's participation as a school board member for 27 years at Pequot Lakes Public High School, where my father helped lead the effort to build a new school complex. We would regularly hear my mother pass on her advice to our father on issues before the school board.

As an insurance agent in the local bank and homemaker, my mother and father got all seven of us children through college, our family's first generation of college grads. All seven of us earned degrees at St. John's University or the College of St. Benedict. They gave us $500 a year for four years, not five—four, and taught us how to work so we could earn the rest.

Even though my parents had never been to Europe, my mother really encouraged us to participate in the international exchange programs at college, and contributed an extra $500 to defray part of the costs if we did. Debbie and I were blessed to be able to welcome my mother and father to Europe for the first time and tour them around for three weeks when I was participating in an exchange program in graduate school in the Netherlands. My mother really wanted us to understand other cultures, but remained convinced that America is the greatest nation the world has ever known.

Seeing how much government impacted our lives, my mother served as the treasurer for a friend from church who ran for the Minnesota House of Representatives and won. She worked endlessly for his campaign and regularly marshaled the family for lit drops. As her children left the nest, she spent an increasing amount of time volunteering for the Republican Party and its candidates. We attended our first party conventions for the 1978 election, a watershed year for Minnesota Republicans. She was selected as a delegate to the Republican National Convention in New York City in 2004. I will always cherish the time I was able to spend with my mother and father during that convention.

There is so much more that I could share about how big of an impact my mother has had on my life and countless others. She has worked selflessly throughout her life for others, volunteering for church, 4–H, Party or community activities, driving others to the hospital or clinic, never asking anything in return. She is devoted to her seven children and twenty-seven grandchildren and regularly visits their school events.

I suppose every child has a special moment with their parent that they will always remember. Mine is talking with my mother when I was having trouble fitting in at school during my youth. She sat down beside me and shared the story of her own life and how at a young age she came to the conclusion that she was no better than anyone else, but that no one else was better than her. That understanding of the inherent equality of worth of all individuals served to help her confidence and mine.

Although I fervently believe in the equality of all people, any honest appraisal would have to agree that the impact my mother has had on this earth during her first 75 years has truly been exceptional. May her positive influence extend for decades to come.

HONORING THE VISIT OF TAIWANESE PRESIDENT CHEN SHUI-BIAN TO THE UNITED STATES OF AMERICA

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. MICA. Mr. Speaker, I rise today to honor the citizens of Taiwan and to welcome their democratically elected President, Chen Shui-bian, to the United States of America.

As you know, Taiwan has been a friend and stalwart ally of the United States for over 50 years. Together we have opposed communism and supported the principles of freedom and democracy. Our nations have worked together to fight terror in Iraq and Afghanistan, poverty in Africa and adversity worldwide.

Through this relationship, our countries have seen strengthened political and economic ties leading to mutual prosperity. Today, Taiwan is our nation's eighth largest trading partner and a valuable advocate for free trade and democracy in the Asian Pacific region and beyond. Strengthening the relationship and expanding cooperation between the United States and the Republic of China in Taiwan should remain a national priority.

Mr. Speaker, because of President Chen Shui-bian's continued dedication to the American-Taiwanese alliance, I ask all Members of the House of Representatives to join me in recognizing his visit to the United States.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 22, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 27

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1701, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S. 961, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize and reform the Abandoned Mine Reclamation Program.

SD–366

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing progress in the Federal government regarding alternative personnel systems.

focusing on systems to learn where personnel systems have been successfully employed and what steps have been taken in their development to ensure effective implementation and operation.

SD-342

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine housing-related programs for the poor, focusing on existing challenges in measuring improper rent subsidy payments in housing assistance programs at HUD, as well as Federal oversight of the Low-Income Home Energy Assistance Program.

SD-342

SEPTEMBER 28

9:30 a.m.

Environment and Public Works

To hold hearings to examine the role of science in environmental policy making.

SD-406

Homeland Security and Governmental Affairs

To resume hearings to examine issues relating to recovering from Hurricane Katrina, focusing on the needs of those displaced, today and tomorrow.

SD-342

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine S. 1334, to provide for integrity and accountability in professional sports, and S. 1114, to establish minimum drug testing standards for major professional sports leagues.

SH-216

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine whether there is more consolidation or new choices for consumers regarding video competition in 2005.

SD-226

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the grazing programs of the Bureau of Land Management and the Forest Service, including proposed changes to grazing regulations, and the status of grazing permit renewals, monitoring programs and allotment restocking plans.

SD-366

2:30 p.m.

Indian Affairs

To hold an oversight hearing to examine Indian housing.

SR-485

SEPTEMBER 29

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the effectiveness and cost of the Defense Travel System of the Department of Defense.

SD-342

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine communications for first responders in disaster.

SD-562

Indian Affairs

To hold hearings to examine proposed Duck Valley Reservation, Shoshone Paiute Tribes, Water Rights Settlement.

SR-485

3:30 p.m.

Foreign Relations

To receive a closed briefing regarding the evolving NATO role in Afghanistan.

S-407, Capitol

OCTOBER 6

9:30 a.m.

Armed Services

To hold hearings to examine U.S. military strategy and operations in Iraq.

SD-106

SENATE—*Thursday, September 22, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Joseph Breen of Saint Edward's Catholic Church in Nashville, TN.

PRAYER

The guest Chaplain offered the following prayer:

As we gather this morning in this solemn hall of the Senate, considered by those who formed the Constitution to be the great "anchor" of the Government, let us call upon God, sovereign Lord of our Nation, to deepen our hearts and our minds to the truth about life, its dignity, and its reflection of the Eternal God. Help us to appreciate the truth that life is always good and that every life is of equal dignity.

We are thankful for the eyes we have to see, hearts to understand, the depth to think, and the concern to care. As we take life one day at a time, we ask for guidance and strength. We do not have yesterday or tomorrow, only today. Help us to remember the problems we encounter are but opportunities that are put before us to use creative energies, making a better world for everyone.

Lord, thank You for giving me this opportunity to express the love and the gratitude of the people of our great Nation to our lawmakers who so willingly have given themselves to public service.

Bless our Senators now and always. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Dayton modified amendment No. 1844, to condition the use of funds for carrying out a provision relating to prevented planting payments, with an offset.

Bingaman (for Jeffords) amendment No. 1796, to provide funds to carry out the historic barn preservation program, with an offset.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a vote in relation to the Dayton amendment, No. 1844.

The Senator from Utah.

Mr. BENNETT. Mr. President, I see Senator DAYTON is here. The yeas and nays have not been ordered. There have been discussions during the evening about this amendment. I wonder whether the Senator wants the yeas and nays. I would say the Jeffords amendment, which under the previous order is the next pending business, will be withdrawn.

AMENDMENT NO. 1796 WITHDRAWN

I ask unanimous consent that it be withdrawn, after conferring with Senator JEFFORDS and his staff.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1844, AS MODIFIED

Mr. BENNETT. We are now on the Dayton amendment.

The ACTING PRESIDENT pro tempore. The vote occurs in relation to the Dayton amendment, No. 1844, as modified.

Mr. DAYTON. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Coleman
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Thune
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The amendment (No. 1844), as modified, was rejected.

Mr. BENNETT. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FARMERS MARKET PROMOTION PROGRAM

Mr. HARKIN. Madam President, I would like to take a moment and comment about an important program that I worked to include in the 2002 farm bill. I wish to engage Chairman BENNETT, manager of the fiscal year 2006 Agriculture appropriations bill, in a colloquy regarding the Farmers Market Promotion Program.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The House of Representatives has already passed its Agriculture appropriations bill, which includes $1 million in funding for the Farmers Market Promotion Program. As the Senate wraps up its work on the pending bill and looks ahead to conference, I would like to request that the chairman do all he can in those negotiations to secure full funding for this important program.

Authorized in section 10605 of the 2002 farm bill, the Farmers Market Promotion Program would provide critical Federal grant dollars to local governments, chambers of commerce, farmers market alliances, coops, and economic development organizations to support the expansion, development and maintenance of farmers markets and other direct marketing opportunities. An initial investment of $1 million will help to get this program up and running, bringing critical resources to communities nationwide.

I make this request of the chairman understanding the budget pressures and competing interests within this bill. I would like to say at this time, however, this $1 million would be very well spent. Consumers are demanding locally grown farm raised agricultural products and producers want to meet this demand. In my State and across the Nation exciting things are happening in the area of new markets for agricultural products, but many communities lack the needed seed money to get off of the ground.

Mr. BENNETT. The Senator from Iowa and ranking member of the Senate Committee on Agriculture, Nutrition and Forestry, as well as member of the subcommittee of jurisdiction over this bill, raises some important points about funding in the bill. I will work with Senator HARKIN in conference to address this issue.

Mr. HARKIN. I am grateful to the Chair and thank him again for his skillful work at crafting a bill that can be supported by the full Senate.

Mr. DEWINE. Madam President. I thank Chairman COCHRAN for taking the time to have this very serious discussion with me about a life saving proposal that I believe needs to become part of this bill before it is passed into law.

The proposal, originally suggested by President Bush, would allow a small percentage of U.S. food aid dollars to be used to purchase food locally in the country or region of a food aid crisis until U.S. food aid can arrive. For example, if there is a food crisis in Ethiopia, the U.S. Government would be able to purchase food in neighboring countries, or even in other areas of Ethiopia where food is available, and use it to save lives until food shipped from the United States could arrive. On average, U.S. food aid takes over 4 months to arrive in countries in need, and during that gap period, people die—children die.

There is also another consideration that makes this proposal even more imperative. U.S. food aid is stored in Galveston, TX, and 60 percent of our food aid shipments exit through the Gulf of Mexico. Now, with Rita raging off the coast of Texas, several hundreds of millions of dollars of food aid are in the direct path of the storm.

Even if the food stores are not destroyed by this storm, the vessels that were intended to transport the food aid have been sent out to sea and rail companies are not picking up additional commodities. This means the U.S. food aid delivery system is in a state of arrest. If we do not provide a limited authority to purchase food locally until U.S. food aid can arrive in countries suffering from a food shortage crisis, kids will starve to death as they wait for help to arrive. We cannot in good conscience let that happen.

This is one of those rare times when we, as elected officials, have the opportunity to take a step that directly saves lives. Make no mistake about it—if we fail to give the U.S. Agency for International Development the flexibility to purchase food from local sources, our lack of action will prevent us from saving lives. Failing to act will cost the lives of thousands of suffering men, women, and children. I trust that such a failure is simply not acceptable to my fellow Senators. It certainly is not acceptable to me.

Mr. COCHRAN. I thank the Senator from Ohio for bringing this issue to my attention and note his desire to provide funding for this new proposal to provide cash for in-country commodity purchasing. I want the Senator to know that I will work with him throughout the conference negotiations on this bill to address this issue.

FOOD ASSISTANCE PROGRAMS

Mr. BAUCUS. I rise today to express my deep concern with the state of our Nation's food assistance programs. In recent weeks our Nation has seen first hand the critical importance of food assistance programs in helping our fellow Americans in times of need. After Hurricane Katrina, with Hurricane Rita bearing down on the Texas coast, and with rising fuel costs, our ability to provide the resources needed by Americans need of food assistance is threatened. This is a critical problem one I have seen in the gulf States but also seen in Montana where many of my fellow Montanans rely on food assistance.

Mr. COCHRAN. I join my colleague from Montana in expressing concern over the condition of the Nation's food assistance programs. I too believe that participation in these nutrition programs may increase due to the recent hurricane. I look forward to working with the Senator to provide adequate funding to meet the demand for food assistance.

Mr. BAUCUS. I appreciate Chairman COCHRAN's understanding and concern. I have seen some of the devastation in the gulf and want to express my sympathy and pledge my support to help. Montanans have seen the devastation and like me, they have opened their arms and hearts to Gulf State evacuees. I hope that the chairman will join me in pledging his support for taking immediate action to help alleviate the critical needs faced by Americans in the gulf as well as citizens across the country regarding food assistance. The Senate should act, and act now to provide Americans relying on food assistance assurance that the resources they rely upon will be there when they need it.

Mr. KOHL. I join my distinguished colleagues from Mississippi and Montana. Providing emergency funds for the food assistance programs in this country is desperately required. Americans in the gulf, as well as my home State of Wisconsin, should be provided the food assistance that they need. Congress must act to address the essential needs of these Americans by ensuring that the Nation's food banks, emergency feeding and other food assistance organizations have the resources they require.

Mr. SALAZAR. Madam President, I rise to speak about the fiscal year 2006 Agriculture appropriations bill. I want to begin by thanking Chairman BENNETT and Ranking Member KOHL for their hard work on this important bill. They were given a tough assignment—to meet the needs of our rural communities in the context of a very tough budget picture. They have done a good job.

I have several amendments to this bill, and I know we have reached an agreement on two of them. I thank my colleagues and their staffs, Galen Fountain and Fitz Elder for their help. I will discuss those amendments shortly.

I have spoken in this Chamber before about the forgotten America and, once again, I stand here today to speak about my concern that we are not doing everything we can on behalf of those farmers, ranchers and agri-businesses which continue to play a vital role in our Nation's rural communities.

I am concerned about these communities. Too often, Washington leaves those communities to wither on the vine.

The administration has proposed reductions in farm commodity programs, crop insurance, food assistance, rural development and conservation.

Just yesterday, the U.S. Department of Agriculture announced that Hurricane Katrina caused an estimated $900 million in farm losses, however according to reports, this estimate did not include long-term infrastructure losses such as damaged barns, machinery, and fuel shortages.

The bill before us takes steps to send a message to rural America that we are not forgetting that vital part of our country.

It invests 3 percent more than the House-passed bill.

It adds back many of the important investments that the President proposed cutting in his budget earlier this year.

There are also important investments for Colorado. Specifically, Colorado State University in Fort Collins will receive $1.9 million in important agriculture research programming.

Colorado will see nearly $32 million in agricultural research and conservation projects, including $15 million in investment to fight noxious weeds and funding for resource conservation and development councils.

I think we can do more, and we must do more, because it is not just Washington that forgets rural America. Consider this. Earlier today, I got on the World Wide Web and googled gas prices on Google News. Sixty-four pages came back with stories on the gas prices that are hurting this country.

But through tens of pages of stories, I did not see a single story on the impact of high gas on farmers and ranchers. I did see stories on: rising gas prices hurting commuters; rising gas prices hurting SUV drivers; rising gas prices hurting local governments; rising gas prices hurting lottery sales; rising gas prices hurting pizza delivery prices; rising gas prices hurting golf travel plans; and rising gas prices hurting leaf watchers.

I have no doubt these high prices are hurting families in each of these situations.

But I also know that now, today, this week, in the height of harvest time, no one is hurt by gas prices more than farmers and ranchers.

Here is what I am hearing from my State. During harvest, agricultural producers are some of the largest fuel consumers in the U.S. and producers are facing enormous fuel costs. In Grand Junction, CO, diesel prices are as high as $3.16.

I have heard from one Colorado farmer in Kit Carson County who has estimated that in order to harvest this year, he will need an additional $46,000 to cover fuel costs alone.

I have also heard from another farmer in northeastern Colorado who, in order to cover the increasing price of fuel, has applied for additional loans at this bank only to be turned down because he is already overextended with existing loans.

That is why I am so pleased this bill now includes my amendment to require the Secretary of Agriculture to work with the Secretary of Energy to produce a comprehensive report on the impact of high gas prices on our farmers, ranchers and rural communities across the country. That data is the first step toward a comprehensive solution to helping these communities address these terrible prices.

I am also pleased the bill now includes my amendment to call the Secretary's attention to an issue that is plaguing Colorado and the West. I know that the chairman is acutely aware of this problem, and thank him and his staff for their support.

The Forest Service reports that during 2004, a total of 7 million trees covering over 1.5 million acres, were killed by several different types of bark beetles throughout the State of Colorado.

Severely impacted counties in my State include: Grand, Jackson, Routt, Summit, Eagle, Park, Chaffee, Pitkin, Saguache, Gunnison, Hinsdale, San Miguel, Ouray, Delta, Montrose, Mesa, and Garfield.

Awareness of the bark beetle infestation has grown with the increasing visual impact of the large stands of dead trees visible from I-70 and Colorado's resort communities.

These infestations will leave millions of acres of Colorado forests at risk of a catastrophic fire.

Regrettably, in the face of this challenge, the Secretary of Agriculture continues to underplay the importance of Forest Service funding. I am thankful that my colleagues on the Interior appropriations subcommittee have done what they can in this budget environment to increase funding to fight pine beetles.

But we can do better. Consider this: total USFS funding down 11 percent from last year; forest health management funding is flat; fiscal year 2006 wildland fire management appropriated additional $25 million for forest health activities on Federal and State land, $15 M and $10 M, respectively.

That is why it is so important that we send this message to the Secretary today. He needs to help us be able to do more to fight this scourge. And this amendment today is the first step in that effort.

I will spend this upcoming weekend with my mother, on our family ranch in the San Luis Valley and will lend a helping hand to the potato harvest on the farm. The people of that valley—like the people of rural communities across this great country—may not get the chance to ever come to Washington to see the work we do. Nonetheless, I hope, that our work makes it to them, so that they can be assured that we have not forgotten them.

Mr. LEVIN. Madam President, earlier this month, the emerald ash borer was positively detected in the Upper Peninsula of my home State of Michigan for the first time. Officials believe that this may be an isolated outbreak, and hope that it can be successfully contained.

Unfortunately, this is an aggressive pest that we in Michigan have been fighting for years, however we have had only limited success in containing the infestation in the past. It is believed that the ash borer was brought to Michigan about 6 years ago through the channels of international trade. What started as a local infestation in a few counties in southeastern Michigan has grown to infest the entire Lower Peninsula. This find in a State park in Michigan's Upper Peninsula is significant because it shows that efforts and the resources provided until now have not been adequate to contain the pest.

While even as we speak, research is being conducted by some of our State's best experts on ways to kill the bug while saving our ash trees, a lack of funding is hampering these efforts. Whatever funding is available must be balanced between research efforts and eradication and containment. For now, that means removing our ash trees. In Michigan alone, we are nearing 10 million trees removed. I cannot tell you how distressing it is for communities which have been forced to remove trees and have little or no funding to replace them. Ann Arbor, near the heart of the infestation and known for its beautiful downtown tree-lined streets, is increasing devoid of foliage, as is the case with too many of our cities and towns.

The State of Michigan anticipated $30 million in Federal funding last year for activities related to eradicating emerald ash borer. Unfortunately, they only received a third of that. This has severely affected our ability to do what is necessary to eradicate this pest. Chipping of these downed trees has ground to a halt, and funding to enforce the State's wood quarantines has been strained. We cannot continue to hold back the spread of the ash borer on our own with such meager funding.

This year, recognizing the serious threat that the ash borer poses to the Nation, the administration requested $32 million for eradication efforts. However, the Senate bill before us provides only $5.96 million for the efforts. This is simply far too inadequate.

The House of Representatives approved $14 million for emerald ash borer-related activities in their Agriculture appropriations bill. While this is still far below what is required, I believe it is a positive first step to providing the desperately needed funding to slow the spread of the ash borer.

We must recognize that this is a nationwide problem that is unfortunately not receiving the recognition or support that it should. A handful of States where EAB has been detected cannot be expected to contain the bug on their own forever. We have seen how quickly the ash borer has infested my State of Michigan, taking only 5 years to spread throughout the Lower Peninsula. Without adequate resources, we face a serious threat to our ash stock. The further spread of the emerald ash borer would be economically devastating to my State, and possibly to much of the rest of the Nation.

I am hopeful that the Senate conferees to this bill will accept the

House's level of $14 million for EAB eradication efforts.

Mr. FEINGOLD. Madam President, I am pleased that the Senate has approved H.R. 2744, the fiscal year 2006 appropriations bill providing vital funding for the Department of Agriculture, Food and Drug Administration and related agencies. While I may not support every provision, this bill provides important funding to support our Nation's farmers, rural communities, and conservation programs along with providing nutritious food for seniors, children and those in need.

I am pleased that the Appropriations Committee rejected a number of administration proposals to reduce or eliminate important programs such as funds for research at our land-grant colleges and universities, conservation partnerships through resource conservation and development councils, and funds to combat Johne's disease in our dairy industry. All of these programs were funded at a minimum of last year's levels instead of receiving drastic cuts.

After years of delay, I was encouraged that the Senate bill included funds to implement mandatory country-of-origin labeling, COOL, for meat, vegetables and fruits. Country-of-origin labeling is vitally important to enable our farmers to show their pride in the quality of their products, from ginseng to cheese to cranberries. Wisconsin farmers are proud of their work, and many consumers want to support American products—with country-of-origin labeling, both farmers and consumers benefit. I urge the Senate conferees to insist on funding COOL when they meet with the House conferees to resolve differences between the two Chambers' bills.

The Senate bill included over $18 million for efforts to control and eradicate chronic wasting disease, CWD, in deer and elk. In addition to this much needed funding, I also worked with Senator ALLARD to include a provision that would require the Department of Agriculture to set minimum national standards for CWD control. Under the current system there are various State regulations but no set of basic procedures guiding the movement, handling, testing and permitting of captive-raised deer and elk. Our amendment, that was included as part of the bill, requires the Animal Plant Health Inspection Service to publish its uniform methods and rules concerning CWD within 90 days of enactment of the provision. With CWD being newly discovered in New York and West Virginia, it is clear that this disease requires a national response. This provision is an important step to prevent the further spread of CWD and help deer and elk farmers operate safely throughout the Nation.

High fuel costs are putting a squeeze on all Americans, but our farmers are in a particularly vulnerable position. While the high fuel costs are hitting them at many levels, they have little flexibility in whether to plant and harvest their fields, pay to move their products to market or procure fertilizer and feed. More than that, they receive what the market dictates for their products, so when fuel costs double or triple and they see fuel surcharges on every one of their bills, they can't pass these costs on and receive a higher price for their milk, grain or other products. In recognition of this difficult situation, I was proud to cosponsor an amendment offered by Senator SALAZAR that was included in the bill as a first step to addressing this problem. The amendment requires the Department of Agriculture to study the issue and issue a report on the impact to farmers.

I also submitted an amendment to the bill to require the Food and Drug Administration, FDA, to conduct a study on the levels of pesticides in domestic and imported ginseng. With Wisconsin ginseng being highly prized worldwide for its quality and lack of unsafe residues, mislabeled imported ginseng, often with high levels of pesticide residues, remains a problem for our producers. This study would have investigated this issue and provided important information to focus FDA's enforcement activities on reducing the amount of unsafe ginseng being passed off as Wisconsin- or U.S.-grown and helping growers fight back against this unfair competition. I was disappointed that I was blocked from having this amendment included in the bill. Despite this setback, I will continue to fight for better enforcement to protect consumers and Wisconsin's ginseng growers.

Mr. DODD. Madam President, I thank Senator BENNETT and Senator KOHL for their efforts as floor managers of H.R. 2744, the Agriculture appropriations bill, and for their willingness to include in that legislation an amendment that I offered along with Senators HARKIN, REED, CARPER, BIDEN, and LIEBERMAN.

Our amendment, No. 1818, expresses the sense of the Congress that the Food and Drug Administration, FDA, should act within 1 year to issue comprehensive labeling guidelines for over-the-counter, OTC, sunscreen products—a so-called "final monograph." The FDA began work to develop such a monograph in 1978. In 2002, after 24 years, the agency issued a final monograph. Unfortunately, the final sunscreen monograph failed to address one of the most critical aspects of sunscreens—how to measure protection against UVA rays, which are responsible for causing skin cancer. Because the final monograph failed to address this key issue, the FDA stayed it until a comprehensive monograph could be issued in order to avoid consumer confusion and the need for unnecessary product relabeling.

That stay was issued nearly 4 years ago, and the FDA has yet to issue a comprehensive final monograph. Sunscreen manufacturers need clear guidance on product labeling in order to provide consumers with crucial information about the protective benefits of sunscreen products. Studies have shown that skin cancer rates continue to rise, especially in younger adults and women.

Furthermore, in the face of FDA inaction, States are poised to fill the void, raising the specter of a patchwork of state labeling requirements that could be confusing to consumers and unnecessarily burdensome to manufacturers. Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act, FFDCA, which was enacted in 1997, a Federal rule on sunscreen labeling would preempt any related State labeling requirements. But this preemption does not apply in the absence of a Federal rule. A recent decision by the Los Angeles Superior Court held that, because there is no final FDA monograph for sunscreens, the FFDCA does not preempt California State labeling and advertising laws. Consequently, California State law can require specific labeling for sunscreens sold in California.

The FFDCA expresses Congress' view that national uniformity of sunscreen labels is important to providing all consumers with equal access to valuable information about the need for sunscreens to reduce the risk of skin cancer. As such, under Public Law 105–115, the Food and Drug Modernization and Accountability Act of 1997, Congress intended the FDA, which has the requisite scientific and medical expertise, to prescribe labels for sunscreen products.

In March 1999, in a letter to FDA Commissioner Jane Henney, Senator REED and I expressed similar concerns about the agency's protracted delay in issuing a comprehensive final OTC monograph for sunscreen. Sadly, and much to the detriment of many Americans who need clear, accurate, and comprehensive sunscreen labeling as their first line of defense against skin cancer, little has been done by FDA since that time. Twenty-seven years is more than enough time for FDA to finalize this monograph. Again, I thank Senator BENNETT and Senator KOHL for their willingness to address this issue. I urge the FDA to act with all possible haste to finalize the OTC monograph for sunscreen products, and to do so within the next year.

Mr. DURBIN. Madam President, I rise to offer this amendment with Senators MURRAY, OBAMA and AKAKA, and I thank Senators FEINSTEIN and HUTCHISON, as managers of this bill, for working with us to place some reasonable limitations on the review of disability claims for post-traumatic stress disorder that is currently under way in the Department of Veterans Affairs.

The Department of Veterans Affairs is conducting a review of 72,000 cases of veterans whom the VA has already rated at 100 percent disability due to post-traumatic stress disorder. The reason for this review is that the Inspector General of the VA recently found that the Department has, in the past, approved many PTSD disability claims without obtaining key documents from the veterans necessary to demonstrate that the PTSD is connected to their military service. In other words, the VA failed to adequately confirm the facts of the case.

In many cases, however, many years have now passed since the Department rated the veteran as disabled and began providing disability compensation. For many of these veterans suffering from the mental and emotional burdens of some very horrific experiences, that VA disability check may be their only source of income.

Now, the VA is re-opening these cases to determine if there was an error in their collection of documentation, and if so, where and how the error occurred.

Even if there was an error, however, that veteran is now dependent on that income. The veteran should not now—years later—be punished with a loss of their income due to the late discovery by the VA of its own error.

For this reason, the amendment I am offering today prohibits the use of any appropriated funds to revoke or reduce a veteran's disability compensation for post-traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation, unless such failure was the direct result of fraud by the applicant.

It is the intent of this amendment that the Department may conduct this review if it provides a report to the Committee on Appropriations on the plan for staffing and funding requirements. The Department cannot, however, correct its error by taking money away from veterans.

America's veterans deserve the undying gratitude of the people of this Nation. America's veterans deserve speedy and accurate processing of their claims at the Department of Veterans Affairs. They do not deserve to be given compensation one day, only to have it taken away years later. Fortunately, the Senate is acting today to prevent that from happening.

Mr. FRIST. Madam President, every morning, farmers and ranchers across America wake up to do the hard work of growing crops, tending livestock, and providing food that is safe, abundant and affordable.

Over 2 million American farms grow the food that feeds the world.

And today we will pass, with near unanimous support, the Agriculture appropriations bill, which helps America's farmers to be the most productive in the world.

The Agriculture appropriations bill funds $100.7 billion for a wide array of Government agencies. Roughly 80 percent of the funding in this bill is for those programs referred to as "entitlements." That includes farm price support programs and funding for low-income, domestic food assistance programs such as food stamps, school lunch, and other child nutrition programs.

The portion of this bill we refer to as "discretionary" includes such activities as rural development, rural housing, agriculture research, FDA, and most conservation programs. That portion represents $17.3 billion—less than a 3 percent increase over this year's funding.

Later today, the Department of Agriculture will release their most current estimates on the agriculture damages caused by Hurricane Katrina. Preliminary estimates indicate that the loss of agricultural production in the area might be less than $1 billion. Small comfort to the hard working people who have lost their livelihoods—shrimpers along the coast who have lost their shrimp boats, broiler producers in Mississippi who have lost their facilities.

But we do know that 8 of the 10 major export grain elevators near the Port of New Orleans are operational today. Three major floating rigs, which have comparable capacity to these elevators, are also operational.

Eighty percent of grain export capacity has been restored, and barge movement is now increasing. Export grain delivery from the upper reaches of the Mississippi is catching up with these capacity numbers. The real impact of Katrina on the agricultural sector will be the increasing cost of energy and fertilizer costs.

As I mentioned earlier, the largest expenditure made by the USDA is for food and nutrition programs. The appropriations bill provides $40.7 billion for the Food Stamp Program; $12.4 billion for the school meal programs; $5.3 billion for the Women and Infants and Children program. Rural housing loan programs are allotted nearly $5 billion.

Another critical function of the USDA is to conduct research into improving our farming and conservation methods.

The Department provides grants to local communities for a variety of rural development projects, ranging from electricity improvements, to water infrastructure, waste management, broadband service, and energy efficiency.

During the August recess, I had the opportunity to meet with a group of county mayors back in my home State. Tennessee is a major grower of cotton, corn, and soybeans. This year, we are expected to produce 48 million bushels of soybeans on 1.2 million acres of farmland. The Tennessee USDA office also predicts we will set a new State record for cotton production, at over 1.1 million bales.

While I was home meeting with the county mayors, we discussed Tennessee's thriving farming business and what they need to help it grow. Greater research into agricultural production was one area they highlighted. The farm bill includes significant support for those efforts.ncludes significant support for those efforts.

It includes: $2 million for Appalachian horticultural research, a collaborative project between the USDA and University of Tennessee; $955,000 for research into the best way to protect soil and water quality on farms which can suffer from heavy erosion; and nearly $40 million for the boll weevil eradication program to help our cotton farmers combat this destructive pest.

These programs, along with major funding for the USDA's rural development programs and housing services, are helping farmers around the country continue to feed America, and indeed, the world.

From the very beginning of our Nation's history, farming has been the backbone of our economy, our growth, and our independence. Our earliest settlers were farmers. Farmers and ranchers pioneered our expansion to the West. Indeed, the first patent issued by the Patent Office in 1790 was to Samuel Hopkins for a farming innovation.

I congratulate the chairman of the subcommittee, Senator BENNETT, and the ranking member, Senator KOHL, on reporting a bill that, even in a time of tight budgets, targets spending on the needs of rural America, while also maintaining funding for essential food assistance programs.

By pulling together and remaining focused, the United States Senate is keeping America's expansive food and fiber system moving forward.

Mr. BENNETT. Madam President, all other amendments having been withdrawn or disposed of, we are now to final passage. To accommodate those who need to leave, I reserve any remarks about the bill until after final passage and urge we move to the vote.

Madam President, I yield for the Senator from Alaska.

CHANGE OF VOTE

Mr. STEVENS. Madam President, I ask unanimous consent the vote on 237 be changed. I voted no and I intended to vote aye. I ask it be changed. It will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Madam President, I thank Senator BENNETT once again for his hard work and expert managing of this bill. It has been a pleasure to work with him, and I look forward to continuing to work together as we conference this bill with the House. I also publicly and sincerely thank John

Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, and Stacy McBride on his staff for their hard work and dedication.

They exhibited professionalism and a strong work ethic throughout this entire process, and worked seamlessly with my staff—something I am constantly reminded of as a rare occurrence in what can be an incredibly partisan place. I look forward to continuing this strong spirit of cooperation.

Mr. BENNETT. Madam President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—97

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—2

Ensign
Sununu

NOT VOTING—1

Corzine

The bill (H.R. 2744), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, at this time I would like to thank those who worked so hard to help us with the bill, particularly Dave Schiappa and Laura Dove here on the floor, along with Bill Hoagland of the leader's staff and Chairman CHAMBLISS and his staff, all of whom have been tremendously helpful. We also thank David Tinsley, Kathie Alvarez, Lula Davis, the Parliamentarians, and the cloakroom staff. These marathon activities are not the best kind of situations for some of these folks whom we take for granted around here. I want to acknowledge their help and their support.

I, of course, want to acknowledge the staff of the subcommittee, and I will list their names as a single staff, even though technically they are divided between majority and minority, but in this subcommittee we work together as if we are one staff: John Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, Stacy McBride, Galen Fountain, Jessica Frederick, Bill Simpson, and Tom Gonzales.

All of these people have my very deep and sincere thanks for the work in getting this done.

Now, Madam President, I understand we have to appoint conferees.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. BENNETT, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. CRAIG, Mr. BROWNBACK, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2528

Mr. BENNETT. Madam President, I ask unanimous consent that at 11:30 a.m. today, the Senate proceed to the immediate consideration of Calendar No. 169, H.R. 2528. I further ask consent that the committee-reported substitute be agreed to as original text for the purposes of further amendment, with no points of order waived by virtue of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. Madam President, I now ask unanimous consent that there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN RED CROSS AND HURRICANE RELIEF

Mr. DURBIN. Madam President, yesterday morning I made a trip to meet with the head of the American Red Cross. ADM Marty Evans is an extraordinary person. She was born in Springfield, IL, and served in the U.S. Navy for 29 years. She rose to the rank of rear admiral and, after her retirement from the Navy, spent several years as head of the Girl Scouts of America. Then a few years ago, she was chosen to be CEO of the American Red Cross.

The American Red Cross is an extraordinary agency. There are some 4,500 employees in Washington, 30,000 nationwide, millions of volunteers. Those of us who have had the good fortune of working with the Red Cross know that the people working in Washington are important, but the volunteers in the field are absolutely essential—men and women from communities across America who, at the first warning signal, are prepared to give up their personal lives and move to where they are needed. The help they bring and have brought has made a difference so many times in the lives of victims.

As Ms. Evans told me yesterday, this is not just a matter of hurricanes and floods. They respond to house fires to try to make certain that families and individual communities have a helping hand. I asked her what she did in preparation for Hurricane Katrina, how the American Red Cross positioned itself. I asked what they were doing in anticipation of Hurricane Rita, which we are all watching so closely. She said they didn't wait for a Government signal. They knew what they had to do. They positioned their people, their resources in safe locations where they could move in as quickly as possible after the disaster. They gave a helping hand in the evacuation. But they were ready and prepared, if something terrible occurred. It was heart warming and reassuring to know that the American Red Cross and other extremely important charitable organizations such as America's Second Harvest based in Chicago, the Salvation Army, and so many faith-based groups are prepared and ready to move.

We are now watching, because of satellite imagery, the course of Hurricane Rita, praying that it will not strike with the force of a category 5 hurricane on the coast of Texas and Louisiana, and that somehow, some way, at the last moment we will be spared. But whether we are spared or not, we must be prepared.

This administration has been haunted by Hurricane Katrina for the last 3 weeks. President Bush has made at least five different visits to New Orleans to be visibly present during the rescue and recovery. He made a historic speech from Jackson Square about the challenge which Hurricane Katrina places on Americans. I thought what the President said was the right thing. I am a loyal Democrat, but I listened carefully to what the President said, and I thought the President showed the kind of leadership America needs at this moment.

I will refer later in my remarks to the question of what went wrong with Hurricane Katrina. But looking forward, as we must as a nation, we need to stand behind those victims, their families, the communities, and the States that were hit by Hurricane Katrina. It was a call to arms by the President for this Congress to join with him and the American people in standing up for the most vulnerable people in our country. That is as truly American as it gets.

Listen to the debate that has followed President Bush's announcement in New Orleans. We have had Members of Congress saying we can't afford to do it. We can't afford to provide the disaster assistance for these people to rebuild their lives and for these communities to rebuild their infrastructure and their homes. There have even been arguments from some that we can't consider spending this money because we have to keep our word to the wealthiest people in America that we promised we would cut their taxes.

The budget resolution we passed in the Senate and in the House this year promised that before we went home at the end of the year, we would give $70 billion more in tax cuts to the wealthiest people in America. We also promised in the budget resolution, which I opposed, that we would cut Medicaid, which is health insurance for poor and elderly people, and that we would cut student loan assistance. That was part of what I considered a poorly thought out budget resolution which passed with Republican majorities in the House and Senate.

Now with the intervention of Hurricanes Katrina and Ophelia, and the possibility of Hurricane Rita and damage, many Republicans are arguing: We have a solemn responsibility to cut the taxes for the wealthy first, to cut Medicaid expenditures for the poor and elderly, and to cut student loans, and we don't have the resources to help the victims.

That is unfortunate. It reflects a difference in values. It reflects a difference in priorities. This Senator from Illinois believes that our first obligation is to the most vulnerable in America. Our first obligation is to those helpless victims and those communities who, through no fault of their own, are suffering today. It is time for us to be straightforward. It is time for the President to be straightforward to Republican leaders in the House and Senate, to say clear and unequivocally: We cannot afford to go forward with more tax cuts for wealthy people as we fight a war in Iraq and Afghanistan and as we come to the assistance of our neighbors who suffered because of these terrible natural disasters.

If the President will do that, I can guarantee him this: There is plenty of room on this side of the aisle for Democrats to join him in a bipartisan response to a national disaster which paid no attention to party affiliation.

I can say that with confidence because after 9/11/2001, that is exactly what happened. Democrats and Republicans alike joined hands in the face of that terrorist disaster and said we will stand behind the victims and their families and the State of New York and that city that endured that great loss, as well as, of course, our friends in the Pentagon who were victims as well of 9/11.

We stood together on a bipartisan basis. We did some exceptional things, things to make our country stronger, things to respond to the attack that had taken place. The list is long, starting with resolutions condemning terrorism, appropriations bills, and special bills to put money after 9/11 where it was needed the most, the Airline Stabilization Act, Uniting and Strengthening America Act, the USA PATRIOT Act, the intelligence bills, the defense bills—the list goes on and on.

These were strong bipartisan measures taken in the wake of 9/11 by Democrats and Republicans. We need that same spirit today. We need that spirit to stand behind the victims of Hurricane Katrina and their families and, God forbid, if Hurricane Rita will wreak the same type of havoc, we need to stand behind those victims as well, making certain first we have the resources in FEMA to respond to national emergencies.

There was a feeling 4 years ago that America had received a wakeup call after 9/11, that we had to be ready and prepared as a nation to respond to whatever was thrown at us. Extraordinary measures were taken, extraordinary speeches were made, but when Hurricane Katrina struck, we were not ready.

There has been a lot of question about how to answer the question, What did we do wrong, what did we fail to do with Hurricane Katrina? We better get those answers and get them quickly, not just to point blame, which some say is what it is all about, but for accountability, to figure out what went wrong so it does not happen again. That is basic. It is not a blame game. There is no game involved. It is a matter of accountability.

Sadly, our friends on the other side of the aisle believe the only accountability can come about if a majority of those who are asking the questions are members of the President's party. We learned after 9/11 that it was much better to bring in an independent, nonpartisan commission to ask those hard questions.

The 9/11 Commission, cochaired by Gov. Thomas Kean, a former Republican Governor of New Jersey, and Congressman Lee Hamilton, a former Democratic Congressman from Indiana, did an exceptional job. The strong bipartisan commission came up with measures and recommendations which truly changed the way we govern America and changed the way we think about our responsibility in Congress, as well as in the executive branch.

We need exactly the same type of commission when it comes to Hurricane Katrina. But for reasons I cannot explain, the Republicans have steadfastly refused to appoint an independent, nonpartisan commission to find out what went wrong several weeks ago with Hurricane Katrina. That is the only way to come up with a credible analysis of that failing, whether it occurred at the Federal level, the State level, the local level, or right here in Congress. Let's have an honest, independent, nonpartisan commission, as we did after 9/11.

Instead, the Republican leadership says let's press forward with our own internal investigation. That has no credibility—or very little, I might say. I have been a member of the Senate Intelligence Committee where Senator ROBERTS, as the chairman, has promised he would investigate the misuse of intelligence information before the invasion of Iraq. That promise has been made for over a year. Nothing has happened.

We have called time and time again for a congressional investigation of the contracts in Iraq, the no-bid contracts in Iraq to companies such as Halliburton. We know there is evidence of abuse, misuse of taxpayers' funds, and yet this Republican Congress refuses to have a full-scale, honest investigation of Halliburton and the other contractors who are profiteering at the expense of our troops and at the expense of our taxpayers.

So it is time to concede the obvious. We cannot have a thorough, meaningful investigation of Hurricane Katrina without an independent commission. And we cannot come up with the resources to address Katrina and the other natural disasters until the President makes it clear to the Republican leadership in Congress that we can no longer afford the promised tax cuts to the wealthiest people in America.

It is time for us to assess the reality of the challenges we face in Iraq, in Afghanistan, and right here at home. It is time for us to dedicate the resources to rebuilding and strengthening America, rather than strengthening the coffers of a few corporations that happen to have political connections. That is our responsibility.

I hope my colleagues in the Senate and the House will gather together and understand that rebuilding our Nation is our first responsibility. We must understand that the least fortunate among us need our help today. They are more vulnerable than they have ever been.

We cannot change the past, but now with another hurricane moving across the Gulf of Mexico, we can work together in a bipartisan way to change the future. America can certainly do better.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANES AND THE PRICE OF OIL

Mr. NELSON of Florida. Mr. President, Hurricane Rita, bearing down on the gulf coast of Texas, perhaps Louisiana again, a category 5, with winds that have gotten up to 175 miles an hour, is very similar to Hurricane Katrina 3 or 4 weeks ago. It sprang up as a category 1, hitting south Florida first. Katrina did quite a bit of damage, as you would expect with winds in the range of 80 and 85 miles an hour. There was a lot of debris. There was the loss of electricity as it went over Miami, Dade County. Then, of course, when it got out to the gulf, fueled by those warm waters, about 87 degrees, providing the fuel for the hurricane, it surged in intensity on up to category 5, coming down to a category 4 before it hit the Louisiana coast.

It is eerily similar; Hurricane Rita springing up and hitting Florida this time actually 50 miles south of Key West, of course, with those counterclockwise winds, and a category 1 hitting Key West—that being the strongest side of the storm—and then out over the warm waters of the gulf. This is what we have as it is approaching landfall Saturday morning.

Before Katrina, this Nation was finally waking up to how vulnerable we are in our dependence on energy sources. Specifically, the Nation was waking up to the fact that 58 percent of our daily consumption of oil comes from foreign shores. That is not a very good position to be in if you have to depend on foreign lands for that oil. The price of gasoline was spiking up prior to Katrina, in the range of $2.70 a gallon. This was during August. I was doing townhall meetings all over my State of Florida, and I can tell you at $2.70 a gallon, people are hurting. Senior citizens on fixed incomes cannot afford to drive to the doctor. People making $20,000 a year can't afford to drive to work.

Then along comes Katrina, and because of hitting the area of our refinery capacity, the scare goes into the market and the price of gasoline surges. In one station, overnight—one station on Interstate 10 near Tallahassee—it surged 40 cents to well over $3 a gallon.

I can tell you because I know what my people feel in Florida, they are hurting. They are having difficulty making ends meet, even without now having this additional cost. Here we go again. Here comes the next major hurricane, Hurricane Rita. It is now apparently bearing down on the Galveston-Houston area, one of the major shipping ports of the world. Also, that is where a great deal of the oil activity and the oil refinery capacity of this country is located. If it does knock out some of that refinery capacity, we are going to see these spikes in the price of gasoline to the point that it is starting to hurt our people.

Is it going to take another tragedy like this for us to finally wake up and, as a nation, get our heads out of the sand and address this energy-dependent condition in which we find ourselves? Mind you, this is with the backdrop that over the past 4-plus years I have been privileged to be a Member of the Senate, we have tried almost every year to do a simple little thing, and that is to raise miles per gallon on SUVs and phase it in over a long period of time so it doesn't hurt anybody. But we cannot even get 40 votes out of 100 Senators for an amendment like that, to try to address the energy-dependent condition in which this Nation finds itself.

What are we going to do? Is it going to take another Katrina-like tragedy to shake us out of our lethargy? We might be shaken come next Saturday morning.

There are a number of things we can do. But before I go into that, let me tell you about this thin thread we are hanging onto in our energy dependence. With 58 percent of our daily consumption foreign oil, any disruption in the system automatically will cause prices to spike and could come to the position of paralysis. It could be a major shutdown because of some malfunction in a refinery. Lord forbid, it could be a terrorist sinking a supertanker in the Strait of Hormuz, that 19-mile-wide strait in the Persian Gulf through which all of the world's tankers have to go out into the open sea to supply a world thirsty for oil. It could be another series of hurricanes. Whatever it is, that thin thread of the supply line could have devastating consequences for this country, if we cannot satiate our parched throats, this thirst for oil.

We best get on with it. I suggest we start rethinking and get more than 39 votes for mandating increased miles per gallon. I suggest we start making ethanol, not just from corn—which is an expensive process—but from less expensive sources from which our technology now allows us to make ethanol. We can surely make it from sugar cane. We can make a lot from normal waste. Do you know something else. We can make it from grass. We have 31 million acres of prairie grass in this country. Let's cut the grass. Let's make cheaper ethanol and let's mix that ethanol with gasoline that will burn in our existing car engines.

The primary consumption of oil is in the transportation sector, and in the transportation sector are our personal vehicles, where we consume most of that oil. If we start mixing ethanol with gasoline in greater proportions, it will burn in our existing car engines and we will use that much less oil.

But let's do something else. Let's make sure that when the car manufacturers are satisfying the demands of the American public for new automobiles, they satisfy the demands and start producing more hybrid vehicles. If you have a hybrid vehicle, which Toyota has had for the last 6 years, that will get the equivalent of 50 miles per gallon in start/stop traffic, then you are burning less oil. The consumption of oil is less.

If that hybrid vehicle is now burning a fuel that is not just gasoline but is a mixture of gasoline and ethanol, then you are consuming all the less oil.

I suggest one more thing, that we build our hybrid vehicles so that when you park in your garage at night, you plug it in and it charges up that battery, so the next day, when you drive out, you have a fully charged battery so the gasoline engine in your hybrid vehicle is being used less to charge up that battery, and you have charged up that battery overnight from a source of energy other than oil.

These are steps we can take right now. How many more monster hurricanes is it going to take, hitting the refinery capacity of this Nation along the gulf coast, for us to get our heads out of the sand? I hope and pray that Rita is going to lessen and that it will not strike a portion of the coast that brings devastation and tumult and hardship. But as of Thursday midday, that is the course it is on for Saturday morning landfall. The National Hurricane Center is pretty accurate in their predictions.

I am talking to an empty Chamber because we are all out there in committee meetings. I have just run here from trying to help protect us in the Commerce Committee on a question of communications after a natural disaster—which we have experienced after Katrina. The Judiciary Committee is meeting at this moment as they consider a nominee for Chief Justice of the Supreme Court.

I have made similar remarks on this floor time and time again. If they have not fallen on deaf ears, they have been ignored, as have the similar remarks of other Senators. How many times do we have to be reminded of our vulnerability as a nation, dependent on foreign oil? Let's start enacting some energy policies that will address this problem immediately, to wean ourselves as quickly as possible from dependence on foreign oil.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2528, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I

[DEPARTMENT OF DEFENSE

[MILITARY CONSTRUCTION, ARMY

[For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,602,552,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed $168,804,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

[In addition, $50,000,000, to remain available until September 30, 2007, for overhead cover systems to support force protection activities in Iraq: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

[MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

[For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,109,177,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed $36,029,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

[MILITARY CONSTRUCTION, AIR FORCE

[For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,171,338,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed $91,733,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress .of the determination and the reasons therefor.

[MILITARY CONSTRUCTION, DEFENSE-WIDE

[(INCLUDING TRANSFER OF FUNDS)

[For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $976,664,000, to remain available until September 30, 2010: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $107,285,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

[MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

[For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $410,624,000, to remain available until September 30, 2010.

[MILITARY CONSTRUCTION, AIR NATIONAL GUARD

[For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $225,727,000, to remain available until September 30, 2010.

[MILITARY CONSTRUCTION, ARMY RESERVE

[For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $138,425,000, to remain available until September 30, 2010.

[MILITARY CONSTRUCTION, NAVAL RESERVE

[For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $45,226,000, to remain available until September 30, 2010.

[MILITARY CONSTRUCTION, AIR FORCE RESERVE

[For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $110,847,000, to remain available until September 30, 2010.

[NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

[For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $206,858,000, to remain available until expended.

[Family Housing Construction, Army

[For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $549,636,000, to remain available until September 30, 2010.

[Family Housing Operation and Maintenance, Army

[For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $803,993,000.

[Family Housing Construction, Navy and Marine Corps

[For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $218,942,000, to remain available until September 30, 2010.

[Family Housing Operation and Maintenance, Navy and Marine Corps

[For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $588,660,000.

[Family Housing Construction, Air Force

[For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $1,236,220,000, to remain available until September 30, 2010.

[Family Housing Operation and Maintenance, Air Force

[For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $755,319,000.

[Family Housing Operation and Maintenance, Defense-wide

[For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $46,391,000.

[Department of Defense Family Housing Improvement Fund

[For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

[Base Realignment and Closure Account 1990

[For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $377,827,000, to remain available until expended.

[Base Realignment and Closure Account 2005

[For deposit into the Department of Defense Base Realignment and Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,570,466,000, to remain available until expended.

[Basic Allowance for Housing, Army

[For basic allowance for housing, for members of the Army on active duty, $3,945,392,000.

[Basic Allowance for Housing, Navy

[For basic allowance for housing, for members of the Navy on active duty, $3,592,905,000.

[Basic Allowance for Housing, Marine Corps

[For basic allowance for housing, for members of the Marine Corps on active duty, $1,179,071,000.

[Basic Allowance for Housing, Air Force

[For basic allowance for housing, for members of the Air Force on active duty, $3,240,113,000.

[Basic Allowance for Housing, Army National Guard

[For basic allowance for housing, for members of the Army National Guard on active duty, $453,690,000.

[Basic Allowance for Housing, Air National Guard

[For basic allowance for housing, for members of the Air National Guard on active duty, $248,317,000.

[Basic Allowance for Housing, Army Reserve

[For basic allowance for housing, for members of the Army Reserve on active duty, $310,566,000.

[Basic Allowance for Housing, Naval Reserve

[For basic allowance for housing, for members of the Naval Reserve on active duty, $191,388,000.

[Basic Allowance for Housing, Marine Corps Reserve

[For basic allowance for housing, for members of the Marine Corps Reserve on active duty, $40,609,000.

[Basic Allowance for Housing, Air Force Reserve

[For basic allowance for housing, for members of the Air Force Reserve on active duty, $71,286,000.

[Facilities Sustainment, Restoration and Modernization, Army

[For expenses for facilities sustainment, restoration and modernization of the Army, $1,850,518,000.

[Facilities Sustainment, Restoration and Modernization, Navy

[For expenses for facilities sustainment, restoration and modernization of the Navy, $1,344,971,000.

[Facilities Sustainment, Restoration and Modernization, Marine Corps

[For expenses for facilities sustainment, restoration and modernization of the Marine Corps, $553,960,000.

[Facilities Sustainment, Restoration and Modernization, Air Force

[For expenses for facilities sustainment, restoration and modernization of the Air Force, $1,845,701,000.

[Facilities Sustainment, Restoration and Modernization, Defense-wide

[For expenses for facilities sustainment, restoration and modernization of the Department of Defense, $115,400,000.

[Facilities Sustainment, Restoration and Modernization, Army National Guard

[For expenses for facilities sustainment, restoration and modernization of the Army National Guard, $391,544,000.

[Facilities Sustainment, Restoration and Modernization, Air National Guard

[For expenses for facilities sustainment, restoration and modernization of the Air National Guard, $184,791,000.

[Facilities Sustainment, Restoration and Modernization, Army Reserve

[For expenses for facilities sustainment, restoration and modernization of the Army Reserve, $204,370,000.

[Facilities Sustainment, Restoration and Modernization, Naval Reserve

[For expenses for facilities sustainment, restoration and modernization of the Naval Reserve, $67,788,000.

[Facilities Sustainment, Restoration and Modernization, Marine Corps Reserve

[For expenses for facilities sustainment, restoration and modernization of the Marine Corps Reserve, $10,105,000.

[Facilities Sustainment, Restoration and Modernization, Air Force Reserve

[For expenses for facilities sustainment, restoration and modernization of the Air Force Reserve, $55,764,000.

[Environmental Restoration, Army

[(including transfer of funds)

[For the Department of the Army, $407,865,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

[Environmental Restoration, Navy

[(including transfer of funds)

[For the Department of the Navy, $305,275,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

[Environmental Restoration, Air Force

[(including transfer of funds)

[For the Department of the Air Force, $406,461,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

[Environmental Restoration, Defense-Wide

[(INCLUDING TRANSFER OF FUNDS)

[For the Department of Defense, $28,167,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

[Environmental Restoration, Formerly Used Defense Sites

[(INCLUDING TRANSFER OF FUNDS)

[For the Department of the Army, $221,921,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

[Defense Health Program

[For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $19,983,912,000, of which $19,184,537,000 shall be for operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2007, and of which up to $10,212,427,000 may be available for contracts entered into under the TRICARE program; of which $355,119,000, to remain available for obligation until September 30, 2008, shall be for procurement; and of which $444,256,000, to remain available for obligation until September 30, 2007, shall be for research, development, test and evaluation: *Provided*, That notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $7,500,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

[Administrative Provisions

[SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

[SEC. 102. Funds appropriated in this title for construction shall be available for hire of passenger motor vehicles.

[SEC. 103. Funds appropriated in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

[SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

[SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

[SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

[SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

[SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

[SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

[SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

[SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

[SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

[SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

[SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

[(TRANSFER OF FUNDS)

[SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

[SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

[SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

[SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

[(TRANSFER OF FUNDS)

[SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

[(TRANSFER OF FUNDS)

[SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

[SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

[SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

[(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

[(A) the closure or realignment of the installation for which housing is provided under the contract;

[(B) a reduction in force of units stationed at such installation; or

[(C) the extended deployment overseas of units stationed at such installation.

[(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

[(TRANSFER OF FUNDS)

[SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

[SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

[SEC. 125. None of the funds made available in this title under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2006 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

[SEC. 126. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives or the subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

[SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

[(TRANSFER OF FUNDS)

[SEC. 128. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation, "Foreign Currency Fluctuations, Construction, Defense," to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

[SEC. 129. None of the funds appropriated in this title available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

[SEC. 130. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

[SEC. 131. None of the funds made available in this title may be used to carry out a military construction project, land acquisition, or family housing project for a military installation approved for closure in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), and the Secretary of Defense may not transfer funds appropriated for such a military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the approval of the Committees on Appropriations of both Houses of Congress.

[SEC. 132. None of the funds in this title for operation, maintenance, or repair of housing for general officers and flag officers in the National Capital Region may be used until the Department of Defense submits the report required by section 2802(c) of the Military Construction Authorization Act for Fiscal Year 2005.

[TITLE II

[DEPARTMENT OF VETERANS AFFAIRS

[VETERANS BENEFITS ADMINISTRATION

[COMPENSATION AND PENSIONS

[(INCLUDING TRANSFER OF FUNDS)

[For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $33,412,879,000, to remain available until expended: *Provided*, That not to exceed $23,491,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical services" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

[READJUSTMENT BENEFITS

[For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,214,246,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

[VETERANS INSURANCE AND INDEMNITIES

[For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $45,907,000, to remain available until expended.

[VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2005, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

[In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $153,575,000, which may be transferred to and merged with the appropriation for "General operating expenses".

[VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For the cost of direct loans, $53,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,242,000.

[In addition, for administrative expenses necessary to carry out the direct loan program, $305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

[NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $580,000, which may be transferred to and merged with the appropriation for "General operating expenses": *Provided*, That no new loans in excess of $30,000,000 may be made in fiscal year 2006.

[GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

[For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37, of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

[VETERANS HEALTH ADMINISTRATION

[MEDICAL SERVICES

[For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $20,995,141,000, plus reimbursements, of which not less than $2,200,000,000 shall be expended for specialty mental health care: *Provided*, That of the funds made available under this heading, not to exceed $1,100,000,000 shall be available until September 30, 2007: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107–314, a minimum of $15,000,000, to remain available until expended, for the purposes authorized by section 8111 of title 38, United States Code.

[MEDICAL ADMINISTRATION

[For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; information technology hardware and software; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $4,134,874,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2007.

[MEDICAL FACILITIES

[For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $3,297,669,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2007.

[MEDICAL AND PROSTHETIC RESEARCH

[For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2007, $393,000,000, plus reimbursements.

[DEPARTMENTAL ADMINISTRATION

[GENERAL OPERATING EXPENSES

[For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,411,827,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than $1,086,938,000: *Provided further*, That of the funds made available under this heading, not to exceed $70,000,000 shall be available for obligation until September 30, 2007: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

[NATIONAL CEMETERY ADMINISTRATION

[For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $156,447,000: *Provided*, That of the funds made available under this heading, not to exceed $7,800,000 shall be available until September 30, 2007.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $70,174,000, to remain available until September 30, 2007.

[CONSTRUCTION, MAJOR PROJECTS

[For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $607,100,000, to remain available until expended, of which $532,010,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $8,091,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2006, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2006; and (2) by the awarding of a construction contract by September 30, 2007: *Provided further*, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of the House of Representatives and Senate any approved major construction project in which obligations are not incurred within the time limitations established above.

[Construction, Minor Projects

[For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $208,937,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section, of which $160,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

[GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

[For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $25,000,000, to remain available until expended.

[GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

[For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $32,000,000, to remain available until expended.

[Administrative Provisions

[(including transfer of funds)

[Sec. 201. Any appropriation for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

[Sec. 202. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901–5902 of such title.

[Sec. 203. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

[Sec. 204. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

[Sec. 205. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2005.

[Sec. 206. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

[Sec. 207. Notwithstanding any other provision of law, during fiscal year 2006, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2006 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2006 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

[Sec. 208. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2006: *Provided*, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2006.

[Sec. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

[Sec. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,758,000 for the Office of Resolution Management and $3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

[Sec. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

[Sec. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

[Sec. 213. None of the funds made available to the Department of Veterans Affairs in this Act, or any other Act, may be used to implement sections 2 and 5 of Public Law 107–287 and section 303 of Public Law 108–422.

[Sec. 214. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

[Sec. 215. Amounts made available under "Medical services" are available—

[(1) for furnishing recreational facilities, supplies, and equipment; and

[(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

[Sec. 216. That such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of this account.

[Sec. 217. Amounts made available for fiscal year 2006 under the "Medical services", "Medical administration", and "Medical facilities" accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided*, That the limitation on transfers is 20 percent in fiscal year 2006.

[Sec. 218. Any appropriation for fiscal year 2006 for the Veterans Benefits Administration made available under the heading "General operating expenses" may be transferred to the "Veterans Housing Benefit Program Fund Program Account" for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed $8,800,000 in the budget year.

[Sec. 219. Notwithstanding any other provision of law, the Secretary of Veterans Affairs (Secretary) shall allow veterans eligible under existing VA Medical Care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Services or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing VA facility or VA-contracted service is unavailable: (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with CARES; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

[Sec. 220. That such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

[Sec. 221. None of the funds available to the Department of Veterans Affairs in this Act, or any other Act, may be used by the Department of Veterans Affairs to implement a national standardized contract for diabetes monitoring systems.

[TITLE III

[RELATED AGENCIES

[AMERICAN BATTLE MONUMENTS COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $35,750,000, to remain available until expended.

[FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

[For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $15,250,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

[UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

[SALARIES AND EXPENSES

[For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, $18,295,000, of which $1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

[DEPARTMENT OF DEFENSE—CIVIL

[CEMETERIAL EXPENSES, ARMY

[SALARIES AND EXPENSES

[For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $29,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

[ARMED FORCES RETIREMENT HOME

[For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $58,281,000, of which $1,248,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

[TITLE IV

[GENERAL PROVISIONS

[Sec. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[Sec. 402. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

[Sec. 403. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[Sec. 404. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

[Sec. 405. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

[Sec. 406. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

[Sec. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

[Sec. 408. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

[Sec. 409. None of the funds made available by this Act may be used to close or realign any military installation approved for closure or realignment in 2005 before the Secretary of Defense makes the information available upon which the Secretary's closure and realignment recommendations were based, as required by section 2903(c)(4) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

[This Act may be cited as the "Military Quality of Life and Veterans Affairs Appropriations Act, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,640,641,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed $191,393,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,045,882,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed $32,524,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 108–324, $92,354,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,209,128,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed $103,347,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,072,165,000, to remain available until September 30, 2010: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $133,120,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $467,146,000, to remain available until September 30, 2010.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $279,156,000, to remain available until September 30, 2010.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $136,077,000, to remain available until September 30, 2010.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $46,676,000, to remain available until September 30, 2010.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $89,260,000, to remain available until September 30, 2010.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $206,858,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $549,636,000, to remain available until September 30, 2010.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $812,993,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $218,942,000, to remain available until September 30, 2010.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $593,660,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $1,142,622,000, to remain available until September 30, 2010.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $766,939,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $46,391,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), $377,827,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), $1,504,466,000, to remain available until expended: Provided, That these funds may not be obligated or expended until the Secretary of Defense submits to the congressional defense committees and receives approval of a report describing the specific programs, projects, and activities for which such funds are to be obligated.

GENERAL PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination *of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.*

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriations Acts.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds made available in this title may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense shall provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. section 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 125. None of the funds made available in this title may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act, or any other appropriations Act.

SEC. 126. None of the funds made available in this title under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2006 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 128. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. section 2687 note), unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project, and the Secretary of Defense may not transfer funds made available for such a military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 129. Unless stated otherwise, all reports and notifications required by this title shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

TITLE II—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $33,412,879,000, to remain available until expended: Provided, That not to exceed $23,491,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical administration" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,214,246,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, $45,907,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by title 38, United States Code, chapter 37: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2006, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

For administrative expenses to carry out the direct and guaranteed loan programs, $153,575,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $53,000, as authorized by title 38, United States Code, chapter 31: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,242,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by title 38, United States Code, chapter 37, subchapter V, $580,000, which may be transferred to and merged with the appropriation for "General operating expenses": Provided, That no new loans in excess of $30,000,000 may be made in fiscal year 2006.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by title 38, United States Code, chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code: $23,308,011,000, plus reimbursements, of which $1,977,000,000 are designated as an emergency requirement pursuant to section 402 of House Concurrent Resolution 95 (109th Congress), the fiscal year 2006 budget resolution: Provided further, That of the emergency funds provided under this heading, the Department of Veterans Affairs shall submit for approval by the Committees on Appropriations of both Houses of Congress, a financial plan outlining how the emergency funds will be obligated: Provided further, That the Department of Veterans Affairs shall include these emergency funds in their base request for the fiscal year 2007 budget submission: Provided further, That of the funds made available under this heading, not to exceed $1,500,000,000 shall be available until September 30, 2007: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That notwithstanding any other provision of law; the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107-314, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by title 38, United States Code, section 8111.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; uniforms or allowances therefore, as authorized by sections 5901–5902 of title 5, United States Code; and administrative and legal expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $2,858,442,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2007.

INFORMATION TECHNOLOGY

For necessary expenses, $1,456,821,000 shall be available for the Department of Veterans Affairs Information Technology program: Provided, That within 90 days of enactment of this Act, the Secretary of Veterans Affairs shall establish an office for Information Technology (IT) with the authority and responsibility for all IT projects: Provided further, That this office shall report directly to the Deputy Secretary of Veterans Affairs: Provided further, That this new organizational structure shall be subject to approval of the Committees on Appropriations in both Houses of Congress: Provided further, That within this amount, no more than $100,000,000 from all sources shall be available for the HealtheVet project for fiscal year 2006: Provided further, That none of the funds made available for the HealtheVet project may be obligated until such time that the Department of Veterans Affairs creates a single position with the responsibility for and the authority to manage the entire project, including budgetary authority: Provided further, That none of the funds made available for the HealtheVet project may be obligated until the Committees on Appropriations in *both Houses of Congress approve a financial expenditure plan for the entire project.*

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $3,297,669,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2007.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code to remain available until September 30, 2007, $412,000,000, plus reimbursements, of which, not less than $15,000,000 shall be used for Gulf War Illness research.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefore; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,418,827,000: Provided, That expenses for services and assistance authorized under title 38, United States Code, sections 3104(a)(1), (2), (5), and (11) that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,093,937,500: Provided further, That of the funds made available under this heading, not to exceed $71,000,000 shall be available for obligation until September 30, 2007.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefore; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $156,447,000: Provided, That of the funds made available under this heading, not to exceed $7,800,000 shall be available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978,,$70,174,000, to remain available until September 30, 2007.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in title 38, United States Code, section 8104(a)(3)(A) or where funds for a project were made available in a previous major project appropriation, $607,100,000, to remain available until expended, of which $539,800,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $2,500,000 shall be to make reimbursements as provided in title 41, United States Code, section 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2006, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2006; and (2) by the awarding of a construction contract by September 30, 2007: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That none of the funds in this or any other Act may be used to modify or alter the mission, services or infrastructure of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study as specified by the Secretary of Veterans Affairs.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in title 38, United States Code, section 8104(a)(3)(A), $208,937,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations, of which $160,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations of both Houses of Congress: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities; and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes; and for furnishing care to veterans as authorized by title 38, United States Code, sections 8131–8137, $104,322,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by title 38, United States Code, section 2408, $32,000,000, to remain available until expended.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for the Veterans Benefits Administration for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Veterans Health Administration for fiscal year 2006 under the "Medical services", "Medical administration", "Information technology", and "Medical facilities" accounts may be transferred between the mentioned accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: Provided further, That no transfer may be made out of the "Medical and Prosthetic Research" account.

SEC. 203. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations in both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration. This report shall contain, at a minimum, both planned and actual expenditure rates, unobligated balances, and any potential financial shortfalls.

SEC. 204. No project for which funds have been appropriated in the "Construction, major projects" account may be canceled or altered in scope by more than 10 percent in cost without submitting a request to the Committees on Appropriations of both Houses of Congress and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 205. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C., sections 7901–7904 or 42 U.S.C., sections 5141–5204), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available to the Department of Veterans Affairs for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2005.

SEC. 207. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2006 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2006, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2006 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary of Veterans Affairs shall determine the cost of administration for fiscal year 2006 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Notwithstanding any other provision of law and hereafter, the Department of Veterans Affairs shall continue the Franchise Fund established by title I of Public Law 104–204.

SEC. 210. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 211. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2006 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,758,000 for the Office of Resolution Management and $3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 212. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary of Veterans Affairs submits a report which the Committees on Appropriations in both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 213. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

SEC. 214. Amounts made available under the ''Medical services'' account are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Any appropriation for fiscal year 2006 for the Veterans Benefits Administration made available under the heading ''General operating expenses'' may be transferred to the ''Veterans Housing Benefit Program Fund Program Account'' for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed $8,800,000 in the fiscal year.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs Medical Care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Services or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services Activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to title 38, United States Code, section 8118 may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. That such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the ''Medical services'' account, to remain available until expended for the purposes of this account.

SEC. 221. Appropriations available to the Department of Veterans Affairs for fiscal year 2006 for salaries and expenses shall be available for services authorized by title 5, United States Code, section 3109; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by title 5, United States Code, sections 5901–5902.

TITLE III—RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $36,250,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monumnets Commission, $15,250,000, to remain available until expended, for purposes authorized by title 36, United States Code, section 2109.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by title 38, United States Code, sections 7251–7298, $18,795,000, of which $1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $28,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $58,281,000, of which $1,248,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi.

This Act may be cited as the ''Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2006''.

Amend the title so as to read: "An Act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.".

Mrs. HUTCHISON. Mr. President, it is my pleasure today to bring the fiscal year 2006 Military Construction, Veterans Affairs and related agencies bill to the Senate for consideration.

First, I would like to say that as a result of Chairman COCHRAN and Senator BYRD's leadership, we received an increase in our allocation from the very beginning of this process of over $1.2 billion above the President's request to assist the Department of Veterans Affairs. It was only through this increase that Senator FEINSTEIN and I were able to take care of our Nation's veterans.

This bill stays within our 302(b) allocation. It provides $12,116,611,000 for military construction and $70,710,881,000 for the Department of Veterans Affairs and $157,126,000 for related agencies.

This bill bridges two significant funding gaps in fiscal year 2006 for the Department of Veterans Affairs. This is a total of $3.2 billion.

First, the President's budget request included two legislative proposals for the VA's health system that would have increased the copayments for prescription drugs and instituted new enrollment fees, both of which were to be paid for by veterans. Revenue estimates for these proposals were approximately $1.2 billion. The administration reduced the VA's budget request by this amount. This bill does not include either of those two legislative proposals, and instead the subcommittee used all of its increased allocation to cover the $1.2 billion difference for VA health care.

The second gap in the VA's 2006 budget was a shortfall in VA's health care budget identified by the Secretary of Veterans Affairs this summer. The bill contains $1.977 billion requested by the administration in a budget amendment. While Senator FEINSTEIN and I have included the full amount requested, the bill designates this funding as an emergency appropriation.

I would like to especially thank the subcommittee's ranking member, Senator FEINSTEIN, for her efforts and cooperation over the summer regarding that particular critical issue. In addition, I thank Senator LARRY CRAIG, and Senator PATTY MURRAY, as well as Senator AKAKA for their help in solving that problem that was looming as an emergency. And we all came to an agreement on a bipartisan basis that is certainly worthy of our colleagues' support. We had part of it as an emergency, and we will finish what we need in the 2006 budget.

The bill recommends $23.3 billion for the VA's medical services account. This funding level is $1.3 billion above the President's request. Again, this was only possible with the extra allocation provided by the full committee chairman and ranking member.

This bill recommends $412 million for medical and prosthetic research. The budget request for this account was $9 million below the fiscal year 2005 level. The funding level in the bill increases this account above the fiscal year 2005 level by $19 million.

We have specifically included funds directed solely to research for gulf war illness syndrome. This is an area that I feel very strongly committed to because so many of our veterans came back from the first gulf war—one in seven veterans who returned from that war—with symptoms they had not ever had in their lives. I believe we were slow to recognize that, but we are now putting greater emphasis on that—not only to treat those veterans but also to see what the cause is and prevent future members of our armed services from being susceptible to that kind of chemical warfare. This bill provides full funding as requested for the VA's medical facilities account at $3.3 billion, as well as new construction and renovation of existing facilities at $607 million and $209 million, respectively.

The bill creates an account for the VA information technology. This is a very important effort that will help achieve efficiencies in delivering care to our veterans. We do not have the technology we need in our veterans system to do what needs to be done on an efficient basis. This will reorganize the entire technology portfolio and give Congress more oversight, as well.

For our Nation's veterans compensation, pensions, and other benefit programs, we fully funded the administration's request of $36.8 billion. The bill also provides sorely needed funds for military construction with the impending return of troops. As a result of the current overseas rebasing effort, BRAC, Army modularity, and the global war on terror, our service men and women are in a time of great transformation. It is important they have facilities in place to enable the transformation.

The bill, including the first phase of funding for the BRAC 2005 round, should it be approved by Congress, adds $1.5 billion. We have also included a provision that facilitates congressional oversight by requiring the Secretary of Defense to provide a spending plan before obligating any funds from this account.

The bill also continues funding for many important quality-of-life initiatives, including 11 family housing privatization projects, and it increases Guard and Reserve funding more than $295 million over the President's request.

For the related agencies under our jurisdiction, we include $51.5 million for the American Battle Monument Commission, which is $1 million above its request, and $28.5 million for Arlington National Cemetery, which is $500,000 above their request.

Our subcommittee has worked hard to bring a fair and balanced bill. It warrants the support of our colleagues. We could not have done this without the total cooperation of Senator FEINSTEIN and her staff. We have always worked together on a bipartisan basis. We always will on this subcommittee.

I yield the floor to my ranking member, Senator FEINSTEIN.

The PRESIDING OFFICER. Under the previous order, the committee-reported substitute is agreed to as original text for the purpose of amendment, with no points of order waived.

(The committee amendment in the nature of a substitute was agreed to.)

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join my chairman, Senator HUTCHISON, in recommending the 2006 Military Construction, Veterans Affairs, and related agencies appropriations bill to the Senate. I thank Senators COCHRAN and BYRD for their leadership and assistance in guiding this bill through the committee and to the floor.

I very much appreciate the support of our leaders in allowing us to take up this bill at this time before we have completed action on the Defense authorization or appropriations bills. I recognize this is not the normal order of business. With the clock running and a large amount of unfinished business facing the Senate, it is imperative we press on with these bills as quickly as possible.

With one disastrous hurricane behind us and another bearing down on Texas, we all recognize there is no time to dawdle. We face enormous challenges with these hurricanes. Both Senator HUTCHISON and I hope and pray it will not bring another measure of devastation on our coastal States. My heart goes out to my chairman, Senator HUTCHISON, to her people, our people, in the State of Texas. I hope we can move this bill quickly so she can return to Texas later today to help her constituents prepare for the onslaught of the storm.

I want the Senator to know all on this side wish you and your people Godspeed. I hope it does not hit as hard as it looks like it might.

Mrs. HUTCHISON. Mr. President, let me say thank you for those kind words. I appreciate them. I know the Senator from California has lived through some very tough earthquakes.

We appreciate the response Congress is giving to the many needs of the victims of Hurricane Katrina and possibly those who will be in a similar situation from Rita.

Thank you very much.

Mrs. FEINSTEIN. We have watched with great pride the heroic actions of our Nation's active and reserve military personnel as they have rushed to respond to devastation caused by Hurricane Katrina. We have watched these same troops courageously carry out their missions in Iraq and Afghanistan.

We ask so much of our military and we all recognize we can never adequately repay our debt of gratitude to them. That said, we as Senators have both the opportunity and the responsibility to ensure programs important to our military forces and our veterans are adequately funded.

As Senator HUTCHISON has said, the bill before the Senate today is a bipartisan effort to provide a portion of that funding for the infrastructure needs of our military and the health care and other needs of our veterans.

I want to emphasize the bipartisan nature of this bill and to especially commend the chairman, Senator HUTCHISON, for her skill and her determination—and she can be very determined—in addressing the budgetary complications posed by merging the massive and troubled budget of the VA into the military construction appropriations bill.

In that respect, when we had hearings, it was interesting to see that Senator CRAIG came, Senator AKAKA came, Senator MURRAY came, the former authorizers, as well as appropriators when the VA was in another budget.

I hope veterans all over the United States recognize how deeply this Senate does care that the VA budget is adequately funded. It was a struggle, but we got there and we got there together. That was thanks to the authorizers and the appropriators and the former appropriators, including my friend Senator MIKULSKI, for working closely with us.

This bill is notable in several regards. First, under the leadership of Chairman COCHRAN and Senator BYRD, we were able to provide $1.977 billion in emergency funding to address the projected shortfall in veterans health care. This was originally disputed, but the authorizers found that the percentage of increase in the planning model was wrong. Therefore, additional moneys were, in fact, needed. That was in addition to the $1.5 billion in the 2005 supplemental funding we were able to add to the 2006 Interior appropriations bill to make up the current shortfall in veterans health care funding. So it was a double effort because money was also added on the Interior bill as well as on our bill.

At a time of tight budget constraints and many competing needs, the Senate Committee on Appropriations demonstrated it stands united in support of our veterans. I very much hope the full Senate and the House will stand by our committee's recommendation.

The bill before the Senate today totals $82.98 billion, of which $44 billion is discretionary. For military construction, the bill equals the budget request of $12.116 billion, although we have rearranged some of the funding within that request.

For the VA, the total amount appropriated in this bill is $70.7 billion, including $34.1 billion in discretionary spending and $36.6 billion in mandatory spending. This is $3.2 billion above the President's original budget proposal.

Even before we learned of the terrible shortfalls in the VA budget, Chairman COCHRAN and Senator BYRD provided an additional $1.26 billion to the subcommittee to cover shortcomings in the President's budget request for the Department of Veterans Affairs. Senator HUTCHISON and I used that additional funding to restore proposed cuts to programs and to make up all the savings assumed in the budget submission for proposed enrollment fees and increased pharmaceutical copayments, as the chairman mentioned.

The Senate Committee on Appropriations unanimously rejected levying these fees on our veterans and provided funding to ensure that the VA could continue to provide service to all eligible veterans.

The bill also provides essential funding for military construction, military family housing, and base realignment and closure costs. Once again, Hurricane Katrina has demonstrated the vital mission of the Guard and Reserve forces to respond to disasters at home and the important backup role played by components of our Active-Duty Forces.

As any experienced military member will state, infrastructure is the key to readiness. Our troops can't train or deploy effectively without the infrastructure necessary to support their mission. This bill provides important funding for military infrastructure needs, including family housing. As the chairman mentioned in the privatization of a number of new projects, those needs will only increase as a result of the impact of Hurricane Katrina on a number of facilities and installations in Mississippi and Louisiana.

We must be prepared to meet those emerging requirements and others we may yet face, without slowing down the progress we are making toward addressing the backlog of military construction requirements nationwide. I suggest that a necessary place for some of this will be the next emergency supplemental rather than, hopefully, amendments to this bill.

Finally, this bill includes necessary funding to implement the 2005 base realignment and closure process and to continue the environmental cleanup from the previous BRAC rounds. This is very important to me. I thank the chairman for going along with it because the environmental cleanup needs are far beyond those envisioned or those budgeted.

Much of the remaining environmental cleanup requirements is in my home State of California. I am particularly mindful of the need to finish this job. Senator HUTCHISON has strongly supported me in this effort. I appreciate her concern that we fully fund environmental cleanup of military installations closed under the BRAC process.

Again, I thank Chairman HUTCHISON for her steadfast leadership on this bill, and Chairman COCHRAN and Senator BYRD for their unstinting support of our Nation's military members and veterans. I also thank, because we have a great staff, Tammy Cameron, Sean Knowles, and Dennis Balkam on the majority, and Christina Evans, B.G. Wright, and Chad Schulken of my staff for their professionalism and their excellent work.

This is a good bill. I encourage all of my colleagues on the Democratic side, in particular, to support it and to move expeditiously to pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator FEINSTEIN. It is clear we worked very well to address the needs of veterans in our country and the military construction needs of all the services in our country. I, too, thank her staff and my staff, Tammy Cameron, Dennis Balkam, and Sean Knowles, for working together to make sure we do the very best job possible and that we work together.

I also add that I appreciate what Senator FEINSTEIN said about amendments to the bill. We are going to shortly propose a unanimous consent that gives a deadline for Members who may want to do an amendment, but I hope no one will try for amendments related to Katrina or Rita because we will have another supplemental for those purposes and we would like to keep this bill in our 302(b) allocation.

Speaking of Katrina and Rita, I commend the Department, especially, for the way they have handled the emergencies that have faced them. When Katrina was threatening the New Orleans and Mississippi areas, they moved the patients out of harm's way before they were threatened. Before anyone said they had to, they were calling the families of patients, explaining the options and telling the families where the patients were being moved. Records were moved to safe locations. Emergency stockpiles of prescription drugs were routed to the areas where the patients were going. It was truly a phenomenal success. Not one veteran who was in the care of the Veterans' Administration was in any way harmed because of this evacuation and this service. Every single veteran had medication dispensed on time. Special arrangements were made to deliver benefit payments to those who did not have an address or a bank where they were.

Victims who were not veterans were also helped. No one was denied medical treatment. VA doctors were there to help everyone, and they did. This is due to the professionalism of the Department and the detailed prior planning.

I can tell you the Department of Veterans Affairs is now doing the exact same thing in the areas that are thought to be in the path of Hurricane Rita. They are beginning to evacuate the veterans who might be in harm's way. They will continue to be ready to assure that all of our veterans on medications will have those medications. I commend Secretary Nicholson and all of the professionals at the Department of Veterans Affairs for stepping up to the plate and taking care of our veterans who are in these emergency situations on the gulf coast today.

There is no question that all of us—I happen to have been born in Galveston. I have lived through hurricanes, and I know how devastating it can be to an area to be struck by a hurricane. I was going to college when Hurricane Carla struck, which was the largest hurricane we had ever had since the 1900 storms in Galveston. It was a level 4.

Now we are looking at possibly a level 5. So I have a lot of friends and family who are in the area who are just waiting to see what is going to happen. And it takes something out of you, there is no question.

But our veterans are going to be taken care of. The people of America who are in trouble are going to be taken care of by our Federal, State, and local communities that are all working together to make sure that when Americans are in need, Americans will be there to do our part to ease this pain.

So thank you, Mr. President. I thank my distinguished ranking member, Senator FEINSTEIN, for her concern. I commend our Secretary of Veterans Affairs for working with us through many of the travails we have had to assure that our veterans get the care they need and that our Active-Duty military also have the military construction for their quality of life.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from California.

Mrs. FEINSTEIN. If I may, Mr. President, I very much concur with what my chairman has just said. In watching on television, one of the things that has come through to me is the enormous sensitivity of our military toward people's plights. What is coming back from people is: Oh, they are treating us so well. They really care.

I believe that is a real commendation for the American military, thrown into a situation for which they are not necessarily trained. After all, they are trained for war fighting. They have done amazingly. I think from the top, when General Honore went down—no nonsense, "move that gun down"—there was no doubt who was in command. It was a true command presence and followed down through the ranks in an amazing way.

So I just want to say thank you very much to each man and woman who is down there helping people go through some of the worst days of their lives.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator FEINSTEIN for bringing that up because there are so many stories.

I talked to the FEMA Director yesterday, and he has already gone to the Department of Defense to get a mobile hospital pre-positioned in the area where Rita might come so we would have a MASH unit ready to help people who might be injured. He has asked for helicopters, which he is going to get, for evacuation and rescue missions.

I do think the military has really stepped up to the plate in Alabama, Mississippi, and Louisiana. They are ready to go and will be going to help the people of Texas where we think the brunt of this storm will hit.

The other unsung heroes and heroines of this plight are the men and women of the Coast Guard. The person in charge from the Federal Government for the effort in Texas is going to be the admiral from the Coast Guard because they have done an incredible job. Admiral Allen over in Louisiana is doing a wonderful job. And now we will have other Coast Guard personnel helping with the operation in Texas.

So I have been working in the last 24 hours with our State and local officials and our Federal officials to assure that the resources are there. I am convinced everything that can be done is being done and that if you can be prepared, we are prepared. But we all know hurricanes are unpredictable in many ways, and we are in for probably a tough time. We are up to it. We will make sure whatever can be done to ease the pain of people who are in harm's way will be done.

I thank the Senator so much for her statement and the concern of all of my colleagues. Just as we have stated our concern to our colleagues from Louisiana and Mississippi and Alabama, people now realize we have another State to add to the emergency needs of our country. I have no doubt everyone will be there doing everything possible for my constituents in Texas.

Mr. President, we are going to shortly propose a unanimous consent request. I ask any of my colleagues who might have amendments to get down to the floor immediately because we know of no amendments other than a couple we have in the mix. Senator COBURN has one, and we have one from Senator FEINSTEIN for Senator CARPER and Senator BIDEN. Those are the only ones we have been informed would be here, and we are going to dispatch those.

So I will ask for a quorum call so we can come back shortly for a unanimous consent request. But if anyone is thinking of an amendment, I would ask my colleagues to address it immediately.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we do have a couple of other amendments. Senator DEWINE has put an amendment in. But I am going to say that if we do not hear from anyone by 12:30, we are going to prepare to go to third reading and set a timetable for the vote. So I am just giving our colleagues fair warning that at 12:30, we will lock in the third reading and the vote on the Military Construction and Veterans Affairs and related agencies appropriations bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I appreciate the expeditious way our leader and the chairman of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies has brought this important appropriations bill to the floor. It is, in my opinion, without question, that we ought to try to deal with all of our appropriations bills this year, complete them individually, complete the total process. We have seen the difficult and confusing process of omnibus bills over the last couple of years. Clearly, this Congress ought to demonstrate to the American taxpayer that we can conduct our budgeting and our appropriating process in a reasonable and responsible fashion to move ahead. The chairman of the subcommittee is urging us to come to the floor if we have amendments and address them in a timely fashion, to see if we can complete work on this appropriations bill today. I appreciate that.

As chairman of the Veterans' Affairs Committee, I have worked closely with the chairman and the ranking member of this subcommittee to assure that we have adequately funded the Veterans' Administration. As our colleagues know—and certainly observers have known—we have had difficulty in effective and responsible projections of costs. As we have seen a ramping up of services to America's veterans and as the quality of veterans health care improves, there has been a substantially greater number of veterans who have chosen to use the veterans health care system to provide for their needs. As a result, H.R. 2528 provides $70.71 billion to the Department of Veterans Affairs, the highest amount of appropriated dollars in the history of the Department. Of this funding, $34.09 billion is discretionary funding, meaning spent across the spectrum of veterans services, which is $1.26 billion above the administration's request, and $23.32 billion is for medical services which is $1.3 billion above the administration's request. Not only did the administration come in at a higher number, but as the needs changed, Congress came in at an even higher number. That speaks clearly to our commitment to America's veterans, as we have always responded to their needs in what we believe to be a direct, straightforward way.

The overall budget of Veterans Affairs has risen $22.5 billion or 47.5 percent, with average increases for all veterans at nearly 7.8 percent every year. I am talking about since the Bush administration took office. These increases more than double the growth of the entire Federal budget, which has increased by 4.14 percent. I am talking about the Department of Veterans Affairs.

Anyone who says we are not meeting the obligation to America's veterans with unprecedented increases and increases that are substantially more than in other areas of our Federal budget simply hasn't looked at the numbers and the level of health care being provided. Health care funding alone has grown by $10 billion, or 52 percent, during the Bush administration. With that attention and response from the Congress and this President, VA has become a modern health care system, described in recent national publications as the best health care anywhere. Of course, that is exactly why we now see more veterans seeking veterans health care; it is not the health care of last resort. It is the health care of first choice. It is a modern, quality delivery system all of us can be proud of, not only because we are providing it but because it serves America's heroes in a way that we feel an appropriate obligation to do so.

I thank Chairman HUTCHISON for the work she has done, and the ranking member, Senator FEINSTEIN, for their cooperative effort with us as we have worked our way through this difficult funding process for veterans. The job is well done. The services and the resources provided are responsible and adequate for the serving of America's veterans.

I am privileged to serve on this subcommittee, to work with the chairman and ranking member to accomplish this task. I also have the unique responsibility of serving as chairman of the authorizing Committee on Veterans' Affairs. I am pleased and proud of the work we are doing, not only for America's veterans today but for those who are soon to become America's veterans. The brave men and women serving us in the defense of our freedom in the war on terrorism in Iraq and Afghanistan are coming back. Many of them will be requiring significant services as they have been injured and found themselves in harm's way. Of course, that is our responsibility. We will not back from it in any way. America's veterans or America's serving men and women soon to be veterans need to know that this Congress has and will continue to address their needs in a responsible fashion, to serve them as we appropriately must, sometimes having to draw priorities but recognizing that those needing the care are going to get the care, the kind that is appropriate and responsible for America's heroes, America's veterans, and men and women currently serving in the armed services.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE KATRINA

Mr. CHAMBLISS. Mr. President, I rise to express my heartfelt sympathy for the hundreds of thousands of Americans who have been impacted and displaced by Hurricane Katrina. Many people will feel the effects of a natural disaster of this magnitude for years. My thoughts and prayers are certainly with them all.

There have been an awful lot of negative publicity and stories surrounding this natural disaster. But there also have been a number of positive activities that have taken place leading up to Katrina's arrival, during the storm itself, as well as in the aftermath. I would like to share some of those stories.

Since Katrina made landfall on August 29, 2005, public and private agencies have worked closely together to survey the damage to Mississippi, Louisiana, and Alabama. The hurricane affected the Port of New Orleans and the ports along the gulf coast and grain facilities along the Mississippi River. Reports estimate that the total damage to the Port of New Orleans is approximately $1.6 billion, including damage to two bridges and a lock.

The Port of New Orleans is an economic asset to the City of New Orleans, contributing approximately $88 million to the city's economy and $1.6 billion to the statewide economy of Louisiana in the year 2001 alone. According to the New Orleans Customs District, for the period October 2004 through June 2005, an 8-month period, the dollar value of exports for bulk agricultural products is almost $1 billion going through New Orleans. This is almost half of the bulk product, by value, exported from the United States every year. In 2004, bulk amount was $25.6 billion.

As many of my colleagues are aware, transportation on the Mississippi River is very important to our Nation's farmers and is critical to keeping U.S. agriculture positioned and able to serve U.S. markets for grain, oilseeds, and grain products shipped from New Orleans. The Mississippi gulf typically is responsible for about 71 percent of corn, 65 percent of soybeans, and 22 percent of wheat exports. This system is one of the most important elements in keeping U.S. grains and oilseeds, particularly corn and soybeans, as well as several other U.S. agriculture products, competitive in the world markets. Of the 50.2 million metric tons exported from U.S. ports thus far in 2005, 29.7 million metric tons or 59 percent was exported from the Mississippi gulf.

Export elevators in the Mississippi gulf region range in storage capacities from 2 million to more than 7 million bushels each. These facilities have a rated vessel loading capacity generally ranging from 60,000 to 100,000 bushels per hour.

As chairman of the Committee on Agriculture, my staff has been in touch with all of the major U.S. grain exporters following Katrina's aftermath moving north. The grain export industry and the industry's supporting transportation infrastructure affected by this disaster committed early on to resume operations as soon as possible. Through continued perseverance, the National Grain and Feed Association, NGFA, and the North American Export Grain Association, NAEGA, which represents those business that handle 70 percent of the U.S. grain and oilseed crop, have prioritized the recovery operations of the grain export infrastructure in this region.

Due to the accomplishments of the private sector, as of today, the grain export elevators are operating at a storage capacity in excess of 84 percent in New Orleans. Moreover, the Federal agencies, especially the U.S. Army Corps of Engineers and the U.S. Coast Guard, have made this possible because of the cooperation between the private sector and the lessees of the port facilities, such as Cargill and ADM and other grain brokerage companies.

Grain exporters, allied industries, and multiple U.S., State and local government entities continue to work around the clock under very challenging conditions to restore operations on the Mississippi River and the affected region. While normal operating conditions at these facilities are not fully restored, many of the obstacles are being addressed successfully to have them operate at full capacity.

A common challenge for every company is making sure enough workers can reach their facilities and have a warm bed and a hot meal. Elevator workers, port workers, and USDA grain inspectors were displaced by the hurricane's extensive damage or complete destruction to their homes—and they also obeyed evacuation instructions. All of these people need housing and the appropriate infrastructure in order to be able to return to work.

As the companies secure adequate housing and living quarters for the employees and their families, the employees of the industry, the Port of New Orleans and other gulf coast ports can more quickly get back to work to ensure U.S. agriculture continues feeding the world.

This is at a point in time during the harvest of grains in the Midwest where we are at our peak, and it is such a critical factor, not just for the city of New Orleans but for all of our grain producers in the Midwest that put their grain on barges, ship them down the Mississippi River to the Port of New Orleans and other gulf coast facilities.

The private sector, the Department of Agriculture, the Army Corps of Engineers, and the Coast Guard are diligently working to restore the gulf coast ports to full capacity in a timely manner. Congress will continue to provide these agencies the resources and the private sector the ability they need to do so.

I am confident that the United States will continue to be a reliable supplier to the international community of grain. I commend the tireless efforts of the U.S. Government agencies, NAEGA, NGFA, and the companies involved in resuming operations of the Port of New Orleans, the ports along the gulf coast and grain facilities along the Mississippi River.

There continue to be many great stories of other individuals and companies contributing and sacrificing time, money, and even their safety to help the victims of Katrina. In my home State of Georgia, many folks are volunteering in evacuee shelters, contributing food, clothes, and money. Some are even housing evacuees. Companies and their employees are joining the effort as well.

The marquee company of my home State is Coca-Cola. Coca-Cola, its bottlers, and their employees are doing their part to assist the victims of Katrina. Coca-Cola had its incident management team in place prior to the storm making land to coordinate its response to Hurricane Katrina. With a number of facilities damaged or without electricity in the affected area. Coca-Cola and its bottlers immediately began producing water and an assortment of beverages from other plants for donation to FEMA and other relief agencies, even as they attempted to reach employees in the affected areas.

Running short of bottles and cans to deliver water and juice for children, Coca-Cola employees modified 2.5-gallon containers, which are normally used for syrup in restaurant fountain dispensers, and converted them to hold various beverages for shipment to emergency shelters at the Astrodome and other places in and around the affected area.

To date, Coca-Cola and its bottling partners have shipped more than 30 million containers of filtered water, juice, sport drinks, and other beverages to relief organizations, including the American Red Cross, Department of Defense, FEMA and Mississippi Emergency Management Agency and food service partners such as Aramark.

The Coca-Cola company and the Coca-Cola Bottlers Association committed $5 million to Hurricane Katrina relief. A major portion of the donations went to the American Red Cross and the Salvation Army, with $2 million being set aside to aid displaced Coca-Cola employees.

Because of Georgia's experience in disasters and because of the expertise in mobile medical centers, Ben Hinson, the owner of Mid Georgia Ambulance Company was asked by the State of Louisiana to coordinate all ambulance and paramedic services coming into the State.

Within 2 days of Hurricane Katrina making landfall, Ben was on the ground delivering medical services and coordinating response teams from all over the country. His company along with other Georgia ambulance services would eventually send 20 ambulances and 50 paramedic crews to help in the relief efforts.

Ben and his son, Shay, now manage over 600 paramedics and nearly 400 ambulances, a number that is growing every day as more States and localities continue to mobilize. Mid Georgia Ambulance is also working side by side with Navy medical teams in St. Barnard Parish providing triage and primary medical care to survivors.

Home Depot is another company which is passionate about helping its neighbors and communities during times of need. Home Depot responded with unwavering support to help Louisiana, Mississippi, Alabama and Florida residents recover from this catastrophe.

One of Home Depot's policies during such emergencies is to freeze prices on all hurricane commodities to assure that no price gouging can take place. Home Depot also established a 24–7 hurricane command center to support efforts to restore operations in the field. Home Depot relocated 950 associates to work in affected stores while impacted associates focus on the needs of their families and homes. They raised credit limits on its consumer credit cards and extended special offers to customers in the affected areas. They dispatched Loss Prevention personnel and uniformed guards to ensure the safety of customers and associates in affected and surrounding stores and temporary support centers.

The Home Depot understands that its employees are the most important company asset and many were disaster victims themselves. To create a support network for short-term financial assistance to help ensure the safety of each associate and their families, Home Depot provided more than $1.2 million through 1,350 grants to workers impacted by Hurricane Katrina.

They also set up a toll-free disaster assistance line for affected associates. The hotline helps associates find temporary housing, provides transfers to other store locations and contacts mortgage and credit card companies to temporarily suspend payments, among other services.

The Home Depot has donated $1.5 million to support immediate relief and recovery efforts by relief organizations including $400,000 to the American Red Cross and Salvation Army, and $600,000 to support long-term rebuilding and volunteerism efforts.

The Home Depot Foundation donated $500,000 to community development organizations that rebuild low- to moderate-income housing in affected areas. With the help of its vendor partners, the Home Depot has provided and shipped nearly $1.25 million in in-kind product donations including generators, gloves, flashlights and batteries, floodlights, food, cleaning supplies and linens. This effort by Home Depot will continue until the cleanup process is completed.

Georgia's own Center for Disease Control has directed much of its resources toward providing both immediate help to the victims' day-to-day health needs, as well as the long-term difficulties of containing the spread of disease and infection.

CDC positioned personnel on the ground in Louisiana prior to the storm making land.

Dr. Julie Gerberding, CDC Director, has asked the CDC Foundation to activate its Emergency Preparedness and Response Fund, created after 9/11 to provide flexible and immediate resources for CDC to use in a public health emergency.

Dr. Gerberding has also activated the CDC state-of-the-art Bernie Marcus Emergency Operations Center to support the Department of Health and Human Services as a coordinating hub for the hurricane response.

Public health scientists, relief workers, and medical supplies as well as environmental and medical test samples have been on the flights to and from the affected areas.

As of today, September 22, the CDC has sent hundreds of thousands of doses of antibiotics and maintenance medications for chronic diseases such as diabetes, heart disease, high blood pressure, pain and anxiety, just to name a few. Also included are IVs, insulin syringes, and basic pharmaceuticals.

CDC has deployed 246 professionals to the field. Specialties include nursing, epidemiology, sanitation, occupational safety, disease surveillance, and risk communication.

CDC is helping to vaccinate thousands of children at evacuation centers' and CDC experts are helping to organize, implement, and assess the evacuation centers' vaccination program.

CDC has been focusing on food-borne, water-borne, and insect-borne infectious disease outbreaks as well as checking water quality, restoring critical laboratory functions and rebuilding public health and laboratory infrastructures.

Many evacuees in Louisiana, Mississippi, and Alabama lost their personal health records. These needs are being addressed through existing immunization systems.

In Louisiana alone, CDC estimated that 8,300 queries were made to the Louisiana Immunization Network for Kids statewide—LINKS—regarding vaccination histories for kids that were evacuated. CDC is using LINKS to determine health records of children and providing immunizations for those in need and for those with no proof of health records.

A story of human interest: Liz O'Mara surveys a shelter in Jackson, MS. A CDC public health advisor, she spent her second week of marriage on a cot in a conference room with 10 men "who snored!" But she says:

> It is an honorable experience to play a small part of a State and local response effort. We—Strategic National Stockpile—are not here as individuals, but as a team. We rely on each other's commitment to their specific responsibilities and expertise as a synchronized unit, or we simply would not be very successful assisting with State and local needs.

I am proud of the efforts that Georgians, as well as all Americans are doing to help those who are suffering from Hurricane Katrina. We owe them a great deal of gratitude.

Thank you, Mr. President.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

AMENDMENT NO. 1852

Mr. AKAKA. Mr. President, I call up my amendment No. 1852.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1852.

Mr. AKAKA. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To provide an additional $10,000,000 for the Readjustment Counseling Service, with a corresponding offset from the HealtheVet account)
>
> On page 76, line 22, strike "$23,308,011,000" and insert "$23,318,011,000".
>
> On page 77, line 1, insert "$109,000,000 shall be available for the Readjustment Counseling Service: *Provided further*, That" after "this heading,".
>
> On page 78, line 22, strike "$1,456,821,000" and insert "$1,446,821,000".
>
> On page 79, line 7, strike "$100,000,000" and insert "$90,000,000".

Mr. AKAKA. Mr. President, this amendment would plus-up the Readjustment Counseling Service's funding by $10 million. RCS is the arm of VA that operates the Vet Centers that many of us know so well. Vet Centers have traditionally provided needed counseling services to veterans of the Vietnam War in community-based settings for over two decades.

Now, in the midst of Operations Iraqi Freedom and Enduring Freedom, the mission of the Vet Centers has been expanded to include outreach and counseling for service members, including members of the Guard and Reserve, who are returning from these conflicts.

By providing the Vet Centers with an additional $10 million in funding, VA would be able to hire additional professional family therapists at Vet Centers nationwide to provide services to family members of veterans deeply affected by their service in combat. The readjustment period can be difficult for the entire family.

We have all heard the statistics emerging from the groups that have already come back from OIF and OEF. Families and marriages have suffered due to rough transitions, and many have resulted in divorce.

These additional funds would also augment Vet Centers in underserved rural communities and would expand the capacity for these centers to provide readjustment services to those veterans who may struggle with obtaining access because they live in a remote area.

Surviving family members of those servicemen who paid the ultimate price, will be able to find solace through the Vet Center's bereavement counseling program. Vet Centers would be able to hire more bereavement counselors to provide counseling for those who must endure the pain of losing a family member in combat.

Finally, I point out that in his testimony to the Committee on Veterans' Affairs this past June, VA Secretary Nicholson stated that only $8 million would be required for additional services that were already being implemented by the Vet Center program, such as providing additional outreach workers. We need to make sure that these services are secure by providing the funds necessary to implement them. The requested amount would do that and go even a bit further to support this invaluable program.

Mr. President, I ask for support of this amendment, knowing how important it is today for our veterans, and look forward to its adoption.

I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

GLOBAL CLIMATE CHANGE

Mr. STEVENS. Mr. President, in August, the voice of the Anchorage Times printed an article authored by my good friend Dr. Syun-Ichi Akasofu. Dr. Akasofu is the director of the International Arctic Research Center in Fairbanks. He is one of the world's leading experts on Arctic science and global climate change.

Given the interest some of our colleagues have recently shown on this subject, I ask unanimous consent that Dr. Akasofu's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Voice of the Times, Aug. 23, 2005]

ALASKA GLACIERS RECEDING SINCE 1800

(By Dr. Syun-Ichi Akasofu)

> Few can argue that the earth's temperature is not changing—especially in Alaska. However, before we create fundamental policy changes, let's keep everything in context.
>
> Our work at the International Arctic Research Center and that of many other scientists has produced significant findings. One thing we do know is that there is no definitive scientific proof that all of the present global warming is attributable to humans, or caused by the greenhouse effect. Natural changes are also important factors to consider.
>
> First, the Ice Age was only an average of 6° C cooler than today. There is permafrost in Alaska and Siberia, which is the product of the Ice Age. The fact that it still exists and is still thawing is partly due to the fact that

> the Ice Age has not concluded yet. The present warming must partly be due to the recovery from the Ice Age.
>
> Alaska glaciers have been receding since 1800, before greenhouse gases increased significantly after the Little Ice Age. Portage Glacier has been receding from about 1890 or earlier (the earliest record).
>
> Additionally, we cannot scientifically explain the complicated way the Arctic sea ice along the Alaska Arctic coast and other areas such as Siberia are receding. We do know that the resulting open sea allows for the development of intense cyclones that cause serious coastal erosion in Alaska and elsewhere. It cannot be concluded that this is a result of the greenhouse effect.
>
> Two other factors to consider are the North Atlantic Oscillation and solar output. We know that the warm North Atlantic water that is flowing into the Arctic Ocean is an important factor in warming the Arctic Ocean. The intensity of this flow occurs in pulses, some of which are driven by cyclical changes known as the North Atlantic Oscillation.
>
> In addition, the sun has been putting more energy out during the last 100 years, which is estimated to be equivalent to a 0.2° C increase (not the greenhouse effect!), one third of the 0.6° C, which has been determined to be the official estimate of global warming during the last 100 years.
>
> Added to such long-term trends, there are multi-decadal and interannual fluctuations. Three years ago, Europe suffered from an intense heat wave. One can easily see that it was not due to the greenhouse effect, since uncommonly hot summers in Europe did not make the headlines either last year or this year.
>
> Likewise, it has been said that the number of hurricanes is increasing, however, there is no clear indication of it. These are interannual fluctuations.
>
> In addition to actual temperature changes, there are other issues to consider. One such case is that many recent disasters have been attributed to the greenhouse effect without scientific proof; this includes the great floods in Bangladesh and India in recent years.
>
> These floods may partly be due to massive deforestation in these countries, to which some people must be held responsible. On the other hand, by saying it is due to the greenhouse effect, I am afraid that they are hiding behind the greenhouse catastrophic scenario. The danger from such confusion and hysteria may be even greater than from global warming itself.
>
> In this respect, the reduction of CO_2 release must be based on a carefully assessed scientific ground, not the catastrophic scenario. The United States spends more than any other country on climate change research—$5 billion next year. We should address the impacts of climate change while allowing scientists to continue their work on the true causes of these changes. Let's base our policy decisions on sound science—not hysteria.

Mr. STEVENS. Mr. President, I trust Dr. Akasofu's research and opinions. He has published more than 550 articles and is the author or coauthor of 10 books. His work has shown that he is an expert in Arctic research. It has shown that while there is little doubt the Earth's temperature is changing, there is still much debate about what is causing this change.

In his article, Dr. Akasofu says that the:

> [One] thing we do know is that there is no definitive scientific proof that all of the present global warming is attributable to humans, or caused by the greenhouse effect.

Some of the changes we are seeing are the most recent stage in a historic evolution. In Alaska, our glaciers have been receding since 1800, long before the advent of the so-called greenhouse gases.

In the past 100 years, the Sun has been giving off additional energy, which is likely responsible for one-third of the .6-degree Celsius increase in global temperature. And there is now the so-called Atlantic and Pacific oscillation that may be dumping more heat, that is, warm ocean water, into the Arctic Ocean.

Changes in climate and weather patterns are not isolated events. They are part of a long-range historic trend or trends. One cannot arrive at sound conclusions about the causes by observing the changes which occur in their own lifetime. Reliable conclusions can only be reached by sound science and the type of research being conducted by Dr. Akasofu and his staff.

We must not substitute our own casual judgment for sound science. This will only lead to confusion. And Dr. Akasofu warned that:

> The danger from such confusion and hysteria may be even greater than from global warming itself.

The effects of global climate change are real. Regardless of the cause, changes are underway in the Arctic regions, including Alaska, and we must deal with these effects. But we must also allow the scientists to reach scientifically based conclusions on what is causing this phenomenon.

The basic problem we face is distinguishing between natural causes and human impact. The Commerce Committee's Subcommittee on Global Climate Change, chaired by Senator VITTER and cochaired by Senator LAUTENBERG, held a hearing on global climate change policy in July. During that hearing, I asked Dr. James Mahoney, Assistant Secretary of Commerce for Oceans and Atmosphere, about the situation and he told me:

> Sometimes there are . . . political arguments that want to go in one extreme or the other. The scientific argument is much more complicated in the middle.

Figuring out what is really happening in the Arctic will be very important to answering the overall question of global climate change, and I am dedicated to pursuing this. As far as the United States is concerned, the evidence of global climate change is more apparent in Alaska than anywhere else. We should prepare for its effects, but I want to seek sound science before we enact policies aimed at its causes.

We have created two subcommittees in the Commerce Committee that deal in some way with global climate change, and we will continue in our committee to address this issue. But I think it is very dangerous to make, as Dr. Mahoney called them, the "political arguments." We must follow science on this issue, and I commend Dr. Akasofu for leading those efforts.

Mr. President, I thank the chair. I yield the floor.

I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we have a series of amendments that have been cleared on both sides, and I ask unanimous consent that the pending amendments be temporarily set aside so that I could send these amendments individually to the desk for their consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1858

Mrs. HUTCHISON. On behalf of Senator COBURN, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mrs. HUTCHISON], for Mr. COBURN, proposes an amendment numbered 1858.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)
>
> At the appropriate place, insert the following:
>
> SEC. . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2528 shall also be included in the conference report or joint statement accompanying H.R. 2528 in order to be considered as having been approved by both Houses of Congress.

Mrs. HUTCHISON. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1858) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1859

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator CARPER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. CARPER, proposes an amendment numbered 1859.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that, of the amount made available by title I for military construction for the Air National Guard and available for planning and design, $1,440,000 shall be made available for planning and design for a replacement C–130 maintenance hangar at Air National Guard New Castle County Airport, Delaware)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR NATIONAL GUARD" and available for planning and design, $1,440,000 shall be available for planning and design for a replacement C–130 maintenance hangar at Air National Guard New Castle County Airport, Delaware.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1860

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator BOXER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mrs. BOXER, proposes an amendment numbered 1860.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on housing assistance to low-income veterans)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. REPORT ON HOUSING ASSISTANCE TO LOW-INCOME VETERANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study on housing assistance to low-income veterans, including—

(1) an estimate of the number of low-income, very low-income, and extremely low-income veteran households;

(2) a description of the demographic and socioeconomic characteristics and health and disability status of such households;

(3) an estimate of the number of such households experiencing a high cost burden in, overcrowding in, or poor quality of housing, or experiencing homelessness;

(4) an assessment of such households, including their current barriers to safe, quality, and affordable housing and levels of homelessness among such households;

(5) the extent to which Federal housing assistance programs provide benefits, including supportive services, to all veteran households and in particular to low-income, very low-income, and extremely-low income veteran households;

(6) the number of units designated for or occupied by veterans and low-income, very low-income, and extremely low-income veterans in Federally subsidized or insured housing;

(7) a summary description of the manner in which veteran compensation, veteran dependency and indemnity compensation, and veteran pension are considered as income or adjusted income for purposes of determining—

(A) eligibility for Federal housing assistance programs; and

(B) the amount of rent paid by a veteran household for occupancy of a dwelling unit or housing assisted under Federal housing assistance programs;

(8) a summary description of the special considerations made for veterans under—

(A) public housing plans submitted under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1); and

(B) comprehensive housing affordability strategies submitted under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705);

(9) the extent to which public housing authorities have established preferences for veterans for public housing and housing choice vouchers;

(10) the number of homeless veterans provided assistance, cumulatively and currently, under the program of housing choice vouchers for homeless veterans under section 8(o)(19) of the United States Housing Act of 1937 (42. U.S.C. 1437f(o)(19)), and the current status of the program, including—

(A) the number of vouchers the Department of Housing and Urban Development currently allocates to the Department of Veterans Affairs;

(B) the monetary value of such vouchers; and

(C) the names and locations of VA medical centers receiving such vouchers; and

(11) a description of activities relating to veterans of the Department of Housing and Urban Development.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Housing and Urban Development.

(2) The Secretary of Veterans Affairs.

(3) Low-income, very low-income, and extremely low-income veterans.

(4) Representatives of State and local housing assistance agencies.

(5) Representatives of nonprofit low-income housing providers and homeless service providers, including homeless veteran service providers.

(6) National advocacy organizations concerned with veterans, homelessness, and low-income housing.

(c) TIMING OF REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under this section.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1860) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1861

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator ISAKSON and Senator CHAMBLISS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. ISAKSON and Mr. CHAMBLISS, proposes an amendment numbered 1861.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that, of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY", $4,550,000 shall be made available for the construction of a military police complex at Fort Gordon, Georgia, and to provide an offset)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY", $4,550,000 shall be made available for the construction of a military police complex at Fort Gordon, Georgia.

(b) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for Fort Gillem, Georgia, is hereby decreased by $4,550,000.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1861) was agreed to.

AMENDMENT NO. 1862

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator FEINSTEIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mrs. FEINSTEIN, proposes an amendment numbered 1862.

Mrs. HUTCHISON. I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase by $25,000,000 the amount made available by title I for the Department of Defense Base Closure Account 1990, and to provide an offset)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990" is hereby increased by $25,000,000.

(b) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005" is hereby decreased by $25,000,000.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1862) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1863

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator FEINGOLD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. FEINGOLD, proposes an amendment numbered 1863.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Veterans Affairs to report to Congress on a plan to provide veterans benefits handbooks to all county veterans service officers)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of Veterans Affairs, after consultation with the National Association of County Veterans Service Officers, other veterans service organizations, and State Departments of Veterans Affairs shall submit a report to the committee on Appropriation of the Senate that describes a plan (including estimated costs) to provide an adequate supply of the 2006 edition of handbook entitled, Federal Benefits for Veterans and Dependents, and all subsequent editions, to all county veterans service officers in the United States.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1863) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

AMENDMENT NO. 1864

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator DURBIN and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. HUTCHISON], for Mr. DURBIN, proposes an amendment numbered 1864.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To place conditions on the use of appropriated funds for reviewing or revoking approved disability claims for post-traumatic stress disorder and to prohibit the Secretary of Veterans Affairs from using Federal funds for certain investigations until after the submission of a detailed implementation plan to the Committee on Appropriations)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. None of the funds made available in this Act or any other Act may be used—

(1) to revoke or reduce a veteran's disability compensation for post-traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation unless such failure was the direct result of fraud by the applicant; or

(2) for the implementation of Recommendation 3 of VA Inspector General Report No. 05-00765-137 or any related review and investigation of post-traumatic stress disorder unemployability and 100 schedular percent ratings cases, until the Department of Veterans Affairs reports to the Committee on Appropriations on its plan for implementing this recommendation, and outlines the staffing and funding requirements.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1864) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1865

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator DURBIN and Senator MURRAY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. DURBIN and Mrs. MURRAY, proposes an amendment numbered 1865.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To instruct the Department of Veterans Affairs to conduct a veterans disability compensation information campaign)

On page 81, line 2, insert "The VA shall conduct an information campaign in States with an average annual disability compensation payment of less than $7,300 (according to the report issued by the Department of Veterans Affairs Office of Inspector General on May 19, 2005), to inform all veterans receiving disability compensation, by direct mail, of the history of below average disability compensation payments to veterans in such States, and to provide all veterans in each such State, through broadcast or print advertising, with the aforementioned historical information and instructions for submitting new claims and requesting review of past disability claims and ratings: *Provided further*," after "*Provided*,".

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1865) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1866

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator JEFFORDS and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. JEFFORDS, proposes an amendment numbered 1866.

Mrs. HUTCHISON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide clinical training and protocols to meet the mental health care needs of servicemembers and veterans)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. CLINICAL TRAINING AND PROTOCOLS.

(a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to

ensure that the mental health care needs of servicemembers and veterans are met.

(b) COLLABORATION.—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) TRAINING.—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1866) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator SALAZAR be added as the original cosponsor of the Feingold amendment that was just passed by consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1865

Mr. DURBIN. Mr. President, I am pleased to offer with Senator OBAMA this amendment to the Veterans appropriation bill. Our amendment will inform America's most under-compensated disabled veterans about how they may have their claims reviewed.

Americans have a fundamental dedication to fairness. No matter what a person's background, class, religion, race or other difference, everyone deserves to be treated equally under the law.

When we hear about unequal treatment, our basic sense of justice as Americans is shocked. We are perhaps doubly shocked when we hear of unequal treatment of disabled veterans.

We would expect that disabled veterans will receive differing levels of disability compensation based on the degree and type of their disability, but we do not expect to see the average amount paid to disabled veterans to vary greatly from State to State.

Unfortunately, the truth is that the average amount paid to disabled veterans across this country varies widely.

The May 19, 2005 Review of State Variances in VA Disability Compensation Payments released by the Department of Veterans Affairs Office of Inspector General confirms media reports that "variances in annual disability compensation by State have existed for decades." The average annual disability compensation payment in the highest State is $12,004 per year. In the lowest State it is only $6,961.

The State with the lowest average compensation is my own state of Illinois.

The report from the Inspector General of the Department of Veterans Affairs acknowledges that, in addition to demographic factors, inconsistency in VA rating decisions is one of the major causes of this disparity. A major reason for inconsistent decisions is the shortage of rating specialists in the VA offices reviewing the claims. The review's survey of VA rating specialists revealed that most of them do not believe the regional offices have sufficient rating staff.

On May 20, the day after the release of the report, Senator OBAMA and I hosted a Veterans Town Hall Meeting in Chicago: We invited the Secretary of Veterans Affairs to join us so that he could help explain to the veterans of our State how they had been so short-changed and so under-compensated for so long and—more importantly what he was going to do about it.

To the Secretary's credit he stepped up to the plate. He promised a special operation to review new claims as well as old ones and he committed to providing the additional staff to get this done.

These are steps in the right direction which might help correct a decades-long history of unequal treatment; a decades-long pattern of under-compensated veterans; a decades-long injustice.

Unfortunately, veterans can't ask for what they don't know about.

The purpose of our amendment is to set aside some funds which will allow the VA to conduct an information campaign to inform veterans of this past history of unequal treatment and under-compensation and to notify them of how they can have their case reviewed for possible correction.

The Secretary of Veterans Affairs made a commitment to making the situation right.

Here is what the Secretary said:

> We are committed to doing what is right for our veterans. If that entails that we have to set up a special operation here in Illinois to review your claims or to look at new claims that you as an eligible veteran want to make, we will do that. We want each of you to feel that you have been treated fairly and equitably by your VA, because you deserve that.
>
> The past is past, but as I have been charged by both of these Senators, the future is now, and we are going to make a special effort to see if we can have you feel sure that you have been treated fairly and equitably by the VA so that you will have a chance if you so choose to have a review of that, or you can bring the new information to us, and we will make every effort to see that that is reviewed, and reviewed fairly and equitably for you.

Later at that meeting, the Secretary promised to provide the staff to get this done. He said:

> . . . If we need more people here, we're going to get them. And as I said when I spoke earlier, it looks like we could make a special effort for you to come in and have a review or come in with a new claim, and we're going to have people there to process it and do it just as timely as we can.

Recently, those additional disability rating specialists arrived to augment the existing staff at the Chicago regional office so that claims can be reviewed more thoroughly and more quickly.

Now the final step is for the VA to inform veterans that, while they have indeed been under-compensated and short-changed for decades, help is now available to them.

The amendment which we have offered requires the Department of Veterans Affairs to conduct an information campaign in those States where the average annual disability compensation payment made to veterans is less than $7,300. According to the Inspector General's report of May 19, 2005, there were six "low cluster" States below this level of average disability payment. Those States were Illinois, New Jersey, Ohio, Connecticut, Michigan and Indiana. The intent of this measure is to inform veterans of the past history of below-average disability compensation payments in these States. It is also intended to provide these veterans with information on how to request a review of past claims and ratings and how to submit new claims as the Secretary has promised. The campaign would include mailed notifications to all veterans in these States who are currently receiving disability compensation. The amendment also requires the Department to disseminate this information through broadcast and print advertisements in order to educate any veterans whose past claims may have been improperly denied.

The deliberate sharing of this information with our most under-compensated disabled veterans will help provide them with an opportunity to have their case reviewed and perhaps at long last to receive the compensation to which they are entitled.

I yield the floor

AMENDMENTS NOS. 1867 AND 1868

Mr. SALAZAR. Mr. President, I rise to discuss two amendments to the Military Construction and Veterans Affairs appropriations bill.

My first amendment No. 1867, is an attempt to avoid the budget fiasco we faced earlier this year.

We are working on an appropriations bill for a Department of Veterans Affairs that is under a cloud. The VA is under a cloud because earlier this year, it announced a $1.27 billion budget deficit.

This news came as a surprise to millions of veterans across the country and was completely unexpected by Members of Congress.

In fact, the news of this gigantic shortfall came, not from an official announcement, but by accident, during a routine budget meeting with congressional staffers. This was a billion-dollar blindside that never should have happened, and that should never happen again.

I commend Senators KAY BAILEY HUTCHISON and DIANE FEINSTEIN as well as Senators CRAIG and AKAKA for their leadership in speeding additional funding to fill the gap this year.

I also commend them for their great work in this appropriations bill and in their subcommittee report to make sure that this kind of budget fiasco does not happen again.

Specifically the requirement in this bill that VA make quarterly budget reports to Congress makes good sense.

My amendment would build on that obligation and require the VA to notify Congress immediately, if at any point in the year, they discover that the Department may face a budget shortfall totaling 2 percent or more of the VA's discretionary budget. It also would require VA to come up with a plan to improve its actuarial and long-term budget planning.

This amendment just makes common sense. Throughout the year, the VA is constantly receiving new data on enrollment, utilization, and medical costs.

The VA knew for some time that it faced higher than expected enrollment of returning Iraq veterans. The VA was shifting money between administrative accounts to cover the gap well before they let Congressional appropriators and authorizers know. The earlier that Congress finds out about a problem, the more we can be partners in finding a solution.

Senators AKAKA, DURBIN, and I have asked GAO to investigate the VA's budget and actuarial process. My first amendment also would require the VA to do its own internal review and come up with a plan to improve the budget process to compliment this investigation.

My second amendment, No. 1868, would address a problem that was brought to my attention during a field hearing I held in Colorado on rural veterans issues in August.

Veterans in rural areas are in poorer health than their urban counterparts. A 2004 study found that rural veterans scored worse than urban veterans both in overall health and mental health. Because of the distance and difficulties in obtaining care, many rural veterans put off preventive as well as necessary treatment, which results in poorer health and ultimately increased health costs.

Almost every Senator in this body has heard similar stories, but I will tell one. Veterans in northwestern Colorado who have to drive as many as 360 miles round trip through winding mountain roads to reach the VA Medical Center in Grand Junction. This is a grueling trip that takes an economic and physical toll on our veterans and leads many to not seek care.

Community-based outpatient clinics can be the most cost-effective way to reach veterans and ensure they get the ongoing primary healthcare they need to stay healthy, and ward off expensive complications that come from lack of early treatment.

Despite this, the VA's prioritization methodology used to identify new clinic locations hurts rural veterans disproportionately.

Because of its emphasis on reaching the largest number of veterans in a cost-effective way, the VA's clinic planning process is geared to urban and suburban areas, where there are the largest numbers of veterans.

The Capital Asset Realignment for Enhanced Services, CARES, Commission asked VA to address this issue, and the VA has taken some important steps forward. However, at my hearing, VA officials told me that current policies still heavily favor urban areas, and were precluding the building of additional rural clinics.

In too many rural corners of this country, there are isolated pockets of veterans who do not have enough access to VA care. I believe that we need additional outpatient clinics in rural America. For too long, tight budgets and bad priorities have slowed the building of new clinics across the country. My amendment would take a small step to giving the VA the authority to expand access to health care in rural areas.

I yield the floor.

AMENDMENT NO. 1867

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk on behalf of Senator SALAZAR and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. SALAZAR, proposes an amendment numbered 1867.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on any Department of Veterans Affairs budget shortfall totaling 2 percent or more of the Department's total discretionary funding budget for a fiscal year)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) The Secretary of Veterans Affairs shall immediately submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a report on any Department of Veterans Affairs budget shortfall totaling 2 percent or more of the Department's total discretionary funding budget for a fiscal year.

(b) The Secretary of Veterans Affairs shall, not later than 180 days after the date of the enactment of this Act, submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a comprehensive plan to improve long-term budget planning and actuarial forecasting at the Department of Veterans Affairs.

Mrs. HUTCHISON. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1867) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1868

Mr. CRAIG. Mr. President, I send to the desk an amendment numbered 1868 on behalf of Senator SALAZAR. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. SALAZAR, proposes an amendment numbered 1868.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To assist rural veterans)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) In conducting advanced planning activities under this Act, the Secretary of Veterans Affairs shall reevaluate Veterans Health Administration Handbook 1006.1 and other guidance and procedures related to planning, activating, staffing, and maintaining community-based outpatient clinics.

(b) In conducting such planning, the Secretary shall—

(1) revise as appropriate existing policies to make them less disadvantageous to rural veterans; and

(2) reexamine criteria used in planning, activating, staffing, and maintaining such clinics, including geographic access, number of Priority 1-6 veterans, market penetration, cost effectiveness, and distance to parent facilities, to determine whether such criteria are weighted in a manner that negatively affects rural veterans.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 1868) was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President. I ask unanimous consent that at 3:10 today, the Senate proceed to a vote on or in relation to Akaka amendment No. 1852, with no amendments in order to the amendment prior to that vote; provided further that no other amendments be in order to the bill and that following disposition of the Akaka amendment, H.R. 2528 be read for a third time and the Senate proceed to a vote on passage with no intervening action or debate; provided further that following the vote the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I finally ask unanimous consent that there be 2 minutes equally divided for debate prior to passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, Senator AKAKA is en route to the floor to make some final comments on his amendment prior to the vote. With that in mind, and that vote occurring at 3:10, I will take 5 minutes or less to debate in opposition to the Akaka amendment. I do this with great difficulty because the Senator is proposing additional funding in an area that we have already concentrated on, both in the appropriating subcommittee and in the authorizing committee. He is asking for an additional $10 million in the budget for the Veterans Readjustment Counseling Service. This would represent a $14 million increase for the service just this year and that is an increase of almost 15 percent in its budget.

I agree the Veterans Readjustment Counseling Service does great work. They have taken on some additional roles, including the Global War on Terrorism Outreach Program, but this bill already provides a generous $4 million increase for this function and more broadly provides over $3 billion for veterans health care programs.

I understand the Senator from Hawaii would like to focus some attention on this program with his amendment, but I would say to my colleagues that I believe the administration and the Senate Veterans Affairs' Committee, which I chair, has already focused the necessary needed additional attention on mental health and the counseling needed for our returning service members. We have also dialoged very directly with the Veterans' Administration and at this time they feel they are adequately funded.

The bill I sponsored, S. 1182, which was just reported to the floor from the Veterans' Committee, contains numerous provisions to increase and provide access to mental health and counseling services. VA could hire marriage and family therapists as well as licensed medical health care counselors.

Further, VA is directed to work on improving access to telehealth initiatives in our Vet Center Program, which VA has expressed a desire to do.

Finally, I oppose the amendment because it would further reduce VA's information technology budget, which I think is critical. VA has made tremendous strides in improving its IT programs. It has made some errors, but clearly the benefits are outweighing the mistakes, in my opinion, in most instances.

This bill places conditions on VA's access to its IT money to ensure it is well spent and properly managed. But at the end of the day, they must continue to move forward and make needed improvements to their IT program, and the money in this bill is critical to making sure they do that.

It is for all of these reasons, regretfully, that I stand to oppose Senator AKAKA's amendment. As I said, we are putting substantially more money into counseling and veterans readjustment counseling services.

We understand from where the Senator speaks. We appreciate it. Clearly, he and I and all of us who look more closely at veterans programs recognize the need for counseling for many of our veterans when they return. It is a high priority of this chairman; it is a high priority of the ranking member. It is my opinion that with the additional $3.2 billion—new dollars—in the veterans budget which this represents, with the add-ons which we put in Interior and a variety of other appropriations, we have adequately funded necessarily and appropriately the services the Senator would wish to provide additional moneys for, taking them from critical areas but still remaining very important.

I see the Senator is on the floor to speak to his amendment. I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Hawaii.

Mr. AKAKA. Mr. President, I will speak on this amendment. I tell our colleagues Senator CRAIG and I work very well together, and we will still work well together with the Veterans' Administration.

My amendment is to meet the needs that are there now. This amendment takes $10 million from VA information technology—specifically from a troubled Health-E-Vet Migration Program. So this is an offset to the $10 million.

IT is critically important. We know that. As ranking member of the Committee on Veterans' Affairs, I am quite familiar with VA's electronic medical record. VA is making use of the best technology out there. We saw how good the electronic medical record was following Hurricane Katrina when VA providers were able to access medical records of evacuees. This amendment would not impinge upon that critical program. I am also quite familiar with a failed computer program called CORE-F.L.S., which was abandoned after its failure at Big Pines VA Medical Center in Florida. To be sure, this $300 million contract failed because of lax project management.

I want to make perfectly sure that the Health-E-Vet is on the right track. As recently as February of this year, VA hired Carnegie Mellon to assess this Health-E-Vet Program. Carnegie Mellon found that VA did not "have the needed staff or procedures for a large-scale system integration project."

In the meantime, PTSD and mental health needs of returning soldiers are absolutely critical. Vet centers are most likely the VA entity which will be first accessed by a returning soldier. History tells us that returning soldiers are more likely to seek treatment at a storefront vet center rather than a VA hospital or clinic.

I also remind my colleagues that if we reach returning soldiers with less serious readjustment issues, we might be able to stave off the more debilitating PTSD. This is a simple choice that we make at this time.

I thank my chairman for his comments.

Mr. President, I ask unanimous consent to add Senator JEFFORDS and Senator KERRY as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Thank you very much. I yield the floor.

Mr. FEINGOLD. Mr. President, the amendment that I am offering today will help to ensure that our veterans have easy access to information about the benefits that they have earned through their service to our country.

Each year, the Department of Veterans Affairs publishes an updated version of a handbook entitled, "Federal Benefits for Veterans and Dependents," which contains useful information about benefits that are available through the VA. I have heard from a number of Wisconsinites who are concerned that this useful handbook is not readily available to our veterans and to County Veterans Service Officers, CVSOs, and others who assist our veterans.

It is my understanding that the Department purchases a limited number of copies of this handbook each year that some are distributed to VA regional offices, to VA health care facilities, and to State Departments of Veterans Affairs. Some of my constituents are concerned that some facilities appear to have large stockpiles of this handbook, while others only receive a very limited number. I am also told that distribution of the handbook is largely left up to regional and local VA officials.

A number of Wisconsin CVSOs have informed me that they are having trouble obtaining adequate supplies of this handbook, and that they often have to rely on VA health care facilities or other sources to obtain additional copies. While I recognize that the handbook is available for download on the Department's Web site and for purchase through the Government Printing Office, GPO, many CVSOs and veterans service organizations do not have the resources to copy or purchase this handbook in large quantities. In addition, many veterans, particularly older veterans, do not have access to—or are unable to use—the Internet and it seems unreasonable to charge them $7 to purchase the handbook from GPO.

Veterans who want a copy of this handbook should get one—it's that simple. This handbook serves as a tangible reminder of the benefits they earned, and it also serves as a helpful guide for CVSOs, veterans service organizations, and others who work every day to ensure that our veterans receive these benefits. One Wisconsin CVSO tells me that this handbook is very valuable in his work with veterans, some of whom have told him that they have difficulty navigating the VA Web site or easily finding information in the online copy of the handbook. Being able to point a veteran to a specific page in the handbook is an important step in helping veterans to learn about their benefits or to find the answers to many common questions that veterans may have about these benefits.

Last year, in response to the concerns raised by my constituents, I asked former Secretary Principi to review the Department's policy for distributing this important handbook, including ensuring that CVSOs have access to this document. I also asked that he look into how to reallocate the supply to avoid a situation in which certain parts of the VA have surpluses while others are scrambling to get these handbooks to veterans who are requesting them. I also asked that he provide an estimate of how much it would cost to ensure that all CVSOs in the country are provided at least one case of the handbook each year and whether the Department's current annual supply of handbooks could be reallocated to achieve this goal. Finally, I requested that the Secretary provide me with information on the distribution policies of the various VA administrations with respect to providing copies of this handbook to individual veterans, including a description of the VA's policy regarding making these handbooks visibly available to individual veterans at VA facilities.

In the former Secretary's response, he assured me that ". . . due to the increased outreach efforts initiated this past year, as well as the requests for additional handbooks from external veterans service providers, I am directing my senior leadership to reevaluate their requirements for publication and distribution of the 2005 handbook. Please be assured that county veterans service officers across the nation are included in next year's distribution." While I was encouraged by the former Secretary's response, CVSOs around Wisconsin tell me that they received only one or two copies of the 2006 edition of the handbook. This meager supply is not sufficient to use the handbook as a reference and to provide copies to veterans who request them.

The amendment that I am offering today would require the Secretary of Veterans Affairs to submit to the Senate and House Appropriations Committees a plan to provide an adequate supply of the 2006 edition of the "Federal Benefits for Veterans and Dependents" handbook and all subsequent editions of this handbook to all county veterans service officers in the country.

My amendment would also require the Secretary to work with the National Association of County Veterans Service Officers, other veterans service organizations, and state departments of veterans affairs to determine what supply is adequate and to include a cost estimate for providing these handbooks to all county veterans service officers in his report. The report would be due not later than 60 days after the enactment of this bill.

Some at the VA have argued that this important handbook was developed as a desk reference for VA employees. CVSOs, veterans service organizations, and others who help veterans to learn about and obtain their benefits. Former Secretary Principi's letter to me states that in 2003 ". . . more than 1.4 million copies of the handbook were printed and distributed through the VA system. VA facilities, in turn, distributed handbooks to local veterans support agencies and organizations, responded to requests for the handbooks and used them as special events such as homeless veterans stand downs, veterans conferences, health fairs, and job fairs." While this handbook is indeed a helpful reference for those who work on behalf of our Nation's veterans, it is also a comprehensive and handy guide to veterans benefits that many veterans around my State have requested from their CVSOs. And it is evident from the former Secretary's response that the VA itself has made this publication available to individual veterans at a variety of events. No CVSO should have to refuse a veteran a copy of this booklet because he or she has been given an inadequate supply. No CVSO should have to tell a veteran that he or she does not have the budget to make the veteran a photocopy of the handbook or that he or she can gain access to it on the Internet or by purchasing it from GPO.

I am pleased that this amendment has the support of the Wisconsin Association of County Veterans Service Officers and the Wisconsin Department of the American Legion.

I understand that the managers have agreed to accept my amendment, and I want to thank them for their support on this issue. I look forward to reviewing the Secretary's report.

Mr. OBAMA. Mr. President, I rise today to support this important piece of legislation. As many of you know, the young soldiers returning from Iraq and Afghanistan are already coming home with post traumatic stress disorder. A recent Army study found that one in six soldiers in Iraq reported symptoms of major depression. Some experts predict that more than 100,000 soldiers may need some kind of mental health treatment when they come home.

It is not only our patriotic duty to provide these soldiers with the benefits they deserve; it is our moral duty at the most fundamental level. Unfortunately, PTSD is a disease that is still all too often misunderstood, and as I speak, there are efforts at the VA to require those folks who suffer PTSD to undergo additional scrutiny in the disability benefits process.

According to VA, it will review 72,000 cases in which the maximum amount of PTSD disability benefits was awarded. The rationale for reviewing these cases is VA's belief that 2.5 percent of these cases are "potentially fraudulent." But notably, this review will entirely ignore cases in which benefits may have been unjustly denied.

This review sends a troubling message to the brave men and women who defended this country. Too many veterans see the VA as a bureaucracy with the singular goal of denying services and benefits to veterans. This decision to reopen only approved PTSD claims merely serves to promote that impression.

It is unconscionable for our Government to put the onus on law-abiding veterans to affirmatively demonstrate that they are not engaging in fraud. The process of gathering evidence to prove PTSD disability is extremely time consuming. It requires the compilation of medical records, military service records, and testimony from other veterans who can attest to a person's combat exposure. I cannot fathom why the VA would require veterans to go through this emotionally painful process for a second time.

The VA—and our Nation's veterans—would be better served by creating nationwide standards for evaluating PTSD claims. As underscored by the inspector general's report in May that evaluated the chronic disparity between benefits received by veterans in Illinois and veterans in the rest of the country, PTSD is a highly subjective evaluation subject to significant variation. That same report uncovered significant variation in PTSD ratings from State to State—with Illinois consistently in the bottom rung for those ratings. The variation in PTSD ratings across the country may very well be the result of a lack of training or standardized practices on the part of the VA, not fraud on the part of our Nation's veterans.

I am pleased that Chairman HUTCHISON and Ranking Member FEINSTEIN worked with me and Senators DURBIN and MURRAY to include an amendment that prohibits the VA from proceeding with its review unless and until the VA reports to the Appropriations Committee on its plan for implementing this recommendation and outlines the staffing and funding requirements.

While this is an important provision, I am disappointed that there was no requirement that the VA look at denials of benefits as well as grants. To get an accurate and fair depiction of PTSD claims in this country, we need to ensure that denials are reviewed as well as grants of benefits. I will continue to work with my colleagues to see that this fundamental issue of fairness is addressed.

I also want to thank Chairman HUTCHISON and Ranking Member FEINSTEIN for their assistance in accepting an amendment to provide notice to veterans in certain States about their right to seek a review of their cases.

This provision addresses an important issue in Illinois. As some of you may know, Illinois has for more than two decades ranked 50th out of all 50 States in terms of disability benefit compensation. This staggering disparity in payments may well be the result of poor staffing and a lack of standards for disability payments across the Nation.

I have been pleased that Secretary Nicholson has agreed to provide the veterans of Illinois with extra disability raters so that the veterans in Illinois who may have been unjustly denied benefits will have the opportunity to seek a special review of their cases.

Unfortunately, up to now, there has been no special effort made to alert veterans to this special opportunity. This amendment will provide the funds for information campaigns in states with less than average disability compensation rates. These campaigns will alert veterans of the past history of below-average disability benefit rates and provide these veterans with information on how to request a review of any past claims. The hiring of additional disability raters is important, but it is meaningless unless veterans know of their right to get their cases reopened.

I thank my colleagues for their assistance with these amendments.

Mrs. FEINSTEIN. Mr. President, I propose that for the moment we set aside the Akaka amendment, that Senator CRAIG and I make our 2-minute ending comments, and we then have the vote on the Akaka amendment, and then final passage so there are consecutive votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you, Mr. President.

Mr. President, this bill is notable in several regards:

First, under the leadership of Senator AKAKA and Senator BYRD, we were able to provide $1.977 billion in emergency funding in this bill to address the projected shortfall in veterans health care funding for 2006.

This is in addition to the $1.5 billion in the 2005 supplemental funding we were able to add to the 2006 Interior appropriations bill to make up the current shortfall in veterans health care. The bill before the Senate now totals $82.98 billion, of which $44 billion is discretionary spending.

For military construction, the bill equals the budget request of $12.116 billion. Although we have rearranged some of the funding within that request for the VA, the total amount appropriated in this bill is $70.7 billion, including $34.1 billion in discretionary and $36.6 billion in mandatory spending. This is $3.2 billion above the President's original budget request.

I commend and thank the chairman of the committee, Senator HUTCHISON of Texas. We have worked very well together in producing a very good bill. I am delighted we were able to finish it with quick speed.

I thank the staff on both sides. We have great professional staff. They have done a fine job.

I would like to turn it over to the chairman of the committee, my friend, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

I certainly appreciate the comments of my ranking member, Senator FEINSTEIN, with whom I have worked very closely on this bill. We have tried to accommodate every Member to the best of our ability with the priorities that many Members are concerned about—certain areas of the Veterans' Administration particularly. I think we have addressed those concerns in a responsible way.

I think it is very important to pass this bill because we have stayed within our budget allocation. We will be coming in later, I am sure, with some supplemental health for veterans facilities that have been in the hurricane-affected areas of our country, but I hope we will be able to defeat the Akaka amendment, which would skew the cap on the bill, and then go to final passage. I think it is a bill everyone can support. It certainly goes further in terms of meeting our veterans' needs than any veterans bill has ever done, including the supplemental $3.2 billion, because the Secretary of Veterans Affairs came to us and said our models are wrong, we need more money, and we have supplied that money on a bipartisan basis.

I recommend this to my colleagues.

Mr. CRAIG. Will my colleague yield?

Mrs. HUTCHISON. I am happy to yield.

Mr. CRAIG. I appreciate the chairman yielding.

Let me say to the chairman and ranking member, as the chairman of the authorizing Committee of Veterans' Affairs, how much we appreciate the cooperative way in which we have worked together to get these numbers right. Both Senators have spoken very clearly to that effort and to the unprecedented amount of money that has flowed to veterans at this time, which we think is necessary and appropriate.

I thank the Senator for that due diligence.

Mrs. HUTCHISON. Mr. President, which amendment is pending?

VOTE ON AMENDMENT NO. 1852

The PRESIDING OFFICER. Time has expired. The question is on agreeing to the Akaka amendment.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Martinez

The amendment (No. 1852) was rejected.

Mrs. HUTCHISON. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CHAFEE). The majority leader is recognized.

Mr. FRIST. Mr. President, the next vote will be final passage. I congratulate Senators HUTCHISON and FEINSTEIN for expediting the bill this afternoon. It took the cooperation of all Members and proves that we can move quickly through the appropriations process under the leadership of two managers. As we continue that, we go forward. I also congratulate Senators BENNETT and KOHL for their hard work on the Agriculture appropriations bill passed this morning by a vote of 97 to 2.

As Members know, the Roberts nomination—again, congratulations to the Judiciary Committee—was reported by the Judiciary Committee today. We will turn to consideration of that nomination on Monday.

We will be in session tomorrow. Senators are invited to come to the floor tomorrow, if they would like to make any remarks on that nomination. We will be voting Monday at about 5:30. That will be the next vote.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, Members can come and talk about anything they want tomorrow. We will be in a period of morning business.

Mr. FRIST. We will be in a period of morning business tomorrow. I want to accommodate Members on their statements on the Roberts nomination or anything else tomorrow. The vote at 5:30 on Monday will not be on Roberts.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Corzine
Martinez

The bill (H.R. 2528), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. HUTCHISON. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title is amended.

The Senate insists on its amendments and requests a conference with the House and the Chair appoints Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, and Mr. LEAHY conferees on the part of the Senate.

MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

KATRINA HEALTH RELIEF PACKAGE

Mr. BAUCUS. Mr. President, I wish to read a quote from the Chicago Tribune, dated September 14, by Judith Graham, Tribune staff reporter commenting on the conditions of people needing medical care and needing it desperately on the heels of Katrina:

> A New Orleans man with a brain tumor needed surgery fast—but when he found himself stranded without health insurance in Baton Rouge after Hurricane Katrina, it took the intervention of Ruth Kennedy, Louisiana's deputy Medicaid director, to get him help.
>
> Yet this energetic state official can't possibly pull strings for all of the people who need medical assistance after the storm, such as an 89-year-old Louisiana man, now in Los Angeles with family, who couldn't fill his prescriptions because his Louisiana Medicaid card isn't good in California. Or a displaced New Orleans woman with colon cancer who needed chemotherapy but couldn't get an appointment in the city she had fled to after the storm.
>
> Meeting the medical needs of up to 1 million hurricane evacuees scattered across the country looms as an enormous challenge. Most of them are without their medical records or any way to contact their physicians; many are suddenly without jobs and at risk of losing their medical coverage; and as a group, they're disproportionately likely to be needy and sicker-than-average.

Senator GRASSLEY, the chairman of the Finance Committee, and I have written a bill. We would like the swift passage of that bill. It is the Emergency Health Care Relief Act. This bill would provide victims of Hurricane Katrina with the health care they urgently need. We should pass this bill, and we should pass it immediately.

We have all seen the terrible destruction, the dead, the displaced, the hundreds of billions of dollars in damages.

Traveling down to the Gulf Coast last week, I saw the havoc Katrina had wreaked. It is stunning. It is like a war zone. It is worse than the pictures. It is worse than I had imagined.

At one stop, we went into what was left of a library. Muck and ruin covered books and other library materials. One shiny object caught my eye. I reached down to pick it up. What was it? It was a DVD of the film, "The Perfect Storm."

Among its many consequences, the hurricane inflicted countless blows to people's health. A third of Katrina evacuees in Houston had injuries or health problems, and more than half of those evacuees were seeking medical care.

The bill Senator GRASSLEY and I introduced will provide that care. Our bill will provide temporary Medicaid coverage for Katrina survivors. It will provide for a streamlined application. It will make benefits available right now. It will provide coverage for up to 5 months, with a possible extension of 5 months. It is emergency health care benefits for people who need it. Pregnant women and children will be eligible for help at higher income levels, and an extended package of mental health services under Medicaid will help survivors deal with the trauma of Katrina. To support those who have private health insurance, our bill will provide Federal assistance to help individuals keep their coverage. I say that with reference to the article I read, the reporter's comments about people who do not have health insurance anymore because they have lost their jobs. Our bill will help alleviate the burden of providing health care. I have been inspired by the sights and stories of health care workers who have done all in their power to help treat victims. To ensure these providers are compensated, our bill establishes a disaster relief fund to cover the uncompensated costs they incur because of Katrina.

There are millions of dollars of uncompensated health care costs. Katrina inflicted massive financial losses on the States of Mississippi, Louisiana, and Alabama. Our legislation calls on the Federal Government to pay 100 percent of Medicaid and children's health care costs for 2006. For Alabama, the Government will pick up 100 percent of those costs in several particularly ravaged counties.

Our bill postpones a scheduled decrease in Federal Medicaid payments for 2006 to ensure all States have the means to meet their health care needs in this trying time.

Our legislation provides immediate access to funds through the TANF program for Louisiana, Mississippi, and Alabama for 14 months and provides these States, as well as States providing services to evacuees, immediate access to the TANF contingency fund, which is a very important part of the 1996 welfare law. It has been difficult and hard to use until now. Our bill eases time limits on aid so people can get immediate help, and our legislation provides federally funded extension of unemployment benefits for unemployed workers in Louisiana, Mississippi, and Alabama. This law will go a long way toward helping Katrina survivors to get back on their feet.

We must act and act now to help those who have been harmed. This is an emergency. This is not time for the legislative process as usual. This is an emergency. People need help now, not tomorrow. We must do our part to help this region and its people, and we can do so today by passing the Emergency Health Care Relief Act.

This bill should be brought up now, today. Several of us have approached the leadership to try to get this bill up now and passed today. People need help. Many have no insurance. They have lost their jobs. Time is critical. Senator GRASSLEY and I and our staffs have worked together for over a week. We have a good effort to help meet health care needs. The affected States agree. Senators from both sides of the aisle of the affected States have all worked with us. We have agreement. All Senators in the affected States, including Senator GRASSLEY and myself, agree.

I cannot speak for the House of Representatives, but I can speak for us in this body. We have a very good package that I think should pass right now. I am very concerned that there are Senators here, on the other side of the aisle, who object. No one on this side of the aisle objects to this legislation coming up. I am informed there are Senators on the other side of the aisle who object to having this legislation coming up. The objection is we have not had time to read it. I understand that. It was brought up fairly quickly. We can give Senators time to read it. We can bring this legislation up tomorrow. Certainly they can read it over 24 hours—that is enough time to read this bill—or the next 72 hours, over the weekend. Certainly there has to be some trust around here. Senator GRASSLEY and his staff and I have flyspecked this bill. We worked very hard together over a period of almost 2 weeks. We worked with the Senators affected. They all agree, this is an emergency. This is not legislation as usual.

I call on my colleagues, let's bring up this bill and get it passed. I am very tempted to ask for unanimous consent to bring up this bill now, move us into legislative session, and bring this bill up now. Why? Very simply: It is the right thing to do. Very simply: These people need help. Very simply: It has been worked on for almost 2 weeks now. Very simply: I cannot think of any possible significant, legitimate exception.

I will not push for consideration at this point in deference to those who believe they need more time, but I very much hope when the time does come, maybe tomorrow, maybe on Monday, that this bill does come up, that we work our way through those objections so all Senators can unanimously pass this legislation. It is so important, it is so needed for so many people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

THE WAR IN IRAQ

Mr. DURBIN. Mr. President, we have considered many important issues on Capitol Hill this week. Here on the floor of the Senate, two major appropriations bills have passed, and in the Judiciary Committee, on which I serve, we considered the historic nomination of John Roberts to be our next Chief Justice of the U.S. Supreme Court. Those are all worthy issues for this Chamber to consider. Unfortunately, not enough has been said this week about an ongoing challenge to this Nation, which costs us dearly.

I speak directly to the issue of the war in Iraq. Yesterday I joined many of my colleagues for a briefing with the Secretary of Defense, Ambassador Jeffrey, and General Myers, about the situation in Iraq. Naturally I am constrained and cannot disclose details or specifics of that briefing. But I think in the most general terms American people understand what is happening in Iraq. Whether it is called terrorism or insurrection, it continues apace. Every single day, harrowing reports come out of civilian casualties and the deaths and injuries to our soldiers. Unfortunately, we do not speak enough on this floor about the reality of this war. This is the reality.

Americans killed in Iraq as of this morning, 1,907; Americans wounded, 14,641.

If you are not familiar with how these categories of wounded soldiers are created, you should understand many of these soldiers suffer far more than superficial wounds. I have visited with them at Walter Reed Hospital and veterans hospitals back in my part of the country. I have seen men and women who are facing amputations, serious head injuries, problems that will change their lives forever. The wounds they have suffered are wounds they will carry for the rest of their lives.

There are many veterans who come home from that war with invisible wounds, with wounds of spirit—post-traumatic stress disorder from things they have seen, things they have done, stress they have been placed under for extended periods of time. If you have friends who served in the Vietnam war, you may know one who is still trying to overcome the fact that he is haunted by that experience. This is the reality of war. It is a reality you see time and again, as families stand by hospital beds or stand in grief at the funerals. It is a reminder that we cannot ignore the issue of the war in Iraq. We cannot ignore the reality of what it has brought to America.

Last week, Iraqi President Jalal Talabani came to Washington. As he arrived in Washington, he said he believed the United States could safely withdraw 50,000 troops before the end of the year. He said Iraqi forces are trained and ready to assume control of their own country. Then he went to the White House and he changed his remarks. He was not as specific; he was not as definite. He said he hoped the Iraqi troops could take over for American troops at some point in the future.

It was enticing to hear him suggest that 50,000 of the 146,000 currently serving in Iraq would be home by Christmas. I still think that is a goal we should not give up on. Unfortunately, we are still waiting for concrete evidence that Iraqi troops are ready to assume the responsibility of defending their own country. I am not certain they can take on this insurgency today from a political or a military point of view. But we need to see a clear path from the point where we are today to the withdrawal of American troops. We need to have this administration articulate that path and make it clear to the people of this country.

Next month the second report on the status of the training of Iraqi forces is due. It is critical that this report provide real information on the readiness of these forces to meet President Talabani's suggestion. While it must not disclose vital security information, this report must include enough data in unclassified form so we know exactly where we are today in terms of the Iraqi takeover of the defense of their own country.

The trajectory to date is not encouraging. There have been peaks recently, including the historic vote in January in the first real democratic election in Iraq's history. But 470 Americans have been killed since those elections on January 30 of this year—470. The administration to date has not managed to change that terrible equation; and 2½ years after the invasion I still do not believe the administration has a clear plan to secure the peace.

Intelligence analysts, both civilian and military, use a phrase called "ground truthing." Geographers and geophysicists use the same term. It means going out and physically surveying the terrain, recognizing the reality on the ground may not match the map you have been given. The solution to this disparity is not to try to bulldoze the landscape or to sculpt it to match the map or to sculpt it to match an expectation in your mind. The solution is not to blind yourself to reality on the ground. The solution is to recognize differences between what you expected and what you were actually experiencing. You may need to redraw your map. You will almost certainly need to readapt your plan.

From the day of the invasion, plans were drawn up that refused to recognize the reality on the ground in Iraq. This administration has blinded itself to what I call these ground truths. Our troops rolled in and defeated Saddam Hussein and his vaunted National Republican Guard. You know why—we have the best fighting men and women in the world. No one else even comes close. But defeating an army is not the same as defeating an insurrection. The reports we read in the press suggest that insurrection is still very strong and very lethal.

Defeating an insurgency such as that is so much harder. These terrorists, these insurgents, do not swim in a sea of sand. They are supported by people in Iraq. It demands a completely honest, clear-eyed, honest, and unbiased understanding of what we are facing, the political, cultural, and physical ground truths. I am afraid this is lacking in this administration's administration of this war.

In 1961, President John F. Kennedy gave the commencement address at the U.S. Naval Academy. There he said:

> You gentlemen, therefore, have a most important responsibility, to recognize that your education is just beginning, and to be prepared, in the most difficult period in the life of our country, to play the role that the country hopes and needs and expects from you.
>
> You must understand not only this country but other countries. You must know something about strategy and tactics and logistics, but also economics and politics and diplomacy and history.
>
> You must know everything you can know about military power, and you must also understand the limits of military power. You must understand that few of the important problems of our time have, in the final analysis, been finally solved by military power alone.

Iraq has shown us again the limits of military power, even the military capabilities of a super power. It has shown us the importance of allies. And it has shown us the importance of ground truthing.

We are now constrained by the limits that are imposed by the prior poor decisions this Administration has made in Iraq, not just by going to war but in how it went to war.

If we were prepared for the invasion and the war, we certainly were not prepared for what followed. When the administration went to war, it failed to build a real coalition. How much different that war would be today if the President had at his side Muslim nations helping us to maintain stability in Iraq. When it executed the invasion, it tore down social, political, and economic structures that couldn't be replaced. We saw the beginning of the disintegration when the looting began, and it continues almost every day with improvised explosive devices from the almost endless arsenal of equipment and ammunition still on the ground for the taking in Iraq.

In Iraq, it sometimes seems that we have been building levees of sand that have steadily eroded. I am reminded of the images of the helicopters in Louisiana dumping enormous sandbags into a gaping hole on a broken levee and how these enormous sandbags would disappear, swallowed up by the force of the water. Is that what is happening in Iraq? That is what we have to ask, and that is what this administration must answer.

Are we making enough progress in Iraq to justify what it is costing us in blood, treasure, and in damage to our own national security? That is becoming a more and more difficult question. It certainly is a question this administration has not faced forthrightly. The American people deserve an answer. Men and women in uniform risking their lives today in Iraq deserve an answer.

If we are not making sufficient progress, what are we going to do to change direction?

I have joined others in saying that progress in the battlefield alone is never going to be enough. The Iraqi Government has to function as a real Government. It has to be able to provide basic social services, to protect its borders, offer its people security, and it is a far distance before they ever reach that point. Now, the Iraqi Government cannot perform these basic functions. Today, electricity in Baghdad is still at prewar levels. Power is off and on for only a few hours each day. Barely half the Iraqis have access to clean water. Unemployment estimates range from 27 to 40 percent. In addition to the terrible atrocities of car bombings and other attacks, street crime is now epidemic.

There are 146,000 U.S. forces in Iraq today, and there are those who say that they just aren't enough to do the job. There are others who would like to see them all leave tomorrow. But whatever the right number is, stability in Iraq, security in Iraq, and peace in Iraq depend ultimately upon the Iraqis and their Government—not American soldiers and their lives.

Next month, the Iraqis will again go to the polls to vote up or down on a draft constitution that is before them. Voting in a country under siege is a real act of courage by the people of Iraq. We respect them, and we respect that decision to go and vote very much. This referendum is an important step forward in the political process. But however the referendum turns out, it is not clear that on October 16—the day after the vote—the people of Iraq will be all that much closer to a unified, stable, and secure Government. I certainly hope they will be.

But if the constitution passes without the support of a major faction such as the Sunnis, it is hard to see how security and unity will emerge, and if the constitution is defeated we may have to start over.

The best possible outcome I can imagine is whichever way the referendum turns out that it is followed by civic engagements from all factions in Iraq—the Kurds, the Sunnis, the Shiites, and others. Without that civic engagement, I don't see how the political progress in Iraq can succeed. But whatever comes next, we must not let our desire to see progress in Iraq blind us to reality.

We need some political ground truthing as well.

President Kennedy was right when he said many problems do not have military solutions.

We need an integrated plan for Iraq that addresses critical political and economic needs. We need a plan that would finally bring international cooperation that this administration initially thought it could do without. We need a plan to draw down American forces—not merely because the war is less popular in our country but because we have to tell the Iraqis, once and for all, they have to take charge of their own future and their own security.

We need a plan that is based on the Iraqi political calendar, not our own. That is a plan we still have not received from this administration.

The 146,000 U.S. service men and women in Iraq today risking their lives deserve that plan, so do their families at home, and so do the American taxpayers who have poured nearly $200 billion into this war—a war which continues to demand over $1 billion a week. The war has come at a terrible price for Americans.

This chart shows the most graphic evidence of the cost: 1,907 of our best and bravest who have paid the ultimate sacrifice, a sacrifice borne by their families forever.

We don't honor their sacrifice if we refuse to ask the hard questions, if we refuse to demand of this administration—any administration—to tell us the truth of what we are facing and how we will bring this to an honorable conclusion.

October will give us a better understanding of what is happening in Iraq with both the constitutional referendum and the Department of Defense report. It is then up to all of us to act on that knowledge, to recognize our trajectory and to change the course, if we must.

Before America loses 2,000 of our best and bravest in Iraq, this administration needs to come forward and speak clearly on its plan to bring our troops home. This administration needs to make it clear that Iraq must accept its own responsibility to protect its own nation.

If the Iraqi war exposed a failure of intelligence, if Hurricane Katrina exposed a failure of imagination and preparation, the lives we lose every day in Iraq make it clear that we can wait no longer for leadership and vision to bring this war to an end as quickly as possible.

We in the Senate need to do our part. Each year, we consider a bill called the Department of Defense authorization bill. It is a bill which considers not only what our troops need but what our veterans need.

If there is ever a time when we should be spending more time on that than anything else, it is now, right now, as we are losing soldiers every day and seeing these soldiers come home wounded.

I am sorry to report to you that before we left on the August recess, that bill was withdrawn from the calendar. It was taken off the floor of the Senate for reasons I still don't understand. The leadership in the Senate decided there were more important things to talk about. We moved from the Department of Defense authorization bill to a special interest bill from the gun lobby that just had to be passed before we left for our August recess. That is a mistaken priority. It is a mistake that, frankly, does not reflect well on the Senate.

What could be more important for us to consider at this moment in our history than the Department of Defense bill? What could be more important than talk about the equipment needs of our troops, to protect sons and daughters who are standing in the path of bullets, in the path of bombs in Iraq today? What can be more important than to talk about veterans' benefits for those who are coming home, to make sure we do everything we can to keep our promise to them; that if they will stand up for America, we will stand up for our veterans? Why aren't we returning to this bill?

Why is the Republican leadership refusing to go back to the Department of Defense authorization bill? It should be the first thing on the calendar. But, unfortunately, the decision has been made that we will not. I think it is wrong. I think we owe it to the men and women in uniform, their families praying for them at home, and everyone in this country who is so proud of their contribution to make that our highest priority.

I sincerely hope that when we return to the Senate next week, we will return to that Department of Defense authorization bill—return to it to make certain that the equipment, the supplies, and all that is needed will be there for those troops.

I can remember the first soldier I visited at Walter Reed so long ago. He was from an Ohio unit. He had lost his left leg below the knee. I was amazed. There he was still scarred, with IVs running, recent amputation. And I asked him what he thought. He said, I want to tell you two things. First, please get some protection in those humvees. Put some armor in those humvees. They are just moving targets for those terrorists in Iraq. Second, tell me how I can get back with my unit.

I heard that so many times from so many soldiers who feel such an obligation to the men and women who stood next to them in battle. If they feel that obligation to fellow soldiers, shouldn't we feel an obligation to them? Shouldn't we make this our highest priority in the Senate?

I cannot understand why we have failed to do that. I call on the leadership, on Senator FRIST and others, to set aside whatever you planned after we consider Judge Roberts next week and move directly to the Department of Defense authorization bill. I can guarantee you that you will have the cooperation of the Democratic side of the aisle to come up with a definite set of amendments, a limited time for debate and a movement to final passage as quickly as possible. Those are things we can work out. But we can only work them out if the leadership of the Senate believes this is the same high priority that I feel today.

That is our responsibility—our responsibility for these men and women who have given their lives and given important parts of themselves for this country.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Mr. PRYOR. Mr. President, today the Senate Judiciary Committee voted to bring the nomination of John Roberts to the full Senate for its consideration. I am quite sure that by October 3, 2005, Mr. Roberts will be sworn in as the 17th Chief Justice of the United States.

Today is a very important day for the Senate. I say this because several months ago this body was mired in a partisan judicial battle that many thought would end in a nuclear winter. Very few people, including a majority of the American public, thought that we would weather the storm and find common ground. But instead of nuclear winter, this body was able to rise above the partisan bickering that has plagued us for some time, and we were able to come to an agreement, an understanding that has allowed the judicial process to move forward.

While I do not intend to review that entire agreement, there is one part that is worth noting.

It states:

> We believe that under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the

Senate and the President with regard to the use of the President's power to make nominations.

We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may very well serve to reduce the rancor that unfortunately accompanies the advice and consent process in this Senate.

I think that in the case of John Roberts, the clause I read has been heeded by this administration, and I applaud President Bush for following in the tradition of past Presidents who have sought meaningful consultation with the Senate.

For the first time in my short tenure as a Senator, I felt as though this administration put forth an effort to gauge where the Senate was on a nomination and acted accordingly.

I believe the White House, when working together with the Senate as a coequal branch of Government, will always be able to find a consensus nominee who will faithfully uphold the Constitution and represent the best of our justice system.

I think in the case of John Roberts, that was accomplished. This is one of several reasons I have decided to vote to confirm John Roberts as the next Chief Justice of the U.S. Supreme Court.

When President Bush nominated Mr. Roberts, I said then that I felt very strongly the Senate must fulfill its constitutional duty to learn as much about John Roberts' judicial record as possible, including his work over the past 2 years since he has been on the U.S. Court of Appeals for the DC Circuit.

The Supreme Court is the final arbiter of our liberties and freedom, and appointments for these gatekeepers are rare and pivotal. A Supreme Court Justice deserves a high threshold of review, and I think John Roberts was put to the test.

I applaud the Judiciary Committee for all of their hard work over the past few months and for the quality of last week's hearings. The quality of the questions and the ensuing debate were a testament to the important work the committee does and a testament to the valued leadership of Senator ARLEN SPECTER and Senator PATRICK LEAHY.

I had an opportunity to meet personally with John Roberts. He is someone with whom you can sit down and talk for hours about the law. He is genial and easy to get along with. He is a family man. While these are all wonderful qualities, it is not why I am voting for him.

I am voting for Mr. Roberts because he meets the criteria I have set out for judicial nominations, criteria I have used in assessing all judicial nominations that have come before this body.

When looking at the nomination of Mr. Roberts, I first asked: Does John Roberts have the qualifications or credentials to be a judge?

I think the answer to this question is obvious to anyone, and no one in this body will dispute it. Judge Roberts brings with him excellent credentials. He is a brilliant lawyer, and I was very impressed with his breadth of knowledge of the law. He has also, on multiple occasions, demonstrated a genuine understanding of the law.

I was also very impressed with his testimony before the Judiciary Committee. While some of my colleagues and I would have liked for Mr. Roberts to further explain some of his answers and positions, no one can dispute he has the ability to take this most prestigious post.

My second criteria: Will Mr. Roberts be of the right judicial temperament? As a lawyer who has argued in front of the U.S. Supreme Court 39 times, I believe Mr. Roberts has a high level of respect for the law, its institutions, and its traditions.

I am convinced, after spending time with Mr. Roberts, that he will conduct himself with the dignity befitting of a Supreme Court Justice and that he will lead the Federal judiciary with honor and integrity.

My third criteria: Will John Roberts be fair and impartial and not an activist? I want to believe the answer is yes.

I do not think it is any secret there are Members of this body, including myself, who were and still are in disagreement with some of President Reagan's domestic policies, especially pertaining to civil rights.

I, of course, was not in the Senate during the 1980s, and being a few years younger than Mr. Roberts, I was still in school when he was starting his legal career. I do not agree with many of the opinions Mr. Roberts expressed in his memos while serving in the Office of the U.S. Attorney General, but I can say that as a lawyer I have taken positions that were not my own but were my client's.

I can also say that time has a way of changing a man. It is my hope that after 20 years of gaining life experience, John Roberts has a better understanding and appreciation of how important civil rights protections are to the survival of this country and that he has moved away from some of his earlier writings.

There will be people in my home State of Arkansas who are going to be very pleased that I am voting for Mr. Roberts. I will also face constituents who will be disappointed. I am sure those constituents will ask: Senator PRYOR, how can you be sure? How can you be sure, without broader explanations from Mr. Roberts, or without more documents, that he will vote this way or that way on an issue?

My answer to that is twofold. First, I do not believe it is my duty as a Senator to confirm only judges I believe are going to vote the way I want them to 100 percent of the time. My duty as a Senator is to use my discretion to put the best jurist possible on the bench. I believe we have achieved that threshold with John Roberts.

Just as importantly, I would answer those critical of my decision to support Judge Roberts by saying, you can never be 100 percent sure.

I have chosen, based upon the evidence I have, based on my talks with John Roberts, based on his testimony, to put my faith in Judge Roberts.

I have chosen to believe him when he says he is not an ideologue. I have chosen to believe he will uphold the Constitution above all else and that he will not let politics or personal agenda get in the way of his job.

I am certain in the years that follow there will be times I laud Justice Roberts' opinions, and there will be times I will be disappointed in his rulings. But I am confident I will never be disappointed in his integrity, his temperament, or his ability to conduct himself as a man of the Court, not as a man of politics. Therefore, I once again state my intention to vote for Judge Roberts when his nomination comes to the floor.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

(The remarks of Mr. SANTORUM pertaining to the introduction of S. 1750 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SANTORUM. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOW-INCOME HOME ENERGY ASSISTANCE

Mr. REED. Mr. President, headlines across the Nation warn of an impending disaster facing American families this winter—rising energy prices that could wipe out working-class families and seniors. The New York Times reports:

> Energy Prices Lead Inflation, Overcoming Salary Increases.

The Wall Street Journal states:

> Soaring Natural-Gas Prices Point to Record-High Electricity Costs.

USA Today states:

> Heating Prices Loom as Problems this Winter.

Prior to Hurricane Katrina's devastation in the gulf region, Americans were facing record prices for oil, natural gas, and propane. Hurricane Katrina exacerbated these costs by damaging production platforms and ports and curtailing production at refineries in the Gulf of Mexico. Now Hurricane Rita threatens further damage and, in turn, price increases. Natural gas prices are hitting all-time highs, and crude oil and gasoline prices are again on the rise.

Consumers are feeling the price increases at the pump. But with winter looming, the full effect of these costs has yet to hit us.

In New England, the average heating cost for a family using heating oil is projected to reach $1,666 during the upcoming winter. This represents an increase of $403 over last winter's prices and $714 over the winter heating season of 2003–2004, almost a $1,000 increase in 2 years.

For a family using natural gas in the Midwest, prices are projected to hit $1,568, representing an increase of $611 over last year's prices and $643 over the heating season of 2003–2004. The Mortgage Bankers Association expects steep energy costs could increase the number of missed payments and lost homes beginning later this year.

Yesterday, the State energy directors released a survey about the choices that LIHEAP households make when they face unaffordable energy bills. Of course, LIHEAP is the Low-Income Heating Assistance Program that we have authored and supported for many years in Congress. LIHEAP assists low-income Americans and seniors to ensure they can face these prices.

According to the survey by the State energy directors, 73 percent of the households surveyed reported they reduce expenses for other necessities because they do not have enough money to pay for their energy bills. These other necessities are food, prescription drugs, rent, or mortgage payments. In fact, one in five LIHEAP households reported they went without food at least 1 day over the last 5 years due to unaffordable energy bills. Twenty-four percent used their stove or oven to provide heat because they could not fill the tanks to provide heat.

On Monday, I visited the home of Aram Ohanian, an 88-year-old veteran who lives in Rhode Island and whose monthly income consists of $779 in Social Security payments. Money is so tight that Mr. Ohanian sometimes eats at his daughter's house or goes to a local soup kitchen for food. He also gets help from a local food bank. Last year, Mr. Ohanian received a total of $600 in LIHEAP grants to help him keep his home safe and warm. But even with that assistance, he had to close off parts of his house to reduce energy costs.

In communities throughout this Nation, Mr. Ohanian's story repeats itself. The warning has been issued. We know that prices for energy products are on the rise. We can all foretell the next disaster facing American families. The question is, What will we do to protect these Americans from this upcoming energy storm?

We saw the most vulnerable Americans overwhelmed by rising waters in New Orleans. If we do nothing, we can see other vulnerable Americans overwhelmed by rising energy prices this winter.

First, Senator COLLINS and I, joined by 39 colleagues, are calling on the President and Congress to support $1.3 billion in emergency LIHEAP funding in the comprehensive supplemental appropriations package for Hurricane Katrina. This funding will provide our Nation's most vulnerable low-income families, seniors, and disabled individuals with affordable energy this winter. This is the additional funding—let me stress additional funding—needed for LIHEAP to maintain the purchasing power it had last year. This money is on top of the $3 billion we are seeking for the LIHEAP State grant program in the fiscal year 2006 Labor-HHS appropriations bill; the regular LIHEAP funding, if you will.

States are bracing for a crisis caused by the lack of affordable energy, and this funding will ensure low-income families and seniors have warm homes this winter.

Last year, a Rhode Islander receiving $400 in LIHEAP funds could buy approximately 235 gallons of heating oil, almost a full tank. At $2.60 a gallon, $400 will only buy about 150 gallons of oil, a little over half a tank, which might only last about 2½ weeks. And, indeed, the $2.60 price in Rhode Island is a hard price to find now from oil dealers.

Rhode Island's LIHEAP program estimates the State needs $21 million to serve the 27,000 households it helped last year. I urge all of my colleagues to join Senator COLLINS and me to support our efforts to secure $4.3 billion for LIHEAP funding this winter.

Second, we need to invest in energy efficiency. The Weatherization Assistance Program is vital to these efforts. The Weatherization Assistance Program has weatherized 5.3 million homes in the United States during its history, including 30,500 in my State of Rhode Island. The program, on average, saves families $274 per year and reduces heating bills by 31 percent. Rhode Island's program alone has saved the United States an equivalent of 43 days' worth of oil consumption, or an equivalent of 81 days of gas consumption over the course of the life of this program.

Now is the time to expand this and other energy efficiency programs to serve these families. This is one of those programs that benefits not only individuals of the family by keeping them warm, by saving them money, but collectively benefits this country because one of our great problems is our accelerating demand for energy which drives up prices. If we can control that demand, if we can be more efficient in the use of energy, we can go a long way to help moderate the prices of energy that we face.

In America—one of the wealthiest nations in the world—no family should have to choose between heating their home and putting food on the table for their child. No senior citizen should have to decide to either buy lifesaving prescription drugs or pay their electric bill. But, unfortunately, our Nation's most vulnerable households—working families, seniors living on fixed incomes, and disabled individuals—have to make those very choices.

Third, we need to pass Senator CANTWELL's Energy Emergency Consumer Protection Act, of which I am a cosponsor. The legislation would ban price gouging at the gas pump in the wake of natural disasters, such as Hurricane Katrina, and would empower Federal regulators to ensure greater market transparency and go after market manipulation of oil and gas prices on an everyday basis.

The administration also must begin to rethink its bankrupt energy policies. Reliable, affordable energy is critical to the social and economic well-being of our Nation. Total energy spending for the Nation this year will approach $1 trillion, 24 percent higher than in 2004. Energy will claim the biggest share of U.S. output since the end of the oil crisis 20 years ago. This is not good energy policy.

Americans deserve a better energy bill than the one President Bush signed this summer. They deserve an energy bill that raises fuel efficiency standards and provides for oil savings, an energy bill that invests valuable tax dollars—those currently being handed out unnecessarily to oil and gas companies—into the development of renewable fuels and energy efficiency.

Oil and natural gas companies are making record profits while energy prices are overcoming workers' salary increases. These companies do not need billions of dollars from the Federal Treasury.

The American public deserves greater accountability to ensure oil companies are not engaging in anticompetitive behavior, such as closing down refining capacity to drive up prices.

Hurricane Katrina demonstrated the economic, social, and racial divides that exist in America. As a nation, we must step back and reevaluate our priorities. Now is not the time to cut funding for or underfund social programs, such as LIHEAP, Medicaid, and food stamps, that support working families and seniors while the President proposes tax breaks for casinos, as the Washington Post reported this morning. We must prioritize, and the most vulnerable amongst us must be considered first.

Hurricane Katrina upset the lives of millions, displacing families from their homes and inflicting severe economic damage. The people of the gulf region deserve our continued support as they rebuild, and as Hurricane Rita threatens the gulf coast of Texas, we must also be prepared to help those Americans affected in its wake.

We cannot, however, forget the millions of Americans who struggle each day to make ends meet. They also deserve our support. I hope the President and the Congress will heed this warning and help build an energy safety net for all Americans beginning with adequate funding for LIHEAP, increasing investment in weatherization, passing sensible legislation such as the Cantwell bill, and revisiting our overall energy policy to make a stronger, more fair, and a more decent place for all of us.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. DAYTON. I thank the Chair.

(The remarks of Mr. DAYTON pertaining to the introduction of S. 1756 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DAYTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Mr. OBAMA. Mr. President, thank you very much.

First of all, let me congratulate Senator SPECTER and Senator LEAHY for moving the process of confirming the nomination of Judge Roberts along with such civility, a civility that I believe speaks well of the Senate.

Let me also say that I remain distressed that the White House during this confirmation process, which overall went smoothly, failed to provide critical documents as part of the record that could have provided us with a better basis to make our judgment with respect to the nomination. This White House continues to stymie efforts on the part of the Senate to do its job. I hope with the next nominee who comes up for the Supreme Court that the White House recognizes that in fact it is its duty not just to the Senate but to the American people to make sure we can thoroughly and adequately evaluate the record of every single nominee who comes before us.

Having said that, the decision with respect to Judge Roberts' nomination has not been an easy one for me to make. As some of you know, I have not only argued cases before appellate courts but for 10 years was a member of the University of Chicago Law School faculty and taught courses in constitutional law. Part of the culture of the University of Chicago Law School faculty is to maintain a sense of collegiality between those people who hold different views. What engenders respect is not the particular outcome that a legal scholar arrives at but, rather, the intellectual rigor and honesty with which he or she arrives at a decision.

Given that background, I am sorely tempted to vote for Judge Roberts based on my study of his résumé, his conduct during the hearings, and a conversation I had with him yesterday afternoon.

There is absolutely no doubt in my mind Judge Roberts is qualified to sit on the highest court in the land. Moreover, he seems to have the comportment and the temperament that makes for a good judge. He is humble, he is personally decent, and he appears to be respectful of different points of view. It is absolutely clear to me that Judge Roberts truly loves the law. He couldn't have achieved his excellent record as an advocate before the Supreme Court without that passion for the law, and it became apparent to me in our conversation that he does, in fact, deeply respect the basic precepts that go into deciding 95 percent of the cases that come before the Federal court—adherence to precedence, a certain modesty in reading statutes and constitutional text, a respect for procedural regularity, and an impartiality in presiding over the adversarial system. All of these characteristics make me want to vote for Judge Roberts.

The problem I face—a problem that has been voiced by some of my other colleagues, both those who are voting for Mr. Roberts and those who are voting against Mr. Roberts—is that while adherence to legal precedent and rules of statutory or constitutional construction will dispose of 95 percent of the cases that come before a court, so that both a Scalia and a Ginsburg will arrive at the same place most of the time on those 95 percent of the cases—what matters on the Supreme Court is those 5 percent of cases that are truly difficult. In those cases, adherence to precedent and rules of construction and interpretation will only get you through the 25th mile of the marathon. That last mile can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy.

In those 5 percent of hard cases, the constitutional text will not be directly on point. The language of the statute will not be perfectly clear. Legal process alone will not lead you to a rule of decision. In those circumstances, your decisions about whether affirmative action is an appropriate response to the history of discrimination in this country or whether a general right of privacy encompasses a more specific right of women to control their reproductive decisions or whether the commerce clause empowers Congress to speak on those issues of broad national concern that may be only tangentially related to what is easily defined as interstate commerce, whether a person who is disabled has the right to be accommodated so they can work alongside those who are nondisabled—in those difficult cases, the critical ingredient is supplied by what is in the judge's heart.

I talked to Judge Roberts about this. Judge Roberts confessed that, unlike maybe professional politicians, it is not easy for him to talk about his values and his deeper feelings. That is not how he is trained. He did say he doesn't like bullies and has always viewed the law as a way of evening out the playing field between the strong and the weak.

I was impressed with that statement because I view the law in much the same way. The problem I had is that when I examined Judge Roberts' record and history of public service, it is my personal estimation that he has far more often used his formidable skills on behalf of the strong in opposition to the weak. In his work in the White House and the Solicitor General's Office, he seemed to have consistently sided with those who were dismissive of efforts to eradicate the remnants of racial discrimination in our political process. In these same positions, he seemed dismissive of the concerns that it is harder to make it in this world and in this economy when you are a woman rather than a man.

I want to take Judge Roberts at his word that he doesn't like bullies and he sees the law and the Court as a means of evening the playing field between the strong and the weak. But given the gravity of the position to which he will undoubtedly ascend and the gravity of the decisions in which he will undoubtedly participate during his tenure on the Court. I ultimately have to give more weight to his deeds and the overarching political philosophy that he appears to have shared with those in power than to the assuring words that he provided me in our meeting.

The bottom line is this: I will be voting against John Roberts' nomination. I do so with considerable reticence. I hope that I am wrong. I hope that this reticence on my part proves unjustified and that Judge Roberts will show himself to not only be an outstanding legal thinker but also someone who upholds the Court's historic role as a check on the majoritarian impulses of the executive branch and the legislative branch. I hope that he will recognize who the weak are and who the strong are in our society. I hope that his jurisprudence is one that stands up to the bullies of all ideological stripes.

Let me conclude with just one more comment about this confirmation process.

I was deeply disturbed by some statements that were made by largely Democratic advocacy groups when ranking member Senator LEAHY announced that he would support Judge Roberts. Although the scales have tipped in a different direction for me, I am deeply admiring of the work and the thought that Senator LEAHY has put into making his decision. The knee-jerk unbending and what I consider to be unfair attacks on Senator LEAHY's motives were unjustified. Unfortunately, both parties have fallen victim to this kind of pressure.

I believe every Senator on the other side of the aisle, if they were honest, would acknowledge that the same unyielding, unbending, dogmatic approach to judicial confirmation has in large part been responsible for the kind of poisonous atmosphere that exists in this Chamber regarding judicial nominations. It is tempting, then, for us on this side of the aisle to go tit for tat.

But what I would like to see is for all of us to recognize as we move forward to the next nominee that in fact the issues that are confronted by the Supreme Court are difficult issues. That is why they get up to the Supreme Court. The issues facing the Court are rarely black and white, and all advocacy groups who have a legitimate and profound interest in the decisions that are made by the Court should try to make certain that their advocacy reflects that complexity. These groups on the right and left should not resort to the sort of broad-brush dogmatic attacks that have hampered the process in the past and constrained each and every Senator in this Chamber from making sure that they are voting on the basis of their conscience.

Thank you very much, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 6:44 p.m., recessed subject to the call of the Chair and reassembled at 7:06 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

The PRESIDING OFFICER. In my capacity as a Senator from the Commonwealth of Virginia, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE TAX RELIEF

Mr. FRIST. Mr. President, last night we cleared by unanimous consent the Grassley-Baucus Hurricane Tax Relief package.

In the wake of Hurricane Katrina—and with Hurricane Rita now bearing down—this legislation is sorely needed.

I want to thank Senator GRASSLEY, Senator BAUCUS and Senator LOTT for their hard work and leadership to get immediate assistance to the hurricane victims.

All of America is pulling together to support the people of Alabama, Louisiana, and Mississippi.

Since Hurricane Katrina devastated the Gulf Coast, Americans from all walks of life, from all across the country, have poured out their hearts to help.

In just 3 weeks, private citizens and businesses have donated hundreds of millions of dollars to assist in the relief and recovery effort.

Schools across the country are opening their doors to the thousands of displaced students.

Communities are taking up collections of blankets, clothes, toys, and food.

Families are literally opening their homes to shelter and comfort the survivors.

In the past three weeks, I've had the opportunity to see, firsthand, America's compassion at work.

In the first week after the hurricane hit, I traveled to the gulf to do volunteer medical work. I flew to the New Orleans airport and met up with medical colleagues I know from Vanderbilt and Boston.

Many had been so moved by the stories they saw and read in the news that they voluntarily organized themselves to head to the Gulf Coast to offer their help.

I met Knox County volunteers from my home State who had been flying helicopter missions for days.

I saw a constant stream of people pitching in, helping out, and providing spiritual and material comfort.

The bill we passed vitally supports and rewards this tremendous charity.

It recognizes that every sector of civic life is engaged in the massive recovery effort.

For example, families who are housing hurricane survivors will be eligible to receive a personal tax exemption of $500 for every Katrina victim they take in.

The bill encourages even more cash donations by waiving the income limits that are otherwise discouraging.

The Grassley-Baucus package also rewards contributions from the business sector.

Katrina is estimated to have swept away 400,000 jobs. Under this bill, companies that hire displaced workers are eligible to receive a Working Opportunity Tax Credit of up to $2400 per employee.

Hundreds of schools are also in desperate need of extra school books for the wave of displaced students coming through their doors.

Under this legislation, companies can receive an enhanced deduction for donating books until the new year. Food donations will also receive an enhanced deduction.

As another way to promote cash donations, the bill increases by 50 percent the amount of cash contributions a company can deduct.

The Grassley-Baucus package also offers help to the hurricane victims, themselves, in both time and money.

It allows families to dip into their retirement funds without penalty so that they can make ends meet while they struggle to regain their footing.

It also makes sure that if a mortgage company or credit card company, for example, decides to forgive a loan or a debt, there won't be any income tax due on that amount.

Another important provision of the bill is its extension of time.

All of these families need time to find a place to live, to get a job, to get back on their feet and rebuild their lives.

To help ease the pressure, people whose homes are located in the presidentially-declared disaster area will have up to 5 years to purchase new property.

Their tax filing deadline will be extended until February of next year.

These are only first steps. But they're important first steps that lift some of the pressure on these traumatized families.

I want to assure these good people that the United States Senate remains hard at work and focused on helping them recover. We are committed to the well being of our fellow citizens.

America is a family. And we pull together in times of need. And we will grow closer, stronger and more compassionate as we confront the challenges ahead.

PATRICIA LYNCH

Mr. REID. Mr. President, I rise to pay tribute to Patricia Lynch and to recognize the contributions of Ms. Lynch to the State of Nevada. Patricia Lynch was first elected Reno City Attorney in 1987 and is currently serving her fifth term. She is a tremendous asset to our community and Nation.

For the past 20 years Ms. Lynch has demonstrated a commitment to public service. She has performed countless hours of service to communities in northern Nevada and helped to coordinate and direct the efforts of local charitable organizations.

Patricia began her career in public service as a legislative assistant to Representative John E. Moss from 1975 to 1977 in the United States House of Representatives; she is a current member of the board of directors of the John E. Moss Foundation.

Patricia has also demonstrated unwavering commitment to protecting the rights of women. She is a founding member and 1993 president of Northern Nevada Women Lawyers Association. Her membership on Nevada statewide boards includes the Nevada Prosecution Advisory Council, Nevada Domestic Violence Prevention Council, and the Nevada Commission on Domestic Violence.

In addition to her local and civic contributions, Patricia has served as an ambassador for the United States within the international legal community. She is a member of the World Jurist Association, WJA, and has presented papers at WJA conferences in Kiev, Ukraine in 1998 and Budapest, Hungary in 1999. She has also served as the moderator for local government law panels at WJA conferences in Budapest, Hungary in 1999, Dublin, Ireland in 2001, and Adelaide, Australia in 2003. In January 2003, Patricia participated in hosting the City Planner from Kabul, Afghanistan in a tour of wastewater and drinking water facilities in Reno, NV.

I hope you will join with me in honoring the outstanding achievements of Patricia Lynch and the selfless life she chose.

THIRD ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

Mr. REID. Mr. President, Justice Louis Brandeis once said, "The only title in our democracy superior to that of President is the title of citizen." This statement illustrates the paramount importance that the citizen plays within these United States. And, as such, we must continue to learn and teach what it means to be a good citizen.

"Civic education" is the term used to describe the transmitting of knowledge and skills necessary for people to become responsible citizens. And our democracy is sustained and strengthened when our citizens have these skills and tools. In fact, there is no more important or urgent task than preparing this and future generations of Americans to maintain our democracy.

To advance the continuing importance of civic education, I am pleased to announce that the Joint Leadership of the Congress of the United States will host the Third Annual Congressional Conference on Civic Education on September 24–26 here in Washington, DC.

The Congressional Conference on Civic Education will bring together educators and experts from all across the country who work to promote civic education and civic engagement at the state and local levels. I am pleased to serve as honorary host for the conference, along with Majority Leader FRIST, Speaker HASTERT, and Leader PELOSI.

The 2005 Congressional Conference on Civic Education will emphasize the state of civic education in America. In an effort to restore the civic mission of schools, each State is working on creating a plan to promote civic education and engagement. Conferees will work to build upon these foundations built by participants and State delegations from the past two conferences.

The Congressional Conference on Civic Education is the third of five annual conferences planned to focus public attention on the state of civic education in America's public schools. This conference is sponsored by the nonpartisan Alliance for Representative Democracy, and consists of the National Conference of State Legislatures, the Center on Congress at Indiana University and the Center for Civic Education. Through an act of Congress, the Alliance is funded by the Department of Education.

I am honored to recognize the work of the Nevada delegation. The Nevada Campaign for the Civic Mission of Schools is building on the previous success of the Nevada Commission on Participatory Democracy. The Nevada Campaign has completed a benchmark survey regarding the state of civic education in the State and is planning the First Nevada Civic Education Summit for this December. Thanks to the efforts of congressional conference delegate, Senator Valerie Wiener, a resolution was passed by the Nevada Legislature this year supporting efforts of the Nevada Department of Education in increasing the role of civics in the Nevada schools curriculum.

I find it particularly appropriate that the Congressional Conference on Civic Education convenes this week. Just last week, on September 17, we observed Constitution Day, celebrating the brilliance of our founding document and the essential role citizens play in our democracy.

I am sure that the congressional leadership joins me in expressing gratitude to the many educators and State delegations that make this conference possible. We thank them for their time and commitment to this important endeavor. We look forward to learning about their ideas and hearing of the progress made at next year's conference.

Among those delegates who are in Washington, DC, are the following, whose names I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alabama: Ms. Janice A. Cowin, State Facilitator; Ms. Rebecca Beaty, Executive Director, The American Village Citizenship Trust; Representative Priscilla Dunn, Alabama House of Representatives; Dr. Ethel Hall, Vice-President, Alabama State Board of Education; Dr. William P. Collins, Professor, Samford University.

Alaska: Ms. Mary Bristol, State Facilitator; Mr. Macon Roberts, Treasurer, Anchorage School Board; Dr. Carl F. N Rose, Executive Director, Association of Alaska School Boards; Ms. Krista Scully, Pro Bono Director, Alaska Bar Association; Mr. David Baranow, Chair, Law Related Education Committee, Alaska Bar Association.

Arizona: Senator Tim Bee, State Facilitator, Majority Leader, Arizona Senate; Mrs. Lynda Rando, Assistant State Facilitator; Representative Mark Anderson, Arizona House of Representatives; Ms. Kathleen Williams, Retired Teacher, Mesa Schools; Senator Linda Gray, Arizona State Senate; Mr. Jeffrey Schrade, Director, LRE, Arizona Foundation for Legal Services & Education; Representative Jennifer Burns, Arizona House of Representatives.

Arkansas: Ms. Barbara Patty, State Facilitator; Representative Betty Pickett, Arkansas House of Representatives; Ms. Suzanne McPherson, Director of Special Programs, Van Buren School District; Mr. Frank Smith, Social Studies Supervisor, Pulaski County Schools; Ms. Margaret Herrick, Social Studies Specialist, Arkansas Department of Education.

California: Mr. Roy Erickson, State Facilitator; Mr. David W. Gordon, Sacramento County Superintendent of Schools; Mrs. Michelle Herczog, Consultant, Los Angeles County Office of Education; Mr. Todd Clark, Executive Director, Constitutional Rights Foundation. Dr. Darline Robles, Superintendent, Los Angeles County Office of Education; Mr. Gary K. Hart, Institute for Education Reform, California State University; Mr. Michael Hulsizer, Administrator, Kern County Superintendent of Schools; Mr.

Michael Ricketts, Chief Consultant, California Assembly Committee on Education; Ms. Julie Sauls, Chief of Staff, Office of Assemblyman Kevin McCarthy; Dr. William Cirone, County Superintendent, Santa Barbara County.

Colorado: Ms. Barbara Miller, State Facilitator; Mrs. Maria Garcia-Berry, President, CRL Associates; Representative David Balmer, Colorado General Assembly; Senator Sue Windels, Colorado General Assembly; Ms. Jill Conrad, Director, Colorado Canopy; Dr. Jane Urschel, Associate Executive Director, Colorado Association of School Boards.

Connecticut: Dr. James Schmidt, State Facilitator; Ms. Sheila McKay, Government Relations, Connecticut Association of Boards of Education; Ms. Mary Skelly, Social Studies Coordinator, Vocational-Technical School System; Ms. Martha Press, Supervisor of Social Studies, Stratford Public Schools.

Delaware: Mr. Lewis Huffman, State Facilitator; Mr. Reginald Greenwald, Collette Educational Resource Center; Mr. Ed Freel, Director of Policy, University of Delaware, IPA; Mr. Fran O'Malley, Delaware Social Studies Education Project, University of Delaware.

District of Columbia: Ms. Deborah Foster, State Facilitator; Honorable Royce Lamberth, Judge, U.S. District Court; Doug Alexander, Newspapers in Education Coordinator, Washington Times; Ms. Carla Cartwright, Attorney, McKee, Nelson, LLP; Mr. John Cruden, President District of Columbia Bar Association; Ms. Jacquelyn Davis, Executive Director, New Leaders for New Schools.

Florida: Ms. Annette Boyd Pitts, State Facilitator; Honorable Barbara Pariente, Chief Justice, Supreme Court of Florida; Mr. John Doyle, Director, Division of Social Sciences, Dade County Public Schools; Ms. Dianne Wheatley Gilotti, President, Florida League of Women Voters; Ms. Levon Terrell, Social Studies Program Specialist, FL Dept. of Education; Honorable Peggy A. Quince, Justice, Supreme Court of Florida; Ms. Mary Chiles, Office of U.S. Senator Bill Nelson.

Georgia: Ms. Mary Stakes, State Facilitator; Representative David Casas, Georgia House of Representatives; Dr. Bill Cranshaw, Social Studies Program Specialist; Mr. Eddie Bennett, Social Studies Supervisor, Cobb County Public Schools; Mr. William Cheeks, Businessman; Senator Daniel Weber, Georgia State Senate; Ms. Shalynda Warren, Regional Voting Education Coordinator.

Hawaii: Representative Lyla Berg, State Facilitator, Hawaii House of Representatives; Mr. Robert McClelland, Planning and Evaluation, Hawaii State Department of Education; Senator Norm Sakamoto, Hawaii State Senate Representative; Roy Takumi, Hawaii House of Representatives; Mr. Roger Takabayashi, President, Hawaii State Teacher's Association.

Idaho: Dr. Dan Prinzing, State Facilitator Justice; Linda Copple Trout, Idaho Supreme Court; Mrs. Parra Byron, Education Policy Advisor, Office of the Governor; Dr. Marilyn Howard, State Superintendent of Public Instruction; Ms. Linda Clark, Superintendent, Meridian Schools.

Illinois: Dr. Patton Feichter, State Facilitator; Dr. Darlene Ruscitti, Regional Superintendent, DuPage County Schools; Dr. Carolyn Pereira, Executive Director, Constitutional Rights Foundation Chicago; Dr. Steven Klein, State Coordinator, Law Related Education, Elgin School District; Representative Suzanne Bassi, Illinois House of Representatives; Representative William Davis, Illinois House of Representatives; Mr. Jesse Ruiz, Chairman, Illinois State Board of Education.

Indiana: Mr. Peter Bomberger, State Facilitator; Dr. John Patrick, Indiana University; Dr. Suellen Reed, Superintendent of Public Instruction, Indiana Department of Education; Senator Theresa Lubbers, Indiana State Senate; Representative Robert Behning, Indiana House of Representatives; Mr. Dennis Lee, Birmingham & McHale Law Firm; Ms. Jill Baisinger, Social Studies Coordinator, Indiana Department of Education.

Iowa: Mr. Jason Follett, State Facilitator; Senator Paul McKinley, Iowa State Senator; Ms. Dianne Bystrom, Iowa State University.

Kansas: Ms. Lynn Stanley, State Facilitator; Mr. Paul Stuewe, Teacher, Lawrence High School; Dr. Dan C. Yunk, CEO, Kansas Fann Bureau; Mr. Rick Reed, Educator, McPherson High School; Dr. Randall Watson, Superintendent, McPherson School District; Senator Roger Retiz, Kansas State Senate.

Kentucky: Dr. Deborah Williamson, State Facilitator; Honorable Trey Grayson, Secretary of State of Kentucky; Ms. Natalie Stiglitz, Social Studies Coordinator, Kentucky Department of Education; Ms. Robin Chandler, Branch Manager, Kentucky Department of Education; Representative Tanya Pullin, Kentucky House of Representatives; Ms. Polly Page, Northern Kentucky University; Senator Jack Westwood, Kentucky State Senate.

Louisiana: Ms. Maria Yiannopoulos, State Facilitator; Senator Gerald Theunissen, Louisiana Senate; Mr. E. Wade Shows, Attorney at Law.

Maine: Mr. Patrick Phillips, State Facilitator; Kala Clark, Legislative Youth Advisory Board; Kathryn Hunt, University of Maine; Theodore Sharp, Superintendent of Schools, Gorham, ME; Representative Stephen Bowen, Maine House of Representatives.

Maryland: Ms. Marcie Taylor-Thoma, State Facilitator; Ms. Sharon Cox, President, Montgomery County Board of Education; Delegate David Rudolph, Maryland House of Delegates; Mrs. Julie Ayers, Student Learning Specialist, Maryland State Department of Education; Senator Gwendolyn Britt, Maryland General Assembly.

Massachusetts: Ms. Diane Palmer, State Facilitator; Senator Richard T. Moore, Massachusetts Senate; Mr. Sheldon Berman, Superintendent, Hudson Public Schools; Ms. Susan Wheltle, Director, Office for the Humanities, Massachusetts Department of Education; Mr. Roger Desrosiers, Social Studies Teacher, Millbury High; School Representative Michael Rush, Massachusetts House of Representatives.

Michigan: Ms. Linda Start, State Facilitator; Mr. Chris Siebenmark, Office of Senator Ron Jelinek; Mrs. Kathleen Straus, President, State Board of Education; Representative Hoon-Yung Hopgood, Michigan House of Representatives.

Minnesota: Ms. Jennifer Bloom, State Facilitator; Ms. Juanita Peterson, 1st Vice President, League of Women Voters Minnesota; Ms. Dana Carmichael, Minneapolis Public Schools; Senator Jim Greenwalt, Minnesota State Senate; Mr. Richard Theisen, Past President, National Council for the Social Studies.

Mississippi: Dr. Susie Burroughs, State Facilitator; Ms. Judith Couey, Curriculum Director, Mississippi Department of Education; Dee Chambliss, Assistant Secretary of State for Education & Publications.

Missouri: Ms. Millie Aulbur, State Facilitator; Ms. Leslye Winslow, Deputy Secretary of State for Elections, Office of the Secretary of State; Mr. Stan Johnson, Missouri Department of Elementary and Secondary Education; Senator Gary Nodler, Missouri General Assembly; Ms. Melissa Randol, Associate Executive Director of Law, Missouri School Boards Association; Representative Danielle Moore, Missouri House of Representatives.

Montana: Dr. Bruce Wendt, State Facilitator; Senator Sam Kitzenberg, Montana Senate; Ms. Brenda Wahler, Attorney, State of Montana Child and Family Services; Representative Gary Branae, Montana House of Representatives; Honorable Linda McCulloch, State Superintendent of Education; Honorable Brad Johnson, Montana Secretary of State.

Nebraska: Mr. Mitch McCartney, State Facilitator; Senator DiAnna Schimek, Member, Nebraska Unicameral Legislature; Joe Rowson, Assistant Vice President, University of Nebraska; Mr. Ken Meyers, 9th Grade Social Studies Teacher, Wilcox-Hildreth High School; Mr. Larry K. Starr, Director of Social Science Education, Nebraska Department of Education; Ms. Doris Huffman, Nebraska State Bar Foundation.

Nevada: Ms. Judith Simpson, State Facilitator; Senator Valerie Wiener, Nevada State Senate; Assemblywoman Bonnie Parnell, Nevada Assembly; Mr. Steve George, Public Information Officer, Office of the Secretary of State; Dr. Keith Rheault, Nevada Superintendent of Schools.

New Hampshire: Mr. Mica B. Stark, New Hampshire Institute of Politics, State Facilitator; Ms. Debby Scire, Executive director, Campus Compact, New Hampshire; Mr. Kenneth Relihan, Social Studies Consultant, New Hampshire Department of Education; Ms. Debra Hamel, New Hampshire State Board of Education.

New Jersey: Ms. Arlene Gardner, State Facilitator; Ms. Debra Casha, Vice President, New Jersey State Board of Education; Mr. Phillip Brown, Center for Character Education at Rutgers; Mr. Ramon De La Cruz, Director, Division of Elections, Office of the Attorney General; Assemblyman Craig A. Stanley, New Jersey General Assembly.

New Mexico: Ms. Dora Marroquin, State Facilitator, Secretary Rebecca Vigil-Giron, New Mexico Secretary of State; Patricia Concannon, Social Studies Consultant, New Mexico Department of Education; Ms. Jennifer MacDonald, Curriculum Director; Representative: Teresa Zanetti, New Mexico House of Representatives; Ms. Leah Gutierrez Wier Instructional Manager, Albuquerque Public Schools.

New York: Dr. Stephen Schechter, State Facilitator; Ms. Rita Lashway, Deputy Executive Director, New York State School Boards Association; Dr. John Bierwirth, Superintendent, Herricks Union Free School District; Mr. Carl Onken, President Elect, New York State School Boards Association; Ms. Deborah Shayo, Director, Law, Youth & Citizenship Program, New York State Bar Assn.; Mr. Timothy Backus, Supervisor, Social Studies, South Colonie Central School District.

North Carolina: Ms. Kelley O'Brien, State Facilitator; Representative Susan Fisher, North Carolina House of Representatives; Representative Rick Glazier, North Carolina House of Representatives; Ms. Margot Christensen, North Carolina League of Municipalities; Ms. Mollie Henderson, Social Studies Consultant, North Carolina Department of Public Instruction; Ms. Sandra

Cook, Newspapers in Education, NC Press Foundation.

North Dakota: Dr. Phil Harmeson, Co-State Facilitator; Senator Ray Holmberg, Co-State Facilitator, North Dakota Senate; Honorable Wayne Stenehjem, Attorney General, State of North Dakota; Mr. Neil Howe, Director, Division of Independent Study; Representative Rae Ann Kelsch, North Dakota House of Representatives; Honorable Mary Maring, Justice, North Dakota Supreme Court.

Ohio: Mr. Jared Reitz, State Facilitator; Ms. Linda Petz, Consultant for Social Studies, Stark Educational Service Center; Representative Dixie Allen, Ohio House of Representatives; Mr. Frank Underwood, Special Projects and Initiatives, Ohio Community Service Council; Ms. Lisa Duty, Education Consultant, Ohio Department of Education; Ms. Patricia Allen Day, Executive Director, Secondary Education, Dayton Public Schools.

Oklahoma: Ms. Lisa Pryor, State Facilitator; Representative Gary Banz, Oklahoma House of Representatives; Ms. Gina Wekke, Campus Compact/Academic Affairs, OK State Regents for Higher Education; Representative Bill Nations, Oklahoma House of Representatives; Dr. Teena Nations, Director, Professional Development, OK Commission on Teacher Preparation; Ms. Jean Hendrickson, Executive Director, Oklahoma A+ Schools.

Oregon: Ms. Barbara Rost, State Facilitator; Ms. Marilyn Cover, Executive Director, Classroom Law Project; Representative Linda Flores, Oregon House of Representatives; Ms. Kathleen Cornett, Oregon Community Foundation; Ms. Cynthia Guyer, Executive Director, Portland Schools Foundation.

Pennsylvania: Ms. Stephanie McKissic, State Facilitator; Ms. Sue Perrotty, Chief of Staff, First Lady of Pennsylvania; Representative Dwight Evans, Pennsylvania House of Representatives; Ms. Sabrina Holloway, Office of Representative Dwight Evans; Mr. Jeffrey Zeiders, Pennsylvania Department of Education; David Trevaskis, Executive Director LEAP Kids PA.

Rhode Island: Mr. Michael Trofi, State Facilitator; Mr. James Parisi, Rhode Island Federation of Teachers & Health Professionals; Representative Edwin Pacheco, Rhode Island General Assembly; Senator Juan Pichardo, Rhode Island General Assembly; Representative Hanna Gallo, Rhode Island General Assembly.

South Carolina: Ms. Beth DeHart, South Carolina Bar Association; Mr. James Bryan, Social Studies Coordinator; Senator Robert Hayes, South Carolina State Senate; Dr. Paul Home, Director of Curriculum and Program Review, Education Oversight Committee; Mr. Matthew Gates, Staff Attorney SC House of Representatives; Senator John W. Matthews, South Carolina State Senate.

South Dakota: Dr. John Lyons, State Facilitator; Representative Gerald Lange, South Dakota House of Representatives; Mrs. Glena Fouberg, President, State Board of Education; Representative Keri Weems, South Dakota House of Representatives; Ms. Patty Pearson, Executive Director, Kids Voting South Dakota.

Tennessee: Ms. Janis Kyser, State Facilitator; Dr. Ashley Smith, President, Tennessee Association of Middle Schools; Mr. Bruce Opie, Legislative Liaison, Tennessee Department of Education; Mr. Al Mance, Executive Director, Tennessee Education Association; Ms. Brenda Ables, Social Studies Specialist, Tennessee Department of Education.

Texas: Mrs. Jan Miller, State Facilitator; Ms. Patricia Ann Hardy, Texas State Board of Education; Mr. George Rislov, Managing Director, Curriculum Development, Texas Education Agency; Ms. Michelle Ungurait, Director of Social Studies, Curriculum Division, Texas Education Agency; Ms. Mary Lee Webeck, Assistant Professor, University of Texas at Austin.

Utah: Ms. Kathy Dryer, State Facilitator; Representative LaVar Christensen, Utah House of Representatives; Judge Judith Billings, Utah Court of Appeals; Mr. Ed Dalton, Member, Utah State Board of Education; Senator Karen Hale, Utah State Senate; Mr. Alan Griffin, Civic, Character and Service-Learning Specialist, Utah State Office of Education.

Vermont: Vee Gordon, State Facilitator; Secretary Deborah L. Markowitz, Secretary of State; Mr. Robert Paolini, Executive Director, Vermont Bar Association; Ms. Janel Johnson, Civic Education Coordinator, Office of the Secretary of State, State of Vermont; Senator Donald Collins, Vermont State Senate; Mr. William Corrow, Vice-Chairman, Vermont Board of Education; Representative Kathy Lavoie, Vermont House of Representatives; Margaret Sanchez, The Vermont Youth Engagement Coalition; Mr. Kevin Ryan, Director of Education and Communication, Vermont Bar Association.

Virginia: Dr. Barbara Parry, Co State Facilitator; Dr. Steve Bragaw, Co State Facilitator; Ms. Beverly Thurston, Specialist-History, Social Sciences, Virginia Department of Education; Delegate James Dillard, Virginia General Assembly.

Washington: Mrs. Kathy Hand, State Facilitator; Mr. Steve Mullin, President, Washington Roundtable; Representative David Upthegrove, Washington House of Representatives; Representative Dave Quall, Washington House of Representatives; Dr. Robert Butts, Assistant Superintendent, Office of the Superintendent of Public Instruction.

West Virginia: Mrs. Priscilla Haden, State Facilitator, Member, State Board of Education; Delegate Tom Campbell, West Virginia House of Delegates; Mr. Ben Beakes, Chief of Staff, West Virginia Secretary of State; Mr. Bill Thomas, West Virginia Legislative Reference and Information Center; Ms. Regina Scotchie, Social Studies Coordinator, West Virginia Department of Education.

Wisconsin: Ms. Dee Runaas, State Facilitator; Dr. Diana Hess, Assistant Professor, University of Wisconsin; Honorable Elizabeth A. Burmaster, State Superintendent; Senator Luther Olsen, Wisconsin State Senate; Dr. Richard Grobschmidt, Assistant State Superintendent, Department of Public Instruction; Lindsey Draper, Milwaukee County Children's Court; Senator Robert Jauch, Wisconsin State Senate; Ms. Beth Ratway, Social Studies Consultant, Department of Public Instruction.

Wyoming: Mr. Matt Strannigan, State Facilitator; Ms. Wendy Madsen, Legislative Information Officer, Wyoming Legislature; Senator Mike Massie, Wyoming State Senate; Mr. Geoff O'Gara, Member, Member, Wyoming State Board of Education; Representative Rosie Berger, Wyoming House of Representatives; Ms. Kristi Wallin, Coordinator, Wyoming Partnership for Civic Education.

SAMOYEDS STRUT STUFF IN OWENSBORO

Mr. McCONNELL. Mr. President, it was President Harry Truman who observed, half a century ago, that "if you want a friend in Washington, get a dog." That is perhaps a little harsh. Nevertheless, I note that many of my colleagues in the Congress are dog fanciers, and the Senate is a strikingly dog-friendly workplace. So it is fitting that we pay tribute to a renowned people-friendly breed of dog: the Samoyed. Legendary for their beauty, friendly spirit and heroic and historic treks to the North and South Poles, Samoyeds pulled the adventurers of yesteryear to new frontiers.

Several hundred Samoyeds and their humans will be pulling into Owensboro, KY, in October for the Samoyed Club of America's "Simply Southern" National Specialty. While I am pleased that these noble dogs and their guardians will be visiting the Commonwealth, it is, sadly, because of Hurricane Katrina's devastation in Biloxi, MS, where the event was originally scheduled to be held. So the SCA Specialty this year is a hurricane evacuee, but in addition to contributing over $10,000 from show proceeds to animal rescue in the devastated region, the organizers look forward to going back to a rebuilt and newly vibrant gulf coast in the future.

Samoyed dogs were named for the semi nomadic tribe which developed the breed. Living along the shores of the Arctic Ocean, north of Russia and Siberia, they were one of the earliest tribes of Central Asia. They depended upon their dogs to herd reindeer, protect against wolves, hunt bears, and even keep the children warm as they slept. Their endurance and intelligence made the Samoyed dogs prized members of early European expeditions to the Arctic and Antarctic. Borchgrevink, Amundsen, and Shackleton in the Antarctic, and Nansen and Abruzzi in the Arctic, counted on Samoyeds to explore the extreme and then uncharted ends of the Earth. The American explorers Fiala and Baldwin also used Samoyed sled teams. Most of the Samoyeds in England and the United States today are related to sled dogs from those expeditions.

Among them was Rex of White Way, who was renown as the lead dog on the U.S. Mail sled team that used to run the 64-mile mail delivery route from Ashton, ID, to West Yellowstone, over the 7000-foot Targhee Pass. Rex was a superb canine athlete and hero. He even learned to parachute on rescue missions that retrieved survivors of airplane crashes and a snowbound train in the Sierra Nevada Mountains. Although Samoyeds are a medium-sized dog ranging in weight from 35–65 pounds, they are very strong. Rex of White Way broke the world weight-pull record in 1953 by pulling 1,870 pounds.

Samoyeds have been described as "by nature . . . not a quarrelsome dog though he will stand his ground for what he feels are his rights. Each Samoyed is an individual, even from one litter. One will be very attentive and obedient while another may be more headstrong and less demanding of affection as long as he knows the house is his castle when he wants it and he owns you."

One may detect in that description some symmetry with Senators.

The description goes on: He has a keen sense of knowing when you are happy, sad, who really loves him, just tolerates him, dislikes him and he will return his love accordingly. He is a 'talky' dog and with encouragement will voice his pleasures and his dislikes. Some enjoy jokes and ham it up when laughed at while others resent it. He will speak with his paw or nose.

Samoyeds today are still pulling sleds. They are also skijoring, pulling scooters, herding, excelling in agility and obedience trials and otherwise exemplify the "Working" class of dogs. As therapy dogs, they bring joy and comfort to people in nursing homes and hospitals. Indeed, at least one Samoyed therapy dog that I know of, Gidget (Salish's Potomac Fervour), recently visited Hurricane Katrina evacuees from Gulfport, MS, who are currently residing at the Armed Forces Retirement Home here in Washington. She teams up with another Samoyed, Samantha, in regular visits with children at Inova Fairfax Hospital in northern Virginia. So these are not just beautiful dogs, they are hard-working dogs, doing great work for many people around the country.

On October 24, hundreds of Samoyeds, with their humans in tow, literally as they are prone to pull, will arrive in Owensboro. For some it will have been a harrowing journey since Hurricane Katrina roared ashore. Sheila and Walter Herrmann, cochairs of the event and residents of Covington, LA, described their hurricane experience: Walter and I were hunkered down for the storm watching tree after tree fall and a tornado touch down and make a disaster of our kennels (the dogs, our own as well as the boarders were safely crated in the safest portion of our house) talking about the national is what helped us get through it.

Others involved in beating the odds and making this event happen include: Pam Barbe, Karen Brooks, Diane Dotson, Peggy Green, and Laurie Stone. I would also like to thank Jim and Celinda Cheskawich for all their good work.

Mr. President, Kentucky and I extend a warm welcome to the Samoyed Club of America's 2005 "Simply Southern" National Specialty.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 16, 2005, a man was attacked with broken glass bottles by two men outside his home in Manhattan, NY. The apparent motivation for the attack was the man's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NOMINATION OF JOHN ROBERTS

Mr. NELSON of Nebraska. Mr. President, with the Judiciary Committee's confirmation hearings all but complete, I rise today to announce my vote on the nomination of Judge John Roberts to serve as the 17th Chief Justice and the 116th Justice of the United States Supreme Court.

I have come to my decision not in haste, but with great care and consideration. Over the history of our Nation, relatively few Senators have had the opportunity to consider the nomination of a Chief Justice and I recognize the honor that accompanies this great responsibility.

Judge Roberts is an extremely well qualified nominee. Some have said he may be the best nominee ever to the Supreme Court. I am not one that regularly calls on such hyperbole on most issues, but I can say today that from what I have seen, I expect Judge Roberts to serve with distinction and honor as Chief Justice. I think the Court will be enhanced despite the obvious and measurable impact of the loss to the Court of Chief Justice William Rehnquist.

My record on judicial nominations speaks for itself. I have supported 213 of the 214 district and circuit court judges confirmed by the Senate. I voted against filibustering judicial nominees twenty-four times. I understand the executive branch's power to appoint judges—as Nebraska's Governor I appointed the entire State Supreme Court and Court of Appeals and more than half the State's sitting judges.

As a Senator who pledged to put aside the partisan games to get things done in Washington, I was very concerned last year about how a potential Senate shutdown due to a stalemate over judicial nominations would impact legislation important to the Nation, and especially my home State of Nebraska.

We needed a national energy policy—including the renewable fuels standard that would boost ethanol production, a very strong Nebraska industry. We needed to complete the Highway bill—with $1.3 billion in road construction funds that will create jobs and boost the economy in Nebraska. We needed to avoid the now annual "omnibus" spending bill that made it nearly impossible to monitor and control Washington spending. Social Security and Medicare need to be addressed. At the time I was concerned about the ongoing drought—"Drought David" as I called it to bring attention to it—that is ravaging our agricultural sector in Nebraska and across the Nation. We had no idea the wrath and destruction that Hurricane season would bring to bear on the Nation, but after Katrina we can see how important it is to have a functioning Congress.

Senator ALEXANDER, during a floor speech regarding the judicial stalemate offered a suggestion, a call really, that many of us heard and decided to heed. Surely, a bipartisan group of Senators could develop an agreement that would resolve the stalled judicial nominations and diffuse the nuclear option—and ultimately, ease some of the partisan tension that had crippled the Senate and threatened to shut it down completely.

I am very proud of my role in the so-called "gang of fourteen," the bipartisan group that navigated the path to confirmation for many of the President's judicial nominees and preserved the precedents and traditions of the Senate. I am also very proud that the gang's "memorandum of understanding" paved the way to complete many of the legislative priorities I mentioned earlier—including the energy bill and the highway bill.

The "memorandum of understanding" included an important section asking the President to improve communications with the Senate on judicial nominees. We asked that he spend more time on the advice part of the "advice and consent" clause in the Constitution.

When Associate Justice Sandra Day O'Connor announced her planned retirement in June, the White House heeded our recommendation and consulted with a vast majority of Senators before nominating Judge Roberts to the Court. That consultation with the Senate certainly diffused some of the more extreme partisanship when the Roberts nomination was announced. Not all of it, of course, but some of it.

Before the Judiciary Committee began its process, I met personally with Judge Roberts. In that meeting he impressed me. We talked at length about judicial activism and the threat it poses to the Nation. We talked about settled law. His knowledge of the history of law was impressive. His belief in and dedication to the rule of law was apparent and admirable.

At the outset of the Roberts confirmation process, I said that I hoped the gang of fourteen had no role in the process because that would mean the process was working. And it did work.

The Roberts confirmation hearings were dignified, the questions were tough but appropriate, and the answers Judge Roberts provided were as most expected. The hearings were no place to overturn law or discuss case specifics. The hearings did not produce any disqualifying revelations, nor did I expect that to happen.

Only time will tell where Judge Roberts will come down on the prevailing legal matters that come before the Roberts Court. I can only take him at his word that he will approach his role on the Court without a predetermined agenda, without activism, and with only the intention to balance the scales of justice for all Americans.

What came though to me as I watched his confirmation hearings was a man with great poise, a deep and thorough knowledge of the law, a love for this country and unmatched integrity. John Roberts is a man deserving of the nomination and deserving of confirmation.

I will vote to confirm Judge John Roberts as Chief Justice of the Supreme Court.

DEDICATION OF THE STATUE OF PO'PAY

Mr. DOMENICI. Mr. President, this is a special day for New Mexicans. Earlier today, Congress accepted the statue of Po'pay, a man from San Juan Pueblo who played an important role in New Mexico's colonial history. The acceptance of this work marks the 100th contribution to the Statuary Hall Collection. On behalf of my home State, I give special recognition to sculptor Cliff Fragua, from Jemez Pueblo, for a job well done. He should be proud of his work. Cliff is the first American Indian artist to sculpt a statue for the Statuary Hall Collection. I also thank the New Mexico Statuary Hall Commission and Foundation for all their dedication and tireless effort in making this endeavor a terrific success.

New Mexico's first statue in the collection is that of the late Senator Dennis Chavez. Unlike Senator Chavez, Po'pay was a leader of a different era. Po'pay was a leader among the Pueblo people during the latter part of the 17th century. He united the Pueblos and led the Pueblo Revolt of 1680. This revolt made apparent the Pueblo Indians' desire to maintain their dignity and culture—both socially and spiritually. The Po'pay-led insurrection against the Spanish conquerors was at its core a basic human and American need to challenge oppressors. Yes, there have been incidences of intolerance in our State's more than 400-year history. Those early days were hard and oftentimes brutal. Wrongs were done, and the Pueblo Revolt—represented with this statue—was the Native peoples' response to those hardships.

In the end, the Pueblo Revolt served as an important lesson for the Spaniards, who returned to New Mexico a dozen years later. The Pueblo Revolt forever shaped the history of the State of New Mexico and the American Southwest. The result of that uprising is still evident today as the Pueblo Indians continue to live a distinct lifestyle. The Pueblo culture of New Mexico draws visitors from around the world. The American people should take the time to visit and enjoy these ancient cultures that are alive today. Their lives give our State its name: "The Land of Enchantment."

My own life has been made richer by my many Indian friends. My lifelong friend, Herman Agoyo, and his beautiful family are with us today. As well noted in the history of this event, Herman's leadership has been inspiring and tireless. Herman leads the Turtle Dance at San Juan Pueblo on December 26 of each year. This year, Herman and San Juan Pueblo Governor Garcia will have a special reason to celebrate this beautiful event. This is the year of Po'pay—from San Juan Pueblo—who is now honored here in our Nation's Capitol.

Today's Indian Pueblos are a cultural haven from ancient times. However, for all New Mexicans who came after, the revolt taught us an enduring lesson of tolerance and acceptance. It is this lesson that has resulted in New Mexico having one of the best and richest multicultural societies in the United States. As my friend Benny Atencio, of Santo Domingo Pueblo, observed:

> I strongly feel that the selection of Po'pay to be placed in the nation's Statuary Hall along with that of the late Senator Dennis Chavez, who was my personal friend, would serve as a unique reminder to the world that two unique cultures can coexist without destruction of their traditional cultural values and beliefs.

I could not have stated it better.

Mr. BINGAMAN. Mr. President, I rise today to honor Po'pay, a man who through his life and philosophy inspired New Mexicans to unite and share their experiences of life, happiness, and customs, with a marble statue sculpted by Cliff Fragua of Jemez Pueblo. It will be the one-hundredth statue to be added to the National Statuary Hall collection. The statue of this remarkable leader of the Pueblo Revolt of 1680, is a gift from the State of New Mexico and was unveiled in the United States Capitol Rotunda today.

Po'pay was born in Ohkay Owingeh, San Juan Pueblo, in 1630. He was a deeply humble man, with deep respect for his Pueblo's culture, language, traditions, and customs, and a dedication to passing these things on to future generations.

During the seventeenth century the Pueblo way of life was seriously threatened. Some did not want the Pueblo people to practice their language, culture, or traditions, depriving them of their very core. Po'pay successfully united the separate Pueblo nations. This group of some 150 Pueblo leaders united against those who sought to destroy their way of life and prevailed. Po'pay led this great revolt and the fight for respect the Pueblo people deserved.

Through his devotion and commitment to the preservation of Pueblo culture, Po'pay played an irreplaceable role in helping to shape our Nation's future. By championing the customs and traditional ways of his ancestors, he strengthened and preserved the Pueblo heritage for future generations, bridging the rich Pueblo and Spanish cultures of the Southwest. His dedication to this cause in response to the challenges the Pueblo community faced is a testament to the spirit of New Mexico.

This statue will forever be a reminder of his leadership and courage in keeping the Pueblo culture alive. The statue of Po'pay will join the figure of the late Senator Dennis Chavez that stands proudly outside the doors of the old Senate Chambers. It is a privilege for New Mexico to be represented by two men with such vision, leadership, and courage.

The decision to honor Po'pay was brought to the foreground during the tercentennial commemoration of the Pueblo Revolt by a unified group of Pueblo leaders. Thanks to their leadership, in November of 1996 the tribal council of Ohkay Owingeh, San Juan Pueblo, made the nomination official with a resolution. In 1997, State Senator Manny Aragon and Representative Nick Salazar introduced Senate Bill 404, which was passed and signed by Governor Gary Johnson on April 10. The nine member Statuary Hall Commission was formed and the fundraising began. Cliff Fragua of Jemez Pueblo was selected to create the statue, and by May of 2005 the block of Tennessee Marble took the form of Po'pay. Thanks to the vision of many Pueblo leaders, the New Mexico Statuary Hall Commission and Foundation, and New Mexico's citizens, Po'pay shall forever be honored in the halls of the United Stated Capitol.

We honor and respect Po'pay's accomplishments as the man who made it possible for Pueblo culture to thrive and sustain itself. Po'pay's contributions made New Mexico what it is today, a multicultural State, rich in culture and spirit.

HISPANIC HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise to pay tribute to the Hispanic community. As we commemorate Hispanic Heritage Month, I want to recognize the contributions made by millions of Hispanics to our Nation. The greatness of California is that it is truly a multicultural State and I am honored to represent California's Hispanic community in the U.S. Senate.

This month we celebrate a community that believes in the American goals of freedom, opportunity, and a chance to build a better life. In pursuing these aspirations, Hispanics have made enormous contributions to life in the United States through business, politics, science, culture, sports, and entertainment. Hispanics have served in the armed services with bravery and courage and many have made the ultimate sacrifice in giving their lives for the common good of our country. Through their service, they have brought honor to America and their Hispanic heritage—a rich heritage from which all of America benefits.

Today, I rise to honor the sacrifices that these brave Americans and their families have made. I also want to honor Hispanic heroes and heroines, such as the late Cesar Chavez. Indeed, Hispanics are changing the way America looks at itself. Today there are 31 million Hispanics in the U.S. By 2050, our Nation's Hispanic population is projected to reach 96 million—an increase of more than 200 percent.

Hispanics are making their mark; between 1984 and 1998 Hispanic voting increased nationwide in midterm elections by 27 percent, even as overall voter turnout declined by 13 percent. In my own State of California, where nearly 11.5 million Hispanics comprise over 32 percent of the population, Hispanics are participating and contributing to civic life in important ways. Two of the California State legislature's three highest offices are occupied by Hispanics: Lt. Gov. Cruz Bustamante and Speaker of the Assembly Fabian Nuñez. On the local level, the people of Los Angeles elected Antonio Villaraigosa as the first Hispanic mayor in over a century, and 20 percent of Los Angeles' city council seats are held by Hispanics. The Hispanic community has provided great leadership for California, and will provide important leadership for our country.

Hispanics are visibly successful in other areas as well. From Sammy Sosa in sports to Jennifer Lopez, Andy Garcia, and Salma Hayek in the entertainment industry, Hispanics have added greatly to the fabric of our Nation.

We must not forget the critical contributions Hispanics have made to education and science. The 1995 Nobel Prize Winner in Chemistry, Dr. Mario Molina, joined the University of California, San Diego last year, and Dr. Eduardo Macagno is the founding dean of the Division of Biological Sciences at the same University.

A democratic and prosperous society should not step back from a national commitment to provide assistance to those who strive to achieve the American dream, despite the odds. In particular, I want to emphasize the importance of quality education for the success of Hispanic children. The University of California system alone enrolled nearly 25,000 Hispanic undergraduate and graduate students last year. Hispanic youths are a great source of strength and hope for the future of this Nation and they should be able to participate fully in the American experience; that is the primary reason why I have been a strong supporter of the DREAM Act.

Mr. President, I am proud to honor California's Hispanic community and to have the opportunity to ensure that Hispanic contributions and sacrifices do not go unnoticed.

ADDITIONAL STATEMENTS

HONORING SHERI GARMON

• Mr. CRAPO. Mr. President, it is with a heavy heart that I wish to announce the death of Sheri Garmon, one of many Idahoans who have died from cancer that was likely attributable to nuclear fallout.

Like others, Sheri spent time and energy bringing awareness of this issue as it related to Idaho. However, Sheri, who was fighting multiple cancers, became a charismatic spokesperson for those suffering from the same fate.

Sheri Garmon, daughter of Don and Millie Garmon, was born in Emmett, ID, in 1952. When Sheri was just a baby, just 6 months old, the National Cancer Institute estimates that on a single day, June 5, 1952, she received 75 rads of iodine-131. That is the equivalent of 10,000 chest X-rays. The exposure came from nuclear testing being done in the Nevada desert; fallout blew over the little valley where Emmett sits. From that day on, Sheri's ultimate fate was sealed. But no one knew then what we know now. Sheri grew up healthy and strong, out there on her family's dairy farm, drinking milk from their cows, eating vegetables and fruits from their garden. She graduated valedictorian of her high school class, and then went on to graduate from the University of Idaho. She became a CPA and a mother. Sheri used her education as a way to provide for her family and pave the way for future achievement for those who knew her. She was always involved in her community and concerned for the welfare of her friends and family. Along the way, Sheri was diagnosed with thyroid cancer. She beat it. Then she was diagnosed with breast cancer. The doctors gave her about a year to live. She wanted to make it to August 20, 2005, to see her daughter graduate from college. While she did pass that date, she will never see Katie married or play with her grandchildren. She did, however, leave a legacy that we have a responsibility to uphold. Sheri is just one of many unrecognized radiation-exposure victims; her story is poignant, but it is echoed throughout her community by many other families who have survived or lost cancer battles over the last 50 years. Sheri played a large role in bringing the plight of many of her friends and family to the attention of Idaho's congressional delegation and general public last year. Sheri is survived by her mother Millie and her daughter Katie Klein.

On May 11, 2005, I came to this Chamber and introduced legislation to amend the Radiation Exposure Compensation Act. My legislation would make Idaho citizens, such as Sheri, who were exposed to fallout from nuclear testing in Nevada, eligible for compensation under the act.

In my introductory statement, I related stories of Idahoans who recounted going outside in the evenings to look at the beautiful sunsets caused by the testing. Unfortunately, and unbeknownst to them, these skies were filled with dangerous radiation that elevated their exposure and subsequent risk of developing cancer. I also stated that now is the time to amend the act to make it work for everyone who may have become ill because of radiation fallout exposure.

Let us not let Sheri's death go unanswered. Join me in supporting S. 998 to amend the Radiation Exposure Compensation Act so that others who are suffering as Sheri did are given their just compensation and treatment; it is the right thing to do.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 250. An act to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

H.R. 3767. An act to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

H.R. 3827. An act to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes.

H.J. Res. 61. Joint resolution supporting the goals and ideals of Gold Star Mothers Day.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1368. An act to extend the existence of the Parole Commission, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 2:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3761. An act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 250. An act to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1745. A bill to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina.

S. 1748. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1761. A bill to clarify the liability of government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast region of the United States affected by Hurricane Katrina or other major disasters.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 22, 2005, she had presented to the President of the United States the following enrolled bills:

S. 1340. An act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

S. 1368. An act to extend the existence of the Parole Commission, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3857. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report providing information on U.S. military personnel and U.S. individual civilian contractors involved in the anti-narcotics campaign in Columbia; to the Committee on Foreign Relations.

EC–3858. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3859. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment sold commercially under contract in the amount of $14,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC–3860. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC–3861. A communication from the Under Secretary of Defense for Policy, Department of Defense, transmitting, pursuant to law, the Department's Report on Activities and Assistance under Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–3862. A communication from the Publications Control Officer, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Military Police Investigations" (RIN0702-AA44) received on August 31, 2005; to the Committee on Armed Services.

EC–3863. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report relative to a multifunction standard competition of the HQ ACC Detachment 1, Training Support Squadron at Luke Air Force Base (AFB), Arizona; to the Committee on Armed Services.

EC–3864. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department to Defense, transmitting, pursuant to law, the report of a rule entitled "Radio Frequency Identification" (DFARS Case 2004–D011) received on August 31, 2005; to the Committee on Armed Services.

EC–3865. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with "DoD Letter to Commission on Technical Corrections to Draft Commission Bill") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3866. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "Air Force Errata on Commission Draft Bill") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3867. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (4 subjects on 1 disc beginning with "New COBRA Air Force 37 Redo Realign Grand Forks") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3868. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "Selfridge ARS-ARB MI MILCON (Additional Army)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3869. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (10 subjects on 1 disc beginning with "Abrell-Kelly Support Center II") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–3870. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report relative to Section 123 of the National Defense Authorization Act of Fiscal Year 2002 (production rate for the V-22 Osprey aircraft); to the Committee on Armed Services.

EC–3871. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Final Rule Exempting a Privacy Act System of Records of the Department of Justice from Certain Subsections of the Privacy Act (5 USC 522a): Department of Justice Regional Data Exchange System" (DOJ–012) received on September 6, 2005; to the Committee on the Judiciary.

EC–3872. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Environmental Crimes Restitution Act of 2005"; to the Committee on the Judiciary.

EC–3873. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation relating to the Federal explosives laws; to the Committee on the Judiciary.

EC–3874. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Child Pornography Prevention and Obscenity Prosecution Act of 2005"; to the Committee on the Judiciary.

EC–3875. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the 2004 Annual Report to Congress describing the activities and operations of the Public Integrity Section; to the Committee on the Judiciary.

EC–3876. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the budget request for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3877. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3878. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's 2005 Inventory of Commercial and Inherently Governmental Activities; to the Committee on Health, Education, Labor, and Pensions.

EC–3879. A communication from the Assistant General Counsel for Regulatory Services, Office of Vocational and Adult Education Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Changes to Requirements—Community Technology Centers Program"; to the Committee on Health, Education, Labor, and Pensions.

EC–3880. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law the report of a rule entitled "Notice of Final Priorities, Requirements, Definitions, and Selection Criteria—School Dropout Prevention Program"; to the Committee on Health, Education, Labor, and Pensions.

EC–3881. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects—Demand Side Employment Placement Models"; to the Committee on Health, Education, Labor, and Pensions.

EC–3882. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards of Ethical Conduct and Financial Disclosure Requirements for Employees of the Department of Health and Human Services" (RIN3209–AA15) received on September 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3883. A communication from the Coordinator, Forms Committee, Federal Election Commission, transmitting, pursuant to law, the revisions to the FEC forms and instructions, along with the explanation and justification for these revisions; to the Committee on Rules and Administration.

EC–3884. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act case number 04–11; to the Committee on Appropriations.

EC–3885. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act case number 03–01; to the Committee on Appropriations.

EC–3886. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a violation of the Antideficiency Act occurring in the Rural Electrification and Telecommunications Direct Loan Financing Account; to the Committee on Appropriations.

EC–3887. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3888. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–3889. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR part 575" received on September 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3890. A communication from the Legal Information Assistant Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "EGRPRA Regulatory Review—Application and Reporting Requirements" (RIN1550–AB93) received on September 8, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3891. A communication from the Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report relative to the use and distribution of the Confederated Tribes of the Warm Springs Reservation of Oregon Judgment Funds; to the Committee on Indian Affairs.

EC–3892. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Texas: Dallas-Fort Worth Voluntary Mobile Emission Reduction Program" (FRL No. 7960–4) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3893. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Chattanooga, Tennessee; Revised Format for Materials Being Incorporated by Reference" (FRL No. 7952–3) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3894. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Knox County, Tennessee: Revised Format for Materials Being Incorporated by Reference" (FRL No. 7952–2) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3895. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Wallula, Washington Area" (FRL No. 7959–6) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3896. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for Kentucky: Regulatory Limit on Potential to Emit" (FRL No. 7958–8) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3897. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas" (FRL No. 7959–2) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3898. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Limited Approval and Promulgation of Implementation Plans: Texas; Excess Emissions During Startup, Shutdown and Malfunction Activities" (FRL No. 7959–5) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3899. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units" (FRL No. 7960–1) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3900. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Stay of the Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport" (FRL No. 7960–2) received August 31, 2005; to the Committee on Environment and Public Works.

EC–3901. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Revisions in Requirements for Certificates of Privilege" (FV05–966 1 FR) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3902. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Suspension of Provision Regarding Eligibility of Walnut Marketing Board Members" (FV05–984 a IFR) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3903. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Modification of Pack Requirements" (FV05–946–3 IFR) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3904. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations to Limit Shipments of Small Sizes of Red Seedless Grapefruit" (FV05–905 2 IFR) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3905. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanil; Pesticide Tolerance for Emergency Exemptions" (FRL7731–2) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3906. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyfluthrin; Pesticide Tolerance" (FRL7725–7) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3907. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lactic Acid, 2-Ethylhecyl Ester; Exemption from the Requirement of a Tolerance" (FRL7729–5) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3908. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-metolachlor; Pesticide Tolerance" (FRL7716–1) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3909. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aminopyridine, Ammonia, chloropicrin, diazionon. Dihydro-S-heptyl-2(3H0-furanone Dihydro-5-pentyl 2(3H)-furanone, and Vinclozolin" (FRL7732–5) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3910. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Cry34Ab1 and Cry34Ab1 Proteins and the Genetic Material Necessary for Their Production in Corn; Exemption from the Requirement of a Tolerance" (FRL7735–4) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry

EC–3911. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyhexatin; Tolerance Actions" (FRL7732–8) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3912. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluoxastrobin Pesticide Tolerances" (FRL7719–9) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3913. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethylhexyl Glucopyranosides; Exemption from the Requirement of a Tolerance" (FRL7729–6) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3914. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl Plyglycosides Exemption from the Requirement of a Tolerance" (FRL7729–7) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3915. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanil; Re-Establishment of a Tolerance for Emergency Exemption" (FRL7736–1) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3916. A communication from the Deputy Assistant Secretary, Tax Analysis, Department of the Treasury, transmitting, pursuant to law, a report entitled "Taxable REIT Subsidiaries: Analysis of the First Year's Returns, Tax Year 2001"; to the Committee on Finance.

EC–3917. A communication from the Secretary of Labor and the Secretary of the Treasury, transmitting jointly, a draft of legislation entitled "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Finance.

EC–3918. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Programs Drug Discount Card: Revision of Marketing Rules for Endorsed Drug Card Sponsors" (RIN0938–AN97) received on September 7, 2005; to the Committee on Finance.

EC–3919. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Programs; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B: Interpretation and Correction" (RIN0938–AN58) received on September 7, 2005; to the Committee on Finance.

EC–3920. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Domestic Asset/Liability Percentages and Domestic Invest Yields for IRC Sec. 842(b)" (Rev. Proc. 2005–64) received on August 31, 2005; to the Committee on Finance.

EC–3921. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Proc. 83–77" (Rev. Proc. 2005–63) received on August 31, 2005; to the Committee on Finance.

EC–3922. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2005" (Rev. Rul. 2005–57) received on August 31, 2005; to the Committee on Finance.

EC–3923. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD9220" received on August 31, 2005; to the Committee on Finance.

EC–3924. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Standard Mileage Rates 2005 Revision" (Ann. 2005–71) received on August 31, 2005; to the Committee on Finance.

EC–3925. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2005–64" received on August 31, 2005; to the Committee on Finance.

EC–3926. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Buy America Report; to the Committee on Energy and Natural Resources.

EC–3927. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, a draft of proposed legislation entitled "Pick-Sloan Missouri Basin Program Cost Reallocation Act of 2005"; to the Committee on Energy and Natural Resources.

EC–3928. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Mining Claim and Site Maintenance and Location Fees—Free Adjustment" (1004–AD75) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC–3929. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA–124–FOR) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC–3930. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas Leasing: Onshore Oil and Gas Operations—Fees, Rentals and Royalty Stripper Well Royalty Reductions Retention of Records" (RIN1004–AD71) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC–3931. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005–6 Early Season" (RIN1018–AT76) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC–3932. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018–AT76) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC–3933. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018–AT76) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC–3934. A communication from the Secretary of Transportation transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3935. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–169, "Homeland Services Reform Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–3936. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the First Annual National Capital Region Coordination Report; to the Committee on Homeland Security and Governmental Affairs.

EC–3937. A communication from the Secretary of Transportation transmitting, pursuant to law, the Annual Report of the Maritime Administration for Fiscal Year 2004; to the Committee on Commerce, Science, and Transportation.

EC–3938. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID090205A) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3939. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order on Reconsideration" (FCC05–139) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3940. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order" (FCC05–140) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3941. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order" (FCC05–141) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3942. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Participating in and Receiving Data from the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination" (RIN2127–AJ66) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3943. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Hawley and Mundy, Texas" received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3944. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "FM Broadcast Stations (Charlotte and Grand Ledge, Michigan)" (Doc. No. 03–222) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3945. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronic Registration of Child Restraint Systems" (RIN2127–AI95) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3946. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Response to Petitions" (RIN2127–AJ70) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3947. A communication from the Interim Legal Advisor, Mobility Division, Federal Communication Commission, transmitting pursuant to law, the report of a rule entitled "Amendment of Various Rules Affecting Wireless Radio Services" (FCC05–144) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3948. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Legal Description of the Class E Airspace; Columbia Regional Airport, MO; Confirmation of Effective Date" ((RIN2120–AA66)(2005–0201)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3949. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ruidoso, NM" ((RIN2120–AA66)(2005–0202)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3950. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Santa Teresa, NM" ((RIN2120–AA66)(2005–0203)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3951. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace, Marana Regional Airport, AZ" ((RIN2120–AA66)(2005–0204)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3952. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330–200, 300, A340–200, and –300 Series Airplanes; and Model A340–541 and –642 Airplanes" ((RIN2120–AA64)(2005–0404)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3953. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4 600, B4 600R, and F4 600R Series Airplanes; and Model A300 C4 605R Variant F Airplanes; and Model A310 200 and 300 Series Airplanes" ((RIN2120–AA64)(2005–0407)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3954. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3–60 Airplanes" ((RIN2120–AA64)(2005–0406)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Tiger Aircraft LLC Models AA–5, –5A, –5B Airplanes" ((RIN2120–AA64)(2005–0408)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes" ((RIN2120–AA64)(2005–0409)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3957. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777–200 and 300 Series Airplanes" ((RIN2120–AA64)(2005–0410)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 1 10, 10F, 15, 30, 30F, 40, 40F, MD 10 10F and 30F Airplanes; and Model MD 11 and 11F Airplanes" ((RIN2120–AA64)(2005–0411)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The Cessna Aircraft Company Models 525, 525A, and 525B Airplanes" ((RIN2120–AA64)(2005–0412)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3960. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca SA Artouste III Series Turboshaft Engines" ((RIN2120–AA64)(2005–0413)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3961. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF 6 80C2 and CF 6 80E1 Turbofan Engines" ((RIN2120–AA64)(2005–0414)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3962. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A321 Series Airplanes" ((RIN2120–AA64)(2005–0415)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3963. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SAAB 2000 Airplanes" ((RIN2120–AA64)(2005–0416)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3964. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747, 757, 757, 777 Series Airplanes" ((RIN2120–AA64)(2005–0417)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3965. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Airbus Model A320–111 Airplanes and Model A320–200 Series Airplanes" ((RIN2120–AA64)(2005–0418)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3966. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes" ((RIN2120–AA64)(2005–0419)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3967. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca SA Arrius 2F Turboshaft Engines" ((RIN2120–AA64)(2005–0405)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3968. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Port Townsend Waterway, Puget Sound Washington, Naval Exercises" (RIN1625–AA87) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3969. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Chicago Sanitary and Ship Canal, Romeoville, IL" (RIN1625–AA11) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3970. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (Including 2 Regulations) San Francisco Bay" (RIN1625–AA87) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3971. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, CA" (RIN1625–AA11) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3972. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (including 5 regulations)" (RIN1625–AA00) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3973. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; New Tacoma Narrows Bridge Construction Project" (RIN1625–AA00) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3974. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 8 regulations)" (RIN1625–AA09) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3975. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulation (including 3 regulations)" (RIN1625–AA09) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3976. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City" (RIN1625–AA08) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3977. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events (including 3 regulations)" (RIN1625–AA08) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

Juliet JoAnn McKenna, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John R. Fisher, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

*Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

*Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

By Mr. SPECTER for the Committee on the Judiciary.

John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. DEMINT):

S. 1750. A bill to provide for the issuance of certificates to Social Security beneficiaries who are born before 1950 guaranteeing their right to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

By Ms. MIKULSKI:

S. 1751. A bill to amend title 38, United States Code, to expand the State sentences for which burial in National Cemeteries and Arlington National Cemetery are prohibited to include any sentence of life imprisonment for a State capital crime; to the Committee on Veterans' Affairs.

By Mr. CHAMBLISS (for himself and Mr. HARKIN):

S. 1752. A bill to amend the United States Grain Standards Act to reauthorize that Act; considered and passed.

By Mr. DEMINT (for himself, Mr. STEVENS, Mr. INOUYE, Mr. NELSON of Nebraska, Mr. VITTER, Mr. LOTT, and Ms. LANDRIEU):

S. 1753. A bill to establish a unified national hazard alert system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 1754. A bill to apply the Federal medical assistance percentage determined for a State for fiscal year 2005 for fiscal years 2006 through 2014; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1755. A bill to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAYTON:

S. 1756. A bill to establish a Department of Peace and Nonviolence; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1757. A bill to amend the Internal Revenue code of 1986 to make residents of Puerto Rico eligible for the refundable portion of the child tax credit; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. DORGAN):

S. 1758. A bill to amend the Indian Financing Act of 1974, to provide for sale and assignment of loans and underlying security, and for other purposes; considered and passed.

By Mr. CRAIG:

S. 1759. A bill to require the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 1760. A bill to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. VITTER, Mr. LOTT, Ms. MURKOWSKI, and Mr. INHOFE):

S. 1761. A bill to clarify the liability of government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast region of the United States affected by Hurricane Katrina or other major disasters; read the first time.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, and Mr. DAYTON):

S. 1762. A bill to establish a first responder interoperable communications grant program; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER:

S. 1763. A bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Ms. LANDRIEU, and Mr. CORNYN):

S. 1764. A bill to provide for the continued education of students affected by Hurricane Katrina; considered and passed.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1765. A bill to provide disaster relief and incentives for economic recovery for Louisiana residents and businesses affected by Hurricane Katrina; to the Committee on Finance.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 1766. A bill to provide disaster relief and incentives for economic recovery for Louisiana residents and businesses affected by Hurricane Katrina; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Res. 247. A resolution commending the Library of Congress's private-sector advisory body, the James Madison Council and its Founding Chairman, John W. Kluge, on 15 years of exemplary service to Congress and the Nation and looking forward to the Council's continued success in the years ahead; considered and agreed to.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. Res. 248. A resolution commemorating the West Oahu Little League Team for winning the 2005 Little League World Series; considered and agreed to.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. Res. 249. A resolution commemorating the Oahu All-Stars for winning the 2005 Cal Ripken World Series and the Hawaii Warriors for winning the 2005 Continental Amateur Baseball Association World Series (ages 9-under); considered and agreed to.

By Mr. COBURN (for himself, Mr. ALLEN, Mr. BINGAMAN, Mr. BYRD, Mr. CRAPO, Mr. GRAHAM, Mr. HAGEL, Mr. ISAKSON, Mr. LEVIN, Ms. MURKOWSKI, Ms. SNOWE, Mr. THUNE, Mr. BUNNING, Mrs. CLINTON, Mr. DORGAN, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. SANTORUM, Mr. THOMAS, Mr. JOHNSON, and Mr. MARTINEZ):

S. Res. 250. A resolution supporting the goals and ideals of Gold Star Mothers Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. FRIST, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 4, a bill to reduce healthcare costs, expand access to affordable healthcare coverage, and improve healthcare and strengthen the healthcare safety net, and for other purposes.

S. 236

At the request of Mr. NELSON of Nebraska, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 236, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 246

At the request of Mr. BUNNING, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 576

At the request of Mr. BYRD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 852

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 1046

At the request of Mr. KYL, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1191

At the request of Mr. SALAZAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1421

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1421, a bill to enhance resources to enforce United States trade rights.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1445

At the request of Mr. SALAZAR, the name of the Senator from Colorado

(Mr. ALLARD) was added as a cosponsor of S. 1445, a bill to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the "William H. Emery Post Office".

S. 1489

At the request of Mrs. CLINTON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1692

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New York (Mrs. CLINTON) were withdrawn as cosponsors of S. 1692, a bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes.

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1692, supra.

S. 1695

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1695, a bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions.

S. 1700

At the request of Mr. COBURN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1715

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1715, a bill to provide relief for students and institutions affected by Hurricane Katrina, and for other purposes.

S. 1716

At the request of Mr. BAUCUS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. DAYTON), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

S. 1732

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1732, a bill to require the Federal Trade Commission to conduct an inquiry into the retail prices of natural gas and gasoline.

S. 1736

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1736, a bill to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

S. 1738

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1738, a bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery.

S. 1747

At the request of Mr. CORNYN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Virginia (Mr. ALLEN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1747, a bill to limit liability for volunteers and those providing goods and services for disaster relief, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Ms. STABENOW) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1749, a bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina.

S. CON. RES. 48

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 237

At the request of Mr. VOINOVICH, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate on reaching an agreement on the future status of Kosovo.

S. RES. 242

At the request of Mr. SESSIONS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 242, a resolution to express the sense of the Senate that the President should appoint an individual to oversee Federal funds for the Hurricane Katrina recovery, and for other purposes.

AMENDMENT NO. 1764

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1764 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1767

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 1767 intended to be proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1835

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1835 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself and Mr. DEMINT):

S. 1750. A bill to provide for the issuance of certificates to Social Security beneficiaries who are born before 1950 guaranteeing their right to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to talk about a bill I am introducing called the Social Security Guarantee Act. The reason I am introducing this piece of legislation is in an attempt to try, at a time when it looks like the Social Security issue here in Congress has ground down to almost a halt—although I think there is still an opportunity; as we hear, the House may pass something to move the ball forward—I want to put forth an idea I think would be helpful as something we can get done that should have, I hope, bipartisan support and would create a sense of security and certainly reduce anxiety among those at or near retirement with respect to any future changes to Social Security.

The Social Security Guarantee Act is a very simple concept. It says if you were born before 1950, this law now creates a right for you to the benefits that you have been promised.

Now, you may say: Why is that a new thing? Well, believe it or not, there is a Supreme Court case on this point that says Social Security recipients have no right to the benefits they have been promised under the law. This would create such a right for people born before 1950.

Now, why do I pick out 1950? Because in all the legislation that has been introduced in the Congress, the statements made by the President, and even statements made by my colleagues on the other side of the aisle, we have all agreed that people who are at or near retirement should not be subject to change, for a couple of reasons, not the least of which is there is money there to pay those benefits. Cashflow-wise, there will be enough money to pay for the benefits for our seniors and those who are near retirement or near the eligible age of 62. So there is not a need to change the Social Security system for these individuals. Therefore, everyone who is proposing changes to the system, to save it and strengthen it for the future, has set them aside verbally and said: We are not going to propose anything that is going to affect your benefits if you were born before 1950.

Well, if we are going to say that, and promise that, then I think a step forward—both in terms of our ability to find a solution to the problem for younger workers and the fact that Social Security will not have sufficient resources to pay for benefits in the future—we take a step forward if we promise to put in law a guarantee that older workers' and retirees' benefits are guaranteed by the law.

The second benefit is one that is political in this sense, in that one of the difficulties in trying to rally support in the public for a program that will save and strengthen Social Security for younger workers is the anxiety that older workers have and retirees have that somehow or other, at the last minute, they will be folded into this bill and somehow their benefits will be affected or their taxes will be increased.

This should provide a level of comfort and reduce that anxiety and create a proper focus for reform, the proper focus for reform being the future, not the present, not the past.

So I put this forward as an admittedly minimalist step, but I think an important one, that creates a better atmosphere where there are not political accusations of trying to take someone's Social Security check away or that grandma's check be cut in half, or whatever the case may be. You hear all these things from those who do not want to make any kind of changes to the Social Security system for younger workers. So they go out and try to scare older workers and retirees.

I might add, another reason to do this is, it would not be fair at this point to reduce their benefits or to change the structure when they are either in the system or very close to being in Social Security.

So this is a step on which I would hope we could get bipartisan agreement, that we could pass this by unanimous consent. I do not know of anybody in this Chamber who has made the statement that they think we should change benefits for current retirees, or that we should change benefits for folks who are near retirement. That being the case, I see no reason we would not pass this and, in a sense, take those born before 1950 and say: OK, you are off the table. No Social Security changes are going to affect you. Your interest in the Social Security debate then becomes the future, not you. It becomes your children, your grandchildren, their children, their grandchildren, not how it affects you and your life today.

I think that is a helpful step in the right direction, to try to get something that is appropriate, a stronger Social Security system, that is appropriately designed for future generations of Americans.

I am pleased Senator DEMINT has joined me in this legislation. I certainly put out a call for all those who are interested in trying to take a small step forward in moving the Social Security agenda to join me in securing the benefits for our seniors, removing the anxiety that often comes, particularly with those who live from Social Security check to Social Security check, removing the anxiety that they have about the potential for their benefits to be affected by any changes Congress would make. This would create a vote, which I suspect would be unanimous, that would put every Senator on record for putting in the law that they will not change the Social Security benefits for those who were born before 1950. That has a powerful effect when a Member votes that way. It makes it very difficult for them to come back and say: I am going to change my mind.

It is a meaningful piece of legislation. It is a step in the right direction. It does remove the anxiety which is a positive thing for our seniors. It creates a platform for us to build into the future a stronger Social Security system. I am hopeful that in the next couple of months, if not early next year, that we can get a vote on this; that we can have unanimous consent to bring it up and to pass it and to get a strong vote from every Member of the Senate that Social Security reform programs put forward in the Senate to save and strengthen the Social Security system will be all about the future, will be all about younger workers and how we make the system stable for them without using scare tactics about how it is going to affect older workers who are, in most cases, the most vulnerable citizens in our society.

By Ms. MIKULSKI:

S. 1751. A bill to amend title 38, United States Code, to expand the State sentences for which burial in National Cemeteries and Arlington National Cemetery are prohibited to include any sentence of life imprisonment for a State capital crime; to the Committee on Veterans' Affairs.

Ms. MIKULSKI. Mr. President, I rise to introduce legislation to close a loophole in current law that allows convicted murderers to be honored at our national cemeteries. I believe we must preserve our national cemeteries as places of honor for our veterans. Arlington National Cemetery—and all our national cemeteries—are hallowed ground. They should not be polluted by the remains of convicted murderers.

In August, I learned of a tragic and troubling circumstance regarding our national cemeteries. The remains of a convicted cold-blooded murderer sentenced to two life sentences for his crimes were buried at Arlington National Cemetery on July 27, 2005. This man, Russell Wagner, was convicted of stabbing to death two elderly residents of Hagerstown, MD—Daniel Davis, 84 and his wife, Wilda Davis, 80. He was sentenced in State court to two life sentences for these unspeakable crimes. While serving his sentence in prison, Wagner died from a heroin overdose. Because he served honorably in Vietnam, his remains were allowed to be placed in Arlington National Cemetery with full military honors, even though he committed this terrible crime.

This episode has been terribly painful for the Davis family, understandably: they have had to relive the horror of their parents' brutal murder, while seeing the man who took away their loved ones being honored as a hero in our Nation's most sacred burial ground. There has been community outrage—which I share. The law that allows this disgrace must be changed.

Arlington is for heroes. So many Marylanders who served with honor were laid to rest in Arlington, the heroes from every war: men like Navy Diver Michael Steadam, who was brutally murdered by terrorists simply because he was a member of our military. In the Iraqi conflict, 37 Marylanders have died, including two from the same high school who died within weeks of each other. These are the heroes who deserve burial at our national cemeteries.

In my 18 years as the head of the VA-HUD subcommittee, I was proud to work closely with our Veterans' Service Organizations. They are tireless advocates for America's veterans. I so respect and admire them. I know many in these groups are uncomfortable with the idea of Congress tinkering with the benefits our veterans have earned. I can understand their yellow flashing lights. Promises made to our veterans must be promises kept. For 18 years, I fought every day to safeguard these benefits—and continue to do so, because they represent America's payment of a debt we owe our brave veterans for their service—a debt that can never be fully repaid. But this is murder.

Federal law already prohibits murderers from being honored at Arlington and our national cemeteries. In 1997, Congress passed a law to restrict burial eligibility, to prevent convicted Oklahoma City bomber Timothy McVeigh from being buried in a national cemetery following his execution. Under current law, if a veteran is convicted of a capital crime in a Federal court, he or she cannot be placed in a national cemetery. Yet, if someone is convicted of the same crime in a State court, they retain their eligibility to be placed in a national cemetery if they are eligible for parole. This loophole enabled the man who murdered Mr. and Mrs. Davis to be placed alongside the heroes at Arlington.

Why did Congress pass what is known as the McVeigh law? Not to further punish the guilty, but to preserve our national cemeteries as places of honor for our veterans. So I was shocked to learn that the law we passed in 1997 does not apply in the case of the man who murdered Daniel and Wilda Davis. He was convicted of two life sentences, but because he was convicted in State court, he remained eligible for interment with honors at Arlington National Cemetery. This doesn't make any sense. The purpose of the 1997 law was to protect the standards our military men and women live by: to protect the values they fight and die for. The cold-blooded murder of an elderly couple is certainly contrary to those values.

I am introducing this bill on behalf of the Davis family. But I am also introducing it on behalf of a Nation at war. Every day across this country, brave young soldiers are being honored and laid to rest in our national cemeteries. We have precious little to offer in comfort for their grieving loved ones, who have made the ultimate sacrifice a Nation can ask. But we can insist that these sacred resting places and the honors our Nation rightfully bestowed on those who have died in its service are preserved as sanctuaries and monuments to the values they died protecting. Placing the remains of a cold-blooded murderer in this hallowed ground makes a mockery of that service. And it is wrong.

By Mr. INHOFE:

S. 1754. A bill to apply the Federal medical assistance percentage determined for a State for fiscal year 2005 for fiscal years 2006 through 2014; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to apply the Federal Medical Assistance Percentage (FMAP) for a State for fiscal year 2005 for fiscal years 2006 through 2014. Oklahoma is one of the hardest hit States receiving a 2.27 percent reduction in our FMAP funds for 2006, resulting in a loss of approximately $65 million, along with 21 other states that will suffer more than a 0.5 percent reduction. I would like to introduce with unanimous consent the text of a chart created by the Oklahoma Health Care Authority that lays out the 2006 FMAP reduction.

Federal law states that the FMAP is based on the three most recent calendar years with acceptable data available from the Department of Commerce. Every four to five years the Department of Commerce's Bureau of Economic Analysis performs a comprehensive revision of its calculation of per capita income. They performed a revision in 2003 which revises the data for the previous years as well. Therefore, when the Centers for Medicare and Medicaid Services (CMS) calculated the FMAP for fiscal year 2006, they used the revised data from 2001, 2002 and 2003. A reduction of 2.27 percent would be disastrous for the state of Oklahoma.

My legislation purposes to keep the fiscal year 2005 percentage levels for 2006 through 2014, while we take an in depth look at revising the formula so states do not continue to get hit with such drastic reductions. Please join me in supporting this important legislation.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

OKLAHOMA HEALTH CARE AUTHORITY

[Estimated Federal Cost Impact to Cap FMAP Reduction at .5 Percentage Point Projected FFY 2006]

State	2006 FMAP reduction	Total MAP expenditures (2004 trended)	Total cost to state w/full FMAP reduction	Federal cost to cap FMAP reduction @ 5%	Dif. adj. cost to State w/5% reduction
Alaska	7.42 (percent)	927,820,408	68,844,274	64,205,172	4,639,102
Wyoming	3.67 (percent)	411,742,028	15,110,932	13,052,222	2,058,710
New Mexico	3.15 (percent)	2,507,212,586	78,977,196	66,441,134	12,536,063
Oklahoma	2.27 (percent)	2,924,733,647	66,391,454	51,767,786	14,623,668
Maine	1.99 (percent)	2,344,739,613	46,660,318	34,936,620	11,723,698
West Virginia	1.66 (percent)	2,362,624,867	39,219,872	27,406,657	11,813,214
North Dakota	1.64 (percent)	565,830,511	9,279,620	6,450,468	2,829,153
Vermont	1.62 (percent)	899,658,464	14,574,467	10,076,175	4,498,292
Utah	1.38 (percent)	1,445,925,839	19,953,777	12,724,147	7,229,629
Montana	1.36 (percent)	726,849,009	9,885,147	6,250,901	3,634,245
Alabama	1.32 (percent)	4,174,809,256	55,107,482	34,233,436	20,874,046
Louisiana	1.25 (percent)	5,735,530,756	71,694,134	43,016,481	28,677,654
Nevada	1.14 (percent)	1,202,661,716	13,710,344	7,697,035	6,013,309
Mississippi	1.08 (percent)	3,752,796,588	40,530,203	21,766,220	18,763,983
Arkansas	0.98 (percent)	2,974,366,673	29,148,793	14,276,960	14,871,833
South Dakota	0.96 (percent)	622,166,738	5,972,801	2,861,967	3,110,834
Rhode Island	0.93 (percent)	1,900,919,404	17,678,550	8,173,953	9,504,597
Tennessee	0.82 (percent)	8,319,862,112	68,222,869	26,623,559	41,599,311
Idaho	0.71 (percent)	1,069,486,215	7,593,352	2,245,921	5,347,431
Wisconsin	0.67 (percent)	5,292,600,883	35,460,426	8,997,442	26,463,004
Kansas	0.60 (percent)	2,055,601,420	12,333,609	2,055,601	10,278,007
South Carolina	0.57 (percent)	4,449,546,832	25,362,417	3,114,683	22,247,734
Total		56,667,503,565	751,712,038	468,374,520	283,337,518

Note: Included are states that are projected to experience an FMAP reduction in FFY06.

Estimated costs provided in this chart are based on state MAP expenditures published on CMS 64 reports (2004 trended by 9% for 2 years). The costs do not reflect official estimates from any of the states, but should provide a fair representation of the impact for each state.

By Mr. DAYTON:

S. 1756. A bill to establish a Department of Peace and Nonviolence; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAYTON. Mr. President, I rise today to introduce legislation to create a Department of Peace and Nonviolence, headed by a Cabinet-level Secretary of Peace and Nonviolence. While I am loath to add another agency to the already oversized Federal bureaucracy, it is imperative that we elevate peace to at least the same level as war within the Federal Government, inside the President's Cabinet Room, and in our national policymaking.

The Department's mission is set forth in section 101 of the proposed legislation. It says:

> The Department shall—
>
> hold peace as an organizing principle, coordinating service to every level of American society;
>
> endeavor to promote justice and democratic principles to expand human rights;
>
> strengthen nonmilitary means of peacemaking;
>
> promote the development of human potential;
>
> work to create peace, prevent violence, divert from armed conflict, use field-tested programs, and develop new structures and nonviolent dispute resolution;
>
> take a proactive, strategic approach in the development of policies that promote national and international conflict prevention, nonviolent intervention, mediation, peaceful resolution of conflict, and structured mediation of conflict;

address matters both domestic and international in scope, and

encourage the development of initiatives from local communities, religious groups, and nongovernmental organizations.

The legislation mandates that an amount not less than 2 percent of the Department of Defense's annual appropriation be expended for those peacemaking and peace-advancing efforts, which does not affect the Department of Defense's level of funding.

Now is clearly the time to create a Department of Peace and Nonviolence. The continuing war in Iraq, a war which I opposed, a war initiated before all attempts at peaceful resolution had been made, should teach us again that war is not the answer. Despite the incredible heroism of the men and women in our Armed Forces who have fought, patrolled, and helped so well and for so long in Iraq, 138,000 of them are still there with no end in sight. More of them are wounded, maimed, and killed every day. Terrorism activities against our troops and against Iraqi citizens are continuing and even increasing in their lethality.

Tragically, wrongly, but unavoidably, anti-American hatred also continues to grow throughout the Arab world. Who can doubt that some of the sons and daughters of Iraqis killed during the past 2½ years of war will grow up to become vicious terrorists, hell-bent on revenge against America. Our leaders did not intend to create this anti-American backlash, what the CIA calls "blowback." However, they are ignoring it at our peril.

Our Nation possesses a military might that is unprecedented in the world's history and unparalleled in the world today. We must remain so.

Yet, if we are to remain the world's leader and if we are to lead the world into a more secure and a more prosperous future, we must become better known and more respected for our peacemaking successes than for our military forces. Peace is far more than the absence of war, although that is the starting point. Peace, to have any lasting value, must be advanced, expanded, and strengthened continuously. Doing so requires skill, dedication, persistence, resources and, most importantly, people. We need thousands of American emissaries of peace at home and abroad. We need our embassies to become centers for peaceful initiatives worldwide, and we need advocates for peace-promoting policies here in Washington.

This country was founded by a Revolutionary War, a necessary war for independence. But our Nation's Founders wanted this to be a nation of peace. President Thomas Jefferson said, in 1801:

> That peace, safety, and concord may be the portion of our native land, and be long-enjoyed by our fellow-citizens, is the most ardent wish of my heart, and if I can be instrumental in procuring or preserving them, I shall think I have not lived in vain.

Mr. President, 158 years later President Dwight Eisenhower, himself no stranger to war, said:

> I think people want peace so much that one of these days governments had better get out of the way and let them have it.

To further that goal, in 1984, Congress passed legislation and President Ronald Reagan signed it into law, creating the U.S. Institute of Peace. Today, the Institute of Peace is an independent, nonpartisan organization funded by Congress to promote peace and curb violent international conflict. The last 20 years have shown that the Institute, and all of us, have much more to do to create and to sustain a peaceful world.

Similar to Thomas Jefferson, peace, safety and concord for our fellow citizens is the most ardent wish of my heart. If I can be instrumental in procuring or preserving them, I think that I shall not have lived in vain.

A peaceful world, inhabited by people throughout the world who have learned how to keep peace better than how to make war, who want peace, who know its benefits and who insist that their governments let them have it—that would be the best world and the greatest inheritance we could give to our children and our grandchildren and generations that will follow them. Without it, nothing else is reliable. With it, everything else is possible.

By Mrs. BOXER:

S. 1763. A bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, we have all seen the unprecedented destruction and suffering caused by Hurricane Katrina.

With the Katrina disaster, tens of thousands of people in the Gulf States have lost their jobs. In fact, over 200,000 have filed for unemployment benefits. For that reason, I introduced the Hurricane Katrina Reconstruction and Displaced Workers Assistance Act of 2005. This legislation would give priority in awarding Federal contracts for the rebuilding efforts to those companies where workers displaced by Hurricane Katrina comprise at least 25 percent of the workforce fulfilling the contract. It is the least we could do to help displaced workers.

Unfortunately, on the same day I introduced my bill to help workers, President Bush did just the opposite. He issued a proclamation saying that those who get Federal contracts for rebuilding will not have to pay workers the prevailing wage. This is unfair to working men and women. It is not right. The tragedy of Hurricane Katrina should not be used as an excuse to take advantage of working people.

Therefore, to ensure that workers in the region affected by the hurricane are paid the region's prevailing wages, I am introducing a second version of the Hurricane Katrina Reconstruction and Displaced Worker Assistance Act of 2005. It will still give priority to those companies who hire displaced workers, but it will also ensure that all workers are paid the prevailing wage.

I urge my colleagues to support the bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 247—COMMENDING THE LIBRARY OF CONGRESS'S PRIVATE-SECTOR ADVISORY BODY, THE JAMES MADISON COUNCIL, AND ITS FOUNDING CHAIRMAN, JOHN W. KLUGE, ON 15 YEARS OF EXEMPLARY SERVICE TO CONGRESS AND THE NATION AND LOOKING FORWARD TO THE COUNCIL'S CONTINUED SUCCESS IN THE YEARS AHEAD

Mr. STEVENS submitted the following resolution; which was considered and agreed to:

S. RES. 247

Whereas the James Madison Council, the Library of Congress's first-ever national advisory and support group in the 205-year history of the Library of Congress is celebrating its 15th year under the continuing strong leadership of its Founding Chairman John W. Kluge;

Whereas the James Madison Council remains a loyal group of friends whose vision and generosity have made possible many new initiatives within America's oldest Federal cultural institution;

Whereas John Kluge has energized this group of dedicated and generous individuals from the private-sector to help this unique institution that was created by Congress to make added contributions for the good of the Nation;

Whereas John Kluge's example and leadership has benefitted not only the Library of Congress and Congress, but also scholars, researchers, and lifelong learners everywhere, and has created a new international award at the highest level for lifetime achievement in the study of humanity;

Whereas building on John Kluge's generosity, the James Madison Council has strengthened and enriched the world of scholarship in Washington, District of Columbia, and provided new on-line educational material for the classrooms of the Nation and the world;

Whereas the members of the James Madison Council have added a significant number of rare and historic materials of major importance to the national collection of the Library of Congress, such as the 1507 Waldseemüller map of the world, which was the first map to include America, made possible by members John Hendricks, Marguerite and Gerry Lenfest, and David Koch, the restoration of Thomas Jefferson's original library, which is the cornerstone of the Library's collections, thanks to Jerry Jones, a major private collection from members Jean and Jay I. Kislak, which documents the encounter between European explorers and the indigenous peoples of North America and, thanks to Jon and Lillian Lovelace, the Alan Lomax collection, which is the largest collection of ethnographic material ever assembled by one person; and

Whereas led by John Kluge, the James Madison Council has furthered the programs of the Librarian of Congress, James H. Billington, such as the National Digital Library, which provides free internet access to 10,000,000 of the most historically important and educationally valuable primary materials in the Library's collection, the National Book Festival, which celebrates the joys of reading, and the Library's Bicentennial celebration in the year 2000: Now, therefore, be it

Resolved, That the Senate commends the Library of Congress's private-sector advisory body, the James Madison Council, and its Founding Chairman, John W. Kluge, on 15 years of exemplary service to Congress and the Nation and looks forward to its continued success in the years ahead.

SENATE RESOLUTION 248—COMMEMORATING THE WEST OAHU LITTLE LEAGUE TEAM FOR WINNING THE 2005 LITTLE LEAGUE WORLD SERIES

Mr. AKAKA (for himself and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 248

Whereas on August 28, 2005, the West Oahu Little League Team from Ewa Beach, Hawaii, won the 2005 Little League Baseball World Series Championship;

Whereas the Ewa Beach team defeated the defending champions Curacao, 7-6, in a dramatic, come-from-behind victory in only the second extra-inning championship game in the history of the Little League World Series;

Whereas the victory marked the first Little League World Series championship for the State of Hawaii;

Whereas manager Layton Aliviado had the ability to instill 12 boys from Ewa Beach with the confidence and skills needed to remain focused and fight back to win after falling behind;

Whereas the team hit 13 home runs during the 6 game tournament, including 3 in the championship game victory;

Whereas the champions hit at least 1 home run in every tournament game, with Vonn Feao knocking out a tournament high 4, Michael Memea and Alakai Aglipay each hit 3, Sheyne Baniaga hit 2 (including the game winner in the United States semifinal), and Quentin Guevara hit 1;

Whereas Michael Memea's game-ending homer was a first in the history of the Little League championship game; and

Whereas all of the team's players showed tremendous dedication throughout the season and the tournament toward the goal of winning the World Championship and displayed great class and sportsmanship in victory: Now, therefore, be it

Resolved, That the Senate—

(1) commends the West Oahu Little League Team from Ewa Beach for winning the 2005 Little League Baseball World Series Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) urges the President to—

(A) recognize the achievements of the West Oahu Little League Team from Eva Beach; and

(B) invite the team to the White House for an appropriate ceremony honoring a world championship team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the West Oahu Little League Team for appropriate display.

SENATE RESOLUTION 249—COMMEMORATING THE OAHU ALL-STARS FOR WINNING THE 2005 CAL RIPKEN WORLD SERIES AND THE HAWAII WARRIORS FOR WINNING THE 2005 CONTINENTAL AMATEUR BASEBALL ASSOCIATION WORLD SERIES (AGES 9–UNDER)

Mr. AKAKA (for himself and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas on August 21, 2005, the Oahu All-Stars won the 2005 Cal Ripken World Series;

Whereas the team from Oahu worked together in the 1 hit shutout title game to beat the series reigning champs, Team Mexico;

Whereas the manager and coaching staff, Gerald Oda, Keith Oda, and Staphe Fujimoto, respectively, had the ability to instill 14 boys from Oahu with the confidence and skills needed to succeed in a world competition;

Whereas Kewby Meyer was named the Most Outstanding Player in the series;

Whereas Kewby Meyer, Timmy Arakawa, Gavin Okada, and Kalani Lagoc-Crawford were named to the 2005 United States All World Series Team and Kash Kalohelani, Ryan Cortez, and Ryan Yamane were named to the 2005 All Defensive Team;

Whereas on August 5, 2005, the Hawaii Warriors won the 2005 Continental Amateur Baseball Association World Series (ages 9-under) championship game;

Whereas the team battled from behind in the final innings of the championship game to beat the Cincinnati Flames and complete the series with a perfect 9–0 record; and

Whereas all of the teams' players showed tremendous dedication throughout their tournaments toward the goal of winning World Series Championships and displayed great class and sportsmanship in victory: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Oahu All-Stars for winning the 2005 Cal Ripken World Series title game and the Hawaii Warriors for winning the 2005 Continental Amateur Baseball Association World Series (ages 9-under);

(2) recognizes the achievements of all the teams' players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) urges the President to—

(A) recognize the achievements of the Oahu All-Star team and the Hawaii Warriors team; and

(B) invite the teams to the White House for an appropriate ceremony honoring these world championship teams; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the Oahu All-Star team and the Hawaii Warriors team for appropriate display.

SENATE RESOLUTION 250—SUPPORTING THE GOALS AND IDEALS OF GOLD STAR MOTHERS DAY

Mr. COBURN (for himself, Mr. ALLEN, Mr. BINGAMAN, Mr. BYRD, Mr. CRAPO, Mr. GRAHAM, Mr. HAGEL, Mr. ISAKSON, Mr. LEVIN, Ms. MURKOWSKI, Ms. SNOWE, Mr. THUNE, Mr. BUNNING, Mrs. CLINTON, Mr. DORGAN, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. SANTORUM, Mr. THOMAS, Mr. JOHNSON, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces, and thus perpetuate the memory of all whose lives were sacrificed in our wars;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Veterans' Administration, and aid the men and women who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout our history;

Whereas we honor ourselves and the mothers of America when we revere and emphasize the role of the home and the family as the true foundations of our Nation;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas September 25, 2005, is being recognized as Gold Star Mothers Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Gold Star Mothers Day; and

(2) calls on the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1850. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1851. Mr. DEWINE (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1852. Mr. AKAKA (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra.

SA 1853. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1854. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1855. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1856. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1857. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1858. Mrs. HUTCHISON (for Mr. COBURN) proposed an amendment to the bill H.R. 2528, supra.

SA 1859. Mrs. HUTCHISON (for Mr. CARPER) proposed an amendment to the bill H.R. 2528, supra.

SA 1860. Mrs. HUTCHISON (for Mrs. BOXER) proposed an amendment to the bill H.R. 2528, supra.

SA 1861. Mrs. HUTCHISON (for Mr. CHAMBLISS (for himself and Mr. ISAKSON)) proposed an amendment to the bill H.R. 2528, supra.

SA 1862. Mrs. HUTCHISON (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2528, supra.

SA 1863. Mrs. HUTCHISON (for Mr. FEINGOLD (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 2528, supra.

SA 1864. Mrs. HUTCHISON (for Mr. DURBIN (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. AKAKA)) proposed an amendment to the bill H.R. 2528, supra.

SA 1865. Mrs. HUTCHISON (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 2528, supra.

SA 1866. Mrs. HUTCHISON (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 2528, supra.

SA 1867. Mrs. HUTCHISON (for Mr. SALAZAR) proposed an amendment to the bill H.R. 2528, supra.

SA 1868. Mr. CRAIG (for Mr. SALAZAR (for himself and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 2528, supra.

SA 1869. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1870. Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2528, supra.

SA 1871. Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2528, supra.

TEXT OF AMENDMENTS

SA 1850. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2528 shall also be included in the conference report or joint statement accompanying H.R. 2528 in order to be considered as having been approved by both Houses of Congress.

SA 1851. Mr. DEWINE (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by $12,950,000, with the amount of such increase to be available for the construction of an academic building at the Air Force Institute of Technology at Wright-Patterson Air Force Base, Ohio.

SA 1852. Mr. AKAKA (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 76, line 22, strike "$23,308,011,000" and insert "$23,318,011,000".

On page 77, line 1, insert "$109,000,000 shall be available for the Readjustment Counseling Service: *Provided further*, That" after "this heading,".

On page 78, line 22, strike "$1,456,821,000" and insert "$1,446,821,000".

On page 79, line 7, strike "$100,000,000" and insert "$90,000,000".

SA 1853. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, lines 22 and 23, strike "$23,308,011,000, plus reimbursements, of which $1,977,000,000" and insert "$23,318,011,000, plus reimbursements, of which $1,987,000,000".

On page 77, line 1, insert "$109,000,000 shall be available for the Readjustment Counseling Service: *Provided further*, That" after "this heading,".

SA 1854. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" is hereby increased by $4,299,000, with the amount of such increase to be made available for demolition of World War II era wooden buildings at Fort Polk, Louisiana.

SA 1855. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" is hereby increased by $15,000,000, with the amount of such increase to be made available to replace World War II era mobilization and demobilization buildings at the north fort of Fort Polk, Louisiana, with portable temporary modular building structures.

SA 1856. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for architectural and engineering services and construction design, $500,000 shall be made available for the design of wharf upgrades at Naval Station Mayport, Florida.

SA 1857. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. CLINICAL TRAINING AND PROTOCOLS.

(a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to ensure that the mental health care needs of servicemembers and veterans are met.

(b) COLLABORATION.—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) TRAINING.—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

SA 1858. Mrs. HUTCHISON (for Mr. COBURN) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2528 shall also be included in the conference report or joint statement accompanying H.R. 2528 in order to be considered as having been approved by both Houses of Congress.

SA 1859. Mrs. HUTCHISON (for Mr. CARPER) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR NATIONAL GUARD" and available for planning and design, $1,440,000 shall be available for planning and design for a replacement C–130 maintenance hangar at Air National Guard New Castle County Airport, Delaware.

SA 1860. Mrs. HUTCHISON (for Mrs. BOXER) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. REPORT ON HOUSING ASSISTANCE TO LOW-INCOME VETERANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study on housing assistance to low-income veterans, including—

(1) an estimate of the number of low-income, very low-income, and extremely low-income veteran households;

(2) a description of the demographic and socioeconomic characteristics and health and disability status of such households;

(3) an estimate of the number of such households experiencing a high cost burden in, overcrowding in, or poor quality of housing, or experiencing homelessness;

(4) an assessment of such households, including their current barriers to safe, quality, and affordable housing and levels of homelessness among such households;

(5) the extent to which Federal housing assistance programs provide benefits, including supportive services, to all veteran households and in particular to low-income, very low-income, and extremely-low income veteran households;

(6) the number of units designated for or occupied by veterans and low-income, very low-income, and extremely low-income veterans in Federally subsidized or insured housing;

(7) a summary description of the manner in which veteran compensation, veteran dependency and indemnity compensation, and veteran pension are considered as income or adjusted income for purposes of determining—

(A) eligibility for Federal housing assistance programs; and

(B) the amount of rent paid by a veteran household for occupancy of a dwelling unit or housing assisted under Federal housing assistance programs;

(8) a summary description of the special considerations made for veterans under—

(A) public housing plans submitted under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1); and

(B) comprehensive housing affordability strategies submitted under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705);

(9) the extent to which public housing authorities have established preferences for veterans for public housing and housing choice vouchers;

(10) the number of homeless veterans provided assistance, cumulatively and currently, under the program of housing choice vouchers for homeless veterans under section 8(o)(19) of the United States Housing Act of 1937 (42. U.S.C. 1437f(o)(19)), and the current status of the program, including—

(A) the number of vouchers the Department of Housing and Urban Development currently allocates to the Department of Veterans Affairs;

(B) the monetary value of such vouchers; and

(C) the names and locations of VA medical centers receiving such vouchers; and

(11) a description of activities relating to veterans of the Department of Housing and Urban Development.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Housing and Urban Development.

(2) The Secretary of Veterans Affairs.

(3) Low-income, very low-income, and extremely low-income veterans.

(4) Representatives of State and local housing assistance agencies.

(5) Representatives of nonprofit low-income housing providers and homeless service providers, including homeless veteran service providers.

(6) National advocacy organizations concerned with veterans, homelessness, and low-income housing.

(c) TIMING OF REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under this section.

SA 1861. Mrs. HUTCHISON (for Mr. CHAMBLISS (for himself and Mr. ISAKSON)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY", $4,550,000 shall be made available for the construction of a military police complex at Fort Gordon, Georgia.

(b) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for Fort Gillem, Georgia, is hereby decreased by $4,550,000.

SA 1862. Mrs. HUTCHISON (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990" is hereby increased by $25,000,000.

(b) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005" is hereby decreased by $25,000,000.

SA 1863. Mrs. HUTCHISON (for Mr. FEINGOLD (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222.(a) Not later than 60 days after the date of enactment of this Act, the Secretary of Veterans Affairs, after consultation with the National Association of County Veterans Service Officers, other veterans service organizations, and State Departments of Veterans Affairs shall submit a report to the committee on Appropriation of the Senate that describes a plan (including estimated costs) to provide an adequate supply of the 2006 edition of handbook entitled, Federal Benefits for Veterans and Dependents, and all subsequent editions, to all county veterans service officers in the United States.

SA 1864. Mrs. HUTCHISON (for Mr. DURBIN (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. AKAKA)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. None of the funds made available in this Act or any other Act may be used—

(1) to revoke or reduce a veteran's disability compensation for post-traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation unless such failure was the direct result of fraud by the applicant; or

(2) for the implementation of Recommendation 3 of VA Inspector General Report No. 05-00765-137 or any related review and investigation of post-traumatic stress disorder unemployability and 100 schedular percent ratings cases, until the Department of Veteran's Affairs reports to the Committee on Appropriations on its plan for implementing this recommendation, and outlines the staffing and funding requirements.

SA 1865. Mrs. HUTCHISON (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 81, line 2, insert "The VA shall conduct an information campaign in States with an average annual disability compensation payment of less than $7,300 (according to the report issued by the Department of Veterans Affairs Office of Inspector General on May 19, 2005), to inform all veterans receiving disability compensation, by direct mail, of the history of below average disability compensation payments to veterans in such States, and to provide all veterans in each such State, through broadcast or print advertising, with the aforementioned historical information and instructions for submitting new claims and requesting review of past disability claims and ratings: *Provided further,*" after "*Provided,*".

SA 1866. Mrs. HUTCHISON (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. CLINICAL TRAINING AND PROTOCOLS.

(a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to ensure that the mental health care needs of servicemembers and veterans are met.

(b) COLLABORATION.—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) TRAINING.—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

SA 1867. Mrs. HUTCHISON (for Mr. SALAZAR) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) The Secretary of Veterans Affairs shall immediately submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a report on any Department of Veterans Affairs budget shortfall totaling 2 percent or more of the Department's total discretionary funding budget for a fiscal year.

(b) The Secretary of Veterans Affairs shall, not later than 180 days after the date of the enactment of this Act, submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a comprehensive plan to improve long-term budget planning and actuarial forecasting at the Department of Veterans Affairs.

SA 1868. Mr. CRAIG (for Mr. SALAZAR) (for himself and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) In conducting advanced planning activities under this Act, the Secretary of Veterans Affairs shall reevaluate Veterans Health Administration Handbook 1006.1 and other guidance and procedures related to planning, activating, staffing, and maintaining community-based outpatient clinics.

(b) In conducting such planning, the Secretary shall—

(1) revise as appropriate existing policies to make them less disadvantageous to rural veterans; and

(2) reexamine criteria used in planning, activating, staffing, and maintaining such clinics, including geographic access, number of Priority 1–6 veterans, market penetration, cost effectiveness, and distance to parent facilities, to determine whether such criteria are weighted in a manner that negatively affects rural veterans.

SA 1869. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by $10,000,000, with the amount of such increase to be made available to carry out a storm water drainage system project at F.E. Warren Air Force Base, Cheyenne, Wyoming.

(b) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" is hereby decreased by $10,000,000, and not more than $30,000,000 of the total amount appropriated under such heading may be made available for the barracks complex in Grafenwoehr, Germany.

SA 1870. Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 55, line 4, strike "$191,393,000" and insert "$179,343,000".

On page 55, line 10, following "therefor", strike "." and insert ": Provided further, That of the amount provided for Military Construction; Army, $8,900,000 shall be available for Phase 1a of a Permanent Party Barracks at Fort Leonard Wood, Missouri, and $3,150,000 shall be available for an Airfield Fire Station at Fort Sill, Oklahoma."

SA 1871. Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 56, line 11, strike "$103,347,000" and insert "83,626,000".

On page 56, line 17, following "therefor", strike "." and insert ": Provided further, That of the amount provided for Military Construction, Air Force, $5,721,000 shall be available for a B-2 Conventional Munitions Storage Facility at Whiteman Air Force Base, Missouri, and $14,000,000 for Phase 1 of Force Protection Enhancement at Vance Air Force Base, Oklahoma."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 6, 2005 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to evaluate and receive a status report on the Environmental Management programs of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Clint Williamson 202–224–7556 or Steve Waskiewicz at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2005, at 10 a.m., to conduct a hearing on "Examining the Financial Services Industry's Responsibilities and Role in Preventing Identity Theft and Protecting Sensitive Financial Information."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 22, 2005, at 10 a.m., on Communications in a Disaster, in SD–562.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Environment and Public

Works be authorized to meet on Thursday, September 22, 2005, at 2:30 p.m., to conduct a hearing on the following pending nominations:

Environmental Protection Agency, George M. Gray, of Massachusetts, to be an assistant administrator of the Environmental Protection Agency.

Nuclear Regulatory Commission, Edward McGaffigan, Jr., of Virginia, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 2010.

Department of the Interior, H. Dale Hall, of New Mexico, to be director of the United States Fish and Wildlife Service.

Environmental Protection Agency, Lyons Gray, of North Carolina, to be chief financial officer, Environmental Protection Agency.

Department of Commerce, Santanu K. Baruah, of Oregon, to be assistant secretary of Commerce for Economic Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 22, 2005, at 9 a.m., to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Education and Early Childhood Development. be authorized to hold a hearing during the session of the Senate on Thursday, September 22 at 3 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 22, 2005, at 9:30 a.m. to hold a business meeting to consider pending committee business.

Agenda

Legislation

1. S. , Assure Emergency and Interoperable Communications for First Responders Act of 2005.
2. S. , an original bill to provide relief for the victims of Hurricane Katrina.
3. S. , a bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent and objective audits and investigations relating to the federal programs for Hurricane Katrina.
4. S. 939, Disaster Recovery Act of 2005.
5. S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer.
6. S. , a bill to amend title 5, United States Code, to allow employees of the judicial branch to establish an emergency leave transfer program in the event of a major disaster or emergency.
7. S. 572, Homeland Security Food and Agriculture Act of 2005.

Nominations

1. Stewart A. Baker to be Assistant Secretary, U.S. Department of Homeland Security.
2. John R. Fisher to be Associate Judge, District of Columbia Court of Appeals.,
3. Colleen D. Kiko to be General Counsel, Federal Labor Relations Authority.
4. Juliet J. McKenna to be Associate Judge, District of Columbia Superior Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup of Thursday, September 22, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations

John G. Roberts, to be Chief Justice of the United States; Timothy Flanigan, to be Deputy Attorney General.

II. Bills

S. 1088. Streamlined Procedures Act of 2005; Kyl, Cornyn, Grassley, Hatch;

S. ___. Personal Data Privacy and Security Act of 2005; Specter, Leahy, Feingold;

S. 751. Notification of Risk to Personal Data Act; Feinstein, Kyl;

S. 1326. Notification of Risk to Personal Data Act; Sessions;

S. 155. Gang Prevention and Effective Deterrence Act of 2005; Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 1086. A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses; Hatch, Biden, Schumer;

S. 956. Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005; Grassley, Kyl, Cornyn.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "The Impact of Hurricane Katrina on Small Businesses" on Thursday, September 22, 2005, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Vetearns' Affairs be authorized to meeting during the session of the Senate on Thursday, September 22, 2005, for a committee hearing titled "Preserving Sacred Ground; Should Capital Offenders be Buried in America's National Cemeteries?" The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 22, 2005 at 2:30 p.m. to hold a closed markup on the fiscal year 2006 Intelligence Authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, September 22, 2005, at 2:30 p.m. for a hearing regarding "Cost and Payment Plans of Medicare Part D."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, September 22 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 435, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study, for potential addition to the National Wild and Scenic Rivers System, and for other purposes. S. 1096, a bill to amend the Wild and Scenic Rivers Act to designate portions of the system, and for other purposes. S. 1310, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, a bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park in Delaware.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Madam President, I ask unanimous consent that Senator McCain's legislative fellow, Navy CDR Shawn Grenier, be granted floor privileges during consideration of H.R. 2528.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that Kimberly Jackson on my staff be granted the privilege of the floor throughout my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR CONTINUED EDUCATION OF STUDENTS AFFECTED BY HURRICANE KATRINA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1764, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1764) to provide for the continued education of students affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1764) was read the third time and passed, as follows:

S. 1764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF STUDENT AFFECTED BY HURRICANE KATRINA.

In this Act, the term "student affected by Hurricane Katrina" means a student who resides or resided on August 22, 2005 in an area, or is enrolled or was enrolled on August 22, 2005 in a school located in an area, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina.

SEC. 2. EDUCATION EXPENSES.

(a) In General.—Upon the request of the Secretary of Education, the Secretary of Homeland Security may transfer any funds made available to the Federal Emergency Management Agency "Disaster Relief Fund" for Hurricane Katrina to the Department of Education for the education of students affected by Hurricane Katrina. Such funds shall only be used for expenditures for activities of educational agencies authorized under Federal law within the jurisdiction of the Department of Education, and for the following activities in support of students affected by Hurricane Katrina:

(1) Paying the compensation of personnel, including teacher aides, to provide instructional services.

(2) Paying the operational costs incurred by educational agencies as a result of educating such students.

(3) Purchasing instructional materials and equipment, including textbooks, used to educate such students.

(b) Special Rule.—Notwithstanding any other provision of this section, funds may be used for expenditures described in subsection (a) only if—

(1) the Secretary of Education makes a determination that such expenditures constitute an immediate need for the relief of students affected by Hurricane Katrina; and

(2) funds are not made available for such activities from other Federal sources.

SEC. 3. AVAILABILITY OF FUNDS.

(a) In General.—Notwithstanding any other provision of law, any funds available to the Secretary of Education, the authority for which would be cancelled or otherwise expire on September 30, 2005, shall be available for obligation by the Secretary until September 30, 2006, but only to meet educational needs of students affected by Hurricane Katrina.

(b) Emergency Designation.—Any funds available for obligation pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SEC. 4. ADVANCED NOTIFICATION OF CONGRESS.

(a) Department of Education Appropriations Act, 2005.—Section 304 of the Department of Education Appropriations Act, 2005 (Public Law 108-447) is amended by striking "15 days" and inserting "3 days".

(b) Consolidated Appropriations Act, 2005.—Section 517 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005 (Public Law 108-447) is amended—

(1) in subsection (a), by striking "15 days" and inserting "3 days"; and

(2) in subsection (b), by striking "15 days" and inserting "3 days".

SEC. 5. SUNSET.

This Act shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 2006.

Mr. FRIST. Mr. President, this bill we just passed provides for the continued education of students who have been so severely affected by Hurricane Katrina.

I thank my colleague, the Senator from Texas, Mrs. Hutchison, for her tremendous leadership on this bill. It is a very important bill and a bill that has been a long time coming. We—especially she and her cosponsors—have aggressively worked in this regard to pass this bill. I am happy to yield to her at this time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished majority leader for helping us clear this legislation. This is a bill cosponsored by Senator Landrieu and Senator Cornyn. Twenty-eight States have taken students, who are victims of Hurricane Katrina, into their hearts, into their arms, into their shelters, and into their educational systems.

We have been passing legislation that would cut red tape and pay for certain items that are not covered by the law. One of the major areas for which we have not had a precedent is schoolchildren in great numbers going into public schools as a result of having to evacuate from an emergency disaster, such as Hurricane Katrina. That has been the case.

We have more than 45,000 evacuee students now in our Texas public schools. As everyone knows, there is no school district that can afford to absorb that number of students without help. The bill we have just passed will allow the money that has already been appropriated to be available for the Department of Education to pay for the extra teachers who are being hired. It is limited to children who are victims of Hurricane Katrina, and it also has a sunset. It is just for this school year. So this is not a new law that is going to put the Federal Government into public education throughout our country. But it is going to offset the costs of hiring teachers and buying school supplies for those students who have come to our State and 27 other States with nothing.

Today I am very proud of the Senate for passing this legislation to give these 28 States the help they need. The money will flow through the Department of Education. The Secretary of Education will have the authority to take some of the money that has already been appropriated by Congress for this purpose.

I applaud the Senate for passing this bill, and I look forward to it going through the House and being signed by the President.

I thank Senator Frist so much for the help he has given in allowing the Senate to act quickly on this legislation.

I yield the floor.

NOMINATION OF ROBERT B. HOLLAND

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Robert Holland, PN447, that the Senate proceed to its consideration, that the nomination be confirmed, that the motion to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

Robert B. Holland III, of Texas, to be United States Executive Director of the

International Bank for Reconstruction and Development for a term of two years.

AMENDING THE INDIAN FINANCING ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1758, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1758) to amend the Indian Financing Act of 1974 to provide for sale and assignment of loans and other security and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, today I rise in support of the Indian Financing Act Amendments of 2005, originally introduced as a component of the Native American Omnibus Act of 2005. I'm pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Indian financing act amendments, amends the Indian finance act of 1974 to clarify that non-profit tribal entities are eligible for the BIA Loan Guaranty program. The amendments also raises the limit on the amount of loans to $1.5 billion from $500 million.

I look forward to working with my respective colleagues on both sides of the aisle to enact this legislation.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1758) was read the third time and passed, as follows:

S. 1758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN GUARANTY AND INSURANCE.

(a) IN GENERAL.—Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended

(1) by striking "SEC. 201. In order" and inserting the following:

"SEC. 201. LOAN GUARANTIES AND INSURANCE.

"(a) IN GENERAL.—In order";

(2) by striking "the Secretary is authorized (a) to guarantee" and inserting "the Secretary may—

"(1) guarantee";

(3) by striking "members; and (b) in lieu of such guaranty, to insure" and inserting "members; or

"(2) insure"; and

(4) by adding at the end the following:

"(b) ELIGIBLE BORROWERS.—The Secretary may guarantee or insure loans under subsection (a) to both for-profit and nonprofit borrowers.".

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking "SEC. 205." and all that follows through subsection (b) and inserting the following:

"SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.

"(a) IN GENERAL.—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—

"(1) may be transferred by the lender by sale or assignment to any person; and

"(2) may be retransferred by the transferee.

"(b) TRANSFERS OF LOANS.—With respect to a transfer described in subsection (a)—

"(1) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (h); and

"(2) the transferee shall give notice of the transfer to the Secretary.";

(2) by striking subsection (c);

(3) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (c) (as redesignated by paragraph (3)), by striking paragraph (2) and inserting the following:

"(2) VALIDITY.—Except as provided in regulations in effect on the date on which a loan is made, the validity of a guarantee or insurance of a loan under this title shall be incontestable.";

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) COMPENSATION OF FISCAL TRANSFER AGENT.—A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders."; and

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking "subsection (i)" and inserting "subsection (h)"; and

(B) in paragraph (2)(B), by striking ", and issuance of acknowledgments,".

(c) LOANS INELIGIBLE FOR GUARANTY OR INSURANCE.—Section 206 of the Indian Financing Act of 1974 (25 U.S.C. 1486) is amended by inserting "(not including an eligible Community Development Finance Institution)" after "Government".

(d) AGGREGATE LOANS OR SURETY BONDS LIMITATION.—Section 217(b) of the Indian Financing Act of 1974 (25 U.S.C. 1497(b)) is amended by striking "$500,000,000" and inserting "$1,500,000,000".

COMMENDING THE JAMES MADISON COUNCIL AND ITS FOUNDING CHAIRMAN, JOHN W. KLUGE

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 247, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 247) commending the Library of Congress's private-sector advisory body, the James Madison Council, and its Founding Chairman, John W. Kluge, on 15 years of exemplary service to Congress and the Nation and looking forward to the Council's continued success in the years ahead.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I rise in support of a Senate resolution which I submitted commending the James Madison Council of the Library of Congress, which is celebrating its 15th year under the continuing strong leadership of its founding chairman, John Kluge.

The James Madison Council is the first private sector advisory body in the history of the Library of Congress. With the approval of the Joint Committee on the Library, which I have chaired and served on for many years, Librarian of Congress Jim Billington established the Council in 1990 as the Library's primary philanthropic body and link to the business community. It consists of public-spirited citizens dedicated to helping the Nation receive the full benefits of the Library of Congress's incomparable educational, scientific, technological, and cultural resources.

In its 15 years of unprecedented private support of the Library, the Madison Council has acquired hundreds of items for the collections that would have otherwise been unattainable through Federal appropriations alone, including the famous Waldseemuller map, the first map to bear the name "America"; the $45 million dollar campaign to launch the National Digital Library, which provides free internet access to 10 million of the most important materials in the Library's collection; the Library's bicentennial celebration in 2000 which featured the recreation of Thomas Jefferson's library; the establishment of the John Kluge Center, a major scholarly center, and its accompanying Kluge Prize in the humanities; and the National Book Festival, in conjunction with First Lady Laura Bush, promoting literacy and the joys of reading, which is taking place this weekend.

This resolution commends and thanks the James Madison Council, particularly its chairman, John Kluge, one of the most patriotic and generous philanthropists I have known, and looks forward to its continued success in supporting the world's greatest library in the years ahead.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 247

Whereas the James Madison Council, the Library of Congress's first-ever national advisory and support group in the 205-year history of the Library of Congress is celebrating its 15th year under the continuing strong leadership of its Founding Chairman John W. Kluge;

Whereas the James Madison Council remains a loyal group of friends whose vision and generosity have made possible many new initiatives within America's oldest Federal cultural institution;

Whereas John Kluge has energized this group of dedicated and generous individuals from the private-sector to help this unique institution that was created by Congress to make added contributions for the good of the Nation;

Whereas John Kluge's example and leadership has benefitted not only the Library of Congress and Congress, but also scholars, researchers, and lifelong learners everywhere, and has created a new international award at the highest level for lifetime achievement in the study of humanity;

Whereas building on John Kluge's generosity, the James Madison Council has strengthened and enriched the world of scholarship in Washington, District of Columbia, and provided new on-line educational material for the classrooms of the Nation and the world;

Whereas the members of the James Madison Council have added a significant number of rare and historic materials of major importance to the national collection of the Library of Congress, such as the 1507 Waldseemüller map of the world, which was the first map to include America, made possible by members John Hendricks, Marguerite and Gerry Lenfest, and David Koch, the restoration of Thomas Jefferson's original library, which is the cornerstone of the Library's collections, thanks to Jerry Jones, a major private collection from members Jean and Jay I. Kislak, which documents the encounter between European explorers and the indigenous peoples of North America and, thanks to Jon and Lillian Lovelace, the Alan Lomax collection, which is the largest collection of ethnographic material ever assembled by one person; and

Whereas led by John Kluge, the James Madison Council has furthered the programs of the Librarian of Congress, James H. Billington, such as the National Digital Library, which provides free internet access to 10,000,000 of the most historically important and educationally valuable primary materials in the Library's collection, the National Book Festival, which celebrates the joys of reading, and the Library's Bicentennial celebration in the year 2000: Now, therefore, be it

Resolved, That the Senate commends the Library of Congress's private-sector advisory body, the James Madison Council, and its Founding Chairman, John W. Kluge, on 15 years of exemplary service to Congress and the Nation and looks forward to its continued success in the years ahead.

COMMEMORATING THE WEST OAHU LITTLE LEAGUE TEAM FOR WINNING THE 2005 LITTLE LEAGUE WORLD SERIES

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 248, submitted earlier today by Senator AKAKA.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 248) commemorating the West Oahu Little League Team for winning the 2005 Little League World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I rise today in support of resolutions congratulating the Ewa Beach little league team, the Oahu all-star team, and the Hawaii Warriors on their world championships. All three teams recently persevered through difficult competition to become world champions.

The Ewa Beach little leaguers competed in the Little League World Series held in Williamsport, PA. The team posted an impressive 7-6 win in the championship game, in which they came from three runs down to defeat the defending championship team from Curacao in extra innings.

The Oahu all-stars participated in the Cal Ripken World Series tournament held in Aberdeen, MD. In the championship game, the team used three pitchers to combine for a one hit shut-out as they prevailed by a score of 1-0 over the reigning champs, a very talented team from Mexico. A special congratulations to Kewby Meyer for being named Most Outstanding Player of the series.

The Hawaii Warriors won the 2005 Continental Amateur Baseball Association World Series, ages 9 and under. The team battled from behind in the final innings to win the championship game and complete the series with a perfect 9–0 record.

I am proud not only of the impressive wins but also of the humility and sportsmanship that the teams displayed as they won with aloha. All the teams represented the State of Hawaii, and the United States, very well.

I recognize the sacrifices many family members and friends made to support the teams. These young men were able to enjoy the athletic competitions because of their loving and caring families. I applaud these families' efforts and wish all the players and their families the best in future endeavors.

I look forward to hearing more about the success of our little leaguers as they continue to pursue their education and baseball ambitions. I also want to recognize all of the contributions from a Brookings Institution fellow in my office, Bill Ferraro.

I ask unanimous consent the Teams' rosters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WEST OAHU LITTLE LEAGUE, EWA BEACH, HAWAII TEAM ROSTER

#1, Layson Aliviado, 1B, P; #5, Harrison Kam, CF; #11, Ty Tirpak, RF; #12, Zachary Ramit, LF; #15, Ethan Javier, CF; #17, Vonn Feao, 3B, C; #18, Quentin Guevara, P, RF; #20, Sheyne Baniaga, P, 2B; #21, Michael Memea, C; #22, Zachary Rosete, LF; #24, Myron Enos, P, SS; #25, Alakai Aglipay, P, 3B. Coach: Tyron Kitashima. Coach: Clit Tirpak. Manager: Layton Aliviado.

OAHU ALL-STARS TEAM ROSTER

#0, Kalani Lagoc-Crawford, P, OF; #2, Jake Fujimoto, SS, OF; #5, Wilkins Kato, OF, 1B; #6, Ryan Yamane, OF, P; #7, Timmy Arakawa, SS; #11, Cory Quiamzon, OF; #14, Kash Kalohelani, C; #21, Joe Yokoi, 2B, OF; #22, Dylan Goto, 2B, OF; #23, Chris Sekiguchi, OF; #25, Ryan Cortez, 3B; #34, Jordan Deponte, 2B, P; #50, Kewby Meyer, 1B, P; #51, Gavin Okada, 2B, OF. Coach: Keith Oda. Asst. Coach: Staphe Fujimoto. Manager: Gerald Oda.

HAWAII WARRIORS TEAM ROSTER

Brett Choy, Chansen Fukushima, Joshua Inaba, Joshua Inouye, Ried Kimura, Seth Kinel, Luke Morris, Cal Muramaru, Sean Romo, Ryan Sato, Larry Tuileta. Coach, Paul Wallrabenstein III. Asst. Coach, Randy Inaba. Asst. Coach, Ricky Inouye. Asst. Coach, Dunn Muramaru. Asst. Coach, Paul Wallrabenstein, Jr.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 248

Whereas on August 28, 2005, the West Oahu Little League Team from Ewa Beach, Hawaii, won the 2005 Little League Baseball World Series Championship;

Whereas the Ewa Beach team defeated the defending champions Curacao, 7-6, in a dramatic, come-from-behind victory in only the second extra-inning championship game in the history of the Little League World Series;

Whereas the victory marked the first Little League World Series championship for the State of Hawaii;

Whereas manager Layton Aliviado had the ability to instill 12 boys from Ewa Beach with the confidence and skills needed to remain focused and fight back to win after falling behind;

Whereas the team hit 13 home runs during the 6 game tournament, including 3 in the championship game victory;

Whereas the champions hit at least 1 home run in every tournament game, with Vonn Feao knocking out a tournament high 4, Michael Memea and Alakai Aglipay each hit 3, Sheyne Baniaga hit 2 (including the game winner in the United States semifinal), and Quentin Guevara hit 1;

Whereas Michael Memea's game-ending homer was a first in the history of the Little League championship game; and

Whereas all of the team's players showed tremendous dedication throughout the season and the tournament toward the goal of winning the World Championship and displayed great class and sportsmanship in victory: Now, therefore, be it

Resolved, That the Senate—

(1) commends the West Oahu Little League Team from Ewa Beach for winning the 2005 Little League Baseball World Series Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) urges the President to—

(A) recognize the achievements of the West Oahu Little League Team from Eva Beach; and

(B) invite the team to the White House for an appropriate ceremony honoring a world championship team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the West Oahu Little League Team for appropriate display.

COMMEMORATION OF THE OAHU ALL-STARS AND THE HAWAII WARRIORS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 249, which was submitted earlier today by Senator AKAKA.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 249) commemorating the Oahu All-Stars for winning the 2005 Cal Ripken World Series and the Hawaii Warriors for winning the 2005 Continental Amateur Baseball Association World Series, ages 9-under.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 249

Whereas on August 21, 2005, the Oahu All-Stars won the 2005 Cal Ripken World Series;

Whereas the team from Oahu worked together in the 1 hit shutout title game to beat the series reigning champs, Team Mexico;

Whereas the manager and coaching staff, Gerald Oda, Keith Oda, and Staphe Fujimoto, respectively, had the ability to instill 14 boys from Oahu with the confidence and skills needed to succeed in a world competition;

Whereas Kewby Meyer was named the Most Outstanding Player in the series;

Whereas Kewby Meyer, Timmy Arakawa, Gavin Okada, and Kalani Lagoc-Crawford were named to the 2005 United States All World Series Team and Kash Kalohelani, Ryan Cortez, and Ryan Yamane were named to the 2005 All Defensive Team;

Whereas on August 5, 2005, the Hawaii Warriors won the 2005 Continental Amateur Baseball Association World Series (ages 9-under) championship game;

Whereas the team battled from behind in the final innings of the championship game to beat the Cincinnati Flames and complete the series with a perfect 9-0 record; and

Whereas all of the teams' players showed tremendous dedication throughout their tournaments toward the goal of winning World Series Championships and displayed great class and sportsmanship in victory: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Oahu All-Stars for winning the 2005 Cal Ripken World Series title game and the Hawaii Warriors for winning the 2005 Continental Amateur Baseball Association World Series (ages 9-under);

(2) recognizes the achievements of all the teams' players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) urges the President to—

(A) recognize the achievements of the Oahu All-Star team and the Hawaii Warriors team; and

(B) invite the teams to the White House for an appropriate ceremony honoring these world championship teams; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the Oahu All-Star team and the Hawaii Warriors team for appropriate display.

GOALS AND IDEALS OF GOLD STAR MOTHERS' DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 250, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 250) supporting the goals and ideals of Gold Star Mothers' Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 250

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces, and thus perpetuate the memory of all whose lives were sacrificed in our wars;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Veterans' Administration, and aid the men and women who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout our history;

Whereas we honor ourselves and the mothers of America when we revere and emphasize the role of the home and the family as the true foundations of our Nation;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas September 25, 2005, is being recognized as Gold Star Mothers Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Gold Star Mothers Day; and

(2) calls on the people of the United States to observe such day with appropriate ceremonies and activities.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS

AMENDMENTS NOS. 1870 AND 1871

Mr. FRIST. Mr. President, notwithstanding passage of H.R. 2528, I ask unanimous consent that the two amendments at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1870 and 1871) were agreed to, as follows:

AMENDMENT NO. 1870

On page 55, line 4, strike "$191,393,000" and insert "$179,343,000".

On page 55, line 10, following "therefor", strike "." and insert ": Provided further, That of the amount provided for Military Construction, Army, $8,900,000 shall be available for Phase 1a of a Permanent Party Barracks at Fort Leonard Wood, Missouri, and $3,150,000 shall be available for an Airfield Fire Station at Fort Sill, Oklahoma."

AMENDMENT NO. 8171

On page 56, line 11, strike "$103,347,000" and insert "$83,626,000".

On page 56, line 17, following "therefor", strike "." and insert ": Provided further, That of the amount provided for Military Construction, Air Force, $5,721,000 shall be available for a B-2 Conventional Munitions Storage Facility at Whiteman Air Force Base, Missouri, and $14,000,000 for Phase 1 of Force Protection Enhancement at Vance Air Force Base, Oklahoma."

GOALS AND IDEALS OF INFANT MORTALITY AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the HELP Committee be discharged from further consideration and that the Senate now proceed to the consideration of S. Res. 239.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 239) supporting the goals and ideals of Infant Mortality Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 239

Whereas infant mortality refers to the death of a baby before it reaches its first birthday;

Whereas the United States ranks 28th among industrialized nations in the rate of infant mortality;

Whereas in the United States, infant mortality increased in 2002, for the first time in more than 4 decades;

Whereas in 2002 the rate reached 7 deaths per 1,000 live births, which was the first increase since 1958;

Whereas the recent increase is a significant and troubling public health issue, especially for African American families, Native American families, and Hispanic families;

Whereas the infant mortality rate among African American women is more than double that of Caucasian women, according to a report produced by the National Healthy Start Association and by a related group supported by the health department of Allegheny County, in the State of Pennsylvania;

Whereas the Secretary of Health and Human Services has designated 2010, as the year by which certain objectives should be met with respect to the health status of the people of the United States;

Whereas such objectives, known as Healthy People 2010, include an objective regarding a decrease in the rate of infant mortality;

Whereas September 1, 2005, is the beginning of a period of several months during which there will be several national observances that relate to the issue of infant mortality, including the observance of October as Sudden Infant Death Awareness Month and November as Prematurity Awareness Month; and

Whereas it would be appropriate to observe September 2005, as Infant Mortality Awareness Month: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Infant Mortality Awareness Month in order to—

(1) increase national awareness of infant mortality and its contributing factors; and

(2) facilitate activities that will assist local communities in their efforts to meet the objective, as established by the Secretary of Health and Human Service in Healthy People 2010, that the rate of infant mortality in the United States be reduced to a rate of not more than 4.5 infant deaths per 1,000 births.

MEASURE STAR PRINTED—S. 1692

Mr. FRIST. Mr. President, I ask unanimous consent that S. 1692, the Emergency Agricultural Disaster Assistance Act of 2005, be star-printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 1745 AND S. 1748

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will please read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 1745) to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina.

A bill (S. 1748) to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection being heard, the bills will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 1761

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will please read the title of this bill for the first time.

The legislative clerk read as follows:

A bill (S. 1761) to clarify the liability of Government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast Region of the United States affected by Hurricane Katrina or other major disasters.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection being heard, the bill will receive its second reading on the next legislative day.

AMENDING THE UNITED STATES GRAIN STANDARDS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1752, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1752) to amend the United States Grain Standards Act to reauthorize that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1752) was read the third time and passed, as follows:

S. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF ACT.

(a) IN GENERAL.—Sections 7(j)(4), 7A(l)(3), 7D, 19, and 21(e) of the United States Grains Standards Act (7 U.S.C. 79(j)(4), 79a(*l*)(3), 79d, 87h, 87j(e)) are amended by striking "2005" each place it appears and inserting "2015".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on September 30, 2005.

ORDERS FOR MONDAY, SEPTEMBER 26, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, September 26. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to executive session for the consideration of Calendar No. 317, John Roberts to be Chief Justice of the United States. I further ask consent that the time from 1:30 to 2:30 be under the control of the majority leader or his designee, the time from 2:30 to 3:30 be under the control of the Democratic leader or his designee, 3:30 to 4:30 under majority control, and 4:30 to 5:30 under the control of the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, the Senate does continue to make steady progress on the business of the American people. We are hard at work funding the basic obligations of Government.

Today, we passed the Military Construction Appropriations Act. The Military Construction appropriations bill funds the entire Department of Veterans Affairs along with the construction of all five branches.

It provides for cancer research and funding for our VA hospitals, along with covering the cost of our treasured national monuments. I congratulate Senators HUTCHISON and FEINSTEIN for accomplishing consideration and passage of that bill in a single day. It took the cooperation of a lot of Members and proves that we can go quickly through the appropriations process. Again, I thank both of them.

This morning we also passed with near unanimous support the Agriculture appropriations bill. I thank Senator BENNETT and Senator KOHL for their tremendous work and leadership on this important bill. The Agriculture bill targets spending on the needs of rural America, while also maintaining funding for essential food assistance programs. The bill is particularly important to farmers in States all across the country, but in particular I want to comment on my home State.

It provides $2 million for Appalachian Horticultural Research, a collaborative project between the USDA and the University of Tennessee to help trees fight and resist disease; about $955,000 for research into the best way to protect soil and water quality on farms which can suffer from heavy erosion; nearly $40 billion for the very successful Boll Weevil Eradication Program which will help cotton farmers continue to combat this destructive pest.

These programs, along with major funding for USDA's rural development programs and housing services, are helping farm areas around the country continue to feed America and, indeed, continue to help feed the world.

Last week we also passed a third appropriations bill, the Commerce-Justice-Science bill. In addition to funding basic Government business, it includes significant Katrina-related measures. More than 350,000 families have been made homeless by the Katrina disaster. The CJS bill provides Federal housing assistance of up to $600 per family per month for up to 6 months to get these families back on their feet. I commend my colleagues for remaining focused on the appropriations process so that we can also meet our responsibilities to the victims of Katrina. We have extraordinary challenges before us, and we are working hard to deliver meaningful relief in the gulf region in a fiscally responsible way.

We moved quickly in the initial days to allocate appropriate funding. We also lifted the burden of student loans for those displaced from colleges and universities. We made sure that FEMA had funding to cover their national flood insurance obligations, and we passed legislation to get the Federal courts back on track in the regions affected. Since then, we passed aggressive tax relief to encourage charitable giving and to help hurricane victims rebuild their homes, restore their possessions, find housing, and find jobs. All of this is only the first step. There will be more. Helping the victims of Hurricane Katrina recover and rebuild is a monumental undertaking, an undertaking this body is focused on. We understand the absolutely critical importance of doing this in a fiscally responsible way, with full accountability and full transparency. This is America. America is up to the challenge. The Senate will continue to do its work moving forward in this regard.

PROGRAM

Mr. FRIST. Mr. President, next week we will begin to debate the nomination of Judge John Roberts to be America's Chief Justice. I am confident it will be a continuation of a process that has been quite dignified and civil. We will continue that momentum as we go through next week. A final vote on his nomination will be held on Thursday, and I look forward to a full and robust debate that brings credit to this great institution. Our duty to advise and consent on the selection of Supreme Court Justices is perhaps one of our most solemn obligations. I thank my colleagues for their continuing hard work in this regard.

In summary, the order we have laid out provides that we will begin the Roberts nomination on Monday. We were prepared to have Senators deliver opening statements during Friday's session. However, nobody has come forward with a specific request to speak. Therefore, we will return on Monday and proceed to executive session to begin that debate.

I mentioned earlier that we will vote on Monday, and Senators should expect that vote to begin somewhere around 5:30. We are clearing a number of legislative items, and we will announce on Monday what that vote will be.

I encourage my colleagues to take advantage of Monday and early Tuesday to speak on the Roberts nomination. Senators should not delay—please do not—their statements until Wednesday. The vote on the nomination will be next week. We will be prepared to remain in session as late as necessary to accommodate Members' speeches. I know that most all Members will either want to come to the floor or submit their statements to the RECORD, and we will accommodate them. Again, I encourage them, so we won't have this great rush on Wednesday or Thursday morning, to come Monday and Tuesday and make their addresses.

ADJOURNMENT UNTIL 1 P.M. MONDAY, SEPTEMBER 26, 2005

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Monday, September 26, 2005, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 2005:

DEPARTMENT OF DEFENSE

DORRANCE SMITH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE VICTORIA CLARKE.

EXECUTIVE OFFICE OF THE PRESIDENT

KATHERINE BAICKER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE HARVEY S. ROSEN, RESIGNED.

MATTHEW SLAUGHTER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KRISTIN J. FORBES, RESIGNED.

DEPARTMENT OF STATE

BENSON K. WHITNEY, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

DAVID M. HALE, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOHN O. AGWUNOBI, OF FLORIDA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DANIEL P. LEAF, 9223

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. MAPLES, 9508

DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

ROBERT B. HOLLAND III, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

CONFIRMATION

Executive nomination confirmed by the Senate: Thursday, September 22, 2005:

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ROBERT B. HOLLAND III, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

HOUSE OF REPRESENTATIVES—*Thursday, September 22, 2005*

The House met at 10 a.m.

The Reverend Anthony Marciano, Executive Director, Charlotte Rescue Mission, Charlotte, North Carolina, offered the following prayer:

I come as a Christian and invite you in your own faith to pray with me now.

God our Father,

We come before You with passionate hearts and minds for the people we represent and this land we love.

I ask You to bless these Representatives. You know their heart for their constituency, their hope for this country and prayer for peace in our world. You have witnessed the agony they feel when decisions are made and votes are cast in the best interest of this country. Let their vote be with integrity, even if it means being misunderstood for the position they have taken on the matter at hand.

I ask Your blessing, not for their honor, but on this land You have entrusted to their care. When their term is finished and they no longer darken these hallowed halls, may America remember their character, demonstrated by the decisions they will have made.

Give them Your wisdom, and discernment that they may demonstrate Your love.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 3761. An act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 3768) "An act to provide emergency tax relief for persons affected by Hurricane Katrina.".

The message also announced that pursuant to Public Law 98-183, as amended by Public Law 103-419, the Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, appoints Arlan D. Melendez, of Nevada, to the United States Commission on Civil Rights.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minutes on each side.

MATERNAL SMOKING

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, smoking during pregnancy is associated with low birth weight in babies, preterm births, and perinatal deaths.

Low birth weight babies often suffer complications such as underdeveloped lungs and require special care and longer hospital stays that can cost up to $2 billion annually in increased health care costs. As the children grow up, they are at increased risk for other health problems throughout their young lives.

The Centers for Disease Control and Prevention found that if pregnant women on Medicaid receive counseling that reduces smoking, millions and perhaps billions in excess Medicaid health care costs could be avoided. This extends widely as we cover other areas to help reduce smoking.

Congress needs to continue to provide health care organizations with data on the cost effectiveness of cessation services to encourage private plans and government-funded plans to cover smoking cessation. By reducing maternal smoking during pregnancy, we can save not just one but two lives at a time.

I urge my colleagues to visit my Web site at murphy.house.gov to learn about more ways to save lives and to save money by reducing health care costs.

TAKE CARE OF AMERICANS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, America must begin to take care of things here at home, to protect the people from hurricanes and floods, to protect the people from the oil and gas monopolies. America must begin to take care of things at home to protect Social Security from privatization, to have the wealthy pay a fair share of the taxes. America must begin to take care of things at home, to have an exit strategy from Iraq to bring our troops home. America must begin to take care of things at home to rebuild the gulf coast, to rebuild the American economy, to rebuild hope in the future, to end fear and uncertainty.

Who will protect the American people if we do not? We will assure and must assure their education, jobs, living wages, health care, and retirement security. If we do not, who will?

IRAQIS TAKING CHARGE OF THEIR OWN NATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Iraqis are not yet fully capable of defending themselves against the terrorists. But they are getting much closer.

In Tal Afar 5,000 Iraqis led 3,800 Americans in taking back the town from terrorists. The force killed 157 terrorists, captured 440, seized 34 weapons caches. The victory is a watershed moment in the war against terror. It was the largest urban offensive in Iraq since Americans led the Fallujah offensive last year. It is proof that with proper training Iraqis can do it better than us.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In Fallujah, the Americans withdrew and the terrorists reappeared. In Tal Afar, though, Iraqis are weeding out the terrorists and seeding the town with security forces. This will become the model for future operations in towns like Ramadi. Upcoming elections and the permanent establishment of the Iraqi constitution will lend legitimacy to this young democracy and move them closer to victory. Another ally in the cause of freedom.

FLOOD INSURANCE REFORM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, despite our recent flood insurance reforms, Katrina revealed that much remains to be done. Damage on a massive scale triggered payouts and borrowing that mean the program must be revised, including a significant one-time-only subsidy. We should reconsider who must be covered and how the insurance premiums will be paid as well as the tricky question of flood versus wind damage. And certainly more attention must be given to the role and responsibilities of communities to make their citizens safer. It is very likely that some of the weakest regulatory protections in the Nation contributed to the Katrina devastation.

I urge my colleagues to join me in this critical effort to fix the flood insurance program today and reform it for the future.

FISCAL RESPONSIBILITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, fiscal responsibility is one of those tenets of our Republican philosophy. It is something our constituents remind us of every day. A constituent called yesterday following our Operation Offset press conference. She liked what she saw. Her advice was an old adage from her granny: Mind your pennies and your dollars will mind themselves.

I said. No, we're minding your pennies, the taxpayers' pennies, their dollars. This is their money. It is not government's money. We need to remember that.

Mr. Speaker, this House under our Republican leadership has passed a 2006 budget that worked to reduce discretionary spending. It is a great step in beginning to rein in the growth of government. I commend them for that. This House has passed tax relief that has led to 3 million new jobs being created. We need to keep that. I want to thank the leadership for that good work and to thank them for encouraging every Member of this body to work with them to find a way for us to address the needs that our Nation has in response to Hurricane Katrina. I want to thank Republican Study Committee Chairman PENCE for his good work on Operation Offset in providing us with another opportunity to reaffirm that we are the party of fiscal responsibility.

KATRINA AND IRAQ COSTS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, the double standard in this Congress takes your breath away. In the 2½ years since I have been in Congress, this body has allocated nearly $400 billion for Iraq without a worry about the deficit. You have funded three wars with four tax cuts and added $3 trillion to the Nation's debt. Yet when this Congress is facing a tab for rebuilding the lives of Americans that is roughly half of what we have spent in the Iraqi war, suddenly everybody is a deficit hawk in this institution.

In Iraq we have spent millions to rebuild the Sweet Water Canal system, including the repair of the levee system. But here in America we cut levee construction and repair for Louisiana by 80 percent. When it comes to rebuilding Iraq, this Congress writes hot checks. Rebuilding America? You want to cut education and health care. Your inconsistency is breathtaking, especially when America draws the short stick. When it comes to rebuilding in the gulf coast, you are turning yourself into pretzels, all to protect tax cuts for the wealthy.

But rebuilding Iraq should not come at the expense of America's future. Everyone must have skin in the game when it comes to meeting our challenges. Freedom is not free. This Congress cannot have one set of books and one set of priorities for Iraq and another for the American people and their future.

LAWSUIT ABUSE AWARENESS WEEK

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, as a third generation physician, I have seen health care in our Nation change in the most dynamic of ways. Advances in medicine and technology have improved the lives of millions of people. Today, however, the doctor-patient relationship that is so critical in providing quality health care is being exploited. It is no wonder that four out of every five Americans are wary of frivolous lawsuits in health care. Insurance companies, personal injury trial lawyers and even the potential of a lawsuit are leading hospitals to close their doors and doctors to stop practicing faster than ever before.

Lawsuit Abuse Awareness Week begins on October 3, not a moment too soon. Health care decisions must and should be made in the clinic and the operating room, not the courtroom. Decisions should be in the best interests of patients, not in the best interests of the pocketbooks of personal injury lawyers. I have seen it happen myself, with doctors making medical decisions out of fear of lawsuits, not from what they learned in medical school. That is not why they devoted their lives to medicine. Their only desire is to help heal people, not worry about whether their diagnosis would be put on trial.

HONORING MANUEL ESQUEDA

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in recognition of Mr. Manuel Esqueda, a retired banker who over his lifetime helped send nearly 2,000 Latino students to college, many of whom were the first in their families to go.

Manuel's dedication to his community and education came from his deep-seated connection to the Delhi neighborhood of Santa Ana, California, where he grew up and where his family was able to buy a home when other Mexican Americans were unable to do so. He was active in the development of the Delhi Community Center, which is now a centerpiece of that neighborhood.

In honor of his community service, the Manuel Esqueda Elementary School was dedicated on September 8, 2005, to honor a man who never wanted recognition for himself but whose dedication to his community and to the Latino people of Santa Ana, California garnered him prestige and love.

Manuel was honored to have a school named for him, and from his hospital bed he tried to hold on so he could be there for the first day of school. Unfortunately, Manuel passed away 2 days before he was able to witness the opening of this school with his name.

He will be remembered fondly and his spirit will go on in all those young people who enter the doors of the Esqueda Elementary School in Santa Ana.

□ 1015

TAX BREAKS FOR THE GAMBLING INDUSTRY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I cannot believe the White House is planning to provide the gambling industry in the gulf region with special tax breaks as part of their economic recovery package. This is a disgrace.

In the wake of devastation left by Hurricane Katrina, taxpayer dollars should be helping these, indeed, the poor and the vulnerable.

In today's Washington Post, White House officials are quoted as saying they do not plan to exclude the gambling interests from receiving tax breaks.

In Mississippi, the gambling interests do not even receive special economic development tax breaks. I am outraged. And probably more telling is the shock coming from the industry itself.

A Harrah's spokesman in this morning's Post is quoted as saying, "We're actually scratching our heads. We can't ever remember an instance of being offered a tax credit, ever!"

Economists in Mississippi say it is not needed. "The casinos don't need this. If they are eligible, that would be a complete waste of money," from an economist from Ole Miss in The Washington Post today.

It is outrageous with budget deficits growing to historic levels, tax breaks for the gambling industry does not make sense.

The Bush administration, I will tell you, if this is in their package, this will be a disgrace and the American people will turn against this administration..

Give the money to the poor, the needy, the vulnerable, and not to the gambling interests that already have special insurance policies for this.

PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 455

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution before us provides for a structured rule for the consideration of H.R. 2123, the School Readiness Act of 2005, and makes a good number of important amendments in order and will provide for a full and wide-ranging debate on all the aspects of the Head Start program.

Mr. Speaker, H.R. 2123 was passed out of the Committee on Education and the Workforce unanimously. It reauthorizes the Head Start program for fiscal 2011. At the same time, the bill incorporates a number of wide-ranging and widely supported commonsense improvements to Head Start which will improve teacher education standards, increase the accountability for the use of funds, and enhance outreach to the most deserving students.

The underlying bill does not include provisions which were deemed by some controversial in the base text, such as providing hiring protection for faith-based Head Start providers. Instead, the rule does provide for this and other items to be debated and voted upon separately so that the House may work its will and the final outcome will reflect the views of the majority of the Members, which is an understandable approach.

The Head Start program has provided comprehensive early childhood development services to low-income and disadvantaged children since the mid-1960s. Today, almost 1 million students are involved in Head Start. The Head Start program is good. In some places the Head Start program is great.

I do not want to be a little bit parochial here, but being well acquainted with those involved in Head Start in my particular area, they do a great job and I am very proud of my association with them. But in each of these situations, the program still could be better. For that purpose, this bill focuses or attempts to focus the academic program more clearly in particular areas. They put greater emphasis on language skills, prereading, premath, and cognitive skills. They insist that any new money above and beyond the funding skills, 60 percent of that be tendered only to teacher quality, which is where that emphasis needs to be.

The Head Start program is administered by the Department of Health and Human Services and is accomplished through grants that directly go to applying entities.

The Head Start program has been largely successful because the Head Start program is locally designed and they are administered by a network of 1,600 public and private nonprofit and forprofit agencies at the local level. Because of this local emphasis, educators can tailor their approaches to fill the specific needs of the populations they serve, instead of a one-size-fits-all approach that too many other Federal programs, including other Federal education programs, have.

Especially important is this particular thing, that in the text of this particular bill it puts a greater emphasis on tying Head Start programs to a State's curricular standards. To be a priority grantee in the Head Start program, they have to show a pure correlation to a State's curriculum standard. This is for the benefit of the kids coming through the system.

Of increasing specific importance to me is the local tie-in that is demanded by this particular bill. The Head Start programs have to demonstrate an active support in trying to tie their programs into local school districts. This is essential in the long run if you want to have a smooth transition between Head Start and the local schools. Too often programs running contrary to that simply have a disconnect; and, therefore, there is not local support for these programs. This bill recognizes that is a serious problem and a serious error and attempts to try to bridge that gap by insisting that Head Start programs work closely with their local school districts to provide a seamless entry for those kids going through Head Start into the regular school programs in the States where they are.

The GAO was critical of some financial management standards of the Head Start program. To solve that without losing the purpose of Head Start, which is to help disadvantaged kids prepare for school, they have increased the element of competition within the program. The competition that will be new in this particular program will drive improvements in Head Start; at the same time it will meet the needs of a recommended financial management that the GAO suggested. By looking for and rewarding success in Head Start programs and also looking for and punishing deficiencies in any 5-year cycle, there is an element to try to improve this program, taking a program that is good and great and in every situation making it indeed better.

There are also within this guarantees that there is a guaranteed share of the money that will go to Native American programs, migrant and seasonal workers, the most disadvantaged of the groups that Head Start is trying to help and assist, who will never be placed at a disadvantage in the overall process.

In addition to that, this bill removes certain flawed techniques of evaluation that have been standardly used by the Head Start program and replaces them with something that is more scientifically based.

The rule that is currently before us provides for important amendments and policy discussion, and it is a very fair rule. In addition to a manager's amendment, the chairman of the committee who recommended this bill recommended four amendments, two by Republicans and two by Democrats. The Committee on Rules instead, in addition to the manager's amendment, recommended 11 additional amendments, five by Republicans, six by Democrats.

I commend the gentleman from Ohio (Mr. BOEHNER) and the sponsor of this legislation, the gentleman from Delaware (Mr. CASTLE), for their hard work in placing this bill before the House; and I urge all of my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for the time, and I yield myself such time as I may consume.

Mr. Speaker, yesterday the Committee on Rules reported out a restrictive rule providing for the consideration of the School Readiness and Head Start Reauthorization Act.

A total of 24 amendments were submitted to the Committee on Rules on this bill, 16 by Democratic members and eight by Republicans. In typical fashion, however, only 12 of those amendments were made in order. Half of our colleagues' proposals, half of their legislative ideas, half of their amendments are blocked from consideration under this rule.

This includes, among many others, the McCollum-Van Hollen amendment, which calls for providing assistance to Head Start providers complying with congressional transportation mandates and the rising costs of gasoline. This commonsense amendment provided much needed assistance to Head Start programs that are having to cope with escalating gasoline costs. They are now choosing between buying new books for their students and putting gas into their buses. Unfortunately, the House will not have the opportunity to debate this amendment because it was not made in order under the rule.

As all Members should know, Head Start was created to address the preparatory educational deficiencies among economically disadvantaged children as a part of the War on Poverty. Since that time, millions of children and families have been the beneficiaries, of a proven winning educational model for early childhood development.

This body likes to talk about readiness in many contexts: disaster readiness, military readiness, emergency readiness. We devise and implement all kinds of plans in order to be ready or prepared for any eventuality. School readiness is more than just being prepared for entry into the educational system. It is preparation for entry into life's systems.

Head Start is just what it says: a head start. It gives systematically, economically and socially disadvantaged children the head start that potentially allows for the navigation and negotiation of hurdles in life's race that they may not otherwise have been able to maneuver without. It is at this very point in the lives of our children that they are introduced to varying themes and concepts that will shape them into the individuals they will become.

Several of my Democratic colleagues from the Congressional Black Caucus have designed excellent amendments designed to broaden the scope of readiness for America's disadvantaged children.

The gentleman from Illinois (Mr. DAVIS) had an amendment and it asked for the recruitment of African American and Latino men to become Head Start teachers. This was made in order.

The gentleman from Mississippi's (Mr. THOMPSON) amendment calls for the Department of Health and Human Services to provide additional assistance in areas affected by Hurricane Katrina, and I suggested to the Chair that we broaden that to include any disaster so that children are covered who are in the Head Start category.

The gentlewoman from California's (Ms. MILLENDER-McDONALD) amendment allows homeless and foster children to be automatically eligible for Head Start. These amendments were designed to help, not hinder; to move forward, not backward; to grow, not stifle.

□ 1030

I am pleased that they were made in order and enthusiastically support each of these amendments.

Unfortunately, although the underlying legislation has the support of both parties, the rule also makes in order a controversial and discriminatory amendment offered by the gentleman from Louisiana (Mr. BOUSTANY), our colleague. His amendment contains language that should give all of us pause and may cause this bill not to pass should it be approved by this body.

The Boustany amendment allows faith-based Head Start providers to discriminate with regard to religion when hiring personnel to run their programs.

Does this not blatantly and egregiously undermine what we are trying to do here? We are supposed to be about the business of creating opportunities and closing gaps.

The Boustany amendment only creates opportunities of systemic disadvantage and discrimination and closes doors to the very ones trying to open them for America's children.

Even more, title VII of the 1964 Civil Rights Act clearly stands in opposition to the gentleman from Louisiana's (Mr. BOUSTANY) amendment, the same title VII that was voted on and agreed to by the Members of this great body 41 years ago. Title VII provides every citizen broad-based protection against employment discrimination based on race, color, religion, sex, and national origin.

Supporters of the amendment will argue that the Supreme Court decision in the Amos case allows for the amendment to be in order and is, therefore, constitutional. That decision does, in fact, allow for the consideration of religion in hiring practices. However, it does not allow for the consideration of religion to discriminate in hiring practices.

How soon we forget that it is the very same language that made this bill highly controversial in the 108th Congress, and it will allow for it to be controversial if it passes again. I urge my colleagues to oppose this amendment.

Mr. Speaker, if we are serious about the lives of our children, if we are serious about readiness, if we are serious about reauthorizing Head Start, then it is critical that we continue to work in a bipartisan fashion and reject proposals which seek to divide this body and its Members. The chairman of this committee and the ranking member and the members of this committee have worked very actively to fashion a reasonable and bipartisan effort. Congress should not be in the business of supporting State-sponsored discrimination. Forty-one years ago we said no. Today, 41 years later, no still is no.

The House should, without question or hesitation, reject the Boustany amendment and approve the bipartisan underlying legislation with some of the proposed amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

If I could just make a note of the amendments that were not made in order, of the 12, four were defeated in committee. So they did have a hearing in which they were discussed. Two were not germane. One was withdrawn in the committee. One was withdrawn before our Committee on Rules. Two dealt with issues that can be dealt with in other bills and should be dealt with in other bills. One was combined and given preference to a similar bill, and one was a policy issue that we simply said would not be there because it would take money away from the training of teachers, in contradiction with what the bill was trying to do.

Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from Utah for yielding time, and Mr. Speaker, today we have an opportunity to act on behalf of the nearly 1 million disadvantaged children in the United States who participate in the Head Start early childhood education program every year. The bill before us, the School Readiness Act, was introduced by the gentleman from Delaware (Mr. CASTLE), my friend and colleague, and approved unanimously by the Committee on Education and the Workforce in May.

For four decades, Head Start has provided comprehensive services to help prepare low-income preschool children for success in school and in life. Unfortunately, Head Start children still enter school lagging behind their more affluent peers. If we do not address this readiness gap, Head Start children will continue to enter school without the level of preparedness that we know that they need. Another problem we have witnessed is an alarming number of financial abuses in various Head Start programs, showing that taxpayer dollars are not always being used to serve disadvantaged children and their families.

We must demand more in exchange for the money we are investing, and that is why the bill before us reforms and strengthens the Head Start program. To protect parents, children and taxpayers, the School Readiness Act subjects Head Start operators to an annual independent financial audit and requires them to file an annual financial disclosure statement that documents how Federal Head Start funds were used. These protections are a direct response to the reports of chronic financial abuse that have surfaced in recent years.

Another important component of this bill is that it will create greater competition to ensure Federal dollars are being spent wisely. The bill requires Head Start grantees that fail to meet program requirements to compete in order to continue receiving funds. This commonsense reform will fundamentally shift expectations in the Head Start program by demanding nothing less than the highest quality programs, and for the first time ever, programs that fail to meet expectations will face the possibility of losing Federal funding.

Later today we will debate an important amendment offered by the gentleman from Florida (Mr. MICA), which has been a priority of mine, that will complement our efforts to introduce greater competition into the program. The amendment would help implement a reform initiative at the Department of Health and Human Services designed to address the internal weaknesses in the Head Start management structure and improve its overall effectiveness, and I would urge my colleagues to support it.

Lastly, I would like to note another critical issue we will consider today in the aftermath of Hurricane Katrina. Faith-based organizations were among the first to reach out and lend a hand in service to those impacted by this disaster. It does not take a hurricane or another large-scale catastrophe to rally faith-based organizations to assist their fellow Americans each and every day. They focus on issues from job training to child care and everything in between. President Bush has called them the armies of compassion, and these armies are always on the front lines when our Nation needs them most.

Too often, the Federal Government has ignored or impeded the efforts of faith-based organizations willing to lend a helping hand in providing critical services to the neediest in our communities. The Boustany amendment will protect the rights of faith-based groups to fully participate in serving Head Start children without relinquishing their religious identities.

The 1964 Civil Rights Act made clear that when faith-based groups hire employees on a religious basis, it is an exercise of the group's civil liberties. Former President Bill Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive Federal funds, and a 1987 Supreme Court decision unanimously upheld this right. This amendment deserves the support of all of our colleagues.

I think the rule before us today is a fair rule that makes in order an array of Democrat and Republican amendments, and I would urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot impress enough to the chairman that title VII of the Civil Rights Act of 1964 applies to the use of religious organizations' own resources, not Federal taxpayer dollars.

Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentlewoman from California (Ms. MATSUI), my good friend with whom I serve on the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise today in support of a program that works, Head Start, and our efforts today to reauthorize the program in this School Readiness Act.

Head Start has proven itself time and time again to be an effective program and a worthwhile investment of Federal dollars. For every dollar invested, we see a $7 return. Imagine those returns on the stock market. An investment of $100,000 means that ultimately you would see $700,000 in your account. In fact, with those returns, we should be authorizing a higher level of funding.

We are all aware of just how critical a child's first years are, and this is a program that is so much more than just early education and reading skills. It is also about health care, nutritional and social benefits for the children as well as their parents. Head Start is about ensuring children are on the right path as they begin their education careers.

Earlier this year, I visited two of the over 110 Head Start centers in Sacramento County in my district. During the visit, I witnessed the tangible reward of this program, as well as the harder-to-define benefits.

At one of the centers, they were learning about shoes, from slippers and sneakers to work boots and rain boots. The children were not only learning about how the shoes indicated what people were doing, but about all of the possibilities available to them; that one day they, too, could be wearing those doctor's booties or those firefighter's boots.

With a goal in mind, maybe not consciously outlined but still a hint of an idea, these children began to dream about the positive benefits of education and where in life an education can take them.

Lifting children out of poverty, offering them hope and possibility instead of despair is truly a worthwhile endeavor, a lesson that Head Start works to teach.

I do have one concern today, and that is about the possibility that an amendment allowing religious discrimination could be added to this legislation. The idea of discrimination is not something we should be teaching our children. By allowing this discrimination, we could be blocking countless parents from rising out of poverty. Already, thousands of parents have transitioned from parent volunteer to a full-time paid Head Start teacher.

There is a bigger and more fundamental issue at stake. Head Start emerged from the civil rights platform of equality and minimizing the reach of poverty in this Nation. Yet, this amendment is about allowing discrimination.

Discrimination only serves to divide us. It pits one individual against another, one group against another, something we see far too often. This is not a lesson the children should learn.

Head Start is a good program. We should keep it that way, for all the children of Sacramento and all across the country. I would hope that during consideration of this legislation today, we would vote down the religious discrimination amendment so we can see this good bill move forward.

Mr. BISHOP of Utah. Mr. Speaker, I am more than pleased to yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of the rule and of the underlying Head Start bill. Since I was elected to Congress in 2000, we have increased Head Start funding by 28 percent, from $5.8 billion in 2000 to $6.8 billion today.

Head Start is a crucial program for over 900,000 of our Nation's most needy students. It provides child development, educational, health, nutritional, social and other activities to help prepare young children for kindergarten. A good Head Start program will make sure that low-income 4-year-old children will know their ABCs, be able to count to 20, have the building blocks they need to hit the ground running on their first day of kindergarten.

We know today how important early childhood education is to a child's long-term success. Head Start makes sure that children from low-income families have the educational foundation they need to succeed.

As a father of two, I know firsthand how precious our children's first years are and how important they are to our children's future. I am proud of Congress' increased support for low-income children through the Head Start program, and I urge my colleagues to vote "yes" on the rule and "yes" on the Head Start reauthorization bill.

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Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to express my sincere disappointment in the Committee on Rules decision to report a restrictive rule for consideration of the bill before us today, the reauthorization of Head Start, the future of our children.

Several commonsense amendments were not ruled in order. Not surprising, most of them were Democratic amendments. Instead, several amendments that were ruled in order will weaken Head Start and the opportunity for our children.

In the committee, there was support of adding the language "faith-based" into the bill, even though faith-based institutions currently participate in providing Head Start programs. We were happy to do this in committee; I was also, along with my colleagues, because the Equal Opportunity Employment Act is also spelled out clearly in the bill, which does not allow for discrimination in hiring.

But there was another amendment that was not ruled in order, my amendment, an amendment which would have protected the privacy of our faith-based organizations and the integrity of our tax dollars. The amendment that I offered in the Committee on Rules would have simply required faith-based organizations to create a separate bank account, a separate bank account in which to receive Federal dollars for the Head Start program, a distinct and separate bank account from the private dollars that a religious organization collects to put forward their religious mission.

Why do we need to do that? Well, first, we need to protect Federal tax dollars from being used improperly; and, secondly, we need to protect the privacy of faith-based organizations' accounting books for their religious mission. With the commingling of funds, if fraud is suspected, a faith-based organization would have to open up all of their books for inspection. My amendment would have required separate accounts, therefore, protecting the church's mission and the Federal education mission of Head Start.

Mr. Speaker, let me quote from the Covenant Companion, a Christian publication. I quote from this publication, and I will also include this in the RECORD, as well as two other publications that speak to this. From the Covenant: "Churches are particularly vulnerable to embezzlement because of the high-level of trust given to employees and volunteers that lack the sophistication, fiscal controls, and oversight."

My amendment simply would have been a preemptive strike against financial abuse that we know will happen because it has already occurred. For example, this past summer, $80,000 was stolen from a Federal Head Start program run by a church.

Mr. Speaker, I urge my colleagues to reject this rule. We need a new rule, one that will protect the taxpayers, one that will protect faith-based organizations and stop discrimination.

[From the Covenant Companion, Apr. 2003]

WHEN THE NUMBERS DON'T ADD UP

(By Bob Smietana)

Sandra had a problem—an overdue Visa bill for $672 and no cash to pay it. And the Visa bill wasn't the only problem. Sandra was behind on a number of other bills and her creditors were calling. And calling.

Then Sandra, the bookkeeper at a small manufacturing company in Kansas, came up with a desperate plan. She would use one of the company's checks to pay her bill. "I thought, just this one time, just to get back on my feet," she told Fortune Small Business (FSB) magazine. "No one will know."

To disguise her actions, Sandra recorded the check under the name of one of the company's vendors. When the bank statement came, she removed the canceled check, leaving no trace of the theft.

But it wasn't just one time. From 1992 to 1999, Sandra, a former small town cheerleader and mother of two, wrote out eighty-eight checks to pay her bills and made eighty-eight false entries. The total, according to FSB, was $248,383—all of it going to pay living expenses. Since her employers at the small, family-run business trusted her, they never checked her work.

The embezzlement was discovered when Sandra went on vacation. While she was gone, one of the canceled checks was found and her boss discovered what she had done. Sandra was convicted of embezzlement and sentenced to eighteen months in prison.

While fraud at major companies like World Com and Enron have made headlines in recent years, small businesses, nonprofits, and churches are particularly vulnerable to embezzlement because of the level of trust given to employees and volunteers and the lack of sophisticated financial controls and oversight.

In the past three years, GuideOne, which insures 45,000 churches in the United States, paid 3,845 claims to churches for losses from theft (by people outside the church) or embezzlement (by people inside the church). Those claims total over $8 million, with an average claim of $2,106.

In the past ten years, at least eleven Covenant churches have reported being victims of embezzlement, with anywhere from "just over" $10,000 to more than $300,000 taken by people they trusted—volunteer treasurers, church staff, even a pastor. At least one major embezzlement at a Covenant church was discovered in 2002. And the actual number of embezzlements is likely higher because many churches are reluctant to report when a member of the church has embezzled money.

Kent Egging, interim pastor of Bethany Covenant Church in Mount Vernon, Washington, has studied embezzlement in churches as part of a doctor of ministry degree program. Egging also knows the effects of embezzlement on a church firsthand—while he was co-pastor of a Covenant church in Portland, Oregon, the church's treasurer embezzled more than $45,000.

The embezzlement began in 1992, soon after Jim, a member of the church, became treasurer. His main qualification, Egging says, was not formal training in business or accounting—"he was willing to do the job."

Soon after starting, Jim learned that the church had a separate account to handle funds for a campaign to build a Christian education (CE) wing. Since the funds were not needed immediately, there seemed to be no need to closely monitor the account.

That separate account gave Jim two things that an embezzler needs to succeed—access and no accountability. "He found he could transfer funds into this CE account and then withdraw them," says Egging, "and absolutely nobody knew."

The transfers were made by phone, leaving no paper trail, and then the treasurer would create a false financial statement, which made it appear that the transactions had never taken place.

"When the building committee began asking for access to the CE funds, they had a hard time getting Jim to write them a check. In April 1993, he admitted—at first—taking $20,000. After learning about the embezzlement, the church discussed whether or not to call the police. In the process, Egging talked with a friend who worked in the local district attorney's office.

"You call the police now," his friend told him. "You call them now. Here's what I can tell you—if he says it's twenty, it's probably forty. If he says he'll do anything you want right now to repay it, two months from now he won't be willing to do anything."

Much of what Egging's friend said was accurate. A thorough investigation revealed that $45,000 was missing. While the church filed a police report, they did not press charges. Instead, they reached a binding agreement with their former treasurer to repay the money.

"We ended up having a stipulated statement of judgment," says Egging, "which is a combination of a legally binding confession to a crime, so there is no need for prosecution, and a contract for repayment." The agreement for repayment was for about $50,000. The church only received about $300.

Restoring trust after an embezzlement at a church is a long process. The first step is getting an accurate picture of what was lost. "It was very important for us to do a proper accounting," says Egging. "The biggest issue in all of this is trust, the violation of trust. It's not about the money so much. It's about the trust. He violated our trust. The trust of leaders in the congregation was in question because of this."

To prevent any embezzlement from happening in the future, the church revamped its entire financial system. They hired a CPA to set up and monitor new accounting procedures. The church changed its bank accounts so that telephone transfers were no longer allowed. All financial statements were kept at the church, and all accounting work was done on the church's office computer rather than on a volunteer's home computer. That's an area of vulnerability in most churches, says Egging.

"I would bet that most churches in America have some or a significant number of financial records at somebody's house in a box or on somebody's home computer," he says, "because home computers are generally better than church computers. A church wants to make it easy for a volunteer who's working on church finances."

Embezzlement can happen even when a church has taken steps to prevent financial losses. That was the case at Highland Covenant Church in Bellevue, Washington, during the mid-1990s. The church had a number of common financial safeguards in place—two signatures were required on every check, two people were present whenever collections were counted, and the church did an internal audit of its book each year. Highland also practiced a "segregation of duties." One person, the financial secretary, deposited funds; another person, the bookkeeper, prepared checks. Neither the bookkeeper nor the financial secretary was allowed to sign checks.

For the most part, Beth, the church's bookkeeper, generated Highland's checks on her computer. "But every few months, she would call up and say her printer wasn't working," says Dave Kersten, who was pastor of Highland Covenant from 1986 to 1997.

When this happened, Beth would prepare all of the payroll checks by hand and then send them to the church office to be signed. After they were signed, she would alter the checks, adding just a single digit to increase the amount, sometimes by several thousand dollars.

"She would write herself a check and her husband a check, because he was the part-time janitor," says Kersten. "Instead of it being a check for $700—it could become a check for $4,700." Over a seven-year period, Beth took more than $300,000.

The embezzlement was not detected because the church's bookkeeper had control of the bank statements. Early on, she had asked that all of the church's bank statement be sent to her home. "And in a very trusting environment," says Kersten, "that was the big mistake."

When the first altered check was discovered, Kersten called the Bellevue police and spoke to a fraud detective.

"As soon as he heard that she had control of the bank statements, he knew that he had a real case," Kersten says. "Invariably, when an organization allows a person who is writing the checks to control the bank statements, they are very vulnerable."

While the church's financial reports indicated that it had money in savings and other discretionary funds, that proved to be false as well. All of those funds had been folded into the church's checking account. And because the embezzlement had taken place slowly, over a long period of time, it was easier to hide even during internal audits.

Each year, two members were appointed to audit the books. They would call up Beth and ask her to send 3 months of statements, picked at random. "She would pick months she didn't embezzle any funds and send them those accounts," says Kersten. "The books balanced and that was the end of the story."

The embezzlement came to light in April 1995, after the church let Beth go as bookkeeper because of suspicions that something was wrong with the church's finances. She was arrested, tried, convicted, and sentenced to 40 months in jail. The decision to turn the matter over to the police had been fairly straightforward, because of the amount of money involved.

Because their policy limited the amount of losses due to embezzlement or fraud, Highland received less than $20,000 from their insurance company. But the church was able to recover from the embezzlement, and by the time Kersten left in 1997, had rebuilt their savings and completed a major fund-raising campaign.

Most churches, charities, and businesses that are victims of embezzlement are never able to recover the funds they lost. Often their insurance policies have clauses that limit liability due to fraud. Many embezzlers have financial problems and, despite stealing large sums of money, have no assets left when they are caught. And while embezzlers often make restitution plans, it is difficult to enforce them.

Remember Sandra, the accountant from Kansas? She was released from prison 2 months early so she could start repaying what she stole. According to FSB, she makes a monthly payment of $100—at that rate, it will take 20 years to pay it all back. She said she told her story because she wanted to help prevent other people from making the same mistakes she did.

"I'm not a bad person," Sandra told FSB. "But I did a really bad thing."

PROTECTING YOUR MINISTRY FROM INTERNAL THREATS

When Fred Meyers was elected treasurer of First Community Church, it didn't take him long to realize something wasn't adding up with the church's finances. After scouring the church ledger and consulting a private CPA, Meyers informed church leaders that First Community had been the victim of embezzlement.

Church leaders soon discovered that, over the past several years, an usher had been directing offering money into his own pockets. Overall, nearly $10,000 of tithes and offerings never made it into the church's account.

In the business world, embezzlement is the most common financial crime in the Nation. Unfortunately, it's also a frequent crime against churches and not-for-profit ministries. And, unlike other crimes against religious organizations, embezzlement is perpetrated by a trusted person from within.

Most church leaders don't want to acknowledge the likelihood of one of their own parishioners or employees committing a crime against their organization. But, although these types of crimes may not be widespread, they are common enough-and costly enough-to warrant preventive measures.

PUT IT IN WRITING

Develop a comprehensive written policy governing the handling of your ministry's finances. This policy should clearly spell out the procedures for handling church finances, making deposits and withdrawals from church accounts, accessing financial records, and conducting other financial business.

Having procedures in writing and explaining these procedures to employees and volunteers will promote consistent handling of your organization's finances. Written guidelines let everyone know what's expected of them. And, they discourage dishonest employees from using ignorance of proper procedures as a defense of their criminal actions.

In addition to a written policy for handling finances, it's helpful to have written position descriptions for all employees and volunteers. Position descriptions can eliminate confusion over who has access to certain financial documents and who's authorized to perform certain financial functions.

Document all financial transactions clearly and immediately. Record deposits, withdrawals, loan payments, payroll, and any other financial transactions. Keep these records (and duplicates, if necessary) in a safe place. By documenting all financial procedures, your organization can detect discrepancies quickly, protect honest employees from unwarranted accusations, and gather necessary evidence to identify criminals in the event of a financial crime.

Implement a program for documenting suspicious financial incidents. In many cases, at least one other employee or volunteer is aware of—or at least suspicious of—fraud or embezzlement. Making it easy and safe for employees and volunteers to report suspicious financial activity will make it more likely that they'll come forward with helpful information.

Develop a program for handling church finances in which the receipt, deposit, distribution, and documentation of church money is carried out by different people. Require dual signatures for financial transactions like withdrawals or for endorsing and cashing church checks for more than a certain dollar amount. If control over financial operations is divided among several people, it will be extremely difficult for discrepancies to go undetected.

WATCH OVER YOUR OFFERINGS

Tithes and offerings represent the greatest internal threat of loss to churches and ministries. And, because significant portions of offerings are made in cash and are usually collected and counted by volunteers, the misuse or misappropriation of cash offerings is one of the easier crimes to commit against churches.

To protect your church's offerings, follow these steps:

Ask your congregants to place financial gifts in envelopes preprinted with their names and addresses before placing them in the offering plate. This will make it harder to discern what portion of the offering is cash and what portion is checks.

Always have at least two people present when counting the offering. It's best to use longtime church members who've established a reputation of being trustworthy. Develop a list of such people, and periodically rotate those on the list when offerings are counted. Also, avoid counting the offering behind closed doors.

Stamp checks "For Deposit Only" when endorsing them. This will make it more difficult for the money to be redirected anywhere except to your church's account. Also, using colored ink, rather than black ink, on rubber stamp images makes it harder to use a copy machine to forge them.

Have an independent certified public accountant (CPA) periodically review your financial control procedures. A CPA can tell you whether your procedures are adequate and give you additional guidelines to help you protect your finances from threats from within.

PROTECT YOUR PHYSICAL PROPERTY

In addition to financial assets, physical property is a favorite target for criminals within an organization. Follow these tips to protect your property:

Use a safe for petty cash, small valuables, keys, and important documents. Keep important financial records and personnel documents in a safe or a locked filing cabinet. Only a few necessary staff members should have access to the key or combination.

Establish a key monitoring system. Use keys with serial numbers on them to keep track of which employee or volunteer has which key. Avoid keeping spare keys. If they're necessary, keep them locked in a secure place. Collect keys from employees or volunteers who leave the organization.

Keep interior office, classroom, and supply room doors locked when not in use.

Give master keys only to those people who need them. If someone only needs a key to get into a classroom, that person may not also need a key that opens the church office.

Control access to security codes. If your church or ministry has a security system, be sure that only a few necessary staff members know the codes. Additionally, it's a good idea to occasionally change codes or passwords. Be sure to change the codes whenever anyone with access to them leaves the organization.

Keep a personal property inventory of your organization's physical property. This will help you quickly tell if something is missing, establish proper insurance protection, and allow a faster, more comprehensive recovery in the event of a loss.

Taking steps to prevent internal crime is just as important as guarding against threats from the outside. Following these guidelines will help you reduce the chance of being victimized from within and help you avoid the high physical, emotional, and monetary costs it can bring.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the comments of the gentlewoman from Minnesota. I understand her feelings about not being allowed to have an amendment placed in order on the floor. I have been in that situation myself several times.

I would simply point out that the particular amendment to which the gentlewoman refers was offered in the committee itself and was defeated on a bipartisan vote in that committee. It was one of the concepts that we thought was not necessary to replow all old ground over and over again, and that is probably one of the reasons why this particular amendment was not placed in order by the Committee on Rules.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentleman from Texas (Mr. EDWARDS), my good friend and a leader in the fight for education and for veterans and other affairs in this Congress.

Mr. EDWARDS. Mr. Speaker, as the father of two young sons, I am a strong supporter of the Head Start program because I want every child in America to have a chance to reach his or her highest God-given potential. As a person of faith, I believe in the important role of faith-based organizations in addressing society's needs, including the education needs of children. But also as a person of faith, someone who has revered my religious freedom under the Constitution, I am deeply disappointed and offended that the Republican leadership of this House has allowed an amendment on the floor today that would deny potentially hundreds of thousands of American citizens a government-funded job simply because of their religious faith.

How ironic and disappointing it is that just at the very same time that we are preaching to the Iraqis that they should adopt a constitution that protects religious freedom, the Republican leadership of this House is willing to deny that freedom, that religious freedom to American citizens.

I wonder how the gentleman from Utah (Mr. BISHOP), who is the floor manager on the Republican side of this rule, would feel, Mr. Speaker, if right now I asked him to answer my 20-point religious test. I hope he would be offended that I would ask him 20 specific questions about his personal religious faith. Yet that gentleman and others who support this rule and the Boustany amendment would allow faith-based groups, using tax dollars to give every individual applying for a job to teach children how to have a better life in the world, allow them to give a personal detailed religious test.

And then they can say, you know what, even though you have a Ph.D. in education and 30 years of experience in helping young children get a better education, we are going to deny you, Mr. Jones or Mrs. Smith, this federally funded Head Start job because you did not pass our personal religious test. No American citizen should have to choose between his or her religious faith and a job, a job paid for by American taxpayers.

What is wrong with this, the Boustany amendment, is that it would allow religious discrimination, period. Call it what you want, it would allow religious discrimination. Number two, it is worse than that. It actually uses taxpayers' money to subsidize religious discrimination and bigotry.

Next, I think it is inconsistent with article VI of the Constitution. We have heard a lot of debate about strict construction of the Constitution. Article VI, the only reference to religion in the original Constitution before the amendments were passed, said basically that no religious test shall ever be required as a qualification to any office or public trust under the United States. The spirit of that article is that you should not have to pass a religious test to get a publicly funded taxpayer-paid-for job.

Talk about strict interpretation of the Constitution. If having to choose between my religious faith and getting a Head Start tax-funded job is not restricting my religious freedom, then what is?

Let me tell you what could happen under the Boustany amendment, which the gentleman from Ohio (Mr. BOEHNER) said he supported, because it is pretty ugly.

I could get a Federal million dollar taxpayer job grant and put out a sign that says "No Jews or Catholics need apply here to this federally funded job." Another group might put out a sign that says "No Baptists or Methodists need apply here for a federally funded job." Another group might put out a sign that says "No Mormons need apply here for a federally funded job." Despite the fact they are qualified to help children have a better life, have a Ph.D. in early childhood education or even special education, simply because of their religious faith, they are denied the right to have that job to help children.

That is morally wrong. Shame on the Republican leadership for endorsing and subsidizing religious discrimination.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY), my classmate, the ranking member of the Subcommittee on Education Reform, the subcommittee of relevant jurisdiction for this legislation.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule. The Committee on Education and the Workforce voted for this Head Start bill unanimously, 48 to 0. But many of our Republican colleagues today would destroy this bill, making it partisan by allowing religious discrimination in hiring while using Federal funds, using taxpayer dollars.

Most Democrats were not allowed to bring their amendments here to the floor for debate, although a bill was allowed that would add religious discrimination to this Head Start bill. It is a poison pill.

I offered an amendment with the gentleman from Maryland (Mr. VAN HOLLEN) to fully fund Head Start and to increase funding for early Head Start. Even though we are serving fewer than half of eligible children, the first 4 years of the George W. Bush administration included four of the five smallest Head Start funding increases since 1991. And the number of children served by Head Start has increased by less than one-tenth of 1 percent since the end of the Clinton administration.

In a country as wealthy as ours, this is not acceptable. It is also not acceptable that while denying Democrats a debate on expanding access for children, we will debate an amendment from the gentlewoman from Colorado (Mrs. MUSGRAVE) to allow some providers to divert public funds to private profit.

Opponents of my amendment will say that they would like to increase funding for Head Start, but that they just cannot because budget constraints make it impossible. But this is authorizing legislation, Mr. Speaker, and authorizing legislation should tell appropriators what we need to accomplish our goals. If appropriators do not have the resources to do this, it is only because the administration and this Congress choose more tax cuts for the wealthiest among us over help for our children.

Mr. BISHOP of Utah. Mr. Speaker, once again I share the frustration and understand the gentlewoman from California, as to her amendment not being made in order here. But I once again would point out that the amendment was presented in the committee and was rejected by the committee. And once again, it is not necessary to replow old ground every time the bill appears before the group again. So I appreciate that consideration very much.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Missouri (Mr. CLEAVER), a man of the cloth, a reverend representative.

Mr. CLEAVER. Mr. Speaker, I thank the gentleman for yielding me this time, and my goal here is to make a point, not to make an enemy.

Mr. Speaker, I rise in opposition to the rule and in strong opposition to the Boustany amendment and to add my name to the chorus of religious individuals and organizations that oppose this ill-conceived and harmful amendment.

As an ordained minister of the United Methodist Church, I recognize the important role faith-based organizations play in providing educational, health, and social support services to low-income children and their parents. The faith-based community has long played an active role in operating Head Start programs and has done so while upholding the Constitution and civil rights standards. By the faith community, we have been able to provide all kinds of services. In fact, my first job after college was working in Catholic Charities, which received tens of millions of Federal dollars to run programs.

Mr. Speaker, this is not only bad policy; this is bad theology. In my religious tradition, we give great recognition to the Apostle Paul, who said: "There is neither Greek nor Jew, circumcision nor uncircumcision, barbarian, Scythian, bond nor free." and it goes on to say: "Put on, therefore, as the elect of God, holy and beloved, tender mercies, kindness, humbleness of mind, meekness, long suffering." That is not in this amendment.

Proponents of this amendment claim it is necessary to protect religious freedom. I will tell you now, as a pastor, that I take offense at that claim. How is religious freedom served when we force a teacher to choose between her faith and her job? How is it religious freedom when we tell children that they can lose their teacher because she or he is from the wrong faith? How is it religious freedom when we frustrate the laws of the land?

And make no mistake, should this amendment pass, the children served by Head Start, those most at risk, would be the ones who suffer. Tens of thousands of children currently in Head Start could lose their teachers to whom they have bonded.

□ 1100

And their parents could be denied the chance to climb out of poverty by moving from Head Start, discriminating against current and potential teachers because of religion, causing children to lose one of the most important adults in their lives, denying parents the chance to elevate themselves out of poverty.

There is no doubt in my mind that these things are not only harmful, they are immoral. This is not good for America. This body has no business undoing prohibitions against bigotry.

Churches have been seen historically as a citadel for justice, a place of peace, a place of racial harmony. This can be seen as a subterfuge for bigotry. When someone comes to the St. James United Methodist Church, which I pastor, they know that they are going to be considered for employment based on their qualifications and there is no subterfuge for bigotry.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a time and place for everything we do. If this rule is passed, there will be a 30-minute time and place to discuss the details of the specific amendment which has been referred to several times. I hope saying there is a time and place for that, and I apologize since I am paraphrasing from a faith-based piece of literature, and if it would be more profitable I could say I am paraphrasing from a popular song of the counterculture of the 1960s, and I am sure that would absolve anyone with 9th and 10th Circuit concerns. But let me say just one particular word, and I appreciate the comments that have been made so far.

Mr. Speaker, what we are talking about is the rule on if an amendment should be debated, which is far different than actually debating the amendment itself.

Since the minority has jumped over that line and tried to go into the amendment itself, let me say a couple of things about it, and I appreciate the comments from the gentleman from Texas.

I served as a missionary from my church for a couple of years. I am used to people asking me those questions, so if the gentleman has got more, he should. Although when you put the discrimination, if the gentleman put my religion first instead of the end of the line, it would have been nicer.

I also was a school teacher, and I realize in the article the gentleman quoted from the Constitution I was an officer of public office and trust.

What we are talking about here is simply whether a church who is organized should be able to hire Members of their church to work for their church. That is a concept which has been upheld in statute by this body. It is a concept which has been upheld by the courts. Should the State be able to compel a church to hire somebody outside of that church to work for that church: That is the question. Then the issue is once you have decided that, and it has been decided by both the courts and the legislature, can we allow those people to help kids?

What we are talking about is if we can help kids and how best we can help kids. The entire purpose of this act is to try and focus academic efforts to try and make sure that kids are prepared to enter the school system, and are there groups that can help kids. We should not put some kind of artificial barrier in front of groups that can help kids from actually doing that, especially when they are functioning under the rules that we have established and have been upheld by the courts.

This debate is going to be extremely lively during its proper time and place during the debate on the floor when the amendment is presented.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

My distinguished friend on the Committee on Rules never ceases to amaze me, but he has done it again. The gentleman says we are going to have a time and place to debate this. It will be for 30 minutes; 435 Members of this body are going to have 30 minutes to debate this. For the gentleman's information, the Boustany amendment has been made in order. And yes, we are discussing it and this is the time and this is the place to make sure that we do not discriminate with Federal dollars.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I oppose the rule on the basis of an exclusion of some very pertinent amendments, but I have to respond to what I just heard. It is not the church that hires the individual, it is the Federal Government's money that is being utilized. You are missing this point. Do not, and I warn everyone about this, do not place one party against the other. We support faith-based, but taxpayers should not have their money taken so that one church can say you are not of this religion so you cannot work for me. That is discrimination and it will never stand up with the Constitution.

How dare anyone say on this floor that we are allowed to separate with Federal money, with Federal money, the horror of tens of thousands of desperately poor Americans trapped in an environment of extreme neglect, abandoned by its government, left behind to fend for themselves without the most basic resources to survive? We witnessed that in the last 3 weeks. We witnessed the aftermath and we witnessed a wake-up call to America.

I am proud that Americans have opened their hearts in the wake of this tragedy to lend a helping hand that the government at first refused. America believes in giving all of its citizens the resources and opportunities to make a decent life for themselves and their families. America believes in bringing the buses in on time so everyone gets out, not just the wealthiest among us.

Head Start is that helping hand. Head Start is bringing the buses in before the floodwaters of poverty trap people in a desperate life of illiteracy, unemployment, crumbling homes, dangerous streets, drug addiction, and no hope.

If we did not know it before, the tragedy of Hurricane Katrina has reaffirmed that a Head Start is the very least we owe each other; so I am pleased that there is bipartisan efforts to put this reauthorization bill together. It protects the basic structure of the program. I commend the gentleman for that. But do not separate those of us in this room in saying those are for values and these are not for values. We are talking about a very narrow scope of debate here. Head Start programs continue to address the many needs of low-income children and their families.

In the words of Cecile Dickey, the former executive director of Head Start in Paterson, New Jersey, my home town, and a personal hero of mine, she was there when we started Head Start in this Nation, and she said, "You cannot do anything for the kids without doing something for their parents, too. That is why we have programs designed to help them improve themselves through education and job training, as well as opportunities for them to be involved in planning activities involving their children. We serve the entire family unit."

Cecile is a perfect example of how Head Start can turn a family's life around. A struggling young mother with two children working in a daycare center, she was recruited by Head Start as a teacher, trained at New York University. Through Head Start, Cecile learned that looking out for her kids meant looking out for her community, and she became a tremendous advocate for her sons.

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Cecile's four sons, two of whom were Head Start children, have grown up to be surgeons, engineers, and teachers.

Cecile and other Head Start advocates argue that the only problem with the program is that not enough eligible children can be served.

Nationwide, nearly 50 percent of three and four year olds who qualify by their parents' income have been denied this opportunity in the last few years. In Paterson alone, over 2,000 eligible children are on the waiting list.

A study by Rutgers University has reported that high quality pre-school more than pays for itself.

When children are enrolled in pre-school programs, mothers are better equipped to find stable, paying jobs. After these children leave school, they earn $143,000 more over their lifetimes and are less likely to need special education than other children.

This program has had tremendous success at improving educational and social outcomes for children, and is a good deal for the country: It costs American taxpayers a little more than $6 billion a year, or one third of one percent of the national budget.

I hope that the House today will vote for this good bipartisan bill, and will vote down any poison pill amendment that will allow hiring and firing on the basis of religious affiliation. This is anti-American.

It will be a shame if all the bipartisan hard work that has gone into crafting this worthy legislation was scuttled by the cynical attempts of a few to codify discrimination into our national laws.

No rule for more amendments should have been in order. I urge my colleagues in the House to continue to expand its support of a program that every American can be proud of.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman from Florida (Mr. HASTINGS). I have always enjoyed his comments in the Committee on Rules, and I have oftentimes agreed with his comments in the Committee on Rules.

I do disagree here about the concept of time and place and when this amendment should be discussed. I would point out that contrary to what we sometimes hear on the floor, the minority's first approach on this particular amendment was to try to ban it and take it off the table so it would not be discussed. That did not pass, and there will be a time for discussion. I am sure when the amendment is actually before us, it will be a remarkable discussion based on what we have had right now on the rule on if we discuss the amendment. But I appreciate very much the gentleman from Florida.

Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the sponsor of this piece of legislation; not the rule, but the sponsor of the legislation.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to say a couple of things. I will speak more when the bill is on the floor.

Mr. Speaker, we worked very hard to make this a piece of legislation that could be supported by all of us, and I think we succeeded on that, as was shown by the unanimous vote coming out of the Committee on Education and the Workforce.

There are a lot of issues. It is not quite as easy as it sounds. I thank the staff on both sides who had a great deal to do with that.

I also would like to say that I think the Committee on Rules has been extremely fair. I would hope that this is a rule that all Members could support. We may disagree, and in fact I disagree with a couple of the amendments, but I agree with most of them on both sides. I think there are some very good, positive suggestions, and I know sometimes we complain about closed rules, whatever, but this is certainly a rule that is not closed, that is going to allow a lot of opportunity for debate.

I have listened to part of the debate here on the faith-based that is going to go on all day, I suppose. There is disagreement with respect to that, which is unfortunate because it detracts from what is a piece of legislation that otherwise we could all support. But on the other hand, there are strong views on that and I think they have a right to be recognized, and a vote needs to be taken on that, too.

I would like to say that things have changed a great deal with how we look at Head Start. In fact, in some ways it was a poverty program when it began. It was basically a social service program to a great degree. We are now diverting it to more of an academic program. There is no question about that, and I think that is good. We need to get all of these kids up to the starting line, equal. That is what it is all about. If a child is 3 or 4, we need to give them that opportunity.

I think this legislation does that. I think we are all in that together. I think everybody in this building would agree that we need to do that. So I hope we keep that in mind as we look at our amendments and the legislation, and hopefully when the day is over we can move forward in helping these young people.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), my classmate and good friend.

Mr. SCOTT of Virginia. Mr. Speaker, I oppose the rule because it allows the Boustany amendment. Let us be clear. First of all, faith-based organizations sponsor Head Start programs now. They have and they will continue to. My own church hosted a Head Start program. They sponsor the programs, just like everybody else, on a level playing field. They have to use the money for Head Start and they cannot discriminate in employment.

Any organization that can sponsor a Head Start program under that amendment can do it anyway if they agree not to discriminate. We are talking just about discrimination. We are not talking about allowing groups to sponsor Head Start programs. We are talking about allowing them to discriminate in employment with the Federal money.

Now they can still discriminate with the church money, just not with the Federal money. This discussion really represents a profound change in civil rights discussions, because there was a time traditionally if an employer had a problem with somebody's religion, the employer has a problem because the weight of the Federal Government would come down supporting the victim. Now we are talking about what rights the group has to discriminate against the victim.

If we are talking about religion, we are also talking about race because if you can discriminate based on religion, some religions are virtually all white, others virtually all black. So if you can discriminate based on religion, you can discriminate based on race. Where is your moral authority to tell somebody with their private money what they can do and cannot do, if you are going to turn around and allow people to discriminate with Federal money?

Mr. Speaker, that is wrong and a rule that allows that is wrong. There used to be a time when parents would have to describe to their children why they could not eat at the lunch counter, why they had to sit in the back of the bus, why they could not get a job at certain firms. And now we are going to have to have parents tell children why they could not get a job at the Head Start program while their neighbors could get a job at the Head Start program.

I want to remind Members that any organization can sponsor the federally funded Head Start program now if they agree not to discriminate. We do not need to turn the clock back, and we also do not need a rule that allows this to ruin the Head Start program.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. Fortuño).

Mr. FORTUÑO. Mr. Speaker, the Civil Rights Act of 1964 explicitly protects the rights of faith-based organizations to exercise their civil liberties and take religion into account in their hiring practices.

Actually, when faith-based groups hire employees on a religious basis, they are actually exercising their civil liberties. Faith-based organizations cannot be expected to sustain their religion mission without the ability to employ individuals who share the tenets and practices of their faith, because it is that faith that motivates them to serve their neighbors in trouble.

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I can tell the Members about this. In my home district of Puerto Rico, I see this all the time. Actually, on the Head Start program in the San Juan metropolitan area, it has been run for years by the Catholic Church. Are we going to tell the Catholic Church whom they can hire and not hire for the good job they are doing? That is exactly what we are trying to do here. Actually, it will make it very difficult, make them liable for hiring practices when, in fact, what they are doing is that they are giving back to society in the way that no government entity can actually give back in the way that these religious organizations are giving back.

So essentially going back to my basic argument, since 1964 we have recognized this right of the religious organizations that are involved in these faith-based activities. We cannot turn back actually from what we did in 1964 by trying to impose new rules that will simply impair their capacity to handle what they are handling today in such an able way.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time.

These arguments are well rehearsed. We seem to go through these on a regular basis, and I certainly admire the tenacity with which the gentleman from Virginia (Mr. SCOTT) and others defend their position.

However, as has already been stated, the Civil Rights Act of 1964, I believe, does explicitly protect the rights of faith-based organizations to exercise their civil liberties and take religion into account in their hiring practices, and I do not know why we seem to continually have trouble assimilating that into our collective body of knowledge here.

When faith-based groups hire employees on a religious basis, they are exercising their civil liberties. The Civil Rights Act made clear when faith-based groups hire employees on a religious basis, it is an exercise of the groups' civil liberties. It does not constitute discrimination under Federal law.

I believe one of the major issues here is that faith-based organizations are allowed to maintain and sustain their mission. It does not mean that the people that they hire are discriminated against on the basis of what religion they have, what their ethnicity might be; but rather simply the ability to hire people who share their common beliefs, who share their sense of mission.

We certainly saw this in the recent rescue mission and aid issues down with Hurricane Katrina, where a great number of faith-based groups were the most efficient groups that we saw on the ground there. And, certainly, they should have the right to bring those people in who share their beliefs, even though they may have been receiving in some ways Federal dollars.

The same thing is true with Head Start. People must be hired in a way that they do share a common sense of mission, a common sense of purpose. Otherwise, these organizations would be totally disrupted in what they are trying to get done.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, as we consider the rule, I want to speak on some important amendments that are going to come up to provide important protections for religious organizations. If we do not insert these important protections for these organizations, we will be dictating to them whom they can or cannot hire. We must maintain the integrity of religious entities.

The Constitution of the United States explicitly states that Congress shall make no law prohibiting the free exercise of religion. Not allowing our churches, mosques, and synagogues to hire people of like mind and similar beliefs is not only an affront to their very core but contrary to this great Nation's Constitution.

I am proud to be an American for so many reasons, first among them because I am able to think, speak, and believe whatever I want freely, as stated in the first amendment to our Constitution. Denying religious organizations the ability to hire an employee because of his or her beliefs is to take away that employee's right to think, speak, and believe as he or she so chooses.

We are not talking about allowing religious organizations to brainwash children to think as they do. We are talking about allowing religious organizations simply to be able to provide the same services and programs as nonreligious organizations. Our children deserve the very best education; and if a religious organization is going to provide that education better, then we must not stand in the way.

Are we going to deny many of the poorest and less fortunate children the opportunity to learn in these early childhood education programs simply because it is a church that is administering it? This is about our children, and denying them exemplary services just because the organization providing them happens to be a religious one is just cruel.

I think we all know firsthand the impact that our churches have and how much they contribute to our communities across the Nation. And we all know how much they give back to their communities.

This Nation is second to none in charitable giving and at helping others in need. This is not just a religious tenet, but an American principle. We need to support this rule.

Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the rule, but most especially in support of the rule allowing for the offering of the amendment by the gentleman from Louisiana (Mr. BOUSTANY). This amendment is clearly dominating a lot of the discussion this morning regarding the rule. It is the one that protects faith-based Head Start providers, and it is so important for us to be very sensitive about this issue as we look to those who are willing to provide some very difficult services and ones that certainly the providers must be very interested in as far as the well-being of the student, the well-being of the families involved in these programs. Certainly, faith-based organizations are first in mind when it comes to providing the services that require the most care, and we would be remiss in not providing an opportunity for this amendment to be adopted. This rule does allow that, and this rule is very well crafted. And I support it for that very reason.

We the Congress have specified in several statutes that religious organizations that receive Federal funds in the form of grants or contracts must not lose their Title VII exemption. In fact, former President Bill Clinton signed four laws that explicitly allow faith-based groups to staff on a religious basis when they receive Federal funds. They should not be discriminated against. If we tell faith-based groups they cannot hire on a faith basis in order to receive Federal funds, then we will force those organizations out of providing these services.

Some examples of laws that we have passed that allow for faith-based groups to continue to hire on their continued basis are the Personal Responsibility and Work Opportunities Reconciliation Act, or Welfare Reform of 1996; the Substance Abuse and Mental Health Services Administration Act of 1998; the Community Service Block Grant Act, which everyone has been very supportive of; as well as the Community Renewal Tax Relief Act of 2000.

We have had debates before regarding faith-based groups being involved in government contracting. It would be a huge error for us to exempt the most caring, conscious, and helpful organizations, especially from Head Start contracts. Those groups should not be forced to hire anybody off the street simply because they have a Federal contract. They should hire the best people and the ones who are most capable of carrying out their mission. The very reason why many of these organizations will win the contracts is because they have the best track record of service and results. What more important place is there for us to care about results than in Head Start?

I think it is important for us, as Members of the United States House of Representatives, to be very careful as we move forward on this bill. The Committee on Education and the Workforce has worked very hard to craft it. They are very concerned about making sure that students get every advantage at that early age. We need to contract with the organizations that can best provide the service.

Mr. EDWARDS. Mr. Speaker, will the gentlewoman yield?

Ms. HART. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, I respect the gentlewoman's views, but let me ask her this question: What is right about letting a group take her or my tax dollars and put out a sign that says "Jews nor Catholics need not apply here for this Head Start job"? What is right about that?

Ms. HART. Mr. Speaker, reclaiming my time, the gentleman, again, is trying to inflame what I think is really an unreasonable discussion in this conversation.

The point of faith-based providers is that they are mostly obviously church people who have a mission. They want to provide a service. They are not discriminating against others. They are encouraging service within their church, and we should allow them to provide that service because we know that they have the best track record of success.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

When I was a child, my grandmomma took me to churches. She played piano for all of the churches in town, four in Altamonte Springs. Sometimes I did not know whether I was going to be sprinkled and be baptized here or repent and be baptized. It was very difficult, but all of the children in that town went to all of the churches.

For 41 years Head Start has existed, and it is the most empirically collected database organization supporting the children of the United States of America. And for all of those 41 years, all of these faith-based organizations have been involved in receiving contracts to do business. What we are saying is they cannot do it with Federal dollars. They have to do it with their own money.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we conclude the debate on this rule, I would remind people that the underlying bill provides for the Head Start program in many different areas. It provides for academic refocusing on class readiness and to close the class readiness gap. It provides for competition to improve the quality and to meet questions of mismanagement of financial abilities. It provides for a closer tie to State curricula and to local ties which will improve it, and it also provides, if the amendment is adopted, for faith-based institutions to actually help kids.

We have an opportunity to discuss 12 amendments plus the underlying bill, and we have an opportunity to hit a home run for kids. That is the goal that we still have.

Mr. Speaker, this is a good and balanced rule, and I urge the Members to support this rule.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to express my sincere disappointment in the Committee on Rules decision to report a restrictive rule for consideration of the bill before us today, the reauthorization of Head Start, the future of our children.

Several common-sense amendments that were offered to strengthen this bill were not ruled in order. Not surprising, most of them were Democratic amendments. Instead, several amendments that were ruled in order will weaken Head Start and the opportunity for our children to succeed.

In committee, there was bipartisan support for adding "faith-based" language into the Head Start Act, even though faith-based institutions currently participate in providing Head Start programs. We were happy to do this in committee; I was happy to do so, along with my colleagues, because the Federal Equal Opportunity Employment laws are spelled out clearly in the bill, which do not allow for discrimination in hiring.

But there was another amendment that was not ruled in order—my amendment. My amendment would have protected the privacy of our faith-based organizations and the integrity of our tax dollars. The amendment that I offered in the Committee on Rules would have simply required faith-based organizations to create a separate bank account, a separate bank account in which to receive Federal dollars for the Head Start program—distinct and from the private dollars that a religious organization collects to advance their religious mission.

Why do we need to do that? Well, first, we need to protect Federal tax dollars from being used improperly; and, secondly, we need to protect the privacy of faith-based organizations' accounting books for their religious mission. With the commingling of funds, if fraud is suspected, a faith-based organization would have to open up all of their books for inspection. My amendment would have required separate accounts, therefore, protecting the church's mission and the Federal education mission of Head Start.

Mr. Chairman, let me quote from the Covenant Companion, a Christian publication, which I submit for the RECORD, as well as one other publication that speaks to this issue.

From the Covenant: "Churches are particularly vulnerable to embezzlement because of the high-level of trust given to employees and volunteers that lack the sophistication, fiscal controls, and oversight."

My amendment simply would have been a preemptive strike against financial abuse that we know will happen because it has already occurred. For example, this past summer, $800,000 was stolen from a Federal Head Start program run by a church.

Mr. Chairman, I urge my colleagues to reject this rule. We need a new rule, one that will protect the taxpayers, one that will protect faith-based organizations, and one that will prevent discrimination.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATHAM). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 455 will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 221, nays 189, not voting 23, as follows:

[Roll No. 486]

YEAS—221

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Boswell
Boustany
Brady (TX)
Brown, Corrine
Camp
Conyers
Davis (IL)
DeLay
Doolittle
Fattah
Green, Gene
Hefley
Hinojosa
Jackson-Lee (TX)
McMorris
Millender McDonald
Murtha
Ortiz
Peterson (MN)
Poe
Rush
Sabo
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote) (Mr. LATHAM). There are 2 minutes remaining in this vote.

□ 1151

Messrs. FRANK of Massachusetts, SCOTT of Virginia, RANGEL, and MOLLOHAN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Miss MCMORRIS. Mr. Speaker, on rollcall No. 486 I was unavoidably detained. Had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal on which the yeas and nays are ordered.

The question is on agreeing to the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 59, answered "present" 1, not voting 27, as follows:

[Roll No. 487]

YEAS—346

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tierney
Towns
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—59

Baird
Baldwin
Barrow
Becerra
Berry
Brady (PA)
Capito
Capuano
Chandler
Costello
DeFazio
English (PA)
Evans
Filner
Fitzpatrick (PA)
Ford
Fossella
Graves
Gutknecht
Hart
Hastings (FL)
Holt
Hulshof
Johnson, E. B.
Kucinich
Larsen (WA)
Latham
LoBiondo
Marshall
Matheson
McCotter
McDermott
McGovern
McNulty
Meek (FL)
Miller, George
Moran (KS)
Oberstar
Olver
Peterson (MN)
Ramstad
Sanchez, Loretta
Schakowsky
Sherwood
Slaughter
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—27

Berman
Blunt
Boswell
Boustany
Brady (TX)
Brown, Corrine
Camp
Cantor
Conyers
Davis (IL)
DeLay
Doolittle
Edwards
Fattah
Green, Gene
Hefley
Hinojosa
Hostettler
Jackson-Lee (TX)
Millender-McDonald
Murtha
Ortiz
Paul
Poe
Rush
Sabo
Weller

☐ 1159

So the Journal was approved.

The result of the vote was announced as above recorded.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. COBLE, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 109–230) on the resolution (H. Res. 420) directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Attorney General relating to the disclosure of the identity and employment of Ms. Valerie Plame, which was referred to the House Calendar and ordered to be printed.

SCHOOL READINESS ACT OF 2005

The SPEAKER pro tempore (Mr. LaHood). Pursuant to House Resolution 455 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2123.

☐ 1202

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, with Mr. LATHAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from California (Ms. WOOLSEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of this bill to reform and reauthorize the Head Start early childhood program.

I want to commend the chairman of the Subcommittee on Education Reform, the author of this bill and my good friend, the gentleman from Delaware (Mr. CASTLE). I also want to recognize the gentlewoman from California (Ms. WOOLSEY) and the gentleman from California (Mr. GEORGE MILLER) for their work to strengthen the Head Start program.

The School Readiness Act will introduce greater competition into the Head Start program and use that competition to leverage reforms that will result in a better program for the children Head Start was created to serve.

This bill will strengthen school readiness and increase the role of all 50 States and local communities in Head Start. It will protect children and taxpayers against the abuse and mismanagement of Head Start funds, and it will make Head Start more transparent and more accountable to parents and taxpayers.

I am pleased at the approach that this bill takes to solve the school readiness gap between Head Start children and their peers when they reach kindergarten.

There is no question that most Head Start children are better off in the program than they would have been without it. That is not in dispute here. But there is evidence that some Head Start centers could be doing an even better job of providing preschoolers with the academic foundation they need in order to succeed in school.

This bill will strengthen Head Start's academic standards by emphasizing cognitive development and the results of scientifically based research and topics critical to children's school readiness. It will also improve teacher quality by ensuring a greater number of Head Start teachers have degrees and are adequately trained in early childhood development, particularly in teaching the fundamentals.

I am particularly pleased about how the bill will improve coordination between Head Start and State and local early childhood education programs. We are going to improve program integration in all 50 States by encouraging cooperation and program coordination from the ground up.

The bill also addresses weaknesses in the Head Start financial oversight structure that have allowed the mismanagement and outright abuse of Federal funds meant for disadvantaged children. Local media outlets across the Nation have documented more than a dozen instances of financial mismanagement involving millions of dollars and thousands of children. This lack of program integrity and financial accountability is unacceptable. The Federal Government is investing nearly $7 billion per year in Head Start, and every dime should be going to support disadvantaged children.

The GAO, the Government Accountability Office, in a report that we requested, found that the financial management weaknesses in Head Start are resulting in diminished services for children. Unfortunately, there is currently no system in place to assure parents and taxpayers that these types of abuses will be prevented. This is unfair to parents and children. It is unfair to taxpayers. And it is unfair to the many high-quality, hard-working, law abiding people who operate Head Start centers across the country who should not be associated with the deeds of these bad actors.

Head Start is an important program entrusted with a vitally important mission. The vast majority of those in Head Start are honest individuals dedicated to making sure the poorest of our Nation's children have a chance to succeed.

The School Readiness Act takes critical steps to support quality Head Start programs and the children they serve by encouraging quality through competition, strengthening transparency and disclosure, and improving the financial oversight structure to protect children and taxpayers.

I would like to address one more issue that is the subject of great debate today. In numerous Federal programs across the country, faith-based institutions that want to lend a helping hand and providing critical social services are allowed to do so without changing the fundamental character of their organization. Former President Bill Clinton, for example, signed four bills into law that explicitly protected the hiring rights for faith-based organizations when participating in Federal programs.

The Head Start program unfortunately provides no such protections to these organizations. To the contrary, faith-based organizations are forced to relinquish their protected right to hire individuals who share their beliefs or they are not allowed to participate in the program at all. For many faith-based organizations, it is their very nature to offer help and support the neediest among us. Their efforts in response to Hurricane Katrina serve as just one more example.

Their mission defined by their faith is to serve their community. Yet, when they seek to participate in federally funded programs for this purpose, they must forfeit the identity that drives them to serve.

Today I urge Members to support an amendment that I will be offering on behalf of the gentleman from Louisiana (Mr. BOUSTANY) to restore the hiring protections in the Head Start program so that faith-based institutions can participate fully without giving up their mission and character that make them such an effective partner for programs like Head Start that serve those in need.

Once again, I would like to thank the author of the bill, the gentleman from Delaware (Mr. CASTLE), for his hard work on behalf of the nearly one million children served each year by the Head Start program. We have got a strong bill that will help give disadvantaged children the head start they need to succeed in school and in life. I urge my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this debate reminds me of the old saying, I have got good news and I have got bad news.

The good news is that our committee worked in a bipartisan way to report out a bill by a vote of 48 to zero. And I want to thank our ranking member, the gentleman from California (Mr. GEORGE MILLER); our chairman, the gentleman from Ohio (Mr. BOEHNER); and the subcommittee chair, the gentleman from Delaware (Mr. CASTLE), for making that possible, as well as all the members of the committee.

This bill is a great step forward from where we were last Congress. First and foremost, the bill protects the high quality of Head Start programs by protecting local control of those programs. In other words, there is no State block granting. The bill also increases funding to migrant and seasonal and Indian Head Start programs, strengthens teacher qualification requirements, and limits uses of the administration's ill-conceived national testing system.

But there is also bad news. First, even though fewer than half of eligible children receive Head Start services, and even though the number of children served has been going down under the Bush administration, this bill does nothing to increase the number of children who will receive these critical services.

Second, this bill does not increase resources to help Head Start programs hire the better qualified teachers that the bill requires. It is unusual for me to be the one explaining to my Republican colleagues how market forces work, but in this case it is pretty clear they do not get it. More highly qualified teachers will cost more money, and we are demanding more qualified teachers without providing the necessary financial support. That is the good news and the bad news.

Now, here is the worst news, which is actually a poison pill for this bill. The majority has decided to choose religious discrimination over what could have been a rare bipartisan achievement. That probably sounds hard to believe, but it is true.

Under current law, religious organizations can and do receive Head Start funding. They also can only hire members of their faith when they use their own funds. So I ask you, what is the problem? Apparently, the problem is that religious organizations want to discriminate in hiring when they are using public funds, your tax dollars. Well, actually, religious organizations have never asked any of us to waive their discriminatory rights and privileges that they are asking for over on the other side of the aisle.

Under the Boustany amendment, a prospective Head Start teacher could face a religious test before being hired. This amendment is unnecessary. It is wrong. I will not support a final bill that includes it.

Head Start kids are enough at risk as it is, without their teachers being chosen because of their religion, rather than because they are actually the best qualified.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. PUTNAM) for purposes of a colloquy.

Mr. PUTNAM. Mr. Chairman, I appreciate the gentleman for yielding me time.

I thank the chairman for agreeing to this colloquy in order to shine a light on an unfortunate recurring situation in some Head Start agencies.

Stories of corrupt agencies have been surfacing recently all over the Nation, complete with allegations of administrators' misconduct with Federal funds and financial conflicts of interest between board members and vendors.

Accountability is a critical component of this reauthorization, and I thank the chairman for his commitment for addressing it.

On February 10 of this year, I introduced H.R. 778, the Head Start Accountability Act of 2005, to address the misuse and abuse of Federal funds occurring in an agency in my district as well as others. The Polk County Opportunity Council has had a decade-long history in fundamental flaws in both operations and management. PCOC has displayed an obvious lack of internal controls and, worse, a blatant disregard for its fiduciary responsibilities associated with proper stewardship of Federal grant funds.

There is documented evidence that this organization has misused Federal dollars and made several excessive and unnecessary expenditures, including the approval of $150,000 for repairs to a parking lot, repairs that had a quoted cost of just $20,000.

□ 1215

They also obtained $90,000 in Federal funds to repair some Head Start facilities reportedly damaged in last summer's hurricanes that tore through Florida. However, their insurance inspection determined that the facilities had no damage. I could go on and on listing examples of financial mismanagement at this agency.

I introduced the Head Start Accountability Act to immediately address the seemingly unending pattern that was developing in that agency and similar organizations. H.R. 778's major provisions would address the most glaring improprieties. Among the provisions in H.R. 778, the bill calls for automatic recompetition of all Federal Head Start Federal grants every 5 years, establishes new board requirements, adds tighter fiscal control requirements at the local level.

Mr. Chairman, I thank the gentleman for recognizing the importance of these provisions and including the key principles in this reauthorization. Under his leadership, we are finally moving toward financial accountability. I look forward to working with my colleague in the future toward further refinement of these accountability measures.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I want to thank the gentleman from Florida (Mr. PUTNAM), my friend and colleague, for his efforts. His contributions and commitment to Head Start and the financial accountability that needs to exist within the program are so important.

Many of the accountability principles that were outlined in the gentleman's bill, H.R. 778, have been included in the School Readiness Act, and these reforms I think are critical if we are going to ensure grantees are effectively managing taxpayer dollars and also to ensure that funding is targeted most effectively for purposes that support the program's goal of preparing kids for school.

So, with that, I want to thank the gentleman for his contributions.

Mr. PUTNAM. Mr. Chairman, I thank the chairman for his dedication to improving the Head Start program.

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a member of the Committee on Education and the Workforce.

Mr. KILDEE. Mr. Chairman, I thank the gentlewoman for yielding me time.

I would also like to thank the committee leadership on both sides of the aisle for ensuring that all interested parties had a seat at the table during our second try at reauthorizing the Head Start program.

We also owe our thanks to the staff who have worked tirelessly to help get us to where we are today.

I want to specifically thank Ruth Friedman for her years of work on behalf of the Head Start children.

While this bill is not perfect, it is a remarkable improvement from last Congress and is a good example for the progress that can be made through bipartisan cooperation.

All of us know Head Start is a critically important program that provides much-needed services to some of our most disadvantaged children and their families.

I would like to thank the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Michigan (Mr. EHLERS), and the gentleman from Texas (Mr. HINOJOSA) for their advocacy for migrants and Native Americans.

Currently, Indian Head Start is funded at approximately 2.9 percent of the Head Start budget. H.R. 2123 would establish a 3.5 set-aside for Indian Head Start, allowing programs to benefit from approximately $45 million in additional resources, and I want to thank particularly the gentleman from Ohio (Mr. BOEHNER) for putting that in his chairman's mark.

This bill is a significant departure from our efforts last Congress to reauthorize Head Start. All committee members should be proud of the bipartisan work on this legislation. I strongly support the bill as it was passed out of the committee.

However, I would be remiss, Mr. Chairman, if I did not express my concern over the amendment allowing religious discrimination that will be considered today.

This bill represents a genuine bipartisan compromise. Again, I would like to thank all parties that worked together in crafting this bill.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 6 minutes to the gentleman from Delaware (Mr. CASTLE), the author of the bill and the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Chairman, I thank the chairman for yielding me time, and I also thank him for his tremendous work in bringing this bill together. It is not always that easy. He has done a superb job working with the other side.

I do rise today to ask everybody here to support the legislation which will reauthorize the Head Start program. I, like I think most of us, if not all of us, believe very strongly in the Head Start program, and I believe that this act emphasizes every child, regardless of his or her economic status, should have the best chance possible to succeed.

In 1965, Head Start was created to give economically disadvantaged children access to the same educational, health, nutritional, social, and other services that were enjoyed by their more affluent peers. The goal of the program was, as it remains today, to provide children a solid foundation that will prepare them for success in school and later in life.

As the centerpiece of the Federal Government's efforts to support quality early childhood education for our Nation's most disadvantaged youth, Head Start has served nearly 20 million low-income children and their families. Currently, Head Start serves over 900,000 children every day and has nearly 1,600 grantees across the United States. In my home State of Delaware, Head Start programs serve over 1,500 children, with almost 500 additional 4-year-olds receiving assistance through State government funding.

We all can agree on the need for Head Start and its successes. We must also recognize Head Start can produce even greater results for children. Children who attend Head Start programs start school more prepared than those with similar backgrounds that do not attend Head Start. However, Head Start students continue to enter kindergarten well below national norms in school readiness. By moving to close the school readiness gap, this bill will improve results for almost 1 million Head Start students across the Nation.

Towards the goal of closing the readiness gap, the School Readiness Act strengthens Head Start's academic focus while maintaining its comprehensive nature that is imperative to its success. The bill improves the academic focus of the program by establishing new quality standards that ensure enrolled children develop and demonstrate language skills; pre-reading knowledge; including an interest in and appreciation of books; reading and writing; pre-math knowledge such as recognition of numbers and counting; cognitive abilities related to academic achievement; and social development important for environments constructive for child development, early learning, and school success.

Research clearly and consistently demonstrates a link between the learning potential of children and the level of education and training of classroom teachers. For that reason, we improve the quality of teachers in Head Start classrooms by requiring that, in time, 50 percent of all Head Start teachers nationwide must have a baccalaureate degree.

I am sure some of my colleagues were pleased to learn that this bill does not include a block grant or a State demonstration project. I believe strongly, however, in the policy goals of coordination and integration that were at the heart of the demonstration project incorporated in the legislation I introduced last Congress. We continue to believe it is essential to remove barriers and prevent collaboration between Head Start and successful State and local early childhood initiatives, and I believe the proposal we are offering will, in fact, go further to foster integration among quality early childhood programs.

About 40 States, including Delaware, have established some form of early childhood education, because States recognize that these services can make a real difference in preparing children for a successful future. Various local initiatives have been launched, and today, disadvantaged children and families have access to programs and services from a wide range of sources. Some of these programs rival or exceed the quality of Head Start, while others fall short. Head Start is no longer the only option for early childhood education. We must ensure that all children are receiving the same quality education. In this new era, Head Start should be working towards integrating services with other school readiness programs, not competing against them.

Where we previously would have allowed no more than eight States to improve Head Start coordination with State and local efforts, this bill will ensure programs in all 50 States are able to increase collaboration. We are encouraging Head Start grantees to align their academics with State-developed K-through-12 content standards, as well as to have a more active partnership with local school districts that serve the same communities. This will help to facilitate a smooth transition to kindergarten for their students. Finally, we are asking early childhood providers in a State, including Head Start, preschool and child care, to come together to identify ways to integrate school readiness initiatives across the State.

As I have said, I believe in the program, particularly because of how the program helps children later in their academic lives. Despite these stories, we have also heard many stories of programs in which funds were being diverted away from this purpose. The GAO recently released a report that warned the financial control system in the Federal Head Start early childhood program is flawed and failing to prevent multimillion-dollar financial abuses that cheat poor children, taxpayers, and law-abiding Head Start operators.

The GAO made a couple of recommendations on how we can strengthen the oversight structure to prevent abuses and protect good grantees. It recommended that increased competition in the program could help weed out poorly performing grantees and ensure high-quality services are available to children and families. In response to the GAO's recommendations, we are increasing the competitive nature of current program. The competition requirements in the School Readiness Act will help to alleviate these programs, but more importantly, will drive program improvement across the board, program improvements that will ultimately help thousands of children nationwide, which should always be our goal.

This is an important and a very popular program. The importance of early childhood education services cannot be overstated, and I believe strongly in the reforms which are here.

I would say finally, although we may have some disagreement about some of the amendments on this legislation, that ultimately getting all these children up to the starting line equal in school, and particularly those who are at 100 percent of poverty or less, is in the best interests of all of us in Congress and all the kids out there in the United States of America.

I hope we can go forward with good legislation to make a very good program even better than it is.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, years ago it was enough to have an education from kindergarten through 12 years, and now it is not enough. People know that you have to have a couple or 3 years before kindergarten and 2 to 4 years afterwards. It is now essential. It is a priority to have early childhood education. It is a difference between a child's future development and learning advantages, especially for those students that are disadvantaged like the ones that are served by the Head Start program. It makes them prepared for school.

A national review of 36 studies on the long-term impact of early childhood education programs found that low-income children who participated in such programs were less likely to be held back, less likely to be placed in special education classes, more likely to succeed in school, more likely to graduate, and more likely to be rated as behaving well in class and better adjusted in school.

Researchers have also concluded that there is a greater chance of these positive outcomes when young children are taught by teachers with bachelor's degrees in early childhood education. One of the largest national studies in this early education field was conducted by the National Institute for Child Health and Human Development. It showed that caregiver education and training were among the strongest predictors of quality in programs for preschoolers.

That is why it is a good thing that this bill has in it a provision that half of the Head Start teachers have to hold bachelor's degrees within a few years. That is an admirable goal.

We talked in committee about the fact that it is necessary for us to try to help that population of teachers be able to afford that. In Massachusetts, my State, they make less than half the salaries of kindergarten teachers. The national average is almost as bad.

I congratulate the chairman for working with us on the Higher Education Act to make sure there is a loan forgiveness program, $5,000 for 5 years commitment to teach early childhood education, that will help with this particular issue.

Significant improvements have been made to this Head Start bill. That is why it was unanimous approval essentially in committee. I am afraid some of the recommendations that are being put forward in the amendments here today are spectacular efforts to drive a wedge between the parties on this, to make it a less-than-unanimous bill. It is unnecessary, it is unfortunate, and I hope there is no discrimination in hiring practices. We can do better than that and pass a bill that is worthy of this Congress and helpful to the United States people.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

There has been a great deal of effort been put into this bill on a bipartisan basis, and it has been pointed out it came out of committee 48-0.

One of the reasons that there is some concern is that Members on both sides of a question over the role of faith-based organizations, there are meaningful differences on both sides, but we have nothing to fear in allowing the House to work its will.

I respect those views of others who do not believe that if a faith-based organization takes a dollar of Federal money, they should give up their rights protected by the 1964 Civil Rights Act, but there is no reason to fear allowing the House to make that decision.

So, later today, we will have an amendment that I will offer on behalf of the gentleman from Louisiana (Mr. BOUSTANY) to allow those organizations to have their rights protected under the 1964 Civil Rights Act and still provide these necessary services.

Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding me the time.

I rise in strong support of H.R. 2123, the School Readiness Act of 2005.

As a former Head Start volunteer, I know firsthand the tremendous benefits this program has delivered for children, but never did I think that summer, the first year of Head Start's existence, that I would one day be a part of the Congress in reauthorizing Head Start.

During the full committee markup for this legislation, I was pleased to join with my colleagues, the gentleman from Pennsylvania (Mr. PLATTS) and the gentleman from Maryland (Mr. VAN HOLLEN), in offering an amendment that will provide some commonsense flexibility for Head Start centers to use the open slots for the early Head Start program.

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Mr. Chairman, the Committee on Education and the Workforce learned that more Head Start-eligible children ages 3 to 5 are participating in State prekindergarten programs because there are more of them, leaving some of the Head Start programs with unused slots. But because of the high need for infant child care, Early Head Start programs, the early ones, serving children from birth through age 3, maintain long waiting lists. This amendment will allow those Head Start centers that have vacant slots to use the funding to serve eligible infants and toddlers through the Early Head Start programs.

As a mother and grandmother, I can tell you firsthand that the first years of a child's life are crucial to his or her development. Research has shown time and time again that infants who receive the high-quality child care and early education programs do better in school, have more developed social skills, and display fewer behavior problems. The amendment allows a commonsense way to expand these services to those who certainly can benefit from them.

I would like to thank the chairman of the committee, the gentleman from Ohio (Mr. BOEHNER); the chairman of the subcommittee, the gentleman from Delaware (Mr. CASTLE); and the members of the committee for supporting this amendment in the full committee markup. I am pleased it was incorporated into the bill we are considering today, and I urge my colleagues to support the Head Start bill.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume to respond to the chairman of the committee.

The rights for faith-based organizations are already protected when they use their own funds. We are talking about using Federal funds, taxpayers' dollars, or they are talking about it, in order to enhance religious discrimination. That is what we oppose.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the Chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Chairman, I appreciate the gentlewoman yielding me this time.

At a time when our country is grasping with how to deal with ongoing gaps in wealth, poverty, and education, we must recognize that Head Start is a critical component to helping those children at a disadvantage get on a more equal ground. As we know all too well, the achievement gap that continues to plague our country has early roots, and the sooner we can help young people gain valuable skills, get good nutrition, and provide them with a comprehensive early education, the better chance we have of improving their future.

While this bill does strengthen the program for the over-900 children served, there are still far too many children starting kindergarten at great disadvantage. In my State alone, nearly 20,000 students benefit from Head Start; but we know that over half a million children in New Jersey are eligible and never get a chance to get on that equal footing. It is those children we must think of as we seek to improve this bill.

I am relieved we are debating a bill that does not produce devastating effects on this program, but instead keeps it intact and provides a number of improvements. But I hope the end product will reflect those efforts and will not end up poisoning the bill by repealing civil rights and discrimination protections. If for over 30 years religious institutions have not had a problem providing Head Start services, why would the Congress of the United States now sanction and permit discrimination and violate civil liberties? It is simply not in the national interest, and it is the wrong action and the wrong lesson to teach our children.

In this bill we are asking more from our early childhood educators, yet we are not providing them with more. We must be realistic about the challenges this creates. The estimated cost for half of all Head Start teachers to earn a bachelor's degree by 2008, as the bill calls for, is an estimated $2 billion over 5 years. We need to work to attract talented individuals to continue to enter the field, not make it harder for them to stay in it.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the chairman for yielding me this time and allowing me to participate in this discussion.

We know that children who begin kindergarten and first grade prepared both socially and mentally to learn have a much greater opportunity of success, not just in school but in life. Improving the quality of Head Start should be a priority for all of us.

One of the greatest challenges of any Federal program is to ensure that hard-earned taxpayer money is used only for the purpose intended, and the current Head Start program does not live up to that principle. The need for safeguards and accountability are needed now more than ever.

The School Readiness Act addresses financial management weaknesses found in the current Head Start system and publicly documented in various news accounts. There is disturbing evidence that a sizable share of Head Start funding never reaches its target: disadvantaged children. Instead, the money is being lost to waste, financial abuse, and mismanagement; and there are collective media accounts that suggest that the problem is not isolated.

The director of a Head Start program in Gardenville, Maryland, was indicted on charges that she stole more than $350,000 from the organization over a 4-year period. Imagine if this money were spent on students rather than stolen from Head Start.

A former director of a Head Start program in Charleston, West Virginia, was sentenced up to 5 months in Federal prison after admitting he used an agency credit card for a personal trip to the Kentucky Derby and preparing a false invoice for computer repairs. Rather than investing money in student nutrition, this director took this money from school cafeterias and went to the horse races.

The executive director of the Kansas City, Missouri, Head Start operation earned a salary in excess of $300,000 annually and drove a luxury SUV, leased in part with Federal Head Start funds. The gentleman has since resigned. Head Start was never intended to provide for six-figure salaries and luxury cars.

The Department of Justice gained a guilty plea from an executive director of a Lubbock, Texas, Head Start program after he embezzled more than $800,000 over 2 years and diverted part of the money to a local restaurant.

Mr. Chairman, it is a priority of this Republican Congress to ensure that the necessary financial controls are in place to safeguard against these abuses and to protect the public's confidence in this important school readiness program. Safeguards against financial abuse in this bill include an independent financial audit annually, an annual report detailing how their money is spent and the sources of their funding, oversight by a local governance board, and a requirement that administrative costs may not exceed more than 15 percent of the total program cost.

Congress must not ignore the evidence that much money invested in the Head Start program currently never reaches the disadvantaged children it is intended to serve. I commend the chairman for his leadership and the leadership of the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), for this bill; and I urge all Members of the House to support H.R. 2123.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), a member of our subcommittee.

Mr. KIND. Mr. Chairman, the evidence of financial mismanagement is real, and I believe the committee has taken steps in this bill to try to address that, and this authorization bill goes a long way to do that. But as a member of the Committee on Education and the Workforce, I have had the chance to visit all of my Head Start centers in western Wisconsin. You cannot help but walk away from that with an overwhelming feeling of pride and sense of security that those kids are receiving very professional, caring treatment in those Head Start centers.

Head Start has been one of the most successful anti-poverty programs ever created. It is also the most poked, prodded, picked, analyzed, and surveyed program in the Federal Government; and for the last 40 years it has withstood the test of time. It consistently ranks at the top of participant satisfaction surveys compared to any other Federal program.

I commend the leadership of the committee, the chairman, the gentleman from Ohio (Mr. BOEHNER); and the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE); and the ranking members, the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from California (Ms. WOOLSEY), for putting together a good bipartisan bill that we were able to report out 48 to zero in committee, because there is a right and a wrong way to reauthorize this important program.

The right way is to enhance integrated services, increase accountability, tighten up the financial oversight, and require highly qualified teachers. A wrong way is to continue to leave behind over 400,000 students who currently qualify, but cannot go to Head Start because of inadequate resources. A wrong way is to allow the legal discrimination against an individual based on religion.

Later this afternoon, I will be offering my own amendment that would allow the National Research Council of the National Academy of Sciences to establish proper standards and assessments so we can properly measure the progress of these kids. The current national reporting system is not working well, and we need to make sure that we get the measurements and the testing of these children done correctly at this very early age so we do not do any harm. I will ask my colleagues to support my amendment when it comes up later.

Mr. Chairman, I join educators, parents, and Head Start staff from Wisconsin as well as many of my colleagues here today in support of reauthorizing Head Start. This program has helped millions of high-risk children from impoverished families achieve academic success.

Since the creation of Head Start 40 years ago, there has always been bipartisan consensus to continue this program that serves more than 13,000 children in Wisconsin and 2,000 in the Third Congressional District. As a member of the House Education and Workforce Committee, I am pleased to have had the opportunity to work with my colleagues on both sides of the aisle to produce the best possible bill. I would like to thank Chairman BOEHNER, Representative CASTLE, Ranking Member MILLER, and Representative WOOLSEY for their leadership and commitment to our children in crafting this legislation.

I also would like to thank those people in western Wisconsin who have advised me throughout reauthorization. They include: Lori Dilley, director of Southwest Wisconsin Head Start; Dan Stickler, director of Western Dairyland, Paula Wainscott, director of Head Start in Eau Claire Area School District; Tim Hathaway, director of Renewal Unlited, Sue Schultz, and Barbara Wehman at CESA 11; and James Vermeul, director of Child & Family Development Centers.

Since the reauthorization process began in the spring of 2003, we have made tremendous progress to reach consensus on the bill before us. However, I remain concerned with the implementation of the National Reporting System for Head Start children. The NRS is an assessment instrument developed under HHS's guidance in 2003 and used to test half a million children in Head Start twice yearly.

Unfortunately, HHS implemented NRS—at the cost of $25 million so far—despite protests by early child education experts who question the validity, reliability, and appropriateness of the assessment. While we support ongoing assessments of Head Start children to help ensure their school readiness, these specific tests were developed behind closed doors and with very little input from child development experts, Congress, or Head Start centers.

The GAG validates many of these concerns. In May, they released a report stating: "If the test is to be used as a measure of program performance or to assess changes in child outcomes, it is important to ensure that it is sensitive to the range of development typically demonstrated in Head Start. Based on our analysis and that of the Technical Working Group and independent experts, we continue to believe that further study is necessary to ensure that the NRS results are reliable and valid and the results are appropriate for the intended purposes."

I authored language in H.R. 2123 to commission a study by the National Academy of Sciences to report on appropriate standards and benchmarks for school readiness and valid measures of assessment. Today, I will offer an amendment to suspend the National Reporting System until the National Academy of Sciences completes its review, and I urge all my colleagues to support my amendment.

Reauthorization provides Congress with an opportunity to evaluate appropriate standards and benchmarks for school readiness, as well as valid measures of assessments for Head Start students. Until child development and early education experts can agree about the appropriateness of the NRS, we should not be spending millions of dollars on its implementation and subjecting 500,000 children to it every year.

In addition to promoting development of the mind, I also believe that we must promote good physical development for all children. I am pleased that an amendment I offered in committee to promote physical development, including outdoor activity to support children's motor development and overall health and nutrition, was accepted.

The requirement for physical activity and nutrition for pre-schoolers is increasingly important as childhood obesity rates have doubled for young children in the past 20 years. Studies show that healthy eating habits help to prevent childhood obesity and other nutrition-related diseases. Given the epidemic rate of child obesity, dramatic changes need to take place in school nutrition environment.

The Society for Nutrition Education, SNE, reports that child nutrition programs present opportunities for positive role modeling of healthy and nutritious meals, from the formative years of early childhood through the teen years. Additionally, implementation of educational programs that guide and motivate parents and children to improve the nutritional quality of their dietary choices and to increase their physical activity levels is, extremely important. Physical activity, particularly for youth, help to improve school performance, establish positive health habits, and possibly prevent the onset of adult diseases.

Mr. Chairman, again, I am pleased to have worked on this bipartisan bill to reauthorize the Head Start Act. The consensus we have reached on H.R. 2123 reflects positively on how well Head Start is working. Numerous studies indicate that every dollar spent on Head Start saves taxpayers $4 to $7 in the future due to savings in education and welfare expenses. Therefore, it is my belief that the bill before us today will continue to provide the best Head Start program for all of our children.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Chairman, I rise in strong support of the School Readiness

Act of 2005. I would like to pay particular attention and highlight a provision of the bill granting greater flexibility to Head Start programs wanting to provide Early Head Start to children ages birth to 3.

A priority goal of the Head Start program is to reach out and assist as many of our Nation's at-risk children as possible in the most effective and responsible manner possible. In continuing with this tradition, I was proud to join with my distinguished colleagues, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. VAN HOLLEN), in offering a bipartisan amendment during committee consideration of this measure meant to reach out and serve at-risk children at an age when brain development is occurring rapidly and is perhaps in its most critical phase.

The Biggert-Van Hollen-Platts amendment, which was adopted unanimously in committee, gives grantees providing services under Head Start ages 3 to 5, and Early Head Start, birth to age 3, the flexibility to use existing unfilled Head Start slots for infants and toddlers who are eligible for Early Head Start.

In the earliest years, infants and toddlers are developing a foundation not only with respect to language and cognition, but also with respect to emotion, mental health, and social behavior upon which all subsequent learning is built. As many as 75 percent of children enter the Head Start program with vocabulary skills below the average range, and 82 percent of these children start out with early writing skills below the average range.

These numbers tell us that we need to start reaching out to at-risk children at an even younger age, before they have already fallen behind their peers. Yet early Head Start currently serves less than 5 percent of eligible infants and toddlers.

A major study of the Early Head Start program by Mathematica Policy Research and Columbia University found that 3-year-old Head Start children performed significantly better on a range of measures of cognitive, language, and social and emotional development than a control group. In addition, the parents of these children scored significantly higher than control group parents on many aspects of parenting and the home environment.

Early education programs are clearly important to the future of our Nation and our Nation's children. They have the ability to influence the course of young children's lives in a positive way. I hope my colleagues in this Chamber will join me in supporting final passage of H.R. 2123.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), a member of the Subcommittee on Education Reform.

Mr. KUCINICH. Mr. Chairman, injecting religious discrimination into Head Start is a nonstarter. It is a rollback of established civil rights laws. It is wrong. And I believe it sets the stage for unconstitutional activity. I ask my colleagues to withdraw that amendment and let this bill, which we do agree on, to go forward to serve the children of our Nation who are waiting for opportunities to ensure that no child in America is trapped within poverty's grasp, to enable every child in America to live up to his or her highest potential.

Faith-based organizations, as we all know, are free to use their own money to make employment decisions using religious criteria for programs. There is no discrimination against faith-based organizations that run federally funded social services. If they want to hire people of only a certain faith, they can do that with their own money. But when it comes to the use of taxpayers' dollars, no citizen in this country with the protection of the first amendment should have to pass a religious test to qualify.

Our Founders understood the importance of separation of church and State. I also believe they did not intend to have America exclude the celebration of spiritual values. It is important that we remember the Founders' directives to bring spiritual values of truth, honesty, love of country, but to never break down that wall which separates church and State. Preserve our Constitution.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when our forefathers in the 1960s wrote the 1964 Civil Rights Act landmark legislation, they provided a specific exemption in hiring for religious organizations, understanding that religious organizations would probably want to hire someone of their own faith. Now, if you disagree with that, go to the Committee on the Judiciary and rewrite the 1964 Civil Rights Act.

Nowhere in this exemption does it say that, well, you have the exemption if you use your own money, but if you participate in Federal programs, you lose the exemption. It does not say that anywhere in the 1964 Civil Rights Act.

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The fact is, that I understand there are deeply held beliefs here, but I do not think a religious organization should have to give up their rights under the 1964 Civil Rights Act just to participate in providing services to poor children who desperately need them.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, in response to the chairman, we are talking about taxpayers' money to support religious discrimination. That is what we cannot forget.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), a member of the committee.

Mr. VAN HOLLEN. Mr. Chairman, I strongly supported this bill as it came out of the committee. I was proud of the product the committee passed out. I was pleased to join with many of my colleagues on the other side in offering amendments that were supported on a bipartisan basis that I think strengthen the Head Start program.

I am very sorry that that bipartisan consensus may be shattered, and it will be shattered if we later adopt the Boustany amendment because, make no mistake about it, the Boustany amendment is, in fact, an attack on religious liberty in this country. It takes us down a very dangerous road of taxpayer-financed religious bigotry.

It is important to understand what the Boustany amendment does and does not do. This is not a debate about whether or not faith-based institutions play a valuable role. Of course they do. We have seen it in response to Hurricane Katrina. We have seen it elsewhere. Nor is it about whether faith-based Head Start programs should receive Federal funds. They are receiving those today.

The issue is very simple. The question is whether we should eliminate the protections in current law against discrimination based upon religion or whether we should preserve those protections. The Boustany amendment would give a green light to religious discrimination.

Just imagine if you are a highly qualified early education teacher, who is applying for a Head Start program that is expanding to take care of children who are victims of Hurricane Katrina. You go down and they say, I am sorry, you are the wrong religion. Only Catholics need apply, only Jews need apply, only Baptists need apply. That is a terrible message to be sending to our children. And does it not violate someone's religious liberty to take someone's tax dollars, give them to an organization and then say to that person, you cannot have a job with this organization?

In all of the hearings that we have held in our committee on this issue, no faith-based organization has ever come up and said, gee, we could do a better job of teaching children if only we were allowed to discriminate in hiring teachers.

I must say, one of the puzzling things, they concede that you cannot proselytize, yet they say you can discriminate.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

If what is being proposed under the Boustany amendment is so awful, why would President Bill Clinton, during his 8 years in office, have signed the following bills into law: the 1996 welfare reform law; the 1998 Community

Services Block Grant reauthorization, the 2000 Community Renewal Tax Relief Act; the 2000 Substance Abuse and Mental Health Services Administration Act.

Why would President Bill Clinton have signed all of these bills into law if, in fact, this was such a bad idea? Because all of these acts, signed into law by President Clinton, have the same identical language that is going to be offered later today.

The second point I would make is that what do we have to fear from allowing the House to work its will and letting the majority rule? Let us have the debate. Let us have the vote. Unfortunately, my colleagues know that we are likely to win, because we have won on this case time and time again as this debate has occurred in this House.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in support of the Head Start program and the great opportunities that it provides to children, parents, and families in America.

I am a Head Start kid. I experienced firsthand the valuable and comprehensive education program that Head Start provides for low-income families. Head Start opened up a new world, not only for me, but also for the rest of my family.

As I received an education and health services, my mother learned valuable lessons on how to become a more active and involved parent in America's public school system. I am glad to see that H.R. 2123 preserves the valuable Federal-to-local design that gives parents and local communities the right and the responsibility to be active in their Head Start program. For this is really the key to the Head Start program, the fact that parents and families are also involved with their children.

To maintain the integrity of Head Start, I would urge my colleagues to pay special attention to two key votes. My colleague from Indiana (Mr. SOUDER) will be offering an amendment to restore the joint governance structure of Head Start and to allow policy councils made up of parents and community members to approve or disapprove program plans and operation activities, along with the board of directors. I urge my colleagues to support that important amendment.

On the other hand, I urge the House to oppose the amendment that would allow faith-based Head Start programs to use Federal tax dollars to discriminate against teachers and employees solely on the basis of their religion. We need to keep Head Start strong and to open it up for everyone so that it can remain the great program that it was for me and so that it can continue to be so for so many Americans.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I want to focus on the extra provisions dealing with the Migrant and Seasonal Head Start programs. These programs are among the most essential, providing comprehensive education, health care, child care services to the families who often have literally nowhere else to go. I am familiar with this, working with the Texas Migrant Council in my district, Laredo, Texas.

This year we are breaking new ground by mandating at least 5 percent of the Head Start budget to go to migrant and seasonal programs. I want to thank the chairman and the members of the committee for this. This increase even by 1 percent means a lot, going from 4 to 5 percent. It would permit Migrant and Seasonal Head Start to serve as many as 10,000 additional children. This is a case where a small increase in funding can make a big difference to a lot of children, changing the path they are on.

I want to emphasize that this program is extremely important. I know that for the migrant farm worker population facing a unique set of challenges, working on a seasonal basis, migrant families often have to move from State to State during the year, making it extremely difficult for the children to get in and remain in high-quality educational programs. When they are in the fields, parents often work 12 hours a day or more, making it very difficult for child care. This is why this provision is extremely important.

This program is important, and I know because I am also the son of migrant workers. I want to thank the chairman and the ranking member (Ms. WOOLSEY) for the work, and the committee members for this new additional funding for the seasonal migrant workers.

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, today I am a Member of Congress. Prior to ever being elected to office and serving in the State legislature or Congress, I worked 6 years for Head Start. I started as assistant teacher, and I went on to be the supervisor of Parent Involvement and Volunteer Services. I love Head Start, and I have a great appreciation for what my government has done in creating this program to give poor kids and the kids of working families an opportunity to get a head start, to get prepared for kindergarten and to get prepared for success. That is what Head Start has been doing.

Not only does Head Start build self-esteem, it prepares children to read and get ready for the educational experience. It teaches parents to appreciate their children's work. It teaches parents that they can have involvement in their children's educational destiny. This is a wonderful program.

I think the committee did a good job in working through some of the problems. I do not agree with everything, but I would support this bill.

But I am absolutely shocked and surprised that my colleague that I came into this Congress with would lead an effort to kill Head Start. The gentleman knows he is killing Head Start by putting this amendment on the floor to put religious involvement in the program. A faith-based initiative has no place in Head Start. Head Start teaches children to respect each other, to enjoy each other, to respect all cultures.

On Sunday morning in America, religion is the most segregated sector of our society. Whites go to white churches, blacks go to black churches, Greeks go to Greek churches, Muslims are in their mosque, Jews are in their synagogue; and that is all right. We have religious freedom. People go to whatever church they want. But do not bring that to Head Start. Allow Head Start to be what it should be for all Americans. Do not say to people because you are a different faith, you cannot work in this Head Start program.

We do not want to give that kind of example to our children. Do not start the resegregation of America, it is wrong. And do not do this to Head Start.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in support of this bill.

What we have to remember is this is about the children, children whose families are trapped in poverty trying to get a head start on education, which is the surest way out of poverty. It is disappointing to me there are some in here, because we provide some level of flexibility, and perhaps in some community it is a faith-based operation that can deliver the services best to a poor child in need of these services, that there are some willing to kill Head Start because of that level of flexibility.

In my hometown, thankfully, it is the public school systems that have taken over the Head Start program because we suffered through the difficulties of financial problems. The previous Head Start organization managed the program so poorly that they could not pay the teachers and continue Head Start. It had to be taken over by the Federal Government through an entity. Fortunately, Omaha Public Schools have taken over Head Start in Omaha, Nebraska, providing over a thousand children an opportunity to have a coordinated Head Start educational program, a better education program, with assurances to the parents that it is going to be there next year. In fact, they have even got a very progressive system for Head Start children based on EduCare, an outstanding private preschool program that involves a holistic approach of the entire family.

I want to end by thanking the gentleman from Ohio (Mr. BOEHNER) because he also recognizes there was a glitch, a glitch that eliminated some of the lower-level rank-and-file service men and women from having their children in Head Start programs because of privatization of military housing. The gentleman from Ohio (Mr. BOEHNER) recognized that problem, corrected that problem, and I want to thank him for standing up for our service men and women with children that would be eligible for Head Start.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, kill Head Start? Supporting religious discrimination which was added by the majority to this otherwise very good bill is exactly what would kill Head Start. Shame on the gentleman for thinking that it is any other way.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Committee on Education and the Workforce.

Mr. HOLT. Mr. Chairman, today on the floor we have what is increasingly rare these days, a bipartisan bill, a bill that would help thousands of Head Start children and their families. Head Start has worked well for 40 years. It has changed lives for the better. It is one of the great successes of our government. That is documented.

☐ 1300

Now, this bill is not perfect, but it makes some positive changes. I am pleased that the bill avoids the proposed use of State block grants. It improves the academic content and requirements. It requires coordination between Head Start and State-run kindergarten programs. It improves the prospect for children of migrant and seasonal workers, of service men and women, of Native Americans. The legislation strengthens accountability.

We still have a long way to go to give all eligible children the benefits of Head Start, but basically this is a good bill. It is a good bipartisan bill that is about to be destroyed by an insidious amendment. It is an amendment that would allow American tax dollars, tax dollars of ordinary Americans, all Americans, to be used for religious discrimination. We cannot allow that. The nondiscrimination provision of Head Start has been reauthorized in 1984, 1986, 1990, 1994, and 1998. No changes were proposed or made in the civil rights provision during those reauthorizations, but now the nondiscrimination provision would be thrown out.

Let us remember why we have this nondiscrimination provision. It is to protect freedom of religion, of religious belief and practice. It is to protect religious belief and practice. That is why it is so important not to mix that up in here.

It is a good bill. We would like to keep this as a bipartisan bill. We do not want to go back to the days where one would say Catholics need not apply, Jews need not apply. If Members do not want to go back to those days, vote "no" on the amendment.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I did not run a program in Head Start like the gentlewoman from California (Ms. WATERS), but I visited one, and then I visited another one because when I first came to Congress, and the gentleman from Maryland (Mr. HOYER) was here, I did not support Head Start or WIC. I thought they were a waste of time.

But I will tell the Members that Head Start and WIC and school lunch and those programs are only as good as the local district will let them be and work. They can make a difference. If a program that is working, if Members go down to those districts and see those children, they will tell them. Help us to help other kids that do not have a chance.

Support this bill.

I would say that a friend of mine said that when we are talking about the religious aspect of this, he said, When you come to Congress and somebody will say, You wear the Lord on your shoulder, he said. You tell them that is wrong; you wear them on your whole body.

I have never seen anybody turned away any religion, whether in an emergency or health or WIC. So vote for Head Start.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I am pleased that we have a bipartisan bill here. I want to congratulate the chairman, congratulate the ranking member, and congratulate the gentlewoman from California (Ms. WOOLSEY) for coming out with a bipartisan bill.

Unlike the bill considered by the House in 2003, this legislation does not attempt to block grant Head Start programs, which was controversial. I think that is good for the passage of this bill. Furthermore, it strengthens academic content, improves teacher quality, promotes better coordination between Head Start and other early childhood programs, and it strengthens accountability.

My wife supervised Head Start in our jurisdiction for many years. There are 24 Judy Centers around the State of Maryland right now, many of which include Head Start.

This bill was reported out of committee almost unanimously, if not unanimously. Unanimously. While the underlying bill contains long-standing nondiscriminatory provisions, and I congratulate the committee for that, there is an amendment lurking that will undermine that bipartisanship and, not only that, undermine an extraordinarily fundamental principle in our country: we do not discriminate. We do not countenance discrimination.

The previous gentleman indicated he does not know of any instance where there has been discrimination. I agree with that. I have never had anybody contact me ever, and this is my 37th year in public office. Never, from 1967 to today, have I had somebody come to me and say this is a problem. The committee has seen fit to report out a bill which does not allow discrimination. Why? Because there is no problem here. Frankly, the gentleman from Louisiana is trying to create a problem where there is none. We ought to reject that amendment.

If we do not reject that amendment, the overwhelming majority of us on this side of the aisle are going to vote against this bill. That is unfortunate because we are all for Head Start. It is a program that works. It is a program that is important. It is a program that we ought to reauthorize. And I urge us to support this bill, but reject a crippling amendment to be offered by the gentleman from Louisiana.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the chairman for yielding me this time.

I have an amendment, the second amendment, coming up that I believe is very critical. It goes to the heart and soul of the Head Start program, and that is whether parents have voting rights or whether they are just going to get a pat on the head and told we like their opinions. I believe it is critical to Head Start that we put this back in.

But two points: first off, I thank the chairman and the Committee on Rules for allowing an amendment in order that they do not support, and I appreciate that and I want to thank them for that.

Secondly, I gave my word and I believe it is important that we move this Head Start bill whether my amendment is agreed to or not. I believe the Senate will never allow an amendment that strips parents, and I believe the administration will not sign a bill that strips parents, and I believe it is important that we have that debate, but it is also important we move ahead.

A number of Members have told me that if the amendment is not agreed to, they would vote against the bill. I urge them to move the bill forward regardless of what happens to the parents amendment. We need to address it in conference if we do not today, but it is the number one empowerment program in America. We do not need to go backwards and give more power to the government and boards that are not responsible to parents. We need to keep it at the parents level.

But I want to, again, thank the chairman for his leadership in trying to clean up the financial problems. It was not the parents. This bill does that, and I support this bill.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), who is a member of the Education Reform Subcommittee.

Mrs. DAVIS of California. Mr. Chairman, I thank the gentleman from Delaware (Chairman CASTLE), who worked so diligently with the gentlewoman from California (Ms. WOOLSEY), ranking member, and the subcommittee members to create a bipartisan bill. This is the spirit in which I believe Congress ought to work and find compromises and avoid extremes.

But, regrettably, I am going to have to oppose the Boustany amendment to strike the language which prohibits religious discrimination in hiring. This issue was vigorously debated in our subcommittee and committee and was not included in the bill.

When our taxes are used to hire people, should the decision be based on whether that person is a Baptist, a Roman Catholic, a Mormon, a Muslim, a Hindu, or a Jew? Supreme Court decisions have clearly stated that religious institutions have a legitimate interest in choosing employees by their religion. But these cases are about jobs that are privately funded.

Head Start, as we know, is publicly funded. Employers in government-funded programs should not be able to do what government employers may not do. Religious education programs run by a mosque, a church, or synagogue are pervasively religious, and discrimination in hiring is appropriate to carry out the religious content.

But a program in the same building which is a contract for a Head Start program is not about religion, and discrimination in hiring for jobs paid with Federal tax dollars is wrong.

One of the strengths of Head Start has been encouraging parents to volunteer; and tens of thousands of parents, as we know, have gone on to develop skills to become a paid aide or teacher.

One of my colleagues mentioned that he is very supportive of the bill, which helps and supports military families, and I fully agree with that. But then imagine that a child whose parent is fired from working at her school because their religion is different from the contractor's, perhaps a military family is fired because they are Roman Catholic, not Baptist, Muslim, or a Methodist. What would that teach these children about our country's commitment to freedom, the very freedom that their parents fight for? That religious discrimination is okay. That I cannot support, Mr. Chairman, and I hope Members will oppose that kind of discrimination.

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the subcommittee.

Mr. SCOTT of Virginia. Mr. Chairman, I just wanted to remind the House that faith-based organizations can and do sponsor federally funded Head Start programs. Any sponsor who will agree not to discriminate in employment, if they can sponsor a program with the discrimination amendment, they can sponsor the program without that amendment if they would agree not to discriminate.

What we are talking about is discrimination. Some people want to discriminate against Catholics, Jews, Muslims, African Americans. We had this discussion in the 1960s, and the consensus back then was that discrimination in employment was so offensive that we made it illegal. The victim needs to be protected and the weight of the Federal Government will fall down on the side of the victim.

The vote was not unanimous. Some people did not like it then; they do not like it now. And we are discussing where should the weight of the government be, with the victim or with somebody trying to discriminate. This is Head Start. We should not give students of Head Start the idea that their parents were denied a federally funded job solely because of their religion.

We have heard of the Supreme Court. All of the Supreme Court decisions have said it is okay for a church to discriminate in employment with church money. None have supported discrimination with direct Federal funding. We have heard of our forefathers in 1964. We know that since 1965 it has been illegal, at least until this administration, to discriminate with Federal money. Head Start has been reauthorized for over 40 years with the civil rights protections.

President Clinton's name has been invoked. What is left out is his signing statement where he said that his analysis was that they could not discriminate with the Federal money under his analysis. This administration has changed that analysis, but we need to make sure that President Clinton's whole signing statement is included.

Mr. Chairman, I submit for printing in the RECORD letters from numerous organizations including the National Head Start Association which oppose the discrimination amendment and ask us to vote "no" on the underlying bill if they sabotage civil rights protections.

SEPTEMBER 22, 2005.

DEAR MEMBER OF CONGRESS: I have become aware that an amendment has been offered by Rep. Boustany (R–LA) to the Head Start bill on the House floor today that would give faith-based organizations providing Head Start services the right to discriminate with federal funds against employees who are of different faiths. As the State President of the Louisiana Head Start Association, I strongly oppose such an amendment.

It is a sad day when Members of Congress try to manipulate compassion evoked by the national tragedy in my state of Louisiana caused by Katrina to pass a civil rights repeal in Head Start or jeopardize the passage of this law so important to the children of my state and our nation.

I know, firsthand, that Head Start is a model for demonstrating that a strong prohibition on religious employment discrimination with federal funds is fully compatible with federal assistance to faith-based charities. Faith-based organizations, like the ones I oversee, can and do fully participate in federally funded programs without discriminating in hiring with those same federal funds. I see no reason to change the law to allow them to use federal funds to discriminate against our employees. My state's religiously affiliated providers are more than capable and willing to honor the civil rights requirements of the Head Start program.

I am greatly concerned that the provision to remove civil rights protections for employees could have a negative impact on the children and families who participate in these programs. Tens of thousands of at-risk 3- and 4-year-old children currently in Head Start could lose their teachers—who often are the most important adults to whom they have bonded, other than their parents—not because those teachers are doing a bad job, but because they are the "wrong" religion.

As the State President of the Louisiana Head Start Association, I urge you to reject the Boustany amendment to allow discrimination in Head Start. Such a provision is incompatible with the mission of this program.

Sincerely,

BARBARA PICKNEY,
St. Landry Parish Head Start Program, State President of the Louisiana Head Start Association.

NATIONAL HEAD START ASSOCIATION,
Alexandria, VA, September 19, 2005.

Hon. JOHN A. BOEHNER,
Chairman, Committee on Education and the Workforce, Washington, DC.
Hon. GEORGE MILLER,
Ranking Minority Member, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN BOEHNER AND RANKING MEMBER MILLER: On behalf of the more than 2.5 million children and families, program staff and volunteers that comprise the Head Start and Early Head Start community, we are writing to you today to address certain issues regarding the reauthorization of the Head Start Act.

We appreciate the bi-partisan spirit that has occurred throughout this crafting of the reauthorization bill. H.R. 2123 does not contain the controversial block grant proposal of the 108th Congress and maintains the crucial comprehensive services of the Head Start program performance standards. We applaud a number of measures and improvements incorporated into this bill, such as enhanced homeless outreach; greater set asides for migrant and seasonal workers and Native Americans, as well as Early Head Start programs; and the addition of a "seamless service" provision that allows programs to convert Head Start slots to Early Head Start slots under certain circumstances.

While the recompetition provision is not perfect, we appreciate that its intent is not to recompete all programs, but to recompete only failing programs. We also acknowledge that the teacher requirements are based on national goals and that training and technical assistance is funded at two percent, with 50 percent of that amount going directly to programs.

While we generally are pleased with the overall intent and direction of H.R. 2123, we do have continuing concerns about certain specific provisions that we hope that can be resolved before the bill is enacted into law. These concerns are discussed in greater detail below.

REQUIREMENTS FOR RECOMPETITION

Recompetition procedures, which are laid out in detail in Section 641 (c)(1)–(19) include several areas that are problematic. While we strongly agree that programs that are not providing high quality services should have to recompete for Head Start funds, we are concerned that the language in this section may force more programs—regardless of quality—to undergo recompetition. We believe that there should be a strong message that all programs must be high performing. Yet, we also believe that programs that are providing high quality services should not be put in the position of recompeting every five years, as this instability makes it difficult for them to recruit and retain the best teachers, to invest in facilities, and to create lasting partnerships with other community agencies.

While we appreciate the efforts to make the recompetition process fair, there remains a very long list of tests that must be met to determine the priority status of programs. We continue to have concerns that some of these tests could be evaluated in an arbitrary manner, throwing programs into a recompete status, regardless of their performance.

The Head Start community does not want to see failing programs continue, but we would like reassurances that the recompetition process will be unbiased and consistent in its application by the Bureau. To achieve this, we would prefer that there be more limited parameters to determine the need to recompete a grantee, such as programs that have unresolved areas of noncompliance.

TEACHER CREDENTIALS

The entire Head Start community is committed to raising the bar when it comes to improving quality and enhancing teacher and staff credentials.

Additionally, educational levels among Head Start teachers have increased appreciably since the 1998 Congressional mandate to increase the proportion of Head Start teachers with an A.A. degree. Fifty-seven percent of Head Start teachers had at least an A.A. degree in 2003, exceeding a Congressional mandate that 50 percent of Head Start teachers in center-based classrooms attain an A.A. degree or higher by September 2003.

Most Head Start teachers without degrees were working toward them. Fifty-eight percent of Head Start teachers without a degree or credential were enrolled in an early childhood education or related degree program, and 18 percent were in Child Development Associate (CDA) or equivalent training.

A key to Head Start's success in meeting the 1998 mandate was that Congress also increased funding, which provided scholarships, release time and qualified substitutes, teacher salary increases, and other quality enhancement supports. The 1998 law required that, when funding for the program increased, a certain percentage of new dollars would be dedicated to quality. In the following years, funding for the Head Start program grew and, as a result, funds available for quality activities increased. However, Head Start funding has not kept pace with inflation in recent years, so programs no longer have a growing source of funds to help teachers attain degrees. Additional funding will be needed to meet a mandate to move from two- to four-year degrees, because costs of attending a four-year public college or university are on average more than twice the cost of a two-year program, and because there are significant additional salary costs in order to retain teachers with four-year degrees.

Programs must have the resources to help teachers gain their credentials and to pay salaries at a high enough level to recruit and retain teachers with the required degree.

Without new money for teacher salaries, increased credentialing for teachers should not be mandatory.

HEAD START PARENT POLICY COUNCILS

While we appreciate the modifications made in Committee markup to the provisions regarding the Head Start Parent Policy Councils, we strongly believe in the integral and shared responsibilities of board members and parents in Head Start governing bodies. The high degree of parental involvement in the Head Start program has provided a role model for early childhood education for 40 years.

The Head Start community is fully committed to restoration of the current level of authority to Parent Policy Councils.

NATIONAL REPORTING SYSTEM

The NRS, a pre- and post-test for Head Start children, is not a valid measurement of program impact and should not be used in this manner. Because Head Start serves children with very high level needs, using this kind of measure to evaluate programs may well penalize those programs serving the children with the greatest needs. Further, as pointed out in a May 2005 General Accountability Office report, the NRS was found to be invalid and unreliable. The GAO also confirmed that the NRS is not an appropriate evaluation vehicle for children who are English Language Learners, especially those who speak neither English nor Spanish.

Additionally, we know that the Head Start Bureau is spending more than $21 million annually on the NRS, an expenditure that does not even begin to take into consideration the costs of preparing for and administering the test at the program level.

We ask the House of Representatives to suspend further use of and expenditures for the NRS until the National Academy of Sciences can make the test scientifically valid.

UNSCHEDULED SITE VISITS

H.R. 2123 contains a provision that the Head Start community believes is punitive and unreasonable to all Head Start programs. The process and planning that is required of program administrators for a full PRISM review cannot be performed overnight. The Head Start community has no objection to unannounced site visits when they concern health and safety issues or are following up on prior compliance matters.

NHSA believes that a minimum of 30 days notice should be required of the Head Start Bureau before full PRISM reviews.

TRAINING EXCEPTIONS

High quality training is critically important to improving and sustaining Head Start quality and childhood outcomes. H.R. 2123 limits the ability of parents and staff to travel in order to receive specialized training and career development at national conferences.

This is an unnecessary provision that will cause confusion for program administrators since the existing grant application process requires justification of all training.

COLLABORATION WITH THE STATES

While the Head Start community strives for sound collaboration with their respective state officials, it is critically important that state officials reciprocate in these collaborative efforts. H.R. 2123 does not require input as it should, and as is now required, from state Head Start officials in the process of selecting staff who will have coordination responsibilities.

The Head Start community believes that state Head Start Associations should have sign-off on candidates for state collaboration officers, as well as continuing involvement in the planning and implementation of state plans. Furthermore, there should be clarification regarding states that have existing state advisory councils, namely that they are permitted to modify them to meet the requirements in the bill.

CHARITABLE CHOICE AMENDMENT

The Head Start community, including a number of programs administered by religious organizations, strongly opposes any effort by this Administration to encourage religious discrimination in hiring practices for Head Start or any federally-funded program. Freedom of Religion, a cornerstone of this great nation, should be sacrosanct to all of us. It is incomprehensible that the U.S. Congress would tamper with the ability of its citizens to practice their faith by using the threat of employment discrimination.

In spite of its positive provisions, if H.R. 2123 contains a religious discrimination amendment, we must reluctantly oppose the bill.

In closing, we commend the Education and Workforce Committee for their bi-partisan efforts in this Head Start reauthorization bill and we hope that modifications will be made that will result in improvements to the program.

Sincerely,

SARAH M. GREENE.

AFRICAN AMERICAN
MINISTERS IN ACTION,
Washington, DC, September 16, 2005.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: As pastors and leaders of predominately African American congregations across the country, we urge you to stand up for the civil rights and religious freedom of all Americans, and to maintain the bipartisan direction of the School Readiness Act (H.R. 2123) by opposing any attempt to repeal longstanding critical civil rights protections on the House floor. This bill maintains provisions designed to protect over 198,000 Head Start teachers and staff and over 1,450,000 parent volunteers from employment discrimination based on religion in federally-funded Head Start programs. We have continually supported these provisions because this is consistent with our commitment to protecting the religious freedom of all citizens. Further, because we are acutely aware that religious discrimination is often a proxy for racial discrimination, among others, we cannot support the allowance of such an unprincipled initiative by any Member on either side of the aisle.

As religious figures we provide leadership grounded by theological interpretations of scripture, and focus on issues of concern to our parishioners and our community. We agree that religious organizations participating in the Head Start program make an invaluable contribution to the education of thousands of students in minority communities in particular, but do not agree that discriminating against persons based upon their religion is necessary or desirable in order to provide these much needed services.

We are optimistic that this bill can gain broad support among religious, civil rights, labor, education, health, and advocacy organizations, but this broad support will end if there is any threat to remove the longstanding critical civil rights protections in Head Start. In particular, we are seriously concerned about a statement released by the Committee on Education and the Workforce on May 5, 2005, in which Chairman Boehner stated that he foresees an amendment on the House floor to rollback longstanding critical civil rights protections. In light of this statement, we are asking Members to oppose this amendment and not support the Head Start bill if the anti-discrimination provisions are removed.

As leaders of our respective congregations we are committed to providing much needed services in our communities and have done so by respecting the rights of all individuals. Therefore, we find it particularly insulting to suggest that it is necessary to remove civil rights protections from Head Start programs in order for this outreach to continue. Furthermore, we can not compromise our principles by supporting a program that allows organizations, including religiously-affiliated organizations, to discriminate with federal taxpayers' dollars.

We urge you to maintain the bipartisan direction of the School Readiness Act (H.R. 2123) and to not support any agreement that allows for an assault on civil rights protections in federally-funded programs, especially a program as critical as Head Start. This could destroy the mutually supported nature of the Head Start program in which the education of young children—especially minority children—is so dependent upon parental participation and on ongoing, close relationships with Head Start teachers. Uplifting our surrounding community does not require the concurrent advancement of government funded discrimination.

Sincerely,

Reverend TIMOTHY MCDONALD,
Chair, African American Ministers In Action.

ANTI-DEFAMATION LEAGUE,
New York, NY, September 16, 2005.

DEAR REPRESENTATIVE: On behalf of the Anti-Defamation League, we write to urge you to maintain the civil rights protections currently included in the House Education and the Workforce-approved version of the School Readiness Act (H.R. 2123)—and to oppose any efforts to repeal these important provisions. Allowing religious-based employment discrimination in federally-funded programs is wrong—and to do it on the historic Head Start anti-poverty education program is deeply offensive.

Since 1972, agencies that receive government funding for Head Start—including religious organizations and houses of worship that host Head Start programs—have been prohibited from discriminating on the basis of religion when hiring or firing staff within the federally-funded program. These existing non-discrimination requirements have a history of bipartisan support, and were originally signed into law by President Richard Nixon. The current anti-discrimination language was included in the 1981 Head Start reauthorization bill, signed into law by President Ronald Reagan, and has been included in every Head Start reauthorization since then—in 1984, 1986, 1990, 1994, and 1998. For 33 years, these fundamental non-discrimination protections have worked well, allowing thousands of Head Start programs in communities throughout the country to flourish while maintaining constitutional and civil rights safeguards against religious tests for employment in federally-funded programs.

We have great appreciation for the vital role religious institutions have historically played in addressing many of our nation's most pressing social needs, as a critical complement to government-funded programs. For decades, government-funded partnerships with religiously-affiliated organizations—such as Catholic Charities, Jewish Community Federations, and Lutheran Social Services—have helped to combat poverty and provided housing, education, and health care services for those in need. These successful partnerships have provided excellent service to communities, largely unburdened by concerns over bureaucratic entanglements between government and religion. Indeed, at the same time that safeguards have protected beneficiaries from unwanted and unconstitutional proselytizing during the receipt of government-funded services, they have also protected the integrity and sanctity of America's religious institutions—whose traditional independence from government has contributed to the flourishing of religion in our country.

The House has never voted to repeal existing civil rights protections in a floor amendment. To do so on Head Start, an historic anti-poverty program universally acclaimed and present in so many communities across the country, is odious. We urge you to oppose any attempt to remove civil rights protections from Head Start.

Sincerely,

MICHAEL LIEBERMAN,
Washington Counsel.
JESS N. HORDES,
Washington Director.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, September 20, 2005.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing with respect to certain provisions of H.R. 2123 which would reauthorize the Head Start program. We want to express our sincere appreciation for the bi-partisan and inclusive process that resulted in unanimous approval of the legislation at the committee level. Significantly, H.R. 2123 does not include the controversial block grant proposal that derailed efforts to reauthorize Head Start in the last Congress. Rather, H.R. 2123 respects and maintains the crucial comprehensive services of the program performance standards that long have marked Head Start as a program of distinction. We believe that H.R. 2123, with some changes, has the very real potential to build upon the success of Head Start for future generations.

However, we are concerned that this bill does not address the low pay offered to Head Start teachers and staff and the lack of financial assistance in meeting new and more rigorous educational requirements. We support H.R. 2123's focus on raising standards for Head Start teachers, including the provision calling for 50 percent of all current Head Start teachers to have a bachelor's degree within five years and all new Head Start teachers to have an associate's degree. However, the estimated cost of the additional education for half of all Head Start teachers to earn bachelor's degrees by 2008 is approximately $2 billion over five years. If we want quality education for Head Start children, we must be willing to help teachers achieve this important goal.

AFSCME members have worked in Head Start programs for decades. We know that the qualifications of early childhood educators matter because high quality early education improves outcomes for children and delivers benefits to the community that far outweigh the costs.

We are also deeply concerned that Chairman Boehner intends to offer a controversial amendment on the floor to repeal longstanding civil rights protections from the Head Start program. Allowing federally-funded discrimination in any program is immoral. But it is especially egregious given that the civil rights protections in Head Start are an integral part of its mission to provide families a ladder out of poverty by encouraging parents to become volunteers and then teachers. Denying a parent economic opportunity because of the religion he/she practices violates the principles upon which our country was founded. We strongly urge you to oppose the amendment. If the amendment is adopted, AFSCME urges you to oppose the bill on final passage.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, DC, September 16, 2005.

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, with more than 190 member organizations, we urge you to oppose the Boehner amendment or any amendment to the School Readiness Act (H.R. 2123) that would repeal longstanding civil rights protections in the Head Start Program that have been in place since President Nixon signed the law in 1972. We strongly oppose any language that would allow federally-funded employment discrimination. If language repealing civil rights protections is added to the bill during consideration on the House floor, we urge you to oppose final passage of H.R. 2123.

LCCR opposes allowing government-funded employment discrimination. Religious organizations have always served as key partners in providing government services through the Head Start program and current law has not been a hindrance to their vigorous participation. There also is no controversy over the exemption under Title VII of the Civil Rights Act of 1964 that allows religious organizations to have a preference of hiring co-religionists when they are using private funds, but federal funds may not be used to discriminate. Such a drastic change to the current Head Start program would be inconsistent with the long held notion that federal dollars must not be used to discriminate.

The Boehner amendment would allow government-funded employment discrimination. Although the U.S. Supreme Court affirmed the Title VII exemption for privately-funded religious employers, it did not authorize federally-funded employment discrimination. See Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Amos, 483 U.S. 327 (1987). We believe, based on analysis of Amos, that if federal funds are used by religious organizations to hire only persons of their own faith, then the federal government is affirmatively acting to advance employment discrimination.

In the 60 years since Franklin D. Roosevelt signed the first executive order prohibiting discrimination in federally funded activity, our nation has made significant progress in the struggle to end employment discrimination and advance equality. Any attempt to allow organizations to discriminate on the basis of religion with federal funds would drastically impede that progress and erode a longstanding principle of our nation's civil rights policy: that federal civil rights obligations follow federal dollars, regardless of who receives them.

The courts have affirmed the principle that federal funds cannot be used to discriminate. The leading case on the question of government-aided discrimination is Norwood v. Harrison, 413 U.S. 455 (1973). In a unanimous decision, the U.S. Supreme Court held that "the Constitution does not permit the state to aid discrimination." Id. 465–66. The principles set out in Norwood were affirmed in Justice O'Connor's opinion in City of Richmond v. J.A. Croson Co. 488 U.S. 469, 492 (1989), which stated, "It is beyond dispute that any public entity, state or federal, has a compelling interest in assuring that public dollars, drawn from the tax contributions of all citizens, do not serve to finance the evil of private prejudice." Her opinion quoted Norwood with approval for the proposition that "[i]t is . . . axiomatic that a state may not induce, encourage or promote private persons to accomplish what it is constitutionally forbidden to accomplish." Id. at 492–93 (quoting Norwood, 413 U.S. at 465).

LCCR urges you to oppose Rep. Boehner's amendment because current law must not be changed to allow recipients of Head Start funds to have an explicit statutory right to engage in employment discrimination. If this amendment passes, or other language is added during floor consideration that repeals current law, LCCR urges you to oppose final passage of H.R. 2123. If you have any questions, please contact Nancy Zirkin, LCCR deputy director, or Andrea Martin, senior counsel and policy analyst regarding this or any issue important to LCCR.

Sincerely,

WADE HENDERSON,
Executive Director.
NANCY ZIRKIN,
Deputy Director.

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, September 19, 2005.

Re fundamental civil rights protections in H.R. 2123, the school readiness act must be preserved.

MEMBERS,
House of Representatives,
Washington, DC.

DEAR MEMBER: On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely recognized grassroots civil rights organization, I am writing today to urge you to do all you can to ensure that the longstanding, critical civil rights protections that are contained in the current version of H.R. 2123, the School Readiness Act, are retained during consideration by the full House of Representatives. Specifically, I urge you to reject and work against the anticipated Boehner Amendment, which will repeal existing, long-standing Head Start provisions that prohibit religious organizations and churches from discriminating on the basis of religion when hiring or firing staff from positions within this federally-funded program.

H.R. 2132, as approved by the Committee on Education and Labor, maintains provisions designed to protect the more than 198,000 Head Start teachers, staff and over 1,450,000 parent volunteers from employment discrimination based on religion in federally-funded Head Start programs. The NAACP again urges you to do all you can to maintain these vital protections throughout the legislative process, and that you do not support this legislation if, at any point they are stripped.

The critical longstanding nondiscrimination provisions have been included in Head Start legislation since 1981. This is a fundamental civil rights protection against employment discrimination for Head Start teachers and volunteers. The legislation has always received strong bipartisan support from both the House and Senate since its enactment in the 97th Congress when President Ronald Reagan signed the legislation into law. The twenty-four year old civil rights provision has worked well since the inception of this program, allowing religious organizations to participate in programs while maintaining Constitutional and civil rights standards.

The NAACP both recognizes and celebrates that religious organizations participating in the Head Start program have made and continue to make an invaluable contribution to the education of thousands of students. These religious organizations have complied with Head Start's existing civil rights requirements. However, if the repeal of the existing civil rights protections were to become law, teachers or parent volunteers working in any Head Start program run by a religious organization could immediately lose their jobs because of their religion. Students participating in Head Start therefore could lose not only their teachers, but also the close programmatic connection with their own parents volunteering in the program. The NAACP strongly believes that allowing discrimination based on religion would significantly impede the important goals of Head Start, harm the Head Start students' education by separating them from their own teachers and parent volunteers, and send a damaging message to the students, their parents, guardians and loved ones, as well as people throughout our nation.

Thus, I urge you again, in the strongest terms possible, to support the continued inclusion of these longstanding and critical civil rights protections. The Head Start program is too critical to our children and our nation's future to allow support for it to be divided by this issue. Should you have any questions about the NAACP position or if there is any way in which I can be of help to you as you move this reauthorization through the legislative process, I hope that you will feel free to contact me. Thank you very much for you attention to the views of the NAACP.

Sincerely,

HILARY O. SHELTON,
Director.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, September 19, 2005.

DEAR REPRESENTATIVE: On behalf of the American Jewish Committee, the Nation's oldest human relations organization, with 33 chapters nationwide representing over 150,000 members and supporters, I urge you to oppose any amendments to the School Readiness Act, H.R. 2123, that roll back crucial civil rights safeguards. Further, if such an amendment is adopted, I urge you to oppose passage of H.R. 2123: repealing this longstanding essential element of Head Start could subject teachers in these federally-funded programs to religious discrimination.

As passed out of the House Education and the Workforce Committee, the bill maintains three-decade-old provisions that prohibit various forms of employment discrimination in Head Start. Both religious and secular organizations have operated effectively under this system since it passed as part of bipartisan legislation passed during the 9th Congress. Ever since President Richard Nixon signed the legislation into law in 1972, religion-based and other forms of discrimination are prohibited in Head Start programs, thereby ensuring that taxpayer dollars do not underwrite positions for which religion is a factor in hiring decisions. At the same time, the existing provisions do not intrude on the autonomy of religious organizations with respect to hiring decisions made in purely private programs.

The efforts of the House Education and the Workforce Committee to produce a bipartisan package are to be commended. The bill that reaches the House floor has the potential to receive broad support among religious, civil rights, labor, education, and health organizations. However, the bill risks losing critical segments of this support if, at any point, this initiative is amended to roll back Head Start's longstanding civil rights protections by exempting religious organizations from the prohibition on religious discrimination in employment decisions.

If so amended, H.R. 2123 would compromise an extremely successful program that provides essential services to nearly one million at-risk children nationwide. While many of the religious organizations that deliver the program would, no doubt, continue to hire employees for Head Start programs without regard to religion, H.R. 2123 could jeopardize the jobs of many thousands of current and potential teachers, staff, and parent volunteers for belonging to the "wrong" religion, as well as jeopardize children for whom a stable and trusting relationship between teacher and child is so important.

For these reasons, we strongly urge you to oppose any attempts to roll back the vital civil rights protections of H.R. 2123, the

School Readiness Act. Thank you for considering our views on this important matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

AMERICANS UNITED FOR SEPARATION
OF CHURCH AND STATE,
Washington, DC, September 19, 2005.

DEAR REPRESENTATIVE: Americans United for Separation of Church and State urges you to oppose any amendment to repeal longstanding, critical civil rights protections contained in the School Readiness Act (H.R. 2123) and to vote "no" on final passage of the bill if such an amendment is adopted. Americans United represents more than 75,000 individual members throughout the fifty States, 9500 clergy nationwide, as well as cooperating houses of worship and other religious bodies committed to the preservation of religious liberty.

H.R. 2123 unanimously passed out of the Committee on Education and the Workforce on May 18, 2005, maintaining a longstanding civil rights provision designed to protect over 198,000 Head Start teachers and staff and over 1,450,000 parent volunteers from employment discrimination based on religion in federally-funded Head Start programs. We are pleased with this bipartisan legislation thus far, but are deeply concerned about stated threats to repeal longstanding civil rights protections against religious discrimination in our Nation's Head Start programs on the House floor. Specifically, Chairman Boehner, after championing the Committee-passed bill, stated that an amendment may be offered on the House floor that would repeal these protections. We urge you to reject attempts to sabotage a bipartisan effort to reauthorize the America's Head Start programs with such a divisive anti-civil rights amendment.

We recognize that religious organizations participating in the Head Start program make an invaluable contribution to the education of thousands of children. These organizations have complied with Head Start's existing civil rights requirements without controversy. However, if the repeal of the existing civil rights protection were to become law, teachers or parent volunteers working in any Head Start program run by a religious organization could immediately lose their jobs simply because of their religion or religious beliefs. This would directly work against the stated goals of Head Start and could change the fundamental character of this tremendously successful program.

According to the latest study from the National Head Start Association, the program currently enjoys a soaring 96 percent parental satisfaction rate. The Administration for Children & Family ("ACF") has repeatedly noted that respect and sensitivity to cultural diversity are paramount to Head Start's success. The ACF and the National Head Start Association both agree that in order to best serve the needs of Head Start children, it is crucial that a Head Start center's staff be comprised of individuals from diverse backgrounds who reflect the diversity of the community it serves. Without the existing religious nondiscrimination provisions, children participating in Head Start could lose their teachers as well as vital interactions with their own parents who, in the past, have been strongly encouraged to volunteer for Head Start. Further, allowing discrimination based on religion would send a damaging message to Head Start children whose families do not subscribe to a particular religious organization's beliefs. It also would harm community members who rely on Head Start for jobs and deprive poor families and underprivileged children of the civil rights protections applicable to public schools.

Parents and communities that rely on Head Start programs should not have to choose between the renewal of the Head Start program and longstanding civil rights protections that are a cornerstone of this invaluable program. We hope that the House will continue the bipartisan goal of reauthorizing our Nation's Head Start programs and reject any attempts to roll back the civil rights protections long afforded to Head Start teachers and staff.

If you have any questions about H.R. 2123 or would like further information on any other issue of importance to Americans United, please contact Aaron D. Schuham, Legislative Director.

Sincerely,

Rev. BARRY W. LYNN,
Executive Director.

BAPTIST JOINT COMMITTEE
FOR RELIGIOUS LIBERTY,
Washington, DC, September 16, 2005.

DEAR REPRESENTATIVE, The School Readiness Act of 2005 (H.R. 2123) will soon be considered in the House. We write to urge you to oppose any effort to amend this bipartisan bill in a manner that would repeal current protections against religious discrimination. The current bill, passed out of committee with unanimous approval, maintains these important protections. Unfortunately, repeated public statements have assured plans for a floor amendment that would allow religious discrimination in federally funded positions. We ask you to oppose any such amendment and to oppose final passage of the bill if the amendment were to pass.

A recent hearing in the Subcommittee on Criminal Justice, Drug Policy and Human Resources examining the faith-based initiative demonstrated once again that employment discrimination with Federal dollars is one of the initiative's most controversial and divisive elements. Testimony indicated that the continued pursuit of such a rule change is often more about politics than good policy. Head Start should not be hijacked to promote such an unnecessary and unwise policy.

Religious organizations and the government have long worked in partnership to perform important social services. Such partnerships are common for Head Start programs. We support these efforts and recognize the importance of government and religious cooperation generally. Such cooperation has occurred for many years without the danger of government sponsored religious discrimination that is present in the proposed amendment.

It would be extremely unwise to allow such a dramatic change in policy to threaten the reauthorization of Head Start.

We appreciate your attention to this issue and urge you to oppose any proposal that would allow religious employment discrimination in government funded programs.

Sincerely,

K. HOLLYN HOLLMAN,
General Counsel.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, September 19, 2005.

Re Proposed Amendment to Head Start Reauthorization ("School Readiness Act"—H.R. 2123) Would Create an Unconstitutional Loophole Allowing Federally-Funded Religious Discrimination in Head Start Classrooms.

DEAR REPRESENTATIVE: The American Civil Liberties Union strongly urges you to oppose any amendment to repeal longstanding critical civil rights protections contained in the School Readiness Act (H.R. 2123) and vote "NO" on final passage if such an amendment is adopted when the bill comes to the floor later this week. As unanimously passed out of the Committee on Education and the Workforce, H.R. 2123 maintains longstanding provisions designed to protect over 198,000 Head Start teachers and staff and over 1,450,000 parent volunteers from employment discrimination based on religion in federally-funded positions in Head Start programs. The civil rights protections afforded to Head Start teachers and staff are essential and should not be repealed.

PROPOSED AMENDMENT TO H.R. 2123 WOULD REPEAL LONGSTANDING CIVIL RIGHTS LAW THAT WAS NEVER CONTROVERSIAL

We are pleased that the Committee-passed Head Start legislation maintains longstanding critical civil rights protections. However, we are troubled by the threat of repealing these protections on the House floor. In a statement released by the Committee on Education and the Workforce on May 5, 2005, the day H.R. 2123 was introduced, Chairman Boehner stated that he foresaw an amendment on the House floor to roll back longstanding critical civil rights protections. Current law prohibits participants in Head Start programs from discriminating based on race, creed [religion], color, national origin, sex, political affiliation or beliefs, or disability. 42 U.S.C. 9849. If amended, H.R. 2123 would allow taxpayer dollars to fund religious organizations that discriminate against Head Start teachers and parent volunteers in federally-funded Head Start classrooms.

The civil rights provision barring federally-funded religious discrimination has never been controversial. In fact, the provision was first included in Head Start legislation that was signed by President Richard Nixon and subsequently by President Ronald Reagan. Throughout its 33-year history, the civil rights provision has not been an obstacle to the participation of religiously-affiliated organizations in Head Start programs. In fact, many religiously-affiliated organizations participate in Head Start and comply with the same civil rights provision that applies to everyone else.

THE PROPOSED AMENDMENT TO H.R. 2123 WOULD REVERSE THE GOVERNMENT'S LONG FIGHT AGAINST FEDERALLY-FUNDED DISCRIMINATION

Repealing critical civil rights protections in Head Start attacks the very core of civil rights protections historically supported by the federal government. More than 60 years ago, the first success of the modern civil rights movement was a decision by President Franklin Roosevelt to bar federal contractors from discriminating based on race, religion, or national origin. From that first presidential decision through the Supreme Court's decision allowing the federal government to deny special tax advantages to Bob Jones University, which claimed a religious right to retain the tax benefits while pursuing racist practices, the federal government has made the eradication of federally-funded discrimination among its highest priorities.

If amended, H.R. 2123 would allow a religious organization, such as Bob Jones University, that discriminates based on religion, to participate in Federal Head Start. In a disturbing result, Bob Jones University could be denied tax benefits because of its racist policies toward its students, but could receive Federal Head Start money under H.R. 2123 to discriminate against teachers and parent volunteers working in Head Start classrooms—simply because the employees do not meet Bob Jones University's religious tests. Moreover, in the many religious organizations in which the adherents are all of a single race, the result of federally-funded religious discrimination will effectively be Federal funds going to the employment of persons of a single race.

The Federal Government clearly has a compelling interest in applying the Head Start Act's civil rights provision to everyone receiving Federal funds—including religious organizations seeking to discriminate on the basis of religion in hiring persons to work in Head Start. Repealing critical civil rights protections prohibiting discrimination in employment would be inconsistent with the leading Supreme Court case on the use of Federal funds by religious organizations that discriminate.

In *Bob Jones Univ.* v. *United States*, 461 U.S. 574 (1983), the Supreme Court held that Federal Government could deny a religiously-run university tax benefits because the university imposed a racially discriminatory antimiscegenation policy. *Id.* at 605. The Court decided that the Federal Government's compelling interest in eradicating racial discrimination in education superceded any burden on the university's religious exercise of enforcing a religiously-motivated ban on students interracial dating. *Id.* at 604.

There is no meaningful difference between the government prohibiting tax benefits to organizations that discriminate based on race and the Head Start Act's statutory prohibition on discrimination based on religion in Head Start classrooms. In fact, the United States itself—during the current Administration—squarely rejected the proposition that intentional religious discrimination gets less protection under the Equal Protection Clause than race. In its October 26, 2001 brief defending the religion prong of Title VII from an Eleventh Amendment attack, the United States stated that "[c]ontrary to Defendant's contention that the Supreme Court has 'distinguished claims involving differential treatment on the basis of race and speech from those involving religion,' there can be no doubt that the Equal Protection Clause subjects State governments engaging in intentional discrimination on the basis of religion to strict scrutiny." Brief of Intervenor United States in *Endres* v. *Indiana State Police* (N.D. Ind. Oct. 26, 2001) (brief is available on *www.usdoj.gov*). Congress should not now take the position that it cannot or will not enforce a civil rights ban on Federal funds going to an organization claiming a right to discriminate based on religion when the Supreme Court specifically authorized the United States to enforce a civil rights ban on Federal tax benefits going to an organization making a directly analogous religious exercise claim to discriminate based on race. Thus, the sponsors' statement that the Congress has no duty to fully enforce the nondiscrimination statute is contrary to law—and abandons one of the seminal decisions in civil rights, namely Bob Jones Univ.

IF CRITICAL CIVIL RIGHTS PROTECTIONS ARE REPEALED, H.R. 2123 WOULD BE UNCONSTITUTIONAL

H.R. 2123, if amended, would abet unconstitutional employment discrimination based on religion. The proposed amendment's exemption of religious organizations from the prohibition on religious discrimination in the program is contrary to constitutional law, and will open the door to government-funded discrimination.

Proponents of allowing religious organizations to use Federal funds to discriminate against their employees argue that their position is consistent with a provision in Title VII of the Civil Rights Act of 1964 that generally permits religious organizations to prefer members of their own religion when making employment decisions. However, that provision does not consider whether federally-funded religious groups can discriminate with Federal taxpayer dollars. Moreover, although the Supreme Court upheld the constitutionality of the religious organization exemption in Title VII, *Corporation of Presiding Bishop* v. *Amos*, 483 U.S. 327, 336–39 (1987), the Court has never considered whether it is unconstitutional for a religious organization to discriminate based on religion when making employment decisions in programs that the government finances to provide governmental services.

Several courts have considered whether a religious organization can retain its Title VII exemption after receipt of indirect Federal funds, e.g., *Siegel* v. *Truett-McConnell College, Inc.*, 13 F. Supp.2d 1335, 1344 (N.D. Ga. 1994) (clarifying that its decision permitting a religious university to invoke the Title VII exemption is because the government aid is directed to the students rather than the employer), but only one Federal court has decided the constitutionality of retaining the Title VII exemption after receipt of direct Federal funds, *Dodge* v. *Salvation Army*, 1989 WL 53857 (S.D. Miss. 1989). In that decision, the court held that the religious employer's claim of its Title VII exemption for a position "substantially, if not exclusively" funded with government money was unconstitutional because it had "a primary effect of advancing religion and creating excessive government entanglement." *Id.* The analysis applied by the court in Dodge should apply with equal force to the Head Start Act programs that would provide direct Federal funds to religious organizations.

In addition to causing the Establishment Clause violation cited by the court in Dodge, H.R. 2210 would also subject the government and any religious employer invoking the right to discriminate with Federal dollars to liability for violation of constitutional rights under the Free Exercise Clause and the Equal Protection Clause. Although mere receipt of government funds is insufficient to trigger constitutional obligations on private persons, a close nexus between the government and the private person's activity can result in the courts treating the private person as a state actor. *Rendell-Baker* v. *Kohn*, 457 U.S. 830 (1982).

It is beyond question that the government itself cannot prefer members of a particular religion to work in a federally-funded program. The Equal Protection Clause subjects governments engaging in intentional discrimination on the basis of religion to strict scrutiny. E.g., *United States* v. *Batchelder*, 442 U.S. 114, 125 n.9 (1979); *City of New Orleans* v. *Dukes*, 427 U.S. 297, 303 (1976). No government could itself engage in the religious discrimination in employment accommodated and encouraged by the proposed rule's employment provision. Thus, the government would be in violation of the Free Exercise Clause and the Equal Protection Clause for knowingly funding religious discrimination.

Of course, a private organization is not subject to the requirements of the Free Exercise Clause and the Equal Protection Clause unless the organization is considered a state actor for a specific purpose. *West* v. *Atkins*, 487 U.S. 42, 52 (1988). The Supreme Court recently explained when there is a sufficient nexus between the government and the private person to find that the private person is a state actor for purposes of compliance with constitutional requirements on certain decisions made by participants in the government program:

> [S]tate action may be found if, though only if, there is such a 'close nexus between the State and the challenged action' that seemingly private behavior 'may be fairly treated as that of the State itself.' . . . We have, for example, held that a challenged activity may be state action when it results from the State's exercise of 'coercive power,' when the state provides 'significant encouragement, either overt or covert,' or when a private actor operates as a 'willful participant in joint activity with the State or its agents'. . . .

Brentwood Academy v. *Tennessee Secondary School Athletic Association*, 121 S. Ct. 924, (2001) (citations omitted).

The extraordinary role that the current Administration—and the amendment sponsors—have taken in accommodating, fostering, and encouraging religious organizations to discriminate based on religion when hiring for federally-funded programs creates the nexus for constitutional duties to be imposed on the provider, in addition to the requirements already placed on government itself. The clear intent of this amendment to repeal the civil rights provision in the Head Start Act is to encourage certain providers receiving Federal funds to discriminate based on religion.

The proposed amendment to H.R. 2123 provision allowing federally-funded religious discrimination is part of a growing pattern of congressional, presidential, and regulatory actions taken specifically for the purpose of accommodating, fostering, and encouraging federally-funded private organizations to discriminate in ways that would unquestionably be unconstitutional if engaged in by the Federal Government itself. For example, in December of 2002, President Bush signed Executive Order 13279, which amended an earlier executive order, which had provided more than 60 years of protection against discrimination based on religion by Federal contractors. The Bush order provides an exemption for religious organizations contracting with the government to discriminate in employment based on religion. In addition, the Federal Government is simultaneously proposing regulations to allow religious organizations to discriminate based on religion in employment for Federal programs involving substance abuse counseling, welfare reform, housing, and veterans benefits.

Although religious employers have the right under Title VII to apply religious tests to employees, the Constitution requires that direct receipt and administration of Federal funds removes that exemption. In addition, the Federal Government itself has constitutional obligations to refrain from religious discrimination or from establishing a religion. H.R. 2123, if amended, would fail to meet any of those constitutional mandates.

For these reasons, the ACLU strongly urges you to vote "NO" on any proposed amendment to the Head Start Reauthorization ("School Readiness Act"—H.R. 2123) that would create an unconstitutional loophole allowing federally-funded religious discrimination and to vote "NO" on final passage if an amendment is adopted. Thank you for your attention to this matter, and please do not hesitate to call Terri Schroeder at 202 675-2324 if you have any questions regarding this issue.

Very truly yours,

CAROLINE FREDRICKSON,
Director.
TERRI SCHROEDER,
Senior Lobbyist.

NATIONAL LEAGUE OF CITIES,
Washington, DC, September 21, 2005.
EDUCATION AND WORKFORCE COMMITTEE,
Rayburn House Office Building,
Washington, DC.

DEAR COMMITTEE MEMBER: On behalf of the 18,000 cities represented by the National League of Cities (NLC), I want to commend Members of the Education and Workforce Committee on the passage of bipartisan Head Start legislation. H.R. 2123, the "School Readiness Act of 2005." Head Start is critical to helping to alleviate the plight of children of the working poor. In particular, NLC strongly endorses the Committee's commitment not to include language that would preempt state and local employment laws thereby permitting discrimination in employment by government-funded faith-based social service providers.

As you know, local governments have a long and rich history of working with faith-based organizations that predates the enactment of the charitable choice provision contained in the Welfare-To-Work Act of 1996. NLC is especially proud of the fact that cities across the nation have carefully helped faith-based groups deliver services to our constituents while respecting the boundaries of our Constitution. Permitting government-funded employment discrimination is the wrong way to encourage faith-based institutions that deliver social services to apply for public funding. Simply put, any language that preempts local governments from protecting its residents from employment discrimination undermines the spirit and letter of Title VII of the Civil Rights Act and unnecessarily encourages litigation against municipalities.

NLC asks Members of the House of Representatives to maintain the Committee's bipartisan direction and oppose any attempts to repeal longstanding anti-discrimination protections during deliberation on the House floor. Thank you.

Very truly yours,

DONALD J. BORUT,
Executive Director.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 21, 2005.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Education Association's (NEA) 2.7 million members, we would like to offer our views on the School Readiness Act of 2005 (H.R. 2123), scheduled for floor debate this week. Overall, we believe the bill contains a number of positive provisions. However, we do have some concerns as outlined below. In particular, we strongly oppose any amendment to repeal civil rights protections for Head Start teachers, staff, and volunteers and will oppose the final bill if it does not contain these protections. Votes associated with these issues may be included in the NEA Legislative Report Card for the 109th Congress.

NEA believes that children's learning begins well before they enter school, and that the transition to school must be founded on strong school readiness. Head Start has a long history of success in this arena, having provided high-quality early childhood education, health, social services, and parental involvement programs to more than 18.5 million low-income children between the ages of 3 and 5 since its creation in 1964.

Given the critical importance of Head Start, we are particularly pleased that H.R. 2123 does not allow for block granting of Head Start funds to states. We are also pleased that the bill would align Head Start curricula with K-12 education while preserving the comprehensive nature of the Head Start program. We believe these provisions will support effective transitions for children's learning and development and ensure that children will enter school ready to learn. At the same time, the proposal will provide continuity for children by retaining the essential parental involvement, nutrition, and other nonacademic features of Head Start.

We do have some concerns with portions of H.R. 2123 as drafted as well as proposed amendments:

Civil rights protections. We are very pleased that H.R. 2123 maintains provisions designed to protect over 198,000 Head Start teachers and staff and over 1,450,000 parent volunteers from employment discrimination based on religion in federally-funded Head Start programs. We recognize the invaluable contributions of religious organizations participating in Head Start. However, we are deeply concerned that a repeal of civil rights protections could allow religious organizations participating in Head Start to fire teachers or parent volunteers based on their religion. We strongly believe that allowing discrimination based on religion would significantly impede the important goals of Head Start as well as send a damaging message to students. We urge your opposition to any amendment, including one expected to be offered by Representative Boustany, that would repeal civil rights protections for Head Start employees.

Professional development. We are very pleased that H.R. 2123 has a strong focus on early childhood educator professional development. We are concerned, however, that the bill would require teachers to have higher academic degrees, without providing for a substantial increase in funding either for professional development or compensation. We recommend addressing this concern, including by providing grants to help teachers meet the costs of earning their Bachelor's and Associates degrees and/or increasing the salaries of those teachers who earn degrees in early childhood education.

Assessments. H.R. 2123 allows a study of, and recommendations on, appropriate assessments for young children. We would recommend that the National Academy of Sciences conduct a review of the National Reporting System to ensure that the assessments are comprehensive, reliable, and that the results are used to improve student achievement.

We also hope to work with you toward increasing funding authorization levels to ensure that Head Start can fully serve all eligible low-income children and their families.

We thank you for your consideration of our views on these important issues.

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Policy and Politics.

AMERICAN HUMANIST ASSOCIATION,
Washington, DC, September 16, 2005.

DEAR REPRESENTATIVE: The American Humanist Association (AHA) stands in opposition to any retrenchment of existing civil rights protections, and therefore opposes any specific attempt to reverse the non-discrimination provisions currently in effect in the Head Start program. Congressman John Boehner (OH) has indicated his intent to roll back vital civil rights protections by introducing, on the House floor, an amendment to H.R. 2123, the School Readiness Act.

On behalf of the oldest and largest Humanist organization in the Nation, I ask you to oppose any such attempt to legalize discrimination with Federal funds as you vote on the bipartisan Head Start reauthorization bill.

There is no compelling reason to undo the civil rights protections in the Head Start program that President Nixon signed into law in 1972. If this 33 year old nondiscrimination policy were discarded, the Head Start reauthorization would permit religious organizations to use Federal funds to discriminate on the basis of religion, even when engaging in purely secular early childhood education activities. Not only would such a removal of employment discrimination safeguards hold significant potential harm for Humanists, Jews, Muslims, Buddhists, and others who hold minority lifestances, it would not address an existing problem. Faith-based organizations have been partnering with the government to provide social services for many years without the need to bypass civil rights laws.

Humanists are particularly concerned about this potential amendment because many dedicated teachers and volunteers in the Head Start program would find themselves disenfranchised just because they do not happen to believe as others do. As a result, this bill will likely lose the existing support of many religious, civil rights, education, health, and advocacy organizations if Congressman Boehner's amendment is adopted.

As Humanists we persistently oppose Federal funding for discrimination, especially discrimination done on the basis of religion or lack thereof. If religious or secular organizations wish to utilize taxpayer dollars to operate on our government's behalf, they must also abide by the standards set for public service. This is why I write to ask you to oppose any amendment to the legislation that would roll back these critical civil rights protections. If such an amendment is added to the bill, we strongly urge you to oppose final passage of the bill.

Should you have any questions about our position, please do not hesitate to contact Roy Speckhardt on our staff.

Sincerely,

MEL LIPMAN,
AHA President.

THE COALITION AGAINST
RELIGIOUS DISCRIMINATION,
September 19, 2005.

DEAR REPRESENTATIVE: We, the undersigned religious, civil rights, labor, education, health, and advocacy organizations are writing to urge you to oppose any amendment to repeal longstanding critical civil rights protections contained in the School Readiness Act (H.R. 2123) and vote "no" on final passage if such an amendment is adopted. As unanimously passed out of the Committee on Education and the Workforce, H.R. 2123 maintains longstanding provisions designed to protect over 198,000 Head Start teachers and staff and over 1,450,000 parent volunteers from employment discrimination based on religion in federally-funded positions in Head Start programs.

The critical longstanding nondiscrimination provisions have been included in Head Start legislation since 1972. This is a fundamental civil rights protection against employment discrimination for Head Start teachers and volunteers. The legislation always has received strong bipartisan support from both the House and Senate since its enactment in the 92nd Congress when President Nixon signed the legislation into law. The 33 year old civil rights provision has worked effectively since the inception of this program, allowing religious organizations to participate in programs while maintaining constitutional and civil rights standards.

We are pleased that the Committee-passed Head Start legislation maintains longstanding critical civil rights protections. However, we are troubled by the threat of repealing these protections on the House floor. In a statement released by the Committee on Education and the Workforce on May 5, 2005, the day H.R. 2123 was introduced, Chairman Boehner stated that he foresaw an amendment on the House floor to roll back longstanding critical civil rights protections. The civil rights protections afforded to Head Start teachers and staff are vital and should not be dislodged.

We recognize that religious organizations participating in the Head Start program make an invaluable contribution to the education of thousands of students. These religious organizations have complied with Head Start's existing civil rights requirements. However, if the repeal of the existing civil rights protections becomes law, teachers or parent volunteers working in any Head Start program run by a religious organization could potentially lose their jobs based only on their religion. Students participating in Head Start therefore could lose not only their teachers, but also the close programmatic connection with their own parents volunteering in the program. We strongly believe that allowing discrimination based on religion would significantly impede the important goals of Head Start, send a damaging message to Head Start students, and harm their education by separating students from their own teachers and parent volunteers.

We urge you to maintain current law and reject any assault on civil rights protections in federally-funded programs, especially a program as critical as Head Start. If these longstanding critical civil rights protections are repealed we urge you to vote "no" on final passage of H.R. 2123. The dismantling of civil rights will destroy the nature of a program in which the education of young children is so dependent on parent participation and on ongoing, close relationships with Head Start teachers.

Sincerely,

AFL–CIO.
African American Ministers in Action.
American Association of University Women.
American Civil Liberties Union.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Humanist Association.
American Jewish Committee.
American Jewish Congress.
American-Arab Anti-Discrimination Committee (ADC).
Americans for Democratic Action.
Americans for Religious Liberty.
Americans United for Separation of Church and State.
Baptist Joint Committee for Religious Liberty.
Central Conference of American Rabbis.
Children's Defense Fund.
Church Women United.
Communications Workers of America.
Disciples Justice Action Network (Disciples of Christ).
Equal Partners in Faith.
Faith Action Network of People For the American Way.
Gay, Lesbian and Straight Education Network.
General Board of Church and Society of The United Methodist Church.
Human Rights Campaign.
International Union, UAW.
Legal Momentum (formerly NOW Legal Defense).
Mexican American Legal Defense and Educational Fund (MALDEF).
NA'AMAT USA.
National Association of Social Workers.
National Center on Domestic and Sexual Violence.
National Council of Jewish Women.
National Council of Women's Organizations.
National Education Association.
National Head Start Association.
National Mental Health Association.
National Organization of Women.
National PTA.
National Women's Law Center.
OMB Watch.
People For the American Way.
Secular Coalition for America.
Service Employees International Union.
Stop Family Violence.
Texas Faith Network.
Texas Freedom Network.
The Interfaith Alliance Foundation.
The Secular Coalition for America.
Union for Reform Judaism.
Unitarian Universalist Association of Congregations.
United Church of Christ Justice & Witness Ministries.
Women of Reform Judaism.
YWCA USA.

THE INTERFAITH ALLIANCE,
Washington, DC, September 16, 2005.

DEAR REPRESENTATIVE: I write to you today as the president of The Interfaith Alliance, a nonpartisan, national grassroots organization dedicated to promoting the positive and healing role of religion in public life to oppose any amendment to repeal longstanding critical civil rights protections contained in the School Readiness Act (H.R. 2123) and vote "no" on final passage if such an amendment is adopted. As unanimously passed out of the Committee on Education and the Workforce, H.R. 2123 maintains longstanding provisions designed to protect over 198,000 Head Start teachers and staff and over 1,450,000 parent volunteers from employment discrimination based on religion in federally funded Head Start programs.

As an organization whose membership is comprised of 150,000 people of faith and good will spanning 75 faith traditions, I can think of no reason to justify an attempt to roll back these longstanding civil rights and religious liberty protections. Indeed, in a nation as intentionally and increasingly pluralistic as ours, built-in protections prohibiting religious discrimination in federally-funded programs represent a fundamental commitment towards a society that values the contributions and abilities of people of all faith traditions equally.

Religious organizations have had a long and proud history in their active participation in Head Start programs. For years, congregations have made substantial contributions to their communities with the existing workplace protections in place. If those in Congress who seek to repeal these employment safeguards are successful, thousands of teachers and parent volunteers who have dedicated themselves to this program could find themselves no longer welcome at religiously-affiliated Head Start programs because they are of a different faith than the sponsoring organization.

While The Interfaith Alliance is supportive of the right of sectarian organizations to hire based on religious preference for purposes of furthering their institutional ministry, we believe that houses of worship forfeit that right once they accept federal taxpayer dollars to implement social service programs that are intended to serve all.

Further, any attempt to politicize the Head Start program—a federally sponsored preschool program conceived to meet the needs of disadvantaged children since 1965—through a floor amendment to add the highly controversial religious exemption language, is not only unnecessary, but a sad commentary on the state of those political leaders who seek to attach religious exemption language to every social service program that comes before the Congress.

The Interfaith Alliance is pleased with the bipartisan direction of the Head Start legislation however; this bill will no longer be bipartisan if there is any attempt to roll back longstanding critical civil rights protections. The civil rights protections afforded to Head Start teachers and staff are vital and should not be dislodged. This bill has gained broad support among religious, civil rights, labor, education, health, and advocacy organizations, but that broad support will end if there is any threat to remove the longstanding critical civil rights protections in Head Start.

If you need further information on our position on this matter, please do not hesitate to contact Kim Baldwin, Director of Public Policy and Voter Education or Preetmohan Singh, Senior Policy Analyst.

Sincerely,

Rev. Dr. C. WELTON GADDY,
President, The Interfaith Alliance, Pastor of Preaching and Worship, North Minster Baptist Church (Monroe, LA).

UNITARIAN UNIVERSALIST
ASSOCIATION OF CONGREGATIONS,
Washington, DC, June 1, 2005.

DEAR MEMBER OF CONGRESS: I am writing on behalf of the over 1,050 congregations that make up the Unitarian Universalist Association in regard to H.R. 2123, the School Readiness Act of 2005, the legislation to reauthorize the Head Start program. The Unitarian Universalist Association would like to express our continued support of this program, as we believe that Head Start is a successful and necessary program that helps prepare nearly 20 million low-income children for success in kindergarten and later life.

We remain pleased with the general direction of the House bill as it comes out of the Committee on Education and the Workforce.

We are, however, concerned over proposals by committee leadership to offer a floor amendment to repeal civil rights protections in hiring in Head Start programs. The UUA encourages you to pass a reauthorization bill that is truly bi-partisan in recognizing the successes of the Head Start program and maintaining the high quality of comprehensive services it provides without repeal of long-standing civil rights protections. We ask that you vote against any amendment on the floor that would repeal civil rights protections. If such an amendment is included in the final bill, we ask that you vote NO on final passage of H.R. 2123.

We urge you to oppose the repeal of long-standing civil rights protections designed to protect Head Start teachers, staff, and parent volunteers from employment discrimination based on religion in federally funded Head Start programs. This provision has worked for 24 years, encouraging religious organizations to participate in Head Start and make invaluable contributions to children's education and well-being, while maintaining Constitutional and civil rights standards. Allowing discrimination based on religion would significantly impede the important goals of Head Start, send a damaging message to Head Start students, and harm their education by separating students from their own teachers and parent volunteers.

On behalf of the Unitarian Universalist Association of Congregations, I thank you for your consideration of our views on Head Start reauthorization. Head Start is an exemplary program that has a well-deserved reputation for delivering quality services to millions of our country's children. This program is an excellent example of how religious organizations such as houses of worship work in partnership with the government without compromising either protections for religious minorities or the integrity of religious organizations. We urge the House to pass a bipartisan bill that will continue the success of Head Start without eliminating important civil rights provisions by voting NO on any proposed amendment eliminating such provisions and voting NO on final passage of a bill including such provisions.

In Faith,

ROBERT C. KEITHAN,
Director.

SERVICE EMPLOYEES
INTERNATIONAL UNION, CLC,
Washington, DC, September 20, 2005.

DEAR REPRESENTATIVE: On behalf of 1.8 million members of the Service Employees International Union (SEIU), working in health care, building services, and federal, state, and local governments, including more than 220,000 early education workers throughout the United States, I write to encourage you to take a closer look at several key provisions in the Head Start Reauthorization bill that could impact the quality of Head Start for children. As the School Readiness Act of 2005 (H.R. 2123) moves to the House floor for a vote this week, we hope that you will use this time as an opportunity to improve the quality of Head Start programs that serve low-income children nationwide.

Since its inception in 1965, the Head Start program has enrolled more than 22 million children. Head Start provides an array of comprehensive services to low-income parents and children that they may not otherwise have access to on their own. Head Start not only prepares children for school by providing a solid foundation in cognitive learning and socialization skills, but also helps make children "ready to learn" by providing comprehensive health, dental, and nutritional services critically needed by our at-risk children. SEIU is committed to ensuring that children who participate in Head Start acquire the skills that prepare them for healthy, successful lives. This goal will not be realized unless certain steps are taken to improve the Head Start program.

The Head Start bill passed by the House Education and Workforce Committee contains several provisions that we support including greater set asides for migrant and seasonal workers and Native Americans, as well as Early Head Start programs. However, SEIU remains concerned about a number of provisions that may erode the quality of Head Start programs if not modified. We have outlined those concerns below.

SEIU supports continuing education for Head Start staff; however, the bill's requirement for additional training and education for Head Start staff may not become reality without the quality improvement funding to make the plan attainable. While SEIU supports additional training and education for staff, we believe more funds also need to be provided for that training and education. Head Start teachers on average make $23,564 annually. Further, there are no current incentives to retain highly qualified staff in Head Start programs after attaining degrees.

Additionally, Head Start needs sufficient resources to ensure every eligible child can participate and to increase the quality of programs. Two out of five preschool children (about 800,000) and 97 percent of infants and toddlers who qualify for Early Head Start cannot participate in the program simply because there are not enough resources invested in the program. We support full funding for Head Start so all eligible children have access to the Head Start program.

Also, the bill's re-competition provisions need improvement. SEIU is encouraged that the House bill does not require automatic re-competition for every grantee after the end of their grant period. However, the bill does require re-competition for grantees that have a "deficiency" during their grant period—regardless of whether the deficiency has been resolved or not. In addition, the Secretary has broad authority in identifying what a "deficiency" is, the finding of which would require programs to re-compete their grants. Such uncertainty for all programs—even those with stellar records of performance—is counterproductive and would end programs' ability to do any long-range planning. In the event a grantee is unsuccessful in a re-competition, SEIU continues to have concerns for existing Head Start workers who may be displaced by re-competition. Services and care-giving relationships for children should not be disrupted.

Moreover, SEIU supports parental involvement in Head Start programs and encourages Members of Congress to re-think its plan to diminish the role of policy councils. Policy councils offer real parental involvement regarding personnel and budgets. Despite the advantages of parental involvement, the House bill changes governance responsibility to the Board of Directors, with Policy Councils playing only an advisory or consulting role. Instead, Congress should recognize that parents provide valuable insight into Head Start programs and can provide the necessary oversight of Head Start programs when armed with the proper training. SEIU supports parental involvement through policy councils.

Finally, SEIU vigorously opposes attempts to include language that would repeal long-standing civil rights protections that prohibit religious-based employment discrimination by Head Start agencies. The House bill currently maintains a provision designed to protect over 198,000 Head Start teachers and staff and over 1,450,000 parent volunteers from employment discrimination. This decades old civil rights provision has worked effectively since the inception of this program, allowing religious organizations to participate while maintaining constitutional civil and employment protections. The bill has gained broad support among diverse advocacy organizations, but that support will end if there is a successful effort to remove those protections in Head Start when the bill goes to the floor. SEIU asks that you vote against any amendment offered that would roll back critical civil rights protections. If such an amendment is included in the final bill, we urge you vote NO on final passage of H.R. 2123.

SEIU remains troubled by the bill as it is currently constructed as outlined in the letter and we will endeavor to improve the legislation when the Senate takes up reauthorization. Again, should an amendment be offered that allows faith-based organizations to use religious discrimination against teachers, staff and parent volunteers working at Head Start programs, we urge you to vote NO upon final passage of the bill.

Sincerely,

ANNA BURGER,
International Secretary-Treasurer.

CDF ACTION COUNCIL,
September 20, 2005.

DEAR REPRESENTATIVE: As H.R. 2123, the School Readiness Act of 2005, moves towards a full vote in the House of Representatives on Thursday, September 22, the Children's Defense Fund is pleased to support many of the provisions on which the Education and Workforce Committee has worked so thoughtfully and diligently. We are especially pleased that the Committee's bipartisan bill maintains the integrity of the Head Start program and the quality performance standards that have helped Head Start successfully serve over 22 million children since the program began.

We are extremely concerned, however, about a religious discrimination amendment that will be offered when the bill comes to the House floor. This unwarranted amendment would repeal the important civil rights protections that currently exist in Head Start that protect teachers and volunteers working in any Head Start program run by a religious organization. Such an amendment would significantly hinder the goals of the Head Start program and the quality of care children receive.

CDF acknowledges the continuing contribution of faith-based individuals and organizations, which have been the backbone of Head Start since its inception and have historically embraced serving our most vulnerable children when few others would even consider it. The religious discrimination provision, however, strikes at the very core of civil rights issues that so many of these individuals fought to secure. It is imperative that faith-based organizations be subject to the same civil rights laws that ALL programs who receive federal funding must abide by. The following are concerns raised by the amendment:

Teachers and staff could be hired based on their religion rather than their qualifications.

Tens of thousands of already at-risk 3- and 4-year-old children could lose their Head

Start teachers, who often are the most important adults, other than their parents, with whom they have established meaningful relationships.

Head Start has been an important source of employment for countless parents, but this provision could result in numerous parents losing their jobs, preventing families of Head Start children from climbing the ladder out of poverty.

Many Head Start volunteers are also parents. Parent involvement has played a critical role in the success of Head Start. These volunteers could be let go as well if the provision passes.

Head Start is a critical program for our country's most vulnerable young children, providing them with valuable tools for future success in life. We are greatly concerned that removing civil rights protections for employees and volunteers would be detrimental to the children and families who benefit from this program. What message does this send to the Head Start children when their teachers, staff, and parents are denied opportunities in Head Start, simply because they do not share the federally-funded employers' religious beliefs?

While substantial progress has been made creating a bipartisan bill with many positive provisions, the addition of a religious discrimination amendment would require CDF to oppose H.R. 2123.

Thank you for your continuing commitment to improving Head Start and helping it reach more of the vulnerable children and families who benefit from its essential services. Please oppose the religious discrimination amendment.

Sincerely Yours,

MARIAN WRIGHT EDELMAN.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, September 19, 2005.

DEAR REPRESENTATIVE: On behalf of the more than 600,000 members of the Human Rights Campaign, we write to express our grave concerns with certain provisions of the School Readiness Act (H.R. 2123) that we understand may be added as the legislation moves to the floor for a vote. We are particularly concerned with statements made by Chairman John Boehner (R–OH) which indicate that his clear intention is to offer an amendment on the floor adding language to reverse the non-discrimination provisions currently in effect in the Head Start program. We do not believe it should be legal to discriminate with federal funds.

We ask you to oppose any attempt to rollback these civil rights protections, which would undermine the current bipartisan nature of the bill. If an amendment is added on the floor which would roll back these civil rights protections, we urge you to oppose final passage of the School Readiness Act (H.R. 2123).

As the nation's largest gay, lesbian, bisexual and transgender civil rights organization, we oppose using federal funds to discriminate on any basis, including religion, which unfortunately has been used as a proxy for discrimination on the basis of sexual orientation and gender identity. Two prominent cases illustrate this problem: Bellmore v. United Methodist Children's Home and Department of Human Resources of Georgia and Pedreira v. Kentucky Baptist Homes for Children. Further, we are particularly concerned that any provisions that allow federally funded religious discrimination will pre-empt local and state non-discrimination laws that include sexual orientation and gender identity.

While we do not hold a position on the overall legislation, we have serious concerns with a provision that we understand will be offered on the floor that would roll back civil rights protections that have been in place and working effectively since 1972. By abandoning these non-discrimination protections, Head Start providers would be able to discriminate on the basis of religion in federally funded positions, even when engaging in purely secular early childhood education activities. Faith-based organizations have been partnering successfully with the government for a number of years without the need to bypass civil rights laws in their efforts to provide social services.

We do not object to faith-based organizations providing education-related services or other social services. Indeed, we deeply respect the faith community's vital contribution to care for the most vulnerable among us. Just as it is important these vital programs continue to provide services, it also remains important that federal funds are not used to discriminate on the basis of religion or sexual orientation or gender identity.

For these reasons, we urge you to oppose any amendment to the legislation which would rollback these critical civil rights protections and work to produce a bipartisan bill to reauthorize the Head Start program. A vote on an amendment permitting federally funded discrimination will be considered a key vote for the Human Rights Campaign.

Should you have any questions please do not hesitate to contact Angela Clements on our staff.

Sincerely,

DAVID M. SMITH,
Vice President for Policy and Strategy.
CHRISTOPHER LABONTE,
Legislative Director.

NATIONAL COUNCIL OF JEWISH WOMEN,
September 19, 2005.

DEAR REPRESENTATIVE: On behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW), I am writing to ask you to oppose the Boehner amendment to H.R. 2123, the School Readiness Act of 2005, and to oppose final passage of the bill if this amendment is adopted. NCJW has been involved with Head Start since its inception, and we strongly support the program and H.R. 2123 as passed unanimously by the Education and the Workforce Committee. Efforts to amend the bill to open the door to religious discrimination would compromise the success of this program. NCJW believes that taxpayer funds should never be used to subsidize discrimination on any basis.

Since President Nixon signed the Head Start program into law four decades ago, this acclaimed early childhood education program has included civil rights language protecting Head Start teachers from employment discrimination. This provision works well, allowing religious organizations to participate in Head Start while maintaining constitutional and civil rights standards.

NCJW strongly supports the bipartisan effort to reauthorize Head Start. But the Boehner amendment looms as a "poison pill" undermining this bipartisanship. House consideration of H.R. 2123 should focus on meeting the needs of disadvantaged children—improving policy and providing sufficient funds to extend Head Start to all eligible children. The Boehner amendment is totally unnecessary and interjects a controversial, political issue which has the potential to threaten the bill's progress. The House of Representatives must not roll back critical civil rights protections.

For over a century, NCJW has been at the forefront of social change, raising its voice on important issues of public policy. Inspired by our Jewish values, NCJW has been, and continues to be, an advocate for the needs of women, children, and families and a strong supporter of equal rights and protections for everyone.

I urge you to oppose any amendment allowing employment discrimination and to oppose the underlying bill if such an amendment is included.

Sincerely,

PHYLLIS SNYDER,
NCJW President.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, September 19, 2005.

DEAR MEMBER OF CONGRESS: On behalf of the National Council of La Raza (NCLR), the largest national Latino civil rights and advocacy organization in the U.S., I write on an issue of great importance to the Hispanic community. On Thursday, the House of Representatives is scheduled to vote on legislation to reauthorize the Head Start program, the "School Readiness Act of 2005" (H.R. 2123). This legislation is the result of bipartisan work of the Committee on Education and the Workforce to address much-needed improvements to the program for Latino children. However, NCLR is concerned that this bipartisan work will be jeopardized by an amendment that would allow for employment discrimination based on religion in the program.

NCLR has long recognized that Head Start is a critically important program for ensuring that Latino children begin their school careers ready to learn. For these reasons, NCLR has pursued a reauthorization agenda focused on ensuring that Head Start continues to show progress in its effort to eliminate disparities in access and enhance the quality of services for Latino and limited-English-proficient (LEP) children and their families. We are pleased that Members from both sides of the aisle supported this agenda and worked to include provisions in H.R. 2123 that significantly improve the program for Latinos. These provisions include, but are not limited to, the following:

Additional resources for Migrant and Seasonal Head Start (MSHS) program expansion, which will allow for thousands of farmworker children to exit the fields and enter the classroom.

An accountability provision which ensures that Head Start providers serve new populations in their local communities through enhanced monitoring and evaluations of annual community assessments.

A new requirement that the Secretary conduct a study on the status of LEP children and their families in Head Start and Early Head Start programs.

A new requirement that the Secretary utilize training and technical assistance funds for activities aimed at assisting Head Start providers to conduct outreach and improve the quality of services to LEP populations, particularly in states with new and rapidly growing LEP populations.

A new requirement that all Head Start parents receive information and services in their home language, when possible.

A new requirement that, in addition to making progress toward acquisition of the English language, LEPs show progress toward the school readiness indicators outlined in the Head Start education performance standards.

In addition, while NCLR is pleased with the aforementioned provisions in H.R 2123, we stand in solidarity with the broader civil rights community in our strong opposition to any amendment that could open the door to employment discrimination based on religion in the Head Start program. Foremost, such an amendment is unnecessary for ensuring greater participation from the faith-based sector in the program; faith-based providers have served as an important partner in Head Start since the program's inception. Moreover, such an amendment will only serve to deter critical attention and debate away from provisions in the legislation that have garnered strong bipartisan support, such as improvements to the program for Latino children. We urge Members of Congress to vote NO on any amendment seeking to allow recipients of Head Start funds to discriminate based on religion. NCLR may recommend that any vote related to such an amendment be included in the National Hispanic Leadership Agenda Legislative Scorecard.

In closing, NCLR affirms its strong support of provisions included in H.R. 2123 which increase access to and improve the quality of Head Start for Latino children. We are certain that these policy changes will go a long way toward ensuring that Latino children fully benefit from the program and that Head Start remains a model for early education into the future.

Sincerely,

Janet Murguia,
NCLR President and CEO.

People for the American Way,
Washington, DC, September 16, 2005.

Dear Representative: On behalf of the more than 750,000 members and supporters of People For the American Way, we urge you to maintain the bipartisan direction of H.R. 2123, the "School Readiness Act of 2003," and oppose any attempt to repeal longstanding anti-discrimination protections. We commend you on your bipartisan efforts on Head Start reauthorization legislation. Head Start programs not only offer opportunities to thousands of low-income children, they also enrich their communities by providing job opportunities to over a third of the parents whose children have participated in the program. As it stands, this bill currently upholds key anti-discrimination provisions that have been part of Head Start since its inception.

However, in a statement released by the Committee on Education and the Workforce on May 5, 2005, Chairman Boehner stated that he anticipates and supports an amendment on the House floor to rollback longstanding critical civil rights protections. This type of amendment would be a direct attack on bipartisan, anti-discrimination provisions that have been part of Head Start since its creation in 1981 and cannot be tolerated. People For the American Way cannot support a compromise that does not ensure that the existing civil rights protections in H.R. 2123 are not summarily removed on the House floor.

Proponents of anti-civil rights provisions claim there is a need to exempt religious organizations from anti-discrimination laws in order to protect the religious identity of that organization. This is simply not true. For decades, religious organizations have partnered with the government to provide social services. They have done so by separating their worship and related activities from government-funded social services, and, where necessary, creating a separate nonsectarian 501(c)(3) organization to provide the services. Under this model, religious organizations have provided an invaluable contribution to the education of thousands of Head Start students and to the communities in which they live. Congress should not adopt changes that would alter this beneficial relationship, particularly when there is no evidence that religious organizations are actively seeking the religious exemption in question.

Again, we are pleased with the bipartisan direction of Head Start reauthorization legislation. However, we are concerned with any amendments which would rollback longstanding critical civil rights protections and thereby detrimentally affect Head Start teachers, students and their parents. The current, delicate balance encouraging the participation of religious organizations and compliance with our Constitution should not be disrupted. For these reasons, we urge you to continue efforts to ensure that this legislation remains bipartisan, as well as oppose any attempts to repeal longstanding anti-discrimination provisions in H.R. 2123.

Sincerely,

Ralph G. Neas,
President.
Tanya M. Clay,
Deputy Director of Public Policy.

Union for Reform Judaism,
September 19, 2005.

Dear Representatives: On behalf of the Union for Reform Judaism, whose 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis (CCAR), whose membership includes over 1800 Reform rabbis, I strongly urge you to maintain the bipartisan character of the School Readiness Act of 2005 (H.R. 2123) by opposing any attempt to repeal longstanding civil rights protections that prohibit faith-based Head Start centers from discriminating in whom they hire on the basis of religion. Should such language be added to the bill, I urge you to vote against final passage.

We expect government-funded programs to hire the people who are most qualified, not those whose religious beliefs best match those of an employer. This is especially problematic in relation to Head Start. One's faith does not determine how one reads a book to preschoolers or sings the "alphabet song." To deny children living in poverty the most qualified teacher is nothing short of an attack on Head Start's core mission—preparing children to succeed in school.

Since its founding, Head Start has prided itself on the strength of its family involvement component. Head Start has successfully trained many of its low-income parents to work at Head Start centers, helping parents rise out of poverty. In fact, the Family and Child Experiences Survey, prepared in January 2002 for the U.S. Department of Health and Human Services, found that over 40 percent of Head Start staff members had children in their households who were current or former Head Start participants. On the day this bill becomes law, faith-based Head Start programs could fire such staff members because of their religious beliefs. A Head Start center could refuse to consider a qualified parent for a job because of the way the parent chooses to worship. Experience teaches us that a broad exemption for religious organizations would permit religious groups to use government money to discriminate based on race, sexual orientation, and marital status.

We are pleased with the bi-partisan efforts to improve upon previous Head Start reauthorization attempts. However, on the day that H.R. 2123 was introduced, Representative John Boehner (R–OH) stated his intention to offer an amendment to roll-back the current civil rights protections within the Head Start program when the bill is considered by the full House. To plainly state such intentions diminishes the much-heralded bipartisan spirit of the bill and undermines the gains made thus far in the mark-up process.

Our tradition includes a story of a teacher whose prayer for rain was answered promptly. Asked to tell of his special merit, he replied: "I teach children of the poor as well as of the rich; I accept no fee from any who cannot afford it; and I have a fishpond to delight the children and to encourage them to do their lessons." Since 1965, through its comprehensive services and high quality standards, Head Start has striven to give millions of children an equal opportunity to succeed in school, nurturing their love of learning and delight in life. I urge you to protect such opportunity for our nation's teachers, parents, and children by opposing any attempt to repeal the civil rights protections in H.R. 2123.

Respectfully,

Rabbi David Saperstein.

Dear Representative: We, the undersigned religious and religiously affiliated organizations, write to urge you to oppose the planned Boehner religious discrimination amendment to the School Readiness Act (H.R. 2123), the bill reauthorizing the Head Start program. The bill approved 48–0 by the House Committee on Education and the Workforce that reaches the House floor is the product of many months of hard work resulting in a strong bipartisan agreement. It maintains critical civil rights protections in Head Start, preventing religious discrimination in federally funded Head Start positions. Any attempts to amend the bill and repeal these protections threaten not only the bipartisan spirit of the bill, but the integrity of the Head Start program itself. If the promised Boehner amendment passes, we urge you to vote "no" to H.R. 2123. We are disappointed that an otherwise acceptable bill could be jeopardized with such an unwise amendment.

We represent a diverse array of religions, covering the political and ideological spectrum. We stand united to oppose this unwarranted attack on a vital civil rights provision that protects over 1.6 million teachers and parent volunteers from having to choose between their religion and their participation in the local Head Start program.

The bipartisan bill that passed unanimously out of the Committee on Education and the Workforce has the potential to garner support from a broad range of groups, including all of the religious groups on this letter, but not if the proposed language is included. As religious institutions, we support preserving the autonomy of religious organizations with respect to hiring decisions made in privately funded programs. However, we also recognize the importance of ensuring that taxpayer dollars do not fund positions connected with the operation of the program itself where candidates may be disqualified because of the religion they practice. The longstanding nondiscrimination provision included in Head Start legislation since 1972 strikes the appropriate balance between religious autonomy and nondiscrimination. For over three decades, religious organizations have enthusiastically and effectively participated in the program while upholding constitutional and civil rights standards. We are not aware of any call by these religious based Head Start programs for congressional authority to begin to discriminate on the basis of religion in this government-funded program.

As religious and religiously affiliated organizations, we strive to make the world a better place for the next generation and generations to follow. The Head Start program is an extremely successful government funded means of achieving this goal, providing opportunities for nearly one million at-risk children each year. We urge you to oppose any effort, such as Rep. Boehner's planned floor amendment, to change this crucial program by stripping its civil rights protections and allowing providers to discriminate on religious grounds.

Thank you for your consideration of this important matter.

Respectfully,

African American Ministers in Action, American Baptist Churches, USA, American Jewish Committee, American Jewish Congress, Baptist Joint Committee for Religious Liberty, Central Conference of American Rabbis, Christian Justice Action, United Church of Christ, Disciples of Justice Action Network (Disciples of Christ), Equal Partners in Faith, Faith Action Network of People For the American Way.

Na'Amat USA, National Council of Jewish Women, The General Board of Church and Society of The United Methodist Church, The Interfaith Alliance, Texas Faith Network, Sikh American Legal Defense and Education Fund (SALDEF), Union for Reform Judaism, Unitarian Universalist Association of Congregations, Women of Reform Judaism.

OMB WATCH,
Washington, DC, September 16, 2005.

DEAR REPRESENTATIVE: OMB Watch strongly urges you to oppose the any attempt to include "charitable choice" provisions in the Head Start program, which would allow religious organizations to discriminate on the basis of the religion when hiring for federally funded programs.

Religious organizations play a meaningful role in the delivery of social service programs. We do not question the right of religious organizations to participate in federal programs, nor their ability to avail themselves of an exemption under Title VII of the Civil Rights Act of 1964 that allows religious organizations to hire co-religionists with their own money.

However, we do question whether federal dollars should fund discrimination by the very few religious organizations that refuse to follow the same rules that all other organizations participating in federal programs follow. Although religious employers have the right under Title VII to apply religious tests to employees, the Constitution requires that the direct receipt and administration of federal funds remove that exemption.

In addition, the federal government has constitutional obligations reinforced by Chief Justice Rehnquist's majority opinion in Bowen v. Kendrick, 487 U.S. 589 (1988). The Court stated that although the Constitution does not bar religious organizations from participating in federal programs, it requires (1) that no one participating in a federal program can "discriminate on the basis of religion" and (2) that all federal programs must be carried out in a "lawful, secular manner." Id. at 609, 612.

Faith-based and secular grantees face high standards and must be treated equally. The acceptance of federal funds—taxpayer money—should require all recipients to practice non-discrimination in hiring as it relates to those funds.

I urge you to maintain the integrity of religious grantees and prevent government-funded religious discrimination by opposing any attempt to include "charitable choice" provisions into the Head Start program.

If you have any questions, please contact Jennifer Lowe at 202-234-8494. Thank you for your attention to this matter.

Sincerely,

GARY BASS,
Executive Director.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

The underlying reauthorization bill here is a good one, to help Head Start children to get the head start they need if they are going to have a chance to succeed in school. And we know from all of the studies for low-income children to have a chance in school, going through an early childhood development program like Head Start is absolutely essential and that those children that are involved in Head Start and other like programs have a much better opportunity and a much better chance to succeed while they are in school.

We are about to get into the amendment process where we will consider a number of amendments to perfect this bill, and I would ask my colleagues to pay attention to these amendments. I think for most of them there is quite a bit of agreement. But, clearly, the one amendment dealing with the rights of faith-based organizations will draw an awful lot of attention.

But I would ask my colleagues, why should we not let the House work its will? If Members agree or disagree, we ought to have that right and we ought to respect the outcome of that vote.

Ms. KILPATRICK of Michigan. Mr. Chairman, I reluctantly rise in opposition to the passage of the H.R. 2123, the School Readiness Act, a bill that reauthorizes the Head Start program through fiscal year 2011. Although the underlying bill enjoys wide, bipartisan support, the adoption of the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY) has the effect of being a poison pill and makes the bill unpalatable.

The Boustany Amendment permits faith-based organizations providing Head Start service to hire and fire on the basis of religious affiliation. The adoption of this amendment allows faith-based organizations to discriminate in hiring. This practice will work against a key object for which Head Start was designed to address: moving children and families out of poverty.

The Boustany Amendment also drives a wedge within the faith-based community. The Head Start program was first established 1964 through the cooperation of African-American churches throughout the segregated South. From its birth, Head Start and the religious community have developed a strong partnership in the delivery of critical education and social services that have been the building blocks to escaping poverty. This relationship has worked well for generations and now it will be jeopardized if this provision is allowed to remain in the bill. Many faith-based organizations who sponsor Head Start programs have experienced no problems in fulfilling their spiritual mission and honoring the non-discrimination in hiring requirements under the Civil Rights Act. Permitting faith-based organizations to use federal dollars to discriminate in hiring is a step backwards in the continuing struggle for civil rights, a step I am not willing to support.

To remove the civil rights protections guaranteed under this program compromises the very purpose of this program. For this reason, I cast my vote in opposition to H.R. 2123.

Mr. BLUMENAUER. Mr. Chairman, Head Start is a program with many success stories, providing more than 900,000 low-income children with comprehensive educational, medical, dental, and nutritional services. It is an investment in our future. I am happy to see some improvement offered in the School Readiness Act of 2005, such as abandoning block-granting, increasing accountability on academic performance and content, and teacher quality. Unfortunately, this bill falls short of the expectations set by my local community and I cannot support it.

It does not go far enough in providing additional funding for teachers so they may acquire bachelor's degrees by 2011. In Oregon, only 58 percent of the eligible children are being served. Instead of focusing on getting more eligible children into the program, the Republican Leadership is once again attempting to repeal civil rights protections by introducing an amendment permitting religious organizations to use federal funds to discriminate in hiring and firing decisions. Faith-based organizations have long participated in the Head Start program and have successfully received federal funding without discriminating.

Head Start is a bright light for families and children who need an extra boost into the future. It is a program that demonstrates that we care about all families within our communities. I cannot support a bill that discriminates and ignores equality protections.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the School Readiness Act which will reauthorize the Head Start program, but this measure will not get my vote if the amendment allowing for religious discrimination is adopted by this House.

I think that we can all agree that this is not a perfect bill, though it is certainly an improvement over the Headstart reauthorization bill that the 108th Congress considered.

As a former mayor of the city of Alexandria, Virginia, I know just how important Head Start programs are to communities because they help to provide our low-income preschool-aged children much needed services such as child development, educational, health, nutritional activities which help them receive greater advantages in life. More importantly, these programs help to level the playing field for disadvantaged children and prepare them for school.

In addition to the educational services that are provided by Head Start programs, some of the other services include health screenings, such as dental and eye care. Statistics have shown that children who receive these crucial services, along with a hot breakfast every morning, have increased their readiness for school.

In my congressional district, one of the most successful Head Start programs is the Alexandria Head Start. This is a collaboration that the Campaign Center, the city of Alexandria and the Alexandria City Public Schools system formed about 37 years ago.

AHS serves over 250 Head Start children and because of a wonderful group of dedicated educators and involved parents, these children are truly getting a "head start."

I am pleased that many of my low-income constituents are served by Head Start programs. I am concerned, however, that the School Readiness Act's authorized funding levels, with limitations, will allow less than one-half of the eligible preschoolers, to participate in Head Start.

Unfortunately the cost of the Iraq war and massive tax cuts have produced a fiscal crisis which now translates into the under-funding of critical programs like Head Start and others focused on our low-income citizens.

I am saddened that so many children, who truly would benefit from participation in a Head Start program, will not be given a chance of doing so, and as a result, will be far less likely to reach their true potential.

Another area of concern in this bill relates to teacher quality.

The School Readiness Act will require that half of the Head Start teachers nationwide have at least a B.A. in child development or a related field by 2011, and that all new teachers, beginning three years after the enactment of the bill have at least an associate's degree or be enrolled in a program to achieve an associate's degree.

While I certainly agree that our Head Start teachers should be highly educated, however, unless additional funding is provided for increased salaries, it will be extremely difficult for Head Start programs to attract and more importantly, retain the highly educated teachers the bill requires.

Why would someone who is interested in being a teacher and possesses the education and background the bill requires, choose to make $25,000 a year as a Head Start teacher instead of $41,000 as a kindergarten teacher for a school system that provides its teaches with cost-of-living adjustments?

The non-profit Trust for Early Education said it best in a recent report, "If we do not provide appropriate compensation for our pre-kindergarten teachers, they will leave the pre-kindergarten classroom."

The School Readiness Act needs to provide Head Start programs with the financial ability to recruit and retain our Nation's brightest teachers to educate our Nation's most disadvantaged.

I am also adamantly opposed to the Boustany amendment.

If a Head Start program is being administered by a faith-based institution and it is receiving federal funding for the program, it must not be permitted to discriminate on religious grounds when making employment decisions.

It is as simple as that.

Head Start teachers and workers not only provide cognitive development services to children; they help in the development of children's character.

Most preschoolers have a strong sense of right from wrong. This will be setting a confusing example if we authorize discrimination of any kind. This amendment is opposed by every credible anti-discrimination an civil rights protection organization, and I ask my colleagues to oppose it.

It was once said that "Education is the great equalizer in a democratic society, and if people are not given access to a quality education, then what we are doing is creating an underclass of people who will ultimately challenge our very way of life."

While I recognize the shortcomings of the School Readiness Act, it is a worthwhile effort that will help our low-income children by working to level a very un-level playing field, so they will be prepared and successful in school.

Mrs. JONES of Ohio. Mr. Chairman, I rise today to address the House about H.R. 2123, the Head Start School Readiness Act of 2005. Once again, we gather here to address the needs of the Nation's youth and debate how we will meet those needs.

For the past 30 years, Head Start has set the foundation for the educational achievement of most young children in this country and has many of today's successful young adults as its proof of effectiveness. Many years ago, we did the necessary research and identified the conditions under which young children are more receptive to learning. We realized that it would take special effort and targeted resources to prepare children for the rigors of the academic day.

From the beginning until today, we have implemented changes to reflect technological advances, changing demographics, professional advancements, etc. We, as a Nation, have risen to the call of our children and provided a caring, nurturing responsive environment for them. We spend millions of dollars every year training teachers to carry out the Head Start function.

Mr. Chairman, we also lose those well-trained individuals one after the other because we professionally abandon them after we have spent hard earned dollars training them. Along with my colleague from Illinois, I sought to provide the authorization for Head Start to implement salary and work incentives to retain trained teachers in the Head Start program. The amendment was not ruled in order and we have not had the opportunity to even have a discussion about the amendment. We proposed up to $300 million to aid the many Head Start programs nationwide.

Mr. Chairman, rejecting my amendment I believe deprived the American people of an opportunity to hear how their elected representatives viewed something as critical as Head Start. It would have given the voting public an opportunity to compare how we prioritize items. They would have heard us debate how to spend our scarce dollars. They would have had a reference point and a window seat to observe how we determined what is important and measure that with what they think is important. To some the comparison may have been Head Start versus Iraq; for some it may have even been Head Start versus health care; for others it may have been Head Start versus affordable housing.

As one who has fought tirelessly for the victims of natural and manmade disasters, I have supported every effort to rebuild New York after 9/11; I have supported every dime of supplemental funds for the victims of Hurricane Katrina; I have supported appropriations bills for every conceivable assistance package this country has had to provide. I now stand in support of retaining qualified certified and government-trained teachers in a Head Start program free from discrimination, prejudice and intolerance. I submit to you, Mr. Chairman, it is not too much to spend and it is right on time.

In any case, the people will not get that chance. They will never know if we may have carefully studied this issue and decide teacher retention was a worthy, valuable and cost effective expense.

What they will hear is a debate on an amendment designed to re-introduce discrimination and disadvantage to a program created to overcome the vestiges of poverty, racism, and academic neglect. This House will debate an amendment today to permit faith-based recipients of Federal Head Start dollars to discriminate against individual based on their individual, guaranteed right of free religious affiliation. As a former judge and prosecutor and an American—I am offended and insulted.

We as a body cannot effect a simple reauthorization because each time we get to a bipartisan agreement to move Head Start in to the 21st century—this poison pill provision rears its ugly head. Not to mention separation of Church and State.

Mr. Chairman, this is a sad and unfortunate event in the history of this august body: That after over 200 years as a sovereign country—with a checkered past, at best, on discrimination, we now debate discrimination by statute in the case of our young and budding leaders of tomorrow. I rise in objection to this amendment to permit discrimination based on religious affiliation in the Head Start program.

I raise the highest objection that I can to rolling back over 200 years of progress on justice, harmony and tolerance. I rise in objection to holding the future of Head Start hostage to this provision.

Equally important, I rise to object to the proverbial slap in the face this amendment visits upon true and significant bipartisanship. I commend the chairman and the ranking minority on the Education and Workforce Committee for their commitment to the children of this Nation by presenting a bill free of polarizing provisions. Unlike so many contentious issues brought before the House, bipartisanship was not D.O.A.—"Dead on Arrival." Instead, a bipartisan, thought provoking legislative initiative was D.U.A.—"Dead Under Attack."

Mr. Chairman, I urge my colleagues to reject this amendment and let Head Start get on with the business of preparing America's youth for tomorrow.

Ms. BORDALLO. Mr. Chairman, today, in honor of the reauthorization of the Head Start Program, I would like to recognize the contributions of Head Start to the education of children in Guam and throughout our Nation. Head Start programs across the United States have been an essential part of the academic, physical, emotional, behavioral and cognitive development of 3 and 4 year olds.

Early childhood education for pre-schoolers is extremely important as an essential element of child development. Guam's Head Start programs have educated thousands of children over the past 30 years to become good upstanding citizens. The program not only caters to the children, but integrates the involvement of parents to nurture an ongoing education in the homes.

I commend all the hard working teachers who have enthusiastically and effectively worked to positively influence the lives of at-risk children and their families. I support Head Start and H.R. 2123, which is critical to provide adequate funding for this wonderful program.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this bill, though I have concerns about one specific provision that would go too far to allow discrimination.

The basic tenet of Head Start is as true today as it was a generation ago—quality early education programs can be instrumental in helping children overcome barriers to learning. This program not only plays an important role in providing opportunities for the next generation but also has an important impact on our economy. For every dollar spent on Head Start, we receive seven dollars back. There are few federal programs that can boost that kind of success.

As a nation we must ensure that our children are prepared, academically, emotionally and nutritionally to enter school. Removing the outside forces that result in under-prepared students opens up children's minds to learn and gain an education. Head Start is one of the most important programs in our government and I am pleased to see this bill come to the floor with bipartisan support.

Unfortunately, I have concerns about an amendment passed by this body that allows faith-based Head Start grantees to discriminate in hiring based on religion. Federally supported programs should never support discrimination in its programs on any level. Since Head Starts inception in 1972 it has never discriminated in hiring for faith based and other organizations. There is no need to start now.

I was pleased the House did not adopt an amendment offered by Ms. MUSGRAVE that would allow for-profit Head Start providers to collect federal funds as profit. While for-profit Head Start grantees play an important role in school readiness, I do not support allowing them to collect a profit from federal grants provided to serve low-income students. Any savings from funds designated for administrative costs should go towards serving the needs of these low-income students. This amendment provides the wrong type of incentive for Head Start grantees.

While this bill is not perfect, there are many provisions that will provide needed and worthwhile reforms to Head Start. Head Start has proven to be a successful program and this bill will largely make it even more successful and efficient. So Mr. Chairman, I am voting in favor of this bill.

Mr. RUPPERSBERGER. Mr. Chairman, for almost 40 years, Head Start has assisted low-income preschool children and their families. It has been an invaluable resource to many children and families across our country.

I am pleased to rise to join with my colleagues about the future of Head Start. As Congressman and a former County Executive, education is one of my top priorities. In particular, Head Start programs are essential to so many children's futures, for research shows that early learning is a fundamental piece of a child's education.

I have long held a firm belief in the importance of education and have often spoke of our nation's need to ensure that, even at the earliest stages our children have access to programs and services that will enrich their education and lives.

Last year, Head Start helped 912,000 three, four, and five year olds build a solid foundation so they are ready to tackle reading and math in kindergarten. Head Start allows children to be ready to succeed in school and in life. Giving them that extra boost that they need will allow them to be productive citizens.

Head Start also provides the youngsters and their families with a comprehensive list of support services—from health screenings to nutritional advice to parent counseling.

I stand behind this program because I have seen first hand how Head Start helps the entire family grow and succeed together.

Head Start is a good start for America's future.

Mr. STARK. Mr. Chairman, I rise today in opposition of H.R. 2123, the School Readiness Act of 2005.

Disappointingly, I would have voted for this legislation to reauthorize the Head Start program if it were the same bill that the Education and Workforce Committee passed unanimously with bipartisan support. That bill's new teacher qualifications and increased accountability would have greatly improved the educational outcomes for children in the Head Start program. I would have preferred that bill provide more funding to ensure all eligible children can receive Head Start services, but on balance, the bipartisan bill was worth voting for.

Instead, the Republican Majority has added an amendment which would, for the first time in Head Start's 30-year history, allow a faith-based sponsored Head Start Program to use Federal taxpayer dollars to discriminate against highly qualified teachers and other employees solely because of their religious views. Ironically, even the faith-based community Republicans spend so much time pandering to is opposed to this discriminatory amendment. Groups including the Baptist Joint Committee, American Jewish Congress and African American Ministers in Action oppose the notion that Head Start should allow religious discrimination.

This Head Start bill, however, is only the latest example of such prejudice; President Bush and his Congressional Republican counterparts have steadily pushed an agenda latent with religious discrimination. Most recently, the Majority has sought to impart their religious views on historically secular programs such as the Workforce Investment Act and the Community Services Block Grant.

Perhaps what is most abhorrent is that the Republican Party wants to institutionalize discrimination in a program that provides early childhood development and educational services that are intended to prepare low-income children to enter kindergarten and improve their success later in life. These are not the "family values" we should teach our children, whether it's paid for with tax-payer funds or not.

I urge my colleagues to vote against this legislation. It is time to show the American people that this Congress supports tolerance over discrimination. It is time we had a Head Start Reauthorization bill that focuses on improving the educational development of our children, and is not being used as a vehicle to teach our children one of the world's ugliest lessons: discrimination.

Mr. BACA. Mr. Chairman, I rise today in support of H.R. 2123, the School Readiness Act of 2005.

The goal of the Head Start program is to give at-risk children all across our Nation a fair chance at succeeding in the educational system.

Head Start is especially important to Latino children. Latino children make up more than one-third, 34 percent, of all those eligible for the program. In my home State of California, 65.8 percent, which is almost two-thirds, of those enrolled in the Head Start program are Latino. As the Hispanic population experiences rapid growth, Head Start services must be strengthened to reflect the unique needs of Latino families. Head Start's ability to improve the educational skills and opportunities of Latino children will be an important component of America's future success.

Head Start has long lasting effects on those most in need. Head Start graduates are more likely to graduate from high school and less likely to need special education, repeat a grade, or commit crimes in adolescence.

This bill improves the program in several key ways: It increases funding for underserved children: for the children of migrant and seasonal workers, it will allow approximately 10,000 more children to leave the agricultural fields and enter the classroom; it expands the Native America Head Start programs; and it also works towards ensuring that parents can get information in their native language, when possible.

This bill was passed unanimously out of the Committee on Education and the Workforce in May. It is important that we pass this legislation as a bipartisan effort to help American youth. Unfortunately, the Boustany amendment would jeopardize this important bill by allowing for employment discrimination based on religion. That kind of partisan politics has no place in a bill that is about increasing educational opportunities for our children.

Many of our Latino parents and children already face a number of barriers in accessing the Head Start program. We must not add additional barriers or sacrifice their futures.

It would place tens of thousands of already at-risk children in danger of losing their Head Start teachers. And in doing so, it would block countless low-income and minority parents from climbing the ladder out of poverty.

We should not make it more difficult to participate in a program that enables thousands of parents to make the life-changing transition from being a parent volunteer to being a trained and paid Head Start teacher. This amendment is inconsistent with American values of tolerance and respect for all religions. Instead of trying to tack on a partisan amendment, we should pass a bill that maintains

Head Start's high standards and allows Head Start centers to hire the most qualified teachers. That is what's best for our children and for our country.

I urge my colleagues to vote "no" on the Boustany amendment.

Mr. VAN HOLLEN. Mr. Chairman, in solidarity with the National Head Start Association, the Children's Defense Fund and countless other lifelong advocates of the Head Start program, it is with a heavy heart that I must oppose this final, amended version of the Head Start reauthorization on the floor today.

It did not have to be this way.

I sit on the Education and Workforce Committee, which reported a genuinely bipartisan Head Start bill to this House. It wasn't perfect, and it did not reflect in every respect the Head Start reauthorization I would have written. For example, an amendment I offered to fully fund the program so that every eligible child could reap its benefits was defeated on a party line vote. Moreover, a second amendment I proposed to offset the significant costs faced by Head Start grantees working to comply with the Department of Health and Human Services' transportation safety requirements so that program dollars weren't diverted from serving kids was similarly not included.

But, unlike failed initiatives in the recent past, the committee reported bill did not walk down the misguided path of block granting the Head Start program. Additionally, it took very positive steps towards establishing high standards for teacher quality and strengthening accountability for underperforming programs. It even included an amendment I offered on a bipartisan basis with Representatives PLATTS and BIGGERT to provide grantees new flexibility to serve additional needy children when program slots became available.

That is why I am so disappointed to vote against this bill today. With the inclusion of the Boustany amendment, this bill for the first time seeks to legitimize publicly funded religious discrimination in the Head Start program. It takes money from taxpayers and then turns around and tells those same taxpayers they can be excluded from federally funded jobs in a Head Start center solely on the basis of their religious beliefs. In effect, it is a green light for religious bigotry.

It has no place in the Head Start program, and it is precisely the wrong message to be sending to our nation's children. I will continue to support Head Start. But I must forcefully oppose this legislation.

Ms. ROYBAL-ALLARD. Mr. Chairman, after years of hard work on both sides of the aisle to create a Head Start reauthorization bill that treats our Nation's neediest children fairly, it is with a heavy heart that I must oppose the final passage of H.R. 2123.

Head Start is designed to ensure that all children—regardless of their family's income, race, or ethnic background—are able to enter kindergarten ready to learn. The Boustany amendment, which promotes discrimination on the basis of religion for faith-based organizations, destroys the principle of fairness that I believe is central and crucial to the success of Head Start. It is for this reason that I cannot support final passage of the bill.

I have long been a supporter of the Head Start program because each and every year I witness the dramatic positive impact that early intervention services have on children's lives in my congressional district. My district includes many children who are in desperate need of Head Start services, especially those Hispanic children who depend on Head Start services to learn critical early literacy skills. These skills are doubly important now to meet the rigorous requirements of the No Child Left Behind Act. Latino children currently make up more than one-third of all eligible Head Start children, and the Los Angeles County Office of Education is home to the largest Head Start program in the Nation, serving more than 24,000 children. As a member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, I have continuously supported strong and sustained funding for the Head Start program.

During consideration in the Education and the Workforce Committee this year, Democrats and Republicans worked constructively together to improve the delivery of Head Start services to the target populations. The product of this collaborative process was a bill that contained several forward-looking provisions that would help the overall administration and accountability of the program. In particular, I highlight the reauthorization bill's provisions to ensure that Head Start teachers possess at least an associate's degree in early childhood education within three years of the bill's enactment. In addition, I applaud the provision that would allocate 5 percent of total funds toward programs that support the children of migrant and seasonal workers, an easily-overlooked populace that is disproportionately Latino.

It is important to note that I and my fellow Democrats recognize and appreciate the wonderful work that faith-based organizations do to support the mission of Head Start. Faith-based groups have and should continue to play a critical and respected role in the education of our Nation's youngsters.

While the participation of faith-based groups is respected and valuable, however, the Boustany amendment would seriously damage the mission of Head Start, which is to "level the playing field" when it comes to early childhood education. It is essential that faith-based groups respect the civil rights of the thousands of Head Start teachers and volunteers who are committed to improving the lives of children, regardless of their personal religious beliefs. There are many faith-based groups that work to prepare preschool-aged children for school without federal funds, and it is entirely permissible for these groups using private funds to hire their teachers based on religious grounds. What the Boustany amendment would allow, however, is for faith-based groups to ignore civil rights precedent and discriminate on the basis of religion when those programs are supported by public funds.

It is important to note that not all faith-based organizations support the discrimination practices supported by the Boustany amendment. In fact, many religious organizations specifically oppose discrimination in hiring based on religion, including: American Jewish Congress, Church Women United, Interfaith Alliance/Foundation, Union for Reform Judaism, Unitarian Universalist Association of Congregations, and United Church of Christ Justice & Witness Ministries.

Although the Boustany discrimination amendment has forced me to oppose H.R. 2123, I remain committed to the Head Start program and the services the program provides to our country's underserved children. I can only hope that the Republican leadership will come to its senses during the conference of this bill with the Senate and move to eliminate this discriminatory provision so that Head Start can once again go forward with the universal support that it has earned and that it deserves.

Mr. McKEON. Mr. Chairman, I rise in strong support of H.R. 2123, the School Readiness Act, which will strengthen the Head Start program by closing the readiness gap that exists between low and upper income children. I want to thank my good friends, Chairman BOEHNER and Congressman CASTLE, for their hard work on this important piece of legislation.

Created in 1965 and located in every community in the country, Head Start has been a valuable part of our nation in preparing lower-income children for elementary school. However, in spite of the good efforts of the program, there are still shortcomings that need to be addressed. We can do more to ensure that the disadvantaged children in this country are better prepared for school.

A readiness gap still exists between children in Head Start and their more affluent peers. The bill before us today will improve the Head Start program to help close the readiness gap by strengthening academic standards. The bill emphasizes cognitive development and the use of scientifically-based research in topics critical to a child's school readiness.

This bill also seeks to protect parents and taxpayers from financial mismanagement in the Head Start program. The federal government invests nearly $7 billion in the program, but sadly, dozens of media stories and an independent investigation by the Government Accountability Office revealed problems in the financial management of some Head Start grantees. We should do all that we can to ensure that Head Start dollars are going to meet the needs of the students and are not wasted due to a few bad grantees. The School Readiness Act strengthens safeguards to protect against financial abuse.

Mr. Chairman, this bill received unanimous support in committee, and I hope that it will also receive the full support of the whole House. H.R. 2123 is a good bill that will improve the lives and educational needs of our nation's most vulnerable children. I urge my colleagues to support the bill.

Mr. HONDA. Mr. Chairman, as a former teacher and principal, I rise today to voice my support for H.R. 2123, the bipartisan Head Start bill.

Since 1965, Head Start has helped over 20 million children build the confidence and skills they need to succeed in school and to become the leaders and productive citizens of the future. Children cannot learn when they are hungry, sick, or too worried about their families to concentrate in school. That is precisely why we need Head Start.

Head Start is unique in its comprehensive approach to supporting children and families, offering early education, health care, social services, and nutrition services, while emphasizing parent involvement and support. This approach has represented a formula for success for nearly 40 years.

I am pleased that my colleagues on the other side of the aisle have not pursued their strategy of last year and have worked with Members from this side of the aisle to produce a bill that does not include the block grant proposal that was advanced in the last Congress.

I am also pleased that the bill will align Head Start curricula with K–12 education while preserving the comprehensive nature of the Head Start program. This will support effective transitions for children's learning and development and ensure that children will enter school ready to learn. At the same time, the proposal will provide continuity for children by retaining the essential parental involvement, nutrition, and other non-academic features of Head Start.

I am glad that H.R. 2123 has a strong focus on early childhood educator professional development. Improving teacher quality in Head Start is critical to increasing overall program quality and helping more children reach kindergarten better prepared to succeed. I am concerned, however, that while the bill requires teachers to have higher academic degrees, it provides no funding to support the implementation of its important teacher quality provisions. Improving teacher quality is very important, but without providing the means to support the provision, the initiative is severely undercut. I hope that this problem is addressed in conference.

Despite my support for the bill, I will vote against it if the divisive amendment being offered by Mr. BOUSTANY passes. I strongly oppose this amendment, which would allow faith based-sponsored Head Start programs to use Federal taxpayer dollars to discriminate against qualified teachers and other employees solely because of their religion or personal religious views.

Head Start began as a civil rights platform—ensuring that all children, regardless of race, ethnicity, or religion—get a head start in life. This amendment would roll back civil rights for Head Start teachers and parent volunteers by allowing religious discrimination. This is an outright assault on religious liberty and civil rights in federally funded programs. To trample on this now will turn back the clock on the progress we have made in protecting the civil rights of the people we entrust to give our children a head start.

Allowing discrimination based on religion would significantly impede the important goals of Head Start as well as sending a damaging message to students. Religious institutions have been providing invaluable Head Start services for years and do not need this misguided amendment to continue their good work.

As chair of the Congressional Asian Pacific American Caucus, I recognize how important Head Start is to APA communities. Nationwide, over 25,000 APA children are served by Head Start. In California alone, over 6,000 APA children are enrolled in Head Start, with over half of them coming from homes where English is not the primary language.

I want to support the improvements in Head Start that this bill will make in order to provide the children in these communities with the opportunities they richly deserve. But these communities, which have had to fight so hard to protect their own civil rights, do not want a Head Start program that discriminates and do not want Congress to act for the first time to specifically repeal civil rights protections against discrimination.

Mr. Chairman, I urge all Members to put the needs of children first, vote against the Boustany amendment which is a poison pill that will kill this bill, and make a real commitment to improve the Head Start program.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to express my support for the Head Start Reauthorization Bill that was sent to this Chamber by the Committee.

Head Start is one of the best programs we offer our youngest students. A recent report on Head Start released by the Department of Health and Human Services shows that Head Start helps close the achievement gap between students of differing socio-economic status.

Since Head Start was created in 1965, it has proven to be our most valuable school readiness program in the history of this country.

Time after time, we have seen reports that prove students who attend Head Start perform better than those who don't.

It's important that this body reauthorize this program in a manner that shows bipartisan support for educating our children.

I agree with many of the provisions in this bill, such as safeguarding financial abuse and improving disclosure rules. Fraud and abuse of providers of Head Start Programs is indefensible.

The money allocated to Head Start programs should be used to educate children. Not for any other purpose. This bill cracks down on those programs engaging in fraud.

Also, this legislation keeps current health and nutrition services, which are essential for ensuring children can learn.

Young children have a difficult time learning if their basic needs aren't met. Providing health care is an essential part of this program.

The "best practices" provision of this bill will help improve the curricula of our Head Start Program.

I urge my colleagues to support this bill as it was reported from Committee. Thousands of children in my district benefit from Head Start and it's essential that we reauthorize this program with a bipartisan plan that will help this Program serve more children effectively.

Mr. MOORE of Kansas. Mr. Chairman, since I have been in Congress, I have been a consistent supporter of Head Start. This program assists over 900,000 children and their families nationwide, including the 1,421 children enrolled in 6 Head Start programs in the Third Congressional District of Kansas. Thanks to this program, children enrolled in Head Start in the district are nearly twice as likely as other low-income children to receive basic medical care and over three times as likely to receive dental care. In the Third Congressional District, 77 percent of Head Start children have received basic primary health care, and 76 percent have a continuous, accessible source of dental care. The program has also provided mental health services to over 150 children in the district and has provided assistance to 200 children with disabilities.

I commend the Education and Workforce Committee for working in a bipartisan manner, by reporting legislation that did not include provisions that prevented similar legislation from being enacted in the 108th Congress. Specifically, the Education and Workforce Committee did not include language permitting faith based organizations to discriminate on the basis of religion, which was part of similar legislation in the 108th Congress.

During the debate on H.R. 2123, the House adopted an amendment offered by Representative JOHN BOEHNER, which permits faith based organizations to make hiring decisions based on a person's religion. I cannot, therefore, vote for H.R. 2123 because it undermines fundamental civil rights protections against employee discrimination for Head Start teachers and volunteers. Since the inception of Head Start, this civil rights protection has allowed for religious organizations to participate in programs, while maintaining constitutional and civil rights standards. I appreciate the important contributions faith based organizations make to the education of thousands of students, through participating in the Head Start program. If the repeal of existing civil rights protections becomes law, then teachers or parent volunteers could lose their jobs based solely on their religion.

The Head Start program provides essential early childhood education services, and I will continue to support its important work. I cannot, however, vote for this legislation that permits discrimination in hiring.

Mr. POMEROY. Mr. Chairman, I rise to say that I will be voting against H.R. 2123. Since its creation in 1965, Head Start has served more than 18.5 million low-income children and has focused and redefined its approach to assisting disadvantaged children in their social, physical and educational growth. While I wholeheartedly support Head Start programs, the legislation under consideration today contains several provisions that would negatively affect these programs.

The bill as amended contains two major flaws. First, the bill contains increased education requirements for Head Start teachers, but does not provide funds to assist teachers with the costs associated with these new requirements. Second, organizations receiving Federal dollars should not be able to discriminate on the basis of religion for employment purposes. The underlying Head Start Act specifically stated that hiring and firing decisions could not be made on the basis of religion, but this provision has been eliminated in this bill.

The bill does include some positive aspects, such as maintaining the Federal to local funding structure, expanding set-asides to migrant and American Indian populations, and increasing outreach to homeless families and foster children. I hope these provisions are retained and the bill is further improved during consideration in the Senate and by a subsequent conference committee before the legislation is enacted.

Mr. GRIJALVA. Mr. Chairman, I rise today in support of H.R. 2123, as this bill is a remarkable improvement on last Congress's version and includes important provisions which will benefit all Head Start participants. I will, however, vote against this legislation if Leadership succeeds in inserting a "poison pill" that, if adopted, would mark the first time Congress would permit organizations that run Head Start programs to discriminate against job applicants solely on the basis of their religion.

While by no means a perfect bill, this legislation stands as a testament to the progress that can be made through bipartisan cooperation. This bill contains none of the controversial provisions from last Congress, such as block granting or universal competitions. Instead, H.R. 2123 contains several provisions which will benefit all Head Start participants, and I am proud of this fact and have worked hard with my Colleagues towards achieving these goals.

In particular, H.R. 2123 provides additional resources for Migrant and Seasonal Head Start (MSHS) program expansion, which will allow for thousands of farm-worker children to exit the fields and enter the classroom. This expansion includes a 5% funding floor for Migrant and Seasonal Head Start. In step with this funding floor, the Secretary is required to compose a report determining how well we are serving children eligible for Migrant and Seasonal Head Start. The bill also requires a study on the status of limited-English-proficient children and their families in Head Start and Early Head Start programs. These provisions and many others included in the bill before us today will benefit all Head Start students and families and set kids on the right foot for competing with their peers throughout their school years.

Mr. Chairman, it is evident that the provisions in this year's bill will help millions of Head Start students and their families' educational, personal, and economic well-being. I ask, why, then, are we considering inserting a poison pill into this remarkable piece of legislation? The amendment offered by Mr. BOUSTANY would severely block the program's participants, children and parents, from climbing out of poverty to self-sufficiency. This is simply unacceptable in light of what Katrina has unearthed as a systemic problem in our country: widespread and unresolved poverty.

This amendment would prevent volunteer Head Start parents from moving off the welfare rolls into self-sufficiency as Head Start certified teachers, simply because they are the wrong religion. This outcome is not needed, not wanted, and definitely not helpful to the millions living in poverty today.

Additionally, this amendment also sets a dangerous precedent: such a change would allow faith-based organizations to discriminate not just on the basis of a person's religious affiliation, but also on how closely they follow the tenets of that religion. This could include religious beliefs on medical treatments, marriage, pregnancy, gender, and even race.

Don't let Head Start fail by excluding qualified teachers and engaged parents from Head Start programs run by faith-based organizations. I urge my colleagues to vote no on final passage if this dangerous amendment passes.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BASS). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Readiness Act of 2005".

SEC. 2. PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the development of low-income children, including development of cognitive abilities, through educational instruction in prereading skills, premathematics skills, language, and social and emotional development linked to school readiness and through the provision to low-income children and their families of health, educational, nutritional, social and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 3. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) in paragraph (17) by striking ", but for fiscal years" and all that follows down to the period;

(2) by redesignating paragraphs (16) and (17) as paragraphs (23) and (24), respectively;

(3) by redesignating paragraph (15) as paragraph (21);

(4) by redesignating paragraphs (11) through (14) as paragraphs (16) through (19), respectively;

(5) by redesignating paragraph (10) as paragraph (14);

(6) by redesignating paragraphs (3) through (9) as paragraphs (6) through (12), respectively;

(7) by redesignating paragraph (2) as paragraph (4);

(8) by inserting after paragraph (1) the following:

"(2) The term 'challenging State developed academic content standards' has the meaning given such term in paragraphs (1) and (5) of section 1111(b) of the Elementary and Secondary Education Act of 1965.

"(3) The term 'deficient' means—

"(A) systemic or significant failure of a Head Start agency in an area of performance that the Secretary determines involves—

"(i) a threat to the health, safety, or civil rights of children or staff;

"(ii) a denial to parents of the exercise of their full roles and responsibilities related to program governance;

"(iii) a failure to perform the requirements of section 641A(a), as determined by the Secretary;

"(iv) the misuse of funds received under this subchapter;

"(v) loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or

"(vi) failure to meet any other Federal or State requirement;

"(B) failure of the board of directors of a Head Start agency to fully exercise its legal and fiduciary responsibilities;

"(C) failure of a Head Start agency to meet the administrative requirements of section 644(b); or

"(D) failure of a Head Start agency to meet the integration requirements of section 642B(a).";

(9) by inserting after paragraph (4), as so redesignated, the following:

"(5) The term 'eligible entities' means an institution of higher education or other agency with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the quality of early childhood education programs.";

(10) by inserting after paragraph (12), as so redesignated, the following:

"(13) The term 'homeless children' has the meaning given such term in subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435).";

(11) by inserting after paragraph (14), as so redesignated, the following:

"(15) LIMITED ENGLISH PROFICIENT; LIMITED ENGLISH PROFICIENCY.—The terms 'limited English proficient' and 'limited English proficiency' mean with respect to an individual, that such individual—

"(A)(i) was not born in the United States or has a native language that is not English;

"(ii)(I) is a Native American, an Alaska Native, or a native resident of a territory or possession of the United States; and

"(II) comes from an environment in which a language that is not English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory, has a native language that is not English, and comes from an environment in which a language that is not English is dominant; and

"(B) has difficultly in speaking or understanding the English language to an extent that may be sufficient to deny such individual—

"(i) the ability to successfully achieve in classrooms in which the language of instruction is English; or

"(ii) the opportunity to fully participate in society.";

(12) by inserting after paragraph (19), as so redesignated, the following:

"(20) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means high quality activities that will enhance the school readiness of eligible children and prevent such children from encountering difficulties once they enter school by improving the knowledge and skills of Head Start teachers and staff, as relevant to their roles and functions, including activities that—

"(A) provide teachers with the content knowledge and teaching strategies needed to provide effective instruction and other school readiness services in early language and literacy, early mathematics, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development linked to school readiness;

"(B) assist teachers in meeting the requirements in paragraphs (1) and (2) of section 648A(a), as appropriate;

"(C) improve teachers' classroom management skills, as appropriate;

"(D) for teachers, are sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and teachers' performance in the classroom;

"(E) are not primarily 1-day or short-term workshops or conferences, and attendance at activities that are 1-day or short-term workshops or conferences must be as part of the professional development plan defined in section 648A(f);

"(F) assist teachers and staff in increasing their knowledge and skills in program administration, program quality, and the provision of services and instruction, as appropriate, in a manner that improves service delivery to eligible children and families;

"(G) are part of a sustained effort to improve overall program quality and outcomes for eligible children and families;

"(H) advance teacher understanding of effective instructional strategies that are—

"(i) based on scientifically based research; and

"(ii) strategies for improving school readiness or substantially increasing the knowledge and teaching skills of teachers;

"(I) are, where applicable, aligned with and directly related to—

"(i) challenging State academic content standards, student academic achievement standards, assessments, and the Head Start Child Outcomes Framework developed by the Secretary;

"(ii) the curricula, ongoing assessments, and other instruction and services designed to help meet the standards described in section 641A(a)(1); and

"(iii) the Head Start Child Outcomes Framework developed by the Secretary;

"(J) are developed or selected with extensive participation of administrators and teachers from Head Start programs;

"(K) are developmentally appropriate for the children being served;

"(L) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of such children;

"(M) as a whole, are regularly evaluated for their impact on increased teacher and staff effectiveness and improved ability of teachers to support learning and increase participating children's school readiness, with the findings of the evaluations used to improve the quality of professional development;

"(N) provide instruction in methods of teaching children with special needs, as appropriate;

"(O) include instruction in ways that Head Start personnel may work more effectively with parents, as appropriate; and

"(P) are designed to give teachers and staff the knowledge and skills to provide instruction and appropriate support services to children of diverse backgrounds, as appropriate.";

(13) by inserting after paragraph (21), as so redesignated, the following:

"(22) The term 'scientifically based research'—

"(A) means research that involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

"(B) includes research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

"(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

"(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

"(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review."; and

(14) by inserting after paragraph (24), as so redesignated, the following:

"(25) The term 'State educational agency' has the meaning given such term in the Elementary and Secondary Education Act of 1965.

"(26) The term 'unresolved area of noncompliance' means a failure to correct a noncompliance item within 90 days, or within such additional time (if any) authorized by the Secretary, after receiving from the Secretary notice of such noncompliance item.".

SEC. 4. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638 of the Head Start Act (42 U.S.C. 9833) is amended by inserting "for a period of 5 years" after "provide financial assistance to such agency".

SEC. 5. AUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for carrying out the provisions of this subchapter $6,899,000,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal years 2007 through 2011.

"(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available not more than $20,000,000 for fiscal year 2006, and such sums as may be necessary for fiscal years 2007 through 2011 to carry out such other research, demonstration, and evaluation activities, including longitudinal studies, under section 649, of which not more than $7,000,000 for each of the fiscal years 2006 through 2011 to carry out impact studies under section 649(g).".

SEC. 6. ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.

(a) ALLOTMENTS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

"(A) Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that—

"(i) there shall be made available for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs for fiscal year 2005;

"(ii) migrant and seasonal Head Start programs shall receive at least 5 percent of the amount appropriated for such fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible children of migrant and seasonal farmworkers is comparable to access to funding for other eligible children based on the data collected and reported pursuant to section 648(j), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services prior to such reduction in funding; and

"(iii) Indian Head Start programs shall receive at least 3.5 percent of the amount appropriated for such fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible Indian children is comparable to access to funding for other eligible children;"; and

(B) by amending subparagraph (B) to read as follows:

"(B) payments, subject to paragraph (7) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States, and subject to the requirements of section 105(f)(1)(B)(ix) of Public Law 108-188 to Palau;";

(C) by amending (C) to read as follows:

"(C) training and technical assistance activities to foster program quality and management improvement as described in section 648, in an amount for each fiscal year which is equal to 2 percent of the amount appropriated for such fiscal year, of which—

"(i) not less than 50 percent shall be made available to local Head Start agencies to make program improvements identified by such agencies and comply with the standards described in section 641A(a)(1), of which not less than 50 percent shall be used to comply with the standards described in section 641A(a)(1)(B) and for the uses described in clauses (iii), (iv), and (vii) of subsection (a)(3)(B);

"(ii) not less than 20 percent shall be made available to support a State system of early childhood education training and technical assistance, including the State Early Learning Council described in section 642B(b);

"(iii) not less than 30 percent shall be made available to the Secretary to assist local programs in meeting the standards described in section 641A(a)(1) and shall be allocated to address program weaknesses identified by monitoring activities conducted by the Secretary under section 641A(c); and

"(iv) not less than $3,000,000 of the amount in clause (iii) appropriated for such fiscal year shall be made available to carry out activities described in section 648(d)(4);"; and

(D) by striking the last sentence.

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)(I) by striking "year 1999" and all that follows down to the semicolon and inserting "years 2006 through 2011"; and

(ii) by adding at the end the following:

"(iii) After the reservation of amounts under paragraph (2) and the 60 percent amount referred to in subparagraph (A) of this paragraph, a portion of the remaining funds shall be made available—

"(I) to expand services to underserved populations, such as children receiving services under Early Head Start programs and under migrant and seasonal Head Start programs; and

"(II) to increase funding to grantees with full enrollment and whose aggregate amount of financial assistance provides funding per child that is below the national average.";

(B) by amending subparagraph (B) to read as follows:

"(B) Funds reserved under this paragraph (in this paragraph referred to as 'quality improvement funds') shall be used to accomplish the following goals:

"(i) Ensuring that Head Start programs meet or exceed standards pursuant to section 641A(a)(1).

"(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff is furnished adequate training, including developing skills to promote the development of language skills, premathematic skills, and prereading in young children and in working with children with limited English proficiency, children referred by child welfare services, and children with disabilities, when appropriate.

"(iii) Developing and financing the salary scales described under section 644(a)(3) and section 653, in order to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

"(iv) Using salary increases—

"(I) to assist with the implementation of quality programs and improve staff qualifications;

"(II) to ensure that staff can promote the language skills and literacy growth of children and can provide children with a variety of skills that have been identified, through scientifically

based early reading research, as predictive of later reading achievement; and

"(III) to encourage the staff to continually improve their skills and expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development.

"(v) Improving community-wide strategic planning and needs assessments for such programs and collaboration efforts for such programs, including collaborations to increase program participation by underserved populations of eligible children.

"(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and their parents.

"(vii) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

"(viii) Providing assistance to complete postsecondary course work including scholarships or other financial incentives, such as differential and merit pay, to enable Head Start teachers to improve competencies and the resulting child outcomes.

"(ix) Upgrading the qualifications and skills of educational personnel to meet the professional standards established under section 648A(a)(1), including certification and licensure as bilingual education teachers and other educational personnel who serve limited English proficient children.

"(x) Promoting the regular attendance and stability of all children participating in Head Start programs, with particular attention to highly mobile children, including children from migrant and seasonal farm worker families (if appropriate), homeless children, and children in foster care.

"(xi) Making such other improvements in the quality of such programs as the Secretary may designate."; and

(C) by amending subparagraph (C) to read as follows:

"(C) Quality improvement funds shall be used to carry out the activities in any or all of the following clauses:

"(i)(I) Not less than one-half of the amount reserved under this paragraph, to improve the compensation (including benefits) of classroom teachers and other staff of Head Start agencies providing instructional services and thereby enhancing recruitment and retention of qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a). The expenditure of funds under this clause shall be subject to section 653. Salary increases, in excess of cost-of-living allowance, provided with such funds shall be subject to the specific standards governing salaries and salary increases established pursuant to section 644(a).

"(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 653, then such agency may expend such part for any of the uses specified in this subparagraph (other than wages).

"(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary may carry out the activities described in clauses (ii) through (vii).

"(ii) To train classroom teachers and other staff to meet the education standards described in section 641A(a)(1)(B), through activities—

"(I) to promote children's language and prereading growth, through techniques identified through scientifically based reading research;

"(II) to promote the acquisition of the English language for limited English proficient children and families, while ensuring that children are making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

"(III) to foster children's school readiness through activities described in section 648A(a)(1); and

"(IV) to provide education and training necessary to improve the qualifications of Head Start staff, particularly assistance to enable more instructors to be fully competent and to meet the degree requirements under section 648A(a)(2)(A), and to support staff training, child counseling, and other services necessary to address the challenges of children participating in Head Start programs, including children from immigrant, refugee, and asylee families, children from families in crisis, children who experience chronic violence in their communities, children who experience substance abuse in their families, and children with emotional and behavioral problems.

"(iii) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio, lead instructors who meet the qualifications of section 648A(a) and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

"(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

"(v) To supplement amounts provided under paragraph (2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

"(vi) To conduct outreach to homeless families in an effort to increase the program participation of homeless children.

"(vii) To conduct outreach to migrant and seasonal farm-working families and families with children with a limited English proficiency.

"(viii) Such other activities as the Secretary may designate.";

(3) in paragraph (4) by striking "1998" in subparagraph (A) and inserting "2005";

(4) in paragraph (5) by amending subparagraphs (A), (B), and (C) to read as follows:

"(A) From amounts reserved and allotted pursuant to paragraph (4), the Secretary shall award the collaboration grants described in subparagraphs (B) and (D).

"(B) From the reserved sums in paragraph (4), the Secretary shall award a collaboration grant to any State that submits a written request. Such grant shall be equal to the amount the State received under this paragraph for such activity for fiscal year 2005. Such grant shall be used by the State to facilitate collaboration regarding activities carried out in the State under this subchapter, and other activities carried out in and by the State that are designed to benefit low-income children and families and to encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance under the Child Care and Development Block Grant Act of 1990 and the entities that provide child care resource and referral services in the State) in order to better meet the needs of low-income children and their families.

"(C) In order to improve results for children, a State that receives a grant under subparagraph (B) shall appoint an individual to serve as the State Director of Head Start Collaboration to be a liaison between the appropriate regional office of the Administration for Children and Families and agencies carrying out Head Start programs in the State. The State shall—

"(i) ensure that such Director holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies and local entities, including—

"(I) the State educational agency;

"(II) the State Department of Health and Human Services;

"(III) the State agency that oversees child care;

"(IV) the State agency that assists children with developmental disabilities;

"(V) the State Head Start Association;

"(VI) the State network of child care resource and referral agencies;

"(VII) local educational agencies;

"(VIII) community-based and faith-based organizations;

"(IX) representatives of migrant and seasonal Head Start programs located in the State;

"(X) representatives of Indian Head Start programs located in the State;

"(XI) State and local providers of early childhood education and child care, including providers with experience serving children with limited English proficiency; and

"(XII) other entities carrying out programs serving low-income children and families in the State;

"(ii) involve the entities described in clause (i) to develop a strategic plan for the coordinated outreach to identify eligible children and to implement strategies based on a needs assessment, which shall include an assessment of the availability of high quality prekindergarten services for low-income children in the State. Such assessment shall be completed not later than 1 year after the date of enactment of the School Readiness Act of 2005 and be updated on an annual basis and shall be made available to the general public within the State;

"(iii) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, child protective services, education, and community service activities, family literacy services, activities relating to children with disabilities (including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.)), and services for homeless children (including coordination of services with the Office of Coordinator for Education of Homeless Children and Youth designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act of 2001 (42 U.S.C. 11432(g)(1)(J)(ii));

"(iv) require the State Director of Head Start Collaboration to—

"(I) serve on the Early Learning Council pursuant to section 642B(b);

"(II) consult with the Early Learning Council, chief State school officer, local educational agencies, representatives of local Head Start agencies and providers of early childhood education and care in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to develop school readiness standards;

"(III) consult with the chief State school officer, local educational agencies, State child care administrators, State human services administrators, representatives of local child care resource and referral agencies, local early childhood councils, providers of early childhood education and care, and other relevant State and

local agencies, and representatives of the State Head Start Association to plan for the provision of full-working-day, full-calendar-year early care and education services for eligible children with working parents who have a demonstrated need;

"(IV) consult with the chief State school officer, local educational agencies and Head Start agencies to improve alignment between Head Start programs and State-funded prekindergarten activities to meet shared goals of school readiness; and

"(V) establish improved linkages between Head Start agencies and other children and family agencies, including agencies that provide health, mental health or family services or other child and family support services.";

(C) in subparagraph (D)(i) by inserting "and providers of services supporting early childhood education and child care" after "Associations"; and

(D) by amending paragraph (6)(A) to read as follows:

"(A) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a) of this subchapter, a portion of the combined total of such amounts equal to at least 10 percent for each of the fiscal years 2006 through 2011, of the amount appropriated pursuant to section 639(a), except as provided in subparagraph (B).".

(b) SERVICE DELIVERY MODELS.—Section 640(f) of the Head Start Act (42 U.S.C. 9835(f)) is amended by inserting before the period at the end the following: ", including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care".

(c) MAINTENANCE OF SERVICE LEVELS.—Section 640(g)(2) of the Head Start Act (42 U.S.C. 9835(g)(2)) is amended—

(1) by striking "For the purpose of expanding Head Start programs, in" and inserting "In";

(2) by amending subparagraph (C) to read as follows:

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and Federal, State, and local public agencies serving children and families (including organizations and agencies providing family support services and protective services to children and families and organizations serving families in whose homes English is not the language customarily spoken), and individuals, organizations, and public entities serving children with disabilities and homeless children including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Veto Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));";

(3) in subparagraph (D) by striking "other local" and inserting "the State and local";

(4) in subparagraph (E) by inserting "would like to participate but" after "community who";

(5) in subparagraph (G)—

(A) by inserting "leverage the existing delivery systems of such services and" after "manner that will"; and

(B) by striking "and" at the end;

(6) in subparagraph (H)—

(A) by inserting ", including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii))," after "community involved";

(B) by striking "plans to coordinate" and inserting "successfully coordinated its activities"; and

(C) by striking the period at the end and inserting "; and"; and

(7) by adding at the end the following:

"(I) the amount of funds used by such agency to pay administrative expenses and the amount of available funds received by such agency under this section to serve each enrolled child.".

(d) VEHICLE SAFETY REQUIREMENTS.—Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking "(i) The" and inserting the following:

"(i) TRANSPORTATION SAFETY.—

"(1) REGULATIONS.—The"; and

(2) by adding at the end the following:

"(2) WAIVER AUTHORITY.—

"(A) IN GENERAL.—The Secretary may waive for a period of up to one year the requirements of regulations promulgated under paragraph (1) for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

"(i) such requirements pertain to child restraint systems and bus monitors;

"(ii) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

"(iii) is in the best interest of the child.

"(B) RENEWAL.—The Secretary may renew a waiver under subparagraph (A).".

(e) MIGRANT AND SEASONAL HEAD START PROGRAMS.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement at the national level for meeting the needs of Indian children and children of migrant and seasonal farmworkers and shall ensure that appropriate funding is provided to meet such needs, including training and technical assistance and the appointment of a national migrant and seasonal Head Start collaboration director and a national Indian Head Start collaboration director."; and

(2) by adding at the end the following:

"(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start programs and Early Head Start programs.

"(B) The consultations shall be for the purpose of better meeting the needs of American Indian and Alaska Native children and families pertinent to subsections (a), (b), and (c) of section 641, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services within tribal communities.

"(C) The Secretary shall publish a notification of the consultations in the Federal Register prior to conducting the consultations.

"(D) A detailed report of each consultation shall be prepared and made available, on a timely basis, to all tribal governments receiving funds under this subchapter.".

(f) ENROLLMENT OF HOMELESS CHILDREN.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall by regulation prescribe policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such regulations shall require Head Start agencies—

"(1) to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment;

"(2) to allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame; and

"(3) coordinate individual Head Start centers and programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435).

"(n) RULE OF CONSTRUCTION.—Nothing in this subchapter shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening prior to participation in such program, except as provided under section 612(a)(3), (consistent with section 614(a)(1)(C)), of the Individuals with Disabilities Education Act.

"(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be scientifically based and age appropriate. Parents shall have the ability to inspect, upon request, any curricula or instructional materials.".

SEC. 7. DESIGNATION OF AGENCIES.

(a) AUTHORITY TO DESIGNATE.— Section 641(a) of the Head Start Act (42 U.S.C. 9836(a)) is amended to read as follows:

"(a) AUTHORITY TO DESIGNATE.—

"(1) IN GENERAL.—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit or for-profit agency within a State, including a community-based or faith-based organization that—

"(A) has power and authority to carry out the purpose of this subchapter and perform the functions set forth in section 642 within a State; and

"(B) is determined to be capable of planning, conducting, administering, and evaluating, either directly or by other arrangements, a Head Start program.

"(2) DESIGNATION REQUIREMENTS.—To be designated as a Head Start agency and to receive financial assistance under this subparagraph, an entity described in sub paragraph (1) shall—

"(A) establish measurable objectives for—

"(i) the school readiness of children participating in the program under this subchapter;

"(ii) meeting the performance standards described in section 641A;

"(iii) educational instruction in prereading, premathematics, and language skills; and

"(iv) the provision of health, educational, nutritional, social and other services related to school readiness; and

"(B) align curricula to challenging State developed academic content standards and the Head Start Child Outcomes Framework developed by the Secretary.

"(3) ELIGIBILITY FOR SUBSEQUENT FINANCIAL ASSISTANCE.—In order to receive financial assistance under this subchapter subsequent to the initial financial assistance provided following the effective date of this subsection, an entity described in paragraph (1) shall demonstrate that the entity has met the measurable objectives described in paragraph (2);

"(4) MEASURING PROGRESS.—Progress in meeting such measurable objectives shall not be measured primarily or solely by the results of assessments."

(b) PRIORITY IN DESIGNATION.—Section 641(c) of the Head Start Act (42 U.S.C. 9836(c)) is amended to read as follows:

"(c) CONSULTATION.—In the administration of this section, the Secretary shall, in consultation with the chief executive officer of the State involved, give priority in the designation of Head Start agencies to Head Start agencies that—

"(1) are receiving assistance under this subchapter on the effective date of this subsection;

"(2) meet or exceed program and financial management requirements, standards described in section 641A(a);

"(3) meet or exceed the education standards and requirements described in section 641A(a)(1)(B);

"(4) have no unresolved area of noncompliance;

"(5) have not been deemed deficient since the then most recent designation;

"(6) employ qualified staff (including in center-based programs, a teaching staff of whom at least 50 percent have an associate, baccalaureate, or advanced degree in early child education or a related field), except that the Secretary may waive the application of this paragraph, for a period not to exceed 3 years, for Head Start programs operating in rural areas, for migrant and seasonal Head Start programs, and for Indian Head Start programs, on a case-by-case basis, if the program demonstrates progress in increasing the qualifications of teaching staff and demonstrates adequate instructional supervision by qualified staff;

"(7) were not deemed by the Secretary as chronically under-enrolled since the then most recent designation;

"(8) utilize curricula based on scientifically based research, that are aligned with challenging State developed academic content standards and the Head Start Child Outcomes Framework developed by the Secretary;

"(9) demonstrate active partnerships with local educational agencies serving the same communities to facilitate smooth transitions to kindergarten;

"(10) actively implement a memorandum of understanding described in section 642B(a) and additional collaborative partnerships with organizations that enhance the delivery of services to children;

"(11) demonstrate success in improving child outcomes across all domains of development, including measurable progress in language skills, prereading knowledge, and premathematics knowledge;

"(12) maintain classroom environments constructive to early learning and future school success;

"(13) demonstrate strong parental involvement and activities to develop parent skills to support their children's educational development and ability to participate effectively in decisions relating to the education of their children;

"(14) are overseen by a board described in section 642(b) that provides direction and actively oversees all program activities;

"(15) document strong fiscal controls, including—

"(A) the employment of well-qualified fiscal staff with a history of successful management of a public or private organization;

"(B) having no reportable material weaknesses with applicable laws and regulations on all annual financial audits performed since the most recent designation;

"(C) meeting or exceeding annual requirements for financial support under section 640(b); and

"(D) maintaining total administrative costs at or below 15 percent of total program costs;

"(16) are licensed to operate in accordance with all applicable State child care regulations;

"(17) conduct outreach activities to ensure that services are provided to the most at-risk families in the community;

"(18) have developed strong community partnerships with public and private organizations, such as businesses, health, and social service providers; and

"(19) provide opportunities for ongoing professional development.".

(c) DESIGNATION WHEN NO ENTITY HAS PRIORITY.—Section 641(d) of the Head Start Act (43 U.S.C. 9836(d)) is amended to read as follows:

"(d) DESIGNATION WHEN NO ENTITY HAS PRIORITY.—

"(1) IN GENERAL.—If no entity in a community is entitled to the priority specified in subsection (c), the Secretary shall, after conducting an open competition, designate for a 5-year period a Head Start agency from among qualified applicants in such community.

"(2) CONSIDERATIONS IN DESIGNATION.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

"(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

"(B) the plan of such applicant to provide comprehensive health (including mental and behavioral health), educational, nutritional, social, and other services needed to prepare children to succeed in school;

"(C) the capacity of such applicant to serve eligible children with curriculum and teaching practices based on scientifically based research that promote the school readiness of children participating in the program;

"(D) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(E) the proposed budget and plan of such applicant to maintain strong fiscal controls and cost effective fiscal management;

"(F) the plan of such applicant to coordinate the Head Start program the applicant proposes to carry out with other educational programs for young children, including—

"(i) the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

"(ii) programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(iii) State prekindergarten programs;

"(iv) child care programs;

"(v) the educational programs that the children participating in the Head Start program involved will enter at the age of compulsory school attendance; and

"(vi) reading readiness programs such as those conducted by public and school libraries;

"(G) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out, with public and private entities that are willing to commit resources to assist the Head Start program in meeting its program needs;

"(H) the plan of such applicant—

"(i) to seek the involvement of parents (including grandparents and kinship caregivers, as appropriate) of children participating in the proposed Head Start program, in activities (at home and, if practicable, at the location of the Head Start program) designed to help such parents become full partners in the education of their children;

"(ii) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level;

"(iii) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—

"(I) family literacy services; and

"(II) parenting skills training;

"(iv) to offer to parents of participating children, substance abuse counseling (either directly or through referral to local entities), including information on the effect of drug exposure on infants and fetal alcohol syndrome;

"(v) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(I) training in basic child development (including cognitive development);

"(II) assistance in developing literacy and communication skills;

"(III) opportunities to share experiences with other parents (including parent mentor relationships);

"(IV) regular in-home visitation;

"(V) mental and behavioral health services; or

"(VI) any other activity designed to help such parents become full partners in the education of their children;

"(vi) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraph (H) in which such parents may choose to become involved (taking into consideration their specific family needs; work schedules, and other responsibilities); and

"(vii) to extend outreach to fathers, in appropriate cases, in order to strengthen the role of fathers in families, in the education of their young children, and in the Head Start program, by working directly with fathers and father figures through activities such as—

"(I) in appropriate cases, including fathers in home visits and providing opportunities for direct father-child interactions; and

"(II) targeting increased male participation in the conduct of the program;

"(I) the ability of such applicant to carry out the plans described in paragraphs (2), (4), and (5);

"(J) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

"(K) the plan of such applicant to meet the diverse cultural needs of the population served;

"(L) the plan of such applicant to meet the needs of children with disabilities;

"(M) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program, to obtain health services from other sources;

"(N) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community;

"(O) the plan of such applicant to meet the needs of homeless children, including transportation needs, and children in foster care;

"(P) the plan of such applicant to maintain a qualified staff, including a teaching staff qualified to implement research-based educational curricula aligned with challenging State-developed academic content standards, the Head Start Child Outcomes Framework developed by the Secretary, and the State early learning standards in States in which such standards are developed;

"(Q) the plan of such applicant to enter into memoranda of understanding with local educational agencies, child care providers, and other entities within the service area; and

"(R) other factors related to the requirements of this subchapter.".

(d) SELECTION OF APPLICANTS.—Section 641(g) of the Head Start Act (43 U.S.C. 9836(g)) is amended to read as follows:

"(g) ISSUANCE OF RULES.—Not later than 180 days after the enactment of the School Readiness Act of 2005, the Secretary shall issue rules to carry out this section.".

SEC. 8. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

(a) QUALITY STANDARDS.—Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)) is amended—

(1) by amending paragraph (1)(B)—

(A) in clause (i)—

(i) by inserting "based on sound scientific evidence" after "standards"; and

(ii) by inserting "and sustained academic gains" after "readiness"; and

(B) by amending clause (ii) to read as follows:

"(ii) additional scientifically-based education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

"(I) language knowledge and skills, including oral language and listening comprehension;

"(II) prereading knowledge and skills that prepare children for early literacy in schools, including phonological awareness, print awareness and print skills, and alphabetic knowledge;

"(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

"(IV) cognitive abilities related to academic achievement and child development;

"(V) social and emotional development related to early learning, school success, and sustained academic gains; and

"(VI) in the case of limited-English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in subclauses (I) through (IV);";

(2) in paragraph (2)—

(A) by amending subparagraph (B) to read as follows:

"(B) take into consideration—

"(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

"(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

"(iii) developments concerning research based practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

"(iv) projected needs of an expanding Head Start program;

"(v) guidelines and standards currently in effect or under consideration that promote child health services and physical development, including outdoor activity that supports children's motor development and overall health and nutrition;

"(vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children;

"(vii) scientifically based research to ensure that children participating in Head Start programs make a successful transition to schools that the children will be attending; and

"(viii) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and"; and

(B) in subparagraph (C)(ii) by striking "the date" and all that follows through "Act of 1998", and inserting "October 27, 1998"; and

(3) by adding at the end the following:

"(4) EVALUATIONS AND CORRECTIVE ACTIONS FOR DELEGATE AGENCIES.—

"(A) PROCEDURES.—The Head Start agency shall establish procedures relating to its delegate agencies, including—

"(i) procedures for evaluating delegate agencies;

"(ii) procedures for defunding delegate agencies; and

"(iii) procedures for appealing a defunding decision relating to a delegate agency.

"(B) EVALUATIONS.—Each Head Start agency—

"(i) shall evaluate its delegate agencies using the procedures established pursuant to this section, including subparagraph (A); and

"(ii) shall inform the delegate agencies of the deficiencies identified through the evaluation that shall be corrected.

"(C) REMEDIES TO ENSURE CORRECTIVE ACTIONS.—If the Head Start agency identifies a deficiency for a delegate agency through the evaluation, the Head Start agency may—

"(i) initiate procedures to terminate the designation of the agency unless the agency corrects the deficiency;

"(ii) conduct monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency; and

"(iii) release funds to such delegate agency only as reimbursements until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to impact or obviate the responsibilities of the Secretary with respect to Head Start agencies or delegate agencies receiving funding under this subchapter.".

(b) RESULTS-BASED PERFORMANCE MEASURES.—Section 641A(b) of the Head Start Act (42 U.S.C. 9836a(b)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) CHARACTERISTICS OF MEASURES.—The performance measures developed under this subsection shall—

"(A) be used to assess the impact of the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

"(B) be adaptable for use in self-assessment, peer review, and program evaluation of individual Head Start agencies and programs;

"(C) be developed for other program purposes as determined by the Secretary;

"(D) be appropriate for the population served; and

"(E) be reviewed no less than every 4 years, based on advances in the science of early childhood development.

The performance measures shall include the performance standards described in subparagraphs (A) and (B) of subsection (a)(1).";

(2) by amending paragraph (3) to read as follows:

"(3) USE OF MEASURES.—

"(A) The Secretary shall use the performance measures pursuant to this subsection to identify—

"(i) strengths and weaknesses in the operation of Head Start programs nationally, regionally, and locally; and

"(ii) program areas that may require additional training and technical assistance resources.

"(B) The Secretary shall provide a detailed justification to the Congress regarding the planned uses of the data collected by the National Reporting System developed by the Secretary and shall demonstrate its scientific validity and reliability for such purposes, including its scientific validity and reliability with children with limited English proficiency for such purposes;

"(C) The Secretary shall not use the National Reporting System assessment results either as the primary method for assessing program effectiveness or as the primary method for making grantee funding determinations.

"(D) The Secretary shall develop a process to ensure that the National Reporting System shall not be used to exclude children from Head Start programs."; and

(3) by amending paragraph (4) to read as follows:

"(4) EDUCATIONAL MEASURES.—Results based measures shall be designed for the purpose of promoting the competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring those competencies that have a strong scientifically-based predictability of a child's school readiness and later performance in school.".

(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—Section 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by inserting "develop and utilize a risk-based assessment system to" after "shall";

(B) by amending subparagraph (C) to read as follows:

"(C) Followup reviews, including unannounced reviews as appropriate, of programs with 1 or more findings of deficiencies not later than 6 months after the date of such finding."; and

(C) by amending subparagraph (D) to read as follows:

"(D) Unannounced site inspections of Head Start centers and other reviews, as appropriate.";

(2) by amending paragraph (2) to read as follows:

"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

"(A) that incorporate a monitoring visit, may be done without prior notice of the visit to the local agency or program;

"(B) are conducted by review teams composed of individuals who are knowledgeable about the program areas they are reviewing and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families;

"(C) include as part of the reviews of the programs, a review and assessment of program effectiveness, including strengths and areas for improvement, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1);

"(D) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community;

"(E) seek information from the communities where Head Start programs exist about innovative or effective collaborative efforts, barriers to collaboration, and the efforts of the Head Start agencies and programs to collaborate with the entities carrying out early childhood education and child care programs in the community;

"(F) include as part of the reviews of the programs, a review and assessment of whether a program is in conformity with the income eligibility requirements, as defined in section 645 and regulations promulgated thereunder;

"(G) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with a limited English proficiency and children of migrant and seasonal farm-working families);

"(H) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C); and

"(I) are conducted in a manner that evaluates program performance, quality, and overall operations with consistency and objectivity, and

based on a transparent and reliable system of review.".

(d) CORRECTIVE ACTION; TERMINATION.—Section 641A(d) of the Head Start Act (42 U.S.C. 9836a(d)) is amended—

(1) in paragraph (1) by amending the matter preceding subparagraph (A) to read as follows:

"(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or results-based performance measures developed by the Secretary under subsection (b), or fails to adequately address the community needs and strategic plan identified in 640(g)(2)(C), the Secretary shall—";

(2) by amending paragraph (2) to read as follows:

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY AND PROGRAM RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program, in order to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (other than an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

"(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and which shall specify—

"(I) the deficiencies to be corrected;

"(II) the actions to be taken to correct such deficiencies; and

"(III) the timetable for accomplishment of the corrective actions specified; and

"(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or program received notice of the determination and of the specific deficiency to be corrected).

"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the sponsoring agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved."; and

(3) in paragraph (3) by inserting "and programs" after "agencies";

(4) by amending subsection (e) to read as follows:

"(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year. Such information shall be made available to all parents with children receiving assistance under this subchapter in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication."; and

(5) by adding at the end the following:

"(f) REDUCTION OF GRANTS AND REDISTRIBUTION OF FUNDS IN CASES OF UNDER-ENROLLMENT.—

"(1) DEFINITIONS.—In this subsection:

"(A) ACTUAL ENROLLMENT.—The term 'actual enrollment' means, with respect to the program of a Head Start agency, the actual number of children enrolled in such program and reported by the agency (as required in paragraph (2)) in a given month.

"(B) BASE GRANT.—The term 'base grant' means, with respect to a Head Start agency for a fiscal year, that portion of the grant derived—

"(i) from amounts reserved for use in accordance with section 640(a)(2)(A), for a Head Start agency administering an Indian Head Start program or migrant and seasonal Head Start program;

"(ii) from amounts reserved for payments under section 640(a)(2)(B); or

"(iii) from amounts available under section 640(a)(2)(D) or allotted among States under section 640(a)(4).

"(C) FUNDED ENROLLMENT.—The term 'funded enrollment' means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant agreement.

"(2) ENROLLMENT REPORTING REQUIREMENT FOR CURRENT FISCAL YEAR.—Each entity carrying out a Head Start program shall report on a monthly basis to the Secretary and the relevant Head Start agency—

"(A) the actual enrollment in such program; and

"(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.

"(3) SECRETARIAL REVIEW AND PLAN.—The Secretary shall—

"(A) on a semiannual basis, determine which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment based on not less than the average of 4 consecutive months of data;

"(B) for each such Head Start agency operating a program with an actual enrollment that is less than 95 percent of its funded enrollment, as determined under subparagraph (A), develop, in collaboration with such agency, a plan and timetable for reducing or eliminating under-enrollment taking into consideration—

"(i) the quality and extent of the outreach, recruitment, and community needs assessment conducted by such agency;

"(ii) changing demographics, mobility of populations, and the identification of new underserved low-income populations;

"(iii) facilities-related issues that may impact enrollment;

"(iv) the ability to provide full-day programs, where needed, through Head Start funds or through collaboration with entities carrying out other preschool or child care programs, or programs with other funding sources (where available);

"(v) the availability and use by families of other preschool and child care options (including parental care) in the local catchment area; and

"(vi) agency management procedures that may impact enrollment; and

"(C) provide timely and ongoing technical assistance to each agency described in subparagraph (B) for the purpose of implementing the plan described in such subparagraph.

"(4) IMPLEMENTATION.—Upon receipt of the technical assistance described in paragraph (3)(C), a Head Start agency shall immediately implement the plan described in paragraph (3)(B).

"(5) SECRETARIAL ACTION FOR CONVERSION TO SERVE YOUNGER CHILDREN.—If, after implementing the plan described in paragraph (3)(B), the grantee continues to operate a program at less than full enrollment, the grantee may, upon approval by the Secretary, be permitted to use a portion of the base grant equal to the percentage difference between funded enrollment and actual enrollment for the most then recent year, to serve persons described in section 645A(c) if such agency currently operates a grant described in section 645A and submits an application containing—

"(A) evidence of community need for such services;

"(B) a description of how the needs of pregnant women, infants, and toddlers will be addressed in accordance with section 645A(b) and with regulations prescribed by the Secretary pursuant to section 641A in areas including—

"(i) the approach to childhood development and health services; and

"(ii) the approach to family and community partnerships; and approach to program design and management;

"(C) assurances that the agency will participate in technical assistance activities for newly funded and existing grantees under section 654A; and

"(D) evidence that the agency meets the eligibility criteria as grantees under section 645A.

Any grantee permitted to serve children under this paragraph shall be subject to the rules, regulations, and conditions under section 645A.

"(6) SECRETARIAL ACTION FOR CONTINUED UNDER-ENROLLMENT.—If, 1 year after the date of implementation of the plan described in paragraph (3)(B), the Head Start agency continues to operate a program at less than full enrollment, the Secretary shall, where determined appropriate, continue to provide technical assistance to such agency.

"(7) SECRETARIAL REVIEW AND ADJUSTMENT FOR CHRONIC UNDER-ENROLLMENT.—

"(A) IN GENERAL.—If, after receiving technical assistance and developing and implementing a plan to the extent described in paragraphs (3), (4), and (5) for 6 months, a Head Start agency is still operating a program with an actual enrollment that is less than 95 percent of its funded enrollment, the Secretary may—

"(i) designate such agency as chronically under-enrolled; and

"(ii) recapture, withhold, or reduce the base grant for the program by, a percentage equal to the percentage difference between funded enrollment and actual enrollment for the program for the most recent year in which the agency is determined to be under-enrolled under paragraph (2)(B).

"(B) WAIVER OR LIMITATION OF REDUCTIONS.—If the Secretary, after the implementation of the plan described in paragraph (3)(B), finds that—

"(i) the shortfall can reasonably be expected to be temporary; or

"(ii) the number of slots allotted to the agency is small enough that under-enrollment does not constitute a significant shortfall,

the Secretary may, as appropriate, waive or reduce the percentage recapturing, withholding, or reduction otherwise required by subparagraph (A).

"(C) PROCEDURAL REQUIREMENTS; EFFECTIVE DATE.—The actions taken by the Secretary under this paragraph with respect to a Head Start agency shall take effect 1 day after the date on which—

"(i) the time allowed for appeal under section 646(a) expires without an appeal by the agency; or

"(ii) the action is upheld in an administrative hearing under section 646.

"(8) REDISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Funds held by the Secretary as a result of recapturing, withholding, or reducing a base grant in accordance with

paragraph (6) in a fiscal year shall be redistributed in such fiscal year as follows:

"(i) If such funds are attributable to the portion of a base grant derived from amounts specified in paragraph (1)(B)(i) payable, but for the operation of this paragraph, to carry out an Indian Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Indian Head Start programs.

"(ii) If such funds are attributable to the portion of a base grant derived from amounts specified in paragraph (1)(B)(i) payable, but for the operation of this paragraph, to carry out a migrant and seasonal Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more migrant and seasonal Head Start programs.

"(iii) If such funds are attributable to the portion of a base grant derived from amounts specified in clause (ii) or (iii) of paragraph (1)(B) payable, but for the operation of this paragraph, to carry out a Head Start program (excluding Indian Head Start programs, and migrant and seasonal Head Start programs) in a State, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more—

"(I) other Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) that are carried out in such State; or

"(II) if the Secretary determines that children eligible under section 641 are being adequately served within such State, 1 or more Early Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) or 1 or more Head Start programs for the purpose of becoming a grantee pursuant to section 645A.

"(B) ADJUSTMENT TO FUNDED ENROLLMENT.—The Secretary shall adjust as necessary the requirements relating to funded enrollment indicated in the grant agreement of a Head Start agency receiving funds redistributed under this paragraph.".

SEC. 9. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

(a) QUALIFICATIONS FOR DESIGNATION.—Section 642(b) of the Head Start Act (42 U.S.C. 9837(b)) is amended to read as follows:

"(b) In order to be so designated, a Head Start agency shall do all of the following:—

"(1) Establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section.

"(2) Demonstrate capacity to serve eligible children with scientifically-based curricula and other interventions that help promote the school readiness of children participating in the program.

"(3) Establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests.

"(4) Establish an independent board of directors selected from among eligible individuals who shall serve on the board (or may designate an existing entity whose members are eligible individuals, that shall be such board) for a period not to exceed 5 years, except that board members who oversee a public entity and who are selected by election (or members of a board of a local educational agency or a local council, appointed by an elected official or an official of a general purpose local government), may serve for such period as may be determined by the electing or appointing authority, as the case may be. An individual who has a conflict of interest is ineligible to serve as a member of the board. Members of the board of all nonpublic entities shall include representatives of the local community (including at least 1 member with significant financial management or accounting experience and the chair of the council described in section 642(b)(4)(B)(ii)). Additional members shall be selected for their expertise in education, business administration, community affairs, government, legal affairs, and such other areas of expertise as may contribute to effective governance of the Head Start agency. All members of the board shall receive training in the management responsibilities and obligations, ethics, and financial literacy and management, and shall adopt practices that assure active, independent and informed governance of the Head Start agency, including independent oversight of the financial and management practices of such agency. The board shall provide direction to the executive director of the Head Start agency and shall operate as an entity independent of staff employed by the Head start agency, entity, or applicant and have the following duties and responsibilities:

"(A) To provide independent oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644.

"(B) To establish 2 or more standing committees to facilitate governance of the Head Start agency which shall include both of the following:

"(i) An audit and finance committee whose primary responsibility shall be—

"(I) to approve annually the operating budget of the Head Start agency;

"(II) to review and recommend to the board the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee;

"(III) to review and recommend to the board the termination or extension of the existing audit firm at least once every 5 years;

"(IV) to review and advise the board of the audit management letter provided pursuant to the chapter 75 of title 31 of the United States Code, and of any audit findings; and

"(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices.

"(ii) A policy council, a majority of whose representatives shall be parents of children participating in a Head Start program or in an Early Head Start program, or of children who participated in a Head Start program or in an Early Head Start program in the then most recent 5-year period preceding the selection of the particular representative involved, and whose primary responsibility shall be to serve as a link between parents and the board of directors and to make and submit recommendations on the following activities to the Board:

"(I) The strategic direction of the program, including long and short-term planning goals and objectives.

"(II) Program operation policies, including standards of conduct for program staff and volunteers.

"(III) Activities to support the active involvement of parents in supporting program operations.

"(IV) Classroom activities and staffing.

"(V) Program responsiveness to community and parent needs.

"(VI) Other areas the committee identifies as necessary to improve program operations.

"(C) To approve the selection and dismissal of the Head Start director, and to review annually the human resources available to ensure the effective operation of the Head Start agency.

"(D) To consult, on a regular basis, with the policy committee and to take actions on recommendations submitted by such committee.

"(E) To review and approve the major operational policies of the Head Start agency, including policies addressing accounting, financial management, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits).

"(F) To ensure that the Head Start agency is operated in compliance with applicable Federal, State, and local laws (including regulations), and to monitor agency implementation of any corrective action necessary to comply with applicable laws (including regulations);

"(G) To oversee the program planning of the Head Start agency, including adoption of the Head Start agency philosophy and mission statement, adoption of policies for determining community needs, setting long- and short-range goals and objectives, establishment of criteria for selecting families in Head Start programs or Early Head Start programs, and to oversee and approve the agency's applications to receive funds made available under this subchapter; and

"(H) To establish, to adopt, and to periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—

"(i) any conflict of interest, and any appearance of a conflict of interest, by board members, officers, employees, consultants, and agents who provide services or furnish goods to the Head Start agency; and

"(ii) complaints, including investigations, when appropriate.

"(5) To seek the involvement of parents, area residents, and local business in the design and implementation of the program.

"(6) To provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

"(7) To establish effective procedures to facilitate the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including a process through which parents of children currently participating in a Head Start program or an Early Head Start program select the parent representatives to serve on the council under section 642(b)(4)(B)(ii).

"(8) To conduct outreach to schools in which children participating in Head Start programs enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness.

"(9) To offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training.

"(10) To offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome.

"(11) At the option of such agency, to offer (directly or through referral to local entities), to such parents—

"(A) training in basic child development (including cognitive development);

"(B) assistance in developing literacy and communication skills;

"(C) opportunities to share experiences with other parents (including parent-mentor relationships);

"(D) mental and behavioral health services;

"(E) regular in-home visitation; or

"(F) any other activity designed to help such parents become full partners in the education of their children.

"(12) To provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (5) through (8) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities).

"(13) To consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources.

"(14) To perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.

"(15)(A) To inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

"(B) refer eligible parents to the child support offices of State and local governments.

"(16) provide parents of limited English proficient children outreach and services under this subchapter, in an understandable and uniform format and, to the extent practicable, in a language that such parents can understand.".

(b).Coordination and Collaboration.—Section 642(c) of the Head Start Act (42 U.S.C. 9837(c)) is amended to read as follows:

"(c) The head of each Head Start agency shall coordinate and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development programs, including programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431-11435), Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), and programs under Part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419), and the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), serving the children and families served by the Head Start agency to carry out the provisions of this subchapter.".

(c) Other Coordination.—Section 642(d) of the Head Start Act (42 U.S.C. 9837(d)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraph (5) through (7), respectively;

(2) by inserting after paragraph (1) the following:

"(2) Coordination.—

"(A) Local educational agency.—In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall collaborate and coordinate activities with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including outreach activities to identify eligible children.

"(B) Elementary schools.—Head Start staff shall, with the permission of the parents of children enrolled in Head Start programs, regularly communicate with the elementary schools such children will be attending—

"(i) to share information about such children;

"(ii) to receive advice and support from the teachers in such elementary schools participating in Early Reading First programs funded under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 regarding scientifically based teaching strategies and options; and

"(iii) to ensure a smooth transition to elementary school for such children.

"(C) Other early education and child development programs.—The head of each Head Start agency shall coordinate activities and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other entities carrying out early childhood education and development programs, programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435), Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), and programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C 1419, 1431 et seq.), serving the children and families served by the Head Start agency.

"(D) Other programs.—Each Head Start agency shall collaborate, as appropriate, with providers of social and community services available to children and families participating in Head Start programs, and may support such partnerships with financial agreements, when applicable, for the provision of such services.

"(3) Collaboration.—A Head Start agency shall take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(A) collaborating on the shared use of transportation and facilities;

"(B) collaborating to enhance the efficiency of services while increasing the program participation of underserved populations of eligible children; and

"(C) exchanging information on the provision of noneducational services to such children.

"(4) Parental involvement.—In order to promote the continued involvement of the parents (including grandparents and kinship caregivers, as appropriate) of children that participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall work with the local educational agency—

"(A) to provide training to the parents—

"(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

"(ii) to enable the parents—

"(I) to understand and work with schools in order to communicate with teachers and other school personnel;

"(II) to support the schoolwork of their children; and

"(III) to participate as appropriate in decisions relating to the education of their children; and

"(B) to take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.";

(3) in paragraph (5), as so redesignated—

(A) by striking "A" and inserting "Each";

(B) by striking "may" and inserting "shall";

(C) by striking "and" at the end of subparagraph (A);

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following:

"(B) collaborating to increase the program participation of underserved populations of eligible children; and"; and

(4) by adding at the end the following:

"(8) Head Start agencies shall implement a research-based early childhood curricula that promotes young children's school readiness in the areas of language and cognitive development, early reading and premathematics skills, socio-emotional skills, physical development, and approaches to learning. Such curricula shall be—

"(A) based on scientifically based research and have standardized training procedures and published curriculum materials to support implementation; and

"(B) comprehensive, outcomes based, and linked to ongoing assessment with instructional goals and measurable objectives.

"(9) Head Start agencies shall use ongoing, research-based assessment methods that are developmentally appropriate, culturally and linguistically responsive, and tied to children's daily activities in order to support the educational instruction of children in the program, including language skills, prereading knowledge and premathematics knowledge. Assessment instruments shall be those designed and validated for making decisions about teaching and learning and aligned with the program's curricula and Section 641A(a)(1).

"(10) For the purpose of meeting the performance standards, Head Start agencies shall use high-quality research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for children from a range of racial, ethnic, linguistic, and cultural backgrounds.".

(d) Assessment.—Section 642 of the Head Start Act (42 U.S.C. 9837) is amended by striking subsection (e) and inserting the following:

"(e) Assessment.—Each Head Start agency shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in section 648A(a)(1) and attained a level of literacy appropriate to implement Head Start curricula.

"(f) Funded Enrollment; Waiting List.—Each Head Start agency shall enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations.".

SEC. 10. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

The Head Start Act (42 U.S.C. 9831 et. seq.) is amended by inserting after section 642A the following:

"SEC. 642B. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

"(a) Local Integration.—In general, Head Start agencies shall enter into ongoing partnerships with local educational agencies, State-funded preschool and other early childhood programs. Head Start agencies shall operate in a manner consistent with the goal of creating and expanding an efficient and effective system of early childhood and school readiness services in each State and community, while maintaining compliance with Standards under section 641A(a).

"(1) Memoranda of understanding.—Each Head Start agency shall enter into a memorandum of understanding with any local educational agencies or local councils, responsible for managing publicly funded prekindergarten programs in the service area of the Head Start agency (or if such agencies and such councils are not applicable in the service area, with the largest provider of publicly funded prekindergarten in the service area), that shall include plans to coordinate the following activities:

"(A) Educational activities, curricula, and instruction aligned to challenging State developed

educational activities, curricula, and instruction aligned to challenging State developed academic content standards.

"(B) Public information dissemination and access to programs for families contacting any of the early childhood programs.

"(C) Selection priorities for eligible children to be served by programs.

"(D) Service delivery areas.

"(E) Staff training, including opportunities for joint staff training on topics such as academic content standards and instructional methods.

"(F) Program technical assistance.

"(G) Provision of additional services to meet the child care needs of working parents.

"(H) Planning and parent education for smooth transitions to kindergarten as required in section 642A(3) and 642A(6).

"(I) Provision and use of facilities, transportation, and other program elements.

"(J) Other elements mutually agreed to by the parties to such memorandum.

"(2) TIMING OF MEMORANDA.—Each Head Start agency shall enter into a memorandum of understanding under paragraph (1) not later than 1 year after the effective date of this section.

"(3) SECRETARIAL REVIEW.—Each memorandum of understanding entered into under paragraph (1) shall be submitted to the Secretary not later than 30 days after entering into such memorandum.

"(A) If a Head Start agency is unable to comply with the requirement in (1) the Head Start agency shall notify the Secretary and the chief executive officer of the State not later than 30 days after determining that they are unable to enter into such memorandum. The Secretary, in cooperation with the State Early Learning Council and the State Director of Head Start Collaboration, shall evaluate the causes of failure to enter into a memorandum of understanding under paragraph (1). With the assistance of the State Early Learning Council and the State Director of Head Start Collaboration, all parties shall again attempt to enter into a memorandum of understanding under paragraph (1). Then if no such memorandum of understanding is entered into, the Secretary shall make 1 of the following determinations:

"(i) The local educational agency, local council, or other appropriate entity is unable or unwilling to enter into such a memorandum despite reasonable efforts on the part of the Head Start agency.

"(ii) The Head Start agency has not engaged in reasonable efforts to successfully negotiate and enter into a memorandum of understanding pursuant to paragraph (1).

"(iii) There is an absence of publicly funded prekindergarten in the service area of the Head Start agency.

"(B) If the Secretary determines the Head Start agency is not making reasonable efforts to enter into a memorandum of understanding pursuant to paragraph (1), the Head Start agency shall be found deficient and shall be considered by the Secretary in the same manner as other deficiency findings.

"(C) If the Secretary concludes that the local educational agency, local council, or other appropriate entity is not making reasonable efforts to reach such a memorandum of understanding, the Head Start agency shall not be found out of compliance with paragraph (1).

"(4) REVISION OF MEMORANDA.—Each memorandum of understanding shall be revised and renewed annually by the parties to such memorandum, in alignment with the beginning of the school year.

"(5) ABSENCE OF PREKINDERGARTEN.—In the absence of publicly funded prekindergarten in the service area of a Head Start agency, the Head Start agency shall submit notice to the Secretary and the chief executive officer of the State, and shall work with the State Early Learning Council and the State Director of Head Start Collaboration to improve coordination in their service area.

"(b) STATEWIDE INTEGRATION.—From the amounts reserved under section 640(a)(2)(C)(ii), the Secretary shall award an early learning collaboration grant to each State for the purposes of supporting a State Early Learning Council responsible for advancing the development of a coordinated early childhood services delivery system in the State. A State that receives a grant under this subparagraph shall—

"(1) establish a State Early Learning Council, which shall include the State Director of Head Start Collaboration, representatives from the State preschool programs, representatives of local educational agencies, the State official who oversees child care programs, the State official who oversees section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), the State official who oversees the State educational agency, and representatives from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs. The chief executive officer of the State may designate an existing entity to serve as the Early Learning Council if such entity includes representatives described in this paragraph;

"(2) ensure that allotted funds distributed to a State for a fiscal year to carry out this subsection may be used by the State to pay not more than 30 percent of the cost of carrying out this subsection;

"(3) direct the Early Learning Council—

"(A) to increase coordination and collaboration among State preschool, Head Start programs, child care programs, early childhood special education, and other early childhood programs, including in the areas of outcomes and standards, technical assistance, coordination of services, cross-sector professional development and training, community outreach, communication, and better serving the needs of working families through provision of full-day and full-year early education services;

"(B) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to local Head Start programs, school districts, and State and locally funded preschool and child care programs to increase integration among early childhood programs through adoption of local memoranda of understanding described in subparagraph (A) and other means;

"(C) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to develop a coherent sequence of standards for children age 3 through the early elementary grades to effect a smooth transition to and success in the early elementary grades;

"(D) to conduct periodic statewide needs assessments concerning early care and education programs for children from birth to school entry;

"(E) to work to identify and address barriers to and opportunities for integration between entities carrying out Federal and State child development, child care, and early childhood education programs;

"(F) to develop recommendations regarding means of establishing a unified data collection system for early care and education programs operating throughout the State;

"(G) to address coordination of early learning programs with health care (including mental and behavioral health care), welfare, family literacy and services for homeless children;

"(H) to support a State system of early childhood education, and training and technical assistance that improves the quality of early learning programs and the capacity of such programs to deliver services pursuant to section 648(b); and

"(I) to develop a plan for increasing the participation of children underrepresented in State early childhood education and child care programs, including Head Start, State preschool programs, and programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

"(4) Nothing in this subsection shall be construed to provide the Early Learning Council with authority to alter the provisions of this Act.

"(5) Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.".

SEC. 11. HEAD START ALIGNMENT WITH K-12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended—

(1) by amending the heading to read as follows:

"SEC. 642A. HEAD START ALIGNMENT WITH K-12 EDUCATION.";

(2) in paragraph (2)—

(A) by inserting "ongoing" after "establishing"; and

(B) by inserting "McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii))," after "social workers,";

(3) by redesignating paragraphs (3) through (7) as paragraphs (5) through (9), respectively; and

(4) by inserting the following after paragraph (2):

"(3) developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;

"(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;";

(5) by amending paragraph (7), as so redesignated, to read as follows:

"(7) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435);";

(6) in paragraph (8), as so redesignated—

(A) by inserting "and continuity in parental involvement activities" after "developmental continuity"; and

(B) by striking "and" at the end;

(7) by amending paragraph (9), as so redesignated, to read as follows:

"(9) linking the services provided in such Head Start program with the education services, including services relating to language, literacy, and numeracy, provided by such local educational agency;"; and

(8) by adding at the end the following:

"(10) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;

"(11) developing and implementing a system to increase program participation of underserved populations of eligible children; and

"(12) coordinating activities and collaborating to ensure that curricula used in the Head Start program is aligned with—

"(A) State early learning standards with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate; and

"(B) the Head Start Child Outcomes Framework developed by the Secretary.".

SEC. 12. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839(f)(2)) is amended—

(1) in subsection (a)—

(A) by inserting "(1) STANDARDS.—" after "(a)"; and

(B) by inserting after the 3d sentence the following:

"(2) ANNUAL REPORT.—Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the then most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child:

"(A) The total amount of public and private funds received and the amount from each source.

"(B) An explanation of budgetary expenditures and proposed budget for the following fiscal year.

"(C) The total number of children and families served and percent of average monthly enrollment, including the percent of eligible children served.

"(D) The results of the most recent review by the Secretary and the financial audit.

"(E) The percentage of enrolled children that received medical and dental exams.

"(F) Information about parent involvement activities.

"(G) The agency's efforts to prepare children for kindergarten.

"(H) Any other information that describes the activities of the agency.

"(3) PROCEDURAL CONDUCT.—"; and

(2) in subsection (f)(2)

(A) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following:

"(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this subchapter, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;".

SEC. 13. ELIGIBILITY.

Section 645(a) of the Head Start Act (42 U.S.C. 9840) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)(i)—

(i) by striking "to a reasonable extent" and inserting "not to exceed 10 percent of the total enrollment";

(ii) by striking "benefit from such programs" and inserting "benefit from such programs, including children referred by child welfare services,"; and

(iii) by inserting "(a homeless child shall be deemed to meet the low-income criteria)" before the semicolon; and

(2) by adding at the end the following:

"(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.".

SEC. 14. EARLY HEAD START PROGRAMS.

(a) IN GENERAL.—Section 645A(b) of the Head Start Act (42 U.S.C. 9840a(b)) is amended—

(1) by amending paragraphs (4) and (5) to read as follows:

"(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

"(5) coordinate services with services (including home-based services) provided by programs in the State and programs in the community (including programs for infants and toddlers with disabilities and programs for homeless infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services, and family support services);";

(2) by amending paragraph (8) to read as follows:

"(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a);";

(3) by redesignating paragraph (9) as paragraph (11); and

(4) by inserting after paragraph (8) the following:

"(9) develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program into a Head Start program or another local early childhood education program;

"(10) establish channels of communication between staff of Early Head Start programs and staff of Head Start programs or other local early childhood education programs, to facilitate the coordination of programs; and".

(b) MIGRANT AND SEASONAL PROGRAMS; COMMUNITY- AND FAITH-BASED ORGANIZATIONS.—Section 645A(d) of the Head Start Act (42 U.S.C. 9840a(d)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) entities operating Head Start programs under this subpart, including migrant and seasonal Head Start programs; and"; and

(2) in paragraph (2) by inserting ", including community- and faith-based organizations" after "entities" the 2d place it appears.

(c) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—Section 645A(g)(2)(B) of the Head Start Act (42 U.S.C. 9640a(g)(2)(B)) is amended—

(1) in clause (iii) by striking "and" at the end;

(2) in clause (iv) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(v) providing professional development designed to increase program participation for underserved populations of eligible children.".

(d) CENTER-BASED STAFF.—Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended by adding at the end the following:

"(h) CENTER-BASED STAFF.—The Secretary shall ensure that, not later than September 30, 2008, all teachers providing direct services to children and families participating in Early Head Start programs located in Early Head Start centers have a minimum of a child development associate credential or an associate degree, and have been trained (or have equivalent course work) in early childhood development.".

SEC. 15. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 645A the following:

"SEC. 645B. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

"(a) DEFINITION.—The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(1) is not immediately necessary to protect the health or safety of such child, or the health or safety of another individual; and

"(2) includes incision or is otherwise invasive, or includes exposure of private body parts.

"(b) REQUIREMENT.—Before administering any health care service (including any nonemergency intrusive physical examination) to a child (or referring such child to obtain such service) in connection with participation in a program under this subchapter, a Head Start agency and an entity that receives assistance under section 645A shall obtain the written consent of a parent of such child.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Head Start agency or an entity that receives assistance under section 645A from using established methods, for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.".

SEC. 16. RIGHT TO APPEAL.

Section 646(a)(3) of the Head Start Act (42 U.S.C. 9841(a)(3)) is amended to read as follows:

"(3) if financial assistance under this subchapter is terminated or reduced, an application for a noncompeting continuation award is denied based on a previous failure to comply with terms applicable to financial assistance previously provided this subchapter, or suspension of financial assistance is continued for more than 30 days, the recipient with respect to whom such action is taken shall have the opportunity to appeal such action in accordance with such procedures, except that no funds made available under this subchapter may be used to reimburse any such recipient for legal fees and other costs incurred in pursuing such an appeal;".

SEC. 17. AUDITS.

Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

"(c)(1) Not later than 180 days after the end of each fiscal year, each Head Start agency, and each entity that receives assistance under section 645A, shall submit to the Secretary an independent financial audit of the Head Start program carried out with financial assistance provided under this subchapter. Such audit shall be carried out by a certified public accountant selected through a competitive process from among qualified certified accountants by the local oversight board established in accordance with section 642(b)(4) by such agency, except that no accountant may perform audits of such program for a period exceeding 5 consecutive fiscal years.

"(2) Not later than 60 days after receiving such audit, the Secretary shall provide to such agency or such entity, and to the chief executive officer of the State in which such program is operated, a notice identifying the actions such agency or such entity is required to take to correct all deficiencies identified in such audit.

"(d) Each recipient of financial assistance under this subchapter shall—

"(1) maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses); and

"(2) provide such additional documentation as the Secretary may require.".

SEC. 18. TECHNICAL ASSISTANCE AND TRAINING.

(a) ALLOCATION OF RESOURCES.—Section 648(c) of the Head Start Act (42 U.S.C. 9843(c)) is amended—

(1) in paragraph (2) by inserting "and for activities described in section 1221(b)(3) of the Elementary and Secondary Education Act of 1965" after "disabilities" ; and

(2) in paragraph (5) by inserting ", including the needs of homeless children and their families" after "assessment";

(3) in paragraph (10) by striking "and" at the end;

(4) in paragraph (11) by striking the period at the end and inserting a semicolon; and

(5) by adding the following at the end:

"(12) assist Head Start agencies and programs in increasing program participation of homeless children; and

"(13) assist Head Start agencies and Head Start programs in improving outreach to, and the quality of services available to, limited English proficient children and their families, particularly in communities that have experienced a large percentage increase in the population of limited English proficient individuals, as measured by the Bureau of the Census.".

(b) TRAINING IN USE OF MEDIA.—Section 648(d) of the Head Start Act (42 U.S.C. 9843(d)) is amended by inserting ", including community- and faith-based organizations" after "entities" the first place such term appears.

(c) CHILD DEVELOPMENT AND NATIONAL ASSESSMENT PROGRAM.—Section 648(e) of the Head Start Act (42 U.S.C. 9843(e)) is amended to read as follows:

"(e) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to limited English proficient children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children.".

(d) ADDRESSING UNIQUE NEEDS.—Section 648 of the Head Start Act (42 U.S.C. 9843) is amended by adding at the end the following:

"(f) The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with a limited English proficiency, and homeless families.

"(g) More than 50 percent of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

"(1) Education and early childhood development.

"(2) Child health, nutrition, and safety.

"(3) Family and community partnerships.

"(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

"(h) Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

"(i)(1) The Secretary shall work in collaboration with the Head Start agencies that carry out migrant and seasonal Head Start programs, State Directors of Head Start Collaboration, the migrant and seasonal Head Start collatoration director, and other appropriate entities—

"(A) to accurately determine the number of children nationwide who are eligible to participate in migrant and seasonal Head Start programs each year;

"(B) to document how many of these children are receiving Head Start services each year; and

"(C) to the extent practicable, to ensure that access to migrant and seasonal Head Start programs for eligible children is comparable to access to other Head Start programs for other eligible children;

"(2) In carrying out paragraph (1)(A), the Secretary shall consult with the Secretary of Education about the Department of Education's systems for collecting and reporting data about, and maintaining records on, students from migrant and seasonal farmworker families.

"(3) Not later than 9 months after the effective date of this subsection, the Secretary shall publish in the Federal Register a notice of how the Secretary plans to carry out paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before submitting a report to the Congress.

"(4) Not later than 1 year after the effective date of this subsection, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, detailing how the Department of Health and Human Services plans to carry out paragraph (1).

"(5) The Secretary shall submit annually a report to the Congress detailing the number of children of migrant and seasonal farmworkers, who are eligible to participate in Head Start programs and the number of such children who are enrolled in Head Start programs.

"(6) The Secretary shall take appropriate action, consistent with section 444 of the General Education Provisions Act, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out migrant and seasonal Head Start programs, by State Directors of Head Start Collaboration, by the Migrant and Seasonal Farmworker Collaboration Project Director, and by other appropriate entities pursuant to this subsection.

"(7) Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

"(j) For purposes of this section, the term 'eligible entities' means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.".

SEC. 19. STAFF QUALIFICATIONS AND DEVELOPMENT.

(a) CLASSROOM TEACHERS.—Section 648A(a)(2) of the Head Start Act (42 U.S.C. 9843a(a)(2)) is amended to read as follows:

"(2) DEGREE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2011, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

"(i) a baccalaureate or advanced degree in early childhood education; or

"(ii) a baccalaureate or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

"(B) PROGRESS.—Each Head Start agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate.

"(C) REQUIREMENT FOR NEW HEAD START TEACHERS.—Within 3 years after the effective date of this subparagraph, the Secretary shall require that all Head Start teachers nationwide in center-based programs hired following the effective date of this subparagraph—

"(i) have an associate, baccalaureate, or advanced degree in early childhood education or a related field; or

"(ii) be currently enrolled in a program of study leading to an associate degree in early childhood education and agree to complete degree requirements within 3 years from the date of hire.

"(D) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this subchapter in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.

"(E) LIMITATION.—The Secretary shall require that any Federal funds provided directly or indirectly to comply with subparagraph (A) shall be used toward degrees awarded by an institution of higher education, as defined by sections 101 or 102 of the Higher Education Act (20 U.S.C. 1001-1002).".

(b) CLASSROOM TEACHERS.—Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended by adding at the end the following:

"(f) PROFESSIONAL DEVELOPMENT PLANS.—Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time employees who provide direct services to children.".

SEC. 20. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

(a) NEW IDEAS AND APPROACHES.—Section 649(a)(1)(B) of the Head Start Act (42 U.S.C. 9844(a)(1)(B)) is amended to read as follows:

"(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches based on existing scientifically based research, for addressing the needs of low-income preschool children (including children with disabilities and children determined to be abused or neglected) and their families and communities (including demonstrations of innovative non-center based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.".

(b) STUDY.—Section 649(d) of the Head Start Act (42 U.S.C. 9844(d)) is amended—

(1) in paragraph (7) by adding "and" at the end;

(2) in paragraph (8) by striking the semicolon and inserting a period;

(3) by striking paragraph (9); and

(4) by striking the last sentence.

(c) EXPERT PANEL.—Section 649(g) of the Head Start Act (42 U.S.C. 9844(g)) is amended—

(1) in paragraph (1)(A)—

(A) by striking clause (i); and

(B) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(2) in paragraph (7)(C)(i) is amended to read as follows:

"(i) Not later than September 30, 2007, the Secretary shall transmit to the committees specified in clause (ii) the final report.".

(d) NAS STUDY.—Section 649(h) of the Head Start Act (42 U.S.C. 9844(h)) is amended to read as follows:

"(h) NAS STUDY.—

"(1) IN GENERAL.—The Secretary shall use funds allocated in section 640(a)(2)(C)(iii) to contract with the National Academy of Sciences for the Board on Children, Youth, and Families of the National Research Council to establish an independent panel of experts to review and synthesize research, theory and applications in the social, behavioral and biological sciences and to make recommendations on early childhood pedagogy with regard to each of the following:

"(A) Age and developmentally appropriate Head Start academic requirements and outcomes, including the domains in 641A(a)(B).

"(B) Differences in the type, length, mix and intensity of services necessary to ensure that children from challenging family and social backgrounds including: low-income children, children of color, children with special needs, and children with limited English proficiency enter kindergarten ready to succeed.

"(C) Appropriate assessments of young children (including systematic observation assessment in a child's natural environment, and parent and provider interviews) for purposes of improving instruction, services, and program quality, and accommodations for children with disabilities and appropriate assessments for children with special needs (including needs related to the acquisition of the English language).

"(D) An evaluation of the current and appropriate uses of the National Reporting System developed by the Secretary.

"(2) COMPOSITION.—The panel shall consist of multiple experts in each of the following areas:

"(A) Child development and education, including cognitive, social, emotional, physical, approaches to learning, and other domains of child development and learning.

"(B) Professional development, including teacher preparation, to individuals who teach young children in programs.

"(C) Assessment of young children, including screening, diagnostic and classroom-based instructional assessment; children with special needs, including children with disabilities and limited English proficient children.

"(3) TIMING.—The National Academy of Sciences and the Board shall establish the panel not later than 90 days after the date of the enactment of the School Readiness Act of 2005. The panel shall complete its recommendations within 18 months of its convening.

"(4) APPLICATION OF PANEL RECOMMENDATIONS.—The recommendations of the panel shall be used as guidelines by the Secretary to develop, inform and revise, where appropriate, the Head Start education performance measures and standards and the assessments utilized in the Head Start program.".

(e) STUDY OF STATUS OF LIMITED ENGLISH PROFICIENT CHILDREN.—Section 649 of the Head Start Act (42 U.S.C. 9844) is amended by adding at the end the following:

"(i) LIMITED ENGLISH PROFICIENT CHILDREN.—

"(1) STUDY.— Not later than 1 year after the date of enactment of the School Readiness Act of 2005, the Secretary shall conduct a study on the status of limited English proficient children and their families in Head Start programs and Early Head Start programs.

"(2) REPORT.—The Secretary shall prepare and submit to Congress, not later than September 2008, a report containing the results of such study, including information on—

"(A)(i) the demographics of limited English proficient children less than 5 years of age and the geographical distribution of such children; and

"(ii) the number of such children receiving Head Start services and the number of such children receiving Early Head Start services, and the geographical distribution of such children receiving such services;

"(B) the nature of the Head Start services and of the Early Head Start services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;

"(C) procedures in Head Start programs for assessing language needs and for making the transition of limited English proficient children to kindergarten, including the extent to which Head Start programs meet the requirements of section 642A for limited English proficient children;

"(D) the qualifications and training provided to Head Start teachers and Early Head Start teachers who serve limited English proficient children and their families;

"(E) the rate of progress made by limited English proficient children and their families in Head Start programs and in Early Head Start programs, including—

"(i) the rate of progress made by limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in Head Start programs;

"(ii) the correlation between such progress and the type and quality of instruction and educational programs provided to limited English proficient children; and

"(iii) the correlation between such progress and the health and family services provided by Head Start programs to limited English proficient children and their families; and

"(F) the extent to which Head Start programs make use of funds under section 640(a)(3) to improve the quality of Head Start services provided to limited English proficient children and their families.".

SEC. 21. REPORTS.

(a) REPORT.—Section 650(a) of the Head Start Act (42 U.S.C. 9845(a)) is amended—

(1) by amending the first sentence to read as follows:

"At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, a report concerning the status of children (including disabled, homeless, and limited English proficient children) in Head Start programs, including the number of children and the services being provided to such children."; and

(2) in paragraph (8) by inserting ", homelessness" after "background".

(b) NATIONAL REPORTING SYSTEM.—Section 650 of the Head Start Act (42 U.S.C. 9845) is amended by adding at the end the following:

"(c) NATIONAL REPORTING SYSTEM.—The Secretary shall submit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the status of the National Reporting System developed by the Secretary. Such report shall include—

"(1) information on all contracts, grants, and expenses relating to the development and implementation of the National Reporting System;

"(2) information described in section 641A(b)(3)(B); and

"(3) a description of the recommendations made by the Technical Working Group, including issues of the technical adequacy, purpose, and administration of the System, and an explanation of how the Secretary plans to address these recommendations.".

SEC. 22. LIMITATION ON RATE OF FEDERAL FUNDING FOR COMPENSATION.

Section 653 of the Head Start Act (42 U.S.C. 9848) is amended—

(1) by striking the heading;

(2) by striking "SEC. 653. The" and inserting the following:

"SEC. 653. WAGES AND COMPENSATION.

"(a) COMPARABILITY OF WAGES.—The"; and

(3) by adding at the end the following:

"(b) FEDERAL RATE LIMITATION.—Notwithstanding any other provision of law, no Federal funds shall be used to pay all or any part of the compensation of an individual employed by a Head Start agency in carrying out programs under this subchapter, either as direct or indirect costs or any proration thereof, at a rate in excess of the rate then payable for level II of the Executive Schedule under section 5316 of title 5, United States Code.".

SEC. 23. LIMITATION ON USE OF FUNDS.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 656 the following:

"SEC. 656A. LIMITATION ON CERTAIN USES OF FUNDS.

"No funds made available to carry out this subchapter may be used—

"(1) for publicity or propaganda purposes not heretofore authorized by the Congress; or

"(2) unless authorized by law in effect on the effective date of this section, to produce any prepackaged news story intended for broadcast or distribution unless such story includes a clear notification contained within the text or audio of such story stating that the prepackaged news story was prepared or funded by the Department of Health and Human Services.".

SEC. 24. CONFORMING AMENDMENT.

Section 641A(a)(2)(A) of the Head Start Act (42 U.S.C. 9836a(a)(2)(A)) is amended by striking "non-English language background" and inserting "limited English proficient".

SEC. 25. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to any fiscal year that begins before the date of the enactment of this Act.

(c) PRIORITY IN THE DESIGNATION OF HEAD START AGENCIES.—

(1) EFFECTIVE DATE.—Section 641(c), as amended by section 7(b) of this Act, shall take effect exactly twelve months from the date of the enactment of this Act, except for section 641(c)(5), which shall take effect on the date of the enactment of this Act.

(2) IMPLEMENTATION RULE.—For purposes of carrying out section 641(c) of the Head Start Act, as amended by section 7(b) of this Act, the Secretary may only consider the performance of a Head Start program in meeting the requirements described in section 641(c) of the Head Start Act, as amended by section 7(b) of this Act, from the date of enactment of this Act, except any performance that constitutes a deficiency since the then most recent designation.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-229. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109-229.

AMENDMENT NO. 1 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CASTLE:

Page 8, line 23, insert "and".

Page 9, line 2, strike "and".

Page 9, strike lines 3 and 4.

Page 9, line 15, before the semicolon insert ", as appropriate".

Page 12, line 10, strike the closing quotation mark and the period that follows.

Page 12, after line 10, insert the following:

"(27) the term 'auditor' means a certified public accountant or a Federal, State, or local government audit organization, which meets the general standards specified in generally accepted government auditing standards.".

Page 13, line 25, insert "(including under any decision made by the Secretary under clause (ii) or (iv))" before the semicolon.

Page 14, line 10, strike "648(j)" and insert "648(i)".

Page 15, line 2, after "children" insert "based on the data collected, and in accordance with the requirements of, section 648(i), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services prior to such reduction in funding".

Page 26, line 22, strike "and".

Page 28, line 9, insert ", other State and local agencies administering the State pre-kindergarten program, as applicable,".

Page 35, line 3, insert "and developmentally" after "age".

Page 37, line 1, strike "PROGRESS" and insert "PROGRESS".

Page 38, line 13, strike "research," and insert "research".

Page 40, line 10, after "health," insert "providers of early childhood education,".

Page 46, line 25, before the semicolon insert ", including private entities and charter schools offering pre-kindergarten".

Page 49, line 7, strike "and" after the semicolon.

Page 49, after line 7, insert the following:

"(VI) approaches to learning related to child development and early learning; and

Page 49, line 8, strike "(VI)" and insert "(VII)".

Page 54, line 12, before the semicolon insert "as appropriate".

Page 62, beginning in line 11, strike "the program of a Head Start agency," and insert "a Head Start program," .

Page 62, beginning in line 13, strike "and reported by the agency (as required in paragraph (2))".

Page 67, line 9, strike "and (5)" and insert "(5), and (6)".

Page 67, line 16, strike "by," and insert "by".

Page 69, line 1, strike "(6)" and insert "(7)".

Page 72, line 14, after "chair of" insert "(or the designee of the chair, approved by)".

Page 74, line 2, insert "except when the auditor is assigned by the State under State law" before the semicolon.

Page 76, line 2, strike "committee" and insert "council".

Page 76, line 3, strike "committee" and insert "council".

Page 80, line 13, insert "to" before "refer".

Page 80, line 15, insert "To" before "provide".

Page 85, beginning in line 6, strike "as appropriate" and insert ", as appropriate,".

Page 86, line 6, strike "socio-emotional skills," and insert "socio-emotional development,".

Page 87, after line 20, insert the following:

SEC. 10. HEAD START ALIGNMENT WITH K-12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended—

(1) by amending the heading to read as follows:

"SEC. 642A. HEAD START ALIGNMENT WITH K-12 EDUCATION.".

(2) in paragraph (2)—

(A) by inserting "ongoing" after "establishing"; and

(B) by inserting "McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii))," after "social workers,";

(3) by redesignating paragraphs (3) through (7) as paragraphs (5) through (9), respectively; and

(4) by inserting the following after paragraph (2):

"(3) developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;

"(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;";

(5) by amending paragraph (7), as so redesignated, to read as follows:

"(7) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431-11435);";

(6) in paragraph (8), as so redesignated—

(A) by inserting "and continuity in parental involvement activities" after "developmental continuity"; and

(B) by striking "and" at the end;

(7) by amending paragraph (9), as so redesignated, to read as follows:

"(9) linking the services provided in such Head Start program with the education services, including services relating to language, literacy, and numeracy, provided by such local educational agency;"; and

(8) by adding at the end the following:

"(10) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;

"(11) developing and implementing a system to increase program participation of underserved populations of eligible children; and

"(12) coordinating activities and collaborating to ensure that curricula used in the Head Start program is aligned with—

"(A) State early learning standards with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate; and

"(B) the Head Start Child Outcomes Framework developed by the Secretary.".

Page 87, line 21, strike "**10**" and insert "**11**".

Page 88, line 10, strike "Standards" and insert "standards".

Page 90, line 21, after "into" insert "within 30 days".

Page 96, strike line 6 and all that follows through page 98, line 21.

Page 105, strike line 6 and all that follows through page 106, line 3, and insert the following:

"SEC. 645B. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES, INCLUDING NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'health care service' includes—

"(A) any nonemergency intrusive physical examination; and

"(B) any screening, included but not limited to, a medical, dental, developmental, mental health, social, or behavioral screening.

"(2) The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(A) is not immediately necessary to protect the health or safety of such child, or the health or safety of another individual; and

"(B) includes incision or is otherwise invasive, or includes exposure of private body parts.

"(b) REQUIREMENT.—Before administering any health care service to a child (or referring a child to obtain such service) in connection with participation in a program under this subchapter, a Head Start agency or an entity that receives assistance under section 645A shall obtain the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

"(c) RULES OF CONSTRUCTION.—

"(1) Nothing in this section shall be construed to prohibit a Head Start agency or an entity that receives assistance under section 645A from using established methods for handling cases of suspected or known child abuse or neglect that are in compliance with applicable Federal, State, or tribal law.

"(2) Nothing in this subchapter shall be construed to permit a Head Start agency, an entity that receives assistance under section 645A, or the personnel of such agency or entity to administer any health care service to a child (or to refer a child to obtain such service) without the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

"(3) Nothing in this section shall be construed to require a Head Start agency or an entity that receives assistance under section 645A to provide separate consent forms for each specific health care service.".

Page 106, line 20 through page 108 line 2, strike section 17 and insert the following:

SEC. 17. AUDITS.

Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

"(c)(1) Not later than 270 days after the end of each fiscal year, each Head Start agency and each entity that receives assistance under section 645A shall, with financial assistance provided by this subchapter—

"(A) undergo a single audit under the requirements of the Single Audit Act and submit its financial statement audit and compliance audit of Federal assistance to the Secretary and to the Federal Audit Clearinghouse an independent financial audit of the Head Start program if subject to the Single Audit Act Amendments of 1996; or

“(B) undergo a financial statement audit in accordance with the generally accepted government auditing standards issued by the American Institute of Certified Public Accountants and Government Auditing Standards issued by the Comptroller General of the United States, if not subject to the Single Audit Act.

“(2) Audits described in subparagraph (A) and (B) shall be carried out by an auditor selected through a competitive process by the board described in section 642(b)(4) except when conducted by the State auditor as required by State law.

“(3) No audit partner shall perform audits of such agency for a period exceeding 5 consecutive fiscal years except when such agency notifies the Secretary that rotation is not possible because an alternate audit partner is not available or would present a significant challenge to the agency.

“(4) Not later than 60 days after receiving such audit, the Secretary shall provide to such agency or such entity, and to the chief executive officer of the State in which such program is operated, a notice identifying the actions such agency or such entity is required to take to correct all deficiencies identified in such audit.

“(d) Each recipient of financial assistance under this subchapter shall—

“(1) maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses); and

“(2) provide such additional documentation as the Secretary may require.”.

Page 111, line 5, insert “and Indian Head Start programs” after “programs”.

Page 111, line 6, insert “the Indian Head Start Collaboration Director,” after “Collaboration,”.

Page 111, line 7, insert “, including tribal governments” after “appropriate entities”.

Page 111, line 10, insert “and Indian” after “seasonal”.

Page 111, line 15, insert “and Indian” after “seasonal”.

Page 111, line 22, insert “and American Indian and Alaska Native students” before the period.

Page 112, line 14, insert “American Indian and Alaska Native children” after “farmworkers,”.

Page 112, line 22, insert “and Indian” after “seasonal”.

Page 113, line 1, insert “by the Indian Head Start Collaboration Project Director,” after “Director,”.

Page 116, line 20, strike “(7)” and insert “(8)”.

Page 116, line 22, strike “(8)” and insert “(9)”.

Page 116, line 24, strike “(9)” and insert “(10)”.

Page 122, line 22, strike line 21 through page 123, line 6, and insert the following:

(1) by amending the first sentence to read as follows: “At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, a report concerning the status of children (including disabled, homeless, and limited English proficient children) in Head Start programs, including the number of children and the services being provided to such children.”; and

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to offer this amendment which I indicated was drafted on a bipartisan basis. Specifically, the amendment would revise the financial audit language to ensure that financial audit requirements for Head Start programs are consistent with those required under the Single Audit Act Amendments of 1986; that it builds on parental consent requirements included in H.R. 2123 as reported, to further clarify that any health service available to children in Head Start may not be performed without the prior written consent of the parent; and included a number of technical and conforming amendments.

To the best of our knowledge, there is no dispute about this, and the details of it can be discussed at further length if anybody wants.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), for his hard work on this bill. This language has been negotiated, and we have no objections to the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BASS). The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–229.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SOUDER:

Strike page 71, line 22 through page 77, line 13, and insert the following:

“(4) Implement a system of shared governance for oversight of the Head Start program, which includes the following:

“(A) An independent board of directors selected from among eligible individuals who shall serve on the board of directors (or may designate an existing entity whose members are eligible individuals, that shall be such board) for a period not to exceed 5 years, except that board members who oversee a public entity and who are selected by election (or members of a board of a local educational agency or a local council, appointed by an elected official or an official of a general purpose local government), may serve for such period as may be determined by the electing or appointing authority, as the case may be. An individual who has a conflict of interest is ineligible to serve as a member of the board of directors. Members of the board of all nonpublic entities shall include representatives of the local community (including at least 1 member with significant financial management or accounting experience and the chair of the council described in section 642(b)(4)(B)). Additional members shall be selected for their expertise in education, business administration, community affairs, government, legal affairs, and such other areas of expertise as may contribute to effective governance of the Head Start agency. All members of the board of directors shall adopt practices that assure active, independent and informed governance of the Head Start agency, including independent oversight of the financial and management practices of such agency. The board of directors shall provide direction to the executive director of the Head Start agency and shall operate as an entity independent of staff employed by the head Start agency, entity, or applicant and have the following duties and responsibilities:

“(i) To provide independent oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644.

“(ii) To establish 1 or more standing committees to facilitate governance of the Head Start agency which shall include the following: an audit and finance committee whose primary responsibility shall be—

“(I) to approve annually the operating budget of the Head Start agency;

“(II) to review and recommend to the board of directors the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee;

“(III) to review and recommend to the board of directors the termination or extension of the existing audit firm at least once every 5 years;

“(IV) to review and advise the board of directors of the audit management letter provided pursuant to the chapter 75 of title 31 of the United States Code, and of any audit findings; and

“(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices.

“(iii) To approve the selection and dismissal of the Head Start director, and to review annually the human resources available to ensure the effective operation of the Head Start agency.

“(iv) To consult on a regular basis, with the policy council and to take actions on recommendations submitted by such council.

“(v) To review and approve the major operational policies of the Head Start agency, including policies addressing accounting, financial management, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits)

“(vi) To ensure that the Head Start agency is operated in compliance with applicable

Federal, State, and local laws (including regulations), and to monitor agency implementation of any corrective action necessary to comply with applicable laws (including regulations);

"(vii) To oversee the program planning of the Head Start agency, including adoption of the Head Start agency philosophy and mission statement, adoption of policies for determining community needs, setting long- and short-range goals and objectives, establishment of criteria for selecting families in Head Start programs or Early Head Start programs, and to oversee and approve the agency's applications to receive funds made available under this subchapter; and

"(viii) To establish, to adopt, and to periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing and resolving—

"(I) any conflict of interest, and any appearance of a conflict of interest by board members, officers, employees, consultants, and agents who provide services or furnish goods to the Head Start agency; and

"(II) complaints, including investigations, when appropriate.

"(ix) To develop processes, in consultation with the policy council, to resolve internal disputes in the instance when the board of directors and the policy council have reached an impasse on an issue of dispute relative to matters of joint governance.

"(x) In all matters of serious fiscal mismanagement, fraud, or criminal activity, the board of directors will have discretionary authority to act unilaterally without policy council approval.

"(B) A policy council, a majority of whose representatives shall be parents of children participating in a Head Start program or in an Early Head Start program, or of children who participated in an Early Head Start program in the then most recent 5-year period preceding the selection of the particular representative involved, and whose primary responsibilities shall be to serve as a link between parents and the board of directors and to share joint responsibilities with the board of directors in making recommendations and approving or disapproving the following program planning and operation activities:

"(i) Program planning, including—

"(I) program design and management, including long and short-term planning goals, all funding applications and amendments to funding applications and objectives based on the annual community assessment and self-assessment;

"(II) program recruitment, selection, and enrollment priorities;

"(III) budget planning for program expenditures, including policies for reimbursement and participation in policy council activities; and

"(IV) the operating budget of the Head Start agency.

"(ii) Program operation policies, including standards of conduct for program staff and volunteers, and policies governing employment and dismissal of program staff.

"(iii) Selection and dismissal of the Head Start director and program staff.

"(iv) Activities to support the active involvement of parents in supporting program operations.

"(v) Classroom activities and staffing.

"(vi) Program responsiveness to community and parent needs.

"(vii) Processes to resolve internal disputes in the instance when the board of directors and the policy council have reached an impasse on an issue of dispute relative to matters of joint governance.

"(vii) Other areas the council identifies as necessary to improve program operations.

"(C) Training for all members of the board of directors and policy council in the management responsibilities and obligations, ethics, and financial literacy and management.".

Page 78, line 6, strike "section 642(b)(4)(B)(ii)" and insert "section 642(b)(4)(B)".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Ohio (Mr. BOEHNER) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, first I want to again thank the chairman for making my amendment in order. Let me give a very short history, and then I will elaborate a little further.

After the Great Society was less than sensitive to many urban areas in the United States, empowerment movements developed in America, led actually by a leftist named Sal Olinsky, that said local people, when they are being displaced, ought to have more input into the decisions that are being made in their lives. This happened originally in Chicago and it is something that we are looking at doing in New Orleans in the name of empowerment.

We saw, when the Republicans came to power in the 1980s and to the Presidency, President Reagan put Jack Kemp in charge of HUD, Housing and Urban Development, and we had tenant management and resident management moving to homeownership and we said, let the people make the decisions themselves. Sometimes it was messy. Sometimes we did not really like their decisions, just like sometimes we do not necessarily agree with the people who they elect to Congress; but we let the people make the decisions.

Head Start, when it came in the 1970s as part of Richard Nixon's efforts to block grant, to give more local empowerment to react to the programs of the 1960s, the heart and soul of this program was to say, we are going to let the parents, in these preschool situations, in these low-income situations, we are going to let them make the decisions. It is not going to be like PTAs in schools where often they become fund-raising supplements and they are allowed to give their opinions, but they have no vote. We are going to let them actually vote. When you go into Head Start programs, they get to vote on what they are going to serve for lunch, they get to vote on the textbooks, they get to hire and fire the teachers.

This bill, unfortunately, because of a broader concern about how to address some of the problems in Head Start, removes the voting rights, the actual powers of those parents. Not because of any GAO report. Not because the GAO report says there is a problem with the parents. There is no reference to the parents in the GAO report, other than one. It says the tips of financial mismanagement came from the parents. It is not because of the boards because, in the GAO report, the boards are only mentioned twice, because they had financial problems.

The underlying part of the bill addresses the financial difficulties that we have, and we have added in our amendment to make sure that fraud is actually addressed because there the board has legal liability if there is fraud, but not what is being served for lunch or what textbook or even who is hired and fired. They have legal liability for fraud. That is already granted. But we made it clear that the board has the legal liability on fraud and they have the decision-making power on fraud.

I somehow think that we have drifted into this policy that we think we know better than the people who are making the decisions themselves. How are we going to move ahead in New Orleans with this attitude? We cannot one week strip the number one empowerment program in America, and the next week say we are going to empower in New Orleans.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the amendment offered by my friend, the gentleman from Indiana, a member of our committee. It is over a very sensitive issue of how to deal with the parent councils. Under the current law, the current practice, these parent advisory councils have actually had veto authority over the decisions of the Head Start grantee.

Now, there is no one in this House who believes more in empowering parents to be active participants with their children, active and empowered parents with Head Start programs. But we have seen a number of problems in Head Start programs, from financial abuses to very poor results for children; and the gentleman from California (Mr. GEORGE MILLER) and I have worked closely to develop this bill and to develop this proposal that continues to allow parents to be actively involved.

It still requires the grantees to urge parents to be involved; but we do it, though, in a strictly advisory capacity. They are still going to play a big role. The only difference here is the veto power: whether, in fact, the parent councils can veto the decisions of the board or the management.

Now, this bill came out of committee 48 to nothing with the language that we are trying to preserve. I appreciate my colleague from Indiana coming along at the eleventh hour, wanting to change it, but the fact is that the committee endorsed the underlying language, and I would ask my colleagues to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there was no testimony at any hearings about this subject. The only reference in the hearings, I believe, was actually on the Senate side from the deputy mayor of Memphis who complained that he did not have decision-making powers to make some changes that he wanted to make, but it was not financial abuse or financial waste. I have asked the committee staff, as well as the chairman, to come up with an example. There is not an example.

There are problems in the whole system; but mostly it is the grantees and the board that have been the problems. The board is not as engaged like the parents. In this case, it is not a question of whether the parents have veto power. The parents have the power, the board has shared power, and the parents have the primary power, the board has the veto power. The parent council is 51 percent parents, 49 percent community leaders who are actively engaged. The board tends to be leading citizens of the community who come in and review that.

We are gutting, for a pat on the head, saying we like your opinion, but not your vote. You are not good enough to vote, but you are good enough to give your opinion.

This is an empowerment program by the people who are running it, it has worked well, and we should not change it.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking Democrat on the committee.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment.

What we tried to do in the committee bill is to make sure that there was a clear line of accountability on some of these fiscal matters. We struggled long and hard on this committee with the question of fiscal management and mismanagement of a number of these programs. While the vast majority of Head Start programs are well-run programs that provide excellent services, the services that we have come to expect from those programs on behalf of these children in Head Start, we have had some problems.

This is not about reducing the parents' role. It is about increasing the accountability, increasing the accountability of this board, so they will understand the gravity of the situation, which they have. We have also strengthened the parent policy council to be involved in all aspects of program authorization, and we require that the board act on those priorities. Whether they agree or disagree, they must act on it.

The fact of the matter is, I think many, many people involved in Head Start believe that this is a very substantial improvement that will avoid the kinds of problems that we have seen in the past that have drained resources from this agency, taken away from the services provided to these children.

Parents have been an integral part of this program from the beginning, they continue to be, and, in fact, their position is strengthened in this legislation. But we must deal in a forthright manner with this question of fiscal accountability, and we are making those boards more accountable in this legislation; and I hope that we would reject the Souder amendment.

Mr. SOUDER. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. KELLER), a member of the Committee on Education and the Workforce and a leader on education issues.

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the Head Start bill before us today is a good bill. I plan on voting for it, but I also believe that the Souder amendment will make it an even better bill by restoring the full authority of the parent policy councils in the Head Start program.

Currently, Head Start programs across the country are jointly governed by a board of directors made up of experts and by a policy council made up of parents. Regrettably, the Head Start reauthorization bill before us fundamentally changes the authority of the parent policy councils. Specifically, it removes their ability to vote on program policy and instead makes them merely an advisory committee to the board. Well, who knows what is best for kids, the parents who are with them every day, or the bureaucrats and politicians who live 1,000 miles away?

Clearly, the parents are in the best position to know what is best for the children, and I do not have to guess about that. On August 8, 2005, I personally met with 120 Head Start parents in Orlando, Florida. They told me they were concerned about the reduced role of the parent policy councils under this bill, and they wanted to restore the voting authority. That is what the Souder amendment does. I urge my colleagues to vote "yes."

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of the time.

Let us make this absolutely clear. Advice is nice. We just went through this in high-intensity drug trafficking areas where we tried to take the voting power away and we resisted that in Congress.

Power comes from voting, not advise. This strips the parents of their power and lets them give their opinions. This is a tremendous reversal for either side of the aisle to make of the number one parent advisory program in America. There are not financial problems with the parent councils. The financial problems were with the agencies that were granted to and the boards. For fraud, they need to be held accountable. This bill does that. Do not take the power away from the parents.

I have also received these letters which help explain my concerns.

DEAR MR. MARK SOUDER: My name is Chris Wallace Sr. and I am a parent of 3 children. Two of which have been enrolled and ongoing participants in CANI's Headstart program, my third child is going into her 2nd grade year with Adams Elementary, Fort Wayne Community Schools. I am currently the Policy Council President, and the Vice-President of MILC (Males Involved Leading Children), and my wife and I are repeatedly volunteering for CANI (in-kind). I have received the Volunteer of the Year Award from CANI, and I have also received a Certificate of Recognition from the City of Fort Wayne, for my ongoing commitments with CANI. Currently I am looking forward to another successful year with my involvement with CANI, MILC, and introducing MILC along with All Pro Dads into the Fort Wayne Community school system.

Which brings me to my disappointment with the news that some of these programs, most importantly the parent involvement initiative may be withdrawn from CANI's Headstart programs. I would like for you and those involved with this decision to understand the importance of parent involvement. It has not only allowed for me to be more involved in the decisions that affect my children, it has also allowed me to be involved in some of the decisions that affect my community. These programs allow parents to understand more how important education, family and social development is to their family, and the community around them. I believe that these programs empower parents, and give them leadership skills that they may never learn elsewhere. I can attest to this, for I have learned many leadership, mentoring, and role model skills. I also have learned how important I am to the community and the development of my children, and my peers children.

I believe it would be an injustice to take this away from so many who are currently involved and those in the future that have yet to benefit. Please pass on our plea, meaning the parents, employees, and even more important our children, that you work for keeping the current programs well established within CANI's Headstart program. This will continue to allow us to provide a good start to our future leaders.

On behalf of parents of CANI Headstart.

Sincerely,

CHRIS WALLACE, Sr.,
Parent, Volunteer.

SEPTEMBER 18, 2005.

Re Head Start reauthorization.

Hon. MARK SOUDER,
E. Ross Adair Federal Building,
Fort Wayne, IN.

DEAR CONGRESSMAN SOUDER: I am writing to urge you to support the restoration of full authority to Parent Policy Councils in Head Start reauthorization legislation. It is my observation that parents provided with a meaningful governing role in their children's Head Start education gain valuable skills that will help them to proactively support their children's education in elementary, middle, high school and beyond.

The personal growth of parents involved in the Head Start Program is a natural consequence of their participation in Head Start governance. Weakening or eliminating this role will eliminate a valuable training resource for parents and will make them less effective in supporting their children's future education.

I have been a community representative on the CANI Head Start Policy Council in Fort Wayne for two years. One of the most rewarding benefits of my participation on the Policy Council has been to watch the growth and development of the Male Involvement Committee. This group provides many opportunities for fathers, grandfathers, uncles and other adult males to interact significantly with their children in positive ways. This is particularly significant in low-income communities where children need positive adult male role models.

Thank you for your consideration of these issues. I hope that my views will be addressed in your vote for the reauthorization of Head Start.

Sincerely,

BARBARA L. JONES.

INDIANA PTA.
Hammond, IN, July 11, 2005.

TO WHOM IT MAY CONCERN: I am writing about the Head Start Program and its importance to families.

The Head Start Program is a vital part of the education process. The program offers opportunities early in the lives of children to build skills that will be needed in school and in life. Research shows that the sooner children are in a structured educational environment; the better their performance is throughout their formal education.

I became involved in Head Start in 1995 when my son entered the program and have continued to volunteer/work with Head Start though the years. I have served as a site chairperson, a member of the Policy Committee and currently serve as a Community Representative. It is because of the parent involvement component of the Head Start Program that parent involvement became so important in my life. It is because of these beginnings that I continue to advocate for children on all levels.

For many families, access to Head Start is the only way for their children to have any type of educational experience prior to elementary school. Many of these children continue on to Kindergarten because they have a head start in education and their parents realize how important early intervention is. Since kindergarten is not mandated in Indiana, many children come to school for the first time when entering the 1st grade. These children are not ready to work at their grade level and come to school at all developmental levels.

As president of the Indiana PTA, I know how important the Head Start Program is to children and families. It is critical that services like this continue and be adequately funded for our children. It is important that monies be made available for Early Intervention efforts across the board. If we don't take care of our children today . . . our children won't take care of us tomorrow. Some of the issues that Indiana PTA will be focusing on are: Early Intervention, Literacy; Parent Involvement, Advocacy and Drug Use.

Respectfully,

DEE JONES,
President.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from Delaware (Mr. CASTLE), the chairman of the subcommittee and the author of the bill.

Mr. CASTLE. Mr. Chairman, I totally oppose this amendment, and I oppose the statements which have been made here that it takes away from the parents, the rights they may have. Basically, what our bill does is reinstate the parents council where it was always supposed to be.

Dr. Edward Zigler, who is opposed, by the way, to some things that I was for in the past, so I do not always quote him, but he is widely credited as the Father of Head Start, and many people follow him here, and he stated with respect to the policy council: "I created and implemented the policy councils in the early 1970s. The time was past due to take a fresh look at the government issue. In fact, I very much like that the House bill keeps in place the policy council with the role I had in mind for it, while putting above it a board of directors with what I see to be some good requirements for membership on this board. I like the synergism that you have built between the board and the policy council," said Zigler's letter.

I think this is the right governance for our Head Start operations in the United States of America. I would encourage everyone here to listen carefully, as it is very easy to say, oh, give the authority to the parents. The bottom line is they will be involved and engaged, but the board will make the decisions. That is the way it should be. I urge the defeat of this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 109–229.

AMENDMENT NO. 3 OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. DELAURO:

Page 87, line 4, strike the close quotation marks and the period at the end.

Page 87, after line 4, insert the following:

"(11) Head Start agencies may develop or maintain partnerships with institutions of higher education and non-profit organizations that recruit, train, place, and support college students to serve as mentors and reading coaches to preschool children in Head Start programs.".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for four decades, Head Start has provided comprehensive child development, literacy, family services to more than 18 million preschoolers from low-income and working poor families. It is a proven success. Head Start graduates are less likely to need special education services, to be held back a grade, or to get in trouble with the law. They are more likely to go on to college and to have professional careers. It is unquestionably the most effective early childhood development program ever developed.

For all the program's success, we know that even the best teachers struggle with overwhelming class sizes, particularly with young children, and Head Start's 10 to 1 ratio of students to teachers in the classroom presents clear challenges in helping Head Start children gain the cognitive skills other children have.

That is why this amendment, allowing Head Start centers to recruit and train college students as mentors, reading mentors for preschool children, is so needed.

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We all know the benefits of mentoring, whether it is after school, on weekends, or during the school day, mentoring programs change young peoples' lives. There is a proven link between mentoring and reduced substance abuse later in life and improved academic achievement.

And of course the benefits of mentoring are mutual. Some of the college student mentors in this initiative will even become Head Start teachers themselves some day. That is what we have seen in one program which deploys 2,100 college students who devote 15 hours per week during the school year to mentor Head Start students. That program is also a proven success.

I want to be clear, my amendment would not replace the specialized work of Head Start teachers. There is no substitute for the work of a qualified, trained teacher, nor would anything in this amendment require local Head Start centers to offer mentoring programs.

Head Start grantees would have the chance whether or not to start a mentoring program for Head Start children. Mr. Chairman, with this amendment we are simply seeking to supplement the remarkable work of our Head Start teachers in a way that allows for children to learn at their optimum capacity.

It allows Head Start teachers to make the greatest impact possible. And that is why I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Mr. BASS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman from Connecticut (Ms. DELAURO) brings a very good amendment to this debate. And I certainly support the good work of Jump Start and think that the amendment that she offers makes a valuable contribution to the bill.

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA), the chairman of the Labor-HHS Subcommittee of the Committee on Appropriations, and the Dean of the Ohio Delegation, for general remarks on the bill.

Mr. REGULA. Mr. Chairman, I rise in strong support of the School Readiness Act. Let me first begin by recognizing the tremendous efforts of my colleagues, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Delaware (Mr. CASTLE) in crafting a good bill.

As a former teacher and elementary principal, I am aware of the necessity of a first-rate education and need to ensure that children have adequate skills before entering kindergarten.

As chairman of the Labor-HHS-Education Subcommittee of the Committee on Appropriations, funding Head Start in the amount of $6 billion, this bill will achieve a better use of those moneys. For over four decades the Head Start program has provided comprehensive early childhood development services to low-income children.

By providing educational, health, nutritional, social and other services to the most needy in our society, this program prepares children to enter kindergarten and to improve the conditions necessary for their success in later school and life.

Head Start strongly emphasizes the involvement of families in the local community to ensure that the programs are responsive to the unique needs of each community. As you know, in the aftermath of Hurricane Katrina, the Head Start Bureau has urged all of its grantees to provide Head Start services to any displaced children and families now in their communities. Very important, so they do not fall behind.

As successful as Head Start has been, I believe that the program can be even more successful by maintaining the comprehensive services already provided and enhancing the academic component. Consistent with the goal of strengthening this program, H.R. 2123 will help to eliminate financial mismanagement by increasing the competitive nature of the current program. The competition requirements are intended to help drive program improvement across the board and to ensure that the $6 billion we spend is spent constructively and wisely.

Mr. Chairman, I would like to emphasize that a good education is the cornerstone for success in life and that it is critical to have the basic skills to build the foundation before entering kindergarten. We have found a large dropout problem in our inner-city schools, in some cases exceeding 50 percent. In fact, the national average is 32 percent. And this is a terrible waste of human resources.

In many cases, the students dropping out cannot read at beyond the elementary school level, and see no reason to stay in school when they cannot keep up with the school work. The problems of dropouts and illiteracy do not begin in high school. They manifest themselves in high school, but they begin in elementary and pre-elementary.

These problems begin in the school when the students fall behind their classmates in the early years, because they did not start with the same skill sets. We need to ensure that these students have an equal start, and H.R. 2123 will help us in the mission.

Ms. DELAURO. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I thank the gentlewoman from Connecticut (Ms. DELAURO) for offering this amendment, and the gentleman from Ohio (Mr. BOEHNER) for supporting it.

Mr. Chairman, helping Head Start centers develop with college students, students who will then help young children when they are learning to read, certainly will help those children. But also it is going to encourage more students at the college level to become and remain Head Start teachers.

Anything that accomplishes both of these goals is worth doing. And I support the amendment.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, let me just say that I am excited about the opportunity for this amendment, because I think that we can create a partnership with the Head Start program and with our college students. And the beneficiaries are our youngsters.

And we give an opportunity to college students to be stakeholders in an education process. It keeps them involved in their community. It keeps them involved in public life. And they have so much to offer and to give, and then couple that with the tremendous work of the Head Start teachers.

So with that, I would urge my colleagues to support this amendment.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in strong support of the amendment offered by my distinguished colleague, the gentlewoman from Connecticut (Ms. DELAURO) that would allow Head Start centers to partner with colleges, universities and community-based organizations to recruit and train college students to serve as mentors and reading coaches to preschool children.

Early childhood is a critical time for children to develop reading, language and cognitive skills. For 40 years, Head Start has worked to increase the overall school preparedness for the Nation's young children in low-income communities. As Congress moves forward to reauthorize Head Start and make a number of changes, the reauthorization should include meaningful programming to improve the offerings of Head Start programs. This amendment, that allows Head Start centers to partner with an institution of higher education or a community-based organization in order to recruit and train college students to serve as mentors and reading coaches to preschool children, and would allow children to receive the personal instruction and attention they need to be successfully prepared for school.

One-to-one learning is a proven teaching method that strengthens cognitive skills in young children. Mentors provide children with the additional support they need to boost comprehension and self-confidence. Back home in my district in Connecticut, the Jumpstart Hartford program is an excellent example of this type of comprehensive learning partnership. Jumpstart Hartford, in partnership with the University of Hartford, facilitates one-on-one instruction with students from the University and young children from low-income families in Hartford. The program places special focus on developing stronger language, literacy, social and initiative skills. The program has made significant gains in narrowing language and literacy gaps with its young children.

Mr. Chairman, I urge my colleagues to support the DeLauro amendment that would allow mentor partnerships in Head Start and make real progress towards preparing all children in Head Start for success in school and throughout life.

Ms. DELAURO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–229.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STEARNS:

Page 110, line 7, after "families," insert "families with one or more children with disabilities,".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Individuals with Disabilities Act and the 1998 Head Start Act simply required Head Start programs to reach out to families who have children with disabilities. Including children with disabilities in Head Start programs can be a rewarding experience for all involved: children, parents, and of course Head Start employees.

But the linchpin for success with inclusion is proper training of employees to care for the children's unique needs. However, the underlying legislation I think perhaps can be strengthened in this area.

My amendment would simply do that. How? Include families who have one or more children with disabilities in the list of training course subjects the Secretary is directed to provide for Head Start training employees so they can cope with that. I know firsthand, personally, both the victories and pitfalls of families who have dealt with children with learning disabilities.

I know the worry and concern parents feel when they entrust the most precious being in their lives to the care of a stranger. Head Start personnel need to be trained, my colleagues, to mitigate these many concerns, and of course to provide meaningful guidance when a family faces a new challenge.

So families with children with disabilities need support. Proper training of Head Start employees will enable them to anticipate possible challenges, evaluate the current difficulties that they may or may not have, and will educate the employees in current strategies and resources which are available to parents.

For parents' piece of mind, it is imperative that those individuals caring for their children are simply equipped to handle any situation that may arise in that classroom. If not convinced, they will not send their child to the Head Start program, which would deprive the child from needed preparation for school.

Now, for Head Start teachers, training will equip them with the necessary tools, of course, to be successful. Many human resources studies show the most common cause for dissatisfaction with a job is when employees feel ill equipped to meet the goals that are expected of them.

Now this dissatisfaction is compounded for educational professionals, because when they fail to meet their goals, they feel they have failed the child. With proper training, teachers will feel empowered. They will have greater understanding of the underlying issues causing difficulty for that child and will be armed with a strategy to help them so they can ultimately succeed.

Training can make that experience teaching children with disabilities a positive one instead of a negative one. Now, there was a teacher who did not feel properly trained, for example, to teach a child with disabilities. When required to include a student with disabilities in her classroom, she then received the necessary training to do it. As a result, and this is a good clear example, this is what she said. "Ronnie is truly my most favorite student and my greatest accomplishment." Now that is a learning disability student. Bear with me here. "Thanks to him, I cannot wait to get to school every morning to see what he has learned today. Thanks to him I feel proud to be a teacher again. On November 3, 2001, I never thought anything good could come out from having him in my class. Little did I know that he would be a great blessing for which I will always be thankful."

Our children deserve effective teachers. Children with a disability generally do not respond well to change. We all know that. School is an enormous change that needs to be adequately prepared for. When starting school, they enter that simple, unknown world that scares them.

Many of the expectations are new. Directions from the teachers do not make sense. They feel out of control themselves and they feel sort of helpless. Teachers can ease that child's anxiety, see when they are feeling overwhelmed, and simply provide support, and, more importantly, guidance.

They are also able to give children specific strategies to handle these feelings, their feelings on their own, so that they in turn will feel more in control.

By attending Head Start programs staffed with trained professionals, children will experience less stress, be more comfortable with their peers, accustom themselves with the behavioral expectations of classrooms, and learn strategies to deal with the inevitable distractions that are in a school setting.

These are vital skills for them to learn at any time. And by learning them before beginning school, they will be better focused, more and better equipped to learn.

Mr. Chairman, I urge my colleagues to support my amendment. Provide Head Start employees with the training they need to support families and children with disabilities.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say how strongly I personally, and I hope all of us would support the Stearns amendment. I think it makes a tremendous amount of sense.

This amendment, the one before it, and a couple of others we have I think actually truly improve the bill. They are not just amendments we are accepting, but they are amendments which indeed make the bill better.

The gentleman from Florida (Mr. STEARNS) has pointed out, in my judgment, a significant problem in education. I think it is greater as you deal with lower-income children, to even a greater extent than perhaps it is with other children, and as a result of that, I think such training is absolutely in order.

So I would like to thank the gentleman for that and I would like to congratulate him for thinking of the idea. Certainly I am in support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS.)

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

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The Acting CHAIRMAN (Mr. BASS). It is now in order to consider amendment No. 5 printed in House Report 109-229.

AMENDMENT NO. 5 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. DAVIS of Illinois:

Page 110, after line 19, insert the following new subsection (and redesignate subsequent subsections proposed to be added by the relevant provision accordingly):

"(h) The Secretary shall develop and implement an outreach program to train and recruit African-American and Latino-American men to become Head Start teachers in order to increase the provision of quality services and instruction to children with diverse backgrounds.".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know that there are many people who believe that good teachers are good teachers and wherever good teaching takes place learning will also occur. And I believe that teaching is the most noble of all professions that exists on the face of the Earth, because when you teach, you bind yourself to someone else and they often bond and bind themselves to you and a transference of learning often takes place that way.

My amendment addresses the fact that there are so few African American and Latino males teaching Head Start and we need to do something about that. My amendment instructs the Secretary of HHS to develop a recruitment and training program to help get rid of this absence of male African American and Latino teachers.

I have observed that many African American and Latino boys go through all of elementary school never having access to a male black or Latino teacher. As a result of that, many of them grow up with the idea that education is not for them, that it is a female thing, that it is a woman thing, that it is a girl thing. And they drop out at third and fourth grades because psychologically and emotionally and experientially they have decided that this is not the way to go.

This amendment need not cost a great deal of money at its onset; but it will, in fact, prevent a rise in drop-out rates. It will, in fact, prevent many of the ills and social problems that we encounter today as a result of the high number of boys who drop out of school.

I would urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do rise in support of the Davis amendment. I believe this is one that improves our legislation.

The amendment supports outreach efforts to train and recruit African American and Latino American men to become Head Start teachers. Any such teachers would still be required to meet teacher qualification requirements, of course, which are in the School Readiness Act.

The amendment would help to ensure African American and Latino American men are encouraged to become teachers, Head Start teachers. I think that is a goal that is very laudable, teachers in general, as a matter of fact.

This amendment supports these men to provide quality services and instruction to the many children with diverse backgrounds and participate in the Head Start program. That is absolutely true. That there are many people with diverse backgrounds in the Head Start program. It is important to understand this amendment does not create a new program. Instead, it directs the Secretary of HHS to support outreach to minorities. That is only correct and right, and for that reason I hope we would all support the Davis amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield such time as she may consume time to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I thank my friend, the gentleman from Illinois (Mr. DAVIS), for offering this amendment and the gentleman from Delaware (Mr. CASTLE) for his support.

Approximately two-thirds of Head Start children are African American or Hispanic, but not nearly so many of their teachers are. The more diverse our teachers are, the better they will be able to understand the experiences of children in our evermore diverse society, and the better they will be able to help those children learn. And the children will also learn better because they will have models that they are missing in their lives right now.

I want to caution, however, any Member that cares about teacher diversity not to vote for the Boustany amendment because religious discrimination bears a direct relationship to race and ethnicity. It goes hand in hand. Think about that if you want diversity with your teachers.

This is an excellent amendment that is provided by the gentleman from Illinois (Mr. DAVIS) and I support it.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the chairman for supporting this amendment. We have had a very good process I think in the Committee on Education and the Workforce in moving toward the reauthorization of Head Start. It is a good group of people to work with. It is a committee that I enjoy working with.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DAVIS of Illinois. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. DAVIS) will be postponed.

It is now in order to consider amendment No. 6 printed in House Report 109–229.

AMENDMENT NO. 6 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KIND:

Page 122, after line 17, insert the following (and make such technical and conforming changes as may be appropriate):

(e) NATIONAL ASSESSMENET SYSTEM.—Section 649 of the Head Start Act (42 U.S.C. 9834), as amended by subsection (d), is amended by adding at the end the following:

"(j) NATIONAL REPORTING SYSTEM.—The Secretary shall temporarily suspend the implementation of the National Reporting System pending the completion of the recommendations required by subsection (h), and shall integrate such recommendations to develop a national assessment system, as appropriate, that will inform improving Head Start program success.".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple and straightforward. It would suspend the use and implementation of the National Reporting Service until the National Research Council of the National Academy of Sciences has an opportunity to conduct their study to determine what would be the proper measurements, standards, and assessments to be used with children at this age with different developmental stages in their life.

Mr. Chairman, I believe this is a very important issue because there has been a lot of outside expertise devoted to early childhood learning, and we are going to be taking measurements that they are done appropriately so we do not do any harm to them; and that is why I believe that what is in the bill right now calling for a National Academy study to be conducted so that the National Reporting System can use those recommendations for measurements and standards as we move forward will improve the quality of Head Start.

It was not so long ago, Mr. Chairman, when the National Research Council of the academy published a book called "Eager to Learn, Educating Our Preschoolers." And in that publication they indicated why it is important for us to take the time and the energy to make sure that we get the measurements done correctly rather than wrongly.

In that book I quote their summary: "All assessments, and particularly assessments for accountability, must be used carefully and appropriately if they are to resolve and not create educational problems. Assessments of young children pose greater challenges than people generally realize. The first five years of life are a time of incredible growth and learning. But the course of development is uneven and sporadic. The status of a child's development, as of any given day, can change very rapidly. Consequently, assessment results, in particular, standardized test scores that reflect a given point in time, can easily misrepresent children's learning."

Now, when the National Reporting System was created, it was done internally. I do not believe that there was any consultation with us members of the committee, nor were any outside experts brought in for advice or consent or what standards and assessments should be used.

Shortly after the National Reporting System was implemented, the President then appointed his technical working group for the NRS. This was a group of outside experts. Even the technical working group trying to work with the National Reporting System has highlighted a lot of problems and deficiencies with the current system and is recommending changes to it.

That advice from the technical working group was recently backed up and supported by a May GAO report which found, among other things: "If the test is to be used as a measure of program performance or assess changes in child outcomes, it is important to ensure that it is sensitive to the range of development typically demonstrated in Head Start. Based on our analysis and that of the technical working group and independent experts, we continue to believe that further study is necessary to ensure that the NRS results are reliable and valid and the results are appropriate for intended purposes."

Mr. Chairman, we have had a lot of discussions in this committee. We have had a discussion during the hearings and markup of this bill. I have enjoyed working with the chairman of the committee and the ranking members of the appropriate committees in trying to resolve this issue. I think we can resolve it. I think it is the right direction to go with the amendment that I am offering. I hope my colleagues will support it.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The amendment would temporarily suspend a large-scale assessment of Head Start children while needed work is done to ensure that the test is suitable for Head Start children and until we have greater assurances that the results are accurate and used for appropriate purposes.

The Head Start National Reporting System developed by the Department of Health and Human Services is a standardized assessment administered at the beginning to all 4- and 5-year-olds enrolled in Head Start.

During the first year's administration, the National Reporting System was completed by nearly 437,000 preschool children participating in Head Start, including 35,000 children with disabilities and 125,000 children with limited English proficiency.

The NRS was developed with limited congressional authority and input and has been the subject of great concern by many child development and early childhood advocates. There was general agreement by early childhood experts on the value of the assessment, and I tend to agree with that; and children are assessed regularly in nearly every preschool program across the country, including all Head Start classrooms.

I, too, recognize that early childhood assessments play an important role in measuring children's progress in key areas such as vocabulary, letter recognition, and early math, as well as other aspects of early childhood development.

I also agree with this administration that better data is needed on how well individual Head Start programs are doing in preparing children for kindergarten. However, we have a responsibility to ensure that assessments are conducted appropriately and effectively. And if we are going to do this, we need to make sure we get it right.

I want to commend the Secretary for convening panels to review and take steps to improve the National Reporting System, but I also believe that more time should be taken to make sure we get it right before its data are used to evaluate the progress of children participating in individual Head Start programs.

Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, the most important people in a child's life are their parents. The success of Head Start has been that the parents have been involved at the earliest of ages in their child's development.

The amendment by the gentleman from Wisconsin (Mr. KIND), which I rise to support, is an amendment that simply says let us take the evidence based on how we should approach education for children and let us apply what we know is the best way to include measurements of a child in their formative years of life.

What I think all of us saw in the expeditious movement to put in place these tests was the fact that we rushed into it without taking enough time to take a look at it. All of my Head Start teachers have told me that the testing that is currently in place is testing that is not effective and that what would be more effective would be finding out through the National Academy of Sciences what they recommend in terms of the evaluation of those children.

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So I want to thank the gentleman from Wisconsin (Mr. KIND) and I want to join him in saying that learning, as we know and as the chairman knows so well, does not begin in first grade. It begins at birth, and the parents need to be involved in their child's life. Head Start is about the emotional and social development of a child which can guide their ability to learn literacy all the way down their educational life.

They will not learn unless they have the best emotional and social development from early on because they will not be able to sit still; they will not be able to focus; they will not be able to do those things that we are going to be testing them for down the line.

With that, I thank the chairman of the Committee on Education and the Workforce for this time.

Mr. BOEHNER. Mr. Chairman, I suggest to my colleagues that the amendment the gentleman from Wisconsin offers, he and I have worked together on this closely over the course of this year. I think it is a good amendment and would urge my colleagues to adopt it.

Mr. Chairman, I yield back the balance of my time.

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman of the committee for his support of the amendment and for working with us in order to get this accomplished. I also want to thank the gentleman from Rhode Island (Mr. KENNEDY), my good friend, for helping to elevate this issue and educate other Members in this place about the importance of the measurements and the assessments that are being used, especially for these children at this early age.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY), the ranking member of the subcommittee, and thank her for her support.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. KIND) for yielding me this time.

Mr. Chairman, I want to thank my friend, Mr. KIND, for offering this important amendment.

It is one thing to assess children to understand how best to help them learn.

But, this Administration rushed to test hundreds of thousands of children, and in so doing, used tests that are invalid and unreliable.

Moreover, in its rush, the Administration also seems to have virtually no idea how to use this unreliable data. Had the data been reliable, it would still have been virtually useless.

This amendment will bring a critically needed scientific perspective to bear on the Administration and keep them from implementing this program until they do it right. It is an important amendment and I support it.

Mr. KIND. Mr. Chairman, I yield back the remainder of my time.

The Acting CHAIRMAN (Mr. BASS). The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109-229.

AMENDMENT NO. 7 OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MICA:

At the end of the bill, insert the following new sections:

SECTION . QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is further amended by adding at the end the following new subsection:

"(g) In carrying out the provisions of section 641A, and in addition to the use of whatever other resources the Secretary deems appropriate, the Secretary shall—

"(1) contract with an intermediary organization which, in the determination of the Secretary, meets each of the following criteria—

"(A) focuses on improving the performance management and the use of technology for non-profit, educational, and social service organizations;

"(B) has demonstrated experience in providing a range of assistance, including but not limited to—

"(i) assessing performance metrics;

"(ii) the use of technology;

"(iii) improving financial management; and

"(iv) developing recommendations to improve performance and the use of technology;

"(C) has a proven methodology for systemic change in the not-for-profit sector, including governmental and nongovernmental entities;

"(D) has demonstrated results in providing performance management support to small-, mid- and large-size not-for-profit organizations annually on a pro bono basis;

"(E) has demonstrated the ability to identify areas for program improvement related to—

"(i) accomplishing the goals and objectives as outlined in Head Start regulations, reporting criteria and measurement of program outcomes;

"(ii) meeting reporting requirements

"(iii) using technology in classrooms and enabling its use by administrators;

"(F) has demonstrated the ability to develop an implementation plan for recommended improvements by the organizations it assists;

"(G) has demonstrated the ability to assist with and provide on-site, hands-on guidance with the implementation of the recommendations;

"(H) has demonstrated the ability to tailor the assessment and implementation process to the children and communities served (where appropriate); and

"(I) has demonstrated the ability to create an online community that allows Head Start administrators, teachers, service providers, parents, policy makers, and other stakeholders to communicate and provide support during and following the assessment and subsequent implementation process;

"(2) utilize the intermediary organization selected in paragraph (1) not later than 90 days from the date of enactment of this Act to—

"(A) assess the performance of the Secretary in overseeing the Head Start Bureau and ensuring the effective management of the Head Start program in the areas of finance, operations, human capital, and customer service;

"(B) evaluate the Department's organizational structure, policies, and procedures for managing Head Start grant recipients, make recommendations to improve national program quality and maximize the efficiency in the use of program dollars, and support implementation of the recommendations;

"(C) evaluate the Secretary's administrative resource allocations to determine if investment is properly targeted based on risk assessment to address the program's most significant national and local challenges, and propose adjustments as appropriate;

"(D) evaluate and identify best practice Head Start models and build process models to enable their replication;

"(E) develop early warning systems to identify Head Start programs that need intervention;

"(F) evaluate processes to assist Head Start programs that need intervention in implementing necessary program improvements;

"(G) evaluate the effectiveness of the current process for selecting Head Start organizations and develop and implement improvements to ensure that performance metrics emerge as a key criteria for evaluating successful Head Start applicants, including the creation of evaluation criteria that ensure the selection of quality Head Start applicants;

"(H) evaluate how the Department targets resources to remedy ongoing problems or deficiencies in the program's management or governance, and propose solutions as appropriate; and

"(I) conduct a detailed assessment of the Secretary's ability to monitor grantees.".

SEC. . ALLOTMENT OF FUNDS.

Section 640(a)(2) of the Head Start Act (42 U.S.C. 9835) is further amended by adding at the end the following new clause:

"(v) not less than $7,500,000 of the amount in clause (iii) appropriated for fiscal years 2006 and 2007 shall be made available to carry out activities described in section 641A(g).".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

First, I want to thank the gentleman from Ohio (Chairman BOEHNER), also the gentleman from Illinois (Mr. DAVIS), the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, and others who have worked on this legislation. There is probably no piece of legislation in this Congress that is more important to the future of this country and our children and our students than this piece of legislation.

I have educated as an educator and have worked over the years to try to get improvement in the quality of Head Start, and I commend all of those involved and also the President of the United States for emphasizing improving the quality of Head Start.

We spend $7,222 per student for some 900,000 students involved in Head Start and improving the quality. These young people can learn, and they should have an academic component, and we should have the best personnel in these Head Start programs, and we have gone a long way in that regard.

Unfortunately, over the course of the last years, we have had incidents of waste, fraud, abuse, mismanagement, even financial abuse of taxpayer dollars in the Head Start programs, and again, we have limited taxpayer dollars to expend, and we want them expended in the most efficient and proper manner.

While a large majority of Head Start programs have very responsible management and organization in place, I think Congress has an obligation to improve known problems before they get worse and also insist on correction.

Weak or failing Head Start programs are unfair to taxpayers, but mostly, and most importantly, they are unfair to the children who need assistance in these programs, not to mention they are unfair to the taxpayers.

So this amendment directs the Secretary of HHS to undertake a management reform initiative, and I want to thank the gentleman from Ohio (Mr. BOEHNER) for crafting this amendment, and he has my strong support, and I am pleased to offer it because we want this to be the best program possible.

In conclusion, I just want to give a couple of examples. I have one Head Start program I looked at that has 135 students, 17 teachers, and none of the teachers are certified in the program. That should be corrected by this legislation. But the cost for the program is $900,000, and we are spending $72,000 per student on this one Head Start program.

I have other Head Start programs, one in my district, where we have 526 students, and we reviewed what other preschool programs were paying. Right now, it is costing us about $8,439 per student. The most expensive private prep school in the district costs $8,400 a year. The private Catholic school costs $2,160 a year, and the private Christian academy costs $4,400 a year.

We need to look at what the management, what the waste and inefficiencies are in the programs that we have with Head Start, make certain that we are expending this money properly, that we eliminate bureaucracy, wasteful mismanagement and, unfortunately, in some instances, fraud and abuse.

This amendment will go a long way towards achieving that goal and making certain that every one of these taxpayer dollars are spent in the best way to benefit these children and give them truly a head start.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the amendment offered by the gentleman from Florida (Mr. MICA) which makes further improvements to the management of the Head Start program. This has been a particular concern of mine as we have held hearings and taken a comprehensive look at how we can improve the effectiveness of the program on behalf of children and families. As we have heard here today, there are many great things happening in Head Start, but many of my colleagues on both sides of the aisle share my view that not everything is working as well as it should.

When approaching this reauthorization, I took my job seriously to take a hard look at every aspect of the Head Start program and work toward the reforms that were necessary to make this program the very best that it can be. And to be perfectly frank, I did not like everything that I saw.

Over the course of the last several years, incidents of waste, fraud, program mismanagement, and even financial abuse of taxpayer dollars have been reported in at least two dozen Head Start programs across the country. While a large majority of the Head Start programs have responsible management organizations in place. I think this Congress has an obligation to improve known problems before they get worse. I think it is unfair to taxpayers, but most importantly, it is unfair to children and their parents who count on the Head Start program.

The underlying bill contains meaningful program reforms, focused primarily on improving program oversight and accountability at the local level, but in my assessment, additional reforms are needed to ensure effective program management at the top. In fact, as a recent General Accountability Office report reveals, there are systemic flaws in the program's Federal management, and these systemic flaws have been there for many, many years.

There is no need no question that we need to fix the problems at the local level. However, addressing issues locally is not enough, and I believe weaknesses in the Federal oversight mechanisms have contributed to the rash of financial mismanagement that we have seen in recent years because Head Start lacks the fundamental management standards and risk-based assessment tools necessary to prevent these types of abuses.

This amendment offers reforms that will lead to more efficient and effective Federal management of the Head Start program. In my view, the best way to accomplish this goal is for the department to contract with an experienced, independent organization to conduct a wholesale review, and support the implementation of reforms to the system of Federal management of Head Start grants. The amendment would task the intermediary organization to evaluate all systems affecting program quality, including grant selection, resource allocation, and processes to ensure the early identification of programs in need of intervention.

This amendment I think is a commonsense opportunity to inject accountability and sound management principles into the upper levels of the Head Start program. This bill seeks excellence from local Head Start programs, and I believe the same standard should be applied to the Federal Head Start structure as well.

Mr. Chairman, passage of the underlying bill will mark an important step toward enactment of the most far-reaching reforms to Head Start since the program first began 40 years ago, and this amendment could greatly improve the national program quality and maximize the use of taxpayer dollars. I want to thank my colleague from Florida, once again, for offering this amendment and ask my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

In conclusion, I know we all saw the pictures that were quite shocking in New Orleans, and many people were stunned by the level of poverty that we saw when the dikes and the levees broke. Much more was broken in that community and our communities, and that is, the education of our poorest children. No piece of legislation will do more, I think, in advancing the interests and the educational opportunities for our children than this legislation.

So I thank the gentlewoman from California (Ms. WOOLSEY). I thank the gentleman from Ohio (Chairman BOEHNER), the gentleman from Delaware (Mr. CASTLE), and others involved in moving this important piece of legislation forward, improving the quality and also improving the management, making certain with this amendment that every dollar goes towards the betterment of those disadvantaged in our society.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109-229.

AMENDMENT NO. 8 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FILNER:

At the end of the bill, add the following new section:

SEC. ___. TEACHER RETENTION REPORT.

Not later than one year after implementation of the Head Start teacher qualifications and development under amendments made by this Act, the Secretary of Health and Human Services shall submit to Congress a report on Head Start teacher retention levels.

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

I just would read the amendment: "Not later than one year after implementation of the Head Start teacher qualifications and development under amendments made by this Act, the Secretary of Health and Human Services shall submit to Congress a report on Head Start teacher retention levels."

I rise to support this amendment, and I want to thank the gentlewoman from California (Ms. WOOLSEY), my good friend, who for the 13 years she has been here has been a tireless advocate for Head Start and all other education programs that provide access of all our country's children to the quality education that they deserve. I know she looks forward to the day, as I do, that we do get full funding for the Head Start program for all children who are eligible in this Nation, and we will work with the gentlewoman toward that end.

We all know and we have heard today from both sides of the aisle about the importance and quality of Head Start. It has played, for four decades now, a vital role in the lives of thousands of children and parents across the country, and certainly in my home area of San Diego and Imperial Counties of California.

The government gets it right on Head Start. We are providing opportunities for children in underserved areas where parents may not be able to afford preschool so they can begin their schooling with a running or Head Start.

I have witnessed Head Start's benefits firsthand at different levels. Before entering Congress, I taught for 20 years as a history professor at San Diego State University, and I will tell my colleagues that, even at that level, the students who had been through Head Start as children owe that program a great deal for their getting through college, and they may not even have been able to get through high school without it.

I was on the San Diego school board for 4 years, where I watched children successfully matriculate into elementary schools from Head Start programs from all around our city. It was clear then, and remains equally clear today, that the work of Head Start plays an enormously significant role within our education community.

□ 1415

Now, as we know, in this year's reauthorization, Congress is implementing the strongest requirements for teacher qualifications and development in Head Start's history. Teachers will have to have more incoming experience and face more on-the-job professional development than ever before.

I commend the committee and I commend this Congress for taking that action, but we have to remember that, as we add these more stringent requirements and more accountability and more professional development, we are going to have to fund the resources necessary to achieve that.

In fact, we have to answer the question: Might we be pricing Head Start right out of the teaching market? Right now, teaching is a profession that has more openings than can be filled. When we drastically increase the work requirements without increasing the salary levels, there is a risk of running many successful and experienced teachers right out of the program. If we narrow Head Start's hiring pool, it may be forced to compete with institutions that have greater funding and resources to hire. So without providing far more funding than this bill offers, hiring may become difficult as prospective teachers may go elsewhere.

We have seen that, in another unfunded mandate, the so-called No Child Left Behind Act, which created tougher standards, and we all support that, but Congress did not provide the money to attract and hire the best teachers. So since there is a real possibility of increased teacher requirements leading to a dropoff in the number of experienced Head Start teachers, I hope the House will accept my amendment, which calls for the Secretary of Health and Human Services to submit to Congress a study reporting on Head Start's teacher retention levels. This study will be completed within 1 year of the enactment of the new regulations.

With this study, we will have an early look at the impact of these regulations. It will paint a picture of whether Head Start teachers are staying and meeting the new requirements or whether these new requirements are inadvertently driving experienced teachers from such an important program as Head Start. These early results will tell us if we are on the correct path or if we need to modify some of the rules before there is more damage.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Mr. BASS). Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

First, let me just say that I strongly support the Filner amendment. Actually, it is interesting to hear some of these amendments, because they would apply to education in general and not just to Head Start, and I think this is one that falls into that category.

It is very important to understand qualifications, retention, and what is happening in that particular area. I think, as I know the gentleman from California (Mr. FILNER) is aware, but I think everybody needs to be aware of the fact that the underlying bill requires that at least 50 percent of all Head Start teachers nationwide have a baccalaureate or advanced degree in early childhood education or related field by September 30, 2011. And it also requires that within 3 years all Head Start teachers hired after the date of enactment of this act must have at least an associate degree in early childhood education or related field, or be enrolled in a program of study leading to an associate degree in early childhood education or related field within 3 years.

These are significant steps. They will enhance the educational progress as far as Head Start is concerned. We also need to worry about the retention. It is going to raise economic issues in terms of being able to pay for this. We are clearly going to have to look at that in terms of our future appropriations. So I think all this melds together in what in my mind would be a dramatic improvement in Head Start.

Again, we retain all of the services presently provided. It is just that there is an added emphasis on the educational side of it, which I think we all agree is needed. So I am strongly in support of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FILNER. Mr. Chairman, I thank the chairman both for his support and for his commitment to Head Start. I also have fond remembrance of being a graduate student at the University of Delaware, which the gentleman knows very well, and appreciate the education in his State of Delaware.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I want to thank the gentleman from California (Mr. FILNER) for offering this amendment and the chairman, the gentleman from Delaware (Mr. CASTLE) for supporting it.

We know the base bill increases teacher quality requirements, and we also know that we are not doing nearly enough to help Head Start programs hire and keep these more qualified teachers. So I support my colleague's interests and understanding on making this happen.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. TERRY) assumed the Chair.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3761. An act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina.

The SPEAKER pro tempore. The Committee will resume its sitting.

SCHOOL READINESS ACT OF 2005

The Committee resumed its sitting.

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109–229.

AMENDMENT NO. 9 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. MILLENDER-MCDONALD:

At the end of the bill, add the following new section:

SEC. _____. IMPROVING HEAD START ACCESS FOR HOMELESS AND FOSTER CHILDREN.

(a) DEFINITIONS.—Section 637 of the Head Start Act (42 U.S.C. 9832) is amended by adding at the end the following:

"(18) The term 'family' means all persons living in the same household who are—

"(A) supported by the income of at least 1 parent or guardian (including any relative acting in place of a parent, such as a grandparent) of a child enrolling or participating in the Head Start program; and

"(B) related to the parent or guardian by blood, marriage, or adoption.

"(19) The term 'homeless child' means a child described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

"(20) The term 'homeless family' means the family of a homeless child.".

(b) ALLOTMENT OF FUNDS: LIMITATIONS ON ASSISTANCE.—

(1) QUALITY IMPROVEMENT.—Section 640(a)(3) of the Head Start Act (42 U.S.C. 9835(a)(3)) is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by inserting "children in foster care, children referred to Head Start programs by child welfare agencies, " after "background"; and

(ii) in clause (v), by inserting ", including collaboration to increase program participation by underserved populations, including homeless children, eligible children in foster care, and children referred to Head Start programs by child welfare agencies" before the period; and

(B) in subparagraph (C)—

(i) in clause (ii)(IV)—

(I) by inserting "homeless children, children in foster care, children referred to Head Start programs by child welfare agencies, " after "dysfunctional families"; and

(II) by inserting "and families" after "communities";

(ii) in clause (v)—

(I) by inserting "homeless children, children in foster care, children referred to Head Start programs by child welfare agencies," after "dysfunctional families"; and

(II) by inserting "and families" after "communities";

(iii) by redesignating clause (vi) as clause (viii); and

(iv) by inserting after clause (v) the following:

"(vi) To conduct outreach to homeless families and to increase Head Start program participation by homeless children.".

(2) COLLABORATION GRANTS.—Section 640(a)(5)(C)(iv) of the Head Start Act (42 U.S.C. 9835(a)(5)(C)(iv)) is amended—

(A) by inserting "child welfare (including child protective services)," after "child care,";

(B) by inserting "home-based services (including home visiting services)," after "family literacy services"; and

(3) ALLOCATION OF FUNDS.—Section 640(g)(2) of the Head Start Act (42 U.S.C. 9835(g)(2)) is amended—

(A) in subparagraph (C)—

(i) by inserting "organizations and agencies providing family support services, child abuse prevention services, protective services, and foster care, and" after "(including"; and

(ii) by striking "and public entities serving children with disabilities" and inserting ", public entities, and individuals serving children with disabilities and homeless children (including local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)))";

(B) in subparagraph (H), by inserting "(including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)))" after "community involved".

(c) RESEARCH, DEMONSTRATIONS, AND EVALUATION.—Section 649 of the Head Start Act (42 U.S.C. 9844) is amended in subsection (a)(1)(B), by striking "disabilities)" and inserting "disabilities, homeless children, children who have been abused or neglected, and children in foster care".

(d) REPORTS.—Section 650(a) of the Head Start Act (42 U.S.C. 9846(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "disabled and" and inserting "disabled children, homeless children, children in foster care, and";

(2) in paragraph (8), by inserting "homelessness, whether the child is in foster care or was referred by a child welfare agency," after "background".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield myself such time as I may consume, and I first want to thank my colleague and friend, the gentlewoman from California (Ms. WOOLSEY), as well as the chairman of the subcommittee, for allowing me to come before the body today for this very important amendment.

Today, I am offering an amendment that addresses one of our Nation's greatest needs: providing a sound educational foundation for children who are homeless or in foster care. There are many obstacles these children must overcome, but access to early education should not be one of them.

Quite simply, my amendment does the following: it encourages Head Start grantees to reduce barriers by directing them to increase their outreach to homeless and foster children. It encourages coordination between Head Start grantees and community service providers and homeless and foster children. It increases the coordination of these populations as they transition out of Head Start to elementary school and increases reporting requirements. It allows homeless children and foster children to be automatically eligible for Head Start.

Mr. Chairman, the early years of a child's life are critical to their development. Homeless and foster youth face monumental hurdles, starting with their need for stability, emotional reassurance, and access to educational resources. Because of these inherent challenges, homeless children and foster youth are twice as likely to have a learning disability and are three times as likely to have emotional and behavioral problems that can contribute to long-term learning disabilities. We can help these kids by identifying them early and making sure that they are enrolled in Head Start. The work we do now for these kids will help them throughout their life.

This, Mr. Chairman, is an investment worth making, but we must make this investment now. The numbers are staggering. Tragically, an estimated 1.4 million children experience homelessness each year. More than 40 percent of the children in homeless shelters are under the age of 5. Currently, only 2 percent of the more than 900,000 students served by Head Start are children identified as homeless.

In my home State of California, there are more homeless children today than ever before. The California Department of Housing and Community Development estimates that there are 80,000 to 95,000 homeless children statewide. The vast majority of these children come from homeless families that consist of a single mother and her children.

The numbers of children in foster care are equally astonishing. There are approximately 532,000 children in foster care in the United States. In California, there are approximately 85,226 children in foster care.

With the devastation of Hurricane Katrina in the gulf States, and the displacement of families, these numbers will only increase. Now, more than ever, our children need a head start just to keep up.

Providing opportunities for foster children has long been a priority of mine. I have introduced legislation in this Congress that creates a foster care mentoring program that seeks to team college students with foster kids who age out of the system. The purpose of this is to provide structure for these children and to open new doors and opportunities through education and community partnerships.

But all of these partnerships, Mr. Chairman, start at an early age and must begin with Head Start.

Mr. Chairman, my amendment is good policy. This is an excellent investment in our most vulnerable population. No child should be alone in the world, and in these United States of America no child should be left behind. My amendment will prevent these children from the beginning in becoming victims of bureaucratic loopholes and keep them transitioning into and through life with the support and commitment that they deserve. I ask all of my colleagues to support this critical amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Mr. Terry). Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume, and I rise in very strong support of this amendment, which goes along with a number of other amendments which we have had, which is recognizing the fact that when you are dealing with Head Start you are dealing with a population that comes from 100 percent of poverty or less, and you are dealing with people who are going to have barriers in terms of their education. They may be barriers in terms of where they live or the ability of the parents to care for them. They may be homeless or foster children, as the sponsor has pointed out; and I think it is only right and just and absolutely the correct thing to do to increase that access.

In fact, perhaps that is more important than anything else we can do in terms of the kinds of children we are reaching out to, in terms of their background issues. So for that reason, I am extremely supportive of this amendment, and I think it is a great deal of help to what I believe is already a good piece of legislation, and I encourage each and every one of us to support it.

Mr. Chairman, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. Woolsey).

Ms. WOOLSEY. Mr. Chairman, I want to thank my friend and colleague from California (Ms. Millender-McDonald) for offering this amendment and our chairman for accepting it.

Head Start is a program to give a helping hand to vulnerable children, and no child is more vulnerable than a homeless or foster child. This amendment will improve outreach and coordination of services for these very children, and this will help ensure that they receive the services they need to succeed in school and in life.

Mr. Chairman, this is a worthy amendment and I support it.

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the chairman of the subcommittee, the chairman of the full committee, and the gentlewoman from California (Ms. Woolsey) for their support. I ask all of my colleagues to support this very worthy amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. Millender-McDonald).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 109–229.

AMENDMENT NO. 10 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mrs. Musgrave:

At the end of the bill, insert the following new section:

SEC. ___. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) in amended—

(1) in subsection (b), by inserting immediately before "exceed 15 percent" the following: ", and any reasonable amounts, in excess of allowable direct and indirect costs, normally incurred or recognized by an entity eligible under section 641(a)(1) by virtue of its organization,"; and

(2) in subsection (c), by inserting after the second sentence the following: "For purposes of this section, the Secretary shall prescribe no rules or regulations that prohibit an entity eligible under section 641(a)(1) from effectively competing for or administering a grant by virtue of its organization.".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentlewoman from Colorado (Mrs. Musgrave) and the gentlewoman from California (Ms. Woolsey) each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado (Mrs. Musgrave).

Mrs. MUSGRAVE. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to commend the chairman on the good work that he did. This bill really increases competition and accountability in the Head Start Early Childhood Program.

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While the vast majority of Head Start programs are of very high quality, I have been concerned about recent reports of mismanagement in some of the Head Start programs. That is why I am pleased that H.R. 2123 infuses the Head Start program with increased competition.

This amendment I am offering would ensure competition and access to high-quality services for these needy children. It would allow a for-profit agency that can demonstrate that it can provide a higher level of services for the same number of Head Start children at a lower cost, to keep a small portion of the administration's savings as profit.

I firmly believe Congress should be doing everything possible to encourage the highest-quality providers to become involved in Head Start. I believe my amendment will provide an incentive for high-quality for-profit providers to apply for Head Start grants and serve our Nation's neediest students.

I would also like to point out that for-profit entities are already an allowable grantee under current law, as well as H.R. 2123, so we would not be setting a new precedent in terms of for-profit participation in the program.

My amendment is bipartisan. It is supported by the National Child Care Association and the Early Care and Education Consortium. I urge my colleagues to support this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Chairman Boehner), and commend the gentleman for his good work.

Mr. BOEHNER. Mr. Chairman, I thank the gentlewoman for her amendment. I think it is a very good amendment.

Under current law, a for-profit entity can apply to be a local grantee to a Head Start program, but you are not allowed to make a profit. This has been in the law for some time. Given what we are trying to accomplish in terms of helping children be ready for school, we ought to have all of the providers possible. If there is an entity out there who thinks they can provide Head Start with a very high-quality program and make a profit, we ought to allow them the opportunity to apply and be in the program. That is all this amendment does. It does not guarantee that they are ever going to get a grant.

I am a big believer in competition, a big believer in the private sector and innovative solutions. Given the challenge we have with low-income children in very low-income neighborhoods, anything we can do to bring more high-quality innovative services to those children, we ought to take that chance, and so I support the gentlewoman's amendment.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Musgrave amendment. The underlying bill requires that Head Start grantees keep their administrative expenses to 15 percent or less of the grant. The grantee that keeps expenses lower than 15 percent would have the remaining funds available for teacher salaries or more books or other improvements that benefit the children. That is, unless this amendment passes and the grantee is a for-profit organization, in which case under my colleague's amendment, the difference between the 15 percent and lower expenses simply would be in the pocket of the for-profit organization.

So my colleague's amendment comes down to this, very simply: whether we want the benefits of more efficient administration of grantees to go to the children or whether we want to give the businesses an incentive to cut corners for profits. I hope Members all remember HMOs; those profits do not go directly back into the program to benefit the children.

I think the answer is obvious, particularly when we are serving fewer than half the eligible children. I only hope that the majority will be as willing to spend Federal dollars on serving the children as they would be in giving those dollars to for-profit companies.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. GEORGE MILLER), our ranking member.

Mr. GEORGE MILLER of California. Mr. Chairman. I thank the gentlewoman for yielding me this time, and I rise in opposition to this amendment. I think it is a bad amendment.

The fact of the matter is, if there are these kinds of savings to be had, either the grant is not right or the money should be put back into the services. When we have a program here that is failing to meet the demand for Head Start, it would seem to me if this is a high-quality program and it has the difference between 13 percent and 13.5 percent and 15 percent, which could be a couple hundred thousand dollars on a $10 million grant, which is not that unusual, that ought to be plowed into the program to extend the opportunity of this high-quality program to these children.

This program does not exist to create a profit. That does not mean that people cannot bring profit-making ideals and principles to these programs for efficiencies, but we ought to plow it into the unserved population or to improve quality programs.

When we look at the low pay and the profit-making in the nonprofit sector of Head Start, you would think that we would put that into quality to try to raise the pay so we can attract teachers with more education and child development experience and all of the rest of those issues. This is what we have been arguing and discussing and trying to improve. To now suggest, because somebody has put in some efficiencies, that money should now go to the for-profits, instead of services and extension of the benefits of Head Start to this population that is in so much need of these services, just does not make sense.

One could argue if we were meeting the need and the demand all across the country, maybe there is some argument for this. But when we know how programs struggle, and we see programs with utilities and gas going up, that is going to cause even more difficulties. And to suggest that you can somehow eke out a profit that is not returned to the benefit of the program, that just does not make any sense.

I appreciate vendors are dealing with a government grant and very low-income children and it is very difficult to make a profit, but I do not think that we should eke out the means by which that profit can be taken out of the services rendered to those children. I know these are called administrative costs, and we have been debating administrative costs for a long time. Administrative costs also go with other concerns, the question of accountability and auditing and structuring of these facilities,, all of which are part of that, too. I think this is an ill-considered amendment, and I would hope that we would reject the Musgrave amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I think the point we are trying to make here is there is a lot of innovation that is underway in terms of bringing technology and other innovation to the whole idea of learning. When it comes to early childhood programs, the chance at a profit, I believe, could bring innovation technology to this entire sector. Nobody has asked me for it. I am not suggesting there is going to be a rush to come in with innovation, but without some opportunity at getting a return on your investment, will the innovation ever come?

That is where I am willing to take the chance that new ideas, new innovations in terms of developing these children, could be very beneficial to the program.

Ms. MUSGRAVE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentlewoman from Colorado (Ms. Musgrave).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. Musgrave) will be postponed.

It is now in order to consider amendment No. 11 printed in House Report 109-229.

AMENDMENT NO. 11 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No..11 offered by Ms. WOOLSEY:

At the end of the bill, add the following new section:

SEC. _____. CHILDREN AFFECTED BY HURRICANE KATRINA.

(a) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) CHILDREN AFFECTED BY HURRICANE KATRINA.—The term "children affected by Hurricane Katrina" means a child who is not older than 5 and who resides or who resided on August 22, 2005, in an area in which the President has declared that a major disaster exists.

(2) IMPACTED HEAD START AGENCIES.—The term "impacted Head Start Agencies" means a Head Start agency receiving a significant number of children from an area in which a major disaster has been declared.

(3) MAJOR DISASTER.—The term "major disaster" means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief Emergency Assistance Act (42 U.S.C. 4170), related to Hurricane Katrina.

(b) TECHICAL ASSISTANCE, GUIDANCE, AND RESOURCES.—The Secretary shall provide technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide technical assistance, guidance, and resources, through other regional offices of the Administration, at the request of such offices, that administer affected Head Start agencies) to Head Start agencies in areas in which a major disaster has been declared, and to affected Head Start agencies, to assist the agencies involved in providing Head Start services to children affected by Hurricane Katrina.

(c) WAIVER.—For such period up to March 31, 2006, and to such extent as the Secretary considers appropriate, the Secretary of Health and Human Services—

(1) may waive section 640(b) of the Head Start Act.

(2) shall waive requirements of documentation for children affected by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded under the Head Start Act.

The ACTING CHAIRMAN. Pursuant to House Resolution 455, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment on behalf of the gentleman from Mississippi (Mr. THOMPSON) who is unable to be here this afternoon.

Mr. Chairman, this amendment will help some of the most vulnerable victims of Hurricane Katrina, the children. As a result of Hurricane Katrina, many families have been displaced from their homes and their schools. This amendment allows displaced families to enroll their children under the age of 5 in Head Start.

In Mississippi, 44 Head Start centers were impacted by Hurricane Katrina, 18 centers will be closed indefinitely, and 26 more are in need of repair. Approximately 26,743 children within the State of the gentleman from Mississippi (Mr. THOMPSON) are eligible for Head Start services prior to Hurricane Katrina. In the aftermath, the number is expected to double.

In the neighboring State of Louisiana, 117 centers were impacted, 83 remain closed, and 34 centers are providing partial services.

In Alabama, 9 centers were impacted. 3 centers will be closed indefinitely, and 6 are in need of repair.

This amendment provides a waiver for 6 months for those families that do not have proof of immunizations and income levels to participate in the Head Start program. This 6-month waiver authority also permits the Secretary of Health and Human Services to waive the 20 percent local Head Start match requirement.

This amendment directs the Secretary to provide technical assistance, guidance, and resources which permits agencies to provide Head Start services to children who have been affected by the hurricane. The total number of Head Start children affected by Hurricane Katrina is approximately 18,000. Since the devastation of Hurricane Katrina, more families are now Head Start eligible. If you want families to come back and restore their communities, their children need to be safe and healthy in environments where they can learn and play.

I understand and appreciate that the majority will accept this amendment and I think that is wonderful. I hope that the majority will also join us in the coming days to appropriate supplemental funds for these same children.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentlewoman from California (Ms. WOOLSEY) for offering this amendment on behalf of the gentleman from California (Mr. THOMPSON).

The gentleman from California (Mr. THOMPSON) and I have worked together and have known each other since the gentleman's arrival here in Congress. This amendment will direct the Department of Health and Human Services to assist those displaced children, to try to get them into Head Start locations around the country. We have already allocated some $15 million to help enroll children in those places where they have moved to temporarily.

We believe that the amendment offered by the gentleman from California (Mr. THOMPSON) would help on a longer-term basis. Given the fact we have another hurricane going to hit somewhere in the gulf in the next couple of days, unfortunately, there could be more children displaced, and helping them stay in a Head Start program, regardless of where they go, is something for their good and their family's good and our country's good, and is something we should do. I urge my colleagues to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California.

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 109–229.

AMENDMENT NO. 12 OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BOEHNER:

At the end of the bill, insert the following new section:

SEC. . DISCRIMINATION PROVISIONS.

Section 654 of the Head Start Act is amended to read as follows:

"SEC. 654 NONDISCRIMINATION PROVISIONS.

"(a)(1) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(2) Paragraph (1) shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in this subsection.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment (except as provided in subsection (a)(2)), in the administration of any program, project, or activity receiving assistance under this subchapter.

"(c) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract relating to the financial assistance specifically provides that no person with responsibilities in the operation of the program, project, or activity will discriminate against any individual because of a handicapping condition in violation of section 504 of the Rehabilitation Act of 1973, except as provided in subsection (a)(2).".

The Acting CHAIRMAN. Pursuant to House Resolution 455, the gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from California (Ms. WOOLSEY) each will control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Louisiana (Mr. BOUSTANY) for offering this important amendment. Unfortunately, with the hurricane moving now somewhat east of where it was, he decided to return to his district in central and southwestern Louisiana. So he is not here today, and I offer the amendment in his place.

Faith-based organizations such as churches, synagogues, and charities are an essential fabric of local communities across America. This amendment will correct a flaw in the Federal Head Start law that has stripped these organizations of their hiring rights, forcing them to relinquish their civil liberties if they choose to participate in Federal early childhood programs that are poised to be reauthorized today.

☐ 1445

We have had this debate many times before here on the House floor. In fact, earlier this year we rejected, in a bipartisan fashion, an amendment that would have barred faith-based organizations from providing job training services in their own communities. Unfortunately, each time we have had this debate, opponents of faith-based groups' federally protected right to maintain their religious nature and character through those they hire have equated these civil liberties with discrimination.

The 1964 Civil Rights Act makes clear that faith-based groups may serve their communities without being forced to give up their right to employ individuals who share the tenets and practices of their faith. Were the authors of the Civil Rights Act pro-discrimination? No.

The United States Supreme Court in 1987 unanimously reaffirmed the hiring rights for faith-based organizations. Was the Supreme Court pro-discrimination? No.

Former President Bill Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive Federal funds: the 1996 Welfare Reform law, the 1998 Community Services Block Grant Act, the 2000 Community Renewal Tax Relief Act, and the 2000 Substance Abuse and Mental Health Services Administration Act. Was President Clinton pro-discrimination? No.

The amendment we are considering today is offered in the same spirit as the 1964 Civil Rights Act, the 1987 Supreme Court decision, and each of the four laws signed into law by President Bill Clinton.

Our Nation's Head Start students deserve to be served by the very best organizations willing to lend a helping hand, and if those organizations are not faith based, so be it. But if they are, the faith and values that motivate them to serve their neighbors should not be held against them.

Considering the proven track record of faith-based providers in meeting the needs of our Nation, efforts we are seeing in action right now in the gulf coast region, why would we want to deny them the opportunity to make a difference in the lives of Head Start students?

President Bush has worked tirelessly to remove barriers that needlessly discourage faith-based groups from bringing their talents and compassion to Federal initiatives that help Americans in need. Countless times he has called on Congress to send him "the same language protecting religious hiring that President Clinton signed on four other occasions." This amendment answers the President's call once again.

We should not be denying compassionate, professional faith-based providers the opportunity to serve our children, and I want to urge my colleagues to vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is very sad that we are debating this amendment. I think it is sad because we are squandering a rare opportunity for a real bipartisan achievement with the Head Start bill today. It is sad because we are debating whether to amend a program that came out of our country's struggle for civil rights by restricting those very civil rights. And it is sad because we are debating whether to make religious discrimination a higher priority than finding the best qualified Head Start teacher for at-risk children.

We are discussing supporting religious discrimination paid for with Federal dollars. Under current law, religious organizations can and do participate in Head Start, and they always have from the very beginning. They do a very good job. Under current law, religious organizations can hire members of their own faith using only their own funds, and they have always been able to do that. And under current law, job applicants have the right to apply for a federally funded Head Start position without submitting to a religious test.

We are not talking about forcing Catholic churches to hire Jewish priests. We are talking about whether if a religious organization chooses to accept Federal funds for Head Start, it should be allowed to discriminate using those funds, which, by the way, is exactly what President Bush called on Congress to do earlier this year. The President said, "We ought to judge faith-based groups by results, not by their religion."

But, sadly, the Boustany amendment is asking us to allow some Head Start programs to judge job applicants by their religion, not by their results.

So I ask my colleagues to oppose this amendment and to oppose final passage if the bill includes this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me this time.

This is a debate we have had before, particularly in the committee as we discussed this bill last year. And I have difficulty understanding the rationale for opposing this amendment because it has been established in law for some time that churches have the right to hire on the basis of religion and the activities they pursue.

I understand some of the arguments offered, but I would point out the difficulties that one can discover immediately. As an example, the gentleman from Nebraska (Mr. OSBORNE) pointed out in the debate last year that one of his local churches operates a Head Start program, but they do not hire full-time people for that. They hire part-time people who also work for the church the rest of the day. Obviously, they should be allowed to hire on the basis of religion for the operations of the church. Why then prohibit that person from also teaching in the Head Start program?

I come from a city that is often called the City of Churches, Grand Rapids, Michigan, a great many churches often working together. And when the call came in after Hurricane Katrina, the Red Cross was asked to organize a relief effort, asked to provide emergency shelter and housing for 500 people. Their first call was to GRACE, the Grand Rapids area ecumenical group, which, through the churches, put together a shelter in a matter of 2 or 3 days. They could not have done that without that, but virtually every church in the city worked on it. Again, all of these workers were affiliated with churches and were hired partly on the basis of their religious faith. Why exclude such a potent social force from working with the government in cases of emergency or at any other time?

I think there is a basic misunderstanding here, something along the lines that we cannot have this because these people might try to proselytize some people and try to get them to join the church. That is not the motivation of the churches in Grand Rapids or across this country. They understand, based on their spiritual commitment, that they have a responsibility to their fellow human beings and that, in the name of God, they are to minister to others who are in need. And that is why they are an effective social force in meeting the needs of the poor, meeting the needs of those who are hurting, and that is the reason that they are an effective agency of the Federal Government to work with in terms of crisis, emergency, or simple pain and need on the part of certain people.

This amendment that is being offered will allow the continuation of that effort in the Head Start program; and, frankly, we should allow it in every program. Why should we rule out one of the most effective and one of the most potent social organizations in the Nation, that is, religious organizations, who are dedicated to doing good, who are seeking to do good, who are trying to honor their Lord by doing good, and they can be a very effective force? We should not exclude them in any way from their work and from their participation with the government as partners.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Louisiana. This amendment betrays our core values by permitting, for the first time in the history of the Head Start program, religious discrimination in hiring. It allows taxpayer funds to be used in Head Start programs that discriminate against teachers and parent volunteers solely because of their religious beliefs. The bill does so by eliminating existing law that has, since Head Start's beginning, protected the people who teach our children against this most reprehensible form of discrimination.

Religious discrimination in employment or the imposition of religious tests for federally funded employment in violation of the Constitution is reprehensible and an affront to our first freedom. Nobody should be able to hang out a sign that says no Catholics or Jews, no Protestants, no Lutherans, no whoever may apply for this federally funded job.

Every religious denomination in this country can run a Head Start program and has. Every religious denomination can run programs and has. No one says they cannot discriminate in who the minister is or they do not want women as ministers or, for that matter, as janitors, but not with those positions funded by the Federal Government.

That is what this amendment would breach. That is what is obnoxious. That is why it should be defeated.

We have heard terrible allegations from the other side of the aisle, and from the administration alleging, during the recent confirmation hearings for Judge Roberts, that certain members of the Other Body have hung a sign on the Federal courts saying "No Catholics Need Apply." While I continue to believe that this slur against conscientious Catholic members of the Other Body is blatantly false and slanderous, those making the charge, including the President and our colleagues on the other side of the aisle, seem to understand that religious discrimination in employment, or the imposition of a religious test for federally funded employment in violation of the Constitution, is reprehensible and an affront to our First Freedom.

I only wish they would apply that same principle to the people who teach our children.

Head Start is an exceptional program that serves nearly one million children and their families. We know from experience that it works and works well, helping our children succeed educationally. Instead of promoting religious discrimination, we should be standing up for families and for our most vulnerable children by providing the necessary resources and accountability, to ensure that all children who qualify for the Head Start program can participate and succeed.

It is time to match the rhetoric with action and leave no child behind. It is time to make good on the promise of this Nation that we are all created equal, that all children are entitled to a decent education, and that no one should ever have to decide between a job helping our children and their religious faith. No child was ever helped by governmentally funded and endorsed religious discrimination. That is not what this country is about, and it is not befitting of a nation dedicated to liberty and justice for all.

I urge my colleagues to reject this amendment, to stand up for our values of religious equality.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

We just heard some explosive rhetoric. Let me boil this down. This amendment really stands for two simple basic principles: Number one, that those who are in need should have the right to receive vital services from the most effective source in the most effective way possible. That should be their right as Americans. Now, in the vast majority of cases that is going to be a public entity, but in some cases and in some places it might just be a faith-based organization. It might be a faith-based organization, it might be a religious organization, that is the most effective choice for those in need, that family in need, those children in need. Should they not have the right to those services in the most effective way?

Secondly, the second basic principle is if it is a faith-based organization that is providing those services and participating in the program, they should not have to surrender their religious character merely because they choose to try to help out. That is what this is really all about. These organizations that are trying to reach out, that are taking a chance to help provide these services because they see people in need, the government should not say to them if they are going to help out, I am sorry, they have to surrender much of their religious character. I think that is wrong.

Let me be very clear. If we fail to adopt this amendment and fail to protect the rights of these faith-based organizations to retain their religious character in such things as hiring, it is not these groups that will suffer. They are not making money. They are not profiting by serving as Head Start providers. It will be our neediest children: it will be our families who participate in Head Start. Those will be the ones who suffer.

Let us adopt this amendment and stand for the principle that kids need help and they should be able to get it in the most effective way possible.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, first, the first half of the gentleman's remarks previously are irrelevant. We are not disputing the importance of including faith-based groups as providers. When this question came up years ago, I was ardently for it. No one is trying to prevent faith-based groups from providing the service. No one is saying that a faith-based using its own money, using private money, using private donations has to pay any attention to the question of hiring if they choose to have only their religious co-workers.

The question is if a faith-based group wants to take Federal money paid for by every taxpayer in this country, is it a violation of their religious character to say, with that Federal money, they must not discriminate in hiring?

The religious character being imputed to these groups makes me think that we are talking about the constitution of the Iraq. What is this? The Sunnis should not have to hire the Shias? The Shias should not have to deal with the Kurds? What is the principle here? Are we not trying to promote the notion of people living together? What religious group taking Federal money says, "You know what, I want to help these poor people, but not with a Jew." "I cannot have a Baptist working for me," "no Mormon need apply"?

We are not talking about administering religious services. We are not talking about performing religious rites. We are talking about taking Federal money to perform what has to be, remember, a secular service. We all agree to that. If it were not a wholly secular service, no one would expect us to be funding it with Federal money. And this is the question I have to ask my friends. Of course we want religious groups there. Why is it so terrible to tell Jews that they must associate with Baptists if Federal money is being spent to provide child care services?

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What violation of the religious right of a Catholic is to say you have to hire a Methodist? How are Episcopalians being deprived of their religious integrity if they are told that, you know what, when you have Federal money in this program, if you hire a Presbyterian, that is okay. I mean, this is fundamental, we thought, in America.

Again, we are talking about Federal money, and we are talking about not imputing to religious groups an insistence on bigotry and discrimination in the spending of Federal funds.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX), a member of our committee.

Ms. FOXX. Mr. Chairman, I rise in support of the Boustany amendment which seeks to include important protections for religious organizations in this bill.

As I stated in my remarks during consideration of the rule, this Nation is second to none in charitable giving and in helping others in need. This is not just a religious tenet, but an American principle, and we as Americans must continue to encourage and foster that spirit of giving and serving others. Not allowing those organizations, who have proven they are some of the best at feeding the hungry, healing the sick, and housing the homeless, to provide early childhood education for our children is just wrong.

A secular group, such as Planned Parenthood or the Sierra Club, that receives government money is currently free to hire based on its ideology and mission, but still use Federal funds for certain programs and activities they provide. Yet, groups that are religious in nature are not allowed to hire according to their ideology and mission? Because an organization has among its purposes and basic tenets to serve others is not a reason to discriminate against them.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Chairman, today I rise to oppose the Boustany amendment and all the explicit discrimination it represents by removing Head Start hiring protections provided by the Equal Opportunity Act. Currently, Head Start law embraces the Equal Opportunity Act. This amendment cuts the heart out of it.

This is a blatant attack on civil rights and this sanctions discrimination. This would allow organizations to discriminate based on religion, as well as fundamentally changing disability laws, discrimination paid for by U.S. tax dollars. This amendment is offensive to Americans who value civil rights, equal justice, and to many, many of us who are strong people of faith.

Let us be clear. Faith-based organizations currently are providing Head Start services, and their mission, their work is valued by all of us. This amendment provides no additional opportunities to faith-based organizations, because they can currently apply for Head Start dollars.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from South Carolina (Mr. INGLIS), a member of our committee.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Boustany amendment. There has been a lot of talk about how it would appear these faith-based organizations are bigoted and maybe even arrogant for wanting to express their views. I think it is the opposite. The government here, absent the Boustany amendment, is being arrogant and bigoted.

It could be, if the government wants to take advantage of the location, let us say, of a Hebrew school in downtown New York, that it is the best possible route of caring for people in need in that area. Why would the government think that it is our position, our prerogative, to insist that the Hebrew school hire somebody outside their faith tradition? It is the ultimate of arrogance on the part of the Federal Government.

And to those who are concerned about the constitutional issues, may I remind my colleagues the Supreme Court actually ruled on this matter. In a 1987 case, Corporation of the Presiding Bishop v. Amos, the Court supported this kind of approach.

Ms. WOOLSEY. Mr. Chairman, I yield 15 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I just want to make clear the Supreme Court cases made it clear that you could discriminate with your personal church money, but not with Federal money. All of the cases are consistent. In fact, if my colleagues read the cases, they point out that if you are using Federal money, you cannot discriminate.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

I want to read two paragraphs from a letter from Barbara Pickney, who is head of the St. Landry Parish Head Start program and is State president of the Louisiana Head Start Association.

Paragraph number 1: "I have become aware that an amendment has been offered by Representative Boustany, a Republican from Louisiana, to the Head Start bill on the House floor today that would give faith-based organizations providing Head Start services the right to discriminate with Federal funds against employees who are of different faiths. As the State President of the Louisiana Head Start Association, I strongly oppose such an amendment."

Then she goes on to say, "I am greatly concerned that the provision to remove civil rights protections for employees could have a negative impact on the children and families who participate in these programs. Tens of thousands of at-risk 3- and 4-year-old children currently in Head Start could lose their teachers, who often are the most important adults to whom they have bonded, other than their parents; not because those teachers are doing a bad job, but because they are the wrong religion."

That was Barbara Pickney, St. Landry Parish Head Start program, State president of the Louisiana Head Start Association.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, you can use whatever rhetoric you want, but at the end of the day, this amendment not only legalizes religious discrimination in America, it pays for that discrimination using American taxpayer dollars.

It is disappointing to me, and I think to the vast majority of Americans, that on the same day we are pleading with Iraqis to provide religious freedom to their citizens, the Republican leadership and this House, with this amendment, is saying it is okay to force an American citizen to choose between his or her faith and his or her job. They are saying it is okay for American citizens to have to pass someone else's private religious test to qualify for a publicly funded job.

I do not think most Americans are going to think that is okay. I think they are going to be offended by it. I think people of faith are going to be offended by the fact that some in this House think that groups have got to be able to discriminate based on religion in order to make their programs work.

The fact is, this amendment supports and allows and subsidizes racial discrimination in job hiring, and no amount of rhetoric can deny that.

I do not know how the majority can stand up and say it is okay to put up a sign, paid for by tax dollars, saying no Jews nor Catholics need apply here for a federally funded job, even though they might have a Ph.D. in education and 20 years of experience helping children get a head start in life; they can still put up that sign. I wonder what the majority is going to say and people think they are going to say the first time a Christian is denied a job by a Muslim group that has received $1 million in Federal funding to run a Head Start program and say, no Christians need apply here for a job.

Mr. Chairman, our country has more religious tolerance than any other Nation in the world and more religious freedom than any other Nation in the world because we have not allowed this kind of discrimination in America.

This is taking America down the wrong path. Defeat this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, since 1965, Head Start has provided 22 million children, American children, with the education and health and social services to lead productive lives. It is the most successful school readiness program in the Nation. It has always received bipartisan support. I want to commend the chairman and the committee for producing a very good bill that reauthorizes Head Start so America's children get the same type of investment that we have been providing Iraqi children.

I find myself puzzled why you would take such good legislation and play politics with it when we can make progress. The rest of the country is looking at us and asking us to please put politics aside and put progress first. Do not divide Americans along religious lines. That is not the America they want; they want an American that comes together, recognizes our differences, and makes progress rather than politics.

Mr. Chairman, it is amendments like this that remind me why 29 percent of the American people think the Congress is doing a good job, but well over 75 percent of the American people think this Congress is failing to meet the obligations and the challenges that America has. You today can get a bill passed in a bipartisan vote, unanimously, with everybody understanding because we are investing in America's children, and you chose to take that progress and play politics in the most ugly way, by pinning American against American based on their religion. This does not represent America's values, it does not represent your values, and you chose to put politics over progress. It reminds me when I look at today's data why the American people hold this Congress in the lowest esteem it has in over 15 years.

Invest in America's future. Choose these children. Give them the best start they can for productive lives where they can come and be contributors to this country. No, we do not take the progress. The chairman of the committee did a good job in the committee, producing a good bill that builds on the progress of the last 40 years and continues to invest in America's children, and you chose to put an amendment on this floor, unprecedented, that chose to divide America, not unite it, to choose politics over progress, and to continue the same policies that has taken this Congress to the lowest esteem ever in the American people's history.

Mr. BOEHNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the previous speaker talked about how we brought this bill out of our committee and brought it to the House, with a unanimous vote out of the committee, 48 to nothing. One of the reasons that this language was not included in the original bill was to try to create a spirit of bipartisanship in moving the process along.

But the American people elected us to come here and make decisions on their behalf. We are having a free and open debate about this issue. No one should denigrate the majority because we want to have a debate and want to have a vote. We have had this debate many times in this House. It has passed every time on a bipartisan basis, and I expect it will pass on a bipartisan basis again today.

The issue here is a simple one. In the 1964 Civil Rights Act, and amendments to it in 1974, religious organizations were granted an exception in their hiring practices so they could hire people of their own faith. I think most people would understand that. Over the years, religious organizations have been involved in doing all types of good works, including providing programs in their communities. But, for far too long, these organizations have been denied the use of Federal dollars in order to preserve their religious heritage.

Over the years, a number of programs passed by this Congress have been signed into law that have allowed religious organizations to maintain the rights given to them under the 1964 Civil Rights Act and provide services with Federal funds. As a matter of fact, Bill Clinton. Bill Clinton, during 8 years in office, signed 4 laws into law that had the same identical language as being offered to this bill today.

Mr. EMANUEL. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Illinois.

Mr. EMANUEL. Mr. Chairman, as somebody who worked for President Clinton as his senior advisor, President Clinton did not support, nor did he introduce in his welfare bill, anything that you are saying, and I will say he never promulgated those rules or enforced that. Mr. Chairman, as the gentleman knows, that is not correct.

Mr. BOEHNER. Mr. Chairman, reclaiming my time, the point is, President Bill Clinton signed these laws into law, knowing that the language that we are offering today was included.

What we have been trying to do in the Work Force Investment Act, the Community Services Block Grant Act, today in the Head Start Act, is bring some consistency to the Federal rules and regulations in terms of allowing faith-based providers to offer services without having to give up their protections under the Civil Rights Act.

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Now, if you want to change the 1964 Civil Rights Act and say to religious organizations, you can have your exemption on hiring, unless you take a Federal dollar, fine. Go have that debate in the Judiciary Committee, bring it out here, and we will vote on it. But this is not the forum to deny those organizations their own rights.

Ms. WOOLSEY. Mr. Chairman, I yield 10 seconds to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, in the original welfare reform bill by President Clinton, this provision was never in it. Second, it was unconstitutional, and it was never promulgated by President Clinton in the rulemaking. He does not support that provision. If you want to support something that President Clinton believed in, then try fiscal responsibility and start balancing the budget. This is not what he believes, and the gentleman from Ohio knows that, Mr. Chairman.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentlewoman for yielding me this time.

Mr. Chairman, again, no group is barred from participation. If this amendment is adopted or not adopted, any organization that could sponsor a program with this amendment could sponsor it without the amendment if you would agree not to discriminate. Now what we are doing, you can try to dress it up a little bit, but we are talking about a policy where someone wants to refuse to hire Catholics, Jews, and Muslims just because they are prejudiced. If that offends you, then I do not have to explain to you what is wrong with this amendment.

If it does not offend you, then I am going to have trouble explaining to you what is wrong with this amendment. The 1964 Civil Rights Act has been cited. Let us remember the vote on that amendment was not unanimous. Obviously a lot of people back then, virtually every Representative from my home State of Virginia, voted against the Civil Rights Act. But let us remember what it said in the religious exemption. It said you could discriminate if your work is connected with carrying on the church activities.

Now, obviously it is okay with church money, but a contract to administer a Head Start program is a contract for government services. It is not a gift to the church to advance religious missions. It is a contract to administer a federally funded program.

Now, since 1965, it has been illegal to discriminate in Head Start for all sponsors. It is okay to discriminate with the church money, just not with the Federal money. Let us remember also that when you talk about discrimination based on religion, you are talking about discrimination based on race, because some religious groups are, to the nearest percentage, 100 percent black; others, to the nearest percentage, 100 percent white. So your Head Start staff can start looking like your church.

This is a bad amendment. It is ugly. We should not turn the clock back on civil rights. If there is a problem in employment, where the employer does not like to hire people of different races or religion, traditionally it has been a problem of that employer. We need to support the victim, as we have for the last 40 years. This is a bad amendment, and it needs to be defeated.

Ms. WOOLSEY. Mr. Chairman, I yield myself the balance of my time.

This is an amendment that allows Federal funding to support discrimination. It is paid for by Federal tax dollars. It will strip civil rights protections by allowing religious organizations to discriminate in hiring on the basis of religion for Head Start positions, and I repeat, using Federal taxpayers' money.

Under the amendment, a religious organization could tell a potential Head Start teacher, of all of the applicants we have seen, you would be the best one to teach our kids, but we are not going to hire you, because you are not the right religion.

As I said earlier, Head Start kids are at risk as it is, without their teachers being chosen because of their religion instead of whether they are the best qualified.

Mr. Chairman, I ask the members of this body, think before you vote yes on this. Think before you set a precedent that has Federal funding paying for discrimination based on religion.

Mr. BOEHNER. Mr. Chairman, I yield myself 30 seconds.

What we are trying to do here is preserve the rights given to religious organizations under the 1964 Civil Rights Act. And for the Members who have been paying some attention to this, we know that Members on different sides of the aisle, and frankly it is on a bipartisan basis, have deeply held convictions about this. Clearly, we are not in real agreement.

But this is an issue that the House really should decide and the House should vote on. I am glad that we are having this debate once again, because the longer we have the debate, clearly, the evidence is coming down that the winning side continues to prevail.

Mr. Chairman, I yield the balance of my time to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I do not know how much clearer this can be made. We keep having this circular debate on so many issues. I will just go back to the law one more time. We have mentioned over and over, title VII, Civil Rights Act, 1964, states specifically, and this is the verbiage, "This subchapter shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

There is no way we can change this. This is the verbiage. This is the language.

What we are saying here is that a faith-based organization cannot be expected to sustain their religious mission if we do not uphold this statute. It is very plain.

If a choir director or a youth director also serves as a Head Start employee, you certainly should not have to hire somebody that does not sustain the mission of the church.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to show my opposition to the Boustany Amendment.

Head Start has been one of the most successful education programs in our Nation's history.

It is successful because it brings public, private and faith based organizations together to provide a common good.

Head Start helps disadvantaged youth get a firm foundation on which they can build a strong education.

Mr. BOUSTANY's amendment would allow faith based organizations to circumvent civil rights laws governing hiring practices by entities receiving federal funding.

I strongly believe in the case of Head Start, that this is inappropriate. Head Start programs are not allowed to decide what religion or race the children they serve are.

Nor should they be able to eliminate qualified candidates for employment based on their religious beliefs.

In my district, thousands of children are served by Head Start and almost every major religion is represented by a Head Start program in Houston.

This amendment could lead to divisions in partnerships between Head Start providers and communities.

Currently, many of these relationships are harmonious because our community, religious leaders, and educators keep the diverse interests of our community a priority.

I believe this amendment could lead to a shift in those priorities and therefore urge my colleagues to vote against this amendment.

Mr. CUMMINGS. Mr. Chairman, I rise today to oppose the Boustany amendment to the School Readiness Act of 2005 (H.R. 2123). This amendment would abolish long standing civil rights protections that ensure federally funded jobs in the Head Start program are not subject to discrimination.

At a time when 37 million Americans endure the plight of poverty, Congress is tragically debating an amendment that would undermine a successful anti-poverty program. Head Start provides disadvantaged children with a genuine head start in life to outrun the clutches of limited opportunities. While H.R. 2123 is not a perfect bill, it positively maintains the successful federal-to-local structure of Head Start and wisely promotes "smart accountability."

Mr. Chairman, the Boustany amendment needlessly dismantles the bipartisan spirit of the underlying bill in an attempt to rectify a nonexistent problem. For decades, faith-based organizations that provide Head Start services have ably met the needs of children, while adhering to the law protecting their 198,000 teachers and 1.4 million volunteers from employment discrimination. The Boustany amendment would repeal those protections, allowing faith-based Head Start providers to establish a "religious test" to dictate personnel decisions for positions funded with federal tax dollars.

In fact, the Boustany amendment could allow discrimination on practically any basis. Those whose race, gender, or lifestyle are not aligned with a particular interpretation of faith could be prohibited from federally funded employment under the guise of preserving religious expression. For instance, in deciding who gets hired and fired from Head Start, do we really want an individual's position on contraception or creationism to be equally as relevant as their professional qualifications? Head Start teachers should be judged not by faith, but by teaching ability.

That is why hundreds of faith-based and civil rights organizations are leading the fight against this discriminatory amendment. The Boustany amendment is a poison pill that represents the worst of partisan politics. At a hearing held by the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, of which I am the Ranking Member, David Kuo, former Deputy Director of the White House Office of Faith-Based and Community Initiatives, testified that:

"At the same time, many members of the president's own party expressed equal parts apathy and antipathy towards this agenda. Money for the poor? Why it will just get wasted, they said . . . all we really need to do is make sure that we have a huge political fight over religious charities right to hire and fire based on their own faith. That way Republicans will be seen as fighting for religion and Democrats will be seen as fighting against it. 'It is a good fight to have,' I heard time and again. A good fight for partisanship perhaps, but less good for the poor."

His words are telling of how some in this body are using religion to divide the nation and to enact federally subsidized discrimination. That is most unfortunate.

As many of my colleagues have pointed out and I will repeat for emphasis—current law already supports the notion that faith-based organizations can use its own private funds to decide who it wants to hire on the basis of religion, they simply cannot discriminate in hiring with American taxpayers' dollars. Discrimination with federal dollars is the real issue, not faith-based organizations providing Head Start services. Faith-based organizations are and will continue to be critical partners in providing these services.

Mr. Chairman, in this new century so rich with opportunities to right the wrongs of our past, let us embrace our democratic values and put the needs of our children ahead of partisan political interests. I encourage my colleagues to vote "no" on the Boustany amendment, and if passed, to vote "no" on final passage.

Mr. RUSH. Mr. Chairman, today we are debating whether or not we should repeal civil rights provisions in Head Start reauthorization, and allow religious organizations that use federal funding to discriminate in hiring and firing based on an individual's religious beliefs. In a time when we are forcefully trying to persuade other countries to include protections against religious discrimination in their constitutions, it is astounding that we are here, in the United States Congress, trying to repeal these same protections for our own citizens.

As a practicing ordained minister, I find the Boustany amendment to be unnecessary, unwise, and unproductive. The Boustany amendment would allow religious organizations to waive civil rights protections that nonreligious organizations must abide by. The provisions that currently govern Head Start have been in place and have been working effectively for decades. Religious organizations operate over 5 percent of all Head Start programs, abiding by the civil rights provisions, and there is no need for Congress to take this unprecedented step that Mr. BOUSTANY is proposing. Never before has Congress ever repealed existing civil rights protections by adopting an amendment on the House Floor, without the benefit of committee hearings, debate, or expert testimony.

In fact, H.R. 2123, the School Readiness Act, passed through the Education and the Workforce Committee by a bipartisan, unanimous 48–0 vote. Now, some Members of Congress are attempting to sabotage this bill by attaching this unconstitutional, divisive amendment to it. Maybe this is a way for Members who are against Head Start anyway, to try and derail the program. Mr. BOUSTANY knows that Democrats will note vote for an amendment that allows federally funded organizations to discriminate against any Americans on any grounds.

Republicans are trying to make us choose between early childcare for our neediest students and civil rights protections for the rest of our citizens. I wonder what the real motivation is behind bringing up this amendment.

It is truly a shame that Members of this House are playing politics with a bill that affects millions of our young children, and which millions of Americans have come to trust and rely on. No, Mr. Speaker, I will not vote for a bill that repeals civil rights protections. I will not vote for federally funded discrimination. It is unconscionable that Members of Congress would try to reverse the progress that we have made on civil rights in this country. What message are we sending to the rest of the world, including the newly-established democracies struggling to find a balance between religious freedom and civil liberties in their own laws and constitutions?

Adopting the Boustany amendment will send our country in the wrong direction. This is just another example of where the Republican Leadership wants to take our country, and I hope all our citizens are watching carefully. I urge a "no" vote on the Boustany amendment.

Mr. BOUSTANY. Mr. Chairman, on September 22, 2005, I returned to my district to prepare for Hurricane Rita, which was projected to hit southwest Louisiana, and I was unable to be present during House consideration of H.R. 2123, "School Readiness Act of 2005." Had I been present, I planned to offer an amendment that would allow faith-based Head Start providers to participate in the program and maintain the character of their organization through their employment practices. I would like to thank my colleague, Representative JOHN BOEHNER, for introducing this amendment in my absence.

It is critical that faith-based organizations that are willing to serve their communities by participating in federal programs are not forced to give up who they are to participate. They cannot be expected to sustain their religious mission without the ability to employ individuals who share the tenets and practices of their faith or who are dedicated to upholding the values of the organization. These groups should not be forced to abandon who they are because they want to assist the community; we lose too many good people who want to help when we put that barrier in their way.

Now, more than ever before, we are seeing first hand the good work these groups are doing in my region of the country. In the aftermath of Hurricane Katrina, faith-based organizations were among the first to reach out a hand in service to those impacted by the disaster.

The 1964 Civil Rights Act makes it clear that faith-based groups have a federally protected right to maintain their religious nature and character through those they hire. If we do not include the provision to allow them to exercise their right we are continuing to discourage potential providers, who could provide needed learning experiences, from participating in the program.

Let me be clear, we are not talking about discrimination—nothing in the amendment will allow a faith-based provider to discriminate. The Boehner amendment merely allows faith-based providers to exercise their rights under the Civil Rights Act and help their neighbors by participating in this federal program.

We have a long history of making social service legislation more inclusive by extending these rights in various federal programs. Despite the attacks launched by opponents of this amendment that we will hear today, former President Clinton actually signed four separate pieces of legislation that explicitly allow religious organizations providing social services to make employment decisions based on religion, including the Welfare Reform Act of 1996 and the Community Services Block Grant Act of 1998.

We have also passed these protections in other. legislation in the House, most recently on the Job Training Improvement Act, H.R. 27.

The Boehner amendment to the School Readiness Act would simply make Head Start consistent with the legislation governing other major social service programs amendment, and I urge support of this amendment.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, today I rise to oppose the Boustany amendment and all the explicit discrimination it represents.

Mr. BOUSTANY's proposal fundamentally changes Head Start hiring and firing protections provided for Head Start teachers and staff by Federal Equal Employment Opportunity laws. If this amendment passes, this would be the first time Congress has acted on the House Floor to specifically repeal civil rights protections established to combat discrimination.

The amendment is a blatant attack on civil rights. And, it is offensive to Americans who value equal rights and justice, and to the many of us who are strong people of faith.

This amendment would allow faith-based organizations that receive Federal Head Start dollars to discriminate in the hiring and firing of Head Start employees simply based on religion. These changes could also affect Head Start parents who might serve as volunteers or advisory board members for their children's Head Start program.

And these acts of discrimination would be paid for with U.S. taxpayer dollars!

In addition, this amendment changes Federal Equal Employment Opportunity laws in the Head Start Act. The effects of these changes on the rights of women and people with disabilities are unclear. Certainly the questions surrounding this possible reduction in rights should be answered before we undo hard-fought civil rights protections.

Let us be clear. Faith-based organizations currently are providing Head Start services. I support faith-based organizations. Their missions and their work are valued by all of us. This amendment provides no additionl opportunities to faith-based Head Start providers. It simply provides them the explicit right to discriminate based on religion using taxpayer dollars.

Mr. Chairman, Head Start is a program intended to reduce barriers and to provide increased opportunities and equality for low-income children and their families. It is shameful that some of my colleagues are acting today to reduce opportunities and increase barriers for Head Start families.

I urge my colleagues—don't give discrimination a Head Start. Oppose this dangerous amendment.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BOEHNER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 2 by the gentleman from Indiana (Mr. SOUDER), amendment No. 4 by the gentleman from Florida (Mr. STEARNS), amendment No. 5 by the gentleman from Illinois (Mr. DAVIS), amendment No. 10 by the gentlewoman from Colorado (Mrs. MUSGRAVE), amendment No. 12 by the gentleman from Ohio (Mr. BOEHNER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 266, not voting 14, as follows:

[Roll No. 488]

AYES—153

Akin
Baca
Baird
Bartlett (MD)
Becerra
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Boozman
Brown, Corrine
Burton (IN)
Cannon
Capito
Capuano
Cardin
Case
Chabot
Chandler
Costello
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (IL)
Davis, Jo Ann
DeFazio
DeLauro
Dent
Doolittle
Duncan
Emanuel
English (PA)
Etheridge
Evans
Farr
Filner
Fitzpatrick (PA)
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Gillmor
Gonzalez
Goode
Green, Al
Gutierrez
Gutknecht
Hayworth
Hensarling
Hoekstra
Holden
Holt
Hostettler
Hulshof
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Keller
Kennedy (MN)
Kennedy (RI)
Langevin
Larson (CT)
Lee
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marshall
Matheson
Matsui
McHenry
McKinney
McNulty
Meeks (NY)
Melancon
Menendez
Millender-McDonald
Miller (FL)
Moore (KS)
Moore (WI)
Moran (KS)
Musgrave
Nadler
Napolitano
Nunes
Oberstar
Otter
Pallone
Paul
Payne
Pence
Peterson (MN)
Platts
Radanovich
Ramstad
Rogers (KY)
Rohrabacher
Rothman
Roybal-Allard
Royce
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Simmons
Smith (NJ)
Sodrel
Souder
Stearns
Strickland
Tancredo
Tanner
Taylor (NC)
Tiahrt
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watt
Weldon (FL)
Whitfield
Wu
Wynn

NOES—266

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Cantor
Capps
Cardoza
Carnahan
Carson
Carter
Castle
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Crenshaw
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emerson
Engel
Eshoo
Everett
Fattah
Feeney
Ferguson
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Herger
Herseth
Higgins
Hinchey
Hobson
Honda

Hooley
Hoyer
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jenkins
Jindal
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
LoBiondo
Lucas
Mack
Marchant
Markey
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murphy
Murtha
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Obey
Olver
Osborne
Owens
Oxley
Pascrell
Pastor
Pearce
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Upton
Walden (OR)
Walsh
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (PA)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—14

Boswell
Boustany
Brady (TX)
Buyer
Camp
DeLay
Green, Gene
Hastings (WA)
Hefley
Hinojosa
Kind
Ortiz
Poe
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1558

Messrs. KING of Iowa, REYNOLDS, ROSS, PEARCE, CARNAHAN, BERRY, Ms. HARRIS and Mr. REYES changed their vote from "aye" to "no".

Ms. WATERS, Messrs. WELDON of Florida, FLAKE, FARR, HOEKSTRA, MORAN of Kansas, LEWIS of Kentucky, RAMSTAD, ROGERS of Kentucky, SIMMONS, Ms. JACKSON-LEE of Texas, Mr. GARRETT of New Jersey, Mr. LANGEVIN, Mrs. JONES of Ohio, Messrs. WAMP, DUNCAN, CUELLAR, SCOTT of Georgia, JEFFERSON, Ms. VELÁZQUEZ, Messrs. BISHOP of Georgia, TOWNS, FORBES, MILLER of Florida, LEWIS of Georgia, Al GREEN of Texas, Mrs. NAPOLITANO, Messrs. SANDERS, MEEKS of New York, WYNN, SCOTT of Virginia, FITZPATRICK of Pennsylvania, TANNER, WATT, INSLEE, Ms. LEE, Mr. GILLMOR, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Mr. CROWLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. EVANS, DOOLITTLE, MOORE of Kansas, HENSARLING, OTTER, MENENDEZ, GONZALEZ, Ms. ROYBAL-ALLARD, Messrs. FILNER, BACA, SERRANO, BECERRA, CARDIN, PALLONE, NADLER, Ms. SCHAKOWSKY, Messrs. CHABOT, SHAW, MARSHALL, ISRAEL, Ms. DELAURO, Messrs. EMANUEL, LARSON of Connecticut, CRAMER, MCNULTY and HOLDEN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

The Acting CHAIRMAN (Mr. TERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 0, not voting 22, as follows:

[Roll No. 489]

AYES—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—22

Boswell
Boustany
Brady (TX)
Buyer
Camp
DeLay
Edwards
Green, Gene
Hastings (WA)
Hefley
Hinojosa
Johnson (CT)
Kind
Melancon
Myrick
Ortiz
Poe
Schakowsky
Walsh
Watt
Weller
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). There are 2 minutes remaining in this vote.

☐ 1605

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. DAVIS OF ILLINOIS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 401, noes 14, not voting 18, as follows:

[Roll No. 490]

AYES—401

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hensarling
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—14

Blunt
Carter
Flake
Franks (AZ)
Hall
Herger
Johnson, Sam
King (IA)
Marchant
McHenry
Myrick
Price (GA)
Sessions
Shadegg

NOT VOTING—18

Baker
Boswell
Boustany
Brady (TX)
Buyer
Camp
DeLay
Diaz-Balart, L.
Goode
Green, Gene
Hastings (WA)
Hefley
Hinojosa
Kind
Lynch
Ortiz
Poe
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1613

Mr. GINGREY and Mr. MARCHANT changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MRS. MUSGRAVE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175 noes 241, not voting 17, as follows:

[Roll No. 491]

AYES—175

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hayes
Hayworth
Hensarling
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas

Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—241

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Herger
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Baker
Boswell
Boustany
Brady (TX)
Buyer
Camp
DeLay
Green, Gene
Hastings (WA)
Hefley
Hinojosa
Kind
Lynch
Ortiz
Peterson (PA)
Poe
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1621

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. BOEHNER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BOEHNER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 196, not voting 17, as follows:

[Roll No. 492]

AYES—220

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger

Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Baker
Boswell
Boustany
Brady (TX)
Buyer
Camp
DeLay
Gohmert
Green, Gene
Hastings (WA)
Hefley
Hinojosa
Kind
Lynch
Ortiz
Poe
Weller

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1629

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. TERRY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2123) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes, pursuant to House Resolution 455, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. WOOLSEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 184, not voting 18, as follows:

[Roll No. 493]

AYES—231

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Eshoo
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—18

Baker
Boswell
Boustany
Brady (TX)
Buyer
Camp
DeLay
Gohmert
Green, Gene
Hastings (WA)
Hefley
Hinojosa
Kind
Lynch
Ortiz
Poe
Smith (NJ)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1646

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, due to Hurricane Rita approaching the Texas Gulf Coast and the Houston area, I have been excused from today's proceedings.

I would like my positions regarding votes taken on H.R. 2123, the School Readiness Act, and amendments to this Act entered into the CONGRESSIONAL RECORD. Let the RECORD reflect I would have voted the following way: Rollcall No. 486—"yes"; rollcall No. 487—

"yes"; rollcall No. 488—"yes"; rollcall No. 489—"yes"; rollcall No. 490—"yes"; rollcall No. 491—"no"; and rollcall No. 492—"no."

I would also vote for final passage of H.R. 2123.

Mr. ORTIZ. Mr. Speaker, on Thursday, September 22, 2005, I was not present to vote, on H.R. 2123, the School Readiness Act of 2005, as I was in my district making preparations for Hurricane Rita's landfall.

Had I been present, I would have voted as follows:

The vote on final passage would have been a difficult one for me, but I would have ultimately been forced to vote against the bill. Using Federal funding to run a program should preclude that program from discriminating in hiring decisions. Our country has a strong tradition of religious freedom, and I cannot support a vote that chooses to ignore that. However, that should not diminish the fact that I remain a strong supporter of education and the Head Start program.

Additionally, as a Hispanic member of Congress, I recognize the importance of civil rights in our country. America has fought hard to rectify transgressions of the past, and to turn back that work is not a position I can endorse. H.R. 2123 unanimously passed out of committee—demonstrating clear bipartisanship and maintaining the longstanding civil rights provision which has been part of the Head Start program since 1972. It was designed to protect over 198,000 Head Start teachers and staff and over 1,450,000 parent volunteers from employment discrimination based on religion in federally-funded Head Start programs, and should not have been eroded.

Rollcall No. 478—"no"; rollcall No. 479—"yes"; rollcall No. 480—"yes"; rollcall No. 481—"yes"; rollcall No. 482—"yes"; rollcall No. 483—"yes"; rollcall No. 484—"yes"; rollcall No. 485—"yes"; rollcall No. 486—"no"; rollcall No. 487—"yes"; rollcall No. 488—"yes"; rollcall No. 489—"yes"; rollcall No. 490—"yes"; rollcall No. 491—"no"; rollcall No. 492—"no"; and rollcall No. 493—"no."

Mr. BOUSTANY. Mr. Speaker, on September 22, 2005, I returned to my district to prepare for Hurricane Rita, which was projected to hit southwest Louisiana, and I was unable to be present during House consideration of H.R. 2123, "School Readiness Act of 2005." Consequently, I missed rollcall No. 488 on amendment No. 2 offered by Representative SOUDER, had I been present, I would have voted "nay." I also missed rollcall No. 489 on amendment No. 4 offered by Representatives STEARNS; had I been present, I would have voted "aye." On rollcall No. 490 on amendment No. 5 offered by Representative DAVIS, I would have voted "aye." On rollcall No. 491 on amendment No. 10 offered by Representative MUSGRAVE, I would have voted "aye." On rollcall No. 492 on amendment No. 12 offered by Representative BOEHNER, I would have voted "aye." On rollcall No. 493 on the passage of H.R. 2123, "School Readiness Act" I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2123, SCHOOL READINESS ACT OF 2005

Mr. DREIER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2123), the Clerk be authorized to correct section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be necessary or appropriate to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2123.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT PROCESS FOR H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 3402, the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by noon on Tuesday, September 27, 2005. Members should draft their amendments to the bill as reported by the Committee on the Judiciary on July 27, 2005, which is expected to be filed with the House on Thursday, September 22. Members are also advised that the text should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules today.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format, and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

AMENDMENT PROCESS FOR H.R. 3824, THREATENED AND ENDANGERED SPECIES ACT OF 2005

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 3824, the Threatened and Endangered Species Act of 2005. The Committee on Resources is marking up H.R. 3824 today and is expected to file its report with the House early next week.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 10 a.m. on Wednesday, September 28. Members should draft their amendments to the text of the bill as ordered reported by the Committee on Resources, which should be available on the Web sites of the Committee on Resources and the Committee on Rules by 2 p.m. on Monday, September 26.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the chief deputy whip for the purpose of ascertaining the schedule for the following week.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland for yielding.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will consider additional legislation under suspension of the rules as well as two measures under a rule: the Endangered Species Recovery Act of 2005; and H.R. 3402, the Department of Justice Appropriations Authorization Act.

Mr. HOYER. Mr. Speaker, I thank the chief deputy whip for that information.

If I could call the gentleman's attention to October. Clearly, the first two weeks in October, as we all know, have a number of holidays, including Columbus Day holiday, which have impacted the schedule. It has been announced that we will not have votes the second week of October; but we still do not have, as I understand it, a clear picture of the first week of October.

We have a number of Members from the west coast who indicate that they will not be able to travel on Wednesday. There has been some discussion about possibly meeting Thursday and Friday. Could the gentleman give me his thoughts or the thoughts of the majority with reference to that particular week, particularly as it relates to Wednesday which, as the gentleman probably knows as well as any of us, is a problem for some of our Members. I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland for yielding. We do plan to be in session that first week of October, the week of October 3, after the Rosh Hashana holiday. We would expect to have legislative business on both Thursday and Friday of that week.

Mr. HOYER. Mr. Speaker, reclaiming my time, let me ask the gentleman, if we are in session on Thursday, again, because many of our Members will not be able to travel on Wednesday, would I be correct in assuming that votes would be delayed until 6:30, as they usually are on a travel day? I yield to my friend.

Mr. CANTOR. Mr. Speaker, I would just say to the gentleman that votes will be delayed until the Members have adequate time to return for those who live on the west coast.

Mr. HOYER. Would that be 6:30? I hate to press the point; but, obviously, Members, for purposes of planning and travel and reservations, need to have pretty precise knowledge of when they have to be back here for votes. I yield to my friend.

Mr. CANTOR. Mr. Speaker, I cannot tell my friend from Maryland that votes will be at 6:30. All I can say is there will be adequate time for folks on the west coast to be back here in Washington on Thursday for the votes that will be called. I would say further that we will be checking flights to ensure that Members will be back in time for the votes.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information and for that concern. I think that would be appropriate.

Might I suggest that by next week we have some more precise advice in terms of time so Members can plan accordingly.

Mr. CANTOR. I thank the gentleman for that suggestion.

Mr. HOYER. Mr. Speaker, there was thought that we might meet tomorrow; that is obviously not happening. It is my understanding Friday is on the schedule for next week. Can the gentleman tell me how likely it would be that Friday, while there for contingencies, the likelihood of our meeting on Friday? Does the gentleman have any thought on that? I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding. I would also note that the end of the fiscal year is next Friday. That looming date could lead to a flurry of appropriations activity; and, therefore, Members should expect the House to be in session next Friday.

Mr. HOYER. Mr. Speaker, reclaiming my time, given that assumption, can the gentleman tell me when he would expect to have on the floor a continuing resolution, in light of the fact we clearly will not have passed most of the appropriations bills prior to the end of the fiscal year? I yield to my friend.

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that I do not believe that the chairman of the Committee on Appropriations has completed his consultations or made his decisions on the specifics of the legislation that we would need to pass next week to continue Federal programs after September 30, so I really cannot get into any more detail than that, because I do not think the chairman has completed his discussions.

Mr. HOYER. Mr. Speaker, reclaiming my time, if am I to understand about the discussions then as to what would be in the CR, the advice I would have, for whatever it might be worth, is that we try to consider it prior to Friday, in light of the fact that Friday is the last day, and if a glitch occurs, for whatever reasons, I would hope that the majority would bring a CR to the floor either Wednesday or Thursday, so that if we have a problem that we may be able to deal with that either Thursday or Friday.

But if we have not considered it until Friday and a glitch occurs, we are going to be in a bad spot with reference to the end of the fiscal year and the lack of funding authority for many agencies at that point.

I do not know whether the gentleman wants to comment on that or not, but I yield to him if he does.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for that suggestion, and it will be duly noted.

Mr. HOYER. I thank the gentleman. I have noted that all of my suggestions are taken with great solemnity and consideration on your side of the aisle, and I very much appreciate it.

ADJOURNMENT TO MONDAY, SEPTEMBER 26, 2005, AND HOUR OF MEETING ON TUESDAY, SEPTEMBER 27, 2005

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 27, 2005, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PRAISING THE AFGHANISTAN ELECTIONS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, although the war on terror is far from over, this past weekend's successful elections in Afghanistan were a clear sign that we are on the right track in winning the war. More than 12 million people in Afghanistan stood strong in the face of the Taliban and voted in their parliamentary elections.

But we should not be surprised. Earlier this year, Afghanistan's President Hamid Karzai came to Washington to ensure the American people that these elections would be a resounding success in the face of terrorists, and he was right.

Even though Taliban terrorists killed five candidates and four election workers leading up to the election and on Sunday murdered another 15 people, election turnout was still impressive. Despite the danger, the Afghani people's thirst for democracy was great. The vote was also a major milestone for Afghan women who have long been oppressed. There were 580 female candidates, or 10 percent of the total.

Mr. Speaker, I am proud that the Afghanistan nation is strengthening and unifying the body of its parliament, allowing the Afghanistan citizens to operate as a collective action.

AMERICA'S GOLD STAR MOTHERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, today I would like to recognize our Gold Star Mothers, a special group of American women who have lost either a son or daughter through service to our country.

Although these mothers have experienced a parent's greatest fear, they remain dedicated to supporting our military. By helping the men and women who serve in our Armed Forces, they are honoring their child's service in a positive way. Gold Star Mothers volunteer in our military hospitals, show compassion to our veterans, and care for the families of servicemembers. Their selflessness and generosity is an inspiration to all of us.

As the father of three sons who are currently serving in the military, I would like to express my appreciation for their support. Gold Star Mothers are making a difference in the lives of thousands of people.

On Sunday, I would like to encourage all Americans to take a moment to observe Gold Star Mothers Day in their communities.

In conclusion, God bless our troops and we will never forget September 11.

□ 1700

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REVAMP AMERICA'S FOSTER CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, last week I introduced the Fostering Our Future Act of 2005, a bill to help our Nation's foster youth by strengthening dependency courts and requiring accountability. Foster care is a critical safety net for half a million abused and neglected American children.

It is, however, a system in need of drastic reform and greater support. Twenty percent of all foster kids will be forced to wait over 5 years for a safe, permanent family. Even worse, almost 20,000 older youth age out of the system without the assistance of a permanent family every year.

Frequent foster home transfers create turbulence and insecurity that heighten the emotional behavior and educational challenges faced by these youth. The doubling of the foster care population since the early 1980s compounded this problem by creating enormous caseloads and taxing the capacity of foster homes. The end result is that foster kids, through no fault of their own, are more likely to experience homelessness, unemployment, and other life course problems despite their courageous resilience.

Imagine what it is like to be 8 years old, neglected by your parents and then taken away from them, living with a family that is not your own, confused by the court proceedings that govern your future, frightened that you might be transferred to another home and alienated and from your peers who talk about mom and dad. Imagine what that feels like.

These children deserve better. They should be guaranteed physical and emotional safety. They should have continuing relationships with caregivers and loved ones. They should have an informed voice in the legal decisions made about their lives. And they should enter early adulthood prepared to live a healthy, happy, and productive life. We have a responsibility to these children to meet these goals, and anything less is unacceptable.

Practitioners and policy experts have conducted thorough analyses and advanced proposals to overhaul the foster care system. The most prominent is a comprehensive 2004 report by the bipartisan Pew Commission, and identified several areas where the Federal Government can support these kids by strengthening the Nation's foster care systems.

The Pew report found that State dependency court systems are failing to sufficiently track cases, and trained personnel, unlike State child welfare agencies, they did not receive Federal funds to do so.

Interagency collaboration and performance measurement, where they exist, are inconsistent, both within and between State systems, and tend to focus on bureaucratic needs rather than outcomes.

Finally, these systems struggle to retain qualified dependency attorneys who are often burdened by substantial debt. A recent survey found that almost a third of those practicing dependency attorneys graduated law school with over $75,000 in outstanding loans, and 44 percent of them currently owe over $50,000.

High turnover among dependency attorneys has led to a dearth of experienced lawyers who have a comprehensive understanding of the system and can maintain valuable relationships with their young clients.

The Fostering Our Future Act responds to each of those shortcomings. My bill authorizes grants to State dependency court systems to track and analyze caseloads as well as to train court personnel. These grants are leveraged by requiring that the recipient court systems collaborate with the State's corresponding child welfare agencies and track a series of critical performance metrics.

The legislation further establishes a loan forgiveness program to attract and retain qualified child welfare attorneys. By encouraging statewide interagency collaboration and data-sharing by tracking cases and training court personnel, by ensuring that effective representation is available to children and their families, and most importantly, by focusing on child welfare outcomes, this legislation will keep the needs of children and families rather than the needs of bureaucrats front and center.

I commend the child welfare workers of America for the invaluable services they provide and for constantly struggling to get this issue the attention that it deserves. Foster care plays a crucial role in our Nation's child welfare safety net, but it is in desperate need of support and reform.

I call my colleagues to join me in working for the day when all of the Nation's children are protected, nurtured, and loved, and I invite you to join me in that quest by cosponsoring the Fostering Our Future Act of 2005.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

TIME TO LEAVE IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, since the United States went to war in Iraq over 2 years ago, Congress has approved spending bill after spending bill to pay for military operations in Iraq. But one thing Congress has never done is provide any meaningful oversight over the war and the spending on the war.

Think about it. Congress will spend money on Iraq to the point of busting our already fragile budget, but when it comes to truly managing the war, Congress is nowhere to be found. Every single Member of Congress and the people that elected them should be utterly ashamed of this absence of Congress on this crucial issue.

With nearly 2,000 United States troops killed, another 15,000 wounded, and countless thousands of Iraqis killed, the U.S. Congress must, must exercise its oversight responsibilities to determine why things are going so drastically wrong in Iraq.

I have repeatedly asked the House Armed Services Committee and the House International Relations Committee to hold hearings on Iraq. Unfortunately, no committee has undertaken a serious and thoughtful examination of the war.

Since Congress has continually failed in that duty, I have decided to take matters into my own hands. Last Thursday I held a hearing to assess how to end the war in Iraq and start bringing our troops home.

Such luminaries as former Senator Max Cleland, four-star Marine Corps General Joseph Hoar, and former U.S. Ambassador David Mack testified at this hearing.

Thirty Members of Congress, bipartisan Members at that, all of whom are frustrated by the same tired policies when it comes to Iraq, joined me at this hearing. The purpose of this hearing was to address not the when of ending the war, but how to end the war. After all, we should all be able to agree that the United States cannot continue to fight in Iraq indefinitely.

Given that fact, we need to start thinking about how the United States can responsibly leave Iraq without making a bad situation worse. As Senator Cleland so eloquently stated, "When we talk about an exit strategy, we need to put the focus on strategy."

If the hearing demonstrated anything, it is that we need to start bringing our troops home because it is our very presence in Iraq that is encouraging and uniting Iraq's insurgency. But the sad truth is that the Bush administration is doing nothing to help end the war. They have no plan for how to conduct the war, they had no plan for securing the country once Saddam Hussein was deposed, and now they have no plan for ending the war.

Well, if they do not, we will. That is what our hearing was about last week. We are trying to jump-start a debate in Congress that should have begun long ago.

The hearing was not about endorsing any one exit strategy, it was about putting all of them on the table and getting the discussions started. It was about encouraging the rest of the Congress to take a strong stand against permanent U.S. military bases on Iraq's soil and Iraqi control of Iraqi oil.

The American people have known for many months that the rationale for going to war in Iraq was based on fraud and lies. They have known that the war will continue to drain our resources and kill our young men and women in the military.

Now, two-thirds of Americans support a partial or complete military withdrawal from Iraq. It is time for Congress to start getting that message. And it is time for Congress to catch up with the American people and to catch up with the witnesses at Thursday's hearing.

ORDER OF BUSINESS

Ms. DELAURO. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

HONORING THE LIFE OF MICHAEL J. ADANTI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, it is with the heaviest of hearts that I rise today to join family, friends, colleagues, and community members in remembering the remarkable life of Michael J. Adanti, who was taken from us in a tragic car accident this summer.

Mike was not only an outstanding member of our community, but a dear friend whose strength, support, warmth, and kind heart I will miss.

Throughout his life, Mike demonstrated a unique commitment to public service. A teacher, administrator, mayor, and university president, Mike dedicated a lifetime to enriching the lives of others. After graduating from Southern Connecticut State University, Mike took a position with the Ansonia School District where he taught for 3 years, helping to provide our youngest children with the educational foundation they would need for future success.

He went on to serve two successful terms as the mayor of the City of Ansonia before returning to Southern Connecticut State University as the first Dean of Personnel Administration, the beginning of what would be an extraordinary professional career at Southern.

Throughout his long association with Southern, Mike held a number of positions which gave him a unique perspective of the university's operation. After being called upon twice to temporarily lead the university through difficult times, it was no surprise when Mike was appointed president of the university, a position which he held for 19 years until his retirement just 2 years ago.

Mike was the longest serving president in the Connecticut State University System. His inauguration as president was a unique event for the Southern community, as he became the first Southern Connecticut State University graduate to be named president of his alma mater, and the first graduate to become president of any university.

Southern flourished under Mike's direction, with new academic initiatives, prestigious awards for faculty and students, and national honors for Southern's sports teams. His vision and leadership brought the university increasing regional recognition for excellence in public higher education, leaving an indelible mark not only on the university, but on the surrounding communities of Greater New Haven as well.

Mike was as much a community leader as he was a leader in education. The New Haven Symphony Orchestra, New Haven's Long Wharf Theater, and the International Festival of Arts and Ideas are just a few of the organizations that benefited from Mike's generosity and volunteer efforts.

He also served as a board member of the Naugatuck Valley's Birmingham Utilities Water Company, the Ansonia Economic Development Commission, and the Connecticut Police Foundation.

Mike was a reflection of all that a civic leader should be. His involvement in so many local organizations, in addition to his commitment to public education and his students touched the lives of thousands, making all of the difference in their lives.

When someone is taken from your life so suddenly, it is often difficult to understand why such tragedy occurs.

My deepest sympathies go to Mike's wife of 43 years, Linda, his two children Kristen and Michael, and his three grandchildren.

Though he is no longer with us, the legacy that he has left, that of his commitment to opening the doors of opportunity for young people through education, will certainly continue to live in the hearts and minds of all who knew him.

Through those special memories, Michael Adanti will continue to inspire excellence.

☐ 1715

HELPING ALL OF HURRICANE KATRINA VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I, like many Americans, am watching and praying that Hurricane Rita does not cause the same level of death and destruction as past Category 4 and 5 hurricanes like Andrew and Katrina.

Watching the death and destruction wrought by Katrina was truly heartwrenching. What was even more unnerving was watching as many desperate victims stranded on their rooftops and surrounded by rising flood waters wrote makeshift signs begging for help. All they wanted was to be rescued and to have access to food and water. Those images have been stamped into the hearts and minds of Americans and people all over the world, and we must remind the administration that we will never forget.

How pretentious of our government to assume that everyone in the gulf coast region had the means to pick up at a moment's notice and hop in their cars and get on the highway towards safety. We must be aware of the ramifications of poverty in America and recognize that it is a real condition that many Americans face each and every day.

We cannot turn a blind aye to those trapped in a dismal socio-economic predicament that this administration's tax cuts for the wealthy and cuts in social programs have only exacerbated. Obviously, an investigation into the slow response by FEMA is warranted, an accurate, unbiased, independent investigation, not one that will be led by the President's own domestic security advisor or a partisan committee that was formed here in this Congress.

Does that make you feel confident that the inquiry into this administration's performance in response to Katrina will be fair and accurate?

Only a fool would allow the very people who botched the rescue efforts to be the ones to go back and determine what went wrong, what went right, and what lessons we have learned from this tragedy.

People have died because of the inaction by their government. That much we certainly know is true. Now we must move forward with an investigation that is independent and one with subpoena power so that we can avoid the mistakes of Katrina. People have died, and we need to find out why. I know that if we do an investigation in name only, then people will die again, and they will continue to lack confidence in their government's ability to help them in their time of need. People will die in Florida. People will die in Texas. People will die in States throughout the hurricane region if we do not learn from the lessons of Katrina and ensure that our failures are not repeated.

I also want to remind people that people in Florida were victims of Hurricane Katrina as well. Hurricane Katrina's first victim was Florida as it struck Broward and Miami-Dade counties as a Category 1 storm on August 25, leaving hundreds of damaged or destroyed homes and nearly 11,000 individuals seeking assistance.

These are the people that FEMA has decided do not need help. This woman here is standing in water up to her knees. Her cars are damaged. They are late model cars, not fancy ones; and they are the result of Hurricane Katrina hitting Florida. This is representative of what FEMA has denied individual assistance and denied help to.

FEMA's response to this woman and to the woman standing among the remains of her house is that "you are on your own."

What was FEMA's response to all the families in Florida's requests for help? It is the same as it was to the people in New Orleans who died the first days that Katrina struck here: "you are on your own."

Last night we learned that Florida's appeal to FEMA to help our victims of Katrina in Florida was denied once again. My question for FEMA is, hurricanes do not know State boundaries, so why does FEMA?

Florida has been hit by six hurricanes over the past year and a half. Six. It is a constant plague that the residents of Florida deal with every single year, and the denial of aid to those in need is irresponsible and unconscionable. I introduced legislation this month that calls on FEMA to provide the much-needed assets to the residents of Florida who are victims of Katrina. And I plead with my colleagues in Congress, do not turn your backs on the first victims of Katrina. Help those in need regardless of State line.

UPDATE ON IRAQ WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Virginia (Mr. WOLF) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOLF. Mr. Speaker, I recently returned from Iraq and Afghanistan and Qatar with my administrative assistant Dan Scandling, and I wanted to give a report on what I saw and some recommendations for the Bush administration.

This was my third time to Iraq, second time to Afghanistan. This time we went to Baghdad, Tikrit, and Kirkuk. I have now been to all parts of Iraq except to Kurdish areas in the north. On previous trips we have been to Baghdad, Nasaria, Alkoot twice, and Basra.

I want to begin by praising the military, both active duty, Reserve and National Guard and note their very, very positive attitude and great, great morale. I also want to publicly acknowledge and thank them and praise their families in noting the sacrifices that they and their families are making. I also want to offer condolences to the families who have lost loved ones.

Before I go any further, Mr. Speaker, I want to read a passage from an online journal being kept by a chaplain I met from Gloucester, Virginia during my recent trip. We were in the Kirkuk area and he sat across the table from me and he told me this story.

We then got this from his Web page. It is incredibly moving and describes the quality of the men and women serving in uniform. It is the hero mission from a trip report excerpted with permission from Army chaplain J.D. Morris, "Chronicles of Pastor J.D., January 27, 2005."

He begins by saying, "I was abruptly caught off guard today by one of the administrative privates from flight operations. He told me that the flight operations battle captain was looking for me. When I arrived to see the battle captain, he told me that I was given a hero mission for a young soldier who had died in battle only hours before.

"I had about 20 minutes to ready myself and go back by Blackhawk with Specialist Tussant to recover the soldier's body from his unit and to escort the hero to another base where he would be sent home to his family. I found Specialist Tussant, gathered my gear, and made my way to the flight line to board the aircraft. When I arrived everyone was as sober as I.

"I prayed over the aircraft, received our mission briefing, and then we departed. Once arriving to the location of the unit, I found the fallen soldier's unit neatly and sharply in formation next to the landing zone. Their clothes were muddy, their faces were downcast, and immediately you could sense their pain.

"Tussant and I immediately departed the aircraft and hastily made our way to the chaplain of the unit who was standing with his soldiers like a good shepherd. In the chaplain's arm was a large red Bible embraced against his chest.

"The soldiers carefully opened the back of the vehicle and solemnly and with honor removed the fallen friend from the vehicle. The black body bag hung in the hands of his friends.

"Tussant and I stood next to the vehicle and rendered a slow salute. We slowly and reverently followed the soldiers and the fallen comrade to the aircraft. Once arriving to the helicopter with the blades still churning and whirling, we all carefully placed the hero in the aircraft.

"The crew chief in the aircraft gently situated the new crew member, our hero. We stopped and prayed. As I turned to my rear, I looked back to see the rest of America's sons. Their chaplain, Chaplain Fisher, came to me, embraced me tightly and with a shattered voice said, 'Thank you for being here and escorting our friend part way home. Thank the unit for us for their help.'

"I could only return his embrace, pat his shoulder, and look into his face. I then boarded the aircraft. We began our assent. As the helicopter blades aggressively moved the air and we began to rise off the ground, I looked to my right out the window to see the unit being swayed by the turbulence but still saluting their fallen hero.

"As long as I could see the hero's unit standing at attention in the blowing turbulence, saluting their combat buddy, the soldiers remained standing steadfast, saluting and honoring our hero.

"I certainly will never forget this hero mission. I was very quiet back to Speicher, which was the base. I could only think of the pain a family back home was getting ready to experience. I prayed for the family."

Why did I go to Iraq for the third time and Afghanistan for the second time? I have been hearing a constant drumbeat of negative stories all summer, so I wanted to assess the situation again with my own eyes. Not believe the administration, nor believe the media, but I wanted to see firsthand for myself.

I saw a lot of positive things. Hospitals are being renovated. Schools are being built. Pipelines are being repaired. And the Iraqi Army is being trained.

In the comparison of my first visit and my second visit and this visit 2 weeks ago, I could see the improvement that was being made. Security, however, is still the greatest challenge we face. Who did I meet with? I met with Lieutenant General Petraeus, Ambassador Khalilzad, members of Iraqi leadership including the President, Prime Minister, and the Speaker of the National Assembly, NBC officials, folks from the Department of Justice, Department of Transportation, Department of Energy, the USAID, and a lot of soldiers from privates to generals.

What were my impressions? There is real progress being made, but there are still concerns. Security remains our greatest challenge. The country is far from being safe. Everywhere I went I was escorted by a full complement of heavily armed soldiers and security personnel: and even when riding in an armored vehicle we had to wear body armor and a helmet.

Until we get security under control, our efforts to rebuild Iraq will continue to be a challenge. If embassy officials, USAID staff, NGOs, nongovernmental organizations, contractors and, yes, even the media cannot move around the country without the fear of being attacked, our efforts to bring peace to Iraq will be hampered.

I was told that many contractors remain unwilling to bid on work because of the level of violence that still exists and those who take on projects spend enormous sums of money on private security.

I was also told the World Bank, a critical element to rebuilding Iraq, had refused to send staff because of security concerns.

But I saw improvement from when I was there the first time, an improvement from when I was there the second time. And this administration has failed to articulate the improvement that has been made in Iraq.

To really understand what has happened in Iraq, you have to talk to the service men and women, God bless them, who are serving or who have served there. They are the fathers, the mothers, the sons, daughters who put their lives on the line in this war on terror. They are the neighbor down the street who has been called up for Reserve or Guard duty. They are the Federal employee who has volunteered for a temporary assignment.

I was struck by the number of people saying the Iraq they see on TV every day is not the Iraq they know. In the mess halls, throughout the mess halls there are six to eight television sets that are on every day to CNN. One junior officer told me that he does not even watch the news anymore. Most soldiers said they were bewildered on what they were seeing on the news compared to what they know was taking place firsthand in Iraq.

In speaking with our service personnel, I was troubled to learn our troops serving in Iraq and Afghanistan are well aware of the media coverage of anti-war protests in America. Especially the vigil of Cindy Sheehan. The televisions, as I said, in the mess hall and sleeping quarters are turned to CNN and MSNBC and Fox. I had several soldiers express wonderment on what is taking place back home.

□ 1730

At one point, an enlisted soldier pulled me aside and asked if he could talk to me in private. He said that he had been watching the news about the protests and wanted to know if the American people were still behind the soldiers. I reassured him they were, but he just looked at me and asked me again, almost as if he did not hear me, when he said he did not believe me. Then he said that when some of his fellow soldiers learned about the antiwar vigil, their morale was impacted.

I raise this point because I believe that it is important for the antiwar protesters to know how their actions may potentially be perceived by our soldiers on the front lines who are doing their jobs. Protest and dissent is the beauty of democracy, and it is important in a democracy, and everyone has the right to protest and dissent, but I think it is important that the antiwar demonstrators need to understand that our soldiers know about their actions. They need to realize that those actions can have a negative impact on the soldiers' spirits.

Personally, I believe that President Bush should have met with Cindy Sheehan. I still believe that President Bush should meet with Cindy Sheehan. I have read news accounts of some of the President's meetings with families of soldiers who have been killed in action. You cannot help but get emotional reading the reports.

The President's a compassionate man. He shares in the grief of those families who have lost a loved one, and I know that the burden on him as Commander in Chief is tremendous. So, therefore, I believe that he should include Cindy Sheehan in his next meeting with families of fallen or wounded soldiers.

Some of my thoughts on return. There are good people on both sides of the decision to send U.S. forces to Iraq. We are now there. We cannot abandon the mission to bring peace and stability to Iraq and its people. We need to recognize the rebuilding of Iraq needs to be based on a different timetable and not necessarily on our timetable or what we think is going to take place today.

The Bush administration needs to do a better job of explaining what failure to succeed in Iraq means to the average person in the United States. Let me state that again. The Bush administration needs to do a better job of explaining what failure to succeed in Iraq means to the American people.

I asked everyone I met with, at every meeting I went to, and when I would get up in the morning and go into the mess hall by myself at 5:30 or 6 o'clock in the morning, I would sit down with the soldiers and ask them and ask everyone this question: What does failure mean if we fail in Iraq? The responses were chilling.

Somalia, one person said. Have you seen the movie Black Hawk Down, he said. Another person said the former Yugoslavia, and I was in the former Yugoslavia during the fighting in Sarajevo and Vukovar, and the gentleman from New Jersey (Mr. SMITH) and I were in Vukovar before the slaughter took place. All the people that we met with in Vukovar all were later slaughtered when the Serbs came in and slaughtered them in Vukovar.

Civil war. More foreign fighters pouring in across the border, the destabilization of the entire region. They said maybe the Kurdish area might make it. They said in the south the Iranians will come across the border for the Shiite and the Sunni triangle. Civil war, militia against militia. Killing and death and destruction. Foreign fighters coming in from Syria, pouring in, with more killing taking place.

Others said the destabilization of the gulf region. Some said perhaps the overthrow of the Jordanian Government. Others said perhaps the overthrow of the Saudi Government. Another said perhaps the overthrow of the Egyptian Government.

Oil exports. One person said, if you think oil's expensive now, if this region explodes, the price of oil in the West will be astronomical. The impact on the economy of the West.

Others said that Iraq will turn into a haven, a haven for terrorists, similar to what happened when the West left Afghanistan on its own, and then the Taliban was able to constitute itself. Osama bin Laden moved to Afghanistan and Kandahar and Jalalabad and Kabul. We saw the pictures of gunning down women in burqas, and we saw what took place, and there will be a haven for terrorists to operate.

Loss of American credibility. Danger, danger. We put in our report: danger to the American people. More emphasis with regard to the Jihadists in the West thinking that they can bring terror again. Thirty people from my congressional district died in the attack on the Pentagon, and we all know what took place with regard to the World Trade Center because we just went there and remembered on 9/11 what took place.

The administration has failed to tell the American people the ramifications of failure in Iraq. If we were to pull out of Iraq and fail in Iraq, the ramifications on the war on terror are very, very bad for the average American.

I want to take a few minutes to read what others are saying about the potential consequences of failure in Iraq.

From Lawrence Kaplan, senior editor at New Republic, speaking at a recent conference by Notre Dame's Kroc Institute and Fordham University's Center on Religion and Culture, said the following: "Preventing Iraq from coming apart at the seams means preventing the country from becoming what Afghanistan was until recently, a vacuum filled by terrorist organizations, which is what one National Intelligence Council report suggested Iraq is now fast becoming.

"Hence, Americans must ask themselves exactly what they owe Iraq.

"If U.S. policy truly has a moral component," and our policy must have a moral component, "if U.S. policy truly has a moral component," he said, which I believe it does, "the answer must be something better, or, at the very least, not worse, than what went before."

From Kenneth Pollack, Senior Fellow at the Brookings Institute, a distinguished scholar in this region, in an op-ed that ran in the New York Times on July 1, said, "No matter what one thinks of the invasion, it is clearly in our best interest, to say nothing of the Arab world's, that we succeed in Iraq."

From Francis Fukuyama, professor of international political economy at the Johns Hopkins School of Advanced International Studies, in a New York Times op-ed piece on August 31, said the following: "If the United States withdraws prematurely, Iraq will slide into greater chaos. That would set off a chain of unfortunate events that will further damage American credibility around the world."

From Michael Ledeen of the American Enterprise Institute and author of, "Making War on the Terror Masters," in a June 17 article in the Dallas Morning News said, "A precipitous U.S. withdrawal would obviously encourage the terrorists and the countries that support them. It would probably encourage them to expand their activities because they, too, are fairly focused against us in Iraq right now. They'd probably be more inclined to attack us elsewhere."

Keep in mind the two attacks, the London subway bombings not too long ago, that al Qaeda has now taken credit for.

In the same article, Tony Cordesman, who is a distinguished military analyst for the Center for Strategic and International Studies said, "A withdrawal that left an Iraqi Government unable to defend itself would shatter U.S. standing in the Middle East, making it harder for moderate Arabs to stand up to Islamic extremists who hope to overthrow their governments.

"Saudi Arabia, Kuwait, Jordan and other U.S. allies would find it very, very hard to hold together and deal with this problem without distancing themselves from the United States."

Then he went on to say, "And we need to remember that we are talking about a region in the gulf with about 40 percent of the world's proven oil resources."

That is unbelievable. Now, why has the administration not laid out carefully to the American people what the ramifications are to our country and our citizens of failure? Time is not on the side of the administration. There is a sense that public support is waning in both the United States and Great Britain. No one believes we will lose the war in Iraq. If the war in Iraq is lost, it will not be lost in Iraq. It will be lost here at home. One general officer told me point blank: The center of gravity for our success in Iraq is the American public.

The Bush administration also needs to do a better job of letting the American people know how they can participate in this effort. In World War II, my dad served in World War II. We had war bonds. We had victory gardens. We had scrap metal collections. The American public supports the troops and wants to do more. There ought to be more opportunities where the administration can let the American people know how they can participate to help the effort, to help the young men and women who are serving in the military and their families.

For example, at a rest and relaxation facility in Qatar, there is a need for clothes for servicemen and -women after their activities, and they get 4 or 5 days off. They come to this center, and they have no shirts, and they have no shaving gear. There they have skirts and dresses and T-shirts and sweatshirts to wear. Well, the American people, if they knew it, would love to participate, would love to help. And the administration has to do a better job of telling the American people how they can participate and help, because there are many Americans wearing the uniform today and their families who are making a major sacrifice. Others would like to participate and be part of that.

Some of the major recommendations: The Bush administration should select a group of capable and distinguished individuals, some with a military background and others with extensive foreign policy experience, to go to Iraq and other parts of the gulf region and Afghanistan to comprehensively review our efforts. All the individuals, and I can name who they would be but I think it would be inappropriate because they have to be picked by others, but all of the individuals selected would be known for their honesty, for their integrity, for their competence, for their patriotism. They would love their country more than they would love their political party.

The group would essentially provide what I call fresh eyes on the target; the target, of course, being how we bring about success in Iraq and lead to whereby our young men and women can return home.

Upon this group's return, they would report to the President and the Congress, but more importantly, they would report to the American people. The motive would not be to find fault. One can always go back and say there were mistakes. Quite frankly, I believe that we should have never disbanded the Iraqi Army. But it would be a forward-looking report, to see what we can do in the best interests of our servicemen and how we can bring about success.

An independent, comprehensive review could help assure Americans, no matter what their position is on the war, that every effort is being made to protect our troops and realize their goal of a secure and peaceful Iraq, that it would look at what is going right and what is going wrong. I recognize that the Bush administration has sent other individuals to Iraq to assess the ongoing situation, but what I call "fresh eyes review" would be different, in that rather than just reporting back to the President or the Secretary of Defense or the Secretary of State, this group would also report back to the Congress and to the American people.

Frankly, I believe the administration has a moral obligation to the American people to do this and to provide this information. There are no downsides in such a review. In our daily lives, we regularly seek second opinions. As chairman of the House appropriations subcommittee with oversight of the State Department and the Justice Department, in addition to being the author of the National Commission on Terrorism, later known as the Bremer Commission, I am keenly aware of what is at stake if we fail to achieve our goals in Iraq.•

□ 1745

In September of 1998, when I returned from having been in Algeria, where terrorism has killed over 100,000 people, the bombing of our embassy in Kenya and in Tanzania took place, and I introduced a bill to create the National Commission on Terror. When I introduced the bill on the floor of this House, I said that Osama bin Laden lived in Sudan from 1991 to 1996. There was very little interest by the Clinton administration for this. Very few agencies wanted to participate and cooperate, but, finally, they did.

This is the report of the Bremer Commission. It says, "Countering the

Changing Threat of International Terrorism," and it came out in the year 2000. And distinguished Members served on the commission, bipartisan members of the commission, Republican and Democratic members of the commission. In fact, the gentlewoman from California (Ms. HARMAN), who is the ranking Democrat on the Permanent Select Committee on Intelligence today was on the commission. The commission was made up of Paul Bremer; Maurice Sonnenberg; Richard Betts, Wayne Downing, who is a U.S. Army General, retired, with expertise; JANE HARMAN, a good Member of the House: Fred Ikle; Juliette Kayyem; John Lewis, Jr.; Gardner Peckham; and James Woolsey, who was the head of the CIA.

On the cover of the commission report that they came out with is a picture of the World Trade Center on fire. Now, the World Trade Center bombing took place on September 11, 2001. This was the picture of the World Trade Center on fire from the attack that took place in 1993, and no one paid any attention to it. They neglected it.

This group, this National Commission on Terror, could ensure that we are successful in this effort. They would travel to all parts of Iraq: the Shi'a south, the central Sunni Triangle, and the north, where the Kurds reside. They would have to go to the region for 7 to 10 days to 2 weeks. They would meet with general officers, junior officers, NCOs, specialists and privates in Iraq and in Afghanistan. They would meet with embassy officials and other Federal Government employees working in Baghdad. They would meet with civilian contractors and NGOs, nongovernmental organizations operating in the country. They would meet with Iraqi leaders and also ordinary Iraqis in country towns and villages.

And to better educate the American public about our ongoing efforts in Iraq and the gulf region, perhaps a select group of media should also accompany this group during its visit, not as a tool for U.S. propaganda but to ensure transparency. This would give the media the opportunity to travel to all parts of the country and report on both the good and the bad.

Because as many of my colleagues know, it is very difficult for the media to move around Iraq. The media has lost roughly 60-some people. Media have died. It is very difficult to get from point A to point B, from Baghdad to Kirkuk, or Baghdad to Nasaria, or Baghdad to Tikrit. This would give the media the opportunity to travel to all parts and to report on both the good and the bad. And the pool would include both broadcast and print media.

This fresh-eyes review would assess answers to such questions as the following:

How accurate a picture do we have of the insurgency? What is the realistic strength of the insurgency? Is the insurgency growing or diminishing in capability? What can we do to get better tactical intelligence on the enemy? And what will it take to get actionable intelligence? How reliable and effective is the growing Iraqi security establishment? What is its ethnic makeup? What is the power and effectiveness of local militias in the country, and how much of a problem do they pose in the longer term for the Iraqi Government? What role is Iran playing in the evolving political and security situation in Iraq?

We heard that the Iranians have poured across the border and are a destabilizing influence in what is taking place in Iraq. They would take a look at that.

What role is Syria playing? We have been told that the Syrians are allowing foreign fighters to pour across their border. This group could look at that and see if that is the case and see if there are ways of securing the Syrian border.

They would look at what will it take in terms of resources and organization and time to effectively control the Iraqi borders. Is there an anti-sabotage strategy to protect the energy infrastructure? If so, why is it not working? Are there alternatives?

They would look at what is the status of the efforts to organize the Iraqi ministries and get them up and running. Is progress being made? If not, what more needs to be done? What criteria should guide the pace of withdrawal of American and Coalition Forces?

We owe it to the thousands of men and women who are in harm's way to test the process and ask the questions. We owe it to the American people. I urge the administration, having been there three times in Iraq, two times by myself, without anybody telling me where I could go or where I could not go, and two times in Afghanistan, where I led the first congressional delegation to Afghanistan with the gentleman from Lancaster, Pennsylvania (Mr. PITTS), and my best friend and former Congressman Tony Hall of Ohio. We owe it to the American public.

So in closing, Mr. Speaker, I urge the administration to act quickly to put together this team to offer fresh eyes on the target. There is nothing to lose.

And, lastly, Mr. Speaker, we owe it to the men and women who are mentioned in this article that I opened up with in the excerpts by Army Chaplain J. D. Moore, "Hero Mission." I am asking this administration to support this group.

Mr. Speaker, I submit herewith for the RECORD the commission report I referred to earlier.

[Report from the National Commission on Terrorism]

COUNTERING THE CHANGING THREAT OF INTERNATIONAL TERRORISM

Appendix C: Commission Members and Staff

COMMISSIONERS

L. Paul Bremer III, Chairman, is the Managing Director of Kissinger Associates. During a 23-year career in the American diplomatic service, Ambassador Bremer served in Asia, Africa, Europe and Washington, D.C. He was Ambassador to the Netherlands from 1983 to 1986. From 1986–1989, he served as Ambassador-at-Large for Counter-Terrorism, where he was responsible for developing and implementing America's global policies to combat terrorism.

Maurice Sonnenberg, Vice Chairman, is the senior international advisor to the investment banking firm of Bear, Stearns & Co. Inc. and the senior international advisor to the law firm of Manatt, Phelps & Phillips, LLP. He is a member of the President's Foreign Intelligence Advisory Board. He recently served as a member of the U.S. Commission on Reducing and Protecting Government Secrecy and as the senior advisor to the U.S. Commission on the Roles and Capabilities of the U.S. Intelligence Community.

Richard K. Betts is Leo A. Shifrin Professor of War and Peace Studies in the political science department, Director of the Institute of War and Peace Studies, and Director of the International Security Policy program in the School of International and Public Affairs at Columbia University. He is also Director of National Security Studies and Senior Fellow at the Council on Foreign Relations, and author of "Surprise Attack: Lesson for Defense Planning."

Wayne A. Downing, General, U.S. Army, retired in 1996 after a 34-year career, where he served in a variety of command assignments in infantry, armored, special operations and joint units culminating in his appointment as the Commander-in-Chief of the U.S. Special Operations Command. Since retirement, he was appointed to assess the 1996 terrorist attack on the U.S. base at Khobar Towers, Saudi Arabia, and to make recommendations to protect people and facilities world wide from terrorist attack. General Downing serves on several boards and panels in both the private and government sectors.

Jane Harman just completed a year as Regents Professor at U.C.L.A. where she taught at the Department of Political Science and Center for International Relations. Harman represented California's 36th Congressional District from 1992–1998 where she served on the National Security, Science and Intelligence Committees. Prior government experience includes Senate Counsel, White House Deputy Cabinet Secretary and DoD Special Counsel. Harman is currently seeking election to her former seat.

Fred C. Iklé is a Distinguished Scholar, Center for Strategic & International Studies. Dr. Iklé is Chairman of the Board of Telos Corporation and a Director of the Zurich-American Insurance Companies and of CMC Energy Services. Prior to joining the Center, Dr. Iklé served as Undersecretary of Defense for Policy and Director for the U.S. Arms Control and Disarmament Agency.

Juliette N. Kayyem is an Associate of the Executive Session on Domestic Preparedness, John F. Kennedy School of Government, Harvard University. She writes and teaches courses on counter-terrorism policy and the law. Ms. Kayyem has most recently served as a legal advisor to the Attorney

General at the U.S. Department of Justice and as Counsel to the Assistant Attorney General for Civil Rights.

John F. Lewis, Jr. is Director of Global Security for Goldman, Sachs & Co., New York. Previously, he was Assistant Director-in-Charge of the National Security Division of the Federal Bureau of Investigation. Mr. Lewis managed the FBI's national counterintelligence and counterterrorism programs. Mr. Lewis has held a variety of positions, including an appointment as Director of Intelligence and CI Programs, National Security Staff and previous Chairman of the International Association of Chiefs of Police Committee on Terrorism.

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IRAQ

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCDERMOTT. Mr. Speaker, I cannot think how we could have had two better speeches than that of the gentleman from Virginia (Mr. WOLF), which he just made, and mine. My real sadness about this House is that this is not being done in a debate where all the Members are talking and listening about this very, very important issue.

The question that I think the gentleman from Virginia (Mr. WOLF) well raises is, why are we in Iraq? Now, I recently was in Jordan, and I was confronted by many of the Iraqis who have fled from Baghdad and other parts of Iraq. There are about a million Iraqis of middle class and above all living in Amman. The prices of real estate have gone up. It is very hard to find a hotel room. They have left.

I sat at dinner with a number of them, and the question that many of them asked me was, why is the United States in Iraq? And I sort of dismissed the ideas that have been advanced at various times in this Hall, that we are there for weapons of mass destruction, or we are there because of al Qaeda. Many people say we are there for oil. I think that is way too simplistic an explanation for what is going on.

Are we there to stop terrorism? Well, it is very hard to look at what is going on in Iraq and say that what we have done is to end terror. Rather, it seems like we have become a breeding ground and a training ground for terrorists.

After I had exhausted my ideas about what it might be about, I asked the Iraqis to tell me what they thought this was about. And they said, well, it is pretty clear that what your goal was, and you succeeded almost at this point, in dividing Iraq into three pieces and destroying Iraq as ever being an Arab nation. That was your goal from the start; and you have, by every decision you have made, you have worked in that direction.

Now, it was not a design that was clear. People have not understood this, in large measure because it was never enunciated in a public way by public figures saying we are going into Iraq to destroy it. We have talked about liberty, we have talked about democracy, we have talked about every other thing under the sun except the fact that the effect of our actions have been to destroy Iraq.

Now I will take you back to the appointment of the first governor of Iraq. Most people, if you ask them who that was, they cannot remember the name. It was a retired army general by the name of Jay Garner. He was appointed and he went over there, and he had the idea that perhaps the Iraqis should begin to take their own existence, now that Baghdad had fallen and with the Americans in control militarily, let the Iraqis put their country back together.

What happened to him? Anybody know? Well, I will tell you what happened to him. He was immediately relieved. He was taken out of the situation and Paul Bremer was brought in because Garner was not following the script, and they knew that Bremer would.

Now, just take a couple of things very early that Bremer did and you understand why the Iraqis feel the way they do about the situation today. The first thing he did was to dismantle an army. He disbanded an army of 500,000 people or so, all of whom had families, had homes, had children, had grandparents, had all the responsibilities of citizens of Iraq. They had salaries. They could pay for their families' food. They could pay for their families' housing. All of this was what they had been accustomed to.

Surely they had worked for Saddam Hussein. But to think that they all were bad and, therefore, should be disbanded and thrown to the winds was a terrible miscalculation about the attitude of the average soldier in the Iraqi Army. And what that action did was to send 500,000 Iraqis underground with a rifle and a grudge. We created 500,000 insurgents instantly by that action.

Now, why would you do that? Why would you want to go into a country that has an army that is functioning and not take off just the top layer, no, no, no; not take off the first couple of layers, maybe down to the sergeants or something, but to fire everyone and take away their income, their whole existence, if you thought that was in the best interest of the Iraqis?

But if you want chaos, put 500,000 people out on the street with guns and a grudge.

The second thing that we did, equally disruptive and equally destabilizing, was the decision to de-Baathize the government. Now, the Baath Party, the party of Saddam Hussein, which is secular, not religious, but a secular party of Arab nationalism, basically, and the decision to say that everybody in Iraq who belonged to the Baath Party was suddenly out of a job and out of government took another hundreds of thousands of people who were simply public servants who ran the utilities, ran the electric company, ran the sewage system, taught in the schools, did the marriage licenses, recorded land deeds, and whatever public servants in a society do. We suddenly said, if you are a member of the Baath Party, you are out of here.

□ 1800

We absolutely denuded this country of any government whatsoever. Now, you would not have to be older than about a seventh grade kid in this country to realize if you take away the Army and take away the government, you have chaos. If you go into the schools and you take away the teacher, take away the principal, the hall monitors, the kids are not going to run a very reasonable operation. That is what the educational system is about. Well, we did that to a whole society.

You can say we know, and you are standing down there in the well talking about this, but you never wanted to go to war in the first place.

One of the interesting things that I have done over the course of time since this all began was to read widely in the international press. It is very often difficult in this country, either in the press or in the media, to get anything like a comprehensive view of what is going on in Iraq and why we have so much difficulty. We have the strongest Army in the world. There is no question about that. We have the bravest, the best trained, the most able people in the world are over there representing in the United States Army and Marines, and Navy and Air Force. That has never been the problem or the question.

The question has been after the gunfire stops, what do you do? How do you run things? And from the very start, the administration has been dominated by people whose intention was to destabilize Iraq, in fact, into destabilizing very wide portions of the country. Not many of you have probably ever read the Jordan Times. That is the main newspaper in the city of Amman which is the capital of Jordan.

On August 10, 2005, an article appeared called, "The Triumph of Neoconservatives in Iraq," and which I will include for the RECORD.

The article was written by a man named Abbas J. Ali. He is a professor and director of the School of International Management at Indiana University of Pennsylvania; obviously an Iraqi living in the United States, and he wrote this article.

If you read just this one article, and I wish I could get it into the head of every Member of Congress, part of the reason for putting it in the CONGRESSIONAL RECORD is people can get it and read it and see it. You do not need to Google it. It will be in the CONGRESSIONAL RECORD. He begins by saying that three recent developments in the Iraqi political arena reaffirm the growing fear of destabilization and things are becoming worse. First, the U.S. Secretary of Defense Donald Rumsfeld predicts that the mess in Iraq could go on for 12 years. The New York Times reported on June 30 that a type of federalism, as supported by Washington, where each region in Iraq gains power approaching true sovereignty, and that means creating three separate countries.

Mr. Speaker, our goal or what we are actually doing right now is creating three separate countries. We are not creating Iraq. We are going to put some shine on it and try and say it has a constitution, but the pieces will be sovereign from one another.

The third thing he says that happens is the appointment of Zalamy Khalilzad as Ambassador, who is a neocon and will do the neocon bidding from the start.

Now, this did not start with George Bush the second. This is not something new. I do not think you can lay it all off on the present occupant of the White House.

Dr. Ali writes that back in the 1970s, the neoconservatives recognized Iraq constituted a threat to their design for the Middle East, not because Iraq had ample natural resources, especially oil and water, but because the Iraqis were considered a spirited and cultured people displaying pride, patriotism and independent thinking. It had the best water system in the Middle East, it had the best sewage system in the Middle East, it had the best health care system in the Middle East. It was really a functioning country. For whatever you want to say about Saddam Hussein, and no one wants to say a good thing about him and we should not, his actions as a leader were awful, but when he was dealing with the running of the state, he did a reasonable job.

Now at that time in the 1970s, General Shinseki, then the U.S. Army Chief of Staff, pointed out, and remember Shinseki was the guy they fired because he gave them the truth about how many people this would take. Shinseki pointed out that in 2002 Paul Wolfowitz, and remember that name, now the head of the World Bank, as a young Pentagon analyst and a neoconservative, designated Iraq in 1979 as a menace that must be dealt with. Since then the invasion and occupation of Iraq have been primarily a neoconservative venture. The neocons have wanted this and that is why this article was entitled "The Triumph of the Neocons in Iraq."

If Wolfowitz was not enough, in 1982 a man named Oded Yinon accentuated the usefulness of internal strife and war with Iraq to foster the demise of Iraq as an Arab state. He notice that in the short run, it is Iraqi power which constitutes the greatest threat to Israel and that a division of Iraq into provinces along ethnic religious lines is possible. So three more states will exist around the major cities: Basra in the south; Baghdad in the middle; Mosul in the north; and Shiite areas in the south will separate from the Sunni and Kurdish north.

This is 1982, people were laying this out.

It is for this reason that the neoconservatives have made a very powerful argument, he goes on to say, and he quotes a man named Michael Ledeen, who is not just some newspaper reporter or somebody drifting in off the street. He was the former U.S. Under Secretary of State and he stated, "Stability is an unworthy American mission." This is a man who was in the State Department, saying that stability is an unworthy American mission and a misleading concept to boot. He said we do not want stability in Iran, Iraq, Syria, Lebanon, or even Saudi Arabia. We want things to change. The issue is not whether but how to destabilize.

Think about that. The minds in the State Department, and this is an Under Secretary of State saying we want to destabilize.

Now there have been books. Lawrence Kaplan and Bill Kristol, they asserted in their book "The War Over Iraq" that this is more about even than the future of the Middle East and the war on terror, it is about what sort of role the United States intends to play in the world in the 21st century. They argue that the only plausible and sensible mission is to persistently supply American might in these parts of the world that constitute a threat to American interests.

And the mission, Michael Ledeen goes on to say, is ensure the total submission of the people in the region. He stated this in 2001. We have gone from 1979 all of the way up to 2001. We will not be sated, and this is an Under Secretary of State saying we will not be sated until we have had the blood of every miserable little tyrant in the Middle East and every last drooling anti-Semitic and anti-American mullah, imam, sheik, ayatollah either singing the praises of the United States or pumping gasoline for a dime a gallon on American bases in the Arctic Circle. Gasoline is not a dime a gallon.

Mr. Speaker, Mr. Ledeen and his men have worked and been very consistent and very determined. We are talking about a 25-year effort from 1979 to the present. But in the Bush second term, this article goes on, the neoconservatives appear to have secured indisputable domination in designating American foreign policy. They have situated themselves at the core of the three primary agencies responsible for foreign affairs: the National Security Council, and State and Defense Departments. Now., with Ambassador Khalilzad in Baghdad, they have him in position to carry this out from the green zone.

They are building the biggest embassy in the world in Baghdad. Why would you be building an embassy of that size for a country of several tens of millions of people unless you had some grand design, strategy into the future?

Now, if you look at this, you say to yourself, why? We have sacrificed 1,900 of our young men and women in this war. They have died. For what? To destabilize Iraq? That is what the people in the State Department and in this government are up to. It is why it has never made any sense.

We have had thousands of people come home to Walter Reed Hospital. I have been up there. I was a physician in the Vietnam era. I dealt with casualties coming back from Vietnam, 1968 to 1970. You do not have that experience and forget it. That is what got me into politics. I was going to be a doctor, a research doctor. I thought my life would be spent in medicine. But that experience of dealing with those casualties and realizing what the government did by its foreign policy, what it did to all of the people of this country, brings me to the floor today to talk about what we are doing in Iraq.

We have been misled in many, many, many ways. I do not go to these secret briefings they have in the House, because I know that the people who led us into this war are not going to tell us the truth even when the doors are locked when we are in private. They simply are not leveling with the American people.

The President says we are going to stay the course, and we put our governor in there, Mr. Bremer. We destabilized everything and things fell apart, and now we say oh, they are all coming over the border from Syria. There are only two places where they can come in where there are roads. It is very difficult to get in from that side. They are not capturing these people. They are killing people and they identify them just as they did in the Vietnam War. We have killed so many soldiers. The body count in Iraq is people who have died. That is okay. They have died, but they are not insurgents coming from somewhere else. By and large, the insurgency in this country of Iraq was created by sending 500,000 soldiers underground with weapons and a grudge. We are tasting the fruit of our planting those vines. Unfortunately, we have also in the process killed I do not know how many thousand because no one will count the number of Iraqis. It is as though they do not matter.

□ 1815

Nor do we talk about the number of them that are injured. When we look at that situation and we see what we are doing, we have to ask ourselves how much longer can we persist in staying there. The gentleman from Virginia (Mr. WOLF) and I might disagree at this point because he thinks that it is just going to be the end. Well, my belief is that we are already in a lose-lose situation.

Let me explain why I say that. We have gone into a country that was a secular country. People did not think of themselves as Catholics and Protestants like Northern Ireland. They did not fight about that kind of stuff. They thought of themselves as being tribal: I belong to this tribe; you belong to that tribe. We take care of our tribe; you take care of your tribe. We work out an arrangement. You get some; we get some. And that is basically how Iraq has run for thousands of years.

So the Americans came in, and suddenly we whipped up this business that is understandable in this country about religion. Shi'a do not like Sunni and Sunni do not like Shi'a. There is a much bigger force at work here that people simply, I think, maybe because it is complex, and I have got an hour, so I can talk about it a little bit and explain it, but simply do not understand the makeup of the Middle East.

There are two large groups of Muslim people. Iraq had Muslims from Shi'a and Muslims from Sunni. They also had Christians living there. They had Jews living there. They had Kurds living there. They were a secular society that did not go around checking people's religious card to see what they were. Our attempts, as we have gone in there, to create this chaos and turn it loose and say, well, you Shi'a have always been under the control of the Sunnis forever here, you are the majority. This is your chance to be the majority. So we have gotten them fighting. It is an old, old strategy. The British Empire used to use it all the time: let you and him fight and I stand by and watch and I control what is going on.

So we have gotten the Sunni and the Shi'a to fight each other. But what we do not understand is there is more than one kind of Shi'a. Some of the Shi'a are those living in Iraq. They are Arab in background. They are Arab tribal people who are Shi'a. And then there are the Shi'a who live in Iran. Iran, before it was called Iran, was called Persia. So in Iraq, people talk about Arabs and Persians. And the fight between these two countries is not about Sunni versus Shi'a. It is about whether those Persians are going to come in and take over our country. If this situation that we are setting up where we are going to have one part being Shi'a in the south and a little bit of Sunni here in the middle and the Kurds in the north, if that three-part government is set up, we will have set Persia, Iran, with a chance to invade. And as some of us said many, many months ago, the danger of this war is we are going to wind up with two Irans, one next to the other.

Now, one can say whatever they want about that; but, of course, Iran has been the source of a lot of tumult and terrorism and all kinds of stuff. So the question of having two of them does not sound like that makes things better in the Middle East. But that is what we are driving toward right now. We are driving in that direction.

What will derail it and the name people see on television once in a while, it is a young man and his name is Muqtada al-Sadr. S-a-d-r. Muqtada al-Sadr is a young flamethrower of a Shi'a, but he is Arab. And he, last week, turned out 200,000 people on the streets in Iraq to protest this constitution, which is going to give the control of the country to the Shi'a. He himself, Shi'a, that does not matter. What matters is he is Arab; so he is now aligning himself sort of imperceptibly, at least as far as Americans seem to be knowledgeable, with the Sunnis. The Sunni army that was sent underground is now aligning itself with Muqtada al-Sadr.

We then have created two equal forces. And every Iraqi I met said almost the same thing one way or other. They would say, If you succeed in pushing that constitution you people are pushing, and you wrote it and you gave it to those people and said pass it, there was never any agreement on it. They just passed it and brought it out. They are going to put it out for referendum in October. If you succeed in passing that, you will have civil war in this country for 15 years or more. That constitution will not serve as a governing document for the Iraq of today because you have created so much dissension and given the Iranians such a chance to come in.

Now, we hear our President say, well, not only are they coming in from the west, from Syria; they are coming in from Iran. Of course they are. The leading spokesman for the Shi'a in Baghdad to whom everyone listens and is the one that our government responds to is a man named al-Sistani. Al-Sistani is a Persian. Someone told me, and I am not sure because I have not had a chance to check, that he did not actually vote in that Iraq election before because he was not a citizen of Iraq. He is a citizen of Iran. So the main spokesman with whom we have been dealing, and people will see his name, we call him a moderate, that he is a moderate Shi'a and all this. We have built him up. Well, he is a Persian and he is connected to all the Persians.

And Muqtada al-Sadr, of course we can see. I mean we have had plays from the Greek times of Oedipus Rex. We have got the old man and the young kid and they are fighting. Whatever the reasons are, the Shi'a-ness does not hold them together. Certainly their Arab-Persian thing is pushing these two apart, and Muqtada al-Sadr is going with the Sunnis.

Now, the Kurds sit up in the north; and for the first time since the World War I, they have been promised over and over again, and they have been let down over and over and over and over again, that they are going to have their own state. There are about 40 million Kurds. Most of them will live in Iraq, but large numbers of them live in Turkey to the north and Syria to the west and in Iran to the east.

And they are a fierce, independent people who are Sunni by religion; and the Shi'a, who are writing the constitution, say the Kurds' army, which are called Peshmurga, the Peshmurga has to come into the Iraq army. We cannot have an army in Kurdistan and an army in the rest of Iraq. It has got to be one army. Well, the Kurds say, I do not know how thick the ice is going to be on hell before that happens because we are never going to allow any army to come into the territory we have in Kurdistan. We are prepared to die because we finally have our own country.

They have a parliament that functions. They have two factions there that fight with each other, and it is like every other country. There are Democrats and Republicans. That is fine. They need that for government to work. But they have put down their arms against one another and are dealing with the outside world and saying, no, we will be a part of Iraq. We certainly will. We have oil up here in Kirkuk in the north, and we think we are entitled to some of the revenue from the oil, and we will run our area and we will educate our children and we will send them to the United States for medical school. There are a lot of Kurds in the United States going to school. They are very bright, very hard-working, very tough people. They have gone through a lot in the last 85 years since World War I when they were promised that they would have their own land.

If we look at that situation, we have the Kurds and we have the Sunnis and we have the Shi'a. One says to himself, gosh, you have just now painted a picture that you are saying a constitution will not bring them together. Well, let me say there is some hope. There is hope in this. But what it requires is the United States and the people, the neocons who think they have won, to recognize that they have not won anything. They have created a horrible, horrible costly mess that has cost us at least $240 billion so far and God knows how much more it is going to cost us, and it made us incapable of responding to our own people when problems came in New Orleans.

Part of the Governor of Louisiana's problem was that 13,000 of her National Guard were in Iraq. She could not call them out, to get their trucks and go out, help people, put sandbags, do whatever they do in that kind of situation. They were not there. That is just one element of what went on. Because we were enmeshed in this war in Iraq, we were unable to respond to them.

Now, God forbid that we are waiting for another hurricane, Rita, to hit the coast of Texas. We do not know what it is going to do. Are the Texans ready? How could they have gotten ready since what went on over here in Louisiana and Mississippi and Alabama? Do people think they have suddenly magically gotten ready for Texas? The Texas National Guardsmen who are over in Iraq, they are not home to take care of their people.

And we simply have a President who says we are going to stay the course, that we are going to keep doing the same thing we are doing in Iraq because it is the right thing to do and we are going to keep doing it. Well, there is an old joke in psychiatry about the definition of mental illness is doing the same thing over and over again and expecting a different result each time. We get the same result.

We are doing the same thing. We go into a town like Fallujah. We flatten it. Now we have gotten rid of those terrorists. We go away. And lo and behold, they come springing up again, coming back into the town. They know where we are. They just run off and hide. They are not going to confront our military head on head. That is not guerilla warfare. Guerilla warfare is to let the enemy figure that they have got it made and then get them when they are not paying attention. That is what they have done all over the country. We do not control any part of Iraq at the moment, except the Green Zone where we have a fence and barbed wire and razor wire and everything else. And the only way we are going to manage to undo this situation is for our administration to find some way, some way, to honestly say we are not going to establish permanent bases in Iraq.

□ 1830

When I suggested that to the Iraqis I talked to, they laughed. They said, your President is not going to say that. But our administration is going to have to say something like that, and then do a second thing. Because they have to say, we are not going to have permanent bases and we are going to leave the country in some orderly period in an orderly way. But before we go, we want to set up, and I suggest, and I do not know, maybe there is another place to do it: maybe Paris or some place, but Amman in Jordan, not very far away: it would be a place to convene an Arab summit made up of Sunni, Shia, Kurds, Turk men, Turk men are people who came from Turkey and have settled in this basic area: and have them go to a peace place and sit down and work this out among themselves.

They do not want their families killed. They do not want to have this continuing warfare. I mean, they are like everybody else. They want a place, a house for their family, they want food for their kids and their wife or their mother or their father, whoever; they want schools, they want health care, they do not want this continuing warfare with the people dying in the streets and the awful pictures we see. They do not want somebody falling down with a bridge, because there is a threat of some sort, people run out on a bridge and it collapses. They are not looking for that.

If we would get that summit going where everybody who had a stake would come and sit down and say, let us have a cease-fire in Iraq while we work on the problem here and see if we cannot come up with a way to govern a new country without Saddam. Everybody is glad he is gone. You do not find many people who say, boy, I sure wish Saddam was around. There is not anybody.

So it is not that they want to bring Saddam back at all. Some people say, oh, you are just talking about bringing Saddam back. No. These groups can sit down and work it out. Arabs have worked things out in their culture for thousands of years.

Now, there are also parties that would be interested in being helpful, perhaps, because my colleagues will remember we talked about Iraq has got Shia and Sunni in it. Well, what do we have in Syria? It is all Sunni. What do we have in Jordan? Almost all Sunni. What do we have in Saudi Arabia? Almost all Sunni. What do we have in Turkey? Almost all Sunni. These other countries have a huge stake in this not becoming a second Shia Persian threat to their way of life, because they think, well, take Saudi Arabia. The area around the oil fields from which we get our oil, or the world gets its oil, the biggest oil fields in the world are right in the middle of a Shia area. So, if you have Iran and Iraq, and you moved on into Saudi Arabia, which is not very far, you suddenly have a crescent of Shia control of almost all the oil in the area. A big threat to everybody: to the Sunnis, certainly, to the Americans, to the Europeans. Everybody has a stake in this. And if you get a conference going where you have people sitting down talking and not killing each other, then they can work out an equitable arrangement and find a way to resolve this.

It cannot be dictated by the United States. Unfortunately, what happens again and again is that we have these parliaments. We have elected a parliament, and then we go in and tell them what they have to do. Here is what it has to look like. It has to have this provision, that provision, we do not like this, you take that out. We, by our heavy-handedness, have really tried to run everything in this situation. And it can be ended. It can be ended, if we will allow a process to begin in which Arabs can sit down among themselves and solve it.

Now, I tell my colleagues this because let me tell my colleagues how it works. I have a very good friend, a Jordanian, who told me a story that he knows. And this is Arab culture. A man was driving a cab and he drove the cab and he hit a man and killed him. Well, that means you are responsible, and the crowd was about to get him. This guy ran up the street and ran into the home of a young man and demanded that he be given sanctuary. That is the Arabic custom. You will give sanctuary. In fact, the young man, when the police came and when people came, he said, I never saw this guy you are talking about. I do not know what you are talking about. The crowd went away. He called his brother and said, take this man and take him home, so the man went home, was taken to a safe place. Then he went down in the street and discovered that the man that had been killed was his father. So now he has a legitimate cultural right to exact a price for his father's death. What would you do? You now know where the guy lives; you can go over to his house and kill him. He did not do that. He just left it alone. He met him in the street some months later, about four years later, met him in the street and he said, the guy knew who it was and he was frightened and he said, look, you and I will have coffee together. So they had coffee together. And he said, the man whose father had been killed said, you must put on a feast for our family in memory of my father. So the man put the feast on and the issue was gone.

People in this Arab culture have a long history of certainly violence, but also of peacefully resolving situations. And what we are doing by continually bombing; one of the things the Iraqi said to me was, you have to stop this business of kicking in the door of a guy's house and going in and dragging his wife out of bed and embarrassing her and him and making him look weak and impotent and all the rest, you have to stop that. You keep doing that, you keep making Iraqis angrier and angrier, and yet we continue to do these things. As long as we continue to do war and do not allow a peace process to begin to spring up, actually, the King Ab'dullah was here in the city today talking at the prayer breakfast. He, or his uncle, the Crown Prince al-Hasan, or there are other people who are trusted by both Shia and Sunni who could be seen as an honest broker.

But we must take the first step. We have to allow that to happen. If we continue to do what we are doing and stimulate, this will go on until probably the next election or beyond, until one day we do what we did, and that image, the very famous picture in Vietnam of that helicopter lifting off that building, it was not the embassy actually, it was a hotel down the street where people are hanging on the skids of this helicopter as it lifts off the ground, that is going to be our fate in Iraq if we continue on this path. Because we cannot win it with military might.

The time has come to talk. And we have never been able to get the gunfire down to the point where this constitutional process that was supposed to lead to peace, that was supposed to be a peace conference under other names, but the Sunnis did not participate in it. So you cannot have it be that way. It cannot come out with a peace if one of the groups has boycotted it. You can say, oh, it was stupid for them to boycott it, they should not have done that. You can blame all you want. But it did happen that way. They did not participate. So the only way you are going to get it is a conference some place where you can get all the parties sitting down and saying, all right, look, how are we going to work this thing out? We have oil revenue, we are a rich country, there is no reason for us to be in poverty like we are in; we can use that wealth for everybody, not just for one group or another group. We will let everybody have a part of it, and we will make this again the country that it was. This country has a long tradition of being a place of refinement and intelligence and civil society, and it can be that again if we will allow that to happen.

Mr. Speaker, I hope that you will ask the President to reconsider the advice he is getting. I know it is very difficult to be President of the United States and you do not know everything that you are going to face. Certainly, one can have empathy for the President having suddenly been confronted by 9/11 and all the rest. But the advice that he has been listening to and following is leading him deeper and deeper into chaos, and it is time for the President to lead us out of that chaos by taking the role of saying, I believe it is time for us to convene a peace conference somewhere. We will not have any part of it, but we think it ought to happen over there, and maybe so-and-so could be the leader I mean, maybe it would be better if the President did not suggest anybody, because it would probably work better if he just said to the Arabs, who would be the one to convene the conference? Let them decide. If we want peace and we want democracy and we want liberal treatment of women, and if we want all of those things for the Iraqi people, we have got to change our policy.

THE TRIUMPH OF NEOCONSERVATIVES IN IRAQ

(By Abbas J. Ali)

In his speech on June 28, President George W. Bush accurately characterized the situation in Iraq as "horrifying, and the suffering is real." Previously, Bush had described the invasion of Iraq as a "catastrophic success." Foreign affairs analysts agree that in both cases, Bush accurately captured the reality of the Iraq mess, but were equally surprised by his insistence on staying the course. The fear is that Iraq hardship and bloodshed may be deepened and reversing the state of disorder is a remote possibility.

Three recent developments in the Iraq political arena reaffirm the growing fear. US Secretary of Defense Donald Rumsfeld predicts that the mess in Iraq could go on for 12 years, The New York Times reported (June 30) that a type of federalism is supported by Washington, where each region in Iraq gains power approaching true sovereignty, and Zalamy Khalilzad assumed his position as the American ambassador in Baghdad. The last two developments are interrelated and are certain to turn the transformation of Iraq into a bloody mess.

In particular, Khalilzad is a pivotal factor in the Iraqi equation. Khalilzad was a member of the team that planned the invasion of Iraq and aggressively promoted a vision for Iraq where the Iraqis play only on advisory role in determining the future of their country. As a hard line neoconservative, he is an adamant advocate of the virtue of perpetual war and the use of forceful approaches to world problems. When Henry Kissinger, a neoconservative strategist, in November 2001 articulated a plan for creating "a central Kabul government of limited reach, with tribal automany prevailing in various regions," in Afghanistan, it was Khalilzad who translated it into a reality.

Back in 1970s, the neoconservatives recognized that Iraq constituted a threat to their design for the Middle East. Not because Iraq has ample natural resources, especially oil and water, but because the Iraqis were considered a spirited and cultured people, displaying pride, patriotism, and independent thinking. General Eric Shinseki, then the US army chief of staff, pointed out in 2002 that Paul Wolfowitz, as a young Pentagon analyst and a neoconservative, designated Iraq in 1979 as a menace that must be dealt with. Since then, the invasion and occupation of Iraq has been primarily a neoconservative venture.

In targeting Iraq, the neoconservatives envision war and military intervention as instrumental in the polarization of Iraq's ethnic and sectarian divisions and ultimately ending Iraqi Arab identity. For example, in 1982, Oded Yinon accentuated the usefulness of internal strife and war with Iraq to foster the demise of Iraq as an Arab state. Yinon noticed that: "In the short run it is Iraqi power which constitutes the greatest threat to Israel" and that a division of Iraq "into provinces along ethnic/religious lines . . . is possible. So three (or more) states will exist around the three major cities: Basra, Baghdad and Mosul, and Shiite areas in the south will separate from the Sunni and Kurdish north."

Critics and political commentators agree that the neoconservatives are obsessed with a grand design to militarize the globe and globalize fear. Knowledgeable observers, however, acknowledge that the core of the neoconservatives' thinking revolves around the Middle East and the role of Israel. Unlike Bush, the neoconservatives harbour the belief that freedom for the Arab people, prosperity, and cultural renaissance are a threat to Israeli security and vitality. It is for this reason that neoconservatives make a powerful argument for creating instability and chaos in the Middle East. This was well expressed by Michael Ledeen former US undersecretary of state and a leading neoconservative, when he stated: "Stability is an unworthy American mission, and a misleading concept to boot. We do not want stability in Iran, Iraq, Syria, Lebanon, and even Saudi Arabia; we want things to change. The real issue is not whether, but how to destabilize."

Indeed, the neoconservatives have been exceptionally successful in promoting four primary propositions:

1. The welfare of American people and the prestige of the US in the world are contingent upon the ability to dominate the world and especially the Middle East.

2. The U.S. invasion of and military presence in Iraq ensures American safety, security and world peace.

3. The U.S. goals coincide with Israeli goals. Therefore, the invasion of Iraq served the interests of both countries.

4. The Arab people are inherently anti-American and a threat to American interests. Thus, the presence of American forces in the region is an imperative necessity and is essential for world peace.

Neoconservative thinkers Lawrence Kaplan and William Kristol assert in their book, The War over Iraq, that the decision about what course to take in dealing with Iraq, "is about more even than the future of the Middle East and the war on terror. It is about what sort of role the United States intends to play in the world in the 21st century." They argue that the only plausible and sensible mission is to persistently apply American might in these parts of the world that constitute a threat to American interests and foresee Iraq as a starting stage; the "mission begins in Baghdad, but it does not end there."

The mission, as Michael Ledeen defines it, is to ensure the total submission of the people in the region. He stated in 2001, "we will not be sated until we have had the blood of every miserable little tyrant in the Middle East . . . and every last drooling anti-Semitic and anti-American mullah, imam, sheik, and ayatellah is either singing the praises of the United States of America or pumping gasoline for a dime a gallon on an American military base near the Arctic Circle."

From the beginning, the neoconservatives viewed the invasion of Iraq either as a staging ground for their perpetual war or securing its instability. While the introduction of economic sanctions against Iraq in August 1990 and the subsequent attack in 1991 along with the presence of an oppressive regime have tremendously weakened Iraq and demoralised its people, it was the invasion in March 2003 that enabled the neoconservatives to directly manage Iraqi affairs and put their vision into practice.

Contrary to their claim of nation-building in Iraq and nurturing democratic institutions, the neoconservatives have made sure that every effort must be made to prevent the Iraqis from exercising their rights to run their own country and establish an open and free country. When General Jay Garner attempted, in early 2003, to allow Iraqis to chart their own destiny, he was immediately replaced. His successor, Paul Bremer, closely followed the neoconservatives' agenda.

The Israeli newspaper Haaretz reported (June 3, 2005) that the occupational authority has institutionalised corruption. The corruption has paralysed the economy and fostered the creation of dysfunctional institutions. This, along with the ever rising new trend of terrorism, constitutes a threat to Iraq's social fabric. Indeed, a growing number of Iraqis question the virtue of the decision taken by the occupational authority in mid-2003 to dissolve the Iraqi border police and leave the Iraqi borders open for extremists. The Iraqis also question the reluctance of the occupational forces to train the newly-established Iraqi army and police and supply them with adequate weapons to defend themselves and their country.

In a radical but alarming move, the neoconservatives have espoused a sectarian and ethnic policy in conducting government and political affairs in Iraq. The policy is contrary to America's officially pronounced goal of nation building and constitutes a formidable obstacle to Bush's vision of a democratic and unified Iraq. In fact, the policy has devastating consequences and may lead to the ruin of Iraq. It should be mentioned that, in practice, Saddam Hussein espoused a sectarian and racial outlook after 1978. But this was never acknowledged as a guiding principle and was disliked by the majority of the population.

In Bush's second term, the neoconservatives appear to have secured undisputed domination in designing American foreign policy. They have situated themselves at the core of the three primary agencies responsible for foreign affairs: The National Security Council, and the state and defence departments. With the presence of Ambassador Zalamy Khalilzad in Baghdad, the neoconservatives are positioned to pursue their vision for Iraq with zeal, confidence, and energy.

Middle East experts and responsible international observers make a strong point that the neoconservatives are progressing with unexpected ease in translating their vision for Iraq into practical steps, which will eventually change the fate of Iraq profoundly. In particular, the neoconservatives have strengthened and widened their network of influence well beyond their traditional allies (e.g. Ahmed Chalabi, Masood Barzani, Barhem Saleh, Ayhem Al Samarai, Meshaan Al Jabory, Moufaq Al Rebuey, etc.) and include powerful individuals and newly emerging organizations inside and outside Iraq that actively promote and espouse the neoconservative design for fragmenting Iraq and creating semi-independent sectarian/ethnic units in place.

The presence of terrorism and extremism in Iraq is a development that accompanies the occupation. Its threat is real with predictable consequences, especially the sudden and mass exodus of whatever is left of the middle class. Nevertheless, once the Iraqis are free and are in charge of their destiny, they will more likely be able to uproot terrorism and extremism. The kindling and institutionalisation of sectarian and ethnic discord, however, have unpredictable and frightening consequences. For many decades sectarianism and racial discrimination were almost alien concepts for the majority of Iraqis. Since the invasion, sectarian and divisional ethnic terminologies have become conspicuously common in daily political discourse.

Regardless of the outcome of the ongoing debate concerning the constitution, the neoconservatives have already inflicted damage to the fabric of Iraqi society.

Fragmenting Iraq and kindling sectarian/ethnic discords are weapons of cultural and national destruction, a menace to civilization. They represent a threat to American interests and to regional stability. More importantly, they evidence a purposeful activation of the clash of civilizations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHRISTENSEN (at the request of Ms. PELOSI) for today.

Mr. GENE GREEN of Texas (at the request of Ms. PELOSI) for today after 11:00 a.m. on account of Hurricane Rita-related issues in the district.

Mr. HINOJOSA (at the request of Ms. PELOSI) for today on account of Hurricane Rita-related issues in the district.

Mr. KIND (at the request of Ms. PELOSI) for September 20 and 21 and after 3:00 p.m. today on account of a death in the family.

Mr. HASTINGS of Washington (at the request of Mr. DELAY) for today after 3:00 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, September 27.

Mr. HUNTER, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, September 27 and 29.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT of Virginia and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3.224.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1368. An act to extend the existence of the Parole Commission, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on September 21, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 3649. Sportfishing and Recreational Boating Safety Amendments Act of 2005.

ADJOURNMENT

Mr. MCDERMOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, September 26, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4094. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Attainment Demonstration for the Shreveport-Bossier City Early Action Compact Area [R06-OAR-2005-LA-0001; FRL-7955-7] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4095. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; San Juan County Early Action Compact Area [R06-OAR-2005-NM-0002; FRL-7954-5] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4096. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Attainment Demonstration of the Mountain, Unifour, Triad and Fayetteville Early Action Compact Areas [R04-OAR-2004-NC-0005-200513, FRL-7956-8] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4097. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Central Oklahoma Early Action Compact Area [R06-OAR-2005-OK-0001; FRL-7953-8] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4098. A letter from the Principal Deputy Associate Administrator, Federal Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Attainment Demonstration for the Tulsa Early Action Compact Area [R06-OAR-2005-OK-0002; FRL-7956-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4099. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; South Carolina and Georgia; Attainment Demonstration for the Appalachian, Catawba, Pee Dee, Waccamaw, Santee Lynches, Berkeley-Charleston-Dorchester, Low Country, Lower Savannah, Central Midlands, and Upper Savannah Early Action Compact Areas [R04-OAR-2005-SC-0001, R04-OAR-2005-GA-0001-200516; FRL-7957-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver Early Action Compact Ozone Plan; Attainment Demonstration of the 8-hour Ozone Standard, and Approval of Related Revisions [RME Docket Number R08-OAR-2005-CO-0001; FRL-7954-6] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Greeley Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions [RME Docket Number R08-OAR-2004-CO-0004; FRL-7954-7] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2005-IA-0003; FRL-7953-7] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4103. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee and Georgia; Attainment Demonstrations for the Chattanooga, Nashville, and Tri-Cities Early Action Compact Areas [R04-OAR-2005-TN-0001, R04-OAR-2004-GA-0004-200522; FRL-7956-9] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4104. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the Austin Early Action Compact Area [R06-OAR-2005-TX-0011; FRL-7955-9] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4105. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Attainment Demonstration of the San Antonio Early Action Compact Area [R06-OAR-2005-TX-0010; FRL-7955-8] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4106. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Clean Air Action Plan and Attainment Demonstration for the Northeast Texas Early Action Compact Area; Agreed Orders Regarding Control of Air Pollution for the Northeast Texas Area [R06-OAR-2005-TX-0009; FRL-7956-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities and Pollutants; Maine; Negative Declaration [R01-OAR-2005-ME-0005; FRL-7956-4] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4108. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implmentation Plans; Virginia; Attainment Demonstration for the Roanoke Metropolitan Statistical Area (MSA) Ozone Early Action Compact Area [R03-OAR-2005-VA-0004; FRL-7954-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4109. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Attainment Demonstration for the Eastern Panhandle Region Ozone Early Action Compact Area [R03-OAR-2005-WV-0001; FRL-7954-3] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4110. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Attainment Demonstration for the Washington County Ozone Early Action Compact Area [R03-OAR-2005-MD-0004; FRL-7954-2] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4111. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Texas; Control of Air Pollution from Motor Vehicles, Mobile Source Incentive Programs [R06-OAR-2005-TX-0021; FRL-7956-3] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4112. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Attainment Demonstration for the Northern Shenandoah Valley Ozone Early Action Compact Area [R03-OAR-2005-VA-0005; FRL-7954-4] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4113. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Standardized Permit for RCRA Hazardous Waste Managemnt Facilities [RCRA-2001-0029; FRL-7948-4] (RIN: 2050-AE44) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4114. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Portsmouth, NH, Piscataqua River Bridges. [CGD01-04-130] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware River [CGD05-04-199] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations, Budd Inlet, West Bay, Olympia, Washington and SS CAPE HORN [CGD13-04-042] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4117. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; M/V Tunica Queen, Mile 695 to Mile Lower Mississippi River, Tunica, MS [COTP Memphis-04-006] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4118. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; McClellan-Kerr Arkansas River between mile 116.0 and 120.0, Little Rock, AR [COTP Memphis 04-009] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4119. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Presidential Debate and visit to Miami, Four Seasons Marriott Hotel, Biscayne Bay, Miami, FL [COTP Miami 04-116] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4120. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Andrews Bay, Panama City, FL [COTP Mobile-04-015] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4121. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; West Bay, Panama City, FL [COTP Mobile-04-016] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4122. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; West Bay, Panama City, FL [COTP Mobile-04-017] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4123. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bayou Grande, Pensacola, FL [COTP Mobile-04-019] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4124. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bayou Chico, Pensacola, FL [COTP Mobile-04-020] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4125. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pensacola Bay Bridge, Pensacola, FL [COTP Mobile-04-023] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4126. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cinco Bayou, Fort Walton Beach, FL [COTP Mobile-04-024] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4127. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Garnier Bayou, Fort Walton Beach, FL [COTP Mobile-04-025] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4128. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Rocky Bayou, Niceville, FL [COTP Mobile-04-026] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4129. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Choctawhatchee Bay, Destin, FL [COTP Mobile-04-027] (RIN: AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Monogahela River, Mile Marker 0.0 to Mile Marker 1.0, Pittsburgh, PA [COTP Pittsburgh-04-010] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4131. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Monongahela River, Mile Marker 0.0 to Mile Marker 1.0, Pittsburgh, PA [COTP Pittsburgh-04-014] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River, Mile Marker 90.4 to Mile Marker 90.8, Wheeling, WV [COTP Pittsburgh-04-025] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4133. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Moving and Fixed Security Zone: Port of Frederickested, Saint Croix, U.S. Virgin Islands. [COTP San Juan 04-138] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4134. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bull Island, S.C. and surrounding waterways. [COTP Savannah-04-152] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4135. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix River Mile 16.0 to Mile 17.5, Hudson, WI [COTP St. Louis-04-033] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4136. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Upper Mississippi River Mile 578.5 to Mile 582.0, Dubuque, IA [COTP St. Louis-04-044] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4137. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Upper Mississippi River Mile 698.1 to Mile 697.6, La Crosse, WI [COTP St. Louis-04-045] received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4138. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Tampa Bay, FL. [COTP TAMPA 04-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Transportation and Infrastructure.

4139. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; St. Petersburg, FL. [COTP TAMPA 04-128] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4140. A letter from the Chief, Regulations and Administration Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Tampa Bay, FL. [COTP 04-130] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4141. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Surface Area, South Lake Tahoe, CA [Docket FAA 2005-21522; Airspace Docket No. 05-AWP-6] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Los Angeles Class B Airspace Area; CA [Docket No. FAA-2004-18612; Airspapce Docket No. 04-AWA-05] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of the Class D Airspace; and Class E Airspace; Topeka, Forbes Field, KS. [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4144. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30452; Amdt. No. 3128] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEY: Committee on House Administration. Supplemental report on H.R. 513. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes (Rep. 109–181 Pt. 2).

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 420. Resolution directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Attorney General relating to the disclosure of the identity and employment of Ms. Valerie Plame, adversely; (Rep. 109-230). Referred to the House Calendar.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 609. A bill to amend and extend the Higher Education Act of 1965; with an amendment (Rept. 109–231). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2830. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; with an amendment (Rept. 109–232 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3402. A bill to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes; with an amendment (Rept. 109–233). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER: Committee on Armed Services. House Resolution 417. Resolution directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resoltuion documents in the possession of the Secretary of Defense relating to the disclosure of the identity and employment of Ms. Valerie Plame; adversely (Rept. 109–234). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than September 30, 2005.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOODLATTE (for himself, Mr. Berry, Mrs. Musgrave, Ms. Foxx, Mrs. Jo Ann Davis of Virginia, Mr. Conaway, Mr. Upton, Mr. Schwarz of Michigan, and Mr. Alexander):

H.R. 3857. A bill to simplify the process for admitting temporary alien agricultural workers under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, to increase access to such workers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. Shays, Mr. Young of Alaska, Mr. Oberstar, and Mr. Frank of Massachusetts):

H.R. 3858. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH (for himself and Ms. Bean):

H.R. 3859. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. Deal of Georgia, Mr. Norwood, Mr. Kingston, Mr. Westmoreland, Mr. Gingrey, Mr. Linder, Mrs. Jo Ann Davis of Virginia, Mr. Cantor, Mr. Pence, and Mr. Goode):

H.R. 3860. A bill to make improvements to the national sex offender registration program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Ms. Schakowsky, Mr. Dingell, Mr. Rangel, Mr. George Miller of California, Mr. Brown of Ohio, Mr. Waxman, and Mr. Pallone):

H.R. 3861. A bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. Sam Johnson of Texas, Mr. Kline, Mr. Jindal, and Mr. Boustany):

H.R. 3862. A bill to provide for appropriate waivers, suspensions, or exemptions from provisions of title I of the Employee Retirement Income Security Act of 1974 with respect to individual account plans affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. JINDAL (for himself, Mr. Boehner, Mr. McKeon, Mr. Boustany, Mr. Paul, Mr. George Miller of California, Mr. Hinojosa, Mr. Kildee, Mr. Marchant, and Mr. Pickering):

H.R. 3863. A bill to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself; Mr. Boehner, Mr. Jindal, and Mr. Marchant):

H.R. 3864. A bill to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3865. A bill to provide for the establishment of medical malpractice insurance corporations which may operate and function without hindrance or impedance in any or all of the States, to limit frivolous medical malpractice lawsuits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 3866. A bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware; to the Committee on Resources.

By Mrs. CUBIN (for herself, Mr. Wicker, Mr. Holt, and Mr. Owens):

H.R. 3867. A bill to reauthorize the Congressional Award Act; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE:

H.R. 3868. A bill to increase and expand expensing under section 179 of the Internal Revenue Code of 1986 for property in hurricane disaster areas declared in 2005; to the Committee on Ways and Means.

By Mr. FLAKE (for himself, Mr. Hensarling, Ms. Harris, Mr. Inglis of South Carolina, Mr. Burton of Indiana, Mr. Rohrabacher, and Mr. Miller of Florida):

H.R. 3869. A bill to amend Public Law 109-59 to allow the States of Louisiana, Mississippi, and Alabama to designate the projects for which certain highway and transit funds allocated to such States may be obligated; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE (for himself, Mr. Pence, and Mr. Hensarling):

H.R. 3870. A bill to amend part D of title XVIII of the Social Security Act to delay for 2 years implementation of the Medicare prescription drug benefit for individuals who are not lowest-income subsidy eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY (for himself, Mr. Terry, and Mr. Osborne):

H.R. 3871. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; to the Committee on Resources.

By Mr. FORTENBERRY:

H.R. 3872. A bill to amend the Internal Revenue Code of 1986 to allow loans from individual retirement plans for qualified small business capital assets; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 3873. A bill to amend the Internal Revenue Code of 1986 to permit rollovers from retirement plans to health savings accounts; to the Committee on Ways and Means.

By Mr. FORTENBERRY (for himself, Mr. Osborne, and Mr. Terry):

H.R. 3874. A bill to amend the Internal Revenue Code of 1986 to provide for tax exempt qualified small issue bonds to finance agricultural processing property; to the Committee on Ways and Means.

By Mr. GORDON (for himself and Mr. Sessions):

H.R. 3875. A bill to improve access to emergency medical services through medical liability reform and additional Medicare payments; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself and Mr. ROSS):

H.R. 3876. A bill to provide that private land use rules be treated as State or local regulation for purposes of certain Federal Communications Commission regulations; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Illinois:

H.R. 3877. A bill to suspend temporarily the duty on certain parts of machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3878. A bill to suspend temporarily the duty on certain parts of machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3879. A bill to suspend temporarily the duty on certain parts of machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3880. A bill to suspend temporarily the duty on certain parts of machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 3881. A bill to suspend temporarily the duty on machinery for molding and forming certain articles; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 3882. A bill to preserve competitive equity in financial services; to the Committee on Financial Services.

By Mr. McCRERY (for himself, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. CANTOR, Mr. BAIRD, Mr. DICKS, Mr. GOHMERT, Mr. GOODLATTE, Mr. HASTINGS of Washington, Mr. JINDAL, Mr. LARSEN of Washington, Mr. REICHERT, Mr. ROSS, Mr. SMITH of Washington, Mr. WALDEN of Oregon, Mr. BOUSTANY, and Mr. HALL):

H.R. 3883. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD:

H.R. 3884. A bill to provide incentives for highly qualified teachers and administrators to remain in and relocate to areas affected by major disasters; to the Committee on Education and the Workforce.

By Ms. NORTON (for herself, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Mr. FORTUÑO):

H.R. 3885. A bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Financial Services.

By Mr. ORTIZ (for himself and Mr. TAYLOR of Mississippi):

H.R. 3886. A bill to require the Secretary of the Navy to comply with certain reversionary requirements related to property donated to the Navy for use as a Navy homeport whenever the property ceases to be used for that purpose; to the Committee on Armed Services.

By Mr. PITTS:

H.R. 3887. A bill to provide for the designation of 3 closed military installations as appropriate sites for construction of an oil refinery; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Ms. WATERS, Mr. LEACH, Mr. WATT, Mr. DAVIS of Alabama, Mr. GERLACH, Mr. FRANK of Massachusetts, Mr. BOEHLERT, Mrs. MALONEY, Mr. PASTOR, Mrs. JOHNSON of Connecticut, Mr. PETERSON of Minnesota, Mr. HOLT, Mr. SCOTT of Georgia, Mr. MEEKS of New York, Ms. BALDWIN, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. CUMMINGS, Ms. DeLAURO, Mr. MARKEY, Mr. McINTYRE, Mr. OWENS, Mr. GUTIERREZ, Mr. RUSH, Mr. KILDEE, Mr. WEXLER, Mr. COOPER, Mr. MOORE of Kansas, Mrs. McCARTHY, Ms. KAPTUR, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. CONYERS, Mr. MENENDEZ, Mr. BERMAN, and Mr. PAYNE):

H.R. 3888. A bill to reauthorize the HOPE VI program for revitalization of public housing projects; to the Committee on Financial Services.

By Mr. SOUDER (for himself, Mr. SENSENBRENNER, Mr. BLUNT, Mr. COBLE, Mr. CALVERT, Mr. LARSEN of Washington, Mr. BOSWELL, Mr. KENNEDY of Minnesota, Mr. CANNON, Ms. HOOLEY, Mr. BAIRD, Mr. OSBORNE, Mr. CARDOZA, Mr. CASE, Mr. ROGERS of Alabama, Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. SMITH of Texas, Mr. BACHUS, Mr. PETERSON of Pennsylvania, Mr. BOREN, Ms. HERSETH, Mr. FRANKS of Arizona, Mr. ABERCROMBIE, Mr. WALDEN of Oregon, Mr. REICHERT, Mr. WAMP, Mr. McHENRY, Mr. GRAVES, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. SCHWARZ of Michigan, Miss McMORRIS, and Ms. GRANGER):

H.R. 3889. A bill to further regulate and punish illicit conduct relating to methamphetamine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, International Relations, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 3890. A bill to provide for the participation in Head Start programs and Early Head Start programs, by children affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. TIERNEY (for himself, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DeFAZIO, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mr. LYNCH, Mrs. MALONEY, Mr. McDERMOTT, Mr. McGOVERN, Mr. MEEHAN, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. SANDERS, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. UDALL of New Mexico, Mr. WEINER, Mr. DELAHUNT, Ms. BALDWIN, Mr. PAYNE, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. KUCINICH, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Ms. MILLENDER-McDONALD, and Ms. CARSON):

H.R. 3891. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce.

By Mr. WICKER:

H.R. 3892. A bill to amend title 31, United States Code, to authorize the issuance of Hurricane Katrina Relief EE savings bonds; to the Committee on Ways and Means.

By Ms. HARRIS (for herself and Mr. RAMSTAD):

H. Con. Res. 249. Concurrent resolution supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month; to the Committee on Government Reform.

By Mr. McGOVERN (for himself, Mr. LEACH, Mr. LANTOS, Mr. KING of New York, Mr. BERMAN, Mr. PAYNE, Mr. ENGEL, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. CROWLEY, Ms. WATSON, Ms. McCOLLUM of Minnesota, Mr. TIERNEY, Mrs. LOWEY, Ms. PELOSI, Mr. SERRANO, Ms. KAPTUR, Mr. McNULTY, Mr. BISHOP of New York, Mr. RYAN of Ohio, Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. LYNCH, Mr. KUCINICH, Mrs. JONES of Ohio, Mrs. KELLY, and Mr. OBEY):

H. Res. 458. A resolution remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980; to the Committee on International Relations.

By Mr. DINGELL (for himself and Mr. WELDON of Pennsylvania):

H. Res. 459. A resolution recognizing the achievements and contributions of the Waterfowl Population Survey Program of the United States Fish and Wildlife Service; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Ms. WATERS.

H.R. 97: Ms. SCHWARTZ of Pennsylvania.

H.R. 147: Mrs. MILLER of Michigan, Mr. MANZULLO, and Mr. SERRANO.

H.R. 154: Mr. PAUL.

H.R. 226: Mr. McINTYRE and Mr. KUHL of New York.

H.R. 305: Mr. SCHWARZ of Michigan.

H.R. 551: Mr. LYNCH.

H.R. 558: Ms. SCHWARTZ of Pennsylvania.

H.R. 582: Mr. FILNER.

H.R. 583: Mr. BOOZMAN.

H.R. 698: Mr. TAYLOR of North Carolina.

H.R. 743: Mr. WEXLER.

H.R. 758: Mr. MARCHANT.

H.R. 817: Mr. GILCHREST, Mr. SWEENEY, Ms. HARRIS, Mrs. BONO, and Mr. EVERETT.

H.R. 819: Mr. LaHood and Mr. Conaway.

H.R. 839: Mr. Wu.

H.R. 846: Mr. Mario Diaz-Balart of Florida.

H.R. 859: Mr. Murtha.

H.R. 865: Mr. Jindal.

H.R. 896: Mr. Knollenberg and Mr. Pickering.

H.R. 910: Mr. Walsh and Mr. Visclosky.

H.R. 920: Mr. Al Green of Texas.

H.R. 923: Mr. Michaud.

H.R. 994: Mr. Lewis of Georgia, Mr. Spratt, Mr. Davis of Kentucky, Mr. Marchant, Mr. Bonilla, Mr. Dent, Mr. Scott of Virginia, Mr. Jones of North Carolina, Mrs. Johnson of Connecticut, and Mr. Blumenauer.

H.R. 1002: Mr. Becerra and Mr. Rangel.

H.R. 1020: Mr. Strickland.

H.R. 1079: Mr. Marchant.

H.R. 1080: Mr. Price of North Carolina.

H.R. 1124: Mr. Meehan.

H.R. 1150: Mr. Alexander.

H.R. 1219: Mr. Peterson of Minnesota, Mr. Kline, and Mr. Marchant.

H.R. 1243: Mr. Marchant and Ms. Foxx.

H.R. 1246: Ms. Ginny Brown-Waite of Florida.

H.R. 1251: Mr. Nadler, Mr. Higgins, and Mr. Grijalva.

H.R. 1262: Mr. Wolf.

H.R. 1356: Mr. Clay.

H.R. 1358: Mr. Rothman.

H.R. 1425: Mr. Levin.

H.R. 1440: Ms. Linda T. Sánchez of California.

H.R. 1471: Mr. Smith of Washington and Mr. Kuhl of New York.

H.R. 1502: Mr. Filner, Mr. Hinchey, and Mr. Pastor.

H.R. 1548: Mr. Bishop of Georgia and Mr. Burton of Indiana.

H.R. 1646: Mr. Rothman, Mrs. Wilson of New Mexico, and Ms. Bean.

H.R. 1707: Mr. Stark and Mr. Platts.

H.R. 1708: Mr. Kennedy of Minnesota.

H.R. 1736: Mr. Kind.

H.R. 1745: Mr. Murtha and Mr. Marchant.

H.R. 1792: Mr. McGovern.

H.R. 1898: Mrs. Biggert.

H.R. 1951: Mr. Dent and Mr. Young of Florida.

H.R. 1952: Mr. Fossella and Mr. Hensarling.

H.R. 1956: Mr. Marchant.

H.R. 2048: Mr. Van Hollen.

H.R. 2121: Mrs. Emerson and Mr. Hulshof.

H.R. 2175: Mr. Michaud.

H.R. 2177: Mr. Hulshof and Mr. Skelton.

H.R. 2209: Mr. Davis of Alabama.

H.R. 2238: Mr. Etheridge, Mr. Putnam, Mr. Moore of Kansas, and Mr. King of New York.

H.R. 2356: Mr. Baird, Mr. Visclosky, Mr. Garrett of New Jersey, Mr. Jenkins, and Mr. Weller.

H.R. 2418: Mr. Moore of Kansas, Mr. Honda, Mr. Alexander, Mr. Ford, Mr. Van Hollen, and Mr. Costello.

H.R. 2421: Mr. Beauprez, Mr. Gonzalez, Ms. Solis, Mr. Miller of Florida, Mr. Wolf, Mr. Kildee, Mr. Wexler, Ms. Eshoo, Mr. Berman, Mr. Grijalva, Mr. McNulty, Mr. Weiner, Mr. Moran of Virginia, Mr. Owens, Mr. Higgins, Mr. Shuster, Mr. Kucinich, Mr. Capuano, Mr. George Miller of California, Mr. Tiberi, and Mr. Engel.

H.R. 2471: Mr. Wamp.

H.R. 2594: Mr. Ramstad.

H.R. 2635: Mr. Crowley, Mr. Larsen of Washington, Ms. Slaughter, Ms. DeGette, Mrs. Davis of California, and Mrs. Maloney.

H.R. 2662: Mr. Oberstar, Mr. Jackson of Illinois, and Mr. Miller of North Carolina.

H.R. 2669: Mr. Murphy, Mr. King of New York, Mr. Cummings, and Mr. Lynch.

H.R. 2682: Mr. Hastings of Washington.

H.R. 2717: Mr. Walden of Oregon, Mr. Andrews, and Mr. Walsh.

H.R. 2872: Mr. Saxton, Mr. Holden, Mr. LoBiondo, Mr. Osborne, Mr. Rothman, Mrs. Jo Ann Davis of Virginia, Ms. Berkley, Mr. Gutknecht, Mr. Fitzpatrick of Pennsylvania, Ms. Roybal-Allard, Ms. Solis, Mr. Ackerman, Ms. Baldwin, Mr. McNulty, Mr. Barrow, Mrs. Cubin, and Mr. George Miller of California.

H.R. 2876: Mr. Davis of Florida, Mr. Simmons, Mr. LaTourette, Mr. Lynch, Mr. Kuhl of New York, Mr. Dent, Mr. Hoyer, Mr. Jefferson, Mr. Wu, Mr. Kline, Mr. Meeks of New York, and Ms. Loretta Sanchez of California.

H.R. 2928: Mr. Van Hollen, Mr. Lantos, Mr. Dicks, Mr. Kind, Mr. Israel, Ms. Kilpatrick of Michigan, and Mr. Sabo.

H.R. 2963: Mr. Chandler.

H.R. 2968: Mr. Boehlert.

H.R. 3011: Mr. Duncan.

H.R. 3042: Ms. Linda T. Sánchez of California.

H.R. 3098: Mr. Kennedy of Minnesota, Mr. Souder, Mr. Bishop of Georgia, Mr. Cardoza, Mr. Hunter, Mr. Radanovich, and Mrs. Bono.

H.R. 3127: Mr. Fitzpatrick of Pennsylvania, Mr. Frank of Massachusetts, Ms. Schakowsky, Ms. Kilpatrick of Michigan, Mr. Jefferson, and Mr. Cummings.

H.R. 3128: Mr. Berman.

H.R. 3256: Mr. Fitzpatrick of Pennsylvania and Mr. Platts.

H.R. 3260: Mr. Price of North Carolina.

H.R. 3298: Mr. Bonilla, Mrs. Bono, Mr. Gerlach, Mr. Coble, and Mr. Radanovich.

H.R. 3322: Mr. Levin.

H.R. 3329: Mrs. Northup.

H.R. 3373: Mr. Rogers of Alabama, Mr. Kuhl of New York, Mr. Udall of Colorado, Mr. Strickland, and Mr. Sherwood.

H.R. 3403: Mr. Sessions, Mr. Bartlett of Maryland, and Mr. Conaway.

H.R. 3417: Mr. Peterson of Minnesota.

H.R. 3418: Mr. Carter.

H.R. 3452: Mr. Tiberi, Mr. Strickland, and Mr. Gillmor.

H.R. 3465: Mr. Gonzalez and Mr. McDermott.

H.R. 3505: Mr. Al Green of Texas and Mrs. Maloney.

H.R. 3506: Mr. Hastings of Florida, Mr. Meeks of New York, Mr. Ruppersberger, Mr. Owens, Mr. Payne, Mr. Lewis of Georgia, Mr. Towns, Ms. Schakowsky, Mr. Hulshof, Ms. Lee, Mr. Dicks, Mr. Moran of Virginia, Mr. Serrano, Ms. Watson, Ms. McKinney, Ms. Millender-McDonald, Mr. Rush, Mrs. Christensen, Mr. Cummings, and Mr. Frank of Massachusetts.

H.R. 3547: Mr. Bachus and Mr. Moore of Kansas.

H.R. 3559: Mr. Murtha, Mr. Gerlach, Mr. Peterson of Minnesota, Mr. Wamp, and Mr. Regula.

H.R. 3561: Mr. Towns, Mr. Brady of Pennsylvania, Mr. Cardin, and Ms. Baldwin.

H.R. 3586: Ms. Ginny Brown-Waite of Florida and Mr. Garrett of New Jersey.

H.R. 3612: Mr. Filner.

H.R. 3614: Mr. Reyes.

H.R. 3622: Ms. Granger and Mr. LaTourette.

H.R. 3644: Mr. Weller, Mr. Baird, and Mr. Shimkus.

H.R. 3690: Mr. Lantos.

H.R. 3697: Mr. Waxman and Mr. Lantos.

H.R. 3698: Mr. Allen, Mr. Lantos, and Ms. Baldwin.

H.R. 3717: Mr. Cannon, Mr. Graves, Mr. Wolf, Mr. Norwood, and Mr. Goode.

H.R. 3737: Mr. Pastor, Mr. Manzullo, and Mr. Gillmor.

H.R. 3752: Mr. Case, Mrs. McCarthy, Mr. Owens, and Mr. Clay.

H.R. 3753: Mr. Beauprez, Mr. Garrett of New Jersey, Mr. Ney, and Mr. Marchant.

H.R. 3757: Mr. Miller of Florida and Mr. Simmons.

H.R. 3763: Mr. Fattah and Mr. Moore of Kansas.

H.R. 3776: Mr. Burton of Indiana and Mr. Miller of Florida.

H.R. 3782: Mr. Ruppersberger and Mr. Cunningham.

H.R. 3787: Ms. Lee.

H.R. 3797: Mr. Hensarling and Mr. Paul.

H.R. 3800: Ms. Eddie Bernice Johnson of Texas, Mr. McNulty, Mr. Frank of Massachusetts, Ms. Solis, and Mr. Nadler.

H.R. 3809: Mr. Costello and Mr. Holt.

H.R. 3811: Mr. Gohmert, Mrs. Cubin, Mr. Wamp, and Mrs. Myrick.

H.R. 3824: Mrs. Drake, Mr. Bonilla, Mr. Conaway, Mrs. Blackburn, Mr. Davis of Kentucky, Mr. Lewis of Kentucky, Mr. Jindal, Mr. Peterson of Pennsylvania, Mr. Rehberg, Mr. Otter, Mr. Bishop of Georgia, Ms. Bordallo, Mr. Boren, Mr. Owens, and Mr. Peterson of Minnesota.

H.R. 3825: Mr. Dent and Mr. Platts.

H.R. 3828: Mr. Weldon of Florida, Mr. Hostettler, Mr. Garrett of New Jersey, Mrs. Blackburn, Mr. Turner, Mr. Akin, Mrs. Cubin, Mr. McHenry, Mr. Green of Wisconsin, Mr. Pence, Ms. Foxx, Mr. Lewis of Kentucky, Mr. Keller, Mrs. Schmidt, Mr. Smith of New Jersey, Mr. Franks of Arizona, Mr. Tiberi, Mr. Cole of Oklahoma, Mr. Hayworth, Mr. Burton of Indiana, Mr. Bishop of Utah, and Mr. Kuhl of New York.

H.R. 3836: Mr. Baker and Mr. Moran of Kansas.

H.R. 3838: Mr. Grijalva, Mr. Honda, Mr. Brown of Ohio, Mr. Jefferson, Mr. Schiff, Mr. Kanjorski, and Ms. Linda T. Sánchez of California.

H.J. Res. 55: Mrs. Maloney and Mr. Clay.

H.J. Res. 57: Mr. Sodrel.

H.J. Res. 58: Mr. Moran of Kansas.

H.J. Res. 60: Mr. Bachus.

H.J. Res. 65: Mr. Gene Green of Texas, Mr. Holt, Mr. Barrow, Mr. Pallone, and Mr. Evans.

H. Con. Res. 40: Mr. Rothman.

H. Con. Res. 42: Mr. McCotter.

H. Con. Res. 106: Mr. Bradley of New Hampshire.

H. Con. Res. 123: Ms. Linda T. Sánchez of California.

H. Con. Res. 172: Ms. Zoe Lofgren of California, Mr. Stark, Mr. Clay, and Ms. Schwartz of Pennsylvania.

H. Con. Res. 174: Ms. Woolsey, Mr. Gordon, Mr. Schwarz of Michigan, Mr. Platts, and Mr. Kirk.

H. Con. Res. 190: Mr. Holt.

H. Con. Res. 210: Mr. Dicks, Mr. Young of Florida, Mr. Case, Mr. Schiff, Mr. DeFazio, Mr. Marshall, Mr. Simpson, Mr. Andrews, Mr. Wolf, Mr. Ford, Mr. Bradley of New Hampshire, Mr. Carter, Mrs. Capito, Mr. McHugh, Mrs. Johnson of Connecticut, Mr. Herger, Mr. McCrery, Mr. Camp, Mr. Nussle, Mr. Sam Johnson of Texas, Mr. English of Pennsylvania, Mr. Hayworth, Mr. Weller, Mr. Hulshof, Mr. Lewis of Kentucky, Mr. Brady of Texas, Mr. Reynolds, Mr. Ryan of Wisconsin, Mr. Cantor, Mr. Linder, Mr. Beauprez, Ms. Hart, Mr. Chocola, and Mr. Nunes.

H. Con. Res. 228: Mr. Jefferson, Mr. Berman, Mr. Watt, Mr. Grijalva, Mrs. Drake, Mr. Owens, Mr. Terry, Mr. Wolf, Mr. Gary G. Miller of California, Ms. Woolsey, Ms.

SOLIS, Ms. KILPATRICK of Michigan, Mr. SHERMAN, Mr. HOLT, Mr. SMITH of Washington, Mr. NORWOOD, Mr. PAYNE, Mr. TOM DAVIS of Virginia, and Mr. CASTLE.

H. Con. Res. 230: Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mrs. BLACKBURN, Mr. TANCREDO, Mr. FERGUSON, Mr. CONAWAY, Mr. BACHUS, Mrs. BONO, Mr. ROGERS of Michigan, Ms. LINDA T. SÁNCHEZ of California, Mr. TERRY, Mr. ROYCE, Mr. CUNNINGHAM, Mr. HUNTER, Mr. GARY G. MILLER of California, Mr. MCKEON, Mr. CALVERT, Mr. LEWIS of California, Mr. MCCRERY, Mr. COBLE, and Mr. RADANOVICH.

H. Con. Res. 245: Mr. MCHUGH, Mr. FORBES, Mr. HALL, Mr. ALEXANDER, and Mr. KUHL of New York.

H. Con. Res. 247: Mr. CAPUANO and Ms. PELOSI.

H. Con. Res. 248: Mr. FOSSELLA, Mr. UDALL of New Mexico, Mr. STEARNS, Mr. TANCREDO, Mr. HOLT, Mr. FOLEY, Mr. HOLDEN, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, Mr. MCNULTY, Mr. WILSON of South Carolina, Mr. WEXLER, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. DOGGETT, Mr. SNYDER, Mr. ROTHMAN, Mr. SCHWARZ of Michigan, and Mrs. MCCARTHY.

H. Res. 137: Mr. BONILLA, Mr. HINOJOSA, Mr. CUELLAR, Mr. ADERHOLT, Mr. POMBO, and Mr. SHERWOOD.

H. Res. 166: Mr. PASCRELL.

H. Res. 192: Mr. FRANK of Massachusetts.

H. Res. 276: Mr. SHAW.

H. Res. 323: Mr. FORD and Mr. ROTHMAN.

H. Res. 388: Mr. CONAWAY and Mr. SCHWARZ of Michigan.

H. Res. 407: Mr. CONAWAY.

H. Res. 411: Mr. MEEHAN and Mr. PAYNE.

H. Res. 438: Mr. ISRAEL, Mr. WAMP, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. BERMAN, and Mr. MENENDEZ.

H. Res. 444: Ms. SOLIS, Mr. MCHUGH, and Mr. TOM DAVIS of Virginia.

H. Res. 449: Mr. EMANUEL, Mr. HONDA, Mr. PETERSON of Minnesota, Mr. INSLEE, Mr. CONYERS, and Mr. CASE.

EXTENSIONS OF REMARKS

RECOGNIZING JOHN L. JERMAIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize John L. Jermain of Conception Junction, Missouri. John celebrated his 80th birthday on July 12, 2005 and it is my privilege to offer him my warmest regards on achieving this important milestone.

In addition to being a fine grandfather, Mr. Jermain is a respected farmer and dedicated community member in Conception Junction. He fought for the United States of America with honor in Korea, and I am grateful for Mr. Jermain's patriotism and service to our nation.

Mr. Speaker, I proudly ask you to join me in recognizing John L. Jermain. It is an honor to represent him in the United States Congress, and I wish him all the best for many more birthdays in the future.

AUGUSTINE GALLEGO: THE SAN DIEGO CHICANO FEDERATION'S LIFETIME ACHIEVEMENT AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. FILNER. Mr. Speaker, Augustine "Augie" Gallego has provided decades of leadership to our community through his distinguished career in higher education.

Named chancellor of the San Diego Community College District in 1990, Augie exemplified the values of lifelong learning. A leading proponent of improving diversity in education and the workplace, Augie collaborated with elementary and secondary schools, universities and employers to broaden access for all individuals.

In 2002, Augie led the $685 million capital improvement campaign for the San Diego Community College District. As the bond campaign leader and chief fundraiser, Augie met with community groups, business and community leaders, giving more than 50 presentations during a three-month period. During that time, he raised a vast majority of the $600,000 needed for the "Yes on Proposition S" public awareness campaign and endorsements from both Democrat and Republican members of Congress, the State Legislature, San Diego City Council and the San Diego Taxpayers Association. Today, the San Diego Community College District has experienced many improvements as a result of Augie's efforts.

Augie continues to initiate efforts within the Community College District and to assist other community colleges to expand international programs, exchanges and expanding curriculums to improve understanding and appreciation of diverse cultures throughout the world. He has served as the chairman of the board of directors for the International Community Foundation, a San Diego-based organization committed to fostering lasting philanthropy to benefit international communities throughout the Americas and Asia in the areas of education, community development, health, the environment and cultural endeavors. The organization recently granted awards to support projects in Mexico, China, India, El Salvador, Ecuador and Canada.

Augie has an extensive background in public service and has served on the board of directors for the San Diego Dialogue (a public policy organization based at the University of California, San Diego), the International Community Foundation, United Way of San Diego County and the Commission on Children, Youth and Families.

He has clearly demonstrated dedicated, selfless and meaningful work that has made a positive difference in the lives of thousands of people in our community and throughout the world.

Congratulations, Augie, on this Award for Lifetime Achievement.

THE CUBAN GOVERNMENT'S SUCCESSFUL METHODS OF RESPONDING TO HURRICANES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. KUCINICH. Mr. Speaker, Everyone acknowledges that the United States has lessons to learn from the disgraceful Federal and local response to Hurricane Katrina. Even the President has ordered a review of the government response to the hurricane and declared that necessary changes must be made to be better prepared for the future. Perhaps we could learn lessons from an island just 90 miles south of Florida that is frequently buffeted by hurricanes. Yesterday CNN aired the following story about the Cuban Government's successful methods of responding to hurricanes:

HURRICANE RITA, LESSONS FROM CUBA?

SEPT. 20, 2005.—Lloyd: You hear a lot about evacuations as a hurricane nears; yesterday, the mayor of Galveston, Texas—where Rita could be headed—declared a state of emergency in that city. She also said mandatory evacuations will start today. In Cuba, which sits on the northern edge of the Caribbean Sea, the government usually has strict guidelines in place for hurricanes. Lucia Newman went to the island nation to bring us this story about Cuba's secrets for saving lives.

Lucia Newman, CNN reporter: Cuba is the largest and most populated island in the Caribbean yet it consistently experiences the lowest death tolls during hurricane season. According to United Nations, it's not because Cubans are lucky but because they're prepared.

"We were prepared for a big one, and big it was," says this man of Hurricane Ivan. He and nearly 2 million others were evacuated from low lying areas and fragile buildings ahead of the hurricane. Nobody was killed.

Preparations for a hurricane start well in advance. The same system that gives the communist state total political and economic control is used efficiently to mobilize the nation to face natural disasters.

State run television and the civil defense authority bombard the population with information and instructions about what measures to take. On every block, there's a person assigned to take a census on who is being evacuated to which shelter, with special attention paid to the elderly and pregnant women.

"We have a list, and tell each person where they have to go and there, they're taken care of," says Llance Perez.

In the fishing village of La Coloma, which is vulnerable to hurricane flooding, a massive evacuation was mandatory. The police and army were responsible for guaranteeing there was no looting. Electricity is cut ahead of the hurricane to prevent electrocutions.

After Hurricane Ivan, the seaside village of Las Canas looked like a ghost town. Its residents evacuated days earlier. But while many lost much of their belongings, at least no one had to cry over the loss of a loved one. Lucia Newman, CNN, Havanna.

RECOGNIZING JOHN STACY

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. WESTMORELAND. Mr. Speaker, I rise today to recognize the accomplishments of a great American, John Stacy. It is my privilege to bring before the House of Representatives the occasion of his 60th birthday.

John Stacy was born on October 5, 1945 in Coleman, KY to his proud parents, John and Bertha Stacy. After he completed his education, he began serving his country, entering the United States Marine Corps in June of 1965. After completing the rigors of boot camp, he went on to serve in a number of capacities, including the area of Motor Pool Transport, as a colonel's personal driver, then as a career planner and a member of the Hostage Negotiations Team. Eventually he became an instructor for the Officer Advanced Course for Military Police.

He also served overseas on a number of occasions between 1966 and 1981, including a tour in Vietnam, two tours of duty in Okinawa, and time at Subic Bay in the Philippines.

During this time, John was continuing to rise through the ranks, achieving the rank of gunnery sergeant. But others saw the distinction

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

he brought to his duties, and he was recognized as the Marine Corps Outstanding Military Citizen for Georgia in 1984.

In 1985, John retired from the Marines at his gunnery sergeant rank after 20 years of service to our Nation and to our freedoms. That alone would seem to be enough to make a life worthwhile. But as those of us who have friends who are Marines know, a Marine never truly retires.

And John didn't retire either—he had begun working with the Boy Scouts of America before finishing his time with the Marine Corps, and his "retirement" from the Marines only meant he had more time to invest in the lives of others. He served with the Boy Scouts for a total of 10 years, working as a camp ranger and the program director of Camp Osborn. During that time, he had an active role in molding the lives of young men through the Boy Scouts, and led them by his example of service as he helped turn those boys into men.

But John wasn't finished yet. His experience in police duties and law enforcement led to the request that he serve as executive director of the Georgia Association of Chiefs of Police, GACP, the largest professional association for law enforcement administrators in the State of Georgia. In that role, he took an active part in ensuring law enforcement was effectively represented at the State Capitol, and that the more than 1,000 executives representing agencies from across the State had their voices heard. The position with the GACP also moved John and his family to Columbus, GA.

Soon John received another call to service, and saw his influence grow wider. Senator Paul Coverdell needed regional representatives as he sought to put his staff together to effectively serve constituents from across the State after his election in 1992. John served effectively in that position, representing the Senator, and serving people in need from around the area.

Tragically, however, Senator Coverdell passed away while in office after a stroke, and Zell Miller, a former Governor of Georgia, was appointed to fill the great void left by the death of Senator Coverdell.

After the transition was complete, Senator Miller asked John to stay on his staff, and he continued to serve as regional director, and eventually assisted in the opening of an office in Young Harris, the Senator's hometown.

John continued to serve with Senator Miller until the Senator's retirement at the conclusion of his term in January of this year. And, as my term in the U.S. Congress began, John came on to my staff as my district director. He has served with distinction already, and his knowledge of the people of the Eighth District has been invaluable.

But if you set aside all the things a person has done, you can always learn a lot about a man by his family. And John meets that test as well. During all of his service to our Nation and the great State of Georgia, John has been married to a truly wonderful lady, his wife Elaine. They have just celebrated their 39th wedding anniversary. And John is the father of two children, Graham and Janet, who continue to carry on their father's vision of service to others.

And this great man, and great American, who has achieved so much, is now celebrating his 60th birthday.

Mr. Speaker, I lay before you the life and achievements, so far, of a great American, and hope all the House will join me in wishing him the best birthday wishes as he continues to serve all of us in this country.

RECOGNIZING ANDREW S. CARLISLE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew S. Carlisle, son of David and Susan Carlisle of Saint Joseph, MO. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout. Andrew will receive his Eagle Award on October 2, 2005 at Saint Francis Xavier Parish Center.

Andrew has been very active with his troop, participating in many Scout activities. Over the 5 years Andrew has been involved with scouting, he has earned numerous merit badges, honors, and leadership positions. Andrew has served his troop as assistant patrol leader, patrol leader, assistant senior patrol leader, senior patrol leader, quartermaster, and troop guide. Andrew is a member of the Tribe of Mic-O-Say and completed Junior Leader Training. During his years in the Scouts, Andrew spent 5 years at summer camp, and participated in canoe trips down the Niangua River. For his Eagle Scout project, Andrew did trail work at Bluff Woods Conservation Area.

Mr. Speaker, I proudly ask you to join me in commending Andrew S. Carlisle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING NASA AND THE "DISCOVERY" CREW

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. DELAY. Mr. Speaker, I rise in strong support of the gentleman from California's resolution honoring the men and women who led, launched, and piloted Space Shuttle *Discovery* out of our atmosphere, and into history.

I had the opportunity earlier this afternoon to visit with *Discovery's* crew: Commander Eileen Collins, Jim Kelly, Charlie Camarda, Wendy Lawrence, Soichi Noguchi, Steve Robinson, and Andy Thomas.

I have met them before, and they're as impressive in person as they will be in the history books.

Last month, these seven astronauts—and the entire NASA family—took President Bush's new Vision for Space Exploration and turned it into a reality, taking the first small steps into the space age of the 21st century.

The president's vision calls for the shuttle's return to flight to be followed by the completion of the International Space Station, the development of a new crew exploration vehicle, and eventual missions back to the moon and on to Mars.

Discovery's mission to the space station began that process, and earlier this week, NASA announced its design and plans for the new spacecraft.

America's space program is on a roll, and we will build on that momentum, Mr. Speaker, all the way from here to the red planet.

The men and women of NASA represent the courage and drive that got our Nation into space and on the surface of the moon four decades ago.

That spirit is now igniting a new generation of astronauts and engineers, who will take our Nation ever higher, ever farther, ever deeper into the unknown.

The NASA community—whether here on earth or high above—have done heroic work in the last 2 years refocusing their efforts toward the president's vision.

The goals he has put before them would seem almost impossible to most people—and that's exactly how our space community likes it.

Congress and the entire Nation owe the *Discovery's* crew—and NASA's earthbound support staff—a debt of gratitude for their successful mission, and the only way to repay that debt is to make sure we work to finish the job they have so bravely started.

RECOGNITION OF BAYAUD INDUSTRIES

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. BEAUPREZ. Mr. Speaker, I would like to take this opportunity today to recognize Bayaud Industries, a non-profit corporation whose sole purpose is to provide job training and placement to the mentally and physically disabled in my home state of Colorado.

Founded in 1969, Bayaud Industries has provided services to over 5,000 disabled individuals and is currently counseling 200 people per year. Even after placement, Bayaud Industries continues its support, making sure that each of their clients has a case worker they can turn to, once they begin their first job.

According to the National Mental Health Association "the unemployment rate in the United States for individuals with disabilities is approximately 75 percent, the unemployment rate for individuals with psychiatric disabilities are even higher at 80 percent". People who have the ability to go work find satisfaction in their jobs because it gives them the opportunity to do something useful everyday. sadly, many with disabilities feel they have to live without this sense of accomplishment. Employment can give any person a strong sense of pride and belonging, this is the goal Bayaud Industries has accomplished for over the past 35 years.

The need for companies such as Bayaud Industries is apparent; Bayaud creates an invaluable link between the American workforce and the disabled. Mr. Speaker, I not only commend the actions of this company with their dedication to the physically and mentally disabled, but also for their commitment to businesses across Colorado.

REGARDING AMERICAN GOLD STAR MOTHERS DAY

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. TIAHRT. Mr. Speaker, this Sunday, September 25th, is American Gold Star Mothers' Day. This important day honors not only fallen patriots, but the grieving families they left behind.

Throughout our America's history, brave men and women have left their mothers and fathers to take up arms in defense of this Nation and its ideals. Sadly, many of these heroes never return home. Although our nation will be forever grateful of their ultimate sacrifice, too often we do not remember the sacrifice of their families, especially mothers, who are left behind.

For over 75 years, the American Gold Star Mothers organization has stood strong in support of mothers who have lost their children in service to this country. Serving as a support group and a service organization, American Gold Start Mothers, Inc is a shining example of American compassion and strength. I am thankful to have an American Gold Star Mothers' chapter in Wichita, tirelessly serving and supporting one another in south-central Kansas.

This Sunday, I hope we can all take a moment to remember the sacrifices made for this country and say a prayer for the families that were left behind. I know that it is not natural for a parent to experience the loss of a child. They deserve our love, support and gratitude. We will never forget those who served and those who lost.

May God bless America, and may God bless our Gold Star Mothers.

RECOGNIZING DR. JOHN R. DIXON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dr. John R. Dixon of Brookfield, Missouri. Dr. Dixon will celebrate his 100th birthday on September 14th, and the town of Brookfield will be honoring Dr. Dixon's birthday with a parade among other festivities. It is my privilege to offer Dr. Dixon my warmest regards on achieving this important milestone.

Dr. Dixon was born on September 14, 1905. In 1931, Dr. Dixon opened his first medical practice as a physician and surgeon in Linneus, Missouri, a few miles northwest of Brookfield. In 1935, Dr. Dixon joined the Missouri National Guard which began a long career of patriotic service to our national through the Armed Services. Dr. Dixon served the United States of America with honor as a flight surgeon in World War II, Korea, and Vietnam.

Dr. Dixon still maintains his license to practice medicine, plays golf once a week, and drives himself. He is an active, vibrant, and healthy member of the community.

Mr. Speaker, I proudly ask you to join me in recognizing Dr. John R. Dixon of Brookfield, Missouri as he begins his tenth decade. It is an honor to represent him in the United States Congress.

SAM DURAN: THE SAN DIEGO CHICANO, FEDERATION'S COMMUNITY SERVICE AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. FILNER. Mr. Speaker, Sam Duran has devoted more than 30 years of his life to empowering, advocating and improving the lives of inner city youth. As the founding chief executive (CEO) of the Urban Corps of San Diego, Sam has grown the organization from its original budget of $120,000 to more than $5 million. Under his direction, the organization has been responsible for training, employing and providing educational opportunities for 5,700 at-risk youth.

The mission of the Urban Corps of San Diego is to provide job training and educational opportunities to young adults in the fields of conservation, recycling and community service, which assists them in becoming more employable, while protecting San Diego's natural resources and instilling the importance of community involvement.

Sam's passion is empowering youth. He inspires leadership by helping young people provide for themselves through solid education and environmental job training within a structured environment. It has been through Sam's continuous personal belief and commitment to empowering underprivileged youth from all walks of life, and giving back to the community through integrity and hard work, that the Urban Corps of San Diego has had the honor of being the only conservation corps to have ever received a grant from the Smithsonian Museum to conduct a survey of all outdoor sculptures in the county of San Diego. The Urban Corps assessed and cataloged the condition of San Diego's outdoor sculptures in order for the Smithsonian to begin the important and much-needed work of repairing and preserving them for future generations to cherish and enjoy.

He has been a committed community leader, environmentalist and activist for his entire adult life. During his tenure as Academy Superintendent for the California Conservation Corps from 1978–1980, Sam oversaw the life skills training for 740 youth per month. As a board member of the National Association of Service and Conservation Corps, Citizens for Clean Air Policy and EarthShare of California, he is actively involved in statewide conservation efforts and has contributed to the empowerment of youth in the conservation and environmental fields through education and vocational job training.

Sam also served as the Deputy Director of Eureka Communities, a nonprofit organization created by San Diego philanthropist Deborah Szekely, to increase the capacity of executive directors of community-based organizations to improve the lives of children, youth and families in need. In that role, he encouraged other nonprofit leaders to raise environmental awareness in their organizations and communities; to better the lives of disadvantaged children and youth; and to create forums for learning exchanges that would expose leaders to effective methods and best practices throughout San Diego and the nation.

In addition to his service on the task force created to advise President Bill Clinton on AmeriCorps, Sam serves on the boards of the San Diego Juvenile Justice Prevention Commission, the San Diego Maritime Museum, the Conservation Corps State Museum, San Diego Riverpark Foundation and the Farmworkers Institute for Education & Leadership Development (FIELD).

Sam is also a decorated Vietnam veteran who holds a Bronze Star and an Air Force Commendation with two Oak leaf clusters.

Congratulations, Sam, on this Award for Community Service!

RECOGNIZING DR. FRANK BROWN

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. WESTMORELAND. Mr. Speaker, I recognize the accomplishments of a great citizen of the Eighth Congressional District, Dr. Frank Brown.

Dr. Brown is best known to those of us from Georgia as the President of Columbus State University, and has served in that capacity since 1988. Dr. Brown has overseen the dramatic growth of the university, and worked closely with the City of Columbus to make the school a central part of the city.

But we were able to see another side of Dr. Brown last month, when he was awarded the Distinguished Citizen Award by the Boy Scouts of America, Chattahoochee Council. The Chattahoochee Council gives the award to recognize an individual or group that undertakes outstanding service to our nation, the state, or the local community. By presenting the award, the Chattahoochee Council calls attention to the honors the contributions and good works of individuals.

Dr. Brown is a worthy recipient, due to his commitment to his community. It is my privilege to lay such an achievement before the House.

IN HONOR OF THE OPENING OF THE ANDERSON-ABRUZZO INTERNATIONAL BALLOON MUSEUM

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. UDALL of New Mexico. Mr. Speaker, it is my great pleasure to rise today to commemorate the opening of The Anderson-Abruzzo International Balloon Museum, in Albuquerque, New Mexico. This museum celebrates and honors the long-standing tradition of ballooning in the Land of Enchantment. This opening is the culmination of a tremendous effort on the part of the Anderson and Abruzzo families and devoted friends and business partners, all of whom have shared in the vision and dream to create a world class collection of ballooning memorabilia and equipment.

The exhibits and programs stand as a testament to the history, science and art of ballooning. This museum will be a significant addition to the city known as the "The Balloon Capital of the World" and will prove to be a wonderful complement to Albuquerque's annual International Balloon Fiesta.

This commanding building is a fitting tribute to Albuquerque balloonists Ben Abruzzo and Maxie Anderson who are recognized internationally for their first non-stop crossing of the Atlantic Ocean by gas balloon. Not only will this museum serve as a constant reminder of their legacies, but it will also offer extensive and educational exhibits that will inform and broaden ballooning enthusiasts for years to come.

The Anderson-Abruzzo International Balloon Museum will serve as an educational institution. The museum's innovative educational outreach plan includes field trip opportunities, lectures, and an emphasis on integrating the Balloon Museum into the Albuquerque Public Schools curriculum.

I am pleased to congratulate the Anderson-Abruzzo International Balloon Museum and all of those whose efforts and contributions have made this opening possible. I would like to especially thank the Anderson and Abruzzo families, whose vision and continued dedication have been the driving factor in the museum's completion. I would also like to thank the City of Albuquerque for embracing and financing this project. I am proud to join the community in celebrating this amazing new addition to New Mexico. Mr. Speaker, I ask that all my colleagues rise to congratulate the many professionals and volunteers who have helped to make this wonderful new museum a reality.

THE INTRODUCTION OF THE TEMPORARY AGRICULTURAL LABOR REFORM ACT OF 2005

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce, along with my friend and colleague Representative MARION BERRY of Arkansas, the Temporary Agricultural Labor Reform Act of 2005, a bi-partisan bill to reform the H–2A guest-worker program. As Chairman of the House Agriculture Committee, I have traveled across the nation and seen first-hand that the H–2A temporary visa process is not working. I have talked face to face with producers who have to deal with participating in a costly, time-consuming and flawed program. For example, employers have to comply with a lengthy labor certification process that is slow, bureaucratic and frustrating. In addition, they are forced to pay an artificially inflated wage rate. My bill will streamline the cumbersome requirements of the current H–2A program to make it a more viable option for our nation's farmers.

Likewise, as a long-time Member of the House Judiciary Committee, I understand the immigration problems that currently face our country. Illegal immigration penalizes those legal immigrants and citizens who play by the rules. It is estimated that there are over 10 million illegal aliens currently living in the United States. This population grows by over 350,000 each year. Clearly, this situation has reached crisis proportions and cannot be allowed to continue.

Some believe that the only way to reform the guest worker program is by including amnesty provisions and allowing illegal aliens to adjust to Legal Permanent Resident (LPR) status. However, this would create the wrong incentive by encouraging foreign nationals to come into the country and break our laws. Amnesty is unfair to those foreign nationals trying to comply with our laws and encourages more people to come into the U.S. illegally with the thought that they, too, will get rewarded for their illegal actions in the future.

My bill would not grant an amnesty. Instead, it would require that anyone wishing to participate in the guest worker program must first return to their home country and apply from there to participate legally. This requirement will help us track who is entering our country and will create an incentive for those currently present illegally to return home and begin the process again while respecting our immigration laws.

In addition, this legislation would address a troublesome wage issue. Employers are required to pay an inflated wage called the Adverse Effect Wage Rate or AEWR. The AEWR was designed to protect similarly situated domestic workers from being adversely affected by guest workers coming into the country on a seasonal basis and being paid lower wages. However, the shortage of domestic workers in the farm workforce forces employers to hire foreign workers, and thus, is also forcing them to pay an inflated wage. My bill abolishes this unfair wage and creates a prevailing wage standard, under which, all workers are paid the same wage as workers doing similar work in that region.

The facts are simple. Agriculture needs a reliable guest worker program. Workers need access to stable, legal, temporary employment. It is in our national security interest to create a sensible way for workers to come in on a temporary basis, work, and go back to their home countries. My bill addresses problems in the guest worker program, and I look forward to working with Representative BERRY and all of the Members of this body to reform this program and make it a more viable process for everyone involved.

HONORING MR. BRUCE DE YOUNG ON THE OCCASION OF HIS RETIREMENT

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GARRETT of New Jersey. The work of educating our youth is one of the highest callings to which an individual may aspire. The values and information imparted to the minds of our children remain with them throughout their lives helping to guide their decisions and consequently, the directions of their families, communities, state, and our nation.

In recognition of the outstanding dedication of one man to this noble calling, I am pleased to extend my warmest commendation to Mr. Bruce De Young on the occasion of his retirement as Superintendent of Schools in the Ramsey, New Jersey Public School District.

Since 1992, Mr. De Young has served in the position of Superintendent of Schools, yet his dedication to education extends over many more years. Indeed, Mr. De Young has devoted thirty-six years to the field of education. From his position as Mathematics Supervisor for the Ramsey Public School District, to his tenure as Assistant Superintendent for Curriculum and Instruction, through his present position of Superintendent, Mr. De Young has enjoyed a career focused on providing the best education to his students.

Mr. De Young's contribution, however, reaches even beyond the classroom. As a member of the Legislative Committee of the New Jersey Association of School Administrators and a member of the Bergen County Association of School Administrators, the Association for Supervisors and Curriculum Development, and the National Council of Teachers of Mathematics, Mr. De Young has been willing to share his experience and knowledge for the purpose of bettering educational quality for countless students, both in New Jersey and across this great nation.

Moreover, through his willingness to mentor other Superintendents as they travel the path to permanent certification, Mr. De Young has ensured that his contribution to education will last not only throughout his career but also well into the future.

It is, therefore, with great honor and humility that I offer my sincerest appreciation and congratulations to Mr. De Young on the occasion of his retirement and I wish him a future filled with continued success.

RECOGNIZING BLAINE EVAN STECK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Blaine Evan Steck of Kansas

City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Blaine has been very active with his troop, participating in many Scout activities and earning numerous merit badges. I am especially proud of Blaine's accomplishment, because he received the Citizenship in the Nation Merit Badge for his visit to my Washington office and the Communications Merit Badge after writing a letter to me about the California legislature's attempt to prevent the Boy Scouts from using public facilities.

Mr. Speaker, I proudly ask you to join me in commending Blaine Evan Steck for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE RETIREMENT OF ROBERT McEWAN AS EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to recognize the career contributions of Robert McEwan to the Housing Authority of the County of Contra Costa and to the wider arena of affordable housing and redevelopment.

Bob has led the Housing Authority for 7 years as a director who values the knowledge and expertise of his employees, seeks their input, and earns their respect and loyalty for relating to them as he relates to everyone, fairly and sincerely.

During those 7 years, the Housing Authority faced and weathered a crisis of change in ways that the Federal Government compensates public housing authorities for the shelter and services they provide. Under Bob's leadership, at the prospect of shortfalls, the employees of the Housing Authority of Contra Costa did not retreat from their high quality standards of service to their customers and the community.

Bob has left his mark of professional excellence in the wider community of nonfederally funded affordable housing. The Bay Point 180-unit DeAnza Gardens Apartments, which he has served as corporation president, won the 2005 National Merit Award from the National Association of Housing and Redevelopment Officials. Bob has also served as a leader in local, regional and State organizations of his peers.

Mr. Speaker, I honor Bob McEwan today for his qualities of leadership by example, commitment to professional standards, and genuine regard for the welfare of the people who live in the housing he has devoted his professional life to providing.

"What do we all want?" he asks about affordable housing. "A safe community for our kids, an attractive environment, a home we are proud of. That's what DeAnza is all about".

That's what Bob McEwan is all about. I wish him a blissful retirement in the company of his wife Jean, family, friends, fellow fishermen, and, on occasion, the surprised fish, fresh from a mountain' stream, having an unexpected out-of-water experience.

COMMENDING THE CLEBURNE LIONS CLUB ON ITS 85TH ANNIVERSARY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. EDWARDS. Mr. Speaker, I rise today to congratulate the Cleburne Lions Club on its 85th Anniversary.

The Cleburne Lions Club was chartered on October 20, 1920 with 27 members with J. R. Keith as its first President and is the largest and most active service club in Johnson County and a member of Lions Clubs International—the world's largest service organization.

From its very beginning, the Cleburne Lions Club has been a vital part of the community—touching the lives of countless Cleburne and Johnson County citizens through humanitarian efforts and public service.

The Cleburne Lions Club provides funding for the Texas Lions Camp for Handicapped and Diabetic Children, the Texas Lions Foundation (Humanitarian and Disaster needs, Texas), Texas Eyeglass Recycling Center, Leader Dogs for the Blind (Guide Dogs), Lions World Services for the Blind, Lions Clubs International Foundation (Humanitarian needs—Worldwide), Lions Organ and Eye Bank, Lions Drug Awareness Council, and Julian C. Hyer Youth Camp (Youth from around the World).

The Cleburne Lions Club continues to be involved locally in a wide range of activities such as Adopt-a-School (reading and listening to children read and assisting with other activities at Adams Elementary School), sponsoring Lions drug awareness speech contest and diabetic essay contest for high school students, delivering meals-on-wheels to the elderly and handicapped, providing free eyeglasses for needy children, providing college scholarships to students at Hill College and Southwestern Adventist University, volunteering for the Salvation Army bell ringing, assisting with Whistle Stop Christmas and Christmas parade, sponsoring handicapped and diabetic children attending Texas Lions Camp, collecting used eyeglasses for recycling and shipping to developing countries, providing guidance and assistance to Lions Clubs in Mexico, and leading and assisting with numerous local community improvement projects.

It is my honor and privilege to commend and congratulate the Cleburne Lions Club on its 85th anniversary and peerless record of service to Cleburne and Johnson County, Texas.

RECOGNIZING THE 150TH ANNIVERSARY OF FLINT, MICHIGAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. KILDEE. Mr. Speaker, it is with a tremendous sense of pride that I rise before you today to recognize the 150th anniversary of my hometown, Flint, Michigan. This milestone will be celebrated with a series of events, during Homecoming Weekend September 23–25. Activities include a commemorative parade, pedal boat rides on the Flint River, and the opening of the newly renovated Flint Institute of Arts, just to name a few.

Although incorporated in 1855, Flint was first founded in 1819 by fur trader Jacob Smith. The fledgling community, located on the banks of the Flint River, prospered under the trading, trapping, and lumber industries, which in turn brought more settlers to the area. In the 1840's, Flint became famous for its carriage production. One such group, the Durant-Dort Carriage Company, purchased a tract of land in Flint and used the site to create a network of factories with the intention of maintaining all aspects of carriage production in close proximity. Under the leadership of William C. Durant, and with the help of Robert J. Whaley and Flint's own Citizens National Bank, this company grew to become what we know today as General Motors. Since then, Flint's history has been perpetually linked with the auto industry. The 1937 Sitdowners Strike served as a defining moment in the creation of the United Auto Workers. The Buick factory, where my father worked, and the other General Motors facilities in the Flint area served as one of the nation's greatest contributors during both World Wars, producing engines, parts, tanks, and other materials used by Allied forces in defense of the Free World.

Over the years, Flint grew to become Michigan's fourth largest city, with a population of approximately 125,000 people. It is also home to a cultural center spanning 30 acres, institutions of higher learning such as Kettering University, C.S. Mott Community College, and the University of Michigan-Flint, outstanding medical centers, thriving commercial areas, and internationally renowned events such as the Crim Festival of Races.

New projects and developments help guide its progress toward the future, while at the same time honoring and preserving its rich past. Centuries-old homes and buildings stand side by side with modern works of architecture, chronicling a new chapter in the city's history. Residents and visitors are welcomed to the downtown area by majestic arches, just as they were 85 years ago. And then there is perhaps Flint's greatest treasure, its residents. From those who have lived here for a generation to those calling it home for the first time, it is the people of Flint—my friends and neighbors—that shall always serve as its true nucleus. As a lifelong resident of Flint, my memories of the city shall always remain with me. From growing up with my family, to serving as the Member of Congress for the city, I will always look upon the city fondly; it is my home.

Mr. Speaker, I would also like to acknowledge the efforts of Mayor Don Williamson, the Flint City Council, the Sesquicentennial Committee, and all event sponsors for their vision in recognizing the need to acknowledge this occasion. Again, I ask my colleagues in the House of Representatives to please join me in congratulating Flint, Michigan on its 150th anniversary.

RECOGNIZING JONATHAN KEMPER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jonathan Kemper, son of Howard and Linda Kemper of Saint Joseph, Missouri. Jonathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout. Michael will receive his Eagle Award on October 2, 2005 at Saint Francis Xavier Parish Center.

Jonathan has been very active with his troop, participating in many Scout activities. Over the 11 years Jonathan has been involved with Scouting, he has earned numerous merit badges, honors, and leadership positions. Jonathan has served his troop as Patrol Leader, Senior Patrol Leader, Historian, and Troop Guide. Jonathan holds the rank of Runner in the Tribe of Mic-O-Say, and participated in Junior Leader Training and was a member of the Junior Leader Training Staff. During his years in the Scouts, Jonathan attended Camp Geiger and Philmont Scout Ranch. For his Eagle Scout project, Jonathan refinished a fence.

Mr. Speaker, I proudly ask you to join me in commending Jonathan Kemper for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MARISA UGARTE: THE SAN DIEGO CHICANO FEDERATION'S COMMUNITY SERVICE AWARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. FILNER. Mr. Speaker: Passionate. Visionary. Bold. These are a few of the words used to describe Marisa Ugarte in a recent column in the San Diego Union-Tribune. As the executive director of the Bilateral Safety Corridor Coalition (BSCC), Marisa epitomizes all of these and more in her fervent quest to save children from pimps who pander them to pedophiles on both sides of the US-Mexico border.

With more than 20 years of experience advocating for exploited men, women, children and at-risk youth, Marisa has made her vision a global crusade over the past several years. While the BSCC is best known for its fight against sex trafficking, Marisa reports there are other issues that need attention drawn to them. They include the fate of sweatshop workers and young women working as maids and housekeepers, who Marisa says serve as indentured servants, working off the enormous debts made to get them into this country.

With a mission of 'preserving the dignity and well-being of commercially and sexually exploited women and children through prevention, intervention and education,' Marisa's organization collaborates with about 80 government and nongovernmental agencies in Mexico and the United States that strive to reduce slavery and human trafficking. They include the U.S. Justice Department, the U.S. Border Patrol Victims Unit, the University of San Diego, Departamento de Integraccion Familiar (DIF), and more.

The BSCC's vision is 'to live in a world where there is zero tolerance for exploitation and where women and children's lives are protected and held in high esteem.' Recently, the organization received a grant from the State Department to work on both sides of the border.

Marisa grew up in Mexico City and New York City. For the past three years she has created social service programs in Tijuana, Mexico. Marisa is the founder of the Binational Crisis Line in Tijuana, as well as the Domestic Violence Crisis Center for Sistema Nacional para el Desarollo Integral de la Familia (DIF), Tijuana. It was there that she became interested in advocating for those who have become victims to sex trafficking. (Marisa continues to be an advisor to DIF and to the Civil Protection and Disaster Crisis Prevention Program in Mexico.)

In the US, Marisa convenes annual anti-trafficking conferences in San Diego, and is an active speaker at similar conferences nationwide and internationally on human trafficking and the commercial sexual exploitation of women and children. Her public speaking engagements have included: Artesana, (Successful Coalition Building), Texas; the Millennium Conference, and the International Institute (Restructuring the Justice System in Mexico). She was a presenter at the follow-up conference at the Yokohama Children's Rights Conference (for Latin America and Costa Rica) and at conferences in Mexico, San Salvador and Costa Rica.

Marisa also taught at the University of California, San Diego; the University of San Diego, and the University of Xochicalco, Mexico.

Congratulations, Marisa, on this Award for Community Service.

IN HONOR AND REMEMBRANCE OF SIMON WIESENTHAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Simon Wiesenthal, beloved husband and father, author, Holocaust survivor, Jewish activist, and tireless pursuer of justice who passed away yesterday at the age of 96.

Mr. Wiesenthal was born and raised in Buczaz in what is now known as the Ukraine. There he pursued a career in architectural engineering until he was taken to a forced labor camp in 1941. For the next 4 years Mr. Wiesenthal was transferred between twelve concentration camps until he arrived at Mauthausen concentration camp in northern Austria. He remained in Mauthausen until May 5, 1945 when the camp was liberated by the American army.

In 1947 Mr. Wiesenthal opened the Jewish Historical Documentation Center for the purpose of collecting evidence for trials against Nazi war criminals. Mr. Wiesenthal worked diligently for the rest of his life in the pursuit of any and all Nazis responsible for Holocaust atrocities. Mr. Wiesenthal is credited with aiding in the capture of over 1,100 Nazi war criminals. Most notable amongst these arrests are Adolf Eichmann, an architect and implementer of Hitler's "Final Solution," and Franz Stangl, the commandant at Treblinka where an estimated 800,000 Jews died.

Mr. Wiesenthal received many honors including: decorations from the Austrian and French resistance movements, the Austrian Cross of Honor of the Sciences and Arts, the Dutch Freedom Medal, honorary knighthood from the United Kingdom, the United Nations League for the Help of Refugees Award, the Luxembourg Freedom Medal, the French Legion of Honor, and the U.S. Congressional Gold Medal.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Simon Wiesenthal, whose dedication to the pursuit of justice has ensured that the atrocities of the Holocaust will never be forgotten. I extend my deepest condolences to the family of Simon Wiesenthal, members and employees of the Simon Wiesenthal Center, and the community of Holocaust survivors. Mr. Wiesenthal will surely be remembered in history for his tireless dedication to justice and his commitment to fighting prejudice and honoring those who lost their lives to the horrors of the Holocaust.

PERSONAL EXPLANATION

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Ms. BEAN. Mr. Speaker, due to circumstances beyond my control, I was unable to vote on final passage of H.R. 250. Had I been present, I would have voted "yea" on final passage of H.R. 250, the Manufacturing Technology Competitiveness Act of 2005 (Rollcall Vote 485).

RECOGNIZING JASON ROBERT STEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jason Robert Sten, son of Kathy Holmquist and Patrick Sten of Saint Joseph, Missouri. Jason is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout. Jason will receive his Eagle Award on October 2, 2005 at Saint Francis Xavier Parish Center.

Jason has been very active with his troop, participating in many Scout activities. Over the 8 years Jason has been involved with Scouting, he has earned numerous merit badges, honors, and leadership positions. Jason has served his troop as Senior Patrol Leader, Assistant Scoutmaster, and Troop Guide. Jason holds the rank of Runner in the Tribe of Mic-O-Say, and earned the Mile Swim Award. During his years in the Scouts, Jason spent 8 years at Camp Geiger and was a member of the Junior Leader Training Staff.

Mr. Speaker, I proudly ask you to join me in commending Jason Robert Sten for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO JOHN MARSHALL ON THE OCCASION OF THE 250TH ANNIVERSARY OF HIS BIRTH

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. CANTOR. Mr. Speaker, this Saturday, September 24th, marks the 250th anniversary of Chief Justice John Marshall's birth. The principal founder of American constitutional law and one of Virginia's finest sons, Marshall's 34 years of leadership brought the United States Supreme Court great prominence.

His education, experiences, and service to the Commonwealth of Virginia enabled him to serve this country as Supreme Court Justice. Chief Justice Marshall presided over numerous landmark cases and authored many of the Supreme Court's most influential opinions.

Under his guidance, the Supreme Court from 1801 to 1835 expanded the definition of commerce, solidified the Supreme Court's dominance over the State court system, and defended the Federal Government's implied power.

These contributions and many others came after the first, and arguably most important, opinion he penned—judicial review. Shortly after his ascension to the bench, Chief Justice John Marshall affirmed the ability of the Supreme Court as the only body to decide the constitutionality of Federal or State law under the United States Constitution.

It is fitting that Marshall's birthday occurs at the same time as the United States Senate considers John Roberts' nomination to be Chief Justice of the Supreme Court. Like Marshall, Roberts would become chief justice at a relatively young age.

It is reported that Roberts would touch the statue of former Chief Justice Marshall that sits at the Supreme Court for luck before each case he argued. It is clear that John Marshall established an enduring legacy.

EXPRESSING DISAPPOINTMENT ABOUT THE VOTE ON CONYERS AMENDMENT TO CHILDREN'S SAFETY ACT

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Ms. FOXX. Mr. Speaker, I want to express my disappointment about a vote that was taken in this House last week.

The House took up very important, long overdue legislation to protect America's children and keep despicable predators off our streets.

However, an abominable amendment was offered by a Democrat that had no business being a part of the Children's Safety Act.

The noble and monumental Children's Safety Act was tainted by the Conyers amendment that seeks to punish people for their thoughts, specifically if they believe homosexuality is wrong.

While considering a great Republican bill that will crack down on pedophiles, rapists and murderers, the self-motivated Democrats instead took the opportunity to further their out of touch agenda.

I voted against the Conyers amendment and I am truly saddened that it passed.

The Children's Safety Act is so important and will do so much good in our country that I still voted for final passage despite the inclusion of this awful, unrelated amendment.

The opportunity to vote to protect American children from monstrous criminals could not be declined simply because there was a blemish on otherwise outstanding legislation.

RECOGNIZING RYAN E. JONES FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ryan E. Jones, son of Chris and Colleen Jones, of Saint Joseph, Missouri. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout. Ryan will receive his Eagle Award on October 2, 2005 at Saint Francis Xavier Parish Center.

Ryan has been very active with his troop, participating in many Scout activities. Over the years Ryan has been involved with Scouting, he has earned numerous merit badges, honors, and leadership positions including Patrol Leader and Troop Guide. Ryan is a member of the Tribe of Mic-O-Say, and spent almost every summer at Philmont Boy Scout Ranch.

For his Eagle Scout project, Ryan cleaned up brush and mowed at Happy Hallow Cemetery.

Mr. Speaker, I proudly ask you to join me in commending Ryan E. Jones for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN CELEBRATION OF THE 50TH ANNIVERSARY OF McGUCKIN'S HARDWARE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the 50th Anniversary of McGuckin's Hardware Store in Boulder, Colorado. McGuckin's is a landmark in Boulder and has long had a very special reputation for stocking hard-to-find items.

McGuckin's was opened in 1955 by Bill McGuckin, a rugged outdoorsman and avid fisherman. The store originally consisted of only four employees and four departments with a business ethic based on Bill McGuckin's belief in personalized service, selection, and first-hand experience. In 1960, Dave Hight joined his father-in-law, Bill, as a partner, and together they committed themselves to fostering McGuckin's well-deserved reputation as "the Greatest Hardware Store in the World."

After Mr. McGuckin's passing in 1966, Mr. Hight continued the excellent service and selection offered to customers. His company continued to grow over the next 50 years, and today, this independently-owned business has prospered to employ 315 individuals in all its operations. In addition to its 60,000+ square foot sales floor with over 200,000 items for sale, there is a Design Center and a Distribution Center nearby to meet every customer's need. You name it, they have it. When there's a problem with something they sell, they fix it. In the unlikely event they don't have that particular something for which you were looking, their knowledgeable, experienced staff knows where to order it and does so with a friendly manner and without a fuss.

Not surprisingly, McGuckin's has developed a loyal and devoted clientele. Boulder's Daily Camera readers have voted it "Best Hardware Store," "Best Locally-Owned Store" and "Best Customer Service." "Best Customer Service" is an understatement; McGuckin's employees are beyond comparison. They wear green and are found in almost every aisle. You can still find Dave Hight in the middle aisle. They give plain, old-fashioned, perfect service with no hovering or hard-sell. No matter which department they work in, they all know where everything in the store is located.

McGuckin's quality service doesn't stop with humans either; this store welcomes pets on-leash too. As dog-lovers on my staff will tell you, most of Boulder's best-behaved dogs and puppies began refining their social skills by shopping in McGuckin's pet supply department. Employees dressed in green will greet customers and their pets and will often ask permission to give the dog a treat. While I have never tried one, I am reliably informed by pet owners that if you give permission, the most "delectable tidbits" come out of those green smock pockets. McGuckin's is, therefore, not only a big hit with people working on their week-end home improvement projects, it is also popular with Boulder's canine population.

Mr. Speaker, I ask my colleagues to join me in acknowledging David Hight and his employees for their commitment to uniquely serving their customers. If you're ever visiting Boulder, I hope you'll have the chance to go to McGuckin's. You won't be sorry and you won't find any store like it in this day and age. I congratulate David Hight and all the employees and their families on this 50th Anniversary and wish them good health and happiness in McGuckin's future.

IN RECOGNITION OF BILL AND MARGURITE ADDISON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. RUPPERSBERGER. Mr. Speaker, William and Margurite Addison are a wonderful couple who have provided a permanent home for five children who were part of the State foster care system. Although the Addisons had thought their childrearing years were finished when their own biological children had become young adults (Ms. Addison has four biological children, ranging in age from 34 to 41, and Mr. Addison has two birth children, ages 29 and 35), they opened their home to one of Mr. Addison's nephews, Ralph, (now age 17) in 1992. The Addisons became approved foster parents for Ralph in 1994 and subsequently decided to open their home to non-relative foster children when they realized how many children were in desperate need of out-of-home care.

In 1998, the Addisons were approved as an adoptive resource for Ralph and their adoption was subsequently finalized that year. However, that was only the first of what ultimately became five adoptions. In 1999, Malik (now age 9) was adopted, Kevin (now age 3), was adopted in 2000, Warren (now age 6) was adopted in 2003, and Bryleigh (now age 3) was adopted in 2004. Except for Ralph, each of these children had come to the Addison home via the foster care system as drug-exposed infants (none of them are related). In addition, Warren suffers from sickle-cell anemia, as well as emotional/behavioral difficulties. Ralph has received special education services in school and it is likely Warren will also need a special school setting.

Mr. Addison is an educator and administrator at the Regional Institute for Children and Adolescents (RICA), which is a State-run facility for emotionally handicapped youngsters. In addition, he has facilitated anger management groups at the House of Ruth (a shelter for victims of domestic violence) or men who have a history of domestic violence.

Ms. Addison was a former truant officer for the public school system and has been active in supporting other adoptive families by developing an adoption support group for families that have adopted through the Baltimore City Department of Social Services. Although the support group is no longer active, she continues to support approved prospective adoptive families who are currently waiting to be matched with a child who needs a home.

PROTECTING MEDICARE BENEFICIARIES DURING IMPLEMENTATION OF THE MEDICARE PART D DRUG PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. STARK. Mr. Speaker, I rise with my colleague Representative JAN SCHAKOWSKY (D–IL) to introduce the Medicare Informed Choice Act. This bill provides needed extra protections for beneficiaries during the first year of implementation of the new Medicare prescription drug program.

The Centers for Medicare and Medicaid Services (CMS) has announced that participation rates by private drug plans and new Medicare Advantage plans in the new Part D drug program will be much higher than originally predicted. There will be an average of 40–50 plans per region in the country. Babette S. Edgar, finance and operations division director in CMS's Medicare Drug Benefit Group, was recently quoted saying, "There's going to be a lot of choice out there . . . It's going to be very, very confusing for [beneficiaries]."

We agree with Ms. Edgar. That's why we're introducing the Medicare Informed Choice Act. It is a simple bill with three important protections:

(1) Delays late enrollment penalties: Beneficiaries need adequate time to make an informed choice. The bill expands the existing six-month open enrollment period to the entire year of 2006. This will give people added time to do the research and make the best decisions for themselves. Six months is not adequate time to reach and counsel 42 million beneficiaries on this complex new program.

(2) Protections against bad choices: This provision gives every Medicare beneficiary the opportunity to make a one-time change in plan enrollment at any point in 2006. Marketing is sure to be very aggressive and people may make a bad choice. Given the importance of the decision they make, it is appropriate to give beneficiaries a one-time chance to correct an initial mistake made during the first year of implementation.

(3) Protections for employer-provided retiree benefits: Some retirees might not understand that purchasing Part D coverage could cost them their retiree health benefits. This provision would protect retirees from being dropped by their former employer's plan during the first year of implementation, so that beneficiaries have time to correct enrollment mistakes.

Medicare beneficiaries are going to soon begin getting bombarded by information on the new drug benefit. Some information will come directly from the government in the form of the 2006 Medicare & You Handbook, a government insert in an upcoming edition of Parade Magazine, government-prepared television advertisements, and mailings from Health and Human Services and the Social Security Administration, communications from their Members of Congress and Senators, and more. On top of all of these messages, they'll be recipients of direct marketing from untold numbers of private plans urging them to join their drug plan. They'll also likely hear from advocacy organizations like the Medicare Rx Access Network, State Health Insurance Programs around the country, and senior organizations. If they currently have retiree health benefits, they'll hear from their former employers as well.

Medicare beneficiaries are being told that there will be counselors available to assist them at 1–800–Medicare and at local State Health Insurance Programs around the country. We know from experience that these phone lines and support services will be overburdened. Beneficiaries should not pay the price for a support system that may not operate effectively. To avert that, we must inject some flexibility into the implementation period.

The Administration's own actuaries are concerned that participation rates will be far lower than they'd initially anticipated—they've announced figures as low as 9 million out of Medicare's more than 40 million beneficiaries. Again, CMS is right to be concerned. We appreciate their recognition of the pending chaos for seniors and people with disabilities.

By delaying late enrollment penalties, giving every beneficiary a chance to change plans during the first year, and protecting those with employer-provided retiree health benefits, we can make sure our constituents are not forced into making quick—and wrong—decisions during the first year of this new program. By providing this flexibility, it is our hope that people will feel more confident in their ability to make an informed choice.

We are pleased that Representatives DINGELL, RANGEL, MILLER, WAXMAN, BROWN, and PALLONE—Congressional leaders on health care policy—have all joined us in introducing this legislation today. The bill has also been endorsed by leading senior citizen advocacy groups including: the Alliance for Retired Americans, the American Federation of Teachers, the Center for Medicare Advocacy, Consumers Union, Families USA, the Medicare Rights Center, and the National Committee to Preserve Social Security and Medicare.

We urge CMS Administrator McClellan, HHS Secretary Leavitt, President Bush and Republicans in Congress to join with us to help mitigate the weight of the difficult choices that beneficiaries will have to make by endorsing the Medicare Informed Choice Act and working for its swift passage.

Let's work together to make sure that initial choices don't negatively impact Medicare beneficiaries who may have acted without all the information needed to make the best choice. Protecting Medicare beneficiaries should not be a partisan endeavor. We look forward to working with Members on both sides of the aisle to enact this important legislation.

RECOGNIZING CASEY M. DUPREE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Casey M. Dupree, son of Keith and Carol Dupree of Saint Joseph, Missouri. Casey is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout. Casey will receive his Eagle Award on October 2, 2005 at Saint Francis Xavier Parish Center.

Casey has been very active with his troop, participating in many Scout activities. Over the 6 years Casey has been involved with Scouting, he has earned numerous merit badges, honors, and leadership positions. Casey has served his troop as Patrol Leader, Assistant Senior Patrol Leader, Senior Patrol Leader, and Troop Guide. Casey holds the rank of Tom Tom Beater in the Tribe of Mic-O-Say. During his years in the Scouts, Casey spent 6 years at Camp Geiger, and went on both the Canoe Trip and Katy Trail 50 Mile Bike Ride for 3 years.

For his Eagle Scout project, Casey stained flower boxes for Our Lady of Guadalupe Church.

Mr. Speaker, I proudly ask you to join me in commending Casey M. Dupree for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE OUTSTANDING ENVIRONMENTAL RECORD OF LEXMARK INTERNATIONAL

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. CHANDLER. Mr. Speaker, I rise today to shower praise on my constituents at Lexmark International, whose recent awards for environmental excellence show yet again the extremely impressive commitment of Lexmark to environmental protection.

As I am sure most of my colleagues know, Lexmark is one of the world's leading manufacturers of printers and developers of cutting-edge printing solutions for enterprises large and small. Lexmark is headquartered in Lexington, the heart of the Sixth Congressional District of Kentucky, and truly has become a global leader in the information technology sector.

Having toured Lexmark's headquarters and having viewed the range of highly-sophisticated equipment that Lexmark offers, and having met with one impressive engineer and manager after another during my visit with Lexmark, I congratulate Lexmark on being one of the true industrial gems of the Commonwealth of Kentucky.

I am especially proud of Lexmark because when my grandfather served as Governor of Kentucky, he attracted Lexmark's predecessor, IBM, to the location Lexmark so proudly occupies today. When I work with my friends at Lexmark, I will confess that I am mindful of my grandfather's role decades ago.

Lexmark does more than produce great products and systems for its customers. It upholds an environmental ethic that has been in place since the company's inception in 1991.

Most recently, Lexmark's headquarters was awarded with ISO (International Standardization Organization) 14001 certification, which is the gold standard for environmental compliance. Only the best of the best achieve it. ISO 14001 is the world's most recognized environmental system management framework, and to be certified—as Lexmark has been—takes an enormous amount of effort.

ISO 14001 certification in Lexington is only the most recent addition to a long line of environmental achievements by Lexmark. Almost immediately after the company's inception in 1991, Lexmark initiated a novel and still-creative program for recycling used printer cartridges. Over the past 14 years this program has redirected millions of pounds of cartridges away from landfills and to recycling facilities. And these are not just any recycling facilities, but workshops that employ physically challenged adults to disassemble the cartridges for recycling in a safe environment.

Lexmark is exporting not only great products, but also its environmental ethic. Lexmark's site at Orleans, France, became one of the first companies in Europe to receive ISO 14001 certification. Lexmark Philippines has received national recognition there, not just for the company's commitment to environmental responsibility in every aspect of product design, manufacture, distribution, and use, but for efforts to preserve vital ecosystems as well.

Even more recently, Lexmark sites in Rosyth, Scotland; Boulder, Colorado; Juarez, Mexico; Chihuahua, Mexico; and Cebu, Philippines have met all the requirements to achieve ISO 14001.

I am sure my colleagues would agree that for a company to combine world-class products with a superior commitment to the environment and worker health and safety represents exactly what we hope American industry will do around the world.

Lexmark's participation as a charter member in the United States Environmental Protection Agency's EnergyStar program, its receipt of the Kentucky Governor's Environmental Excellence Award for Industrial Environmental Leadership, and its leadership in everything from "The Reforest the Bluegrass Program" in Lexington to Lexmark's Rainforest Project, which protects the indigenous peoples, plants, and animals of the rainforest, all reflect the unsurpassed commitment to environmental protection that defines the company.

The Lexmark Environmental Program has committed the company to three areas of concentration: the design of its products and services, its management of resources, and the commitment to being a responsible neighbor and employer. If the various awards Lexmark has received are any indication, the company certainly seems to be living up to its mission.

Mr. Speaker, you can see why I am so proud of my constituents at Lexmark. I ask you and my esteemed colleagues in the House of Representatives to recognize the many outstanding accomplishments of Lexmark's employees recently and over the history of the company.

STATEMENT ON WAR IN IRAQ

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. HONDA. Mr. Speaker, this weekend thousands of Americans will congregate on the National Mall and in cities all across this country to protest the Bush Administration's elective war in Iraq. By raising their voices en masse, they hope to send a message to President Bush that he and his Administration, thus far, has been unwilling to hear: the American people don't support this war.

The war was always predicated on the false premise that Iraq was in possession of weapons of mass destruction. This Congress was negligent in not demanding more proof of the President and then refusing to hold him accountable for his exaggerated and unfounded claims.

His war strategy was equally flawed. He has failed to provide the resources our men and women in uniform need to be successful, and American lives have been lost as a result. In 2002 and 2003, Army Chief of Staff General Shinseki warned that not enough boots on the ground would lead to a power vacuum that our enemies would exploit. Tragically, his premonitions have been born out.

To date, approximately 1,900 brave Americans have been killed in Iraq, and there appears to be no immediate end to the quagmire in Iraq.

The American people are rightly asking whether we are any closer to a stable and democratic Iraq today than when the President declared "Mission Accomplished." If experience has taught us anything, it is that democracy cannot be forced upon a nation by gun point. Yet, military force seems to be Bush's preferable strategy.

A recent GAO report indicates that the Defense Department has no ability to account for billions of Federal dollars expended on the war in Iraq, and there are reports of widespread corruption within the Iraqi government. Iraq's own Finance Minister Ali Allawi admitted, "Huge amounts of money have disappeared. In return, we got nothing but scraps of metal."

Meanwhile, Congress continues to debate how the Federal Government will afford the recovery effort from Hurricanes Katrina and Rita. Some of my Republican colleagues have suggested that we cut spending on domestic programs for health care, education and transportation. The American people, by and large, reject this approach. A recent CNN/USA Today/

Gallup poll revealed that a full 54 percent of the respondents felt that the relief effort should be financed by cutting funding for the war. Only 6 percent felt Congress should cut domestic spending.

In the debate over guns and butter, the American people have spoken clearly. Now all we need is a President that is willing to carry out the will of the people.

RECOGNIZING MICHAEL DAVID HERRING FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Michael David Herring, son of Mary Kay and Leon Herring of Saint Joseph, Missouri. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout. Michael will receive his Eagle Award on October 2, 2005 at Saint Francis Xavier Parish Center.

Michael has been very active with his troop, participating in many Scout activities. Over the 11 years Michael has been involved with Scouting, he has earned numerous merit badges, honors, and leadership positions. Michael has served his troop as Assistant Patrol Leader, Patrol Leader, Assistant Senior Patrol Leader, Senior Patrol Leader, Quartermaster, and Troop Guide. Michael holds the rank of Tom Tom Beater in the Tribe of Mic-O-Say, and participated in Junior Leadership Training. In addition to these honors, Michael earned the Arrow of Light Award, Pope Pius XII Unit Award, and the Ad Altari Dei and Parvuli Dei religious awards. During his 11 years in the scouts, Brandon attended Camp Geiger for six summers.

For his Eagle Scout project, Michael planted five red sunset maple trees at Our Lady of Guadalupe Church. Once fully grown, the trees will separate the parking lot from the playground.

Mr. Speaker, I proudly ask you to join me in commending Michael David Herring for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING THE APPLING COUNTY GIRLS MIDGET ALL-STAR SOFTBALL TEAM

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. KINGSTON. Mr. Speaker, I wish to commemorate the Appling County Girls Midget All-Star Softball Team on winning the Georgia State Championship.

July 24, 2005 was a day of victory for the Appling County Girls Midget All-Star Softball Team. They won the Georgia State Championship 6 to 3 over Jeff Davis County. These 11–12-year-old girls have worked tremendously hard to have an undefeated season and win the state championship. Each team member deserves to be commended on their team work and good sportsmanship.

The coaches of this Midget All-Star team have spent endless hours working with this talented group of young women. The members of the winning team are Laci Bass, Brianna Black, Hannah Brazzell, Rebecca Carter, Courtney Clements, Christian Collins, Taylor Dominey, Candyce Eason, Tori Hall, Brooke Nail, Jennifer Norris, Hope Patton, Jami Scarborough, and Brooke Sikes. Coaches are: Arthur McCall, Donald Rouse, and Brian Brazzell.

TRIBUTE TO ANDREA LEIDERMAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of Andrea Leiderman, an extraordinary resident of the 14th Congressional District who was taken from us at the age of 46 on Sunday, September 11, 2005.

Andrea Leiderman graduated from Gunn High School and Vassar College, and went on to earn two master degrees from the University of California at Berkeley. She was a dedicated community activist and a committed public servant. She worked to serve others from the age of 10, when she started a childcare group in her parents' living room, to her work in public and government relations for Kaiser Permanente.

Andrea Leiderman served her community as a trustee of the Foothill-DeAnza Community College District, and served on the boards of the Mission City Community Fund, San Jose Chamber of Commerce Local Issues Advocacy Committee and the College of San Mateo President's Council on Advancement. She served as chair of the Working Council of the Silicon Valley Leadership Group and as a member of the Santa Clara County Board of Education.

Mr. Speaker, I ask my colleagues to join me in extending our deepest sympathy to Hayes Anderson, Andrea's loving husband, Drs. Herb and Gloria Leiderman, Andrea's distinguished parents, to her brother and sisters, and to all those who had the privilege of knowing Andrea. She will be missed and never forgotten.

10TH ANNIVERSARY OF AGRICULTURE IMPROVEMENTS THROUGH BIOTECHNOLOGY IN THE U.S.

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. PETERSON of Minnesota. Mr. Speaker, this year marks the 10th anniversary of the commercialization and planting of crops improved through biotechnology. This year also marks the one-billionth acre of biotech enhanced crops planted on American soil. Since their introduction to American agriculture, biotech crops have provided many benefits to the American people, including less soil erosion, less fuel emissions and reduced need for chemical inputs. Crop biotechnology has also provided tremendous benefits to America's farmers by reducing the cost of production and increasing yields, resulting in increased net farm income by $1.9 billion.

In my home State of Minnesota, biotech crops have had a significant impact on corn and soybean production. According to a USDA National Agriculture Statistics Service Report published in June of this year, 66 percent of all corn planted in Minnesota was of a biotech variety. The same report noted that 83 percent of all soybeans planted in Minnesota were of a biotech variety. In 2003, the most recent overall statistics for biotech crops in Minnesota, the planting of biotech crops led to an increase of 525 million pounds of farm commodity output. At the same time, Minnesota farmers reduced pesticide use by 6.5 million pounds and earned an additional $176 million in profits.

There are several Minnesota companies in attendance today whose research has contributed to the successes of farm biotechnology. Newport Laboratories works with veterinarians to fight disease and protect livestock health though customized biotech treatments. CROPLAN Genetics, a subsidiary of the Land-O-Lakes company, focuses on individual farmers and meeting their specific genetic needs with customized seed. ANDX, Inc. develops tests which diagnose and predict livestock diseases. Together these companies represent the many achievements in the field of biotechnology which benefit farmers across the Nation.

For the last decade, biotechnology has changed the face of American agriculture. New advances in biotechnology continue to improve the lives of American farmers, and will continue to shape agriculture into the future. I'm happy to participate in the Agriculture Biotechnology Exhibition, and I look forward to the continuing benefits and innovations of agriculture biotechnology.

RECOGNIZING BRANDON MICHAEL LAMBERT BECK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brandon Michael Lambert Beck, son of Kerry and Marilyn Beck of Saint Joseph, Missouri. Brandon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 31, and by earning the most prestigious award of Eagle Scout. Brandon will receive his Eagle Award on October 2, 2005 at Saint Francis Xavier Parish Center.

Brandon has been very active with his troop, participating in many Scout activities.

Over the 12 years Brandon has been involved with Scouting, he has earned numerous merit badges, honors, and leadership positions. Brandon has served his troop as Assistant Patrol Leader, Patrol Leader, Assistant Senior Patrol Leader, Senior Patrol Leader, Historian, and Troop Guide. Brandon holds the rank of Tom Tom Beater in the Tribe of Mic-O-Say, and participated in Junior Leader Training. Brandon has earned awards for snorkeling and marksmanship, as well as the Ad Altari Dei and Parvuli Dei religious awards. During his 12 years in the Scouts, Brandon attended Camp Geiger for seven summers.

For his Eagle Scout project, Brandon constructed and installed shelves in the basement of the rectory of Saint Francis Xavier Church.

Mr. Speaker, I proudly ask you to join me in commending Brandon Michael Lambert Beck for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING GUEST CHAPLAIN REVEREND ANTHONY MARCIANO

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mrs. MYRICK. Mr. Speaker, I'm pleased to recognize this morning's guest chaplain, Reverend Anthony Marciano. Reverend Marciano is the Executive Director of the Charlotte Rescue Mission in Charlotte, North Carolina. The Rescue Mission ministers to people in the Charlotte-Mecklenburg area who struggle with poverty, homelessness, and drug addiction. The Mission's five fold strategy aims to meet the spiritual, physical, emotional, social, and vocational needs of these folks, in a way that demonstrates God's love. Under Reverend Marciano's direction, the Mission has seen truly inspiring success rates among its clients, and I'm proud to represent people like Tony in Congress.

Rev. Marciano is a graduate of the Salvation Army's seminary. Before moving to Charlotte, he founded a shelter in New Jersey to address homelessness and addiction. Tony and his wife Dorothy have three kids, and they live in Charlotte, North Carolina with their dog, Rocky.

Founded in 1938, the Charlotte Rescue Mission continues to make a positive impact on our city. I applaud Rev. Marciano for his dedication and Christian witness—and I'm honored to welcome him to the House Floor this morning.

HONORING THE MANUFACTURED HOUSING INDUSTRY OF ARIZONA

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. RENZI. Mr. Speaker I rise today to honor the Manufactured Housing Industry of Arizona for its work to assist Native American Veterans by donating the materials for the Lori Piestewa Veteran's Center in Arizona that was recently featured on the popular ABC TV show, "Extreme Makeover—Home Edition" seen by 20 million viewers on May 22, 2005.

The Center is dedicated to the memory of Specialist Lori Piestewa, a member of the Hopi Tribe and a native of Tuba City, Arizona. She is believed to be the first female Native American soldier killed during wartime while serving in the United States Army.

I would like to thank Cavco Homes for its generous donation of the Veteran's Center. It took approximately 400 employees from Cavco's Litchfield, Arizona plant working around the clock for four days to complete the building. The home has several large open areas for displays and meetings, a large kitchen and dining room, and two offices or conference rooms. The house also contains a handicap-accessible bathroom, special lighting throughout the interior spaces, and a stucco exterior that fits in with the Santa Fe style architecture so prevalent in the Southwest.

I would also like to recognize the Manufactured Housing Industry of Arizona for working with Extreme Makeover—Home Edition for almost a year to help make this project a reality. The Manufactured Housing Industry of Arizona provides thousands of quality, affordable homes each year to Arizona residents and provides jobs for over 6,500 Arizona citizens in approximately 2,600 industry related businesses in Arizona.

The Piestewa Veteran's Center will serve as a constant reminder of the courage and dedicated service of our Native American Veterans and will provide them with a special place that they can "call their own."

Finally, I would like to commend all of the Native American Veterans—both past and present for their dedicated service to our country.

Therefore, I am pleased to submit these remarks to the CONGRESSIONAL RECORD in honor of the Native American Veterans who served our country with distinction for decades; in appreciation to Cavco Homes for their generous donation of the Piestewa Veterans Center which was built by 400 dedicated employees at their Arizona Litchfield Plant; and in recognition of the Manufactured Housing Industry of Arizona (MHIAZ) and ABC TV's Extreme Makeover—Home Edition who helped make this veteran's center a reality.

CONGRATULATING ALBERT TEGLIA ON HIS RECEIPT OF THE JEFFERSON AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. LANTOS. Mr. Speaker, I rise today to congratulate Albert Teglia on his recent receipt of the Jefferson Award and to thank him for his many contributions to his community. The Jefferson Award is given to individuals for their extraordinary work in their community. Mr. Teglia, who is known simply as "Al" to his friends, received this prestigious recognition for his work with, the Adopt-a-Family program and as director of the San Mateo County Children's Fund. I congratulate him on receiving this award, and I am proud that he resides in my Congressional district.

Al's work with the Adopt-a-Family program, an organization that he founded, arose after he recognized that many of the families receiving donations during the holiday had needs that lasted all year. As a result, Al suggested that volunteer families sponsor a needy family for an entire year by providing food as well as other needs including, clothing, school supplies, toys, and other necessary items. Because Al believes that directly connecting volunteers and families helps guide assistance to where it is needed most, volunteer families personally drop off the items of assistance, which creates a personal relationship between donor and recipient.

When Mr. Teglia became the director of San Mateo County's Children's Fund in 2000, he brought Adopt-a-Family under its umbrella. Since then, Al has developed a dozen programs that provide needy families with clothing, computers, school supplies, and furniture. Additionally, these programs make available vocational job training, jobs for youth, dental and orthodontic care, and education funds. Al is able to run this important program because of the generous donations and selfless volunteer efforts of many on the Peninsula.

Mr. Speaker, much insight about this extraordinary person can be gleaned by his answer to the question "Who are your heroes?" He lists five historical figures: Abraham Lincoln, George Washington, Harry Truman, Eleanor Roosevelt, and Perry Como. Like his own personal heroes, Al Teglia has been a hero to many. His program reaches beyond just the immediate results because his programs perpetually help the needy. Those who have received assistance from Adopt-a-Family and the Children's Fund, have commented that they plan to give back to the community just as the community gave to them. Not only has Mr. Teglia's work fed and clothed many in need, but also it has inspired people to give to and uplift those who surround them in their communities. Since its beginning in 1997, the Adopt-a-Family program has helped more than 200 families. In the wake of the Hurricane Katrina disaster, Mr. Teglia reminds all Americans that they can also be heroes and help the victims of Hurricane Katrina as well as the poor in their own backyard. Mr. Teglia remarked, "We need to take care of our home if we are going to set an example for the world".

Al Teglia has diligently served the Daly City community for over 30 years as mayor, councilman, and trustee in the Jefferson Union High School District. He also helped to get BART (Bay Area Rapid Transit) to Daly City when he served on the Board of Directors of Samtrans. Mr. Speaker, I invite my colleagues to join me in thanking Al for his contributions to the community. His friends and colleagues have praised him for his selfless acts of service, and I hope the acknowledgement of this award will inspire others to devote more of their time to helping those in need.

HONORING THE FIRST PRESBYTERIAN CHURCH ON THEIR 100TH YEAR OF CONTINUED SERVICE TO THE FLUSHING COMMUNITY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of the First Presbyterian Church of Flushing, New York. This year marks the church's 100th anniversary and during the past century its members have dedicated themselves to serving God and our community.

The First Presbyterian Church was founded in 1904 when Rev. Benjamin Parliman, unable to find any existing Presbyterian churches in Flushing, built a new church and held its first worship service on January 22, 1905. In the past hundred years, the church has grown and adapted, but it has never once strayed from its commitment to serving our community.

When hardships struck our neighbors, the First Presbyterian Church was there to ease their troubles and offer support in any way possible. During the Great Depression, with a membership of over 425, then Reverend Charles Woodbridge organized employment committees to aid those who lost their jobs. Immediately following the stock market crash of 1929, Rev. Woodbridge helped to establish a relief ministry to support those victimized by the nation's economic plight. When the strain and terror of war struck the Nation during the first and second World Wars, the church continued to console and support its members. Since then, the church has grown in numbers and expanded in size, adding new programs for youth and adults and erecting more facilities for education and worship.

In 1974 a Women's Fellowship was started and not long after Ms. Irene Galati became the first woman elder to be ordained at the church. Furthermore, a Korean church was begun to better serve the growing Korean population of the area. A free counseling center was created in 1980, along with a clothing exchange program, both of which continue to serve the community today. More recently, current pastor Rev. Dr. John Smucker has implemented new programs such as the English Language center, which helps teach English to those in need, and the Murray Hill Neighborhood Association, which is a non-profit group dedicated to raising funds for teaching English as a second language, the food pantry, free counseling services, after school programs and the Home Care Fund.

Mr. Speaker, on the occasion of its 100th year of service to the community of Flushing, I ask that the whole House join me in congratulating this outstanding house of worship and a strong pillar in our community for all that it has done thus far, and in wishing the church, its members and clergy many more years of success and good fortune.

IN HONOR OF GENERAL RICHARD MYERS, CHAIRMAN, JOINT CHIEFS OF STAFF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to retiring General Richard Myers. General Myers became Chairman of the Joint Chiefs of Staff on October 1, 2001. Appointed to the position by President George W. Bush, as Chairman, General Myers serves as the principal military advisor to the President, the Secretary of Defense, and the National Security Council.

Born in Kansas City, Missouri, General Myers is a graduate of the Kansas State University, where he entered the Reserve Officer Training Corps program, and Auburn University where he earned an MBA. He entered the United States Air Force in 1965, beginning a distinguished career of service, including logging more than 4,100 flying hours, of which 600 were combat hours in the F–4, and operational and leadership positions in a variety of Air Force and Joint assignments.

General Myers' first major command came in November 1993, when he became head of U.S. Forces in Japan and the Fifth Air Force at the Yokota Air Force Base. This assignment was followed by service as Assistant to the Chairman of the Joint Chiefs of Staff; Commander, Pacific Air Forces, Hickam Air Force Base, Hawaii; Department of Defense manager, space transportation system contingency support at Peterson Air Force Base, Colorado; Commander, Air Force Space Command; and Commander in Chief, North American Aerospace Defense Command and U.S. Space Command. Prior to becoming Chairman, he served as Vice Chairman of the Joint Chiefs of Staff, a duty in which he served as Chairman of the Joint Requirements Oversight Council, Vice Chairman of the Defense Acquisition Board, and as a member of the National Security Council Deputies Committee and the Nuclear Weapons Council.

Mr. Speaker, the American people have been fortunate to have General Myers serving as the Chairman of the Joint Chiefs of Staff for the past four years. His fine character and dedication to service have resulted in a career of which he, his wife Mary Jo, and his three children can be proud. I know my fellow Members of the House of Representatives will join me in thanking him for his commitment to his country and in wishing him all the best in the years ahead.

IN HONOR AND RECOGNITION OF SALLY K. GRISWOLD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Sally Griswold, as she is honored by the Board of Directors of the Vocational Guidance Services, VGS, with the Herbert E. Strawbridge Lifetime Achievement Award. The award recognizes an individual's outstanding work on behalf of VGS services that support individuals with disabilities or societal disadvantages.

Mrs. Griswold has been a passionate and unwavering advocate for the VGS since the 1950s. Her husband, the late Bruce Griswold, was recovering from polio, and turned to the VGS for rehabilitation services. Mrs. Griswold's husband and her son, James Griswold, served as Chairs of VGS's Board of Directors.

Mrs. Griswold's volunteer tenure with the VGS reflects involvement and leadership within all areas of the organization, from fund raising campaigns to program expansion. In 2004, VGS placed more than one thousand individuals back into the workforce. Three hundred and sixty of those individuals were people with significant disabilities, and 200 were at-risk youth or adults making the transition from welfare to work.

Mr. Speaker and Colleagues, please join me in tribute and recognition of Mrs. Sally K. Griswold, recipient of the 2005 Herbert E. Strawbridge Lifetime Achievement Award. This honor reflects Mrs. Griswold's lifelong commitment and support of Cleveland's Vocational Guidance Services. Mrs. Griswold's spirit of volunteerism and deep sense of service to others continues to raise the lives and spirits of countless individuals into the light of hope and possibility, thereby uplifting our entire community.

PREPARATION FOR HURRICANE RITA

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. McCAUL of Texas. Mr. Speaker, last week, I visited the Katrina relief efforts in my district, and Vice President CHENEY and I met with the Texas Emergency Management Agency. They did an outstanding job in the Katrina relief effort, but now we are faced with another hurricane—Hurricane Rita.

As I speak to you now, Rita, a category 5 hurricane, is bearing down on the coast of Texas and is projected to hit near Galveston. Now more than ever, this kind of leadership is needed for our communities in Texas.

Along with the mandatory evacuations in the Gulf Coastal region, there currently exists a voluntary evacuation in the Greater Houston area for flood plains, and neighborhoods near main bayous. Although these evacuation orders are voluntary, the Federal Emergency Management Agency strongly suggests that in the event of a hurricane all evacuation orders must be honored to prevent needless loss of life.

If we work together, we can save lives. This is our duty as friends, as neighbors and as Americans.

HONORING THE LIFE OF WILLIAM COLLINS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. UDALL of New Mexico. Mr. Speaker, New Mexico recently lost a respected soldier, admired educator, beloved husband and father and distinguished citizen. William Collins died peacefully at the age of 84 on August 29, 2005, at his home in Albuquerque.

Bill was born in Glasgow, Scotland, on November 14, 1920, but at a young age moved with his mother and sister to Boston, Massachusetts. It was there that his father, Robert Collins, was recuperating at a hospital from wounds suffered at the Battle of Somme in World War I.

Growing up in East Boston, Bill excelled in baseball and football and attended Kents Hill Academy in Maine on a baseball scholarship. A later baseball scholarship led Bill to the University of Southern California, and after his first year, Massachusetts U.S. Senator Henry Cabot Lodge appointed him to the United States Military Academy. At West Point, Bill played on two national championship teams with Glenn Davis and Doc Blanchard while simultaneously playing baseball as a feared left-handed pull hitter. Always a prankster who received numerous demerits, Bill would later claim to have held the all-time West Point record for "walking the yard" as punishment for his amusing deeds.

The United States' involvement in World War II resulted in a 3-year, early graduation for Bill's West Point class. Upon graduation in 1945, he married Doris Leary in the Cadet Chapel. A lovely lady, Doris would be Bill's wife and best friend for 60 years, a union blessed with two sons and grandchildren. Bill then joined the 11th Airborne Division as a paratrooper. He fought for his country in the Philippines and was preparing to parachute into Japan as a Pathfinder when the war ended.

Serving as a paratrooper with the 82nd Airborne Division at Fort Bragg, Bill was a Company Commander in the 28th Infantry Division in Germany and an R.O.T.C instructor at the University of Rhode Island. He was then transferred to the U.S. Army Ordnance Corp and served in Redstone Arsenal in Alabama and in Korea. Following his tour of duty in Korea, Bill served as project engineer for the Sidewinder and Redeye missile programs at White Sands Missile Range in southern New Mexico. He subsequently joined the Army's Intelligence Corps and served as a counter intelligence agent in Korea, recruiting, planning and directing intelligence-gathering missions into North Korea. Bill retired from the Army in 1964 with the rank of Major.

After military retirement, Bill returned to school and earned Masters and Doctorate degrees in Latin American Studies from the University of New Mexico. For the next 30 years, he taught American and Latin American history as well as that of Spain, Portugal and Mexico at Purdue University. His classes were so interesting and filled with such quick wit that the walls of large lecture halls were lined with televisions to accommodate the overflowing attendance. In addition, Bill, who was ambidextrous, amazed his students by his ability to write on the blackboard right-handed and then switch the chalk to his left hand in order to continue writing without blocking the students' view. He received the "Mobil Best Teacher of the Year" award at Purdue 2 years running and then served on the selection committee.

Bill loved Purdue football and was a long-suffering Boston Red Sox fan. When he was a youngster in Boston, he would travel by trolley car to attend games at Fenway Park for 25 cents. He recalled meeting famed Red Sox hurler Cy Young at Fenway and, with his father, meeting Hall of Famer Bobby Doerr when Doerr first came to the Red Sox in 1940. Bill watched every Red Sox game on television from his home in Albuquerque and was thrilled when the team won the 2004 World Series, their first time to do so in 86 years. When Bill passed away, he was wearing his Boston Red Sox wrist watch that he proudly wore for many years; he then fell asleep on the same pillow he had used 60 years before at West Point.

Mr. Speaker, William Collins will be greatly missed by his family and many friends. I ask all my colleagues to join me in honoring the life of this fine American.

ROFEH INTERNATIONAL HONORS PETER BLACK AND RAHMIN KODSI

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, for years I have taken the opportunity to share through the pages of the CONGRESSIONAL RECORD the important work done by a very significant institution—ROFEH International—New England Chassidic Center.

This important organization, led by Grand Rabbi Levi Y. Horowitz, does extremely important and creative work in the medical field. Rabbi Horowitz is himself a very distinguished expert in the field of medical ethics, and demonstrates beyond any argument that an appreciation of the advantages of modern medicine and a deep commitment to one of the world's great religious traditions is not only fully compatible but can be mutually reinforcing.

This organization has done a great deal to help people in need of medical treatment and has done much to make sure that the superb medical facilities of the Greater Boston Area are available to people worldwide.

This year at the Annual Dinner on November 20, ROFEH International-New England Chassidic Center will honor two very eminent men who have distinguished themselves in support of this important work.

Dr. Peter Black, Neurosurgeon-in-Chief at Brigham and Women's Hospital, receives the "ROFEH International Distinguished Service Award." Rahmin Kodsi, President of Clement Textile Company in Boston, is the recipient of the "Man of the Year" award.

Mr. Speaker, the sort of work that ROFEH International-New England Chassidic Center does in the medical field is highly worthy of emulation and I am taking advantage of this opportunity to ask that the drafts of biographies of these two extremely qualified honorees be made a part of this RECORD.

PETER M. BLACK, M.D., PH.D.

Dr. Peter Black has devoted most of his professional life to understanding and treating patients of all ages with brain tumors and/or epilepsy. He has traveled widely in developing countries to teach techniques and concepts. In Boston, he has developed a busy neurosurgical practice, believing that compassion, good judgment, and technical excellence must go hand in hand.

Dr. Black is a graduate of Harvard College and McGill Medical School, with neurosurgical residency at the Massachusetts General Hospital and a staff position there. In 1987, he became Franc D. Ingraham Professor of Neurosurgery at Harvard Medical School, Chairman, Departments of Neurosurgery at Brigham and Women's Hospital and Children's Hospital, Neurosurgeon-in-Chief at Brigham & Women's Hospital, and Chief of Neurosurgical Oncology at Dana-Farber Cancer Center, positions he has continued to hold since then.

He has published extensively in tumor and epilepsy research with over 350 peer-reviewed papers and ten books on these topics. His clinical work emphasizes cutting edge technology for treating tumors of all types; he is a leader in image-guided minimally invasive surgery, brain mapping, and intraoperative imaging for tumors.

Dr. Black is the chairman of the editorial board of Neurosurgery and sits on several other editorial boards of scientific journals. He is a frequent invited speaker at national and international conferences. Among his awards are the Mayfield, ASEAN and Botterell awards, the Distinguished Service award for the Joint Section on Tumors, the Distinguished Leadership in Neuroscience award for the Dana Alliance for Brain Initiatives, and the Pioneer Award from the Children's Brain Tumor Foundation, and the Thomson Compassionate Scholar award from the Brigham and Women's Hospital.

Dr. Peter Black and Katharine his wife of38 years, have five children: Winifred, Peter Thomas, Elizabeth, Katharine, and Christopher, who live and work around the world.

MR. RAHMIN KODSI

Born in Cairo, Egypt in 1929, Rahmin Kodsi was only 16 years old when his father passed away. As the only son who suddenly needed to support his mother and two sisters, Rahmin was forced to drop out of school to assume his late father's textile business.

In 1960, Rahmin married Ginette, and they are now the proud parents of three daughters: Louna Levana, Lili Leah and Joyce Simcha.

During the Six Day War, the Egyptian government imprisoned and confiscated the property of successful Jews, accusing them of involvement with the Israeli government. As a prominent Egyptian Jew, Rahmin suffered that fate as well, though he was fortunate (relatively) enough to only spend 3 weeks in prison. He was subsequently relocated to Naples, and his family followed three months later. The Kodsi family lived briefly in Paris and then came to Boston in 1968.

In Boston, Rahmin opened his first textile business-Clement Textile—in 1971. He has contributed significantly to the Boston Jewish landscape as well as to the business world. He sits on the board of directors of the Sephardic Community of Greater Boston, and he participates in many other philanthropic projects.

Today, Rahmin and Ginette live in Chestnut Hill, Massachusetts, where they share many simchas with their daughters.

IN RECOGNITION OF ANDRE LOUIS AND THE "RIDE FOR THE AGES"

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of Andre Louis, a selfless and inspirational individual who completed his "Ride for the Ages" on September 11, 2005.

On August 10, Mr. Louis began a 3,300 mile journey by bicycle across the United States in an effort to raise awareness of the importance of maintaining physical health for senior citizens. Andre, the Psychiatric Services Coordinator at the Margaret Tietz Nursing and Rehabilitation Center in Jamaica, New York, was inspired by his experiences working with aging individuals suffering from serious health problems.

On his way from San Francisco to Jamaica, Andre, who himself is nearing retirement age, stopped at various American Association of Homes and Services for the Aging facilities to meet with and inspire staff members and patients alike. Accompanied by family members along the way, Andre has dedicated the "Ride for the Ages" to his daughter, Michele, who survived leukemia as a result of a bone marrow transplant from her brother Jean-Daniel.

Mr. Speaker, it is with great pride that I commend Andre Louis for his altruism and dedication to the health of our seniors. He is truly a determined individual and an inspiration to us all. I ask my colleagues in the House of Representatives to please join me in honoring Andre Louis for his extraordinary undertaking and wishing him many more years of success.

TRIBUTE TO ROBERT L. GOLDICH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. SKELTON. Mr. Speaker, I wish to recognize the outstanding service of Robert L. Goldich, a Specialist in National Defense with the Foreign Affairs, Defense, and Trade Division of the Congressional Research Service. Mr. Goldich is retiring after 33 years at CRS. During this time, he has provided Members of Congress with perspective and analysis on a broad range of topics in military manpower and personnel policy, military history, Department of Defense organization, prisoner of war (POW) and missing in action (MIA) issues, and major aspects of overall U.S. defense policy.

During his career, Mr. Goldich excelled at working with Members of Congress and congressional staff on many issues. He is an expert on such issues as military retirement, military compensation and benefits, officer personnel management, military education and training; as well as the draft and all-volunteer force, military reserve components and the National Guard, and U.S. defense organization and management including the Goldwater-Nichols Act and the Reserve Officer Personnel Management Act. He received a CRS commendation for his service to Congress in 1987, and in 1991 he received a CRS meritorious award for his service to Congress during the Persian Gulf War. He is the second youngest person ever to graduate from the National War College.

Mr. Goldich also served twice as head of CRS's Military Manpower, Budget and Policy Management Section and was responsible for providing to Congress analytical capability on a variety of defense issues associated with the Department of Defense's budget and policy priorities. He received many accolades as a supervisor and lead with dedication, analytical skill, clear thinking, and fair-minded approach in working with members of the Section. In addition to his work for Congress, Mr. Goldich's outside professional activities are impressive. He was invited to participate in high level conferences, writing book reviews for the Army Center of Military History, and having longtime participatory memberships to the Inter-Agency Seminar Group and the Inter-University Seminar on Armed Forces and Society.

Mr. Speaker, please join me in thanking Mr. Goldich for his many years of service and his many contributions to congressional deliberations on defense related issues. I wish him and his family all the best in the days ahead.

CBC ANNUAL LEADERSHIP CONFERENCE 2005, HEALTHCARE FORUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. KUCINICH. Mr. Speaker, the following is a copy of a speech given by me for insertion into the CONGRESSIONAL RECORD.

Thank you for inviting me to the CBC Annual Meeting. I am honored to be here.

I want to impress on you today that addressing our national health crisis is well within our reach. In fact, there is only one truly sustainable solution and that's universal, single payer, not for profit health care.

We have all heard the statistics. Almost 46 million are uninsured. Only 5 percent of them are unemployed. 8.4 million children were uninsured in 2003. Over a third of the poor and more than a quarter of the near-poor lack coverage.

What does that mean for them? They are less healthy. They don't get adequate preventative care. For example, uninsured children are 70 percent more likely than insured children not to receive medical care for common conditions like ear infections. And an uninsured person has a 25 percent higher risk of dying than an insured person. This translates to 18,000 deaths per year in the U.S. that are attributable to lack of insurance coverage.

Being uninsured or even underinsured also takes a huge financial toll. Medical bills are the number one cause of personal bankruptcies. That will affect the ability to buy a home or make other large purchases that help define the American dream.

It's not hard to see why the U.S., when compared to other developed countries, has the lowest indicators of health. We have the lowest life expectancy and the worst continuity of care. We have the highest infant mortality rate and maternal mortality rate.

And yet our per capita health care spending is almost twice the average of developed countries that have universal coverage. That is largely because of gross inefficiency. Private health insurance overhead ranges from 12–30 percent while Medicare's is consistently about 2–3 percent.

In a nutshell, we're already paying for high quality, universal health care—we're just not getting it.

Now we already have a system that is a model for where we need to go. It's called Medicare. H.R. 676, which I am proud to have developed with my friend and colleague, Mr. CONYERS, would simply expand and improve Medicare. Under this plan, Medicare for All, every person in the country will receive comprehensive health care and every person will pay less. It doesn't cost any more than our nation currently spends on health care. It simply reallocates the money to better uses.

Here's how it works. It would give everyone living in America, including immigrants, a health care card. That card would guarantee coverage at any hospital, any clinic, and any doctor that a patient wants to use. Coverage would also be guaranteed for the entire range of patient's medical needs, from preventative care screening to prescription drugs to dental care to long-term care.

The wasted and excessive funds in our current health care system are so great that under Medicare for All, no patient would ever pay a premium, a deductible, a co-payment, or even see a bill for needed medical care. Cost would no longer be a worry for families or a reason for bankruptcy.

Medicare for All would also address the quality of health care. There are often no standards, or there are different standards for different people. If you're black, or if you're Hispanic, you know that the health care you receive is, too often, not the same as other people receive.

There should be a single standard of care, determined by a group of qualified medical professionals. Under Medicare for All, a new National Board of Universal Quality and Access would be established. The Board would include health care professionals, nurses, representatives of institutional providers of health care, health care advocacy groups, labor unions and citizen patient advocates. This Board is critical because it puts control of health care in the hands of providers and health experts instead of insurance companies and software writers.

The first priority of the Board would be to create a universal, best quality standard of care. This standard would determine appropriate staffing levels and appropriate medical technology. This standard would also cover design and scope of work in the health workplace. So, no matter what a patient looks like or where in the country the patient is treated, the health care standards are the same. Even if you already have health insurance now, the medical care you would receive under Medicare for All would be better.

Finally, Medicare for All would hold health care facilities accountable to the universal, best quality standard of care. Hospitals, clinics and other facilities would no longer be able to keep internal data secret, such as staffing ratios, medication errors, misdiagnoses or infection rates. As it stands, patients cannot compare health care quality data from hospital to hospital. Making that data public would ensure accountability. It would help facilities learn what problems need to be addressed. It would encourage them to do even better to deliver the best patient care possible.

Who supports such a health care system? About two thirds of Americans agree that the federal government should guarantee medical care for Americans. 58 percent of medical students and faculty favor a Medicare for All type of system. Multiple Deans of Medical Schools, the former Editor of the New England Journal of Medicine, about 40 percent of small business owners have all expressed support. The three major auto manufacturers (Ford, GM, and Daimler-Chrysler) in Canada have all publicly endorsed Canada's health system specifically because it lowers their costs so much that it gives them a significant competitive advantage over their U.S. counterparts in Detroit. This is an important point that resonates with lawmakers.

I am excited to report that H.R. 676 now has over 50 cosponsors and the list is growing. It includes rank and file as well as several ranking members with seniority; 15 members of the CBC as well as the Hispanic Caucus, the Progressive Caucus, the New Democrats; members that have cosponsored the bill since it was first introduced in 2003 and members who have heard about the growing movements in their states and have signed on for the first time.

I want to close by saying that I think you'll find that when you talk to people who follow health care policy closely and ask them what they think about H.R. 676 you're highly likely to get the same answer I usually get—Yes, it's the best system out there and would solve many of our health care problems, but it's just not politically feasible. That is not a good enough reason to avoid one of the biggest issues of our time. I usually just smile and tell them this: with health care costs rising faster than inflation with no end in sight and with the abject failure of managed care to contain those costs; and with the number of uninsured growing steadily; and with American companies losing their competitive edge because they are paying so much more for health care than other developed countries, the opposition cannot prevail much longer. Universal, not for profit single payer health care is not only feasible—it's inevitable.

MARY M. CROSS: A POINT-OF-LIGHT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. OWENS. Mr. Speaker, as a result of recent events related to the E-Rate the education community pauses to honor Dr. Mary Cross for her unwavering commitment to the development and implementation of the E-Rate program, which is making the most advanced communications technologies available to children and adults across the nation, regardless of their race, ethnicity, social or economic status. Before the E-Rate program was implemented in 1997, very few American classrooms had the necessary wiring to connect many children and educators to the world of information outside textbooks and small school library collections. As a result community libraries lacked much of this needed infrastructure to serve the needs of but a few patrons at a time.

The role played by Dr. Cross in the early fights to establish the E-Rate was a critical one which established Dr. Mary M. Cross as a Point-of-Light for all Americans.

After Congress passed the Telecommunications Act of 1996, the E-Rate program started to help schools and libraries install and pay for advanced telecommunications resources, giving greatest priority for funding to economically disadvantaged schools. As a result of persistent advocacy and commitment over its 8-year life, the program has provided over $2 billion annually to districts. This has meant accelerating the pace at which technological innovations have entered America's classrooms, a pace that was unimaginable before the E-Rate program.

Unfortunately, some corporate giants tried to kill the E-Rate program by trying to cut services. In addition, many education groups were not in total agreement about key issues, which resulted in the E-Rate wars. We appreciate Dr. Cross's work at the American Federation of Teachers, as she fought vigorously in establishing and implementing this vital program by working tirelessly with her education group colleagues, the administration, the Congress, and friendly business interests.

We are equally thankful for her responsiveness by giving updates at several Education Braintrust meetings over the years. Her work assured that African American leadership and the community at-large were aware of and engaged in the advocacy needed to launch this program.

Mary Cross was born and raised in my hometown of Memphis, TN during the overt and brutal era of legal segregation in America. By tackling racial and gender barriers, she was part of the third class of women ever admitted to Lincoln University (PA) and later went on to graduate school at Princeton University. She became the first African American woman to earn a Ph.D. in psychology from Princeton in 1976, where she studied the psychology of learning. Dr. Cross now serves in the AFT's Human Rights and Community Relations Department where she does research, member education, advocacy, and coalition-building on civil and human rights issues.

It is clear that the efforts of Dr. Cross and her colleagues paid off, as the E-Rate program has become a $10 billion investment in our schools and libraries. Although the battles for the E-Rate program are by no means over, we stop to take a moment to recognize Mary M. Cross as a tireless Champion for Education and Technology. Dr. Cross is a Point-of-Light for all Americans.

PERSONAL EXPLANATION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. LINDER. Mr. Speaker, I was unable to cast rollcall votes 478, 479, and 480 on September 21, 2005, because I was unavoidably detained on official business. Had I been present I would have cast the following votes: on rollcall No. 478, I would have voted "aye"; on rollcall No. 479, I would have voted "aye"; on rollcall No. 480, I would have voted "aye."

FREEDOM FOR RAFAEL MILLET LEYVA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Rafael Millet Leyva, a political prisoner in totalitarian Cuba.

Mr. Millet Leyva is President of the Martin Luther King Civic Resistance Movement. He believes in freedom, democracy, human rights and the rule of law. As a peaceful opponent of the tyrannical regime in Havana he has been the subject of constant abuse and harassment.

According to Amnesty International, in December 2001, Mr. Millet Leyva was pushed into a police vehicle and beaten and subsequently dumped in a remote area, after attempting to participate in an event celebrating the Universal Declaration of Human Rights. Amnesty International also reports that he was again detained by the dictatorship in June 2002.

Despite being the constant target of abuse by the regime, Mr. Millet Leyva continued to demand liberty for the men and women of Cuba. Unfortunately, in March 2003, as part of the tyrant's heinous island wide crackdown on peaceful, pro-democracy activists, Mr. Millet Leyva was arrested by the regime. For over 2 years, he has languished in a grotesque gulag awaiting a sham trial.

His wife reports, "The inhumane conditions my husband has been subjected to have not changed his convictions or his ideals." The courageous life of Mr. Millet Leyva is a wonderful example of the heroism of the Cuban people. No matter how vile the repression, no matter how brutal the consequences of a dignified struggle for liberty, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, it remains categorically unacceptable that men and women who demand freedom from tyranny are locked in the dungeons of monsters. We must continue to stand up and demand the liberation of all who suffer in the darkness of totalitarian rule. As we exercise our democratic rights, let us never forget those who are struggling to liberate the oppressed. My Colleagues, we must demand the immediate and unconditional release of Rafael

Millet Leyva and every prisoner of conscience in totalitarian Cuba.

CELEBRATING THE BIRTH OF ROHAN KAPIL SHARMA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Persis and Kapil Sharma of Alexandria, Virginia, on the birth of their new baby boy. Rohan Kapil Sharma was born on September 15, 2005, at 12:50 a.m., weighing 6 pounds, 3 ounces and measuring 19 inches long. Rohan has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing. As a fellow graduate of Washington and Lee University I am particularly happy for the Kap Sharma family.

CHASE WILLIAM CUNNINGHAM MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Mr. Dan Cunningham and Ms. Jennifer Eberhardt both formerly members of my staff, now married and living in Wisconsin, on the birth of their first child, Master Chase William Cunningham. Chase was born on Thursday, September 15, 2005, and weighed 6 pounds and 11 ounces. My wife, Faye, joins me in wishing Dan and Jennifer great happiness during this very special time in their lives.

As a father and now as a grandfather, I know the joy, pride, and excitement that parents experience upon the entrance of their child into the world. Representing hope, goodness, and innocence, a newborn allows those around him to see the world through his eyes . . . as a new, fresh place with unending possibilities for the future. Through a child, one is able to recognize and appreciate the full potential of the human race. I know that Dan and Jennifer look forward to the changes and challenges that their new son will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch him grow.

I welcome young Chase into the world and wish Dan and Jennifer all the best as they raise him.

THE MEDICARE INFORMED CHOICE ACT: A FIRST STEP IN PROTECTING MEDICARE BENEFICIARIES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased to join my colleague, Representative PETE STARK, in introducing the Medicare Informed Choice Act, an immediate and essential first-step in protecting Medicare beneficiaries.

I believe that fundamental changes are needed to make the new Medicare drug benefit more affordable and less complicated. Along with my colleagues Representatives MARION BERRY and BOB ANDREWS, I have introduced H.R. 752, the Medicare Prescription Drug Savings and Choice Act, which would establish a meaningful drug benefit in Medicare and require Medicare to negotiate for price discounts, as the VA and large employers do today. In the meantime, however, it is clear that Medicare's 42 million beneficiaries need immediate relief from the confusion and complexity of this fall's enrollment process. The Medicare Informed Choice Act would provide that relief by providing three simple changes in 2006: elimination of the late enrollment fee, a one-time opportunity for every beneficiary to switch plans, and protection against the loss of retiree health benefits.

I recently received a letter from a constituent, Phyllis Arist from Evanston, Illinois. She wrote:

> I urge you to suspend the late-enrollment penalty for Medicare Part D.
>
> Enrollment in Part D will be a challenge for anybody and everybody, whether that person is health care savvy or not. There will be dozens of complex plans that consumers will have to confront. How would you choose among a slew of different drug plans, each covering different drugs, using their own cost-sharing scheme, working with different pharmacy networks, and no guarantee that the plan will be around next year?
>
> If Medicare Part D were a straight-forward benefit like Medicare Part B, the penalty might be justified. But given the circumstances, it is unfair. People with Medicare need more time to understand the new Medicare drug benefit. More time, combined with reliable and comprehensive information, will ensure more people are making the right choices and not taking a leap of faith into the unknown.

I agree with Ms. Arist. It is abundantly clear that the enrollment process for the new Medicare drug benefit is complicated, confusing and can result in bad decisions by beneficiaries. Any of us who have tried to explain the basic benefit to our constituents knows how difficult it is to do so, let alone explain the variations in the multiple private plans that will be available to senior citizens and persons with disabilities. Private plans will vary in terms of premiums, cost-sharing requirements, covered drugs, and pharmacy sources. Beneficiaries taking multiple medications will find it difficult to sort out their options, especially in areas like Chicago where about 50 plans are expected to be available.

No one who is on the ground believes that the support and outreach services will be available to provide the one-on-one counseling that beneficiaries and their families will want and will require to make informed choices. As the former executive director of the Illinois Council of Senior Citizens, I know that it will take hours with each beneficiary, many of them taking multiple medications, to fully explain private plan options and how each choice will affect their access to the drugs they need. A majority of beneficiaries lack regular access to a computer or have the ability to navigate websites. A recent HHS Inspector General's report found that 44 percent of callers to the Medicare hotline had difficulty accessing information. Many beneficiaries are frail, some suffer from dementia, and others are not English-proficient. We have to reach beneficiaries living in Centers for Independent Living, nursing homes and isolated areas. And, of course, we have to address the needs of the evacuees from Hurricane Katrina.

Tina Kitchin, director of the Oregon Department of Human Services, is not alone in saying "I don't know how Oregon will successfully do this within this timeframe." The State Health Insurance Program coordinator for McLean County, Illinois, is asking beneficiaries to call early because, "There are too many people for us to handle all of them on or after November 15," the first day that enrollment can begin. Already, the constituent advocates in my own district office have had difficulty getting answers to questions about how the new federal drug benefit will coordinate with our state's pharmaceutical assistance program. And already, we are seeing constituents who are confused, scared and angry about the inability to get answers to their questions while being pressured to make a fast decision.

It is time to recognize that the late enrollment penalty imposed in the Medicare Modernization Act is unfair to the 42 million beneficiaries who want to make informed choices, will not have access to unbiased assistance in making those decisions, but who will face substantial and permanent late enrollment fees if they don't act by May 15th. The Medicare Informed Choice Act will give beneficiaries the time they need to make the decision that is right for them.

Senior citizens and persons with disabilities will face obstacles in getting access to independent information, but they will be inundated with materials from private plans seeking customers. Beginning next month, Medicare beneficiaries and their families will be subjected to multi-million advertising campaigns by insurers. As reported in The Wall Street Journal ("Insurers Bet Big on New Drug Benefit," September 7, 2005), "The payoff could be big. The new drug benefit is expected to boost 2006 revenue at seven of the largest health insurers by at least $4.45 billion in 2006, and lift earnings by 2 percent to 4 percent according to CIBC World Markets analyst Carl McDonald." Some companies expect increased profit levels of 4 percent to 6 percent.

The pressure to make a quick decision will be enormous, particularly when coupled with a sales pitch arguing that failure to choose will result in a permanent, financial penalty. Without adequate, independent and personalized counseling, many beneficiaries will make the wrong decision. Getting rid of the late enrollment fee is only part of the solution. Our bill will give all beneficiaries the opportunity to switch their plan and enroll in one that better meets their needs, whether they enrolled by mistake or because they succumbed to sales pressure.

Finally, there is massive confusion about how the new Medicare drug benefit will mesh with current retiree benefits. Unfortunately, a beneficiary's misunderstanding and enrollment in a Medicare drug plan could result in the loss of retiree benefits. Again the Medicare Informed Choice Act gives a one-year grace period to sort out confusion and correct any errors.

I urge my colleagues to support the Medicare Informed Choice Act so that we can protect our constituents from unfair penalties or the loss of retiree benefits.

TRIBUTE TO ELAINE K. FREEMAN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Elaine K. Freeman, Vice President of Corporate Communications for Johns Hopkins Medicine upon her retirement after 23 years. Elaine epitomizes what is best in corporate communications—she fully understands Johns Hopkins Medicine and she has the skills and ability to communicate the success of Hopkins to the public.

During her tenure, Elaine has seen Hopkins become nationally ranked as the number one medical facility in the nation, according to the U.S. News and World Report. In 1989, she also helped Hopkins celebrate its centennial as one of the Nation's most outstanding medical institutions.

Elaine is a gifted professional who understands that the strengths of Hopkins rest with its staff and faculty. Over the years, she has helped the public understand and relate to the important medical advances that come out of Hopkins, enabling people to understand the relationship between research and the impact on patients.

Elaine is unique in that she truly understands the medical community, and the importance of scientific research. She is married to Dr. John Freeman, Professor of Neurology and Pediatrics. In 1969, John joined Hopkins to create and direct the Johns Hopkins Child Neurology program.

In 1958, Elaine graduated from Goucher College as a Phi Beta Kappa. She also earned a masters degree from George Washington University. In 2001, she received the Excellence in Medical Education Public Affairs award from the Association of American Medical Colleges (AAMC).

I urge my colleagues in the U.S. House of Representatives to join me in wishing Elaine Freeman a happy and healthy retirement. Her skill and dedication to communicating medical developments has helped the public gain a greater understanding of medical issues.

RECOGNIZING MARIA REZA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. BERMAN. Mr. Speaker, it is my distinct pleasure to rise today to recognize a dear friend and an outstanding educator, Maria Reza. In June 2005, Maria retired after 36 years of dedicated service to the Los Angeles Unified School District.

Maria believes that "to make a difference in the lives of our students, we must go beyond the classroom and work to improve the community and the environment in which they live." Throughout her career, Maria has embodied this belief and has dedicated her life to not only helping children learn in the classroom, but also to improving lives and conditions within our communities. Over the years, Maria has volunteered for the United Farm Workers, the Southwest Voter Registration Project and has devoted much of her life to serving the students and residents of the Northeast San Fernando Valley.

After graduating from San Fernando Valley State College, Maria started teaching at San Fernando High School in 1969. During her first year, she was recognized as "Intern of the Year" by the Los Angeles Unified School District Internship Program Office. In 1975, she was hired as a Resource Teacher in the Central Office and soon became District Home Economics Supervisor. She pioneered the Infant Study Program at Ramona, Roosevelt and Locke High Schools. This program continues to offer free childcare for high school age parents as well as provide them with valuable parenting skills.

As an assistant principal, Maria, along with a school nurse, Pam Wagner, established the first three school-based health clinics in LAUSD. The project faced much controversy and was opposed by some conservative organizations and churches. However, Maria knew the importance of providing health care to uninsured students and continued to work tirelessly to gain the support of students and parents. The proof of her efforts is overwhelmingly apparent today with over 40 school-based or school-linked clinics which provide a low cost, accessible form of health care. The demand for these programs continues to grow.

Among her many accomplishments, Maria Reza has distinguished herself as a strong female role model in the community. She has been recognized twice as "Woman of the Year," in 1992 by State Senator David Roberti and again in 1998 by State Senator Richard Alarcón. She was invited to participate in the HOPE, Hispanas Organized for Political Equality, leadership training and this year chaired the Adelante Mujer Conference, giving 300 young women the opportunity to attend career workshops conducted by professional Latinas.

Maria also has the distinction of being married to my good friend Alex Reza, a retired educator and an extraordinary community activist whom I have had the pleasure of knowing for many years. She is also the mother of three sons, Lance, Roman and David.

Mr. Speaker, Maria has set an admirable example for those who are committed to making a difference in the lives of others. It is with great pride that I ask my colleagues to join me in honoring Maria Reza, a woman whose dedication and achievements are a credit to our community.

IN RECOGNITION OF MERYL MENASHE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of Meryl Menashe, who was recently named a Museum Teacher Fellow for the 2005–06 academic year by the United States Holocaust Memorial Museum.

Meryl, one of only fifteen teachers from across the Nation chosen to be a Museum Teacher Fellow this year, demonstrated extensive knowledge of Holocaust history, a record successful teaching experience, and a history of participation in community and professional organizations. She joins over 200 Museum Teacher Fellows in the United States Holocaust Memorial Museum's program, all of whom continue to serve as community leaders in Holocaust education.

As a Museum Teacher Fellow, Meryl will create an outreach project to bring Holocaust education to groups outside the walls of the traditional school environment. This may include distance learning, working with adult groups, or conducting programs in schools, the community, or other professional organizations. Mr. Speaker, I cannot stress enough the importance of Holocaust education. We must never forget. We must teach and remember the Holocaust because genocide is real. It is not history, it is reality.

Meryl will be returning to the United States Holocaust Memorial Museum throughout the year for further training and to report on her outreach project. Once the 2005–06 academic year is over, she will continue to advance American Holocaust education by supporting future fellows, and, of course, continuing to lead the effort in our community.

Mr. Speaker, it is with a great pride that I rise to commend Meryl Menashe. Her dedication to Holocaust education, a sad but necessary task, is extraordinary and she is well deserving of her appointment as a United States Holocaust Memorial Museum Teacher Fellow. I ask all my colleagues in the House of Representatives to please join me in honoring Meryl for her efforts and wishing her many more years of success.

TRIBUTE TO LIEUTENANT COLONEL BAYARD "VIC" TAYLOR

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. HUNTER. Mr. Speaker, I rise today to recognize and pay tribute to an outstanding American who has given so much to our nation, yet asks for so little—former U.S. Marine Corps LTC Bayard "Vic" Taylor.

Vic did not just wear the uniform of a United States Marine. From the beginning of his Marine Corps career, he lived the life of a marine, dedicated to serving his country and improving the primary responsibility of each marine—to understand and execute the tactics of the rifleman.

Vic first enlisted in the Marine Corps in 1957 and served in Hawaii and the Far East until his release from military duty in 1960. With the war in Vietnam intensifying, he reenlisted in the Marine Corps in 1967 to fight during what many consider to be the war's darkest years. The Second Battalion, Fourth Marines were fortunate to have Vic as both a rifle platoon and company commander, where he was awarded the distinguished Silver Star, two Bronze Stars with Combat V, two Purple Hearts, the Navy Commendation Medal with Combat V, and the Vietnamese Cross of Gallantry with Silver Star.

In the jungles and battlefields of Vietnam, Vic quickly became familiar with intense and close quarter combat. Aside from leading a number of attacks against North Vietnamese Army fortifications along the Cua Viet River, he fought in the infamous battle for Dai Do. For many Vietnam veterans, the battle for Dai Do is not only a story of extreme heroism and courage, but also remains a testament to the brave men and fighting spirit of the United States Marine Corps. The victory at Dai Do can be credited to the extraordinary bravery, competence, initiative, toughness, and selflessness of individual marines and small unit leaders like Vic Taylor who carried the day.

Vic's demonstrated knowledge of infantry tactics, techniques, and weaponry led to an assignment as an instructor at the Basic School in Quantico, Virginia, where he was later tasked with the responsibility of creating an improved Infantry Officer's Course (IOC). The need for such a course was predicated on the threat posed by our cold war enemies and its purpose was to ensure marines possessed the knowledge and training beyond basic infantry courses that were completed by officers in all occupational fields.

With the first class scheduled for May 1977, Vic immediately gathered two equally creative and knowledgeable Marines, Terry Paul and Will Oler, as partners in this endeavor. They first determined the course should prepare newly acquainted infantry officers for the realities of combat. This meant managing a rifle platoon, obtaining increased weapons proficiency, and leading a rifle company in the event the captain is either wounded or killed. However, during the course's development, it grew beyond expectations and featured not only tactics and weaponry, but also communications, demolitions, rough terrain skills and operations. While part of the instruction was derived from existing Marine Corps field manuals, much of it was original, drawn from Vic's personal experiences.

The IOC was completed on schedule and graduated its first class in June 1977. The Marine Corps had a new lieutenant, schooled to confront the dangers of combat and lead his fellow marine through its peril.

The course has since increased in breadth and length, and rather than a 6 week curriculum as originally planned, it has expanded to 13 weeks and now includes an instructive desert operation course that has undoubtedly prepared our Marines for duty in Iraq and Afghanistan. Vic took great pride in knowing that this course would challenge each infantry officer with extreme circumstances and unique environments, similar to what he faced in the battle of Dai Do.

The infantryman shares a common bond that unlike many other service occupations, strengthens amongst trial and adversity. Their necessity, coupled with their sacrifice, should never be forgotten in the minds of Americans and will surely never be forgotten in the mind of the marine. For each distinguished graduate leaving the IOC, nothing is more appropriate than expressing appreciation for this type of warrior's accomplishment than honoring him with tools of the trade. Knowing that the respect and history of the infantry lives in its weaponry, Vic thought it essential to provide each distinguished IOC graduate with a .45 caliber automatic Colt pistol—the weapon he often resorted to in combat and the weapon many of these marines will continue to rely on in similar circumstances. He took it upon himself and endowed the Marine Corps University Foundation to maintain this distinguished award in perpetuity, citing each of these marines as "the Lieutenant I'd most like to have on my flank."

Mr. Speaker, President Ronald Reagan once said, "Some people spend an entire lifetime wondering if they made a difference. The Marines don't have that problem." While I fully believe this to be true, I also feel that it is the service and dedication of marines like Vic Taylor that validates this statement. Without his contribution and concern, it is likely that our fighting men and women on the ground would not have the knowledge and experience they posses today.

Despite Vic's retirement from the military in 1985, his leadership and guidance continues to serve the Marine Corps and will do so for years to come. Mr. Speaker, I ask that my colleagues join me in giving the thanks and respect Bayard "Vic" Taylor deserves for his service to the Marine Corps and to our Nation.

CONGRATULATING CWA PRESIDENT MORTON BAHR ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. DINGELL. Mr. Speaker, I rise today to congratulate my good friend Morton "Morty" Bahr, on his retirement as President of the Communications Workers of America after over 50 years of service to the union and the nation.

Morty Bahr has been with CWA for longer than I have been in Congress, and together we have fought and won many battles on behalf of working men and women. After his service as a radio operator for the Merchant Marine during World War II, Morty joined CWA in 1951 as an in-plant organizer for Mackay Radio and Telegraph in New York. In 1957, he joined the staff of CWA and succeeded in his first assignment: organizing 24,000 plant workers at New York Telephone. He later served as vice president of District 1 covering New York, New Jersey and New England, and was elected CWA president in 1985.

When Morty assumed the top leadership role, CWA was still reeling from the breakup of the AT&T Bell System, a system that employed half a million union workers. After the split, both labor and management recognized that workers would need to develop new skills to remain competitive within AT&T and throughout the industry. Under Morty's leadership, the union formed the Alliance for Competitive Growth and Development, an innovative partnership dedicated to the career success of each individual union-represented worker. I am happy to say that the Alliance has been a great success, with 170,000 participants, nearly 1 million course enrollments and over 12.5 million hours of training.

Morty Bahr is a pioneer of the Information Age. His effort to furnish workers with the tools they need to improve their lives not only created the telecommunications technicians who are integral to our economy, but it also made America the leader in all manner of communications. This effort is of particular importance today, as America faces the daunting task of maintaining its role as a global leader in the research and development of new science and technology.

The Alliance is only one of the many revolutionary partnerships and programs Morty has guided and nurtured throughout his career. Others include the National Coalition for Telecommunications Education and Learning (NACTEL), one of the first partnerships of major telecom companies working together with their unions to advance education. NACTEL is an online learning partnership with CWA, IBEW, Verizon, SBC, Qwest and Citizens/Frontier.

Morty and his wife Florence recently celebrated their 60th wedding anniversary and have two children, five grandchildren and two great-grandchildren. As Morty begins his retirement, I hope you will join me in wishing Florence and him a healthy and relaxing journey. His heartfelt dedication to the workers of this nation will not be forgotten.

IN SUPPORT OF THE CAMPAGNA CENTER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Campagna Center, the leading nonprofit human services organization in the city of Alexandria, Virginia. For 60 years, the Campagna Center has served low-income citizens in my district, providing both Early Head Start and Head Start programs to over 300 income-eligible families. The center also provides child care, tutoring, and mentoring programs to school-aged children, and meaningful volunteer opportunities to older members of my district.

The work of organizations like the Campagna Center is crucial to the development of children who come from lower-income households, offering the opportunity to truly level the playing field for these children and prepare them for school. The programs offered at the Campagna Center include early childhood education, as well as health and nutritional services. The Campagna Center, however, recognizes that family is the most important influence in a child's life, and parents and other family members are strongly encouraged to be active contributors to these programs.

Recognition of this wonderful organization is especially poignant as this body debates HR 2123, School Readiness Act of 2005. It has been said that Education is the great equalizer in a democratic society, and we must ensure that programs like these continue to receive the funding required to help children achieve. The impact of Head Start programs is not measured in dollars, but in the faces of children who finally have the opportunity to excel in their education.

The Campagna Center has provided such opportunities to students in my home district, and the impact on these children is significant. I congratulate the Board of Directors, staff members, and all of the selfless volunteers that make this organization such a success. Under their leadership, hundreds of young children go to school prepared for the challenges that lie before them.

INTRODUCTION OF THE PETS EVACUATION AND TRANSPORTATION STANDARDS (PETS) ACT OF 2005

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. LANTOS. Mr. Speaker, I am joined today by my colleagues, CHRISTOPHER SHAYS of Connecticut, Mr. DON YOUNG of Alaska, Mr. JAMES OBERSTAR of Minnesota, and Mr. BARNEY FRANK of Massachusetts to urge our colleagues to join with me in introducing H.R. 3858, the Pets Evacuation and Transportation Standards (PETS) Act of 2005. This common sense legislation would simply require state and local preparedness groups to include plans for evacuating pet and service animals in the event of a major disaster.

The destructive force of Hurricane Katrina exposed many flaws in our nation's emergency preparedness programs, and any disaster plan's top priority must be to save citizens from the affected areas. One easily correctible issue that has come to light, however, is the fact that many of our cities' plans do not incorporate a protocol for rescuing pet owners. Without a corrected protocol, pet owners are unnecessarily forced to choose between their own safety and the safety of their pets.

Mr. Speaker, as you may know, in order for a state to qualify for FEMA funding, state and local emergency preparedness authorities are required to submit a plan on how they will deal with a disaster. This legislation does not transfer any funds from planners or rescuers, but rather requires states to include how they plan to accommodate their incumbent pet population as well as people with disabilities that are aided by service animals. FEMA will require the jurisdictions to submit their emergency preparedness plans in order to be eligible for FEMA funding assistance in the event of a disaster.

In hurricane-ravaged New Orleans, the lack of planning added to the burden and stress of both rescuers and residents. In a city of 500,000 as many as 69 percent of the people are pet owners and, by some estimates, there are as many as 600,000 pets and animals affected by the devastation of hurricane Katrina. Private rescue organizations estimate they have saved about 5,000 animals so far and have reunited only 600 animals with their owners. Estimates indicate there are an equal percentage of pet owners nationwide. Given these statistics, we hope you agree an emergency plan that incorporates pets is warranted.

Mr. Speaker, the faces of the men and women stranded in flooded New Orleans will be forever etched in my mind. The images of little children with nothing in the world other than the shirts on their backs still disturb me at night. But I cannot help but wonder how many more people could have been spared the wrath of Hurricane Katrina if only they could have taken the family pet.